



UNITED STATES
ATOMIC ENERGY COMMISSION

WASHINGTON, D.C. 20545

February 7, 1974

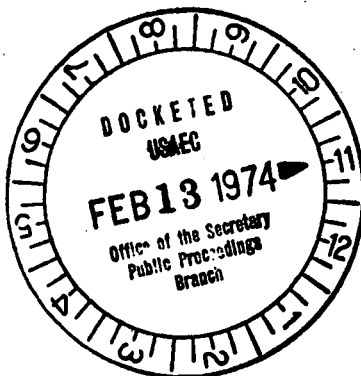
Harry H. Voigt, Esq.
LeBoeuf, Lamb, Leiby & MacRae
1757 N Street, N. W.
Washington, D. C. 20036

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

Dear Sir:

The Atomic Safety and Licensing Board is in receipt of your letter of February 4, 1974 and will await your further communication respecting the Westinghouse report of the presently anticipated date for readiness to proceed to fuel loading. The Board will, as you suggest, defer determinations respecting evidentiary hearing dates until a later time. In addition, no provision for special prehearing conferences either in March or May will be made at this time.

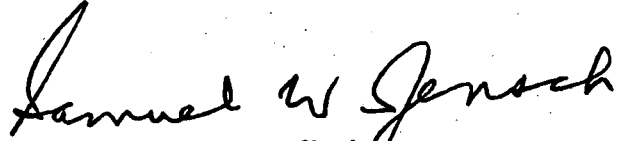
The Board accepts your suggestion for and requests a brief on the scope of considerations for the evidentiary hearing, with the distinction between the determinations to be made and the concerns that in the opinion of the Board should be expressed on the record. In this connection, it is requested that you discuss in detail the trend, with identified factors, the Atomic Safety and Licensing Appeal Board decisions, including particularly those in the proceedings for the following nuclear plants: Consumers Power (Midland), the several Vermont Yankee decisions (with emphasis upon the Appeal Board determination respecting evidence not offered by the parties and the precise length of the reach beyond the umpire role for a Licensing Board), Duke Power (McGuire), and Commonwealth Edison (La Salle). Other decisions of the Appeal Board may also be cited if supportive of your position. All such analyses of decisions and the Commission rules should also reflect the scope of the Administrative Procedure Act, as interpreted by the Courts and other administrative agencies, to define the extent of inquiries that should be made by the hearing unit.



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Other parties are requested to submit answering briefs within twenty days after receipt of your presentation.

Very truly yours,

A handwritten signature in dark ink, reading "Samuel W. Jensch". The signature is fluid and cursive, with a large initial 'S'.

Samuel W. Jensch, Chairman
Atomic Safety and Licensing Board

cc: Myron Karman, Esq.
Angus Macbeth, Esq.
Nicholas A. Robinson, Esq.
J. Bruce MacDonald, Esq.
James P. Corcoran, Esq.
Secretary, USAEC ✓