

Mr. Frederick H. Warren

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November 4, 1971

The motion and its supplement has been prepared taking into account the Commission's new Appendix D to 10 CFR Part 50 which requires supplemental environmental reviews of certain licenses, permits, and applications and is applicable to the Indian Point 2 plant. Under Section D.2 of the Appendix the Commission may, under certain circumstances, approve operation of a plant in this category beyond 20% of full power during the period of the on-going review which is being conducted in implementation of the National Environmental Policy Act.

In order to process this request, the Atomic Safety and Licensing Board and the Commission must balance environmental concerns with the demonstrated benefits of operating the plant. The factors to be considered, as defined in Section D.2, include the effect of delay in facility operation upon the public interest, particularly "the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers." We would appreciate a report and comments from the FPC on these matters as they relate to the applicant's motion, specifically in regard to the authorization requested both for 50% and 90% of full power under the emergency need for power provisions of Appendix D of our Part 50 regulations, at your earliest convenience, for use in the AEC's review and determination with regard to the applicant's request.

On October 29th, 1971 we received an answer to the applicant's motion from the New York State Atomic Energy Council. A copy of this is also enclosed for your information.

Sincerely,

Original signed by:
Roger S. Boyd

Roger S. Boyd
Assistant Director
for Boiling Water Reactors
Division of Reactor Licensing

Enclosures:
As stated above

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