

Docket No. 50-247

FEB 8 1972

Honorable John D. Dingell
House of Representatives

Dear Mr. Dingell:

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We are pleased to respond to your letter of January 14, 1972, to Dr. Glenn T. Seaborg, relative to the effect operation of the Indian Point Unit No. 2 nuclear facility at up to 50 percent of full power will have upon the fish and other wildlife in the vicinity of the plant.

This matter is pending before an Atomic Safety and Licensing Board (Board), and the most recent public hearing concerning Indian Point Unit No. 2 was held on January 11 and 12, 1972. Operation of the reactor for testing purposes at a power level up to and including 1,379 megawatts thermal (50 percent of full power) was considered, but no decision has been made by the Board on the applicant's testing motion. Proposed findings of fact and conclusions of law are to be submitted to the Board by February 8, 1972, and replies are due from all parties by February 28, 1972. The Atomic Energy Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA) are contained in 10 CFR Part 50, Appendix D. (Attached as Enclosure 1 is a copy of the revised Appendix D to 10 CFR 50). Section D.2 of this regulation applies to the limited operation of a nuclear facility, consistent with the protection of the environment, during the period of the ongoing full NEPA environmental review. You will note that the Board may authorize the Director of Regulation to issue a license to operate for testing purposes up to 20 percent of full power. Operation at 50 percent of full power requires approval by the Commission.

Attached as Enclosure 2 is a copy of our Discussion and Conclusions (December 30, 1971) relative to the limited operation of Indian Point Unit No. 2. In the Discussion and Conclusions we considered several environmental impacts, especially those related to the once-through condenser cooling system and radioactive discharges. We have concluded that the critical need for power balances the significant, but localized, damage expected to occur to the aquatic biota in the Hudson River. The most recent Federal Power Commission statement on the need for power is attached as Enclosure 3.

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