

JAN 10 1972

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J. G. Keppler, Chief, Projects Branch, REP

MEETING SUMMARY - AEC PARTIAL LICENSING PROCEDURES - 50% MINISTATEMENT FOR INDIAN POINT UNIT NO. 2, (DOCKET NO. 50-247)

Meeting and Attendees

The subject meeting was held on December 28, 1971, with representatives of the Council of Environmental Quality (CEQ), Department of Interior (D/I) and the Environmental Protection Agency (EPA). The principal attendees included:

- CEQ - W. Dircks
- D/I - V. Sullivan, K. D. Kraai (U. S. Bureau of Sport Fisheries and Wildlife)
- EPA - B. Holmberg (O.F.A.), N. Thomasson, (Radiation Programs)  
L. M. Flaherty (O.W.P. - Water)  
E. Regna (Region II Permits Branch)
- AEC - A. Giambusso, H. Thornburg, M. J. Oestmann, M. Karman

The meeting was arranged and chaired by A. Giambusso (AEC) and held at 3:00 p.m. in AEC - Bethesda Headquarters.

Purpose

1. Held as a result of the CEQ meeting on 12/22/71.
2. Keep agencies abreast of developments and status of NEPA - mini- and full power-statements, particularly special cases such as Indian Point Unit No. 2, Palisades, Quad Cities, and Point Beach.
3. Identify problem areas on Indian Point Unit No. 2.
4. Identify reports and articles available to other agencies for their review prior to AEC issuance of ministatements as well as Draft Environmental Statements.
5. Receive information on processing of discharge permits by the U. S. Corps of Engineers under Section 13 of the Rivers and Harbors Act of 1899.

Conclusions, Agreements, and Commitments

1. Giambusso (AEC) thought the meeting with CEQ, D/I, and EPA was fruitful and the meeting accomplished the purposes described herein.

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2. Future meetings between the AEC and the 3 agencies will also be held to discuss the partial power ministatements for Point Beach, Palisades, and Surry. The one for Quad Cities has already been discussed.
3. No comments will be needed from these agencies on the partial power ministatement of Indian Point Unit No. 2.
4. Information from the Technical Advisory Committee of the Lower Hudson River will be sent to the AEC from D/I.
5. AEC will provide to each of the 3 agencies applicable information received from the applicant in connection with the applicant's request for a partial power license. This includes the September 24, 1971 motion of Consolidated Edison, the applicant's supplement to the motion, and supporting testimony of October 19, 1971. Other information supplied by the applicant including the Environmental Report and its Supplements have already been received by the different agencies.
6. Considerable effort must be expended on a priority basis to develop meaningful standards for environmental monitoring of non-radioactive discharges to be carried out by applicants. It was apparent that all parties present could contribute to the effort.

Status of Indian Point Unit No. 2 - 50% Ministatement

1. Giambusso discussed the legal status of the recent court decisions on the Corps of Engineers Section 13 - discharge permit and on the Quad Cities injunction in relation to the Indian Point situation. He reviewed the facility status of Indian Point Unit No. 2.
2. Thornburg also summarized and gave copies of the REP status report on priority nuclear facilities. Oestmann summarized the status of the NEPA - ministatement prepared on Indian Point Unit No. 2 and pointed out the following:
  - (a) The impact of greatest importance is that related to potential fish kill by impingement on screens used in the intake structure.
  - (b) Measured flow characteristics of the Hudson River at the Indian Point site including tidal effects at different times of the year are inadequate. Flow rates at the site are needed.
  - (c) Better measurements are needed of the number, size, and type of fish sucked in through the intake structure. We estimate the flow velocity through the protective fixed screens to be 1.44

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- (d) The applicant will be asked to improve the present and modified ecological monitoring program so as to obtain the data needed for improving the hydraulic models of the river and the data on the effects of plant operation on aquatic biota. From an analysis of the data, it is hoped that modifications in plant design and operation may be obtained so as to minimize the environmental impact of the plant.
- (e) The effect of entrainment and mortality of fish larvae and eggs as they pass through the once-through condenser was also discussed. The overall effect on aquatic life because of the high mortality of the eggs was also of concern to D/I.

Agency Comments

1. In regards to the two court decisions, Dirks (CEQ) wanted to know what effect these decisions have on the scheduling of publishing the Indian Point 50% ministatement. Giambusso stated that the Quad Cities court decision was being appealed. The Indian Point ministatement comes under Section D.2 and Q.C under D.3 of Appendix D.
2. D/I mentioned that the applicant has been very cooperative with Federal and State agencies, particularly with the Bureau of Sport Fisheries. A member of the BSWF is on the Technical Advisory Committee of the Lower Hudson River Fishery Investigation which serves to recommend to the applicant investigations to be made of the fish life in this part of the Hudson River. The applicant has asked for advice and helped to get this committee organized through financial support.
3. The Technical Committee is well satisfied with what the applicant has been doing. D/I stated that it would have no objections to the 50% operation, provided (a) screening facilities operate properly; (b) thermal and chemical discharges meet New York State standards; and (c) environmental monitoring be continued as recommended by the Technical Advisory Committee.
4. AEC should get copies of the minutes of the Technical Committee meetings and also any reports issued. K. D. Kraai of U.S.B.S.F.W. was to arrange that DREP receive such copies of the reports and minutes of meetings. Kraai said that Joe Berkati in Washington was on this Technical Committee. This information for these reports should be dovetailed into the AEC proposed monitoring programs. There is no basic difference on radiation and chemical impacts between the AEC and other agencies.
5. EPA representatives had no adverse comments. EPA representatives

stated that it has been reviewing the applications under Section 13

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for discharge permits from applicants forwarded from the U. S. Corps of Engineers. Now the recent court decision in Ohio has stopped this effort. At best a temporary permit for one year would be given provided the monitoring program shows that the applicant has met and complies with State and Federal discharge standards. After the temporary period is up, another application has to be submitted by the applicant and reviewed by the Corps of Engineers and EPA before a permanent permit would be issued. Both the temporary and permanent permits would be issued after the full NEPA review is completed. No arrangements have been made to issue an interim permit for partial power operation of plants.

6. Holmberg (EPA) said that the State of New York is willing to issue a water quality certification to the applicant but the State has not filed all the information to EPA needed for EPA's review and approval. Furthermore, the court decision in Ohio precludes public notice for 30 days on the State water quality certification. The Justice Department has made no attempt to prosecute violaters (about 20,000 applications under Section 13 are pending before the Corps of Engineers) in view of the recent Ohio court decision.
7. D/I questioned Oestmann on the problem of dissolved oxygen in the Indian Point situation. Oestmann answered that this matter was described in the 50% ministatement and said that if this becomes a problem of concern, then we recommended an aeration device would be used as part of the water discharge system.
8. The formal meeting concluded about 5:15 p.m. but an informal meeting was held up to 6:00 p.m. The major subject of discussion dealt with generic problems, as an example, the development of models for different ecological monitoring programs. There is a definite need to develop generic information on specific environmental issues and, EPA has in its organization groups that are looking into this matter. Another problem relates to the legal aspects on the Ohio court decision regarding Section 13 permits. Apparently TVA does not have to have Section 13 permits to operate its plants. Also there is a problem of present, proposed, and future standards and how does a company design a new plant to meet standards which change over the years. Another point of discussion was that if an organization cannot meet standards, how can an agency schedule enforcement of standards when a plant can continue to operate under "old" standards and when it has to operate under "new" standards. The Section 13 permit program is a powerful tool to force all companies to meet State and Federal standards. A problem of revoking a permit and causing criminal action to be brought against a company could be very serious. Enforcement and inspection to do this would be needed.

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discharge permit has been given to Con Ed to operate Indian Point Unit No. 2. Problems may arise because of the combined discharge for Indian Point Units No. 1, 2, and 3.

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