

12-3-75

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

----- -x

In the Matter of	:	Docket No. 50-247
CONSOLIDATED EDISON COMPANY	:	Determination of Preferred
OF NEW YORK, INC.	:	Alternative Closed-Cycle
(Indian Point Station, Unit No. 2)	:	<u>Cooling System</u>

----- -x

PETITION FOR LEAVE TO INTERVENE

Pursuant to §2.714 of the Rules of Practice of the Nuclear Regulatory Commission, 10 C.F.R. §2.714, the Notice of Proposed Issuance of Amendment to Facility Operating License and Notice of Opportunity for Hearing issued on July 23, 1975, 40 Fed. Reg. 30882 (1975), and the Order of the Atomic Safety & Licensing Board issued November 25, 1975, the Hudson River Fishermen's Association ("HRFA") hereby requests leave to intervene in the matter of Application of Consolidated Edison Company of New York, Inc. ("Con Edison") for an amendment to the facility operating license for Indian Point Unit No. 2 which amendment would designate a natural draft, wet cooling tower system as the preferred alternative closed-cycle cooling system for installation at Indian Point Unit No. 2.

8110240133 751203
PDR ADOCK 05000247
G PDR

HRFA's petition to intervene is being filed at this time pursuant to the order of the Atomic Safety and Licensing Board of November 25, 1975 which order provided HRFA with 30 days to file its petition to intervene in this proceeding.

I. PETITIONER

HRFA is a not-for-profit organization incorporated in the State of New York in 1966. Its purposes are as follows: to encourage the rational use of the aquatic resources of the Hudson River and its tributaries; to gather, study and disseminate information about the ecology of the Hudson watershed, particularly in regard to the life histories and needs of fishes; to endeavor to protect the spawning and nursery grounds of desirable sports and commercial fishes; and to assist in efforts to abate pollution.

HRFA has approximately 750 members, many of whom are affected by the operation of Indian Point Unit No. 2 with a once-through cooling system. HRFA is interested in maintaining the purity of the waters of the Hudson, its tributaries and the Atlantic coastal waters from pollution by excessive heating of water and all other substances or uses which may

endanger the lives of fish, other aquatic life and the ecology of the Hudson River. HRFA is especially affected by the choice of an alternative closed-cycle system which will assure the greatest protection of the Hudson River fishery.

II. PETITIONER'S INTERESTS IN THIS PROCEEDING

HRFA's interests in this proceeding derive in large measure from HRFA's involvement as an active party in the licensing proceeding for Indian Point Unit No. 2 (Docket No. 50-247). HRFA's intervention in that proceeding related in part to the issues raised by Con Edison's present application for an amendment to the facility operating license, namely the preferred alternative closed-cycle cooling system for Indian Point Unit No. 2. The present proceeding is being initiated pursuant to the license conditions placed upon Con Edison which conditions HRFA advocated and supported in the licensing proceeding.

HRFA's members derive considerable recreational, social, economic and other benefits from the fish resources of the Hudson. They have, as an organization and as individuals, a great interest in protecting these resources.

The type and operation of the cooling system at Indian Point Unit No. 2 is crucial to the protection of the fish resources of the Hudson. HRFA needs to point no further than the Final Environmental Statements related to operation of the Indian Point Unit No. 2 and Indian Point Unit No. 3 as support for this statement.

The present once-through cooling system has a significant adverse impact on fish and other aquatic life of the Hudson River. The installation of a closed-cycle cooling system by May 1, 1979, a requirement of the facility operating license for Unit 2, will reduce water withdrawal from the Hudson River to 2 1/2 to 5% of the volume needed for the present once-through cooling. Reduction of volume of water withdrawn will reduce the amount of fish and other aquatic organisms passing through the cooling system of Indian Point Unit No. 2. Reduction of volume will also substantially reduce the number of fish killed on the screens. The designation of the closed-cycle cooling system which will best assure protection of the Hudson River fishery by reduction of fish impingement and entrainment is of direct and immediate interest to HRFA and its members.

III. SPECIFIC MATTERS OF INTEREST

HRFA contends that the requested approval of a wet natural draft cooling system as the preferred alternative closed-cycle system should be given.

Both Con Edison's report on Economic and Environmental Impacts of Alternative Closed-Cycle Cooling Systems for Indian Point Unit No. 2 (Dec. 1974) and the Final Environmental Statements related to operation of both Indian Point Units Nos. 2 and 3 support the designation of such a system as the most effective means of mitigating the impacts of plant operation on the Hudson River fishery and as the least environmentally harmful in terms of smogging, noise, icing, blowdown.

IV. PETITIONER'S RIGHT TO INTERVENE

Under the provisions of the Atomic Energy Act of 1954, as amended, and the Commission's Regulations, 10 C.F.R. §2.714, and the National Environmental Policy Act of 1969, the HRFA asserts its right to intervene, having identified its interest in specific issues. The HRFA has raised issues of fact and contentions which are properly within the jurisdiction of the U. S. Nuclear Regulatory Commission under these Acts and Regulations.

The HRFA believes its intervention will be the only means to press and preserve its interests. HRFA will assist in developing a sound record. No existing party fully or adequately represents the HRFA's interests.

The most important of all considerations, however, is the fact that Con Edison's present application raises certain issues raised in the Indian Point No. 2 license proceeding. The HRFA is fully aware of these issues, having participated in the Indian Point No. 2 proceedings as an intervenor, and will press in the present proceedings the same basic contentions and positions which it has taken in the Indian Point No. 2 licensing proceeding.

The HRFA, pursuant to 10 C.F.R. §2.712(b), hereby designates for the service of all papers on HRFA, its attorneys-at-law, who are as follows:

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

WHEREFORE, the HRFA respectfully seeks leave to intervene on the Application for determination of a wet

natural draft system as the preferred alternative closed-cycle system for Indian Point Unit No. 2.

Respectfully submitted,

Hudson River Fishermen's
Association
P. O. Box 303
Coldspring, New York

David M. Seymour, President

Dated: New York, New York

December 3, 1975

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

----- x

In the Matter of

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

:
:
:

SUPPORTING AFFIDAVIT
Docket No. 50-247

Determination of Preferred Alternative
Closed-Cycle System

----- x

STATE OF NEW YORK)
 :
COUNTY OF NEW YORK)

ss.:

I, DAVID M. SEYMOUR, being duly sworn, depose and state that:

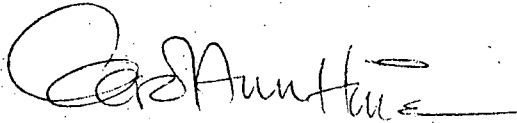
1. I am the President of the Hudson River Fishermen's Association and am empowered by its Board of Directors to make, sign, and verify the annexed Petition to Intervene dated December 3, 1975.

2. I have read the enclosed Petition to Intervene dated December 3, 1975, and know its contents, and that the contents are true to the best of my information and belief.

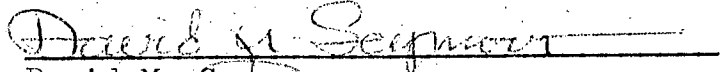
3. I hereby incorporate by reference the enclosed Petition identifying the aspects of the subject matter of the proceeding as to which the Hudson River Fishermen's Association

Association wishes to intervene. I incorporate here those facts specifically stated and the Association's contentions with regard to those facts.

Hudson River Fishermen's Association
P. O. Box 303
Cold Spring, New York 10516



CAROL ANN HINE
NOTARY PUBLIC, STATE OF NEW YORK
NO. 31-4512742
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES MARCH 30, 1977



David M. Seymour
President

Sworn to before me this
3rd day of December, 1975.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

-----X

In the Matter of :

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

Docket No. 50-247

:(Determination of Preferred
Alternative System)

-----X

NOTICE OF APPEARANCES

In accordance with §2.713(a) of the Rules of Practice of the Nuclear Regulatory Commission, the following attorneys will appear for the Hudson River Fishermen's Association in the proceeding commenced by the Commission's July 23, 1975 Notice of Availability of Licensee's Environmental Report, Notice of Proposed Issuance of Amendment to Facility Operating License and Notice of Opportunity for Hearing:

Sarah Chasis

Member of the Bar of the United States Court of Appeals for the Second Circuit; of the United States District Court for the Southern District; of New York State.

Ross Sandler

Member of the Bar of the United States Court of Appeals for the Second Circuit; of the United States District Court for the Southern District; of New York State.

Both of the foregoing attorneys have their offices at (Natural Resources Defense Council, Inc.), 15 West 44th Street, New York, New York 10036; Telephone (212) 869-0150.

Sarah Chasis

Sarah Chasis

Ross Sandler/sc

Ross Sandler

Dated: December 3, 1975

ATTORNEY'S AFFIRMATION OF SERVICE

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

I, SARAH CHASIS, attorney at law, affirm that on the 3rd day of December, 1975, I served the annexed Petition to Intervene and Supporting Affidavit and the Notice of Appearances by mailing copies thereof, first class postage prepaid and properly addressed, to the following persons:

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

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

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

Hon. George V. Begany, Mayor
Village of Buchanan
Buchanan, New York 10511

J. Bruce MacDonald, Esq.
New York State Department of
Commerce
99 Washington Avenue
Albany, New York 12210

Anthony Z. Roisman, Esq.
Berlin, Roisman & Kessler
1712 N Street, N. W.
Washington, D. C. 20036

Hon. Louis J. Lefkowitz, Esq.
Attorney General of the State
of New York
Attn: Philip Weinberg, Esq.
Assistant Attorney General
2 World Trade Center, Rm. 4770
New York, New York 10047

Leonard M. Trosten, Esq.
Eugene R. Fidell, Esq.
LeBoeuf, Lamb, Leiby & MacRae
1757 N Street, N.W.
Washington, D.C. 20036

Howard K. Shapar, Esq.
Executive Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Frederick Gray, Esq.
Chief Hearing Counsel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Mr. Frank W. Karas, Chief
Public Proceeding Staff
Office of the Secretary
Nuclear Regulatory Commission
Washington, D.C. 20555



Sarah Chasis