

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
(Selection of Preferred
Alternative Closed-Cycle
Cooling System)

STIPULATION FOR PARTIAL SETTLEMENT OF
PROCEEDING AND IDENTIFICATION OF REMAINING ISSUES

WHEREAS the Nuclear Regulatory Commission (Commission) has recognized that the public interest may be served through the fair and reasonable settlement of particular issues in a proceeding or the entire proceeding (10 CFR §2.759); and

WHEREAS the parties to this proceeding (Hudson River Fishermen's Association ("HRFA"), the New York State Atomic Energy Council ("NYSAEC"), Consolidated Edison Company of New York, Inc. ("the Licensee"), and the NRC Staff ("Staff")) wish to settle particular issues and to identify other issues related to this proceeding.

IT IS HEREBY STIPULATED by and among the counsel for the above-identified parties that:

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1. The license amendment requested by the Licensee, which would add a new subparagraph 2.E(5) ^{1/} to Facility Operating License No. DPR-26 ("the license"), should be granted. The parties are in agreement that, on balance, the preferred alternative closed-cycle cooling system for installation at Indian Point Station, Unit No. 2 is a natural draft, wet cooling tower. This agreement is without prejudice to the right of the Licensee to assert (in other proceedings) that installation of any closed-cycle cooling system would not be justified or to seek such other relief as may be appropriate.

2. The parties are at present unable to reach agreement on the following issues, which are related to the proposed license amendment:
 - a) whether all other governmental approvals required to proceed with the construction of the closed-cycle

^{1/} "(5) Subject to all of the foregoing provisions of this Paragraph 2.E., the Nuclear Regulatory Commission has determined, following review of the document entitled "Economic and Environmental Impacts of Alternative Closed-Cycle Cooling Systems for Indian Point Unit No. 2" dated December 1, 1974, that a closed-cycle natural draft, wet cooling tower system is the preferred alternative closed-cycle cooling system for installation at Indian Point Unit No. 2".

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cooling system have been granted, as provided in subparagraph 2.E(1)(b) 2/ of the license;

- b) what is the effect of the Licensee's failure to have received all of such governmental approvals by December 1, 1975 on the date for cessation of operation with once-through cooling in accordance with subparagraph 2.E(1)(b) of the license; and
- c) the necessity for and, if necessary, the scope of a monitoring program to record large episodic occurrences of bird mortalities around the cooling tower should they occur.

3. This stipulation shall be binding upon

- a) any successor-in-interest to the Licensee or any future co-licensee who shall come to hold or have any interest whatsoever in the operating license, and

2/ "(b) The finality of the May 1, 1979 date also is grounded on a schedule under which the applicant, acting with due diligence, obtains all governmental approvals required to proceed with the construction of the closed-cycle cooling system by December 1, 1975. In the event all such governmental approvals are obtained a month or more prior to December 1, 1975, then the May 1, 1979 date shall be advanced accordingly. In the event the applicant has acted with due diligence in seeking all such governmental approvals, but has not obtained such approvals by December 1, 1975, then the May 1, 1979 date shall be postponed accordingly".

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- b) any successor-in-interest to any of the parties hereto as if such successor-in-interest had been an original party hereto, and shall remain in effect among the parties hereto and their successors-in-interest regardless of the addition or substitution of parties to the proceeding.
4. This stipulation shall not be final and binding upon the parties hereto until it has been approved by the presiding Atomic Safety and Licensing Board.

Sarah Chasis
For Hudson River Fishermen's Association

Michael Conly, Esq. by
Wern P. Kuhn
For the New York State Atomic Energy
Council, on behalf of the New
York State Energy Office

William J. Smith
For Consolidated Edison Company of
New York, Inc.

Stephen H. Lewis
For the NRC Staff

Dated: Sept. 29, 1976

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

CONSOLIDATED EDISON COMPANY)
OF NEW YORK, INC.)

(Indian Point Station, Unit No. 2))
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)
)

Docket No.(s) 50-247

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this

30th day of Nov 1976.

Regina A. Downing
Office of the Secretary of the Commission

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NUCLEAR REGULATORY COMMISSION

In the Matter of)

CONSOLIDATED EDISON COMPANY OF)
NEW YORK)

(Indian Point Nuclear Generating)
Unit No. 2))

Docket No.(s) 50-247
(Extension of Interim
Operation Period)

SERVICE LIST

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

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

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

Office of Executive Legal Director
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Edward J. Sack, Esq.
4 Irving Place
New York, New York 10003

Leonard M. Trosten, Esq.
LeBoeuf, Lamb, Leiby and MacRae
1757 "N" Street, N.W.
Washington, D.C. 20036

Carmine J. Clemente, Esq.
New York State Department of Commerce
Atomic Energy Council
99 Washington Avenue
Albany, New York 12245

Sarah Chasis, Esq.
Natural Resources Defense Council,
Inc.
15 West 44th Street
New York, New York 10036

Honorable Paul S. Shemin
Assistant Attorney General
2 World Trade Center
New York, New York 10047

Hendrick Hudson Free Library
31 Albany Post Road
Montrose, New York 10548

Carl R. D'Alvia, Esq.
Village of Buchanan
Municipal Building
Buchanan, New York 10511

Information copies sent to:

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Extension of Interim
Operation Period

Honorable Fred J. Bianco, Jr.
Mayor, City of Peekskill
City Hall
Peekskill, New York 10566