

July 20, 1973

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

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

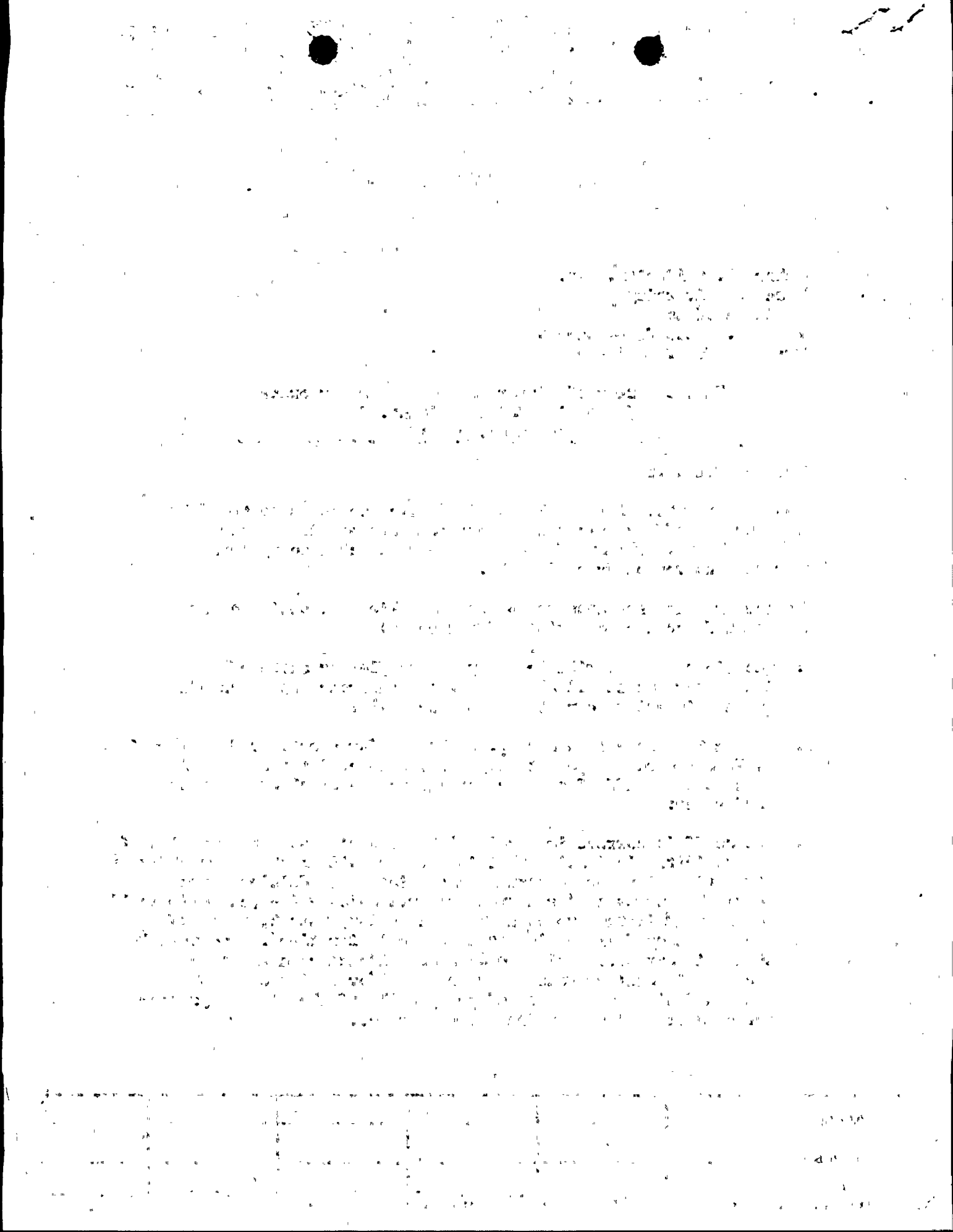
Dear Mr. Goldsmith:

I have your letter dated July 12, 1973 which responds to the "AEC Regulatory Staff Questions to Intervenors Ecology Action and Suzanne Weber". The staff questions were attached to my letter addressed to you on June 27, 1973.

For the present, the answers you have supplied are satisfactory to the staff on the following understanding:

1. Questions 1 and 2 will be fully and completely answered by intervenors at the Final Pre-Hearing Conference to be scheduled by the Licensing Board for this proceeding.
2. Should the present answer, i.e. "None", for questions 3, 4(b) - (f), 5, 7, and 8 change, due to any circumstance, intervenors will apprise the staff of any such change at the Final Pre-Hearing Conference.
3. The staff is correct in reading intervenors' answer to question 4(a) as implicitly indicating that intervenors will not have an affirmative evidentiary presentation concerning "the additional preventive measures and/or design criteria which * * * [can or] should be included in the proposed Nine Mile Point, Unit 2, plant to guard against fuel densification or fuel migration". Accordingly, should intervenors decide to present evidence concerning any such "additional preventive measures and/or design changes", the staff will be informed of the details of the planned presentation at the Final Pre-Hearing Conference.

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- 4. The staff is likewise correct in reading intervenors' answers to questions 6(a) and 6(b) as implicitly indicating (1) that intervenors will not have an affirmative evidentiary presentation concerning "alternative energy sources" to the proposed plant, and (2) should intervenors decide to present evidence concerning any such "alternative energy sources", the staff will be informed of the details of the planned presentation at the Final Pre-Hearing Conference.

Intervenors prompt response to the staff's questions is appreciated. Please advise me promptly if the foregoing understanding is not agreeable to you.

Sincerely,

Bernard M. Bordenick
Counsel for AEC Regulatory Staff

cc: Daniel M. Head, Esq.
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