

MGMWSHT HSA
1-035969C105002 04/16/75
ICS IPMWAWC WSH
03238 MGM RB WASHINGTON DC 150 04-16 533P EDT
ZIP

western union Mailgram



RECEIVED

THIS MAILGRAM WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY

APR 18 AM 9 00

JOSEPH GALLO ESQ
CHIEF HEARING COUNSEL
US NUCLEAR REGULATORY COMMISSION
WASHINGTON DC 20555

USAEC
060-BETHESDA

II
Bray / Bruen
Brainey / FF

RE: CONSOLIDATED EDISON COMPANY OF NEW YORK, INC
(INDIAN POINT STATION, UNIT 3)
DOCKET NO 50-286

WE ARE ADVISED THAT THE NEW YORK STATE ATOMIC ENRGY COUNCIL HAS SENT YOU A TELEGRAM WITHDRAWING ITS OBJECTION TO THE REGULATORY STAFFS SEISMIC ANALYSIS, UNDER THE AEC DECISION OF JULY 16, 1974, IN THIS DOCKET, NRC RULE 2.670A, AND THE FT CALHOUN ASLB ORDERS OF JANUARY 24 AND FEBRUARY 6, 1973 IN DOCKET NO. 50-285. WE DO NOT BELIEVE THE STATE CAN THUS REMOVE THE ISSUE FROM THE JURISDICTION OF THIS ASLB. APPLICANT REQUESTS THAT THE BOARD ORDER THE STATE FORTHWITH TO SERVE ITS DIRECT TESTIMONY ON THE ISSUE AND GO FORWARD WITH CROSS-EXAMINATION ON MAY 6 AT MONTROSE, NEW YORK, IF THE STATE IS UNABLE OR UNWILLING TO OFFER A DIRECT CASE, THE BOARD SHOULD DECIDE THE ISSUE ON THE MERITS BASED ON THE RECORD BEFORE IT.

COPY OF THIS TELEGRAM IS BEING SERVED ON THE OTHER PARTIES AND THE SECRETARY PER NRC RULES 2.708 AND 2.712.

HARRY H VOIGT ATTORNEY FOR APPLICANT

17:05 EST

MGMWSHT HSA

8111090474 750424
PDR ADOCK 05000286
G PDR