

NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board



In the Matter of )

NEW YORK STATE ELECTRIC & GAS )  
CORPORATION and LONG ISLAND )  
LIGHTING COMPANY )

(New Haven Nuclear Power Station, )  
Units 1 and 2) )

Docket Nos. 50-596  
50-597

APPLICANTS' INITIAL ANSWER  
TO CONTENTIONS

By order of the Licensing Board dated April 30, 1979, petitioners seeking to intervene in this proceeding are to file a supplement to their petitions by May 11, 1979 and answers thereto are to be served by hand to the Licensing Board by 4:00 P.M. on May 18, 1979. Contentions were received by Counsel from Mexico Academy and Central School, Safe Energy for New Haven, Oswego County Farm Bureau, Ecology Action of Oswego, and Concerned Citizens for Safe Energy.<sup>(1)</sup> In light of the extreme pressures of time, and assuming the

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(1) The filings received by Counsel for the Applicants are: Mexico School Board's Contentions concerning Significant Issues of Child Safety and District Well-Being Related to the Proposed New Haven Nuclear Plants, May 11, 1979, and Abstract of Mexico Central School May 10, 1979 Board Minutes; Contentions Concerning Environmental Matters of Intervenor Safe Energy for New Haven, and Contentions Concerning Site Selection of Intervenor Safe Energy for New Haven, undated; Specific Contentions Respecting Environmental/Radiological Concerns of Intervenor Oswego County Farm

question of standing has been affirmatively resolved, the Applicants have reviewed the proposed contentions and have reached agreement with Counsel for the NRC Staff with respect to one contention of each the Petitioners which could satisfy the Commission's rules of practice and which could therefore be presented, unopposed, to the Licensing Board for consideration at the Special Prehearing Conference. These contentions are identified below.

In order for the Applicants to more meaningfully address all of the contentions of the petitioners filed pursuant to the Licensing Board's Order of April 30, 1979, and in view of the Board's recognition of the abbreviated time for answering in entertaining requests for supplemental answers, the Applicants respectfully request that they be permitted to file a supplemental answer. The Applicants will be prepared to suggest a date that they be permitted to file its supplemental answer at the Special Prehearing Conference on May 23, 1979.

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Footnote (1) continued

Bureau, May 10, 1979; Supplement To Petition to Intervene Contentions By Ecology Action of Oswego, May 11, 1979; Contentions of Concerned Citizens For Safe Energy, Inc., undated; Contentions of Mid-Hudson Nuclear Opponents, Inc., May 10, 1979; Contentions of County of Columbia and Town of Stuyvesant, undated. The latter two filings do not contain Petitioners' own contentions but "adopt" those of Concerned Citizens For Safe Energy.

CONTENTIONS OF PETITIONERS  
AGREED TO BETWEEN STAFF  
AND THE APPLICANT

The Applicants and Staff have agreed that the following contentions could be presented, unopposed, to the Licensing Board for consideration at the special prehearing conference:

Safe Energy for New Haven

7. Applicant has failed to determine the impact of industrial growth on the character and quality of rural life.
  - a. rapid residential expansion due to influx of workers during construction phase
  - c. anticipated commuter traffic over rural roads will impede recreational activity e.g. biking, horseback riding, snowmobiling. In addition there would be accompanying noise levels, vehicle emissions dust and increased potential for accident.

Mexico Academy and Central School

3. Neither the NRC nor the applicant have adequately established the adverse impact of the construction and operating phases of the New Haven plants upon the everyday functioning of the Mexico School System.
  - a. The increased traffic related to the construction of the New Haven plants along the narrow constriction of route 104 will increase problems

concerning the safe transportation of school children within and generated by the construction zone. Being a rural school district, almost all our students are bused to school. The safe transportation of school children in areas of increased truck and construction related traffic has not been adequately addressed by either the applicant or the NRC. (See ER 45.1.4). This is especially true given the severe winter conditions in the Mexico area and the projection by the applicant that most of the construction workers will be commuters from outside the Mexico School District. These factors will further compound the serious and underexamined safety problems related to the safe busing of school children. Traffic flow patterns will be altered throughout the School District and this presents a significant and unresolved safety issue. (See ER 4.1-14-17).

- c. Inadequate attention and study has been given to the increased hazards to safe traffic and road conditions generated by the cooling towers emitting 10-13,000 gallons of water vapor per minute per tower during our severe winter weather conditions. In particular, the increased potential for ice and fog, and this impact on the safe transportation of school children has not been properly addressed by the NRC or the applicant. (See ER 2.8-2-4)

#### Concerned Citizens For Safe Energy

Although the question as to the adequacy of at least one convention of Concerned Citizens which would meet the requirements of the Commission's regulations need not be

reached because it lacks standing to intervene, the Applicants are nevertheless mindful that the Licensing Board will consider specification of contentions. Hence, if the question of the adequacy of the contentions of the petitioner must be reached, then the Applicant agrees with the Staff that contention I.1, .2, .3, and .4 would meet the requirements of the Commission's regulations.

Oswego County Farm Bureau

1. The assessment of impact on agriculture is inadequate. The Applicant and Staff have:
  - b. failed to adequately analyze the impact of the construction and presence of the intake pipe on the properties involved, specifically the fruit orchard. We contend that drainage fields will be disrupted and destroyed producing trees will be destroyed and the stratification of the soils will cause irreparable damage to the land for the production of fruit.

Ecology Action of Oswego

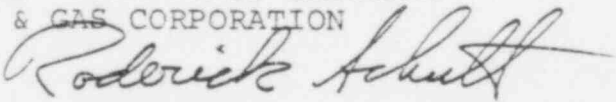
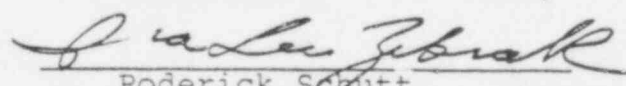
16. The Applicant (and NRC Staff analysis) has failed to propose an adequate radiation monitoring program during plant operation because:
  1. there are an insufficient number of monitors at various distances from the proposed site;

2. the radiation monitoring system does not ensure that releases from manmade sources of radiation such as releases from the NM#1 and Fitzpatrick #1 plants will not inflate background radiation estimates, thus resulting in under-estimation of the proposed New Haven releases;
3. the radiation monitoring system will not adequately sort out the source (Nine Mile Point site vs. New Haven site) associated with the releases.

Although the Applicants agree with Staff that all of the above contentions could be presented unopposed to the Licensing Board for consideration at the Special Pre-hearing Conference and Applicants have not urged the Licensing Board to conclude that those contentions lack a basis or are not set forth with reasonable specificity, the same would not be correct with respect to all of the remaining contentions for which the Applicants have requested permission to file a supplemental answer.

Respectfully submitted,

NEW YORK STATE ELECTRIC  
& GAS CORPORATION

  
  
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Dated: May 18, 1979

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CERTIFICATE OF SERVICE

I certify that service of APPLICANTS' INITIAL ANSWER TO CONTENTIONS  
was made upon the following by first-class mail on May 18, 1979:

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