

6. That the said permits authorized construction of a facility which could accommodate flow from all three units with a rated hydraulic capacity of 3 billion, 20 million gallons per day.

7. That the said approval letters restricted operation to only Units No. 1 and 2.

8. That restrictions were imposed against operation of Unit No. 3 until the Consolidated Edison Company shall conclusively establish, through testing and measuring programs conducted on the Hudson River, under conditions of full scale operation of Units No. 1 and 2, that the aforementioned Thermal Criteria are being met under all conditions of such operations and there is sufficient available capacity in the River to accommodate the discharge of Unit No. 3 within the referenced Thermal Criteria.

9. That there is serious doubt at this time that the "state of the art" for hydraulic and mathematical modeling of a tidal estuary is sufficiently developed to allow accurate predictions to be made.

10. That refinements to such predictive modeling mechanisms must be made from on-site operating measurements to refine initial judgements and assumptions.

11. That until such is done, current predictions cannot be accepted by New York State as conclusively demonstrating compliance with the referenced Thermal Criteria for all three units.

12. That there is probable cause to believe that Unit No. 3, in conjunction with Units No. 1 and 2, will not be in compliance with the referenced Thermal Criteria.

13. That this Affidavit is made by Affiant in support of contentions by the Department in connection with 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.

Alfred E. Korman
Affiant

Sworn to and subscribed before me this 17 day of November, 1972.

John R. ...
Notary Public
my commission expires 11/30/1973

NOTARY PUBLIC
STATE OF NEW YORK
11/30/1973