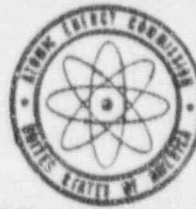


December 7, 1970



SECY-R 99

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  
(INDIAN POINT NUCLEAR GENERATING UNIT NO. 2)  
DOCKET NO. 50-247

Note by the Secretary

1. Attached for the information of the Commission are copies of the following:

- a. PETITION OF STATE OF NEW YORK FOR INTERVENTION (from Attorney General Lefkowitz);
- b. APPLICANT'S ANSWER TO PETITION FOR LEAVE TO INTERVENE OF CITIZENS COMMITTEE FOR THE PROTECTION OF THE ENVIRONMENT;
- c. APPLICANT'S ANSWER TO PETITION FOR LEAVE TO INTERVENE OF ENVIRONMENTAL DEFENSE FUND, INC.;
- d. Letter requesting permission to intervene from D. J. Piro Hudson River Fishermen's Association;
- e. Teletype and PETITION FOR LEAVE TO INTERVENE BY THE STATE OF NEW YORK (from J. Bruce McDonald, New York State Department of Commerce);
- f. Atomic Safety and Licensing Board's letter to five persons whose requests to intervene did not constitute petitions prescribed by Section 2.714; and
- g. Atomic Safety and Licensing Board's ORDER PERMITTING INTERVENTION by Environmental Defense Fund, Inc., Citizens Committee for the Protection of the Environment, State of New York by the Attorney General, and Atomic Energy Council of the State of New York.

2. Related documents in this matter have been issued as SECY-R and SECY-R 95.

W. B. McCool

Secretary of the Commission

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UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of )  
 )  
CONSOLIDATED EDISON COMPANY OF ) Docket No. 50-247  
NEW YORK, INC. )  
 )  
(Indian Point Nuclear Generating )  
Unit No. 2) )

PETITION OF STATE OF NEW YORK FOR INTERVENTION

Petitioner, the State of New York, pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, and in accordance with the Atomic Energy Commission's notice of hearing dated November 13, 1970, requests that it be permitted to intervene and become a party to the above entitled proceeding. In support of this request, petitioner states as follows:

1. The name and address of the petitioner is:

STATE OF NEW YORK  
80 Centre Street  
New York, New York 10013

~~81-0310684~~

8 pp

2. The State of New York is a body corporate and a sovereign entity and brings this petition on behalf of itself and as parens patriae, trustee, guardian, and representative, on behalf of all citizens and residents in the State of New York, to protect and preserve its environment and its economic and natural resources.

3. As trustee and guardian of the interests of the people of New York, the State of New York is uniquely responsible for protecting the health, safety and welfare of its citizens and the quality of its environment. This responsibility requires the State of New York to consider with utmost seriousness the questions that have been raised concerning the operation of the applicant's Indian Point II nuclear power facility, and actively participate in the examination and resolution of these questions.

4. This proceeding was initiated by the Consolidated Edison Company of New York, Inc. (Con Edison), which is before the Atomic Energy Commission seeking approval of an application for an operating license which would authorize the operation of the applicant's Indian Point II nuclear power facility in the Town of Buchanan in Westchester County, State of New York.

5. This application has raised a number of issues of vital concern to the people of the State of New York. It has been alleged by opponents of the application that the operation of the Indian Point II facility will adversely affect the environment and people of the State of New York. More specifically, it has been alleged that the operation of this plant will result in harm to the natural resources of the Hudson River through thermal and chemical water pollution and through obstruction of the natural, unimpeded flow of said river.

6. The National Environmental Policy Act of 1969 requires consideration of environmental matters by federal agencies in their planning and decision making. It is therefore appropriate for the State of New York to intervene herein so that it will be able to fully participate in decision making which may have an effect upon its environment.

7. The name and address of the person on whom service may be made and to whom it is requested that communications in respect to this Petition and proceeding be addressed is:



Louis J. Lefkowitz  
Attorney General of the  
State of New York  
80 Centre Street  
New York, New York 10013

WHEREFORE, the State of New York respectfully  
prays leave to intervene in this proceeding and be treated  
as a party thereto.

Dated: New York, New York  
November 25, 1970

Respectfully submitted,

LOUIS J. LEFKOWITZ  
Attorney General of the  
State of New York  
80 Centre Street  
New York, New York 10013  
(212) 488-7560

BEFORE THE UNITED STATES  
ATOMIC ENERGY COMMISSION

In the Matter of )  
 )  
Consolidated Edison Company of )  
New York, Inc. )  
(Indian Point Unit No. 2) )

Docket No. 50-247

APPLICANT'S ANSWER TO PETITION FOR LEAVE TO INTERVENE  
OF THE CITIZENS COMMITTEE FOR THE  
PROTECTION OF THE ENVIRONMENT

By its Petition for Leave to Intervene filed with the Commission on November 25, 1970 the Citizens Committee for the Protection of the Environment ("Citizens Committee") seeks to intervene in the above-captioned proceeding to "challenge the issuance of an operating license to the Applicant."

Applicant does not oppose the admission of the Citizens Committee as a party to this proceeding.

As to all contentions, and especially as to that portion of the third contention involving population concentration and plant location, Applicant points out

~~8110310608~~

300

that the subjects of the Citizens Committee's concerns were evaluated by the Commission before issuing a construction permit for this plant.

Applicant denies the first, second and fifth contentions of the Citizens Committee. As to the fourth contention, Applicant asserts that the systems "for warning the general populace, etc." are such that there is reasonable assurance that the activities to be authorized by the operating license can be conducted without endangering the health and safety of the public.

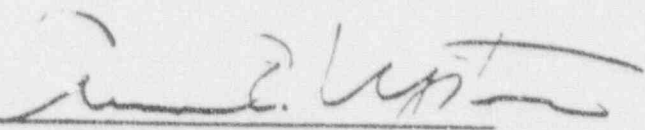
As to the third contention, Applicant denies that the operation of the plant will be an experiment except to the extent that it is involved in the conduct of research and development leading to a demonstration of the practical value of the reactor type within the meaning of Section 104(b) of the Atomic Energy Act of 1954, as amended. As to the adequacy of testing and study of the plant design and operation, Applicant asserts that all safety hazards associated with design basis accidents and other major accidents have been eliminated to the extent

necessary to provide reasonable assurance that the activities to be authorized by the operating license can be conducted without endangering the health and safety of the public.

The sixth contention is more properly characterized as an observation than a contention. Applicant urges that these contentions be clarified at the earliest possible date.

Respectfully submitted,

LEBOEUF, LAMB, LEIBY & MacRAE  
Attorneys for Applicant

By   
Arvin E. Upton  
Partner

Dated: November 27, 1970



FEDERAL GOVERNMENT OF THE UNITED STATES  
ATOMIC ENERGY COMMISSION

to the Master of )  
 )  
of Consolidated Edison Company of )      Docket No. 68-247  
New York, Inc. )  
(Indian Point Unit No. 2) )

APPLICANT'S ANSWER TO PETITION  
FOR LEAVE TO INTERVENE OF THE  
ENVIRONMENTAL DEFENSE FUND, INC.

The Environmental Defense Fund, Inc. ("EDF") has filed with the Commission in the above-captioned proceeding a Petition for Leave to Intervene in order to challenge the issuance of an operating license to the Applicant.

Applicant believes that the adequacy of EDF's stated interest in the proceeding--that of a national organization concerned with the environment and representing the general public--is questionable under present law. The petition also fails to state how its interest, or that of members of the general public it purports to represent, would be specifically affected in any way by the granting of a license to the Applicant. Nevertheless, Applicant does

~~81103106574~~ fpp

not oppose participation by EDF as a party in this proceeding within the framework outlined below.

The seven contentions raised by EDF in its petition contain two basic assertions: the inadequacy of the Commission's implementation of the National Environmental Policy Act of 1969 ("NEPA") as it relates to this proceeding, and the lack of compliance of the Applicant's environmental report with the Commission's proposed guidelines for implementation of NEPA published for comment on June 3, 1970 (35 Fed. Reg. 8594). The rest of the contentions allege various procedural deficiencies which follow from the above. Applicant denies each of EDF's first six contentions. Applicant's position is that there is no noncompliance of the kind underlying the seventh contention and that therefore the hearing can validly proceed and a valid license may be issued.

EDF suggests that the Commission has not complied with the requirements of NEPA unless the hearing in this proceeding includes consideration of all environmental factors including non-radiological ones such as thermal effects.


Prior to the enactment of NEPA it was well established that non-radiological environmental factors were beyond the jurisdiction of the Commission in its facility licensing proceedings. State of New Hampshire v. Atomic Energy Commission, 406 F.2d 170 (1st Cir. 1969). When NEPA became law on January 1, 1970 a re-evaluation of the Commission's role with respect to these other environmental factors became necessary. Both in the April 2, 1970 guidelines and in the June 3, 1970 proposed guidelines the Commission has taken a different approach to implementing NEPA on an interim basis than that suggested by EDF. While not permitting independent determinations in a licensing proceeding on non-radiological matters, the guidelines require, among other things, a license condition (which will be contained in the Unit No. 2 license) to be imposed requiring compliance with applicable state and Federal environmental standards and requirements. It is Applicant's position that these guidelines represent an adequate interim implementation of NEPA pending Commission rule making determination on the complex matter of permanent implementation of NEPA.

It follows that there is no reason to re-notice  
or reschedule the hearing for the reasons given by LDF.  
LDF has raised a legal question which can be argued and  
ruled upon during the course of the proceeding which has  
been validly commenced under present Commission rules.

If LDF prevails on the legal question during the  
proceeding, appropriate steps can be taken at that time  
to schedule further sessions of the hearing (with an amendment  
to the Notice of Hearing, if necessary) to permit all parties  
to prepare adequately with respect to non-radiological  
environmental considerations.

Respectfully submitted,

LEBOEUF, LAMB, LEIBY & MacRAE  
Attorneys for Applicant

By   
Arvin E. Upton  
Partner

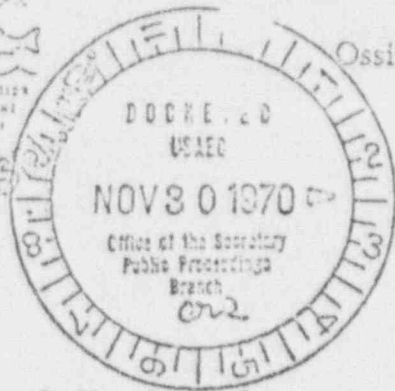
Dated: November 27, 1970



HUDSON RIVER FISHERMEN'S ASSOCIATION

Box 725

Ossining, New York 10562



480 Tuckahoe Road (9-B)  
Yonkers, New York 10710  
November 24, 1970

Samuel W. Jensch  
Chief Hearing Examiner  
U.S. Atomic Energy Commission,  
Washington, D.C. 20545

RECEIVED  
ATOMIC ENERGY COMMISSION

1970 NOV 30 AM 9 10

Dear Sir:

OFFICE OF  
HEARING EXAMINERS

The Hudson River Fishermen's Association hereby petitions for leave to intervene in the proceeding at 10 a.m., Dec. 17, 1970 at Peekskill on Consolidated Edison Co.'s application to "build" a second nuclear power generator at Indian Point in Buchanan.

The story announcing the hearing appeared in our local newspapers on Friday, November 20, listing a filing deadline seven days later. In a matter of such import, we would have greatly appreciated a bit more notice.

Top A.E.C. officials have had letters printed recently in metropolitan area newspapers telling of your agency's great interest in protecting the environment. We would like to detail for you how Con Ed has slaughtered our Hudson River fish with Indian Point No. 1, so much so that New York State has sued the company for five million dollars. Clearly, Con Edison is not complying with "other applicable laws and regulations".

To clear your agency, Con Edison must give assurances that they will protect the environment. They have accomplished just the opposite, so we doubt that "the plant will be operated in conformity with the application filed, the law and the A.E.C. regulations". In its recent suit, New York State thoroughly agreed with us in these matters.

We consider thermal pollution from Indian Point Two (& 3) the most serious problem for the future of our Hudson River fisheries. We hope you will allow us to be heard.

Very truly yours,

*Dominick J. Pirone*

Dominick J. Pirone,  
Consulting Biologist, HRFA.

*8110310677*

*7pp.*



# State Suing Con Edison Over Fish Kill in River

## Shutdown Asked Till Change Is Devised

NEW YORK (AP) — New York State has filed suit asking that Consolidated Edison's nuclear-powered generating plant at Indian Point, Buchanan be closed until suitable methods are found to protect the Hudson River and its fish.

The suit, filed in state Supreme Court, charges serious violations of conservation laws. It also asks for permanent injunction of the plant.

### Sue Heavy Damages

In the suit filed yesterday, the Attorney General charged that the Indian Point operation was "creating serious conditions of thermal and chemical pollution in the Hudson River" and "endangering the ecology."

"Until suitable methods and procedures are instituted which will enable defendant to withdraw water from and discharge water into the Hudson River in such a manner as to avoid the killing of fish and other

forms of marine life and to further avoid endangering the ecology of the Hudson River, it should not be allowed to operate," the Attorney General says.

No date for a hearing of the charges has been set.

Atty. Gen. Louis J. Lefkowitz, announcing the suit Tuesday, said the state would seek \$5 million in damages for fish killed as a result of the plant's operations.

Belief has been expressed that the complaint was based on two incidents of fish kills reported earlier this year at the nuclear generating plant and came as a surprise to officials of the power company.

A spokesman for Con Edison said yesterday that "we cannot comment on the allegations made because we are still reviewing the papers. As far as I know, this is the first incident of the Atlantic Ocean's pollution of this operation."

### Closed For Refueling

The plant, the utility company representative said, has been closed for eight weeks "for refueling" and was not expected to be back in operation for at least another week.

Con Edison's operation of the plant drew complaints of fish kills and damage to the ecology of the Hudson River as far back as 1967. In July of that year it was reported that fish by the thousands were sucked into the system and killed. That problem was reported solved by low screening where river water is drawn into the plant.

Two instances of fish kills were reported this year, each resulting in a brief shutdown of the operations. The first in January resulted in the reported killing of 150,000 fish and in March it was charged that 129,000 fish were killed.

### Seen As Political Issue

No action has been taken by the state attorney general, but conservation groups are worried that this is an attempt to force conservation to become a national issue.

### Political Issue

Congressman Richard L. Ottinger, who has repeatedly criticized the utility company, petitioned the Atomic Energy Commission to halt the Indian Point operation until it can continue without damage to the river. The petition is still pending before the A.E.C.

Congressman Ottinger plastered the political label on the case, saying it was "an attempt to smother our thunder."

According to Consolidated Edison officials, the Indian Point plant is counted on to produce "about 3 per cent of our total power generating capacity on an annual basis and coming up into the hot days of summer we are extremely concerned about shutting down this operation and disrupting the system of the 600,000 homes in which power is available to the system."

Power demands in the New York City metropolitan area have been taxing the power producing capacity of the system for a number of years and both company and state officials have warned of power shortages in peak power-use hours this summer.

Box 725

Ossining, New York 10522

Age News York Times

ONE COPY FOR THE...  
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WASHINGTON...  
Representative...  
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Energy Commission...  
for the Consolidated Edison Company to permit...  
the Hudson River...  
City's Indian Point...  
power plant near...  
N. Y.

Mr. Conroy...  
County...  
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the United States...  
program of...  
a permanent...  
for the...  
Con Edison...  
to prevent...  
fish in the river.

There was no...  
comment from...  
Last Feb. 5, Con Edison...  
that at least 150,000...  
been killed...  
Jan. 12 at its Indian Point...  
plant but that temporary...  
operations appeared to...  
reduced the fish...  
insignificant number.



HERALD STAT...  
YONKERS, N.Y.  
TUESDAY NOV...

Con Ed...  
Fifth Times

NEW YORK (AP) —  
Consolidated Edison Co. of New York, Inc. was fined \$100,000 yesterday after...  
of discharging...  
East River plant...  
Hudson River barge.

Con Ed lawyer...  
gan entered the...  
company and was...  
tomorrow to...  
maximum fine.

MAY 13, 1970

Consolidated Edison officials expressed concern about the part of the complaint seeking a restraining order against operation of the plant until it can demonstrate the operation can "avoid endangering the ecology of the Hudson River."

According to Consolidated Edison officials, the Indian Point plant is counted on to produce "about 3 per cent of our total power generating capacity on an annual basis and coming up into the hot days of summer we are extremely concerned about shutting down this operation and depriving the system of the 235,000 kilowatts it makes available to the system."

Power demands in the New York City metropolitan area have been taxing the power producing capacity of the system for a number of years and both company and state officials have earned of power shortages in peak power-use hours this summer 1969.

As far back as 1957, Consolidated Edison's operations at Indian Point drew complaints of fish kills and damage to the ecology of the Hudson River. In June, 1963 it was reported that fish by the thousands were sucked into the system and killed. That problem was reported solved by mechanical changes.

Two separate instances of fish kills were reported this year, each resulting in a brief shutdown of the operations. The first, in January, resulted in the killing of about 150,000 fish. It required a change in screens designed to filter fish out of the water intake system. In March 120,000 fish were reported killed for what officials there say are still "unknown reasons."

Though earlier fish kills generated complaints from conservationists, local action was taken only last year and conservation has become a permanent issue.

Representative Richard L. Ottinper, a candidate for the United States Senate, plastered the political label on the state's action. The Attorney General's move, Mr. Ottinper's office said

yesterday, is an attempt to "steal our thunder." Mr. Ottinper last month petitioned the Atomic Energy Commission to halt the Indian Point operation until it can continue without damage to the river.

The petition is still pending before the A.E.C.

In the suit filed yesterday, the Attorney General charged that the Indian Point operation was "creating serious conditions of thermal and chemical pollution in the Hudson River" and "endangering the ecology."

"Until suitable methods and procedures are instituted which will enable defendant to withdraw water from and discharge water into the Hudson River in such a manner as to avoid the killing of fish and other forms of marine life and to further avoid endangering the ecology of the Hudson River," it should not be allowed to operate, the Attorney General says.

No date for a hearing of the charges has been set.

Meanwhile, Consolidated Edison officials point out that the Indian Point plant has been closed for eight weeks "for refueling" and is not expected to be back in operation for at least another week.

### \$50,000 Is Awarded Conservation Groups

The American Heritage Society, whose members include readers and editors of American Heritage magazine, yesterday announced the winners of 12 conservation awards totaling \$50,000.

The top prize, \$25,000, was awarded to the Alaska Conservation Society. The group is working to protect the state's natural environment, which it considers to be threatened by the recent discovery of oil reserves on the North Slope.

The second prize, \$10,000, was awarded to the Big Thicket Association of Liberty, Tex., which is working to save a 300,000-acre wildlife refuge.

Third prize, \$5,000 went to the Sierra Mountain Preservation Committee, New York.

ISSUES COVERED

INDIAN POINT RIVER

### to Close Indian Point Atomic Plant Until Hudson Life Can Be Preserved

By BILL NOVACK

The state has charged the Consolidated Edison Company with serious violations of state conservation laws in the operation of its nuclear generating plant at Indian Point and asked that the plant be closed until "suitable methods" to protect the Hudson River can be developed.

In a complaint filed by Attorney General Louis J. Lefkowitz's office in State Supreme Court here, the state also seeks \$5 million in damages for fish kills resulting from the plant's operations.

The action by the Attorney General's office was apparently based on two incidents of fish kills reported earlier this year at the nuclear generating plant. The incidents and came as a surprise to officials of the power company.

"Still Reviewing Papers"

"We cannot comment on the allegations made because we are still reviewing the papers," said a spokesman for Consolidated Edison. "As far as I know, this is the first interest of the Attorney General's office in this operation. . . . He has never exhibited any interest in our operations here."

Attorney General Lefkowitz was reportedly unavailable for comment on the action, which was announced in a brief press release.





# HUDSON RIVER FISHERMEN'S ASSOCIATION

Box 725

THE NEW YORK TIMES

Ossining, New York 10552

SUNDAY, NOVEMBER 1, 1970

## Federal Officials Devise Plan to Set

WHAT ABOUT THE HUDSON? Don't we exist in Washington? Is it mind?

# 'Heat Quotas' on Industrial Discharge Into Waterways

By GLADWYN HILL

Special to The New York Times

LOS ANGELES, Oct. 31—An unusual "heat quota" system has been devised by Federal officials as the most reasonable solution to the growing problem of thermal pollution of waterways from power plants and other industrial facilities.

Under this plan—soon to be applied to Lake Michigan—a limit will be set on the total amount of heat that can be discharged into a particular area of water from all sources, including tributary streams and municipal sewage plants.

The amount of heat already going into a waterway from established discharge sources in a given area thus will determine what additional facilities can be put into that area without built-in water cooling systems. Once the "heat quota" is reached, any new heat-emitting installations would have to be built several miles away.

In the case of Lake Michigan, according to authorities, the amount of heat for any particular section of lake shore will be two million British thermal units per hour.

The "heat quota" plan, which sets exceptions for boiler-cooling water—and from large conventional power plants, cooled by coal, oil or gas. These plants would have to be cooled by other means.

### Exemptions Provided

Federal experts estimate the cost of such exemptions on Lake Michigan at from about 1 per cent to 10 per cent of present generating costs. This would amount to a monthly increase of 5 cents to 50 cents on the average \$10 household electric bill.

Facilities emitting less than 500 million B.T.U.'s per hour

would be exempt from restrictions in the present situation, while plants discharging between 500 million and two billion B.T.U.'s could continue under special requirements regarding dispersion of their hot water.

When a section of shoreline reached a thermal input total of two billion B.T.U.'s per hour no additional discharge would be permitted.

There are now 24 power plants—one of them nuclear—discharging hot water into Lake Michigan. They account for about 75 per cent of the 40 billion B.T.U.'s per hour going into the lake.

Electric generating facilities are doubling every decade throughout the country, and more power plants—five of them nuclear—are scheduled to be in operation on Lake Michigan by 1974.

Without any restrictions, experts of the Federal Fish and Wildlife Service calculate, the heat input into Lake Michigan would increase 10-fold in the next 30 years, and ruin the lake's extensive fish and wildlife life.

The effects of the projected regulations on individual existing power plants and industrial facilities have not been detailed.

The "heat quota" plan, without any numerical specifics, was agreed to in principle by officials of Michigan, Illinois, Wisconsin and Indiana at a closed conference with officials of the Federal Water Quality Administration and the Fish and Wildlife Service in Grand Rapids, Mich., Thursday.

### Regulations Yet to Come

The conference established a technical committee to work out details, and the foregoing heat limits are the ones the Federal representatives had prepared. The conference was sup-

posed to adopt regulations by next Feb. 15.

The same format, with customized numerical limits, should be adopted in other parts of the country, which are developing all over the country.

The "heat quota" plan, in one sense is a compromise with a virtual ban on industrial thermal discharges proposed originally last July by Assistant Secretary of the Interior Carl L. Klein, who resigned suddenly Sept. 16 after a tempestuous reign as Federal director of water quality and research.

THE HERALD STATESMAN, YONKERS, N. Y., MONDAY, APRIL 22, 1970

# Ottinger Moves To Block Con Ed Nuclear Operation



WASHINGTON (AP)—Rep. Richard L. Ottinger said today he has filed a petition with the Atomic Energy Commission to deny Consolidated Edison Co. a permanent operating license for its Indian Point nuclear power plant number one until the utility cures thermal pollution which he says is caused by the plant.

Rep. Ottinger said that since the Indian Point plant was first put into operation in 1963 it has destroyed more than 8 million commercially valuable fish in at least 15 separate massive kills. The most recent kill involved 200,000 fish and occurred March 7 and 8, Rep. Ottinger said.

"Instead of taking effective action against the company, the AEC has attempted to ignore the problem," Ottinger said. "The AEC's failure to act is a disgrace to the agency and to the public."

Nuclear power plants, like Con Ed's at Indian Point, are granted temporary operating licenses by the AEC which

must be renewed at three-year intervals. Con Ed is seeking a permanent operating license and Rep. Ottinger has asked the AEC to issue the Con Ed license before the AEC has taken action to clean up the water pollution.

Two members of the Hudson River Fishermen's Association Inc., Richard J. Gorman and Gaetano DeBosis, are joined Rep. Ottinger in the petition to the AEC.

In a related move, Rep. Ottinger released today a report prepared by the Eastern Fish Diseases Laboratory of the Fish and Wildlife Service of the Department of the Interior.

The study, based on autopsies of fish collected near the plant site after the kill, does not specify a cause of death. However, it indicates that the fish were not stressed during feeding and suggests that they have been killed by a disease. The study also suggests that disease was probably not responsible for the kill.





Hudson River Fishermen's Association

Box 725

Ossining, New York 10582

NEW YORKER

THE NEW YORK TIMES

TUESDAY, MARCH 17, 1970

Con Ed Says 57

It May Be Forced

In answer to questions about fish kills near the Indian Point nuclear plant, Mr. Lock said there had been no nuclear contamination involved and he offered to replace the more than 200,000 fish estimated to have been killed in two separate accidents since Jan. 1. He said that with "immediate" action CON ED COULD HAVE DONE MORE TO PREVENT SUCH A TRAGEDY.

We have only been screaming for SEVEN (7) YEARS!!!



6-73-10/10/10

"So that's where it is! Well, I'd like to thank you fellows for bringing this to my attention."

(2) WESTERN UNION TELEPHONE COMPANY

44-135-A

RECEIVED  
WESTERN UNION TELEPHONE COMPANY  
FEDERAL BUREAU OF INVESTIGATION

NOV 27 1970  
U.S. ATOMIC ENERGY COMMISSION

TO: DIRECTOR, FBI  
FROM: SAC, [illegible]  
SUBJECT: [illegible]

RE: [illegible]



NOV 27 1970  
[illegible]

WESTERN UNION TELEPHONE COMPANY



UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of the )  
CONSOLIDATED EDISON COMPANY )  
OF NEW YORK, INC. )

DOCKET NO. 50-247

PETITION FOR LEAVE TO INTERVENE  
BY THE STATE OF NEW YORK

Pursuant to Section 2.714 of the Commission's Rules of Practice, Section 274 of the Atomic Energy Act of 1954, as amended, and in accordance with the provisions of the Commission's Notice of Hearing dated November 13, 1970, the State of New York, acting by and through its Atomic Energy Council, hereby petitions for leave to intervene in the above captioned proceeding and become a party thereto upon the following grounds:

1. This proceeding is to consider the application of Consolidated Edison Company of New York for an operating license which would authorize the operation of Con Edison's Indian Point Nuclear Generating Unit No. 2, in the Town of Buchanan, Westchester County, New York State.

2. The interest of the State of New York in the health and safety of its people requires that all matters pertaining to the safety of the nuclear power plant proposed in the above captioned proceeding be thoroughly considered.

3. Under Section 104 of the Commerce Law of the State of New York, the Atomic Energy Council is given the functions of coordinating regulatory programs of the agencies and instrumentalities of the State affecting atomic energy activities in New York, of coordinating the participation of the agencies and instrumentalities of the State in the regulatory processes of the Federal Government affecting atomic energy activities in New York State, and of coordinating the presentation of views of such agencies and instrumentalities for consideration by appropriate Federal agencies.

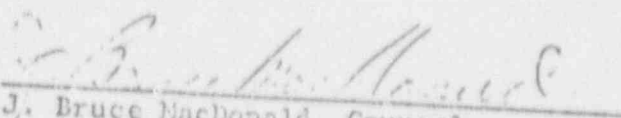
9210130313

The name and address of the person upon whom service in this proceeding may be made is:

J. Bruce MacDonald, Counsel  
New York State Department of Commerce  
112 State Street  
Albany, New York 12207

Petitioner respectfully requests the Commission to grant petitioner status as intervener and party to this proceeding.

Respectfully submitted,

  
\_\_\_\_\_  
J. Bruce MacDonald, Counsel  
New York State Department of Commerce  
and Counsel to the Atomic Energy Council

DATED: November 27, 1970





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

December 3, 1970

Mrs. Mary Hays Weik, Secretary  
 Committee To End Radiological Hazards  
 Box 148, 150 Christopher Street  
 New York, New York 10014

Mrs. Milton Kurts  
 Chairman, CLEAN, Inc.  
 Box 1087  
 New Rochelle, New York 10802

Mr. Ronald Fritz  
 1448 Riverview Avenue  
 Peckskill, New York 10566

Mr. Dominick J. Pirone  
 Consulting Biologist, Hudson River  
 Fishermen's Association  
 Box 725  
 Ossining, New York 10562

Mr. William C. Hitt  
 Supervisor, Town of Cortlandt  
 Municipal Building  
 Croton-on-Hudson, New York 10520

In re: Consolidated Edison Company of New York, Inc.  
 (Indian Point Station Unit No. 2)  
 Docket No. 50-247

Dear Mesdames and Sirs:

Receipt is acknowledged of your letter communications stating an intention or desire to intervene in the above entitled proceedings. Your letters do not constitute petitions to intervene as prescribed by Section 2.714 of the Rules of Practice of the Atomic Energy Commission and therefore cannot serve as the basis of any adjudication regarding your participation in the proceeding.

Without objection from the present parties to the proceeding, however, each of you will be permitted to separately file, even though beyond the time permitted by the Notice of Hearing, a formal petition to intervene in the proceeding in accordance with the Rules of Practice, a copy of which is enclosed. After receipt of such a formal petition, under oath, setting forth the interest you have and the contentions you make, the present parties to the proceeding will be

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*288*



permitted to file answers and the Atomic Safety and Licensing Board will issue an order either permitting or denying intervention and participation in the proceeding.

Very truly yours,

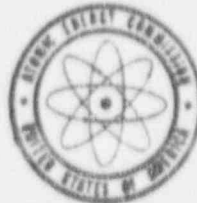
Enclosure:  
10 CFR Part 2

Samuel W. Jensch, Chairman  
Atomic Safety and Licensing Board

cc: Arvin E. Upton, Esq.  
Anthony Z. Roisman, Esq.  
Joseph B. Knetts, Jr., Esq.  
Secretary, USAEC  
Myron Karmar, Esq.  
George C. Arcaro, Esq.

December 7, 1970

SECY-R 99



CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  
(INDIAN POINT NUCLEAR GENERATING UNIT NO. 2)  
DOCKET NO. 50-247

Note by the Secretary

1. Attached for the information of the Commission are copies of the following:

- a. PETITION OF STATE OF NEW YORK FOR INTERVENTION (from Attorney General Lefkowitz);
- b. APPLICANT'S ANSWER TO PETITION FOR LEAVE TO INTERVENE OF CITIZENS COMMITTEE FOR THE PROTECTION OF THE ENVIRONMENT;
- c. APPLICANT'S ANSWER TO PETITION FOR LEAVE TO INTERVENE OF ENVIRONMENTAL DEFENSE FUND, INC.;
- d. Letter requesting permission to intervene from D. J. Piro Hudson River Fishermen's Association;
- e. Teletype and PETITION FOR LEAVE TO INTERVENE BY THE STATE OF NEW YORK (from J. Bruce McDonald, New York State Department of Commerce);
- f. Atomic Safety and Licensing Board's letter to five persons whose requests to intervene did not constitute petitions as prescribed by Section 2.714; and
- g. Atomic Safety and Licensing Board's ORDER PERMITTING INTERVENTION by Environmental Defense Fund, Inc., Citizens Committee for the Protection of the Environment, State of New York by the Attorney General, and Atomic Energy Council of the State of New York.

2. Related documents in this matter have been issued as SECY-R 95 and SECY-R 95.

W. B. McCool

Secretary of the Commission

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Asst. Dir. of Reg. for Reactors	1	Reactor Dev. & Tech.	
Asst. Gen. Mgr.	1	Reactor Licensing	
Exec. Asst. to GM	1	Reactor Standards	
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UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of )  
 )  
CONSOLIDATED EDISON COMPANY OF ) Docket No. 50-247  
NEW YORK, INC. )  
 )  
(Indian Point Nuclear Generating )  
Unit No. 2) )

PETITION OF STATE OF NEW YORK FOR INTERVENTION

Petitioner, the State of New York, pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, and in accordance with the Atomic Energy Commission's notice of hearing dated November 13, 1970, requests that it be permitted to intervene and become a party to the above entitled proceeding. In support of this request, petitioner states as follows:

1. The name and address of the petitioner is:

STATE OF NEW YORK  
80 Centre Street  
New York, New York 10013

8110310684 opp

2. The State of New York is a body corporate and a sovereign entity and brings this petition on behalf of itself and as parens patriae, trustee, guardian and representative, on behalf of all citizens and residents in the State of New York, to protect and preserve its environment and its economic and natural resources.

3. As trustee and guardian of the interests of the people of New York, the State of New York is uniquely responsible for protecting the health, safety and welfare of its citizens and the quality of its environment. This responsibility requires the State of New York to consider with utmost seriousness the questions that have been raised concerning the operation of the applicant's Indian Point II nuclear power facility, and actively participate in the examination and resolution of these questions.

4. This proceeding was initiated by the Consolidated Edison Company of New York, Inc. (Con Edison), which is before the Atomic Energy Commission seeking approval of an application for an operating license which would authorize the operation of the applicant's Indian Point II nuclear power facility in the Town of Buchanan in Westchester County, State of New York.



5. This application has raised a number of issues of vital concern to the people of the State of New York. It has been alleged by opponents of the application that the operation of the Indian Point II facility will adversely affect the environment and people of the State of New York. More specifically, it has been alleged that the operation of this plant will result in harm to the natural resources of the Hudson River through thermal and chemical water pollution and through obstruction of the natural, unimpeded flow of said river.

6. The National Environmental Policy Act of 1969 requires consideration of environmental matters by federal agencies in their planning and decision making. It is therefore appropriate for the State of New York to intervene here'in so that it will be able to fully participate in decision making which may have an effect upon its environment.

7. The name and address of the person on whom service may be made and to whom it is requested that communications in respect to this Petition and proceeding be addressed is:

Louis J. Lefkowitz  
Attorney General of the  
State of New York  
80 Centre Street  
New York, New York: 10013

WHEREFORE, the State of New York respectfully  
prays leave to intervene in this proceeding and be treated  
as a party thereto.

Dated: New York, New York  
November 25, 1970

Respectfully submitted,

LOUIS J. LEFKOWITZ  
Attorney General of the  
State of New York  
80 Centre Street  
New York, New York 10013  
(212) 488-7560

BEFORE THE UNITED STATES  
ATOMIC ENERGY COMMISSION

In the Matter of )  
 )  
Consolidated Edison Company of )  
New York, Inc. )  
(Indian Point Unit No. 2) )

Docket No. 50-247

APPLICANT'S ANSWER TO PETITION FOR LEAVE TO INTERVENE  
OF THE CITIZENS COMMITTEE FOR THE  
PROTECTION OF THE ENVIRONMENT

By its Petition for Leave to Intervene filed with the Commission on November 25, 1970 the Citizens Committee for the Protection of the Environment ("Citizens Committee") seeks to intervene in the above-captioned proceeding to "challenge the issuance of an operating license to the Applicant."

Applicant does not oppose the admission of the Citizens Committee as a party to this proceeding.

As to all contentions, and especially as to that portion of the third contention involving population concentration and plant location, Applicant points out

~~8110310608~~

that the subjects of the Citizens Committee's concerns were evaluated by the Commission before issuing a construction permit for this plant.

Applicant denies the first, second and fifth contentions of the Citizens Committee. As to the fourth contention, Applicant asserts that the systems "for warning the general populace, etc." are such that there is reasonable assurance that the activities to be authorized by the operating license can be conducted without endangering the health and safety of the public.

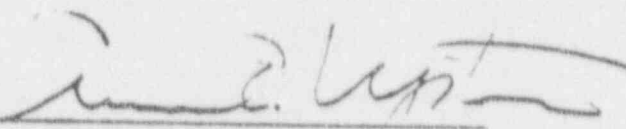
As to the third contention, Applicant denies that the operation of the plant will be an experiment except to the extent that it is involved in the conduct of research and development leading to a demonstration of the practical value of the reactor type within the meaning of Section 104(b) of the Atomic Energy Act of 1954, as amended. As to the adequacy of testing and study of the plant design and operation, Applicant asserts that all safety hazards associated with design basis accidents and other major accidents have been eliminated to the extent

necessary to provide reasonable assurance that the activities to be authorized by the operating license can be conducted without endangering the health and safety of the public.

The sixth contention is more properly characterized as an observation than a contention. Applicant urges that these contentions be clarified at the earliest possible date.

Respectfully submitted,

LeBOEUF, LAMB, LEIBY & MacRAE  
Attorneys for Applicant

By   
Arvin E. Upton  
Partner

Dated: November 27, 1970



UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of )  
Consolidated Edison Company of ) Docket No. 50-247  
New York, Inc. )  
(Indian Point Unit No. 2) )

APPLICANT'S ANSWER TO PETITION  
FOR LEAVE TO INTERVENE OF THE  
ENVIRONMENTAL DEFENSE FUND, INC.

The Environmental Defense Fund, Inc. ("EDF") has filed with the Commission in the above-captioned proceeding a Petition for leave to intervene in order to challenge the issuance of an operating license to the Applicant.

Applicant believes that the adequacy of EDF's stated interest in the proceeding--that of a national organization concerned with the environment and representing the general public--is questionable under present law. The petitioner also fails to state how its interest, or that of members of the general public it purports to represent, will be specifically affected in any way by the granting of a license to the Applicant. Nevertheless, Applicant does

~~8110310694~~

not expect participation by EDF as a party in this proceeding within the framework outlined below.

The seven contentions raised by EDF in its petition contain two basic assertions: the inadequacy of the Commission's implementation of the National Environmental Policy Act of 1969 ("NEPA") as it relates to this proceeding, and the lack of compliance of the Applicant's environmental report with the Commission's proposed guidelines for implementation of NEPA published for comment on June 3, 1970 (35 Fed. Reg. 8594). The rest of the contentions allege various procedural deficiencies which follow from the above. Applicant denies each of EDF's first six contentions. Applicant's position is that there is no noncompliance of the kind underlying the seventh contention and that therefore the hearing can validly proceed and a valid license may be issued.

EDF suggests that the Commission has not complied with the requirements of NEPA unless the hearing in this proceeding includes consideration of all environmental factors including non-radiological ones such as thermal effects.

Prior to the enactment of NEIA it was well established that non-radiological environmental factors were beyond the jurisdiction of the Commission in its facility licensing proceedings. State of New Hampshire v. Atomic Energy Commission, 406 F.2d 170 (1st Cir. 1969). When NEPA became law on January 1, 1970 a re-evaluation of the Commission's role with respect to these other environmental factors became necessary. Both in the April 2, 1970 guidelines and in the June 9, 1970 proposed guidelines the Commission has taken a different approach to implementing NEPA on an interim basis than that suggested by EDF. While not permitting independent determinations in a licensing proceeding on non-radiological matters, the guidelines require, among other things, a license condition (which will be contained in the Unit No. 2 license) to be imposed requiring compliance with applicable state and Federal environmental standards and requirements. It is Applicant's position that these guidelines represent an adequate interim implementation of NEPA pending Commission rule making determination on the complex matter of permanent implementation of NEPA.


It follows that there is no reason to re-notice  
or reschedule the hearing for the reasons given by LDF.  
LDF has raised a legal question which can be argued and  
ruled upon during the course of the proceeding which has  
been validly commenced under present Commission rules.

If LDF prevails on the legal question during the  
proceeding, appropriate steps can be taken at that time  
to schedule further sessions of the hearing (with an amendment  
to the Notice of Hearing, if necessary) to permit all parties  
to prepare adequately with respect to non-radiological  
environmental considerations.

Respectfully submitted,

LEBOEUF, LAMB, LEISY & MacRAE  
Attorneys for Applicant

By

  
Arvin E. Upton  
Partner

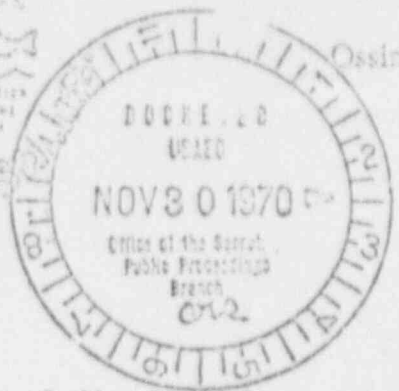
Dated: November 27, 1970



HUDSON RIVER FISHERMEN'S ASSOCIATION

Box 725

Ossining, New York 10562



480 Tuckahoe Road (9-B)  
Yonkers, New York 10710  
November 24, 1970

Samuel W. Jensch  
Chief Hearing Examiner  
U.S. Atomic Energy Commission  
Washington, D.C. 20545

RECEIVED  
ATOMIC ENERGY COMMISSION

1970 NOV 30 AM 9 10

Dear Sir:

OFFICE OF  
HEARING EXAMINERS

The Hudson River Fishermen's Association hereby petitions for leave to intervene in the proceeding at 10 a.m., Dec. 17, 1970 at Peekskill on Consolidated Edison Co.'s application to "build" a second nuclear power generator at Indian Point in Buchanan.

The story announcing the hearing appeared in our local newspapers on Friday, November 20, listing a filing deadline seven days later. In a matter of such import, we would have greatly appreciated a bit more notice.

Top A.E.C. officials have had letters printed recently in metropolitan area newspapers telling of your agency's great interest in protecting the environment. We would like to detail for you how Con Ed has slaughtered our Hudson River fish with Indian Point No. 1, so much so that New York State has sued the company for five million dollars. Clearly, Con Edison is not complying with "other applicable laws and regulations".

To clear your agency, Con Edison must give assurances that they will protect the environment. They have accomplished just the opposite, so we doubt that "the plant will be operated in conformity with the application filed, the law and the A.E.C. regulations". In its recent suit, New York State thoroughly agreed with us in these matters.

We consider thermal pollution from Indian Point Two (& 3) the most serious problem for the future of our Hudson River fisheries. We hope you will allow us to be heard.

Very truly yours,  
*Dominick J. Pirone*  
Dominick J. Pirone,  
Consulting Biologist, HRFA.

8110310677 789





# State Suing Con Edison Over Fish Kill in River

## Shutdown Asked Till Change Is Devised

NEW YORK (AP) — New York State has filed suit asking that Consolidated Edison's nuclear-powered generating plant at Indian Point be closed until suitable methods are found to protect the Hudson River and its fish.

The suit, filed in state Supreme Court, charges serious violations of conservation laws and asks for an immediate cessation of the plant's operation.

### Sue Heavy Damages

In the suit filed yesterday, the Attorney General charged that the Indian Point operation was "creating serious conditions of thermal and chemical pollution in the Hudson River" and "endangering the ecology." "Until suitable methods and procedures are instituted which will enable defendant to withdraw water from and discharge water into the Hudson River in such a manner as to avoid the killing of fish and other

forms of marine life and to further avoid endangering the ecology of the Hudson River, it should not be allowed to operate," the Attorney General says.

No date for a hearing of the charges has been set.

Atty. Gen. Louis J. Laskowitz, announcing the suit Tuesday, said the state would seek \$5 million in damages for fish killed as a result of the plant's operations.

Belief has been expressed that the complaint was based on two incidents of fish kills reported earlier this year at the nuclear generating plant and came as a surprise to officials of the power company.

A spokesman for Con Edison said yesterday that "we cannot comment on the allegations made because we are still reviewing the papers. As far as I know, this is the first incident of the Attorney General's Office in this operation."

### Closed For Refueling

The plant, the utility company representative said, has been closed for eight weeks "for refueling" and was not expected to be back in operation for at least another week.

Con Edison's operation of the plant drew complaints of fish kills and damage to the ecology of the Hudson River as far back as 1967. In October of that year it was reported that fish by the thousands were sucked into the system and killed. That problem was reported solved by new screens where river water is drawn into the plant.

Two instances of fish kills were reported this year, each resulting in a brief shutdown of the operations. The first in January resulted in the reported killing of 150,000 fish and in March it was charged that 329,000 fish were killed.

### Seen As Political Issue

No action has been taken by the state conservation department, officials concede, and they believe that this is an issue where conservation has become a political issue.

### Political Issue

Congressman Richard L. Ottinger, who has repeatedly criticized the utility company, petitioned the Atomic Energy Commission to halt the Indian Point operation until it can continue "without damage to the river. The petition is still pending before the A.E.C.

Congressman Gainger placed the political label on the suit yesterday and was "on my way to send our thunder."

According to Consolidated Edison officials, the Indian Point plant is expected to produce "about 3 per cent of our total power generating capacity on an annual basis and coming up into the hot days of summer we are extremely concerned about shutting down this operation and depriving the system of the 100,000 kilowatts available to the system."

Power demands in the New York City metropolitan area have been taxing the power producing capacity of the system for a number of years and both company and state officials have warned of power shortages in peak power-use hours this summer.

# EVENING STAR





INDIAN RIVER FISHERMEN'S ASSOCIATION

Box 725

Ossining, New York 10522

NEW YORK

THE NEW YORK TIMES  
TUESDAY, MARCH 17, 1970

Con Ed Says  
It May Be Forced

In answer to questions about fish kills near the Indian Point nuclear plant, Mr. Luce said there had been no nuclear contamination involved and he offered to replace the more than 200,000 fish estimated to have been killed in two separate incidents since Jan. 1. He said that with "improvements" and "new" DEW CON ED WAS GOING TO REPLACE THE FISH KILLED IN TWO INCIDENTS SINCE JAN. 1.

We have only been  
screaming for  
SEVEN (7)  
YEARS!!!

"So that's where it stood, I'd like to thank you fellows for bringing this to my attention."

(2)

WESTINGHOUSE

UNITED STATES DEPARTMENT OF ENERGY

NOV 27 1970

MEMORANDUM FOR THE SECRETARY

RE: [Illegible]

NOV 27 1970

U.S. DEPARTMENT OF ENERGY

[Illegible memorandum body text]

Very truly yours,

[Illegible signature]

[Illegible title]



NOV 27 1970

NOV 27 1970

NOV 27 1970

WESTINGHOUSE





(2)

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of the )  
(CONSOLIDATED EDISON COMPANY )  
OF NEW YORK, INC. )

DOCKET NO. 50-247

PETITION FOR LEAVE TO INTERVENE  
BY THE STATE OF NEW YORK

Pursuant to Section 2.714 of the Commission's Rules of Practice, Section 274 of the Atomic Energy Act of 1954, as amended, and in accordance with the provisions of the Commission's Notice of Hearing dated November 13, 1970, the State of New York, acting by and through its Atomic Energy Council, hereby petitions for leave to intervene in the above captioned proceeding and become a party thereto upon the following grounds:

1. This proceeding is to consider the application of Consolidated Edison Company of New York for an operating license which would authorize the operation of Gen Edison's Indian Point Nuclear Generating Unit No. 2, in the Town of Buchanan, Westchester County, New York State.

2. The interest of the State of New York in the health and safety of its people requires that all matters pertaining to the safety of the nuclear power plant proposed in the above captioned proceeding be thoroughly considered.

3. Under Section 104 of the Commerce Law of the State of New York, the Atomic Energy Council is given the functions of coordinating regulatory programs of the agencies and instrumentalities of the State affecting atomic energy activities in New York, of coordinating the participation of the agencies and instrumentalities of the State in the regulatory processes of the Federal Government affecting atomic energy activities in New York State, and of coordinating the presentation of views of such agencies and instrumentalities for consideration by appropriate Federal agencies.


92/0130312

The name and address of the person upon whom service in this proceeding may be made is:

J. Bruce MacDonald, Counsel  
New York State Department of Commerce  
112 State Street  
Albany, New York 12207

Petitioner respectfully requests the Commission to grant petitioner status as intervener and party to this proceeding.

Respectfully submitted,

  
\_\_\_\_\_  
J. Bruce MacDonald, Counsel  
New York State Department of Commerce  
and Counsel to the Atomic Energy Council

DATED: November 27, 1970



(-\*)

DOCKET NO. 50-247  
REV. 8-1-66

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

December 3, 1970

Mrs. Mary Hays Weik, Secretary  
Committee To End Radiological Hazards  
Box 148, 150 Christopher Street  
New York, New York 10014

Mrs. Milton Kurta  
Chairman, CLEAN, Inc.  
Box 1087  
New Rochelle, New York 10802

Mr. Ronald Fritz  
1448 Riverview Avenue  
Peekskill, New York 10566

Mr. Dominick J. Pirone  
Consulting Biologist, Hudson River  
Fishermen's Association  
Box 725  
Ossining, New York 10562

Mr. William C. Hitt  
Supervisor, Town of Cortlandt  
Municipal Building  
Croton-on-Hudson, New York 10520

In re: Consolidated Edison Company of New York, Inc.  
(Indian Point Station Unit No. 2)  
Docket No. 50-247

Dear Madames and Sirs:

Receipt is acknowledged of your letter communications stating an intention or desire to intervene in the above entitled proceedings. Your letters do not constitute petitions to intervene as prescribed by Section 2.714 of the Rules of Practice of the Atomic Energy Commission and therefore cannot serve as the basis of any adjudication regarding your participation in the proceeding.

Without objection from the present parties to the proceeding, however, each of you will be permitted to separately file, even though beyond the time permitted by the Notice of Hearing, a formal petition to intervene in the proceeding in accordance with the Rules of Practice, a copy of which is enclosed. After receipt of such a formal petition, under oath, setting forth the interest you have and the contentions you make, the present parties to the proceeding will be



8110310557 288

permitted to file answers and the Atomic Safety and Licensing Board will issue an order either permitting or denying intervention and participation in the proceeding.

Very truly yours,

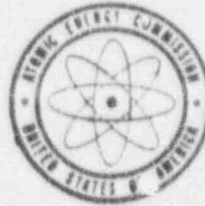
Enclosure:  
10 CFR Part 2

Samuel W. Jenach, Chairman  
Atomic Safety and Licensing Board

cc: Arvin E. Upton, Esq.  
Anthony Z. Roisman, Esq.  
Joseph B. Knotts, Jr., Esq.  
Secretary, USAEC  
Myron Karman, Esq.  
George C. Arcaro, Esq.

December 14, 1970

SECY-R 10



CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  
(INDIAN POINT NUCLEAR GENERATING UNIT NO. 2)  
DOCKET NO. 50-247

Note by the Secretary

1. The attached letter and PETITION FOR LEAVE TO INTERVENE from Mrs. Mary Hays Weik is circulated for the information of the Commission.

2. An earlier letter from Mrs. Weik indicating her intent to intervene was issued as a part of SECY-R 95.

W. B. McCool

Secretary of the Commission

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Tech. Adv. to the Dir. of Reg.	1	Rad. Prot. Standards
Asst. Dir. of Reg. for Reactors	1	Reactor Dev. & Tech.
Asst. Gen. Mgr.	1	Reactor Licensing
Exec. Asst. to GM	1	Reactor Standards
Special Asst. to GM	1	State & Lic. Relations
General Counsel	6	New York Operations
Compliance	6	Chairman, AS&LBP

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50-247

Committee To End Radiological Hazards  
Box 148, 150 Christopher Street  
New York 14, New York

Mary Hays Weik  
Secretary  
GR 7-5935

December 7, 1970

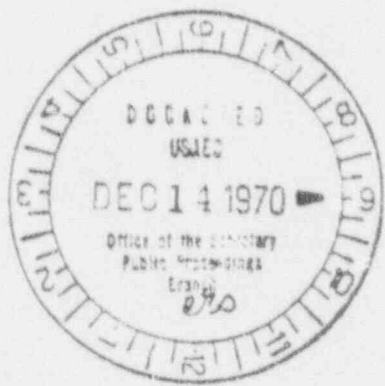
Samuel W. Jensch, Esq., Chairman  
Atomic Safety & Licensing Board  
U.S. Atomic Energy Commission  
Washington, D. C. 20545

Re: Consolidated Edison Co. of N.Y.  
Application for Operating License  
for Indian Pt. Nuclear Unit 2  
ocket NO. 50-247

Dear Sir:

Thank you for your letter of December 3, enclosing the sent/09  
"Rules and regulations." In accordance with your letter, I am now submitting a  
separate Petition For Leave To Intervene, whose stipulations I had previously thought  
(lacking a copy of present Commission rules) to be fully expressed in my filing  
letter of Nov. 21, 1970, sent well in advance of the state filing date of  
November 27. Twenty copies of the Petition are enclosed herewith.

Please pardon my misunderstanding of the Commission's rules.



Sincerely,  
*Mary H. Weik*  
Mary Hays Weik

RECEIVED  
ATOMIC ENERGY COMMISSION

1970 DEC 14 PM 3 44

OFFICE OF  
HEARING EXAMINERS

Copies of letter and petition  
sent to all Parties, board members  
and Regulatory Staff.

*8/103/0503*





58-147

U. S. ATOMIC ENERGY COMMISSION:

Re: Consolidated Edison of New York  
Application For Operating License  
for Indian Point Nuclear Unit No.2

UNITED STATES OF AMERICA:

Docket No. 50-247

Petition Of MARY HAYS WEEK For Leave To Intervene

In The Above Proceedings

I

The petitioner, MARY HAYS WEEK, a citizen and tax-payer of the United States and of the City and State of New York, requests the privilege to appear in her own right as a party at the Public Hearing scheduled to be held on December 17, 1970 at Peekskill, New York by the U.S. Atomic Energy Commission, to consider Consolidated Edison's application for a permit to operate a second nuclear reactor at Indian Point in Buchanan, New York, just outside the City of Peekskill.

II

The petitioner affirms her personal interest in the proceedings as a citizen and resident of the Metropolitan New York area affected by the hazards and pollution of the enlarged Indian Point plant; as follows:

- 1) The security of herself and her family, who would live directly within the Indian Point plant's expanded hazard area - increased now by Nuclear Reactor 2 to many times its original size - is of the closest natural concern to her as an individual citizen.
- 2) The safety and purity of an important part of New York and Westchester County's public water supply - so vital to her and her family as it is to every one of the area's citizens - would be periled by the adjacency of large atomic plants.

III

A Commission decision to license this added nuclear reactor would directly affect the petitioner's interests; in that:

- 1) An accident or malfunctioning of plant facilities after the granting of such an additional license could subject her and her family to the chaos of area-wide disaster.
- 2) The added radiation radius created by such a decision might leave no drinking-water supplies immune to contamination in her area.

8110370528

IV

The petitioner contends, after careful study of all the facts concerned:

- That, although extensive plans have been made by the applicant company and the U.S. Atomic Energy Commission for contingencies that might result from possible reactor accidents, terrorist, or earthquakes, it is not reasonable to expect that the split-

...with which such emergencies occur would allow sufficient time for prior  
...preparation.

- That it would be a thoughtless and unforgivable government action to inflict another  
...source of radioactive pollution on an area already abnormally high, by U.S.  
...records, in deaths from leukemia and other forms of cancer, and in  
...of infants born in this area.
- That, in view of the bad performance record of the present Indian Point 1 reactor,  
...development of new and safer systems of non-atomic power,  
...at Indian Point is outdated, inefficient,  
...and wasteful expenditure of public funds; since the financial obligation  
...in the form of added electrical service  
...and of escalating taxes to cover federal and state promotion, subsidies, and  
...for this unneeded and highly hazardous type of power.

FOR THE REASONS CITED ABOVE, the petitioner contends that operation of this second  
...reactor at the Indian Point plant would threaten the welfare and  
...of every citizen of America's largest metropolitan area, New York and its  
...with a population of more than 15 million. She urges therefore that  
...license now at issue be denied; with the added recommendation that  
...at this most unfavorable site be declared ended, as being  
...wasteful, and damaging to citizen health - as has been so clearly proved  
...with the present Indian Point 1 reactor.

STATE OF NEW YORK )  
County of New York ) ss.

I the undersigned state that I am the petitioner, MARY HAYS WEIK, and I affirm under  
oath that the statements in the Petition above are true and correct to the best of my  
knowledge.

executed on Dec 7th, 1970 in New York City.

*Mary H. Weik*

Petitioner: MARY HAYS WEIK  
Box 148, 150 Christopher St.  
New York, N. Y. 10014

STATE OF NEW YORK  
County of New York

On Dec 7, 1970 before me, the undersigned, a Notary Public in and for said  
County and State, personally appeared MARY HAYS WEIK, known to me to be the person  
whose name is subscribed to the present instrument, and acknowledged that she executed  
the same. WITNESS my hand and official seal.

*Max Goldstein*

Notary Public  
New York County, N.Y.  
My commission expires \_\_\_\_\_