

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)	
)	
CONSOLIDATED EDISON COMPANY)	Docket Nos. 50-3
OF NEW YORK, INC. and)	50-247
POWER AUTHORITY OF THE STATE)	50-286
OF NEW YORK)	(Show Cause - Seismic)
(Indian Point Station,)	
Units 1, 2 and 3))	

AFFIDAVIT IN SUPPORT OF LICENSEES'
MOTION TO MODIFY LICENSE CONDITION

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

CARL. L. NEWMAN, being duly sworn, says:

1. I am a Vice President of Consolidated Edison Company of New York, Inc. ("Con Edison"). On December 31, 1975 title to Indian Point Nuclear Generating Unit No. 3 passed to the Power Authority of the State of New York ("Power Authority"). Con Edison remained as, and is currently, the operator of the facility. Because of my duties with Con Edison, I am familiar with the conditions placed on Facility Operating License No. DPR-64 by Amendment No. 2 thereto issued April 5, 1976. I am

the corporate officer responsible for administering the conditions contained in ¶ 2(C)(4) of that Amendment, and in particular, I am responsible for the expansion of the microseismic monitoring network currently required by ¶ 2(C)(4)(c).

2. Paragraph 2(C)(4)(c) requires that the existing 13 station microseismic network be extended southwestward to Pompton Lakes, New Jersey and northeastward to Fahnstock, New York. Further, the condition also requires that "(t)he density of (the stations comprising) the network should be sufficient to obtain precise locations and focal mechanism solutions" for recorded microearthquakes.

3. Accordingly, Attachment 2 of our detailed work plan, submitted to Mr. D. B. Vassallo, Chief, Light Water Reactor Branch #5, Division of Project Management, of the Nuclear Regulatory Commission, by letter of June 1, 1976, proposed an expanded network 90 km. long and 30-45 km. wide over an elliptical area generally paralleling the surface trace of the Ramapo Fault. The plan proposed establishing sufficient stations so that fault plane solutions could be performed for earthquakes of magnitudes 1.0 or greater, and epicentral locations could be obtained for earthquakes of magnitudes 0.0 or greater.

4. Paragraph 2(C)(4) presently requires that the

expanded seismic investigation be completed by April 5, 1979. Accordingly, the expanded network must commence operation no later than April 5, 1977.

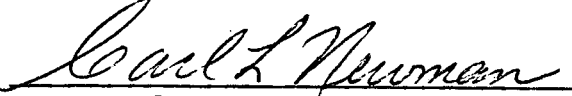
5. In order to install the type of network required by ¶ 2(C)(4)(c) and have it operable by April 5, 1977, the necessary contracts must be executed no later than September 22, 1976. Substantial lead time is required for site selection, acquisition, and installation of the stations. The cost of the expanded network is \$900,000. Thus, liabilities in this amount must be incurred by September 22, 1976 in order to meet the deadlines established in ¶ 2(C)(4). Although it might be possible to negotiate cancellation clauses in contracts for this work, the cancellation penalties would constitute an unnecessary expense and burden if the expanded network is not ultimately required.

6. After review of this Board's determination of the issues in this proceeding, Con Edison and the Power Authority may seek deletion or substantial modification of ¶ 2(C)(4). That application must necessarily follow the Appeal Board's decision on the capability of the Ramapo Fault which is not expected until sometime after November 10, 1976. Thus, any financial commitment made prior to that decision could ultimately be rendered unnecessary.

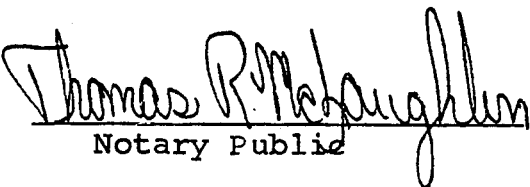
7. The expense involved with establishing and operating the expanded seismic monitoring network will ultimately be borne by the rate payers in Con Edison's service area and by customers of the State Power Authority.

8. Con Edison plans to continue operation of the existing 13 station network pending the final decision of the Nuclear Regulatory Commission on the validity of the conditions imposed by ¶ 2(C)(4).

9. The Nuclear Facilities Safety Committee, whose responsibilities include oversight of radiological safety and reactor operations for all three units at the site, met on August 23, 1976 and determined that the requested modification of the license does not present significant hazards considerations.


Carl L. Newman

Sworn to before me
on August 26, 1976


Notary Public

THOMAS R. McLAUGHLIN
Notary Public State of New York
No. 24-4618495
Qualified in Kings County
Commission Expires March 30, 1977

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CERTIFICATE OF SERVICE

I hereby certify that I have this 27th day of August, 1976 served the foregoing document entitled "Licensees' Motion to Modify License Condition" together with the accompanying affidavit of Mr. Carl L. Newman, sworn to on August 26, 1976, by mailing copies thereof, first class postage prepaid and properly addressed, or by personal delivery, to the persons listed below:

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