

UNITED STATES OF AMERICA DOCKETED
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD
82 DEC -6 11:42

Administrative Judges:

James Gleason, Chairman
Dr. Oscar H. Paris
Frederick J. Shon

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of

CONSOLIDATED EDISON COMPANY OF NEW YORK
(Indian Point, Unit 2)

Docket Nos. 50-247-SP
50-236-SP

POWER AUTHORITY OF THE STATE OF NEW YORK
(Indian Point, Unit 3)

December 4, 1982

WEST BRANCH CONSERVATION ASSOCIATION'S REPLY TO MOTION OF THE
LICENSEES OF DECEMBER 1 TO DISMISS CERTAIN CONTENTIONS

We received Licensees' motion on December 2 as well as a telephone call from Ruthanne Miller, Esq. in which she suggested there would be a conference call at 1:30 PM on Dec. 3. Both the President and Vice-President of WBCA had another matter to attend on that date and time but we could be available from 9-11 AM. However, the time of the call was not changed but we did hear from Miss Miller that we should reply to the motion. We are unhappy about having to do so on a Saturday.

Regarding New Contention 2.2(b) which the Board's Order of October 1 redefined. That Order did not state how the contention would be handled. In early 1982 we had suggested that embrittlement was a safety related problem. We did not offer to address it as it is now written nor did we know until after

for West Branch Conservation Association
443 Buena Vista Road
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Zipporah S. Fleisher
by Zipporah S. Fleisher
Secretary

the November conferences of the 3rd and 4th, that we would not be able to have all the materials available to us. We cannot offer to pay for the printed materials because we don't know how much they would total and there is no time for such correspondence under the present calendar. We have no option for interrogatory on a new subject, 2.2.1 as well as 2.2(b). If the object is to drive away the public intervenors intentionally or not, that is the resultant effect. Therefore, since the Board rewrote contention 2.2(b) we expect it to assume the burden and transfer the requirements to the Staff and licensees just as it has done with other new questions, see #7 on page 41 of Order of October 1, 1982. Since the Board gave good reasons for redrawing the question, *ibid* p. 21, we strongly urge the Board to clarify the responsibility.

WBCA intends to address, under question 2, contention 2.2(a), the only remaining contention of the four we were originally granted. We would like to address 2.2.1 and 2.2(b) if we can be given any information as we cannot go forward with the new question 2.2.1 when the materials are so difficult to obtain, as described in ours of November 24. The studies that are available to the NRC and licensees are not available to the public parties.

We urge the Board to deny the motion of December 1 for the reasons stated above.

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION
 ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judge #6-6 A11:42

James Gleason, Chairman
 Frederick J. Shon
 Dr. Oscar H. Paris

In the Matter of

CONSOLIDATED EDISON COMPANY OF
 NEW YORK, INC. (Indian Point,
 Unit No. 2)

POWER AUTHORITY OF THE STATE OF
 NEW YORK, (Indian Point,
 Unit No. 3)

Docket Nos. 50-247-SP
 50-286-SP

December 4, 1982

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT I HAVE MAILED BY FIRST CLASS, A COPY OF
 WEST BRANCH CONSERVATION ASSOCIATION'S REPLY TO LICENSEES' MOTION
 OF DECEMBER 1 AND A MOTION TO COMPEL DISCOVERY TO THOSE MARKED WITH
 AN ASTERISK IN LIST BELOW

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