

JUN 24 1974

Docket No. 50-410

Niagara Mohawk Power Corporation
ATTN: Mr. Philip D. Raymond
Vice President - Engineering
300 Erie Boulevard West
Syracuse, New York 13202

Gentlemen:

Pursuant to an Initial Decision by the Atomic Safety and Licensing Board, the Atomic Energy Commission has issued Construction Permit No. CPPR-112 to the Niagara Mohawk Power Corporation authorizing construction of the Nine Mile Point Nuclear Station Unit 2. The permit is enclosed.

A copy of a related notice, which has been sent to the Office of the Federal Register for filing and publication, is also enclosed. A copy of the Board's Initial Decision has already been sent to you.

Sincerely,

s/ Voss A. Moore by J. F. Stolz

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

Enclosures:

1. Construction Permit
No. CPPR-112
2. Federal Register Notice

cc: LeBoeuf, Lamb, Leiby & MacRae
ATTN: Arvin E. Upton, Esq.
1821 Jefferson Place, N.W.
Washington, D.C. 20036

JB

OFFICE ▶						
SURNAME ▶						
DATE ▶						

JUN 24 1974

cc: (Cont'd)

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

Alvin L. Keakass
Mr. ~~Donald I. Gleason~~
Chairman, County Legislature
County Office Building
46 East Bridge Street
Oswego, New York 13126

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

Mr. J. Bruce MacDonald, Esq., Deputy
Commissioner and Counsel
New York State Department of
Commerce
99 Washington Avenue
Albany, New York 12210

Ms. Suzanne Weber
78 West Seneca Street
Oswego, New York 13126

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

Mr. Anthony Roisman
Berlin, Roisman & Kessler
1712 N Street, N.W.
Washington, D.C. 20036

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

Distribution
AEC PDR
Local PDR
Docket File
LWR2-1 File
B. Bordenick, OGC
RO (3)
V. A. Moore
D. Muller
N. Dube
M. Jinks (w/2 encls)
A. Braitman
W. Kane
H. Gearin
S. Kari
W. Muller, DR:OA
J. Norris
J. Stolz
K. Kneil
A. Schwencer
ACRS (16)
S. Reed, EP

OFFICE▶	L:GCR	L:LWR	OGC	L:AS/EP	L:AD/LWR
SURNAME▶	<i>Hgearin</i> HGearin:nb	<i>JFStoltz</i> JFStoltz	<i>Bordenick</i> Bordenick	<i>DMuller</i> DMuller	<i>VAMoore</i> VAMoore
DATE▶	3/18/74	6/18/74	6/18/74	6/19/74	6/19/74

Docket No. 50-410

Niagara Mohawk Power Corporation
Nine Mile Point Nuclear Station Unit 2

CONCURRENCE SHEET FOR CPPR-112

OFFICE ▶	L:LWR	OGC	L:AD/EP	L:AD/LWR	L:DD/RP	
SURNAME ▶	JFSEITZ	<i>AGIAMBUSO</i>	<i>DMULLER</i>	<i>VAMOORE</i>	<i>AGIAMBUSO</i>	
DATE ▶	6/18/74	6/18/74	6/19/74	6/18/74	6/24/74	

UNITED STATES ATOMIC ENERGY COMMISSION

DOCKET NO. 50-410

NIAGARA MOHAWK POWER CORPORATION

NINE MILE POINT NUCLEAR STATION UNIT 2

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated June 14, 1974, the Atomic Energy Commission (the Commission) has issued Construction Permit No. CPPR-112 to the Niagara Mohawk Power Corporation for construction of a boiling water nuclear reactor at the applicant's site on the south shore of Lake Ontario in the town of Scriba, Oswego County, New York. The proposed reactor, known as the Nine Mile Point Nuclear Station Unit 2, is designed for a rated power of approximately 3323 megawatts thermal with a net electrical output of approximately 1086 megawatts.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

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 construction permit. The application for the construction permit complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permit is effective as of its date of issuance. The earliest date for the completion of the facility is January 31, 1978, and the latest date for completion is July 31, 1978. The permit shall expire on the latest date for completion of the facility.

A copy of (1) the Initial Decision, dated June 14, 1974; (2) Construction Permit No. CPPR-112; (3) the report of the Advisory Committee on Reactor Safeguards, dated July 17, 1973; (4) the Directorate of Licensing's Safety Evaluation, dated June 15, 1973; (5) the Preliminary Safety Analysis Report and amendments thereto; (6) the applicant's Environmental Report, dated June 1972 and supplements thereto; (7) the Draft Environmental Statement dated January 17, 1973; and (8) the Final Environmental Statement, dated June 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 construction permit and the Safety Evaluation may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 24th day of June, 1974.

FOR THE ATOMIC ENERGY COMMISSION



John F. Stolz, Chief
Light Water Reactors Project Branch 2-1
Directorate of Licensing



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

NIAGARA MOHAWK POWER CORPORATION

DOCKET NO. 50-410

NINE MILE POINT NUCLEAR STATION UNIT 2

CONSTRUCTION PERMIT

Construction Permit No. CPPR-112

1. The Atomic Energy Commission (the Commission) having found that:
 - A. The application for construction permit complies with the requirements of the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission, there is reasonable assurance that the activities authorized by the permit will be conducted in compliance with the rules and regulations of the Commission, and all required notifications to other agencies or bodies have been duly made;
 - B. The Niagara Mohawk Power Corporation (the Applicant) has described the proposed design of the Nine Mile Point Nuclear Station Unit 2 (the facility), including, but not limited to, the principal architectural and engineering criteria for the design and has identified the major features or components incorporated therein for the protection of the health and safety of the public;
 - C. Such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;
 - D. Safety features or components, if any, which require research and development have been described by the Applicant and the Applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components;

- E. On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;
 - F. The Applicant is technically qualified to design and construct the proposed facility;
 - G. The Applicant is financially qualified to design and construct the proposed facility;
 - H. The issuance of a permit for the construction of the facility will not be inimical to the common defense and security or to the health and safety of the public; and
 - I. After weighing the environmental, economic, technical and other benefits of the facility against environmental costs and considering available alternatives, the issuance of a construction permit (subject to the conditions for protection of the environment set forth herein) is in accordance with 10 CFR Part 50, Appendix D, of the Commission's regulations and all applicable requirements of said Appendix D have been satisfied.
2. Pursuant to Section 103 of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated June 14, 1974, the Atomic Energy Commission hereby issues a construction permit to the Applicant for a utilization facility designed to operate at 3323 megawatts thermal as described in the application and amendments thereto (the application) filed in this matter by the Applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as the Nine Mile Point Nuclear Station Unit 2, will be located on the Applicant's site on the south shore of Lake Ontario in the town of Scriba, Oswego County, New York, seven miles east of the city of Oswego, New York.
3. This permit shall be deemed to contain and be subject to the conditions specified in Sections 50.54 and 50.55 of said

regulations; is subject to all applicable provisions of the Act, and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

- A. The earliest date for completion of the facility is January 31, 1978, and the latest date for completion is July 31, 1978.
- B. The facility shall be constructed and located at the site as described in the application, in the town of Scriba, Oswego County, New York.
- C. This construction permit authorizes the Applicant to construct the facility described in the application and the hearing record, in accordance with the principal architectural and engineering criteria and environmental protection commitments set forth therein.
- D. In view of the fact that the Attorney General has not recommended an antitrust hearing in this matter, that no antitrust issues have been raised by another in a manner according with the Commission's Rules of Practice, and that no finding has been made that an antitrust hearing is otherwise required (10 CFR, Part 2, §2.104(d)), antitrust review of the application for this construction permit under Section 105c of the Atomic Energy Act of 1954, as amended, has been completed and a hearing thereon determined to be unnecessary.
- E. This facility is subject to the following additional conditions for the protection of the environment:
 - (1) A control program shall be established by the Applicant to provide for a periodic review of all construction activities to assure that those activities conform to the environmental conditions set forth in this permit.
 - (2) Before engaging in a construction activity which may result in a significant adverse environmental impact that was not evaluated or that is significantly greater than that evaluated in the Final Environmental Statement (FES), the Applicant shall provide written notification to the Director of Licensing.

- (3) If unexpected harmful effects or evidence of irreversible damage are detected during facility construction, the Applicant shall provide an acceptable analysis of the problem and a plan of action to eliminate or significantly reduce the harmful effects or damage.
 - (4) The Applicant shall establish a revised and comprehensive biological sampling program, as discussed in Sections 5.5 and 6.1 of the FES, to provide a base line of ecological data from which to measure the impact of facility operation on the biota of Lake Ontario.
 - (5) The Applicant shall conduct a monitoring and sampling program at the intake structures of the Nine Mile Point Nuclear Station Unit 1 and the FitzPatrick Plant, as outlined in Sections 5.5 and 6.1 of the FES, to determine the number, species, and size of fish killed at Unit 1 and the FitzPatrick Plant and relate these data to the intake design and field sampling program as outlined in Section 6 of the FES. When this information is available, the Commission's Regulatory staff will evaluate the magnitude of the fish-kill problem. As deemed justified, changes in intake design, modification of existing intakes, and/or development and implementation of other preventive methods may be required.
 - (6) The Applicant shall conduct a preoperational radiological monitoring program, as discussed in Section 6.3 of the FES, considered by the Regulatory staff to be adequate to establish a base line against which any radiological effects on the environment from operation of the facility can be determined.
4. This permit is subject to the limitation that a license authorizing operation of the facility will not be issued by the Commission unless (a) the Applicant submits to the Commission the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; (c) the Applicant submits to the Commission a final environmental report; (d) the Commission finds that operation of the facility will be in accordance with 10 CFR Part 50, Appendix D of the Commission's regulations and all applicable requirements

of said Appendix D were satisfied; (e) the Commission finds that construction of the facility has been completed in conformity with this permit, the provisions of the Act, and the rules and regulations of the Commission; and (f) the Applicant submits proof of financial protection and execution of an indemnity agreement as required by Section 170 of the Act.

5. Pursuant to Section 401(d) of the Federal Water Pollution Control Act Amendments of 1972, this permit is subject to the requirements set forth in a certification dated October 12, 1973, issued to the Applicant by the State of New York. Inclusion of the State requirements herein shall not relieve Applicant of its obligation to obtain Commission approval, pursuant to the Act and regulations promulgated pursuant thereto, of any intake design which may ultimately be required by the State of New York.
6. This permit is effective as of its date of issuance and shall expire on the latest completion date indicated in paragraph 3.A above.

FOR THE ATOMIC ENERGY COMMISSION

A Giambusso

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

Date of Issuance: JUN 24 1974