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UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE COMMISSION

In the Matter of
CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC.
(Indian Point No. 3)

12-15-71
Docket No. 50-286

ANSWER OF AEC REGULATORY STAFF TO REQUEST OF MARY HAYS WEIK FOR
A PUBLIC HEARING ON AEC'S DETERMINATION NOT TO SUSPEND
CONSTRUCTION ACTIVITIES AT INDIAN POINT NUCLEAR
GENERATING UNIT NO. 3

On December 3, 1971, the Atomic Energy Commission (Commission) published in the Federal Register (36 F.R. 23082) a determination, made in accordance with the provisions of Section E of the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), Appendix D of 10 CFR Part 50, not to suspend construction activities at the Indian Point Nuclear Generating Unit No. 3, authorized pursuant to Construction Permit CPPR-62, pending completion of the NEPA environmental review. The determination provided that any person whose interest may be affected by this proceeding, other than the licensee, may file a request for a hearing within thirty days after publication of the determination in the Federal Register.

On December 4, 1971, Mary Hays Weik, Secretary, Committee to End Radiological Hazards, 166 Second Avenue, New York, New York, filed a timely request for a hearing on the determination. In support of this request Mrs. Weik alleges that (1) many environmental effects of the renewed

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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.

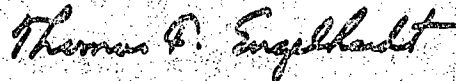
The published determination provides that a request for a hearing must set forth the matters with reference to the factors set out in section E.2 of Appendix D of 10 CFR Part 50 alleged to warrant a determination other than that made by the Director of Regulation and set forth the factual basis for the 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 15th day of December, 1971.