

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

1983 APR 14 10:07

OFFICE OF SECRETARY
DOCUMENTS & SERVICES
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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))

March 29, 1983

INTERVENORS' JOINT MOTION FOR PRODUCTION
OF DOCUMENTS GENERATED DURING THE MARCH
1983 PLANNING EXERCISE

To support the participation of intervenors' observers in the March 9, 1983 exercise, NYPIRG filed two discovery motions on February 22, 1983. The first motion, for Preservation and Production of Document Relevant to the Exercise of March 9, 1983, was resolved by stipulation among intervenors, the NRC Staff, FEMA and the New York State Radiological Preparedness Group. The second motion, to Permit Entry Upon Land in Control of the Licensees, was denied by the Board on March 3, 1983 on the basis of the Commission's Order of August 20, 1982, which denied the same motion relative to the 1982 exercise. (T.

Intervenors now move for an order requiring the NRC Staff, FEMA and the New York State Radiological Preparedness Group to produce documents described below, so that intervenors' presentation of testimony relating to the March 1983 exercise and cross-examination of the FEMA witnesses can be most productive. The documents sought are:

- (a) all reports and drafts of reports prepared in connection with the emergency planning exercise scheduled for March 9, 1983, together with any additional documents which relate directly to or help explain or provide background for the information contained in such reports, and;

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- (b) logs of phone calls made to reception centers, nursing homes, special facilities, or any other institution assigned a role in the emergency response plans, by the Argonne National Laboratories, or any other contractor engaged by FEMA to verify portions of the emergency response plans.

Efforts to negotiate with FEMA for the production of these documents have not been fruitful. FEMA has expressed its fear that such production of observer reports may result in a "chilling effect" on future drills and on the ability of FEMA to make objective observations in the future.

As the Board is aware, the denial of intervenors' motion to be present on-site during the March 1982 drill was justified, in part, by the Commission on the ground that:

UCS/NYPIRG had access to extensive documentation generated by the NRC and FEMA staffs during the exercise and had ample legal tools at their disposal to secure the information they wished, following the exercise.

Commission Order of August 20, 1982, at p. 3.

In the absence of the production of such documents, the 1983 denial of intervenors' motion to be present on-site during the 1983 exercise, will result in a denial of access to information such that intervenors will be unable to probe the conclusions reached by FEMA about the drill.

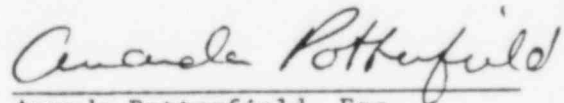
The "chilling effect" feared by the FEMA staff is undercut by the distribution of observer reports by other observers to the 1982 drill, such as the reports of Stone and Webster, distributed to the Westchester County Officials last year. See Packet 3 of Parents Exhibit 2, admitted into evidence during the hearing of March 25, 1983, at T. .

The 1983 observer reports presumably have been digested by FEMA and incorporated into the report due April 15, 1983. Production of those documents to the intervenors at this time should not reasonably inhibit any aspect of FEMA's critique.

WHEREFORE, Intervenors request the Board to order the production

of the documents described herein as soon as possible, so that intervenors may properly prepare their case regarding the 1983 exercise.

Dated: New York, New York
March 29, 1983


Amanda Potterfield, Esq.
New York Public Interest Research
Group, Inc.

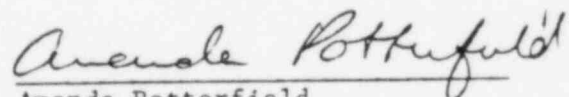
For Intervenors:
UCS
NYPIRG
Parents
WESPAC
WBCA
RCSE

9 Murray St., 3rd Floor
New York, New York 10007
212-349-6460

CERTIFICATE OF SERVICE

I hereby certify that the within Intervenors' Joint Motion was served on March 30, 1983 by hand delivery to those parties present at the hearing session, and served by first class mail, postage pre-paid on all others on the minimum service list for this proceeding.

Dated: New York, New York
March 30, 1983


Amanda Potterfield
New York Public Interest Research
Group, Inc.