

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Dec 21 1981

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

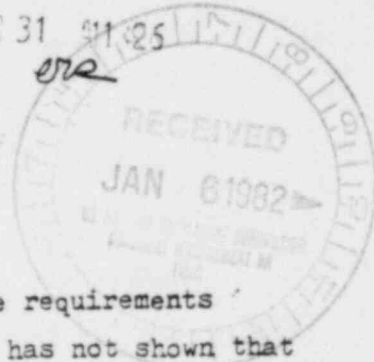
In the matter of

CONSOLIDATED EDISON CO.
OF NEW YORK (INDIAN POINT 2)

POWER AUTHORITY OF THE STATE
OF NEW YORK (INDIAN POINT 3)

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

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FOE RESPONSE TO NRC STAFF RESPONSE TO FOE
AMENDMENT OF PETITION TO INTERVENE

Friends of the Earth (FOE) believes that it has fully satisfied the requirements for qualifying as a full party to the above proceedings. NRC staff has not shown that the Board in these proceedings requested or is requiring anything more than what they verbally requested at the pre-hearing conference, namely an affidavit by the parties seeking to intervene that they had been officially designated by specific members of their organizations to represent them at the hearings, and affidavit that the person representing that organization had officially been authorized to represent it.

It would seem that the NRC did not read the amended petition closely enough nor has it paid sufficient attention to what the Board requested at the pre-hearing conference. Apparently the NRC staff is challenging the legitimacy of a notarized official affidavit, notwithstanding the fact that the Board specifically said it would accept a statement of "personal knowledge and belief" as adequate certification.

FOE is of course willing to submit a written authorization from one of those members named in its original petition to intervene, as well as a letter of authorization from its president authorizing the undersigned to represent FOE in the proceedings. However, inasmuch as the Board did not specifically require these, and inasmuch as it is clear that the NRC staff has determined to employ obstructionist tactics in order to complicate and delay the proceedings and make things as difficult as possible for interested parties, FOE will not feel required to submit these to the Board unless and until the Board makes an official ruling that they are required for all parties. We believe the NRC staff must be required to show cause why affidavits are required and, if submitted, why they are insufficient, since their objections would seem to be in direct conflict with the wishes of the Board. NRC staff cannot, without cause and proof, undermine the Board's willingness to accept personal affidavits by challenging their sufficiency or legitimacy. NRC staff is in effect seeking to substitute its judgment for the Board. FOE believes it has complied fully with the Board's requirements regarding FOE's petition to intervene and its requests at the pre-hearing conference and the Board itself should not permit itself to be pre-empted or imposed upon by the NRC staff any longer,

Lorna Salzman
Mid-Atlantic Rep., FOE
Dec. 21, 1981

Lorna Salzman

Note: This is not being served on the service list inasmuch as FOE is not required to respond officially to the NRC response.

*See cover letter.

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