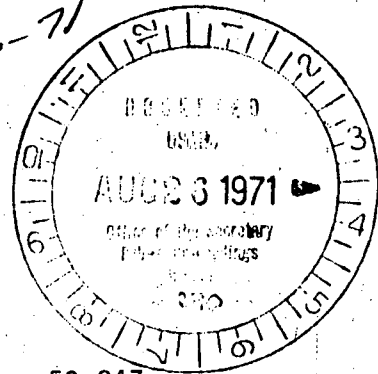


UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

8-26-71



BEFORE THE ATOMIC ENERGY COMMISSION

In the Matter of

CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC.

(Indian Point Station, Unit No. 2)

Docket No. 50-247

PARTIAL ANSWER OF AEC REGULATORY STAFF TO APPLICANT'S MOTION FOR AN ORDER ESTABLISHING FURTHER PROCEDURAL REQUIREMENTS TO IMPLEMENT THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 AND REQUEST FOR ADDITIONAL TIME TO ANSWER BALANCE OF THE MOTION

On August 17, 1971, the applicant, Consolidated Edison Company of New York, Inc. filed with the Commission a Motion For An Order Establishing Further Procedural Requirements to Implement the National Environmental Policy Act of 1969 (NEPA). The applicant moved the Commission for an order a) establishing further procedural requirements for subject proceeding, including a specific time schedule therefor, that shall be followed in order to implement the decision of the United States Court of Appeals for the District of Columbia Circuit in the Calvert Cliffs case;^{1/} b) directing the Atomic Safety and Licensing Board (ASLB) to continue promptly the subject hearing on the issues specified in the Notice of Hearing as published on November 17, 1970 and to issue its Initial Decision notwithstanding any pendency of proceedings required by NEPA; and c) requiring that any operating license issued for

^{1/} Calvert Cliffs' Coordinating Committee, Inc. et al. v. U.S. AEC et al.
(Nos. 24,839 and 24,871) (D.C. Cir., decided July 23, 1971)

the facility shall be subject to continuance, suspension, modification or revocation in accordance with proceedings required by NEPA.

We support that portion of the applicant's motion which requests that the ASLB be directed to continue promptly the subject hearing on the issues specified in the Notice of Hearing which are pending. Such action would be in conformity with the Commission's recent statement regarding the Calvert Cliffs decision in which it was stated that

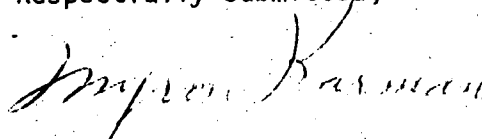
"While regulations are being developed to implement the Court's decision, the Commission is taking steps to proceed as far as possible, on matters not affected by the Court's decision, in those hearings now in progress, and in those cases to be scheduled for hearing in the near future." ^{2/}

The balance of the motion deals with the implementation of the Calvert Cliffs decision by the Commission in connection with this proceeding. The Commission has initiated action to issue, as soon as possible, appropriate regulations to implement the decision.^{2/} Such regulations will provide appropriate procedures for dealing with the matters raised in this motion. Pending such action, we believe it to be inappropriate to establish ad hoc procedures applicable to one specific proceeding. Accordingly, we request an extension of time in which to answer the balance of this motion until ten days after the promulgation of such regulations.

^{2/} "Statement by the Atomic Energy Commission on Court of Appeals Decision in Calvert Cliffs Litigation" dated August 4, 1971.

The subject matter is presently pending before an ASLB. As a consequence, the applicant's motion, which is directed to the Commission, is in contravention of 10 CFR Section 2.730(a) of the Commission's "Rules of Practice" which requires motions in proceedings pending before an ASLB to be directed to the ASLB.

Respectfully submitted,



Myron Karman
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 26th day of August, 1971