

12/1/72

BEFORE THE UNITED STATES
ATOMIC ENERGY COMMISSION

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

ANSWER OF APPLICANT TO PETITIONS OF HUDSON RIVER FISHERMEN'S
ASSOCIATION AND SAVE OUR STRIPERS FOR LEAVE TO INTERVENE

On November 24, 1972 the Hudson River Fishermen's Association and Save Our Stripers filed with the Atomic Energy Commission ("Commission") petitions for leave to intervene with respect to the issuance of a facility operating license for Indian Point Unit No. 3. Since the two petitions are almost identical, Applicant responds in this Answer to both petitions. Should both petitions be granted, Applicant reserves the right to move at a later time to consolidate these two petitioners for all purposes, should such consolidation become necessary or desirable.

1. Applicant does not oppose intervention by HRFA and SOS in this proceeding.

2. Pages 2 through 13 of the petitions contain a large number of factual assertions. Petitioners' contentions

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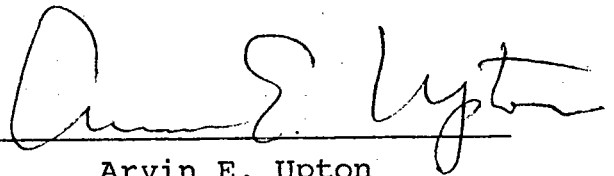
are not clearly distinguished from their statements of interest affected, nor are the facts forming the basis of the contentions distinguished from the contentions themselves. Nearly all the factual assertions are inaccurate, misleading, or unsubstantiated. For example, Applicant denies the assertion on page 3 that striped bass are in the planktonic mode for approximately the first six weeks of life, the assertion on page 4 that the Hudson River nursery ground is a major contributor to the Mid-Atlantic and New England striped bass fishery, the periods of time for various life stages specified on page 5, the statements and estimates of fish mortality on page 7, the statements on page 8 concerning reduction of striped bass population and the statements regarding costs of a closed-cycle cooling system on page 10. Other factual assertions are too vague to admit or to deny. Examples are the statement on page 3 concerning the presence of "significant numbers" of striped bass in the planktonic mode, the characterizations of what entrained organisms will experience found on page 5, and the statement on page 7 concerning "significant loss" of food organisms. Still others are self-contradictory, such as the statement on page 8 that the effect of heated water discharges is unknown but the heated plumes will interfere with seasonal movements of fish.

3. All the detailed factual assertions in these petitions seem to be cited in support of the basic contention set forth on pages 10 and 11 of the petitions. This contention, briefly stated, is that present knowledge is sufficient to predict great and irreversible damage, directly or indirectly, to fish populations as a result of any operation of Indian Point Unit No. 3 with its present cooling system and that therefore installation of a closed-cycle cooling system should be required for Unit No. 3 prior to operation. Applicant denies this basic contention (and the inference derived therefrom) and asserts that, on the contrary, 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; 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.

Respectfully submitted,

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By 
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Partner

Dated: December 11, 1972