



position regarding the compliance of NYC Council's petition for leave to intervene with 10 C.F.R. § 2.715(c) is unchanged.

## II. DISCUSSION

NYC Council filed its petition for leave to intervene as an "interested state" on November 6, 1981. The NRC Staff responded to this petition on November 24, 1981. Response of the NRC Staff to Petitions for Leave to Intervene and Requests for Participation as Interested States Filed in Response to the NRC Federal Register Notice of October 7, 1981 (hereinafter Staff Response to Petition). In its response the Staff noted that 10 C.F.R. § 2.715(c) was written to provide only governmental units such as the NYC Council itself the opportunity to participate as an "interested State" and did not give representatives of such governmental units the right to participate pursuant to 10 C.F.R. § 2.715(c) in their own right. Staff Response to Petition at 8-9, and 31. The Staff added that it would support a request of NYC Council to intervene in this proceeding pursuant to 10 C.F.R. § 2.715(c) provided that NYC Council itself "...identifies an individual to represent the NYC Council and provides the Board with some assurance that such individual has been authorized to represent the NYC Council in this proceeding." Id. at 31.

On December 10, 1981 NYC Council timely filed a document entitled "Petition for Leave to Amend Petition for Intervention of the New York City Council Members and to Add Eight Additional Signatories." The Staff responded to this document on December 21, 1981. Response of the NRC Staff to the Amendments to Petitions of UCS-NYP/IRG, GNYCE, Parents,

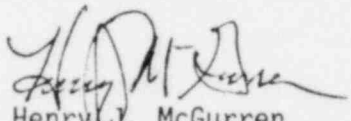
and WESPAC for Leave to Intervene and Amendments to Requests of the County and NYC Council for Participation as Interested States (hereinafter Staff Response to Amendments). In this response the Staff noted that NYC Council's petition was still deficient since the petition as amended failed to indicate that NYC Council voted to participate in the instant proceeding or identify a spokesperson to represent it in this proceeding. Staff Response to Amendments at 14.

By its instant request, the NYC Council seeks leave to amend its petition for leave to intervene by the addition of five Councilmembers' signatures to the petition. The Staff has no objection to the petition being further amended by addition of these signatures. However, while the Staff has no objection to the instant request, such amendment does not change the Staff's position that NYC Council has failed again to satisfy the intent of 10 C.F.R. § 2.715(c). The instant request of NYC Council to add the names of five Councilmembers to the petition, even though they may together represent a majority of the Council, does not satisfy 10 C.F.R. § 2.715(c). As previously noted by the Staff, 10 C.F.R. § 2.715(c) was written to provide only units of government, and not representatives themselves, participatory status as "interested states." Absent some official designation by the NYC Council itself (i.e., a resolution of the NYC Council) that it desires to participate in this proceeding and has authorized an individual to represent its interest in this proceeding, the NYC Council petition for leave to intervene as an "interested state" is deficient.

III. CONCLUSION

For the above reasons, the Staff has no objection to the additional named Councilmembers being provided. However, the Staff's position regarding compliance of NYC Council's petition for leave to intervene as an "interested state" with 10 C.F.R. § 2.715(c) is unchanged.

Respectfully submitted,

  
Henry J. McGurren  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 25th day of February, 1962

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO NEW YORK CITY COUNCIL PETITION FOR LEAVE TO AMEND PETITION FOR INTERVENTION TO ADD FIVE ADDITIONAL SIGNATORIES" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 25th day of February, 1982:

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