

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

before the ATOMIC SAFETY AND LICENSING BOARD
Louis J. Carter, Chairman
Mr. Frederick J. Shon
Dr. Oscar H. Paris



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In the Matter of

Docket Number 50-247SP

Consolidated Edison Company of
New York (Indian Point Unit 2)

Docket Number 50-286SP

Power Authority of the State of
New York (Indian Point Unit 3)

WRITTEN STATEMENT OF
DONALD L. SAPIR, ESQ.

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I wish the written statement herein to become a matter of record before the Atomic Safety and Licensing Board appointed by the Nuclear Regulatory Commission with respect to adjudication of the above-captioned matter.

The undersigned was one of the thousands of persons who sent a letter to the NRC requesting that the Board herein be appointed to adjudicate the safety of the continued operation of the nuclear power plants at Indian Point with respect to the health and welfare of the surrounding populace. After the NRC issued its order directing that the Board herein be appointed for adjudication of the aforementioned issues, the undersigned, on behalf of himself and on behalf of the Kitchewanc Chapter of SHAD Alliance* (Sound-Hudson Alliance Against Atomic Development), wrote to the NRC seeking intervenor status in these hearings and that a copy of the NRC's regulations be sent to the undersigned. Such letter to the

* A civic association comprised of residents of the Towns of Courtlandt, Ossining and Yorktown, N. Y. whose members' mutual concern is the safe operation of nearby Indian Point.

NRC received no response nor did a subsequent letter again advising the Commission of the undersigned's interest in these proceedings and his organization's request for participation in the instant hearings.

It has been brought to the attention of the undersigned that the Board has already adjudicated, or is presently adjudicating, petitions to intervene in the instant hearings. The undersigned has never received notice from this Board or the NRC with respect to requirements concerning petitions to intervene nor deadlines for filings thereof. I must assume that the petitions filed by the undersigned long before the issuance of any orders by this Board are being given consideration with others filed by interested prospective intervenors. Notwithstanding my faith that the aforementioned petitions are being considered, I am compelled to protest the secrecy with which this matter has been handled. The undersigned received no notice of informal meetings concerning prospective intervenors and the issues to be adjudicated herein. Accordingly, should the undersigned's petition to intervene be denied as a result of the failure of the Commission or this Board to give this prospective intervenor the same or equal opportunity of other prospective intervenors with respect to the meeting of technical requirements, etc., it is quite apparent that the due process rights of the undersigned and Kitchewan Chapter of SHAD have been blatantly violated by the Commission and its appointed Board.

Clearly, both the Commission and its appointed Board were

on notice with respect to the interest of the undersigned and the association to which he belongs. Notwithstanding such notice, neither the Commission nor the Board has included such prospective intervenors in these proceedings, nor has it put the undersigned and his association on notice of such proceedings and the requirements with respect thereto.

To say the least, the undersigned is outraged at the back-room manner in which this proceeding has been handled to his exclusion. Such blatant disregard of the rights of persons having clear standing to participate in an administrative agency's adjudicatory proceeding flies in the face of 200 years of American jurisprudence. The undersigned assumes that immediate steps will be taken by the NRC and the Board to amend their past deficiencies and to include the undersigned and Kitchewanc SHAD as appropriate intervenors in the instant proceedings.


It is not the purpose of this statement to speak to the merits of the issues before the Board. Such issues will be addressed at the appropriate time in great detail after discovery of all parties thereto.*

You are respectfully reminded that Congress has entrusted the NRC with the awesome responsibility of protecting Americans from undue health and safety hazards resulting from the licensing and

* Without pursuing the merits herein, the undersigned assumes that, if the members of the Board were in the immediate vicinity of the Indian Point nuclear power plants on January 13, 1982 during what was a common snowstorm, they are now fully aware of the impossibility of meaningful evacuation of persons including myself, my family, and members of Kitchewanc SHAD living within a 10-mile radius of Indian Point should similar conditions prevail when evacuation becomes necessary.

operation of domestic nuclear power plants. In turn, the NRC has delegated such responsibility to this Board insofar as residents proximately situated to Indian Point are concerned. Indeed, while one might expect interested parties such as Consolidated Edison and the Power Authority of the State of New York to ignore the legitimate rights of concerned citizens and their affiliated civic associations to participate in the proposed adjudicatory hearings before the Board, such treatment by the NRC and its designated Board is a travesty. The credibility of the NRC, the Board and the instant proceedings is seriously threatened if remedial action is not taken to protect the rights of all persons, including the undersigned and Kitchewan SHAD, to fully participate in the adjudicatory proceedings herein. We concerned local residents have a great deal of information and can substantially contribute to the instant proceedings. The undersigned awaits your timely response.

Respectfully submitted,


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