

OCT 1 1973

Samuel W. Jensch, Esq.  
Chief Administrative Law Judge  
Atomic Safety and Licensing Board  
U. S. Atomic Energy Commission  
Washington, D. C. 20545

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

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Dear Mr. Jensch:

In connection with the Board's Initial Decision in the captioned proceeding, the staff received on September 25, 1973, a copy of a certification by the State of New York, pursuant to Section 401 of the Federal Water Pollution Control Act, copy enclosed. We have reviewed the certificate and believe that it conforms to the discussions on the record concerning certification for full power operation.

In accordance with the Initial Decision of the Board and the provisions of the Federal Water Pollution Control Act, the staff has incorporated a condition in the amended license for this facility which subjects the licensee to the conditions of said certification, as appropriate.

In addition, on September 27, 1973, a representative of the staff inspected the facility to review measures taken to assure that freeze up of the freezer-dryers will not interrupt air supply for safety equipment. A copy of the transmittal reflecting the results of the inspection is enclosed. The

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staff has concluded that the actions taken by the licensee provide assurance that loss of instrument air to safety equipment by freeze up of the freezer-dryers will be prevented.

Sincerely,

Myron Karman  
Counsel for AEC Regulatory Staff

Enclosures (2)

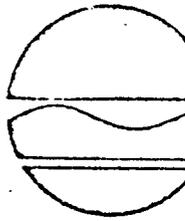
cc w/enclosures:

Dr. John C. Geyer  
Mr. R. B. Briggs  
J. Bruce MacDonald, Esq.  
Angus Macbeth, Esq.  
Anthony Z. Roisman, Esq.  
Honorable George Segnit  
James P. Corcoran, Esq.  
Leonard M. Trosten, Esq.  
Atomic Safety and Licensing  
Board Panel  
Atomic Safety and Licensing  
Appeal Board  
Mr. Frank W. Karas

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Chron.

OFFICE ▶	OGC					
SURNAME ▶	MKARMAN: cb					<i>Karman</i>
DATE ▶	JFSCINTO					
	10/1/73					

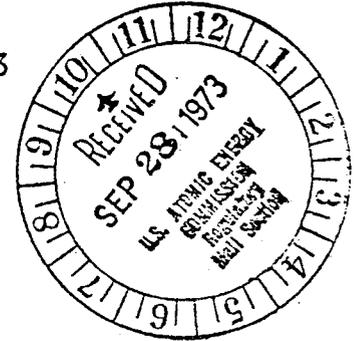


New York State Department of Environmental Conservation

Albany, N. Y. 12201

Henry L. Diamond  
Commissioner

September 24, 1973



Mr. Carl L. Newman  
Vice President  
Consolidated Edison Company  
of New York, Inc.  
4 Irving Place  
New York, New York 10003

Dear Mr. Newman:

We have reviewed your application of July 17, 1973, pursuant to Section 401 of the Federal Water Pollution Control Act Amendments of 1972 (the "Act").

Based upon the foregoing, and that public notice was duly given pursuant to Part 608.16 of the Official Compilation of Codes, Rules and Regulations of the State of New York, the Department of Environmental Conservation, (the "Department") hereby issues this certification with conditions to the above-mentioned application of July 17, 1973, for certification, in accordance with Section 401 of the Act, that, as of the date hereof, there is no applicable effluent limitation or other limitation under Section 301(b) and 302 of the Act, and there is no standard under Sections 306 and 307 of the Act applicable to the activity which Consolidated Edison Company of New York, Inc. ("Con Edison") proposed to conduct (i.e., operation of its Indian Point Nuclear Power Plant Unit No. 2, on the Hudson River at Buchanan, Town of Cortlandt, Westchester County, New York).

This certification with conditions is issued with the full understanding and acknowledgement by Con Edison that the State of New York, in cooperation with the U. S. Environmental Protection Agency, is in the process of promulgating revised thermal criteria in order to bring such criteria into conformity with the Act. Furthermore, it is intended that both Indian Point Units No. 1 and No. 2 will be required to comply with the above-mentioned revised criteria. Con Edison does not hereby waive its right to seek relief from compliance as authorized under Section 316(a) of the Act or other provisions of law.

Pursuant to Section 401(d) of the Act, and in accordance with the requirements of the New York State Environmental Conservation Law and the Official Compilation of Codes, Rules and Regulations of the State of New York, particularly Parts 700-704, Classification and Standards of Quality and Purity of Waters of New York State, this certification hereby sets forth the following requirements which shall become conditions on any federal license or permit for the heretofore described proposed activity of Con Edison:

1. If the Con Edison operation of the intake screening system results in the killing of an unreasonable number of fish, the designated representative of the Department shall direct Con Edison to take immediate corrective action to reduce the rate of fish kill. If Con Edison fails to take such action, such representative is authorized to direct Con Edison to suspend the operation of the system causing the unreasonable kill; provided, however, no such suspension shall be directed if:

1) Such suspension would require a power reduction at the facility and Con Edison establishes to the reasonable satisfaction of the Department that:

(a) An emergency need for power exists on its system which cannot otherwise be met; or

(b) Such suspension would create an impact on the indigenous aquatic population of the Hudson River potentially more adverse than such fish kill; or

(c) Such suspension would cause a significant violation of U. S. Atomic Energy Commission Facility Operating License No. DPR-26; or

2) Such suspension would prevent planned experiments approved by the Department and designed to minimize fish kills.

2. The Department shall have the right to designate appropriate Department personnel to observe operations of Indian Point Unit No. 2, and to report these observations to the Department.

3. Con Edison will continue to conduct a continuous monitoring program in accordance with the "Environmental Technical Specification Requirements", which are incorporated by the U. S. Atomic Energy Commission in Facility Operating License No. DPR-26, (the "ETSR"), and will transmit to the Department concurrently with the reports to the U. S. Atomic Energy Commission such reports as are required by the ETSR. This monitoring shall be carried on under the surveillance of the Department and it is further understood that such monitoring is in no way intended to supersede the independent monitoring program of the Department, but to supplement it. A copy of any other reports for Indian Point Unit No. 2 pertaining to the environment which Con Edison submits to any federal, state, or local agency, shall also be submitted to the Department.

4. Con Edison will notify this Department of any requested change in the ETSR at the time of such request.

5. The U. S. Atomic Energy Commission Staff has recommended that a condition be placed in Facility Operating License No. DPR-26 for Indian Point Unit No. 2 which requires that Con Edison develop a plan of action to minimize detrimental effects of the plant on aquatic biota. If such a condition is placed in such License,

Con Edison is required to advise the Department of all action being taken with the Staff of the Atomic Energy Commission pursuant to this condition and Con Edison is required to consult with the Department before implementing any changes in the plant design or operating procedures pursuant to any such plan. Nothing contained herein shall be deemed to limit or restrict the Department's exercise of its powers, authorities and responsibilities under any provision of law.

6. Con Edison will prepare, by January 1, 1974, for the Department's approval, a biological monitoring program to determine the effects of facility operation on aquatic organisms. Such a program shall include collections and sampling of such organisms, including fish, in the intake structures and discharge canal. It is further understood that the purpose of this program is to determine additional appropriate methods and procedures which will be implemented to reduce, to the fullest extent possible, the effects of facility operation on aquatic organisms.
7. As part of Con Edison's evaluation of the fish pumps, Con Edison will evaluate present methods and determine the best method of removing these fish from the traveling screens and returning them to the water. In addition, Con Edison will determine the proportion of fish expected to survive this process, by species, size, and season of the year.
8. Discharge shall occur only through the subsurface ports of the outfall structure for which a construction permit has heretofore been issued by the Department.
9. The flow rate per circulating water pump will be recorded. Any changes in the flow rate of each circulating water pump shall be recorded, including the date and time of day. This information will be reported monthly. Standard hydraulic flow measuring devices or manufacturers performance curves will be employed for determination of flow rate.
10. Temperature in °F shall be measured continuously in the intake forebay and effluent canal prior to discharge, and recorded for permanent record. Minimum, maximum, and average temperatures shall be determined daily for each location and reported monthly. Methods and accuracy of equipment used to measure temperature shall be subject to the approval of the Department.
11. Consolidated Edison shall monitor electrical output of Indian Point Unit No. 2 and record daily maximum, minimum and average output in kilowatts and determine and record daily output in kilowatt hours and report such records monthly.
12. Con Edison shall monitor chemical discharges according to the frequency established in the table below. Analyses shall be performed in accordance with appropriate standard methods and shall be reported monthly as mg./l and pH units (nearest tenth).

<u>ITEMS</u>	<u>FREQUENCY</u>
pH	DD
Chromium <sup>+6</sup>	WK
Boron	D
Phosphate	WK
Hydrazine	WK
Cyclohexylamine	WK
Lithium Hydroxide*	WK
Chlorine	I
Suspended Solids	WK

DD - Continuous at discharge of Neutralization Facility.

D - Daily during discharge.

WK - Weekly

I - At start and at 10 minute intervals during chlorination.

\*By pH measurement.

13. (a) Intensive Surveys - Dissolved oxygen in ppm shall be measured at the intake forebay and in the effluent canal prior to discharge for thirty (30) consecutive days, each in spring, summer, fall, and winter of the first year of operation and reported within fifteen (15) days of the close of each survey.

(b) Routine Surveys - Dissolved oxygen in ppm shall be measured monthly at the intake forebay and in the effluent canal prior to discharge and reported monthly.

14. After November 1, 1973, at power levels greater than 50% of Indian Point Units Nos. 1 and 2 (combined), an average discharge velocity of 10 ft/sec at the vena contracta of the discharge ports shall be employed. The relationships between discharge velocity, open port area, and canal head above river level shall be confirmed by actual measurement. Port openings shall be adjusted within twelve hours of any change in circulating flow rate so as to attain and maintain such ten ft/sec velocity and, after controls for such port openings have been motorized, port openings will be so adjusted within four hours. Such motorization is anticipated to be accomplished by December 1, 1974.

15. Con Edison shall establish and conduct, subject to the Department's approval, a monitoring program in order to establish that the thermal discharge shall comply with the Classifications and Standards of Quality and Purity of Waters, Parts 700-704 of the Official Compilation of Codes, Rules and Regulations of the State of New York. Thermal monitoring shall include tri-axial isothermal mapping by actual temperature measurements and must be conducted on a frequency and in such a manner and pursuant to a program approved by the Department. Con Edison shall cooperate with the Department in developing such monitoring programs.

September 24, 1973

16. All monthly reports, previously referred to and required in this certification shall be forwarded by Con Edison first class mail to the Commissioner, New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12201, not later than the twelfth (12th) of the following month. Other reports shall be sent likewise upon dates required.

17. This certification with conditions shall not be deemed to modify, extend, or affect in any manner any order of the Commissioner of Environmental Conservation against Consolidated Edison Company of New York, Inc.; does not constitute a condonation of any violation of any order or release, compromise, or waiver of any rights or any course of action which the Commissioner of Environmental Conservation has or may have against Con Edison because of any violation of any order and does not preclude compliance of the discharge from Indian Point Unit No. 2 with any permit with respect to such discharge which may be hereafter issued by the Commissioner.

This certification with conditions is issued solely for the purpose of Section 401 of the Act.

A copy of this certification with conditions is being forwarded to the Director of Regulations, U. S. Atomic Energy Commission and the Regional Administrator of the Environmental Protection Agency.

Sincerely,



James L. Biggane  
Executive Deputy Commissioner