

1-994

LAW OFFICES OF
LEBOEUF, LAMB, LEIBY & MACRAE
1757 N STREET, N.W.
WASHINGTON, D.C. 20036

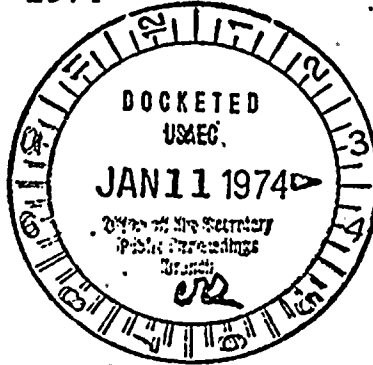
IRVIN E. UPTON
EUGENE B. THOMAS, JR.
EDONARD M. TROSTEN
MARRY H. VOIGT
ALEX K. LARSON
WASHINGTON PARTNERS

ONE CHASE MANHATTAN PLAZA
NEW YORK, N.Y. 10005

January 9, 1974

WASHINGTON TELEPHONE
202-872-0068

CABLE ADDRESS
LALALU, WASHINGTON D.C.



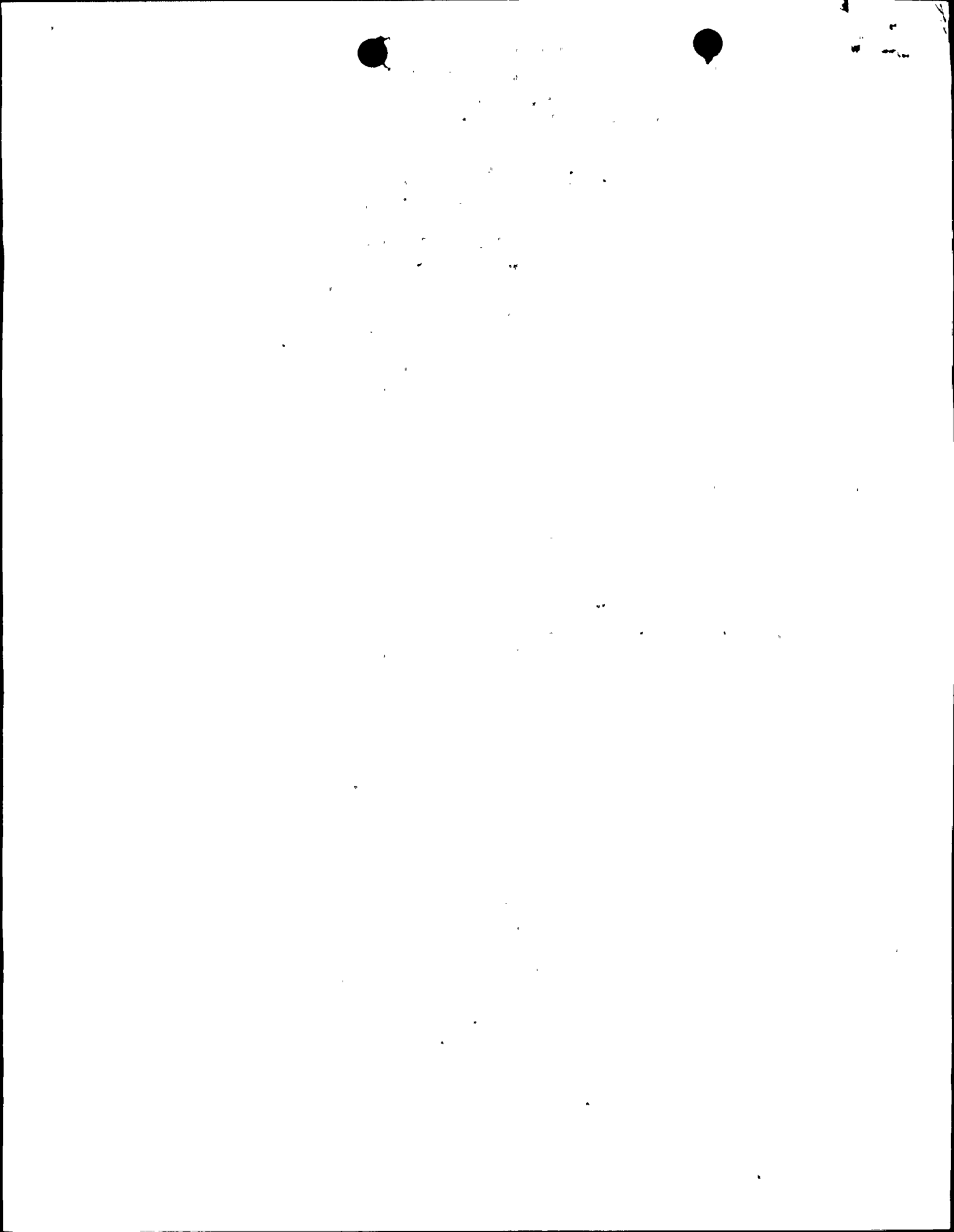
Richard I. Goldsmith, Esq.
Ernest I. White Hall
Syracuse University
Syracuse, New York 13210

Re: AEC Docket No. 50-410

Dear Mr. Goldsmith:

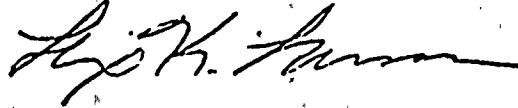
I am writing this letter as a result of our telephone conversation late this afternoon, during which you informed me that the written direct testimony of your witnesses will not be submitted today. I was unable to reach you by telephone a few minutes ago to inform you of the substance of this letter, and I plan to call you early tomorrow morning for that purpose.

You explained to me that as you interpret section 2.743(b) of the Commission's regulations you are not required to file your direct testimony until five days before the actual day of hearings at which the testimony will be presented, which you anticipate will be some time during the second week of the hearings--that is, the week of January 21. We do not so interpret section 2.743(b), nor do we see how it is subject at all to the interpretation that you suggest. The written direct testimony of all parties on energy conservation is required to be distributed today--that is, five business days in advance of the hearing session, which begins on January 16. While we could tolerate a day or two's delay, the submittal of your testimony next week would leave us virtually no time before the hearing session to prepare cross-examination and would threaten to delay the hearings in contravention of the purpose of the five-day rule. If this occurs, we will not consent to the introduction of that testimony and will oppose its receipt into evidence. I might note also that while the direct testimony of other



parties will precede that of your witnesses, there is no guarantee that presentation of their direct testimony will not be required during the first week of hearings.

Sincerely yours,



cc: Daniel M. Head, Esq.
Dr. William E. Martin
Dr. Marvin M. Mann
Carmine J. Clemente, Esq.
Mrs. Suzanne Weber
Bernard M. Bordenick, Esq.
Anthony Z. Roisman, Esq.
Secretary, U.S. Atomic Energy Commission
Atomic Safety and Licensing Appeal Board

