

# Telegram

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OTC <input type="checkbox"/> MPU <input type="checkbox"/>	BRANCH ID	POINT OF ORIGIN		WORD COUNT	DATE	FILE TIME
PREFIX	TO Samuel W. Jensch, Esq. Chairman Atomic Safety & Licensing Board			DLY CHARGE	DLY NO CHARGE	
STREET ADDRESS U. S. Atomic Energy Commission						
CITY/	Washington, D. C.	CODE ( )	STATE OR COUNTRY	ZIP 20545		
September 8, 1973				RE: Indian Point Unit No. 2 Docket No. 50-247		
<p>Applicant respectfully moves that the Atomic Safety and Licensing Board reconsider that part of its order of September 6, 1973 reopening this proceeding for an evidentiary hearing on Applicant's quality assurance program for the operation of Indian Point 2 or, if denied, that the Board certify to the Atomic Safety and Licensing Appeal Board for prompt determination the question whether based on the record in this proceeding an evidentiary hearing on Applicant's quality assurance program = (SP) (SP)</p>						
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COLL SENDER'S ADDRESS		(CR)(CR)				

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RE: Indian Point Unit No. 2  
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for operation should be called.

Applicant and the Staff have submitted information and documents which demonstrate that the Applicant's quality assurance program for operation is acceptable and complies with Appendix B to 10 C.F.R. Part 50. Letters from Applicant to the Board dated July 10, July 19 and August 16, 1973, with enclosures; Staff's

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Additional Proposed Findings Regarding Quality Assurance dated August 17, 1973; Letter from the Staff to the Board dated August 30, 1973, with enclosure. These submittals by the Applicant and the Staff, together with recent Appeal Board decisions as well as the absence of contrary information by the intervenors effectually dispose of the Board's concerns about the quality assurance program for operations set forth in its letter of August 9, 1973. In particular, the Appeal Board decision of July 25, 1973 in the Vermont Yankee (SP) (SP)

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proceeding (ALAB-138, RAI-73-7 at 520) precludes reopening the Indian Point 2 hearing to receive evidence on the quality assurance program for the full-term, full-power operation of Indian Point 2.

Should the Board deny Applicant's motion for reconsideration Applicant requests the Board to certify the major question of <sup>(SP)</sup> (SP)

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procedure, i.e., whether the record in this proceeding requires an evidentiary hearing on Applicant's quality assurance program for operation, to the Atomic Safety and Licensing Appeal Board to avoid serious prejudice to the public and the Applicant resulting from delay caused by further evidentiary hearings at this late date.

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Applicant has no objection to a conference-type hearing on any of the subjects set forth in the Board's telegram of September 6.

A copy of this telegram has been sent to the members of the Atomic Safety and Licensing Board and to counsel of record. = (SP) (SP)

SIGNATURE Arvin E. Upton, LeBoeuf, Lamb, Leiby & MacRae, Counsel for . ==  
Applicant, 1355 Prince Jefferson Place, N.W., Washington, D.C. 20036  
IF OTHER SENDER'S NAME  
ACCT. NO.  
COLL SENDER'S ADDRESS

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