

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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In the Matter of)
NEW YORK STATE ELECTRIC AND GAS CORP.) Docket Nos. STN 50-596
AND LONG ISLAND LIGHTING CO.) STN 50-597
(New Haven 1 and 2 Nuclear Power Plant)
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STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE
BOARD ON ELECTRIC GENERATION
SITING AND THE ENVIRONMENT

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In the Matter of the Application of the)
NEW YORK STATE ELECTRIC AND GAS CORP.)
AND LONG ISLAND LIGHTING CO.) Case 80008
New Haven/Stuyvesant Nuclear Generating)
Facility)
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CONTENTIONS OF
CONCERNED CITIZENS FOR SAFE ENERGY, INC.

Pursuant to the NRC February 5, 1979 Notice of Hearing, Concerned Citizens filed a Petition for Leave to Intervene in the Federal portion of this proceeding. Concerned Citizens had previously filed a Notice of Intent in the State portion of this proceeding.

The NRC's February 5, 1979 Notice called for supplements to Petitions to Intervene "which must include a list of contentions which are sought to be litigated in the matter." Unfortunately, since the issuance of the February 5 Notice certain inconsistent and confusing directions have been given both in the proposed joint protocol and in the April 30, 1979 joint Public Notice. Nevertheless, believing that the NRC's February 5, 1979 Notice is still the fundamentally effective set of rules, Concerned Citizens hereby files its list of contentions.

It should be pointed out, however, that Concerned Citizens reserves the right to amend its contentions and add additional contentions at such times as the ES, FES, and SER are published since these key documents will identify the issues to be litigated in this case.

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I.

The analysis of Stuyvesant as an alternative site gives inadequate consideration to adverse social and economic impacts upon the County of Columbia and the Town of Stuyvesant which would result from the construction and operation of the proposed facility and its associated transmission requirements:

Basis

The average daily construction workforce estimated by the Applicants for a five year period is 2,400 workers with a peak daily workforce of 4,500 workers (ER-Stuyvesant, §4.1.2.9).

The proposed transmission line right of way is 850 feet for at least 2.6 miles (The exact length is unknown since the description of the transmission requirements at Stuyvesant is unintelligible) with three sets of parallel towers each some 15 stories high repeated every 1000 feet or so (ER-Stuyvesant, §§3.9.1 and 3.9.2.1).

Two fifty story high natural draft cooling towers are proposed near the Hudson River (ER-Stuyvesant, Table 3.4-1).

The Hudson River Valley in the vicinity of the Stuyvesant site is a major national scenic and historic resource.

The communities in the vicinity of the Stuyvesant site are small, stable, rural ones.

Specific Inadequacies

1. The predictions as to the number of construction workers who will move into the proposed project area is wrong. This has led to a gross underestimate of the direct impact on housing and community services such as schools, hospitals, fire and police departments, and roads.
2. Even if the prediction is correct, the direct impacts have been underestimated.
3. The impacts of the "boom-bust cycle" of major capital projects in rural areas have not been analyzed. The "boom" will disturb forever the tranquility and stability of the socio-economic structure of the affected area. Then the reduction in activity upon completion of construction will lead to a "bust" in which the survivors who remain have neither the community that was, nor the resources to support the community that has become.

4. By focusing only on site specific historic resources and by ignoring the widespread impacts of construction and operational activities, the cooling towers and transmission lines, the potential impact on historic and aesthetic resources has been incorrectly described and evaluated.

5. Secondary and indirect impacts on population growth, real property values, employment, tourism, land use and development, local government structure, transportation facilities, utilities, and other community infrastructure elements have not been adequately identified and assessed.

II.

The analysis of Stuyvesant as an alternative site gives inadequate consideration to impacts on air and water quality in the vicinity of the proposed project.

Basis

Each 50 story high natural draft cooling tower will send an average of 11,740 GPM of Hudson River water into the air (ER-Stuyvesant, table 3.4-5).

The proposed facility will take 36,612 GPM from the Hudson River all the time (ER-Stuyvesant §3.4.3) and discharges from 5,940 to 15,440 GPM (ER-Stuyvesant §3.4.4.2).

The agricultural resources of Columbia County are highly sensitive to climatological and air quality changes.

The Hudson River is an important source of water for drinking, recreation and other purposes and is a fisheries of national importance.

The Hudson River is subject to serious oil spills and is uniquely polluted by polychlorinated biphenyls (PCBs)

Specific Concerns

1. Columbia County climate could be affected, particularly to the detriment of the substantial fruit growing industries of the County. The emission of major quantities of Hudson River water into the atmosphere could impair, if not destroy, the annual crops of apples, pears, peaches, plums and grapes upon which a large part of Columbia County agriculture depends.

2. Columbia County climate could be affected in that the additional moisture put into the atmosphere by the cooling towers could and would probably result in winter in fog and mist and in the formation of ice on roads and bridges in Columbia County.

3. The proposed plant will disseminate toxic chemicals in harmful levels by air over the community.

4. Oil from oil spills which may occur in the Hudson River could be drawn into the plant cooling system and sprayed over Columbia County through the cooling towers.

5. The large quantities of water which would be withdrawn from the River for the proposed facility would have an adverse impact on the quality (such as salinity) of the River and, therefore, the quality of the water withdrawn by various communities in the Mid-Hudson area (e.g. Rheinbeck, Highland, and Poughkeepsie) for drinking water. Also of concern is the lack of consideration of the incremental effect of this proposed facility's impact on the fresh water supply in and around the Hudson Valley.

6. The adverse effect the proposed facility will have on the ecology and biological communities of the Hudson River by reason of:

- (a) The impingement of aquatic biota;
- (b) the entrainment of aquatic biota;
- (c) the discharge of minerals and chemicals, including those added to prevent corrosion, reduce fungal growth and prevent scaling; and
- (d) radiological impacts of discharges from the proposed facility.

III

The costs of the proposed facility will far exceed its benefits.

Basis

The relevant cost circumstances include the rapid escalation of capital costs for such a project, increasingly costly security requirements, increasing prices for enrichment services, uncertainty as to the availability of nuclear fuel, uncertainty as to the ultimate cost of decommissioning the proposed facility, the expense of perpetual storage or disposal of waste, the costs surely to be incurred as a result of design and other changes to be required by the NRC and Congress based upon the "nuclear incident at Three Mile Island," and the costs of providing standby power when the facility accidentally goes out of service for long periods of time.

Factors affecting benefits (i.e. supplying an alleged need for more electric power) include the effect on future demand of sharp rises in electricity prices, massive Federal and State conservation programs, the remarkable slowdown in growth in peak demand in New York State, the increase in natural gas supplies, and the most recent projections of future peak demand in New York State.

Specific Concerns

1. Due to reliability problems, the nuclear plant capacity factor will be lower than estimated, and additional capacity beyond that projected would be required to cover reserve requirements. The economic comparison of nuclear power with alternative sources of generation is improper in that it is based on equal capacity factors and equal capacity between alternatives. Before any conclusions can be drawn, a detailed system study must be run, assigning appropriate capacity limits and outage rates.
2. The nuclear capital costs do not fully reflect the extreme escalation in capital costs that have been experienced recently and which are certain to continue.
3. The nuclear fuel costs do not adequately reflect the rapidly increasing costs of nuclear fuel due, among other things, to limited domestic uranium supplies.
4. The nuclear costs do not reflect the added expenses that will be required for nuclear plant security due to increased NRC security requirements.
5. The nuclear costs do not adequately reflect the ultimate costs of decommissioning.
6. The costs of the limited alternatives that have been compared, including coal fuel costs, have been overstated, and the costs of other alternatives, in particular, combined alternatives, have not been adequately assessed.
7. There is no guaranteed supply of uranium sufficient to fuel the proposed plant over its life, and no one has evaluated this situation, nor the consequences thereof, including the possibility of the plant becoming totally unavailable.
8. The Applicants will be unable to market electricity generated by the proposed plant because there will be no demand for it, thereby curtailing necessary revenue.

9. The increased cost of nuclear fuel, the high capital cost of nuclear facilities and the crushing economic burden of excess reserves will make nuclear generated electricity noncompetitive with electricity generated by other sources and thereby nonmarketable.

10. If the power generated by the proposed facility is used in substitution for electricity generated by other fuels, the aggregate direct costs of such electricity will be greater than if the proposed facility is not constructed and existing non-nuclear facilities continue to operate--even given higher fuel costs.

IV.

The Applicants are not financially qualified to design and construct the proposed facilities.

Basis

LILCO admitted on February 23, 1979 in testimony before a NYS Siting Board in Case 80003 that it was not committed to assist in the design and construction of the proposed facilities.

The staff of the NYSPSC has concluded that neither Applicant has the financial resources to construct the proposed facilities.

Evidence in NYSPSC case 27319 shows that there will be no need for the power from the proposed facilities and therefore the anticipated revenues from the facilities will not materialize.

No sane lender will provide financing for these facilities.

V.

There is no reasonable assurance that the proposed facilities can be constructed and operated without undue risk to the health and safety of the public.

There has been an inadequate evaluation of the adverse impacts of low level radiation which will be released from the operation of the facility; the mining, processing and transportation of its fuel; and the disposal of its waste.

There has been no evaluation of the impacts of a Class 9 accident.

Sufficient information has not been provided to assure that adequate emergency plans can be developed especially with respect to public notification, evacuation and emergency medical facilities.

VI.

There has been an inadequate analysis of alternatives to the proposed facility including conservation, different locations, different fuels, small scale dispersed generation, pricing alternatives, different reserve requirements, other operational (rather than capital construction) strategies, etc.

There has been an inadequate analysis of alternatives to the natural draft cooling towers.

There has been an inadequate analysis of alternatives to the planned associated transmission facilities.

VII.

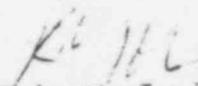
The proposed design has not been described adequately to assure protection of the health and safety of the public and, in particular, no features or components are described to prevent human error.

CONCLUSION

The Petition to Intervene clearly shows that Concerned Citizens is a person entitled to be a party as a matter of right under the applicable statute and regulations with ample interests that may be affected by this proceeding. Furthermore, the foregoing contentions satisfy the requirements of 10 CFR §2.714(b)

Therefore, intervention as of right should be granted to Concerned Citizens.

Respectfully submitted,


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