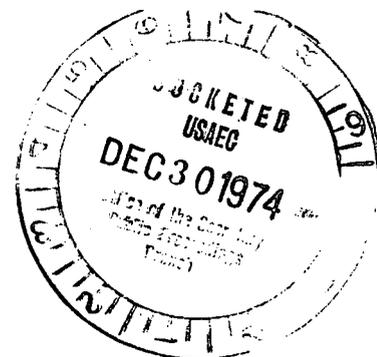


UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION



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

Docket No. 50-247

RESPONSE OF AEC REGULATORY STAFF TO
APPLICATION FOR EXPERT WITNESS AND ATTORNEYS
FEES OF HUDSON RIVER FISHERMEN'S ASSOCIATION

On December 13, 1974, Counsel for the Hudson River Fishermen's Association (HRFA), an intervenor in the Indian Point 2 operating license proceeding, filed an Application for Expert Witness' and Attorneys Fees in the amount of \$48,062.54. The caption of the Application does not specify whether it is addressed to the Atomic Safety and Licensing Board which presided over the operating licensing proceeding or to the Atomic Energy Commission itself. While we assume that the Application was intended to be addressed to the Commission itself, the Regulatory Staff is filing copies of this response with the Licensing Board as well as with the Commission.

In its Memorandum and Order of November 21, 1974,^{1/} this Commission held that there is warrant for re-examination by its successor, the Nuclear Regulatory Commission, after a rulemaking proceeding, of the present Commission's earlier conclusion that it is without statutory authority to give financial assistance to intervenors.

1/ In the Matter of Consumers Power Company (Big Rock Point Nuclear Plant) Docket No. 50-155; In the Matter of Vermont Yankee Nuclear Power Corporation (Vermont Yankee Nuclear Power Station) Docket No. 50-271; In the Matter of Public Service Co. of New Hampshire (Sea brook Station, Units 1 and 2) Docket Nos. 50-443 & 50-444.

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However, as HRFA recognizes in its request (p. 7), the present Commission also said: (Slip. Op. p. 9, fn. 6):

"We believe that any new standards that may be adopted in this area as a result of the coming rulemaking should not be applied retroactively to expenses incurred prior to the date of this decision.... Retroactive applications of new standards would, therefore, have a windfall effect with no substantial corresponding benefit to the public interest."

Since its costs were incurred prior to November 21, 1974, HRFA asks the Commission to change its stated position that financial assistance should not, in any event, be given to intervenors such as HRFA, who have rendered services or incurred costs without expectation of reimbursement. The Regulatory Staff does not discern any compelling argument in HRFA's Application which should induce the Commission to reverse its position.

Accordingly, the Regulatory Staff submits that the Application should be denied.

Respectfully submitted,



Myron Karman
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 26th day of December, 1974.

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION



In the Matter of)
)
CONSOLIDATED EDISON COMPANY) Docket No. 50-247
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)
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CERTIFICATE OF SERVICE

I hereby certify that copies of "RESPONSE OF AEC REGULATORY STAFF TO REQUEST FOR REIMBURSEMENT OF COSTS OF CITIZENS COMMITTEE FOR PROTECTION OF THE ENVIRONMENT" and "RESPONSE OF AEC REGULATORY STAFF TO APPLICATION FOR EXPERT WITNESS AND ATTORNEYS FEES OF HUDSON RIVER FISHERMEN'S ASSOCIATION", both dated December 26, 1974, in the above-captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 26th day of December, 1974:

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