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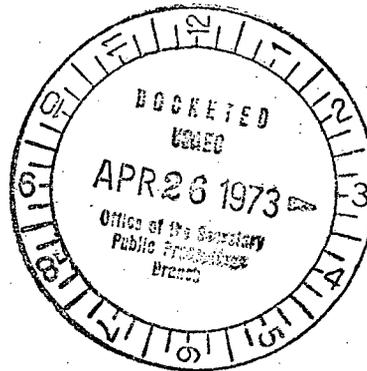
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April 23, 1973

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Sidney G. Kingsley, Esq.
Chairman
Atomic Safety and Licensing
Appeal 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:

We have received a copy of Mr. Roisman's letter to you dated April 20, 1973 and offer the following comments on it:

1. As is confirmed by Mr. Roisman's letter, the contentions of the Citizens Committee for the Protection of the Environment with respect to fuel densification do not pertain to the 50% testing license.
2. The matter of issuance of a 50% testing license is pending before the Atomic Safety and Licensing Appeal Board, not the Atomic Safety and Licensing Board. The fact that the Atomic Safety and Licensing Board has not yet rendered a

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decision on the full-term, full-power license in no way inhibits the Appeal Board from authorizing the 50% testing license. The March 8, 1973 decision of the Atomic Safety and Licensing Appeal Board in Northern States Power Company (Prairie Island Nuclear Generating Plant, Units 1 and 2) ALAB-104 (RAI-73-3, page 179) is inapposite.

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE
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Honorable Louis J. Lefkowitz
Secretary, USAEC (2)
Atomic Safety and Licensing
Board Panel

BY HAND