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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges

James P. Gleason, Chairman
Dr. Oscar H. Paris
Frederick J. Shon



In the Matter of)
))
CONSOLIDATED EDISON COMPANY)
 OF NEW YORK))
))
(Indian Point, Unit No. 2))
))
POWER AUTHORITY OF THE STATE)
 OF NEW YORK))
))
(Indian Point, Unit No. 3))

Docket No. 50-247-SP
 50-286-SP

ASLBP No. 81-466-03 SP

April 22, 1983

MEMORANDUM CONCERNING FORMAT FOR
PROPOSED RECOMMENDED FINDINGS AND CONCLUSIONS

In order to facilitate the Board's review of the record and findings by the parties in this proceeding, all parties shall file proposed findings in a format similar to that which the Board will utilize in making its recommendations to the Nuclear Regulatory Commission. The objective is to achieve comprehension and completeness and due to the special circumstances of this adjudication - a voluminous record and number of parties involved - a uniform format is considered essential.

The proposed findings are to be composed of four parts; the Opinion, Findings of Fact, Conclusions of Law and the Recommendations.

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The constituent elements of each part, clearly stated, should, in their entirety, project a reasoned adjudication of the issues, presented in a readable and understandable manner.

OPINION

(This part presents the history, the important issues in the controversy, the evidence presented by the parties and the resolution of the issues)

- I. Table of Contents
- II. Nature of Proceedings
- III. Identification of Parties
- IV. Statement of Issues (Commission Questions)
- V. Opinion on Individual Issues
 - A. Contention
 1. Caption (List of all witnesses and titles should be included in footnotes)
 2. State Contention
 3. Discussion of contention, positions of the parties (briefly stated and referenced to the record) and a reasoned resolution of the controversy. Cross-references shall be made to the findings of fact which support and relate to the proposed resolution of the issues involved.
 4. Conclusion of contention
 - B. Follow the same format for each contention, for each Board Question and for Commission Questions.

C. Recommendation for the NRC Commission on Question to which contention and Board question relate.

FINDINGS OF FACT

(This part contains specific concise and clear statements of fact based on the evidence of record, which are found to be true, credible, material and relevant. These facts are the foundation and grounds for the recommendations to the Commission.)

I. Caption

II. Jurisdiction and Parties

A. Initiation of proceeding (notice of hearing and subject matter).

B. Petitions to intervene and identification of parties

C. Contention stated verbatim.

1. Statement of facts found (followed by citation to supporting portions of record).

2. Ultimate finding of fact.

D. Same format as above for each Contention, for each Board Question and Commission Question, where applicable.

Note: The findings should be numbered consecutively and begin with uncontroverted findings (e.g. parties and jurisdiction) before proceeding to the controverted and more difficult findings. The subsidiary findings that support ultimate finding(s) of fact should be stated but testimony should not be quoted or summarized. Citations to the record for findings of fact are essential. The test for adequacy of the findings is whether they are sufficiently comprehensive and pertinent to the issues to provide a basis for the recommendations, and

whether they are supported by the evidence. It should be understood that both the Findings of Fact and the Opinion are interdependent and represent a complete statement of the facts found and the analysis and reasoning by which those facts were derived.

CONCLUSIONS OF LAW

These are brief statements which state a conclusion of law, if applicable, for the ultimate finding of fact for each contention.

RECOMMENDED FINDINGS

These are the specific recommendations to the Commission in response to the six questions posed to the Board and the parties for this proceeding. As previously directed by the Commission, the Licensing Board is not authorized to reach an initial decision on whether Indian Point Units 2 and 3 should be shut down or other action taken but the record of this proceeding, together with the Board's recommendations will be forwarded to the Commission for final agency action on the merits. (See CLI-81-1, 13 NRC 1, 1981)

ORDERED

That all parties shall file their proposed recommended findings and conclusions in a format similar to that described in the foregoing memorandum.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


James P. Gleason, Chairman
ADMINISTRATIVE JUDGE