

*Do not file*

JUN 11 1974

Docket No. 50-247

L. Manning Muntzing, Director of Regulation  
THRU: John F. O'Leary, Director of Licensing (Signed) John F. O'Leary

**USE REASONABLE RATHER THAN CONSERVATIVE DATA IN ENVIRONMENTAL IMPACT STATEMENTS**

On May 3, 1974, you inquired as to the news article in the May 2, 1974, Nucleonics Week issue regarding the Appeal Board's decision on Indian Point Unit No. 2 requiring reasonable rather than conservative data in environmental impact statements. The staff agrees with the Appeal Board in requiring reasonable data for each EIS.

The Nucleonics Week article is misleading in stating that the intervenors, the Citizens Committee for the Protection of the Environment and the Hudson River Fishermen's Association, and the Regulatory staff used only conservative environmental assumptions. The CCPE only intervened on radiological safety issues where conservative assumptions were used. In regard to accidental releases of radioactivity from the plant, "realistic" assumptions were used by the staff to estimate radiological exposures for the eight classes of accidents presented in the FES.

Regarding analysis of biological impacts and thermal discharges of once-through cooling, the staff and HRFA used a range of values representative of realistic field data observed by the applicant over a period of about 18 years (1955 to date). These field data were inputs into the different entrainment mathematical models developed by each party in the proceeding and used to simulate reality of biological system behavior. The term "most conservative estimates" referenced in the applicant's appeal originally was a label which the Licensing Board used for convenience in Tables 2 and 3 in the Initial Decision to describe a set of estimates calculated by the applicant at the request of the Board, with certain coefficients equal to 1 and without compensatory effects in the model. This set became the applicant's "most conservative" evidence and were comparable to the staff's estimates. The applicant's "best estimates" were significantly lower due to the use of "unrealistic" coefficients and compensatory effects which are not realistically present in 0-year class (first year of life) fish.

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In reference to the second item in the Nucleonics Week article, the Appeal Board said that NEPA does not require that environmental considerations be given "paramount" consideration nor must environmental impacts be minimized in all instances. The staff also believes this to be true and in its Opposing Brief stated that the [Licensing] Board did observe the proper legal principles in applications of NEPA in this proceeding. In the very difficult task of attempting to strike a balance between costs and benefits involving important quantifiable elements (such as monetary elements) and the significant unquantifiable elements (the natural resource of the Hudson River and Mid-Atlantic fishery), the [Licensing] Board gave proper weight to protection of the Hudson River fishery.

In the staff's Opposing Brief to the applicant's exceptions to the Initial Decision, the staff supports the Licensing Board in having used proper standards in reviewing the evidence on environmental matters and in concluding that the likely impacts will be less severe than the highest estimates and more severe than the lowest estimates.

Original Signed By

A. Giambusso  
 A. Giambusso, Deputy Director  
 for Reactor Projects  
 Directorate of Licensing

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REMARKS: *Don't pl be sure to get input from OGC*

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FROM *AJ*

Name *A. Giambusso* Div./Off./Br. *DDRP* Date *5/6* Telephone *7373*