

DOCKET NUMBER

PROD. & UTIL. EAG. 50-247

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February 12, 1973

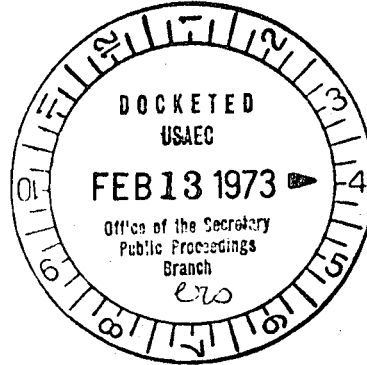
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Samuel W. Jensch, Esq.  
Chairman  
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U. S. Atomic Energy Commission  
Washington, D. C. 20545

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

Dear Mr. Chairman:

In connection with Applicant's motion to strike certain testimony of Dr. Philip Goodyear, (Tr. 9332-9333 and letter to Board dated January 24, 1973) there is enclosed a copy of an affidavit dated February 1, 1973 submitted by Angus Macbeth, Esq. in support of a petition dated February 2, 1973 filed by the Hudson River Fishermen's Association with the Federal Power Commission for a hearing and order regulating the Cornwall pumped storage project.

In view of the submission of this affidavit, there can no longer be any real doubt as to the reason for the line of questions by Mr. Macbeth to Dr. Goodyear which led to Applicant's motion to strike. We submit that the Board should not allow the hearings before the Board to be manipulated by any party in this fashion and that Mr. Macbeth's affidavit confirms that the

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challenged testimony by Dr. Goodyear has no proper place in the evidentiary record of this proceeding.

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE  
Attorneys for Applicant

By Leonard M. Trosten  
Leonard M. Trosten  
Partner

Enclosure

cc w/enc.:

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Honorable Louis J. Lefkowitz  
✓ Secretary, USAEC  
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Board Panel