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September 3, 1982

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

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

Gentlemen:

As a representative of an Interested State in the above proceeding, we are writing to urge the Commission to reject Secretary Chilk's letter of August 23, 1982, at least with respect to probabilistic risk assessments.

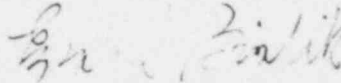
Valuable and persuasive evidence has been presented at the Indian Point hearing by this office and various Intervenor with respect to the potential consequences of a serious accident at Indian Point. Testimony of Dr. Jan Beyea and Brian Palenik. If the Commission wants to consider what the probability of such an accident is, and if it believes that probabilistic studies are useful tools, it should not require a separate analysis by each and every Intervenor and Interested State. It needs only one such study. Yet the Secretary's letter, for no logical reason, would require that each party spend large sums of money for duplicative probability studies, which would needlessly increase the number of witnesses at the hearing without helping to elucidate the proceeding. Instead, the Commission should allow the Intervenor and Interested States to rely on one another's probability studies, or even on the evidence presented by NRC staff and the licensees (and the cross-examination thereof), for any information on probabilities.

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This proceeding is an investigatory one, designed to provide to the Commission the information it says it wants. It is not an adversary proceeding. Unless the Commission permits the Intervenor and Interested States to proceed in the manner outlined above, it will be demonstrating that it does not really care about the safety of the Indian Point plants, and is interested only in excluding the public and Interested States from participating, thus making a mockery of this investigation.

Very truly yours,



EZRA I. BIALIK
Assistant Attorney General

EIB:FC

cc: Service list

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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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) :
-----X

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of September, 1982,
I caused a copy of the annexed letter to be served by first-
class mail, postage prepaid on the following:

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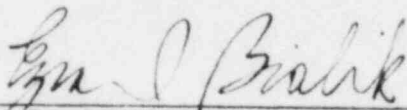
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Dated: September 3, 1982



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