

# Natural Resources Defense Council, Inc.

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November 20, 1972

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Samuel W. Jensch, Esq.  
Chairman, Atomic Safety  
and Licensing Board  
U.S. Atomic Energy Commission  
Washington, D. C. 20545

In re: Consolidated Edison Company  
of New York, Inc.  
Indian Point Station Unit  
No. 2  
Docket No. 50-247

Dear Mr. Chairman:

I enclose herewith Proposed Subjects for Cross-Examination in connection with the environmental hearings in this proceeding. It would, of course, be possible to be somewhat more pointed if we had received the specified factual contentions and license conditions from the Applicant which I discussed in my letter of November 13th and motion of November 16th. Intervenors estimate that their cross-examination will occupy four to five days.

Intervenors will present John R. Clark and Eric Aynsley as witnesses.

In response to the Chairman's letter of November 14, 1972, Intervenors are submitting a Preliminary List of Documents and Testimony. It has been necessary to compile this list at great speed and it will doubtless require later refinement, but it should serve to identify the major material on which the Intervenors rely.

Yours sincerely,



Angus Macbeth

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PDR ADDOCK 05000247  
G PDR

AM/sp  
Enclosure

cc: Dr. John C. Geyer  
Anthony Z. Roisman, Esq.  
J. Bruce MacDonald, Esq.  
Mr. R. B. Briggs  
Louis J. Lefkowitz, Esq.

Leonard M. Boston, Esq.  
Mr. Frank W. Karas  
Myron Karman, Esq.  
Atomic Safety and  
Licensing Board Panel



PROPOSED SUBJECTS FOR  
CROSS-EXAMINATION

- I. Testimony of John P. Lawler, October 30, 1972.
  1. Relation of study to fish other than the striped bass.
  2. Inclusion of other power plants in the study (Lovett, Dans ammer, Bowline Point, Roseton).
  3. Elements of the transport model.
  4. Development of and basis for the "f" factors.
  5. Development and basis for biological "requirement" of compensation.
    - basis for compensation parameters
    - basis for striped bass equilibrium population in Hudson
    - basis for equilibrium population of striped bass adults
    - significant departures from equilibrium
  6. Life cycle of striped bass - timing of life stages.
  7. Calculation of striped bass impinged at Indian Point Unit No. 2.
  8. Derivation of final figures on entrainment and impingement.
  9. Results of model over life of plant beyond 10 years.

II. Testimony of Gerald Lauër, October 30, 1972.

1. Basis for distribution of striped bass and white perch eggs, yolk-sac larvae and larvae in the water column.
2. Effects of temperature changes on striped bass and white perch eggs and larvae.
3. Effects of pressure changes on striped bass and white perch eggs and larvae.
4. Basis of studies and conclusions concerning the passage of striped bass and white perch eggs and larvae through the cooling system at Indian Point Unit No. 1.

III. Testimony of John McFadden, October 30, 1972.

1. Life stages of fish, particularly striped bass.
2. Relation of general principles of fish population dynamics to specific species of the Hudson.
  - limits of compensatory processes and reserve
  - limits of adequate compensation through mortality
  - operation within first year of fish's life
  - P. Sommani
3. Studies of Hudson fishery and relation to Atlantic catch.

4. Relation of fish impingements to Hudson population.
  - population size
  - indications of effects of density in fish population
5. Exact aspects of research program.

IV. Testimony of Edward Raney, October 30, 1972.

1. Basis for predicting no irreversible or irreparable damage to Hudson River striped bass over next eight years.
2. Basis for predicting no irreversible or irreparable damage to striped bass which frequent Long Island Sound, New York Bight and adjacent waters.
3. Relevance of lack of injury to striped bass spawning to the South of the Hudson.
4. Basis for contradiction of Staff position on distribution of young striped bass in Hudson.
5. Relation of Hudson and Chesapeake to Mid-Atlantic striped bass population.
6. Relevance of meristic characters.
7. Basis for statements concerning movement of Chesapeake striped bass two years and older along the coast.
8. Separation and mingling of Hudson and Chesapeake striped bass.

9. Comparison of year classes in Chesapeake and Hudson.
  10. Relation of year classes to equilibrium populations.
  11. Basis for conclusions from various studies reviewed.
- V. Testimony of Carl Newman, October 30, 1972.
1. Basis for costs and building schedule for closed cycle cooling system.
    - Environmental Report Supplement
    - Burns & Roe Report
- VI. Con Edison's Appendix G, 2 FES 282.
1. Details of proposed research programs.
  2. Results of research program to the present
  3. Relation of research program to interim and final judgment on impact of Indian Point Unit No. 2 on aquatic biota of the Hudson.
- VII. Testimony of the Regulatory Staff, September, 1972.
1. Basis for calculation of impingement of fish at Indian Point Unit No. 2.

2. Basis for calculation of entrainment of striped bass and other aquatic organisms at Indian Point Unit No. 1 and Unit No. 2.
3. Basis for analysis of compensation among Hudson striped bass.
4. Basis for recommendation to Licensing Board.
  - failure to include value of fishery in cost-benefit analysis
  - failure to include liability of Con Edison to fines in cost-benefit analysis
  - overestimate of costs of construction of closed cycle alternative
  - failure to require speedy construction schedule
  - failure to require restricted operation before operation of closed cycle cooling system

PRELIMINARY LIST OF DOCUMENTS AND  
TESTIMONY RELIED ON BY INTERVENORS  
HUDSON RIVER FISHERMEN'S ASSOCIATION  
AND ENVIRONMENTAL DEFENSE FUND

(13)

The following list is numbered to indicate support for the various factual contentions made by the Intervenors in their submissions of October 30th and November 13th, 1972.

Generally, the Intervenors rely on the testimony of John R. Clark submitted on July 14, 1972, October 30, 1972, Clark's Affidavit of October 16, 1972, the testimony of Eric Aynsley of October 30, 1972, the Stipulation of October 30, 1972 entered into with the Applicant, the Regulatory Staff's Final Environmental Statement, parts of Applicant's Exhibit 3 and its Supplements, and the transcript of the hearing held in June 1972. Support for some of the factual contentions and positions of Intervenors is found in the various testimony and documents submitted by Applicant; these can be identified at a later date. Intervenors also intend to address a small number of requests for admission of fact to the Applicant on which Intervenors will rely.

1. 1 FES V-23 to 26, App. II-2  
Clark, 10/30/72  
Uncontested by Applicant

2. 1 FES V-40 to 58  
Clark, 10/30/72  
2, 2a, 2b Uncontested by Applicant
3. 1 FES V-40, App. V-2, V-3  
Clark, 10/30/72  
3a, 3b, 3c Uncontested by Applicant
4. 1 FES III-12  
Uncontested by Applicant
5. 1 FES III-13  
Uncontested by Applicant
6. 1 FES III-9  
Clark, 10/16/72  
Discovery from Applicant
7. 1 FES III-9  
Clark, 10/16/72  
Discovery from Applicant
8. Clark, 10/30/72  
Lawler, 10/30/72 at 14  
Uncontested by Applicant
9. 1 FES V-26  
Clark, 10/30/72
10. 1 FES III-18, V-26  
Clark, 10/30/72
11. 1 FES III-9  
Clark, 10/16/72, 10/30/72
12. 1 FES III-9  
Clark, 10/16/72, 10/30/72



13. 1 FES V-26, V-39 to 48  
Clark, 10/16/72, 10/30/72
14. Clark, 10/30/72
15. Clark, 10/16/72, 10/30/72
16. 1 FES V-39 to 40  
Clark, 10/16/72, 10/30/72
17. 1 FES V-38 to 39  
Clark, 7/14/72  
Uncontested by Applicant
18. 1 FES V-37 to 39  
Clark, 7/14/72  
Uncontested by Applicant
19. 1 FES V-37 to 39  
Clark, 7/14/72  
Uncontested by Applicant.
20. Clark, 7/14/72
21. 1 FES V-37
22. Clark, 7/14/72
23. 1 FES V-33 to 35
24. Stipulation, 10/30/72  
Clark, 10/30/72
25. Stipulation, 10/30/72  
Clark, 10/30/72  
Uncontested by Applicant

26. 1 FES V-28  
Clark, 10/30/72  
Uncontested by Applicant
27. Clark, 10/30/72
28. 1 FES V-31, App. III-1  
Clark, 10/30/72  
Uncontested by Applicant
29. Clark, 10/30/72
30. Clark, 10/30/72
31. Clark, 10/30/72
32. Clark, 10/30/72
33. 1 FES V-30  
Clark, 10/30/72  
Uncontested by Applicant
34. 1 FES V-61 to 62  
Clark, 10/30/72
35. 1 FES V-39 to 61  
Clark, 10/16/72, 10/30/72
36. 1 FES V-56 to 61, XII-29 to 38  
Clark, 10/30/72
37. 1 FES V-56 to 61, XII-29 to 38  
Clark, 10/30/72
38. 1 FES V-56 to 61, XII-29 to 38  
Clark, 10/30/72

39. 1 FES V-56 to 61, XII-29 to 38  
Clark, 10/30/72
- 39a. 1 FES V-61 to 64  
Clark, 10/30/72
40. 1 FES V-40  
Clark, 7/14/72
41. Applicant's Exhibit 3, App. P & Q  
Transcript of June 1972 hearing
42. Uncontested by Applicant
43. Applicant's Exhibit 3, App. P & Q
44. Applicant's Exhibit 3, 2.3.4-5  
Uncontested by Applicant
45. 1 FES V-16 to 18  
Clark, 7/14/72  
45b, 45c Uncontested by Applicant
46. 1 FES V-16 to 18  
Clark, 7/14/72
47. 1 FES V  
Clark, 10/30/72  
47c, 47d Uncontested by Applicant
48. 1 FES XI-40 to 42  
Aynsley, 10/30/72  
Clark, 10/30/72  
48, 48b Uncontested by Applicant
49. Aynsley, 10/30/72

50. Aynsley, 10/30/72  
Uncontested by Applicant
51. 1 FES XI-35 to 37  
Uncontested by Applicant
52. 1 FES XI  
Applicant's Exhibit 3, Supplement 3  
Aynsley, 10/30/72  
Uncontested by Applicant
53. 1 FES XI-65 to 66  
Applicant's Exhibit 3, Supplement 3  
Uncontested by Applicant
54. Aynsley, 10/30/72
55. 1 FES XI-19 to 21  
Uncontested by Applicant
56. Discovery from Applicant  
Cross-examination of Staff
57. Clark, 10/30/72
58. N.Y. Conservation Law §§275, 389  
Uncontested by Applicant
59. People v. Con Edison, No. 40985/72 (N.Y. Supreme  
Court, N.Y. County, September 1972)

(Figure should be corrected from "\$7.5 million"  
to "\$75 million".)