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U.S. NUCLEAR REGULATORY COMMISSION

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LTR RE MEETING BETWEEN MEMBERS NRC AND NIAGARA MOHAWK ON 2-26-76.....TRANS THE FOLLOWING.....

note; received for dist; 7-28-76
(M. SLATER)

PLANT NAME: Nine Mile Point #2

(3-PG)

ENCLOSURE

REPORT ON CIRCULATING WATER COOLING SYSTEM EMPLOYING A NATURAL DRAFT COOLING TOWER NINE MILE POINT NUCLEAR STATION #2.....

DO NOT REMOVE

See Rpt

ACKNOWLEDGED

(31- Encl)

MISC 2

FOR ACTION/INFORMATION

ENVIRO 7-29-76 RB

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July 19, 1976

Regulatory Docket File

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Director of Nuclear Reactor Regulation
Attn: Mr. D. B. Vassallo, Chief
Light Water Reactors
Branch No. 4
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: Nine Mile Point Unit 2
Docket No. 50-410

Dear Sir:

As counsel for Niagara Mohawk Power Corporation, we hereby transmit five (5) copies of a report entitled "Report on Circulating Water Cooling System Employing a Natural Draft Cooling Tower, Nine Mile Point Nuclear Station - Unit 2, Niagara Mohawk Power Corporation, Docket No. 50-410" dated July 1976. This submittal is in accordance with agreements reached at a meeting between members of the NRC Staff and Niagara Mohawk on February 26, 1976.

You may recall that at the meeting there were certain discussions between Mr. Bernard M. Bordenick and me concerning the necessity of pre-noticing in the Federal Register the proposed design change from once-through cooling to a cooling tower system. At that meeting, it was our position that the design change contemplated was not sufficiently significant to warrant utilization of the pre-notice procedure. Our position remains the same for the following reasons:

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(1) Section 50.34(a)(3)(i) of the Commission's regulations requires that an applicant at the construction permit stage need only submit principal design criteria. The present regulation is simply a revision of a long-standing prior regulation which required the applicant to submit the principal engineering and architectural criteria for the facility. The obvious intent of the regulation is that the applicant should have the flexibility to alter design as the finality of the design progressed. The ultimate design criterion involved here is that affecting water quality in order to meet the standards imposed by New York State. Under both the closed-cycle cooling system, now contemplated, and the once-through cooling system originally discussed, that ultimate criterion will be met.

(2) There are no health and safety issues relating to the closed-cycle cooling involved which require consideration under the Atomic Energy Act, as amended. As the enclosed report discusses in more detail, the offsite effects would have minimal adverse impact upon the environment. Also, the use of the closed-cycle cooling system will, as the report shows, clearly result in the improvement of aquatic-related matters, such as fish impingement and entrainment.

(3) After this proceeding was well under way and the PSAR and its amendments had long been prepared, the Environmental Protection Agency issued on October 8, 1974 a document entitled "Effluent Guidelines and Standards for Steam Electric Power Generating Point Source Category." As you well know, failure to consider the language contained in that document leaves the applicant with little practical choice but to follow the import of the guidelines and standards issued by EPA.

(4) The adoption of a closed-cycle cooling system with a cooling tower comes as

no surprise to the Staff or the parties which had been in the construction permit hearing. A cooling tower system was discussed in the Environmental Report. (See Section 8.5.2.) Moreover, in the Staff's Final Environmental Statement, the Staff discussed closed-cycle cooling (Section 9.2), as well as changes in design to reduce fish impingement and entrainment. (Section 5.5.2) Since all parties, including the NRC Staff, the intervenors and the Applicant, were on notice that such a system might be adopted and given the latitude which Section 50.34(a)(3)(i) provides, it is the Applicant's conclusion that the utilization of the pre-notice procedure is unnecessary.

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE
Attorneys for Niagara Mohawk
Power Corporation

By Eugene B. Thomas, Jr.
Eugene B. Thomas, Jr.
Partner