

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)

Docket No. 50-286

CONSOLIDATED EDISON COMPANY)
OF NEW YORK, INC.)

Indian Point Nuclear Generating)
Unit No. 3)

DETERMINATION NOT TO SUSPEND CONSTRUCTION ACTIVITIES
AT THE INDIAN POINT NUCLEAR GENERATING UNIT NO. 3 AUTHORIZED
PURSUANT TO CPPR-62 PENDING COMPLETION OF NEPA ENVIRONMENTAL REVIEW

The Consolidated Edison Company of New York, Inc., (the licensee) is the holder of Provisional Construction Permit No. CPPR-62 (the construction permit), issued by the Atomic Energy Commission on August 13, 1969. The construction permit authorizes the licensee to construct a pressurized water nuclear power reactor designated as the Indian Point Nuclear Generating Unit No. 3, at the licensee's site in Westchester County, New York. The facility is designed for initial operation at approximately 3,025 megawatts (thermal).

In accordance with section E.3 of the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), Appendix D of 10 CFR Part 50 (Appendix D), the licensee has furnished to the Commission a written statement of reasons, with supporting factual submission, why the construction permit should not be suspended, in whole or in part, pending completion of the NEPA environmental review. This statement of reasons was furnished to the Commission on October 18, 1971.

The Director of Regulation has considered the licensee's submission in light of the criteria set out in section E.2 of Appendix D, and has determined, after considering and balancing the criteria in section E.2 of Appendix D, that construction activities at the Indian Point Nuclear Generating Unit No. 3 authorized pursuant to CPPR-62 should not be suspended pending completion of the NEPA environmental review.

Further details of this determination are set forth in a document entitled "Discussion and Findings by the Division of Reactor Licensing, U. S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Provisional Construction Permit for the Indian Point Nuclear Generating Unit No. 3, Docket No. 50-286."

Pending completion of the full NEPA review, the holder of Provisional Construction Permit No. CPPR-62 proceeds with construction at its own risk. The determination herein and the discussion and findings hereinabove referred to do not preclude the Commission, as a result of its ongoing environmental review, from continuing, modifying or terminating the construction permit or from appropriately conditioning the permit to protect environmental values.

Any person whose interest may be affected by this proceeding, other than the licensee, may file a request for a hearing within thirty (30) days after publication of this determination in the FEDERAL REGISTER. Such request shall set forth the matters, with reference to the factors set out in section E.2 of Appendix D, alleged to warrant a determination other than

that made by the Director of Regulation and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such request warrant a hearing, a notice of hearing will be published in the FEDERAL REGISTER.

The licensee's statement of reasons, furnished pursuant to section E.3 of Appendix D. as to why the construction permit should not be suspended pending completion of the NEPA environmental review, and the document entitled "Discussion and Findings by the Division of Reactor Licensing, U. S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Provisional Construction Permit for the Indian Point Nuclear Generating Unit No. 3, Docket No. 50-286," are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington D. C., and at the Hendrick Hudson High School Library, Albany Post Road, Montrose, New York 10548. Copies of the "Discussion and Findings" document may be obtained upon request addressed to the Atomic Energy Commission, Washinton, D. C. 20545, Attention: Director, Division of Reactor Licensing.

FOR THE ATOMIC ENERGY COMMISSION

(signed) L. Manning Muntzing

L. Manning Muntzing
Director of Regulation

Dated at Bethesda, Maryland
this 26th day of Nov, 1971.