

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Before the U.S. Nuclear Regulatory Commissioners
~~ATOMIC SAFETY AND LICENSING BOARD~~

72-11-3 P273

Before Administrative Judges:

Munzio Paladino
Victor Giliusky
~~Louis J. Carter, Chairman~~
~~Frederick J. Shon~~
~~Dr. Oscar H. Paris~~

John F. Alcarene
Thomas Roberts

per J. Fleisher
April 30, 1982

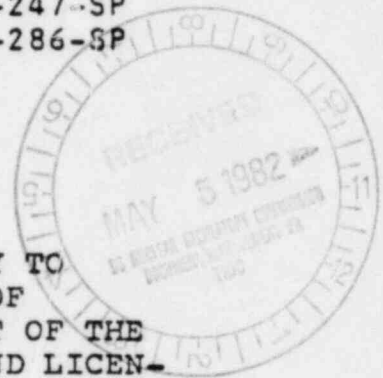
In the Matter of)

CONSOLIDATED EDISON COMPANY OF)
NEW YORK, INC. (Indian Point,)
Unit No. 2))

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

POWER AUTHORITY OF THE STATE OF)
NEW YORK, (Indian Point,)
Unit No. 3))

April 29, 1982



WEST BRANCH CONSERVATION ASSOCIATION'S REPLY TO
STATE OF NEW YORK POWER AUTHORITY'S NOTICE OF
APPEAL OF THE GRANTING OF INTERVENTION TO MOST OF THE
ORGANIZATIONS ACCEPTED BY THE ATOMIC SAFETY AND LICEN-
SING BOARD AND ITS SUPPORTING BRIEF OF APRIL 19, 1982

The documents offered on April 19 do not conform to the instructions we received from the ASLB requiring the date and signature of the transmitter to be on the first page and requiring an index on any document exceeding ten pages.

West Branch Conservation Association(WBCA) was not included but all the other intervenors were, in

submitted by

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the rude attempt by PASNY to disqualify the intervenors that had been accepted by the ASLB. In our 10 years as active intervenors in some 16 proceedings before the New York State Department of Environmental Conservation and the New York State Public Service Commission we have never witnessed such a perverse attack through the use of inuendo and slurs that could not be sustained as evidence in a court of law.

In their petitions to eliminate fear as an issue, in their answers to petitions for leave to intervene, and now in the wasteful appeal to the Commission, PASNY has dragged down the name of the State of New York.

It is particularly distressing that a State authority, created to enhance the health and welfare of the people of the state, feels free to attack the very people it is supposed to help, in the worst McCarthy-era type of red-baiting and guilt-by-association, completely disregarding the citizens' right to dissent. Known to most of us the first amendment of the constitution of the United States.

If the PASNY counsels feel the proceedings are a waste of time and the people involved are not worth hearing, then they can rest comfortably knowing that the feeling is mutual, and get on with it instead of wasting the tax payers' money.

The request to dismiss parties because they may oppose nuclear power is absurd legally. We would have no courts of justice if such dismissals were tolerated.

If the representatives of PASNY are so sure of the probity of their case then they should welcome an investigation without fear of the outcome. Or at the very least, tolerate it with grace and manners.

WBCA seems to have met PASNY's requirements and it alone of the intervenors has done so. We might wonder if we are proud or embarrassed. But it seems opportune, therefore, for us to bother to speak up albeit we would prefer to save the money necessary to reply and to reproduce the many copies we must to serve the parties' list.

PASNY owes the court and the intervenors an apology and should back off, relax, join the proceedings with intent to expedite them rather than wear all of us down with tedium and diversions.

We beseech the Commission to deny the April 19 motions made by PASNY.

Respectfully submitted,

Zipporah S. Fleisher
Zipporah S. Fleisher
Secretary

Walter L. Fleisher
Walter L. Fleisher
Vice-President

xc: Gov. Carey
: Rep. Gilman
: Sen. Winikow
: Assemblyman Morahan
: Com. Dyson
: parties
: Assemblyman Levy

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Administrative Judges:

Louis J. Carter, Chairman
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62 MAY -3 1982

In the Matter of

CONSOLIDATED EDISON COMPANY OF NEW YORK
(Indian Point, Unit 2)

Docket Nos. 50-247-SP
50-236-SP

POWER AUTHORITY OF THE STATE OF NEW YORK
(Indian Point, Unit 3)

CERTIFICATE OF SERVICE

I hereby certify that I have placed in the U. S. mails, first class, a copy to all parties listed below, of the Interrogatory to the Licensees and of WBCA Reply to PASNY's Notice of Appeal to Granting Intervention... of April 19, 1982 on this 30th of April, 1982.

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