

5/10/78

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket No. 50-247
CONSOLIDATED EDISON COMPANY)	OL No. DPR-26
OF NEW YORK, INC.)	
)	(Determination of Preferred
(Indian Point Station,)	Alternative Closed-Cycle
Unit No. 2))	Cooling System)

REPLY OF HRFA TO CONSOLIDATED
EDISON REPLY TO HRFA MOTION

The Hudson River Fishermen's Association ("HRFA") respectfully files this reply to the reply of Consolidated Edison Company of New York, Inc. ("Con Edison") to the motion of HRFA dated April 10, 1978, entitled "Renewal of HRFA Motion Requesting a Finding That All Governmental Approvals Required Under the License Have Been Received and for Establishment of an Appropriate Termination Date for Once-Through Cooling." By letter dated May 2, 1978, the Licensing Board stated that it would receive HRFA's reply to Con Edison's answer, filed on or before May 10, 1978.

HRFA submits that its motion of April 10 should be granted. While the original basis for the motion has been removed by the recent action of the Zoning Board of Appeals of the Village of Buchanan granting the requested variance for construction of the cooling tower, the motion itself and the relief sought are still timely and appropriate. A finding by the Licensing Board

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that all governmental approvals required under the license have been received and that the present termination date for once-through cooling in the license need not be altered as a result, must still be made by this Board.

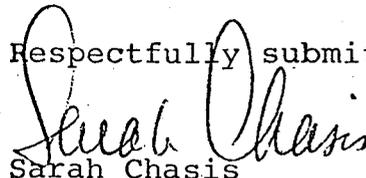
At present, Paragraph 2.E.(1)(b) of the Facility Operating License reads as follows:

The Nuclear Regulatory Commission previously determined that the finality of the May 1, 1979 date for termination of once-through cooling was grounded on a schedule under which the licensee, acting with due diligence, obtained all governmental approvals required to proceed with construction of the closed-cycle system by December 1, 1975. In the event the licensee had acted with due diligence in seeking such governmental approvals but had not obtained such approvals by December 1, 1975, then the May 1, 1979 date should be postponed accordingly. The Commission has determined that the licensee has acted with due diligence and that all governmental approvals required to proceed with construction of the closed-cycle system have not been received pending further proceedings with respect to the Village of Buchanan Zoning approval. The Commission has also determined that the reasonable date for termination of once-through cooling is now May 1, 1982.

The Licensing Board should rectify the present language of the license in light of the recent Village of Buchanan Zoning Board approval.

WHEREFORE, HRFA respectfully requests that the relief sought in its motion be granted.

Respectfully submitted,



Sarah Chasis

Counsel for Hudson River
Fishermen's Association

May 10, 1978