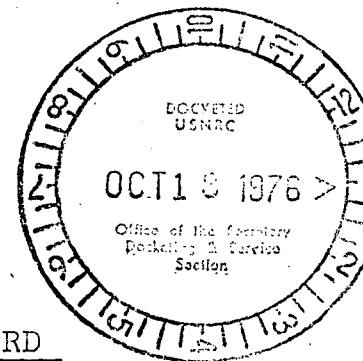


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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)

HRFA OBJECTIONS TO CON EDISON'S PROPOSED
PARTIAL INITIAL DECISION AND RESPONSE TO
CON EDISON MEMORANDUM

HRFA enters the following objections and response to Con Edison's Proposed Partial Initial Decision Designating a Preferred Alternative Closed-Cycle Cooling System and Memorandum in Response to the Board's Request for a Draft Partial Initial Decision.

HRFA objects to the implication contained in the Proposed Partial Initial Decision that closed-cycle cooling is not yet required under the license (See Con Edison's Proposed Decision, pp. 2 and 5). The language of the license makes crystal clear that, absent an amendment of the license, closed-cycle cooling must be installed at Indian Point No. 2

if the plant is to continue operation after May 1, 1979. The decision of the Commission eliminates any doubt which may have existed in this regard: "no further Commission consideration of the once-through versus closed-cycle question is necessary for either unit [2 or 3]". In re Consolidated Edison Company of New York Inc. (Indian Point Nuclear Generating Station Unit 3), Docket 50-286, Memorandum and Order, CLI-75-14 (December 2, 1976).

HRFA also objects to that portion of Con Edison's Proposed Order (at p. 5) which provides that the Partial Initial Decision becomes effective and shall constitute final action of the Commission forty-five days after the date of issuance of the decision. The regulations of the Commission provide that an initial decision directing amendment of a license shall be effective upon issuance, unless the presiding officer finds that good cause has been shown why the initial decision should not become immediately effective. 10 C.F.R. Section 2.764. Good cause has not been demonstrated by party. Therefore, the initial decision should become effective immediately upon issuance.

HRFA adheres to the position that bifurcation of this proceeding is entirely appropriate and is in furtherance of the public interest. Con Edison specifically requested the issuance of a license amendment related solely to the designation

of the preferred type of closed-cycle system. A prompt decision on the requested amendment, especially where as here there is no controversy among the parties respecting its issuance, is precisely the kind of expedited action which applicants in Commission proceedings are always seeking.

It makes all the sense in the world to proceed with a decision on this one issue and defer until later a decision on the other issues, entirely separable from the preferred type of system, and concerning which there is controversy among the parties.

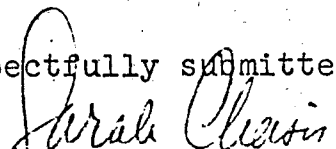
CONCLUSION

For the foregoing reasons, HRFA respectfully requests the Board to reject those portions of Con Edison's Proposed Partial Initial Decision which suggest that installation of a closed-cycle cooling system is not presently required by the license and which make the decision effective forty-five days from its issuance.

HRFA also urges the Board to adhere to the procedure of bifurcating this proceeding and issuing a Partial Initial Decision on the preferred alternative closed-cycle system.

Dated: October 15, 1976
New York, New York

Respectfully submitted,


Sarah Chasis
Attorney for HRFA