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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

James P. Gleason, Chairman

Frederick J. Shon

Dr. Oscar H. Paris

-----X	)	
In the Matter of	)	Docket Nos. 50-247-SP
	)	50-286-SP
CONSOLIDATED EDISON COMPANY OF NEW YORK	)	
INC. (Indian Point, Unit No. 2)	)	
	)	March 21, 1983
POWER AUTHORITY OF THE STATE OF NEW	)	
YORK (Indian Point, Unit No. 3)	)	
-----X	)	

CON EDISON'S MOTION TO STRIKE PORTIONS  
OF TESTIMONY UNDER QUESTIONS 3 AND 4  
OF CERTAIN ROCKLAND COUNTY WITNESSES

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CON EDISON'S MOTION TO STRIKE PORTIONS  
OF TESTIMONY UNDER QUESTIONS 3 AND 4  
OF CERTAIN ROCKLAND COUNTY WITNESSES

Consolidated Edison Company of New York, Inc. ("Con Edison") hereby moves for an order striking portions of the Testimony and Supplemental Testimony under Commission Questions 3 and 4 filed by certain witnesses for Rockland County.

Three witnesses (Dr. Bernard Flicker, Donald Hastings and Donald P. McGuire) state that they will provide essential information when the time comes to testify. This is in flagrant violation of the Board's order and the Commission's rules that all testimony shall be prefiled.

The flaws in the Rockland County's witness' testimony fall into a number of recurring types. For the convenience of the Board, we have identified the various types, given them abbreviations, and listed the objectionable passages by page, line, and type of infirmity.

Much of the testimony is merely conclusory. It presents a statement with no supporting factual material. Many statements purportedly presenting factual material are entirely without foundation for introduction of that material. Moreover, many of the factual assertions are hearsay, and are not supported by personal knowledge of the witness. Some statements are irrelevant, immaterial, or beyond the scope of Commission Questions 3 and 4. Finally, some of the statements are purely speculative.


#### Objection Abbreviations

- |     |  |
|-----|--|
| (C) | Conclusory   |
| (F) | Inadequate foundation  |
| (H) | Hearsay and/or lack of personal knowledge  |
| (R) | Irrelevant, immaterial, and/or beyond the scope of<br>Commission Questions 3 and 4 |
| (S) | Speculative  |

<u>Witness</u>	<u>Page(Line)</u>	<u>Objections</u>
Ingenito	2(7-8)	C, F
Gdanski	Supplemental 3(1-6)	C, F, R
Reisman	Supplemental 2(13-14)	C, S
Scurti	3(6-7)	F, C
	3(13-21)	C, S
Scharf	Supplemental 2(1-5)	C, F
	Supplemental 2(5-7)	C, F
	Supplemental 3(2-6)	C
Carney	1(11-15)	S
	2(1-5)	S, R
	2(7-9)	S
Northrup	Supplemental 3(5-8)	F
	Supplemental 3(9-20)	S, F
	Supplemental 3(21-23)	H
	Supplemental 4(6-7)	S, C, F

For the foregoing reasons, the testimony identified above should be struck from this proceeding.

Respectfully submitted,

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Dated: New York, New York  
March 21, 1983

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
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NEW YORK, INC. (Indian Point,	:	50-286-SP
Unit No. 2)	:	
	:	
POWER AUTHORITY OF THE STATE OF	:	
NEW YORK, (Indian Point,	:	March 22, 1983
Unit No. 3)	:	
	:	
-----X	:	

CERTIFICATE OF SERVICE

I certify that I have served copies of Con Edison's Motion to Strike Portions of Testimony Under Questions 3 & 4 of Certain Rockland County Witnesses by hand on all parties in attendance at the hearings on March 22, 1983, and by mail on all parties on March 22, 1983, postage prepaid in the federal mail.

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