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December 17, 1971



WASHINGTON TELEPHONE:
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Secretary
United States Atomic Energy
Commission
Washington, D.C. 20545

Re: Consolidated Edison Company of New York, Inc.
AEC Docket No. 50-286 (Indian Point Unit No. 3)

Dear Sir:

By letter dated December 4, 1971, Mary Hays Weik requested a special public hearing on the determination of the Commission not to suspend the construction permit now in effect for the above-captioned facility. Neither Consolidated Edison nor its counsel of record received a copy of Mrs. Weik's letter from her. In the late afternoon of December 13 I was notified by an attorney on the AEC Regulatory Staff that such a letter had been received in the Commission. So far as is known, a copy has not yet been officially distributed to either Consolidated Edison or its counsel of record in this proceeding.

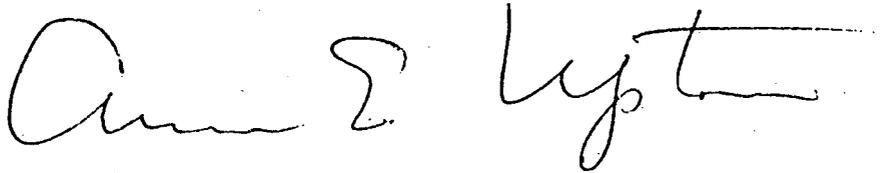
Consolidated Edison submits that the request should be rejected. In the first place, Mrs. Weik has not demonstrated that her interest "may be affected" simply by alleging that she is an "interested citizen of the area affected." Furthermore, the request does not remotely satisfy the requirements of Paragraph E4 of Appendix D to Part 50 of the Commission's Regulations in that the allegations are too vague to be treated as a statement of the "matters" alleged to warrant a contrary determination and contain no factual basis. The contention that many environmental effects are not fully treated in the summary given in the determination indicates that Mrs. Weik has made no effort to read the underlying documents referred to in the notice of determination published in the Federal Register on Friday, December 3, 1971. In view of the detailed consideration given by the Commission (based in part upon detailed information supplied by Consolidated Edison) before the determination was issued, the burden of

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hearing

satisfying the Commission that its determination was in error and therefore that a hearing should be held rests upon Mrs. Weik. Not even a prima facie case for any reconsideration of that kind has been supplied.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Arvin E. Upton". The signature is written in dark ink and is positioned to the right of a large, faint, handwritten checkmark.

Arvin E. Upton
Attorney for and on behalf of
Consolidated Edison Company of New
York, Inc.

cc: Mr. L. Manning Muntzing
Mrs. Mary Hays Weik