

11/27/72

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

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

DOCKET NO. 50-286

PETITION FOR LEAVE TO INTERVENE  
BY THE STATE OF NEW YORK

Pursuant to Section 2.714 of the Commission's Rules of Practice, Section 274 of the Atomic Energy Act of 1954, as amended, and in accordance with the provisions of the Commission's Notice of Consideration of Issuance of Facility License and Notice of Opportunity for Hearing dated October 19, 1972, the State of New York, acting by and through its Atomic Energy Council, hereby petitions for leave to intervene in the above captioned proceeding and become a party thereto upon the following grounds:

1. This proceeding is to consider the application of Consolidated Edison Company of New York for an operating license which would authorize the operation of the applicant's Indian Point Nuclear Generating Unit No. 3, on the Hudson River in the Village of Buchanan, Westchester County, New York.
2. The interest of the State of New York in the health, safety and environment of its people requires that all matters pertaining to the safety and environmental impact of the nuclear power plant proposed in the above captioned proceeding be thoroughly considered.

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3. Under Section 104 of the Commerce Law of the State of New York, the Atomic Energy Council is given the functions of coordinating regulatory programs of the agencies and instrumentalities of the State affecting atomic energy activities in New York, of coordinating the participation of the agencies and instrumentalities of the State in the regulatory processes of the Federal Government affecting atomic energy activities in New York State, and of coordinating the presentation of views of such agencies and instrumentalities for consideration by appropriate Federal agencies.

4. Upon information and belief, the source of said information and the grounds for said belief being the annexed affidavit of Kenneth F. Wich, sworn to the 17th day of November, 1972, Applicant has failed to demonstrate conclusively that Indian Point Nuclear Generating Unit No. 3, when operated in conjunction with other existing plants at the same location, will not have a significant adverse effect on the Hudson River fishery.

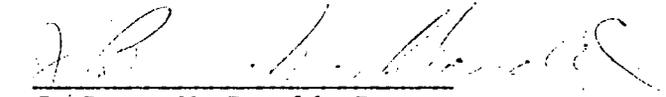
5. Upon information and belief, the source of said information and the grounds for said belief being the annexed affidavit of Thomas E. Quinn, sworn to the 17th day of November, 1972, there is probable cause to believe that under some operating conditions Indian Point Nuclear Generating Unit No. 3, when operated in conjunction with other existing plants at the same location, may not be in compliance with the New York State Criteria Governing Thermal Discharges (Heated Liquids) Section 704.1 (adopted July 16, 1969).

The name and address of the person upon whom service in this proceeding may be made is:

J. Bruce MacDonald, Deputy  
Commissioner and Counsel  
Department of Commerce  
112 State Street  
Albany, New York 12207

Petitioner respectfully requests the Commission to grant petitioner status as intervenor and party to this proceeding.

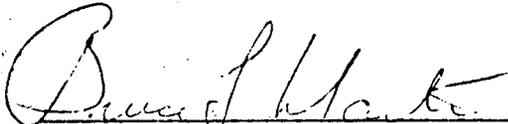
Respectfully submitted,



J. Bruce MacDonald, Deputy  
Commissioner and Counsel  
New York State Department of  
Commerce, and  
Counsel to the Atomic Energy  
Council

Sworn to before me this

27<sup>th</sup> day of November, 1972

  
Notary Public

Dated: November 27, 1972