

UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-286

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

POWER AUTHORITY OF THE STATE OF NEW YORK

NOTICE OF PROPOSED ISSUANCE OF AMENDMENT--
TO FACILITY OPERATING LICENSE

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-64 issued to Consolidated Edison Company of New York, Inc. and the Power Authority of the State of New York (the licensees) for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility), located in Westchester County, New York.

In accordance with the licensees' application for a license amendment dated June 28, 1976, the amendment would modify the Technical Specifications by providing additional conditions for the storage of the spent fuel. The amendment would also permit modification of the spent fuel element storage pool in order to provide for additional storage capacity for spent fuel in accordance with the licensees proposal dated June 28, 1976.

Prior to issuance of the proposed license amendment and prior to approval of the proposed modification, 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. The license

amendment and the modification to the spent fuel element storage pool will not be approved until the Commission has reviewed the safety aspects and has concluded that approval of the license amendment and the modification will not be inimical to the common defense and security or to the health and safety of the public.

By October 4, 1976, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to issuance of the amendment to the facility operating license and to the approval of the modification to the facility spent fuel element storage pool. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Arvin E. Upton, Esq., 1757 N Street, N.W., Washington, D.C. 20036, attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the licensees' application for amendment and proposal to modify the spent fuel pool dated June 28, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.