

JAN 11 1972

Franklin G. Lehmeier, Esq.
Lower Washington Street
Peekskill, New York 10566

In the Matter of Consolidated Edison Company of New York, Inc.
Indian Point Nuclear Generating Unit No. 3
Docket No. 50-286

Dear Mr. Lehmeier:

This is in response to your letters of December 4, 1971 addressed to me and to your letter of December 17, 1971 addressed to Chairman Schlesinger relative to the captioned matter.

Although we have made every effort to do so, we have been unable to locate your letter of November 30, 1971 transmitting comments on the continuing construction of Indian Point Unit No. 3. Our mail log fails to indicate a letter of that date received from you.

Our determination not to suspend the construction of Indian Point Unit 3 during the period of ongoing NEPA review was based on a careful review of information available to us from the applicant and from other sources. The basis for the determination not to suspend was set forth in a document entitled "Discussion and Findings by the Division of Reactor Licensing, U. S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Provisional Construction Permit for the Indian Point Nuclear Generating Unit No. 3," dated November 24, 1971.

The provisions of Section E of Appendix D of 10 CFR Part 50, which set forth the procedure to be followed by the Commission in determining whether or not to suspend the construction or operation of certain licensed facilities, provide for public participation in these determinations in the form of public hearings which may be requested in the event there is disagreement as to the outcome of the determination.

We are satisfied that the determination not to suspend construction activities at Unit 3 was appropriate and that it was made in full accordance with the procedures set forth in Section E of Appendix D of 10 CFR Part 50. We have no basis at this time for reconsidering that determination.

8111090016 720111
PDR ADOCK 05000286
H PDR

Copy sent PDR

LB

As you requested in your letter of December 4, 1971, I have arranged that all future public notices regarding the captioned matter will be promptly transmitted to you.

Sincerely,

(signed) L. Manning Muntzing

L. Manning Muntzing
Director of Regulation

DISTRIBUTION:

OGC Files
L.M.Muntzing
DRL
P.W.Wallig
T.Engelhardt
M.Karman

GCutter (2) (DR-3977 + DR-4035)
PDR w/12/17/71 ltr to Chmn


OFFICE ▶	OGC	OGC	DR	DR	DRL	
SURNAME ▶	PWallig/rh	TEngelhardt	LMMuntzing	Henderson	Morris	
DATE ▶	1-4-72	1- -72	1-10-72	1- 7 -72	1- 4 -72	

December 30, 1971

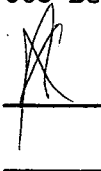
1. Mr. Hoffmann
A-241

May we have your advice on filing the attached letter in the Public Document Room?

Ref: Ltr F. Lehmeier to Schlesinger,
12/17/71
Docket No. 50-286


Jeanne Cook
Office of the Director
of Regulation

-
2. Jeanne Cook
008 Bethesda



Approved for filing in PDR.

Document not to be filed in the PDR.


Martin R. Hoffmann
General Counsel

U. S. Atomic Energy Commission

Office of the General Counsel
U. S. Atomic Energy Commission

RECEIVED
U. S. Atomic Energy Commission
Office of the General Counsel

JAN 8 1972

A.M. P.M.
7|8|9|10|11|12|1|2|3|4|5|6