

THE REVEREND LEE H. BALL

11 FOREST BOULEVARD, ARDSLEY, NEW YORK 10502 Tel: 914-693-2472

Retired Member
New York Conference
United Methodist Church

Executive Secretary Emeritus
Methodist Federation
for Social Action

Secretary
Westchester People's
Action Coalition

Chairman
Yonkers People
for Peace

Treasurer
American Committee for
Protection of Foreign Born

Member of the Board
Promoting Enduring Peace

Oct 27, 1980

U.S. Regulatory Commission:
John Ahearn, Chairman
Peter Bradford, Commissioner
Victor Galinsky, Commissioner
Joseph Hendrie

Keep Indian Point, N.Y. #2 shut
down!

100,000 gallons of Corrosive Salt Water
are already in the apparatus.

Urgently yours

Lee H. Ball

8011180163

0377 75 102

Handwritten notes, possibly a list or set of instructions, including phrases like "The first step is to..." and "The second step is to...".

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Handwritten notes, including a list of items or steps, possibly related to a process or procedure.

NOV 4 1980

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 Docket Files 50-3/247/286
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UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 WASHINGTON D.C. 20555

October 27, 1980

Docket No. 50-3
 50-247 ✓
 50-286

Director, Technical Development Programs
 State of New York Energy Office
 Agency Building 2
 Empire State Plaza
 Albany, New York 12223

SUBJECT: CONSOLIDATED EDISON COMPANY OF NY AND POWER AUTHORITY OF THE STATE OF NY

The following documents concerning our review of the subject facility are transmitted for your information:

- Notice of Receipt of Application.
- Draft/Final Environmental Statement, dated _____
- Safety Evaluation, or Supplement No. _____, dated _____
- Notice of Hearing on Application for Construction Permit.
- Notice of Consideration of Issuance of Facility Operating License.
- Application and Safety Analysis Report, Vol. _____
- Amendment No. _____ to Application/SAR, dated _____
- Construction Permit No. CPPR- _____, dated _____
- Facility Operating License No. DPR- _____, NPF- _____, dated _____
- Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____
- Other: **October 20, 1980 Order**
- _____

Division of Licensing
 Office of Nuclear Reactor Regulation

Enclosures:
 As stated

cc: **Honorable George Begany**
Mayor, Village of Buchanan

188 Westchester Avenue
Buchanan, New York 10511

OFFICE ▶		DL:ORB1 <i>ep</i>			
SURNAME ▶		CParrish:jb			
DATE ▶		10/27/80			

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Empire State Plaza
Albany, New York 12223

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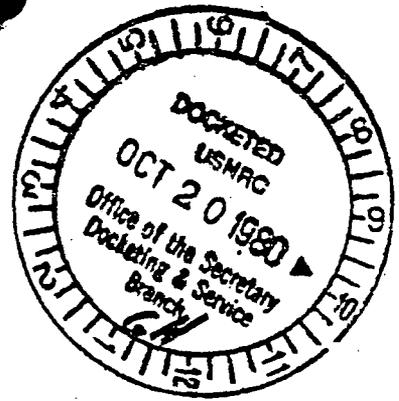
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cc: Honorable George Begany
Mayor, Village of Buchanan
188 Westchester Avenue
Buchanan, New York 10511

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



COMMISSIONERS:

John F. Ahearne, Chairman
Victor Gilinsky
Joseph M. Hendrie
Peter A. Bradford

In the Matter of

CONSOLIDATED EDISON COMPANY
OF NEW YORK INC., and

POWER AUTHORITY OF THE STATE
OF NEW YORK

(Indian Point Station, Units 1,
2 and 3)

SERVED

OCT 20 1980

Docket Nos. 50-3
50-247
50-286

ORDER

The New York State Energy Office and the Citizens' Committee for Protection of the Environment (CCPE) have petitioned the Commission to review two decisions of the Atomic Safety and Licensing Appeal Board (ALAB-436 and ALAB-561) concerning seismic matters involving the Indian Point facility. The Commission 1/ has not determined to exercise its discretion to review these decisions. Consequently, the petitions are denied.

CCPE also filed a "Motion to Strike Portions of NRC Staff's Answer to the Petitions of the New York State Energy Office and the Citizens' Committee for Protection of the Environment for Review of ALAB-436 and ALAB-561, and CCPE's

1/ On May 12, 1980, Commissioner Hendrie disclosed by Memorandum to Counsel for the Parties his previous involvement with the Indian Point facilities as a member of the Advisory Committee on Reactor Safeguards and Deputy Director for Technical Review, Directorate of Licensing of the Atomic Energy Commission. In that memorandum he stated that his prior involvement with Indian Point had not caused him to form any conclusions on the merits of this pending proceeding and expressed his preliminary intention to participate in the pending review process. However, he also provided the parties an opportunity to object to his participation. No objections were received. Accordingly, there was no reason for Commissioner Hendrie to reconsider his intention to participate and he has not done so.

Responses to the Staff's Answer". For the reasons discussed below, the Commission believes that the motion should be denied.

Contrary to CCPE's claim, the Commission does not view the Staff's extra-record information contained in its answer to these petitions as an effort to introduce new material into the evidentiary record of this case. That record includes only material received into evidence before the Atomic Safety and Licensing Board and the Atomic Safety and Licensing Appeal Board. However, under the Commission's certiorari system of review parties may utilize extra-record information to demonstrate the importance or unimportance of our exercising discretion to grant review. This is what has transpired here. The material contained in the Staff's Answer was only offered to explain the Staff's view that the need for an expanded seismic monitoring network was no longer an issue of sufficient importance to warrant Commission review, and to explain the reasons for the Staff's change in position in this regard. The extra-record material did not, and cannot, play any role in our assessment of the adequacy of the evidentiary record to support the decision below.

It is so ORDERED.

For the Commission


SAMUEL J. CHILK
Secretary of the Commission

Dated at Washington, D.C.,
this 17th day of October, 1980

