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Docket No. 50-247

FEB 8 1972

Honorable John D. Dingell
House of Representatives

Dear Mr. Dingell:

We are pleased to respond to your letter of January 14, 1972, to Dr. Glenn T. Seaborg, relative to the effect operation of the Indian Point Unit No. 2 nuclear facility at up to 50 percent of full power will have upon the fish and other wildlife in the vicinity of the plant.

This matter is pending before an Atomic Safety and Licensing Board (Board), and the most recent public hearing concerning Indian Point Unit No. 2 was held on January 11 and 12, 1972. Operation of the reactor for testing purposes at a power level up to and including 1,379 megawatts thermal (50 percent of full power) was considered, but no decision has been made by the Board on the applicant's testing motion. Proposed findings of fact and conclusions of law are to be submitted to the Board by February 8, 1972, and replies are due from all parties by February 28, 1972. The Atomic Energy Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA) are contained in 10 CFR Part 50, Appendix D. (Attached as Enclosure 1 is a copy of the revised Appendix D to 10 CFR 50). Section D.2 of this regulation applies to the limited operation of a nuclear facility, consistent with the protection of the environment, during the period of the ongoing full NEPA environmental review. You will note that the Board may authorize the Director of Regulation to issue a license to operate for testing purposes up to 20 percent of full power. Operation at 50 percent of full power requires approval by the Commission.

Attached as Enclosure 2 is a copy of our Discussion and Conclusions (December 30, 1971) relative to the limited operation of Indian Point Unit No. 2. In the Discussion and Conclusions we considered several environmental impacts, especially those related to the once-through condenser cooling system and radioactive discharges. We have concluded that the critical need for power balances the significant, but localized, damage expected to occur to the aquatic biota in the Hudson River. The most recent Federal Power Commission statement on the need for power is attached as Enclosure 3.

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Honorable John D. Dingell

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Pages 44 through 46 of the Discussion and Conclusions present data prepared by the Federal Power Commission on the need for power in the New York Power Pool area. The most recent Federal Power Commission statement on the need for power is attached as Enclosure 3. In summary, the Federal Power Commission data shows that Indian Point Unit No. 2 is needed to meet projected loads and maintain adequate system reserves during the 1972 summer peak load season.

The area of principal concern from an environmental standpoint relates to the effect of the operation of the condenser cooling system on the aquatic biota in the vicinity of the plant (reference Section F.2 of Enclosure 2). We expect that resultant damage to fish will be localized and will not upset the ecological balance of the Hudson River. Consolidated Edison Company of New York, Inc., will perform extensive ecological and hydrological monitoring programs and appropriate operating restrictions and additional monitoring programs will be incorporated as conditions of the facility's Operating License. Compliance with these license conditions will be confirmed during periodic onsite inspections by the AEC.

In response to your request, I am also enclosing a copy of the Commission's Report of Inquiry into allegations concerning operation of the Indian Point No. 1 Plant (Enclosure 4). This report indicates that there is insufficient evidence to conclude that there have been irreparable adverse effects on the ecosystem of the Hudson River. You may note, (Enclosure 4), that Con Ed is using an advisory board to review biological and engineering aspects and to assist in finding solutions to the problems encountered at Indian Point 1 in regard to the intake structure, (also refer to Page 26 of Enclosure 2).

If we can provide further information, please contact us.

Sincerely,

L. Manning Muntzing
Director of Regulation

Enclosures:

1. Appendix D, 10 CFR Part 50
2. Discussion and Conclusions, December 30, 1971
3. Letter, T. A. Phillips to R. S. Boyd, December 22, 1971
4. Report of Inquiry, October 1971 (2 Vols.)

	DR	OCR
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	DRL PMorris 2-9-72	OGC HShapar 2- -72

Furthermore, we have concluded that limited operation up to 50 percent of full power will not foreclose alternatives in facility design and operating procedures that could result from the full ongoing NEPA environmental review now in progress by our staff. As indicated above, the Board has not yet ruled on the staff's position.

The area of principal concern from an environmental standpoint relates to the effect of the operation of the condenser cooling system on the aquatic biota in the vicinity of the plant (reference Section F.2 of Enclosure 2). We expect that resultant damage to fish will be localized and will not upset the ecological balance of the Hudson River. Appropriate operating restrictions and monitoring programs will be incorporated as conditions of the facility's Operating License. Compliance with these license conditions will be confirmed during periodic onsite inspections by the Commission.

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We expect to issue the draft environmental impact statement next month. We will forward a copy of the statement to you as soon as it is completed.

If we can provide further information, please contact us.

Sincerely,

L. Manning Muntzing
Director of Regulation

Enclosures:

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Changes per OGC
See previous yellow for concurrences

Handwritten initials and date:
CWS
2/4

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DATE	2/4/72	2/ /72	2/4/72	2/ /72	2/ /72

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OCR (2)

Docket No. 50-247

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House of Representatives

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We are pleased to respond to your letter of January 14, 1972, to Dr. Glenn T. Seaborg, relative to the effect operation of the Indian Point Unit No. 2 nuclear facility at up to 50 percent of full power will have upon the fish and other wildlife in the vicinity of the plant.

The most recent public hearing before the Atomic Safety and Licensing Board (Board) concerning Indian Point Unit No. 2 was held on January 11 and 12, 1972. Operation of the reactor for testing purposes at a power level up to and including 1,379 megawatts thermal (50 percent of full power) was considered. Proposed findings of fact and conclusions at law are to be submitted to the Board by February 8, 1972, and replies are due from all parties by February 28, 1972. This action is consistent with the Atomic Energy Commission's regulations (10 CFR Part 50, Appendix D) implementing the National Environmental Policy Act of 1969 (NEPA). (Attached as Enclosure 1 is a copy of the revised Appendix D to 10 CFR 50). Section D.2 of this regulation applies to the limited operation of a nuclear facility during the period of the ongoing full NEPA environmental review. You will note that the Board may authorize the Director of Regulation to issue a license to operate for testing purposes up to 20 percent of full power. Operation at 50 percent of full power requires approval by the Commission.

Attached as Enclosure 2 is a copy of our Discussion and Conclusions (December 30, 1971) relative to the limited operation of Indian Point Unit No. 2. In the Discussion and Conclusions we considered several environmental impacts, especially those related to the once-through condenser cooling system and radioactive discharges. We have concluded that the critical need for power balances the significant, but localized, damage expected to occur to the aquatic biota in the Hudson River. Furthermore, we have concluded that limited operation up to 50 percent of full power will not foreclose alternatives in facility design and operating procedures that could result from the full ongoing NEPA environmental review now in progress by our staff.

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The area of principal concern from an environmental standpoint relates to the effect of the operation of the condenser cooling system on the aquatic biota in the vicinity of the plant (reference Section F.2 of Enclosure 2). We expect that resultant damage to fish will be localized and will not upset the ecological balance of the Hudson River. Appropriate operating restrictions and monitoring programs will be incorporated as conditions of the facility's Operating License. Compliance with these license conditions will be confirmed during periodic onsite inspections by the Commission.

In response to your request, we are also enclosing a copy of the Commission's Report of Inquiry into allegations concerning operation of the Indian Point No. 1 Plant (Enclosure 4). This report indicates that there is insufficient evidence to conclude that there have been irreparable adverse effects on the ecosystem of the Hudson River. You may note, (Enclosure 4), that Con Ed is using an advisory board to review the biological and engineering aspects of and to assist in finding solutions to the problems encountered at Indian Point in regard to the intake structure, (also refer to Page 26 of Enclosure 2).

We expect to issue the full NEPA review draft environmental impact statement next month. We will forward a copy of the statement to you as soon as it is completed.

If we can provide further information, please contact us.

Sincerely,

(signed) L. Manning Muntzing

L. Manning Muntzing
Director of Regulation

Enclosures:

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DATE ▶	2/7/72	2/ /72	2/8/72	2/5/72		