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Eugenia M. Pleasant
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March 15, 1977

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



Re: Indian Point Station, Unit No. 2
Dkt. No. 50-247, OL No. DPR-26
(Elimination of Cooling System
License Condition)

Dear Mr. Rusche:

As holder of Facility Operating License No. DPR-26, we hereby transmit three (3) signed originals and nineteen (19) copies of an Application to Vacate License Condition. Forty-one (41) copies of an Environmental Report and an additional forty-one (41) copies of our final research report entitled "Influence of Indian Point Unit 2 and Other Steam Electric Generating Plants on the Hudson River Estuary, with Emphasis on Striped Bass and Other Fish Populations", are being transmitted under separate cover. The latter report was provided to the Commission on February 18, 1977. We also transmit one (1) original and twenty (20) conformed copies of an Affidavit in support of certain of the relief requested in this Application.

This Application seeks, as principal relief, the removal of certain provisions of License DPR-26 concerning the termination of operation with the installed once-through cooling system at Indian Point Station, Unit No. 2. The effect of this principal relief would be to permit operation with the present cooling system for the remainder of the term of the License.

The principal relief requested is fully in accord with the dictates of the National Environmental Policy Act of 1969, and with the terms of License DPR-26. The License reflected a provisional decision that closed-cycle cooling

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was required at Indian Point 2, subject to the right of Con Edison to complete its Ecological Study Program and obtain review thereof. The Indian Point 2 Program has been completed and the major results have been provided to the Commission in periodic reports and in the final report transmitted last month. That report demonstrates plainly that the impact of continued operation of Indian Point 2 with once-through cooling will not have a significant or irreversible impact on the biota of the Hudson River, for whose protection the closed-cycle cooling condition was designed. As shown in the Environmental Report, any damage to the riverine ecology and related fisheries will be very small both in environmental terms and in monetary terms. In contrast, the costs of installation of a cooling tower at Indian Point are by any standard enormous. The benefit-cost balance required by NEPA compels a conclusion that, regardless of whether closed-cycle cooling was properly required as a provisional matter at the time License DPR-26 was issued, it cannot now be justified. Accordingly, the requirement that operation with the installed once-through cooling system cease as of May 1, 1980 or any other date prior to the expiration of the License should be vacated.

As ancillary relief, we are asking the Commission to enlarge the period of interim operation to permit conclusion of the necessary environmental review of this application (including any judicial review that may be sought) before we must go ahead with investment in a cooling tower, if the construction of such a facility is required. We believe that the Staff can, with your encouragement and direction, produce an Environmental Statement at an early date so that this contingency may be avoided. We had hoped to achieve the same result by our Application for an extension of the interim operation period to May 1, 1981. The Staff, however, did not prepare an Environmental Statement (and the requisite benefit-cost analysis) with respect to that Application within a period we thought at first would be sufficient. Accordingly, the May 1, 1981 date now appears to be inadequate for its intended purpose. As you may be aware, the Staff's witnesses at a recent hearing were unable to say how long a period might be required for review of the application for principal relief. If the review is given the priority it merits, we submit that the extension requested by the ancillary relief would be quite

modest. Obviously an expedited review, so long as it is complete, cannot prejudice the rights of any party. Con Edison and its consultants will cooperate with the Commission and its Staff in every possible way in the review of this Application.

We strongly believe that the public interest requires the action we are proposing, and trust that the Commission will recognize that it would be unwise to undertake expenditures of the size here involved in the face of overwhelming evidence of the lack of necessity for such expenditures.

The application for ancillary relief does not replace any pending application or proceeding which might change the present license date for termination of operation of the once-through cooling system. The grant of the ancillary relief would, of course, supersede the pending proceedings.

Very truly yours,



William J. Cahill, Jr.
Vice President

Enclosures