

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 CORTLANDT CONSERVATION
ASSOCIATION, INC. FOR LEAVE TO INTERVENE

Cortlandt Conversation Association, Inc. ("CCA")
has filed on November 22, 1972 a request for hearing and
petition for leave to intervene in this proceeding.^{1/}
Consolidated Edison Company of New York, Inc. ("Applicant")
hereby answers as follows:

1. CCA's statement of how its interest may be affected
by Commission action is found in Section B of its petition.
This statement appears to be adequate insofar as it concerns
the health and safety of CCA's individual members from a radio-
logical standpoint. However, the remainder of the statement of
interest fails to meet the requirements of the Commission's

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

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Rules of Practice that the facts pertaining to petitioners' interest be set forth with particularity. 10 CFR §2.714(a). Specifically, CCA has not shown how its individual members might be affected by the discharge of liquid radioactive effluents and heat into the Hudson River. Nor has CCA established how any discharge of heat into the atmosphere might occur in a way which would affect petitioner's members. Furthermore, CCA's statement of its general concern with the environment in the vicinity of the plant fails to meet the test of adequate interest established by Sierra Club v. Morton, 92 S.Ct. 1361 (1972).

2. CCA's contentions are found in Section C of its petition. Each of these contentions fails to meet the requirement of particularity prescribed by 10 CFR Section 2.714(a). More specifically, the individual contentions are deficient in the following respects:

C.1. This contention is completely devoid of the required particularity. In any event, Applicant denies this contention.

C.2. This contention is completely lacking in particularity and basis. Applicant denies that operation of Unit

No. 3, alone or in combination with others, will represent a threat to the public from the standpoint of nuclear safety.

C.3. No basis is stated for this contention. Applicant denies that the emergency plan for the facility is inadequate.

C.4. This contention confuses the Commission's responsibilities under the Atomic Energy Act and the National Environmental Policy Act. No balancing of benefits against risks or costs is required for the Commission to make its radiological safety findings in this proceeding. Furthermore, the finding concerning "undue risk" is not applicable to the operating license stage.

C.5. Applicant's position is that measures which have been taken insure that reactor vessel rupture will not occur. Absent a showing of special circumstances, there is no requirement that the subject of reactor vessel failure be considered. Matter of Consolidated Edison Company of New York, Inc., Docket No. 50-247 (Indian Point Unit No. 2), Commission Memorandum and Order dated October 26, 1972.

C.6. No basis is stated for this contention. The condenser cooling water does not come into contact with any electrical devices vital to safe operation. Therefore it is unnecessary to make the estimate suggested by CCA.

C.7. CCA has failed to state in what respect the radioactive waste storage provisions fail to meet regulatory requirements. In any event, Applicant denies this contention.

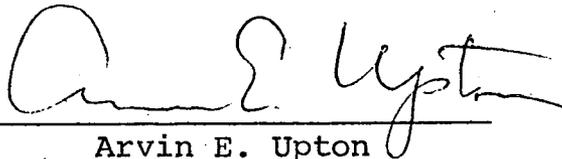
C.8. This contention is unduly vague. In any event, Applicant denies this contention.

C.9. This contention is unduly vague. Applicant also wishes to point out that the applicable requirement in this proceeding is that the environmental costs be balanced with benefits and other costs in arriving at a decision.

It is Applicant's position that, unless the defects noted above in the petition are remedied, the petition should be denied. If intervention is granted, the participation of CCA should be limited to matters of radiological health and safety affecting its members, since its stated interest is deficient in all other areas.

Respectfully submitted,

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By 
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Partner

Dated: December 11, 1972