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Regulatory Docket File

April 8, 1976

50-247

George W. Knighton, Chief
Environmental Projects Branch 1
Division of Site Safety &
Environmental Analysis
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Knighton:

Enclosed are comments submitted on behalf
of the Hudson River Fishermen's Association on the
Draft Environmental Statement related to the Preferred
Closed Cycle Cooling System for Installation at
Indian Point Unit No. 2.

Yours sincerely,

Sarah Chasis
Sarah Chasis
Attorney for Hudson River
Fishermen's Association

SC:ps

Enc.



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COMMENTS ON BEHALF OF
HUDSON RIVER FISHERMEN'S ASSOCIATION
ON

DRAFT ENVIRONMENTAL STATEMENT

Related To The
PREFERRED CLOSED CYCLE COOLING SYSTEM

For Installation At
INDIAN POINT UNIT NO. 2

Submitted by

SARAH CHASIS
(Natural Resources Defense Council)
15 West 44th Street
New York, New York 10036

April 8, 1976

These comments are being submitted on behalf of the Hudson River Fishermen's Association (HRFA). HRFA is a citizens' organization with a membership of more than 750 made up of citizens, fishermen, and scientists who seek to protect the natural resources of the Hudson River and the environment of the Hudson Valley. HRFA was a party to the licensing proceeding for Indian Point Unit No. 2 and on December 3, 1975, HRFA filed a petition to intervene in the Nuclear Regulatory Commission (NRC) proceeding to designate a preferred alternative closed cycle cooling system for Indian Point 2. An order granting intervention was issued on December 23, 1975.

The interests of all HRFA members are affected by the present once-through cooling system at Indian Point Unit No. 2 which is extremely destructive of fish life. Therefore, HRFA supports the installation of a closed-cycle cooling system at Indian Point 2 and supports the installation of the proposed natural draft cooling tower, or any other closed-cycle cooling system agreed on by Consolidated Edison and the NRC, which will assure once-through cooling at Indian Point 2 ceases on schedule.

The Draft Environmental Statement (DES) on alternative systems makes clear that there are several alternative systems which are feasible and may be constructed and operated

in an environmentally acceptable manner. The statement lays a firm foundation for this conclusion through a detailed review and analysis of the data relating to the different systems and their impacts.

HRFA's major concern with respect to the proceeding on alternative closed cycle cooling systems is to assure compliance with the license term establishing May 1, 1979 as the date for cessation of operation with the present once-through system. That date, set after years of hearings and litigation, the NRC staff now states, is obviated by virtue of the NRC staff's own failure to act expeditiously. (DES, Section 4-3). Such a conclusion may not be reached unless there is 1) a showing by the company that the NRC staff's failure to designate a preferred alternative closed cycle cooling system by December, 1975 necessitates a deferral of the May, 1979 date; 2) an environmental impact statement is prepared on any proposed action respecting deferral of the May 1, 1979 date; and 3) a hearing is held to determine whether the deadline should be adjusted and, if so, to when. None of these conditions have been met to date.

The statement, however, deals with this critical issue in the following offhand manner:

"Since the December 1, 1975 date for completion of all regulatory approvals is impossible due to the time required for detailed staff evaluation*, the May 1, 1979 date is postponed accordingly ... no hearing date has been established, depending as it does on the publication of this DES and FES at a later date. Therefore, no definitive schedule can be set until later and any attempt to devise one would be unrealistic at the present time." DES, Sec. 4-3.

This conclusion is totally unacceptable. As previously stated by HRFA in a letter to Mr. Ben Rusche (December 9, 1975):

"License deadline dates are not to be shifted about as if the License requirement related solely to an immaterial plan and structure modification. The License provision allowing postponement of the May 1, 1979 date can not be read as automatic, but must be interpreted under the strong admonitions of the License to mitigate harm to the Hudson River biota. Delay where it appears that Con Edison will suffer no real or potential harm in continuing along the present schedule is irrational, unnecessary and at odds with the basic requirements of the License."

It is HRFA's position that the conclusion by the DES with respect to scheduling is unacceptable and violative of the public interest.

* The NRC staff took 15 months to analyze the company's license application and supporting report; in the end, it reached basically the same conclusions as the company had. The staff's failure to act in an expeditious fashion indicates the low priority afforded this matter within the NRC despite the clear public interest involved and the explicit license requirement. The staff now seeks to use its own slowness to act to justify a delay which poses a serious threat to the very interests the NRC's license condition is designed to protect.

The Environmental Impacts of the Alternative Closed Cycle Systems. The DES analysis confirms the fact that there will not be significant damage caused by salt drift, fogging, icing or noise. Research conducted by both Con Edison and the NRC staff confirm the fact that there will be only insignificant effects on the local environment.

With respect to the alternative preferred by Con Edison, i.e., wet natural draft cooling towers, the NRC staff estimates that the effects of saline drift on local vegetation either on or offsite is sufficiently low to be considered negligible (Sec. 5-72); that an average annual addition of 20 hours of ground fog in an area over the Hudson River would be the maximum impact from fogging (Sec. 5-38); that an average of 11 additional hours of icing might be expected to occur on an annual basis (Sec. 5-38); and that the predicted operational acoustic effects will not significantly exceed the ambient acoustical environment (Sec. 5-59 & 60). Thus the major potential environmental effects of the natural draft cooling towers which are saline drift, weather modification and noise are shown to be minimal.

Con Edison's own Report on "Economic & Environmental Impacts of Alternative Closed-Cycle Cooling Systems for Indian Point Unit No. 2" reached substantially the same

conclusions.

1. No significant ground level visibility hazard is expected to occur by operation of a natural draft cooling tower.
Report at 6-12, et seq.

2. Damage to vegetation from saline drift would be a potential problem for three species in a small area (1 Km²) and for hemlock in a slightly larger area (3.5Km²) after 14 rainless days coinciding with low fresh water flow in the Hudson River.
Report at 6-14, et seq.

3. Noise will not be a significant problem.
Report at 6-48, et seq.

CONCLUSION

HRFA believes that the DES supports the position HRFA has taken all along, that the environmental impacts of closed cycle cooling systems are vastly outweighed by the environmental impacts of once-through cooling, and that the research conducted by the NRC staff and Con Edison confirms this position which was taken by HRFA in the licensing proceedings for Indian Point Unit No. 2. Among the closed cycle systems, natural draft towers appear to minimize the effects of fogging, saline drift and noise, but are more visible than mechanical draft towers. However, if mechanical draft towers are more desirable because of their reduced visibility, such a system would meet with no objection from HRFA.