

TEST NUMBER
100-2-0011, EAG

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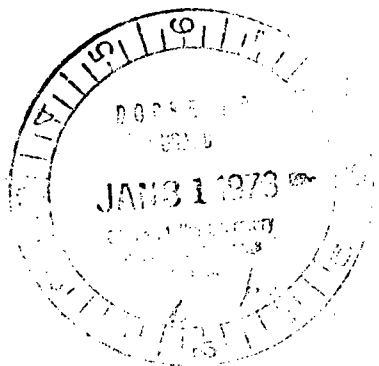
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January 24, 1973

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Samuel W. Jensch, Esq.
Chairman
Atomic Safety & Licensing Board
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 response to your inquiry at the hearing on January 19, 1973 (Tr. 9384-9385), Applicant submits that the following transcript pages are pertinent to Applicant's motions under 10 CFR 2.730 (See Tr. 9332-9333) to strike testimony of Dr. Philip Goodyear (Tr. 9329, lines 13-15, 17-22 and 24-25; Tr. 9330, lines 1-2; Tr. 9333, lines 19-20) from the evidence in this proceeding:

- Tr. 8683-8687, January 15, 1973
- Tr. 9324-9334, January 19, 1973
- Tr. 9382-9385, January 19, 1973

The grounds for Applicant's motions are that such testimony is irrelevant, immaterial and unreliable and hence inadmissible under 10 CFR 2.743(c). Applicant calls the Board's attention particularly to the testimony of Dr. Goodyear

that he did not in any way rely on the conclusions of the
Carlson McCann report (Tr. 9333, lines 15-17).

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE
Attorneys for Applicant

By Leonard M. Trosten
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cc: Mr. R. B. Briggs
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Honorable Louis J. Lefkowitz
Secretary, USAEC
Atomic Safety and Licensing
Board Panel

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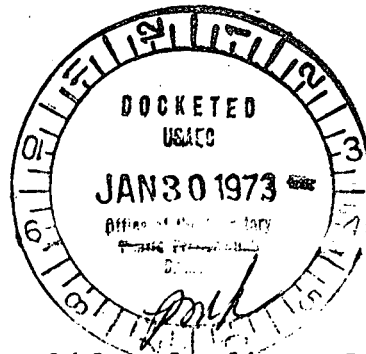
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Re: Consolidated Edison Company
of New York, Inc.
Indian Point Unit No. 2
Docket No. 50-247

Dear Mr. Roisman:

We acknowledge receipt of a document entitled "Notice to Applicant," dated January 16, 1973 setting forth CCPE's intention to file a motion to incorporate into the Indian Point 2 record certain portions of the Point Beach 2 proceeding. Applicant strongly favors use of procedures which avoid duplication or delay in the Indian Point 2 proceeding including stipulations of fact and incorporation of the record of other proceedings where appropriate. Such procedures should be utilized if, and after, CCPE properly identifies contentions in this proceeding relating to fuel densification insofar as such contentions bear on a full-term, full-power operating license for Indian Point 2.

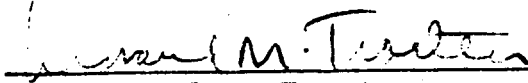
As for your advice that Applicant "should have no legal or other objection" to the motion which CCPE intends to file to incorporate all or portions of the Point Beach 2 hearing record in the Indian Point 2 proceeding, we shall,

of course, await receipt of your motion prior to responding to it.

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE
Attorneys for Applicant

By


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