

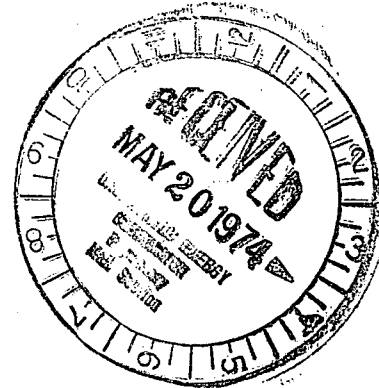
New York State Department of Environmental Conservation

Albany, N. Y. 12201

James L. Biggane

~~XXXXXX~~
Commissioner

May 16, 1974



50-286

Dr. Mary Jane Oestmann
Environmental Project Manager
Indian Point Unit 3
U. S. Atomic Energy Commission
Washington, D. C. 20545

Dear Mary Jane:

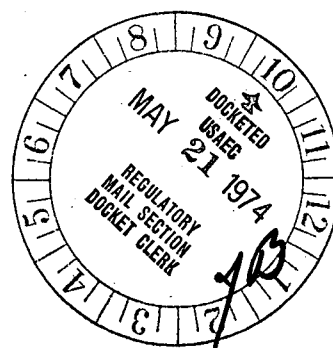
Enclosed per your request of May 15, 1974, is a copy of the Hudson River Fisherman Association request to this Department to become a Party in interest in Con Edison's application for certification of Indian Point Unit No. 3 pursuant to Section 401 of the Federal Water Pollution Control Act as amended. It is my understanding from our discussion that the U. S. Atomic Energy Commission will not commence their operating license hearing related to this facility until the applicant receives this certification, or the State waives its certification authority. Would you please confirm this if it is so.

As you will probably be aware by the time you receive this letter, the New York State Legislature has passed a bill, Governor Wilson is anticipated to approve, which will authorize the Power Authority of the State of New York to purchase the Indian Point Unit No. 3 from Con Edison. I would appreciate being kept informed of the status of the Indian Point No. 3 application if this occurs.

Sincerely,

Paul J. Merges
Paul J. Merges
Energy Systems Specialist

cc.: W. Kuhn
ENCLOSURE
PJM:ead



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A PDR

Natural Resources Defense Council, Inc.

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SPECIAL DELIVERY
APRIL 22, 1974

Terrance P. Curran
Director of Environmental Analysis
Department of Environmental Conservation
50 Wolf Road
Albany, NY 12201

Dear Mr. Curran:

In response to the published notice of Con Edison's application for limited certification of Indian Point Unit No. 3, pursuant to the provision of Section 401 of the Federal Water Pollution Control Act as amended, the Hudson River Fishermen's Association (HRFA) wishes to become a party in interest in the proceeding on said application.

HRFA is a non-profit association composed of approximately 750 members who actively fish the Hudson River, its tributaries, and the coastal waters whose fisheries are dependent on the Hudson's breeding and nursery grounds. The purpose of the Association is to foster the intelligent use of the Hudson River and its tributaries, and to protect and enhance its fisheries resources. Any activity which may affect the Hudson River fishery directly affects the Association and its members. HRFA is a party to the proceeding on Con Edison's application for an operating license for Indian Point Unit No. 3 before the Atomic Energy Commission. For these reasons, HRFA is a party interested in Con Edison's application for certification.

It is HRFA's position that before issuance of a 401 certification for Indian Point Unit No. 3, the New York State Department of Environmental Conservation should have as much information as possible regarding the impact

Terrance P. Curran
Albany, NY 12201
April 22, 1974

which operation of the plant will have on the aquatic biota of the Hudson River. Only with such knowledge can the State utilize to the fullest its power under Section 401(d) to impose conditions upon the applicant which will assure compliance with appropriate requirements of state law. For this reason, HRFA urges that the State withhold issuance of the 401 certification until after the issuance of the Atomic Energy Commission's Final Environmental Statement on Indian Point Unit No. 3 and until after the conduct of the hearings on the AEC's issuance of the operating license in which the plant's impact on the aquatic biota will be a key issue. On the basis of the knowledge provided through the federal licensing process, the State will be better equipped to certify compliance with state law.

HRFA realizes that the State must act on Con Edison's application within one year of the receipt of such application or waive its right to such certification. However, the State has until October 4, 1974 to act on the application. Since there is no chance that the plant will be available for operation prior to that date, the State's not acting at the present time will injure no one. By waiting until later in the year, the State will have the benefit of the FES and testimony presented in the AEC licensing hearings which are likely to commence early this fall.

Should the state decide to issue the 401 certification, HRFA urges that the certification state that no applicable water quality standards under Sections 301, 302, 306 and 307 of the Federal Water Pollution Control Act Amendments of 1972 have as yet been established and that when such standards are established, plant operation must comply therewith.

Yours sincerely,

Sarah Chasis

Angus Macbeth
Sarah Chasis

SC/sp

Attorneys for Hudson River
Fishermen's Association

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