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UNITED STATES OF AMERICA 06/14/74
ATOMIC ENERGY COMMISSION

Before the Atomic Safety and Licensing Appeal Board

In the Matter of)	
CONSOLIDATED EDISON COMPANY)	Docket No. 50-247
OF NEW YORK, INC.)	
(Indian Point Nuclear Generating)	
Station, Unit 2))	

AEC REGULATORY STAFF STATEMENT AS TO A
PETITION FOR RECONSIDERATION OF ALAB-188

On April 25, 1974, the Atomic Safety and Licensing Appeal Board ("Appeal Board") issued a Memorandum and Order (ALAB-198) granting the regulatory staff's ("staff") motion of April 15, 1974, for an extension for 60 days within which it might file a petition for reconsideration to the Appeal Board's Decision (ALAB-188, April 4, 1974) in the captioned matter.

In ALAB-188, the Appeal Board concluded that the May 1, 1978, date imposed by the Atomic Safety and Licensing Board in its initial decision, dated September 25, 1973, in this proceeding 1/, for the termination of the operation of Indian Point 2 with the once-through cooling system be modified to May 1, 1979, on the basis of the evidentiary record in this proceeding. The Appeal Board also concluded "that there were certain serious deficiencies

1/ LBP-73-33, reported at RAI-73-9 751.

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in the staff's technical justifications for certain of its positions which bear directly upon the timing for, and the decision on, the permanent cooling system". ^{2/} These, the Appeal Board concluded, were "so fundamental as to require a fresh look at certain of the staff's positions and reconsideration of the portions of the Final Environmental Statement to which they relate". ^{3/}

During the past 60 days, the staff has carefully reviewed and evaluated the findings and conclusions of ALAB-188. Also, the staff has performed the "fresh look" called for by ALAB-188. Particular attention has been directed to the validity of the staff's entrainment model vis a vis the applicant's model including a review of input assumptions such as compensation and f factors. In conducting its review of this matter, as well as other matters dealt with by the Appeal Board, the staff has not only re-examined the evidence of record but also has engaged in extensive consultations with personnel of the Oak Ridge National Laboratory concerning its continuing studies of the aquatic ecology of the Hudson River, as well as other matters relevant to this proceeding. Having completed this extensive review and evaluation, the staff is of the firm view that

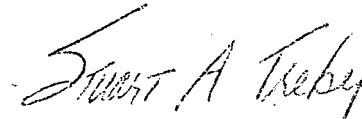
^{2/} ALAB-188, RAI-74-4 323 at 407 (April 4, 1974).

^{3/} Ibid.

its previously maintained position as set forth in the record of this proceeding that, based on the present state of information concerning aquatic organisms in the Hudson River, a closed cycle cooling system is required for the long term operation of Indian Point 2 remains correct.

However, the staff believes that the merits of this position can better be explored and supported within the framework of the upcoming evidentiary proceeding in Indian Point Unit 3 rather than through the mechanism of a petition for reconsideration in this proceeding. Therefore, we are not filing a petition for reconsideration of ALAB-188.

Respectfully submitted,



Stuart A. Treby
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland,
this 14th day of June, 1974.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "AEC Regulatory Staff Statement as to a Petition for Reconsideration of ALAB-188," dated June 14, 1974, in the captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 14th day of June, 1974:

William C. Parler, Esq., Chairman
Atomic Safety and Licensing
Appeal Board
U.S. Atomic Energy Commission
Washington, D.C. 20545

Dr. John H. Buck
Atomic Safety and Licensing
Appeal Board
U.S. Atomic Energy Commission
Washington, D.C. 20545

Dr. Lawrence R. Quarles
Route 4, Box 174
Charlottesville, Virginia 22901

Samuel W. Jensch, Esq.
Chief Administrative Law Judge
U.S. Atomic Energy Commission
Washington, D.C. 20545

Dr. John C. Geyer
Department of Geography
Environmental Engineering
513 Ames Hall
The Johns Hopkins University
Baltimore, Maryland 21218

Mr. R. B. Briggs
Senior Research Engineer
Oak Ridge National Laboratory
P.O. Box Y
Oak Ridge, Tennessee 37830

Anthony Z. Roisman, Esq.
Berlin, Roisman & Kessler
1712 N Street, N.W.
Washington, D.C. 20036

Leonard M. Trosten, Esq.
LeBoeuf, Lamb, Leiby & MacRae
1757 N Street, N. W.
Washington, D.C. 20036

Honorable George Segnit
Mayor of the Village of Buchanan
Buchanan, New York 10511

J. Bruce MacDonald, Esq.
New York State Atomic Energy
Council
99 Washington Avenue
Albany, New York 12210

Angus Macbeth, Esq.
Natural Resources Defense
Council, Inc.
15 West 44th Street
New York, New York 10036

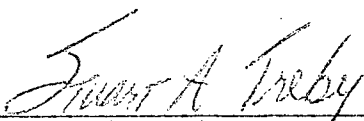
James P. Corcoran, Esq.
New York State Attorney
General's Office
Two World Trade Center
Room 4776
New York, New York 10047

Paul S. Shemin, Esq.
New York State Department of Law
Two World Trade Center
New York, New York 10047

Atomic Safety and Licensing
Appeal Board
U.S. Atomic Energy Commission
Washington, D.C. 20545

Atomic Safety and Licensing
Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Mr. Frank W. Karas
Chief, Public Proceedings Staff
Office of the Secretary of the
Commission
U.S. Atomic Energy Commission
Washington, D.C. 20545



Stuart A. Treby
Counsel for AEC Regulatory Staff