

BEFORE THE  
UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION



8-27-71

In the Matter of )  
 )  
 )  
CONSOLIDATED EDISON COMPANY )  
OF NEW YORK, INC. )  
(Indian Point Unit No. 2) )  
 )  
 )  
 )

Docket No. 50-247

RESPONSE OF ENVIRONMENTAL DEFENSE FUND  
TO MOTION OF CONSOLIDATED EDISON FOR PROCEDURES FOR  
THE IMPLEMENTATION OF THE ENVIRONMENTAL POLICY ACT

The Environmental Defense Fund opposes Applicant's suggested procedures for the conduct of hearings by the Atomic Safety and Licensing Board on environmental matters for the following reasons:

1. The Atomic Safety and Licensing Board, rather than the Atomic Energy Commission (hereinafter "the Commission"), is the appropriate body to conduct this hearing. The Atomic Safety and Licensing Board has the jurisdiction to consider the Applicant's proposed schedules and the resources to conduct a proper analysis of this proposal. The Commission has neither the jurisdiction nor the resources to conduct a proper analysis.

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Further, the Commission has expressly delegated all authority with regard to the conduct of these proceedings to the Atomic Safety and Licensing Board. Commission review of the Applicant's proposal would be contrary to this express delegation.

Also a thorough consideration of all relevant information and evidence, including the information set forth in the Affidavit of Mr. Charles Luce, is necessary for a proper determination of the Applicant's contentions. As the Atomic Safety and Licensing Board is far more familiar than the Commission with the facts of this proceeding, it is in a superior position to make the proper determination. In addition, the resolution of these factual matters may well require the taking of oral testimony, discovery, and the proper examination of witnesses, for all of which the Atomic Safety and Licensing Board has the competence and established procedures.

With regard to the appropriateness of the Atomic Safety and Licensing Board to review the Applicant's proposal, the Environmental Defense Fund concurs with the position taken by HRFA.

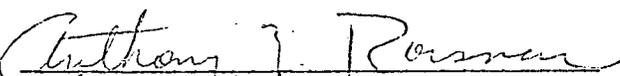
2. If the Applicant is genuinely concerned with expediting consideration of environmental issues, it should immediately furnish the Environmental Defense Fund with all information

(including reports, analyses, memoranda, and other written documents) upon which it bases its claims concerning all environmental costs and benefits, including Applicant's environmental report and the Affidavit of Charles Luce. This will enable the Environmental Defense Fund to analyze the Applicant's claims expeditiously and to assist the Applicant and the Atomic Safety and Licensing Board in assuring proper consideration of environmental values.

3. As counsel for the Environmental Defense Fund has just returned from vacation, the Environmental Defense Fund has not yet had an opportunity to analyze the statement set forth in the Affidavit of Charles Luce.

Respectfully submitted,

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BY   
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Counsel for Environmental  
Defense Fund, Inc.

August 27, 1971

