

**RETURN TO REGULATORY CENTRAL FILES
ROOM 016**

50-247

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND
LICENSING BOARD

4-11-77

-----X

In the Matter of

CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC. INDIAN POINT
STATION NO. 2

Docket No. 50247
OL No. DPR-26

-----X

BRIEF IN SUPPORT OF
EXTENSION OF INTERIM OPERATION

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In the Matter of
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STATION, UNIT NO. 2.
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BRIEF IN SUPPORT OF
EXTENSION OF INTERIM
OPERATION.

STATEMENT

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. (hereinafter referred to as "CON EDISON"), has applied for an extension of the period of interim operation of Indian Point Station, Unit No. 2 (hereinafter referred to as "Indian Point No. 2"), until May 1, 1981, utilizing the once-through cooling process.

The Regulatory staff took the position that an appropriate termination date for the interim operation would be May 1, 1980.

QUESTIONS PRESENTED

1. Whether there was substantial evidence to support the recommended downward adjustment of the termination date of interim operation?
2. Whether, in light of additional evidence in the nature of adverse effect upon the populus, proximal and adjacent to Indian Point No. 2, such reduction in time should be, in fact, made and whether such additional evidence should be adduced and considered?

FACTS

The Regulatory staff has conceded that the long-term adverse effect on the striped-bass population of the Hudson River, in consequence of the proposed extension, would be less than significant.¹

The staff has continued to maintain that posture throughout all of the multitudinous proceedings.²

There is a unanimity of such opinion by all parties to these proceedings. While the Regulatory staff had no initial objection to the termination date of May 1, 1981, it has reconsidered that position.³

The staff's change of attitude in that regard is attributed to legal and policy considerations.⁴

It is unquestioned that environmental considerations were not the basis for the alteration of attitude on part of the staff.⁵

The staff's change of heart was admittedly precipitated by its reliance upon the adverse comment solicited from the Environmental Protective Agency (E.P.A.).⁶

It has recently been proposed that as much as 950,000,000 gallons of water a day be removed from the Hudson River north of the present facility for use in the New York metropolitan area.⁷

- 1 F.E.S. - November, 1976, Section 3.2.2.1.
- 2 TR-1230.
- 3 DES - July, 1976, Section 6.4.3.
- 4 F.E.S. Section 6.4.3.
- 5 TR-736.
- 6 TR-729-31
- 7 Letter - Senator Gordon March 9, 1977.

In addition, it is reputedly the highest concentration of the toxic element PCB in the river at Peekskill Bay.⁸

CON EDISON has presented new evidence in the form of a preliminary ecological study of massive proportions and has suggested viable alternatives derived from that study which raise serious doubts as to the preliminary conclusions heretofore reached.

POINT 1

MAY 1, 1981 SHOULD BE RETAINED AS THE DATE FOR TERMINATION OF THE INTERIM, ONCE-THROUGH COOLING PROCESS.

The inability of the Regulatory staff to justify on its own the validity of an earlier termination date should preclude this agency's adoption of such proposal.

In DES July, 1976, a conclusion, after presumably serious consideration and after weighing certain factors, such as environmental, economic, technical and other benefits against costs and risks, was reached by the staff, that an extension to May 1, 1981 was proper.

It could find no irreversible long-time changes insofar as the river or its inhabitants was concerned.

There was widespread support for the extension to 1981 by the New York State Public Service Commission, the Westchester

8 Id. - Note 7.

County Board of Supervisors and the officials of the City of Peekskill, Town of Cortlandt, and the Village of Buchanan. These were individuals whose lives, vocations and avocations and well-being were most directly connected to this enterprise.

The fact that further study might demonstrate no necessity for closed-cycle cooling should not be the basis for a reversal of the staff's position.

It would seem that it would be far better for one to be proven in error than irresponsible.

Although the adversary nature of these proceedings might engender a desire to prevail, the impact of such on people as opposed to fish, should lead one to pause before adopting a rigidly antagonistic posture.

While it is not the purpose of this submission to argue the relative validity of the evidence, which is voluminous, it would appear that the final word has not been heard.

It would further appear that the cost factor alone in the requirement for closed-cycle cooling, given the proposed alternatives, including restocking, is not justifiable.

What is of prime importance, however, to this participant is the caveat implicit in the letter of Senator Gordon.

If, indeed, 950,000,000 gallons of water are extracted upstream of this facility and the salinity of the water is increased, numerous possibilities, none of which are pleasant to

contemplate, are apparent.

If salinity is increased, would the spawning grounds of fish be removed to some other area?

If salinity is increased, what would be the effect on houses, land, domestic animals and pets, flora and fauna and upon the general populus within the fifteen mile area noted therein?

And what are the adverse effects of PCB being spewed into the air?

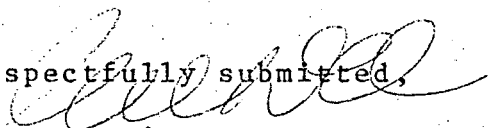
It would be far better for the staff so profoundly influenced by EPA to at least consult with the corps of engineers regarding this new proposal.

It would seem that a year in the life of a fish should not be equated with the possibilities of genetic damage in the lives of thousands of humans, not to say the destruction of property and an alteration in the lifestyle and work habits of those beings.

CONCLUSION

The period of interim operation of Indian Point Station, Unit No. 2, should not be terminated at any date prior to May 1, 1981.

Respectfully submitted,


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Dated: April 11, 1977

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NUCLEAR REGULATORY COMMISSION
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CERTIFICATE OF SERVICE

I hereby certify that I have this ^{12th} day of April, 1977,
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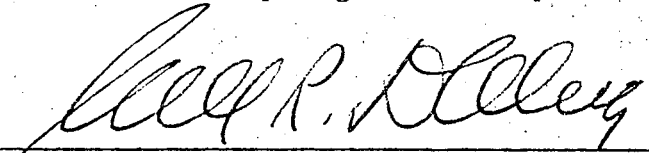
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