

Natural Resources Defense Council, Inc.

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SPECIAL DELIVERY
June 18, 1974

Hon. Dixie Lee Ray, Chairman
Atomic Energy Commission
Washington, DC 20545

In re: Consolidated Edison Company
of New York, Inc.
Indian Point Station, Unit #2
AEC Docket 50-247

Dear Chairman Ray:

On June 14, 1974, the Regulatory Staff informed the Atomic Safety and Licensing Appeal Board that it would not petition for reconsideration the Appeal Board's decision in the Indian Point 2 proceeding, which dealt with the environmental issues related to aquatic biological organisms and the use of the cooling system at the plant, ALAB-188, April 4, 1974. At the same time, the Staff stated that it had reexamined the evidence of record and was "of the firm view that its previously maintained position as set forth in the record of this proceeding that, based on the present state of information concerning aquatic organisms in the Hudson River, a closed cycle system is required for the long term operation of Indian Point 2 remains correct." The Hudson River Fishermen's Association also maintains the position that a closed cycle system is needed and on the fastest reasonable schedule.

The present posture of the case is also unusual, in that the Appeal Board has both substituted its factual findings for those of the Licensing Board, and in the process of doing so, has reframed many of the issues tried out in this lengthy proceeding, with the result that many of the briefing papers no longer squarely address the facts as found by the Appeal Board. These issues are frequently complex and their proper and full elucidation requires a familiarity with the course of the proceeding before the Licensing Board and the total record of evidence in the case.

6/21 To Marc Rowden for appropriate action.

Each Commissioner and Secretary received copy in the mail.

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OFFICE OF THE SECRETARY

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PDR ADOCK 05000247
G PDR

Rec'd Off. Dir. of Reg.

Date 6/24/74

Time 11:30

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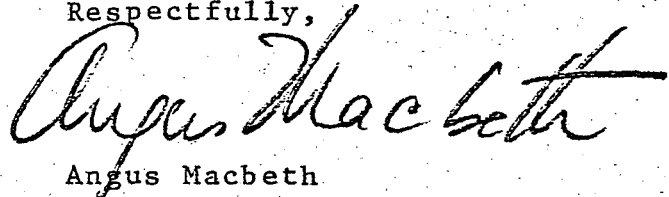
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custo DR

Hon. Dixie Lee Ray, Chairman
Washington, DC 20545
June 18, 1974

.I am mindful that under the Commission's rules no request for review of an Appeal Board decision will be entertained. Further, in light of the Staff's position on motion for reconsideration and in light of the remarkably divergent opinions of the Licensing Board and the Appeal Board, the Commission faces a situation of unusual circumstance, which is one of obvious significance, both for the legal issues raised and the magnitude of the natural resources at stake. Under these circumstances, I simply wish to inform the Commission that, as attorney for the Hudson River Fishermen's Association, I stand ready to aid the Commission's consideration of Indian Point 2 by briefing the issues which a petition for review of the Appeal Board decision would involve and assist, by record reference, the proper elucidation of the case, should the Commission wish it.

Respectfully,



Angus Macbeth

Attorney for Hudson River
Fishermen's Association

AM/sp

cc: AEC Commissioners Larson, Doub, Kriegsman,
Anders;
Secretary of the AEC;
Chairman, Atomic Safety & Licensing Appeal Board;
Atomic Safety & Licensing Appeal Board Members;
Chairman, Atomic Safety & Licensing Board;
Atomic Safety & Licensing Board Members;
Counsel for all Parties;
Hon. George Segnit