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November 29, 1971

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

Gentlemen:

Applicant's counsel has discussed with counsel for the Citizens Committee for the Protection of the Environment, Environmental Defense Fund, Inc., Hudson River Fishermen's Association, AEC Regulatory Staff and New York State Atomic Energy Council a proposed schedule for submission of proposed findings of fact, conclusions of law and certain briefs in this proceeding. The purpose of this letter is to advise the Board of the substance of the understandings reached and to request the Board's approval thereof to the extent such approval may be necessary.

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1. Applicant will file its proposed findings of fact and conclusions of law on issues to be considered by the Board under 10 CFR 50.57(a) (hereinafter referred to as the "radiological safety issues"), relating to the evidentiary record as of the time the hearing was recessed

hearing

at the close of the session on November 17, 1971, not later than December 8, 1971. Although these findings and conclusions will be submitted in connection with the "Supplement to Applicant's Motion for Issuance of a License Authorizing Limited Operation" dated October 19, 1971 (i.e., Applicant's motion seeking a license for limited operation of Indian Point Unit 2 for testing purposes at a power level up to 50% of full power, hereinafter referred to as the "50% testing license") the proposed findings and conclusions may also deal with full-term, full-power operation as well.

2. Applicant will submit a brief concerning the AEC's June 29, 1971 "Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors" by December 8, 1971 and perhaps another brief or briefs.
3. By January 11, 1972, the Citizens Committee for the Protection of the Environment will file its proposed findings of fact, conclusions of law, and a brief concerning the AEC's above-referenced Interim Acceptance Criteria. These will relate to the radiological safety issues only, particularly the above-mentioned motion for a 50% testing license. The AEC Regulatory Staff and the New York State Atomic Energy Council will also file their proposed findings of fact, conclusions of law, and briefs, if any, on the radiological safety issues by that date.
4. By January 21, 1972, Applicant and other parties may reply to proposed findings of fact, conclusions of law and briefs.
5. Applicant may file additional or supplemental proposed findings of fact and conclusions of law concerning the radiological safety issues, with regard to the evidentiary record which may be developed after November 17, 1971 in this proceeding. Applicant presently intends to submit all such additional or supplemental proposed findings of fact and conclusions of law on the radiological safety issues by

January 1, 1972, assuming that the Board closes the hearing record on these issues by December 17, 1971. The schedule outlined in items 3 and 4 above will be observed by the Citizens Committee for the Protection of the Environment, the AEC Regulatory Staff, the New York State Atomic Energy Council and the Applicant insofar as any such additional proposed findings of fact and conclusions of law are concerned. (Of course, this schedule is subject to revision depending on the nature of the radiological safety matters that may be dealt with during the hearings presently scheduled to commence on December 14, 1971 and whether the record is closed on the radiological safety issues as of December 17, 1971.)

6. Applicant presently intends to submit proposed findings of fact and conclusions of law to the Board on environmental matters pertaining to the 50% testing license by not later than January 21, 1972. Consistent with the Stipulation, dated November 2, 1971, CCPE, EDF and HRFA will not submit proposed findings and conclusions on the environmental matters relating to the 50% testing license. (This schedule is subject to revision depending on the nature of the environmental matters that are covered during the session of hearings scheduled to commence December 14, 1971, and further assumes that the Board closes the record on environmental issues pertaining to the 50% testing license by December 17, 1971.)

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE
Attorneys for Applicant

By

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