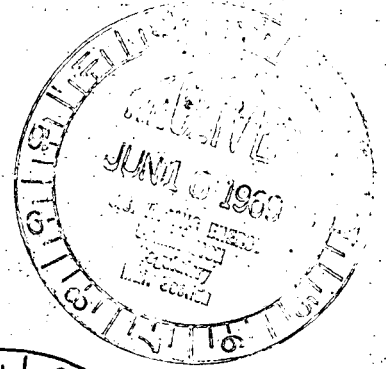


UNITED STATES
 ATOMIC ENERGY COMMISSION
 WASHINGTON 25, D.C.

DOCKET NUMBER
 PROD. & UTIL. FAC. 50-286

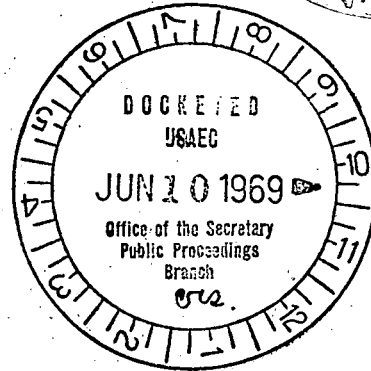
JUN 9 1969



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

Dr. Thomas H. Pigford
 c/o Thermo Electron Corporation
 85 First Avenue
 Waltham, Massachusetts 02154

Dr. John Henry Buck
 Atomic Safety and Licensing Board
 U. S. Atomic Energy Commission
 Washington, D. C. 20545



In the Matter of Consolidated Edison Company of New York, Inc.
 Indian Point Unit No. 3
 Docket No. 50-286

Gentlemen:

By the letter dated May 26, 1969, the board in this proceeding requested the staff and all parties for briefs as to whether the reservation originally made respecting cross-examination of the witness LaMont Cole is now considered waived.

Dr. Cole was presented as a witness by the Citizens Committee for the Protection of the Environment. When it became apparent that the hearing would not be completed during the first week, the applicant reserved the right to cross-examine Dr. Cole at the resumed hearing (Tr. 486-487, 531). The State of New York Atomic Energy Council also indicated it would like to have further cross-examination at the reconvened hearing (Tr. 494-495, 548). The other parties to the proceeding, Mary Hays Weik and the Regulatory Staff, had completed cross-examination of the witness (Tr. 494, 548).

The Committee subsequently announced that Dr. Cole would be unable to return (Tr. 1180).

By letters dated June 6, 1969, the applicant and the Council mooted this question by each specifying that they waived further cross-examination of the witness. For this reason, we assume the board no longer wishes any brief on this subject.

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We have also noted a typographical error in our proposed findings submitted on June 6. The word "no" should be deleted from the first line on page 12.

Sincerely,

Troy B. Conner, Jr.
Troy B. Conner, Jr.
Trial Counsel

- cc: Leonard M. Trosten, Esq.
- Mr. Larry Bogart
- Joseph F. Scinto, Esq.
- Miss Mary Hays Weik
- Mr. W. Donham Crawford
- Mr. Stanley T. Robinson
- Algie A. Wells, Esq.