

12/18/81

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 )  
CONSOLIDATED EDISON COMPANY )  
OF NEW YORK (Indian Point, Unit 2) )  
 )  
POWER AUTHORITY OF THE STATE OF )  
NEW YORK (Indian Point, Unit 3) )

Docket Nos. 50-247-SP  
50-286-SP



NRC STAFF RESPONSE TO AMENDMENT TO PETITION  
TO PARTICIPATE PURSUANT TO 10 C.F.R.  
§ 2.715(c) OF THE NEW YORK STATE ASSEMBLY

I. Introduction

On October 4, 1981, the New York State Assembly and its Special Committee on Nuclear Power Safety (State Assembly) filed a request to participate in this proceeding pursuant to 10 C.F.R. § 2.715(c). In its "Response of the NRC Staff to Petition for Leave to Intervene and Requests for Participation as Interested Stat. filed in Response to the NRC Federal Register Notice of October 7, 1981", dated November 24, 1981 (Response), the Staff stated that it supports the State Assembly's request provided that the State Assembly identifies its authorized representative. Response at 30 and 31. On November 8, 1981 the State Assembly timely filed<sup>1/</sup> a document entitled "Amended Petition to Intervene" (Amendment) with an attached affidavit which addresses the Staff's concern regarding the identification by the State Assembly of its authorized representative.

<sup>1/</sup> At the December 2, 1981 prehearing conference in this proceeding, the Board ruled that petitioners have until December 10, 1981 to file any amendments or supplements to their petitions. Tr. 42.

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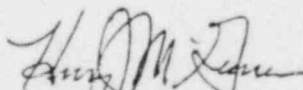
## II. Discussion

In the "Affidavit of Stanley Fink Speaker, New State Assembly" (Affidavit), which is attached to the Amendment, the affiant states that pursuant to the rules of the Assembly he has the power and duty to appoint the chairman and members of all committees as well as such other officers as he deems necessary to conduct the affairs of the Assembly. Affidavit at 1. The affiant further stated that he designated himself as chair of the Special Committee on Nuclear Safety, "which has Assembly jurisdiction to ... carry out the affairs related to commercial nuclear power generation in New York State" and designated three individuals (Andrew S. Roffe, Esq., Executive Counsel to the Speaker; Richard E. Leckerling, Esq., Senior Associate Counsel to the Speaker; and Robert A. Kurtter, Staff Director of the Special Committee) "to represent the Special Committee and the Assembly" in this proceeding. Affidavit at 1 and 2.

## III. Conclusion

For the foregoing reasons, the NRC Staff believes that the State Assembly has adequately identified representatives who are authorized to represent it in this proceeding and, accordingly, supports the State Assembly's request to participate in this proceeding pursuant to 10 C.F.R. § 2.715(c).

Respectfully submitted,

  
Henry J. McGurran  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 18th day of December, 1981