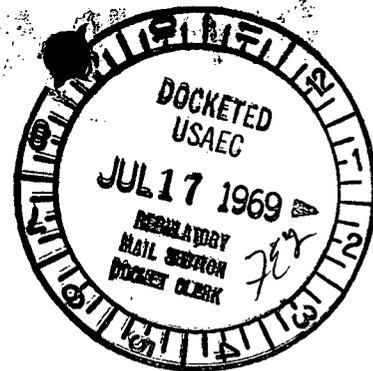


Thomas C. Durcan
Senior Vice President

Consolidated Edison Company of New York, Inc.
4 Irving Place, New York, N Y 10003
Telephone (212) 460-2063



July 2, 1969

Re Consolidated Edison Company
of New York, Inc
Docket No 50-286

Regulatory

File Cy.



Dr Peter A Morris, Director
Division of Reactor Licensing
U S Atomic Energy Commission
Washington, D C 20545

Dear Dr Morris

By letter dated July 23, 1968, Con Edison requested an exemption from the provisions of 10 CFR 50.10 (b) in order to perform certain work on the Containment Building for the Indian Point Unit No 3 facility in advance of a construction permit. The purpose of this request was to maintain the construction schedule for this unit and assure its completion in time to meet the electric power requirements of Con Edison's system and of the state and region in which the system is located during the Summer of 1972. It was then estimated that the work for which exemption was requested could be completed by March 15, 1969.

By letter dated November 15, 1968, the AEC granted this request, and the authorized work is now essentially complete.

When we submitted our request for the first exemption, it was our expectation that a construction permit would be issued by March 1969. It thereafter became clear that, even under the most favorable circumstances, the permit would not be issued until April 1969. Therefore, by letter dated February 25, 1969, Con Edison requested permission to perform certain additional work beyond that previously authorized, specifically, erection of the containment wall liner rings 2 through 6, installation of the base concrete mat from elevation 43 feet to 46 feet over the bottom liner plates; and construction of the Primary Auxiliary Building foundations partially up to elevation 55. This letter pointed out that all work authorized by the first exemption would be finished by Mid-April 1969, and that a second exemption was required, "in view of the urgent public need for Unit No 3 to be completed on schedule."

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A PDR

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To date the Commission has not acted on the February 25, 1969 request. As a result, all further work in the nuclear area has had to stop.

On May 15, 1969 the public hearings on the construction permit were concluded, and the matter is awaiting decision. This further passage of time has made an already serious construction situation a critical one. It is already clear that Unit No 3 will not be operational in time to assist in meeting our electric power requirements during 1972 and it is possible that with any further unforeseen delay Unit No 3 may not be available to meet our power requirements during the Summer of 1973.

Accordingly, we deem it necessary, in the interest of our consumers, and in the public interest, that, pursuant to 10 CFR 50.12, we request an exemption from the provisions of 10 CFR 50.10 (b) in order to permit proceeding with the work on Unit No 3 hereafter described and more fully shown on the drawings hereafter referred to. This request, which includes certain work referred to in our second exemption request of February 25, 1969 and certain additional work, is, in effect, a supplement to this request. We have had to include the additional work in view of the further slippage in construction schedule occasioned by the lack of approval of the second request.

The work for which exemption is sought is as follows:

1. Erection of containment liner rings 2 through 6 (attached ✓ Drawing No 9321-C-15393-0).
2. Installation of base concrete mat from elevation 43 feet x to 46 feet over the bottom liner plates (attached Drawing No 9321-C-15393-0).
3. Installation of service water piping between service water valve pit and the base of the Primary Auxiliary Building (attached Drawing Nos 9321-F-20973, 9321-F-22363-2, 9321-F-27003-4 and 9321-F-21073-3) ✓.
4. Construction of the foundations of the Primary Auxiliary Building to elevation 41.00 feet (attached Drawing No 9321-H-15413-0).
5. Construction of the foundations of the Fuel Storage Building to elevation 54.07 feet (attached Drawing No 9321-C-15383-0).
6. Construction of the Waste Tank Pit to elevation 54 feet (attached Drawing No 9321-C-15403-0).

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Liner plate installation has ceased since April 1969. The specialized crafts required for the liner erection are still available but are in the process of becoming less and less so since the other work presently available to them at the site is relatively minor. It will be difficult and time-consuming to remobilize these craftsmen if the liner installation is not resumed immediately. This is a particularly serious matter because other work cannot proceed until at least some of the further liner plate work is complete. Specifically, vapor containment liner ring 2 must be installed and tested before the base slab reinforcing work and the concrete from elevation 43 feet to 46 feet can be installed. To delay this work will postpone the hiring of crafts that will be in increasingly short supply as other projects in this region are advanced.

Service water piping, which is placed underground, must be installed early in the construction sequence to prevent disruption of orderly construction progress with consequent delays and increased costs. This did in fact occur with the service water piping installation on Unit No 2.

In order to take advantage of the construction season in the next few months and reduce existing schedule slippage, we believe that work on the foundations of the Primary Auxiliary Building and Fuel Storage Building and the Waste Tank Pit be started as soon as possible. This will permit the foundations to be completed more quickly than they can be during the winter months, and their completion will permit start on structural and mechanical work promptly upon receipt of the construction permit and with less adverse impact by winter construction.

We have analyzed our request in light of the Commission's proposed amendment to 10 CFR 50.12 as published on February 19, 1969 (34 F.R. 2357). We believe the information supplied herein and in our letters of July 12, 1968 and February 25, 1969 provides an adequate basis for the Commission to determine that the requested exemption is justified as necessary in order to enable Con Edison to satisfy a public need for the energy to be produced by Unit No 3 on a timely basis. As you know, a favorable report on this project has been submitted by the Advisory Committee on Reactor Safeguards and the Director of Regulation has proposed the issuance of a provisional construction permit.

The Commission's proposed regulation refers to the "installation of the foundations and those portions of the internal and external walls of a power reactor structure that are below finished grade level". In our view, the construction we request permission to perform falls within the purview of the phrase "foundations and those portions of the internal and external walls of a power reactor structure". We note that the construction listed in item 3 through item 6 above is entirely "below finished grade level" under any interpretation of that term. The other construction would be carried out to levels at the median finished grade of the structure. These matters are described in the attached

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drawings. Although we believe that there is a clear justification for authorizing Con Edison to proceed with all of the work for which an exemption is requested, we request that the Commission determine the permissibility of proceeding with each of these items separately.

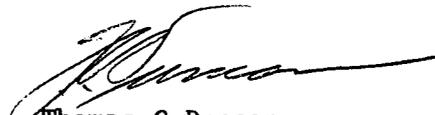
In support of the overall reasonableness of our exemption request, we point out that the Advisory Committee on Reactor Safeguards and the AEC staff have completed their review of the application for a construction permit and have concluded that a provisional construction permit for Unit No 3 may be issued without creating undue risk to the health and safety of the public. The estimated cost of the work for which exemption is requested is \$990,000 and the work should be completed by September 1, 1969. The financial risk assumed by Con Edison in undertaking the work in the absence of a permit is relatively insignificant when weighed against the adverse consequences which will surely result from the delays to the project if the work is not allowed to proceed and a construction permit is hereafter issued.

We would like to point out that precedent for such a grant is the exemption received by Commonwealth Edison Company to construct Auxiliary Building cell walls and slabs at its Zion Station. (Docket Nos 50-295 and 50-304).

Con Edison, is of course, fully aware that neither a construction permit nor an operating license can be granted for this facility unless and until all AEC licensing requirements have been satisfied. We similarly recognize that approval of the exemption herein sought will have no effect on the granting or denying a construction permit and that any work performed pursuant to the exemption would be entirely Con Edison's risk. Nevertheless, in view of our confidence in the safety and soundness of our proposed project, and in view of the urgent public need for Unit No 3 to be completed as soon as possible, we are prepared to take this risk.

Accordingly, we request that an exemption be granted promptly to permit all the work described herein to proceed without further delay. We shall, of course, be glad to discuss with your staff any questions the Commission may have.

Very truly yours



Thomas C Duncan

attach

FROM: Consolidated Edison Co.
New York City, NY.
Thomas C. Duncan

TO: Morris

DATE OF DOCUMENT: 7-2-69	DATE RECEIVED 7-11-69	NO.: 2200
LTR. X	MEMO:	REPORT: OTHER:
ORIG.: 1	CC: 5	OTHER:
ACTION NECESSARY <input type="checkbox"/>	CONCURRENCE <input type="checkbox"/>	DATE ANSWERED:
NO ACTION NECESSARY <input type="checkbox"/>	COMMENT <input type="checkbox"/>	BY:

CLASSIF:	POST OFFICE	FILE CODE:
II	REG. NO:	50-286

DESCRIPTION: (Must Be Unclassified)
Ltr req exemption fm prov of 10 CFR 50-10
(b) to perform certain work before issuance of
const permit...Re: Con Ed ltrs dtd 7-23-68
& 2-25-69...& our ltr dtd 11-15-11-15-68
and trans:

ENCLOSURES:
8 ~~sets~~ sets of drawings
Drawings..9321-F-22363-2.....9321-F-21073-4
..9321-F-27003-4.....9321-F-20973.....
..9321-C-15393-0.....9321-C-15383-0...
..9321-H-15413-0.....9321-C-15403-0.....

REFERRED TO	DATE	RECEIVED BY	DATE
Muller	7-17-69		
W/1 cy of ltr & 1 set of drawings			

DISTRIBUTION:
 - Reg file cy W/dwings
 AEC PDR w/dwings
 Compliance ~~with~~ w/ 1 set of drawings
 OGC W/O drawings
 H. Price & Staff W/O drawings
 Morris/Schroeder W/O drawings
 Boyd With drawings
 N. Dube W/O drawings

REMARKS:
(3) cys of ltr & 1 set set dwgs holding
for AERS.....
NOTE: Dwging mentioned in item 2 of
ltr not rec'd

ACKNOWLEDGED
Do Not Remove
 NOTE- Delay in processing...waiting for addtl drawings
 FEL