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State of New York

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ATOMIC ENERGY COUNCIL

Department of Commerce
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Albany, New York 12210

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DIV. OF INDUSTRIAL SCIENCES
AND TECHNOLOGIES

CHAIRMAN
NEAL L. MOYLAN
COMMISSIONER OF COMMERCE

April 16, 1975

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

II

GRAY BREVEN
BRANEY IFF

Dear Chairman Jensch:

Re: Indian Point No. 3
Docket No. 50-286

At the April 2, 1975 evidentiary session of this proceeding, New York State Atomic Energy Council (Council) expressed concern with the validity of staff's conclusions that Unit 3 as constructed complies with Part 100 of the Commission's regulations. The Board afforded New York State an opportunity to examine staff witnesses on the matter and further indicated that, after an appropriate period of time, they would allow New York State an opportunity to present a direct case on the seismic issue.

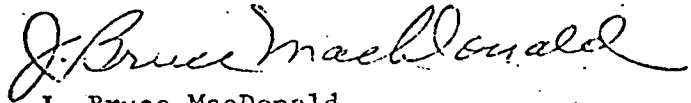
Shortly before the close of the session, the Board was made aware of the fact that the Council was exploring the possibility of litigating this issue in a more generic forum (i.e., before a board empowered to make determinations with respect to Indian Point Units 1, 2 and 3), in which event we would withdraw our request for a hearing in this proceeding.

We have considered the matter and determined that the issues heretofore raised would be more fruitfully addressed in such a generic forum. Accordingly, in a pleading to be filed Monday, April 21, 1975, we will

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request the Nuclear Regulatory Commission to order such a hearing. We hereby withdraw our request for further proceeding before you on this issue and will not oppose the issuance of a full-term operating license in this proceeding.

Very truly yours,



J. Bruce MacDonald
Deputy Commissioner
and Counsel

cc: Mr. R. B. Briggs
Dr. Franklin C. Daiber
Secretary, Nuclear Regulatory
Commission
Harry H. Voigt, Esq.
Joseph Gallo, Esq.
James P. Corcoran, Esq.
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Nicholas A. Robinson, Esq.