

DESIGNATED ORIGINAL

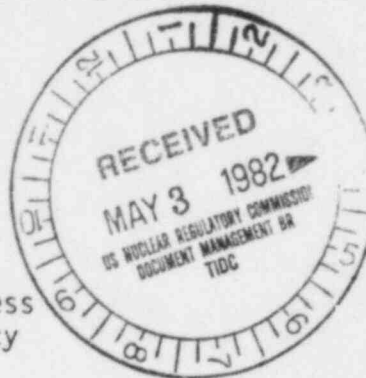
Certified By [Signature]

April 29, 1982

Distribution

HMcGurren  
JEMoore  
ACBarbagallo  
SATreby  
MKarman  
C/M  
C/S  
ELD FF (2)  
Chron  
DRoss-SS1148  
FRowsome-MS-278  
JHannon-MS-438  
DMB-PDR/LPDR  
X-2

Spence Perry, Esq.  
Associate General Counsel for  
National Security and Preparedness  
Federal Emergency Management Agency  
Room 840  
501 C Street, S.W.  
Washington, D.C. 20572



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 and 50-286-SP

Dear Mr. Perry:

Enclosed please find a copy of the Licensing Board's Memorandum and Order dated April 23, 1982, in the Indian Point proceeding. In its Memorandum and Order, the Licensing Board has, inter alia, identified the specific language of the Intervenor's contentions and established the schedule for the hearing and discovery.

The Board has ruled that formal discovery commenced on April 26, 1982. Consistent with the Board's schedule all interrogatories on emergency planning questions and contentions must be filed by May 3, 1982. The Board further ruled that discovery on the emergency planning questions and contentions ends on May 31, 1982 with testimony on these matters due by June 7, 1982. The evidentiary hearing on this testimony will commence on June 22, 1982.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Edward Christenbury  
Director and Chief Counsel  
Hearing Division  
Office of the Executive Legal Director

Enclosures: As stated

OFC	: OELD	: OELD	: OELD <i>SC</i>	:	:	:	<i>DSO7</i>
NAME	: JMcGurren	: S.Treby	: EChristenbury	:	:	:	<i>5</i>
DATE	: 04/ /82	: 04/28/82	: 04/28/82	:	:	:	<i>1/1</i>

8205040 *329*

13

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Louis J. Carter, Chairman

Dr. Oscar H. Paris

Frederick J. Shon

In the Matter of

CONSOLIDATED EDISON COMPANY  
OF NEW YORK

(Indian Point, Unit No. 2)

POWER AUTHORITY OF THE  
STATE OF NEW YORK

(Indian Point, Unit No. 3)

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

April 23, 1982

MEMORANDUM AND ORDER  
(Formulating Contentions, Assigning  
Intervenors, and Setting Schedule)

*I*  
*Moore/McGurran*  
*Korman/Barbagallo*  
*Ticky*  
*FF*

*Reply due May 3, 1982*

CONTENTIONS AND  
INTERVENOR ASSIGNMENTS

At the Second Special Rehearing Conference held in White Plains, New York, on April 13 and 14, 1982, we heard argument from the Licensees, the NRC Staff, and the Intervenors with regard to the contentions formulated and intervenor responsibilities assigned by the Board in its Memorandum and Order issued April 9, 1982. Upon consideration of the various and often conflicting points raised by the parties with respect to the contentions, we have determined that some contentions should be modified by the Board and others left standing as originally formulated. We have also considered proposals and argument for changes in the assignment of intervenor responsibilities and have determined what changes in assignment should be made.

8204280264

The bases for the contentions formulated by the Board and set forth below rest in the bases and subparts of the subsumed intervenor contentions. We have deliberately avoided specifying detailed factual bases in our formulation of contentions because this is an investigative proceeding. Our responsibility, as we see it, is to bring to light all factual information which may assist materially in answering the Commission's questions. We are mindful of the Commission's instructions to conduct a focused proceeding, but we believe that we should not limit this investigation by imposing inflexible legal standards. To assure that the necessary focus is maintained, we intend to closely monitor discovery, testimony, and cross examination, to determine its relevance and materiality. Irrelevant or frivolous questions and tactics will not be tolerated in this proceeding.

In order to provide the parties and participants to this proceeding with a single document that conveniently lists the Commission's Questions (from the Commission's January 8 and September 18, 1981 Orders), the final formulation of all contentions to be litigated in this investigative proceeding, and the final intervenor assignments with respect to those contentions, we are repeating herein unmodified contentions as well as those contentions which we have modified. Unchanged intervenor assignments and the Commission's Questions are repeated, also. The discussion is organized on the basis of the six Commission Questions, and parties are identified in the Appendix.

Commission Question 1:

1. What risk may be posed by serious accidents at Indian Point 2 and 3, including accidents not considered in the plants' design basis, pending and after any improvements described in (2) and (4) below? Although not requiring the preparation of an Environmental Impact Statement, the Commission intends that the review with respect to this question be conducted consistent with the guidance provided the staff in the Statement of Interim Policy on "Nuclear Power Plant Accident Considerations under the National Environmental Policy Act of 1969;" 44 FR 40101 (June 13, 1980).<sup>5/</sup>

5/ In particular, that policy statement indicates that:

Attention shall be given both to the probability of occurrences of releases and to the environmental consequences of such releases;

The reviews "shall include a reasoned consideration of the environmental risks (impacts) attributable to accidents at the particular facility or facilities . . .";

"Approximately equal attention should be given to the probability of occurrence of releases and to the probability of occurrence of the environmental consequences . . ."; and

Such studies "will take into account significant site and plant-specific features . . ."

Thus, a description of a release scenario must include a discussion of the probability of such a release for the specific Indian Point plants.

Contention 1.1

We have determined that Contention 1.1 should be modified, but there need be no change in intervenor assignment. As accepted for litigation, Contention 1.1 states as follows:

- 1.1 The accident consequences that would be suffered by the public, even allowing for emergency planning measures, and their associated probabilities combine to produce high safety risks or risks of environmental damage including: prompt fatalities, early fatalities, early and latent illnesses, fatal and

non-fatal cancers, thyroid nodules, genetic effects, and contamination of buildings, soils, waters, agricultural lands, recreational lands, and wildlife areas.

This contention is based on the following intervenor contentions:

UCS/NYPIRG I(B)(5), III(B), III(D), IV(A)  
FOE/Audubon I, II  
Parents I

Lead Intervenor: UCS/NYPIRG

Contributing Intervenor: FOE/Audubon with respect to effects on buildings, soils, waters, agricultural lands, recreational lands, and wildlife areas.

Parents with respect to the special susceptibility of children to radiation.

Commission Question 2:

2. What improvements in the level of safety will result from measures required or referenced in the Director's Order to the licensee, dated February 11, 1980? (A contention by a party that one or more specific safety measures, in addition to those identified or referenced by the Director, should be required as a condition of operation would be within the scope of this inquiry if, according to the Licensing Board, admission of the contentions seems likely to be important to resolving whether (a) there exists a significant risk to public health and safety, notwithstanding the Director's measures, and (b) the additional proposed measures would result in a significant reduction in that risk.)

Contention 2.1

We have determined that Contention 2.1 need not be modified, nor is a change in intervenor assignment required. As accepted for litigation, Contention 2.1 reads as follows:



2.1 The following additional specific safety measures should be required as conditions of operation:

- a) A filtered vented containment system for each unit must be installed.
- b) License conditions must be imposed to prohibit power operations with less than a fully operable complement of safety-grade and/or safety-related equipment.
- c) A "core-catcher" must be installed at each unit to provide additional protective action time in the event of a "melt-through" accident in which the reactor pressure vessel is breached by molten fuel.
- d) A separate containment structure must be provided into which excess pressure from accidents and transients can be relieved without necessitating releases to the environment, thereby reducing the risk of containment failure by overpressurization.

This contention is based on the following intervenor contentions:

UCS/NYPIRG III(A)d., f., g., h.

Lead Intervenor: UCS/NYPIRG

Contributing Intervenor: None

#### Contention 2.2

WBCA, the intervenor from whose contentions the Board formulated Contention 2.2, argued that an important element had been omitted by the Board's formulation of the contention. WBCA directed attention to language in its filing of January 11, 1982, relating to inadequate quality control and operational errors. Tr. 625-27. Upon consideration of this pleading,

and all objections thereto, we have determined that Contention 2.2 should be modified by the addition of subcontention (d). As accepted for litigation, Contention 2.2 reads as follows:

2.2 The following additional specific safety measures should be required as conditions of operation:

- a) The cooling system at the plants should be changed so that it no longer uses brackish Hudson River water. This change is needed to combat safety-related corrosion problems.
- b) A solution to the radiation embrittlement problem in the units' reactor pressure vessels must be found and implemented.
- c) A solution to the problem of steam generator tube deterioration must be found and implemented.
- d) A complete review of both plants must be undertaken to discover and correct flaws resulting from poor quality control in construction and in operation.

This contention is based on the following intervenor contentions:

WBCA 2 (filing of January 11, 1982)

Lead Intervenor: WBCA

Contributing Intervenor: None.

Commission Question 3:

- 3. What is the current status and degree of conformance with NRC/FEMA guidelines of state and local emergency planning within a 10-mile radius of the site and, of the extent that it is relevant to risks posed by the two plants, beyond a 10-mile radius? In this context, an effort should be made to establish what the minimum number of hours warning for an effective evacuation of a 10-mile quadrant at Indian Point would be. The FEMA position should be taken as a rebuttable presumption for this estimate.

### Contention 3.1

We have determined that Contention 3.1 needs only minor editorial corrections. RSCE pointed out that they should be listed as contributing intervenors. Tr. 673-4. The Board agreed. As accepted for litigation, Contention 3.1 reads as follows:

3.1 Emergency planning for Indian Point Units 2 and 3 is inadequate in that the present plans do not meet any of the sixteen mandatory standards set forth in 10 C.F.R. 50.47(b), nor do they meet the standards set forth in Appendix E to 10 C.F.R. Part 50.

This contention is based on the following intervenor contentions:

USC/NYPIRG I(A)  
WESPAC 1, 2, 3  
RCSE (2), (3), (5)

Lead Intervenor: UCS/NYPIRG

Contributing Intervenor: WESPAC with respect to New York State Radiological Emergency Plan and deficiencies therein relating to notification, communications, training, drills, equipment, and procedures.

RSCE with respect to whether plans comply with 10 C.F.R. 50.47(b)(6) and (7) and NUREG-0654.

### Contention 3.2

We have determined that Contention 3.2 needs additional specificity. With regard to intervenor contributions to the litigation of the contention, Parents requested that their contribution be expanded to include those entrusted with the care of children. Tr. 668-674. WBCA.



argued that it had raised the issue of whether it was reasonable to assume that the plant operators would remain at their posts during an emergency. Tr. 680-682. We have decided that these requested changes should be made in the intervenor assignments. Contention 3.2 as accepted for litigation, and the revised intervenor assignments, are as follows:

- 3.2 Emergency planning for Indian Point Units 2 and 3 is inadequate <sup>3/</sup> in that the plans make erroneous assumptions about the response of the public and of utility employees during radiological emergencies.

This contention is based on the following intervenor contentions:

UCS/NYPIRG I(B)(1)  
WESPAC 4  
Parents III  
WBCA, filing dated January 11, 1982

Lead Intervenor: UCS/NYPIRG

Contributing Intervenor: WESPAC with respect to problems of Local traffic flows.

Parents with respect to the special problems of the response of children and those entrusted with their care during emergencies.

WBCA with respect to the behavior of the utility companies' employees during emergencies.

### Contention 3.3

We have determined that Contention 3.3 needs only minor editorial change, and no change need be made in assignment of intervenors. As accepted for litigation, Contention 3.3 reads as follows:

---

<sup>3/</sup> Human response here refers to responsive actions by persons, as opposed to psychological stress response, which we deal with later.

- 3.3 The present estimates of evacuation times, based on NUREG-0654 and studies by CONSAD Research Corporation and by Parsons, Brinckerhoff, Quade & Douglas, Inc., are unreliable. They are based on unproven assumptions, utilize unverified methodologies, and do not reflect to the actual emergency plans.

This contention is based on the following intervenor contentions:

UCS/NYPIRG I(B)(2)  
WBCA 3  
RCSE (1)

Lead Intervenor: UCS/NYPIRG

Contributing Intervenor: WBCA with respect to applicability of FEMA estimates from NUREG-0654.

RCSE with respect to the Rockland County Radiological Emergency Response Plan.

#### Contention 3.4

WESPAC argued that its contention number 2 said essentially the same thing as the Board's contention 3.4 and requested designation under this contention as a contributing intervenor. That request was granted at the Second Special Prehearing Conference. Tr. 678. The contention itself needs only editorial modification. As accepted for litigation, Contention 3.4 reads as follows:

- 3.4 The Licensees cannot be depended upon to notify the proper authorities of an emergency promptly and accurately enough to assure effective response.

This contention is based on the following intervenor contention:

RCSE (1)  
WESPAC 2

Lead Intervenor: RCSE

Contributing Intervenor: WESPAC

Contention 3.5

The Board has determined that this contention is related more directly to Commission Question 4 than to Question 3. It is therefore listed herein as Contention 4.6. There will be no Contention 3.5.

Contention 3.6

WESPAC argued that its contention 3, basis D, should be subsumed under Board Contention 3.6 and requested contributing intervenor status. The Board agreed. Tr. 678. Contention 3.6 as admitted for litigation and the extent of WESPAC's contribution are as follows:

- 3.6 The emergency plans and proposed protective action do not adequately take into account the full range of accident scenarios and meteorological conditions for Indian Point Units 2 and 3.

This contention is based on the following intervenor contentions:

UCS/NYPIRG I(B)(3)  
WESPAC 3, basis D

Lead Intervenor: UCS/NYPIRG

Contributing Intervenor: WESPAC with respect to the impracticality of conducting effective drills covering all likely conditions.

Contention 3.7

We have determined that this contention need not be modified.

Parents, however, requested that basis (15) of their contention I be added to the others listed in our Order of April 9, 1982. The Board agreed. As accepted for litigation Contention 3.7 reads as follows:

3.7 The problems of evacuating children from threatened areas have not been adequately addressed in the present emergency plans.

This contention is based on the following intervenor contention:

Parents I, bases (4), (5), (6), (7), (15)

Lead Intervenor: Parents

Contributing Intervenors: None

Contention 3.8

The Board has determined that Contention 3.8 would more appropriately be considered with respect to Commission Question 4. It is therefore listed herein, as modified, under the number 4.7. There will be no Contention 3.8.

Contention 3.9

The Board has determined that Contention 3.9 need not be modified. As accepted for litigation, Contention 3.9 reads as follows:

3.9 The road system in the vicinity of the Indian Point plant is inadequate for timely evacuation.

This contention is based on the following intervenor contentions:

WESPAC 5  
WBCA 1, 5

Co-lead Intervenors: WESPAC with respect to Westchester  
County

WBCA with respect to Rockland County

Contributing Intervenors: None

Commission Question 4:

4. What improvements in the level of emergency planning can be expected in the near future, and on what time schedule, and are there other specific offsite emergency procedures that are feasible and should be taken to protect the public?

Contention 4.1

Upon consideration of the argument heard at the Second Special Prehearing Conference, the Board has determined that Contention 4.1 should be modified. Tr. 743 ff. In addition, Parents requested a minor change with respect to the responsibility assigned to it. Contention 4.1 as accepted for litigation reads as follows:

- 4.1 The plume exposure pathway EPZ should be expanded from its present 10-mile radius <sup>in</sup> order to meet local emergency response needs and capabilities.<sup>2/</sup>

---

<sup>2/</sup> The Board has considered the argument by Licensees that this contention is a challenge to NRC regulations and therefore should be disallowed. See Tr. 769 ff. We reiterate our belief, stated in fn 4 of our April 9, 1982 Order, that this contention does not, in fact, challenge 10 C.F.R. § 50.47 and Appendix E, but is in accordance with it. Further, we reconfirm our conviction that we are authorized by fn. 4, as revised, in the Commission's Orders of January 8 and September 18,, 1981 to accept contentions addressed to the Commission's Questions, if those contentions seem likely to be important in resolving the Commission's Questions, even though the contentions may urge requirements for Indian Point beyond the Regulations. Con Edison's citation of the transcript of the Commission's September 11, 1981 meeting illustrates the reason for the provision under 10 C.F.R. § 9.103 that statements of Commissioners in open meetings may not be pleaded or cited in any proceeding under Part 2 except as the Commission may direct.



This contention is based on the following intervenor contentions:

UCS/NYPIRG II(A), II(B), III(C)  
Parents II, basis (7)

Lead Intervenor: UCS/NYPIRG

Contributing Intervenor: Parents with respect to children,  
those responsible for the care care of  
children, and child care institutions  
and their locations.

#### Contention 4.2

We have determined that no modification of Contention 4.2 is necessary, nor is any changed in intervenor assignments needed. As accepted for litigation, Contention 4.2 reads as follows:

- 4.2 The following specific, feasible off-site procedures should be taken to protect the public:
- a) Potassium iodide should be provided in an appropriate form for all residents in the EPZ.
  - b) Adequate sheltering capability should be provided for all residents in the EPZ.
  - c) License conditions should prohibit power operation of Units 2 and 3 when the roadway network becomes degraded because of adverse weather conditions.
  - d) The roadway network should be upgraded to permit successful evacuation of all residents in the EPZ before the plume arrival time.

This contention is based on the following intervenor contentions:

UCS/NYPIRG III(A)  
RSCE (4)

Lead Intervenor: UCS/NYPIRG

Contributing Intervenor: RCSE with respect to the adequacy of sheltering as a protective action.

Contention 4.3

FOE/Audubon pointed out that the basis accepted by the Board in its Contention I needed to be expanded to be understandable, and the Board agrees. Tr. 707-8. In addition, WESPAC requested that it be added as a contributing intervenor with respect to upgrading roads in Westchester County. Tr. 791. As accepted for litigation, Contention 4.3 reads as follows:

4.3 There are no feasible offsite emergency procedures which can adequately protect the public.

This contention is based on the following intervenor contentions:

FOE/Audubon I  
WBCA question number 4 in the filing of January 11, 1982  
WESPAC 5

Lead Intervenor: FOE/Audubon

Contributing Intervenor: WBCA with respect to the impossibility of upgrading the road network in Rockland County.

WESPAC with respect to the impossibility of upgrading the road network in Westchester County.

Contention 4.4

We have determined that Contention 4.4 need not be modified, but some changes in intervenor assignment should be made. WBCA indicated its interest in co-lead status with WESPAC, with the two intervenors taking responsibility for Rockland and Westchester Counties, respectively.

Tr. 809 ff. UCS/NYPIRG pointed out its interest in contributing to this Board contention, as reflected in certain UCS/NYPIRG contentions.

Tr. 746-7. As accepted for litigation, Contention 4.4 reads as follows:

- 4.4 The emergency plans should be upgraded by taking account of special groups with special needs in emergencies. In particular, provision must be made for evacuating persons who are dependent upon others for their mobility.

This contention is based on the following intervenor contentions:

WESPAC 6  
Parents I, basis (22); II, basis (7)  
UCS/NYPIRG IB(2), IA basis (7)

Co-lead Intervenors: WESPAC with respect to Westchester County.

WBCA with respect to Rockland County.

Contributing Intervenors: Parents with respect to special problems associated with children and those responsible for the safety of children.

UCS/NYPIRG with respect to non-English speaking residents, the hearing-impaired, persons with learning disabilities, and "latch-key" children.

Contention 4.5

We have decided to substitute the word "risk" for the word "consequences" in Contention 4.5, to make it more responsive to the wishes of the Commission as expressed in its Order of January 8, 1981. No change in intervenor assignment is required. The contention, as accepted for litigation, reads as follows:

- 4.5 Specific steps must be taken by NRC, State, and local officials to promote a public awareness that nuclear power plant accidents with substantial offsite risks are possible at Indian Point.

This contention is based on the following intervenor contention:

UCS/NYPIRG I(B)(7)

Lead Intervenor: UCS/NYPIRG

Contributing Intervenor: None

Contention 4.6 (formerly Contention 3.5)

We have determined that no modification of this contention is required, but Parents will be added as a contributing intervenor with respect to exposure level for children. Tr. 699. As accepted for litigation Contention 4.6 reads as follows:

- 4.6 A maximum acceptable level of radiation exposure for the public must be established before any objective basis will exist for adequate emergency planning.

This contention is based on the following intervenor contention:

UCS/NYPIRG I(B)(6)

Lead Intervenor: UCS/NYPIRG

Contributing Intervenor: Parents with respect to a maximum acceptable radiation exposure level for children.

Contention 4.7 (formerly Contention 3.8)

Several intervenors argued that the Board had formulated this contention too narrowly, and we agree. The contention has been modified accordingly, and new intervenor assignments have been made as appropriate. See Tr. 673 ff, 802 ff. As accepted for litigation Contention 4.7 reads as follows:

- 4.7 The present emergency planning brochures and present means of alerting and informing the population of an emergency do not give adequate attention to problems associated with persons who are deaf, blind, too young to understand the instructions, or who do not speak English.

Lead Intervenor: Parents

Contributing Intervenor: WESPAC with respect to present means of alerting and informing the population of an emergency.

WBCA with respect to surveying to determine whether the brochure has been read and understood.

RCSE in general.

Commission Question 5:

5. Based on the foregoing, how do the risks posed by Indian Point Units 2 and 3 compare with the range of risks posed by other nuclear power plants licensed to operate by the Commission? (The Board should limit its inquiry to generic examination of the range of risks and not go into any site-specific examination other than for Indian Point itself, except to the extent raised by the Task Force.)

Contention 5.1

We have determined that no change is required in either the wording or the intervenor assignment of Contention 5.1. As accepted for litigation the contention reads as follows:



- 5.1 The risks associated with Indian Point Units 2 and 3 are greater than those associated with many other operating nuclear power plants. These greater risks result from the design and operating conditions of the plants.

This contention is based on the following intervenor allegation:

WBCA letter of December 2, 1981

Lead Intervenor: WBCA

Contributing Intervenors: None

Board Question on Commission Question 5

The Board Question on Commission Question 5 has been re-worded to make the question understandable standing alone. The Board Question now reads as follows:

What bearing does the fact that Indian Point has the highest population within 10, 30, and 50 miles of any nuclear plant site in the United States have on the relative risk of Indian Point compared to other plants?

The Staff shall address this question. Other parties are invited to address it also.

Commission Question 6:

6. What would be the energy, environmental, economic or other consequences of a shutdown of Indian Point Unit 2 and/or Unit 3?

Contention 6.1

- 6.1 An economic consequence of the shutdown of Indian Point Units 2 and 3 would be a economic benefit accruing to Rockland County through the sale of replacement power.

This contention is based on the following intervenor contention:

WBCA question 6, filing of January 12, 1982

Lead Intervenor: WBCA

Contributing Intervenor: None

Contention 6.2

We have determined that no change need be made in the wording of Contention 6.2, given the understanding provided in the footnote. Nor need there be any change in intervenor assignment. As accepted for litigation the contention reads as follows:

- 6.2 The physical and psychological<sup>3/</sup> environment of children will be improved by permanently shutting down the Indian Point Nuclear Power Station.

This contention is based on the following intervenor contention:

Parents IV

Lead Intervenor: Parents

Contributing Intervenor: None

---

<sup>3/</sup> The litigation of psychological aspects of this contention will be held in abeyance pending issuance of an opinion by the court in PANE v NRC, Docket No. 81-1131, D.C. Court of Appeals, and any NRC policies or regulations issued as a result of that decision. The reference to physical environment here relates to radiation released offsite by Indian Point Units 2 and 3, radiation spills during transportation of radioactive waste from the plants, and radioactive effluents released into the Hudson River. Tr. 912-13.

Contention 6.3

We have determined that this contention was made sufficiently specific in the pleading of GNYCE dated April 9 and served on the Board April 12, 1982,<sup>4/</sup> and during the Second Special Prehearing Conference.

We formulate Contention 6.3 as follows:

- 6.3 Considering the savings in operating expense which would result from shutting down Indian Point Units 2 and 3, and allowing for the ways in which cogeneration and conservation can mitigate the costs of replacement power, the net costs of shutdown are small; in fact, they are smaller than previous studies by UCS, GAO, or Rand suggest, and are entirely acceptable.

Lead Intervenor: GNYCE

Contributing Intervenor: UCS/NYP/IRG

TREATMENT OF MATTERS NOT IN CONTENTIONS

The Board expects the Licensees and the NRC Staff to submit evidence in response to the Commission's six Questions sufficient, in these parties' opinions, to insure that the Board has before it the full and complete information necessary to give accurate answers and recommendations to the Commissioners. Licensees and Staff must not limit their evidence so as to merely respond to contentions.

---

<sup>4/</sup> GNYCE responded adequately to our instructions in the Memorandum and Order dated April 9, 1982, and is hereby admitted to intervenor status.

Other parties shall submit such evidence as they deem relevant to support their contentions and may submit such other evidence as they deem necessary to answer the Commission's Questions.

DISCOVERY AND HEARING SCHEDULE

We have reviewed the discovery and hearing schedules suggested by the parties at the Second Special Prehearing Conference and considered the arguments related thereto. We have determined that the hearing schedule proposed by the NRC Staff and supported by several intervenors should be accepted, for the reasons advanced by those parties. We agree that the absence of a FEMA witness between July 8 and August 9, 1982, makes it essential for us to hear testimony on Questions 3 and 4 in June. We also agree with the intervenors that the recent issuance of the Licensees' 12-volume "Indian Point Probabilistic Safety Study" makes it desirable that testimony on risk analysis be delayed to give the parties, the Staff, and the Board more time to study the report.

We are setting forth the initial discovery schedule in order to get formal discovery underway at once. Additional discovery scheduling will be ordered by the Board as the proceeding progresses. We again advise all parties that we expect discovery to proceed smoothly and expeditiously with an absolute minimum of legal maneuvering. Interrogatories shall be direct and to the point, aimed at obtaining useful information with minimal effort, and in no way designed to harass. Interrogatories shall be answered promptly and fully, answers being complete yet succinct. Motions for protective orders must be held to a minimum, if made at all.

The initial discovery schedule and the hearing schedule for this proceeding shall be as follows:

April 15	Informal discovery began.
April 26	Formal discovery begins.
May 3	All interrogatories on matters under Commission Questions 3 and 4 filed. <sup>5/</sup>
May 31	Discovery closes on matters under Question 3 and 4.
June 7	Testimony on matters under Questions 3 and 4 filed.
June 14	Cross-examination plans for Questions 3 and 4 filed.
June 17-18	Prehearing Conference pursuant to 10 C.F.R. § 2.752.
June 22-25	Evidentiary hearing.
July 2	Testimony on Commission Question 6 filed.
July 6-9	Evidentiary hearing.
July 12	Cross-examination plans on Question 6 filed.
July 16	Testimony on Commission Questions 1, 2, and 5 filed.
July 19-23	Evidentiary hearing.
July 26	Cross-examination plans on Questions 1, 2, and 5 filed.
July 26-August 6	Evidentiary hearing.

---

<sup>5/</sup> Discovery on matters to be heard later than the week of June 22 shall continue. At the Prehearing Conference scheduled for June 17 and 18 we shall ask the parties to suggest exact dates for discovery milestones on matters related to other Commission Questions.



Upon consideration of the foregoing and the entire record in this matter, it is this 23rd day of April, 1982

ORDERED

1. That the contentions set forth herein shall be litigated in this proceeding.

2. The lead and contributing intervenors assigned to each contention shall be responsible for preparing and presenting the intervenors' case on that contention. Generally the lead intervenor shall present evidence and conduct cross-examination, but the lead intervenor may, at its option, designate a contributing intervenor to act in its stead with respect to the sub-issue assigned to the contributing intervenor.

3. The intervenors may use two cross-examiners per witness or group of witness, but cross-examination must not be duplicative.

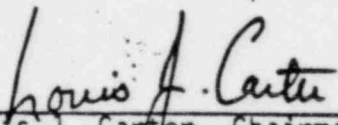
4. The NRC Staff may use two cross-examiners per witness or group of witnesses but must not be duplicative in cross-examination.

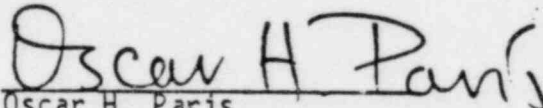
5. The Licensees and Staff shall provide the Board with all information that may be required to accurately answer the Commission's six Questions, irrespective of whether all such information is needed to respond to contentions.

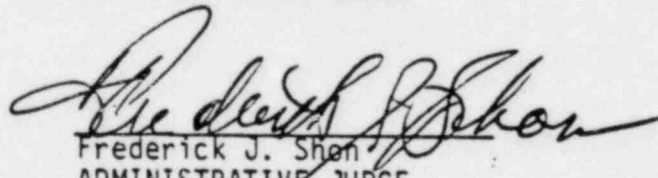
6. This is an interlocutory order, subject to infrequently granted discretionary interlocutory review pursuant to 10 C.F.R. § 2.718(i), and is not appealable except to the extent specified in paragraph 7.

7. To the extent that this Order grants the petition for leave to intervene of GNYCE, it is appealable to the Commission within ten (10) days after service of this order, pursuant to 10 C.F.R. § 2.714a(c).

THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Louis J. Carter, Chairman  
ADMINISTRATIVE JUDGE

  
Oscar H. Paris  
ADMINISTRATIVE JUDGE

  
Frederick J. Shen  
ADMINISTRATIVE JUDGE

Bethesda, Maryland

## APPENDIX

### PARTIES AND PARTICIPANTS TO THE INDIAN POINT UNITS 2 AND 3 SPECIAL INVESTIGATIVE PROCEEDING:

<u>Abbreviation or Acronym</u>	<u>Name of Party or Participant</u>
Con Edison	Consolidated Edison Company of New York
Power Authority	Power Authority of the State of New York
Staff	NRC Staff
Brodsky	Honorable Richard L. Brodsky
FOE	Friends of the Earth
GNYCE	Greater New York Council on Energy
Audubon	New York City Audubon Society
Parents	Parents Concerned About Indian Point
RCSE	Rockland Citizens for Safe Energy
UCS/NYPIRG	Union of Concerned Scientists and New York Public Interest Research Group
WBCA	West Branch Conservation Association
WESPAC	Westchester Peoples Action Coalition
Attorney General	Attorney General of the State of New York
Energy Office	New York State Energy Office
County	County of Westchester
MTA	Metropolitan Transportation Authority
NYC Council	Council of the City of New York
Port Authority	Port Authority of New York and New Jersey
Rockland	County of Rockland
State Assembly	New York State Assembly and Its Special Committee on Nuclear Power Safety
Village	Village of Buchanan