

Docket Files

Docket No. 50-333

OCT 17 1974

Power Authority of the  
State of New York  
ATTN: Mr. George T. Berry  
General Manager and  
Chief Engineer  
10 Columbus Circle  
New York, New York 10019

Gentlemen:

Pursuant to the Atomic Safety and Licensing Board's Initial Decision and Supplemental Initial Decision, dated November 12, 1973 and January 10, 1974, respectively, and the Atomic Safety and Licensing Appeal Board's Decision dated January 29, 1974, the Atomic Energy Commission has issued the enclosed Facility Operating License No. DPR-59. The license authorizes the Power Authority of the State of New York to own, and Niagara Mohawk Power Corporation to maintain and operate the James A. FitzPatrick Nuclear Power Plant at steady state reactor core power levels not in excess of 2436 megawatts thermal in accordance with the Technical Specifications attached thereto.

Initial criticality shall not be commenced until you have been advised by the Directorate of Licensing, in writing, that the Directorate of Regulatory Operations has found that certain items have been satisfactorily completed. These items are described on page 1a, "Temporary Restrictions," of the Technical Specifications contained in Appendix A.

A related notice, which has been forwarded to the Office of the Federal Register for filing and publication, is enclosed for your information.

Three originals of Amendment No. 2 to Indemnity Agreement No. B-63, which covers the activities authorized under License No. DPR-59 are enclosed for your review and acceptance. Please sign and return one copy of the amendment to this office.

Sincerely,

Original Signed by

A. Schwencer

(for) Voss A. Moore, Assistant Director  
for Light Water Reactors, Group 2  
Directorate of Licensing

OFFICE (see next page)					
SURNAME >					
DATE >					BN

OCT 17 1974

Enclosures:

1. Facility Operating License No. DPR-59  
w/Technical Specifications  
(Appendices A and B)
2. Federal Register Notice
3. Amendment No. 2 to Indemnity  
Agreement No. B-63 (3)

cc: Scott B. Lilly, General Counsel  
Power Authority of the  
State of New York  
10 Columbus Circle  
New York, New York 10019

Arvin E. Upton, Esq.  
LeBoeuf, Lamb, Leiby and MacRae  
1737 N. Street, N. W.  
Washington, D. C. 20036

Mr. Z. Chilazi  
Power Authority of the  
State of New York  
10 Columbus Circle  
New York, New York 10019

J. Bruce MacDonald, Deputy  
Commissioner and Counsel  
New York State Department of  
Commerce and Counsel to the  
Atomic Energy Council  
99 Washington Avenue  
Albany, New York 12210

Ecology Action  
c/o Richard Goldsmith  
Syracuse University  
College of Law  
E. I. White Hall Campus  
Syracuse, New York 13210

Ms. Suzanne Weber  
R. D. #3, West Lake Road  
Oswego, New York 13126

Miss Juanita Kersey, Librarian

Mr. Robert P. Jones, Supervisor  
Town of Scriba, R.D. #4  
Oswego, New York 13126

Mr. Alvin L. Krakau  
Chairman, County Legislature  
County Office Building  
46 East Bridge Street  
Oswego, New York 13126

Dr. William E. Seymour  
Staff Coordinator  
New York State Atomic Energy  
Council  
New York State Department of  
Commerce  
112 State Street  
Albany, New York 12207

Mr. Donald Hurst, President  
Atomic Energy Control Board  
P. O. Box 1046  
Ottawa, Ontario  
Canada

Mr. Paul Arbesman  
Environmental Protection Agency  
26 Federal Plaza  
New York, New York 10007

Mr. Bruce Blanchard  
Office of Environmental  
Projects Review  
Department of the Interior  
Room 5321  
18th and C Street, N. W.  
Washington, D. C. 20240

OFFICE ➤	Oswego City Library 120 East Second Street		Lauman Martin, Esquire Senior Vice President and General Counsel
SURNAME ➤	Oswego, New York 13126		Niagara Mohawk Corporation 300 Erie Boulevard West Syracuse, New York 13202
DATE ➤			

OCT 17 1974

Power Authority of the  
State of New York

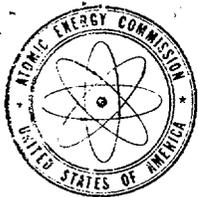
- 3 -

bcc: J. R. Buchanan, ORNL  
Thomas B. Abernathy, DTIE  
A. Rosenthal, DTIE  
N. H. Goodrich, ASLBP

Distribution:

AEC PDR  
Local PDR  
Docket File  
LWR 2-1 File  
Attorney, OGC  
RO (3)  
N. Dube (w/o Tech Specs)  
M. Jinks (w/4 encls)  
V. A. Moore  
R. Vollmer  
C. Hebron, F&M (OL only)  
D. Foster, F&M (OL only)  
A. Braitman, OAI (w/o Tech Specs)  
J. Snell  
H. Smith  
S. Kari (w/o Tech Specs)  
W. Miller, DR:AO (w/o Tech Specs)  
J. Norris, EP Project Manager  
J. Stolz  
K. Kniel  
A. Schwencer  
ACRS (16)  
D. Muller  
Ellen Brown, F&M (OL only)  
B. Scharf (50)  
W. Regan, EP  
S. Reed, EP

OFFICE →	L: LWR 2-1	L: LWR 2-1	OGC	L: EP	L: OAI	AD/LW
SURNAME →	H. Smith J. Snell	J. Stolz J. Stolz	W. Regan	D. Muller W. Regan	J. Saltzman	V. A. Moore
DATE →	10/17/74	10/17/74	10/17/74	10/17/74	10/17/74	10/17/74



UNITED STATES  
ATOMIC ENERGY COMMISSION  
WASHINGTON, D.C. 20545

POWER AUTHORITY OF THE STATE OF NEW YORK

AND

NIAGARA MOHAWK POWER CORPORATION

DOCKET NO. 50-333

(JAMES A. FITZPATRICK NUCLEAR POWER PLANT)

FACILITY OPERATING LICENSE

License No. DPR-59

1. The Atomic Energy Commission (the Commission) having found that:
  - A. The application for license filed by the Power Authority of the State of New York and Niagara Mohawk Power Corporation (the licensees) complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's Rules and Regulations set forth in 10 CFR Chapter I and all required notifications to other agencies or bodies have been duly made;
  - B. Construction of the James A. FitzPatrick Nuclear Power Plant (the facility) has been substantially completed in conformity with Construction Permit No. CPPR-71 and the application, as amended, the provisions of the Act and the Rules and Regulations of the Commission;
  - C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the Rules and Regulations of the Commission;
  - D. There is reasonable assurance: (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Rules and Regulations of the Commission;
  - E. Both licensees are financially qualified, and Niagara Mohawk Power Corporation is technically qualified, to engage in the activities authorized by this operating license in accordance with the Rules and Regulations of the Commission;

- F. The licensees have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements", of the Commission's Regulations;
  - G. The issuance of this operating license will not be inimical to the common defense and security or to the health and safety of the public;
  - H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental costs and considering available alternatives, the issuance of Facility Operating License No. DPR-59 subject to the conditions for protection of the environment set forth herein is in accordance with 10 CFR Part 51 of the Commission's Regulations and all applicable requirements have been satisfied; and
  - I. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's Regulations in 10 CFR Parts 30, 40, and 70, including 10 CFR Sections 30.33, 40.32, 70.23 and 70.31.
2. Facility Operating License No. DPR-59 is hereby issued to the Power Authority of the State of New York and Niagara Mohawk Power Corporation, pursuant to the Atomic Safety and Licensing Board's Initial Decision and Supplemental Initial Decision dated November 12, 1973, and January 10, 1974, respectively; and the Atomic Safety and Licensing Appeal Board's Decision dated January 29, 1974, to read as follows:
- A. This license applies to the James A. FitzPatrick Nuclear Power Plant, a boiling water nuclear reactor and associated equipment (the facility), owned by the Power Authority of the State of New York, which will be operated and maintained by Niagara Mohawk Power Corporation under contract with the Power Authority of the State of New York. The facility is located in Scriba, Oswego County, New York, and is described in the "Final Safety Analysis Report" as supplemented and amended (Amendments 1 through 26) and the Environmental Report as supplemented and amended (Supplements 1 through 3).
  - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:

I. The Power Authority of the State of New York

- (1) Pursuant to Section 104b of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," to own and possess the facility at the designated location in Scriba, Oswego County, New York, in accordance with the procedures and limitations set forth in this license;
- (2) Pursuant to the Act and 10 CFR Part 70, to own, receive and possess, at any time, special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operations, as described in the Final Safety Analysis Report, as supplemented and amended;
- (3) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to own, receive and possess, at any time, any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (4) Pursuant to the Act and 10 CFR Part 30, to own, receive and possess, at any time, 105 millicuries each of any byproduct material without restriction to chemical or physical form, for sample analysis or instrument calibration;
- (5) Pursuant to the Act and 10 CFR Parts 40 and 70, to own, receive and possess, at any time, 105 milligrams each of any source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration;

II. The Niagara Mohawk Corporation (the operator)

- (1) Pursuant to Section 104b of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the facility at the designated location in Scriba, Oswego County, New York, in accordance with the procedures and limitations set forth in this license;
- (2) Pursuant to the Act and 10 CFR Part 70, to receive, possess and use, at any time, special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operations, as described in the Final Safety Analysis Report, as supplemented and amended;

- (3) Pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess and use, at any time, any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (4) Pursuant to the Act and 10 CFR Part 30 to receive, possess and use, at any time, 105 millicuries each of any byproduct material without restriction to chemical or physical form, for sample analysis or instrument calibration;
- (5) Pursuant to the Act and 10 CFR Parts 40 and 70 to receive, possess and use, at any time, 105 milligrams each of any source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration;

C. The license shall be deemed to contain and is subject to the conditions specified in the following Commission Regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The operator is authorized to operate the facility at steady state reactor core power levels not in excess of 2436 megawatts (thermal).

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B attached hereto are hereby incorporated in this license. The operator shall operate the facility in accordance with the Technical Specifications.

D. This license is subject to the following conditions for the protection of the environment:

- (1) The licensees will conduct transmission line construction cleanup, restoration, and maintenance in accordance with criteria set forth in the U. S. Department of the Interior Publication "Environmental Criteria for Electric Transmission Systems" - 1970.

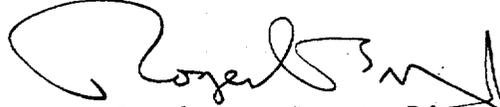
- (2) The following conditions set forth by the State of New York in a certification dated June 1, 1973, issued to the licensees pursuant to Section 401(a)(1) of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA), as modified by the Atomic Safety and Licensing Board's Initial Decision dated November 12, 1973, and the Atomic Safety and Licensing Appeal Board's Decision dated January 29, 1974, are, pursuant to Section 401(d) of the FWPCA, hereby incorporated as conditions to this license:
- (a) The operator must sample and monitor the traveling screens, trash racks, and forebay at the facility in a manner approved by the New York State Department of Environmental Conservation and the Commission's Regulatory staff. Fish abundance data from the ongoing monitoring program required by Appendix B (the Environmental Technical Specifications) must also be submitted to the New York State Department of Environmental Conservation;
  - (b) Prior to full operation of the facility, the operator shall submit a report for the approval of the New York State Department of Environmental Conservation and the Commission's Regulatory staff describing a contingency plan for operations to be implemented in the event a serious fish kill, or other serious aquatic life incident, occurs as a result of the operation of the facility;
  - (c) The operator must collect and sample organisms at the discharge of the facility

in accordance with the monitoring programs set out in the Environmental Technical Specifications. The operator must submit to the New York State Department of Environmental Conservation and to the Commission's Regulatory staff its assessment of entrainment mortality on the local area and on Lake Ontario;

- (d) A copy of all reports pertaining to the environment and relating to water quality or water pollution prepared by the operator for any Federal, State or local agency, shall also be submitted to the New York State Department of Environmental Conservation;
- (e) Intake and effluent temperatures and flow must be measured and recorded continuously;
- (f) Facility electrical output must be monitored and daily maximum and minimum recorded and daily average determined and recorded;
- (g) All oil and chemical discharges must be treated, before any dilution, in facilities approved by the New York State Department of Environmental Conservation;
- (h) Triaxial isothermal mapping by actual temperature measurement must be conducted on a frequency in such a manner and pursuant to a program approved by the New York State Department of Environmental Conservation and the Commission's Regulatory staff; and
- (i) Reports of tests and measurements pertaining to temperatures, flows, electrical output, oil and chemical discharges, and triaxial isothermal mapping as prescribed in conditions (e), (f), (g), and (h) above must be submitted monthly to the New York Department of Environmental Conservation and the Commission's Regulatory staff.

E. This license is effective as of the date of issuance and shall expire at midnight, May 20, 2010.

FOR THE ATOMIC ENERGY COMMISSION



A. Giambusso, Deputy Director  
for Reactor Projects  
Directorate of Licensing

Attachments:  
Appendices A & B -  
Technical Specifications

Date of Issuance: OCT 17 1974

UNITED STATES ATOMIC ENERGY COMMISSION

POWER AUTHORITY OF THE STATE OF NEW YORK

AND

NIAGARA MOHAWK POWER CORPORATION

DOCKET NO. 50-333

(JAMES A. FITZPATRICK NUCLEAR POWER PLANT)

NOTICE OF ISSUANCE OF A FACILITY OPERATING LICENSE

Notice is hereby given that pursuant to the Initial Decision and Supplemental Initial Decision of the Atomic Safety and Licensing Board, dated November 12, 1973 and January 10, 1974, respectively, and the Decision of the Atomic Safety and Licensing Appeal Board, dated January 29, 1974, the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-59 to the Power Authority of the State of New York (PASNY) and Niagara Mohawk Power Corporation, which authorizes PASNY to own and Niagara Mohawk to maintain and operate the James A. FitzPatrick Nuclear Power Plant at steady state reactor core power levels not in excess of 2436 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. The James A. FitzPatrick Nuclear Power Plant is a boiling water nuclear reactor located in Scriba, Oswego County, New York.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on May 20, 2010.

A copy of (1) the Atomic Safety and Licensing Board's Initial Decision and Supplemental Initial Decision dated November 12, 1973 and January 10, 1974, respectively, and the Atomic Safety and Licensing Appeal Board's Decision dated January 29, 1974; (2) Facility Operating License No. DPR-59, complete with Technical Specifications (Appendices "A" and "B"); (3) the report of the Advisory Committee on Reactor Safeguards, dated December 15, 1972; (4) the Directorate of Licensing's Safety Evaluation dated November 20, 1972, including Supplement Nos. 1 and 2 thereto; (5) the Final Safety Analysis Report and amendments thereto; (6) the licensees' Environmental Report dated May 22, 1971 and supplements thereto; (7) the Draft Environmental Statement dated November 1972; and (8) the Final Environmental Statement dated March 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N. W., Washington, D. C. and the Oswego City Library, 120 East Second Street, Oswego, New York 13126. A copy of the license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Regulation, Washington, D. C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 17<sup>th</sup> day of October 1974.

FOR THE ATOMIC ENERGY COMMISSION

*Spottwood B. Brunell*  
John F. Stolz, Chief For  
Light Water Reactors Project Branch 2-1  
Directorate of Licensing

**CHECKLIST FOR ISSUANCE OF FACILITY OPERATING LICENSE**

*(copy - Hazel Smith)*

**Applicant** Power Authority of the State of New York (and) Niagara Mohawk Power Corporation **Docket No.** 50-333

**Facility** James A. FitzPatrick Nuclear Power Plant

**Project Manager** Jim Snell **Licensing Assistant** Hazel Smith

DATE

**Notice of Consideration of Issuance of License:**  
 Published in FEDERAL REGISTER 10-3-72  
 Action Date 11-3-72

OR

**Initial Decision or Order** 11-12-73

**Safety Review:**  
 L Safety Evaluation 11-20-72  
 ACRS Letter 12-15-72

**Environmental Review:**  
 Final Environmental Statement 3/1973  
 Published in FEDERAL REGISTER (38 FR 7273) 3-19-73

**Antitrust Review:**  
 OAI Concurrences 10/17/74

**Notifications Required by Act & Commission Rules\*:**  
 State Official (NY & Canada) 7-2-71  
 Local Official 6-4-71

**Water Quality Certification:** 401 Type  
 Submitted by Applicant 6-8-73  
 Transmitted to EPA 6-14-73

**License Fee:**  
 Amount: \$700,660 Paid 5-24-74

**Indemnity Agreement:** (attach copy to letter)  
 OAI Concurrence 10/17/74

**Status of Outstanding Construction Items Checked w/RO QA Program:** Required to be operational\*\*  
In Effect several times since 9/1974  
7/16/74  
6/1/74

**Regulatory Operations Final Report:** (If Available) 10/16/74

**Technical Specifications:**  
 RP Concurrence 10-1-74  
 EP Concurrence 9-26-74

**Public Announcement (to be released):** (If Available) undated  
 Attach Copy

**Issuance Package:** OGC Concurrence  
 1. License 10/17/74  
 2. FEDERAL REGISTER Notice 10/17/74  
 3. Letter to Applicant 10/17/74  
 4. Information Report 10/17/74

Form letter for JCAE has been PREPARED.

\* Date Initial Application Forwarded  
 \*\* 90 days prior to fuel loading or 30 days prior to hearing if QA item in contention

*AK*

Docket No. 50-333

AMENDMENT TO INDEMNITY AGREEMENT NO. B- 63

AMENDMENT NO. 2

Effective **OCT 17 1974**, Indemnity Agreement No. B-63, between Power Authority of the State of New York and The Niagra Mohawk Power Corporation and the Atomic Energy Commission, dated August 28, 1972, as amended, is hereby further amended as follows:

Item 2a of the Attachment to the indemnity agreement is deleted in its entirety and the following substituted therefor:

Item 2 - Amount of financial protection

a. \$1,000,000 (From 12:01 a.m., August 28, 1972, to 12:00 midnight, OCT 16 1974, inclusive)

\$110,000,000 (From 12:00 a.m., OCT 17 1974 )

Item 3 of the Attachment to the indemnity agreement is deleted in its entirety and the following substituted therefor:

Item 3 - License number or numbers

SNM-1311 (From 12:01 a.m., August 28, 1972, to 12:00 midnight, OCT 16 1974, inclusive)

DPR- 59 (From 12:01 a.m., OCT 17 1974 )

OFFICE ▶						
SURNAME ▶						
DATE ▶						

*BN*

Item 5 of the Attachment to the indemnity agreement is amended by adding the following:

Nuclear Energy Liability Policy (Facility Form) MF-77  
issued by Mutual Atomic Energy Liability Underwriters.

FOR THE UNITED STATES ATOMIC ENERGY COMMISSION

Signed, Jerome D. Saltzman

Jerome Saltzman, Deputy Chief  
Office of Antitrust & Indemnity  
Directorate of Licensing

Accepted \_\_\_\_\_, 1974

By \_\_\_\_\_  
POWER AUTHORITY OF THE STATE OF NEW YORK

Accepted \_\_\_\_\_, 1974

By \_\_\_\_\_  
THE NIAGRA MOHAWK POWER CORPORATION

Distribution:  
Licensee ( 3 orig.)  
Docket Files.   
PDR  
OGC  
RO  
Div. of Labor Relations  
IDintiz R/F  
Desk  
Indemnity File

OFFICE	L:OAI	L:OAI				
SURNAME	IDintiz:cd	JSaltzman				
DATE	4/15/74	10/17/74				