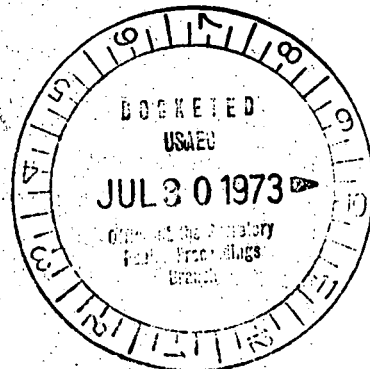


BEFORE THE UNITED STATES  
ATOMIC ENERGY COMMISSION



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

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

Consolidated Edison Company 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, section A.12, the Atomic Safety and Licensing Board ("Board") consider the evidence heretofore adduced in this proceeding together with the affidavits of Carl L. Newman, Bertram Schwartz and Harry G. Woodbury, Jr. attached hereto and thereafter, in the alternative:

- (a) Authorize the Director of Regulation to issue a further amendment to Facility Operating License No. DPR-26, Amendment No. 2, dated April 27, 1973, which would permit Applicant to operate the Indian

Point No. 2 facility ("Indian Point 2") at steady-state reactor core power levels not in excess of 1379 megawatts thermal (50 percent of the rated power level of the facility) and to operate the facility for testing purposes at reactor core power levels not in excess of 2758 megawatts thermal (100 percent of the rated power level of the facility); or

- (b) Authorize the Director of Regulation to issue a further amendment to Facility Operating License No. DPR-26, Amendment No. 2, dated April 27, 1973, which would permit Applicant to operate Indian Point 2 at steady-state reactor core power levels not in excess of 1379 megawatts thermal (50 percent of the rated power level of the facility).

It is further requested that any such amendment to Operating License No. DPR-26 be authorized for a term ending with the issuance of an amendment to the license in accordance with an Initial Decision by the Board in this proceeding. In support of this motion Applicant states as follows:

1. On April 27, 1973 Applicant was authorized by Amendment No. 2 to Facility Operating License No. DPR-26 to operate Indian Point 2 for testing purposes at not in excess of 50% of full power. The testing program has proceeded satisfactorily, as heretofore reported to the Board and the parties. As shown in the affidavit of Carl L. Newman which accompanies this motion, the 50% testing program is expected to be completed during the second week of August 1973. At that time, the facility is expected to be ready for testing up to its full power level and for steady-state power production at 50% of full power or such higher steady-state levels as are justified by the testing program.
2. The evidentiary hearings on the application for an operating license for Indian Point 2, covering both radiological safety matters and environmental matters related to the Final Environmental Statement

prepared by the Staff in September 1972, concluded on April 26, 1973. Applicant filed its proposed findings of fact and conclusions of law on May 17, 1973 and all proposed findings, conclusions and briefs have since been filed. Oral argument on all pending matters took place on July 2, 1973. Proposed environmental technical specifications acceptable to the parties are expected to be filed very shortly by the Staff.

3. Although Applicant hopes that the Board will be able to issue its Initial Decision in this proceeding prior to the completion of the 50% testing program, it is not clear that this will occur. Should there be a hiatus between the completion of the present testing program and the issuance of an amendment to License No. DPR-26 authorizing further operation of Indian Point 2, Applicant's ability to satisfy the power needs of its service territory and other areas could be seriously and adversely affected. In addition, Applicant and

consumers in its service area would be subjected to heavy, unnecessary financial costs, all as shown in the accompanying affidavits. It is contrary to the public interest for Indian Point 2 to be unable to produce needed power after the 50% testing program has been completed and to delay the testing of this plant up to its full power capability. The affidavits attached hereto present facts concerning the need for Indian Point 2 and related environmental effects for the period ending September 30, 1973, although Applicant assumes that the Initial Decision in this proceeding will be issued long before then and hence a license authorizing limited operation pursuant to this motion would be superseded by a subsequent licensing action prior to September 30, 1973.

4. Applicant is relying on the entire record of this proceeding in support of this motion, in addition to the substantial

information contained in the accompanying affidavits. The Board has requested that Applicant keep the Board advised of the status of the testing program and has agreed to establish an expedited decisional period after the time of submission of the proposed findings and conclusions and in light of the progress of the testing program (Tr. 11,448). Consistent with the Board's statement, this motion is submitted in the alternative to facilitate the earliest possible consideration of and ruling on the motion. In view of the limited potential issues presented herein, Applicant requests the Board to order an expedited decisional schedule for action on this motion pursuant to 10 CFR 2.730(c). Of course, it would satisfy Applicant's need if the Initial Decision and a full-term, full-power operating license in the form proposed by the Applicant were issued prior to the end of the 50% testing program.

5. There is attached hereto (Appendix A) a proposed amendment to section 3A of Operating License No. DPR-26. Except as shown in Appendix A it is proposed that License No. DPR-26 remain in full force and effect.

Respectfully submitted,

LEBOEUF, LAMB, LEIBY & MACRAE  
Attorneys for Applicant

By Leonard M. Trosten  
Leonard M. Trosten  
Partner

Dated: July 27, 1973

APPENDIX A

Proposed Amendment to Section 3A of Operating License No. DPR-26

Delete the present language and substitute the following:

"A. Maximum Power Level

The Licensee is authorized to operate the facility for testing purposes at reactor core power levels not in excess of 2758 megawatts thermal (100 percent of the rated power level of the facility) and to operate the facility at steady-state reactor core power levels not in excess of 1379 megawatts thermal (50 percent of the rated power level of the facility)."