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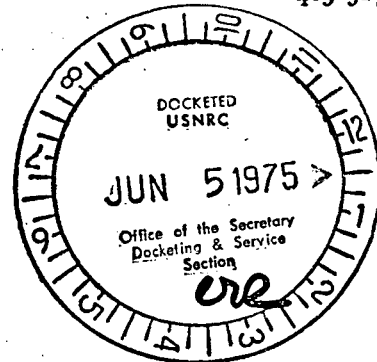
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June 2, 1975

Samuel W. Jensch
Chairman, Atomic Safety and
Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555



In re: Consolidated Edison Company
of New York, Inc. (Indian
Point Station, Unit 3)
Docket No. 50-286

Dear Mr. Chairman:

I am in receipt of Mr. Voigt's letter of May 9, 1975 enclosing the May 2, 1975 certificate for the Indian Point 3 plant issued by the New York State Department of Environmental Conservation pursuant to Section 401 of the Federal Water Pollution Control Act Amendments of 1972.

Requirement A.1 of that certificate states:

"In the event that an alternative to the present once-through cooling system is ultimately required pursuant to final Commission action, NPDES permit or other circumstance, a compliance schedule for the construction of such a system shall be established by the State pursuant to the provisions of Article 15, 17 and 19 of the Environmental Conservation Law and applicable provisions of the Act."

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This language may be thought to be ambiguous and for that reason, I wish to put before the Board the position of the Hudson River Fishermen's Association and Save Our Strippers.

Samuel W. Jensch
Washington, DC 20555
June 2, 1975

HRFA and SOS take the position that if the stipulation among the parties is accepted by the Nuclear Regulatory Commission and the terms of the stipulation are consequently incorporated in the license, that the acceptance of the stipulation and the issuance of the operating license constitute a final order in this proceeding which requires that the licensee install closed-cycle cooling on the schedule set out in the stipulation if the licensee wishes to continue to operate the plant. It is the position of HRFA and SOS that no further action would be required of the Commission in order to require closed-cycle cooling if no amendment to the operating license was sought by any of the parties. HRFA and SOS vigorously object to any interpretation of the 401 certification, the stipulation or the operating license which would indicate that an operating license incorporating the stipulation is not a final order or that, barring an application for amendment, any further Commission action is necessary to order that the plant may not operate with once-through cooling beyond the time schedule set out in the stipulation.

It is the position of HRFA and SOS that the acceptance of the 401 certification by the Commission may not be taken to suggest or indicate any other interpretation of the facts.

Yours sincerely,



Sarah Chasis

SC/sp

Attorney for HRFA and SOS

cc: Dr. Franklin Daiber
Mr. R. B. Briggs
Joseph Gallo
J. Bruce MacDonald
James P. Corcoran
Harry Voigt
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