

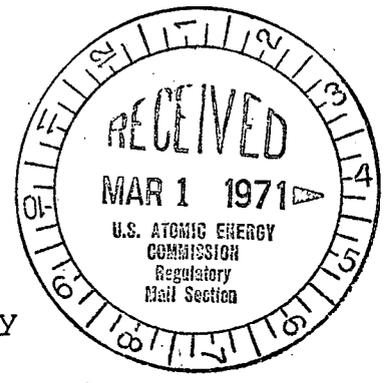
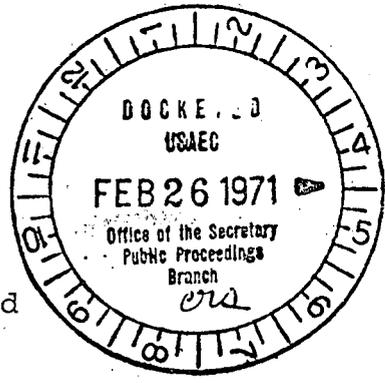
LAW OFFICES OF
LEBOEUF, LAMB, LEIBY & MACRAE
1821 JEFFERSON PLACE, N.W.
WASHINGTON, D.C. 20036

ONE CHASE MANHATTAN PLAZA
NEW YORK, N. Y. 10005

February 25, 1971

W. E. UPTON
E. B. THOMAS, JR.
HARD M. TROSTEN
WASHINGTON PARTNERS

WASHINGTON TELEPHONE:
202 FEDERAL 8-0111



Samuel W. Jensch, Esq.
Chairman
Atomic Safety and Licensing Board
U.S. Atomic Energy Commission
Washington, D.C. 20545

Re: Consolidated Edison Company
of New York, Inc.
Indian Point Station Unit No. 2
AEC Docket No. 50-247

Dear Mr. Chairman:

The date of March 23rd, which you proposed in your letter of February 22nd for the convening of a conference type of hearing, is agreeable to the Applicant. We would also be agreeable to the convening of the hearing on March 24th, which the AEC Regulatory Staff has suggested to the Applicant as an alternative date. However, we suggest that the receipt of evidence also be permitted at that time to allow us to introduce into evidence Applicant's responses to the questions raised by the Board at the hearing on January 19th. We plan to mail such responses to the Board and the parties in advance of March 23rd.

We understand from discussions with attorneys for the Hudson River Fishermen's Association that they probably will not wish to cross-examine Applicant's witnesses or introduce their own testimony on radiological safety matters, although they do wish to raise certain issues as to the jurisdiction of the Board to consider other environmental matters. However, we are advised that their final decision must await the receipt and review of the responses to inquiries

8110310231 710225
PDR ADOCK 05000247
G PDR

they have addressed to the AEC Regulatory Staff and our responses to their "second round" questions. They have agreed that if they wish to cross-examine or introduce direct testimony on radiological safety matters it would be appropriate for them to go forward with their case in a hearing session during the week of March 29th. In the event that such a session is needed the Board would be notified in time for two weeks' prior notice of the session to be given.

It has become clear that the Citizens Committee for the Protection of the Environment wishes to pose certain questions to our witnesses to which we would object as not relating to the issues in the proceeding. We are working with attorneys for the Citizens Committee to frame a motion which will permit an early determination of this matter. Our goal is to file this motion during the second week in March, and the hearing session during the week of March 22nd may provide an opportunity for the Board to rule upon this motion.

We plan further discussions with attorneys for the Citizens Committee concerning the schedule for going forward with their case and the continuation of the hearing until its completion. We will advise the Board further on this matter at the forthcoming hearing session.

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE

By Leonard M. Trosten
Leonard M. Trosten
Partner

cc: Dr. John C. Geyer
Mr. R.B. Briggs
Myron Karman, Esq.
Anthony Z. Roisman, Esq.
Angus Macbeth, Esq.
J. Bruce MacDonald, Esq.
Honorable Louis J. Lefkowitz
Secretary, AEC

MEMO ROUTE SLIP

Form AEC-93 (Rev. May 14, 1947) AECM 0240

See me about this.
Note and return.

For conc. [] ce.
For signature: []

For action.
For information.

TO (Name and unit) <i>REG Files</i>	INITIALS	REMARKS <i>58-247</i>
	DATE	
TO (Name and unit)	INITIALS	REMARKS
	DATE	
TO (Name and unit)	INITIALS	REMARKS
	DATE	
FROM (Name and unit) <i>OGC Mr. Korman</i>	REMARKS	
PHONE NO. <i>9501</i>	DATE <i>2-26-11</i>	

USE OTHER SIDE FOR ADDITIONAL REMARKS