



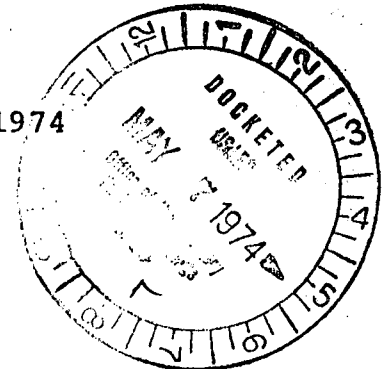
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May 1, 1974



Secretary
U.S. Atomic Energy Commission
Washington, D.C. 20545

Re: Consolidated Edison Company
of New York, Inc.
Indian Point Station, Unit No. 3
Docket No. 50-286

Dear Sir:

Concerning the certified question to the Commission as set out in your order of April 12, 1974, the Attorney General of the State of New York wholly concurs with the brief of intervenors Hudson River Fisherman's Association and Save Our Stripers. In reference to page 15 of that brief, we would only add the additional note that Commission Rule 2.715(c), which permits states to participate as non-parties in A.E.C. hearings, is not a discretionary rule, but is a statutory right under the Atomic Energy Act, 42 U.S.C. § 2021(1). Therefore, Commission Rule 2.760(a) is in contravention of the Atomic Energy Act when applied to a state.

Respectfully submitted,

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By

RICHARD G. BERGER
Deputy Assistant Attorney General

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cc: All Parties

BEFORE THE UNITED STATES

ATOMIC ENERGY COMMISSION

In the Matter of)
)
Consolidated Edison Company of) Docket No. 50-286
New York, Inc.)
[Indian Point Station,)
Unit No. 3])

CERTIFICATE OF SERVICE

I hereby certify that I have served document entitled "Letter Concerning Certified Question" by mailing copies thereof first class and postage prepaid to each of the following persons this 1st day of May, 1974:

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