

Docket No. 50-247

MAR 29 1973

### ENVIRON, FILE (NEPA)

A. Giambusso, Deputy Director for Reactor Projects, L

#### MEETING WITH EPA REGION II OFFICE REGARDING WATER QUALITY IMPACT OF THE PROJECTED DISCHARGES FROM INDIAN POINT UNIT NO. 2

A meeting was held on March 21, 1973 with representatives led by G. Bennett, Director, Enforcement Division from the EPA Region II Office, at the Regional Headquarters in New York City, New York to discuss items of mutual interest relative to the operation of Indian Point Unit No. 2. These items include:

- (1) Water discharge permit status;
- (2) Timing on installation of cooling towers; and
- (3) Possible conditions in the operating license to minimize impact during interim operation with the once through cooling.

Details of the discussion are enclosed in Attachment A. A list of attendees is presented in Attachment B.

The major conclusions reached were as follows:

- (1) EPA is in the process of sending a letter to CEQ and the AEC under the signature of W. Ruckelshaus, Administrator, or R. Fri, Deputy Administrator of EPA, regarding comments on the FES. In terms of the hearing, we told them that there was no mechanism by which we could handle the comments.
- (2) EPA is planning to issue a discharge permit under Section 401 or 402 of the FWPCA of 1972, requiring Con Ed to install closed cycle cooling no later than July 1, 1977 and possibly earlier than that date. A public hearing will be held on this project.

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- (3) EPA concerns of interim plant operation on water quality were already being covered in the preparation of Environmental Technical Specifications. The staff has already carried out a cost-benefit analysis of reduced power or restricted operations. Copies of testimony on this subject and on cumulative effects of multiple plants on the Hudson River were presented to EPA. We agreed that conditions for operation of Indian Point Unit No. 2 and Unit No. 3 should be consistent between the two Federal agencies.
- (4) EPA is only interested in the water quality aspects of the environment and, under the FWPCA of 1972, EPA feels it does not have to do any cost-benefit balance of alternative methods to protect the total environment.

*D. R. Muller*  
*for*

Daniel R. Muller, Assistant Director  
 for Environmental Projects  
 Directorate of Licensing

Enclosure:

- 1. Attachment A - Details of Discussion with EPA Region II Re: Discharges from Indian Point No. 2 - March 21, 1973
- 2. Attachment B - List of Attendees

Distribution:

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- R. Boyd, L:ADDRP
- D.R. Muller, L:ADEP
- G.W. Knighton, L:EP-1
- M. J. Oestmann, L:EP-1
- B. Harless, L:EP
- N. Brown, L:EP-1
- M. Karman, OGC
- S. Treby, OGC
- R.C. DeYoung, L:ADPWR
- K. Kniel, L:PWR
- M. McCoy, L:PWR
- M. Ernst, L:RP
- Reg Operations (3)
- C.M. Carter, ORNL
- E. Struxness, ORNL

*PDR*  
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3/28/73 DATE ▶	3/28/73	3/29/73				

ATTACHMENT A

Details of Discussion with the EPA Region II  
Office Regarding Discharges From Indian Point No. 2  
26 Federal Plaza, New York City, N. Y.  
March 21, 1973

Representatives from the EPA Region II Office requested a meeting with the AEC regarding comments on the Indian Point Unit No. 2 FES, interim plant operation prior to installation of a closed-cycle cooling system and the timing of the installation of such a system. They are concerned about the projected discharges from the plant, in view of the FWPCA of 1972, and the requirements in the water quality certificate under Sections 401 and 402 of the Act. Items of discussion follow:

I. Introduction

P. Arbesman, Chief, Environmental Impact Statement Branch, led the introduction of attendees and outlined the purpose of the meeting as described above.

II. Timing of Installation of Closed-Cycle Cooling System

Arbesman inquired as to how the recommendation of a closed-cycle cooling system is handled in the operating license and the basis for determination of the date of January 1, 1978 to install such a system. M. Karman and D. Muller explained the hearing process and the procedure used to issue the operating license which will be conditioned to include such a recommendation depending on the outcome of the ASLB initial decision. It appeared that the EPA Office was unaware how the AEC carries out the public hearing before the ASLB as part of the licensing requirement for a nuclear power plant. G. Knighton also explained how the staff arrived at the decision of such a recommendation and how the date of January 1, 1978 was selected as the outside date for installation of such a system. The basis was primarily allowing the applicant a reasonable time period for design and construction of such a system and the fact that ecological damage during interim operation is not expected to be irrecoverable nor irreversible. The cost-benefit balance would be such to warrant operation in view of the urgent need for power as compared to the environmental costs involved. The date was selected before the new FWPCA of 1972 was enacted. EPA is going

to require the date of July 1, 1977 as the latest date for installation of the closed cycle cooling system but may also advance the date to 1976. EPA would like to avoid any conflict with the AEC and wants to be consistent with the AEC in its requirements on limitations of discharges.

H. Lumenfeld, Chief, Energy and Thermal Source Wastes Section, has been in contact with Con Ed and has found that Con Ed is well along the way in developing cooling tower (natural draft) designs and in planning for several combinations of Units No. 1 and 2, Unit No. 2 alone, and Units Nos. 1, 2, 3 together. Plans for the foundation work are also advancing. EPA has also been in contact with cooling tower vendors such as Marley which have estimated a 2-1/2 to 3 year (allowing for slack time) period for design and construction of the towers.

### III. Water Quality Certification

Dr. Regna, Chief, Permit Branch, stated that July 1, 1977 will be used in the first discharge permit. After the permit is issued, a public meeting will be held. EPA has no authority to require cooling towers until after the discharge permit has been issued. After the public hearing, a second permit will be issued requiring the best practical technology by the 1977 date and the best available technology by July 1, 1983. Most of the discharge permits for Region II have been completed but have not been officially issued as yet. The Regional Administrator, G. Hansler, will have to determine when the discharge permits are to be issued.

The EPA Region II Office agrees with the AEC in terms of the Memorandum of Understanding between EPA and the AEC. EPA plans to make a tentative determination on discharges from future plants to avoid conflicts after the plants are built. In addition many plants cannot possibly meet the July 1, 1977 date so there will be some leeway regarding enforcement of this date. A discharge permit is issued for a 5-year term.

### IV. Comments on Draft and Final Environmental Statements

Ever since comments were issued on the Forked River DES, the Regional Office has sent out specific comments through the EPA headquarters office. In terms of the comments on the Indian Point

Unit No. 2 DES, they were written in the Washington Office as was the case in other DES for other plants prior to that for Forked River. P. Arbesman is the coordinator for Region II comments for environmental impact statements and he will be responsible for issuance of comments on the future Indian Point DES for Unit No. 3 and Unit No. 1. The comments will be presented in far more specific details than those provided earlier and will include the basis upon which the opinions and conclusions were reached in the comments.

The Region II Office has prepared a letter for the signature of Administrator Ruckelshaus or the Deputy Administrator Fri regarding comments on the Unit No. 2 FES. We already have a draft copy received last October 1972 and have prepared responses to the comments regarding the individual issues raised. Karman explained that there was no mechanism to handle such comments. EPA stated that there is the possibility of being subpoenaed as was the case in the Shoreham hearing. EPA also is using Section 301 of the Clean Act to provide comments on the FES. We preferred that comments be handled prior to issuance of the FES so as to avoid any conflicts between different agencies.

Dr. Regna offered to assist us in working together in preparing the comments on a DES or FES and also in preparing the discharge permits under the FWPCA of 1972.

V. Conditions During Interim Operation of Unit No. 2

Furthermore, the EPA Regional Office would like to include in its comments the kinds of conditions and limits on discharges and intake velocities they are including in the Section 401/402 discharge permits. We told the EPA Office that we are preparing Environmental Technical Specifications, which include limits on discharges, intake velocities, and monitoring requirements of water quality parameters, and include Administrative Controls (reporting requirements), by which the applicant has to operate its plant. In addition, in the letter of January 17, 1973 from the EPA Regional Office to Governor Nelson Rockefeller, a series of water quality discharge limits and monitoring requirements are enclosed which will be included as part of the Section 401/402 discharge permit and also the AEC Environmental Tech Specs. EPA's water quality parameters limitations may be stricter

than the New York State water quality standards but in any case we will include the limits we feel the applicant will have to meet to protect the environment. We plan to send EPA a copy of the Environmental Technical Specifications once Appendix B is finalized.

Attachment B

EPA Region II and AEC Interagency Meeting on  
Indian Point Unit No. 2  
March 21, 1973

<u>Name</u>	<u>Position</u>
<u>EPA Region II</u>	
Paul Arbesman	Chief, EIS Branch
Harvey Lunenfeld	Chief, Energy and Thermal Source Wastes Section
Oliver Donovan	Phy. Sciences, Regulatory Water Programs
Charles N. Durfor	Chief, Water Programs Branch
Ernest A. Regna	Chief, Permit Branch
Gus J. Bennett	Director, Enforcement Division
<u>AEC</u>	
George W. Knighton	Chief, EP Branch
Daniel R. Muller	Asst. Dir. for Environ- mental Projects
Mary Jane Oestmann	Project Manager - IP. Environmental Projects
Myron Karman	OGC
Stuart Treby	OGC