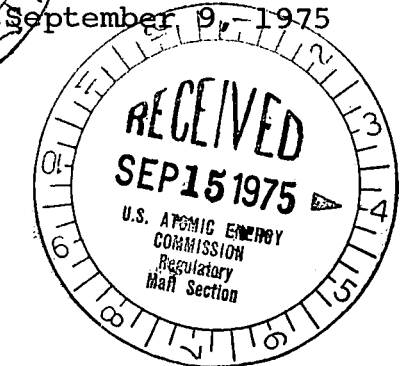
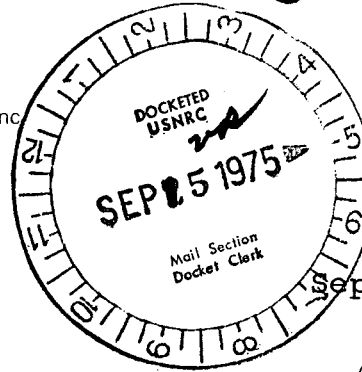


John R. Jannarone  
Vice President

Regulatory Docket File

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Telephone (212) 460-4940



Mr. George W. Knighton  
Chief, Environmental Projects Branch #1  
Directorate of Licensing  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

RE: Docket No. 50-286

Dear Mr. Knighton:

Con Edison has reviewed the "Summary of A Meeting held on July 25, 1975 to discuss the Ecological Study Program", which was prepared by Dr. Mary Jane Oestmann and forwarded to Con Edison by the Directorate of Licensing on July 30, 1975. We believe that clarification of several points in Dr. Oestmann's "Summary" is desirable.

The Summary states that the (study) "program started in April 1972, but will now taper off by 1977." This point should be clarified in that Con Edison indicated that the program was scheduled to be completed by 1977, but would now have to be continued with a considerable amount of repetition of work previously accomplished in order to comply with the requirements of the proposed Environmental Technical Specifications (ETS) for Indian Point Units 1, 2 and 3.

The "Summary" goes on to state in the first paragraph that "Con Ed's concern dealt with the reasonableness of the present program and that to be carried out during the next year when Unit No. 3 will be in operation." Con Edison stated its concern was the reasonableness of requiring us to expand the ecological study program beyond the current high level of effort. A key element of this concern was that the proposed ETS could increase the annual study costs by as much as \$3 million. Furthermore, this increased annual level of expenditure would be required for two more years, rather than for one year, as Dr. Oestmann suggested in her summary.

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We did not express any concern with the reasonableness of the present ecological study program.

Relative to the Summary statement that several ETS discussions were held this Spring, it should be pointed out that Con Edison initiated conversations with the AEC (now NRC) on the format of the ETS for Indian Point 1, 2 & 3 in the Fall of 1973. At that time it was informally pointed out to us that sufficient time was not available to make substantive changes in the format of the ETS for Indian Point 1, 2 and 3 relative to the format of the ETS for Indian Point 1 and 2. Additionally, during the "Spring of 1975" meetings referred to, Con Edison representatives sought in many instances to be relieved of the requirements to perform studies considered to be repetitive of previous investigations, as well as to be relieved of expanded study requirements and of excessively restrictive administrative controls.

During the meeting, Mr. Giambusso asked Con Edison if it had found the proposed ETS for Indian Point 1, 2 & 3 to contain more study requirements than had been set forth in the Final Environmental Statement for Indian Point 3. Con Edison responded that it had not regarded the FES as representing a technical specification, but that it had made a detailed comparison of the requirements in the ETS for Indian Point 1 and 2 and the draft ETS for Indian Point 1, 2 and 3 and had found substantial additional requirements in the latter.

Mr. Giambusso questioned Dr. Oestmann on the same point, and she replied that it was possible that the ETS for Indian Point 1, 2 & 3 required more studies than had been recommended in the FES. She added that she would have to reexamine both documents to be sure. Dr. Oestmann acknowledged in the "summary" that Con Edison "did identify the requirements on obtaining ecological data on other species such as white perch where, in the past, the emphasis was on striped bass." Con Edison wishes to emphasize that the proposed ETS for Indian Point 1, 2 and 3 requires comprehensive studies of all species of fish collected, whereas in the past, emphasis had been placed on striped bass and white perch.

The "Summary" stated at the end of the third paragraph:  
"... of concern to Con Edison was also the ETS requirement of administrative controls for review and prior approval by NRR of changes or termination of the ecological programs."

Con Edison stated that it does wish to terminate elements of the study program as they are completed. However, of greater concern to Con Edison were the unduly strict administrative controls on laboratory procedures and data analyses. An example which was taken from the proposed ETS for Indian Point 1, 2 and 3 reads as follows: "Changes in sampling locations, frequency and methodology, laboratory techniques and data analyses shall not be implemented without prior review and approval by the Director of Office of Nuclear Reactor Regulation." Con Edison pointed out that such strict administrative control over these studies was contrary to principles of scientific research and would prevent the introduction of improved techniques and innovative procedures.

Con Edison further pointed out that the record of NRC action on requested Indian Point 1 & 2 ETS changes demonstrated a substantial time interval between the time the request was submitted and the time the Company was notified of its acceptance or its rejection by the NRC. Of 5 cited requests for changes which had been submitted, the minimum "processing" time was 3 months. Some requests had not been acted upon in over a year's time.

We do not intend this to be critical of the Staff's performance because we are well aware of its enormous work load. We mention this only to show that it is not appropriate nor conducive to good research to subject minor details of the research program to this procedure.

Sincerely yours,

  
John R. Jannarone

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