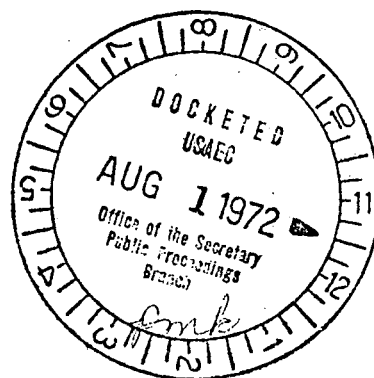


UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD:

Dr. John H. Buck
Dr. Lawrence R. Quarles



In the Matter of
CONSOLIDATED EDISON COMPANY
(Indian Point # 2)

DOCKET NO. 50-247

MEMORANDUM AND ORDER

On July 14, 1972, the Atomic Safety and Licensing Board in this operating license proceeding issued an initial decision authorizing limited operation for testing purposes of Indian Point Station Unit No. 2, at power levels up to 551 MWT. (20% of full power). In the initial decision, the Licensing Board, in accordance with 10 CFR Part 50, Appendix D, Section D.2, referred to the Commission the applicant's motion for a testing license at power levels in excess of 20% and up to 50%.

In addition, in the course of the initial decision (see pp. 13-16), the Licensing Board certified a question to the Appeal Board for determination and guidance in the further proceedings in this case. The question arises from a contention of the Citizens Committee for the Protection of the Environment, an intervenor,

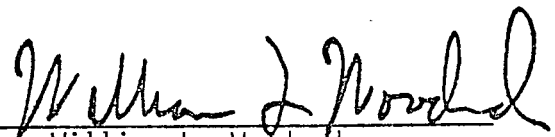
and concerns whether the integrity of pressure vessels has been sufficiently established and documented, so that protection against the consequences of failure of the reactor vessel need not be included in the design of the plant, and evidence concerning pressure vessel integrity need not be adduced in licensing proceedings.

To assist us in reviewing the certified question, the Appeal Board requests that briefs be filed by the parties. Such briefs should, as a minimum, identify relevant testimony and other evidence which we might utilize in answering the Licensing Board's question.

Briefs should be filed by Monday, August 21, 1972. Responsive briefs, if desired, should be filed by August 31, 1972.

It is so ORDERED.

By the Atomic Safety and Licensing
Appeal Board



William L. Woodard
Executive Secretary

Dated:

August 1, 1972

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)	
)	Docket No. 50-247
CONSOLIDATED EDISON COMPANY)	
(Indian Point # 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of MEMORANDUM AND ORDER dated August 1, 1972 in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 1st day of August 1972:

Samuel W. Jensch, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Gerard A. Maher, Esq.
LeBoeuf, Lamb, Leiby and MacRae
One Chase Manhattan Plaza
New York, New York 10005

Mr. R. B. Briggs, Associate
Director
Molten-Salt Reactor Program
Oak Ridge National Laboratory
P. O. Box Y
Oak Ridge, Tennessee 37830

Edward J. Sack, Esq.
4 Irving Place
New York, New York 10003

Dr. John C. Geyer, Chairman
Department of Geography and
Environmental Engineering
The John Hopkins University
Baltimore, Maryland 21218

Honorable William J. Burke
Mayor, Village of Buchanan
188 Westchester Avenue
Buchanan, New York 10511

Dr. Walter H. Jordan
Senior Research Adviser
Oak Ridge National Laboratory
P. O. Box X
Oak Ridge, Tennessee 37830

Commissioner of Commerce
State Department of Commerce
112 State Street
Albany, New York 12207

Myron Karman, Esq.
Mary Thorkelson, Esq.
Regulatory Staff Counsel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Honorable Louis J. Lefkowitz
Attorney General, State of
New York
80 Centre Street
New York, New York 10013

Arvin E. Upton, Esq.
Leonard M. Trosten, Esq.
Lex K. Larson, Esq.
LeBoeuf, Lamb, Leiby and MacRae
1821 Jefferson Place, N. W.
Washington, D. C. 20036

Honorable Paul S. Shemin
Assistant Attorney General
State of New York
80 Centre Street
New York, New York 10013

Bruce L. Martin, Esq.
New York State Atomic Energy
Council
State Department of Commerce
112 State Street
Albany, New York 12207

J. Bruce MacDonald, Esq.
New York State Atomic Energy
Council
State Department of Commerce
112 State Street
Albany, New York 12207

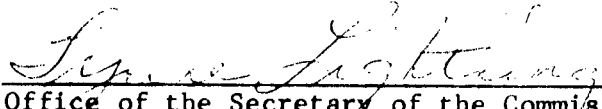
Mr. Robert H. Boyle, Director
Hudson River Fishermen's
Association
P. O. Box 725
Ossining, New York 10562

Mrs. Kay Winter, Librarian
Hendrik Hudson Free Library
31 Albany Post Road
Montrose, New York 10548

Dominick J. Pirone, Consulting
Biologist
480 Tuckahoe Road (9-B)
Yonkers, New York 10710

Angus Macbeth, Esq.
Richard M. Hall, Esq.
36 West 44th Street
New York, New York 10036

Anthony Z. Roisman, Esq.
Berlin, Roisman & Kessler
1712 N Street, N. W., 4th floor
Washington, D. C. 20036


Office of the Secretary of the Commission

cc: Mr. Jensch
Mr. Karman
ASLBP
N. Brown
Reg. Files