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February 28, 1974

Daniel M. Head, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Dr. William E. Martin, Senior
Ecologist
Battelle Memorial Institute
Columbus, Ohio 43201

Dr. Marvin M. Mann
Atomic Safety and Licensing Board
Panel
U. S. Atomic Energy Commission
Washington, D. C. 20545

In the Matter of Niagara Mohawk Power Corporation
(Nine Mile Point, Unit No. 2)
Docket No. 50-410

Gentlemen:

In accordance with our letter of February 25, 1974, we are forwarding to the Board, and to all the parties, the Proposed Construction Permit for Unit 2.

Sincerely,

Albert V. Carr, Jr.
Counsel for AEC Regulatory Staff

cc w/enclosure:

: Joseph F. Tubridy, Esq.
Mr. Gustave A. Linenberger
Arvin E. Upton, Esq.
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Edward Berlin, Esq.

Ms. Suzanne Weber
Mr. J. Bruce MacDonald
Atomic Safety and Licensing
Board Panel
Atomic Safety and Licensing
Appeal Board
Mr. Frank W. Karas

HEARING

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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-

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 _____ 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 the 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



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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, Deputy Director
for Reactor Projects
Directorate of Licensing

Date of Issuance:

