

LAW OFFICES OF
LEBOEUF, LAMB, LEIBY & MACRAE
1821 JEFFERSON PLACE, N. W.
WASHINGTON, D. C. 20036

November 9, 1972

ARVIN E. UPTON
EUGENE B. THOMAS, JR.
LEONARD M. TROSTEN
HARRY H. VOIGT
WASHINGTON PARTNERS

ONE CHASE MANHATTAN PLAZA
NEW YORK, N. Y. 10005

WASHINGTON TELEPHONE
202 FEDERAL 8-0111

CABLE ADDRESS
LALALU, WASHINGTON D. C.



Mr. R. B. Chitwood, Chief
Fuel Fabrication and Reprocessing
Branch
Directorate of Licensing
U. S. Atomic Energy Commission
Washington, D. C. 20545

Re: Consolidated Edison Company
of New York, Inc.
Special Nuclear Material
License No. SNM-1324

Dear Mr. Chitwood:

We today received a copy of a letter dated November 8, 1972 from counsel for the Citizens Committee for the Protection of the Environment. We have the following comments on Mr. Roisman's letter:

1. On November 7, 1972 we forwarded to Mr. Roisman a copy of Con Edison's application to receive, possess, store, but not use, special nuclear material at Indian Point 2. This was sent in conformance with Chairman Jensch's request in Docket No. 50-247 (Tr. 5446 to 5450) and consistent with our practice for the past several months. Con Edison was under no obligation whatsoever to furnish Mr. Roisman a copy of the application prior to that time. Indeed, it was only because we desired to comply with the spirit of Chairman Jensch's request that we furnished the document to him at all.

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2. Mr. Roisman's accusation that Con Edison intentionally violated Chairman Jensch's order is offensive and utterly false.
3. In stating that the Citizens Committee for the Protection of the Environment "intends to vigorously oppose permitting Con Ed to possess any nuclear materials," Mr. Roisman apparently has forgotten that his client did not oppose Con Edison's motion for a fuel loading and subcritical testing license for the Indian Point 2 facility, which license was granted over a year ago.
4. Mr. Roisman has not stated any basis for postponement of a licensing action by the AEC under 10 CFR Part 70.

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE
Attorneys for Consolidated
Edison Company of New York,
Inc.

By Leonard M. Trosten
Leonard M. Trosten
Partner

cc: 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

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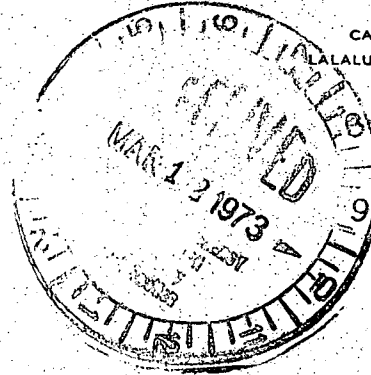
ARVIN E. UPTON
EUGENE B. THOMAS, JR.
LEONARD M. TROSTEN
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ONE CHASE MANHATTAN PLAZA
NEW YORK, N. Y. 10005

January 9, 1973

WASHINGTON TELEPHONE
202 FEDERAL 8-0111

CABLE ADDRESS
LALALU, WASHINGTON D. C.



Anthony Z. Roisman, Esq.
Berlin, Roisman & Kessler
Fourth Floor
1712 N Street, N.W.
Washington, D.C. 20036

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

Dear Mr. Roisman:

Pursuant to the request of Chairman Jensch at
Tr. 5446-5450 in the above-referenced proceeding, copies
of the documents listed below are forwarded herewith.

Very truly yours,

LeBoeuf, Lamb, Leiby & MacRae

LeBoeuf, Lamb, Leiby & MacRae
Attorneys for Applicant

Enclosures: See next page

cc w/encs: See next page

1639

Enclosures:

Letter to Mr. O'Leary from LeBoeuf, Lamb, Leiby
and MacRae, dated November 29, 1972 with enclosure

Letter to Mr. O'Leary from Mr. Caldwell, dated
December 15, 1972 with enclosure

Letter to Mr. DeYoung from Mr. Cahill, dated
December 18, 1972

Letter to Mr. Giambusso from LeBoeuf, Lamb, Leiby and
MacRae, dated January 5, 1973

cc w/encs:

Samuel W. Jensch, Esq.

Dr. R. B. Briggs

Dr. John C. Geyer

Myron Karman, Esq.

Angus Macbeth, Esq.

J. Bruce MacDonald, Esq.

Honorable Louis J. Lefkowitz

Secretary, USAEC

Atomic Safety and Licensing Board Panel

LAW OFFICES OF
LEBOEUF, LAMB, LEIBY & MACRAE
1821 JEFFERSON PLACE, N.W.
WASHINGTON, D. C. 20036

ARVIN E. UPTON
EUGENE B. THOMAS, JR.
LEONARD M. TROSTEN
HARRY H. VOIGT
WASHINGTON PARTNERS

February 8, 1973

ONE CHASE MANHATTAN PLAZA
NEW YORK, N. Y. 10005

WASHINGTON TELEPHONE
202 FEDERAL 8-0111

CABLE ADDRESS
LALALU, WASHINGTON D. C.

Anthony Z. Roisman, Esq.
Berlin, Roisman & Kessler
Fourth Floor
1712 N Street, N.W.
Washington, D. C. 20036

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

Dear Mr. Roisman:

Pursuant to the request of Chairman Jensch at Tr. 5446-5450 in the above-referenced proceeding, copies of the documents listed below are forwarded herewith. A letter dated December 28, 1972, which was inadvertently omitted from our January 9, 1973 transmittal, is also enclosed.

Very truly yours,

LeBoeuf, Lamb, Leiby & MacRae

LeBoeuf, Lamb, Leiby & MacRae
Attorneys for Applicant

Enclosures: See next page

cc w/encs: See next page

Enclosures:

Letter from Mr. Cahill to Mr. Giambusso, dated
December 28, 1972;

Letter from Mr. Cahill to Mr. O'Reilly, dated
January 9, 1973;

Letter from Mr. Cahill to Mr. O'Reilly, dated
January 12, 1973; and

Letter from Mr. Cahill to Mr. Muller, dated
January 23, 1973.

cc w/encs:

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

FROM
Anthony E. Reitzman
Council for Citizens Conn. for
Protection of the Environment

CONTROL NUMBER
5402

FILE LOCATION

DATE OF DOCUMENT
3/12/73

ACTION COMPLETION DEADLINE
3/22/73

TO

J. P. O'Leary

ACTION PROCESSING DATES
Acknowledged _____
Interim Report _____
Final _____

PREPARE FOR SIGNATURE OF:

Chairman

Director of Regulation
X **OGC**

DESCRIPTION **Ltr** Original Copy Other

REMARKS **MR-5904, 5995**

Request information in support of opposition to issuance of amendment to operating license for Indian Point 2 to allow loading of fuel different from that originally authorized

REFERRED TO
Shaper E/action

DATE
3/15/73

IS NOTIFICATION TO THE JCAE
RECOMMENDED? _____

Cys: **Wintersing
Bloch
O'Leary
Giambusso
Bechet Files (50-247)
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FROM Anthony Z. Reifman Council for Citizens Conn. for Protection of the Environment	CONTROL NUMBER 5402	FILE LOCATION
TO J. P. O'Leary	DATE OF DOCUMENT 3/12/73 ACTION PROCESSING DATES Acknowledged _____ Interim Report _____ Final _____	ACTION COMPLETION DEADLINE 3/22/73 PREPARE FOR SIGNATURE OF: _____ Chairman _____ Director of Regulation I CCC

DESCRIPTION Ltr <input checked="" type="checkbox"/> Original <input type="checkbox"/> Copy <input type="checkbox"/> Other Request information in support of opposition to issuance of amendment to operating license for Indian Point 3 to allow loading of fuel different from that originally authorized	REMARKS DR-9236, 5395
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REFERRED TO Shaper Electric	DATE 3/15/73	IS NOTIFICATION TO THE JCAE RECOMMENDED? _____
Cys: Winterslag Dleeh O'Leary Glasburne Becht Files (90-247) FM LETR		

DO NOT DETACH THIS COPY

DIRECTOR OF REGULATION
COMMUNICATIONS CONTROL

Form HQ-32 (6-70)
USA EC

FROM

Anthony E. Rollman
Counsel for Citizens Comm. for
Protection of the Environment

CONTROL NUMBER
5402

FILE LOCATION

DATE OF DOCUMENT
3/12/73

ACTION COMPLETION DEADLINE
3/22/73

TO
J. P. O'Leary

ACTION PROCESSING DATES
Acknowledged _____
Interim Report _____
Final _____

PREPARE FOR SIGNATURE OF:

Chairman

Director of Regulation
Z **CC**

DESCRIPTION **Let** Original Copy Other
Regulate information in support of opposition to issuance of amendment to operating license for Indian Point 2 to allow loading of fuel different from that originally authorized

REMARKS **IR-5224, 5225**

REFERRED TO
Shaper 1/action

DATE
3/15/73

IS NOTIFICATION TO THE JCAE RECOMMENDED? _____

Cys: **1/1/73**
Dloch
O'Leary
Giambuter
Doctet Files (20-257)
FM
1/2/73

FROM Anthony J. Britman Counsel for Citizens Com. for Protection of the Environment	CONTROL NUMBER 5402	FILE LOCATION
	DATE OF DOCUMENT 3/12/73	ACTION COMPLETION DEADLINE 3/22/73
TO J. F. O'Leary	ACTION PROCESSING DATES Acknowledged: _____ Interim Report: _____ Final: _____	PREPARE FOR SIGNATURE OF: _____ Chairman _____ Director of Regulation X CEG

DESCRIPTION Letter <input checked="" type="checkbox"/> Original <input type="checkbox"/> Copy <input type="checkbox"/> Other	REMARKS CR-5324, 5305
<p>Results information in support of opposition to issuance of amendment to operating license for Indian Point 2 to allow loading of fuel different from that originally authorized</p>	

REFERRED TO Shaper Section	DATE 3/15/73	IS NOTIFICATION TO THE JCAE RECOMMENDED? _____
Cys: Wenzling Dick O'Leary Giambusso Dacht Files (59-247) RM LRM		

FROM Anthony Reisman Counsel for Citizens Com. for Protection of the Environment	CONTROL NUMBER 5	FILE LOCATION
TO J. F. O'Leary	DATE OF DOCUMENT 3/13/73	ACTION COMPLETION DEADLINE 3/29/73
ACTION PROCESSING DATES Acknowledged _____ Interim Report _____ Final _____	PREPARE FOR SIGNATURE OF: _____ Chairman _____ Director of Regulation <input checked="" type="checkbox"/> EGC	

DESCRIPTION Ltr <input type="checkbox"/> Original <input type="checkbox"/> Copy <input type="checkbox"/> Other Issuance of change requested by applicant in DPR-26, Indian Point 2, was improper and must be revoked and recommends that hearing required on the change be consolidated with hearing scheduled by ASLB for consideration of fuel densification Encl: Court decision - Brooks v. AEC	REMARKS DR-5384, 5395, 5402						
<table border="1"> <tr> <td data-bbox="0 968 389 1020">REFERRED TO</td> <td data-bbox="389 968 560 1020">DATE</td> <td data-bbox="560 968 1047 1020">IS NOTIFICATION TO THE JCAE RECOMMENDED? _____</td> </tr> <tr> <td data-bbox="0 968 389 1020">Chapar f/action</td> <td data-bbox="389 968 560 1020">3/15/73</td> <td data-bbox="560 968 1047 1020"></td> </tr> </table>	REFERRED TO	DATE	IS NOTIFICATION TO THE JCAE RECOMMENDED? _____	Chapar f/action	3/15/73		Cys: Montzing Bloch O'Leary Gianbusso Docket Files (50-247) FDR LPDR
REFERRED TO	DATE	IS NOTIFICATION TO THE JCAE RECOMMENDED? _____					
Chapar f/action	3/15/73						