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September 17, 1973

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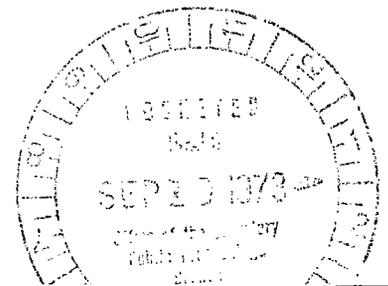
Re: Consolidated Edison Company  
of New York, Inc.  
Indian Point Unit No. 2  
AEC Docket No. 50-247

Gentlemen:

There are enclosed excerpts from the contract between Applicant and Westinghouse Electric Corporation for construction of the Indian Point 2 facility, as you requested on transcript page 11,584 and in your telegram of September 14, 1973. Since this document is one customarily held in confidence by the parties to the contract we request the Board to consider the enclosure in camera.

In this connection, we call the Board's attention to the fact that the contract does not deal explicitly with the subject of "quality assurance programs," although this subject is implicitly dealt with in the warranty provisions of the contract, for example. Regardless of what the contract may provide on these subjects we submit that the record of this proceeding does contain adequate evidence in support of the

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issuance of the requested license pertaining to the subjects of concern to the Board. In addition to the evidence received on September 12, 1973 we call the Board's attention to the following:

Summary of Application, Applicant's  
Exhibit 1C (Tr. 377), pp. 68-79

Testimony of Alex C. Husband (Tr. 382)

Needless to say, Applicant disagrees with the position expressed by the Citizens Committee for the Protection of the Environment in its letter of September 13, 1973 that the record in this proceeding demonstrates that Indian Point 2 is not presently in compliance with its Technical Specifications and with 10 CFR 50, Appendix B and E. Insofar as Regulatory Guide 1.33 is concerned, although Applicant disagrees with CCPE's position concerning the state of the record, compliance with the guide is not a regulatory requirement of the AEC.

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE  
Attorneys for Applicant

By Leonard M. Trosten  
Leonard M. Trosten  
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BY HAND

Enclosures

cc w/o encs:

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Hon. Louis J. Lefkowitz

Secretary, U.S. Atomic Energy Commission

Atomic Safety and Licensing Board Panel