

UNITED STATES  
NUCLEAR REGULATORY COMMISSION



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In the Matter of

CONSOLIDATED EDISON COMPANY  
OF NEW YORK, INC. (INDIAN  
POINT STATION, UNIT NO. 2)  
--EXTENSION OF INTERIM  
OPERATION.

PETITION FOR LEAVE  
TO INTERVENE

DOCKET NO. 50-247

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TO: THE UNITED STATES NUCLEAR REGULATORY COMMISSION

The Petition of CARL R. D'ALVIA, residing at 16 Palmer Avenue, Croton-on-Hudson, New York, respectively shows:

1. That he is the Village Attorney of the Village of Buchanan, New York, a municipal corporation, duly organized under the laws of the State of New York, in which municipality, the Indian Point No. 2 Nuclear Station is located.
2. The interests of the Village of Buchanan, New York, may be affected by the outcome of this proceeding in that the construction of the proposed cooling towers in connection with the closed-cycle cooling system (one of the conditions in the permit granted to Consolidated Edison) includes the construction of a massive tower for the proposed closed-cycle cooling system. These towers are planned to be five hundred sixty feet high and will have a base diameter of some four hundred sixty feet and a top diameter of three hundred ten feet.

The Village of Buchanan has been professionally advised by its engineers that the construction and installation of these towers would produce at the top blow-off of vaporized water in

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the form of white vapor plumes or clouds of varying size and stability and that due to the salinity of the Hudson River water at Indian Point Unit No. 2 Nuclear Station, the vapor will contain salt droplets which will drift and fall to the ground throughout the Village of Buchanan with a consequent effect on vegetation and other property in the vicinity.

Such plumes would soar at times and at other times, stay fairly stable in the areas over the Buchanan-Peekskill area.

In addition, the Village has been professionally advised that the construction of these towers would result in a considerable amount of noise to a greater extent than the noise which the residents of the Village of Buchanan are enduring under the present system.

Moreover, we have been advised by our engineers further that from an aesthetic point of view, after a review of the plans for the erection of these cooling towers, that the towers after completion would present an unsightly appearance in this predominantly residential community.

3. For the above stated reasons, Petitioner respectfully requests leave to intervene in this proceeding as a party.

4. Your Petitioner recognizes that this Petition is not timely made and therefore requests a Board determination on this non-timely filing before this Commission, upon a showing of good cause for the failure to file on time.

5. That good cause can be shown and, there is a reasonable justification for the delay in filing, in that:

a) There are no other means whereby the Petitioner's interest will be protected;

b) The Petitioner's participation will reasonably be expected to assist in developing a sound record;

c) The Petitioner's interest is not adequately represented by the existing parties; and

d) The Petitioner's participation will indeed broaden the issues and will not delay the proceeding.

That in connection with the foregoing, all of the Notices of any of the hearings had herein or proposed to be held, were sent to the office of the Mayor of the Village of Buchanan and not to the office of the Village Attorney of the Village of Buchanan. The Village Attorney up to the present time was not on the mailing list and was only recently placed upon the mailing list.

Up until the present time, the Mayor and the Village Board of Trustees of the Village of Buchanan were of the opinion that Consolidated Edison's interest and position in the present proceeding, was the same or substantially in common with the interest of the Village of Buchanan and that Consolidated Edison was properly handling this proceeding and acting in the interest of the Village of Buchanan as well. It has since been determined however that Consolidated Edison has not a totally common interest

with the Village of Buchanan. Consolidated Edison has not emphasized the possible detrimental effect of the proposed cooling towers from an environmental and aesthetic point of view and the consequent effect upon the residents of the Village of Buchanan. Consolidated Edison has instead for the most part focused its handling in connection with this proceeding on the favorable aspects of the present system and why it should be continued. Its focus has not adequately emphasized the environmental dangers to the community should the proposed system be installed.

Moreover, the Village of Buchanan is not an affluent municipality. It has many retired senior citizens residing therein. The Mayor and the Board of Trustees in the past, were of the feeling that to have the Village Attorney represent the citizens, would result in a waste of tax monies. This is especially true in light of the fact that the Village of Buchanan is now extensively involved in a legal proceeding with Consolidated Edison and the Hudson River Fishermen's Association, in connection with the application by Consolidated Edison for a permit to construct the cooling towers.

This lawsuit has been pending in Supreme Court, Westchester County, and has resulted in at least one appeal to the Appellate Division, Second Department, all to the great expense to the taxpayers of the Village.

In light of the foregoing, it is submitted that the four factors necessary for a substantial showing of good cause for failure to file on time, under §2.714 of the rules of practice of this Commission, have been fulfilled and your Petitioner has made a substantial showing for leave to intervene despite the failure to file on time.

Further, this intervention will not unduly delay the proceedings herein should the application to intervene ultimately be granted in that the nature of the application to intervene is not adverse to Consolidated Edison's position herein. Indeed, the interests of Consolidated Edison and the Village of Buchanan may to a great extent be common but it is emphasized that the environmental factors mentioned above, have not been to date emphasized to a proper extent by Consolidated Edison.

6. The Village of Buchanan has at the present time a large and new Municipal Building at 236 Tate Avenue, Buchanan, New York. This facility has adequate room in which to conduct the hearings herein.

The Village respectfully invites and requests the Nuclear Regulatory Commission to conduct its hearings herein at this facility.

7. That there are no persons other than those mentioned and represented by the Village of Buchanan interested in this application or proceeding.

