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March 9, 1973

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Mr. J. F. O'Leary, Director  
Directorate of Licensing  
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. O'Leary:

We have received a copy of Mr. Roisman's letter to you of March 7, 1973. For the reasons stated below we urge you to deny his request for reconsideration of the Staff's letter of February 22, 1973.

Mr. Roisman's statements concerning his intent to oppose a change in the Technical Specifications for License DPR-26 are inconsistent with his prior statements to the Atomic Safety and Licensing Board conducting the hearing in this proceeding (see attached letter to Chairman Jensch, dated March 9, 1973). His assertions as to a right to a hearing on the change in the Technical Specifications are incorrect in view of the provisions of 10 C.F.R. 50.59 and are not supported by the cited ASLAB and Commission decisions in the Point Beach proceeding (Docket No. 50-301). His allegations concerning the environmental testing of Indian Point 2 are false and deliberately misrepresent the position of the Regulatory Staff and the Applicant. (See Indian Point 2 Tr. 7646-7650; 8219-8241; 9394-9400; 9852-9855; and 9954-9955.)

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On March 8, 1973 Mr. Roisman was ordered by Chairman Jensch to specify his contentions with regard to fuel densification not later than March 30, 1973 and he will have an opportunity for a ruling on his entitlement to a hearing in this respect before the Board (Tr. 10,110). His arguments about the alleged prejudicial effect of the Staff's authorizing the change in the Technical Specifications for License DPR-26 have no merit.

Accordingly, Mr. Roisman has presented no basis for reconsideration of the Staff's February 22, 1973 letter authorizing Change No. 2 to the Technical Specifications for License DPR-26.

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE  
Attorneys for Applicant

By Leonard M. Trosten  
Leonard M. Trosten  
Partner

Attachment

cc w/o att.:

Samuel W. Jensch, Esq.  
Mr. R. B. Briggs  
Dr. John C. Geyer  
Myron Karman, Esq.  
Anthony Z. Roisman, Esq.  
Angus Macbeth, Esq.  
J. Bruce MacDonald, Esq.  
Honorable Louis J. Lefkowitz  
Secretary, USAEC  
Atomic Safety and Licensing  
Board Panel