

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

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In the matter of: )  
NIAGARA MOHAWK POWER CORP. )

Docker No. 50-220

CERTIFICATE OF MAILING

I hereby certify that copies of the CORRECTED TRANSCRIPTS for Dec. 15, Jan. 19-21, 1965, in the above captioned matter which were received in this Office on April 8, 1965, were mailed to the following by deposit in the United States mail this 9th day of April, 1965:

Dr. Albert J. Kirschbaum  
Lawrence Radiation Laboratory  
Livermore, Calif.

Mr. Warren E. Nyer  
Manager, Reactor Projects  
Atomic Energy Division  
Phillips Petroleum Co.  
Idaho Falls, Idaho

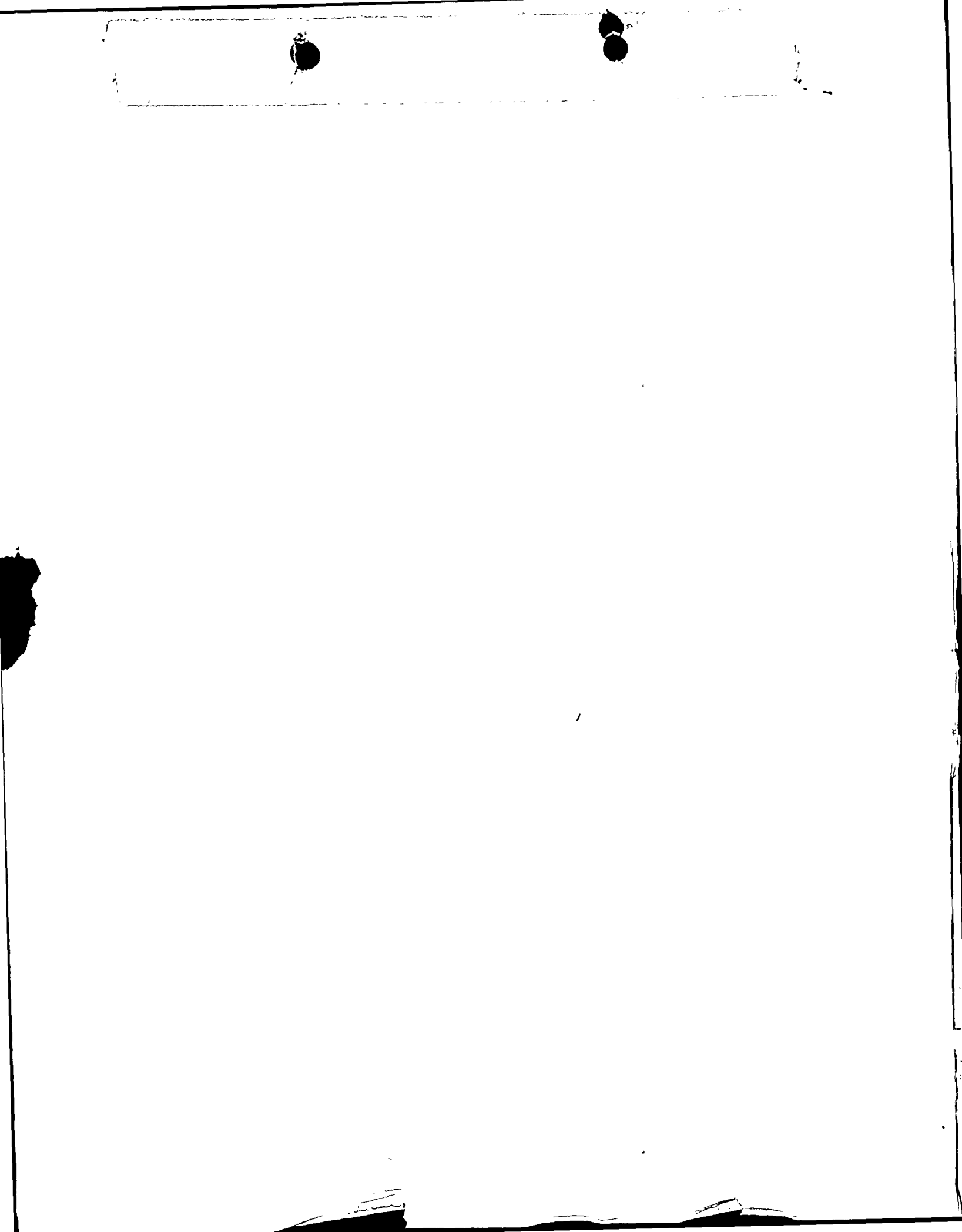
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U.S. ATOMIC ENERGY COMM.  
REGULATORY  
MAIL SECTION

*SM*  
Stanley T. Robinson, Jr.  
Chief, Public Proceedings Br.  
Office of the Secretary

cc; J. D. Bond  
Reba Diggs



UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

IN THE MATTER OF  
NIAGARA MOHAWK POWER CORPORATION

} Docket No. 50-220  
*(purpose)*

MOTION FOR EXPEDITED EFFECTIVENESS  
OF  
INITIAL DECISION

Pursuant to Section 2.764(a) of the Commission's Rules of Practice, Applicant hereby respectfully requests that the Board make its Initial Decision effective ten (10) days after issuance. In support of said Motion Applicant alleges:

1. The latest date stated in its Application for Licenses (Ex. 101 p. 3), is December 1, 1967. If the Board orders the issuance of a provisional construction permit, Applicant must proceed promptly with the construction of its facility in order to meet this completion date.<sup>1/</sup>

2. Exhibit 1 in this proceeding is a Construction Progress Chart prepared by Stone and Webster Engineering Corporation. On page 3 thereof it is shown that in order to meet the completion date, erection of the drywell must begin on April 1, 1965. Before such erection can begin, however, Applicant must commence placing foundation supports. Page 3 of Exhibit 1 shows that this should begin on March 1, 1965. Under Section 50.10(b) of the Commission's

1/ The term "construction" is used here as it is defined in Section 50.10(b) of the Commission's regulations. *429*



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regulations neither pouring of the foundation supports for the nuclear facility portion of the station nor the installation of the drywell can begin until Applicant has a construction permit.

3. In the area where the site is located, outside construction is limited to nine months a year. The reasons for this are readily apparent: During December, January and February 1963, average temperatures at the site were below freezing.<sup>2/</sup> During this same period, almost twelve feet of snow fell.<sup>3/</sup> Obviously, little, if any, outside construction can be accomplished under such climatic conditions. It is therefore imperative that Applicant commence construction as soon as the licensing authorities and weather conditions permit it to do so.

4. With the recent revision of Section 2:760, whereby the Commission extended from thirty (30) to forty-five (45) days the time for review of initial decisions, Applicant, unless this motion is granted, will lose over a month in outside construction time.

5. In this proceeding, there are no substantial differences among the Applicant, the Staff and the State of New York and thus no substantial question of fact or law presented.

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<sup>2/</sup> Figure A-1, Appendix B, Volume I of the Preliminary Hazards Summary Report.

<sup>3/</sup> Table A-2, Appendix B, Volume I of the Preliminary Hazards Summary Report.



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On the basis of the foregoing allegations, the record clearly warrants granting the motion since if it were denied substantial economic injury to the Applicant would result.

WHEREFORE, Applicant prays that when the Board issues its Initial Decision and Order in these proceedings it make its decision effective ten (10) days after issuance:

Respectfully submitted,

NIAGARA MOHAWK POWER CORPORATION

By /s/ Arvin E. Upton

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Arvin E. Upton

/s/ Eugene B. Thomas, Jr.

---

Eugene B. Thomas, Jr.

/s/ James A. Greer, II

---

James A. Greer, II  
Its Attorneys.

Dated: February 1, 1965

Of Counsel:

LeBOEUF, LAMB & LEIBY  
1821 Jefferson Place, N. W.  
Washington, D. C. 20036

One Chase Manhattan Plaza  
New York, New York 10005

J. S. ATOMIC ENERGY COMM.  
REGULATORY  
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1821 JEFFERSON PLACE, N.W.  
WASHINGTON 36, D.C.

ARVIN E. UPTON  
EUGENE B. THOMAS, JR.  
WASHINGTON PARTNERS

February 10, 1965

ONE CHASE MANHATTAN PLAZA  
NEW YORK 5, N.Y.

J. D. Bond, Esquire  
Chairman, Atomic Safety and  
Licensing Board  
U. S. Atomic Energy Commission  
Washington, D. C. 20545

Dr. Albert J. Kirschbaum  
Lawrence Radiation Laboratory  
Livermore, California

Mr. Warren B. Nyer  
Manager, Reactor Projects  
Atomic Energy Division  
Phillips Petroleum Company  
Idaho Falls, Idaho

In the Matter of Niagara Mohawk Power Corporation  
Docket No. 50-220

Gentlemen:

*(suppl)*  
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At page 424 of the transcript in the above-entitled proceeding, the Applicant stated it would notify the Chairman of the Board if it decided not to file a responsive pleading to the Proposed Findings and Conclusions submitted by the AEC Regulatory Staff and the State of New York. The Applicant has now studied those pleadings filed by the Staff and the State of New York and has decided not to file a responsive pleading.

Copies of this letter have been served upon the parties in this proceeding as shown by the attached certificate of service.

Very truly yours,

*Eugene B. Thomas, Jr.*

Eugene B. Thomas, Jr.

*Copy in original file  
1/23/65  
2/12-65*



UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of  
NIAGARA MOHAWK POWER CORPORATION

)  
)  
)  
Docket No. 50-220

CERTIFICATE OF SERVICE

I hereby certify that a copy of the attached letter to the members of the Atomic Safety and Licensing Board was served upon the following persons by deposit in the U. S. mail, first class and postage prepaid, this 10th day of February, 1965.

Maurice Axelrad, Esquire  
New York State Office of Atomic  
& Space Development  
230 Park Avenue  
New York, New York 10017  
(5 copies)

Honorable Alfred R. Goewey  
Supervisor, Town of Scriba  
R. D. 1  
Oswego, New York 13126

John L. Catalan, Esquire  
Counsel  
Atomic Energy Commission  
Regulatory Staff  
U. S. Atomic Energy Commission  
Washington, D. C. 20545

Mr. Stanley T. Robinson, Jr.  
Chief, Public Proceedings Branch  
Office of the Secretary  
U. S. Atomic Energy Commission  
Washington, D. C. 20545  
(20 copies)

Eugene B. Thomas, Jr.

---

Eugene B. Thomas, Jr.  
LEBOEUF, LAMB & LINDY  
Attorney for Applicant



UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of  
NIAGARA MOHAWK POWER CORPORATION


Docket No. 50-220

*(suppl)*  
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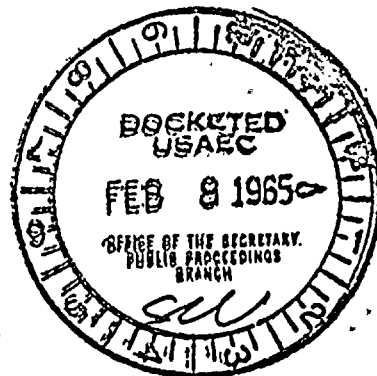
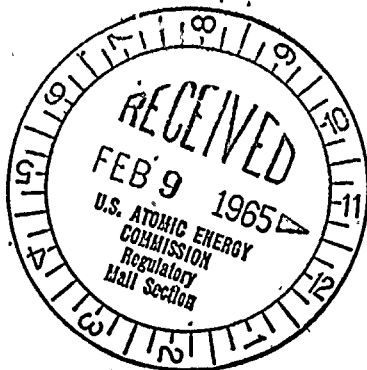
REGULATORY STAFF'S ANSWER TO APPLICANT'S  
MOTION FOR EXPEDITED EFFECTIVENESS  
OF INITIAL DECISION

The Regulatory Staff hereby consents that the applicant's motion,  
in the captioned proceeding, for expedited effectiveness of the  
Initial Decision be granted.

Respectfully submitted,



John L. Catalan  
Counsel  
AEC Regulatory Staff



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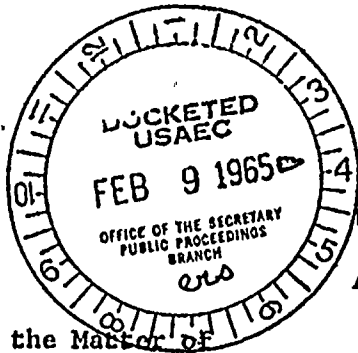
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DOCKET NUMBER  
PROD. & UTIL. FAC. 50-220

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of )  
 )  
NIAGARA MOHAWK POWER CORPORATION )

Docket No. 50-220

STAFF'S POSITION AS TO THE LIST OF "ARCHITECTURAL  
AND ENGINEERING CRITERIA" AND "MAJOR COMPONENTS".  
SUBMITTED BY THE APPLICANT

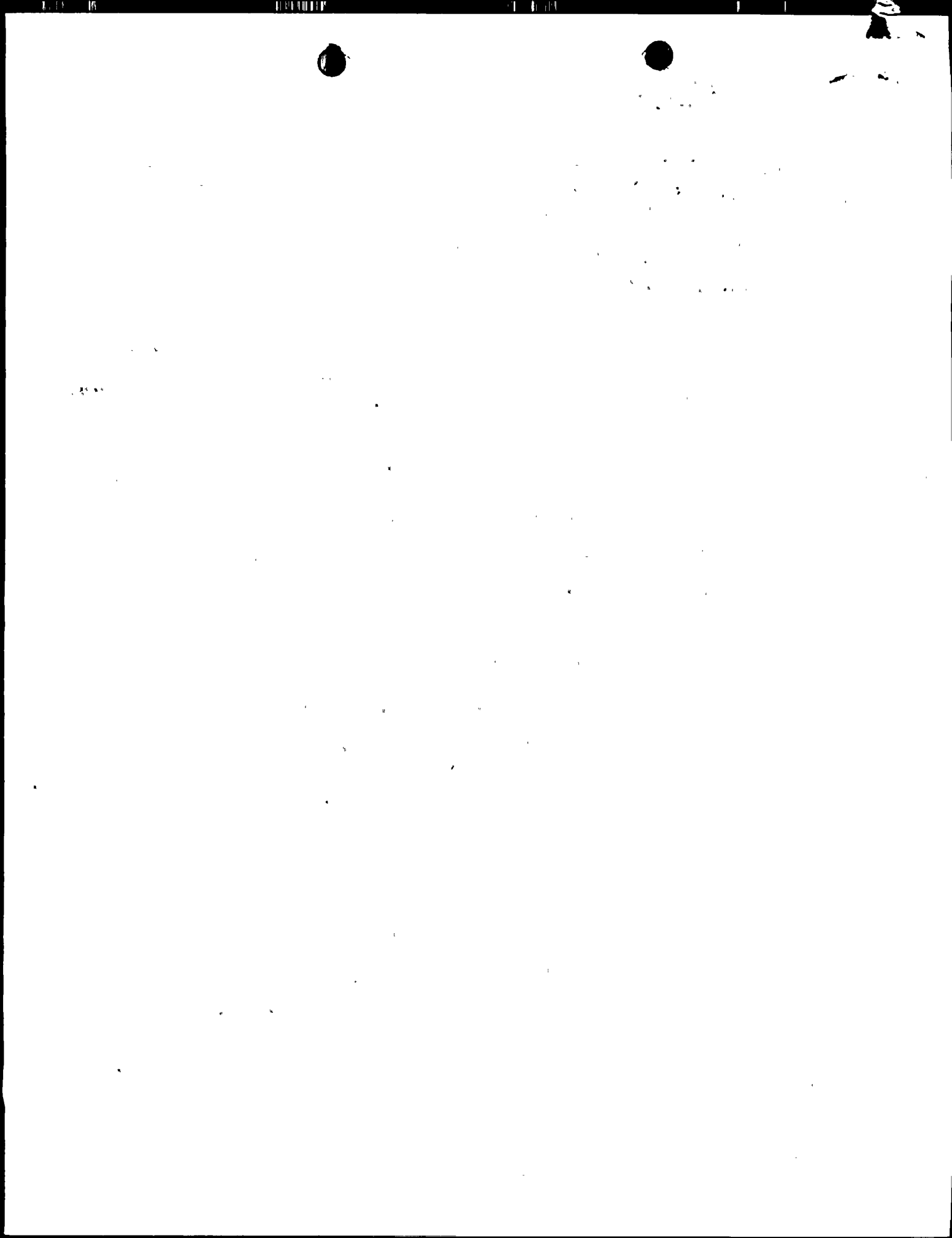
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At the hearing in the captioned matter the Atomic Safety and Licensing Board requested the Regulatory Staff to submit a list of the "principal architectural and engineering criteria for the design of the proposed facility" and for a list of the "major features or components" of the reactor on which further information is to be submitted for review.

(Tr. 385-391). The Board stated that it was seeking "...a brief statement of these items...not in the detail that one would ordinarily go into for a set of technical specifications." (Tr. 385).

The Staff explained the difficulties of labelling certain components and criteria as "principal" or "major" on any simplified basis inasmuch as a meaningful safety review depends in large degree upon the interrelationship of such items in any particular facility. The Staff stated that it considered the principal architectural and engineering components were as outlined in the "Hazards Analysis." (Tr. 383).

The Applicant offered to submit such a list to the Board with its proposed findings (Tr. 389) and submitted the material as § VIII of its "Proposed Findings and Conclusions."

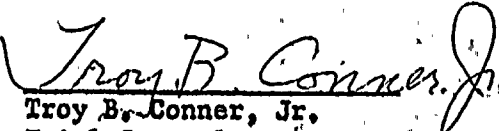




The Staff has reviewed the Applicant's list and believes that it presents an acceptable response to the Board's inquiry. The list is meaningful, of course, only when read in conjunction with the description of the proposed design in the application and the Staff's "Hazards Analysis."

The Board also asked the Staff to indicate which of these "major features" would require the submission of additional information for evaluation before any operating license could be approved. As stated at the hearing, additional information will be required on all of the items listed by the Applicant.

Respectfully submitted,

  
Troy B. Conner, Jr.  
Trial Counsel

Of Counsel:

Howard K. Shapar  
Assistant General Counsel  
Licensing & Regulation

Dated at Bethesda, Maryland,

this 5th day of February, 1965.

J. S. ATOMIC ENERGY COMM.  
REGULATORY  
MAIL SECTION

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LAW OFFICES OF  
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1821 JEFFERSON PLACE, N.W.  
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ARVIN E. UPTON  
EUGENE B. THOMAS, JR.  
WASHINGTON PARTNERS

February 3, 1965

ONE CHASE MANHATTAN PLAZA  
NEW YORK 5, N.Y.

J. D. Bond, Esquire  
Chairman, Atomic Safety and  
Licensing Board  
U. S. Atomic Energy Commission  
Washington, D. C. 20545

Dr. Albert J. Kirschbaum  
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Manager, Reactor Projects  
Atomic Energy Division  
Phillips Petroleum Company  
Idaho Falls, Idaho

In the Matter of Niagara Mohawk Power Corporation  
Docket No. 50-220

Gentlemen:

*(File Copy)*

In our examination of the Proposed Findings and Conclusions submitted by the Applicant in the above-captioned proceedings, we find that there were some erroneous citations. A list correcting the erroneous citations is attached. Copies of this list of corrections have also been served upon the other participants in this proceeding.

Please accept my apologies for the inconvenience which has been caused.

Very truly yours,

*Eugene B. Thomas, Jr.*

Eugene B. Thomas, Jr.

Enclosure

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15/10/20