

12/11/72

BEFORE THE UNITED STATES
ATOMIC ENERGY COMMISSION

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

ANSWER OF APPLICANT TO PETITION OF STATE
OF NEW YORK FOR LEAVE TO INTERVENE

On November 27, 1972 the State of New York ("Petitioner") filed with the Commission a petition for leave to intervene in this proceeding.^{1/} Consolidated Edison Company of New York, Inc. ("Applicant") does not oppose participation by Petitioner as a party pursuant to 10 CFR §2.714.

The first of Petitioner's two contentions, found in paragraph 4 on page 2 of the petition, is that Applicant has failed to demonstrate conclusively that Indian Point Unit No. 3 (together with other plants) will not have a significant adverse effect on the Hudson River fishery. Applicant wishes to point

^{1/} Applicant assumes from the content of the petition that the request for intervention applies only to the proceeding on the issuance of a facility operating license for Indian Point Unit No. 3.

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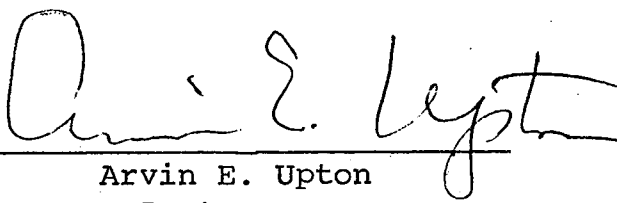
out that under 10 CFR Part 50, Appendix D, the requirement in this proceeding is that the environmental costs be balanced with benefits and other costs in arriving at a decision. Applicant agrees with New York State that insufficient knowledge now exists to determine whether long-term operation of Unit No. 3 with its existing once-through cooling system will have an unacceptable adverse effect on aquatic life. Applicant's position is that such a determination should await the completion of studies now underway; and that irreversible adverse effects on aquatic life from plant operation will not occur during the period necessary for the completion of such studies and for the construction of an alternative cooling system if such system is determined to be required as a result of such studies.

With respect to Petitioner's second contention, found in paragraph 5 on page 2 of the petition, Applicant again points out that the relevant requirement in this proceeding is a balance of benefits and costs. Applicant's position is that further studies, including experience with actual operation of Unit No. 2, will permit a determination as to compliance of Unit No. 3 (together with other units) with New York State thermal criteria. If it then appears that the thermal criteria will not be met for full power operation of Unit No. 3, steps will be taken to insure that operation of the Unit will comply with New York

State requirements.

Respectfully submitted,

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Attorneys for Applicant

By 
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Partner

Dated: December 11, 1972