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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
CONSOLIDATED EDISON COMPANY) Docket No. 50-286
OF NEW YORK, INC.)
(Indian Point Station,)
Unit No. 3))

MOTION TO EXTEND COMPLETION DATE

By Order dated February 28, 1975, the Commission extended the latest completion date for the construction of the Indian Point Unit No. 3 facility to July 1, 1975, 40 Fed. Reg. 10718 (1975). On May 30, 1975, Consolidated Edison Company of New York, Inc. ("Con Edison") as holder of Provisional Construction Permit No. CPPR-62, applied for a further extension of the current date for completion of construction until August 15, 1975. On July 15, 1975, Con Edison filed another Motion to Extend Completion Date until November 15, 1975. To date, no action has been taken on that latter Motion. It appearing that an operating license may not be issued prior to November 15, 1975, Con Edison moves for a further extension of the designated completion date under the construction permit until February 15, 1976.

On April 8, 1975, the Atomic Safety and Licensing Board entered an Order Authorizing Issuance of a Limited Operating License and on June 12, 1975, the same Board entered a "Memorandum and Order Approving Stipulation for Settlement Proposed by Parties and Decision Respecting

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Concerns Related to the Authorization of a Full-Term, Full-Power Operating License". That decision was affirmed with modifications by the Atomic Safety and Licensing Appeal Board in its September 3, 1975 Decision.

No license has yet been issued pursuant to the orders of April 8 and June 12, 1975. If an operating license is issued prior to November 15, 1975, then this motion will be rendered moot and is to be deemed withdrawn.

At present, plant construction is more than 99% complete. Hot functional and containment integrated leak testing have been completed. Work remaining to be performed prior to fuel loading includes:

Completion of calibration of nuclear instrumentation (in progress).

Completion of required pre-operational tests (in progress).

Final cleaning of the steam generators and reactor coolant piping (in progress following recently completed cladding inspection).

This work is scheduled to be completed in November 1975. However, the exact time required to complete these items is dependent on several contingencies related to the remaining pre-operational tests, which could cause this present schedule to be extended. For these reasons, it is considered prudent to request a further extension of the completion date in the Construction Permit.

The re-negotiation of labor contracts has been satisfactorily completed with minor exceptions, and all major construction trades resumed work on the site by September 1, 1975.

The steam generator cladding evaluation program was completed and a report was submitted to the Commission on September 19, 1975, with a supplementary appendix submitted on October 7, 1975.

Fuel has been received by Con Edison from Westinghouse Nuclear Fuel Division, the fuel supplier, and stored at the plant pursuant to Special Nuclear Material License No. SNM-1502 issued by the then Atomic Energy Commission on November 29, 1974.

Commission action on this Motion to Extend Completion Date will have no environmental consequences, and does not involve any significant hazards consideration.

WHEREFORE, Con Edison respectfully moves that the latest completion date in Provisional Construction Permit No. CPPR-62 be extended to February 15, 1976.

CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.

By

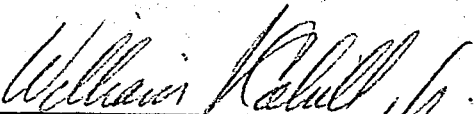


William J. Cahill, Jr.
Vice President

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)

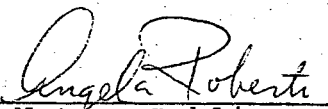
William J. Cahill, Jr., being duly sworn, says:

I am a Vice President of the Consolidated Edison Company of New York, Inc. The facts stated in the foregoing Motion to Extend Completion Date are true to the best of my knowledge, information, and belief.

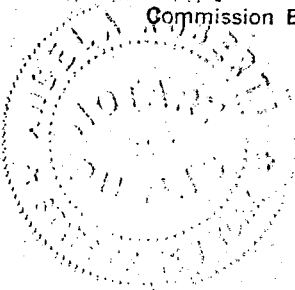


William J. Cahill, Jr.

Sworn to before me on
October 15th, 1975.



Notary Public
ANGELA ROBERTI
Notary Public, State of New York
No. 03-8593813
Qualified in Bronx County
Commission Expires March 30, 1976



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NUCLEAR REGULATORY COMMISSION

In the Matter of)
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CONSOLIDATED EDISON COMPANY) Docket No. 50-286
OF NEW YORK, INC.)
(Indian Point Station,)
Unit No. 3))

CERTIFICATE OF SERVICE

I hereby certify that I have this 15th day of
October, 1975, served the foregoing document entitled
"Motion to Extend Completion Date" by mailing copies
thereof, first class postage prepaid, and properly addressed
to the following persons:

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Eugene R. Fidell

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Attorneys for Consolidated Edison
Company of New York, Inc.

yellow

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION 10/8/75

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.)

- (Indian Point, Unit No. 1))
- (Indian Point, Unit No. 2))
- (Indian Point, Unit No. 3))

- Docket No. 50-3
- Docket No. 50-247
- Docket No. 50-286

NRC STAFF RESPONSE TO NYSAEC MOTION FOR STAY OF
CONSIDERATION OF CITIZEN'S COMMITTEE FOR PROTECTION OF
THE ENVIRONMENT'S CONTENTION III

On September 29, 1975, the New York State Atomic Energy Council (NYSAEC) filed a Motion to Stay Consideration of Citizen's Committee for Protection of the Environment's Contention III (Motion). In support of said Motion, the NYSAEC alleged that it is necessary for the NYSAEC to review the nature of the geologic and seismic information developed to date in the Applicant's mapping and seismic monitoring program to determine the appropriateness of admitting the Citizen's Committee for the Protection of the Environment's (CCPE) Contention III.

The NRC Staff opposes the NYSAEC Motion. We believe, since the CCPE contention is premised upon the April, 1974, report of the New York State Geological Survey (Tr. 36), that sufficient time has elapsed for the NYSAEC to formulate its position. Moreover, in view of the fact that the Applicant's micro-seismic program, which was established

by agreement by the Applicant, the NYSAEC and the NRC Staff, has been in operation for only a short period of time, we are unable to determine what purpose a review of the limited data will serve in assisting the formulation of the NYSAEC position. In any event, should the micro-seismic monitoring program produce results after it has been in progress for a sufficient period of time, the NYSAEC may seek further action by means of 10 CFR §2.206.

Respectfully submitted,

Frederic S. Gray

Frederic S. Gray
Acting Assistant Chief
Hearing Counsel

Dated at Bethesda, Maryland
this 8th day of October, 1975.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.

(Indian Point, Unit No. 1)
(Indian Point, Unit No. 2)
(Indian Point, Unit No. 3)

Docket No. 50-3
Docket No. 50-247
Docket No. 50-286

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO NYSACE MOTION FOR STAY OF CONSIDERATION OF CITIZEN'S COMMITTEE FOR PROTECTION OF THE ENVIRONMENT'S CONTENTION III", in the above-captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 8th day of October, 1975:

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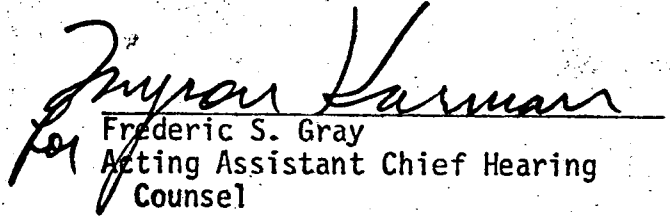
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Re: Consolidated Edison Company of New York, Inc.
Indian Point Unit Nos. 1-3 (Seismic)
Docket Nos. 50-3, 50-247 and 50-286

Gentlemen:

Reference is made to the Appeal Board's letter, dated September 29, 1975, regarding the identification of issues to be heard in the forthcoming evidentiary hearing on seismic matters related to the above-referenced facilities.

In the Appeal Board's letter, the Appeal Board concluded that the first issue could best be identified as follows:

Do the determinations of the applicant and staff as to the maximum ground accelerations at the Indian Point site properly consider the Cape Ann earthquake and other historic events? If not, should the ground acceleration values for Indian Point Units 1, 2, & 3 be modified?

The NRC Staff respectfully suggests that the Appeal Board's characterization of the issue far expands the issue beyond that which was presented to the Commission by the New York State Atomic Energy Council (NYSAEC). While the issue as framed by the Appeal Board is similar in language to

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issue no. 1 as set forth by the NYSAC in its Request for an Order Directing a Hearing to Inquire into Staff and Applicant Compliance with Certain Specific Regulations filed with the Commission, it should be noted that the NYSAC's issue presented to the Commission was supported by very specific bases, i.e. Tr. 389-429 of the Indian Point Unit 3 evidentiary hearing before the Atomic Safety and Licensing Board and the affidavit of Dr. James F. Davis, dated April 19, 1975. The central issue, both before the Atomic Safety and Licensing Board and in the Davis affidavit, is the Cape Ann earthquake of 1755 and the proper utilization of this earthquake in the formulation of the Safe Shutdown Earthquake for the Indian Point site in accordance with 10 CFR Part 100, Appendix A. The issue is not whether the Staff or Applicant have analyzed the Cape Ann earthquake a particular way in the past nor whether there are other earthquakes which require consideration but rather what is the proper method of accounting for the Cape Ann earthquake. We believe that the Commission, in directing that a hearing be held, felt the necessity for a reexamination of the geological and seismological bases for the inclusion or exclusion of the Cape Ann earthquake from the Appendix A analysis for the Indian Point site. We do not believe the Commission intended that a hearing be held to permit intervenors to dissect analyses performed by the Applicant and the Staff some time ago but rather to permit the scientific inquiry specifically suggested by the NYSAC in an adjudicatory forum. It is in this vein that the NRC Staff suggested its issue no. 1 in its Statement of Issues.

We further believe the Appeal Board's characterization of the issue requires a more expansive evidentiary presentation than was intended either by the Commission or the NYSAC. It must be noted that the Citizens Committee for the Protection of the Environment (CCPE) believes the NYSAC issue no. 1 could encompass a determination as to the proper intensity of the Cape Ann earthquake of 1755 (which intensity was never challenged in the various pleadings before the Commission nor in the parties' statements of issues before the Appeal Board) as well as an issue as to whether the Safe Shutdown Earthquake is limited to earthquakes of historical record. (see Tr. 105). Therefore, we believe that the issue must be more narrowly drawn so as to enable the parties to know precisely what must be litigated and to prevent the injection of extraneous issues into this proceeding.

Finally, by the Appeal Board's interpretation of issue no. 1, it will be far more difficult for the United States Geological Survey (USGS) to assess the amount of work, and the time required for such work, to adequately address the issue. Consequently, assuming the

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Appeal Board agrees as to the necessity of USGS participation in this proceeding, (see Tr. 96) the Appeal Board's statement that the characterized issue "could be heard in the relatively near future" may be in error.

With respect to CCPE issue no. III, as to the capability of the Ramapo Fault, we believe that there presently is no stated bases to support the admission of this issue into this proceeding. In addition to the arguments advanced at the September 25, 1975, prehearing conference, one must first recall that the NRC Staff, in its Geologic and Seismic Evaluation of the Indian Point Site, concluded that the Ramapo Fault is not capable. In so concluding, the NRC Staff applied the criteria of 10 CFR Part 100, Appendix A, namely:

(1) Movement at or near the ground surface at least once within the past 35,000 years or movement of a recurring nature within the past 500,000 years.

(2) Macro-seismicity instrumentally determined with records of sufficient precision to demonstrate a direct relationship with the fault.

(3) A structural relationship to a capable fault according to characteristics (1) or (2) of this paragraph such that movement on one could be reasonably expected to be accompanied by movement on the other.

Before the Appeal Board, CCPE relies upon the April, 1974, report prepared by the New York State Geological Survey as the basis for the admission of the "Ramapo Fault" issue. However, upon examination of that report, the arguments expressed therein do not address the criteria of Appendix A. While the report does evidence a scientific disagreement, the report does not address recent movement at or near the ground surface during the time periods specified in the criteria nor does the report address macro-seismicity instrumentally determined with records of sufficient precision to demonstrate a direct relationship with the fault. The NYSAEC, on the other hand, continues to argue that the capability of the Ramapo Fault is an open question (Tr. 50) and that the consideration of this issue is not ripe for adjudication until information is obtained from the micro-seismic network. While the NRC Staff wholeheartedly endorses

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the ongoing studies, we are at a loss, as apparently was the Appeal Board (Tr. 71-72), as to how this information will be developed to supply the bases for the admissibility of the issue. In short, inasmuch as neither CCPE nor the NYSAEC has provided a basis for inclusion of the Ramapo Fault issue into the issues to be heard in this proceeding, it is the NRC Staff's position that the issue should be excluded.

In conclusion, the NRC Staff believes the issues should be framed as set forth in the NRC Staff's Statement of Issues, dated September 22, 1975.

Sincerely,

Frederic S. Gray, Acting
Assistant Chief Hearing
Counsel

cc: Samuel W. Jensch, Esq.
Dr. Franklin C. Daiber
Mr. R. B. Briggs
Harry H. Voigt, Esq.
Anthony Z. Roisman, Esq.
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