

UNITED STATES OF AMERICA

ATOMIC ENERGY COMMISSION

In the Matter of)
)
CONSOLIDATED EDISON COMPANY OF) Docket No. 50-286
NEW YORK, INC.)
(Indian Point Nuclear Generating)
Unit No. 3))

STIPULATION CONCERNING SPECIAL
PREHEARING CONFERENCE ORDER

IT IS HEREBY STIPULATED by and among the attorneys for Consolidated Edison Company of New York, Inc. ("Applicant"), the Regulatory Staff, and Hudson River Fishermen's Association, Inc., Save Our Stripers, Inc., and the State of New York ("Intervenors"), pursuant to the request of the Atomic Safety and Licensing Board ("the Board") (Tr. 52-53), that the Board may enter an Order in this proceeding including the provisions of the attached proposed Special Prehearing Conference Order.

Harry H. Voigt
Attorney for Applicant

Iman Kanner
Attorney for the Regulatory
Staff

W. A. Robinson
Attorney for Hudson River
Fishermen's Association
and Save Our Stripers,
Inc.

J. Robert Donald
Attorney for the Atomic Energy
Council of the State of New
York

July . , 1973

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SPECIAL PREHEARING CONFERENCE ORDER

On May 21, 1973, the Atomic Safety and Licensing Board designated to conduct a hearing in the above entitled proceeding convened for a Special Prehearing Conference in accordance with the Rules of Practice of the Atomic Energy Commission. 10 C.F.R. § 2.751a (1973). At the Conference, held at Croton-on-Hudson, New York, counsel for all parties appeared and provided summaries of their positions on the various issues currently before the Board. In addition, counsel for the Attorney General of the State of New York, a petitioner for intervention, appeared and was heard.

As a result of this Special Prehearing Conference, the Board makes the following orders:

1. Subject to further order of the Board, the evidentiary hearing shall commence on February 4, 1974,

and shall continue from day to day until the hearing is concluded, subject to the possibility of brief adjournments necessary for the parties to prepare for cross-examination of any testimony not distributed prior to February 4, 1974, and for the exchange of redirect or rebuttal testimony.

2. Without amendment or clarification, it is implicit in the contentions raised in this proceeding that the need for power during the period of time required for completion of environmental studies and construction of alternative cooling or intake structures or other protective or mitigation measures, to the extent required, will be considered during the evidentiary hearing (see Tr. 70).

3. The parties shall exchange interrogatories or requests for documents during September 1973, with responses to be furnished during November 1973. This limitation on discovery shall not apply to new matters relevant to the environmental issues contained in additional research reports made available by Applicant as provided in paragraph 7 of this Order. The provisions of this paragraph 3 are without prejudice to the right of any party to object to interrogatories or requests for

information pursuant to the Commission's Rules of Practice.

4. Further interrogatories or requests for documents pertaining to matters contained in the Regulatory Staff's Final Environmental Statement ("FES") may be exchanged by the parties promptly after the FES is issued.

5. In order to reduce duplication in the presentation of evidence and examination of witnesses, the parties shall exchange lists of exhibits and designations of portions of the transcript from the proceeding in Docket No. 50-247 that each party considers to be relevant to, and appropriate for the incorporation into this proceeding. Following the issuance of an initial decision by the Board in Docket No. 50-247, the parties will endeavor to prepare and present a final specification of matters from that proceeding to be incorporated by reference in this proceeding.

6. Within 30 days after the issuance of the FES, each party shall submit to the Board a statement of its position concerning how the environmental issues covered in the FES differ from those in Docket No. 50-247.

7. Applicant shall provide to the other parties copies of additional research reports relevant to the

environmental issues in this proceeding as they become available. However, in no case shall copies of monthly reports be provided to the other parties later than 20 calendar days after being issued, with all reports issued in 1973 being distributed not later than January 20, 1974. Requests for other relevant research data may be made in accordance with paragraph 3 of this Order.

8. There being no objection (Tr. 49-50), Hudson River Fishermen's Association, Inc., and Save Our Stripers, Inc., are ordered to consolidate their presentation of evidence, cross-examination, briefs, proposed findings of fact and conclusions of law, and argument for all of the issues raised by their respective petitions to intervene. 10 C.F.R. § 2.715a (1973).

9. The transcript of this proceeding intended for filing at the Hendrick Hudson High School, Croton-on-Hudson, shall be sent for their temporary use directly to counsel for the intervenors Hudson River Fishermen's Association and Save Our Stripers, Nicholas A. Robinson, Esq., Marshall, Bratter, Greene, Allison & Tucker, 430 Park Avenue, New York, New York 10022. Counsel shall make the copy immediately available to any member of the public who asks for it while it is in their possession.

Upon finishing their use of the transcript counsel shall forward it to the Public Proceedings Branch Depository at the Hendrick Hudson High School or such other place as the Public Proceedings Branch may prescribe.

IT IS SO ORDERED.

ATOMIC SAFETY AND LICENSING BOARD

By Samuel W. Jensch, Chairman

Issued:
July , 1973
Germantown, Maryland