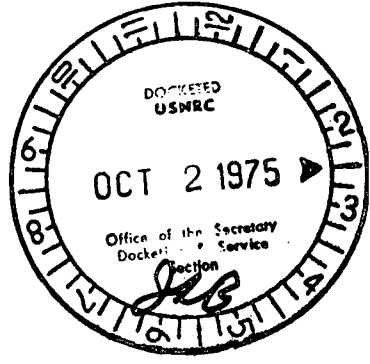


50-286

RELATED CORRESPONDENCE

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT



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HUDSON RIVER FISHERMEN'S ASSOCIATION,  
INC., SAVE OUR STRIPERS, :

Petitioners, :

-against- :

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THE UNITED STATES NUCLEAR REGULATORY  
COMMISSION, :

Respondent. :

PETITION FOR REVIEW  
OF NUCLEAR REGULATORY  
COMMISSION ORDER

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TO THE HONORABLE JUDGES OF THE  
UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT:

The Hudson River Fishermen's Association, Inc. ("HRFA") and Save Our Stripers ("SOS") hereby petition this Court for review of, and to set aside the Order of the Nuclear Regulatory Commission ("NRC") given September 3, 1975, in In the Matter of Consolidated Edison Company of New York, Inc. (Indian Point Station, Unit 3), Docket No. 50-286, issued for the NRC by its Atomic Safety and Licensing Appeal Board pursuant to 10 C.F.R. §2.785, which made final the decision of the NRC's Atomic Safety and Licensing Board's Order "Approving Stipulation for Settlement Proposed by Parties and Decision Respecting Concerns Related to the Authorization of a Full-Term, Full-Power Operating License," LBP-75-31, NRCI-75/6 593, of June 12, 1975.

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HRFA is a New York membership corporation with its mailing address at P.O. Box 303, Cold Spring, New York. Among its purposes, HRFA seeks to protect and enhance the resident and migrating fishery dependent on the Hudson River and to protect and enhance the quality of the River's waters. Many of HRFA's members live near or along the Hudson River and use the River and its resources for commercial, recreational, and scientific purposes.

SOS is a New York corporation with its mailing address at P.O. Box 837, Massapequa Park, New York. Among its purposes, SOS seeks to encourage the conservation of the marine species known as striped bass in the waters of the State of New York for present and future generations and to enlighten the public with regard to the recreational value of striped bass sport fishing within the State of New York.

This Court has jurisdiction of this action under 28 U.S.C. §2341-2344 and 42 U.S.C. §2239. The venue is in accordance with 28 U.S.C. §2243, and the petition is filed, as required, within 60 days of the issuance of the NRC's Order on September 3, 1975, which, pursuant to 10 C.F.R. §2.770, constitutes the final Order of the NRC on the environmental issues raised by this petition concerning the Consolidated Edison Company's Indian Point Station Unit No. 3 operating license.

The grounds upon which relief is sought are those

set forth in 5 U.S.C. §706, including that the aforesaid Order was issued contrary to law in that it violates the National Environmental Policy Act, 42 U.S.C. §4321, et seq., violates the Atomic Energy Act of 1954, as amended, 42 U.S.C. §2011, et seq., violates the policy and Rules of the NRC favoring settlement of contested matters among parties to NRC administrative proceedings in that it violates the intent of the parties as revealed in the appended authorization, and further, that the aforesaid Order is arbitrary and capricious in materially modifying the stipulation of settlement agreed to by the parties and approved by the Atomic Safety and Licensing Board, and further that the aforesaid Order is violative of due process of law.

The Relief here sought is the setting aside of the aforesaid NRC Order, the setting aside or staying of any operating license to be issued in connection with Indian Point Station Unit No. 3, and the remanding of the case to the NRC with instructions to either approve the stipulation of settlement without modification as approved in the June 12, 1975 Order of the Atomic Safety and Licensing Board, or alternatively, to reject the stipulation and reinstate the right of HRFA and SOS to a hearing.

Dated: New York, New York  
September 29, 1975

*Sarah Chasis*

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