

BEFORE THE UNITED STATES ENVIRON, FILE (NEPA)
ATOMIC ENERGY COMMISSION

5-8-72.

In the Matter of

Consolidated Edison Company
of New York, Inc.

Indian Point Station Unit No. 2

Docket No. 50-247

REQUEST FOR RULING ON EVIDENTIARY MATTER

There is a disagreement between Con Edison and the Intervenors, Hudson River Fishermen's Association and Environmental Defense Fund, as to the relevance of the planned operation of the fossil fuel electrical generating plants at Bowline Point and Roseton to the review of Indian Point Unit No. 2 under the National Environmental Policy Act. The Intervenors contend that the operation of Bowline Point and Roseton is relevant to the NEPA review of Indian Point 2, and that therefore the AEC's environmental impact statement must analyze and consider the operation of Bowline Point and Roseton and that during the course of any NEPA hearing evidence relating to the operation of those plants should be ruled relevant and admissible. In informal discovery Con Edison has refused to answer questions put to them which dealt with the operation of Bowline Point and Roseton. Con Edison apparently contends that the operation of those plants is irrelevant to any review of Indian Point 2, consideration of the plants should not be included in the AEC impact statement and no evidence on the operation of those plants should be admitted during the course of the NEPA hearings.

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These issues will come before the Licensing Board in the hearings on Con Edison's application for a full-power license. If the Board decides to consider Con Edison's motion for an interim license up to 90% of full power, they will also be present in that hearing. In their comments on the draft environmental statement, HRFA and EDF will press with the Staff their contention that the effects of operating Bowline Point and Roseton are relevant to the full NEPA review of Indian Point 2. On the 90% license, it appears that the initial decision on the relevance of Bowline Point and Roseton must be made by this Licensing Board.

STATEMENT OF FACTS

Bowline Point is located 4 river miles below the Indian Point site. At Bowline Point there are now under construction two fossil fuel electrical generating units with a capacity of 600 megawatts each (Draft Environmental Statement, III-7 & 8). Orange and Rockland Utilities has primary responsibility for the construction and operation of these units, but Con Edison will own two-thirds of the generating units and will receive at least two-thirds of the electrical power generated by the plants (Information supplied by Con Edison in informal discovery). The first unit is scheduled to go into operation for the summer of 1972 and the second unit is scheduled to go into operation in the summer of 1974 (DES, III-7).

Both units at Bowline Point will operate with once-through cooling, withdrawing water from and discharging water to the Hudson Estuary. 768,000 gallons of water per minute will pass through

the condensors when the plant is operating at full capacity under normal conditions. The water passing through the condensors will be heated 13.5°F before being discharged to the Hudson (DES, III-8).

Roseton is located 22 river miles above Indian Point. At Roseton there are now under construction two fossil fuel electrical generating units with a capacity of 600 megawatts each (DES, III 7 & 8). Central Hudson Gas and Electric has primary responsibility for the construction and operation of these units, but Con Edison is a tenant in common with Central Hudson and will initially own 40% of the Roseton units although its ownership may decline to 0% by 2003. Con Edison will receive a percentage of the power generated by the Roseton units which is equal to its percentage of ownership (Information supplied by Con Edison in informal discovery). The first unit is scheduled to go into operation in November 1972 and the second in May 1973 (DES, III-7).

Both units at Roseton will operate with once-through cooling, withdrawing water from and discharging water to the Hudson. 650,000 gallons of water per minute will pass through the condensors when the plant is operating at full capacity under normal conditions. The water passing through the condensors will be heated 15.4°F before being discharged to the Hudson (DES, III-8).

Both sites are within the spawning and nursery grounds of the Hudson fishery. Both plants are cooled by methods similar

to that at Indian Point 2. Thus whatever effect Indian Point 2 may have on the Hudson fishery, a similar, additional impact may be expected from the operation of Bowline Point and Roseton. HRFA and EDF contend that the combined operation of Bowline Point, Roseton and Indian Point Units 1 and 2 will kill off 56.4% of the striped bass in the Hudson. This is an increase of 16.4% over the effect of operating Indian Point Units 1 and 2 alone. The factual basis for this contention is spelled out in the supporting affidavit of John R. Clark, submitted with this request for ruling.

No environmental review under the National Environmental Policy Act is contemplated for either the generating units at Bowline Point or at Roseton.

The AEC draft environmental statement discusses the impact of Bowline Point and Roseton in describing the physical situation of the Indian Point plant (DES, II-7), and in analyzing the heat load in the Hudson (DES, III-7 et seq.). The operation of the plants is also discussed and assumed in analyzing future sources of power supply (e.g., DES, XI-5). The draft statement does not analyze the impact of Bowline Point and Roseton in discussing the impact of power plant operation on fish and other aquatic biota in the Hudson.