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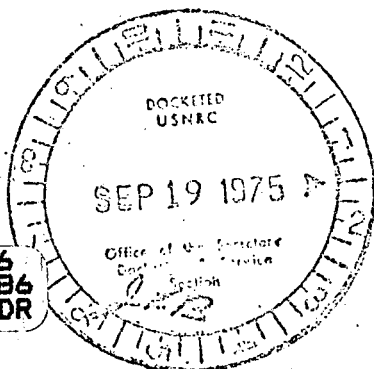
Dr. John H. Buck
Member, Atomic Safety and
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U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Re: Consolidated Edison Company of New York, Inc.
(Indian Point Station, Unit No. 3)
Docket No. 50-226

Gentlemen:

Yesterday I received a copy of Mr. Gallo's letter of September 12 to you requesting an extension of time within which to file a petition for reconsideration of your decision in ALAB-287. This morning I received a copy of Chairman Rosenthal's order of September 15 granting an extension of time until September 29.

Mr. Gallo's letter of September 12 includes the statement that: "Until we finalize our position on this matter, it is our view that the stipulation is not yet



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final and binding on the NRC Staff." Consolidated Edison cannot agree with the position asserted by the Regulatory Staff. The Staff committed itself to the stipulation when Mr. Gallo executed it. That commitment was, of course, subject to the provision in the stipulation requiring approval by the Atomic Safety and Licensing Board and the Appeal Board. Since both the Licensing Board and the Appeal Board have approved the stipulation, we submit that the Staff was bound by the stipulation from the time that it was signed and remains so bound.

In view of the position stated by Mr. Gallo in his September 12 letter, the consent previously given to the Staff's request for an extension of time is hereby withdrawn. We urge the Appeal Board to require the Staff to take a final position concerning the stipulation on or before September 29, as currently provided by Chairman Rosenthal's September 15 order.

Very truly yours,

Harry H. Vargo

cc: Nicholas A. Robinson, Esq.
Paul S. Shemin, Esq.
Ms. Sarah Chasis
Carmine J. Clemente, Esq.
Atomic Safety and Licensing Board Panel
Secretary, USNRC
Attn: Docketing and Service Section ✓