

AFFIDAVIT

State of New York)
) ss.
County of Albany)

Kenneth F. Wich, being duly sworn and of proper age, deposes and says:

1. That Affiant is Assistant Director of the Division of Fish and Wildlife, of the Department of Environmental Conservation (herein called "Department"), of the State of New York.

2. That Affiant is familiar with and knows the pertinent contents of the Environmental Report submitted in connection with Consolidated Edison Company of New York, Inc's permit to construct the Indian Point Nuclear Generating Unit No. 3, dated June 14, 1971.

3. That the Department is responsible for the protection of fish and wildlife in the State.

4. That substantial fish kills continue to occur at the intakes of Units No. 1 and 2 in spite of modification to the intake structures made by Consolidated Edison.

5. That no assessment is yet available as to the effectiveness of the changes in design of the intake structure for Unit No. 3 in reducing fish mortalities.

6. That no conclusive evidence has been presented as to the magnitude of entrainment of planktonic organisms through Units No. 1 and 2 and the significance of this entrainment on the aquatic biota of the Hudson River.

7. That no assessment can be made of the combined effect of Units No. 1 and 2 on the aquatic biota of the Hudson River until full scale operation of both units.

8. That the broad ecological studies being conducted by the Consolidated Edison Company have not been underway for a long enough period to adequately assess the magnitude and significance of plant-induced mortalities on the aquatic biota of the Hudson River.

9. That until such is done, current prediction cannot be accepted by New York State as conclusively demonstrating no significant adverse effect on the Hudson River fishery from the operation of Unit No. 3.

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10. 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 biota.

11. That this Affidavit is made by Affiant in support of contentions by the Department in connection with the request of the Atomic Energy Council of the State of New York to intervene as a party to the proceedings as set forth in the Petition to which this Affidavit is annexed.

Robert T. R. [Signature]
Affiant

Sworn to and subscribed before me this 14th day of November, 1972.

[Signature]
NOTARY PUBLIC
my commission expires 1/30/1973