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October 25, 1982

Nunzio Palladino, Chairman
John Ahearne, Commissioner
Victor Gilinsky, Commissioner
James Asselstine, Commissioner
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

SUBJECT: Indian Point Investigation
Docket Nos. 50-247-SP, 50-286-SP.

Gentlemen:

On behalf of the Union of Concerned Scientists, I filed a motion with the Commission on October 7, 1982, asking that you order the NRC staff to reschedule a critical meeting called by the NRC Staff with Con Ed, PASNY and Sandia on the probabilistic risk assessment work done by Sandia for Indian Point under contract to NRC. The meeting was scheduled in Albuquerque, New Mexico, making it totally impossible for intervenors to attend. This motion was filed the day that I received notice of the meeting. The Commission made no response whatever, allowing the meeting to go forward without even an indication that you received the motion.

UCS considers this matter to be extremely important, considering that the Commission has imposed upon us a threshold requirement to discuss the probability of severe accidents at Indian Point and that the Sandia review represents the Staff's principle technical assessment of the Licensee's PRA. The Commission's failure to even acknowledge the UCS motion must be contrasted with its pattern of action in this case when Licensees have sought relief and, quite frankly, makes us despair of fair treatment in this forum.

HARMON & WEISS

Commissioners
October 25, 1982
page two

We very much fear that meetings on technical issues are being purposely scheduled for places which are inaccessible to the Intervenor. This is not the first such time. Similar meetings have previously been scheduled for Chicago, also over our protest. This is despite the fact that Con Ed, PASNY and the NRC Staff personnel are all in either Washington or New York.

It is squarely the Commission's responsibility to see to it that a basic level of fairness characterizes this proceeding. Having placed substantial new burdens on the Intervenor by your own orders, at the expense of total disruption of the hearings, it is your duty to ensure that Intervenor are given a fair opportunity to meet those burdens.

Although this meeting has already been held, UCS hereby requests the Commission to issue an order directing (1) that all further meetings between the Staff and Licensees be held in either Washington, D.C. or New York; (2) that the Intervenor be given notice of these meetings contemporaneously with the Licensees, not several weeks later, as has been the practice; and (3) that the Intervenor be provided with detailed minutes of the October 13, 1982, meeting and all written materials exchanged between and among Con Ed, PASNY, Sandia and NRC. The official minutes of most meetings are so general as to be useless.

Your immediate attention to this matter is necessary.

Very truly yours,

Ellyn R. Weiss

cc: Indian Point Service List

ERW:law