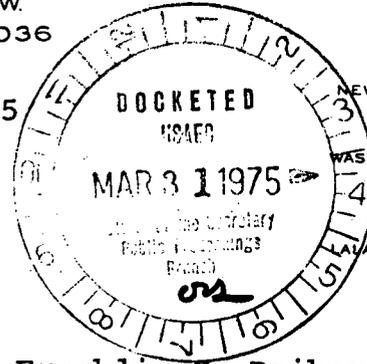


LAW OFFICES OF
LEBOEUF, LAMB, LEIBY & MACRAE

1757 N STREET, N.W.
WASHINGTON, D.C. 20036

ARVIN E. UPTON
LEONARD M. TROSTEN
WILLIAM O. DOUB
EUGENE B. THOMAS, JR.
HARRY H. VOIGT
L. MANNING MUNTZING
LEX K. LARSON
HENRY V. NICKEL
WASHINGTON PARTNERS

March 28, 1975



140 BROADWAY
NEW YORK, N.Y. 10005
WASHINGTON TELEPHONE
202-872-8668
CABLE ADDRESS
LALALU, WASHINGTON D.C.

Samuel W. Jensch, Esq.
Chairman, Atomic Safety and
Licensing Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Franklin C. Daiber
College of Marine Studies
University of Delaware
Newark, Delaware 19711

Mr. R. B. Briggs
110 Evans Lane
Oak Ridge, Tennessee 37830

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

Gentlemen:

We are submitting herewith Applicant's answer in opposition to the Regulatory Staff's "Motion For Order Adopting Certain Procedures Regarding Licensing Board's Consideration Of Indian Point Three Stipulation And Safety Issues Raised Sua Sponte By The Licensing Board." As will appear from that answer, we think that the Staff has misconstrued the provisions of the Board's notice issued February 18, 1975, convening a session of the proceeding for submission of data. The Staff's proposed order would burden the April 1 session with formalistic procedures that we believe were not contemplated by the Board in its notice. Applicant urges the Board to give due consideration to our response before adopting an order.

The Staff's motion was accompanied by a supporting memorandum of law. Part I of the memorandum concludes that no initial decision is required to support the Board's approval of a settlement agreed to by all parties. Applicant agrees with that conclusion. While we do not necessarily agree with the reasons advanced by the Staff to

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Samuel W. Jensch, Esq.
Dr. Franklin C. Daiber
Mr. R. B. Briggs
March 28, 1975
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support its conclusion, we see no point in arguing the matter.

Part II of the Staff's memorandum asserts that an adjudicatory hearing and an initial decision are required to dispose of the safety questions raised by the Board sua sponte. We think that there is no such requirement. Under the San Onofre decision, the Board has wide discretion to determine how the questions it has raised can best be answered. Our reasons for opposing the Staff's position are set forth in detail in our answer.

Very truly yours,

Harry H. Voigt

Enclosure
cc w/enc.:

Joseph Gallo, Esq.
Angus Macbeth, Esq.
Nicholas A. Robinson, Esq.
J. Bruce MacDonald, Esq.
James P. Corcoran, Esq.
Edward J. Sack, Esq.
Secretary, USNRC