

June 23, 1988

Docket No. 50-286

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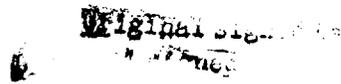
Mr. John C. Brons  
Executive Vice President, Nuclear Generation  
Power Authority of the State  
of New York  
123 Main Street  
White Plains, New York 10601

Dear Mr. Brons:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing" for your information. This notice is related to your application dated May 9, 1988 pertaining to the spent fuel pool storage capacity expansion for Indian Point 3.

The notice has been forwarded to the Office of Federal Register for publication.

Sincerely,

*Original signature*  


Joseph D. Neighbors, Senior Project Manager  
Project Directorate I-1  
Division of Reactor Projects, I/II

Enclosure:  
As stated

cc: See next page

PDI-I  
CVogan *ccw*  
6/13/88

PDI-I  
DNeighbors:d1g  
6/13/88

OGC *APX*  
6/20/88

*RCW*  
PDI-1  
RCapra  
6/23/88

Mr. John C. Brons  
Power Authority of the State  
of New York

Indian Point Nuclear Generating  
Unit No. 3

cc:

Regional Administrator, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, Pennsylvania 19406

Resident Inspector  
Indian Point Nuclear Generating  
U.S. Nuclear Regulatory Commission  
Post Office Box 337  
Buchanan, New York 10511

Mr. Gerald C. Goldstein  
Assistant General Counsel  
Power Authority of the State  
of New York  
10 Columbus Circle  
New York, New York 10019

Mr. Robert L. Spring  
Nuclear Licensing Engineer  
Consolidated Edison Company  
of New York, Inc.  
4 Irving Place  
New York, New York 10003

Ms. Ellyn Weiss  
Harmon, Weiss and Jordan  
2001 S Street, N.W., Suite 430  
Washington, DC 20009

Mr. A. Klausmann, Vice President  
Quality Assurance  
Power Authority of the State  
of New York  
10 Columbus Circle  
New York, New York 10019

Mr. William Josiger  
Resident Manager  
Indian Point 3 Nuclear Power Plant  
Post Office Box 215  
Buchanan, New York 10511

Mayor, Village of Buchanan  
236 Tate Avenue  
Buchanan, New York 10511

Mr. George M. Wilverding, Manager  
Nuclear Safety Evaluation  
Power Authority of the State  
of New York  
123 Main Street  
White Plains, New York 10601

Mr. F. X. Pindar  
Quality Assurance Superintendent  
Indian Point 3 Nuclear Power Plant  
Post Office Box 215  
Buchanan, New York 10511

Director, Technical Development  
Programs  
State of New York Energy Office  
Agency Building 2  
Empire State Plaza  
Albany, New York 12223

Mr. R. Beedle, Vice President  
Nuclear Support  
Power Authority of the State  
of New York  
123 Main Street  
White Plains, New York 10601

Mr. J. Phillip Bayne, President  
Power Authority of the State  
of New York  
123 Main Street  
White Plains, New York 10601

Power Authority of the State  
of New York

- 2 - Indian Point 3

cc

Mr. Peter Kokolakis, Director  
Nuclear Licensing  
Power Authority of the State  
of New York  
123 Main Street  
White Plains, New York 10601

Ms. Donna Ross  
New York State Energy Office  
2 Empire State Plaza  
16th Floor  
Albany, New York 12223

Mr. S. S. Zulla, Vice President  
Nuclear Engineering  
Power Authority of the State  
of New York  
123 Main Street  
White Plains, New York 10601

Mr. R. Burns, Vice President  
Nuclear Operations  
Power Authority of the State  
of New York  
123 Main Street  
White Plains, New York 10601

UNITED STATES NUCLEAR REGULATORY COMMISSION  
POWER AUTHORITY OF THE STATE OF NEW YORK  
DOCKET NO. 50-286  
NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT  
TO FACILITY OPERATING LICENSE AND  
OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. 64, issued to the Power Authority of the State of New York (the licensee), for operation of the Indian Point Nuclear Generating Unit No. 3 located in Westchester County, New York. The application for amendment is dated May 9, 1988.

This amendment would revise the Technical Specifications 5.3 and 5.4 to allow the replacement of the existing high density spent fuel storage racks with maximum density storage racks. This replacement would result in an increase in the spent fuel storage capability of the spent fuel pool.

The Indian Point 3 spent fuel pool currently has 840 total storage cells. There are currently 368 fuel assemblies stored in the spent fuel pool. By 1994, it is expected that full core discharge capability will not be available. In order to expand the storage capacity of the spent fuel pool, the existing high density storage racks will be replaced with maximum density storage racks. The design of the replacement racks will facilitate a more dense storage of spent fuel. This replacement will result in a spent fuel pool storage capacity of 1345 fuel assemblies.

The maximum density storage racks are designed for a fuel enrichment of up to 4.5 w/o U-235, which is higher than the currently allowable maximum of 4.3 w/o U-235. This amendment would also increase the maximum fuel enrichment allowed in the spent fuel pool and the reactor core from 4.3 w/o to 4.5 w/o U-235.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By August 3, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with

particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Capra: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. §10154. Under section 134 of the NWPA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR Part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662, October 15, 1985) 10 CFR §2.1101 et seq. Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR Part 2, subpart G, and §2.714 in particular, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions). The presiding officer shall grant a timely request for oral argument. The

presiding officer may grant an untimely request for oral argument only upon showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, subpart G apply.

For further details with respect to this action, see the application for amendment dated May 9, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Dated at Rockville, Maryland, this 23rd day of June, 1988.

FOR THE NUCLEAR REGULATORY COMMISSION

~~Original signed by~~

Robert A. Capra, Director  
Project Directorate I-1  
Division of Reactor Projects I/II

PDI-1  
CVogan  
6/15/88

PDI-1  
DNeighbors:dlg  
6/15/88

OGS  
PH  
6/20/88

*RC*  
PDI-1  
RCapra  
6/23/88

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DNeighbors  
JScinto

June 23, 1988

DOCKET NO. 50-285

MEMORANDUM FOR: Rules and Procedures Branch  
Division of Rules and Records  
Office of Administration and Resources Management

FROM: Office of Nuclear Reactor Regulation

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NO. 3

One signed original of the *Federal Register* Notice identified below is enclosed for your transmittal to the Office of the Federal Register for publication. Additional conformed copies ( ) of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s); Time for Submission of Views on Antitrust Matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License.
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
- Exemption.
- Notice of Granting Exemption.
- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Other: Please notify Mary Ann Keppler (x21416) when a date has been filled in on page 2. Thank you.

Office of Nuclear Reactor Regulation

Enclosure:  
As stated

Contact:  
Phone:

OFFICE ▶	PP1-1						
SURNAME ▶	W						
DATE ▶	6/30/88						

UNITED STATES NUCLEAR REGULATORY COMMISSION  
POWER AUTHORITY OF THE STATE OF NEW YORK  
DOCKET NO. 50-286  
NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT  
TO FACILITY OPERATING LICENSE AND  
OPPORTUNITY FOR HEARING

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For further details with respect to this action, see the application for amendment dated May 9, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Dated at Rockville, Maryland, this 23<sup>rd</sup> day of June 1988.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert A. Capra, Director  
Project Directorate I-1  
Division of Reactor Projects I/II