

William J. Cahill, Jr.  
Vice President

REGULATORY DOCKET FILE COPY

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*action*

Consolidated Edison Company of New York, Inc.  
4 Irving Place, New York, N Y 10003  
Telephone (212) 460-3819

*Knighlton*  
*Geckler*

October 18, 1977

*ACTION*

Mr. Harold R. Denton, Director  
Division of Site Safety and  
Environmental Analysis  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555



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

Dear Sir:

This is in reply to your letter dated September 22, 1977, which said the NRC Staff expects to combine its review of Con Edison's application of March 15, 1977 to vacate the license condition requiring termination of operation of the once-through cooling system with its review of a similar application the Power Authority of the State of New York (PASNY) intends to file with respect to Indian Point 3 no later than January 1, 1979. Your letter also said that the Staff intended to take no further action with respect to the "Ancillary Relief" Con Edison requested on March 15, 1977.

Con Edison, to the extent hereinafter indicated, has no objection in principle to the Staff's consideration of Con Edison's application in conjunction with PASNY's. However, we consider the refusal to grant the Ancillary Relief incompatible with the proposed joint review of these applications. Because of the additional time it will take to consolidate the Con Edison application with the PASNY application not yet filed, the Ancillary Relief is an essential condition to this consolidated review.

The effect of Amendment No. 32 to License DPR-26, which extended the date for termination of operation of the once-through cooling system to May 1, 1982, is to defer the date required for commencement of the cooling tower construction program from December 1, 1975 to December 1, 1978. Accordingly, Con Edison must receive a final determination on the Principal Relief prior to December 1, 1978 or it will face the substantial

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problems and risks described in the application for Ancillary Relief.

Your letter notes that PASNY intends to file its application to vacate the license condition "no later than January 1, 1979." Even if this date were substantially accelerated, it would nevertheless be necessary for PASNY to file an environmental report and a cost-benefit analysis for review by the NRC Staff. The record shows that it is inconceivable that final determinations with respect to both Indian Point 2 and 3 can be achieved prior to December 1, 1978. Con Edison therefore must insist that the Staff continue its review and grant the Ancillary Relief; otherwise Con Edison strongly objects to the delay in the processing of its application for the Principal Relief which would result from the proposed joint review with PASNY's application. In this connection, we call to your attention Chairman Samuel W. Jensch's letter of September 29, 1977 (copy enclosed) calling for the schedule for the preparation of the Final Environmental Statement on Con Edison's application as required by the Atomic Safety and Licensing Board Initial Decision of June 17, 1977.

Very truly yours,



William J. Cahill, Jr.  
Vice President

Enc.

cc: Stephen H. Lewis, Esq.  
Sarah Chasis, Esq.  
Jeffrey C. Cohen, Esq.  
Peter H. Schiff, Esq.  
Paul S. Shemin, Esq.  
Carl R. D'Alvia, Esq.  
Hon. George V. Begany