

Natural Resources Defense Council, Inc.

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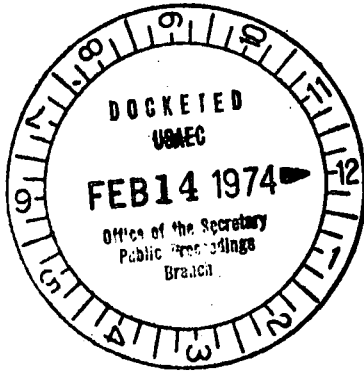
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February 12, 1974

Samuel W. Jensch, Chairman
Atomic Safety and Licensing Board
U.S. Atomic Energy Commission
Washington, DC 20545

In re: Consolidated Edison Company
of New York, Inc.
Indian Point Unit No. 3
AEC Docket 50-286

Dear Mr. Chairman:

We have now had a complete round of papers from the Applicant and the Attorney General on the issue of whether Con Edison should answer the interrogatories posed by the Attorney General. The Fishermen's Association has always stood against unreasonable delay by any party, starting with the inordinate delay of the company and the Commission in complying with the terms of the National Environmental Policy Act until ordered to do so by the Circuit Court in Calvert Cliffs. We are still experiencing the unfortunate results of the eighteen months that were lost between January 1970 and July 1971 in the obvious form of Con Edison's failure to complete meteorological studies at the Indian Point site within four years after the passage of NEPA.

Nevertheless, the magnitude of a late filing and the practical implications of granting the relief sought by Con Edison must be considered. Now that the hearings are likely to be delayed once more, it is hard to see that Con Edison's objection amounts to anything of importance at all. Moreover, granting Con Edison's motion would exalt arid legalism most unwisely. The Attorney General will be forced to put his questions in the hearings, and there will have to be recesses as documents and responses are analysed which could much more effectively and usefully be studied in advance so as not to take the time of all the parties and the

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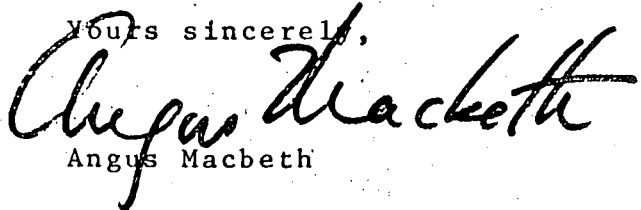
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Board when the hearing is in progress.

Finally, if Con Edison persists in its attitude of stringent formalism, all the parties are going to have to engage in unnecessary paper work to protect their positions. Typically, the Fishermen were promised copies of various research documents which were to be completed in January, 1974. I have not yet received them. If I am to worry that every time a few days slip early in the proceeding, I can expect a motion from Con Edison for some exaggerated form of relief, I will have to start stending out a mass of formal documents establishing from week to week and month to month just how far behind schedule Con Edison is with its research and the Staff is with the production of the Final Environmental Statement. This will not do anyone any good.

The Fishermen's Association urge the Board to deny Con Edison's motion.

Yours sincerely,



Angus Macbeth

AM/sp

Attorney for Hudson River
Fishermen's Association

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