

Distribution:
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MAR 21 1973

Anthony Z. Roisman, Esq.
 Berlin, Roisman and Kessler
 1712 N Street, Northwest
 Washington, D. C. 20036

Dear Mr. Roisman:

Thank you for your letters of March 7, 12 and 13, 1973, regarding our authorization, on February 22, 1973, of a Technical Specification change in connection with Operating License No. DPR-26 (Consolidated Edison Company of New York - Indian Point Unit No. 2 - Docket No. 50-247).

The change in question was authorized only after a determination, pursuant to § 50.59 of 10 CFR Part 50, that the change did not involve significant hazard considerations not described or implicit in the Final Facility Description and Safety Analysis Report and that there was reasonable assurance that the health and safety of the public would not be endangered. Because your objection to the change is based, at least in part, on the justification for that determination, it may prove mutually profitable for us to have a discussion of the technical basis for our action, with technically-oriented personnel present. We, on our part, would welcome the opportunity to have a better understanding of your difficulties with our letter of February 22 and I would be happy to arrange such a meeting if you consider it desirable. The meeting would, of course, be without prejudice to whatever position you may wish to submit to the hearing board with respect to your being afforded a hearing in this matter. I would also like to assure you that the change in question will in no way inhibit any further actions by the AEC in this proceeding from the standpoint of the public health and safety or environmental protection.

I am looking forward to hearing from you.

Sincerely,

(Signed) John F. O'Leary

John F. O'Leary
 Director of Licensing

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 PDR ADOCK 05000247
 P PDR

CC: See page 2

| | | | | | | |
|-------------|-------------|-----------|--|--|--|---------------|
| OFFICE ▶ | OGC | DL | | | | Copy sent PDR |
| ✓ SURNAME ▶ | HKShapar:jd | JFO'Leary | | | | |
| DATE ▶ | 3/19/73 | 3/20/73 | | | | |

Anthony J. Roisman, Esq.

- 2 -

cc: Samuel W. Jensch, Esq.
Dr. John C. Geyer
Mr. R. B. Briggs
J. Bruce MacDonald, Esq.
Angus Macbeth, Esq.
Honorable William J. Burke
Paul S. Shemin, Esq.
Leonard M. Trosten, Esq.
Atomic Safety and Licensing
Board Panel
Atomic Safety and Licensing
Appeal Board
Mr. Frank W. Karas

MEMO ROUTE SLIP

Form AEC-93 (Rev. May 14, 1947) AECM 0240

See me about this.

For concurrence.

For action.

Note and return.

For signature.

For information.

TO (Name and unit)

INITIALS

REMARKS

J. F. O'Leary
Director of Licensing

DATE

KP#3
3/20/73

TO (Name and unit)

INITIALS

REMARKS

CASE

#1A
3/20

DATE

Jack: you asked me
to handle this
for you. This
is the way
I would do it.
HAW

TO (Name and unit)

INITIALS

REMARKS

DATE

FROM (Name and unit)

REMARKS

H. K. Shapar
Asst. Gen. Counsel
Licensing/Regulation

PHONE NO.
7308

DATE
3/19/73

| | | |
|--|---|--|
| FROM Leonard H. Treaton LeLout, Lamb, Lally & MacIne Wash., D. C. | CONTROL NUMBER <h1 style="text-align: center;">5395</h1> | FILE LOCATION |
| TO J. F. O'Leary | DATE OF DOCUMENT 3/9/73 ACTION PROCESSING DATES Acknowledged _____ Interim Report _____ Final _____ | ACTION COMPLETION DEADLINE 3/26/73 PREPARE FOR SIGNATURE OF: _____ Chairman _____ Director of Regulation X CCB |

| | |
|---|---|
| DESCRIPTION <input checked="" type="checkbox"/> Original <input type="checkbox"/> Copy <input type="checkbox"/> Other Urges denial of request in letter from Holoman dtd 3/7/73 for reconsideration of change in Facility Operating License, Indian Point 2, to allow loading & substitution testing of pre-pressurized fuel rods and that hearings be held on proposed change | REMARKS <p style="text-align: right;">DR-5304</p> |
|---|---|

| | | |
|--|------------------------|---|
| REFERRED TO Shaper 2/Action | DATE 3/19/73 | IS NOTIFICATION TO THE JCAE RECOMMENDED? _____ |
| Cys: Kinnearing Block O'Leary Giambruso Basket Files (50-247) FBI LFD | | |

DO NOT DETACH THIS COPY

DIRECTOR OF REGULATION
COMMUNICATIONS CONTROL

Form HQ-32 (6-70)
USA EC

| | | |
|--|--|---|
| FROM J.P. Leonard M. Brennan Labcoat, Lamb, Lobb, & MacInnes Wash., D. C. | CONTROL NUMBER <h1 style="text-align: center;">5395</h1> | FILE LOCATION |
| | DATE OF DOCUMENT 3/9/73 | ACTION COMPLETION DEADLINE 3/26/73 |
| TO J. P. O'Leary | ACTION PROCESSING DATES Acknowledged _____ Interim Report _____ Final _____ | PREPARE FOR SIGNATURE OF: _____ Chairman _____ Director of Regulation <input checked="" type="checkbox"/> CSC |

| | |
|--|-------------------------------|
| DESCRIPTION <input checked="" type="checkbox"/> Original <input type="checkbox"/> Copy <input type="checkbox"/> Other | REMARKS DR-5395 |
| <p>Urges denial of request in letter from Holman dtd 3/7/73 for reconsideration of change in Facility Operating License, Indian Point 2, to allow loading & substitution of pre-pressurized fuel rods and that hearings be held on proposed change</p> | |

| | | |
|--|------------------------|--|
| REFERRED TO Oliver /lection | DATE 3/13/73 | IS NOTIFICATION TO THE JCAE RECOMMENDED? _____ |
| Cys: Montag Block O'Leary Cianbasso Docket Files (19-247) RM LR | | |

FROM: **Lawrence H. Brodeur**
Laborer, Law, Lobby & Leasing
Wash., D. C.

CONTROL NUMBER
5395

FILE LOCATION

DATE OF DOCUMENT
3/19/73

ACTION COMPLETION DEADLINE
3/26/73

TO
J. F. O'Leary

ACTION PROCESSING DATES
 Acknowledged _____
 Interim Report _____
 Final _____

PREPARE FOR SIGNATURE OF:
 _____ Chairman
 _____ Director of Regulation
SI GSC

DESCRIPTION Original Copy Other
Urges denial of request in letter from Lawrence dtd 3/7/73 for reconsideration of change in Facility Operating License, Indian Point 2, to allow loading & unloading testing of pre-prescribed fuel rods and that hearings be held on proposed change

REMARKS
DE-5304

REFERRED TO
Dispar **W/action**

DATE
3/13/73

IS NOTIFICATION TO THE JCAE RECOMMENDED? _____

Cys: **Lawrence**
Block
O'Leary
Gianbasso
Debrah Fines (20-247)
FBI
WPA

FROM: Leonard M. Broder
 LeBeauf, Lamb, Lally & Wallace
 Wash., D. C.

CONTROL NUMBER
5395

FILE LOCATION

DATE OF DOCUMENT
 5/10/73

ACTION COMPLETION DEADLINE
 3/23/73

TO
 J. F. O'Leary

ACTION PROCESSING DATES
 Acknowledged _____
 Interim Report _____
 Final _____

PREPARE FOR SIGNATURE OF:
 _____ Chairman
 _____ Director of Regulation
 I GPC

DESCRIPTION Original Copy Other

Urges denial of request in letter from Indiana dated 3/7/73 for reconsideration of change in Facility Operating License, Indian Point 2, to allow loading & subcritical testing of pre-preserved fuel rods and that hearings be held on proposed change.

REMARKS
 02-9994

REFERRED TO
 Chapter 2/Action

DATE
 5/10/73

IS NOTIFICATION TO THE JCAE RECOMMENDED? _____

Cys: ~~Broder~~
 Black
 O'Leary
~~Chambers~~
 Doctor Filice (50-247)
 FBI
 EPA