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APR 10 1974

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

In the Matter of
Consolidated Edison Company of New York, Inc.
(Indian Point Nuclear Generating Station, Unit 3)
Docket No. 50-286

Dear Mr. Bender:

On March 20, 1974, the Atomic Safety and Licensing Board presiding in the captioned proceeding, after receiving a brief from applicant but before receiving responding briefs by other parties, certified to the Atomic Safety and Licensing Appeal Board, the following question:

"Is it the Commission policy and order that an Atomic Safety and Licensing Board, established to consider an application for authority to operate a nuclear power facility and which Board includes two technical members having some concerns on radiological safety, now that the final facility design is identified and construction is nearing completion, should not and must not make any inquiry or develop any record of facts concerning such determinations, even though directions have been issued by the Appeal Board in several cases that quality assurance matters, for instance, should be developed on the record, even though no party has asserted a contention in that regard?"

On March 26, 1974, the Appeal Board in turn certified this question to the Commission. Consolidated Edison Company of New York, Inc. (Indian Point Nuclear Generating Station, Unit 3), Docket Nos. 50-280, ALAB-186, (March 26, 1974).

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The AEC regulatory staff requests the opportunity to submit a brief on this question for the Commission's consideration in its review of the certified question.

Sincerely,

JS

Joseph F. Scinto
Assistant Chief Hearing Counsel

cc: Samuel W. Jensch, Esq.
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Appeal Board
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