

JAN 2 1975

William C. Parler, Esq., Chairman  
Atomic Safety and Licensing  
Appeal Board  
U.S. Atomic Energy Commission  
Washington, D. C. 20545

Richard S. Salzman, Esq.  
Atomic Safety and Licensing  
Appeal Board  
U.S. Atomic Energy Commission  
Washington, D. C. 20545

Dr. Reed W. Johnson  
Atomic Safety and Licensing  
Appeal Board  
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:

Enclosed are a copy of my letter dated December 13, 1974, to the New York State Department of Environmental Conservation and a copy of their response to me dated December 24, 1974.

It is the Staff's position, based on the letter to me from the State, that Applicant's certificate, issued pursuant to Section 401 of the Federal Water Pollution Control Act, as amended, continues to be valid. I have conveyed the Staff's position to counsel for Applicant. Their comments to the Staff's initial position (Tr. 92-94) are set forth in a letter to the Appeal Board dated December 10, 1974. However, Applicant's counsel have authorized me to advise you that they concur in the Staff's present view concerning the continued validity of Applicant's 401 certificate.

Sincerely,

Bernard M. Bordenick  
Counsel for AEC Regulatory Staff

Enclosures: As stated.

OFFICE	✓	✓	✓	✓	✓	✓	✓
SURNAME	✓	✓	✓	✓	✓	✓	✓
DATE	✓	✓	✓	✓	✓	✓	✓

JAN 3 1978

cc w/o enclosures:

- Daniel M. Head, Esq.
- Dr. Marvin M. Mann
- Dr. William E. Martin
- Gustave A. Linsenberger
- Joseph F. Tubridy, Esq.
- Mr. J. Bruce MacDonald
- Arvin E. Upton, Esq.
- Eugene B. Thomas, Jr., Esq.
- James P. McGranery, Jr., Esq.
- Edward Berlin, Esq.
- Ecology Action
  - c/o Mr. Richard Goldsmith
- Ms. Suzanne Weber
  - c/o Ms. Ruth Caplan
- Atomic Safety and Licensing Board Panel
- Atomic Safety and Licensing Appeal Board
- Docketing and Service Section

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

December 13, 1974

Mr. James L. Biggane  
Commissioner  
New York State Department of  
Environmental Conservation  
50 Wolf Road  
Albany, New York 12201

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

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Dear Mr. Biggane:

On October 12, 1973, the New York State Department of Environmental Conservation issued to Niagara Mohawk Power Corporation (NMPC) a certificate pursuant to Section 401(a)(1) of the Federal Water Pollution Control Act, as amended (FWPCA) (33 U.S.C. § 1251, et seq.). The certificate states, in part, that

\*\*\* there is no applicable limitation or other limitations under Section 301(b) and 302 of the Act, and there is no standard under Sections 306 and 307 of the Act applicable to the activity which [NMPC] proposes to conduct\*\*\*.

On October 8, 1974, the Environmental Protection Agency published its "Steam Electric Power Generating Point Source Category Effluent Guidelines and Standards," (39 Federal Register 36186) which, among other things, establishes effluent limitations and standards of performance under Sections 301(b) and 306 of the FWPCA.

The purpose of this letter is to ask whether, in light of that recent promulgation of standards, limitations, and guidelines by EPA, the New York State



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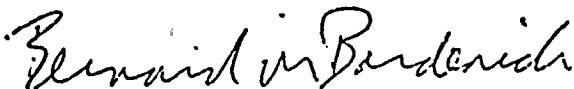
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Mr. James L. Biggane

- 2 -

Department of Environmental Conservation intends to take any additional certifying action regarding the Nine Mile Point, Unit 2 facility.

Sincerely,



Bernard M. Bordenick  
Counsel for AEC Regulatory Staff

cc: John Hanna, Jr., Esq.  
Mr. Paul Merges  
Eugene B. Thomas, Esq.

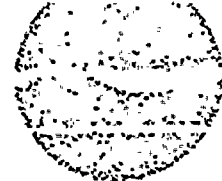


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New York State Department of Environmental Conservation  
50 Wolf Road, Albany, New York 12233



~~XXXXXXXXXXXX~~  
Commissioner  
James L. Biggane

December 24, 1974

Mr. Bernard M. Bordenick  
U.S. Atomic Energy Commission  
Washington, D. C. 20545

Dear Mr. Bordenick:

Re: U.S. AEC Docket No. 50-410  
(Nine Mile Point Unit No. 2)

This letter is written in response to your December 13, 1974 letter to Commissioner James L. Biggane which requested information concerning the Department of Environmental Conservation certification pursuant to Public Law 92-500, of the Nine Mile Point Unit No. 2 of the Niagara Mohawk Power Corporation. This letter confirms that the certificate issued by this Department on October 12, 1973, pursuant to Section 401 of the Federal Water Pollution Control Act, as amended, remains in effect and will continue in effect until modified or amended in accordance with applicable law.

Sincerely,

A handwritten signature in dark ink, appearing to read "Terence P. Curran", written over a horizontal line.

Terence P. Curran  
Director of Environmental Analysis

cc: John Hanna, Jr., Esq.  
Langdon Marsh, Esq. ---  
Paul Merges  
Eugene B. Thomas, Esq. ---

