

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

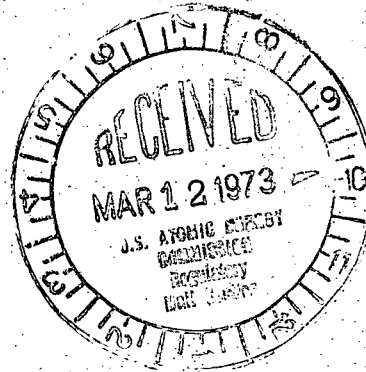
November 9, 1972

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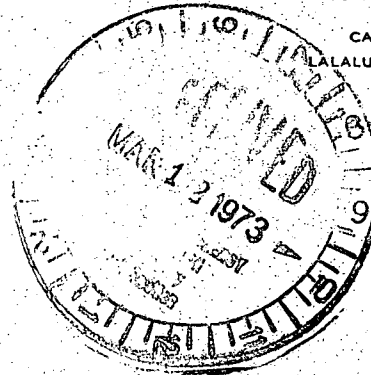
ARVIN E. UPTON
EUGENE B. THOMAS, JR.
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ONE CHASE MANHATTAN PLAZA
NEW YORK, N. Y. 10005

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

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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 Z. Reitano 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 I OGC
DESCRIPTION Let <input checked="" type="checkbox"/> Original <input type="checkbox"/> Copy <input type="checkbox"/> Other		REMARKS EX-5904, 5905	
<p>Suggest 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 2/action	DATE 3/15/73	IS NOTIFICATION TO THE JCAE RECOMMENDED? _____	
Cys: Wintersing Bloch O'Leary Giambruso Becket Files (50-247) FDI LEFI			

DO NOT DETACH THIS COPY.

DIRECTOR OF REGULATION
COMMUNICATIONS CONTROLForm HQ-32 (6-70)
USA EC

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 COMPLETION DEADLINE 3/22/73
		ACTION PROCESSING DATES Acknowledged _____ Interim Report _____ Final _____	PREPARE FOR SIGNATURE OF: _____ Chairman _____ Director of Regulation 1 600
DESCRIPTION 12x <input checked="" type="checkbox"/> Original <input type="checkbox"/> Copy <input type="checkbox"/> Other		REMARKS 22-3234, 3393	
<p>Supplies 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 1/Action	DATE 3/15/73	IS NOTIFICATION TO THE JCAE RECOMMENDED? _____	
Cys: Lentzberg Dleech O'Leary Glasburne Recht Files (22-247) FM LEOR			

FROM
Anthony E. Rollins
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

ACTION PROCESSING DATES

Acknowledged _____

Interim Report _____

Final _____

PREPARE FOR SIGNATURE OF:

Chairman

Director of Regulation

1 CC

J. F. O'Leary

DESCRIPTION

Let

☒ Original

☐ Copy

☐ Other

REMARKS

IN-5224, 5305

Supplies 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

DATE

IS NOTIFICATION TO THE JCAE

RECOMMENDED? _____

Shaper f/action

3/15/73

Cys:

Rollins

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Enoch Files (20-247)

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DIRECTOR OF REGULATION
COMMUNICATIONS CONTROL

Form HQ-32 (6-70)
USA EC

FROM Anthony J. Britman Counsel for Citizens Comm. for Protection of the Environment	CONTROL NUMBER <div style="font-size: 2em; font-weight: bold; text-align: center;">5402</div>	FILE LOCATION
TO J. F. O'Leary	DATE OF DOCUMENT <div style="text-align: center; font-weight: bold;">3/12/73</div> ACTION PROCESSING DATES Acknowledged _____ Interim Report _____ Final _____	ACTION COMPLETION DEADLINE <div style="text-align: center; font-weight: bold;">3/22/73</div> PREPARE FOR SIGNATURE OF: _____ Chairman _____ Director of Regulation <div style="text-align: center;"> I OEG </div>

DESCRIPTION <input checked="" type="checkbox"/> Original <input type="checkbox"/> Copy <input type="checkbox"/> Other			REMARKS <div style="font-weight: bold; text-align: center;">ON-5324, 5305</div>
REFERRED TO Shaper f/action		DATE <div style="font-weight: bold;">3/15/73</div>	
IS NOTIFICATION TO THE JCAE RECOMMENDED? _____			
Cys: Managing Dick O'Leary Gianbussio Dachet Files (59-247) RM LM			

FROM Anthony Reisman Counsel for Citizens Comm. for Protection of the Environment	CONTROL NUMBER <div style="text-align: center; font-size: 2em;">5</div>	FILE LOCATION
TO J. F. O'Leary	DATE OF DOCUMENT <div style="text-align: center; font-size: 1.2em;">3/13/73</div>	ACTION COMPLETION DEADLINE <div style="text-align: center; font-size: 1.2em;">3/29/73</div>
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	ACTION PROCESSING DATES Acknowledged _____ Interim Report _____ Final _____	PREPARE FOR SIGNATURE OF: _____ Chairman _____ Director of Regulation <div style="text-align: center;"> <input checked="" type="checkbox"/> EGC </div>
	REMARKS <div style="text-align: center; font-size: 1.2em;">DR-5384, 5395, 5402</div>	

REFERRED TO	DATE	IS NOTIFICATION TO THE JCAE
Chapar f/action	3/15/73	RECOMMENDED? _____

Cys: Huntzinger Bloch O'Leary Gianbusso Docket Files (50-247) FDR LPDR	
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