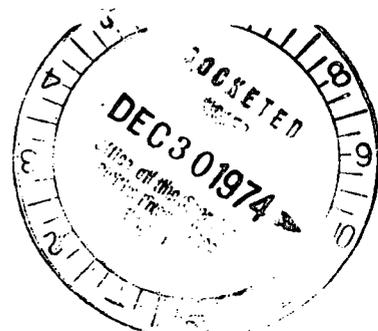


UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE COMMISSION



In the Matter of
CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.
(Indian Point Nuclear Generating
Station, Unit No. 2)

Docket No. 50-247

RESPONSE OF AEC REGULATORY STAFF
TO REQUEST FOR REIMBURSEMENT OF
COSTS OF CITIZENS COMMITTEE FOR
PROTECTION OF THE ENVIRONMENT

On December 13, 1974, Counsel for the Citizens Committee for Protection of the Environment (CCPE), an intervenor in the Indian Point 2 operating license proceeding, filed a Request for Reimbursement of Costs in the amount of approximately \$30,000.00.

In its Memorandum and Order of November 21, 1974,^{1/} this Commission held that there is warrant for re-examination by its successor, the Nuclear Regulatory Commission, after a rulemaking proceeding, of the present Commission's earlier conclusion that it is without statutory authority to give financial assistance to intervenors.

However, as CCPE recognizes in its request (p. 9), the present Commission also said: (Slip. Op. p. 9, fn. 6):

"We believe that any new standards that may be adopted in this area as a result of the coming rulemaking should not be applied retroactively to expenses incurred prior to the date of this decision.... Retroactive applications of new standards would, therefore, have a windfall effect with no substantial corresponding benefit to the public interest."

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1/ In the Matter of Consumers Power Company (Big Rock Point Nuclear Plant) Docket No. 50-155; In the Matter of Vermont Yankee Nuclear Power Corporation (Vermont Yankee Nuclear Power Station) Docket No. 50-271; In the Matter of Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2) Docket Nos. 50-443 & 50-444.

Since its costs were incurred prior to November 21, 1974, CCPE asks the Commission to change its stated position that financial assistance should not, in any event, be given to intervenors such as CCPE, who have rendered services or incurred costs without expectation of reimbursement. The Regulatory Staff does not discern any compelling argument in CCPE's request which should induce the Commission to reverse its position.

Accordingly, the Regulatory Staff submits that the request should be denied.

Respectfully submitted,



Myron Karman
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 26th day of December, 1974.