

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
James P. Gleason, Chairman
Frederick J. Shon
Dr. Oscar H. Paris

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SECRETARY
INFORMATION & SERVICE
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In the Matter of)	
)	
CONSOLIDATED EDISON COMPANY OF)	Docket Nos.
NEW YORK, INC.)	50-247 SP
(Indian Point, Unit No. 2))	50-286 SP
)	
POWER AUTHORITY OF THE STATE OF)	
NEW YORK)	March 14, 1983
(Indian Point, Unit No. 3))	

GNYCE REPLY TO LICENSEES' MOTION TO COMPEL
FURTHER INTERROGATORY RESPONSES FROM GNYCE

GNYCE requests the Board to deny the licensees' motion to compel further responses from GNYCE to their interrogatories on the grounds that the motion is both inappropriate and unnecessary.

I. The Licensees' Motion is Inappropriate

Unlike the NRC staff's interrogatories which were brief, to-the-point, and thus answered by GNYCE to the staff's satisfaction, the licensees issued interrogatories of great number, length, and detail. Many of them were superfluous, unclear, and unnecessarily burdensome. However, GNYCE made a strong, good-faith effort to answer the 102 interrogatories and did so to the full extent of its knowledge and information.

In a letter dated December 3, 1982 from PASNY counsel, Charles Pratt, the licensees expressed their dissatisfaction with about two-thirds of GNYCE's responses. GNYCE agreed in a letter dated December 13, 1982 to Mr. Pratt (attached as Appendix A) that in-

formal resolution of interrogatory problems was most efficient, and advised Mr. Pratt that further responses would be provided as soon as possible, i.e. early in January, 1983. GNYCE filed a second response to the licensees' interrogatories and specific complaints regarding previous responses on January 7, 1983. In this response, GNYCE provided supplementary responses to twelve of the interrogatories, listed eleven interrogatories for which further information would be provided when it became available, and listed 43 other interrogatory responses which GNYCE believed satisfactory as originally supplied. Again, GNYCE had made a good-faith effort to resolve the licensees' complaints and believed the informal process to be cooperative and ongoing. Apparently, and without notice, the licensees now wish to curtail this process by filing the present motion. This motion is inappropriate because of GNYCE's ongoing efforts to satisfy the licensees.

II. The Licensees' Motion is Unnecessary

Many of the licensees' interrogatories could not be answered by GNYCE simply due to our not having the the information requested. Where this was the case, GNYCE indicated that when the information became available to GNYCE it would be provided to the licensees. Much of the problem stemmed from the fact that the economic study which will be presented by GNYCE in this proceeding has been prepared by a consulting firm, Energy Systems Research Group, Inc. of Boston, Massachusetts, and GNYCE had difficulty acquiring data relating to the bases for the ESRG study which the licensees desired.

As of last week, ESRG indicated to GNYCE that it has finalized its study, and that this data will be immediately forthcoming. In order to save time, GNYCE has proposed to Mr. Pratt by telephone on March 11, 1983, to supply the licensees with copies of the ESRG study and its supporting data immediately upon our receipt of it, i.e. by March 18. This should thoroughly satisfy all questions of the licensees since that material comprises the entirety of GNYCE's testimony. Thus, the present motion is unnecessary, and its being granted would accomplish no further valid objective. The motion's granting would however enable the licensees to continue this line of legalistic, non-substantive, time-consuming, and harrassing argumentation. The only goal of this motion, interrupting as it does a constructive, ongoing process, is to prepare for a bogus argument by which to move to strike our state-of-the-art testimony which is essential to a valid and complete record on Commission Question 6. In reality, actions taken by GNYCE will insure that the licensees receive in a timely fashion, all of the information they are entitled to with regard

to GNYCE's testimony.

For the above reasons, GNYCE requests that the Board deny the licensees' motion to compel further responses from GNYCE.

Additionally, GNYCE rejects the licensees' notion that GNYCE is or should in any way be consolidated with UCS/NYPIRG. UCS/NYPIRG has decided to take an active role as it believes is its prerogative, and it will provide entirely independent testimony.

With regard to witnesses, it was established last week that GNYCE will provide one witness, Dr. Richard Rosen of ESRG. The NRC staff is aware of this. The licensees would be aware of this if their representative, Tom Farrelly had called me last week as he had stated that he would.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'D. Corren', with a long horizontal flourish extending to the right.

Dean R. Corren
Director, Greater New York Council on Energy

Dated: March 14, 1983

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NUCLEAR REGULATORY COMMISSION

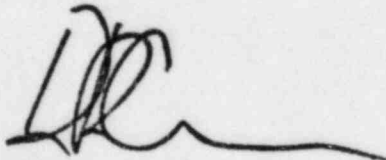
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CERTIFICATE OF SERVICE

I hereby certify that copies of "GNYCE Reply to Licensees' Motion to Compel Further Interrogatory Responses From GNYCE" in the above-captioned proceeding have been served on the official service list by deposit in the United States mail, first class, this 14th day of March, 1983.



Dean R. Corren
Director, GNYCE

GREATER NEW YORK COUNCIL ON ENERGY

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c/o Dean R. Corren NYU Dept. of Applied Science
26 Stuyvesant St., New York, N.Y. 10003

December 13, 1982

Mr. Charles M. Pratt
Assistant General Counsel
Power Authority of the State of New York
10 Columbus Circle
New York, N.Y. 10019

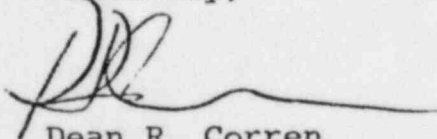
Dear Mr. Pratt,

I have reviewed your letter of December 3, in which you express dissatisfaction with a number of our responses to your interrogatories in our July 14 submission. I fully agree that it is most sensible to resolve such problems informally, and this letter is to express our intent to attempt to comply with your wishes.

Because of the great number of responses to which you take exception, it will require a time period greater than you request for us to complete our review and modify the responses. (You cite dissatisfaction with exactly two-thirds of the 102 responses.) We expect to be able to supply you with answers to your issues shortly after the start of the new year.

I hope this is satisfactory to you.

Sincerely,



Dean R. Corren
Director

APPENDIX A

