

APPENDIX "B"

AFFIDAVIT OF CHARLES M. PRATT

CHARLES M. PRATT, being duly sworn, deposes and says that he is an Assistant General Counsel for the Power Authority of the State of New York, that he is fully familiar with the prior proceedings had herein and that he submits this affidavit in support of licensees' motion to impose sanctions on Dean Corren and Richard Rosen.

1. On March 11, 1983 Dean Corren telephoned me and informed me that Greater New York Council on Energy ("GNYCE") had received licensees' motion to compel further responses to discovery requests. That motion, inter alia, requests that GNYCE be compelled to respond to licensees' interrogatories concerning an economic study referred to by Corren in April 1982 which was then being prepared by Energy Systems Research Group, Inc. ("ESRG"). GNYCE had failed or refused to respond to licensees' interrogatories and informal attempt to obtain adequate responses to licensees' discovery requests as late as January 7, 1983.

2. Corren informed deponent that ESRG had just recently finished work on the study. Deponent replied that he doubted that the study had just been completed. Corren, however, repeated categorically that it had just been finished. Deponent asked Corren when the work would be available for inspection. He replied that ESRG was mailing the study and appropriate backup materials to him on March 11th and that it would be available for licensees "within a week".

3. Deponent is informed that an ESG study, as set forth at length in licensees' motion, was completed in October 1982. Deponent respectfully submits that Corren's statement about the time of completion of the ESG study is inaccurate.

WHEREFORE, deponent respectfully requests that the relief sought in licensees' motion be granted.


CHARLES M. PRATT

Sworn to before me this
17th day of March, 1983.


Notary Public

PATRICIA M. WOOLEY
Notary Public, State of New York
No. 41-4667936
Qualified in Queens County
Certificate Filed in New York County
Commission Expires March 30, 1984

EXHIBIT "C"

DOCUMENT REQUEST TO
GREATER NEW YORK COUNCIL ON ENERGY and
ENERGY SYSTEMS RESEARCH GROUP, Inc.

DEFINITIONS AND INSTRUCTIONS: The definitions set forth in Licensees' First Set of Interrogatories and Document Requests under Commission Question 6, dated June 9, 1982, are incorporated herein by reference. A copy of those definitions is attached to this Document Request.

1. Each and every document reflecting, used in, or memorializing communications between Dean Corren, or others on behalf of Greater New York Council on Energy (GNYCE), and Energy Systems Research Group, Inc. (ESRG) or any person on behalf of ESRG, including but not limited to letters and memoranda.

2. The October 1982 ESRG study, entitled The Economics of Closing the Indian Point Nuclear Power Plants.

3. Both draft and final scopes of study, abstracts, working papers, conclusions, and other documents relied upon or used as exhibits or studied by ESRG.

4. The contract or contracts, agreement or agreements between ESRG, or any individual associated with ESRG, and GNYCE, or any individual associated with GNYCE.

5. The contract or contracts, agreement or agreements between ESRG, or any individual associated with ESRG, and any intervenor in this proceeding, so far as it refers to Indian Point.

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

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In the Matter of :
:
: Docket Nos.
CONSOLIDATED EDISON COMPANY OF NEW YORK, :
INC. (Indian Point, Unit No. 2) : 50-247 SP
: 50-286 SP
POWER AUTHORITY OF THE STATE OF NEW YORK :
(Indian Point, Unit No. 3) : June 9, 1982
:
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LICENSEES' FIRST SET OF INTERROGATORIES AND
DOCUMENT REQUEST UNDER COMMISSION QUESTION 6

ATTORNEYS FILING THIS DOCUMENT:

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~~82-06170164~~

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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