November 5, 1

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Docket No. 50-410

Ms. Shirley A. Brand
RD # 1, Box 169XA
Highland, New York 12528

Dear Ms. Brand:

Your letter to the United States Nuclear Regulatory Commission (Commission) dated September 20, 1976, regarding the ownership of Nine Mile Point Nuclear Station - Unit 2 has been directed to this office for reply. As noted in your letter, and confirmed by us, there is a case pending before the New York State Public Service Commission (NYSPSC) which involves an arrangement whereby Niagara Mohawk Power Corporation and four other utilities would become tenants in common of the Nine Mile Point Nuclear Station - Unit 2. With that background you requested answers to a number of questions related to the current status of the construction permit for the facility. Our answers to each of your questions follow.

Initially, you inquired as to whether the Niagara Mohawk Power Corporation has fully informed the Commission of its intentions with regard to a change in the ownership of Nine Mile Point Nuclear Station Unit 2. To date, we have not received formal notification. However, we will require that this be done if and when the final agreement among the various utilities involved is approved by the NYSPSC. We have, however, been aware of the proposed modification of the ownership of Nine Mile Point Nuclear Station Unit 2 in connection with our construction permit application reviews of the Rochester Gas & Electric Corporation, et al, Sterling Power Project Nuclear Unit 1 and the Long Island Lighting Company et al, Jamesport Nuclear Power Station Units 1 and 2.

Next you inquired as to whether the Commission has requested and/or received documentation from the other utilities which may be involved. We believe that until such time as the formal agreement is approved by the NYSPSC, such action on our part would be premature on the Nine Mile Point Nuclear Station Unit 2 docket. But as noted above, documentation exists on the Sterling and Jamesport dockets.

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SURNAME						
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You also requested whether the Commission has approved of any co-tenancy arrangement for the facility and why there were no public hearings. The Commission has not approved of any co-tenancy arrangement for the facility. Since the final agreement has not yet been approved by the NYSPSC, there has been no amendment to the existing construction permits. Therefore there has been no opportunity for public hearings to consider the matter and the existing construction permit remains in effect.

Finally, you requested copies of pertinent correspondence and documents related to this matter. The four letters which are enclosed represent, to the best of our knowledge, the only pertinent correspondence related to this matter on the Nine Mile Point-2 docket.

We are pleased to address your questions regarding this matter and hope that we have been responsive in this regard.

Sincerely,

D. B. Vassallo, Assistant Director
for Light Water Reactors
Division of Project Management

Enclosures:
1. Ltr dtd 6/23/76 to G. K. Rhode from A. L. Toalston
2. Ltr dtd 7/11/76 from Niagara Mohawk Power to A. L. Toalston
3. Ltr dtd 10/24/75 to G. K. Rhode from A. L. Toalston
4. Ltr dtd 10/31/75 from G. K. Rhode to A. L. Toalston

See Previous Yellow ~~BBK~~ For Concurrence

OFFICE➤	DPM/LWR #4	DPM/AD/LWRS				
SURNAME➤	WKane:pv	DBVassllo				
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Highland, New York 12528

Dear Ms. Brand:

Your letter to the United States Nuclear Regulatory Commission (Commission) dated September 20, 1976, regarding the ownership of Nine Mile Point Nuclear Station - Unit 2 has been directed to this office for reply. As noted in your letter, and confirmed by us, there is a case pending before the New York State Public Service Commission (NYSPSC) which involves an arrangement whereby Niagara Mohawk Power Corporation and four other utilities would become tenants in common of the Nine Mile Point Nuclear Station - Unit 2. With that background you requested answers to a number of questions related to the current status of the construction permit for the facility. Our answers to each of your questions follow.

Initially, you inquired as to whether the Niagara Mohawk Power Corporation has fully informed the Commission of its intentions with regard to a change in the ownership of Nine Mile Point Nuclear Station Unit 2. To date, we have not received formal notification. However, we fully expect that this will be done if and when the final agreement among the various utilities involved is approved by the NYSPSC. We have, however, been aware of the proposed modification of the ownership of Nine Mile Point Nuclear Station Unit 2 in connection with our construction permit application reviews of the Rochester Gas & Electric Corporation, et al, Sterling Power Project Nuclear Unit 1 and the Long Island Lighting Company et al, Jamesport Nuclear Power Station Units 1 and 2.

Next you inquired as to whether the Commission has requested and/or received documentation from the other utilities which may be involved. We believe that until such time as the formal agreement is approved by the NYSPSC, such action on our part would be premature on the Nine Mile Point Nuclear Station - Unit 2 docket. But as noted above, documentation exists on the Sterling and Jamesport dockets.

OFFICE ➤						
SURNAME ➤						
DATE ➤						

You also requested whether the Commission has approved of any co-tenancy arrangement for the facility and why there were no public hearings. Since there has been no formal request for an amendment to CPPR-112 the Commission has not approved of such an arrangement and there has been no opportunity for public hearings to consider the matter since the existing Construction Permit remains in effect.

Finally, you requested copies of pertinent correspondence and documents related to this matter. The four letters which are enclosed represent, to the best of our knowledge, the only pertinent correspondence related to this matter on the Nine Mile Point-2 docket.

We are pleased to address your questions regarding this matter and hope that we have been responsive in this regard.

Sincerely,

D. B. Vassallo, Assistant Director
for Light Water Reactors
Division of Project Management

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OFFICE➤	DPM/LWR #4	OELD	DPM/LWR #4	DPM/LWRs/AD		
SURNAME➤	Kane:pv	Tourtellotte	SAVarga	DBVassallo		
DATE➤	10/ 1 /76	10/ 1 /76	11/2 /76	11/ / /76		

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SAFE ENERGY COALITION OF NEW YORK STATE

R. D. 3, BOX 76 — NEW PALTZ, NEW YORK 12561
(914) 257-4257 — (914) 255-7158 — (914) 658-9311

September 20, 1976

TO: United States Nuclear Regulatory Commission
FROM: Shirley A. Brand, Steering Committee

DOCKET NO.
50-410

SUBJECT: Nine Mile Point Nuclear Station Unit #2

Case 27013 now pending before the New York State Public Service Commission is a petition by the Niagara Mohawk Power Corporation, Central Hudson Gas & Electric Corp., Long Island Lighting Company, New York State Electric & Gas Corp., and Rochester Gas & Electric Corp for PSC approval of an agreement whereby the five companies would become tenants in common of the Nine Mile Point Nuclear Station Unit #2.

Construction permit CPPR-112 for this nuclear plant was issued to Niagara Mohawk Power Corporation by the then Atomic Energy Commission on June 24, 1974. At the time of the application for the permit and throughout subsequent hearings and approvals by the AEC, Niagara Mohawk was the sole applicant. Questions and issues concerning the applicant's financial capability, anti-trust implications, need for the plant, alternatives, cost-benefit analysis and so on were decided on the basis of data and testimony submitted by and concerning only the Niagara Mohawk Power Corporation.

On behalf of the Safe Energy Coalition of New York State, a federation of over 60 environmental and consumer organizations from throughout the state and the service areas of each of the petitioners, I ask that the Nuclear Regulatory Commission fully inform me as to the current status of the construction permit issued for the construction of the Nine Mile Point Nuclear Station Unit #2. Specifically, has Niagara Mohawk fully informed the NRC of its drastically altered circumstances and intentions in regard to Unit #2 ? Has the NRC requested and/or received full documentation from Central Hudson, Long Island Lighting, New York State Electric & Gas and Rochester Gas & Electric in accordance with Parts 50-51 of the Commission's rules and regulations? Has the NRC approved of the cotenancy agreement? If so, why were there no public hearings?

I would appreciate copies of pertinent correspondance and documents so that we may more accurately review and assess the manner in which this situation has been handled. Your prompt response will be appreciated.

Sincerely,

Shirley A. Brand
RD 1 BOX 169XA
Highland, New York 12528

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