

DOCKET NUMBER
PROD. & UTIL. FAC. 58-247

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

12-23-71

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

CONSOLIDATED EDISON COMPANY OF)
NEW YORK, INC.)

Docket No. 50-247

(Indian Point Nuclear Generating)
Unit No. 2))

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

On December 13, 1971, the Citizen's League for Education About Nuclear Energy, Inc. filed a timely petition for leave to intervene in the captioned proceeding pursuant to a Supplementary Notice of Hearing published in the Federal Register on December 3, 1971 (36 F.R. 23080). The petition states that members of the petitioner live within twenty-five miles of Indian Point Unit 2. As the basis for being permitted to intervene petitioner alleges that the applicant, Consolidated Edison Company of New York, Inc., has failed to respond to certain unidentified contentions of the petitioners with respect to "the safety of this plant, the loss-of-coolant problem, the waste disposal and storage systems, radiation and thermal pollution, environmental effects of the plant, etc." Petitioner further states that its desire to restate its position, secure answers of the applicant, and "adduce new evidence of the environmental effect of this plant," and examine and cross examine witnesses.

The Supplementary Notice of Hearing expands the issues for consideration by the presiding Atomic Safety and Licensing Board to environmental matters

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in accordance with the requirements of Appendix D of 10 CFR Part 50. It also provides that petitions to intervene which set forth contentions relating to matters outside of the issues specified in this Supplementary Notice of Hearing will be denied. Although the contentions of the petitioner are vague and overly broad certain of them would appear to relate directly and exclusively to radiological health and safety matters. To the extent that the contentions relate to such matters they must be excluded from consideration in determining the merits of this petition. The Supplementary Notice of Hearing clearly precludes new intervention in this proceeding on radiological health and safety issues which were the subject of the initial Notice of Hearing in this proceeding published on November 17, 1970, in the Federal Register (35 F.R. 17679).

The Supplementary Notice of Hearing also provides that petitions to intervene shall, as required by 10 CFR Section 2.714 of the Commission's "Rules of Practice", set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. In our view the petition does not state the contentions of the petitioner in reasonably specific detail and thus is deficient as a petition to intervene. The vague and broad general allegations relating to environmental matters which are identified in the petition provide no reasonable basis upon which to identify any of the petitioner's contentions.

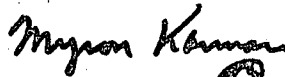
For the above reasons, we believe this petition for leave to intervene should be denied as not meeting the requirements of 10 CFR Section 2.714

and the Supplementary Notice of Hearing for such petition.

In view of the petitioner's past participation in this proceeding, we would not, however, object to the Board granting the petitioner an opportunity to amend the present petition, within a reasonable period of time, to provide a statement of its contentions regarding environmental issues in reasonably specific detail.

In the event this petition for leave to intervene is denied by the Board, we would urge that the petitioner be permitted to make a limited appearance in the proceeding pursuant to the provisions of 10 CFR Section 2.715(a) of the Commission's "Rules of Practice."

Respectfully submitted,



Myron Karman
Counsel for
AEC Regulatory Staff

Dated at Bethesda, Maryland
this 23rd day of December, 1971.