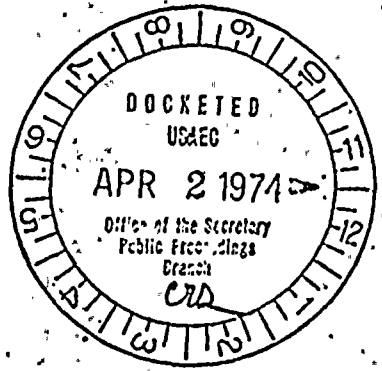


DOCKET NUMBER *Rel Cases*
PROD. & UTIL. FAQ 50-410 ✓

COLLEGE OF LAW
SYRACUSE UNIVERSITY

March 27, 1974



Daniel M. Head, Esq.
Atomic Safety and Licensing Board Panel
United States Atomic Energy Commission
Washington, DC 20545

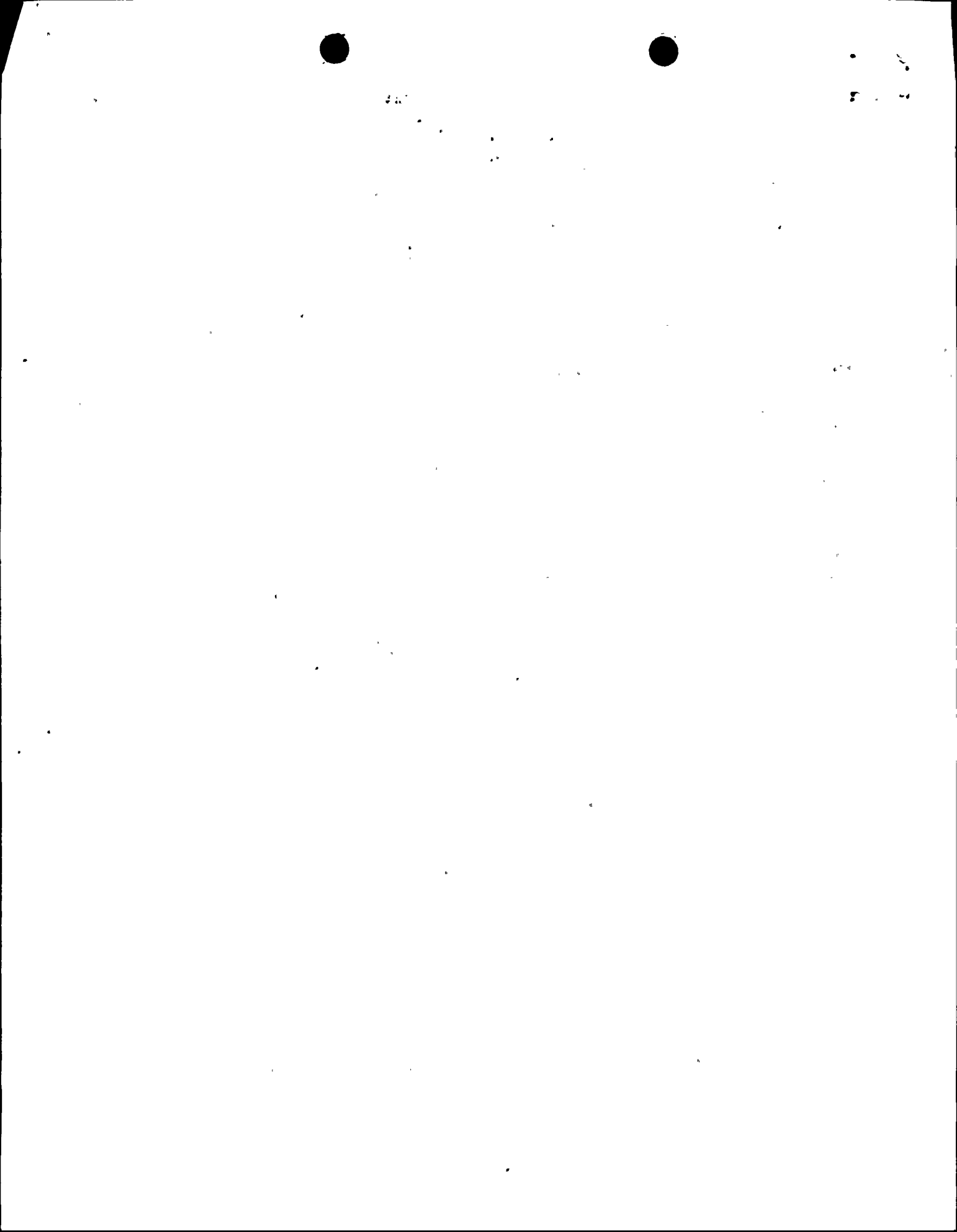
RE: Niagara Mohawk Power Corp. (Nine Mile Point, Unit 2) -- AEC Docket No. 50-410

Dear Mr. Head:

We write to request that the Board either receive in evidence, or take official notice of the contents of the following documents, germane to the issues in this proceeding and not available before the close of the evidentiary record:

1. Memorandum dated February 4, 1974 from B. H. Gosling to the Public Relations Committee of the New York Power Pool - This memo discusses the recent impact of energy conservation measures on the demand for electricity within New York State. It reveals that peak load in January 1974 fell 9.2% below the level forecast due to "the effects of conservation rather than mild weather". Apparently the New York Power Pool does not share Niagara Mohawk's belief that it is too soon to discern the impact of energy conservation measures on demand.
2. Letter dated February 5, 1974 from the New York Public Service Commission to Lauman Martin, Senior Vice President and General Counsel of ~~the~~ Niagara Mohawk - This letter instructs Niagara Mohawk to grant "applications for new gas service" (p. 2) and flatly contradicts the assertion made by the company in this proceeding that "natural gas for new customers in New York State is unavailable". (See par. 14 of Supplement To Applicant's Proposed Findings of Fact and Conclusions of Law. . .").
3. Sections C.6, C.6-1, C.6-2 and C.7-7 of the Draft Environmental Statement for the Liquid Metal Fast Breeder Reactor Program issued by the Atomic Energy Commission on March 14, 1974 ("WASH - 1535") -- These sections evaluate the potential for energy conservation in the United States. It is concluded, in ter alia, that "more than 30% of energy used in thermal industrial operations could be saved" and that it is "feasible to reduce the total space conditioning energy requirements [for commercial and residential buildings] by at least 50%" (WASH - 1535 at p. C. 7-6). These conclusions underscore the inadequacy of the consideration

*We would also note that load levels in Niagara Mohawk's service territory reflect the Statewide pattern addressed in the NYPP memo. Each week Niagara Mohawk files a "Peak Hour Load & Capacity Report" with the New York Public Service Commission. These reports show that Niagara Mohawk's peak load in January 1974 was precisely 9.2% below the level projected one year earlier and that peak load in February 1974 was 9 % below the projected level.



here given by the Staff to energy conservation alternatives. Adding these conclusions of the AEC to the other evidence adduced by intervenors (see Supplemental Proposed Findings of Fact and Conclusion of Law at par. 22) it is clear that the record will not support the conclusion that the preferred energy conservation strategies cannot, by 1980, significantly reduce demand growth in the Niagara Mohawk service area.

4. Comments on the Draft Environmental Statement Related to the Operation of Nine Mile Point Nuclear Station, Unit 1, filed by the U.S. Department of Commerce, the N.Y.S. Department of Environmental Conservation and the U.S. Environmental Protection Agency (FES, Nine Mile Point, Unit 1, pp. A-8, A-18, A-20 to 26, A-42, A-46, A-51 to 54). These agencies conclude that the impact of plant operations on the biota of Lake Ontario has not been, and cannot yet be, adequately assessed. All three agencies recommend that the full-term license being sought for Nine Mile Point, Unit 1, be denied. These comments and recommendations should be read in conjunction with paragraph 16 (a) of Intervenor's Supplemental Proposed Findings...."

5. Proposed Environmental Protection Agency Regulations on Effluent Limitations Guidelines and Standards For the Steam Electric Power Generating Point Source Category (39 Fed. Reg. 8294, March 4, 1974) -- These proposed Guidelines and Standards would impose on steam electric power plants the requirement of "no thermal discharge" to the nation's waters. Nine Mile Point, Unit 2 is designed with "once through cooling" and will not meet this requirement, which, in the form finally promulgated will be applicable. (Section 306 of the FWPCA of 1972 makes source performance standards applicable to all facilities on which construction is commenced after publication of proposed regulations).

Under these circumstances it would seem inappropriate and, perhaps, in violation of existing law, to grant the within application for licenses. See IPS, par. 5.9.1 (38 Fed. Reg. 2680, January 29, 1973) and Memorandum of Understanding Regarding Implementation of Certain Complementary Responsibilities, par. 1 (38 Fed. Reg. 2713, January 29, 1973) along with the views of the U.S. Environmental Protection Agency expressed at pp. A. 54-56 of the FES for Nine Mile Point, Unit 1. In addition, if substantial design and/or engineering changes need be made to bring Nine Mile Point, Unit 2, into compliance with the "no thermal discharge" requirement, the existing safety analysis, Safety Evaluation Report, environmental analysis and Final Environmental Statement may all be obsolete -- thus providing no assurance that a licensable facility can be constructed and operated in accordance with the Atomic Energy Act or the National Environmental Policy Act.

We hope that these materials will aid the Board in its deliberations.

Very truly yours,

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Richard I. Goldsmith
Attorney for Intervenor's Ecology Action
and Suzanne Weber

RIG:cmt

w/copies of items 1 and 2

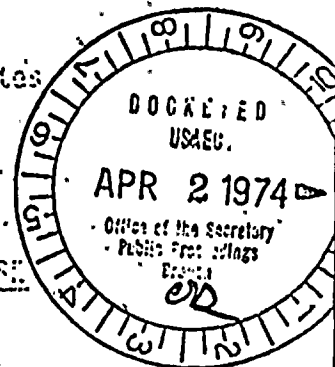
cc: Dr. Marvin Mann
Dr. William E. Martin
Lex K. Larson, Esq.
Bernard M. Bordenick, Esq.
Secretary, USAEC

Anthony Roisman, Esq.
Carmine J. Clemente, Esq.



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TO: NYPP Public Relations Committee - Members and Alternates
FROM: E. H. Gosline
DATE: February 4, 1974
SUBJECT: THE EFFECTS OF ENERGY CONSERVATION ON THE STATEWIDE USE
OF ELECTRIC POWER



Since the "Energy Crisis" was publicly pronounced by the President in early November 1973, a variety of actions have been taken to reduce the use of electric energy. The effects of these combined measures, to include voltage reduction on a continuous basis and the institution of Daylight Savings Time, have reduced the use of electric power and changed consumption patterns within New York State. The NYPP's Power Control Center has documented the following:

A REDUCTION IN KILOWATT HOUR (ENERGY) OUTPUT BY UTILITIES

There has been a reduction of NYPP load based on comparative figures of kWh output (Energy) for December 1973 and January 1974, with load levels for the same periods a year earlier.

1. The December 1973 load was approximately 2.4% below December 1972 and 9.5% below the forecasted output.
2. The January 1974 load level was approximately 4.1% below January 1973 and 9.2% below the forecasted output.

A REDUCTION OF PEAK LOADS

NYPP Peak loads have also been reduced.

1. During December 1973, the peak load reached 17,200 MW as compared with a 17,626 MW peak experienced in December 1972.



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1970 peak of 17,000 MW. The weather by January 1974, was not as cold as in 1970, demonstrating the effects of conservation rather than a significant increase in power conservation. The forecasted peak for January 1974 was 19,000 MW, the actual peak of 16,000 MW was 3,000 MW below the forecast.

In addition to the above actual experience, the forecasted peak of 19,000 MW will not be reached. Thus far, the 1974 peak of 17,000 MW is less than the forecasted peak of 19,000 MW. It is unlikely that higher peak loads will be experienced if the present degree of conservation and Daylight Savings Time (DST) is maintained.

A CHANGE IN THE TIMING AND DISTRIBUTION OF PEAK LOADS

DST is only one of many conservation measures presently being employed, so it is difficult to isolate and precisely assess its singular effect on energy output and pricing. The NYPP has, however, recorded a change in the timing and distribution of statewide peak load periods since DST was instituted on January 6, 1974. DST has seemingly affected the pattern of consumption by "spreading out the use of electricity" during the day. Statewide PEAK LOADS AS RECORDED AT THE NYPP POWER CONTROL CENTER have been "flattened out," lasting longer but with less intensity and have shifted from occurring exclusively around 5, 6 or 7:00 p.m., before DST, to late morning for about 50% of the days since January 6th.

By reducing the magnitude of the peak, some "peaking" type generators do not have to be run, therefore saving fuel. The reduced loads during the drawn-out period may also be satisfied by more efficient, economical base load generators which are dispatched in a manner to maximize the savings of scarce fuels.

Bryan G. Gearing



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EDWARD J. LARSON
WILLIAM R. JONES
CARROLL CARRINGTON MARKS
DAVID L. JENNY, JR.

STATE OF NEW YORK

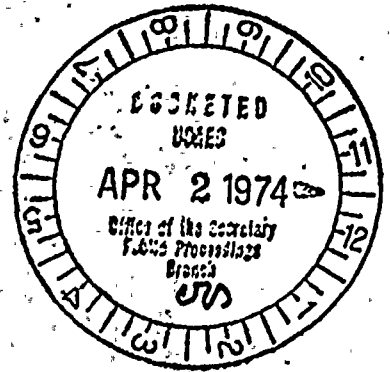
PUBLIC SERVICE COMMISSION
44 HOLLAND AVE., ALBANY, N. Y. 12203

GENERAL COUNSEL
SECRETARY
MANUEL R. MADRICH

IN REPLY REFER TO

February 5, 1974

Mr. Truman Martin
Senior Vice President
and General Counsel
Niagara Mohawk Power
Corporation
300 Erie Boulevard West
Syracuse, New York 13202



Dear Mr. Martin:

At a session held in the City of Albany on January 29, 1974, the Commission considered several requests for relief by prospective gas customers, or home builders concerning the unavailability of gas service for single family residences. The complaints relate to the December 20, 1973, order in Case 25766 directed to the nine Consolidated Gas Supply Corporation "full requirements" customers in New York State, requiring them to show cause as to whether and to what extent further restrictions on new or additional gas service should be imposed.

The complaints primarily concern the notice given the Commission by Niagara Mohawk Power Corporation that it had discontinued accepting applications for new gas service as of December 26, 1973. Your company appears to have misunderstood our December 20th order. This order did not establish an immediate moratorium on the attachment of new customers. A detailed analysis of the show cause order is not needed to show that this was neither the intent nor the wording of the order. Any moratorium, as described hereinbefore, is unnecessary, inconsistent with the intent of the December 20th order and contrary to your legal obligation to provide service.

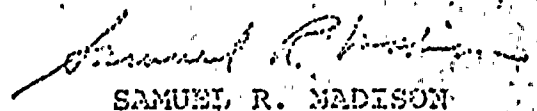


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Such action has resulted in hardship and confusion for potential customers. If the utilities were permitted to pursue this course of action, it would allow the companies to completely disregard their existing tariff provisions.

To avoid further hardship for potential customers and return the utilities to operating under existing tariff provisions, the Commission has directed the nine gas and gas and electric corporations named in the December 20, 1973, show cause order in Case 25755 to continue serving all existing and potential customers under their current tariff provisions pending resolution of the matter by the Commission or until an appropriate change in the tariff provisions concerning the availability of gas service be filed and approved by the Commission. Further, all applications for new gas service or applicants for reestablishment of service who have been denied service since December 20, 1973, and who qualify for gas service under the existing tariff provisions, be provided the requested gas service.

By direction of the Commission,



SAMUEL R. MADISON
Secretary



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