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JUN 21 1974

Docket No. 50-410

Mr. Richard Goldsmith
 Syracuse University College of Law
 E. I. White Hall, Campus
 Syracuse, New York 13210

Dear Mr. Goldsmith:

This is in response to your letter dated May 22, 1974 in which you expressed your concerns regarding certain statements contained in my letter of May 7, 1974 to Niagara Mohawk Power Corporation. In your letter you questioned how the staff reached the conclusions that, (1) the Atomic Safety and Licensing Board (ASLB) would issue its initial decision on a construction permit (CP) for Nine Mile Point-2 (NMP-2) before the end of May 1974, and (2) this initial decision would permit a construction permit to be issued for NMP-2.

With respect to your first concern, the ASLB is completely independent from the staff; however, in performing its daily activities it is necessary for the staff to make certain assumptions regarding ASLB schedules without the benefit of input from the ASLB. In this instance the staff took into consideration that (1) the original hearing on NMP-2 was completed on January 23, 1974, (2) the hearing was reopened on May 2, 1974 for additional testimony on the need for power issue and was closed on May 3, 1974, (3) a schedule for proposed findings was set by the ASLB on May 6, 1974 and (4) the ASLB indicated in the hearing on May 3, 1974 (Tr. 4052) that they were in the process of writing the decision. On these bases it appeared to the staff that an initial decision would be issued by the ASLB before the end of May 1974. As you are aware, the staff's assumption regarding the timing of the ASLB's initial decision proved to be incorrect.

Regarding your latter concern the staff had no knowledge of the ASLB's initial decision on NMP-2 until June 14, 1974, the date on which the decision was issued by the ASLB. The statement contained in my letter of May 7, 1974 to Niagara Mohawk Corporation which implied that a CP would be issued as a consequence of the ASLB's decision was, of course, based solely on the staff's assumption that the decision would be favorable.

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DATE	6/19/74	6/19/74	6/19/74	6/19/74	6/21/74	



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JUN 2 - 1974

Mr. Richard Goldsmith

- 2 -

I trust that in this response I have adequately addressed your concerns.

Sincerely,

Original signed by:
Roger S. Boyd

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

OFFICE						
SURNAME						
DATE						

Original work of
by