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March 5, 1979

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Re: Case 80006 and Docket 50-549 -- PASNY --
Greene County

Gentlemen:

This letter expresses our objection to certain interrogatories served on staff of the Department of Public Service by the Power Authority and by Greene County et al. Specifically, we object to PASNY interrogatory 36 (dated February 23, 1979 and received February 27, 1979) and to Greene County interrogatories 32, 34, 55 and 57 (dated February 23, 1979 and received February 26, 1979).

Greene County interrogatories 15 and 54 refer to George Washington, John Dyson, Santa Claus and the Easter Bunny, among others. For rather obvious reasons, we are ignoring these "interrogatories."

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Our objections, which are set out below, are being made within five days of our receipt of the interrogatories, as required by the scheduling ruling of January 5, 1979.

PASNY Interrogatory 36 (to DPS Terrestrial witness Jackson)

36. Identify what analyses, studies, investigations, field inspections, reconnaissance level investigations, field trips or reviews have been made by DPS Staff, DEC Staff or any other person of the terrestrial ecology at each of the eleven sites identified in FES Section 9.2.6 as preferable or superior to the Cementon site. Provide copies of each writing memorializing any such effort.

We object on the grounds the interrogatory is beyond the scope of Mr. Jackson's testimony. With the exception of Athens, which is discussed in detail, Mr. Jackson has not mentioned in his testimony any of the eleven sites identified in the FES as preferable or superior to Cementon. If PASNY believes NRC staff has raised an issue regarding the eleven sites, PASNY's interrogatories should be addressed to the NRC staff, not to a DPS witness. Furthermore, the interrogatory is overly broad in that it asks a DPS witness to identify analyses, studies, etc. made by "DEC staff or any other person..."

Greene County Interrogatories 32 and 34 (to DPS engineering economics witnesses Gordon and Lutzy)

32. Please refer to p. 34 of the Gordon-Lutzy testimony, lines 10-13. Even if this contention were true, it is not improper to take this factor into account under Article VIII, since PASNY had no legal authorization to invest moneys in the project up to now? If added interest on construction is taken into account, then hasn't the Article VIII evaluation been biased by PASNY's investments in advance of certification when Article VIII assumes those investments to be made only after certification has been decided? Please explain your answer in full.

34. Please refer to p. 40 of the Gordon-Lutzy testimony, lines 8-12. Isn't the thrust of these remarks as follows: PASNY has applied for an inferior site, but despite Article VIII, the Siting Board must take into account the costs that PASNY has incurred and will impose on customers due to its bad decision? How can such an approach be squared with Article VIII? Please provide a full explanation.

These interrogatories do not attempt to discover the bases of the witnesses' conclusions nor do they ask for information which could reasonably lead to relevant information. Instead, these interrogatories are argumentative and call for legal judgments or conclusions.

Greene County Interrogatory 55 (to DPS nuclear
fuel cost witness Becker)

55. Would Dr. Becker please explain the problems of waste storage and disposal that have arisen at West Valley; evaluate how those problems were created; and identify the total costs that are likely to be incurred to solve those problems.

The "total costs that are likely to be incurred to solve [West Valley's] problems" are site specific to West Valley and are not relevant to Dr. Becker's testimony on nuclear fuel costs for PASNY's proposed plant.

Greene County Interrogatory 57 (to DPS nuclear
fuel cost witness Becker)

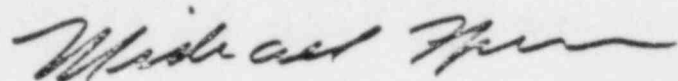
57. Referring to p. 64 of the Becker testimony, lines 7-9, if the risks are realized and diversion to unauthorized or terrorists forces occurs, who will care particularly about the advantages for long-term energy supply? If possible, provide a cost-benefit analysis of this situation.

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This interrogatory does not seek relevant information. Instead, it is argumentative.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael Flynn".

MICHAEL FLYNN
Staff Counsel

cc: All Parties