

POWER AUTHORITY OF THE STATE OF NEW YORK
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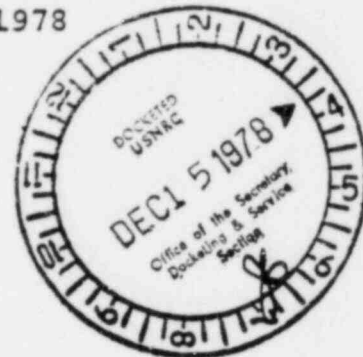
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August 2, 1978

Mr. Harold R. Denton
Director
U.S. Nuclear Regulatory
Commission
Office of Nuclear Reactor
Regulation
Washington, D.C. 20555



RE: Power Authority of the State of New York
(Indian Point Station, Unit No. 3), NRC
Docket No. 50-286

Dear Mr. Denton:

The Power Authority of the State of New York, holder of Facility Operating License No. DPR-64, pursuant to 10 CFR §50.30 (1977), encloses herewith for filing three (3) signed originals, and nineteen (19) copies of a document entitled "Application for an Extension of the Period of Interim Operation Using the Installed Once-Through Cooling System and Motion for Expedited Commission Consideration", dated August 1, 1978.

Also enclosed are an original and twenty (20) copies of an affidavit in support of this Application executed by Paul J. Early, Assistant Chief Engineer-Projects of the Power Authority, dated August 1, 1978.

This Application requests, pursuant to §2.E.(1) of the License, an extension of the period of interim operation of Indian Point 3 using the installed once-through cooling system, pending a final determination of cooling system issued by EPA or the appropriate state agency (including judicial review, if any) under the Clean Water Act, and subject to the compliance schedule, if any, that may be imposed in or pursuant to that determination. This Application also requests expedited consideration by the Commission.

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Because this Application seeks essentially a legal determination in light of §511(c)(2) of the Clean Water Act, no fee is required. In the alternative, the Power Authority is entitled to an exemption from the Commission's fee schedule under 10 CFR §170.11(b)(1) (1977), and requests that the Commission so determine. Subject to the Commission's decision in this respect, however, and in the interest of avoiding any delay in the processing of this Application, the Authority is enclosing a check in the amount of \$1,200 to cover the fee prescribed for a Class II amendment of an operating license, pursuant to §§170.12(c) and 170.22. In this regard, the Power Authority notes that the Application is based on a question of law which requires action by the Commission on a "pro forma" basis within the meaning of the fee schedule. An agency may not charge a regulated entity a fee for a determination of that agency's jurisdiction, which is the subject matter of this Application. In addition, the proposed action involves no matters of safety, and no matters of environmental significance that have not previously been fully reviewed.

A certificate of service is enclosed,

Very truly yours,

POWER AUTHORITY OF THE STATE
OF NEW YORK

By 

Encs.

cc: Mr. Samuel J. Chilk
Samuel W. Jensch, Esq.
Mr. R. Beecher Briggs
Dr. Franklin C. Daiber
Atomic Safety and Licensing Appeal Panel
Hon. George V. Begany
Sarah Chasis, Esq.
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