



RECORDED CORRESPONDENCE

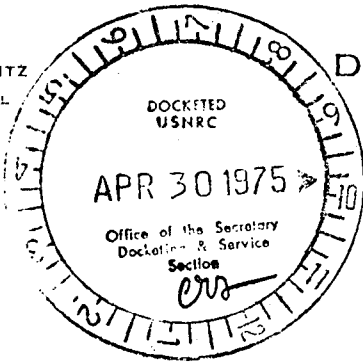
STATE OF NEW YORK

DEPARTMENT OF LAW

TWO WORLD TRADE CENTER
NEW YORK, N.Y. 10047

TELEPHONE: (212) 488-7560

PHILIP WEINBERG
ASSISTANT ATTORNEY GENERAL
IN CHARGE OF
ENVIRONMENTAL PROTECTION
BUREAU



April 25, 1975

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

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

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

Re: Consolidated Edison Company of New York, Inc.
(Indian Point Unit No. 3), Docket No. 50-285

Gentlemen:

The Attorney General of the State of New York requests that this letter be included in the record of this proceeding along with Con Edison's Supplemental Response No. 4.

Extensive cross-examination of Texas Instruments witnesses on this point showed the figures referred to by Con Edison to be meaningless at best and more likely deceptive. The data were appallingly inadequate for the change in ratio method use by the company to determine relative survival of hatchery reared and wild fingerlings.

Without going into statistical details, it is sufficient to note that of 28,674 stocked hatchery fingerlings, 35 were captured by sampling, and that of 3,388 wild fish, the sampling gear captured 52. (While 11 additional hatchery fish were found on various intake screens, no similar count was kept for wild fingerlings.)

Con Edison suggests that the relative paucity of captured hatchery fingerlings is accounted for by their greater avoidance capability. No empirical basis for this has been offered. In addition, the relatively larger size of hatchery fish at the time of stocking (hatchery fish averaged 4" - 6"; wild fish averaged 3") would be far more likely to produce differential survival, biasing the results in favor of the hatchery fish.

8111090601 750425
PDR ADOCK 05000286
G PDR

The task group established by the Interior Department for the review of Con Edison's Storm King presentation considers the stocking program to have demonstrated severe problems with this mitigation measure as a result of the relatively poor survival rate shown by this data.

Very truly yours,

LOUIS J. LEPKOWITZ
Attorney General
By

PSS:nv

PAUL S. SHERIN
Assistant Attorney General

cc: Joseph Gallo, Esq.
Angus Macbeth, Esq.
Nicholas A. Robinson, Esq.
J. Bruce MacDonald, Esq.
Edward J. Sack, Esq.
Secretary, USNRC
Harry H. Voight