

UNITED STATES OF AMERICA)
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ATOMIC ENERGY COMMISSION)

Request by MARY HAYS WEIK, as a Citizen
of the area affected, for a Public Hearing
on the AEC's Determination Not To Suspend
Construction Activities at Indian Point
Reactor 3 during NEPA Environmental Review.
Consolidated Edison Case DOCKET NO. 50-286

A special Public Hearing is urgently needed to discuss the issues involved in the action above. According to the Criteria listed in Paragraph E 2 of revised Appendix D of 10 CFR 50 Regulations, three factors were considered in the Nov. 26 Determination:

- I Environmental Impact of Renewed Construction Work During Pending NEPA Review.
- II Renewed Construction Could Hinder Later Improvements.
- III Effects of Delays in Construction.

These issues call for further discussion by citizens of the New York Metropolitan Area affected by the growing nuclear complex at Indian Point.

I

Many environmental effects of the renewed construction work which would follow the Commission's ruling are not fully treated in the summary given in the Determination. They require thoughtful public examination.

II

That resuming construction before NEPA review is completed would not preclude later and better alternatives, is not at all clear. The addition of a few new safety features, for example, would not cure fundamental errors in design.

III

The actual "costs of delay" cannot be figured only in dollar costs, as the Determination assumes. "Fish protection" and "Balanced accounting" are given far more weight in these documents than hazards to human beings - although our Government's first commitment is supposed to be the welfare of its citizens.

The main concern of the Commission's ruling seems to be the prevention of added dollar outlays by Con-Ed's stockholders, due to construction delay. The fact is, the Company's undue haste to go ahead needs careful study. Indian Point's destructive fire on Nov. 4th at Reactor 2 - withheld for 10 days from New York papers and broadcasts - might never have occurred if a hasty agreement for a pre-license fuel loading had not slipped through the recent Indian Point hearings.

FOR ALL OF THESE REASONS, I call for a special Public Hearing of these issues before construction of Indian Point 3 is allowed to resume.

MARY HAYS WEIK

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construction work are not fully treated in the determination (and presumably the supporting "Discussion and Findings" by the Commission's Division of Reactor Licensing) and thus require public examination, (2) that the Commission's conclusion that resuming construction before NEPA review is completed would not preclude later and better alternatives is not clear, and (3) the actual costs of delay cannot be figured in dollar costs alone, "as the Determination assumes," but must be considered in light of hazards to humans.

The published determination provides that a request for a hearing must set forth the matters with reference to the factors set out in section E.2 of Appendix D of 10 CFR Part 50 alleged to warrant a determination other than that made by the Director of Regulation and set forth the factual basis for the request. In our view, Mrs. Weik's request for a hearing fails to meet either of the elements of this requirement. Her request fails to set forth with even a reasonable degree of specificity matters which warrant a determination other than that made by the Director of Regulation. The vagueness and broad generalities of her allegations provide no information as to why even she believes that a different determination should have been made.

With respect to the second element of this requirement for a hearing request, Mrs. Weik's request fails entirely to provide any factual basis for her request. Her vague and general allegations contain no identifica-

tion of fact or facts which can be considered as supporting her allegations.

For the reasons set forth above, it is our view that Mrs. Weik has shown no reasonable basis which warrants the Commission scheduling a public hearing in this matter. Accordingly, Mrs. Weik's request for a public hearing should be denied.

Respectfully submitted,

Thomas F. Engelhardt
Trial Counsel

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