

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Louis J. Carter, Chairman '82
Frederick J. Shon
Dr. Oscar H. Paris

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In the Matter of)	
CONSOLIDATED EDISON COMPANY OF NEW YORK,)	Docket Nos.
INC. (Indian Point, Unit No. 2))	50-247 SP
)	50-286 SP
POWER AUTHORITY OF THE STATE OF NEW YORK)	June 4, 1982
(Indian Point, Unit No. 3))	
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Westchester Peoples' Action Coalition, Inc. (WESPAC's) Motion to Dismiss Licensees' motion to impose sanctions for default and to strike contentions

WESPAC respectfully moves that the licensees' motion to impose sanctions for default and to strike contentions be dismissed by the atomic safety and licensing Board (Board).

The licensees' motion incorrectly states the facts and is without merit..

I. WESPAC HAS COMPLIED WITH THE SPIRIT OF THE BOARD'S ORDER

The licensees create the impression that WESPAC simply did not bother to send the licensees any sort of response to its interrogatories and that WESPAC had been derelict in meeting its obligations.

This is not correct. WESPAC did send answers to the licensees but the answers were to interrogatories posed by the NRC staff.

WESPAC believes that the NRC staff's interrogatories accurately reflected the Board's order that interrogatories be "direct and to the point, aimed at obtaining useful information with minimal effort, and in no way designed to harass",² while most of the licensees interrogatories did not follow the Board's directive.

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1. See "Licensees' motion to impose sanctions for default and to strike contentions". pp3-4 (May 28, 1982)
 2. Memorandum and Order (formulating contentions, assigning intervenors, and setting schedule; Atomic Safety and Licensing Board, p. 21 April 23, 1982.

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The licensees' interrogatories document consisted of six pages of definitions, two pages of instructions, and 184 interrogatories. The licensees made no attempt to specify what questions WESPAC was to answer. In fact, most of the interrogatories were not relevant to WESPAC'S case. To require WESPAC to repeat each interrogatory and then state that the question is not relevant requires more than a minimal effort for WESPAC and is construed by WESPAC to be a form of harassment.

Because the Board stated in its above cited order on page 21 that it expected an absolute minimum of legal maneuvering, WESPAC refrained from seeking a protective order or from filing a protest with the Board concerning the licensees' tactics.

WESPAC did, however, provide the licensees with all the information they were entitled to in the form of answers to the NRC staff interrogatories. WESPAC answered these questions as fully as it was able to at the time as per the Board's order. WESPAC is now in the process of supplementing these answers with a list of witnesses, and the nature of their testimony

II. WESPAC HAS FACTUAL BASES FOR ITS CONTENTIONS

It is improper for the licensees to allege that WESPAC has no factual bases for its contentions when the licensees have yet to read our testimony.

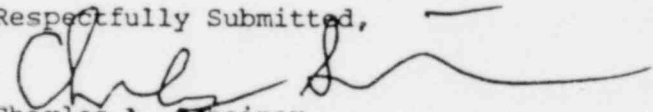
WESPAC believes that the testimony of our witnesses will adequately set forth our factual bases and respectfully suggest to the licensees that they read the testimony before jumping to any conclusions.

III. RELIEF REQUESTED

WESPAC believes it has acted in good faith and has not done anything that would subject it to sanctions by the Board.

WESPAC respectfully moves that the licensees' motion be denied in total.

Respectfully Submitted,


Charles A. Scheiner
Co-Chairperson WESPAC

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CERTIFICATE OF SERVICE

I hereby certify that copies of WESPAC'S motion to dismiss Licensees' motion to impose sanctions for default and to strike contentions in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, this 4th day of June, 1982, except an asterik denotes service by Express Mail.

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

Mr. Frederick J. Shon
Administrative Judge
Atomic Safety and Licensing
Board
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

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

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

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

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

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

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

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

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

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

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

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


David Duboff