

BEFORE THE UNITED STATES  
ATOMIC ENERGY COMMISSION

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

MATTERS IN CONTROVERSY BETWEEN  
INTERVENORS, HUDSON RIVER  
FISHERMEN'S ASSOCIATION AND  
ENVIRONMENTAL DEFENSE FUND, AND  
THE REGULATORY STAFF.

Intervenors are in agreement with the Staff that the interests of environmental protection and the balance of costs and benefits at Indian Point 2 requires that a closed cycle cooling system be installed at the plant. The Staff has chosen to recommend to the Board that the closed cycle cooling system be in operation by January 1, 1978 and has not recommended explicit terms for the operation of the plant for the period before the closed cycle cooling system is in operation. The Intervenors are not in agreement with the Staff on these points.

1. The licensing of Indian Point 2 should be conditioned by requiring Con Edison to have a closed cycle cooling system in operation at the plant two and one-half years after the license is issued. Any extension of time for the completion of the closed cycle cooling system should be granted only on a showing of good cause to the Commission on which Intervenors will have

an opportunity to be heard.

2. The licensing of Indian Point 2 should be conditioned by requiring Con Edison, in the period before a closed cycle cooling system is in operation, to minimize the operation of the plant, and in particular the pumps, during the periods between December 15 and March 1 and June 1 and July 31. The minimizing of plant and pump operation should be achieved by (a) scheduling all shutdowns and maintenance for the periods of restricted operation and (b) restricting the operation of the plant during the periods of restricted operation to hot shutdown except when, after all other 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's consumers. Such essential operation should be limited to the minimum period and amount of power necessary to meet the needs of Con Edison consumers and reports on each such essential operation should be filed daily with the Commission with service on the Intervenor.

#### Basis of Contentions

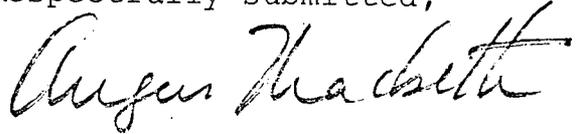
The Staff has correctly taken the position that the environmental damage which will be caused by the operation of Indian Point 2 requires the installation of a closed circuit cooling system. The Staff has further concluded that in the short run

need for power from Indian Point 2 outweighs the environmental benefit of not operating the plant at all, a position which the Staff might not have taken if the alleged need for power were not thought to be so pressing or if the Staff had analysed the impact on the Hudson which Bowline Point and Roseton will have in the period before the closed cycle cooling system is in operation.

A finer grained analysis is appropriate. First, the quickest possible schedule of building the cooling system is appropriate to the decision that it must be installed. Intervenor contend that this schedule need not exceed two and a half years. (Con Edison itself has stated that not more than three years are necessary for construction). This, rather than the date of January 1, 1978, is the schedule on which the license should be conditioned. Second, the major damage to the Hudson fishery takes place through entrainment in June and July and impingement between December 15 and March 1. During these periods, the operation of the plant should be restricted only to what is absolutely essential to Con Edison customers. First, necessary scheduled shutdowns should be planned for these periods. Second, the plant is designed to be able to move rapidly from hot shutdown to power production and can fluctuate rapidly between power levels. The plant's use and, consequently, the use of its pumps and its effect on fish, should be minimised during the periods in which the greatest environmental damage is done. The minimising of plant use will allow a maximising of environmental

protection while still allowing essential power needs to be met.

Respectfully submitted,

A handwritten signature in cursive script that reads "Angus Macbeth". The signature is written in dark ink and is positioned above a horizontal line.

ANGUS MACBETH, ESQ.  
Attorney for Hudson River  
Fishermen's Association

Dated: New York, New York  
October 30, 1972