

# STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, 12223

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February 4, 1983

Mr. James P. Gleason, Chairman  
Dr. Oscar T. Paris  
Mr. Fredrick J. Shon  
Administrative Judges  
Westchester Marriot  
670 White Plains Road  
Tarreytown, NY 10591

(HOLD FOR ARRIVAL)

Re: Consolidated Edison (Indian Point Unit 2)  
PASNY Unit 3) Docket Nos. 50-247-SP, 50-286-SP

Dear Administrative Judges:

In your Mailgram of January 28, 1983, you request proposals from the parties by February 7, 1983 as to how to hear the testimony of the witnesses on Emergency Planning in a three week period. The hearing of the testimony of over 180 witnesses in the 90 hours available (assuming a normal 6 1/2 hour hearing day) is an almost insurmountable task. Even if the length of the hearing day is extended and some witnesses are eliminated, obstacles will still remain. I suggest that the only way to meet the task is to put limits on the time for cross-examination of witnesses. These limits should reflect the importance of the witnesses' testimony for this proceeding. For some witnesses limitation to a half-hour or less may be appropriate.

Such a severe limitation would not be appropriate for the State panel on Emergency Planning since they are sponsoring the State and County plans into evidence and are likely to be subject to extensive questioning by all parties. However, in order to prevent inordinate delay of this proceeding and focus the questioning of the parties it will be advisable to limit the total time for cross-examination of State witnesses by all parties and interested states to no more than one normal day of hearing time (6 1/2 hours). This limitation will not only advance the progress of the hearing it will also mean that the State witnesses will not be taken away from their emergency planning responsibilities for an excessive period of time.

DS03

Messrs. Gleason  
Powers  
Shon

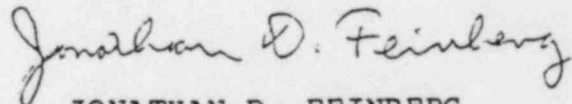
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I would also suggest that the State witnesses appear in the last week of hearings, the week of March 21st. Appearance during that week, as opposed to the preceding week of March 14th, would be more convenient for them since it will allow more time for post-exercise activities. Moreover, by finishing first with all the witnesses for whom cross-examination should be very brief, the Board will be better able to determine how much time can be allocated to the State witnesses.

Thank you for considering my suggestions.

Respectfully submitted.



JONATHAN D. FEINBERG  
Staff Counsel  
New York State Department  
of Public Service  
Appearing for New York State  
Energy Office

cc: All Active Parties