

7-19-74

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

PLED

In the Matter of)	
)	
CONSOLIDATED EDISON COMPANY)	Docket No. 50-286
OF NEW YORK, INC.)	
(Indian Point Station,)	
Unit No. 3))	

MOTION FOR FUEL-LOADING, SUBCRITICAL AND
LOW-POWER TESTING AND LIMITED OPERATING LICENSE

Consolidated Edison Company of New York, Inc. ("Applicant") hereby moves the Atomic Safety and Licensing Board ("the Board") for an order pursuant to 10 C.F.R. § 50.57(c) and former Appendix D, section A.12, authorizing the Director of Regulation to make appropriate findings on the matters specified in 10 C.F.R. § 50.57(a), and issue to Applicant an operating license for Indian Point Station Unit No. 3 authorizing fuel-loading, low-power and other testing, and steady state power operation not to exceed 91 percent of rated power until May 1, 1976, or until a full-term, full-power operating license shall be issued, whichever is sooner. In support of this motion, Applicant states as follows:

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1. This is a proceeding for the issuance of a full-term, full-power operating license for the Indian Point Unit No. 3 facility. The proceeding is governed by a Notice of Hearing issued on February 28, 1973 and is subject to the provisions of section C.3 of former Appendix D to Part 50 of the Atomic Energy Commission's regulations. 38 Fed. Reg. 6094 (1973); see 10 C.F.R. § 51.56 as added by 39 Fed. Reg. 26279, 26285 (1974).

2. Evidentiary hearings have not yet commenced, but the Board has convened special prehearing conferences on May 21, 1973 and November 27, 1973.

3. A Draft Environmental Statement was issued by the Regulatory Staff on October 16, 1973 and the Staff Safety Evaluation was issued on September 21, 1973. The Advisory Committee on Reactor Safeguards reported on the facility in a letter dated November 14, 1973.

4. Construction of the facility is nearing completion. A Motion to Extend the Completion Date for construction of the facility until March 1, 1975 was filed with the Director of Licensing on January 18, 1974.

5. There are no radiological safety issues set down for hearing in the proceeding. The only issues raised

by any party relate to the environmental effect of plant operation. The controversy between Applicant and the other parties to this case has focused on the need for installation of a closed-cycle cooling system for the protection of certain fish and other aquatic species.

6. Similar issues were raised in the Indian Point Unit No. 2 operating license proceeding. By its decision of April 4, 1974, the Atomic Safety and Licensing Appeal Board in that case held that operation without closed-cycle cooling would be permissible until May 1, 1979, and before that time would not give rise to a significant irreversible impact on the Hudson River environment. ALAB-188, RAI-74-4 (Apr. 4, 1974). A fortiori the activities for which a license is requested in this motion would have no substantial irreversible impact within the meaning of the National Environmental Policy Act of 1969.

7. Applicant provides electric service in the City of New York and in most of Westchester County. The population of this service area is over 9,000,000. A vast array of critical services and facilities vital to the preservation of public health and safety depends upon Appli-

cant's ability to provide an adequate and reliable supply of electric power. Issuance of the license requested will permit Applicant to meet its responsibilities in this respect and will reduce the possibility of load curtailment measures such as voltage reduction.

8. This motion is being filed with the Board at this time because it appears that the facility will be ready for the proposed activities and its power needed to meet community needs prior to the time a plenary hearing can be completed. Granting of the requested license would have the salutary effect of removing from the plenary hearing the pressure of the community's need for the facility, and will permit all parties to present their respective cases in an atmosphere more conducive to a studied resolution of the matters in controversy.

9. In further support of this motion, Applicant refers the Board generally to its Amended and Substituted Application for Licenses, the Final Facility Description and Safety Analysis Report, and the Environmental Report, all as amended. In addition, Applicant relies upon the affidavits of William J. Cahill, Jr., Carl L. Newman, Harry

G. Woodbury, Jr., and Bertram Schwartz, attached hereto
as Exhibits A, B, C and D.

Respectfully submitted,

LeBOEUF, LAMB, LEIBY & MacRAE

By Harvey H. Voigt
Partner

Attorneys for Applicant
1757 N Street, N.W.
Washington, D.C. 20036

EUGENE R. FIDELL

Of Counsel

July 24, 1974