

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

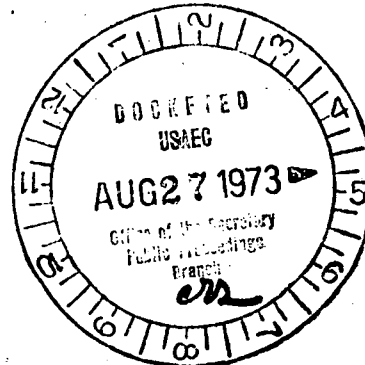
ARVIN E. UPTON  
EUGENE B. THOMAS, JR.  
LEONARD M. TROSTEN  
HARRY H. VOIGT  
LEX K. LARSON  
WASHINGTON PARTNERS

August 23, 1973

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

WASHINGTON TELEPHONE  
202 FEDERAL 8-0111

CABLE ADDRESS  
LALALU, WASHINGTON D.C.



William C. Parler, 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:

Applicant has received your telegram of August 20, 1973 and the responses of HRFA, CCPE and the Regulatory Staff with respect to the motions filed by Applicant and the Regulatory Staff dated August 16, 1973.

Although Applicant certainly supports the orderly resolution of the issues presented in these motions, Applicant urges the Appeal Board not to delay action on Applicant's exception and motion.

The questions presented by the moving papers are discrete. It is Applicant's position that the Licensing Board erroneously interpreted the meaning of 10 CFR 50.57(c) in its August 9, 1973 Initial Decision. Such an error of law, if allowed to stand pending the resolution of other issues raised herein, could have a substantial detrimental effect on Applicant's ability to continue to test the Indian Point 2 facility on a

8110290152 730823  
PDR ADDCK 05000247  
G PDR

schedule consistent with plant readiness, regardless of the disposition of such other issues.

Applicant urges the Appeal Board to act favorably and promptly on Applicant's exception and motion, dated August 16, 1973, and to remand the matter to the Licensing Board so that it may have the benefit of the Appeal Board's decision with respect to further consideration of this proceeding.

Finally, consistent with our Answer to the Staff's Motion, dated August 20, 1973, Applicant opposes any extension of time for parties other than the Staff to file exceptions to the Board's Initial Decision dated August 9, 1973. Among other things, such an extension would be unwarranted under 10 CFR Part 2, Appendix A, section IX(d)(3).

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE  
Attorneys for Applicant

By Leonard M. Trosten  
Leonard M. Trosten  
Partner

cc: Dr. Lawrence R. Quarles  
Dr. John H. Buck  
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 (2)  
Atomic Safety and Licensing  
Board Panel