

~~RELATED CORRESPONDENCE~~

POWER AUTHORITY OF THE STATE OF NEW YORK
10 COLUMBUS CIRCLE
NEW YORK, NEW YORK 10019

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
4 IRVING PLACE
NEW YORK, NEW YORK 10003

June 7, 1982

Jeffrey M. Blum, Esq.
423 Vanderbilt Hall
Washington Square South
New York, New York 10012

Re: Consolidated Edison Company (Indian Point,
Unit 2); Power Authority of the State of
New York (Indian Point, Unit 3);
Docket Nos. 50-247-SP; 50-286-SP

Dear Mr. Blum:

On the afternoon of May 28, the last business day before the close of discovery, licensees received a copy of "UCS/NYPIRG Supplementary Interrogatories to Con Edison and PASNY," dated both April 26, 1982 and May 26, 1982.* Licensees object to these interrogatories for the following reasons:

(1) The interrogatories are in large part directed to Parsons, Brinckerhoff, Quade & Douglas, Inc. ("Parsons Brinckerhoff"; interrogatories 1.S-11.S, 15.S, 18.S, 19.S). Pursuant to the Board's ruling, the relevant Parsons Brinckerhoff employees will be made available to UCS/NYPIRG for a deposition on June 8 at 2:30 P.M. It is UCS/NYPIRG's position "that interrogatories are not an adequate method of getting the kind of crucial information that [UCS/NYPIRG] need[s]" (Tr. 940), and that depositions of Parsons Brinckerhoff employees were therefore necessary. Having obtained the opportunity to depose Parsons Brinckerhoff employees, UCS/NYPIRG should not be permitted to also seek information from them by means of interrogatories, when UCS/NYPIRG has contended that interrogatories are an inadequate means of discovery;

* The first page of the interrogatories bears the date "April 26, 1982"; the last page bears the date "May 26, 1982." As noted above, licensees received the interrogatories on May 28.

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(2) The remaining interrogatories (12.S-14.S, 16.S-17.S, 20.S) are not proper under any interpretation of the Board's order of April 23, 1982 and mailgram of May 12, 1982. These interrogatories are not "follow up" interrogatories in any sense, and there is no reason why they could not have been served in compliance with the deadline established by the Board;

(3) Indeed many of UCS/NYPIRG's purportedly "supplementary" interrogatories duplicate previous interrogatories of UCS/NYPIRG, and were responded to by licensees including, but not limited to, the following:

- (a) "supplemental" interrogatory 13.S duplicates UCS/NYPIRG original interrogatory 35;
- (b) "supplemental" interrogatory 19.S duplicates UCS/NYPIRG original interrogatories 13, 15, 17; and
- (c) "supplemental" interrogatory 20.S duplicates UCS/NYPIRG original interrogatory 56.

Such duplication indicates that UCS/NYPIRG's "supplementary" interrogatories are not a legitimate use of the discovery process.

Very truly yours,

Brent L. Brandenburg

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Richard F. Czaja

Richard F. Czaja

cc: Hon. Louis J. Carter
Hon. Frederick J. Shon
Hon. Oscar H. Paris
Service List