

COMMENTS BY THE NEW YORK STATE  
ATTORNEY GENERAL ON THE

DRAFT ENVIRONMENTAL STATEMENT  
for Facility License Amendment

FOR

EXTENSION OF OPERATION WITH  
ONCE-THROUGH COOLING FOR  
INDIAN POINT UNIT NO. 2

by the

U.S. NUCLEAR REGULATORY COMMISSION  
OFFICE OF NUCLEAR REACTOR REGULATION

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Docket No. 50-247

September 30, 1976

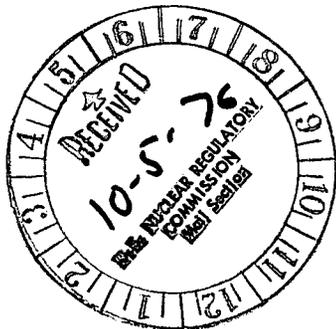
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The Attorney General of the State of New York does not believe that the Commission should grant Con Edison's request for a facility license amendment extending the operation of Indian Point 2 with once through cooling.

The Attorney General's opinion is based on an examination of the details of Con Edison's submission in support of its application, and on the nature of the information submitted by the Company. Despite Con Edison's constant references to the ALAB-188 opinion as finding Con Edison's model right and the AEC Staff model wrong, the hearings on Con Edison's original application made it clear that, but for the dispute over compensation and "f" factors, the fishery damage predicted by Con Edison and by everyone else would be of the same general magnitude.

Thus, in giving Con Edison the right to come back in the future with new evidence, all the Licensing Board and the Appeal Board were talking about was new evidence as to the significant issues in dispute. In considering Con Edison's current request for an extension, therefore, the crucial question to be asked is what will the remainder of Con Edison's study program tell us about compensation and "f" factors?

Our analysis leads us to conclude that Con Edison will not be able to develop any new data regarding these two issues during the remainder of its never-ending study program.

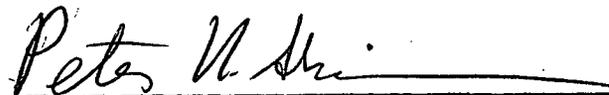
Indeed, its multi-plant report for 1975 presented data in support of its compensation argument which was previously available to the Company, but was never offered in evidence.

Nowhere in its papers in support of its application does Con Edison explain how the extension will permit it to gather or analyze new data for the purpose of resolving the compensation and "f" factor disputes. In the absence of any such information, we believe the Commission should not look any further. Data for data's sake, at the expense of Con Edison's ratepayers, has been the name of the game for the Company and its consultants. The Attorney General believes that Con Edison should be required to explain in detail exactly how it hopes to use its new data and analysis to support its compensation and "f" factor arguments.



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