

**Startup Test Report**

**Indian Point Nuclear Generating Unit No. 3**

**Power Authority of the State  
of New York**

**Consolidated Edison Company  
of New York, Inc.**

**November, 1976**

Revised: April 1977.

Revised: July 1977

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## 11.0 ACCEPTANCE RUN TEST (INT-10.1)

The purpose of this test was to demonstrate that the plant will achieve a sustained net plant output of 965,300 KW, that the net plant heat rate does not exceed 10,695 BTU/KWH and provide the basis for plant acceptance by maintaining a net plant output of approximately 965,300 KW for 100 hours.

The thermal performance data for this test was collected on November 4, 1976 with the unit at 100% reactor power. The data obtained was corrected in accordance with the Westinghouse Thermal Kit for Indian Point Unit 3 and the net plant heat rate was determined to be 10,492 BTU/KWH, which was 203 BTU/KWH better than the 10,695 BTU/KWH design heat rate.

The generator net output and 100 hour acceptance run portions of the test were started at 1400 on May 23, 1977 and completed at 1800 on May 27. The calculated average net plant generator output during the 100 hour run was calculated to be 967,170 KW which was 1,870 KW better than the expected design value of 965,300 KW. The results of this test were reviewed and found to be acceptable.

William J. Cahill, Jr.  
Vice President

Consolidated Edison Company of New York, Inc.  
4 Irving Place, New York, N Y 10003  
Telephone (212) 460-3819

June 29, 1977

Director of Nuclear Reactor Regulation  
ATTN: Mr. Robert W. Reid, Chief  
Operating Reactors Branch #4  
Division of Operating Reactors  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Regulatory Docket File

Re: Indian Point Station, Units 1, 2 and 3  
Docket Nos. 50-3, 50-247, 50-286

Dear Mr. Reid:

On May 25, 1977 we transmitted to the Commission our Amended Physical Security Plan for the Indian Point Station, pursuant to §73.55 of the Commission's regulations. As indicated in our letter of transmittal, that Plan did not reflect the personnel search acceptance criteria that had been informally released by the Office of Nuclear Reactor Regulation on May 23, 1977.

Since that time, the meaning of §73.55 has been further reviewed in an opinion of the Commission's General Counsel which was provided to us at a meeting with you and other members of the Staff on June 20, 1977.

We understand the Staff's interpretation of §73.55(d)(1) to be that in certain circumstances there must be a hands-on contact search of persons entering a facility. We believe that our May 25, 1977 Plan meets the requirements of that section, but without prejudice to our position on the matter or waiver of our right to challenge the Staff's interpretation, we will apply the search program stated in the Staff's May 23, 1977 acceptance criteria.

Attachment 1 sets forth Con Edison's proposal for phasing in the implementation of the contact search program. Under this schedule we estimate that the Staff's criteria will be implemented by July 31, 1977.

We are agreeing to this course of action with great reluctance. We do not believe that the institution of these contact search procedures will actually improve plant security.

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Mr. Robert W. Reid

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Viewed in light of the objectives of 10 CFR 73, they may even be counterproductive. Our experienced security personnel can achieve a comparable level of assurance without resort to such methods. On the other hand, we believe the implementation of these procedures will tend to lower employee morale and interfere with the spirit of trust and cooperation that is essential for the smooth operation of these complex facilities. It will also support the allegation, which we believe to be untrue, that nuclear plants are so vulnerable to sabotage that these extraordinary measures are required.

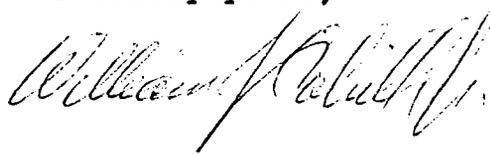
The major basis for our concern is the invasion of privacy, and the degradation inherent in the deliberate touching of a person's body by a stranger. The common law has long recognized the tort of battery as an actionable wrong. When the touching is done by a person dressed in a police-type uniform, pursuant to regulations of the Government, there is an additional concern: The person is being searched for something; he is being treated like a suspected criminal. Our society's distaste for such treatment is evident in the Bill of Rights, and in the Supreme Court's recognition of the right to privacy.

By delegating the responsibility for contact searching to its Licensees, NRC has apparently sought to sidestep the constitutional issue by requiring a licensee to condition employment at, or visits to its facility on consent of the employee or visitor to be subject to a "hands-on" search without cause. However, we believe that the U.S. Constitution does not countenance such an evasion. Ignoring the question of whether such a national security function can or properly should be delegated, constitutional rights should not depend on the means the Government selects to carry out its directives. The question becomes the constitutionality of governmentally-imposed conditions that require the surrender of a constitutional right in order to obtain some benefit. Under the unconstitutional conditions doctrine, applied by the Supreme Court in such cases, the nature and degree of the condition's relevance to the benefit must be weighed against the nature and extent of the condition's impact on the constitutional right. (See 16 Ariz. L. Rev. 657, 667 (1974).) We hereby request a copy of any analyses prepared by NRC weighing these factors and determining that there is no means to achieve the Government's purpose that does less violence to traditional standards of individual liberty.

Mr. Robert W. Reid  
Page 3  
June 29, 1977

We appreciate your courtesy in meeting with our representatives, and look forward to having your detailed comments on our May 25 Plan.

Sincerely yours,



cc: James P. O'Reilly, Director  
Office of Inspection & Enforcement  
Region 1  
U. S. Nuclear Regulatory Commission  
631 Park Avenue  
King of Prussia, PA 19406

Mr. George T. Berry  
General Manager and Chief Engineer  
Power Authority of the State of New York  
10 Columbus Circle  
New York, N.Y. 10019

ATTACHMENT 1

Proposed Implementation Plan and Estimated Schedule

1. Guidance and Coordination (June 27-July 10)
  - a. Consultation with Con Edison Union and Management
  - b. Consultation with the Power Authority of the State of New York
  - c. Consultation with Contractor Personnel
  
2. Development of Procedures (June 27-July 24)
  - a. Make arrangements for female personnel to search women employees and visitors
  - b. Develop appropriate facilities for carrying out "hands-on" search
  - c. Develop and prepare consent forms
  - d. Provide legal direction to security force on issues relating to contact searches
  - e. Prepare and review procedures for carrying out "hands-on" search
  - f. Prepare and review procedures for random selection of persons to be searched
  - g. Provide orientation for guards
  - h. Provide orientation for plant personnel
  
3. Pre-Implementation Testing (July 24-30, 1977)
  - a. Preliminary tests of selection and search procedures
  - b. Review of results of test program and adjustments to facilities, procedures and personnel orientation
  
4. Implementation of NRR Staff Acceptance Criteria on Personnel Search Requirements (Estimated July 31, 1977)

DOCKET NO. 50-3/247/286

DATE: MAY 27, 1977

NOTE TO NRC AND/OR LOCAL PUBLIC DOCUMENT ROOMS

The following item submitted with letter dated 5/26/77  
from Consolidated Edison of New York is being withheld from  
public disclosure, pending review, in accordance with Section 2.790.

PROPRIETARY INFORMATION

PHYSICAL SECURITY PLAN.

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Edward H. Ford  
Regulatory File Room

William J. Cahill, Jr.  
Vice President

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Regulatory Docket File

May 11, 1977  
Indian Point Units 1, 2, and 3  
Docket Nos. 50-3  
50-247  
50-286

Mr. Ben C. Rusche  
Director of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Rusche:

In accordance with Section 50.71(b) of the Commission's Regulations, Consolidated Edison Company of New York, Inc. submits herewith eight (8) copies of its Annual Report to Stockholders for 1976.

It is our understanding that the Power Authority of the State of New York has forwarded its Annual Report for 1976 to you directly.

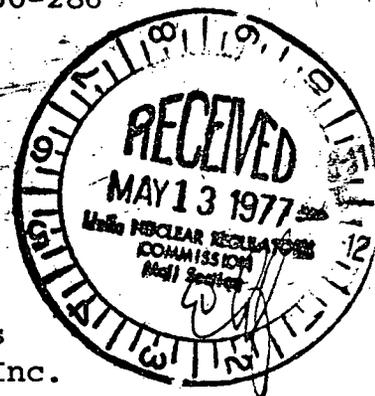
Very truly yours,



William J. Cahill, Jr.  
Vice President

Enclosure

Copy to: Mr. George T. Berry  
General Manager and Chief Engineer  
The Power Authority of the  
State of New York  
10 Columbus Circle  
New York, N. Y. 10019



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