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UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

BEFORE THE COMMISSION

In the Matter of	)	
	)	
CONSOLIDATED EDISON COMPANY OF	)	
NEW YORK	)	Docket No. 50-286
	)	
(Indian Point Nuclear Generating	)	
Unit No. 3)	)	

ANSWER OF AEC REGULATORY STAFF TO PETITION  
FOR LEAVE TO INTERVENE BY THE STATE OF NEW YORK

On October 25, 1972, the U. S. Atomic Energy Commission (Commission) published in the Federal Register a "Notice of Consideration of Issuance of Facility License and Notice of Opportunity for Hearing" for the Indian Point Nuclear Generating Unit No. 3 (Indian Point 3), owned by the Consolidated Edison Company of New York (37 F.R. 22816). Among other things, this Notice provided an opportunity for persons whose interest may be affected by operation of Indian Point 3 to file petitions with the Commission for leave to intervene in the above-captioned proceeding. The Notice specified that such petitions and requests for a hearing must be filed within thirty days of the date of publication of the Notice in the Federal Register and such petitions must be in accordance with the provisions of 10 CFR § 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2. The Notice further provided that every

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such petition shall be accompanied by a supporting affidavit which identifies a specific aspect or aspects of the subject matter of the proceeding as to which a Petitioner wishes to intervene, and which sets forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene.

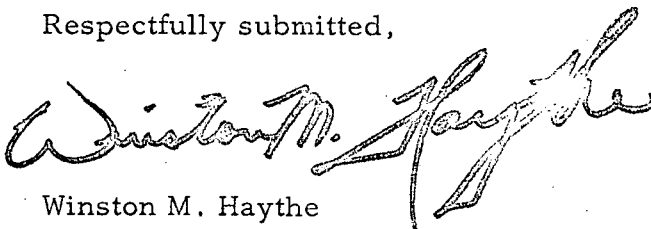
Pursuant to the Notice and 10 CFR § 2.714, the State of New York, acting by and through its Atomic Energy Council (hereinafter referred to as "the State"), petitioned the Commission on November 27, 1972, for leave to intervene in the captioned proceeding.

The AEC regulatory staff (staff) believes that the State has set forth sufficient interest in the proceeding to be granted intervention as a party to the proceeding.

In its petition and accompanying affidavits, the State has identified two matters relating to environmental matters in the proceeding. The first matter is that there is probable cause to believe that Unit No. 3 in conjunction with Units No. 1 and 2 may induce considerable mortality of Hudson River aquatic life. The second matter is that there is probable cause to believe that Unit No. 3, in compliance with Units No. 1 and 2, will not be in compliance with the State's "Criteria Governing Thermal Discharges".

In the staff's view, the State has met the requirements of 10 CFR § 2.714 for intervention. However, since the State's interest in the proceeding is limited to two environmental issues, the staff believes that the Commission's Order allowing intervention by the State should direct the Board to limit participation by the State to the two environmental issues which it has raised in its petition and affidavit, in accordance with § 2.714(f).

Respectfully submitted,

A handwritten signature in cursive script, reading "Winston M. Haythe". The signature is written in dark ink and is positioned above the typed name and title.

Winston M. Haythe  
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland  
this 15th day of December, 1972

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Answer of AEC Regulatory Staff to Petition for Leave to Intervene by the State of New York", dated December 15, 1972, in the captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 15th day of December, 1972:

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Commissioner and Counsel  
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Atomic Safety and Licensing Board  
Panel  
U. S. Atomic Energy Commission  
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Atomic Safety and Licensing Appeal  
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Mr. Frank W. Karas  
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Winston M. Haythe  
Counsel for AEC Regulatory Staff