

BEFORE THE UNITED STATES
ATOMIC ENERGY COMMISSION

1-23-73

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

SUPPLEMENTAL MEMORANDUM IN
SUPPORT OF MOTION TO CONSOLIDATE

Various parties to this proceeding have expressed concern to attorneys for Petitioners Hudson River Fishermen's Association and Save Our Stripers asking that they elucidate more fully the form which they believe the consolidation of the Indian Point No. 2 (AEC Docket 50-247) and Indian Point No. 3 (AEC Docket 50-286) proceedings should take. This supplemental memorandum is filed to provide that elucidation.

First, Petitioners' contentions refer to environmental matters rather than issues of radiological health and safety. See Motion to Consolidate, Paragraph 4. In these circumstances, Petitioners are indifferent as to whether or not the proceedings are consolidated on issues of radiological health and safety.

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Second, Petitioners in no way seek to delay or impede the timely completion of the Indian Point No. 2 proceeding. See Memorandum in Support of Motion to Consolidate at 4. Petitioners contend that the Indian Point No. 2 proceeding should continue without interruption. The record developed in Indian Point No. 2 would become part of the record in the hearing dealing with Indian Point No. 3 before the same Atomic Safety and Licensing Board which has taken the extensive evidence in Indian Point No. 2 and seen the demeanor of the witnesses in that proceeding.

Third, in the Indian Point No. 3 part of the proceeding each party would have the opportunity to present contentions which it argues present factual or legal issues which differ from those at Indian Point No. 2. On a ruling from the ASLB that those contentions do present issues which distinguish the two plants, the presentation of evidence, examination, and cross-examination of witnesses would go forward on those issues. In the Indian Point No. 3 part of the proceeding, there would not be an opportunity to reopen issues pertaining solely to Indian Point No. 2.

Fourth, the details of this procedure are properly left to the discretion of the ASLB sitting in the Indian Point No. 2 proceeding. That Board is familiar with all the details of that extensive proceeding. It is not practical to argue before the Commissioners every detailed aspect of meshing the hearings

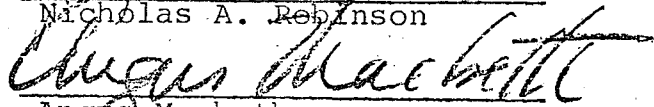
on the two plants. Nevertheless, there can be no doubt that consolidation will produce a more focussed, efficient and speedy hearing at Indian Point No. 3 which will result in a saving of time, effort, and money to all the parties, the Commission and the public. Further, conducting the proceeding before the ASLB convened for Indian Point No. 2 will save the time and effort of familiarising another Licensing Board with the complex issues presented by the Indian Point plants.

Finally, attorneys for Petitioners have spoken with Mary Hays Weik and Laura Seitz, President of the Cortlandt Conservation Association, Inc., Petitioners to Intervene in the Indian Point No. 3 proceeding. Attorneys for Petitioners are authorized to state that Mary Hays Weik has no objection to the consolidation of the fish issues presented in Indian Point No. 2 and Indian Point No. 3 and Cortlandt Conservation Association has no objection to the consolidation of the environmental issues presented in Indian Point No. 2 and Indian Point No. 3 which do not raise questions of radiological health and safety.

Respectfully submitted,



Nicholas A. Robinson



Angus Macbeth

Dated: New York, New York
January 23, 1973

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