

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 : Docket Nos.

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. : 50-247 SP
(Indian Point, Unit No. 2) : 50-286 SP
:

POWER AUTHORITY OF THE STATE OF NEW YORK : May 28, 1982
(Indian Point, Unit No. 3) :
-----X

LICENSEES' RESPONSE TO REQUESTS FOR
PRODUCTION OF DOCUMENTS

ATTORNEYS FILING THIS DOCUMENT:

Charles Morgan, Jr.
MORGAN ASSOCIATES, CHARTERED
1899 L Street, N.W.
Washington, D.C. 20036
(202) 466-7000

Brent L. Brandenburg
CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.
4 Irving Place
New York, New York 10003
(212) 460-4600

DS03
3
111

LICENSEES' RESPONSE TO REQUESTS FOR
PRODUCTION OF DOCUMENTS

Production of Documents

Pursuant to 10 CFR §2.741 and in response to various document requests served by intervenors herein, 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") will produce for inspection and copying by all parties all documents requested on or before May 3, 1982 not objected to below, on June 1, 1982 at 9:30 a.m. at the offices of Shea & Gould, counsel to the Power Authority, 330 Madison Avenue, New York, New York.

Documents to Be Produced

The documents to be produced include those requested as part of intervenors' interrogatories, as well as those identified in document requests.

Licensees will not generally produce documents available in the public domain (e.g., NUREG's, which are available in the Commission's Public Document Rooms).^{*} Licensees will make copying services available at normal charges.

^{*} While not obliged to do so, licensees will as a courtesy produce copies of the State, and county radiological emergency plans.

All parties are invited to attend.*

Objections

The following are document requests to which the licensees object, together with the grounds for such objection:

UCS/NYPIRG Requests:

89. INTERROGATORY:

Provide all notes, reports, and documents relating to the licensees' preparation for and assessments of drills preceding the Indian Point joint exercise of March 3, 1982.

OBJECTION:

Licensees object to this request on the grounds that it is (a) vague; and (b) burdensome, oppressive and overbroad. This request not only fails to "describe each item and category with reasonable particularity" (10 CFR §2.741(c)), but also encompasses a period of two decades and hundreds of drills.

96. INTERROGATORY:

Provide all notes, reports, documents, etc. relating to licensees' participation in and observation of the March 3, 1982 exercise, including all contributions by licensee personnel, consultants, and attorneys.

* Intervenor was previously advised of the date and location of licensees' document production by letter, dated May 26, 1982.

OBJECTION:

The documents requested in this interrogatory are set forth in the Power Authority's Filing Pursuant to the March 10 and April 8 Orders and Consolidated Edison's List of Documents Related to the March 3, 1982 Emergency Planning Exercise. Licensees have no objection to producing the vast majority of these documents. The following Power Authority documents, however, are protected by the attorney-client, attorney work product, and preparation for hearing privileges: 8, 10, 11, 12, and 32.

97. INTERROGATORY:

What is the licensees' position on the adequacy of public information brochures at the time of exercise? Provide all drafts, letters, documents, etc. used in preparation of the current brochure. If considered inadequate, what is licensees' timetable for improving and redistributing the brochures?

OBJECTION:

Licensees object to this document request on the grounds that it is irrelevant and beyond the scope of the Commission's Questions. Licensees will produce copies of the brochures. Drafts and other preparatory materials fall outside the scope of this proceeding, which is limited by the Commission's January 8, 1981 Order (at p. 10) to the "current status and degree of conformance with NRC/FEMA guidelines." (Emphasis added.)

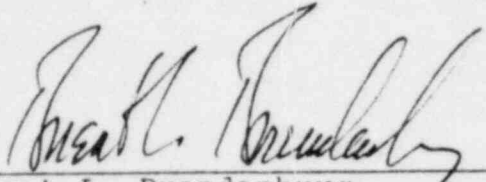
Parents Concerned About Indian Point request:

12. INTERROGATORY:

Submit all studies, research, expert testimony, etc. which shows that children under 18 have the mental, emotional and psychological capability to evacuate themselves.

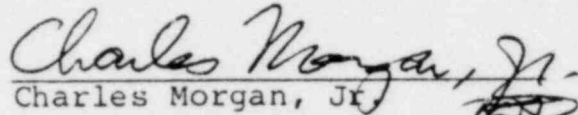
OBJECTION:

Licensees object to this request on the grounds that it is (a) vague and fails to describe each item and category with reasonable particularity; and (b) burdensome, oppressive, and overbroad.


Brent L. Brandenburg

CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.
Licensee of Indian Point
Unit 2
4 Irving Place
New York, New York 10003
(212) 460-4600

Respectfully submitted,


Charles Morgan, Jr.
Joseph J. Levin, Jr.
Paul Colarulli
1899 L Street, N.W.
Washington, D.C. 20036
(202) 466-7000

Thomas R. Frey
General Counsel
Charles M. Pratt
Assistant General Counsel
10 Columbus Circle
New York, New York 10019
(212) 397-6200

MORGAN ASSOCIATES, CHARTERED
1899 L Street, N.W.
Washington, D.C. 20036

SHEA & GOULD
330 Madison Avenue
New York, New York 10017
(212) 370-8000

POWER AUTHORITY OF THE STATE
OF NEW YORK
Licensee of Indian Point Unit 3
10 Columbus Circle
New York, New York 10019

Dated: May 28, 1982

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

In the Matter of)
) Docket Nos.
)
CONSOLIDATED EDISON COMPANY OF NEW YORK,) 50-247 SP
INC. (Indian Point, Unit No. 2)) 50-286 SP
POWER AUTHORITY OF THE STATE OF NEW YORK)
(Indian Point, Unit No. 3)) May 28, 1982
)

CERTIFICATE OF SERVICE

I hereby certify that copies of LICENSEES' RESPONSE TO REQUESTS FOR PRODUCTION OF DOCUMENTS in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, this 28th day of May, 1982.

Docketing and Service Branch
Office of the Secretary
U. S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Ellyn R. Weiss, Esq.
William S. Jordan, III, Esq.
Harmon & Weiss
1725 I Street, N.W., Suite 506
Washington, D.C. 20006

Louis J. Carter, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing
Board
7300 City Line Avenue
Philadelphia, Pennsylvania 19151

Joan Holt, Project Director
Indian Point Project
New York Public Interest
Research Group
5 Beekman Street
New York, N.Y. 10038

Dr. Oscar H. Paris
Administrative Judge
Atomic Safety and Licensing
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

John Gilroy, Westchester
Coordinator
Indian Point Project
New York Public Interest
Research Group
240 Central Avenue
White Plains, New York 10606

Mr. Frederick J. Shon
Administrative Judge
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Janice Moore, Esq.
Counsel for NRC Staff
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Jeffrey M. Blum, Esq.
New York University Law
School
423 Vanderbilt Hall
40 Washington Square South
New York, N.Y. 10012

Marc L. Parris, Esq.
Eric Thorson, Esq.
County Attorney
County of Rockland
11 New Hemstead Road
New City, N.Y. 10956

Charles J. Maikish, Esq.
Litigation Division
The Port Authority of
New York and New Jersey
One World Trade Center
New York, N.Y. 10048

Geoffrey Cobb Ryan
Conservation Committee
Chairman, Director
New York City Audubon Society
71 West 23rd Street, Suite 1828
New York, N.Y. 10010

Ezra I. Bialik, Esq.
Steve Leipsiz, Esq.
Environmental Protection Bureau
New York State Attorney
General's Office
Two World Trade Center
New York, N.Y. 10047

Greater New York Council on
Energy
c/o Dean R. Corren,
Director
New York University
26 Stuyvesant Street
New York, N.Y. 10003

Alfred B. Del Bello
Westchester County Executive
Westchester County
148 Martine Avenue
White Plains, N.Y. 10601

Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Andrew S. Roffe, Esq.
New York State Assembly
Albany, N.Y. 12248

Renee Schwartz, Esq.
Paul Chessin, Esq.
Laurens R. Schwartz, Esq.
Margaret Oppel, Esq.
Botein, Hays, Sklar & Herzberg
200 Park Avenue
New York, N.Y. 10166

Stanley B. Klimberg
General Counsel
New York State Energy Office
2 Rockefeller State Plaza
Albany, New York 12223

Honorable Ruth Messinger
Member of the Council of the
City of New York
District No. 4
City Hall
New York, New York 10007

Lorna Salzman
Mid-Atlantic Representative
Friends of the Earth, Inc.
208 West 13th Street
New York, N.Y. 10011

Atomic Safety and Licensing
Appeal Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Honorable Richard L. Brodsky
Member of the County
Legislature
Westchester County
County Office Building
White Plains, N.Y. 10601

Pat Posner, Spokesperson
Parents Concerned About
Indian Point
P.O. Box 125
Croton-on-Hudson, N.Y. 10520

Charles A. Scheiner, Co-
Chairperson
Westchester People's Action
Coalition, Inc.
P.O. Box 488
White Plains, N.Y. 10602

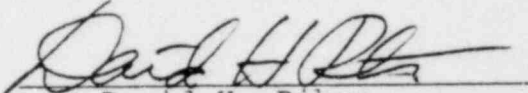
Alan Latman, Esq.
44 Sunset Drive
Croton-on-Hudson, N.Y. 10520

Zipporah S. Fleisher
West Branch Conservation
Association
443 Buena Vista Road
New City, N.Y. 10956

Mayor George V. Begany
Village of Buchanan
236 Tate Avenue
Buchanan, N.Y. 10511

Judith Kessler, Coordinator
Rockland Citizens for Safe
Energy
300 New Hempstead Road
New City, N.Y. 10956

Ms. Amanda Potterfield, Esq.
P.O. Box 384
Village Station
New York, New York 10014


David H. Pikus