

LAW OFFICES OF
LEBOEUF, LAMB, LEIBY & MACRAE

1757 N STREET, N.W.
WASHINGTON, D.C. 20036

ARVIN E. UPTON
LEONARD M. TROSTEN
WILLIAM O. DOUB
EUGENE B. THOMAS, JR.
HARRY H. VOIGT
L. MANNING MUNTZING
LEX K. LARSON
HENRY V. NICKEL
JAMES P. McGRANERY, JR.
WASHINGTON PARTNERS

140 BROADWAY
NEW YORK, N.Y. 10005

WASHINGTON TELEPHONE
202-457-7500

CABLE ADDRESS
LALALU, WASHINGTON D.C.
TELEX: 440274

January 30, 1976

50-247

David S. Fleischaker, Esq.
Roisman, Kessler and Cashdan
1712 N Street, N.W.
Washington, D. C. 20036

Re: Indian Point Seismic
Proceeding

Dear David:

In accordance with the Appeal Board's Order of January 14, 1976, I enclose "Con Edison's Request for Production of Documents and Written Interrogatories to Citizens' Committee for Protection of the Environment".

Sincerely yours,

Patrick K. O'Hare

Patrick K. O'Hare

Enclosure

cc w/enc: Michael C. Farrar, Esq.
Dr. John H. Buck
Atomic Safety and Licensing
Appeal Panel
Dr. Lawrence R. Quarles
Frederic S. Gray, Esq.
Hon. George V. Begany
Hendrick Hudson Free Library
Carmine J. Clemente, Esq.
Secretaty, U.S.N.R.C.
Dr. Lynn Sykes

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)	
)	
CONSOLIDATED EDISON COMPANY)	Docket Nos. 50-3
OF NEW YORK, INC. and)	50-247
POWER AUTHORITY OF THE STATE)	50-286
OF NEW YORK)	
(Indian Point Station,)	(Show Cause - Seismic)
Units 1, 2 and 3))	

CON EDISON'S REQUEST FOR PRODUCTION OF
DOCUMENTS AND WRITTEN INTERROGATORIES
TO CITIZENS' COMMITTEE FOR PROTECTION
OF THE ENVIRONMENT

I.

Pursuant to the Appeal Board's Order of January 14, 1976, and § 2.741 of the Commission's Rules of Practice, Consolidated Edison Company of New York, Inc. ("Licensee") requests that Citizens' Committee for Protection of the Environment ("CCPE") produce for inspection and copying at 1757 N Street, N.W., Washington, D.C. 20036, on February 20, 1976 at 10:00 a.m., the following:

1. Each document, article, publication, manuscript, record or report mentioned, or relied upon or referred to in preparing, CCPE's answer 10 to Licensee's interrogatories served November 17, 1975, Nos. 16 through 19, including, but not limited to the following subparts of that answer:

- (a) "evidence of high regional compressive stresses at Wappingers Falls, New York."
- (b) the work referred to as "Pomeroy and others, in press, 1976."
- (c) those "documents relevant to Indian Point [which] state that the condition of the bedrock at the site indicates that stress has been relieved."
- (d) the "Wappingers Falls results."
- (e) "problems of failures in tunnels in the New York City area and in the Hudson Highlands in constructing various water aqueduct systems."

2. Each document, article, publication, manuscript, record or report mentioned, or relied upon or referred to in preparing, CCPE's answers 11, 12 to Licensee's interrogatories served November 17, 1975, Nos. 20-21, including, but not limited to the following subpart of that answer: "Standard seismograph records for Palisades, New York [and] [r]ecords from other seismograph stations in the eastern United States"

Should CCPE object to the production of these documents, Licensee hereby requests that this Appeal Board issue a subpoena duces tecum to Dr. Lynn Sykes, the person identified

in CCPE's answers 5 and 6 to Licensee's interrogatories served November 17, 1975, Nos. 10 and 11, to compel production of said documents. Concurrent with this request for such a subpoena, and conditioned upon a possible like failure of CCPE to produce those documents requested above, Licensee hereby notices the deposition of Dr. Sykes, identified above, to be held before an officer authorized to conduct depositions, as follows:

Time: 10 a.m. on February 20, 1976

Place: 1757 N Street, N.W., Washington, D.C. 20036

Subject: Those contentions of CCPE identified in CCPE's answers 9-12 to Licensee's interrogatories served November 17, 1975, Nos. 14-21.

Licensee requests that this Appeal Board issue the requested subpoena duces tecum for the purpose of allowing Licensee to examine those documents described in the requests for production, supra. Those documents are critical to Licensee's preparation of its case on issue three as phrased in the Appeal Board's Prehearing Conference Order of October 17, 1975 as explained herein.

The definition of a capable fault, 10 C.F.R. Part 100, App. A, ¶ III(g)(1) includes both "recent" and "recurring" movement. CCPE contends (answer 10 to Licensee's November 17, 1975 interrogatories 16-19) that it

possesses evidence supporting such movement. Licensee has the right to examine such evidence and requests that this Board subpoena its production.

The issue of the capability of the Ramapo Fault also encompasses the question of macro-seismicity. 10 C.F.R. Part 100, App. A, ¶ III(g) (2) (1975). CCPE is not specific, however, as to the precise location of the 1951 Rockland County, New York earthquake, an event which it contends is evidence of such activity. CCPE states that it is examining certain seismograph records (CCPE answer 12(d) to Licensee's interrogatories served November 17, 1975, Nos. 21(b), (d)) in an attempt to further define such location. These records are relevant, and Licensee requests that the Board subpoena their production.

II.

In addition to the above request for production of documents and conditional request for a subpoena duces tecum and conditional notice of deposition, Licensee also requests CCPE answer, under oath or affirmation, in accordance with 10 C.F.R. § 2.740b (1975), the following interrogatories:

1. With respect to CCPE's contention that the Ramapo Fault has exhibited recent movement at or near ground surface at least once within the past 35,000 years

(CCPE's answer 10 to Licensee's interrogatories served November 17, 1975, Nos. 16-19), state the substance of the facts and opinions to which Dr. Lynn Sykes (or any other CCPE witness) is expected to testify and provide a summary of the grounds for each opinion.

2. With respect to CCPE's contention that the Ramapo Fault has exhibited movement of a recurring nature within the past 500,000 years (CCPE's answer 10 to Licensee's interrogatories served November 17, 1975, Nos. 16-19), state the substance of the facts and opinions to which Dr. Lynn Sykes (or any other CCPE witness), is expected to testify and provide a summary of the grounds for each opinion.

3. With respect to CCPE's contention that the Ramapo Fault has exhibited macro-seismicity instrumentally determined with records of sufficient precision to demonstrate a direct relationship with the fault (CCPE's answers 11, 12 to Licensee's interrogatories served November 17, 1975, Nos. 20, 21), state the substance of the facts and opinions to which Dr. Lynn Sykes (or any other CCPE witness) is expected to testify and provide a summary of the grounds for each opinion.

4. Identify the reference to "Davis and others, 1974" contained in CCPE's answer 12(e) to Licensee's

interrogatory served November 17, 1975, No. 21.

5. With respect to CCPE's answer 12(d) to Licensee's interrogatory served November 17, 1975, No. 21, state the "more refined location" obtained for the 1951 Rockland County, New York earthquake.

6. Has a fault plane solution been attempted for such earthquake?

7. If so, state the results of such attempt.

8. State your contention concerning the exact location of the Ramapo Fault and Ramapo Fault complex over its entire length.

9. Provide the basis for the answer given in response to interrogatory 12.

Respectfully submitted,

Le Boeuf, Lamb, Leiby & MacRae

LeBOEUF, LAMB, LEIBY & MacRAE
1757 N Street, N.W.
Washington, D.C. 20036
(202) 457-7500

Attorneys for Consolidated Edison
Company of New York, Inc.

January 30, 1976

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
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CONSOLIDATED EDISON COMPANY) Docket Nos. 50-3
OF NEW YORK, INC. and) 50-247
POWER AUTHORITY OF THE) 50-286
STATE OF NEW YORK) (Show Cause - Seismic)
(Indian Point Station,)
, Units 1, 2 and 3))

CERTIFICATE OF SERVICE

I hereby certify that I have this 30th day of
January, 1976 served the foregoing document entitled
"Con Edison's Request for Production of Documents and
Written Interrogatories to Citizens' Committee for Protection
of the Environment" by mailing copies thereof, first-class
postage prepaid and properly addressed, to the persons
listed below:

Michael C. Farrar, Esq.
Chairman, Atomic Safety and
Licensing Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Dr. John H. Buck
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Atomic Safety and Licensing
Appeal Panel
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Dr. Lawrence R. Quarles
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Frederic S. Gray, Esq.
Acting Assistant Chief
Hearing Counsel
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Hon. George V. Begany
Mayor, Village of Buchanan
Buchanan, New York 10511

Hendrick Hudson Free
Library
31 Albany Post Road
Montrose, New York 10548

Carmine J. Clemente, Esq.
New York State Atomic
Energy Council
99 Washington Avenue
Albany, New York 12210

Secretary
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555
Attention: Chief, Docketing
and Service Section (21)

Dr. Lynn Sykes
Lamont-Doherty Geological
Observatory
Palisades, New York 10964


Patrick K. O'Hare

LeBOEUF, LAMB, LEIBY & MacRAE
Attorneys for Consolidated Edison
Company of New York, Inc.