

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CONSOLIDATED EDISON COMPANY	)	Docket No. 50-286
OF NEW YORK, INC. and	)	OL No. DPR-64
POWER AUTHORITY OF THE	)	
STATE OF NEW YORK	)	Determination of Preferred
(Indian Point Station,	)	Alternative Closed-Cycle
Unit No. 3)	)	Cooling System

LICENSEES' CONDITIONAL REQUEST  
FOR A HEARING

Pursuant to § 2.105(d)(1) of the Rules of Practice of the Nuclear Regulatory Commission, 10 C.F.R. § 2.105(d)(1) (1975), and the Notice of Availability of Licensees' Report, Notice of Proposed Amendment to Facility Operating License DPR-64 and Notice of Opportunity for Hearing issued on March 23, 1976, 41 Fed. Reg. 12933 (1976), Consolidated Edison Company of New York, Inc., on its own behalf and as agent for Power Authority of the State of New York (collectively "Licensees"), as co-holders of Facility Operating License No. DPR-64, hereby conditionally request a hearing with respect to the application for facility license amendment filed on January 30, 1976, and urge that the hearing be held in the vicinity of Indian Point.

At the hearing, Licensees will urge that the relief requested in the application for facility license

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amendment be granted. That application requested the Commission to determine "that a closed-cycle natural draft, wet cooling tower system installation is the preferred alternative closed-cycle cooling system for installation at Indian Point Unit No. 3."

The need for a hearing will, from Licensees' point of view, be obviated if the Regulatory Staff determines that the relief sought in the application should be granted without change. If the Regulatory Staff so concludes, then the instant request for a hearing is to be considered withdrawn. If, however, any other requests for a hearing are filed, then Licensees will appear at and participate in the hearing (if one is granted) in support of the amendment for which application has been made.

Finally, if the Regulatory Staff concludes that a form of closed-cycle cooling other than a natural draft, wet cooling tower is preferable, Licensees request that the hearing also cover the question whether the amendment approved should, because of the time needed for the design and installation of any such system other than a natural draft, wet cooling tower, include an extension of the date beyond which operation with once-through cooling will not be permitted. Such extension beyond the period of interim

operation now stated in the License would be separate from any other extension to which Licensees are now or may in the future be entitled under the terms of the License and the stipulation of the parties dated January 13, 1975.

Respectfully submitted,

LeBOEUF, LAMB, LEIBY & MacRAE

By Harry H. Voigt  
Harry H. Voigt

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(202) 457-7500

Attorneys for Consolidated Edison  
Company of New York, Inc. and  
Power Authority of the State  
of New York

Dated: April 26, 1976

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NUCLEAR REGULATORY COMMISSION

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OF NEW YORK, INC. and	)	OL No. DPR-64
POWER AUTHORITY OF THE	)	
STATE OF NEW YORK	)	Determination of Preferred
(Indian Point Station,	)	Alternative Closed-Cycle
Unit No. 3)	)	Cooling System

NOTICE OF APPEARANCES

In accordance with § 2.713(a) of the Rules of Practice of the Nuclear Regulatory Commission, the following attorneys will appear for Licensees in the proceeding commenced by the Commission's March 23, 1976 Notice of Availability of Licensees' Report, Notice of Proposed Amendment to Facility Operating License DPR-64 and Notice of Opportunity for Hearing:

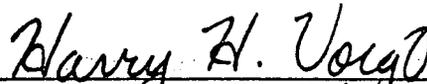
Harry H. Voigt	Member of the Bar of the United States Court of Appeals for the District of Columbia Circuit
Eugene R. Fidell	Member of the Bar of the United States Court of Appeals for the District of Columbia Circuit
Scott B. Lilly	Member of the Bar of the Court of Appeals of the State of New York

Edward J. Sack

Member of the Bar of  
the Court of Appeals  
of the State of New York

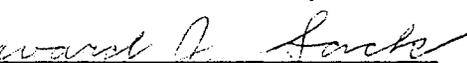
The first two of the above-listed attorneys have their offices at LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, N.W., Washington, D.C. 20036, Telephone (202) 457-7500. Mr. Lilly, who appears on behalf of Power Authority of the State of New York, has his office at 10 Columbus Circle, New York, New York 10019, Telephone (212) 397-6215. Mr. Sack, who appears on behalf of Consolidated Edison Company of New York, Inc., has his office at 4 Irving Place, New York, New York 10003, Telephone (212) 460-4333.

The names and addresses of the parties on whose behalf these appearances are entered are: Consolidated Edison Company of New York, Inc., 4 Irving Place, New York, New York 10003, and Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019.

  
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Harry H. Voigt

  
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Eugene R. Fidell

  
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(Indian Point Station, ) Alternative Closed-Cycle  
Unit No. 3) Cooling System

CERTIFICATE OF SERVICE

I hereby certify that I have this 26th day  
of April 1976 served the foregoing documents entitled  
"Licensees' Conditional Request for a Hearing" and "Notice  
of Appearances" by mailing copies thereof, first class  
postage prepaid and properly addressed, to the following  
persons:

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*Eugene R. Fidell*

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