



BEFORE THE UNITED STATES
ATOMIC ENERGY COMMISSION

In the Matter of)
)
Consolidated Edison Company) Docket No. 50-247
of New York, Inc.)
(Indian Point Station, Unit No. 2))

11-2-71

STIPULATION AMONG APPLICANT AND
INTERVENORS CCPE, EDF AND HRFA
CONCERNING FURTHER CONDUCT OF PROCEEDINGS

Pursuant to 10 CFR 2.753, it is hereby stipulated as follows among Consolidated Edison Company of New York, Inc. ("Applicant"), Citizens Committee for the Protection of the Environment ("CCPE"), Environmental Defense Fund, Inc. ("EDF") and Hudson River Fishermen's Association ("HRFA"), (hereinafter collectively referred to as "the stipulating parties") acting through their respective counsel, with respect to procedure for the further conduct of the pending proceedings for consideration of an operating license for the Indian Point Unit No. 2 facility ("Unit 2"):

1. Not later than October 25, 1971, CCPE shall submit to the parties and the Atomic Safety and Licensing Board ("Board") (a) a supplemental "trial memorandum"

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containing all of its remaining preliminary 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 "radiological safety issues"); (b) a statement of all remaining proposed cross-examination of Applicant's witnesses and witnesses of other parties; (c) a listing of all documents proposed to be offered in evidence by CCPE; (d) the names of all witnesses who will offer testimony on behalf of CCPE; and (e) a copy of all testimony to be offered by CCPE.

2. Immediately following the conclusion of the continuous session of hearings on the radiological safety issues scheduled to commence November 1, 1971 (which CCPE and Applicant estimate will occur not later than November 12, 1971) Applicant shall offer in evidence its testimony in support of its motion for the issuance of a license to authorize testing of Unit 2 at power levels not to exceed 1379 megawatts thermal, i.e., fifty percent (50%) of full-power operation. EDF and HRFA do not oppose the authorization of such license by the Board (and the Commission, as required) as soon as practicable and they will offer no evidence with respect to this matter. However, EDF and HRFA reserve their rights to contest the issuance of any other operating (including testing) license for Unit 2 on the basis of matters covered by

10 CFR 50, Appendix D. CCPE takes no position with respect to matters covered by 10 CFR 50, Appendix D and will offer no additional evidence, by cross-examination or otherwise, with respect to the issuance of such license but will oppose the issuance thereof on the basis of the entire evidentiary record adduced as of the conclusion of the hearings on the radiological safety issues. It is the desire and expectation of the stipulating parties that (a) the Board will conclude any hearings which the Board considers necessary concerning the issuance of such license (hereinafter referred to as the "hearings on the 50% license") within three (3) days of continuous session, the session to commence immediately following the conclusion of the hearings on the radiological safety issues, and (b) the Board will issue an Initial Decision in response to Applicant's motion within thirty (30) days after all proposed findings and conclusions with respect thereto have been submitted to the Board as provided hereafter in this Section 2. Applicant shall submit its proposed

findings of fact and conclusions of law within seven (7) days after the record is closed on the hearings on the 50% license. CCPE shall submit its formal proposed findings of fact and conclusions of law with respect to the radiological safety issues insofar as they apply to Applicant's motion within seven (7) days after receipt of Applicant's proposed findings and conclusions. Within four (4) days after receipt of CCPE's proposed findings and conclusions, Applicant may reply.

3. Within twenty (20) days after the record is closed for the hearings on the 50% license, Applicant shall submit its proposed findings of fact and conclusions of law on the radiological safety issues with respect to the issuance of a full-term, full-power license for Unit 2. By January 11, 1972 CCPE shall submit its formal proposed findings and conclusions. Within ten (10) days after receipt of CCPE's proposed findings and conclusions Applicant may reply. EDF and HRFA take no position and will not submit proposed findings and conclusions on the radiological safety issues.

4. By December 1, 1971 EDF and HRFA will have completed their review of all information, including information to be supplied by Applicant, concerning the

issues to be considered by the Board under 10 CFR 50, Appendix D with respect to the issuance of a full-term, full-power license for Unit 2 in accordance with the Application for Licenses filed on December 6, 1965 (hereinafter referred to as the "environmental issues") and will submit to the Board and the parties a "trial memorandum" containing all their preliminary proposed findings of fact and conclusions of law on the environmental issues. By December 7, 1971, unless the parties to this stipulation agree otherwise, EDF and HRFA will submit to the parties and the Board (a) a statement of proposed cross-examination of Applicant's witnesses and witnesses of other parties; (b) a listing of all documents proposed to be offered in evidence by EDF and HRFA; (c) the names of all witnesses who will offer testimony on behalf of EDF and HRFA; and (d) a copy of all testimony to be offered by EDF and HRFA.

It is agreed that EDF and HRFA may supplement the material referred to in items (a) through (d) of the preceding sentence not later than December 31, 1971, it being agreed by EDF and HRFA that sufficient information will be supplied by December 7, 1971 that the hearing days of December 14-17, 1971 referred to in Section 5 below will be

fully utilized. If the AEC Regulatory Staff's Final Detailed Environmental Statement has not been received by the other parties before December 24, 1971, EDF and HRFA may supplement items (a) through (d) described in the preceding sentences on those issues or aspects of issues raised in the Final Detailed Environmental Statement and not covered by the Applicant's Environmental Report or the AEC Regulatory Staff's Draft Detailed Environmental Statement provided such Draft Detailed Environmental Statement is published prior to December 24, 1971. Any such supplementing shall be made within seven (7) days of the receipt of the Final Detailed Environmental Statement. CCPE will take no position and will not submit proposed findings and conclusions on the environmental issues.

5. The stipulating parties agree that the Board should commence the hearing on the environmental issues on December 14, 1971 and that such hearing should continue through December 17, 1971 and then recess until January 11, 1972. The stipulating parties agree that at the outset of this initial phase of the hearings on the environmental issues the Applicant may offer such evidence in support of a motion for a license authorizing operation of Unit 2 at steady state levels up to 2482 megawatts thermal, i.e., ninety percent (90%) of full-power operation, as Applicant deems appropriate.

HRFA and EDF do not at this time take any position with respect to the issuance of such a license pending completion of their investigation pursuant to Section 4 above. CCPE will oppose the issuance of such a license solely on the basis of the entire evidentiary record adduced as of the conclusion of the hearings on the radiological safety issues. The stipulating parties agree that (a) the Board should conclude any hearings which the Board considers necessary concerning the issuance of such license (hereinafter referred to as the "hearings on the 90% license") within four (4) days of continuous session. Applicant shall submit its proposed findings of fact and conclusions of law within ten (10) days after the record is closed on the hearings on the 90% license, or by December 31, 1971, whichever is later. EDF and HRFA shall submit their proposed findings of fact and conclusions of law, if any, by January 11, 1972 or within ten (10) days after receipt of Applicant's proposed findings and conclusions, whichever is later. Within four (4) days after receipt of EDF's and HRFA's findings and conclusions Applicant may reply. Applicant, EDF and HRFA may supplement their proposed findings and conclusions within four (4) days after receipt of any statement by the AEC Regulatory Staff pursuant to Appendix D of 10 CFR 50 related to the hearings on the 90% license. The stipulating parties desire

and expect that the Board will issue an order on Applicant's motion within a period not in excess of fifty (50) days after the commencement of any testing of Unit 2 authorized pursuant to Section 2, above.

6. The stipulating parties agree that the hearing on the environmental issues should be completed by January 21, 1972. Within fourteen (14) days after the record is closed on the hearing on the environmental issues Applicant shall submit its proposed findings of fact and conclusions of law on these issues. Within fourteen (14) days after receipt of Applicant's proposed findings and conclusions, EDF and HRFA shall submit their formal proposed findings and conclusions. Within ten (10) days after receipt of EDF's and HRFA's proposed findings and conclusions, Applicant may reply. The stipulating parties desire and expect that the Board will render its Initial Decision with respect to the issuance of the full-term, full-power operating license for Unit 2 within forty-five (45) days following receipt of all proposed findings and conclusions, i.e., approximately April 15, 1972.

7. EDF and HRFA agree to support any motion made by Applicant, pursuant to Sections D.1 or D.2 of 10 CFR Part 50, Appendix D, for an order by the Commission or the Board, as appropriate, prescribing the time during which this

proceeding or any portion thereof will be completed, provided such motion is consistent with the schedules contained in this stipulation. CCPE will take no position on such motion.

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Dated: November 2, 1971