

BEFORE THE
UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of

CONSOLIDATED EDISON COMPANY)
OF NEW YORK (Indian Point,)
Unit No. 2))

Docket No. 50-247

CITIZENS COMMITTEE FOR
PROTECTION OF THE ENVIRONMENT
RESPONSE TO ALL MOTIONS NOW PENDING
BY APPLICANT FOR FURTHER AUTHORIZATION
TO OPERATE INDIAN POINT NO. 2

By a veritable snowstorm of papers, Applicant seeks to dissect the orderly hearing process into miniscule segments apparently leading toward the total abandonment of the full-term full-power license in favor of thousands of allegedly less heinous request. Regardless of the legal scope of Section 50.57(c) it certainly contemplates that a Hearing Board should not allow the temporary license to be used as a device to avoid facing the real issues. Applicant seeks to avoid cumulative safety and environmental consequences of operating this plant from April through December by asking for permission to operate first through July, then through September and now through December. Such a practice must not be allowed and should be halted now.

In addition, Applicant's self serving affidavits are of no probabitive value. Most egregious are the dire predictions of Mr. Schwartz who obviously lives in a dungeon of despair and the facile optimism of Mr. Woodbury who dismisses 200,000 fish deaths as mere trivia - which incidentially are subject to a not so trivial \$2,000,000 fine. The Schwartz Affidavit is a virtually meaningless mixing of reserve margins, installed capacity, firm purchase power, forced outages, miscellaneous deratings, scheduled maintenance which produces the highest conceivable demand and the lowest conceivable supply. No explanation for the causes of power outages are given so that it is impossible to tell if Indian Point No. 2 could, even if available, help. Transmission failures are not corrected by increasing generating capacity. Conclusions regarding Bowline and Roseton schedules are given but no underlying data to justify those conclusions.

The unassailable fact is that without Indian Point No. 2 in November and December even if peak load projections are realized (no analysis of the historical accuracy of those figures are given) there will be reserves of more than 50%.

Federal Power Commission requirements are at most 20%. If planned maintenance is a problem then why not postpone it until after Indian Point No. 2 gets a final decision on its license? No data is provided to show that essential maintenance cannot be completed prior to the peak summer period of 1974.

The Schwartz Affidavit is at best a series of unsupported conclusions regarding unavailability of purchased power, costs of purchased power, possible power failures, etc. Without ^{such data} it supports nothing and should be ignored.

The Woodbury Affidavit is based upon his personal opinion that 200,000 fish killed on the screens and many more killed by entrainment are irrelevant. That conclusion is absurd in light of the official New York State position that for each fish killed Con Ed should pay \$10.

The Newman Affidavit contrasts air pollution levels but conveniently ignores any contrast of Indian Point No. 2 radiation pollution. Without this data (which must include all onsite releases as well as wastes generated within the


reactor during the operation) ^{*/} no meaningful comparison of pollution can be made. The data should disclose gross releases and not population doses just as the air pollution data is in gross releases only.

Finally as the present correspondence between the parties reveals some aspects of quality assurance remain open matters. Authorization to operate, particularly at 99% of power, is clearly impermissible until these matters are finally settled.

CONCLUSION

Citizens Committee for Protection of the Environment urges this Board to deny any further authorization to operate Indian Point No. 2 for the reasons stated above and for all reasons detailed in its Proposed Findings of Fact and Conclusions of Law.

Respectfully submitted,


Anthony Z. Roisman
Counsel for Citizens Committee
for Protection of the Environment

Dated: September 6, 1973

*/ Mr. Newman alleges air pollution affects far removed from the site of Indian Point No. 2 and the fossil plant site. Pollutants from fossil plants leave the plant in the air and not in touch with humans, just as wastes leave nuclear plants in containers and not in touch with humans. At some other site the pollutant comes in contact with humans. For fossil plants in New York City it may be in Newark, New Jersey. For nuclear plants it may be in West Valley, New York. Offsite considerations are either irrelevant under Vermont Yankee Nuclear Power Corporation, ALAB-56 or represent a waiver of that limitation as to all adverse environmental affects.