

ATTACHMENT A

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of

CONSOLIDATED EDISON COMPANY OF
NEW YORK

(Indian Point Nuclear Generating
Unit No. 3)

Docket No. 50-286

NOTICE OF HEARING ON A FACILITY OPERATING LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, "Rules of Practice", notice is hereby given that, subject to conditions set forth in a Memorandum and Order of February 28, 1973, a hearing will be held on the pressurized water reactor identified as the Indian Point Nuclear Generating Unit No. 3 (the facility) of the applicant, Consolidated Edison Company of New York. The hearing to consider the issuance of an operating license for the facility will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board (Licensing Board) named herein, to begin in the

vicinity of the facility in Buchanan, Westchester County, New York. Construction of the facility was authorized by Construction Permit No. CPPR-62, issued by the Atomic Energy Commission on August 13, 1969. The instant facility is subject to the provisions of Section C.3 of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970.

The Licensing Board, designated by the Chairman of the Atomic Safety and Licensing Board Panel, will consist of Samuel W. Jensch, Esq. (Chairman), Dr. John C. Geyer, and Mr. R. B. Briggs. Mr. Ernest E. Hill has been designated as a technically qualified alternate, and Max D. Paglin, Esq. has been designated as an alternate qualified in the conduct of administrative proceedings.

A "Notice of Consideration of Issuance of Facility Operating License and Notice of Opportunity for Hearing" was published in the Federal Register on October 25, 1972 (37 F.R. 22816). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the proceeding could file a petition for

leave to intervene in accordance with the requirements of 10 CFR Part 2, "Rules of Practice". Petitions for leave to intervene were thereafter filed by various petitioners, including (1) the State of New York; (2) Hudson River Fishermen's Association (HRFA); (3) Save Our Stripers (SOS); (4) Cortlandt Conservation Association, Inc. (CCA); and (5) Mary Hays Weik. As set out in the Memorandum and Order referred to above, a public hearing will be held. Petitioners New York, HRFA, and SOS will be admitted as parties to the proceeding; petitioners CCA and Weik may subsequently be admitted as parties or, alternatively, will be permitted to make limited appearances pursuant to 10 CFR 2.715.

A prehearing conference or conferences will be held by the Licensing Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's "Rules of Practice". The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the Federal Register. The specific issues to be considered at the hearing will be determined by the Licensing Board.

For further details pertinent to the matters under consideration, see the application for the facility operating license, dated December 4, 1970, as amended, and the Applicant's environmental report, dated June 14, 1971, as supplemented, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, N.Y. As they become available, the following documents also will be available at the above locations: (1) The report of the Advisory Committee on Reactor Safeguards on the application for facility operating license; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (3) the Commission's final detailed statement on environmental consideration; (4) the safety evaluation prepared by the Directorate of Licensing; (5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license. Copies of items (1), (3), (4), and (5) may also be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Licensing Board, within such limits and on such conditions as may be fixed by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C., 20545, not later than thirty (30) days from the date of publication of this notice in the Federal Register. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's "Rules of Practice", must

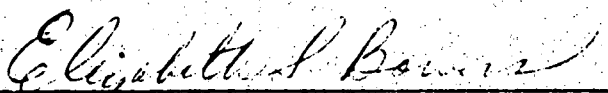
be filed by the parties to this proceeding (other than the regulatory staff) not later than twenty (20) days from the date of publication of this notice in the Federal Register.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C., 20545, ATTENTION: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Pending further order of the Licensing Board, parties are required to file pursuant to the provisions of 10 CFR § 2.708 of the Commission's "Rules of Practice", an original and twenty conformed copies of each such paper with the Commission.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND LICENSING
BOARD


Elizabeth S. Bowers, Chairman

Issued at Washington, D. C.

this 28th day of February, 1973

2-28-73

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.)
(Indian Point Nuclear Generating Unit No. 3))

Docket No. 50-286

SUPPLEMENTAL SERVICE LIST

I hereby certify that copies of a MEMORANDUM AND ORDER and a NOTICE OF HEARING ON A FACILITY OPERATING LICENSE, both dated February 28, 1973, in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 6th day of March, 1973:

Mr. Craig Roberts
Environmental Protection Agency
Room 18-81, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Mr. Carl Paul - Region II
Environmental Protection Agency
Edison, New Jersey 08817

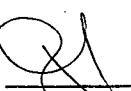
The Honorable George Segnit
Mayor of the Village of Buchanan
Buchanan, New York 10511

Mr. George F. Kugler, Jr.
Attorney General
State of New Jersey
State House Annex
Trenton, New Jersey 08601

Dr. William E. Seymour
Staff Coordinator
New York State Atomic Energy
Council
New York State Department
of Commerce
112 State Street
Albany, New York 12207

Mr. Horace H. Brown
Director of Planning
State of Connecticut
State Capitol
Hartford, Connecticut 06115

Commissioner Dan W. Lufkin
Connecticut Department of
Environmental Protection
State Office Building
Room 539
Hartford, Connecticut 06115



Jean Lee
Licensing Assistant, PWR-1
Directorate of Licensing

cc: M. Karman, OGC
N. Brown, EP
Docket Files

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

Reg. Files
2 28-73

In the Matter of)
)

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.)
(Indian Point Nuclear Generating Unit No. 3))

Docket No. 50-286

CERTIFICATE OF SERVICE

I hereby certify that copies of a MEMORANDUM AND ORDER and a NOTICE OF HEARING ON A FACILITY OPERATING LICENSE, both dated February 28, 1973, in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 1st day of March 1973:

Samuel W. Jensch, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Elizabeth S. Bowers, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Dr. John C. Geyer, Chairman
Department of Geography and
Environmental Engineering
513 Ames Hall
The Johns Hopkins University
Baltimore, Maryland 21218

John B. Farmakides, Esq.
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Mr. R. B. Briggs, Associate
Director
Molten-Salt Reactor Program
Oak Ridge National Laboratory
P. O. Box Y
Oak Ridge, Tennessee 37830

Dr. Marvin M. Mann
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Max D. Paglin, Esq., Alternate
Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Mr. Ernest E. Hill
Lawrence Livermore Laboratory
University of California
P. O. Box 808 - L-123
Livermore, California 94550

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Washington, D. C. 20036

Myron Karman, Esq.
Winston Haythe, Esq.
Regulatory Staff Counsel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Angus Macbeth, Esq.
Natural Resources Defense Council
36 West 44th Street
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Nicholas A. Robinson, Esq.
Marshall, Bratter, Greene, Allison
and Tucker
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New York, New York 10022

J. Bruce MacDonald, Esq.
Deputy Commissioner and Counsel
Department of Commerce
99 Washington Avenue
Albany, New York 12210

Mrs. Kay Winter, Librarian
Hendrik Hudson Free Library
31 Albany Post Road
Montrose, New York 10548

Mrs. Janet H. Beal
27 Linden Avenue
Ossining, New York 10562

Mrs. Mary Hays Weik
166 Second Avenue
New York, New York 10003

Miss. Laura Seitz, President
Cortlandt Conservation Association
Inc.
44 Cleveland Drive
Croton-on-Hudson, New York 10520

Sperre Lightning
Office of the Secretary of the Commission

cc: Mr. Jensch
Mr. Karman
ASLBP
J. Lee
Reg. Files
Mrs. Bowers

FROM

Joseph W. Strong
Rocky Point, N. Y.

CONTROL NUMBER

5171

FILE LOCATION

DATE OF DOCUMENT

12/13/72

Fr

ACTION COMPLETION DEADLINE

1/10/73

TO

Dir. of Licensing

ACTION PROCESSING DATES

Acknowledged: _____

Interim Report: _____

Final: _____

PREPARE FOR SIGNATURE OF:

Chairman_____
Director of Regulation

X

Giacobuso

DESCRIPTION

Ltr

☒ Original☐ Copy☐ Other

Concern re effect of Con Ed's Hudson River power plants
on Striped Bass fishery

REMARKS

REFERRED TO

DATE

IS NOTIFICATION TO THE JCAE

Giacobuso f/action

12/27/72

RECOMMENDED? _____

Cys:

O'Leary

PDR (50-247)

(50-286)

Docket File

Copy sent PDR

RECEIVED
JAN 1973
U.S. DEPARTMENT OF COMMERCE
WASHINGTON, D.C.

Joseph W. Streng
P.O. Box 1231
Rocky Point, N.Y.
11778

December 13, 1972

Director of Licensing
Atomic Energy Commission
Washington, D.C.

Dear Sir;

As a Sport Fisherman and a member of several conservation groups I have been following the news of Con Edison's Hudson River power plants with interest and alarm. We must not let this valuable Striped Bass fishery be destroyed. By the time Con Edison installs cooling towers in 1980 there will be nothing to protect. The Striped Bass will be just one more of a growing list of things that we are told must be sacrificed if we want progress. The truth is that the sacrifice is not to progress, but to progress made at the cheapest possible cost and the largest profit. Why must we make the same mistake over and over again. The mistake of not realizing what we have until it is gone. The Country is quickly filling up with Salmon Runs destroyed forever, wetlands with motels on them and rivers that fish no longer return to. When the environment is unknowingly destroyed, that is bad enough, but to knowingly destroy something for economic reasons, that is unforgiveable.

Also, I would like a copy of "Final Environmental Statement on Consolidated Edison, Indian Point Power Plant No 2", docket number 50-247. } sent.

Thank you for your time.

Joseph W. Streng

DR-5171

Rec'd Off. Dir. of Reg.
Date 12/26/72
Time 4:15

FROM Sen. James L. Buckley (N.Y.)		CONTROL NUMBER 5135	FILE LOCATION
		DATE OF DOCUMENT 12/4/72	ACTION COMPLETION DEADLINE 12/14/72
TO OCR		ACTION PROCESSING DATES Acknowledged _____ Interim Report _____ Final _____	PREPARE FOR SIGNATURE OF: _____ _____ Chairman _____ Director of Regulation X Gianbusso
DESCRIPTION Ltr <input checked="" type="checkbox"/> Original <input type="checkbox"/> Copy <input type="checkbox"/> Other		REMARKS	
Encl ltr fm William Mullooy, New York, protesting the continued expansion of Con Ed's power facilities on the Hudson River		Mark envelope to Attn of FM Incoming attachment to be returned w/response	
		22152	
REFERRED TO	DATE	IS NOTIFICATION TO THE JCAE RECOMMENDED? _____	
Gianbusso f/action	12/12/72		
Cys: O'Leary PDR (50-247) (50-286) <i>Docket Files</i>			

United States Senate

12/4/72

Respectfully referred to:

Congressional Liaison
Atomic Energy Commission
Washington, D.C. 20545

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated by

James L. Buckley
U.S.S.

REFER TO FM

Form #2

DL-5135

Copy sent PDR
DU

PRC

William P. Kelly
140 W 23rd St.
Bx 10463 N.Y.

Mr. Buckley;

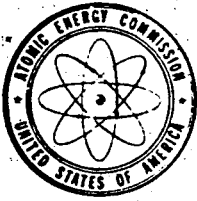
I am writing this letter
to protest the continued expansion
of Gov. Ed's power facilities on the
Hudson River.

In a time where there is so much
concern about how city children use
their spare time. It seems extremely
short sighted to eliminate a fish
from the Hudson River that has been
the source of sport and enjoyment
to many.

July of each year will see
30 to 50% of the newly spawned
striped bass killed by the power
plant at Indian Point. This will
continue until they are extermin-
ated, unless modifications are made

To insure the safety of the newly
spawned fish.

Your Conspicuous
William V. Malloy



6133
UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

AUG 30 1972

Docket Nos. 50-247
and 50-286

Honorable Ogden R. Reid
House of Representatives

Dear Mr. Reid:

Thank you for your letter of August 3, 1972, forwarding material sent to you by Mary Hays Weik regarding her contentions of radiological hazards associated with nuclear power plants, with particular reference to the Indian Point reactor plants of the Consolidated Edison Company of New York, Inc.

We have reviewed the articles by Ms. Weik enclosed in your letter. We find that her allegations are the same as those she made at the public hearings held in Buchanan, New York, before Atomic Safety and Licensing Boards for the purpose of considering (1) the issuance of an operating license for Indian Point Unit 2 (this hearing began in December 1970) and (2) the issuance of a construction permit for Indian Point Unit 3 (this hearing began in March 1969). Ms. Weik participated as a party to both of these proceedings. During the aforementioned proceedings, the Consolidated Edison Company of New York, Inc. and the AEC responded to these concerns and the testimony of these proceedings is a matter of public record. The AEC's testimony in these proceedings is essentially the same as that given by Dr. Glenn Seaborg, previous Chairman of the AEC, in response to Ms. Weik's allegations at hearings held in 1969 before the Joint Committee on Atomic Energy (JCAE) on the environmental effects of producing electric power. Dr. Seaborg's testimony concluded that, "We are not able to substantiate her allegations." A copy of Dr. Seaborg's testimony, excerpted from the JCAE hearing record is enclosed.

Regarding Ms. Weik's letter to Mr. W. B. McCool, we are enclosing a copy of the AEC Memorandum and Order that was forwarded to Ms. Weik. By letter to the AEC dated December 4, 1971, Ms. Weik filed a request for a special public hearing on the AEC's determination not to suspend

Honorable Ogden R. Reid

- 2 -

construction activities on Indian Point Unit 3 pending completion of the associated environmental review being conducted under the provisions of Appendix D. to 10 CFR Part 50 of the AEC's regulations, pursuant to the National Environmental Policy Act of 1969. The enclosed Memorandum and Order describes the basis for the denial of Ms. Weik's request.

If we can be of further assistance to you in this regard, please advise us.

Sincerely,

Original signed by A. Giambusso

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Enclosures:

1. Excerpt from JCAE Hearings
2. Memorandum and Order

ENVIRONMENTAL EFFECTS OF PRODUCING ELECTRIC POWER

HEARINGS BEFORE THE JOINT COMMITTEE ON ATOMIC ENERGY CONGRESS OF THE UNITED STATES NINETY-FIRST CONGRESS FIRST SESSION ON ENVIRONMENTAL EFFECTS OF PRODUCING ELECTRIC POWER

OCTOBER 23, 29, 30, 31; NOVEMBER 4, 5, 6, AND 7, 1969

PART 1

Printed for the use of the Joint Committee on Atomic Energy



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1969

37-2380

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20540 - Price \$4.50

mental agents for the Hanford employees has been completed. It is anticipated that an equivalent state of data processing on the Oak Ridge employees will be achieved within another year. By late 1970, analysis of the causes of death can begin for an estimated 30,000 deaths within the approximate 770,000 members of the study population.

Dr. SEABORG. I think we should emphasize that it is too early to draw definitive conclusions. I think what we should make clear here is that we just have large samples of populations upon which observations have been made over a long period of time and that eventually we will be able to come out with some meaningful statistics on this important point.

Representative MAY. Dr. Seaborg, I really wanted to bring this up for the record because when it comes to calming people's fears it is not easy to calm them when you just say, "we think."

This is a situation where we know that after a really meaningful number of years and a really good sample of the population, that there have not developed any of the unexpected or unpleasant effects that people continually bring up.

Thank you very much.

That is all, Mr. Chairman.

Representative HOSMER. Mr. Chairman, since we have gone around the country somewhat in geography, I wonder if at this point you might furnish us for the record some comment relative to what an intervenor at the Indian Point 3 hearings, named Mary Hays Weik, said concerning the epidemiological situation in the community of Montrose and explain what her allegations were and what the facts are.

Dr. SEABORG. Yes: we will be glad to do that. We have looked into that quite carefully. We are not able to substantiate her allegations. We have that information and will furnish it for the record.

Chairman HOLIFIELD. Fine.

(The information referred to follows:)

STATEMENT FOR THE RECORD

(At the AEC public hearing on April 28, 1969, concerning Consolidated Edison Company's application for a construction permit for Unit 3 of its Indian Point Nuclear Generating Plant, Mrs. Mary Hays Weik presented a list of seventeen citizens of Montrose, New York, whose deaths from cancers and leukemia in a sharply localized area directly downwind of the Indian Point plant during the period 1964-1969.)

The AEC has investigated the statements of Mary Hays Weik at the Indian Point #3 Hearings and earlier statements by her. Mrs. Sandra Kinch, Director of Health Statistics of the New York State Department of Health was contacted and has provided mortality statistics for the Montrose area of New York. Montrose is a district in the Cortland township and is not a separate registration district for the New York State Department of Health; therefore mortality statistics for the Montrose area *per se* are not available. Since the death certificates are not recorded specifically for Montrose, we are unable to state where the number 17 came from. It is fair to say, however, that without some reference to the incidence of cancer prior to the operation of the nuclear power reactor, and consideration of the increase in the size of population in Montrose, the number by itself has no meaning epidemiologically.

In earlier statements by Mary Hays Weik, she reported that lung cancer is 35% over the U.S. rate, digestive cancer is 198% higher, leukemia 43% higher, and birth defects are up by 35% in the Indian Point area. On the basis of the mortality statistics provided by the New York State Department of Health, it is clear that the communities in question are small (about 20,000 people), and the number of cases of cancer of digestive organs, respiratory system, lymphatic

hematopoietic and congenital malformations were too small to be of significance in terms of reporting percentages such as are used by Mrs. Weik. With a small population base considerable variation would be expected from year to year in the incidence of most diseases and fairly large percentage changes may be meaningless.

Furthermore, extrapolation from small population sizes to 100,000 for comparison with national figures is considered not valid by experts in this field. For instance, in Peekskill in 1966 there were two deaths reported from lymphatic-hematopoietic tissue cancer and five reported in 1967. This would appear to be an increase from 10.8 to 27.2 per 100,000 population or almost a three fold increase in the rate in one year. On the other hand, it would appear that the occurrence of 4 congenital malformations in Ossining in 1966 and 2 in 1967 represented a reduction of 50% in congenital malformations. Neither of these represent meaningful changes. However, when the whole of Westchester County with a population of 559,379 is examined, it is clear that there is little change in any of the causes of death reported. The death rate due to lymphatic-hematopoietic tissue cancer in 1966 and 1967 has remained at approximately 18 deaths per 100,000 population which compares with the national average of approximately 15 per 100,000 population.

It might be pointed out that radiation effects are commonly studied by exposing groups of experimental animals to high levels of radiation and then comparing the incidence of various biological effects with the incidence of these effects in a control group of identical animals that have not had unusual exposure to radiation. The incidence of effects increases or decreases as the exposure is increased or decreased. As lower exposures are tried the difference between the incidence of a given biological abnormality in the exposed group and in the control group becomes so small that if a difference exists it is masked by normal variation from one group of experimental animals to another. Under these conditions, it becomes impossible to determine whether the observed effect is occurring more frequently in the irradiated group of animals or in the unirradiated groups. Exposure of the population from the operation of nuclear power reactors is far below the lowest levels at which observable results of any kind have been identified in animals or could be expected in humans.

It has been impossible to demonstrate radiation effects due to differences in the radiation exposure rate from natural background cosmic radiation in the Denver, Colorado, area when compared with lower background areas such as Chicago. Since reactor-produced radiation in the vicinity of nuclear power plants is far less than the difference in natural background between Denver and Chicago, it would not be possible to demonstrate any rising incidence of cancer near atomic plants as a result of radiation exposure from the plant.

Chairman HOLIFIELD. I am going to call on Dr. Totter, who is the Director of the AEC's Biology and Medicine Division and ask him if he has anything to add to the subject matter that we just discussed.

Dr. TOTTER. Thank you, Mr. Chairman.

I could add that studies supplementary to the very large epidemiological study that the chairman and Commissioner Johnson spoke about have been made by others.

The U.S. Public Health Service made a very careful survey along the Columbia River of the incidence of leukemia and other types of cancers. They found no basis for believing there was any change whatsoever from the statewide incidence of leukemia.

Representative HOSMER. Does that follow some publication in some magazine of an article by somebody who expressed a contrary view?

Dr. TOTTER. Yes.

Representative HOSMER. This sets forth the facts with clarity and detail. I suppose, that would refute that article.

Dr. TOTTER. Yes; it does.

Representative HOSMER. Thank you.

Chairman HOLIFIELD. Now on the subject of mutations, of course, in order to make the record complete, we do not know as much as we would like about the mutation of genes, do we?

Dr. TOTTER. We have certainly reduced the uncertainty in our knowledge to a great extent, but there is still, of course, a degree of uncertainty which we may never be able to eliminate because of the size of the population needed for such an evaluation and the random occurrence of natural mutations.

Mr. RAMEY. There is always, of course, background radiation that has affected people for centuries.

Chairman HOLIFIELD. Yes. There is background radiation everywhere just as there is in this room. It varies, of course, with altitude and therefore to differentiate between the effect of natural radiation on genes and chemical effects on the mutation of genes and other sources that might adversely affect them, is difficult if not impossible.

Dr. TOTTER. It seems to be so far.

Chairman HOLIFIELD. In that situation, can you say that we are proceeding in a prudent fashion, taking into consideration from every reasonable and practical standpoint, protective measures for the people who are working in the nuclear industry and, of course, the population at large?

Dr. TOTTER. Yes, sir; we certainly are. We have built-in safety factors. For example, the estimated genetic doses are based on acute—rapidly given—high doses of radiation and we know now that lower doses given over a longer period of time are less damaging by a factor of from 4 to 15.

In other words, while we base our standards on the effects of acute doses, most of the exposures that will ever occur will be at the lower dose rate and therefore the standards that we use have a factor of somewhere between 8 and 12 already built into them.

Chairman HOLIFIELD. Of course, the Russell experiments at Oak Ridge and other experiments of that type on mice and other mammals have been going on for many, many years.

Dr. TOTTER. That is correct.

Chairman HOLIFIELD. And we have gained a great deal of knowledge in the field of mutation of genes from those experiments.

Dr. TOTTER. Yes, sir.

Chairman HOLIFIELD. And we are making use of it in every way we can?

Dr. TOTTER. We certainly are.

AEC RESEARCH IN BIOLOGICAL EFFECTS OF RADIATION

Chairman HOLIFIELD. What is the financial support of your division this year?

Dr. TOTTER. It is \$80.5 million.

Chairman HOLIFIELD. Is that about the level of, let us say, the past 10 or 15 years?

Dr. TOTTER. For the last 3 years, that is about the level at which the program has been supported. Before that, it was less but it has been quite well supported for the last 20 years or so.

Chairman HOLIFIELD. Do you feel that you are funded in that division to the extent that you are able to do research and development on problems which are important? Do you need more money? [Laughter.]

I hesitate to ask that question because I know that everybody needs more money.

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

COMMISSIONERS:

James R. Schlesinger, Chairman
James T. Ramey
Wilfrid E. Johnson
Clarence E. Larson
William O. Doub

IN THE MATTER OF
CONSOLIDATED EDISON COMPANY
(Indian Point # 3)

DOCKET NO. 50-286

MEMORANDUM AND ORDER

On December 3, 1971, the Commission's Director of Regulation (Director) published in the Federal Register (36 F.R. 23082), his determination under 10 CFR Part 50, Appendix D, Section E, that construction activities at the Indian Point Nuclear Generating Unit No. 3 (authorized pursuant to Provisional Construction Permit No. CPPR-62) should not be suspended pending completion of the environmental review under the National Environmental Policy Act of 1969 (NEPA). The Federal Register notice also provided that persons whose interest may be affected could file a request for a hearing. In this regard the notice further provided that "such request should set forth the matters, with reference to the factors set out in section E.2 of Appendix D, alleged to warrant

a determination other than that made by the Director of Regulation and shall set forth the factual basis for the request."^{1/}

On December 16, 1971, the Commission's Office of the Secretary, received for filing a petition by Mary Hays Weik, as "a citizen of the area affected". The petition requested a hearing on the Director's determination, setting out the following contentions:

"I

"Many environmental effects of the renewed construction work which would follow the Commission's ruling are not fully treated in the summary given in the Determination. They require thoughtful public examination.

"II

"That resuming construction before NEPA review is completed would not preclude later and better alternatives, is not at all clear. The addition of a few new safety features, for example, would not cure fundamental errors in design.

1/ The criteria are:

- "(a) Whether it is likely that limited operation during the prospective review period will give rise to a significant, adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification or termination of the limited license result from the ongoing NEPA environmental review.
- "(b) Whether limited operation during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review.
- "(c) The effect of delay in facility operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

"III

"The actual 'costs of delay' cannot be figured only in dollar costs, as the Determination assumes. 'Fish protection' and 'Balanced accounting' are given far more weight in these documents than hazards to human beings - although our Government's first commitment is supposed to be the welfare of its citizens.

"The main concern of the Commission's ruling seems to be the prevention of added dollar outlays by Con-Ed's stockholders, due to construction delay. The fact is, the Company's undue haste to go ahead needs careful study. Indian Point's destructive fire on Nov. 4th at Reactor 2 - withheld for 10 days from New York papers and broadcasts - might never have occurred if a hasty agreement for a pre-license fuel loading had not slipped through the recent Indian Point hearings."

The request is opposed by the applicant and the regulatory staff on the ground that the petition fails to meet the requirements established by 10 CFR Part 50, Appendix D, Section E.4 and the notice, for such a request. It is their position that, as required, the request fails to set forth with reasonable specificity matters which warrant a determination other than that made by the Director of Regulation and the factual basis for the request.

We agree that the petition fails to meet our pleading requirements and that it should be denied. In addition to the extreme generality of its allegations, the petition is devoid of any factual basis for the request. The purpose of the pleading requirements is to provide the Commission with information on which to make an informed judgment as to whether a hearing is warranted. A hearing imposes serious economic and manpower burdens upon all concerned. It is essential, therefore, that a request for hearing be drawn with some particularity. In the

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present circumstances, giving due recognition to the fact that petitioner appears without counsel, we conclude that the instant request does not warrant a hearing. In our view, a hearing request submitted by one in petitioner's circumstances ^{2/} should reflect at least some degree of compliance with applicable requirements. The present request falls far short of that standard, and it is denied.

It is so ORDERED.

By the Commission.



W. B. McCool
Secretary of the Commission

Dated: June 14, 1972

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- 2/ Petitioner is no stranger to AEC proceedings, having participated extensively in the hearing on the issuance of the construction permit for this facility and in another licensing proceeding. See, In the Matter of Trustees of Columbia University in the City of New York, Docket No. 50-208. Moreover, she has several years' experience in journalism (Columbia Transcript, Mar. 18, 1969, p. 285).