

4-15-74

BEFORE THE UNITED STATES
ATOMIC ENERGY COMMISSION

In the Matter of)
)
Consolidated Edison Company) Docket No. 50-247
of New York, Inc.)
(Indian Point Station, Unit No. 2))

BEFORE THE ATOMIC SAFETY
AND LICENSING APPEAL BOARD

APPLICANT'S PETITION FOR RECONSIDERATION

In accordance with Section 2.771 of the Rules of Practice of the Atomic Energy Commission, Consolidated Edison Company of New York, Inc. ("Consolidated Edison") hereby petitions the Atomic Safety and Licensing Appeal Board ("Appeal Board") for reconsideration of its Decision in this proceeding dated April 4, 1974 (ALAB-188) ("Decision").

I

Respects in Which the Final Decision Is
Erroneous and Grounds of the Petition

The Appeal Board in its Decision rejected fundamental premises and conclusions presented by the Regulatory Staff and HRFA regarding the potential adverse environmental impact of operation of Indian Point 2 with once-through cooling. ^{1/}

^{1/}
E.g., Decision at 84-85, 90-92, 126-27, 130, 135, 139, 163, 168-69, 171.

The Appeal Board also concluded that additional information gathered by Consolidated Edison's ecological program would "permit an informed re-evaluation of the proper choice for a cooling system for long-term operations."^{2/}

Consolidated Edison respectfully submits that such an "informed re-evaluation" could most properly take place if the "reasonable termination date" for the interim period of operation of the once-through cooling system for Indian Point 2 were September 1, 1981, rather than May 1, 1979.^{3/} Such resolution of the pivotal environmental issue presented in this proceeding would be most consistent with a schedule which provides for (a) the completion and review of the results of the Hudson River ecological program prior to commencement of construction of a closed-cycle cooling system and (b) the installation of such a system, if required after review of the program's results.^{4/} Change of the provisional termination date for interim operation, as proposed above,

^{2/}
Id. at 113.

^{3/}
Id. at 111-17.

^{4/}
For a schedule showing reporting dates on critical aspects of the program see Applicant's proposed finding 021, accepted by the Atomic Safety and Licensing Board in its Sept. 25 Initial Decision. LBP-73-33, RAI-73-9 at 751, 783. The latest of these reports is scheduled for January 1, 1977. Applicant's Proposed Findings of Fact and Conclusions of Law in the Form of a Proposed Initial Decision for a Full-Term, Full-Power Operating License, May 17, 1973 at 234-35. See also Decision at 109-10.

would of course be subject to all the conditions ordered by the Appeal Board and "should enable the optimum cost-benefit balancing of all considerations involved in the final choice of a cooling system."^{5/}

II

Relief Requested

For the foregoing reasons, Consolidated Edison respectfully requests the Appeal Board to direct the Director of Regulation to amend condition 2.E(1) of License No. DPR-26, as previously ordered by the Appeal Board (in ALAB-188), so that the date May 1, 1979 is in each instance changed to September 1, 1981.

Respectfully submitted,

LEBOEUF, LAMB, LEIBY & MACRAE
1757 N Street, N.W.
Washington, D.C. 20036

Attorneys for Consolidated Edison
Company of New York, Inc.

By Leonard M. Trosten
Leonard M. Trosten
Partner

Dated: April 15, 1974