

DOCKET NUMBER  
PROD. & UTIL. FAC. 50-247

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

CONSOLIDATED EDISON COMPANY OF  
NEW YORK, INC.

(Indian Point Nuclear Generating  
Unit No. 2)

1-24-72  
Docket No. 50-247

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

The Citizen's League for Education About Nuclear Energy, Inc. (League) on December 13, 1971, filed a petition for leave to intervene in captioned proceeding pursuant to a Supplementary Notice of Hearing published in the Federal Register on December 3, 1971 (36 F.R. 23080).

The applicant filed a response to such petition on December 21, 1971. The regulatory staff filed a response on December 23, 1971 indicating that the petition was deficient and not in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2, and the Supplementary Notice of Hearing, in that the petition failed to set forth the contentions of the petitioner in reasonably specific detail and set forth contentions outside the scope of the issues specified in the Supplementary Notice of Hearing. The staff suggested that the presiding Atomic Safety and Licensing Board (Board) permit amendment of the petition to provide an opportunity for the filing of a petition in proper form.

On December 28, 1971 the Board ruled that the petition did not provide basis for intervention and adopted the staff suggestion permitting the League

to file a correct petition for leave to intervene within twenty (20) days from December 28, 1971.

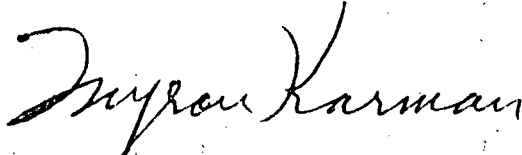
On January 12, 1972 the League filed a timely amendment to its original petition. The League stated that its members live in New Rochelle some 25 miles from Indian Point No. 2. The League alleges that it is concerned about such matters as "melt downs," "China accidents," and "lack of safety of distance from plant to a highly populated area." While stating at the outset that the League proposes to intervene solely on the basis of environmental issues involved, the League's contentions relate to radiological health and safety matters and the time for intervening in such hearing, which is in progress, has long since been past. The League's contentions relating to "thermal and the adverse effects of the plant on the ecosystem of the Hudson River," and the League's contentions concerning long term storage remain general, vague and ambiguous and in our view are deficient under the Commission's "Rules of Practice" in that they fail to set forth contentions in reasonably specific detail.

In addition, the League's contention regarding matter of long term wastes is not within the scope of the matters which are required to be considered in accordance with 10 CFR Part 50, Appendix D, and are not within the scope of the issues in the Supplementary Notice of Hearing.

For the foregoing reasons the staff believes that the petition of the League for leave to intervene in the captioned proceeding, as supplemented by leave of the Board, remains deficient, and does not meet the requirements of 10 CFR 2.714, and the Supplementary Notice of Hearing, and should be denied.

The staff would have no objection, however, if the Board were to grant opportunity to participate in connection with the environmental aspects of the proceeding by way of a limited appearance, pursuant to 10 CFR § 2.715, similar to the League's participation by way of a limited appearance during the hearing on radiological safety issues.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Myron Karman". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Myron Karman  
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland  
this 24th day of January, 1971.