

DEC 15 1978

Docket No. 50-220

Distribution

✓ Docket  
ORB #3  
Local PDR  
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RDeYoung  
RMattson  
CSmith  
BGrimes  
Tippolito  
PPolk  
SSheppard

EPeyton  
Attorney, OELD  
GERtter (EDO-04827)  
VStello

Mr. Marvin Resnikoff, Chair  
Nuclear Subcommittee of the  
Energy Policy Committee  
Sierra Club  
Box 64, Sta. G  
Buffalo, New York 14213

Dear Mr. Resnikoff:

We have received your letter of October 30, 1978 regarding Niagara Mohawk Power Corporation's proposal to install a low level waste incinerator at the Nine Mile Point 1 facility. You indicated a concern that we have already made a decision to not prepare an EIS, to not file a Federal Register Notice, and to not allow a public hearing. We have not yet made decisions on these matters.

The NRC staff is now reviewing Niagara Mohawk's submittal of September 1, 1978. This includes a review of safety aspects and an appraisal of environmental impacts. Upon completion of this appraisal, a decision will be made, in accordance with 10 CFR 51.5 and 40 CFR 1500.6 on whether an Environmental Impact Statement (EIS) should be issued. Should an EIS not be issued, a Negative Declaration accompanied by an Environmental Impact Appraisal will be issued with our Safety Evaluation on this matter. These decisions as well as the decision regarding opportunity for public hearings will be made public at such time as they are made.

I trust this is responsive to your concerns.

Sincerely,  
Original Signed by  
H. R. Denton

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Approved by Bradford's Office  
12/15/78 per Tom Combe

\*SEE PREVIOUS YELLOW FOR CONCURRENCES

781227003

OFFICE >	ORB #3	AD:E&P	OELD	D:DOR	NRR	NRR
SURNAME >	Polk/Ippolito	*BGrimes	*	*VStello	*ECase	*HDenton
DATE >	11/13/78	11/13/78	11/15/78	11/16/78	11/17/78	11/17/78

MA-4  
for 12/15/78



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Sincerely,

*Denton*  
 Lee V. Gossick  
 Executive Director for Operations

ORB #3  
 \*PPolk/\*Ippolito  
 11/13/78

\*SEE PREVIOUS YELLOW FOR CONCURRENCES

OFFICER	AD:E&P	OELD	D/PDR	NRR	NRR	EDO
SURNAME	*BGrimes	*	VStello	ECASE	HDenton	LGossick
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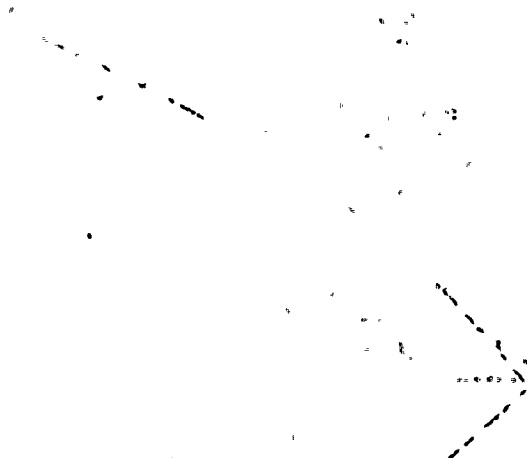
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Harold Denton, Director  
 Office of Nuclear Reactor Regulation

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DATE	11/13/78	11/13/78	11/13/78	11/ /78	11/ /78	11/ /78



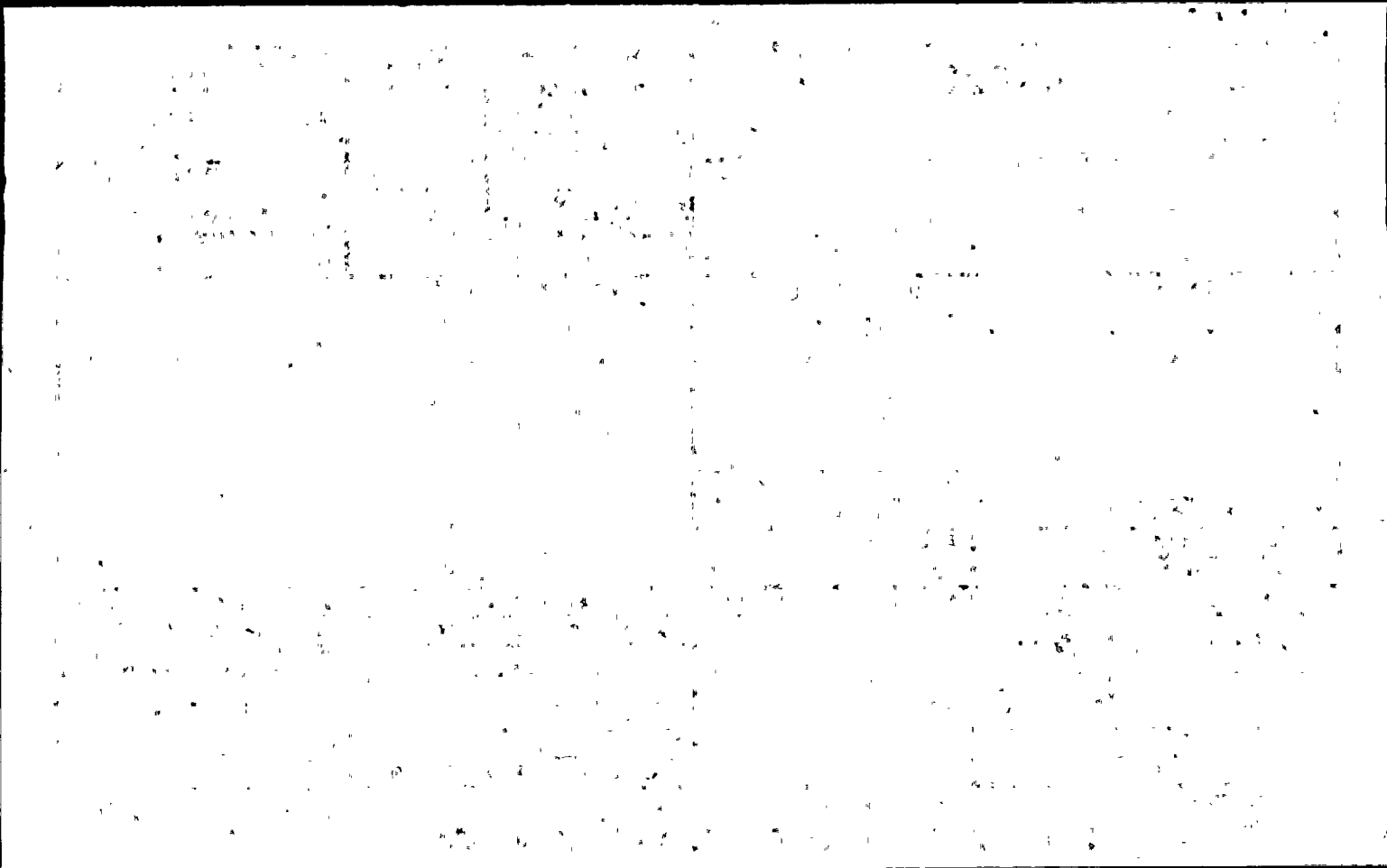
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FROM: Harvin Resnikoff Sierra Club San Francisco, Calif.		ACTION CONTROL		DATES		CONTROL NO. 04827	
TO: Office of the Commissioners		COMPL DEADLINE		11/20/78		DATE OF DOCUMENT 11/30/78	
		ACKNOWLEDGMENT				PREPARE FOR SIGNATURE OF: <input type="checkbox"/> CHAIRMAN <input checked="" type="checkbox"/> EXECUTIVE DIRECTOR OTHER:	
		INTERIM REPLY					
		FINAL REPLY		1/10/79			
		FILE LOCATION		12/1/78			
DESCRIPTION <input type="checkbox"/> LETTER <input type="checkbox"/> MEMO <input type="checkbox"/> REPORT <input type="checkbox"/> OTHER		SPECIAL INSTRUCTIONS OR REMARKS					
Proposed low level waste incinerator at Nine Mile Point 1		<p style="text-align: center;">Clear with the Commission prior to dispatch</p> <p style="text-align: center;">SECY 78-1570</p>					
CLASSIFIED DATA							
DOCUMENT/COPY NO.		CLASSIFICATION					
NUMBER OF PAGES		CATEGORY					
POSTAL REGISTRY NO.		<input type="checkbox"/> NSI <input type="checkbox"/> RD <input type="checkbox"/> FRD					
ASSIGNED TO:		DATE		INFORMATION ROUTING		LEGAL REVIEW <input type="checkbox"/> FINAL <input type="checkbox"/> COPY	
Depton		11/7/78		Gossick		NO LEGAL OBJECTIONS NOTIFY:	
[Signature]				Diecks		<input type="checkbox"/> EDO ADMIN & CORRES BR	
[Signature]				Rehn		EXT.	
[Signature]				Smith		COMMENTS, NOTIFY:	
[Signature]				Shapar		EXT.	
						JCAE NOTIFICATION RECOMMENDED: <input type="checkbox"/> YES <input type="checkbox"/> NO	

FROM: Marvin Resnikoff Sierra Club San Francisco, Calif.		ACTION CONTROL	DATES	CONTROL NO. 04827
TO: Office of the Commissioners		COMPL DEADLINE: 11/20/78	ACKNOWLEDGMENT	DATE OF DOCUMENT 10/30/78
DESCRIPTION <input type="checkbox"/> LETTER <input type="checkbox"/> MEMO <input type="checkbox"/> REPORT <input type="checkbox"/> OTHER		INTERIM REPLY	FINAL REPLY	PREPARE FOR SIGNATURE OF: <input type="checkbox"/> CHAIRMAN <input checked="" type="checkbox"/> EXECUTIVE DIRECTOR OTHER: _____
Proposed low level waste incinerator at Line 116 Point 1		SPECIAL INSTRUCTIONS OR REMARKS  Clear with the Commission prior to dispatch		
CLASSIFIED DATA				
DOCUMENT/COPY NO.		CLASSIFICATION	SECY 78-1573	
NUMBER OF PAGES		CATEGORY		
POSTAL REGISTRY NO.		<input type="checkbox"/> NSI <input type="checkbox"/> RD <input type="checkbox"/> FRD		
ASSIGNED TO:	DATE	INFORMATION ROUTING	LEGAL REVIEW	<input type="checkbox"/> FINAL <input type="checkbox"/> COPY
<del>Doston</del>	11/7/78	Gussick Dicks Kohn Smith Shayar	ASSIGNED TO:	NO LEGAL OBJECTIONS NOTIFY: <input type="checkbox"/> EDO ADMIN & CORRES BR EXT. _____
			DATE	COMMENTS, NOTIFY: EXT. _____
				JCAE NOTIFICATION RECOMMENDED: <input type="checkbox"/> YES <input type="checkbox"/> NO



FROM: <b>Marvin Kosnikoff</b> <b>Sierra Club</b> <b>San Francisco, Calif.</b>			ACTION CONTROL		DATES		CONTROL NO. <b>04827</b>				
TO: <b>Office of the Commissioners</b>			COMPL DEADLINE <b>11/20/78</b>				DATE OF DOCUMENT				
			ACKNOWLEDGMENT				<b>10/30/78</b>				
			INTERIM REPLY								
			FINAL REPLY				PREPARE FOR SIGNATURE OF:				
			FILE LOCATION				<input type="checkbox"/> CHAIRMAN				
							<input checked="" type="checkbox"/> EXECUTIVE DIRECTOR				
							OTHER: _____				
DESCRIPTION <input type="checkbox"/> LETTER <input type="checkbox"/> MEMO <input type="checkbox"/> REPORT <input type="checkbox"/> OTHER			SPECIAL INSTRUCTIONS OR REMARKS								
Proposed low level waste incinerator at Line 116 Point 1			Clear with the Commission prior to dispatch								
CLASSIFIED DATA											
DOCUMENT/COPY NO.			CLASSIFICATION								
NUMBER OF PAGES			CATEGORY								
POSTAL REGISTRY NO.			<input type="checkbox"/> NSI <input type="checkbox"/> RD <input type="checkbox"/> FRD								
ASSIGNED TO:			DATE			INFORMATION ROUTING			LEGAL REVIEW <input type="checkbox"/> FINAL <input type="checkbox"/> COPY		
Boston			11/7/78			Gossick			NO LEGAL OBJECTIONS NOTIFY:		
						Olecks			<input type="checkbox"/> EDO ADMIN & CORRES BR		
						Rejm			EXT. _____		
						Saito			COMMENTS, NOTIFY:		
						Shapar			EXT. _____		
JCAE NOTIFICATION RECOMMENDED: <input type="checkbox"/> YES <input type="checkbox"/> NO											



No. 78-1570

Logging Date 11/3/78

NRC SECRETARIAT

- TO:  Commissioner \_\_\_\_\_ Date \_\_\_\_\_
- Exec. Dir./Oper. \_\_\_\_\_  Gen. Counsel \_\_\_\_\_
- Cong. Liaison \_\_\_\_\_  Solicitor \_\_\_\_\_
- Public Affairs \_\_\_\_\_  Secretary \_\_\_\_\_
- \_\_\_\_\_

Incoming: Marvin Resnikoff

From: Sierra Club

To: Commissioners Date 10/30/78

Subject: Comments on the low-level incineration  
by Niagara Mohawk Power

Prepare reply for signature of:

- Chairman \_\_\_\_\_ date due Commission: \_\_\_\_\_
- Commissioner \_\_\_\_\_ 11/20/78

EDO, GC, CL, SOL, PA, SECY

- Signature block omitted \_\_\_\_\_
- \_\_\_\_\_
- Return original of incoming with response

- For direct reply\*
- For appropriate action
- For information
- For recommendation

Rec'd Sec. 700  
 Date 11/6/78  
 Time 3:10

Remarks: Cy to RF

Clear with Com prior to dispatch

For the Commission: Combs

\*Send three (3) copies of reply to Secy Mail Facility



**SIERRA CLUB** 530 Bush Street San Francisco, California 94108 (415) 981-8634

October 30, 1978

Office of the Commissioners  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Gentlemen:

The enclosed letter was mailed Sept. 25, 1978, but has been inexplicably lost. We have therefore attached a copy, and would appreciate a response.

The matter of concern is the low level incinerator proposed by Niagara Mohawk Power Corporation at the Nine Mile Point Unit 1 reactor at Scriba, New York.

Thank you for your attention.

enc.

Sincerely yours,

Marvin Resnikoff, Chair  
Nuclear Subcommittee of the  
Energy Policy Committee  
Sierra Club  
Box 64, Sta.G  
Buffalo, New York 14213



[Faint, illegible text scattered across the upper half of the page, possibly bleed-through from the reverse side.]

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