

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

5/7/73

In the Matter of)

CONSOLIDATED EDISON COMPANY OF)
NEW YORK, INC.)

Docket No. 50-286

(Indian Point Station, Unit No. 3))

ANSWER OF AEC REGULATORY STAFF TO PETITION FOR LEAVE TO
INTERVENE OF THE ATTORNEY GENERAL OF THE STATE OF NEW YORK

On October 25, 1972, a "Notice of Consideration of Issuance of Facility Operating License and Notice of Opportunity for Hearing" in subject proceeding was published in the Federal Register (37 F.R. 22816). The notice specified that any petitions for leave to intervene must be filed within thirty days of the date of publication of the notice in the Federal Register.

Petitions for leave to intervene were filed by the Hudson River Fishermen's Association; Save our Stripers; Cortlandt Conservation Association, Inc.; Mary Hays Weik, and the State of New York, through the Counsel to the Atomic Energy Council of the State of New York. Subsequently, on March 27, 1973, the Atomic Safety and Licensing Board designated to review petitions for leave to intervene admitted as intervenors in this proceeding the Hudson River Fishermen's Association; Save Our Stripers, and the State of New York, which had petitioned to intervene under 10 CFR, Section 2.714 of the

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Commission's "Rules of Practice" and Section 274 of the Atomic Energy Act of 1954, as amended.

On April 27, 1973, the staff received a copy of a "Petition of the Attorney General of the State of New York for Intervention," dated April 19, 1973.

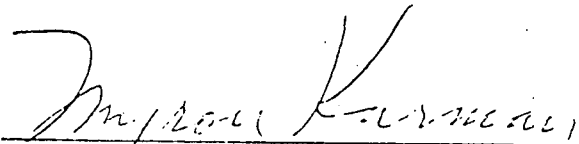
The petition was filed pursuant to Section 274 of the Atomic Energy Act of 1954, as amended. Attached to such petition was an affidavit of Peter Skinner, Environmental Engineer in the Office of the Attorney General, in support of the petition.

The Attorney General's contentions are environmental in nature, and reflect concern with possible impingement, entrainment, and behavioral modifications which will allegedly be caused by operation of Indian Point 3. The contentions are almost identical to those of the presently admitted intervenors.

As justification for the late filing of the petition for leave to intervene, the Attorney General indicated that it was waiting for publication of the regulatory staff's Draft Environmental Statement and had expected a decision on Indian Point 2 prior to this time. In addition, the Attorney General stated that his intervention "will not prejudice the rights of any party to this proceeding."

Since the State of New York has already been admitted as an intervenor in subject proceeding, the regulatory staff has no objection to the admission of the Attorney General as an intervenor, confident that such intervention will not result in duplicative or repetitive evidence. The staff suggests that at a prehearing conference the Attorney General advise the Board and parties as to the details of his representation in this hearing, and the possibility of consolidation of the New York State interventions under 10 CFR, Section 2.715a of the Commission's Rules.

Respectfully submitted,



Myron Karinan
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland,
this 7th day of May, 1973.

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ATOMIC ENERGY COMMISSION

In the Matter of

CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC.

(Indian Point Nuclear Generation
Station, Unit No. 3)

Docket No. 50-286

CERTIFICATE OF SERVICE

I hereby certify that copies of "Answer of AEC Regulatory Staff to Petition for Leave to Intervene of the Attorney General of the State of New York," in the above-captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 7th day of May, 1973:

Samuel W. Jensch, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Dr. John C. Geyer, Chairman
Department of Geography and
Environmental Engineering
The Johns Hopkins University
Baltimore, Maryland 21218

Mr. R. B. Briggs, Director
Molten-Salt Reactor Program
Oak Ridge National Laboratory
P. O. Box Y
Oak Ridge, Tennessee 37830

J. Bruce MacDonald
Deputy Commissioner and Counsel
New York Department of Commerce
99 Washington Avenue
Albany, New York 12210

Mr. Harry G. Woodbury
Executive Vice President
Consolidated Edison Company
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4 Irving Place
New York, New York 10003

Arvin E. Upton, Esq.
Harry H. Voigt, Esq.
Eugene R. Fidell, Esq.
LeBoeuf, Lamb, Leiby & MacRae
1821 Jefferson Place, N. W.
Washington, D. C. 20036

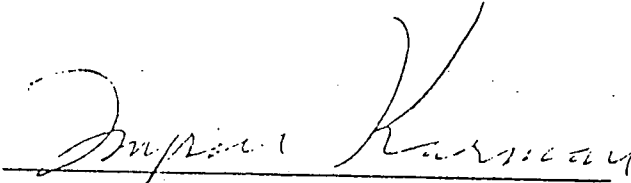
Angus Macbeth, Esq.
Natural Resources Defense Council,
Inc.
36 West 44th Street
New York, New York 10036

Nicholas A. Robinson, Esq.
Marshall, Bratter, Greene, Allison
& Tucker
430 Park Avenue
New York, New York 10022

Atomic Safety and Licensing Board Panel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Atomic Safety and Licensing Appeal Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Mr. Frank W. Karas
Chief, Public Proceedings Staff
Office of the Secretary of the Commission
U. S. Atomic Energy Commission
Washington, D. C. 20545


Myron Karman
Counsel for AEC Regulatory Staff

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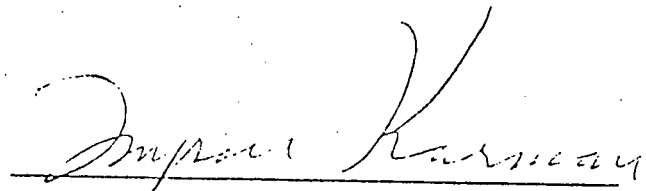
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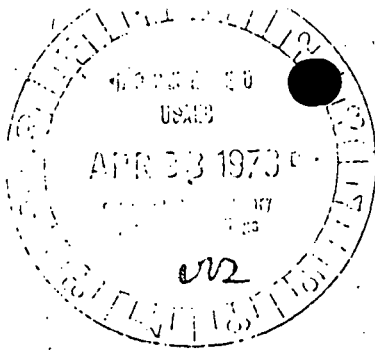
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ATOMIC ENERGY COMMISSION

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IN THE MATTER OF
CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.
(Indian Point Nuclear
Generating Unit 3)

USAEC
OGC-BETHESDA

DOCKET NO. 50-286

Class II

Heby/Korman/Kanto
FF

NOTICE OF SPECIAL PREHEARING CONFERENCE
ON MAY 21, 1973

On October 19, 1972, the Atomic Energy Commission issued a Notice of Opportunity for Hearing in the above entitled proceeding, which Notice was published in the Federal Register on October 25, 1972 (37 F. R. 22,816). This Notice provided an opportunity for participation by the public in the consideration and determination of the application filed by Consolidated Edison Company of New York, Inc. for a license to operate a nuclear power facility which is being constructed and nears completion, and which is designated the Indian Point Nuclear Generating Unit 3, and is located in the Village of Buchanan, Westchester County, New York.

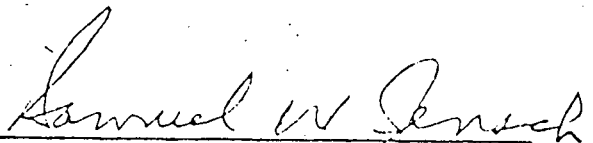
Petitions to intervene have been filed in this proceeding and, after a consideration thereof, the Licensing Board appointed to consider such petitions has determined that the following designated petitioners shall be made and are parties to this proceeding:

State of New York
Hudson River Fishermen's Association
Save Our Stripers

The Rules of Practice of the Commission provide for a special prehearing conference to consider procedural matters, including requests for discovery of data, schedules for presentation of interrogatories, that will aid in the presentation of evidence and expedite the proceeding. Such a prehearing conference does not receive any evidence, but the conference is open to attendance by the public.

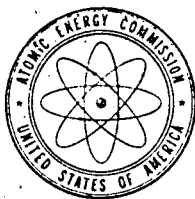
WHEREFORE, IT IS ORDERED, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, a special prehearing conference shall convene at 2:00 P.M. on Monday, May 21, 1973 in the All-Purpose Room of the Springvale Inn, 500 Albany Post Road, Croton-on-Hudson, New York 10520.

ATOMIC SAFETY AND LICENSING BOARD


By Samuel W. Jensch, Chairman

Issued:
April 23, 1973
Germantown, Maryland

PDR



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

MAY 17 1973

James P. Corcoran, Esq.
New York State Department of Law
80 Centre Street
New York, New York 10013

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

Dear Mr. Corcoran:

Pursuant to your request during our telephone conversation yesterday, I am enclosing copies of the following documents for your information:

1. Answer of AEC Regulatory Staff to Petition for Leave to Intervene of the Attorney General of the State of New York; and
2. Notice of Special Prehearing Conference on May 21, 1973.

Sincerely,

A handwritten signature in cursive script, reading "Stuart A. Treby", is positioned above the typed name.

Stuart A. Treby
Counsel for AEC Regulatory Staff

Enclosures:
As Stated

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

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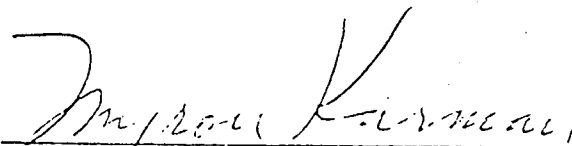
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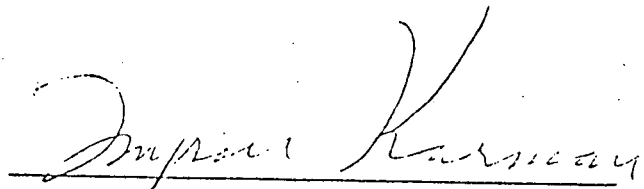
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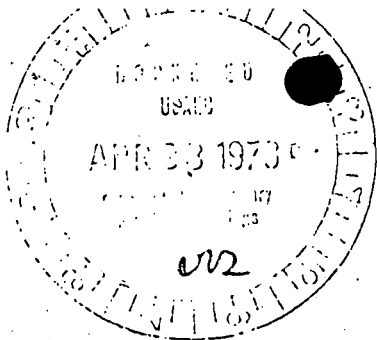
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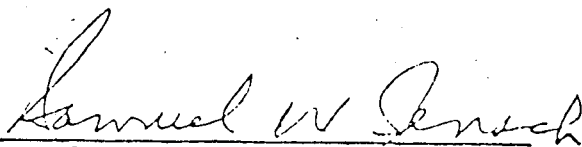
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