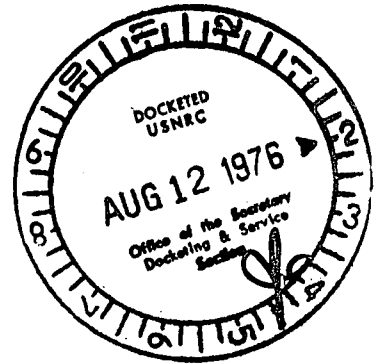


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Michael C. Farrar, Chairman
Dr. John H. Buck
Dr. Lawrence R. Quarles



In the Matter of)
)
)

CONSOLIDATED EDISON COMPANY)
OF NEW YORK, INC.)
)

(Indian Point, Units 1, 2 & 3))
)

Docket Nos. 50-3

50-247

50-286

ORDER

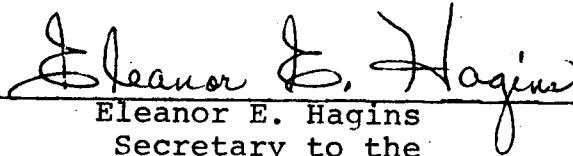
August 12, 1976

During the course of the recently-concluded hearing in this proceeding, the New York State Atomic Energy Council moved to strike certain testimony on the ground that it was inadmissible hearsay. In view of the apparent difficulty of the question presented, we called for briefs on the subject. Instead of filing a brief, the Council withdrew its motion, assigning reasons for doing so. Contemporaneously, the Citizens Committee for the Protection of the Environment filed a brief supporting the view that the testimony should be stricken; for their part, the staff and the licensee filed briefs opposing that view.

In light of the withdrawal of the motion, and because the arguments that can be made for striking the testimony are, at best, not sufficiently strong to warrant us taking that action on our own motion, we are permitting the testimony to remain in the record. The weight to be given it remains open for discussion and decision.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND LICENSING
APPEAL BOARD

A handwritten signature in cursive script, reading "Eleanor E. Hagins", is written over a horizontal line.

Eleanor E. Hagins
Secretary to the
Appeal Board