

William J. Cahill, Jr.
Vice President

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U.S. NUCLEAR ENERGY
COMMISSION
WASHINGTON, D.C.

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

Re: Indian Point 2 - Docket No. 50-247

Dear Mr. Rusche:

Paragraph 2.E(1)(b) of Facility Operating License No. DPR-26 provides, among other things, that the finality of the May 1, 1979 date for termination of operation with the once-through cooling system for Indian Point 2 is grounded on a schedule under which Con Edison, acting with due diligence, obtains by December 1, 1975 all governmental approvals required to proceed with the construction of the preferred alternative closed-cycle cooling system. In the event those approvals have not been obtained by December 1, 1975, the May 1, 1979 date "shall be postponed accordingly."

It is now apparent that, even though Con Edison has acted with due diligence to obtain all necessary approvals, we will not have obtained certain permits from the New York State Department of Environmental Conservation and the Village of Buchanan, which are required in order to proceed with construction of a closed-cycle cooling system. These permits are a permit from the New York State Department of Environmental Conservation to construct an air contamination source and a building permit from the Village of Buchanan to construct a natural-draft cooling tower. In addition, the letter of Mr. Roger S. Boyd, Acting Director of the Division of Reactor Licensing, dated October 29, 1975, advised Con Edison that the "target milestone" for issuance of the Final Environmental Statement on Con Edison's December 2, 1974 application to the NRC concerning selection of a preferred closed-cycle cooling system for Indian Point 2 is February 23, 1976. Accordingly, it is unlikely that the Commission will issue a final order on Con Edison's December 2, 1974 application prior to March 1, 1976 at the earliest. For your information, a chronology of

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Con Edison's efforts to obtain the permits described above is annexed hereto as Attachment A.

In determining the extent of the postponement pursuant to Paragraph 2.E(1)(b) of the Indian Point 2 Operating License, there must be taken into account, among other things, the effect of delays in securing required governmental approvals on the feasibility of construction schedules. Annexed hereto as Attachment B is an updated schedule for construction of a natural-draft cooling tower for Indian Point 2 showing the impact of a change of the December 1, 1975 date for receiving regulatory approvals to March 1, 1976. As is noted on the schedule, such a delay necessitates an additional winter lag (a period when concrete work on columns, lintel and tower shell must be suspended because of cold weather) beyond that shown in the prior schedule (see Figure 4.1 of Volume 1 of the December 1, 1974 report entitled "Economic and Environmental Impacts of Alternative Closed-Cycle Cooling Systems for Indian Point Unit No. 2").

On the original schedule shown in that figure there was only one winter lag. That schedule contemplated the completion of foundation work, columns and lintel before the winter (item 2830) and pouring the tower shell before the following winter (item 2838). Work could then proceed after the tower was erected during winter conditions.

The revised schedule shows (item 2728) that the columns and lintel cannot be completed before the first winter lag and must be finished the following spring. Accordingly, there would not be time to complete the erection of the tower shell before the following winter and a concrete tower cannot be erected during winter conditions. Thus, a second winter lag is inserted in the schedule (item 2734) and the tower shell would be completed in the succeeding spring.

The effect of these circumstances is that, assuming all regulatory approvals to proceed are received on March 1, 1976, the reasonable date for terminating once-through cooling for Indian Point 2 must now be deemed to be extended by six months to November 1, 1979.

Mr. Boyd's letter also referred to Con Edison's application dated June 4, 1975 to change the May 1, 1979 date to May 1, 1981. If that application were granted, then there

would be no need for an extension of the period of once-through cooling to November 1, 1979 as discussed above. However, Mr. Boyd's letter indicates that the Final Environmental Statement on that application will not be completed before March 23, 1976, and since a hearing on that application has been requested by the Hudson River Fishermen's Association the time for completion of that proceeding is uncertain.

Although the schedule for construction activities with respect to an alternative closed-cycle cooling system is extended as indicated above by virtue of the delay in Con Edison's receipt of all necessary governmental approvals to proceed, Con Edison nevertheless considers that the Staff's schedule for processing the June 4, 1975 application is unduly lengthy in view of the relatively narrow issues presented by that application. Con Edison urges the Staff to adopt a schedule which would more likely result in a final order on the application by June of 1976. Such action is needed in order properly to schedule design, procurement, construction and research activities related to the cooling system for Indian Point 2.

Sincerely yours,



William J. Cahill, Jr.
Vice President

Attachment A
Attachment B

Attachment A

Chronology of Outstanding Permit Proceedings

A. Nuclear Regulatory Commission

- December 2, 1974 - Con Edison filed application for facility operating license amendment to NRC
- June 5, 1975 - NRC Staff request and agenda for site visit
- June 12, 1975 - NRC Staff visited Indian Point site
- July 10, 1975 - NRC letter to Con Edison with 31 requests for information
- July 23, 1975 - NRC published notice in Federal Register of proposed issuance of license amendment and opportunity for hearing
- August 6, 1975 - Con Edison filed Supplement to Application in partial response to letter of July 10, 1975
- August 11, 1975 - Meeting with NRC Staff in Rockville, Md.
- August 14, 1975 - Letter from NRC Staff to Con Edison with agenda of 23 questions for site visit on August 21
- August 19, 1975 - Meeting with NRC Staff at Con Edison
- August 21, 1975 - Meeting with NRC Staff at Indian Point
- September 5, 1975 - Con Edison furnished information requested by NRC Staff on legal restrictions on the sale of electricity by PASNY to Con Edison
- September 5, 1975 - Letter from NRC Staff with 9 requests for additional information
- September 30, 1975 - Con Edison filed Supplement to Application to complete response to letter of July 10, 1975
- October 6, 1975 - Con Edison filed Supplement to Application in response to letter dated September 5, 1975
- October 20, 1975 - NRC Staff letter to Con Edison with 3 requests for additional information

October 29, 1975 - NRC Staff letter stating that expected date of publication of draft environmental statement is November 17, 1975 and of final environmental statement is February 23, 1976.

November 3, 1975 - Con Edison responded to letter of October 20, 1975

B. New York State Department of Environmental Conservation

December 2, 1974 - Con Edison filed application pursuant to 6 NYCRR § 201.2 for a permit to construct an air contamination source.

March 4, 1975 - DEC letter to Con Edison requesting filing of stationary combustion application form.

March 17, 1975 - Con Edison filed stationary combustion application form.

Mid-July, 1975 - In response to inquiry, Con Edison was advised technical review was still in progress.

August 15, 1975 - In response to inquiry, Con Edison was advised that technical review was still in progress.

September 3, 1975 - In response to inquiry, Con Edison was advised that technical review had been completed and policy review was in progress.

September 10, 1975 - Con Edison Law Department advised DEC Counsel's office of lack of progress. DEC Counsel said he would look into matter.

October 16, 1975 - In response to inquiry, Con Edison was advised that policy review was still in progress.

October 21, 1975 - Con Edison Law Department advised DEC Counsel's office that there still appeared to be no progress.

C. Village of Buchanan

- December 2, 1974 - Application filed with Village of Buchanan's Building Department for permit to construct natural-draft cooling tower.
- January 21, 1975 - Con Edison representatives met with officials of Buchanan and neighboring communities in an open meeting attended by the press.
- February 22, 1975 - In response to request of Mayor of Buchanan, Con Edison representatives and several officials of Buchanan and adjacent communities visited the Three Mile Island Plant of Metropolitan Edison Company near Harrisburg, Pa., to observe four natural-draft cooling towers, two in operation and two fully constructed but not yet in operation.
- March 4, 1975 - Buchanan Building Inspector denied application on grounds of violation of zoning code.
- March 21, 1975 - Con Edison filed appeal to the Village Zoning Board of Appeals for a variance from building code.
- May 6, 1975 - Buchanan Zoning Board conducted public hearing on appeal.
- June 19, 1975 - Zoning Board of Appeals denied appeal primarily on the grounds that the application was premature in that there was no present intent, commitment or direction to begin construction.
- July 17, 1975 - Con Edison petitioned the Supreme Court of the State of New York, Westchester County, to set aside decision of Buchanan Zoning Board of Appeals.
- August 29, 1975 - Hudson River Fishermen's Association (HRFA) filed motion to intervene.
- September 4, 1975 - Con Edison filed brief.
- September 10, 1975 - HRFA filed brief.

September 19, 1975 - Village of Buchanan filed brief.

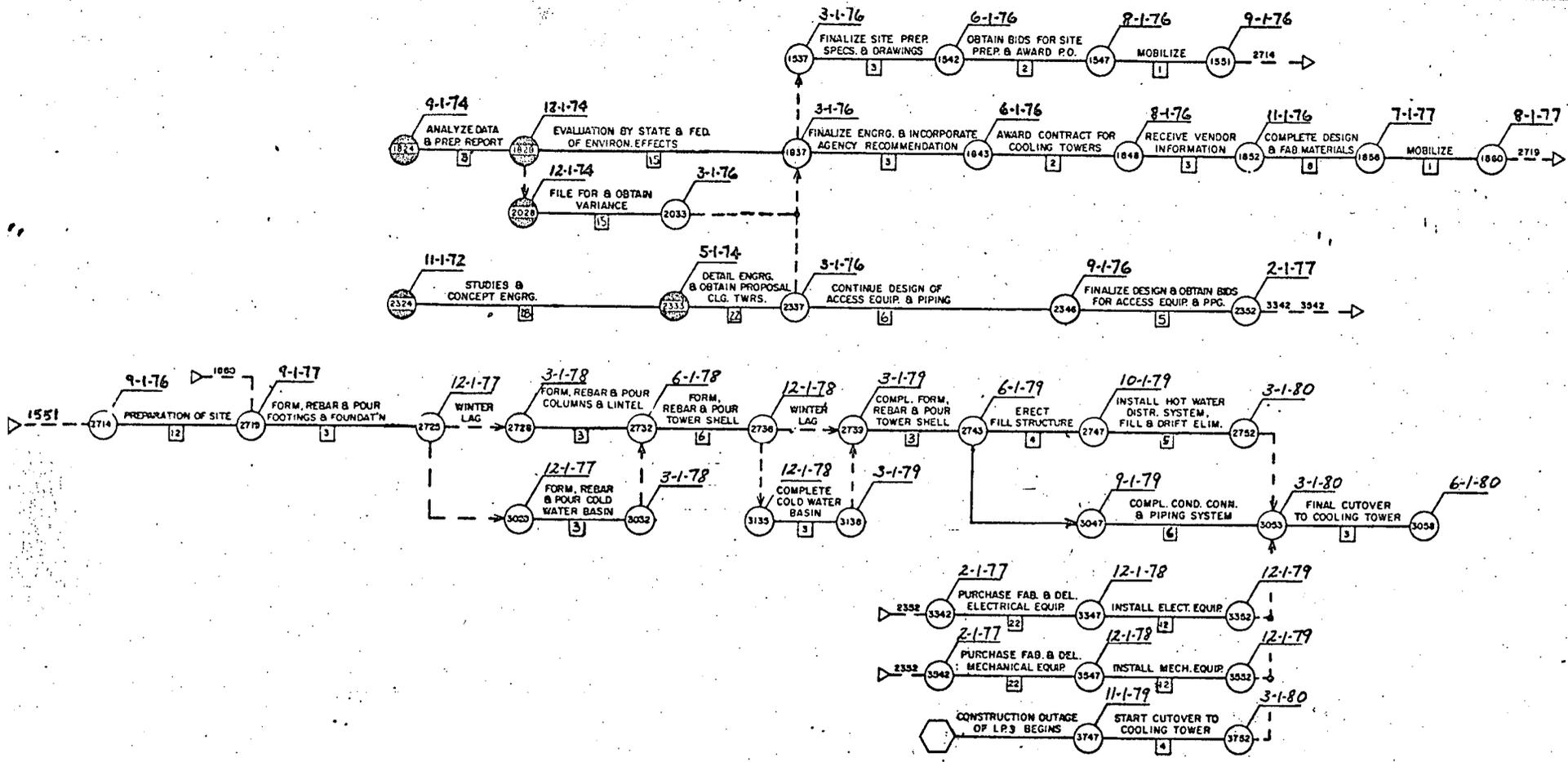
September 19, 1975 - Oral argument in Supreme Court of Westchester County.

September 23, 1975 - HRFA filed reply brief.

September 26, 1975 - Con Edison filed reply brief.

November 14, 1975 - Decision of the Supreme Court of the State of New York, Westchester County, in favor of Con Edison. The Village of Buchanan has right to appeal.

Attachment B



" NRC LICENSING SCHEDULE "
 WITH APPROVALS DELAYED
 TO 3-1-76