

BEFORE THE UNITED STATES  
ATOMIC ENERGY COMMISSION

1-24-72

In the Matter of )  
Consolidated Edison Company ) Docket No. 50-247  
of New York, Inc. )  
(Indian Point Station, Unit No. 2) )

APPLICANT'S ANSWER  
TO SUPPLEMENT TO PETITION FOR LEAVE  
TO INTERVENE BY THE CITIZEN'S  
LEAGUE FOR EDUCATION ABOUT NUCLEAR ENERGY, INC.

Applicant has received the "Supplement to Petition for Leave to Intervene by the Citizen's League for Education About Nuclear Energy, Inc." ("CLEAN") filed with the AEC on January 13, 1972. Applicant continues to oppose CLEAN's request for the following reasons:

1. The document was not signed under oath or affirmation as required by 10 CFR Section 2.714(a). Furthermore, it was not signed by the person seeking to intervene, as required by 10 CFR Section 2.714(a), but rather by its attorney.

2. CLEAN has still not stated an interest in the proceeding which would qualify it for intervention under the Supplementary Notice of Hearing, dated November 29, 1971. The sole basis given for intervention is still that its members live in New Rochelle, about twenty-five miles from Indian Point No. 2, a distance

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alleged to be within range of radiological hazard from Indian Point No. 2. The Supplementary Notice of Hearing clearly states that it does not "... provide an additional opportunity to any person to intervene on the basis of ... the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the prior ... Notice of Hearing." The request is, therefore, over a year late and good cause has not been shown for late intervention.

3. The contentions of CLEAN still relate almost exclusively to issues specified in the original Notice of Hearing and are stated in impermissibly vague terms. Hearings on these issues have been in progress since December 1970 and are in the completion stage. The Supplementary Notice provides no new rights in this area to prospective intervenors, and CLEAN has still shown no good cause as to why it did not attempt to litigate these matters in a timely fashion.

4. The only contention of CLEAN which relates to matters other than radiological health and safety is the following sentence:

"Finally we raise the issues of the Thermal and other adverse effects of this plant on the ecosystem of the Hudson River. We contend that significant damage may be expected to occur to the aquatic biota of the Hudson River."

This statement of contentions falls far short of the requirement of 10 CFR 2.714 that contentions be stated in reasonably specific detail. Furthermore, CLEAN makes no showing how its interests would be affected by the nonradiological aspects of this proceeding.

Despite having the benefit of Applicant's and the Staff's prior answers and the Board's order which spelled out the deficiencies of its earlier petition, CLEAN has failed to remedy the most important of these deficiencies. Applicant therefore requests that CLEAN's supplementary request to intervene be denied for failure to comply with the Rules of Practice of the Commission.

Respectfully submitted,

LEBOEUF, LAMB, LEIBY & MACRAE  
Attorneys for Applicant

By Leonard M. Trosten  
Leonard M. Trosten  
Partner

Dated: January 24, 1972

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CERTIFICATE OF SERVICE

I hereby certify that I have served a document entitled "Applicant's Answer to Supplement to Petition for Leave to Intervene by the Citizen's League for Education About Nuclear Energy, Inc." by mailing copies thereof first class and postage prepaid, to each of the following persons this 24th day of January, 1972:

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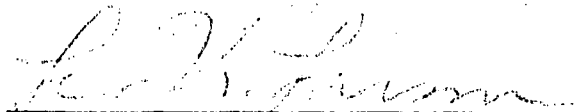
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