

BEFORE THE  
UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of

CONSOLIDATED EDISON COMPANY OF )  
NEW YORK )  
(Indian Point, Unit NO. 2) )

3-6-72  
Docket No. 50-247

STATEMENT WITH RESPECT TO  
APPLICANT'S PROPOSED FINDINGS  
OF FACT (PART II) SUBMITTED  
BY THE HUDSON RIVER FISHERMAN'S ASSOCIATION  
AND THE ENVIRONMENTAL DEFENSE FUND

Pursuant to stipulation with the applicant, HRFA and EDF have not taken a substantive position with respect to the applicants motion for a 50% testing license. However, we do wish to stress a point not apparent in the applicants Proposed Findings of Fact (Part II). The Supplemental Notice of Hearing (in compliance with paragraph D. 2 of Appendix D) provides (page 5):

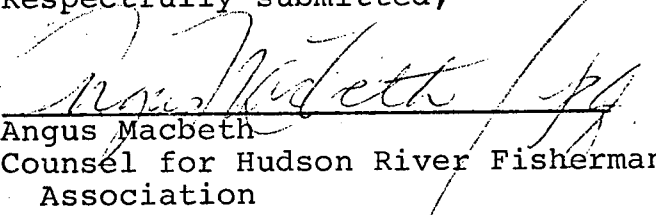
Any license issued pursuant to the foregoing will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility and will be conditioned to that effect.

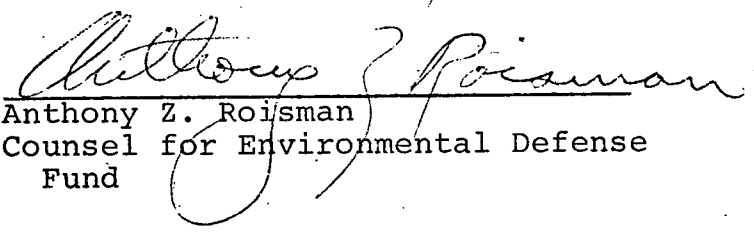
In its Proposed Findings applicant includes many factual allegations which will be subject to vigorous disagreement in the full environmental hearing. The initial decision for this limited license application should state that the findings contained therein do not create any presumption or in any way effect similar or related issues which arise in the full environmental hearing.

HRFA and EDF believe that a proviso to this effect should be included in the initial decision but also suggest that in its

initial decision the Board qualify each proposed finding so that it does not read as absolutely as applicant or other parties to the proceeding have urged. We believe that whether the Board's decision is favorable or not to the applicant these qualifications should be included since the above-quoted language from the Supplemental Notice is intended to protect the applicant as well as other parties and to leave to the final environmental hearing the ultimate resolution of all of the matters contained in the Proposed Findings (Part II).

Respectfully submitted,

  
Angus Macbeth  
Counsel for Hudson River Fisherman's  
Association

  
Anthony Z. Roisman  
Counsel for Environmental Defense  
Fund

March 6, 1972

CERTIFICATE OF SERVICE

I hereby certify that copies of the Statement With Respect To Applicant's Proposed Finding of Fact (Part II) Submitted by the Hudson River Fisherman's Association and the Environmental Defense Fund were mailed, postage prepaid, this 6th day of March 1972 to the following:

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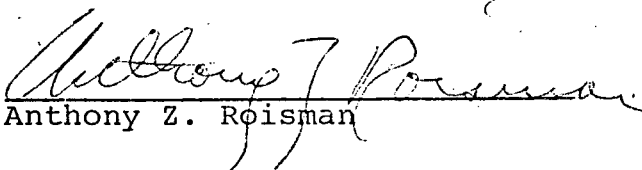
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