

Docket No. 50-333

SEPTEMBER 1 1978

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Power Authority of the State
of New York

ATTN: Mr. George T. Berry
General Manager and
Chief Engineer

10 Columbus Circle
New York, New York 10019

Distribution

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Gentlemen:

The Commission has filed the enclosed "Notice of Proposed Issuance of Amendment to Facility Operating License" for the James A. FitzPatrick Nuclear Power Plant, with the Office of the Federal Register for publication.

The amendment would authorize an increase in spent fuel storage capacity from 760 to 2244 fuel assemblies. The amendment would also revise design features and associated operating limits, as necessary, to accommodate the increased storage capacity in accordance with your application dated July 26, 1978.

Sincerely,

Original signed by

Thomas A. Ippolito, Chief
Operating Reactors Branch #3
Division of Operating Reactors

Enclosure: Notice

cc w/enclosures:
See next page

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OFFICE ➤	ORB #3	ORB #3	OELD	ORB #3		
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DATE ➤	8/3/78	8/4/78	8/8/78	9/1/78		

Power Authority of the State
of New York

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cc: Lewis R. Bennett, Assistant General
Manager/General Counsel
Power Authority of the State
of New York
10 Columbus Circle
New York, New York 10019

Mr. Peter W. Lyon
Manager-Nuclear Operations
Power Authority of the State
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10 Columbus Circle
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Mr. J. D. Leonard, Jr.
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Mr. Robert P. Jones, Supervisor
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Oswego, New York 13126

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Oswego, New York 13126

Chief, Energy Systems Analyses
Branch (AW-459)
Office of Radiation Programs
U. S. Environmental Protection
Agency
Room 645, East Tower
401 M Street, S. W.
Washington, D. C. 20460

U. S. Environmental Protection
Agency
Region II Office
ATTN: EIS COORDINATOR
26 Federal Plaza
New York, New York 10007

UNITED STATES NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-333POWER AUTHORITY OF THE STATE OF NEW YORKNOTICE OF PROPOSED ISSUANCE OF AMENDMENT
TO FACILITY OPERATING LICENSE

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-59 issued to Power Authority of the State of New York (the licensee), for operation of the James A. FitzPatrick Nuclear Power Plant (the facility), located in Oswego County, New York.

The amendment would authorize an increase in spent fuel storage capacity from 760 to 2244 fuel assemblies. The amendment would also revise design features and associated operating limits, as necessary, to accommodate the increased storage capacity in accordance with the licensee's application dated July 26, 1978.

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

By October 12, 1978, 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 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) or the subject matter of the proceeding as to which petitioner wishes to intervene or who has been admitted as a party may amend his petition, 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, the petitioner shall file a supplement to his petition to intervene which must include a list of the contentions which he seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity. 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.

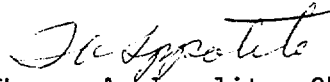
A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C. by the above date. A copy of the petition should also be sent to the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, and to Lewis R. Bennett, Assistant General Manager/General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019, attorney for the licensee.

Untimely 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 Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR §2.714(a)(i)-(v) and §2.714(d).

For further details with respect to this action, see the application for amendment, dated July 26, 1978, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington. D. C. and at the Oswego County Office Building, 46 East Bridge Street, Oswego, New York.

Dated at Bethesda, Maryland, this 1st day of September 1978.

FOR THE NUCLEAR REGULATORY COMMISSION



Thomas A. Ippolito, Chief
Operating Reactors Branch #3
Division of Operating Reactors