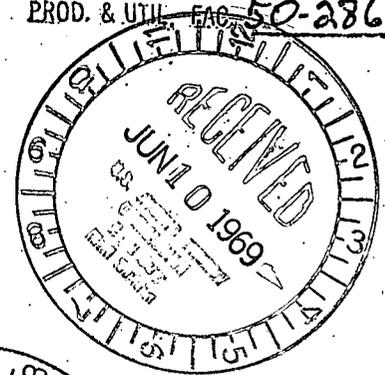


UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON 25, D.C.

DOCKET NUMBER
PROD. & UTIL. FAC. 50-286

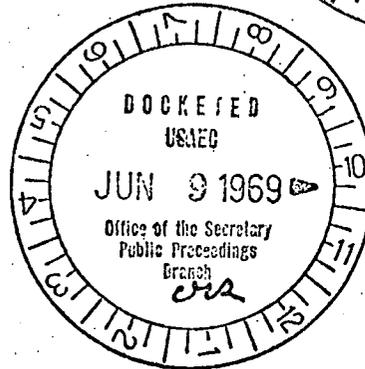
June 6, 1969



Samuel W. Jensch, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Dr. Thomas H. Pigford
c/o Thermo Electron Corporation
85 First Avenue
Waltham, Massachusetts 02154

Dr. John Henry Buck
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545



In the Matter of Consolidated Edison Company of New York, Inc.
Indian Point Unit No. 3
Docket No. 50-286

Gentlemen:

The regulatory staff has reviewed the "Applicant's Proposed Findings of Fact and Conclusions of Law in the Form of a Proposed Initial Decision" submitted in this proceeding and agrees with the substance thereof, except for the two points noted below.

However, the staff believes that briefer proposed findings are appropriate in view of the Commission's policy, as expressed in §IV of Appendix A to 10 CFR Part 2, of encouraging brevity and conciseness in initial decisions. On this basis, we have prepared our enclosed findings in the form of a proposed initial decision which we think conforms more nearly with the Commission's wishes.

At the hearing the board adverted to the applicability of § 20.106(e) 10 CFR Part 20 as possibly affecting the rates of releases of gaseous wastes from the proposed Indian Point facilities (Tr. 2246). As we stated at the hearing, under Part 20 the total radioactivity released from the operation from all three units at the Indian Point site may not exceed Part 20 limits and the technical specifications for each reactor will incorporate appropriate restrictions.

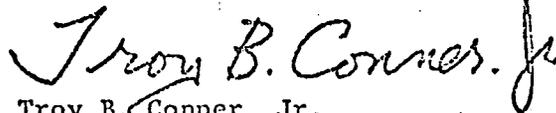
B111060714 690606
PDR ADOCK 05000286
PDR

Paragraph 16 of the applicant's proposed findings of fact, particularly Footnote 25, accurately describe the circumstance under which § 20.106(e) might be invoked, and we agree with the position stated. We would emphasize, however, that the invoking of § 20.106(e) is a determination which would be made by the AEC, not by a particular licensee. In addition, if it were necessary to apply § 20.106(e), the Commission would seek to restrict all contributing sources, not merely releases from any particular licensee. (Tr. 894-896, 2005-2009)

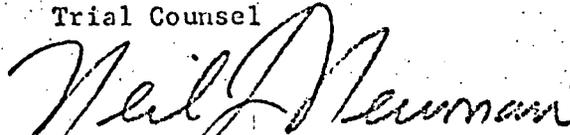
We have two comments on the applicant's proposed findings. In Paragraph 25 the applicant states that "CSE data indicated that experimental confirmation of the theoretical model did not extend beyond a reduction by a factor of 100 of the original inorganic iodine vapor." This statement is correct for the initial period of ten minutes of spray operation. However, the ultimate inorganic iodine decontamination attained exceeded a factor of 1000 in these experiments.

The second comment refers to an apparent typographical or clerical error. Footnote 59 to the applicant's findings refers to "Applicant's Exhibit 3." We believe that "Applicant's Exhibit 2" is the correct reference.

Sincerely,



Troy B. Conner, Jr.
Trial Counsel



Neil J. Newman
Attorney
AEC Regulatory Staff

cc: Leonard M. Trosten, Esq.
Mr. Larry Bogart
Joseph F. Scinto, Esq.
Miss Mary Hays Weik
Mr. W. Donham Crawford
Mr. Stanley T. Robinson
Algie A. Wells, Esq.