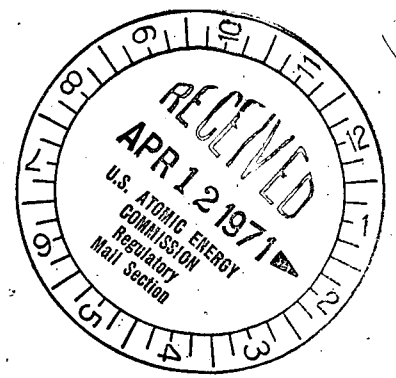


BEFORE THE UNITED STATES  
ATOMIC ENERGY COMMISSION



In the Matter of )  
Consolidated Edison Company )  
of New York, Inc. )  
(Indian Point Unit No. 2) )

Docket No. 50-247

47-71

REPLY OF APPLICANT TO AEC REGULATORY STAFF  
ANSWER TO JOINT MOTION

The AEC Regulatory Staff has filed an answer, dated April 2, 1971, to the joint motion, dated March 16, 1971, of the Citizens Committee for the Protection of the Environment ("Citizens Committee") and the Applicant requesting a ruling on certain questions posed by the Citizens Committee. In its answer the Staff generally supports Applicant's position that it is not required to respond to those questions, on the following basis:

"The Committee's questions appear to us to be unduly broad, not clearly related to the issues specified by the Commission for hearing in this matter, and not shown to be related to a proper inquiry on a particular matter of fact or question of cause for prompt action. To allow broad ranging inquiry into these matters would enlarge the scope of the hearing beyond that ordered by the Commission.

". . . We would urge that as to any question of the nature under discussion, the Committee be required to show relevance to a particular matter in controversy properly before the board. The board could then rule upon each such question."

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Applicant believes that the Staff has adopted an unnecessarily complex view of the issue presented by the joint motion. While many of the questions of the Citizens Committee are broad ranging, in Applicant's judgment it is the expressed purpose of the questions more than their breadth which renders them objectionable. The Citizens Committee has made it clear that the purpose of the questions is to adduce evidence which it considers relevant to the safety issues before the Board on the theory that the particular benefits of the Unit No. 2 facility must be considered in the process of assessing the possible risks of operating that facility.

The joint motion was framed by the Citizens Committee and Applicant as a vehicle for resolving the specific legal issue referred to in the preceding sentence. This issue was posed to the Board in the form of the joint motion, in advance of the full evidentiary hearing, as a means of achieving an early resolution of this matter. Sample questions and objections were presented for ruling rather than a general statement of the legal issue in order more closely to simulate the manner in which the issue would probably otherwise arise later at a hearing.

The Citizens Committee has already spelled out in detail what it seeks to establish with these questions and has made whatever showing of relevance it considers appropriate. The sole issue presented to the Board by the joint motion is whether the Applicant's objections to the Citizens Committee's questions should be sustained in light of the justification offered by the Citizens Committee in support of the relevance of these questions.

Applicant reiterates its request for a ruling on the joint motion sustaining Applicant's objections to the Citizens Committee's questions.

Respectfully submitted,

LeBOEUF, LAMB, LEIBY & MacRAE  
Attorneys for Applicant

By: Leonard M. Trosten  
Leonard M. Trosten  
Partner

Dated: April 7, 1971

BEFORE THE UNITED STATES

ATOMIC ENERGY COMMISSION

In the Matter of )

Consolidated Edison Company )  
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CERTIFICATE OF SERVICE

I hereby certify that I have served the attached document entitled "Reply of Applicant to AEC Regulatory Staff Answer to Joint Motion" by mailing copies thereof, first class and postage prepaid, to each of the following persons this 7<sup>th</sup> day of April, 1971:

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