

Consolidated Edison Company of New York
4 Irving Place, New York, NY 10003
Telephone (212) 460-3241
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FOIA/PA REQUEST

Case No: 2001-0039
Date Rec'd: 11-2-2000
Action Off: Brown
Related Cases: _____

November 1, 2000

**BY FACSIMILE AND
AIRBORNE EXPRESS**

Ms. Carol Ann Reed
FOIA/Privacy Act Officer
United States Nuclear
Regulatory Commission
Mail Stop T-6 D8
Washington, DC 20555-0001

Re: **Freedom of Information Act Request**

Dear Ms. Reed:

Pursuant to the provisions of the Freedom of Information Act, 5 U.S.C § 552, and 10 CFR Part 9, Consolidated Edison Company of New York, Inc. ("Con Edison") respectfully requests a copy of the following records believed to be in the care, custody or control of the Nuclear Regulatory Commission ("NRC"):

- (1) Copies of all licenses or other authorizations to possess, use, or handle nuclear materials, nuclear byproduct materials, or sources or devices containing such materials issued by the NRC or the Atomic Energy Commission ("AEC") to the Nuclear Development Corporation of America, including the following licenses believed to have been issued to the Nuclear Development Corporation of America by the AEC during the period 1955 through 1963: (1) License or Docket No. 31-00350; (2) License or Docket No. C-03395; (3) License or Docket No. C-03494; and (4) License or Docket No. C-3503.
- (2) Copies of all records relating to the expiration, revocation, or termination of the licenses or authorizations described above in Item (1) of this request, including correspondence by the AEC or NRC to the Nuclear Development Corporation of America, correspondence by the Nuclear Development Corporation of America to the AEC or NRC, and reports or memoranda prepared by the AEC or NRC.
- (3) Copies of all records identifying the location(s) of the facility or facilities at which the Nuclear Development Corporation of America was authorized to possess, use, or handle nuclear materials, nuclear byproduct materials, or sources or devices containing such materials under the terms of the licenses or authorizations described above in Item (1) of this request, including correspondence, reports or applications submitted to the

AEC or NRC by the Nuclear Development Corporation of America.

- (4) Copies of all records relating to the disposition by the Nuclear Development Corporation of America of the nuclear materials, nuclear byproduct materials, or devices or sources containing such materials that it was authorized to possess, use, or handle under the terms of the licenses or authorizations described above in Item (1) of this request, including correspondence and documentation submitted by the Nuclear Development Corporation of America to the AEC or NRC and reports, reviews, memoranda, or other documents prepared by or for the AEC or NRC.
- (5) Copies of all records relating to the actions taken by the Nuclear Development Corporation of America to decommission and close the facility or facilities at which it was authorized to possess, use, or handle nuclear materials, nuclear byproduct materials, or devices or sources containing such materials under the terms of the licenses or authorizations described above in Item (1) of this request, including correspondence and documentation submitted to the AEC or NRC by the Nuclear Development Corporation of America and reports, reviews, memoranda, or other documents prepared by or for the AEC or NRC.
- (6) Copies of all records relating to the use or handling of nuclear materials, nuclear byproduct materials, or devices or sources containing such materials by the Nuclear Development Corporation of America at 5 New Street, White Plains, New York.
- (7) Copies of all records relating to the actions taken by the Nuclear Development Corporation of America to decommission and close its facility at 5 New Street, White Plains, New York, including all critiques, reports, reviews and other documents prepared by or on behalf of the NRC with respect to the adequacy of the decommissioning activities conducted by the Nuclear Development Corporation for that facility.

Con Edison agrees to pay the fees provided for in 10 CFR Part 9 for the search, retrieval, and copying of the records requested above. Con Edison waives prior notification from the NRC of those fees provided that they are not expected to total more than \$250.

Con Edison respectfully requests expedited handling of this request. Con Edison operates an electric distribution substation on property located immediately adjacent to 5 New Street in White Plains, New York. As part of a program to ensure the continued reliability of that facility, Con Edison is in the process of condemning a portion of the 5 New Street property and has applied to the City of White Plains for the zoning approvals needed to proceed with the construction of transformer vaults and other new substation structures on the 5 New Street property.

Recent reports appearing in USA Today suggest that during the Cold War the Nuclear Development Corporation of America conducted atomic weapons research for the Department of Energy at 5 New Street in White Plains, New York. Con Edison has requested the records described above to determine whether any activities that the Nuclear Development Corporation of America conducted at 5 New Street under licenses or authorizations from the AEC or NRC

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may have caused contamination that could pose a danger to the public or Con Edison's contractors and employees during the construction of the new transformer vaults and substation structures on that property.

If you have any questions regarding this matter, please contact me at the telephone number appearing above. Thank you in advance for your prompt attention to this matter.

Very truly yours,

Michael A. Wilkes