

April 16, 1973

Sidney G. Kingsley, Esq., Chairman  
Atomic Safety and Licensing Appeal Board  
U. S. Atomic Energy Commission  
Washington, D. C. 20545

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Atomic Safety and Licensing  
Appeal Board  
U. S. Atomic Energy Commission  
Washington, D. C. 20545

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

Gentlemen:

On October 19, 1971 the applicant filed with the presiding Atomic Safety and Licensing Board (Board) in subject proceeding a motion requesting authorization for the issuance of an operating license to permit operation of Unit No. 2 of the Indian Point facility for testing purposes at power levels up to 50 percent of full power. The Board on July 14, 1972 authorized the Director of Regulation to issue an operating license for testing purposes at power levels up to 20 percent of full power and referred to the Commission for its determination in accordance with Appendix D of 10 CFR Part 50 the matter of the authorization for the remaining 30 percent of the 50 percent rated power which the applicant had requested.

On October 27, 1972, the Atomic Safety and Licensing Appeal Board (Appeal Board) issued a Decision (ALAB-75) wherein it affirmed the Initial Decision of the Board with respect to authorization for power levels up to 20 percent of full power and acted favorably upon a request by the staff that any action with respect to operations at power levels above 20 percent of full power be held in abeyance until the staff submitted to the Appeal Board a supplemental response related to fuel densification reflecting its position regarding operation of Indian Point Unit 2 at a power level of 50 percent.

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On November 14, 1972, the staff issued a document entitled: "Technical Report on Densification of Light Water Reactor Fuels," copies of which were furnished to the Appeal Board, the Board and parties on November 21, 1972. The staff also prepared proposed testimony for the licensing hearing entitled: "Additional Testimony on Indian Point Nuclear Generating Unit No. 2 In Regard to Fuel Densification and Its Effects," copies of which were furnished to the Appeal Board, the Board and parties on March 23, 1973. The fuel densification report of November 14, 1972 and the March 22, 1973 supplemental testimony were received in evidence in subject proceeding on April 11, 1973. The conclusion of the staff's supplemental testimony was that Indian Point Unit 2 could be operated at power levels up to 2758 MWt (100 percent of rated power) with no undue risk to the health and safety of the Public.

On April 11 and 12, 1973, staff witnesses who sponsored into evidence the above described report and supplemental testimony were cross-examined at the hearing by counsel for the intervenor (Citizens Committee for the Protection of the Environment) and questioned by the Board. The applicable pages of the hearing transcript wherein this cross-examination is transcribed are as follows:

- Pages 10,681 through 10,824 (April 11, 1973)
- Pages 10,830 through 10,979 (April 12, 1973)
- Pages 10,995 through 11,020 (April 12, 1973)

The staff believes that with the information described above the Appeal Board's request for additional information as specified in ALAB-75 has been satisfied, and that the Appeal Board now has sufficient information available to it to render a decision regarding the requested authorization for operation of the Indian Point Unit No. 2 up to 50 percent of rated power.

Sincerely,

Myron Karman  
Counsel for AEC Regulatory Staff

- cc: Alan Rosenthal, Esq.
- J. Bruce MacDonald, Esq.
- Angus Macbeth, Esq.
- Anthony Z. Roisman, Esq.
- Mayor, Town of Buchanan, N.Y.
- Paul S. Shemin, Esq.
- Leonard M. Trosten, Esq.
- ASLBP
- ASLAB
- Mr. Frank Karas

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