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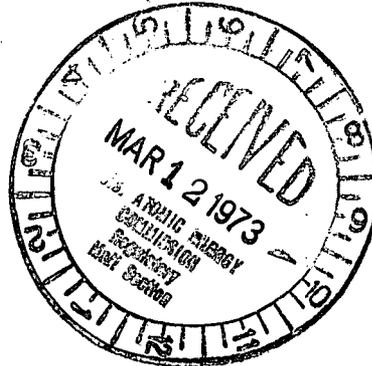
ARVIN E. UPTON
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March 9, 1973

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Samuel W. Jensch, Esq.
Chairman
Atomic Safety & 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:

In reflecting overnight about the motion filed by Mr. Roisman with the Board yesterday we have several additional points to make.

We are profoundly insulted by Mr. Roisman's action. His motion is replete with deliberate falsehoods and misrepresentations of actions taken by this firm. You have warned Mr. Roisman in the past about such tactics (Tr. 5632-5636). His latest outburst goes far beyond the limits of vigorous advocacy. We hereby request that you specifically order him to comply henceforth with the standards of conduct applicable to attorneys practicing before the courts and the Atomic Energy Commission or be subject to suspension from participation in this proceeding under 10 C.F.R. 2.713(c).

As a footnote to my statements appearing on pages 10,118 to 10,122 of yesterday's transcript there are enclosed copies of Mr. Roisman's letter to me of September 21, 1972, my reply of September 27, 1972, Mr. Roisman's letter to Mr. Chitwood dated November 8, 1972, and my response thereto dated

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November 9, 1972. There are also enclosed copies of our subsequent letters of January 9, 1973 and February 8, 1973 forwarding, without protest from Mr. Roisman, copies of the letters we had sent to the Regulatory Staff during the preceding months. We believe that our practice of sending Mr. Roisman material monthly fully complied with your request of May 18, 1972 and assume that the Board agreed (see, e.g., the letter from Chairman Jensch to LeBoeuf, Lamb, Leiby & MacRae dated September 12, 1972 and transcript pp. 6204-6206).

In addition, we refer the Board to the December 15, 1972 transcript pages 7641-7642, wherein Mr. Roisman stated CCPE's position with regard to the testing license for Indian Point 2 and to the first page of CCPE's statement of position of January 8, 1973 in which Mr. Roisman said that:

"Several matters related to the radiological safety of Indian Point #2 remain outstanding and unresolved. The purpose of this statement is to set forth our position with respect to the next steps which should be taken to ensure an orderly resolution of these matters. We are addressing our comments solely to the question of the impact of these issues on the resolution of Applicant's request for a full term, full power license. We take no position on these issues with respect to the 50% testing license application."

Accordingly, CCPE's contentions as expressed by Mr. Roisman are related to the full-term, full-power license and not to the existing fuel loading and subcritical testing license or to the license to test Indian Point Unit 2 at up to 50% of full power.

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE
Attorneys for Applicant

By Leonard M. Trosten
Leonard M. Trosten
Partner

Enclosures

cc w/enc.:

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

BERLIN, ROISMAN AND KESSLER

1712 N STREET, NORTHWEST
WASHINGTON, D. C. 20036

LeBoeuf, Lamb, Leiby & MacRae

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PHONE 833-9070

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U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

EDWARD BERLIN
ANTHONY Z. ROISMAN
GLADYS KESSLER
DAVID R. CASHDAN
MARIN P. SHELDON

Leonard Trosten, Esq.
LeBoeuf, Lamb, Leiby & MacRae
1821 Jefferson Place, N. W.
Washington, D. C.

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

Dear Leonard:

It has recently come to my attention that Westinghouse has prepared a document entitled Evaluation of Ultrasonic Indication in Steam Generator No. 21 dated May 12, 1972 and related to Indian Point No. 2. I have never received a copy of this document and would appreciate it if you could have it sent to me. I was under the impression that we were to receive a copy of all safety related materials as a matter of course.

Sincerely,

Anthony Z. Roisman
Counsel for Citizens Committee
for the Protection of the
Environment

AZR/pq

cc: All on the service list.

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