

DOCKET NUMBER
PROD. & UTIL. FAC. 50-247

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

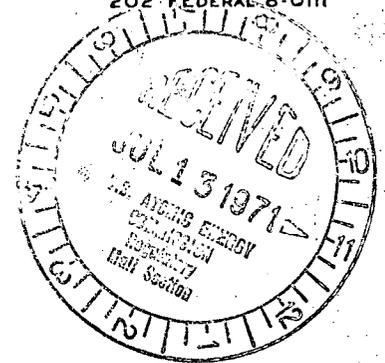
ARVIN E. UPTON
EUGENE B. THOMAS, JR.
LEONARD M. TROSTEN
WASHINGTON PARTNERS

July 8, 1971

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

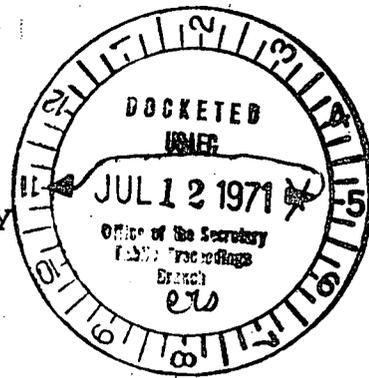
WASHINGTON TELEPHONE:
202 FEDERAL 8-0111

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



Mr. R. B. Briggs
Molten Salt Reactor Program
Oak Ridge National Laboratory
P.O. Box Y
Oak Ridge, Tennessee 37830

Dr. John C. Geyer
Chairman, Department of Geography
and Environmental Engineering
The Johns Hopkins University
513 Ames Hall
Baltimore, Maryland 21218



Re: Consolidated Edison Company
of New York, Inc.
AEC Docket No. 50-247

Gentlemen:

Enclosed are copies of a document entitled "Additional Testimony of Applicant - Part II", which contains testimony in response to the evidence proposed to be introduced by the Citizens Committee for the Protection of the Environment by its supplemental statement of proposed factual findings dated June 21, 1971. Applicant intends to offer this testimony at the coming session of hearings under the sponsorship of Mr. Joseph A. Prestele.

8110230193 710708
PDR ADOCK 05000247
T PDR

15

The Citizens Committee's proposed factual findings numbered 11a. through 11d. relate to the need for the power from Unit No. 2 and to Con Edison's reliance upon the power from Unit No. 2. A number of the conclusions contained in these proposed findings are incorrect and do not follow from the documents which are to be offered in evidence by the Citizens Committee. In any event, Con Edison need not establish in this proceeding that there is no need for power from this plant, or that it is not relying on this plant to satisfy that need, in order to demonstrate that the plant will operate safely. Rather, safety is assured by the measures and procedures outlined in the evidence heretofore introduced by Applicant and in the enclosed testimony.

Applicant considers the record adequate with regard to the containment spray system additive and is providing no additional testimony on that subject. In this connection, Applicant intends to object to the introduction into evidence of the Babcock & Wilcox topical report (BAW-10024) proposed to be introduced by the Citizens Committee as Exhibit AA. The Citizens Committee's apparent objective is to demonstrate that a spray additive of a type proposed by a competing reactor vendor is superior to that proposed by Applicant. While Applicant is confident that the sodium hydroxide additive is, all things considered, the best choice for Indian Point No. 2, Applicant does not believe that it is required to demonstrate that it has provided a better system than a suggested alternative. The question before the Board is whether the system proposed by Applicant meets the standards and requirements of the AEC and whether it will function to perform its design objectives. It is therefore Applicant's position that the above-mentioned topical report is not relevant to the issues in this proceeding. For the same reasons, Applicant may also object to the cross-examination which the Citizens Committee proposes to conduct under item 9f., relating to the containment spray additive.

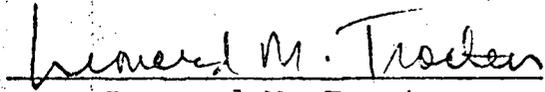
Applicant will not object to the introduction into evidence of the remaining documents proposed to be introduced

by the Citizens Committee in its June 21 letter, although these documents are, at best, peripherally relevant and material.

Very truly yours,

LeBoeuf, Lamb, Leiby & MacRae
Attorneys for Applicant

By



Leonard M. Trosten
Partner

Enclosures

cc: Myron Karman, Esq., w/enc.
Anthony Z. Roisman, Esq., w/enc.
Angus Macbeth, Esq., w/enc.
J. Bruce MacDonald, Esq., w/enc.
Hon. Louis J. Lefkowitz, w/enc.
Algie A. Wells, Esq., w/enc.
Secretary, USAEC, w/enc. (2)