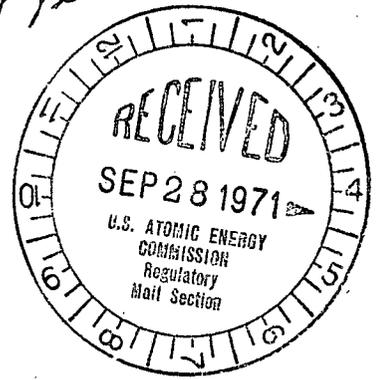


*Reg file*



BEFORE THE UNITED STATES  
ATOMIC ENERGY COMMISSION

In the Matter of	)	
	)	
Consolidated Edison Company of	)	Docket No. 50-247
New York, Inc.	)	
(Indian Point Station Unit No. 2)	)	

*9-24-71*

APPLICANT'S MOTION FOR ISSUANCE OF A  
LICENSE AUTHORIZING LIMITED OPERATION

Consolidated Edison of New York, Inc. ("Applicant") respectfully moves that, in accordance with the provisions of 10 CFR 2.730, 50.57(c) and Part 50, Appendix D, the Atomic Safety and Licensing Board ("Board") consider the evidence adduced and to be adduced in this proceeding as described in paragraphs numbered 5 and 6 below, and thereafter:

- (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 operation 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

*31 hearing*

approval insofar as the order authorizes operation of the Indian Point Unit No. 2 facility at a steady-state power level in excess of 551 megawatts thermal.

In support of this motion Applicant states as follows:

1. This is a proceeding for the issuance of an operating license for the Indian Point Unit No. 2 facility. The Notice of Hearing herein was published on November 17, 1970 prior to the effective date (September 9, 1971) of the currently effective version of 10 CFR Part 50, Appendix D ("Appendix D").
2. Evidentiary hearings on the issues specified in the Notice of Hearing began on December 17, 1970 and have continued intermittently since that time. By order of the Board dated September 17, 1971, the evidentiary hearing is scheduled to resume on October 5-6, 1971, and thereafter on November 1, 1971 at which time it shall continue in order to conclude the hearing in this proceeding in all respects possible.
3. In accordance with the requirements of Section D.1 of Appendix D, Applicant submitted on September 9, 1971, a Supplement to the Environmental Report submitted

by Applicant to the Regulatory Staff on August 6, 1970. The Regulatory Staff is now preparing a draft Detailed Statement which will be circulated for comments in accordance with Section D.1. Thereafter, a hearing will be held on the matters covered by Appendix D. As indicated above, the requirements of paragraphs 1-9 of Section A of Appendix D have not as yet been met.

4. The construction of the Indian Point Unit No. 2 facility is nearly complete. The operation of the facility pursuant to the authorization herein requested is not likely to give rise to a significant irreversible adverse impact on the environment during the prospective period of environmental review under the National Environmental Policy Act of 1969 ("NEPA"). In any event, in view of the fact that the construction of the facility is already nearly complete, the operation for which permission is herein sought will not foreclose the subsequent adoption of alternatives in facility design or operation of the type that could result from the continuing NEPA review. Moreover, the public interest would be seriously endangered by the delay in the operation of the facility which would result if the Applicant is

not granted a license for limited operation as requested in this motion.

The facts in this regard are as follows:

- (a) The Applicant provides electric service in the five boroughs of New York City and in most of Westchester County. The population of this service area is about 8,650,000. A vast array of critical services and facilities vital to the preservation of public health and safety are dependent upon the Applicant's ability to provide an adequate and reliable supply of electric power. The inability of the Applicant to do so would adversely affect not only its service territory but the entire nation.
- (b) If the Indian Point Unit No. 2 facility is not available for full power operation for the summer of 1972, there will be a serious potential threat to the Applicant's capacity to meet its anticipated electric power load which could require resort to load curtailment measures such as voltage reductions and possibly the discontinuance of service to some customers.
- (c) There are no reliable alternative sources of power available for the summer of 1972 to supply the capacity that can be provided by the Indian Point Unit No. 2 facility. Although the Applicant has

diligently explored every possible means of obtaining purchased power on a firm basis, it appears that the timely availability of such power is dependent in large part upon the completion of facilities presently under construction and substantial doubts exist as to whether the construction schedules will be met.

- (d) The full operation of the Indian Point Unit No. 2 facility during the summer of 1972 is required to avoid the imposition of huge, unnecessary costs upon the Applicant and the consumers in its service area. These costs have been estimated at approximately \$4,000,000 per month.
- (e) The issuance of the authorization requested herein will enable the Applicant to utilize the time required for the ongoing NEPA review to test and verify the performance of Indian Point Unit No. 2 and to utilize the facility to help satisfy the urgent requirements for electric power in the New York metropolitan area. This, together with the expeditious completion of the NEPA review, will make it possible for the facility to fulfill its planned function of serving the power needs of the public during the forthcoming summer and thereby helping to avoid serious dangers to the health and welfare of millions of people.

5. With the Board's permission, Applicant will file shortly affidavits in support of this motion. In accordance with Section D.2 of Appendix D, these affidavits will demonstrate that under the circumstances present here, after consideration and balancing of the factors described in that Section, operation at the power level for which authorization is sought in this motion is warranted during the period of the ongoing NEPA review.
6. Applicant is not at this time submitting additional evidence in connection with this motion in support of appropriate findings on matters specified in 10 CFR 50.57(a). For purposes of these findings, Applicant presently intends to rely on all the evidence adduced in this hearing as of the conclusion of the session commencing November 1, 1971. Applicant may submit additional evidence in support of these findings should there be a delay in the conclusion of that session.

Respectfully submitted,

LeBoeuf, Lamb, Leiby & MacRae

By Leonard M. Trosten

Leonard M. Trosten  
Partner

Dated September 24, 1971

BEFORE THE UNITED STATES

ATOMIC ENERGY COMMISSION

In the Matter of )  
 )  
Consolidated Edison Company ) Docket No. 50-247  
of New York, Inc. )  
(Indian Point Station Unit No. 2) )

CERTIFICATE OF SERVICE

I hereby certify that I have served a document entitled "Applicant's Motion for Issuance of a License Authorizing Limited Operation" by mailing copies thereof first class and postage prepaid, to each of the following persons this 24th day of September, 1971:

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

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

Dr. John C. Geyer  
Chairman, Department of Geography  
and Environmental Engineering  
The Johns Hopkins University  
513 Ames Hall  
Baltimore, Maryland 21218

Anthony Z. Roisman, Esq.  
Berlin, Roisman & Kessler  
1910 N Street, N. W.  
Washington, D. C. 20036

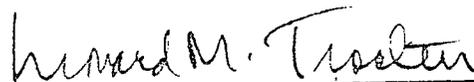
J. Bruce MacDonald, Esq.  
New York State Atomic  
Energy Council  
112 State Street  
Albany, New York 12207

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

Algie A. Wells, Esq.  
Chairman  
Atomic Safety and Licensing  
Board Panel  
U.S. Atomic Energy Commission  
Washington, D. C. 20545

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

Angus Macbeth, Esq.  
Natural Resources Defense  
Council, Inc.  
36 West 44th Street  
New York, New York 10036



---

Leonard M. Trosten

LeBoeuf, Lamb, Leiby & MacRae  
Attorneys for Applicant