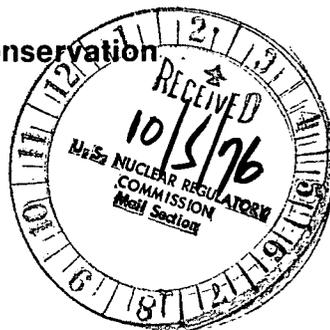


New York State Department of Environmental Conservation

50 Wolf Road, Albany, New York 12233



50-247



Peter A.A. Berle  
Ogden Reid  
Commissioner

September 30, 1976

United States Nuclear  
Regulatory Commission  
Washington, D.C. 20555

**REGULATORY DOCKET FILE COPY**

Attention: Director, Division of Site Safety  
and Environmental Analysis

Dear Sir:

The State of New York has completed its review of the U.S. Nuclear Regulatory Commission "Draft Environmental Statement for Facility License Amendment for Extension of Operation With Once-Through Cooling for Indian Point Unit No. 2", issued in July 1976. In preparing the comments, we have taken into consideration the views of interested State agencies including the attached views of the NYS Public Service Commission (PSC).

The State considers the DES inadequate to justify a two year extension for operating with once-through cooling at Indian Point 2.

1. The central issue is whether or not

"empirical data collected during this interim operation justifies an extension of the interim period or such other relief... The filing... in and of itself shall not warrant an extension..."  
[Section 1.2.(1).(c)]

The central issue of the DES is not whether the Hudson River will be protected from any significant adverse impacts during an extension period (although this is a critical consideration).

The DES does not offer anything but generalities (3.2.5.1) in concluding that

"the applicant's research program may provide additional relevant results".

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Any appraisal of the justification for an extension should be based on the specifics of what data or analyses of high level relevancy to the central issue would become available during an extension period, not obtainable prior to an extension period. No such case is made in the DES. Moreover, the statement in 5.2 that

"more data of the type collected from 1973 through 1975 will not substantially improve the biological data base available to the Commission or any other parties"

seem to be a refutation of the value of any extension even though that statement was offered in discussing viability of an alternative of extension beyond the two years proposed.

In Section 1.4, the DES states that the applicant

"believes a substantial possibility exists that the completed research study program and report (on or about January 1977) will provide a sufficiently improved data base that reanalysis will demonstrate that a closed cycle cooling system will not be required for Indian Point Unit 2..."

In 3.2.5.1 there is reference to several studies by other utilities, Department of Environmental Conservation, Power Authority of the State of New York and Inter-Utility Coordinating Committee to the effect that a first year's extension will allow completion of such research studies

"aimed at providing a more complete and sound scientific basis for a reasoned decision than was available at the end of 1974".

The DES fails, however, to specify how new data to be generated or how analyses of new or old data have direct relevancy to the focal issue of whether or not the established decision that closed cycle cooling is required might be set aside.

In summary, in failing to show what biological information, with relevancy, would become available as a result of an extension, there is failure to justify an extension for the purpose of introducing new biological evidence.

2. The State concurs with the DES that applicant's analyses of compensation (3.2.23) had not removed concern for the long-term consequences of protracted and uncontrolled density-independent mortality.

Moreover, the State has previously expressed concern about the quality of the data base and methodology used in the applicant's analyses of compensation. Further examination of both aspects should be made by staff prior to acceptance of the magnitude of compensation and of subsequent use in population analyses.

3. The State recognizes Paragraph 2.E.(b) of Amendment No. 6, May 6, 1974, is clear in specifying that postponement of the May 1, 1979 date will occur, should the applicant, after due diligence in seeking all governmental approvals, not have obtained such approvals by December 1, 1975 (1.2).

The problems with respect to obtaining required governmental approvals in relationship to key time schedule deadlines are not clearly defined and should be. No explanation is given as to the sources or reasons for delays that justified postponing the May 1, 1979 date for six months or why a probable further extension for three more months (4.1.1) is anticipated. Further, no substantive evidence is presented to allow estimations of prospects, durations and consequences of still further delays.

This problem should be discussed and put into a time frame reflecting various possibilities and contingencies. One such consequence that should be addressed in any event is the effect of any change in the May 1, 1979 deadline for cessation of once-through cooling on Indian Point 2 on the May 1, 1980 deadline for Indian Point 3.

Thank you for providing the State the opportunity to comment on this Draft Environmental Statement.

Sincerely yours,



Theodore L. Hullar, Ph.D.  
Deputy Commissioner for  
Programs and Research

cc: C. Simian  
A. Kahn, PSC

Attachment



STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION  
ALBANY

ALFRED E. KAHN  
CHAIRMAN

August 3, 1976

DEPARTMENT OF  
NATURAL CONSERVATION  
AUG 4 1976  
OFFICE OF  
ENVIRONMENTAL ANALYSIS  
EMPIRE STATE PLAZA

Dear Mr. Curran:

The staff of the Public Service Department has completed its review of the "Draft Environmental Statement for Facility License Amendment for Extension of Operation with Once-Through Cooling for Indian Point No. 2" (Docket No. 50-247). I send you our comments, as requested by Dr. Seymour's memorandum of July 20. I assume they will be incorporated into a consolidated New York State Atomic Energy Council position, which you will transmit to the NRC.

We support the position that a two-year extension of once-through cooling (until May 1, 1981) is the best of the courses of action being considered, because we agree with the conclusion in the Draft Environmental Statement that "the incremental long-term impact on the Hudson River ecosystem, the striped bass and other fish populations in particular, due to a two-year extension of operation with once-through cooling for Indian Point Unit No. 2 is not expected to be large and has essentially no risk of being irreversible."

We suggest that the impact analysis portion of the DES be expanded to include the following two items of evidence, which support this conclusion:

1. The improvement of the water quality in the upper Hudson River has already enhanced the reproductive potential of important fish species. Monitoring at the Albany Steam Station, for example, demonstrates that the size and diversity of the fish population has increased significantly in recent years. This increase

August 3, 1976

in the density and range of various fish species in the Hudson reduces the proportional impact of impingement and entrainment of fish at the Indian Point facility on the overall Hudson River ecosystem.

2. Since there has been only a limited relaxation of the recent prohibition of commercial and sport fishing in the Hudson River by DEC, because of PCB contamination, the population of many fish species is expected to increase; this will serve to offset any losses associated with once-through operation at Indian Point No. 2.

We suggest also that the discussion of the striped bass models in the DES would benefit from a more comprehensive explanation of the models in question -- e.g. an explanation of the differences between the NRC and Con Edison models, and of the analytical consequences of these differences. Also, we note that the DES has avoided putting monetary values on the striped bass losses that will be experienced absent the installation of cooling towers in 1979. We strongly urge the NRC staff and the applicant to review a report "Power Plants and Estuaries at Crystal River, Florida: An Energy Evaluation of the System of Power Plants, Estuarine Ecology, and Alternatives for Management," by Howard T. Odum et al, May 1975, prepared at the University of Florida for the Florida Power Corporation and various governmental agencies concerned with the question of retrofitting cooling towers at Crystal River, Florida. The report provides a method that might be useful in objectively calculating the costs and benefits associated with the alternative courses of action offered at Indian Point 2. We particularly recommend Appendix B - "Energy Cost-Benefit Approach to Evaluating Power Alternatives."

If you have any questions on these comments, please address them to Alfred F. Meyer, of our Office of Environmental Planning.

Sincerely,



Alfred E. Kahn

Mr. Terrence P. Curran, Director  
Office of Environmental Analysis  
NYS Dept. of Environmental  
Conservation  
50 Wolf Road  
Albany, New York  
cc: Dr. William E. Seymour