

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

Cir. AEC-R-193/1

In the Matter of)
)
CONSOLIDATED EDISON COMPANY)
OF NEW YORK, INC.) Docket No. 50-286
)
(Indian Point Nuclear)
Generating Unit No. 3))

NOTICE OF HEARING ON APPLICATION
FOR PROVISIONAL CONSTRUCTION PERMIT

Pursuant to the Atomic Energy Act of 1954, as amended (the Act) and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10:00 a.m. local time, on March 25, 1969, in the Hendrick Hudson High School, Albany Post Road, Montrose, New York, to consider the application filed under § 104 b. of the Act by Consolidated Edison Company of New York, Inc. (the applicant), for a provisional construction permit for a pressurized water reactor designed to operate initially at 3,025 megawatts (thermal) located at the applicant's 250 acre site on the east bank of the Hudson River at Indian Point, Village of Buchanan, in upper Westchester County, New York, located approximately 24 miles north of the New York City boundary line.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of

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Dr. John C. Geyer, Baltimore, Maryland; Dr. David B. Hall, Los Alamos, New Mexico; and Samuel W. Jensch, Esq., Chairman, Washington, D. C. Dr. Thomas H. Pigford, Waltham, Massachusetts, has been designated as a technically qualified alternate, and J. D. Bond, Esq., Washington, D. C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board at 10:00 a.m., local time, on March 11, 1969, in Room 1027 at the Universal Building, 1825 Connecticut Avenue, N.W., Washington, D. C. to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and Section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings of Item Numbers 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of a provisional construction permit to the applicant substantially in the form proposed in Appendix "A" hereto.

1. Whether in accordance with the provisions of 10 CFR

§ 50.35(a):

- (a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural

and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

- (b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;
- (c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and
- (d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the

application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;
3. Whether the applicant is financially qualified to design and construct the proposed facility; and
4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's "Rules of Practice," 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Numbers 1 through 4 above as the basis for determining whether a provisional construction permit should be issued to the applicant.

As they become available, the application, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the ACRS report, the applicant's summary of the application and the regulatory staff's Safety Evaluation will also be available at the Village of Buchanan Office, Westchester Avenue, Buchanan, New York, for inspection by members of the public each weekday between the hours of 9:00 a.m. and 5:00 p.m. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, United States Atomic Energy Commission, Washington, D. C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, United States Atomic Energy Commission, Washington, D. C. 20545, by March 7, 1969.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary, United States Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C., not later than March 7, 1969, or in the event of postponement of the prehearing conference, at such time as the

Board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's "Rules of Practice," must be filed by the applicant on or before March 7, 1969.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's "Rules of Practice," an original and twenty conformed copies of each such paper with the Commission.

UNITED STATES ATOMIC ENERGY COMMISSION

By:



W. B. McCool
Secretary

Dated at Washington, D. C.

this 31st day of January 1969.

APPENDIX "A"

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

(Indian Point Nuclear Generating Unit No. 3)

DOCKET NO. 50-286

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. _____

1. Pursuant to § 104 b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Consolidated Edison Company of New York, Inc. (the applicant) for a utilization facility (the facility), designed to operate at 3,025 megawatts (thermal) described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Indian Point Nuclear Generating Unit No. 3, will be located at the applicant's 250 acre site on the east bank of the Hudson River at Indian Point, Village of Buchanan in upper Westchester County, New York, located approximately 24 miles north of the New York City boundary line.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

- A. The earliest date for the completion of the facility is March 1, 1972, and the latest date for completion of the facility is September 1, 1972.
- B. The facility shall be constructed and located at the site as described in the application in the upper part of Westchester County, New York.
- C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission,

by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

FOR THE ATOMIC ENERGY COMMISSION
