



ADJUDICATORY ISSUE

October 24, 1983

(Affirmation)

SECY-83-433

COMMISSION LEVEL
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For: The Commissioners

From: Herzel H. E. Plaine
General Counsel

Subject: INDIAN POINT SPECIAL PROCEEDING -- SOLICITATION
OF COMMENT FROM THE PARTIES ON LICENSING BOARD
FINDINGS AND RECOMMENDATIONS

Purpose:

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Discussion:

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¹A brief description of the background of this proceeding may be helpful. The adjudication derives ultimately from a petition filed by the Union of Concerned Scientists in September, 1979, asking for the decommissioning of Indian Point Unit 1 and the shutdown of Units 2 and 3. On February 11, 1980, the Director, NRR, granted the petition in part and denied it in part. 11 NRC 351. The Commission neither affirmed nor set aside the Director's decision. Instead, it announced on May 30, 1980, that it would hold a discretionary adjudication, to be conducted by an Atomic Safety and Licensing Board. The Commission's order stated that the Board would make findings and recommendations only; the actual decision would be made by the Commission itself.

(Footnote Continued)

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PDR FOIA
GILINSK92-436 PDR

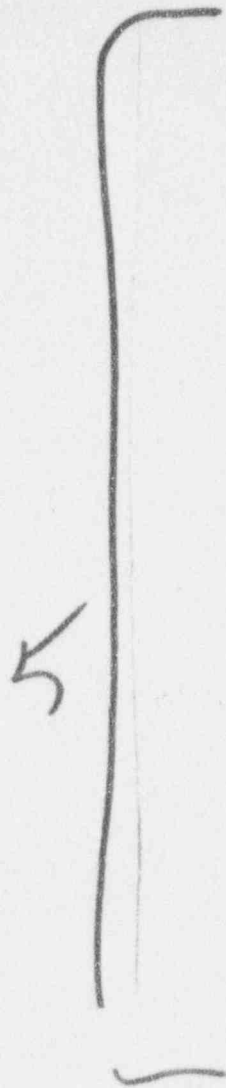
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(Footnote Continued)

The order further provided that before the adjudication began, an "informal proceeding" would be held to decide the questions to be addressed, and the criteria to be applied, in the adjudication. After receiving written comments, the Commission issued an order on January 8, 1981, giving its instructions to the Board. 13 NRC 1. The questions were later amended by order of September 18, 1981. 14 NRC 610.



Herzel H. E. Plaine
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General Counsel

Attachment: Draft order

At the request of the Office of the General Counsel, Commissioners' comments or consent should be provided directly to the Office of the Secretary ASAP.

Commission Staff Office comments, if any, should be submitted to the Commissioners ASAP, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper will be scheduled for affirmation at an Open Meeting as soon as it is ready. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

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