

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 50-247

) (Selection of Preferred
) Alternative Closed-Cycle
) Cooling System)

RESPONSE OF HUDSON RIVER FISHERMEN'S
ASSOCIATION TO LICENSEE'S BRIEF
RESPECTING THE APPROPRIATE EXTENSION OF
THE DATE FOR CESSATION OF ONCE-THROUGH COOLING

11-24

In response to the request of the Licensing Board made during the conference call held among the parties on November 23, 1976, the Hudson River Fishermen's Association sets forth below its position with respect to the issues raised by Con Edison in its brief of October 6, respecting the appropriate extension of the date for cessation of once-through cooling.

As HRFA stated in its brief, pp. 18-19, the license provision allowing for the postponement of the May 1, 1979 date does not entitle Con Edison to an automatic extension of interim operation, but provides for an extension after an examination of how much additional time is actually required. This is because the license term must be interpreted in light of the clear intent of the license to mitigate harm to Hudson River biota.

HRFA has signed a stipulation which is to be submitted to the Board during the week of November 29 which states that

if Con Edison receives all necessary approvals, including that of the NRC, by January 1, 1977 then May 1, 1980 is the reasonable termination date for cessation of once-through cooling in view of the delay in the receipt of all necessary approvals past December 1, 1975.

HRFA takes the position that, without further specific information from Con Edison respecting projected termination dates resulting from a January 15, 1977, or February 1, 1977, or later date for receipt of all necessary approvals, it is impossible for HRFA to evaluate what consideration should be given to such factors as winter lag. HRFA takes the position that while winter lag may be a relevant factor in determining the period required for construction, consideration must be given to winter lag not in a general way, but in the context of a specific proposed schedule.

For this reason, HRFA requests Con Edison to provide the parties with additional proposed construction schedules premised on a series of dates, subsequent to January 1, 1977 for receipt of all governmental approvals. HRFA also requests that these schedules be made available, if possible, before December 7 and that the evidentiary record respecting this scheduling issue be developed at the evidentiary hearings scheduled for the week of December 7.

Respectfully submitted,



Sarah Chasis
Attorney for Hudson River
Fishermen's Association

Dated: New York, New York
November 24, 1976