

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))

APPLICANT'S PROPOSED CORRECTIONS
TO THE TRANSCRIPT

Applicant requests that the transcript of the oral argument held on January 9, 1974 in the above-captioned proceeding be corrected as follows:

| <u>Page</u> | <u>Line</u> | <u>Delete</u> | <u>Insert</u> |
|-------------|-------------|----------------------------|--|
| 1 | 22 | 1821 Jefferson Place, N.W. | 1757 N Street, N.W. |
| 7 | 19 | as | at |
| 7 | 22 | can | cannot |
| 9 | 4 | and | as |
| 9 | 5 | | (before "Indian Point") operation of the |
| 10 | 2 | a | the |
| 10 | 18 | should be identified, | should be examined, |

| | | | |
|----|----|--------------|---|
| 10 | 20 | more | most |
| 10 | 22 | fisheries, | fishery which would justify corrective measures, |
| 10 | 25 | | (after "Hudson River") fishery |
| 11 | 24 | other | utter |
| 12 | 1 | Applicant | Staff |
| 12 | 8 | the | |
| 13 | 12 | 9-1 | IX-1 |
| 14 | 2 | express | expressed |
| 14 | 11 | of | over |
| 14 | 12 | population. | population. <u>1/</u> |
| 15 | 12 | in | over |
| 15 | 12 | six-fold | four-fold |
| 15 | 16 | Intervenors. | Intervenors. <u>2/</u> |
| 16 | 8 | bass. | bass. <u>3/</u> |
| 16 | 10 | much | |
| 16 | 11 | known. | known. <u>4/</u> |
| 16 | 11 | six-fold | four-fold |
| 16 | 14 | year. | year. <u>5/</u> |
| 17 | 4 | read. | read. <u>6/</u> |
| 17 | 8 | 1930's. | 1930's. <u>7/</u> |
| 17 | 15 | classes. | classes. <u>8/</u> |
| 17 | 24 | applicant | applicant's |

| | | | |
|----|----|-------------|---|
| 18 | 1 | | (after "basis") of applicant's position |
| 18 | 5 | effects. | effects. <u>9/</u> |
| 18 | 7 | thus, and | |
| 18 | 17 | taken. | taken. <u>10/</u> |
| 18 | 19 | | (before "delay") a |
| 18 | 20 | system." | system." <u>11/</u> |
| 18 | 22 | | (after "Applicant's") proposed |
| 18 | 22 | finding, | findings, |
| 19 | 16 | finding | finding, |
| 20 | 2 | Appeals | Appeal |
| 20 | 3 | case, | case, <u>12/</u> |
| 21 | 2 | it | |
| 21 | 2 | damage. | damage. <u>13/</u> |
| 21 | 6 | | (before "the order") less than |
| 21 | 21 | looking to, | looking at, |
| 21 | 21 | protect. | detect. |
| 22 | 12 | will be, | will, |
| 22 | 17 | level, | level, <u>14/</u> |
| 22 | 21 | and | |

| | | | |
|----|----|--|---|
| 22 | 23 | forth, but we | forth. We |
| 23 | 1 | variations. | variations. ^{15/} |
| 23 | 23 | 9. | 9. ^{16/} |
| 24 | 5 | | (before "underlying") purpose |
| 24 | 6 | 102 (2) C (5) . | 102 (2) (C) (v) . |
| 24 | 7 | any | "any |
| 24 | 8 | reversible commitment of resources should it be imposed in the | reversible and irretrievable commitments of resources which would be involved in the |
| 24 | 9 | action if implemented, | proposed action should it be implemented," |
| 24 | 9 | the | |
| 24 | 12 | steps | stepping |
| 24 | 12 | window | building |
| 24 | 13 | window. | window, not when descending past the fifth floor. |
| 24 | 17 | | (after "given") such matters in |
| 24 | 18 | FRHA also considers | HRFA also says it's necessary to consider |
| 24 | 22 | Appeals | Appeal |

| | | | |
|----|----|--------------------|---|
| 24 | 22 | 36 and | 36 to |
| 24 | 23 | July transcript. | July 2, 1973 transcript where this point came up in oral argument before the Licensing Board. |
| 25 | 9 | reproduction. | reproduction. ^{17/} |
| 25 | 10 | Appeals | Appeal |
| 25 | 12 | 1971, | 1981, |
| 25 | 13 | your reversible | irreversible |
| 26 | 1 | describe | decide |
| 26 | 10 | impingement. The | impingement, the |
| 26 | 11 | system, mitigating | system. Mitigating |
| 26 | 14 | 1981. | 1981. ^{18/} |
| 27 | 2 | program. | program. ^{19/} |
| 27 | 9 | Are | These are |
| 27 | 20 | They | The agencies |
| 27 | 22 | | (before "that") under criteria |
| 28 | 4 | Research | Conservation |
| 29 | 5 | propose | proposed |
| 29 | 7 | hearing. | hearing. ^{20/} |
| 29 | 10 | program. | program. ^{21/} |

| | | | |
|----|----|--------------|--|
| 29 | 12 | can | |
| 29 | 12 | propose, | proposed, |
| 29 | 15 | was | were |
| 30 | 24 | conclusions. | conclusions. ^{22/} |
| 31 | 12 | finding. | finding. ^{23/} |
| 32 | 12 | that | the |
| 32 | 12 | mention, | mentioned, |
| 32 | 25 | and | at |
| 33 | 5 | percent, | percent reduction in recruitment, |
| 33 | 11 | applicant | applicant's |
| 33 | 14 | Intervenor | Intervenors |
| 34 | 14 | plants were | plant was |
| 34 | 24 | | (before "Hudson River") by the |
| 35 | 1 | the | a |
| 35 | 12 | | (before "bass") striped |
| 35 | 25 | plant. | plant. ^{24/} |
| 36 | 4 | what | when |
| 36 | 5 | | (before "population") effect on the |

| | | | |
|----|----|----------------------|---------------------------------|
| 36 | 6 | do to determine that | do, |
| 36 | 8 | | (before "an estimate") to make |
| 36 | 14 | standpoint. | standpoint. ^{25/} |
| 36 | 20 | 1973. | 1973. ^{26/} |
| 36 | 22 | species. | species. ^{27/} |
| 37 | 4 | point. | point. ^{28/} |
| 37 | 10 | plants. | plants. ^{29/} |
| 37 | 16 | can | cannot |
| 37 | 17 | years. | years. ^{30/} |
| 37 | 22 | it | -- it |
| 37 | 24 | model. | model. ^{31/} |
| 38 | 10 | now. | now. ^{32/} |
| 38 | 12 | work. | work, |
| 38 | 14 | | (before "fishery") mid-Atlantic |
| 38 | 15 | argument | arguments |
| 38 | 18 | raise | race |
| 38 | 19 | | (before "fishery") mid-Atlantic |
| 38 | 19 | a live | an age |
| 38 | 20 | taking | tag |
| 38 | 20 | | (before "fish") mature |

| | | | |
|----|----|-------------|-----------------------------------|
| 38 | 21 | about. | about. ^{33/} |
| 39 | 1 | | (before "questions") important |
| 39 | 5 | the | a |
| 39 | 10 | indicated | indicates |
| 39 | 24 | | (before "has") is concerned |
| 40 | 7 | vegetation. | vegetation? |
| 40 | 8 | drift. | drift? |
| 40 | 10 | | (before "factors") "f" |
| 40 | 13 | case, | case is |
| 40 | 15 | | (before "Indian Point") the |
| 41 | 16 | Point. | Point. ^{34/} |
| 41 | 21 | adverse. | adverse. ^{35/} |
| 41 | 25 | indicate | indicates |
| 42 | 16 | balloons -- | balloons -- ^{36/} |
| 42 | 19 | all. | all. ^{37/} |
| 43 | 1 | 1974. | 1974. ^{38/} |
| 43 | 4 | | (before "research") a |
| 43 | 4 | going. | going on. |

| | | | |
|----|----|------------------------------|--|
| 43 | 11 | does | is |
| 43 | 11 | accommodate | accommodated |
| 43 | 19 | answer. | answer. ^{39/} |
| 45 | 2 | | (before "closed") environmental effects of the |
| 45 | 8 | this | their |
| 45 | 11 | record cited "HRFA" means | regulations cited by HRFA says |
| 45 | 12 | prponent | proponent |
| 45 | 12 | order | order -- |
| 45 | 14 | licenses | license |
| 45 | 14 | cooling, | cooling -- |
| 45 | 17 | and | of |
| 45 | 18 | 556 (d). That | 556 (d), that |
| 45 | 19 | by the conditions | to the hearings |
| 45 | 19 | AEC. | AEC when carrying out its NEPA responsibilities. |
| 45 | 22 | | (before "Act") Atomic Energy |
| 45 | 23 | | (before "the concept") which |

| | | | |
|----|----|-------------------|---|
| 46 | 8 | unuque | unique |
| 46 | 14 | area | nature |
| 46 | 16 | | (before "going") not |
| 47 | 3 | It | The Board |
| 91 | 10 | can | cannot |
| 92 | 2 | them. | <u>40</u> / them. |
| 92 | 7 | methods. | methods. <u>41</u> / |
| 92 | 9 | disagreement with | |
| 92 | 11 | pump | pumped |
| 92 | 13 | scope | section |
| 92 | 18 | Point. | <u>42</u> / Point. |
| 93 | 7 | mailed | made |
| 93 | 7 | brief, | <u>43</u> / brief, |
| 93 | 14 | these | "these |
| 93 | 17 | | (before "increases") fold |
| 93 | 17 | catch. | catch." |
| 93 | 18 | | (before "present") predictions of the |

| | | | |
|----|----|--------------|------------------------------------|
| 93 | 21 | Parler, | Trosten, |
| 95 | 4 | | (before "Board's") Licensing |
| 96 | 6 | period. | form. |
| 96 | 8 | a function. | an assumption. ^{44/} |
| 96 | 10 | concerns | conclusions |
| 96 | 11 | | (before "efficiencies") gear |
| 96 | 13 | dancies | dances |
| 97 | 3 | theirs. | theirs. ^{45/} |
| 97 | 5 | they go | they grow |
| 97 | 9 | entrained. | entrained. ^{46/} |
| 97 | 11 | conservation | concentration |
| 98 | 6 | entrained. | entrained. ^{47/} |
| 98 | 18 | models, | models' |
| 98 | 21 | data | data, |
| 99 | 10 | conservation | concentration |
| 99 | 13 | conservation | concentration |
| 99 | 19 | organism | organisms |

| | | | |
|-----|----|----------------|---|
| 99 | 25 | seen | shown |
| 100 | 2 | McCann studies | studies ^{48/} |
| 100 | 5 | portion | Licensing Board |
| 100 | 10 | direction. | direction. ^{49/} |
| 100 | 14 | indicates | indicated |
| 100 | 14 | | (before "difference") some lateral |
| 100 | 15 | | (before "in") variation |
| 100 | 15 | surveys | surface |
| 100 | 16 | | (before "the controlling") much greater and is |
| 100 | 17 | If it | The thrust of this statement is that " f_1 " values are substantially lower than unity due to differences in the vertical dimensions, that is, due to the known vertical diurnal behavior of the fish. Whether f_1 |
| 100 | 22 | | (before "Indian Point") the |

| | | | |
|-----|----|------------------------------------|--|
| 100 | 22 | | (before "near") to the bottom |
| 101 | 3 | shows | showed |
| 101 | 9 | intensive area from an | extensive |
| 101 | 9 | | (before "of") section |
| 101 | 9 | river, | river. |
| 101 | 10 | | (before "and") This larger zone is more accurately described as the water within the upper east quadrant. |
| 101 | 23 | story | record |
| 102 | 2 | yes. | yes. ^{50/} |
| 102 | 8 | | (before "values") "f" |
| 102 | 16 | one. | one. ^{51/} |
| 102 | 18 | giving | given |
| 102 | 21 | | (before "data") a |
| 102 | 22 | and | |
| 102 | 25 | assumption, when the F factors, | assumption that |
| 103 | 1 | one, it | one |
| 103 | 1 | | (before "within") to be false |

| | | | |
|-----|----|------------------|--|
| 103 | 10 | And, now | Now |
| 103 | 16 | | (before "population") Hudson River striped bass |
| 103 | 19 | | (after "population") Dr. McFadden has spent the last 20 years performing experimental and theoretical work for government agencies and in academic insti- tutions on the population dynamics of fishes. ^{52/} |
| 103 | 22 | the | his |
| 103 | 25 | Raney | Raney |
| 104 | 1 | bass. | bass. ^{53/} |
| 104 | 6 | this was equated | Dr. Lawler incorporated the mathematical equivalent of compensation |
| 104 | 7 | the model. | his model. ^{54/} |
| 104 | 12 | bass. | bass. ^{55/} |
| 104 | 13 | and | that |
| 104 | 13 | the | his |

| | | | |
|-----|----|------------------|---|
| 104 | 16 | The commendation | Compensation |
| 104 | 16 | | (before "animal") all |
| 104 | 17 | studies. | studies, and in • varying degrees at all levels of population. |
| 104 | 18 | | (before "seas") high |
| 104 | 19 | bass. | bass. Moreover, data gathered in the Indian Point ecological study show that striped bass and white perch in the Hudson River are below average in growth rate and that the white perch population can be characterized as stunted. |
| 104 | 21 | versus | possess |
| 104 | 21 | | (after "growth") which |
| 104 | 22 | would constitute | constitutes |
| 104 | 22 | research. | reserve permitting faster growth rate at reduced population densities. <u>56/</u> |

| | | | |
|-----|----|-------------|---------------------------------------|
| 104 | 24 | now | |
| 104 | 25 | fraction | fashion |
| 104 | 25 | population | populations |
| 105 | 5 | | (before "to") and legitimately |
| 105 | 5 | situation." | situation." ^{57/} |
| 105 | 8 | occurs | must occur |
| 105 | 16 | time. | time. ^{58/} |
| 105 | 22 | of | which reflect |
| 105 | 23 | | (before "mechanism") particular |
| 105 | 24 | operative. | operative. ^{59/} |
| 106 | 6 | the | |
| 106 | 16 | it | "it |
| 106 | 17 | account, | account |
| 106 | 17 | it | |
| 106 | 18 | of | at the |
| 106 | 18 | levels | level |
| 106 | 18 | not | |
| 106 | 19 | reduce | be as effective in reducing |

| | | | |
|------|----|-------------------|--|
| 106 | 19 | plant's | plant |
| 106 | 19 | much as | |
| 106 | 20 | figures indicate. | calculations indicate."60/ |
| *107 | 18 | set | said |
| 108 | 10 | greater | smaller |
| 108 | 11 | competence | confidence |
| 108 | 13 | | (before "so") a percentage reduction |
| 108 | 14 | said, | said would occur, and |
| 108 | 14 | so much | |
| 108 | 16 | years | years, |
| 108 | 18 | have, | have. For all these reasons |
| 108 | 20 | | (before "the Board") we known |
| 108 | 20 | insisted to use | was going to insist |
| 108 | 20 | | (before "level") we use the 15 percent |

*Statement of a member of the Atomic Safety and Licensing Appeal Board.

| | | | |
|------|----|------------------------------|--------------------------|
| 108 | 20 | 15 percent | 25 percent |
| 108 | 21 | restructured and perhaps can | restructured |
| 108 | 22 | be restructured. | |
| *114 | 14 | CHAIRMAN PARLER: | DR. BUCK: |
| *114 | 19 | CHAIRMAN PARLER: | DR. BUCK: |
| *127 | 13 | projection | regression |
| 139 | 24 | effect. | effect. ^{61/} |
| 152 | 3 | passage. | passage. ^{62/} |
| *153 | 13 | Hart's | Clark's |
| 159 | 1 | A | M. |
| 159 | 10 | will be promptly | with |
| 159 | 11 | defined -- | |
| 159 | 12 | 1981, unless | 1981. Unless |
| 159 | 14 | on, | only |
| 159 | 17 | behond | beyond |
| 160 | 13 | did. | did. ^{63/} |
| 161 | 6 | of | by |
| 161 | 8 | year | percent |
| 161 | 17 | | (after "classes") but |
| 161 | 17 | but to | to |
| 162 | 6 | plant. | plant. ^{64/} |
| 162 | 19 | of | on |

| | | | |
|-----|----|----------------------|---|
| 164 | 14 | The | Concerning the |
| 164 | 17 | that that | that |
| 165 | 5 | far as | for |
| 165 | 6 | | (before "the Department") addition to |
| 165 | 9 | department | departments |
| 165 | 16 | never suggested | never rejected |
| 167 | 13 | The | In the |
| 167 | 14 | | (before "it") and |
| 167 | 15 | that | the first |
| 167 | 16 | year. | year. ^{65/} |
| 167 | 22 | results | results. ^{66/} |
| 168 | 2 | findings. | findings. ^{67/} |
| 168 | 9 | potential | pending |
| 168 | 14 | this | the State's argument |
| 168 | 14 | a | |
| 168 | 14 | irrelevant argument. | irrelevant. |
| 168 | 18 | ont | not |
| 169 | 9 | that | |

| | | | |
|-----|----|--------------|-------------------------------------|
| 169 | 12 | reliability. | reliability. ^{68/} |
| 169 | 17 | conditions. | conditions. ^{69/} |
| 169 | 20 | Board. | Board. ^{70/} |
| 170 | 2 | | (before "10") as much as |
| 170 | 3 | contingents, | contentions, ^{71/} |
| 170 | 6 | number. | number. |
| 170 | 10 | | (before "the") involved |
| 170 | 13 | regulations. | regulations. ^{72/} |
| 170 | 19 | proceeding | proceeding. ^{73/} |
| 171 | 8 | Point. | Point. ^{74/} |
| 171 | 13 | evidence. | evidence. ^{75/} |
| 171 | 20 | rater | rather |
| 172 | 1 | references. | references. ^{76/} |
| 172 | 5 | | (before "research") Hudson River |
| 172 | 12 | | (before "found") also |

(after Tr. 176) Appendix
to Applicant's Proposed
Corrections to the Tran-
script, attached hereto.

Respectfully submitted,

LEBOEUF, LAMB, LEIBY & MACRAE
1757 N Street, N.W.
Washington, D.C. 20036
Attorneys for Consolidated Edison
Company of New York, Inc.

By Leonard M. Trosten
Leonard M. Trosten
Partner

January 21, 1974