

John D. O'Toole
Vice President

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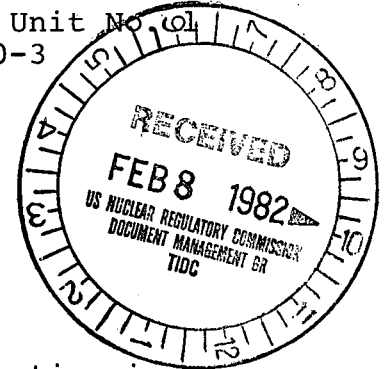
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Consolidated Edison Company of New York, Inc.
4 Irving Place, New York, NY 10003
Telephone (212) 460-2533

Letter No. 82 - 1
January 5, 1982

Re: Indian Point Unit No. 1
Docket No. 50-3

Mr. G. Wayne Kerr, Director
Office of State Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



Dear Mr. Kerr:

Your letter of November 5, 1981 confirmed the reduction in our annual indemnity fee for Indian Point Unit 1 to \$100. For the period December 4, 1974 until June 19, 1980, you state that we did not provide additional information which would enable the Commission to modify the earlier position that there was no indemnity fee overcharge. Be advised that Indian Point Unit 1 was prevented from operating during this period by Commission order, not "because of refueling or maintenance" as stated in the January 13, 1976 Rusche letter, cited in your November 5, 1981 letter.

We hereby request a statement as to the additional information which you require to act favorably upon our Indian Point Unit 1 indemnity overcharge claim for the period December 4, 1974 to June 19, 1980. Alternatively, we request a statement of the Commission's position regarding indemnity fees owed by the operators of nuclear power reactors that are defueled and/or precluded from operation by Commission directive. We do not consider the 1976 Rusche statement dispositive in the present circumstances.

Very truly yours,

John D. O'Toole

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