

SERVED DEC 23 1982

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED

COMMISSIONERS:

'82 DEC 23 P2:56

Munzio J. Palladino, Chairman  
Victor Gilinsky  
John F. Ahearne  
Thomas M. Roberts  
James K. Asselstine

RECEIVED  
GENERAL SERVICES  
DIVISION

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  
50-286

ORDER GRANTING IN PART AND DENYING IN PART  
MOTION TO DIRECT STAFF TO RESCHEDULE MEETING

(CLI-82-41)

The Union of Concerned Scientists (UCS) on October 8, 1982 filed a "Motion to Direct Staff to Reschedule Meeting" (hereinafter "Motion") asking us to direct the staff to meet with its consultants either in New York or Washington and, in the future, to give notice of such meetings to intervenors at the same time as other parties.<sup>1/</sup> UCS asserted that on October 7 it received a notice dated September 15, 1982 for a staff meeting to be held on October 13 in Albuquerque, New Mexico with Sandia National Laboratories and the licensees for the Indian Point units, Power Authority of the State of New York (PASNY) and Consolidated Edison Company (Con Ed). The purpose of the meeting, according to UCS, was to

<sup>1/</sup> UCS filed a similar motion with the Licensing Board. This motion was denied on October 12.

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discuss Sandia's preliminary evaluation of the Indian Point probabilistic safety study. Motion at 1. UCS argued that its obligations as an intervenor required that it attend any such meeting, but that it could not afford the cost of traveling to New Mexico.

We do not believe that we should straitjacket the staff with rigid instructions as to where it should conduct its meetings with its consultants. Presumably a variety of factors will be involved in each such decision, including the number, location, and schedules of the key participants, as well as resource constraints. Further, these considerations, i.e., number and location of participants, etc., are reflected in 10 CFR § 2.102, which permits the staff to meet "with any one party . . ." to a proceeding, and apply, if anything, more strongly to staff's meetings with its own consultants. In the absence of a demonstration that meetings were deliberately being scheduled with a view to limiting the ability of intervenors' representatives to attend, the imposition of hard and fast rules would, in our view, needlessly impair the staff's ability to obtain necessary information.<sup>2/</sup> This is especially so where the staff has supplied intervenors with a summary of the October 13 meeting. See staff letter to Licensing Board, dated October 28, 1988. At the same time, we wish to emphasize that the staff

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<sup>2/</sup> It was not until late Friday afternoon, October 8, that we received UCS' request that we order the staff to postpone and relocate its October 13 meeting. Monday, October 11, was a federal holiday. Left with little or no time in which to obtain the information essential to any order to postpone the meeting, and without any demonstration by UCS that there was a deliberate attempt to exclude it from the meeting, we did not grant the UCS request.

should regard the intervenors' opportunity to attend as one of the factors to be taken into account in making its decisions on the location of such meetings. With regard to the notification of parties, on the other hand, we agree with UCS that fairness demands that all parties be informed of the scheduling of such meetings at the same time, and that part of UCS' motion is therefore granted.

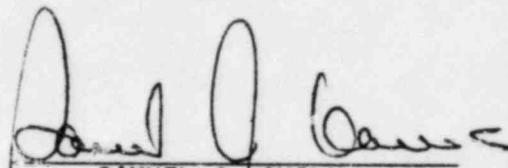
Commissioner Gilinsky dissents from this Order.

It is so ORDERED.



Dated at Washington, DC,  
this 23<sup>rd</sup> day of December 1982.

For the Commission \*

  
SAMUEL J. CHILK  
Secretary of the Commission

\* Commissioner Gilinsky was not present when this Order was approved, but had previously indicated his disapproval.