

BEFORE THE UNITED STATES
ATOMIC ENERGY COMMISSION

In the Matter of)
)
Consolidated Edison Company) Docket No. 50-247
of New York, Inc.)
(Indian Point Station, Unit No. 2))

INTERVENOR'S REPLY TO REGULATORY STAFF AND
APPLICANT'S ANSWER ON MOTION TO RULE FINAL
ENVIRONMENTAL STATEMENT ON INDIAN POINT
NO. 2 INADEQUATE IN CERTAIN RESPECTS.

Both the Regulatory Staff and the Applicant make the Appeal Board decision in Vermont Yankee the keystone of their answer to HRFA's motion. In re Vermont Yankee Nuclear Power Corporation, AEC Dkt. 50-271 (June 6, 1972). Both the Staff and Con Edison fail to recognize the fundamental difference in the contentions made by the intervenor in Vermont Yankee and by HRFA in this proceeding.

In Vermont Yankee, the intervenor, NRDC, contended that parts of the life cycle of the nuclear fuel used at Vermont Yankee which have effects at places other than the Vermont Yankee site must be considered as part of the Federal action for which the NEPA Statement is prepared. The thrust of the argument was that the entire fuel cycle was part of the proposed action which had to be considered.

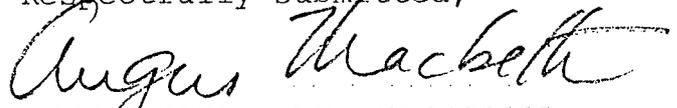
The contention made by HRFA in this proceeding is entirely distinct from that ruled on in Vermont Yankee. HRFA contends

that the operation, and the effects of the operation, of Bowline Point and Roseton will be part of the environment on which Indian Point No. 2 will have its impact and that those effects must be taken into account if the environment is to be fully understood and rationally analysed.

Taking account of Bowline Point and Roseton is the same as analysing any other phenomena which one knows will be acting in the environment surrounding the plant during its period of operation. As much as tidal conditions, fresh water run off or the presence of white perch in the River, Bowline Point and Roseton are simply part of the environment and they must be considered. Not looking at Bowline Point and Roseton is tantamount to licensing the plant on the basis of a study of the conditions of the Hudson last fall and ignoring what the conditions will be next summer on the theory that the hearings are being held in the fall. Last fall Bowline Point and Roseton were not in operation. Next summer one unit at Bowline Point and both units at Roseton will be operating.

The issue presented at Vermont Yankee was entirely distinct from that presented here and has no relevance or bearing on the issue before the Board.

Respectfully submitted,



Angus Macbeth
Attorney for Hudson River
Fishermen's Association

Dated: New York, New York
November 16, 1972