

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of	)	
	)	
CONSOLIDATED EDISON COMPANY	)	Docket No. 50-247
OF NEW YORK, INC.	)	OL No. DPR-26
	)	
(Indian Point Station,	)	
Unit No. 2)	)	

CON EDISON'S ANSWER IN OPPOSITION TO PETITION  
OF HRFA

Edward J. Sack  
4 Irving Place  
New York, N.Y. 10003  
(212)460-4333  
Attorney for Consolidated  
Edison Company of New York, Inc.

January 31, 1978

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PDR ADOCK 05000247  
G PDR

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OF HRFA

Consolidated Edison Company of New York, Inc. ("Con Edison") respectfully files this answer in opposition to the petition of the Hudson River Fishermen's Association ("HRFA") for modification of the order of the Atomic Safety and Licensing Appeal Board ("the Appeal Board") dated January 11, 1978 (ALAB-453), in accordance with the rules of the Nuclear Regulatory Commission, 10 C.F.R. § 2.771(b).

Con Edison submits that the petition of HRFA, like its earlier motion, should be denied as premature. HRFA again seeks relief from possible future developments which in all likelihood will never occur. There is no reason to believe or even suspect that the Court of Appeals of the State of New York will not render a decision prior to November 1,

1978. If by any chance the New York Court of Appeals does not render its decision in accordance with its customary expeditious practice, HRFA has adequate remedies available to it under the Commission's rules.<sup>1/</sup> Accordingly there is no need to grant the relief requested at this time.

Respectfully submitted,



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Edward J. Sack

4 Irving Place

New York, N.Y. 10003

(212)460-4333

Attorney for Consolidated Edison  
Company of New York, Inc.

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<sup>1/</sup> See, e.g. 10 C.F.R. § 2.206.

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I hereby certify that I have this 31st day of  
January, 1978, served the foregoing document entitled "Con  
Edison's Answer in Opposition to Petition of HRFA" by mail-  
ing copies thereof first class mail, postage prepaid and  
properly addressed to the following persons:

Mr. Samuel J. Chilk, Secretary  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555  
Attn: Chief, Docketing and  
Service Section (Orig. + 20)

Samuel W. Jensch, Esq.  
Chairman, Atomic Safety and  
Licensing Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Mr. R. Beecher Briggs  
110 Evans Lane  
Oak Ridge, Tennessee 37830

Dr. Franklin C. Daiber  
College of Marine Studies  
University of Delaware  
Newark, Delaware 19711

Jerome E. Sharfman, Esq.  
Chairman, Atomic Safety and  
Licensing Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Dr. John H. Buck  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Dr. Lawrence R. Quarles  
Route 4, Box 174  
Charlottesville, Va. 22901

Atomic Safety and Licensing  
Appeal Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Sarah Chasis, Esq.  
Natural Resources Defense  
Council, Inc.  
122 E. 42nd Street  
New York, N.Y. 10017

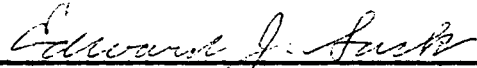
Stephen H. Lewis, Esq.  
Office of the Executive  
Legal Director  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Jeffrey C. Cohen, Esq.  
New York Energy Office  
Swan Street Building  
Core 1 - 2nd Floor  
Albany, N.Y. 12223

Carl R. D'Alvia, Esq.  
Attorney for Village of  
Buchanan  
395 S. Riverside Avenue  
Croton-on-Hudson, N.Y. 10520

Honorable George V. Begany  
Mayor, Village of Buchanan  
Buchanan, N.Y. 10511

Peter H. Schiff, Esq., Counsel  
New York Public Service  
Commission  
Empire State Plaza  
Albany, N.Y. 12223

  
\_\_\_\_\_  
Edward J. Sack