

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

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

4-28-72  
Docket No. 50-247

RESPONSE OF AEC REGULATORY STAFF TO MOTION OF APPLICANT  
FOR RULING ON PETITION TO INTERVENE BY CLEAN, INC.

On April 11, 1972, the Applicant filed a motion requesting the Board to rule on the petition to intervene of Citizen's League For Education About Nuclear Energy, Inc. (CLEAN), which filed a petition on December 14, 1971, pursuant to a Supplementary Notice of Hearing which was published in the Federal Register on December 3, 1971 (36 F. R. 23080). The regulatory staff, on December 23, 1971, responded to the petition by stating that it should be denied as not meeting the requirements of 10 CFR 2.714 and the Supplementary Notice of Hearing. We added that we would not object to the Board granting the petitioner an opportunity to amend the petition within a reasonable period of time to provide a statement of its contentions regarding environmental issues in reasonably specific detail.

The Board, on December 28, 1971, ruled that the petition to intervene failed to comply with the requirements, and CLEAN was given 20 days to file a proper petition as provided in the Commission's Supplementary Notice of Hearing and in accordance with the rules and requirements for such petitions in this proceeding.

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CLEAN filed a supplement to its petition on January 12, 1972. The regulatory staff filed an answer to the petition on January 24, 1972, wherein it again urged that the petition was deficient and did not meet requirements of 10 CFR §2.714 and the Supplementary Notice of Hearing. The staff indicated that it would have no objection to the granting of limited appearance status to CLEAN. The applicant also continued to oppose intervention.

At the last hearing session, held on April 5, 1972, the Board allowed Counsel for CLEAN five additional days to specify its contentions in reasonably specific detail as required by 10 CFR §2.714. The Board also suggested that the staff might assist the petitioner make its contentions more specific. Counsel for the regulatory staff promptly advised Counsel for the petitioner that he was ready and willing to give the assistance suggested by the Board. Petitioner's counsel advised that he would call the staff's counsel to discuss the possibility of sharpening petitioner's contentions (Tr. p. 4928). To date, petitioner's counsel has not communicated with counsel for the staff.

Since the five additional days allowed petitioner for the amendment of its contentions have expired, the regulatory staff urges that the Board rule on the supplemental petition to intervene filed by CLEAN, as suggested in the response previously filed by the regulatory staff.

Respectfully submitted,

  
Myron Karman  
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland,  
this 20th day of April, 1972.