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UNITED STATES OF AMERICA  
BEFORE THE  
NUCLEAR REGULATORY COMMISSION

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CONSIDERATION OF APPROVAL OF TRANSFER  
OF FACILITY OPERATING LICENSE AND  
CONFORMING AMENDMENT AND OPPORTUNITY  
FOR A HEARING REGARDING POWER AUTHORITY  
OF THE STATE OF NEW YORK INDIAN POINT  
NUCLEAR GENERATING UNIT NO. 3

ADJ.  
Docket No. 50-286

**MOTION FOR HEARING AND RIGHT TO INTERVENE**

The Utility Workers Union of America, AFL-CIO, Local 1-2, ("Union") through its undersigned consultant, respectfully requests a hearing and the right to intervene in the above proceeding in accordance with §2.1205 and §2.1306 of the Nuclear Regulatory Commission's ("Commission's") Regulations. In support of this Motion, the Union states the following:

1. The Union represents the interests of approximately 10,000 bargaining unit members who are employed by (a) Consolidated Edison Company of New York, Inc. ("Con-Edison"), a utility subsidiary of Consolidated Edison, Inc. ("CEI"), in electric, gas and steam operations, (b) the Power Authority of the State of New York ("PASNY" or "NYPA") at the Indian Point Nuclear Generating Unit No. 3 ("IP3") and (c) several of the electric generating plant owners and operators who recently took control of plants formerly owned and operated by Con-Edison.

Template = SECY-037

SECY-02

2. The above referenced docket has been established by the Commission to consider the issuance of an order under 10 CFR 50.80 approving the transfer of the Facility Operating License No. DRP-64 for the IP3 currently held by PASNY, as owner operator of IP3. The proposed transfer would be to Entergy Nuclear Indian Point 3 (“ENIP3”), the proposed owner of IP3, and to Entergy Nuclear Operations, Inc. (“ENO”), the proposed operator of IP3.

3. As indicated in the Federal Register:

Upon closing, all employees within PASNY’s Nuclear Generation Department, and certain other employees supporting the Nuclear Generation Department, will become employees of ENO.<sup>1</sup>

4. The Union is presently in labor contract negotiations with both NYPA and ENO. These negotiations have been on-going since the latter part of 1999 and have yet to produce substantive movement on the part of NYPA or ENO to resolve the outstanding labor issues. The outlook for resolution of the outstanding labor issues is dim as management appears to have abandoned good faith bargaining. The resolution of these labor issues at IP3 is necessary to achieve a new labor contract that would ensure a smooth transition of IP3 to its proposed new owner.

5. The Union believes that a hearing in this proceeding is appropriate because approval of a license transfer without a reasonable and appropriate labor contract for the employees who operate IP3 may result in an unstable operating environment at IP3.

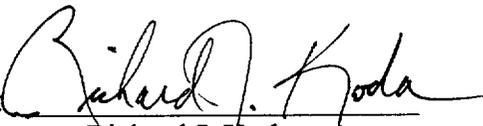
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<sup>1</sup> June 28, 2000 (Volume 65, Number 125), Notices, Pages 39954-39956.

6. Since the Union and its members would be an integral part of the transfer and directly affected by such transfer, the Union submits that granting its request to participate as an intervenor in this proceeding would add to the development of a complete record, would be fair and would be in the public interest. No other party could adequately represent the interests of NYPA's nuclear workers, or inform the proceeding on matters relevant to those workers and the effect that the proposed transfer would have on them.
  
7. If the Union's Motion for a Hearing and Intervenor Status in this proceeding is granted, the Union understands that it would be bound by the Commission's Rules of Practice and Regulations contained in Title 10 of the Code of Federal Regulations.

Wherefore, for the reasons set forth in this Motion For Hearing And Right To Intervene, the Union respectfully requests that a hearing be established and that the Union be afforded the right to intervene in this proceeding in order to protect its interests and those of its members.

Dated: July 17, 2000  
Ridgefield, Connecticut

By   
Richard J. Koda

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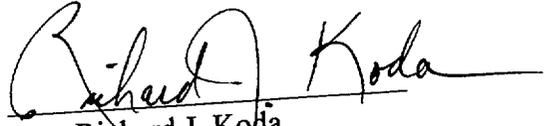
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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing Motion was sent via Federal Express to members of the U.S. Nuclear Regulatory Commission listed on page 4 of the Motion, and that a copy of the foregoing Motion was sent via 1<sup>st</sup> Class Mail to the other parties listed on page 4 of the Motion, this 17<sup>th</sup> day of July 2000.

  
Richard J. Koda