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December 4, 1971

Mr. L. Manning Muntzing
Director of Regulation
U.S. Atomic Energy Commission
Washington, D.C.

RE: Docket No. 50-286; Determination Not to Suspend Construction

Dear Mr. Muntzing:

On November 30, 1971 I forwarded comments, as invited by 10 CFR Part 50, App.D, Par. E. 3, to the Commission on the above suspension issue. At the time these were forwarded I was unaware of the Commission's decision not to suspend of November 26, 1971.

I received today a copy of the decision and the findings and discussion of the Division of Reactor Licensing pertaining thereto. While I have not completed a full study of these materials it is apparent that our comments present a substantially different view of the facts than either the Con Edison Statement of October 19, 1971 on the issue or the Division's.

It is not my intention to argue the factual variations herein. I understand that I may file a request for a hearing on the issue if we deem such appropriate. However, I would like to suggest that in order to avoid such a hearing request and the time that such would necessarily entail, the Commission issue a supplemental decision with such discussion as may be indicated by the comments we tardily filed. Whether such further consideration would produce a different result or an identical one, it would serve to enable us to decide whether a hearing is indicated after examination of your comments in the light of our own. In view of the fact that less than forty days transpired between Con Ed's Statement and your decision, I trust you will treat this request with favor.

Please advise me of your decision in this regard.

Very truly yours,

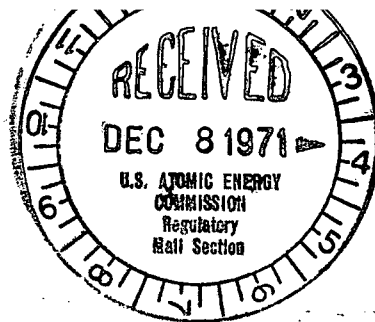
Franklin G. Lehmeier

FRANKLIN G. LEHMEIER
Attorney for CCPE and CCA, Inc.

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DR-3977



FROM
Franklin G. Lehmeier
Peekskill, N. Y.

CONTROL NUMBER
4035

FILE LOCATION

DATE OF DOCUMENT
12/17/71

ON COMPLETION DEADLINE

TO
Schlesinger

ACTION PROCESSING DATES
Acknowledged _____
Interim Report _____
File **SP/UNTZING 1-11-72**

PREPARE FOR SIGNATURE OF:
_____ Chairman
_____ Director of Regulation

DESCRIPTION **Ltr** Original Copy Other
Calls attention to certain facts and corres. concerning determination not to suspend the const. permit for Indian Point 3 and urges immediate action be taken to insure a fair hearing and that a supplemental determination be made in view of Nov. 3 comments.


REMARKS **re DR-3977**
NOTE:
This has not been put in the Public Document Room. Per instructions from Chairman's office, each ltr to the Chairman is to be checked with Hoffmann before filing in PDR. This check is in progress.

REFERRED TO
Shapar f/action

DATE
12/27/71

IS NOTIFICATION TO THE JCAE RECOMMENDED? _____

Cys: **Morris**

JHC


OFFICE OF THE CHAIRMAN

TO: DR

REPLY FOR _____ 's SIGNATURE

REPLY FOR SIGNATURE BY: GM _____ DR _____

(Please send two copies of replies to significant communications to the Office of the Chairman)

DR

FOR APPROPRIATE HANDLING

FOR INFORMATION: GM _____ ✓ DR _____ ✓ Commissioners _____ ✓

REMARKS:

A. W. Jackson
For the Chairman

FRANKLIN G. LEHMEIER

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Mr. L. Manning Muntzing
Director of Regulation
U.S. Atomic Energy Commission
Washington, D.C. 20545