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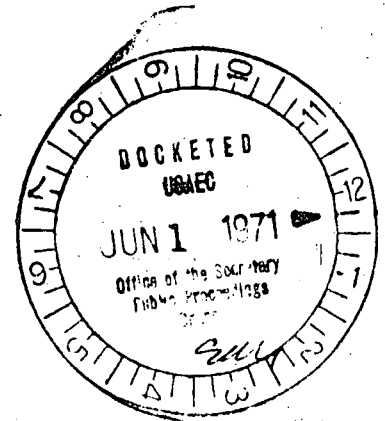
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May 28, 1971

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Samuel W. Jensch, Esq.
Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545



Re: Consolidated Edison Company
of New York, Inc.
Indian Point Unit No. 2
AEC Docket No. 50-247

Dear Mr. Chairman:

Applicant has received a copy of the Board's "Order Denying Request for Withdrawal of Part of Opening Statement by Applicant," dated May 26, 1971.

The Chairman has apparently misunderstood statements by Applicant's counsel at the hearing on May 13, 1971 as constituting a request for the Board's permission to withdraw a portion of Applicant's oral statement. It is the position of Applicant's counsel that counsel has the right to withdraw the referenced portion of the statement without obtaining permission from the Board and that the portion in question has already been withdrawn. Applicant's counsel has never suggested, of course, that this portion be physically removed from the transcript of this proceeding.

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PDR ADDCK 05000247
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Per file
hearing 13

Accordingly, Applicant respectfully takes exception to the Board's order.

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE

By Leonard M. Trosten
Leonard M. Trosten
Partner

cc: Dr. John C. Geyer
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Hon. Louis J. Lefkowitz
Algie A. Wells, Esq.
Secretary, USAEC (2)