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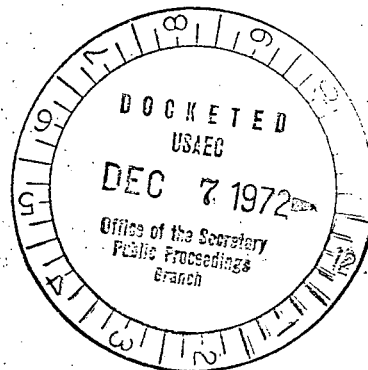
December 2, 1972

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Appeal Panel  
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:

We have received a copy of the letter to you dated November 28, 1972 from counsel for the Citizens Committee for the Protection of the Environment. For the reasons set forth below, we ask you to advise Mr. Roisman that his request is improper.

1. Obviously, if Mr. Roisman is seeking some relief from the Atomic Safety and Licensing Appeal Board established for the Indian Point 2 proceeding (see Commission Order of September 8, 1972), he should file a motion in accordance with the Commission's Rules of Practice, rather than writing to the Chairman of the Appeal Panel. It is also the responsibility of counsel for parties to contested proceedings to decide what course of action to follow rather than seeking legal advice from the Chairman of the Appeal Panel.

2. Mr. Roisman's letter is another effort to reopen individual licensing proceedings on the basis of events which have taken place in the ECCS Rulemaking

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Hearing, although the Commission has not amended the Interim Criteria. Such efforts have repeatedly been rejected by the Appeal Board, (See, e.g., In the Matter of Consolidated Edison Co., Dkt. No. 50-247, Memorandum, March 10, 1972; id. Memorandum and Order, April 14, 1972; In the Matter of Vermont Yankee Nuclear Power Corp., Dkt. No. 50-271, Memorandum and Order, June 20, 1972; In the Matter of Wisconsin Elec. Power Co., Dkt. No. 50-301, Memorandum and Order, May 25, 1972) and by the Commission itself. Even if Mr. Roisman's interpretation of the events which have occurred in the ECCS Rulemaking Proceeding were accurate, these decisions are applicable.

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE  
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Company of New York, Inc.

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