

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

1/29/76

In the Matter of)
CONSOLIDATED EDISON COMPANY)
OF NEW YORK, INC.)
(Indian Point Station,)
Unit No. 2))

Docket No. 50-247
OL No. DPR-26
Determination of
Preferred Alternative
Closed-Cycle Cooling
System

ANSWER OF HUDSON RIVER FISHERMEN'S
ASSOCIATION TO NOTICE OF HEARING

Pursuant to the Notice of Hearing, issued December 31, 1975, respecting a license amendment proposed by Consolidated Edison Company of New York, Inc. (Con Edison) which would designate a closed-cycle natural draft, wet cooling tower system as the preferred alternative cooling system at Indian Point Unit No. 2, and the provisions of 10 C.F.R. Section 2.705 of the Commission's Rules of Practice, the Hudson River Fishermen's Association ("HRFA") hereby submits the following answer.

Nature of HRFA's Position

HRFA does not oppose issuance of the proposed license amendment. The basis for this position is set forth in HRFA's petition to intervene filed on December 3, 1975.

8111140009 760129
PDR ADCK 05000247
G PDR

See Petition at pp. 4-5. Further, HRFA urges expedited review and decision on the proposed amendment to ensure that the May 1, 1979 date for cessation of operation of Indian Point Unit No. 2 with once-through cooling may be met.

A decision on the amendment should be facilitated by the fact that none of the parties have indicated opposition to issuance of the proposed amendment. The only factor delaying review and decision appears to be the Staff's failure to issue a Draft Environmental Statement. While recognizing the many burdens on the Staff, HRFA deplores the Staff's failure to issue a draft statement when it has had 14 months from the date of Con Edison's submission of the proposed amendment and accompanying report in which to do so. The Staff's failure to act threatens the May 1, 1979 date for cessation of once-through cooling, a date set by the Commission in order to protect the Hudson River fishery. Con Edison has already invoked the Staff's delay to obtain an extension under existing license terms.

HRFA's Position with Respect to Issues Raised by Proposed Amendment

HRFA takes the position, based on the evidence contained in the Final Environmental Statements relating to operation of Indian Point Units Nos. 2 and 3 and Con Edison's

1974 Report on economic and environmental impacts of alternative closed-cycle cooling systems, that it does not controvert any of the issues raised by the proposed amendment. However, in the event that the Draft Environmental Statement on designation of a preferred alternative should present new evidence or data which are different from the existing data, HRFA reserves the right to modify its position on the proposed license amendment and specific issues relating thereto.

HRFA's Intent to Appear and Present Evidence

HRFA, by its counsel, intends to appear and participate as a full party in any hearing which may be held on the proposed amendment. HRFA also reserves the right to present evidence at such a hearing.

Respectfully submitted,

Sarah Chasis

Sarah Chasis
Ross Sandler
Attorneys for Hudson River
Fishermen's Association

Dated: New York, New York
January 29, 1976

ATTORNEY'S AFFIRMATION OF SERVICE

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

I, SARAH CHASIS, attorney at law, affirm that on the 29th day of January, 1976, I served the annexed Answer of Hudson River Fishermen's Association to Notice of Hearing by mailing copies thereof, first class postage prepaid and properly addressed, to the following:

Samuel W. Jensch, Esq., Chairman
Atomic Safety & Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. R. Beecher Briggs, Member
110 Evans Lane
Oak Ridge, Tennessee 37830

Dr. Franklin C. Daiber, Member
College of Marine Studies
University of Delaware
Newark, Delaware 19711

Hon. George V. Begany, Mayor
Village of Buchanan
Buchanan, New York 10511

J. Bruce MacDonald, Esq.
N.Y. State Department of Commerce
99 Washington Avenue
Albany, New York 12210

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

Hon. Louis J. Lefkowitz, Esq.
Attorney General of the
State of New York
Attn: Philip Weinberg, Esq.
Assistant Attorney General
2 World Trade Center, Rm. 4770
New York, New York 10047

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

Howard K. Shapar, Esq.
Chief Hearing Counsel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Mr. Frank W. Karas, Chief
Public Proceeding Staff
Office of the Secretary
Nuclear Regulatory Commission
Washington, D.C. 20555

Frederick S. Gray, Esq.
Chief Hearing Counsel
U.S. Nuclear Regulatory Cmsn.
Washington, D.C. 20555



Sarah Chasis