

BEFORE THE UNITED STATES

ATOMIC ENERGY COMMISSION

In the Matter of)
)
Consolidated Edison Company) Docket No. 50-~~427~~
of New York, Inc.) 247
(Indian Point Station, Unit No. 2))

INTERVENORS' STATEMENT OF CONTENTION AND
MATTERS IN CONTROVERSY CONCERNING
ENVIRONMENT ISSUES

Intervenors take the position that an operating license for Indian Point Unit No. 2 should be issued only subject to the conditions proposed by the staff, 1 FES vii-viii, with the following amendments:

1. Condition "a" will be stricken and the following condition substituted:

a. Operation of Indian Point Unit No.2 with the once-through cooling system will be permitted until two and one-half years after the issuance of this license and thereafter a closed cycle cooling system shall be required. Any extension of time for the completion of the closed cycle cooling system will be granted only in a showing of good cause to the Commission on which all Intervenors to this proceeding will have an opportunity to be heard.

2. Condition "b" should be amended by inserting the words "and approval" after the word "renew" in the last sentence.

3. Condition "c" will be stricken and the following condition substituted:

c. During the period before a closed cycle cooling system is installed and operating, the operation of Indian Point Unit No.2, and in particular the pumps, will be minimized during the periods between December 15 and March 1 and between June 1 and July 31. The minimizing of plant and pump operation shall be achieved by (i) scheduling all shutdowns and maintenance for the periods of restricted operation and/or (ii) restricting the operation of the plant during the periods of restricted operation to hot shutdown except when, after all other available Con Edison plants are operating at full capacity and a good faith effort has been made to purchase power from other utilities, the production of power is essential to Con Edison consumers. Such essential operation shall be limited to the minimum period and amount of power necessary to meet the needs of Con Edison consumers. Reports on each such essential operation shall be filed daily with the Commission with service on the Intervenor in this proceeding.

MATTERS IN CONTROVERSY

- I. Con Edison has not carried its burden of proof in attempting to show that the combined effects of striped bass eggs and larvae and impingement of striped bass juveniles at Indian Point Plants 1 and 2 will not in a period of eight years result in a substantial adverse impact upon the adult population of striped bass in the mid-Atlantic region.
- II. Con Edison has not carried its burden of proof in attempting to show that the effects of entrainment of planktonic aquatic organisms (phytoplankton and zooplankton, and larval stages of invertebrates and fishes other than striped bass) in Indian Point Plants 1 and 2 will not in eight years result in a substantial adverse impact upon the abundance and composition of these organisms in the Hudson River.
- III. Con Edison has not carried its burden of proof in attempting to show that impingement of white perch and other fishes (other than striped bass) on the intake screens of Indian Point Plants 1 and 2 will not in eight years result in a substantial adverse impact upon the abundance and composition of the fish species in the River.
- IV. The heated plumes from Indian Point and Lovett will interfere with the migrating and seasonal movements of fish in the Hudson to and from their spawning grounds.
- V. The discharge of heated water from Indian Point Units 1 and 2 will attract fish to the intakes of Indian Point

Units 1 and 2 where they are subject to impingement.

- VI. At ambient summer temperatures a significant number of Gammarus and Neomysis entrained in the Indian Point 2 condensor system will be killed by the combined effects of chlorination, loss of dissolved oxygen, turbulence, pressure changes and increased temperature.
- VII. Con Edison has not carried its burden of proof in attempting to show that the analysis of environmental damage does not justify requiring the operation of a closed cycle cooling system by January 1, 1978.
- VIII. The analysis of environmental damage caused by Indian Point Units 1 and 2 requires the installation and operation of a closed cycle cooling system within two and one half years after the issuance of an operating license.
- IX. Con Edison has not carried its burden of proof in attempting to show that its proposed research program will allow identification and prevention of any significant adverse effects on the striped bass, and other fish and biota of the Hudson.
- X. The Staff's Final Environmental Statement is inadequate for failure to consider the effects of the Bowline Point and Roseton plants as part of the environment on which Indian Point Unit No. 2 will have its effect and on all issues of fish impingement and entrainment those effects must be treated by all parties as part of the environment in making their factual contentions.

- XI. The analysis of the environmental damage caused by Indian Point Units 1 and 2 requires the restricted operation of Indian Point 2 in the periods between December 15 and March 1 and June 1 and July 31 during the period before the closed cycle cooling system is in operation.
- XII. Con Edison's contentions in support of its license application are insufficiently specific to allow consideration of the application.

CONTENTIONS

Intervenors adopt their "Outline Summary of Intervenors Factual Position" of October 30, 1972 as their contentions with the following amendments:

- 39a. The indirect effects on the biota of the Hudson of the operation of Indian Point No. 2 with the present cooling system are unknown but there may be significant adverse effects.
40. The total adverse impact on the fishing of the Hudson from the discharge of heated water is unknown, but the heated plumes from Indian Point and Lovett will interfere with the migrating and seasonal movements of fish in the Hudson to and from their spawning grounds.
59. Con Edison will be liable for approximately \$7.5 million annually to the State of New York in civil penalties for fish taken at Indian Point No. 2.