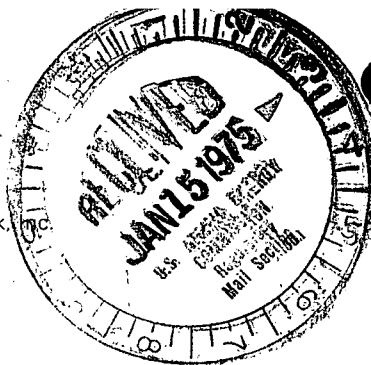


William J. Cahill, Jr.
Vice President

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

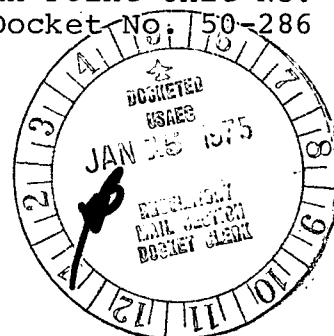


Regulatory Docket File

January 13, 1975

Re Indian Point Unit No. 3
AEC Docket No. 50-286

Mr. D. B. Vassallo, Chief
Light Water Reactors
Project Branch 1-1
Directorate of Licensing
U. S. Atomic Energy Commission
Washington, D. C. 20545



Dear Mr. Vassallo

Your December 10, 1974 letter referred to the guidance on operations phase quality assurance activities contained in WASH-1284, "Guidance on Quality Assurance Requirements During Operations Phase of Nuclear Power Plants," WASH-1309, "Guidance on Quality Assurance Requirements During the Construction Phase of Nuclear Power Plants" and WASH-1283, "Guidance on Quality Assurance Requirements During Design and Procurement of Nuclear Power Plants - Revision 1".

Your letter sought "a commitment in [our] docketed QA Program to follow the guidance in these WASH documents where appropriate," and asked that we indicate any exceptions to the "provisions contained therein" and describe our alternative approach.

We are puzzled by this request, as we have already - and quite recently - received Regulatory Staff approval of the Indian Point Unit No. 3 QA Program. Thus, in the Staff's Safety Evaluation Report issued on September 21, 1973, it was determined that our program "complies with the requirements of Appendix B to 10CFR Part 50 and is acceptable for the operational phase of the facility." SSE p. 17-5. The discussions and work that led to that finding were extensive, both on our part and on the part of the Regulatory Staff. Accordingly, we believe that the added commitment you have requested is essentially superfluous. Moreover, such a commitment would only lead to confusion, particularly in the context of inspections by the Directorate of Regulatory Operations, which would, we expect, treat the cited WASH documents as if they were binding regulations or license provisions. To apply the terms of the documents to our plants in addition to our present Commission-approved QA Program would needlessly complicate the inspectors' tasks, as well as our own. In an area as critical as Quality Assurance, we feel that clarity of obligations is an important step toward achieving the high degree of safety for which we strive.

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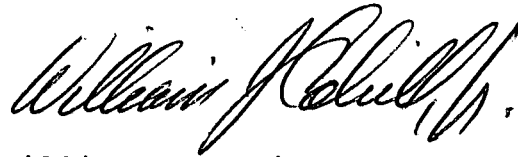
Mr. D. B. Vassallo
Atomic Energy Commission

-2-

January 13, 1975

We would add one other point with respect to these WASH documents. By seeking a "commitment" to follow such publications, the Commission is in effect promulgating regulations without observing the procedural steps required by law. This development has been most pronounced in the context of the Regulatory Guides, but it is disquieting to see the process of "creeping regulation" advanced still further by requests for "commitments" (even with the "where appropriate" qualifier) to abide by WASH documents which purport to be only "guidance". We are concerned about this development, and would appreciate any comments you may have in this regard.

Very truly yours



William J. Cahill, Jr.
Vice President

mk

FOSTER ASSOCIATES, INC.

1101 SEVENTEENTH STREET, N.W., WASHINGTON, D.C., 20036. TEL. 296-2360

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WASHINGTON

DEC 10 1974

Mr. Donald J. Skovholt
Assistant Director for Quality Assurance
and Operations
Directorate of Licensing
U. S. Atomic Energy Commission
Washington, D. C. 20545

50-3
50-247
50-286

Dear Mr. Skovholt:

Attached is our review of the financial qualifications of Consolidated Edison Company of New York with respect to their operation of Indian Point Units 1 and 2 and their completion of construction and operation of Indian Point Unit 3.

We appreciate the opportunity to have worked with the AEC on this matter and hope we may be of service in the future.

Sincerely,

Tim Jackson
Tim Jackson

Enclosure:
As stated

