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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)

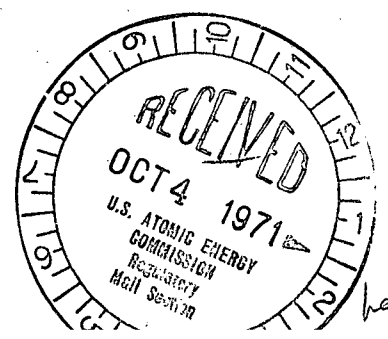
Docket No. 50-247
10-1-71.

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

On September 24, 1971, Consolidated Edison Company of New York, Inc. (applicant) filed with the presiding Atomic Safety and Licensing Board (Board) a Motion for Issuance of a License Authorizing Limited Operations. The applicant moved the Board for an order to

- a) "Authorize the Director of Regulation to issue a license to applicant to operate the Indian Point Unit No. 2 facility at a steady state power level of 2482 megawatts thermal or such other power level short of full power operations as the Board determines to be justified on the basis of the record of the proceeding and
- b) Refer the Board's order to the Atomic Energy Commission for its specific approval insofar as the order authorizes operations of the Indian Point Unit No. 2 facility at a steady-state power level in excess of 551 megawatts thermal."

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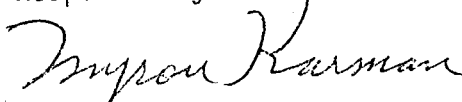
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hearing

The applicant has indicated in its motion that it will file affidavits in support of the motion at some future date. In addition, the applicant apparently intends to furnish additional evidence (not supplied with its motion) at a later date in support of appropriate findings, i.e., applicant indicates it will "rely on all the evidence adduced in this hearing as of the conclusion of the session coming November 1, 1971."

The regulatory staff cannot at this time respond to or take a position with respect to the merits of the subject motion since it will involve further submissions and reviews. The motion should of course be considered in accordance with the Commission's rules and regulations, in particular Section D of 10 CFR 50, Appendix D. The applicant has conceded that it does not anticipate any action by the Board on its motion until the conclusion of the radiological hearings which will commence on November 1, 1971.

In view of the circumstances herein the regulatory staff respectfully requests leave to respond to the applicant's motion at the appropriate time in these proceedings.

Respectfully submitted,



Myron Karman
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland,
this 1st day of October, 1971.