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)	)	

MOTION FOR RECONSIDERATION
OF THE BOARD'S RULING ON
APPLICANT'S MOTION FOR 90% POWER
OPERATING LICENSE

The Board has determined, subject to reconsideration, that it will not consider Applicant's motion dated September 24, 1971 for a license to operate at up to 90% of full power at the present time and instead will proceed to the hearing on the full-power license (Tr. 5309). Applicant respectfully requests the Board to reconsider its ruling and to proceed as soon as practicable with the hearing on Applicant's motion.

In view of the relative simplicity of the issues due to the short period of time involved in interim operation under 10 CFR 50, Appendix D, Section D.2 and the present state of readiness of the parties to proceed, the evidentiary record

on the motion to operate at up to 90% power could probably be completed in the week of June 19, 1972. This is subject, of course, to the extent of the Board's questions and intervenors' cross-examination. An expedited schedule for submission of findings and conclusions and the Board's opinion could permit a decision sometime in August.

Even if the Board were to commence the hearing on the full-power license in June, the full environmental hearing will take an indefinite amount of time. At the very least, it requires the publication by the AEC Staff of the Final Detailed Statement and it will be difficult to focus on the issues without that statement. Although the Staff may have given itself the scheduling goal of July 19, 1972, it is impossible for the Staff to determine the length of time required to prepare the Final Detailed Statement until it has received and reviewed the comments on the Draft Detailed Statement from other Federal and state agencies, Applicant and the public.

After the Final Detailed Statement is received, the parties will need time to study it and prepare additional testimony. Counsel for HRFA has already indicated he wants at least 25 days. This means that this portion of the hearing cannot occur until sometime in the fall.

The time for completion of the full NEPA hearing is unknown. The radiological hearing has already taken approximately 1½ years, which gives some indication of the period needed to conclude a contested case. The breadth of potential issues in the full NEPA hearing adds uncertainty to the situation.

Indian Point 2 is expected to be ready for initial criticality at the end of June. If testing under the requested 50% testing license goes well, the plant would be ready for steady state operation at 50% of full power, as well as higher power testing, in August. Applicant agrees with the Board that slippages are possible. But a slippage that would delay the plant as long as the full environmental hearing would be an extremely unlikely event which the Board cannot assume will occur.

As Applicant's testimony clearly establishes, this plant is needed as soon as possible. There is no magic to any month or period. Furthermore, the cost of delay is now estimated at $200,000 per day.

The 8½ million people served by Applicant should not have to bear the power supply problems which can be solved or the costs which can be saved if this plant is allowed to

operate as soon as it is able to do so. The schedule described above shows that the only way operation when possible can be assured is to proceed with the up to 90% motion now and defer the full environmental review until the fall when the Final Detailed Statement will have been reviewed by the parties.

Accordingly, Applicant respectfully requests the Board to reconsider its ruling and to proceed with consideration of Applicant's motion for a 90% operating license at the next hearing session. Applicant's and the intervenors' direct cases on this motion have already been submitted in evidence. In the event the Board does not deem it appropriate so to proceed, Applicant requests the Board to certify its ruling to the Atomic Safety and Licensing Appeal Board for determination.

Respectfully submitted,

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Dated: May 19, 1972