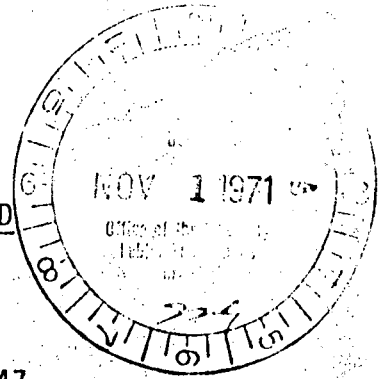


DOCKET NUMBER
PROD. & UTIL. FAC. 50-247

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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

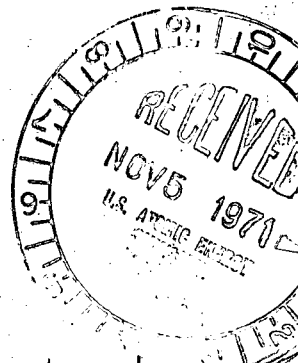
Docket No. 50-247

10-30-71

ANSWER OF AEC REGULATORY STAFF TO SUPPLEMENT
TO APPLICANT'S MOTION FOR ISSUANCE OF A
LICENSE AUTHORIZING LIMITED OPERATION

On October 19, 1971, Consolidated Edison Company of New York, Inc. (applicant) filed with the presiding Atomic Safety and Licensing Board (Board) a supplement to its motion of September 24, 1971, in which it moved the Board for an order (1) authorizing the issuance of a license for the operation of Indian Point Unit No. 2 at 2482 megawatts thermal (90 percent) or such other lesser power level as may be determined justified by the record of the proceeding and (2) referring the Board's order to the Commission for specific approval of operation of Indian Point Unit No. 2 in excess of a power level of 551 megawatts thermal (20 percent).

Applicant stated that supporting affidavits would be filed at a future date. On October 1, 1971, the AEC regulatory staff (staff) requested leave to defer responding to the motion until some appropriate time after receipt of the supporting affidavits.



hearing

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In its supplemental motion the applicant has requested the Board, in accordance with Appendix D of 10 CFR Part 50 of the Commission's regulations, to

1. Consider on an expedited basis evidence relating to the operation for testing purposes of Indian Point Unit No. 2 at a power level up to 1379 megawatts thermal (50 percent of full power),
2. order any hearing regarding such a license to begin immediately following the conclusion of the radiological safety hearing scheduled to begin on November 1, 1971 and to be limited to three days,
3. issue an initial decision and order authorizing immediate issuance of a license permitting operation of Indian Point Unit No. 2 at a power level up to 551 megawatts thermal (20 percent of full power) and up to 1379 megawatts thermal (50 percent of full power) if the Commission authorizes such operation after referral of the Board order to the Commission, and
4. follow the same procedure as in 3. above with respect to operation of Indian Point Unit No. 2 at 2482 megawatts thermal (90 percent of full power).

Proposed testimony on the environmental effects of the requested limited operation of Indian Point Unit No. 2 in support of its supplemental motion has now been served by the applicant.

Until we have completed our review of the applicant's proffered evidence with respect to radiological health and safety matters, we will not be in a position to respond to that much of the applicant's motion as concerns operation of the Indian Point Unit No. 2 up to 1379 megawatts power (50 percent of full power). We would anticipate,

however, being in a position to respond in this regard at the conclusion of the segment of this hearing dealing with radiological health and safety matters which is scheduled to begin on November 1, 1971. Similarly, as to the requested operation authorization for 2482 megawatts thermal (90 percent of full power), we would anticipate being in a position to respond to that portion of the motion at the conclusion of the segment of this hearing which is scheduled to begin on December 14, 1971.

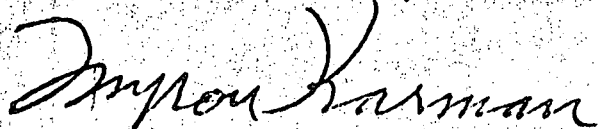
As to environmental matters involved in this supplemental motion, the staff anticipates following essentially the same procedure which it followed in connection with the applicant's previous motion for a fuel loading license. In accordance with the provisions of Appendix D of 10 CFR Part 50, we will prepare an appropriate statement for the requested operation up to 1379 megawatts thermal (50 percent of full power). This statement will deal with the environmental impact of Indian Point Unit No. 2 at power levels up to 50 percent of power which would, of course, include impact of operation at 551 megawatts thermal (20 percent of full power). This statement is expected to be completed in the near future.

With respect to the procedure to be followed in connection with the applicant's requested authorization for operation of Indian Point

Unit No. 2 at a power level of 2482 megawatts thermal (90 percent of full power), we anticipate that the staff's final detailed statement on environmental impact will be completed and available for the segment of the hearing dealing with this aspect of the motion. This final detailed statement will provide the requisite information as to the environmental impact of operation at 2482 megawatts thermal (90 percent of full power).

In its motion the applicant has requested that the Board issue an initial decision for so much of the motion as deals with the authorization for operation at 20 percent of full power and for 50 percent of full power. In our view it is appropriate for the Board to take such action with respect to the matter of the 20 percent of full power authorization. As to the matter of authorization of operation at 50 percent of full power it is our view that Appendix D of 10 CFR Part 50 (36 F.R. 19158) provided that the Board should refer the record of the proceeding with respect to the request for authorization for operation above 20 percent of full power to the Commission for its determination with recommended findings or an initial decision.

Respectfully submitted,



Myron Karman
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland,
this 30th day of October, 1971.