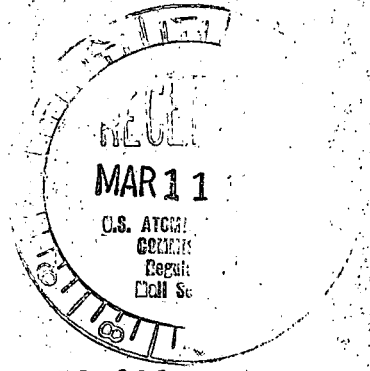


BEFORE THE UNITED STATES
ATOMIC ENERGY COMMISSION



In the Matter of)
)
Consolidated Edison Company of) Docket No. 50-286
New York, Inc.)
(Indian Point Unit No. 3))

APPLICANT'S ANSWER TO PETITION OF
MARY HAYS WEIK FOR LEAVE TO INTERVENE

On March 3, 1969 the Commission received from Mary Hays Weik (petitioner) a "Petition for Leave to Intervene" in the above-captioned proceeding. * Petitioner alleges certain interests in the proceeding and how they would be affected; makes certain contentions that the construction and operation of Indian Point Unit No. 3 will represent a radiological threat, in terms of both accidents and normal releases, to the safety of the public in the New York Metropolitan Area; and finally urges that a construction permit for the facility be denied.

Of petitioner's three stated interests in the proceeding, applicant believes that the first two constitute

* Petitioner did not serve applicant with a copy of this petition as required by the Commission's regulations. However, applicant received a copy of the petition from the Commission's Office of the Secretary.



no more than an academic interest or a "common concern for obedience to law," which is not sufficient to justify intervention. See, e.g., Matter of Walker Trucking Company, 1 AEC 103, 106 (AEC 1959). However, applicant recognizes the importance of public understanding of and participation in the Commission's licensing process and therefore does not object to the admission of petitioner as a party to the proceeding on the basis of petitioner's stated concern for herself and her immediate family, as residents of New York City and Westchester County, in matters of radiological health and safety. Applicant reserves the right to oppose any subsequent petition for leave to intervene by a person similarly situated, either because his interests would be adequately represented by an existing party or parties to the proceeding, or because the proceeding would be burdened by an excessive number of parties.

In taking this position applicant does not, of course, admit the validity of petitioner's contentions concerning the safety of this facility. Applicant maintains that this facility will not endanger the public health and safety and denies each of petitioner's allegations to the contrary. Applicant reaffirms its position stated in the Answer to the Notice of Hearing that the record contains

sufficient information to support the safety findings
required for the granting of a provisional construction
permit for this facility.

Respectfully submitted,

LEBOEUF, LAMB, LEIBY & MacRAE
Attorneys for Applicant

By Arvin E. Upton
Arvin E. Upton
Partner

Dated: March 7, 1969