

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before The Atomic Safety And  
Licensing Board

In The Matter of )  
 )  
CONSOLIDATED EDISON COMPANY )  
OF NEW YORK, INC. ) Docket No. 50-286  
 )  
(Indian Point Nuclear )  
Generating Station, Unit )  
No. 3) )  
 )

AUTHORIZATION OF THE HUDSON  
RIVER FISHERMEN'S ASSOCIATION,  
INC., AND SAVE OUR STRIPERS,  
INC., TO STIPULATION OF SETTLE-  
MENT REQUIRING CLOSED-CYCLE  
COOLING AT I.P. 3

The Hudson River Fishermen's Association, Inc.  
("HRFA"), and Save Our Stripers Inc. ("SOS"), submit this  
sworn authorization pursuant to the request of the Atomic  
Safety and Licensing Board ("Board") made at a Special Pre-  
Hearing Conference held at Croton-on-Hudson, New York,  
February 6, 1975.

The Board requested a statement by authorized re-  
presentatives of the HRFA and SOS expressing the consents of  
the governing boards of each organization to their counsels'  
participation in and acceptance of a stipulation, dated  
January 13, 1975, withdrawing the requests by HRFA and SOS

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for a hearing in the above-captioned matter and consenting to an operating license conditioned, inter alia, upon the requirement that the Applicant, Consolidated Edison Company of New York ("Applicant"), and any successor-in-interest to the Applicant, must construct a closed-cycle cooling system for use at Indian Point Nuclear Generating Station, Unit No. 3 ("I.P. 3") and upon the further requirement that interim operation shall only be permitted to the extent that Applicant and any successor-in-interest satisfies all license provisions to protect the aquatic biota of the Hudson River from any significant adverse impacts and that any necessary mitigating measures will be taken promptly during said interim operation. An undated copy of said stipulation appears in Volume I, pp. xvi-xxxi, of the U.S. Nuclear Regulatory Commission's FINAL ENVIRONMENTAL STATEMENT, February 1975 (NUREG - 75/002), in the above-captioned matter.

In response to the Board's request, HRFA and SOS state as follows:

1. By separate verified petitions dated November 22, 1972, HRFA and SOS each sought leave to intervene and requested a hearing in the above-captioned matter. Joint

appearances as attorneys for both HRFA and SOS were entered by Angus Macbeth and Nicholas Adams Robinson by Notice also dated November 22, 1972.

2. The decision to intervene was duly made by the respective Boards of Directors of HRFA and SOS prior to retaining counsel and authorizing intervention.

3. In the Fall of 1974, counsel for Applicant requested a meeting with counsel for HRFA and SOS. There followed a series of meetings between counsel for all the parties on a settlement of disputes regarding protection of the aquatic resources of the Hudson River from adverse impact by I.P. 3. At all times the officers and Boards of both HRFA and SOS were kept informed of these negotiations by counsel and instructed counsel as to the terms for any settlement.

4. The terms requested by each party, HRFA and SOS, included an insistence that Applicant would undertake to construct a closed-cycle cooling system for I.P. 3 and that any operation prior to completion of the closed-cycle cooling system would be conducted in such a way as to minimize any significant adverse impacts on the aquatic resources of the Hudson River. HRFA and SOS jointly also insisted that all successors-in-interest to Applicant, and in particular

the Power Authority of the State of New York, be bound by any settlement terms agreed to.

5. In return for Applicant's consent to the terms set forth in paragraph 4, the HRFA and SOS agreed to a timetable for construction of a closed-cycle cooling system and to interim operation under appropriate safeguards. HRFA and SOS agreed that Applicant could collect empirical data during interim operation in its hope to support its contention that a closed-cycle cooling system might not be needed. HRFA and SOS have concluded that any data collected will only serve further to demonstrate the need for a closed-cycle cooling system to protect the biota of the Hudson. Accordingly, HRFA and SOS both insisted on a cut-off date beyond which Applicant could not continue to collect data and beyond which no further adjournment in completing a closed-cycle cooling system would be allowed. Such a cut-off date is provided for in the stipulation dated January 13, 1975.

6. As a further condition to the settlement, also insisted upon by HRFA and SOS, the Applicant agreed to report regularly to HRFA and SOS on its activities pursuant to the settlement and to proceed with due diligence to make arrangements for a closed-cycle cooling system and to apply for all necessary governmental approvals of such system.

7. Finally, neither HRFA nor SOS would agree to a settlement unless the Power Authority of the State of New York agreed to bind itself to the terms of the settlement should PASNY acquire either I.P. 3 or any interest in I.P. 3. Prior to signing the stipulation, PASNY through its General Counsel, Scott B. Lilly, Esq., agreed to provide a letter to HRFA and SOS agreeing to be bound by the settlement stipulation. By letter dated January 14, 1975, postmarked January 15, 1975, and received by Nicholas Adams Robinson as counsel for HRFA and SOS on January 16, 1975, the General Counsel for PASNY acknowledged that representatives of PASNY participated in the settlement negotiations and that PASNY "will be bound" by the settlement stipulation dated January 13, 1975. The original of this letter and envelop are attached hereto, and made a part of this statement of authorization.

8. Once Applicant and PASNY had agreed that they and any other successor-in-interest would be bound to installation of a closed-cycle cooling system for I.P. 3, and following consultation with counsel, the respective Boards of Directors of HRFA and SOS agreed to accept the settlement stipulation dated January 13, 1975, and authorized Angus Macbeth and Nicholas Adams Robinson to sign it on behalf of HRFA and SOS respectively.

9. HRFA and SOS each is a not-for-profit conservation and fishermen's membership corporation organized and existing under the laws of the State of New York, with statutory authority to sue and to settle suits as juridical beings. The aforesaid proceedings were undertaken in full conformity with the governing by-laws and rules of HRFA and SOS respectively.

Dated: New York, New York  
March 25, 1975

David M. Simpson  
A Member of the Board, HRFA

Robert J. Parce  
A Member of the Board, SOS

POWER AUTHORITY OF THE STATE OF NEW YORK

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January 14, 1975

GEORGE T. BERRY  
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CONTROLLER

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

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

Dear Mr. Robinson:

This letter will confirm that:

1. The Power Authority of the State of New York has participated in the negotiations leading to a stipulation dated January 13, 1975 settling the matters in controversy in the above-entitled proceeding before the United States Atomic Energy Commission.
2. The Power Authority is aware of the provisions of paragraph 2(j)(2) and paragraph 10 of said stipulation.
3. Power Authority understands that if it seeks and receives authority from the Commission to become a party to or a licensee under any construction permit or operating license issued in the above-entitled proceeding it will be bound by said stipulation and the other parties to said stipulation and their successors will continue to be bound as if the Power Authority had been the original applicant in such proceeding and an original party to said stipulation.

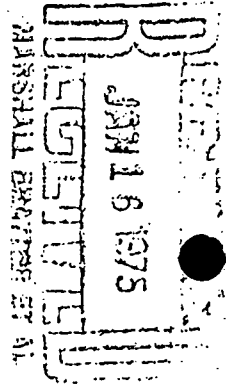
Very truly yours,

Scott B. Lilly  
General Counsel

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RECEIVED BY MAIL



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