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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

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

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In the Matter of           :
                           :
                           :
CONSOLIDATED EDISON COMPANY :   Docket Nos. 50-247
  OF NEW YORK, INC. (Indian :   50-286
  Point, Unit No. 2)       :
                           :
                           :
POWER AUTHORITY OF THE STATE :
  OF NEW YORK (Indian Point, :   March 14, 1983
  Unit No. 3)              :
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LICENSEES' MOTION TO COMPEL FURTHER RESPONSES FROM
WBCA AND PARENTS TO FIRST SET OF INTERROGATORIES
and DOCUMENT REQUESTS UNDER COMMISSION QUESTION 6

Pursuant to 10 C.F.R. § 2.740(r) (1982), Consolidated Edison Company of New York, Inc. and Power Authority of the State of New York, licensees, hereby move to compel the West Branch Conservation Association (WBCA) and Parents Concerned About Indian Point (Parents) to respond further to licensees' First Set of Interrogatories and Document requests Under Commission Question 6 (Attached as Appendix A).

ATTORNEYS FILING THIS DOCUMENT:

Brent L. Brandenburg
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(212) 460-4600

Charles M. Pratt
POWER AUTHORITY OF THE
STATE OF NEW YORK
10 Columbus Circle
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GROUND'S FOR LICENSEES' MOTION

I. WBCA Responses

At least two WBCA responses require further answers as the responses given are incomplete or evasive. While WBCA responded to Licensees' June 9, 1982 interrogatories on June 17, 1982, eight of the interrogatories were inadequately answered.¹ Licensees have attempted to obtain supplemental responses from WBCA.²

Another set of responses was received on December 24, 1982.³ However, Interrogatory Numbers 5 and 8 require supplemental responses. Number 5 asks whether Rockland County or its customers will derive any economic benefit at the expense of electricity consumers elsewhere in the state. WBCA's first response was evasive and incomplete, stating in full: "This was not our assertion. We don't believe that ORU has a license to print money." See Appendix B at 2.

The Commission's regulations expressly provide that "an evasive or incomplete answer or response shall be treated as a failure to answer." 10 CFR § 2.740(r). The Commission has stated that evasive or incomplete responses "amount to no more

¹ See Reply from West Branch Conservation Association to Licensees' First Set of Interrogatories Question 6 (June 17, 1982) (Attached as Appendix B).

² See letter from Charles M. Pratt to Zipporan Fleischer dated December 10, 1982. (Appendix C). Telephone conversation with Walter Fleischer, December 11, 1982. (Interrogatories Numbers 2, 5, 6, 8, 9 and 121 were discussed.)

³ Letter from Walter L. Fleischer to Charles M. Pratt, December 24, 1982 (Attached as Appendix D).

than blatant refusals to answer." In re Pennsylvania Power & Light Co. (Susquenanna Steam Electric Station, Unit 1 and 2), 11 N.R.C. 559, 564 (1980); accord in re Houston Lighting & Power Co., 9 N.R.C. at 195 ("an evasive or incomplete answer shall be treated as a failure to answer or respond"); see In re Wisconsin Electric Power Co., 15 N.R.C. at 344 ("Language attempting to limit [a] response to ... interrogatories to anything less than a full, good faith response ... does not in any way reduce [the] responsibility to comply with" an order to respond to interrogatories).

Since WBCA claims that Rockland County will benefit from a shutdown of Indian Point, licensees seek to identify if other customers will have to pay, indirectly or directly, for the benefit to Rockland County. An answer is necessary to full and fair examination of WBCA's contention under Commission Question 6.1.⁴

Licensing Boards have not hesitated to apply these standards. Intervenors' actions herein fully warrant, "on the basis of rules, precedents, and practice, [their] dismissal." Pennsylvania Power & Light Co., 11 NRC at 565; see Public Service Electric & Gas Co. (Atlantic Nuclear Generating Station, Units 1 and 2), LBP-75-62, 2 NRC 702, 706 (1975)

⁴ Contention 6.1:

An economic consequence of the shutdown of Indian Point Units 2 and 3 would be an economic benefit accruing to Rockland County through the sale of replacement power.

(holding that 10 CFR § 2.707⁵ "...empowers the Board to dismiss a recalcitrant party for refusing to comply with a direct order of the Board"); accord, Northern States Power Co. (Tyrone Energy Park, Unit 1), LBP-77-37, 5 NRC 1298, 1301 (1977); Offshore Power Systems, LBP-75-67, 2 NRC 813, 817 (1975). However, at this juncture of the proceeding, licensees, although reserving their right to do so at some later date, do not call for dismissal of the intervenors but instead recommend that the Board compel WBCA to respond fully to licensees' interrogatories within five (5) days of the issuance of such an order.

Interrogatory Number 8 asks WBCA to state the grounds for its assertion that Indian Point 2 has a 30% operating level.

WBCA's response is inadequate in four respects. First, WBCA either failed to read or ignored definition section I which defined the terms "grounds" and "basis".⁶ The definition requires that WBCA "describe in detail the reasoning and facts

⁵ 10 CFR § 2.707 provides in relevant part:
On failure of a party...to comply with any prehearing order entered pursuant to §2.715a or § 2.752, or to comply with any discovery order entered by the presiding officer pursuant to § 2.740, the Commission or the presiding officer may make such orders in regard to the failure as are just, including among others, the following:

- (a) Proceed without further notice, find the facts as to the matters regarding which the order was made in accordance with the claim of the party obtaining the order, and enter such order as may be appropriate, or
- (b) Proceed without further notice to take proof on the issues specified.

(footnote deleted; emphasis added)

⁶ See Appendix A at 4-5

and to provide all data and calculations", which it claims support the allegation or contention.⁷ WBCA's response, that the answer may be found in the 1982 NYPP Report is insufficient, because it fails to provide the calculations necessary to prove the asserted fact.

Secondly, the WBCA response to a request for specific information, simply made general reference to a large document in which the information allegedly could be found. The report referenced by WBCA contains two volumes which total four hundred and ten (410) pages. Such general answers are insufficient responses to specific interrogatories. Answers should be complete in themselves. The interrogating party should not need to sift through documents or other material to obtain a complete answer.

Third, WBCA promised to supply the calculations for each generating unit at a later date.⁸ As of this date, WBCA has not kept its promise.

Finally, each party is under a continuing duty to supplement its responses not only to responses which were accurate when made, but also to supply current information for responses which were insufficient when stated previously. Board Order, June 3, 1982.

For the above stated reasons, WBCA should be compelled to supplement its responses to licensee interrogatories.

⁷ Id.

⁸ See note 3, supra (Telephone conversation between Charles M. Pratt and Walter Fleischer, December 11, 1982).

II. Parents Responses

Parents failed to render any response to licensees' June 9 interrogatories. A second attempt to obtain answers to the interrogatories submitted to Parents was made on December 10, 1982.⁹ Parents submitted its responses to the second request on December 22, 1982.¹⁰ However, licensees find responses to Interrogatory Numbers 13, 21 and 121 to be insufficient.

Interrogatory 13 requires Parents to state the grounds for the statement that the workers in the plant are exposed to unacceptable levels of radiation. Parents not only failed to follow licensees' instructions and definitions, but also failed to provide a specific reference to requests for specific information. Parents' answer in full, is: "Newspaper accounts of actions and statements by Indian Point workers and NRC enforcement actions." Appendix E at 1.

The definition of the words "state the grounds" requires that Parents "identify all relevant documents".¹¹ Parents failed to provide the dates of the newspaper accounts, the names of the newspapers and the byline of the reporter for the articles upon which their statement is based. Parents also failed to provide the dates or any other specifics for NRC enforcement actions. This specific information must be

⁹ See letter from Charles M. Pratt to Pat Posner, Spokesperson (December 10, 1982) (Attached as Appendix E).

¹⁰ Parents Concerned About Indian Point Response to Licensees' First Set of Interrogatories and Document Request Under Commission Question 6 (December 22, 1982) (Attached as Appendix E).

¹¹ See Appendix A at 5.

provided as the lack of specific facts improperly frustrates licensees' legitimate efforts to prepare for cross-examination on Contention 6.2.12.

Interrogatory Number 21 asks Parents to identify the differences in health effects from the years of the construction permit or reviews [to the present]. Parents responded by saying that the interrogatory should be addressed to the New York State Department of Health and the Departments of Health in each of the counties surrounding the Indian Point units. This response is evasive and incomplete, because the information requested goes to the heart of Parents' contentions under 6.2. If Parents has no facts which indicate that deleterious health effects have been experienced since the construction of the plant, then its contention must be dismissed.

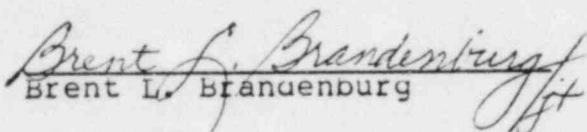
In addition, by its own statements, Parents claimed that they would inform licensees of any studies which have been done on the subject of the health effects of living near a nuclear plant, and the Indian Point site in particular. See Appendix E at 4. Because Parents contend that certain health effects are suffered from living near a nuclear plant, it must use its resources to either perform its own studies or contact those

12 Contention 6.2:

A benefit would accrue from the shutdown of Indian Point Units 2 and 3 because the environment of children in the vicinity would be improved by a decrease in the release of radioactive material.

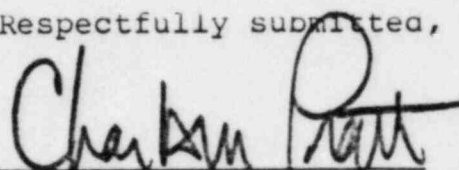
(the New York State Department of Health) who have performed such studies. It is Parents' duty, not that of the licensees, to supply the facts which support its assertions.

Interrogatory 121 requests Parents to submit detailed information regarding each of its witnesses on Question 6.2. Parents stated that its response would be served at a later date. Because licensees need this information to fully and properly prepare for the hearing on Question 6 and because each party is under a continuing duty to supplement its answers, Parents must be compelled to serve its answer to Interrogatory 121 immediately.


Brent L. Brandenburg

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Respectfully submitted,


Charles M. Pratt

Stephen L. Baum
General Counsel
Charles M. Pratt
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APPENDIX "A"

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges:
Louis J. Carter, Chairman
Frederick J. Shon
Dr. Oscar H. Paris

-----X
In the Matter of :
CONSOLIDATED EDISON COMPANY OF NEW YORK, : Docket Nos.
INC. (Indian Point, Unit No. 2) : 50-247 SP
POWER AUTHORITY OF THE STATE OF NEW YORK : 50-286 SP
(Indian Point, Unit No. 3) : June 9, 1982
-----X

LICENSEES' FIRST SET OF INTERROGATORIES AND
DOCUMENT REQUEST UNDER COMMISSION QUESTION 6

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PRELIMINARY STATEMENT

Pursuant to 10 CFR Part 2 and the Memorandum and Order (Formulating Contentions, Assigning Intervenors, and Setting Schedule) herein, dated April 23, 1982 (the "April 23, 1982 Order"), Consolidated Edison Company of New York, Inc. ("Con Edison"), licensee of Indian Point Station, Unit No. 2, and Power Authority of the State of New York ("Power Authority"), licensee of Indian point 3 Nuclear Power Plant (collectively the "licensees"), request that each of the intervenors specified below answer separately, fully, seriatim and on or before June 23, 1982, or, if this document has not been served upon you by personal delivery, on or before June 30, 1982,* under oath and otherwise in accordance with 10 CFR Part 2 and the April 23, 1982 Order, each of the following interrogatories.**

These interrogatories are directed to each of the following intervenors: Greater New York Council on Energy ("GNYCE"), West Branch Conservation Association ("WBCA"), and Parents Concerned About Indian Point ("Parents").

* Pursuant to 10 CFR §2.710 (as amended, 46 Fed. Reg. 58279 (Dec. 1, 1981)), parties served by Express Mail must answer interrogatories on or before

** Pursuant to footnote 3 to the April 23, 1982 Order, the Board has held the litigation of certain psychological fear and stress issues in abeyance pending the issuance of an opinion by the Court of Appeals for the District of Columbia in PANE v. NRC and further administrative guidance. Accordingly, the licensees reserve the right to serve further interrogatories on that subject upon such resolution.

In its responses to these interrogatories, intervenor shall set forth the interrogatory as posed by the licensee, then set forth its response to the interrogatory.

With respect to each interrogatory, if a particular lead or contributing intervenor does not make a particular allegation, claim, or contention, and has not been assigned lead or contributing intervenor status with respect to such allegation, claim or contention by the orders of the Board herein, said intervenor should so state.

DEFINITIONS

A. "or" shall mean and/or.

B. "Document" shall mean any kind of written or graphic matter, however produced or reproduced, of any kind of description, whether sent or received or neither, including originals, copies and drafts and both sides thereof, and including, but not limited to: papers, books, correspondence, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings (including, but not limited to, meetings of boards of directors or committees thereof), affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, financial statements, computer printouts, data processing input and output,

assumptions, microfilms, all other records kept by electronic, photographic or mechanical means, and things similar to any of the foregoing however denominated by intervenors.

C. "Identify" or "state the identity," when referring to a document shall mean to state:

1. The generic nature of the document (e.g., letter, memorandum, telegram, etc.);
2. The date on which the document and each copy thereof was prepared;
3. The name of each author, addressor and addressee of the document;
4. The name of each past or present custodian of each copy of the document; and
5. A brief description of the contents of the document. (In lieu of such a description, you may append to your answer a true and complete copy of the document.)

D. "Identify," when referring to an oral communication, shall mean:

1. To state the date of such communications;
2. To identify each person participating therein and each person who was present;
3. To state what was said by each participant in the course of such communication, or, if not known as recalled, the substance;
4. To state whether there are any documents which set forth, summarize or refer to any portion of such oral communication; and
5. If such documents exist, to identify each such document and each person having custody of the document.

E. "Identify" or "state the identity", when referring to a person, shall mean to state:

1. The person's full name;
2. The name of his employer;
3. His position with such employer;
4. His business address and telephone number; and
5. His present or last known home address and telephone number.

Once a person has been identified in response to any interrogatory and provided no requested information concerning such person is different from that provided for in the earlier identification it shall be sufficient thereafter to identify such person by name only.

F. "Guidelines of the Nuclear Regulatory Commission" shall mean all rules and regulations codified in the Code of Federal Regulations, all NUREG's and regulatory guides issued by the Commission, and all conditions or provisions of both licensees' operating licenses.

G. The word "person" as used herein, shall refer both to individuals and to any other legal entity.

H. "You" or "your" means the intervenors to whom these interrogatories are directed and agents, servants, employees, officers, directors and attorneys of any of them and all other persons acting or purporting to act on behalf of any of them.

I. To "state the grounds" or to "identify the grounds" for an allegation, claim, or contention means to describe in detail the reasoning and facts and to provide all data and calculations, which you claim support the allegation, claim,

or contention, and to identify all relevant documents, and communications, and individual informants and to state the precise nature and source of your knowledge, information and belief that there is good ground to support such allegation, claim, or contention, and to specify any assumption on which the allegation, claim or contention is based. In the case of any assumption on which an allegation, claim, or contention is based, state the probability that such assumption will in fact occur, and the method of calculation of such probability. If any part of the grounds for an allegation, claim, or contention is a guideline of the NRC, cite said guideline with specificity. If a particular lead or contributing intervenor does not make a particular allegation, claim, or contention, said intervenor should so state.

INSTRUCTIONS

A. References to the singular shall be deemed to include the plural, and references to the plural shall be deemed to include the singular. The use of the past tense in a verb shall be deemed to include the present, and the use of the present tense shall be deemed to include the past. The use of any word in the masculine or feminine gender shall be deemed to include the other gender and the neuter, and, when the sense so indicates, words of neuter gender shall be deemed to refer to any gender.

B. All interrogatories requesting identification of documents shall be deemed to refer to documents in the

possession of any intervenor that were sent, received, written or otherwise generated during the relevant period (unless otherwise specified), and any other documents referred to or relied upon in connection with the preparation of the contentions or your answers to these interrogatories, regardless of whether they are in your possession or control.

C. Should you claim a privilege (including, without limitation, the attorney-client or work product privilege) with respect to any part of any discussion, document or other communication concerning which information is requested by any of the following interrogatories, you should answer the interrogatories in the manner above indicated, except that you need not set forth a summary of the contents of the part deemed privileged, i.e., in the case of a document, you should supply items C(1)-C(4), above, and in the case of an oral communication, you should supply items D(1), D(2), D(4), and D(5). In addition to setting forth the above noted information concerning each such discussion, document or communication, you shall indicate that you claim privilege for such part and shall state the nature of the privilege claimed and the facts upon which such claim is based.

D. Identify all your witnesses, areas of their testimony, their qualifications, and all reports, studies, letters, graphs, and other documents they plan to use in support of their testimony. Where documents are lengthy and a witness only plans to use portions of it, provide the page numbers of these portions.

E. All terms should be defined, e.g., acceptance levels, massive. Measurable quantities should be provided for such terms, e.g., radiation exposure in man-rem.

INTERROGATORIES

Contention 6.1

1. State the grounds for the assertion that a consequence of the shutdown of Indian Point Units 2 and 3 would be an economic benefit to Rockland County. Identify the entity or entities who will receive the benefit.
2. Identify the people (and/or entities) within Rockland County who own stocks or bonds of the licensees and owners of Indian Point Units 2 and 3.
3. Identify who will pay for the benefits that are alleged to accrue to Rockland County. State the amount that each customer will pay annually.
4. Identify the environmental impacts of the increased generation of Orange & Rockland required to provide the alleged benefits.
5. Identify, any basis for asserting that any economic benefit to Rockland County, or its customers will not result, directly or indirectly, from customers elsewhere in the state, including Westchester County and New York City, paying higher rates for electricity.
6. State the grounds for the assertion that Orange and Rockland Utility has 300 mW of excess capacity. Demonstrate that this 300 mW will be dedicated to the use of those customers now benefiting from the electricity

presently generated by Indian Points 2 and 3. Provide documents from the Orange and Rockland Utility where they agree to dedicate this capacity to present Indian Point customers. State the period of time that this excess capacity will be dedicated. Provide the projected excess capacity for the Orange and Rockland Utility over the next (a) 15 and (b) 25 years.

7. State whether you have considered the December 19, 1980 agreement concerning the Hudson River Cooling Tower Case (Index No. C/II-WP-77-01) in asserting that Orange and Rockland Utility has 300 mW of excess capacity.
8. State the grounds for your assertion that Indian Point 2 has a 30% operating level. Define what is meant by "operating level." State the period of time for which this operating level was calculated.
9. State the percentage of the power generated by Orange and Rockland Utility which is fossil-fueled. List the type of fuel, sulfur content, and percentage of use of the asserted 300 mW of excess capacity.
10. In evaluating the alleged benefits to Rockland County from sale of replacement power in the event of an Indian Point shutdown, state the assumptions, if any, you have made concerning each of the following items: (a) power from increased Canadian imports over the 1981 levels, (b) the existence of the Prattsville and Arthur Kill projects, (c) the existence of the Shoreham and Nine Mile Two plants, (d)

cogeneration and refuse fired plants (e) conversion to coal burning of any Orange and Rockland plants, and (f) other conventional and unconventional sources of power not presently available to the New York Power Pool over the next 15 years.

11. Should one or more of the sources identified in response to Interrogatory Number 10 not be available for environmental, financial, licensing, political or other reasons, state what assumptions were made concerning the impact on the economic benefits to Rockland County you have claimed. If no such assumptions were made in your studies, so state.

Contention 6.2

12. Define what you mean by "physical environment."
13. State the grounds for the statement that the workers in the plant are exposed to unacceptable levels of radiation.
14. Identify environments or conditions that are used as reference points for the assertion in Interrogatory Number 13.
15. Identify and provide all documents that report on the impact of a nuclear plant on the physical environment of children.
16. With regard to the physical environment of adults and children, state how living near the Indian Point site compares with living near other industrial facilities (e.g., chemical plants, fiberglass factories). Identify the health effects associated with the routine operation of all of the above facilities. Identify all those effects that you regard as acceptable.

17. With regard to the physical environment of adults and children, identify and state how the health effects from living near the Indian Point site compare with the health effects of living near other power-generating facilities including, but not limited to, (a) coal-fired plants, (b) oil-fired plants, (c) hydroelectric stations, (d) windmills, (e) solar systems, (f) cogeneration plants, and (g) biomass conversion plants. Identify the health effects associated with the routine operation of all the above facilities. Identify all those effects that you regard as acceptable.
18. Compare the physical environment of children living in the vicinity of nuclear plants to that of children who do not live in the vicinity of a nuclear plant. Provide all documents which substantiate your answer.
19. State the grounds for the statement that "the workers are at risk of disease and genetic damage to their offspring". Provide all documents that substantiate your answer.
20. Define the age bracket that you associate with being considered a child.
21. Identify the differences in health effects from the years of the construction permit grant or reviews. Identify studies which have been done on the subject of the health effects of living near a nuclear plant. Identify such studies which have been done on the Indian Point site in particular.

APPENDIX "B"
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Administrative Judges:

Louis J. Carter, Chairman
Dr. Oscar H. Paris
Frederick J. Shon

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)

REPLY FROM WEST BRANCH CONSERVATION ASSOCIATION TO
LICENSEE'S FIRST SET OF INTERROGATORIES, QUESTION 6

Although Licensees have sent us a burdensome document we are only liable to answer those questions pertaining to 6.1. Nor will we answer in the elaborate form requested. Instead, kindly read the reply side-by-side with the requests.

Reply to #1

Customers of Orange and Rockland Utilities.

Reply to #2

Irrelevant, WBCA never claimed such knowlegde.

Reply to #3

Anybody that gets power from the NY Power Pool.

Reply to #4

This is no part of our contention. To the best of our knowledge the plant operates within EPA standards.

for West Branch Conservation Association
443 Buena Vista Road, New City, N.Y. 10956
914/634-2327

Zipporah S. Fleisher
by Zipporah S. Fleisher
Secretary

Reply to #5

This was not our assertion. We don't believe that ORU has a license to print money.

Reply to #6

That's not our contention. Power is dispatched by the NYPP. If there were no power from Indian Point ORU could sell more to the pool.

Reply to #7

There are times when ORU has more than 300 mW excess. We referred to selling energy, not peak demand.

Reply to #8

See New York Power Pool report for 1982.

Reply to #9

Irrelevant, not our contention.

Reply to #10

- a. 5% of ORU as we have been told.
- b. Prattsville and Arthur Kill are not on line and may never be.
- c. If new plants are built to answer energy needs they will not affect it. See NYPP 1982, Vol. 1 which predicts a declining percent of excess capacity.
- d. Have they EPA permits?
- e. Yes.
- f. No.

Reply to #11

None.

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

Administrative Judges:

Louis J. Carter, Chairman
Dr. Oscar H. Paris
Frederick J. Shon

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)

AFFIDAVIT OF REPLIES TO INTERROGATORIES
FROM WEST BRANCH CONSERVATION ASSOCIATION

I, Walter L. Fleisher, Vice-President of West Branch Conservation Association, New City, N.Y., being duly sworn, hereby swear and affirm that the attached replies to interrogatories from the NRC Staff and the Licensees in above docketed cases, are true and correct to the best of my knowledge.

Walter L. Fleisher
Walter L. Fleisher

Sworn before me this 16th
day of June, 1982

David E. Seely
Notary Public

JACOB J. EBELING-KONING
NOTARY PUBLIC, State of New York
No. 44-6138730
Qualified in Rockland County
Certificate filed in New York County
Commission Expires March 30, 1987 4

for West Branch Conservation Association
443 Buena Vista Road
New City, N.Y. 10956
914/634-2327

Zipporah S. Fleisher
Secretary

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OPERATING OFFICER

WALTER T. KICINSKI
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CHIEF ADMINISTRATIVE
OFFICER

JOSEPH R. SCHMIEDER
EXECUTIVE VICE
PRESIDENT & CHIEF
ENGINEER

STEPHEN L. BAUM
SENIOR VICE PRESIDENT
& GENERAL COUNSEL

December 10, 1982

Zipporah Fleisher
West Branch Conservation
Association
443 Buena Vista Road
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Dear Ms. Fleisher:

As I indicated to Mr. Fleisher in our conversation earlier today, the Licensees have reviewed the WBCA responses to Licensees' First Set of Interrogatories under Question 6 filed on June 17, 1982. We have found that some of the responses were deficient. In an effort to resolve the problems informally, as provided in the Board's July 6, 1982 Order, the Licensees request that WBCA give further answers to the questions listed below.

Licensees seek to obtain correct and complete answers to interrogatories which were nonresponsive: Numbers 2, 5, 6, 8 and 9. Licensees also ask that WBCA supply answers to interrogatories numbered 121, 122 and 123.

Please contact either Jennifer Tolson (212/397-7981) or me by 5:00 P.M. Friday, December 17, 1982 to advise whether you will voluntarily supply responses to the interrogatories listed above. If neither of us has been contacted by then, due to time constraints, we will have no choice but to proceed with a formal motion to compel.

Sincerely,

Charles M. Pratt
Assistant General Counsel

CMP/pl
cc: Brent L. Brandenburg

WEST BRANCH CONSERVATION ASSOCIATION

443 BUENA VISTA ROAD
NEW CITY N Y 10956

December 24, 1982

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

Dear Mr. Pratt:

In response to your letter of December 10, 1982, and in accordance with our telephone conversation of December 14, 1982, I will expand or clarify the responses to PASNY's interrogatories of June 1 as follows:

- #2. We have no knowledge or access to the names and addresses of the stockholders and bondholders of PASNY.
- #5. Any purchases of excess capacity from Orange and Rockland Utilities would be governed by the Power Pool system of economic dispatch, which might sell the energy anywhere in the State of New York and even outside the State. The volume and price could vary from hour to hour and day to day. We claimed a benefit to the customers of Orange and Rockland for whatever sales are made.
- #6. O&R's generating capacity is 981 mW summer and 993 mW in winter. (Page 217, Sect. 5-112, 1982) Peak demand has varied between 663 and 736 mW. (ibid, p.28) This leaves available an average of better than 300 mW on peak, and much more at other times. O&R's load factor is about 55% which means that about 440 mW are available on average.

As explained in #5 above, the energy would be dispatched by the Power Pool and in no way would be dedicated to any customer.

We have very little faith in the forecast of growth in demand in future years, which to date have been grossly unreliable. Our estimate is for very little change in demand in the next ten years and we are not prepared to make a forecast beyond that time.

#8. The source for the statement for the 30% operating level has been mislaid during the hiatus between January 11, 1982, when the statement was made, until November 19, 1982, when responses were due. Our memory is that it was a newspaper article in the New York Times which stated that IP #2 had operated only 11 days average per month for a year after the flood in containment. We will continue to search for the source but did not wish to delay the other replies.

#9. O&R's generation for 1981 was 3172 gWh, of which 116 gWh was hydro. The balance was residual oil or gas. (Sect. 5-112, pp. 42 and 254) The percentage of non-fossil was 3.66%. The residual oil is limited to 0.6%S and the natural gas is 0%. The mix varies from year to year depending on sales and availability of natural gas.

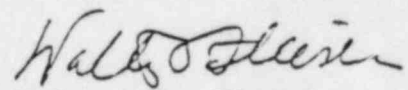
We have no knowledge as to what fuel would be used for the generators in furnishing excess capacity but would expect it to be nearly 100% residual oil..

#121. At the time of our telephone conversation of December 14, PASNY was to advise us whether our answer to #2 to the interrogatories of NRC Staff together with the resume of Walter Fleisher, both of which are in your possession, would serve to answer your interrogatory #122. Not having heard to the contrary we assume #121 is answered.

#122. None.

#123. None.

Very truly yours,



Walter L. Fleisher
Vice-President

xc: NRC Staff Counsel, Janice Moore
ConEd Counsel, Brent Brandenburg

POWER AUTHORITY OF THE STATE OF NEW YORK

10 COLUMBUS CIRCLE NEW YORK, N. Y. 10019

(212) 397-6200



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SENIOR VICE PRESIDENT
& GENERAL COUNSEL

December 10, 1982

Pat Posner, Spokesperson
Parents Concerned About
Indian Point
P. O. Box 125
Croton-On-Hudson, New York 10520

Dear Ms. Posner:

The Licensees tried, but failed to reach you by telephone on December 9 and December 10 in order to discuss interrogatories under Question 6. Con Edison and the Power Authority are attempting to obtain responses to Licensees' First Set of Interrogatories and Document Request under Commission Question 6 without resorting to a formal motion to compel. We ask that Parents voluntarily respond to the interrogatories filed on June 9, 1982. Ten questions, numbers 12 through 21 inclusive, were addressed specifically to Parents, while all intervenors whose contentions are encompassed under Question 6 were to answer interrogatories numbered 121, 122 and 123.

Please contact either Jennifer Tolson (212/397-7981) or me by 5:00 P.M. Friday, December 17, 1982 to advise whether you will voluntarily supply responses to the interrogatories. If neither of us has been contacted by then, due to time constraints, we will have no choice but to proceed with a formal motion to compel.

Sincerely,

Charles M. Pratt
Assistant General Counsel

CMP/pl
cc: Brent L. Brandenburg

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

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

Docket Nos. 50-247 SP
 50-286 SP

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

December 22, 1982

PARENTS CONCERNED ABOUT INDIAN POINT
 RESPONSE TO LICENSEES' FIRST SET OF INTERROGATORIES
 AND DOCUMENT REQUEST UNDER COMMISSION QUESTION 6

INTERROGATORY #12

Define what you mean by "physical environment."

RESPONSE

"Physical environment" means the combination of external or extrinsic conditions that affect the bodily or material growth and development of organisms.

INTERROGATORY #13

State the grounds for the statement that the workers in the plant are exposed to unacceptable levels of radiation.

RESPONSE

Newspaper accounts of actions and statements by Indian Point workers and NRC enforcement actions.

INTERROGATORY #14

Identify environments or conditions that are used as

reference points for the assertion in Interrogatory Number 13.

RESPONSE

Radioactive water in the storage pool; contaminated rags, tools, and other solid waste; radioactive dust; violation of safety procedures during maintenance work; broken and otherwise faulty monitoring devices; a practice of minimizing information to workers on the effects of radiation; large numbers of repairs required on radioactive equipment; handling radioactive material without proper protective gear; pressure on

workers to reduce the amount of time spent on refueling outages; inadequate maintenance of employee health records; failure to continuously monitor workers' radiation exposure.

INTERROGATORY #15

Identify and provide all documents that report on the impact of a nuclear plant on the physical environment of children.

RESPONSE

Parents knows of no such documents. In its Response to Licensees' First Set of Interrogatories and Document Requests Under Commission Question 1 to ... Parents, served on July 23, 1982, Parents identified documents that report on the impact of radiation on children.

INTERROGATORY #16

With regard to the physical environment of adults and children, state how living near the Indian Point site compares with living near other industrial facilities (e.g., chemical plants, fiberglass factories). Identify the health effects associated with the routine operation of all of the above facilities. Identify all those effects that you regard as acceptable.

RESPONSE

Parents Objects to this interrogatory as irrelevant and burdensome.

INTERROGATORY #17

With regard to the physical environment of adults and children, identify and state how the health effects from living near the Indian Point site compare with health effects of living near other power-generating facilities including, not limited to, (a) coal-fired plants, (b) oil-fired plants, (c) hydroelectric plants, (d) windmills, (e) solar systems, (f) cogeneration plants, and biomass conversion plants. Identify the health effects associated with the routine operation of all the above facilities. Identify all those effects that you regard as acceptable.

RESPONSE

Parents objects to this interrogatory as irrelevant and burdensome.

INTERROGATORY #18

Compare the physical environment of children living in the vicinity of nuclear plants to that of children who do not live in the vicinity of a nuclear plant. Provide all documents which substantiate your answer.

RESPONSE

The physical environment of children living in the vicinity of nuclear plants contains more radioactivity than the environment of children who do not. This answer is based on common sense: Nuclear plants, in particular Indian Point, vent radioactive material daily, some of which is long-lived radioisotopes which accumulate in the environment.

INTERROGATORY #19

State the grounds for the statement that "the workers are at risk of disease and genetic damage to their offspring".

Provide all documents that substantiate your answer.

RESPONSE

Workers at Indian Point are allowed to receive doses ten times higher than the maximum allowable exposure for members of the general public. Documents noted by Parents in the Response served by Parents on July 23, 1982, report on diseases and genetic damage associated with exposure to radiation. Radiation effects are cumulative and there is no safe threshold dose below which no effects are noticed.

INTERROGATORY #20

Define the age bracket that you associate with being considered a child.

RESPONSE

A child is a person from birth to physical maturity.

INTERROGATORY #21

Identify the differences in health effects from the years of the construction permit grant or reviews. Identify studies which have been done on the subject of the health effects of living near a nuclear plant. Identify such studies which have been done on the Indian Point site in particular.

RESPONSE

Interrogatory should be addressed to the New York State

Department of Health and the Departments of Health in each of the four counties surrounding Indian Point and other counties downwind of Indian Point. When Parents discovers any such studies, it will inform the licensees. Because of the minimal latency periods for solid tumors and leukemia, these health effects may be starting to show up only now from the operation of Indian Point.

INTERROGATORY #121

Identify:

(a) each person whom you expect to call as a witness at the evidentiary hearings relating to Commission Question 6 (including, without limitation, each such person's full name, present address, present employment or other professional affiliation, and qualifications) and annex a copy of said person's resume and list all his publications;

(b) the subject matter and Board contention and underlying intervenor contention on which the witness is expected to testify;

(c) the substance of the facts and opinions to which the witness is expected to testify and a summary of the grounds for each opinion;

(d) each document (including, without limitation, each treatise, book bulletin, accounting interpretation, regulation, report, article, or other literature or writing) upon which the witness has based his testimony, or will so rely at the hearing, or will otherwise refer to in support of his testimony;

(e) any relationship between the witness and any intervenor or party herein; and

(f) any proceeding in which the witness has previously testified and the transcript pages of such testimony (you should annex the transcript pages to your response).

RESPONSE

The response to this interrogatory will be served at a later date.

INTERROGATORY #122

Identify all communications, written or oral, with federal, state, county, or local government officials, upon which you rely in responding to any interrogatories.

RESPONSE

None.

INTERROGATORY #123

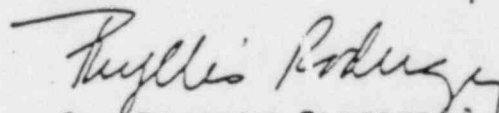
Identify and provide all contracts and communications, written or oral, with consultants, contractors, employees or others upon whose testimony, written or oral, you rely

RESPONSE

in responding to any interrogatories.

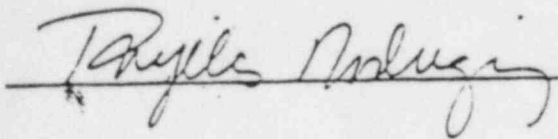
None.

Respectfully submitted,


for Parents Concerned
About Indian Point

CERTIFICATE OF SERVICE

I hereby certify that copies of this document have been served by hand to the New York offices of the licensees' attorneys and mailed to the rest of the minimal service list on December 23, 1982.



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'83 MAR 17 A10:51

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

Certificate of Service

I hereby certify that I have served copies of MOTION TO COMPEL FURTHER RESPONSES FROM PARENTS AND WBCA TO FIRST SET OF INTERROGATORIES AND DOCUMENT REQUESTS UNDER COMMISSION QUESTION 6 to the service list below on this 14th day of March, 1983 by depositing it in the United States mail, first class.

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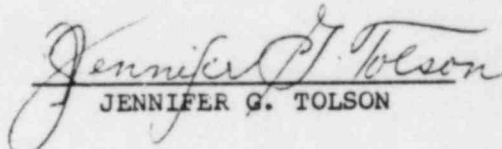
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