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UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	
)	
CONSOLIDATED EDISON COMPANY OF)	
NEW YORK)	Docket No. 50-286
)	
(Indian Point Nuclear Generating)	
Unit No. 3))	

ANSWER OF AEC REGULATORY STAFF TO PETITION FOR
LEAVE TO INTERVENE BY MARY HAYS WEIK

On October 25, 1972, the U. S. Atomic Energy Commission (Commission) published in the Federal Register a "Notice of Consideration of Issuance of Facility License and Notice of Opportunity for Hearing" for the Indian Point Nuclear Generating Unit No. 3 (Indian Point 3), owned by the Consolidated Edison Company of New York (37 F.R. 22816). Among other things, this Notice provided an opportunity for persons whose interest may be affected by operation of Indian Point 3 to file petitions with the Commission for leave to intervene in the above-captioned proceeding. The Notice specified that such petitions and requests for a hearing must be filed within thirty days of the date of publication of the Notice in the Federal Register.

The notice further provided that a petition for leave to intervene must, as required by 10 CFR § 2.714 of the Commission's "Rules of Practice", be filed

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under oath or affirmation and accompanied by a supporting affidavit. The petition must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner, including the facts and reasons why he should be permitted to intervene, with reference to the following facts: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest.

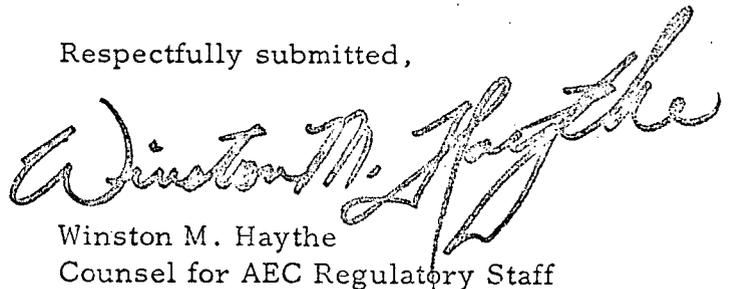
The notice also provided that, in accordance with 10 CFR § 2.714, any petition to intervene must be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene.

In a petition dated November 22, 1972, Petitioner Mary Hays Weik (Petitioner) requested an opportunity "to take part as an Intervenor in a Public Hearing on a proposed AEC Operating License for Consolidated Edison's Indian Point Nuclear Reactor # 3" The affidavit filed by Petitioner in support of her petition largely reiterates the five statements set forth in her petition.

The AEC regulatory staff (staff) believes that the petition and the accompanying affidavit fail to meet the requirements of 10 CFR § 2.714. Neither the petition nor affidavit identifies with particularity specific aspects of the subject matter of the proceeding as to which Petitioner desires to intervene. Instead, both the petition and affidavit contain five vague, generalized statements, which do not formulate any specific contentions. For example, Petitioner alleges in her petition that "the AEC has grossly ignored the recommendations of its own safety experts" Then in her supporting affidavit, she vaguely asserts that, compared to another plant location, the Indian Point 3 site violates the AEC's "own safety experts". Petitioner's four other contentions are similarly lacking in specificity.

For the reason noted above, the staff believes that the Commission should deny the petition. However, in the event that a hearing should be held in this matter, the staff would have no objection to a limited appearance by Petitioner, pursuant to 10 CFR § 2.715 of the "Rules of Practice".

Respectfully submitted,



Winston M. Haythe
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 15th day of December, 1972.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Answer of AEC Regulatory Staff to Petition for Leave to Intervene by Mary Hays Weik", dated December 15, 1972, in the captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 15th day of December, 1972:

Mrs. Mary Hays Weik
166 Second Avenue
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U. S. Atomic Energy Commission
Washington, D.C. 20545

Mr. Harry G. Woodbury
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Atomic Safety and Licensing Appeal
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