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June 18, 1971

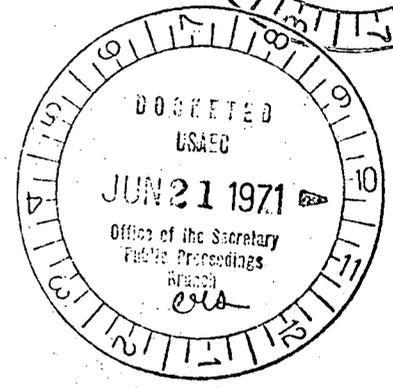
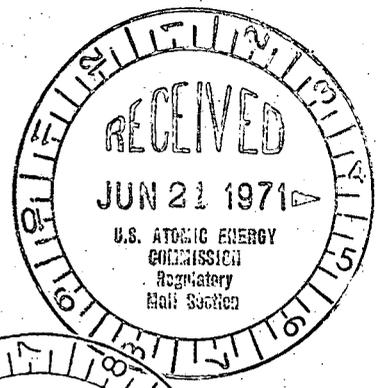
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Re: Consolidated Edison Company
of New York, Inc.
Indian Point Station Unit No. 2
AEC Docket No. 50-247

Gentlemen:

The purpose of this letter is to describe agreements reached between the Applicant and the Citizens Committee for the Protection of the Environment with respect to the conduct of the hearing commencing on July 13. These agreements are, of course, subject to the Board's approval and to expressions of view by other parties.

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Applicant will have no objection to the introduction into evidence of the documents listed in Appendix A to the proposed findings of fact submitted to the Board by the Citizens Committee on June 4. Applicant is presently examining the statement of position and proposed findings of fact submitted by the Citizens Committee and the record generally to determine whether additional evidence should be offered. It is anticipated that this analysis will be completed in time so that rebuttal evidence with respect to the abovementioned documents and answers to the Board's questions will be submitted in writing by Applicant to the Board and the parties on July 6, 1971.

Applicant and the Citizens Committee have agreed that the trial of issues raised by the Citizens Committee should proceed in the following order: (1) The Citizens Committee will offer its documents in evidence at the outset of the hearing on July 13; (2) the cross-examination referred to in items 9a.-9d. of the Citizens Committee's proposed findings of fact will take place. (In this connection Applicant's witness to be cross-examined in accordance with item 9c. will be Mr. John D. McAdoo, Jr. of Westinghouse Electric Corporation.); (3) Applicant, the Regulatory Staff and the New York State Atomic Energy Council will offer additional evidence and responses to the Board's questions; (4) any cross-examination to be conducted by the Citizens Committee pursuant to item 9e. will take place; and (5) if necessary, additional evidence will be offered by Applicant and other parties. Counsel for the Citizens Committee has advised that he anticipates the time required for cross-examination in accordance with item 9a.-9d. should not exceed eight hours of hearing time.

It is not feasible at this time to define the procedure for trial of issues related to electric power supply or the emergency core cooling system. As additional information on this is developed prior to the hearing we will communicate it to the Board.

With respect to the penultimate paragraph of the Citizens Committee's June 4 letter, Applicant does not concede

that it is permissible for the Citizens Committee at this stage of the hearing to take the actions referred to in that paragraph. Applicant accordingly reserves the right to object thereto.

Should the Board or other parties believe that a prehearing conference would be desirable Applicant suggests that it be held during the week prior to the hearing, preferably in Washington, D. C.

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE

By Leonard M. Trosten
Leonard M. Trosten
Partner

cc: Myron Karman, Esq.
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