

UNITED STATES OF AMERICA

ATOMIC ENERGY COMMISSION

In the Matter of )

CONSOLIDATED EDISON COMPANY OF )  
NEW YORK, INC. )

(Indian Point Nuclear Generating )  
Unit No. 2) )

Docket No. 50-247

NOTICE OF HEARING ON AN OPERATING LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10:00 a.m. local time, on December 17, 1970, in the New York State Armory, 955 Washington Street, Peekskill, New York, to consider the application filed under §104(b) of the Act by Consolidated Edison Company of New York, Inc. (applicant), for an operating license which would authorize the operation of a pressurized water nuclear power reactor (facility) at steady-state power levels up to a maximum of 2758 megawatts thermal at the applicant's Indian Point plant in the town of Buchanan in Westchester County, approximately 24 miles north of New York City, New York. The applicant on October 6, 1970, requested that this public hearing should be held, and the Atomic Energy Commission has determined that the request for a hearing should be granted.

The hearing will be conducted by an atomic safety and licensing board designated by the Atomic Energy Commission (Commission), consisting of

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PDR ADOCK 05000247  
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Dr. John C. Geyer, Baltimore, Maryland; Mr. R. B. Briggs, Oak Ridge, Tennessee; and Samuel W. Jensch, Esq., Washington, D. C., Chairman. Dr. Walter H. Jordan, Oak Ridge, Tennessee, has been designated as a technically qualified alternate, and J. D. Bond, Esq., Derwood, Maryland, has been designated as an alternate qualified in the conduct of administrative proceedings.

Construction of the reactor was authorized by Provisional Construction Permit No. CPPR-21 issued by the Commission on October 14, 1966, following a public hearing.

A prehearing conference will be held on December 1, 1970, at 10:00 a.m. local time at the Hendrik Hudson High School Auditorium, Albany Post Road, Montrose, New York, to consider pertinent matters in accordance with the Commission's "Rules of Practice," 10 CFR Part 2, including Section II of Appendix A.

The issues to be considered at the hearing will be the following:

1. Whether construction of the facility has been substantially completed, in conformity with the construction permit and the application as amended, the provisions of the Act, and the rules and regulations of the Commission;
2. Whether the facility will operate in conformity with the application as amended, the provisions of the Act, and the rules and regulations of the Commission;

3. Whether there is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission;
4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations of the Commission;
5. Whether the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations have been satisfied; and
6. Whether the issuance of the license will be inimical to the common defense and security or to the health and safety of the public.

While the matter of the full power license is pending before the atomic safety and licensing board, the board may, upon motion in writing, consider and act upon such request as the applicant may make for an operating license authorizing fuel loading and low power testing (operation at not more than one percent of full power for the testing of the facility). Any request for authorization for fuel loading and low power testing will be expeditiously considered and acted upon when it is made. Any such action by the atomic safety and licensing board shall be taken with due

regard to the rights of all parties to the proceeding including the right of any party to be heard to the extent that his contentions are relevant to the activity to be authorized. Prior to taking any such action, the atomic safety and licensing board shall, with respect to any contested activity to be authorized, make appropriate findings in the form of an initial decision on the issues specified in this notice of hearing. If no party opposes the motion, the board will issue an order pursuant to 10 CFR §2.730(e) of the Commission's "Rules of Practice," authorizing the Director of Regulation to make appropriate findings on the matters specified in this notice of hearing and to issue a license for the requested operations.

As they become available, the application, the proposed operating license, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the proposed operating license, the ACRS report, the applicant's summary of the application and the regulatory staff's Safety Evaluation will also be available at the Hendrik Hudson High School, Albany Post Road, Montrose, New York, for inspection by members of the public on Mondays to Fridays between the hours of 7:30 a.m. and 4:30 p.m. and Monday evening between the hours of 7:00 p.m. and 9:00 p.m. Copies of the proposed operating license, the ACRS report and the regulatory

staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, United States Atomic Energy Commission, Washington, D. C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR §2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be fixed by the board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D. C. 20545, by November 27, 1970.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR §2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D. C., 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., not later than November 27, 1970. The petition shall

set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR §2.705 of the Commission's "Rules of Practice," must be filed by the applicant on or before November 27, 1970.

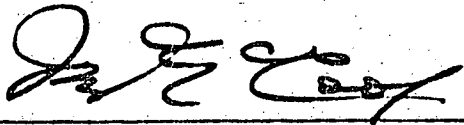
Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Pro-

ceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C.

Pending further order of the board, parties are required to file, pursuant to the provisions of 10 CFR §2.708 of the Commission's "Rules of Practice," an original and twenty conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR §2.785 of the Commission's "Rules of Practice" and has made the delegation pursuant to subparagraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice-Chairman of the Atomic Safety and Licensing Board, Panel and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence Quarles, Dean of the School of Engineering and Applied Science, The University of Virginia, as this third member.

UNITED STATES ATOMIC ENERGY COMMISSION

BY: 

W. B. McCool  
Secretary of the Commission

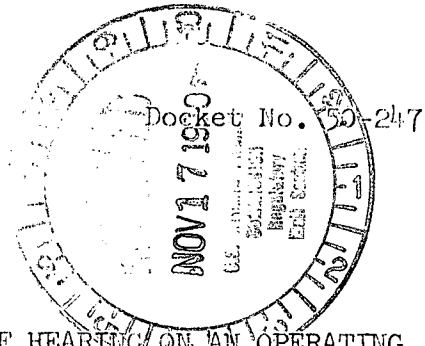
Dated at Washington, D. C.  
this 13th day of November, 1970.

11-17-70

H Smith

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of )  
)  
CONSOLIDATED EDISON COMPANY OF )  
NEW YORK, INC. )  
(Indian Point Nuclear Generating )  
Unit No. 2) )



CERTIFICATE OF SERVICE

I hereby certify that copies of the NOTICE OF HEARING ON AN OPERATING LICENSE dated November 13, 1970 in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 16th day of November 1970:

Samuel W. Jensch, Esq., Chairman  
Atomic Safety and Licensing Board  
U. S. Atomic Energy Commission  
Washington, D. C. 20545

Joseph B. Knotts, Esq.  
Myron Karman, Esq.  
Regulatory Staff Counsel  
U. S. Atomic Energy Commission  
Washington, D. C. 20545

Mr. R. B. Briggs, Associate  
Director  
Molten-Salt Reactor Program  
Oak Ridge National Laboratory  
P. O. Box Y  
Oak Ridge, Tennessee 37830

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LeBoeuf, Lamb, Leiby and  
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Washington, D. C. 20036

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Department of Geography and  
Environmental Engineering  
The Johns Hopkins University  
Baltimore, Maryland 21218

Mayor  
Village of Buchanan  
Buchanan, New York 10511

J. D. Bond, Esq., Alternate  
Chairman  
Atomic Safety and Licensing  
Board  
18700 Woodway Drive  
Derwood, Maryland 20752

Honorable Louis J. Lefkowitz  
Attorney General, State of  
New York  
80 Centre Street  
New York, New York 10013

Dr. Walter H. Jordan  
Senior Research Adviser  
Oak Ridge National Laboratory  
P. O. Box X  
Oak Ridge, Tennessee 37830

Dr. William E. Seymour  
Commissioner of Commerce  
State Department of Commerce  
112 State Street  
Albany, New York 12207



Information copies to:

Dr. Eugene W. Booth, Principal (10)  
Hendrik Hudson High School  
Albany Post Road  
Montrose, New York 10548

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Ecology Group of Croton  
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Croton, New York 10520

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Shrub Oak, New York 10588

Miss Elizabeth R. Hogan  
Benjamin Franklin Hotel  
222 West 77th Street  
New York, New York 10024

Mr. Rod Vandivert  
The Hempstead Town Lands Resources  
Council  
914 South Long Beach Island  
Freeport, L. I., New York 11520

Mr. Adolph J. Ackerman  
Consulting Engineer  
1250 Sherman Avenue  
Madison, Wisconsin 53703

Mr. Ferroll Pyle, Secretary  
Citizens Committee for Protection  
of the Environment  
71 Pine Avenue  
Ossining, New York 10562

Miss Mary Hays Weik, Secretary  
Committee to End Radiological  
Hazards  
Box 148, 150 Christopher Street  
New York, New York 10014

Mr. Harold F. Delaney  
Managing Director  
The Westchester County  
Association, Inc.  
235 Mamaroneck Avenue  
White Plains, New York 10605

Honorable Richard L. Ottinger  
House of Representatives  
Washington, D. C. 20515

Commissioner  
Federal Water Quality Administration  
Washington, D. C. 20242  
Attention: Basin Planning Branch

Mr. Frederick J. Martin, Jr.  
81 Greenvale Avenue  
Yonkers, New York 10703

Irving Lemov, Esq.  
1350 Avenue of the Americas  
New York, New York 10019

Smith W. Brookhart, Esq.  
Brookhart, Becker & Dorsey  
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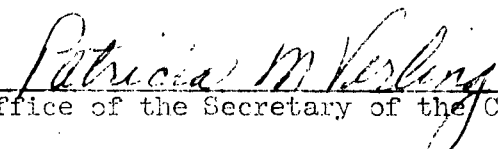
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Powell, Goldman & Younger  
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New York, New York 10019

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50 Broad Street  
New York, New York 10004

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Winer, Neuburger & Sive  
445 Park Avenue  
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Mr. William Reilly  
Council on Environmental  
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722 Jackson Place, N. W.  
Washington, D. C. 20006

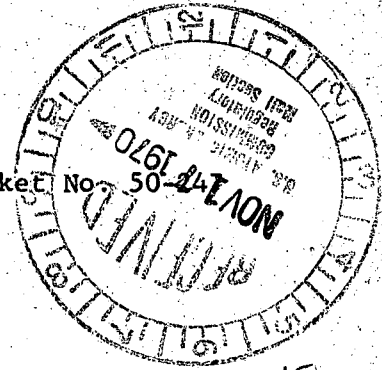
  
Office of the Secretary of the Commission

cc: Mr. Jensch  
Mr. Knotts  
Mr. Yore  
N. Brown  
H. Smith

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In the Matter of )  
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NEW YORK, INC. )  
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UNITED STATES ATOMIC ENERGY COMMISSION

BY: 

W. B. McCool  
Secretary of the Commission

Dated at Washington, D. C.  
this 13th day of November, 1970.