

JUN 0 1 1976

Docket No. 50-333

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:

The Commission has filed the enclosed "Notice of Proposed Issuance of Amendment to Facility Operating License" with the Office of the Federal Register for publication. This notice relates to your request of May 19, 1976, as supported by your earlier letters of April 27 and 29, 1976 to revise the FitzPatrick Nuclear Power Plant operating license to allow future operation of the reactor with the Safety Limit Minimum Critical Power Ratio reduced from 1.06 to 1.05.

Sincerely,

Original signed by  
Robert W. Reid

Robert W. Reid, Chief  
Operating Reactors Branch No. 4  
Division of Operating Reactors

Enclosure:  
Federal Register Notice

cc w/enclosure:  
See next page

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Power Authority of the State  
of New York

-2-

June 1, 1976

cc w/enclosures:

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

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

Lex K. Larson, Esq.  
LeBoeuf, Lamb, Leiby and MacRae  
1757 N Street, N.W.  
Washington, D. C. 20036

Lauman Martin, Esquire  
Senior Vice President  
and General Counsel  
Niagara Mohawk Corporation  
300 Erie Boulevard West  
Syracuse, New York 13202

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

Charles V. Mangan  
Manager Production Plant Engineering  
Niagara Mohawk Corporation  
300 Erie Boulevard West  
Syracuse, New York 13202

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

Oswego City Library  
120 East Second Street  
Oswego, New York 13126

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

UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-333

POWER AUTHORITY OF THE STATE OF NEW YORK

AND

NIAGARA MOHAWK POWER CORPORATION

NOTICE OF PROPOSED ISSUANCE OF AMENDMENT  
TO FACILITY OPERATING LICENSE

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License NO. DFR-59 issued to Power Authority of the State of New York and Niagara Mohawk Power Corporation (the licensees), for operation of the James A. FitzPatrick Nuclear Power Plant located in Oswego County, New York.

The amendment would provide for a reduction in the Safety Limit Minimum Critical Power Ratio from 1.06 to 1.05, for future reactor operation.

Prior to issuance of the proposed license amendment, 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.

By July 12, 1976, the licensee 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 the issuance of the amendment to the subject facility operating license. 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 licensing 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, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, N.W., Washington, D. C. 20036, the attorney for the licensee.

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.

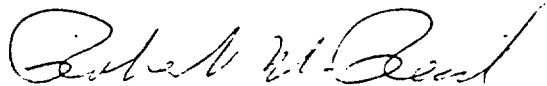
All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the 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 application for amendment dated May 19, 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 Oswego City Library, 120 E. Second Street, Oswego, New York 13126. The license amendment and Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of June, 1976.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Robert W. Reid, Chief  
Operating Reactors Branch No. 4  
Division of Operating Reactors