

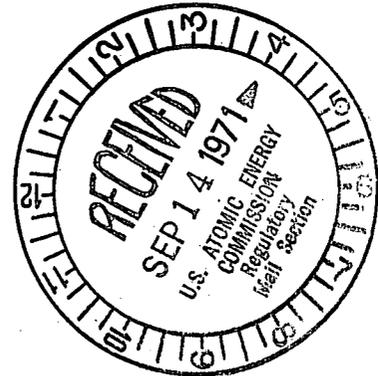
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September 9, 1971



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 (Indian Point Unit
No. 2) - Docket No. 50-247

Dear Mr. Chairman:

We agree with Applicants' suggestion that the next session of the hearing should conclude the hearings on radiological safety matters. However, it is neither possible nor desirable for such a hearing to commence on October 4.

On August 26, 1971 we received from the Staff the list of documents which were consulted by Members of the ECCS Task Force in their review. We have obviously not had an opportunity to review the 60 documents included on that list. We felt confident that review of those documents would require us to spend at least as much time as the Task Force spent in review and preparation of their position (approximately two months). Mindful of Applicants' concern with delay in the proceedings we requested, inter alia, the list of documents on May 25, 1971. Having only just received that list we can hardly be expected to complete our review and formulate our position by the end of this month (one week before October 4). We also have not received from the Staff the tests and analyses of those tests which necessitated the Task Force Review. Without that material we cannot independently assess the test results.

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We also believe that Applicants' suggestion that hearings be held night and day during the week of October 4 is unreasonable. While Applicant's counsel does little more than listen during cross-examination and while witnesses change every few hours, Intervenors only have one attorney who must handle the entire cross-examination. Both physical and mental fatigue as well as the need to review the days transcript in preparation for the next days hearings make night and day sessions intolerable.

We assume Applicant has urged this burdensome procedure because it is aware that both the Chairman and myself will be involved in other hearings beginning October 12. I do not at this time believe that the hearings on the matters outlined in Applicants' letter can be concluded during the week of October 4 nor do I see any need to place all of us under that kind of time pressure. The recently adopted revised Appendix D requires that further hearings be held on environmental matters and that such hearings commence only after the Applicant and the Staff have completed their review. Thus this hearing will not end when the hearings on safety matters have been concluded and rushing to complete these hearings will serve no legitimate purpose.

We are today informally requesting the Applicant and the Staff to supply us, if possible, with a copy of certain documents listed as part of the ECCS Task Force review and also are advising them tentatively of several areas of concern which we have with respect to ECCS. (Copies of letters attached) We hope that these informal procedures will expedite our review and in this hope suggest to the Board the following time schedule:

1. September 20 Proposed direct testimony of Applicant, and New York State Atomic Energy Council promised on this date in Applicant's telegram of September 9.
2. September 20 Proposed direct testimony of the Staff with respect to the four subject areas outlined in Applicant's telegram of September 9.
3. October 18 Proposed Cross-examination of the Citizens Committee for Protection of the Environment with respect to ECCS and with respect to further direct testimony of the Applicant, Staff and New York State Atomic Energy Council.

4. November 1

Commencement of continuous daytime hearings on the remaining radiological safety issues.

It is also possible that by a free exchange of data and concerns between now and the hearing actual hearing time may be substantially reduced by permitting the Citizens Committee for the Protection of the Environment to obtain the answers to questions from documents produced and informal discussions. Through this procedure the issues can be more carefully defined and the cross-examination can be more pointed with both sides better prepared to respond.

Sincerely,



Anthony F. Roisman

Counsel for the Citizens Committee
for the Protection of the Environment

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Attachments

CC: All parties of Record