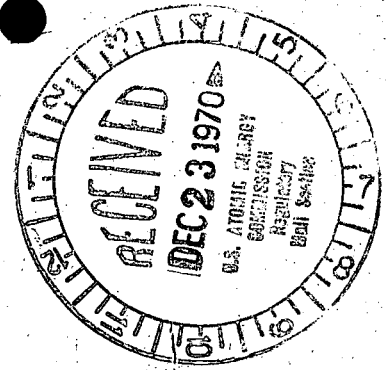


BEFORE THE UNITED STATES
ATOMIC ENERGY COMMISSION



In the Matter of)
)
Consolidated Edison Company of)
New York, Inc.)
(Indian Point Unit No. 2))

Docket No. 50-247

12-21-70

ANSWER OF APPLICANT TO PETITION OF
HUDSON RIVER FISHERMEN'S ASSOCIATION FOR
LEAVE TO INTERVENE

By a petition dated December 14, 1970 Hudson River Fishermen's Association seeks to intervene in the above-captioned proceeding.

Applicant does not object to the participation of HRFA as a party with respect to the issues set forth in the Notice of Hearing governing this proceeding. Applicant wishes to point out that many of the matters alleged by HRFA in its petition (including those contentions concerning the chemical, thermal, and other nonradiological effects of Unit No. 2) do not relate to such issues and are not proper subjects for consideration under the Commission's regulations applicable to this proceeding. (Nevertheless, Applicant notes that it is taking steps reasonably calculated

Henry

to eliminate or minimize any adverse nonradiological effects which might occur with operation of Unit No. 2. On matters of water quality, including thermal effects, there have been extensive studies and design efforts, and Applicant has submitted to the Commission a certification by the State of New York that there is reasonable assurance that the combined effluent from Units 1 and 2 will not contravene applicable water quality standards for the Hudson River.)

With respect to HRFA's contentions concerning radioactive liquid waste releases, Applicant states that such releases will comply with Part 20 of the Commission's regulations and denies that they will adversely affect fish and other aquatic life.

HRFA contends that the Commission is required to file a detailed statement of environmental impact of Unit No. 2 under the National Environmental Policy Act. It further contends that the comments of certain specified Federal and State agencies should be included. Applicant wishes to point out that a detailed statement was filed in this proceeding on November 20, 1970, and that the

comments of each of the agencies listed by HRFA were sought, obtained, and included either directly or indirectly. In addition, the comments of the U.S. Fish and Wildlife Service of the Department of the Interior on the Unit No. 2 application have been separately sought and obtained by the AEC; they are contained in a letter dated October 16, 1970, which is attached as Appendix G to the Safety Evaluation of the regulatory staff in this proceeding.

With respect to the contentions contained in the second full paragraph of the fourth page of the petition, the Applicant denies that the design of Unit No. 2 is inadequate and states that an Atomic Energy Commission license should be granted if the requirements of the Atomic Energy Act and Commission regulations are satisfied. Applicant also denies the contentions of the third full paragraph on the fourth page of the petition.

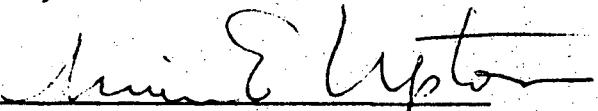
On pages 5 and 6 of its petition HRFA outlines a number of subjects on which it plans to examine witnesses and present testimony. Applicant notes again that many of these subjects are not proper for consideration in this

proceeding and reserves the right to object to such examination or testimony during the course of the proceeding.

Respectfully submitted,

LeBOEUF, LAMB, LEIBY & MacRAE
Attorneys for Applicant

By


Arvin E. Upton
Partner

Dated: December 21, 1970