

SEPARATED LEGAL FILES

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June 15, 1966

Troy B. Conner, Jr.

INDIAN POINT 2

50-247

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Arvin Upton and Gene Thomas came by to discuss tentative plans and schedules for the Indian Point 2 hearing.

Preliminarily, they noted that the chances of a contested hearing had lessened because Vandivort (the director of the Seenic Hudson group) had publicly stated last week that he felt nuclear power was the solution to New York City's problems. I asked him if they would furnish me with a copy of the clipping.

They stated that their clients were extremely anxious to begin construction and proposed the following schedule which takes into account presently scheduled ACRS meetings:

ACRS subcommittee - June 23

Notice of hearing - July 5-8

ACRS meeting - July 15

Prehearing conference - July 26

Hearing - August 8-12

They stated that they did not want the notice of hearing to issue until after the subcommittee meeting in order to get a better feel for ACRS's reaction. They stated that they had discussed with Con Ed officials the problems of "pre-noticing" the hearing, particularly if a "fuzzy ACRS letter" were received. They stated that, nevertheless, Con Ed wanted to go forward with the early notice approach.

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I pointed out the potential difficulties of the staff meeting this schedule, particularly since the hazards analysis could not be completed until the ACRS letter was received. I also noted that the Commission might not want to issue more notices of hearing prior to the completion of ACRS review. I asked if, in such event, they had considered other dates.

They stated that they had considered August 22-26 for the hearing and August 2 for the prehearing. I asked when Con Ed hoped to get the construction permit. Arvin gave the date of October 1. I pointed out that if the matter were uncontested, under present procedures the Board would probably hand down its decision well before then so that apparently there would be ample time under either schedule. I also noted that if the case were truly contested, the basic post-hearing pleadings would not be filed until after October 1. Arvin agreed.

I asked Arvin if he planned to discuss the request for pre-noticing with the ACRS. He said that he expected to bring this up at the subcommittee meeting on June 23. We agreed that if the case were uncontested, that proposed findings could be submitted at the close of the hearing.

Arvin stated that if the new procedures were not in effect by then, he would make a motion for expedited effectiveness. I noted that it would be well to assume that the new procedures might not be adopted by the Commission in time for this case and Dresden 3 and that we should be prepared to follow either approach. Arvin agreed, noting that Holifield's recent speech might cause the Commission to reconsider its proposed implementation of the Mitchell recommendations.

Arvin stated that, as in the Brockwood case, Con Ed's basic presentation would be the "brief summary of application" which would be submitted prior to the hearing. He said it would be augmented by oral statements from their witnesses. I asked if this would be submitted to the Board about twenty days in advance of the hearing as contemplated for the "technical summary." He stated they did not feel they would be able to do this because they would not have seen the ACRS's letter by that time. I noted that this is a possible problem that should be discussed with the Board at the prehearing conference.

I pointed out that unless the new procedures were adopted by the Commission, the old form of notice of hearing would be used with the added provision that date and place of the prehearing conference would be contained therein.

cc: Harold L. Price (Henderson)
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