

Mr. A. Alan Blind  
Vice President, Nuclear Power  
Consolidated Edison Company  
of New York, Inc.  
Broadway and Bleakley Avenue  
Buchanan, NY 10511

April 3, 2000

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF FACILITY  
OPERATING LICENSES AND OPPORTUNITY FOR A HEARING - INDIAN  
POINT NUCLEAR GENERATING UNITS 1 AND 2 (TAC NOS. MA7977 AND  
MA7975)

Dear Mr. Blind:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Facility Operating Licenses and Opportunity for a Hearing" related to the application dated January 13, 2000, filed by Consolidated Edison Company of New York, Inc., and Northeast Utilities. The application (pursuant to 10 CFR 50.80) seeks approval of the proposed indirect transfer of the Indian Point Units 1 and 2 Facility Operating Licenses, Nos. DPR-5 and DPR-26, to a new Consolidated Edison, Inc., in connection with a planned merger with Northeast Utilities.

Sincerely,

*/RA/*

Jefferey F. Harold, Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-003 and 50-247

Enclosure: Notice

cc w/encl: See next page

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Indian Point Nuclear Generating Station  
Units 1/2

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Buchanan, NY 10511

Mr. F. William Valentino, President  
New York State Energy, Research,  
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Buchanan, NY 10511

Senior Resident Inspector  
U. S. Nuclear Regulatory Commission  
P.O. Box 38  
Buchanan, NY 10511

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Nuclear Safety Engineer  
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New York Department of Law  
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Nuclear Licensing  
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White Plains, NY 10601

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Secretary - NFSC  
Consolidated Edison Company  
Of New York, Inc.  
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Regional Administrator, Region I  
U. S. Nuclear Regulatory Commission  
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New York State Department of  
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Public Citizen's Critical Mass Energy Project  
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Michael Moriotte  
Nuclear Information & Resources Service  
1424 16<sup>th</sup> Street, NW., Suite 404  
Washington, DC 20036

UNITED STATES NUCLEAR REGULATORY COMMISSION  
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  
INDIAN POINT NUCLEAR GENERATING UNITS 1 AND 2  
DOCKET NOS. 50-003 AND 50-247  
NOTICE OF CONSIDERATION OF APPROVAL OF  
APPLICATION REGARDING PROPOSED MERGER  
AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the indirect transfer of Facility Operating Licenses Nos. DPR-5 and DPR-26 for the Indian Point Nuclear Generating Units 1 and 2 (Indian Point Units 1 and 2), held by Consolidated Edison Company of New York, Inc. (Con Ed). The indirect transfer would be to a new Consolidated Edison, Inc., incorporated in Delaware (New CEI), resulting from the planned merger of Consolidated Edison, Inc. (CEI), the current parent of Con Ed, and Northeast Utilities (NU).

According to a January 13, 2000, application by Con Ed, North Atlantic Energy Service Corporation (NAESCO), and Northeast Nuclear Energy Company (NNECO), for approval of certain indirect license transfers, on October 13, 1999, NU entered into an Agreement and Plan of Merger with CEI. Upon consummation of the merger, NU will become a wholly owned subsidiary of New CEI. In addition, Con Ed, presently a subsidiary of CEI, will become a subsidiary of New CEI. Accordingly, consummation of the merger will effect an indirect transfer of the Indian Point Units 1 and 2 licenses to New CEI. Con Ed owns Indian Point Units 1 and 2 and is authorized to operate the units. Following the merger, Con Ed would

continue to have responsibility for the management, operation, and maintenance of the Indian Point Units 1 and 2 and own the facility. No physical changes to Indian Point Units 1 and 2 or operational changes are being proposed. No direct transfer of the licenses will result from the proposed merger.

The application also seeks approval of certain proposed indirect license transfers in connection with the Millstone Nuclear Power Station, Units 1, 2, and 3, and the Seabrook Station, Unit 1, facilities, which will be the subject of separate notices.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the underlying transaction that will effectuate the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments regarding the license transfer application, are discussed below.

By April 27, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good

cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon Brent L. Brandenburg, Esq., Consolidated Edison Co. of New York, Inc., 4 Irving Place - 1830, New York, NY 10003 (telephone number (212) 460-4333 and e-mail address brandenburgb@coned.com), attorney for Consolidated Edison, Inc., William J. Quinlan, Esq., Northeast Utilities, 107 Selden Street, Berlin, CT 06037 (telephone number (860) 665-3761 and e-mail address quinlwj@nu.com), attorney for Northeast Utilities; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the FEDERAL REGISTER and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this FEDERAL REGISTER notice.

For further details with respect to this action, see the application dated January 13, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Website (<http://www.NRC.gov>).

Dated at Rockville, Maryland this 3rd day of April 2000.

FOR THE NUCLEAR REGULATORY COMMISSION

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Jefferey F. Harold, Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
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