

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSIONERS

In the Matter of)

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

Docket Nos. 50-247 SP
50-286 SP

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

February 22, 1983

NYPIRG MOTION FOR DISCOVERY
PURSUANT TO 10 CFR 2.741(a)
(2) TO PERMIT ENTRY UPON LAND
IN CONTROL OF THE LICENSEES

The New York Public Interest Research Group request the Commissioners to issue an order requiring the Licensees, CONSOLIDATED EDISON COMPANY OF NEW YORK, and the POWER AUTHORITY OF THE STATE OF NEW YORK, to permit representatives of intervenors in this matter to observe the emergency planning exercise scheduled for the Indian Point site on March 9, 1983.

This motion has been presented directly to the Commissioners because of the unique circumstances and prior history of this proceeding. A similar motion regarding the March 1982 exercise at Indian Point was ultimately decided by the Commissioners, and it being likely that this motion would also likely be so decided, the brief time remaining before the exercise requires that the usual procedural steps be supervised.

The emergency planning exercise scheduled for March 9, 1983 is

relevant to Commission Question Three and to Board Contentions thereunder and is well within the scope of discovery. 10 CFR 2.740(b)(1).

The circumstances surrounding the upcoming exercise are substantially different than those of the 1982 emergency planning exercise. The Indian Point emergency plans have been found by FEMA to have significant deficiencies and the March exercise and subsequent FEMA evaluation will be critical evidence in this matter concerning emergency planning issues under Commission Question 3 and Board Contentions thereunder. But FEMA evaluations of emergency planning at Indian Point have come under critical scrutiny during this investigation. Thus, the observations of intervenor representatives will prove necessary in order to test the FEMA findings resulting from the emergency exercise.

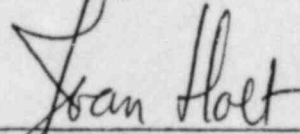
NYPIRG appreciates the need for the drill to be conducted without hindrance and obstruction, and intend by this request to gain relevant information in the most efficient and least burdensome manner to all parties. Observers can be positioned where they can see and hear but cannot interfere with the operation. Intervenor observers will agree to stay behind barriers which permit visual and auditory observation and will refrain from speaking to exercise participants or distracting talk. The NRC Staff, in its March 2, 1982 RESPONSE TO LICENSING BOARD'S CERTIFICATION OF ITS RULING, noted that the presence of intervenor observers would not cause immediate, serious, irreparable harm.. (RESPONSE at p. 6)

WHEREFORE, the New York Public Interest Research Group requests the Commissioners to issue an order requiring the Licensees to permit two intervenor representatives or consultants to:

- (1) observe the March 1983 exercise from the control room of Indian Point Unit 2 (Con Edison);

- (2) observe the March 1983 exercise from the control room of Indian Point Unit 3 (PASNY);
- (3) observe the March 1983 exercise from the near-site emergency operations facility.

Respectfully submitted,



JOAN HOLT, Project Director
New York Public Interest Research
Group, Inc.

9 Murray Street
New York, New York 10007
(212) 349-6460