

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'81 NOV -9 P3:15

Before the Atomic Safety and Licensing Board  
OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of

CONSOLIDATED EDISON COMPANY OF  
NEW YORK (Indian Point, Unit 2)

Docket Nos. 50-247-SF  
50-286-SP

POWER AUTHORITY OF THE STATE OF  
NEW YORK (Indian Point, Unit 3)

PETITION OF THE METROPOLITAN  
TRANSPORTATION AUTHORITY FOR  
LEAVE TO INTERVENE

PLEASE TAKE NOTICE, that pursuant to 10 C.F.R.  
Section 2.714, et seq. governing interventions, the Metro-  
politan Transportation Authority ("MTA") requests permis-  
sion to intervene in this proceeding for the following  
reasons:

1. The MTA is a public benefit corporation and  
political subdivision of the State of New York. The MTA  
was created to develop and improve commuter transportation  
and related services, and currently owns, operates or su-  
pervises the use of facilities and equipment to that end.  
N.Y. Pub. Auth. L. Art. 3, t. 3 and Art. 5, t. 9, 11  
(McKinney 1970 and Supp. 1980-1981).

2. That the nuclear power plant Indian Point, Unit 3, is owned and run by the Power Authority of the State of New York (PASNY), pursuant to state statutory authorization.

3. That the electric power costs of the MTA, its affiliates and subsidiaries, aggregate well over one hundred million dollars annually for approximately six hundred megawatts of power. Pursuant to a contract entered into between PASNY and the MTA in 1976, most of that power is obtained from PASNY. On information and belief, a substantial percentage of Indian Point, Unit 3 output goes towards fulfillment of that contract.

4. That this proceeding was instituted pursuant to a petition of the Union of Concerned Scientists requesting the permanent closure of the Indian Point Nuclear Power Plants, including that owned and operated by the Power Authority of the State of New York.

5. That any action taken by the Nuclear Regulatory Commission ("Commission") will have a direct and immediate impact upon the MTA in that the MTA receives part of its power requirements from the subject plants.

6. That one of the various issues defined by the Commission in its January 8, 1981 order in this docket was the question of economic impact on the region from a closure of the subject plants.

7. That pursuant to 10 C.F.R. Section 2.715(c), the presiding Officer is empowered to afford the representatives of any interested state, county, municipality and/or agencies thereof, a reasonable opportunity to participate and to introduce evidence, interrogate witnesses, and advise the Commission of pertinent facts and information without requiring the representative to take a position with respect to the issues. The representative can additionally participate on issues not raised directly by it. Such part also allows for the filing by such participant of proposed findings and exceptions.

8. That the MTA herein moves for leave to intervene in the captioned proceedings pursuant to 10 C.F.R. Section 2.715(c) with the reservation of the further right to move under 10 C.F.R. Section 2.714 for formal party status at such later time as its interest may require.

9. That the MTA is a political subdivision of the State of New York created for the benefit of the people of New York and to perform essential governmental functions. The interests of the MTA as they may be affected by the Commission's actions in this proceeding cannot be adequately represented by any other party.

10. That a denial of standing to intervene under 10 C.F.R. Section 2.715(c), with leave to intervene at such later time under 10 C.F.R. Section 2.714 as matters may require, will cause serious prejudice to the MTA.

WHEREFORE, the MTA respectfully requests that the Commission issue an order permitting it to intervene pursuant to 10 C.F.R. Section 2.715(c) with leave to intervene as a party under 10 C.F.R. Section 2.714 at such future time as deemed appropriate by the MTA, and that the MTA be accorded all rights appropriate to its status as intervenor and further relief as may be necessary and appropriate in the circumstances.

Copies of all documents and communications

should be addressed to, and service made on, the signatory below.

Dated: New York, New York  
November 3<sup>rd</sup>, 1981

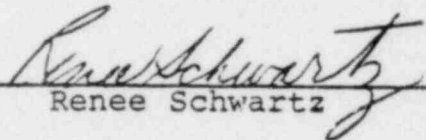
Respectfully submitted,

BOTEIN, HAYS, SKLAR &  
HERZBERG

Attorneys for the Metro-  
politan Transportation  
Authority

200 Park Avenue  
New York, New York 10166  
(212) 867-5500

By:

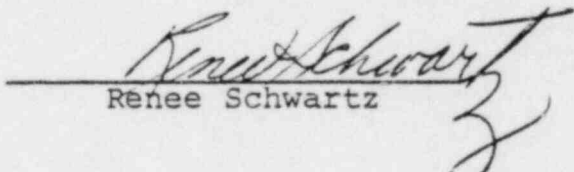
  
Renee Schwartz

AFFIDAVIT

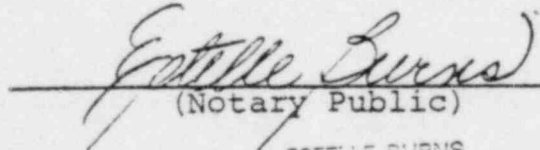
STATE OF NEW YORK     )  
                              :     ss.:  
COUNTY OF NEW YORK    )

RENEE SCHWARTZ, being duly sworn, deposes and  
says:

That she is a member of the law firm of Botein,  
Hays, Sklar & Herzberg; that she has executed the foregoing  
petition for leave to intervene on behalf of the Metro-  
politan Transportation Authority with full authority to do  
so; that she has read said petition and the statements set  
forth therein are true and correct to the best of her in-  
formation, knowledge and belief.

  
\_\_\_\_\_  
Renee Schwartz

Subscribed and sworn to before  
me this *3rd* day of November, 1981

  
\_\_\_\_\_  
(Notary Public)

ESTELLE BURNS  
Notary Public, State of New York  
No. 66-500375  
Qualified in Bronx County  
Commission Expires March 30, 1983



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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In the Matter of

X

CONSOLIDATED EDISON COMPANY OF  
NEW YORK (Indian Point, Unit 2)

Docket Nos. 50-247-SP  
50-286-SP

POWER AUTHORITY OF THE STATE OF  
NEW YORK (Indian Point, Unit 3)

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NOTICE OF APPEARANCE

Please enter the appearance of BOTEIN, HAYS,  
SKLAR & HERZBERG of 200 Park Avenue, New York, New York  
10166, telephone (212) 867-5500, as attorneys for inter-  
venor Metropolitan Transportation Authority, 347 Madison  
Avenue, New York, New York, in the above-entitled action.  
Authorization for this appearance is contained in the af-  
fidavit of the Metropolitan Transportation Authority,

appended hereto.

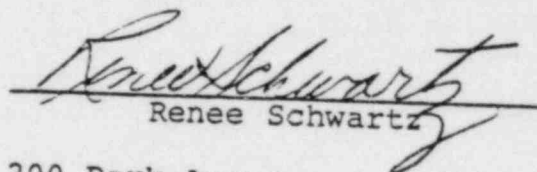
Dated: New York, New York  
November 3<sup>rd</sup>, 1981

Respectfully submitted,

BOTEIN, HAYS, SKLAR &  
HERZBERG

Attorneys for Intervenor  
Metropolitan Transportation  
Authority

By:

  
Renee Schwartz

200 Park Avenue  
New York, New York 10166  
(212) 867-5500



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NUCLEAR REGULATORY COMMISSION

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CONSOLIDATED EDISON COMPANY OF  
NEW YORK (Indian Point, Unit 2)

POWER AUTHORITY OF THE STATE OF  
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Docket Nos. 50-247-SP  
50-286-SP

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X

AFFIDAVIT OF THE METROPOLITAN  
TRANSPORTATION AUTHORITY

STATE OF NEW YORK    )  
                          :    ss.:  
COUNTY OF NEW YORK   )

MARY P. BASS, being duly sworn, deposes and  
says:

That she is General Counsel for the Metropolitan  
Transportation Authority ("MTA") and has her office at  
347 Madison Avenue, New York, New York 10017, telephone  
number (212) 878-7210; that she is empowered to appoint  
outside counsel to represent the MTA in its legal  
affairs; and that she hereby attests to the appointment of

Botein, Hays, Sklar & Herzberg of 200 Park Avenue, New York, New York 10166, as attorneys for the MTA in the above-entitled action, with full authority to act on behalf of the MTA.

*Mary P. Bass*

Mary P. Bass

Subscribed and sworn to before  
me this 4<sup>th</sup> day of November,  
1981

*Billie J. Cape*  
Notary Public

BILLIE J. CAPE  
Notary Public, State of New York  
No. 81-0005320  
Qualified in New York County  
Commission Expires March 30, 1983

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NUCLEAR REGULATORY COMMISSION

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CONSOLIDATED EDISON COMPANY OF  
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\_\_\_\_\_X  
AFFIDAVIT OF SERVICE

STATE OF NEW YORK     )  
                              :  
COUNTY OF NEW YORK    )     ss.:

LAURENS R. SCHWARTZ, being duly sworn, deposes and  
says:

That he is an employee of the firm of Botein, Hays, Sklar  
& Herzberg, counsel for the Metropolitan Transportation  
Authority; that he has this day caused to be served the fore-  
going document upon all parties of record in this proceeding  
in accordance with the requirements of the Commission's Rules  
of Practice and Procedure.

The foregoing document was served on the following:

The Office of the Executive Legal Director  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mr. Louis J. Carter  
Chairman, Administrative Judge  
U. S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Washington, D.C. 20555

Dr. Oscar H. Paris  
Administrative Judge  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Washington, D.C. 20555

Frederick J. Shon, Administrative Judge  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Washington, D.C. 20555

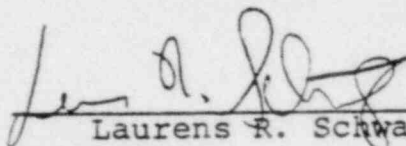
Charles M. Pratt, Assistant  
General Counsel  
Power Authority of the State of New York  
10 Columbus Circle  
New York, New York 10019

Brent Brandenburg, Assistant  
General Counsel  
Consolidated Edison Company of New York  
4 Irving Place  
New York, New York 10003

Ellyn R. Weiss, Esq.  
Sheldon, Harmon, Rosman & Weiss  
Attorneys for the Union of  
Concerned Scientists  
1725 I Street, N.W., Suite 506  
Washington, D.C. 20006

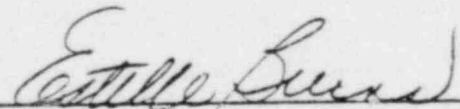
The original and two copies were also filed with the following:

Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

  
Laurens R. Schwartz

BOTEIN, HAYS, SKLAR & HERZBERG  
Attorneys for the Metropolitan  
Transportation Authority  
200 Park Avenue  
New York, New York 10166

Subscribed and sworn to before  
me this *4th* day of November, 1981

  
Notary Public

ESTELLE BURNS  
Notary Public, State of New York  
No. 65-177578  
Qualified in Bronx County  
Commission Expires March 30, 1983