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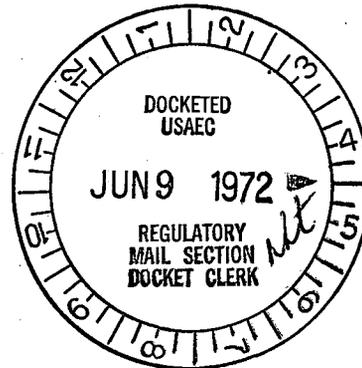
Comments on the Draft Detailed Statement
on Environmental Considerations Related
to the Proposed Issuance of An Operating
License to the Consolidated Edison Company
of New York for the Indian Point Unit No. 2
Nuclear Generating Plant

Docket No. 50-247

LOUIS J. LEFKOWITZ
80 Centre Street
New York, New York 10013

Attorney General of the
State of New York

Dated: June 2, 1972



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The draft detailed statement prepared by the Division of Radiological and Environmental Protection of the Atomic Energy Commission contains, in our judgment, substantial errors of analysis in three specific areas:

1. Indian Point II's effect on fish and other aquatic life;
2. The feasibility of natural draft closed cycle cooling towers at Indian Point; and
3. The alleged immediate necessity for the power to be generated by Indian Point II.

1. Indian Point II's effect on fish and aquatic life.

In evaluating the effect of Indian Point II on the Hudson River ecosystem, the draft statement treats the effects of the plant in a vacuum, totally ignoring the future presence of two sizable generating stations to be located near Indian Point II -- the Bowline Point and Roseton plants -- in addition to the existing Danskammer and Lovett plants. The cumulative effect of these generating stations will place considerable stress on the Hudson River even before it feels the effects of Indian Point II. None of these stations has undergone or will undergo a NEPA review. In view of the fact that the license being applied for here will

extend for 40 years, the failure of the draft statement to relate the effects of Indian Point II to the present and future adjoining stresses on the Hudson River renders the draft statement, with its single-minded focus on Indian Point II, myopic and violative of the teaching of the Calvert Cliffs decision.

Further, the State of New York totally rejects the premise that, in an area of this magnitude, where the entire fate of the Hudson River ecosystem is at stake, future research and analysis of the detrimental effects of this massive power plant should be entrusted to the applicant alone. This amounts to posting a wolf to guard the sheepfold. The inherent conflict of interest which would result from employing the licensee as its own policeman, is underscored by its history of haphazard investigation of fish kills and repeated refusal to gather and supply relevant data concerning fish larvae and other aquatic life.

This policy will inevitably cast a shadow over any future conclusions of the Commission regarding the adverse effects of the plant on the River, based as they would inevitably be on studies drawn up, conducted and evaluated by an applicant which has a vested interest in the results of such studies. Any future study of the effects of Indian Point II must be assigned to an agency or organization which will not have the huge pecuniary stake in the ultimate results of such a study which Con Edison has.

It is also relevant to note that New York Conservation Law § 275 dictates that "No person shall take fish . . . by shutting or drawing off water." The Attorney General has filed suit against Con Edison to recover \$1.6 million in penalties, pursuant to Sections 275 and 389(4) of the Conservation Law, resulting from massive fish kills at Indian Point II which occurred during recent testing operations in February 1972. In addition, Con Edison has signed a consent order with the New York State Commissioner of Environmental Conservation under which it is mandated to take affirmative steps designed to prevent such kills. Pursuant to 10 CFR Part 50, App. D, § A.13, the Commission's license should be conditioned on the applicant's meeting all State requirements relating to the protection of Hudson River marine life.

2. The feasibility of natural draft closed cycle cooling towers at Indian Point II.

The draft statement states:

"The principal objection to using evaporative cooling towers. [e.g. natural draft closed cycle cooling towers] at the Indian Point site is the high range of salinity content of the Hudson River (100 to 7000 ppm). The damaging effects of the salt-water drift on metallic objects and plant life could be detrimental. Until such a time as research can produce brackish water cooling towers with very low drift and environmental impact, this use is not practical. (DES, XI-9)."

But nowhere does the draft statement support that conclusion with any data. Its conclusion directly contradicts both the applicant's own analysis and those of the State of New York and the Hudson River Fishermen's Association.

It is beyond dispute that natural draft closed cycle cooling towers at the Indian Point II plant would reduce intake water demand at the site by at least 95%, with attendant enormous reduction of the severe ecological impact on river life inherent in Con Edison's system as presently designed. The construction of this alternative to once-through cooling will assure protection of the vital ecosystem now thriving in the Hudson River.

The applicant itself has stated that cooling towers will not cause problems relating to fogging or saline drift. While they do object to the expense, attendant downtime resulting from connection, and the vapor plume above the towers, Con Edison does acknowledge that brackish-water cooling towers are commercially available (see Comments, Con Edison, C-164), contrary to the draft statement.

Ecodyne Cooling Products Co. of Santa Rosa, California, reports that in fact they have officially guaranteed Con Edison and the New York State Public Service Commission that it can provide cooling towers with a drift loss rate of .004-.008% of circulating water flow. At this level of drift loss, Ecodyne has calculated through atmospheric dispersion formulas that there will be "minimal local adverse impact from brackish water natural draft cooling towers."

By placing an air-cooled heat exchanger atop conventional cross-flow natural draft cooling towers, Ecodyne has succeeded in greatly reducing saline drift and nearly eliminating the fog heretofore characteristic of this type of cooling device. Not only will this system eliminate the adverse effects moist, salty air might otherwise have on trees and plants, equipment, roads and homes, but it will also reduce the vapor plume which might otherwise accompany these towers.

The General Public Utilities Service at Morristown, New Jersey, has, like Ecodyne, conducted a year long in-depth study aimed at evaluating the environmental effects of salt water cooling towers. This study proceeded with electrical industry funding and appeared in the environmental report prepared by

Jersey Central Power and Light for its Forked River I plant. Submitted to the A.E.C. in January, this report concluded that salt water cooling towers generate minimal adverse impact on property adjacent to cooling towers.

It appears that much of the material in the draft statement was written prior to the submission of the Forked River I environmental report, and did not benefit from the conclusions reached there. All available information indicates a need for the A.E.C. to reevaluate its position regarding the feasibility of salt water cooling towers, especially in view of the lack of available alternatives to once-through cooling for the protection of the Hudson River ecosystem.

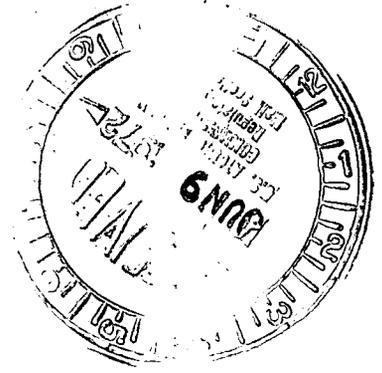
3. The alleged immediate necessity for the power Indian Point II will generate.

As the analysis presented by the Hudson River Fishermen's Association (Comments, pp. 20-23) indicates, there is no authoritative evidence showing the alleged necessity for Indian Point II's power in the immediate future. The plant cannot be put into operation in time for the summer months, when the power demand is greatest. And even for that period, the Federal Power Commission has determined that the 1972 reserve margin of the

New York Power Pool without Indian Point II will be 19.6%, almost double that of a year ago. A 40-year license to operate a massive generating station without adequate environmental safeguards should not be granted on the basis of an alleged but unproven power crisis, where reasonable alternatives exist, such as natural draft cooling towers.

/S/ Paul S. Shemin

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