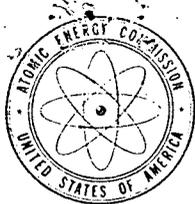


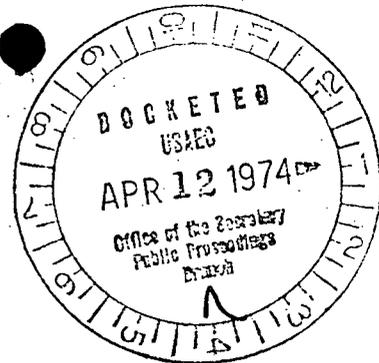
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WASHINGTON, D.C. 20545

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CONSOLIDATED EDISON CO. OF NEW YORK (INDIAN POINT NUCLEAR GENERATING UNIT 3), DOCKET NO. 50-286

Gentlemen:

In connection with the issue certified to the Commission in the above matter, the parties are requested to file briefs addressed to the following questions:

1. Should existing AEC regulations^{1/} be construed to prevent a Licensing Board in an operating license proceeding from ventilating any relevant safety, environmental or other issue which the Board seeks to examine if the matter was not placed in controversy by the parties to the proceeding?

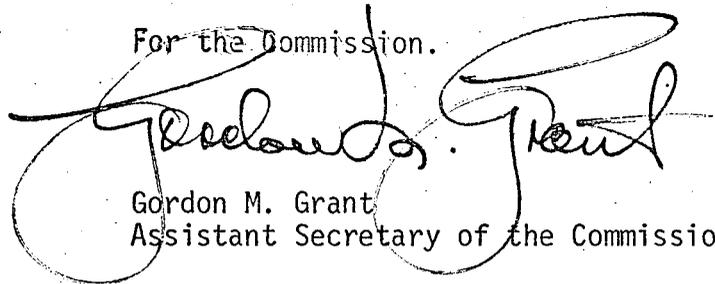
^{1/} See, e.g., 10 CFR §§ 2.760a; 2.104(c); V and VIII(b) of Appendix A to 10 CFR Part 2.

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2. If the Board is so precluded, does the same bar apply to the Appeal Board and to the Commission itself? (Explain reasons.)
3. If the Licensing Board, the Appeal Board, or the Commission is so precluded, would the result be legally consistent with the agency's obligations as described in cases such as Calvert Cliffs' Coordinating Committee v. AEC, 449 F.2d 1109, 1116-1119 (C.A.D.C., 1971); Scenic Hudson Preservation Conference v. FPC, 354 F.2d 608, 620 (C.A. 2, 1965), cert. denied, 384 U.S. 941; Aberdeen and Rockfish R. Co. v. United States, 270 F.Supp. 695, 710-712 (E.D. La. 1967), affirmed as modified, 393 U.S. 87 (1968)?

The briefs should be mailed on or before April 25, 1974.

For the Commission.

A large, stylized handwritten signature in black ink, appearing to read "Gordon M. Grant". The signature is written over the typed name and title below it.

Gordon M. Grant
Assistant Secretary of the Commission

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
CONSOLIDATED EDISON COMPANY) Docket No. 50-286
)
(Indian Point Nuclear Generating)
Unit No. 3))

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Atomic Energy Commission's Rules and Regulations.

Dated at Washington, D.C. this 12th day of April, 1974.

Gregory A. Swinson
Office of the Secretary of the Commission

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
CONSOLIDATED EDISON COMPANY) Docket No. 50-286
)
(Indian Point Nuclear Generating)
Unit No. 3))

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with any confidence a date when the Final Environmental Statement for Indian Point, Unit No. 3, will be issued. Unless otherwise directed, we will provide the Board with a progress report by May 11, 1974.

Sincerely,

Stuart A. Treby
Counsel for AEC Regulatory Staff

cc: Dr. Franklin C. Daiber
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Mr. Frank W. Karas

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