

UNITED STATES NUCLEAR REGULATORY COMMISSION
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

DOCKET NO. 50-3

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT
TO PROVISIONAL OPERATING LICENSE AND
OPPORTUNITY FOR PRIOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-5 issued to Consolidation Edison Company of New York, Inc. (the licensee) for Indian Point Unit No. 1, (the facility) located in Westchester County, New York. The amendment is in response to the licensee's application dated October 17, 1980, as revised October 13, 1981 related to decommissioning the facility.

The facility is a 615 MWt pressurized water reactor located in Westchester County, New York. The facility has been shut down since October 31, 1974 and all spent fuel has been transferred from the reactor to the spent fuel storage pool. By Order dated June 19, 1980, the Commission revoked authority to operate the facility as a nuclear reactor and required the licensee to submit a decommissioning plan. The licensee's application dated October 17, 1980 as revised October 13, 1981, was in response to the Commission's Order.

The licensee proposes to retain the facility in a safe storage status until the expiration date of the Indian Point Unit No. 2 license on October 14, 2006. At that time the residual radioactive material would be removed from the facility such that it could be released for unrestricted access and Provisional License No. DPR-5 terminated. The spent fuel would remain stored onsite in the interim until a Federal repository is available.

The amendment would revise the license to a possess-but-not operate status, approve the licensee's decommissioning plan and renew the license for a period of time up to October 14, 2006, or such lesser term as the Commission determines to be appropriate. License No. DPR-5 was issued as a provisional operating license, and has continued in effect since 1969 under a timely application for a full-term operating license. The licensee's plan to decommission the facility makes its application for a full-term operating license moot.

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

By January 30, 1986, the licensee may file a request for a hearing with respect to issuance of the subject authorization and amendment, 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. Request 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.

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As required by 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 prehearing 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 which 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 action 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.

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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 must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: 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 (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Herbert N. Berkow, Director, Standardization and Special Projects Directorate, Division of PWR Licensing-B: 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 Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Brent L. Brandenburg, Esquire, Consolidated Edison Company of New York, Inc., 4 Irving Place, New York, New York 10003, attorney for the licensee.

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

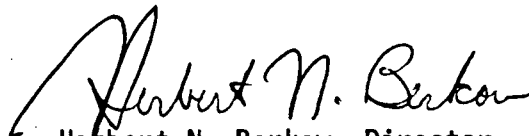
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or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the licensee's decommissioning plan dated October 17, 1980 as revised October 13, 1981, 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 Martime Avenue, White Plains, New York 10601.

Dated at Bethesda, Maryland, this 18th day of December 1985.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in dark ink, appearing to read "Herbert N. Berkow". The signature is fluid and cursive, with the first name "Herbert" being more prominent.

Herbert N. Berkow, Director
Standardization and Special Projects Directorate
Division of PWR Licensing-B