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UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

9/16/74

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC.

(Indian Point Nuclear Generating Station,
Unit No. 3)

Docket No. 50-286

AEC REGULATORY STAFF'S RESPONSE TO APPLICANT'S MOTION
FOR FUEL LOADING AND LIMITED OPERATING LICENSE,
DATED JULY 24, 1974

On July 24, 1974, the Applicant (Consolidated Edison Company of New York) moved for an order, pursuant to 10 CFR § 50.57(c) and Appendix D, § A.12, authorizing the Director of Regulation to make appropriate findings required by such sections and issue an operating license for the Indian Point Station No. 3 facility authorizing fuel loading, low power and other testing and steady state operation at power levels not to exceed 91% of rated power. The motion has been opposed by Intervenor, Hudson River Fishermens Association and Save Our Stripers and by the Attorney General of the State of New York.

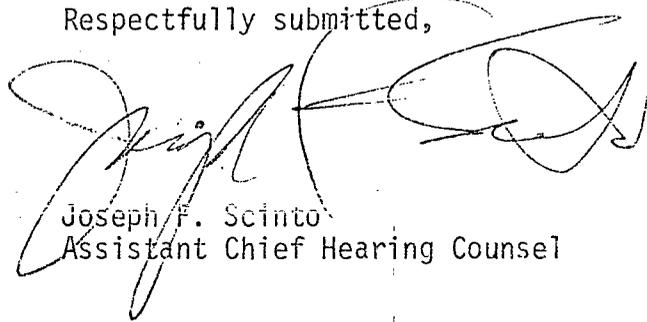
Intervenors raise in opposition to the proposed operation under applicant's motion, essentially the full gamut of issues concerning environmental effects which they raise concerning full power operation, along with

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the impacts that may be associated with operation at such power levels.

For the foregoing reasons, the Staff opposes the Motion and believes that action on applicant's motion should be reserved until after completion of the Staff FES, or should be denied without prejudice to re-submission at such time.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Joseph F. Scinto', written in a cursive style with large loops and flourishes.

Joseph F. Scinto
Assistant Chief Hearing Counsel

Dated at Bethesda, Maryland,
this 16th day of September, 1974.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "AEC REGULATORY STAFF'S RESPONSE TO APPLICANT'S MOTION FOR FUEL LOADING AND LIMITED OPERATING LICENSE, DATED JULY 24, 1974", in the captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 16th day of September, 1974:

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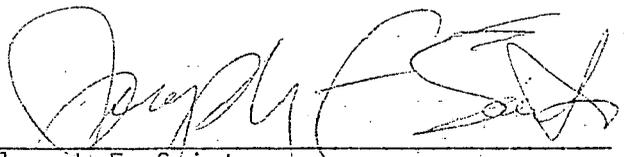
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Joseph F. Scinto
Assistant Chief Hearing Counsel

additional issues related to the Motion alone. In accordance with 10 CFR § 50.57(c) and 10 CFR Part 50, App. D, such matters require resolution by the presiding Atomic Safety and Licensing Board. In addition, operation at such power levels may raise issues concerning quality assurance considerations that the Board has previously indicated were of concern to it in connection with the full power license proceeding. (See Letter of the Board to parties dated January 28, 1974. See also Certification of Question dated March 20, 1974, and ALAB-186 in the captioned proceeding and the Commission's Memorandum and Order in the captioned proceeding dated July 16, 1974, CLI-74-28, (RAI-74-7-7),)

Action on the Motion would not expedite but would delay the ability to commence and to complete evidentiary presentation with respect to the proceeding as a whole. Inasmuch as Applicant's Motion requests operation at nearly full power, an essential element to a hearing on Applicant's Motion must be the FES. In view of the substantial power level involved, 91% of full power, an assessment of impact even if limited to interim operation would entail a substantial similar scope of effort. We do not agree that the impact can be determined "a fortiori" from ALAB-188. The effort to complete the FES should not be distracted in order to prepare a specific assessment of operation covered by the Motion. Until the FES assessment has been completed, the Staff can not take a position with respect to