



Regulatory Docket File

STATE OF NEW YORK

DEPARTMENT OF LAW

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ATTORNEY GENERAL

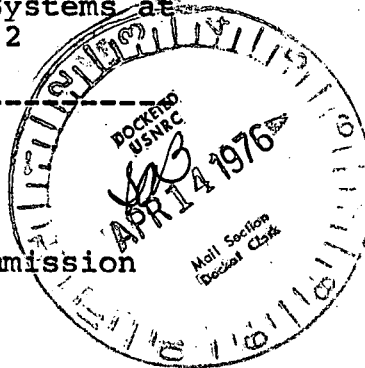
PHILIP WEINBERG
ASSISTANT ATTORNEY GENERAL
IN CHARGE OF
ENVIRONMENTAL PROTECTION
BUREAU

April 8, 1976

50-247

Re: DEIS for Selection of Preferred
Closed Cycle Cooling Systems at
Indian Point Unit No. 2
NUREG-0038

Director
Division of Site Safety &
Environmental Analysis
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



Dear Sir:

The Attorney General of the State of New York submits the following comments with respect to the above-referenced draft environmental impact statement.

With respect to the substantive technical matters discussed in the DEIS, the Attorney General concurs in your office's analysis and conclusions, and endorses the selection of a natural draft cooling tower as the preferred closed cycle cooling system at Indian Point Unit No. 2.

However, the Attorney General must take issue with your analysis of the schedule for construction, contained in Chapter 4, Section 4.1 of the DEIS (pp. 4-1 to 4-3). The schedule established by the Appeal Board for the construction of a closed cycle cooling system required the applicant to submit its economic and environmental evaluation report to the NRC by December 1, 1974, with regulatory approval expected by December 1, 1975, fully one year later.

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The DEIS, however, was not issued until two months after this deadline, with final action anticipated at some unspecified future date.

Indeed, your division has abandoned all pretense of maintaining any semblance of a schedule, asserting in essence that approval will be forthcoming when issued, no sooner, no later (p. 4-3). While the Attorney General understands that your staff has other duties, nevertheless, the establishment of a schedule by the Appeal Board would appear to require you to give priority to the Indian Point 2 licensing requirements, so that the NRC can fulfill its obligations under the license issued to the applicant, which was after all conditioned by the Appeal Board on the installation of a closed cycle cooling system according to a stated schedule.

Your office's failure to set out a timetable for future government approvals would seem to reflect a determination by your office not to assign this project the priority inherent in the Appeal Board's determination. The Attorney General is of the opinion that your office should establish priority treatment for this project, set a rigorous schedule for the completion of all governmental action, and make every attempt to adhere to that schedule.

Very truly yours,

LOUIS J. LEFKOWITZ
Attorney General

By



PAUL S. SHEMIN
Assistant Attorney General

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