THE ASSEMBLY
STATE OF NEW YORK
ALBANY

JOHN R. ZAGAME
ASSEMBLYMAN - 117TH DISTRICT
ROOM 325, LEGISLATIVE OFFICE BLDG.
ALBANY, N.Y. 12248
(518) 472-6320

DISTRICT OFFICE:
34 E. BRIDGE STREET
OSWEGO, N.Y. 13126
(315) 343-4138

John Ahearne, Chairman
Nuclear Regulatory Commission
1717 H Street, N. Y.
Washington, D. C. 20555

December 20, 1979

Dear Mr. Ahearne:

Recently the Niagara Mohawk Corporation announced the suspension of construction activity at its Nine Mile #2 Nuclear Station near Oswego, New York.

One of the stated reasons for the shutdown of the project was uncertainty over possible design changes that might be ordered by the Nuclear Regulatory Commission in light of the Kemeny Report on the Three Mile Island nuclear accident.

It is imperative that the NRC act expeditiously to develop strong safety standards to guard against future nuclear accidents. Where these new standards require design changes they should be made known to utilities with nuclear plants under construction as soon as possible.

The cost of the Nine Mile #2 Nuclear Plant has grown geometrically in the past few years, and it is in everyone's interest to complete the project as quickly as can be done to avoid further costs increases. Every day that the completion of this plant is pushed back costs are mounting which will ultimately be borne by utility consumers in New York.

Along with more stringent design standards the NRC should develop more rigorous cost accounting mechanisms to prevent against massive cost overruns on nuclear power plant projects. In this regard a cooperative effort between the NRC and the N. Y. Public Service Commission to contain construction costs would be a step in the right direction.

Please do act with dispatch to give the nuclear industry the direction it needs to complete nuclear plants now under construction. Delays without decisions serve no useful purpose.

Sincerely,

John R. Zagame

John R. Zagame

JRZ/gw

8003060 614

5144

DISTRIBUTION:
Docket file
NRC PDR
Local PDR
LWR-4 Reading
NRR Reading
BRusche
EGCase
RSBoyd
SVarga
WKane
MService
GErtter (01083)
JMiller
HShapar
HDenton
RHeineman
VStello
MGroff
EHughes
LDreher
IE(3)
SECY Mail
Facility (3)
76-2513

NOV 16 1976

Docket No. 50-410

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

Dear Ms. Brand:

This letter is in response to your letter of October 27, 1976 to the Chairman of the Nuclear Regulatory Commission which has been referred to this office for reply. In that letter, you inquired as to why you had not received a response to your letter to the Commission dated September 20, 1976. You also inquired as to who at the Commission had the responsibility for answering your request and when you might expect a reply.

Your letter of September 20, 1976, was assigned to the Commission's Office of Nuclear Reactor Regulation for reply and our response was mailed on November 5, 1976. A copy of our response is included for your convenience.

Please be assured that we give serious attention to each of the many requests such as yours we receive from members of the public and attempt to reply as soon as possible. Our resources are such however, that occasionally some delay occurs and I regret any inconvenience to you this may have caused.

Sincerely,

Original signed by R. C. DeYoung

for Roger S. Boyd, Director
Division of Project Management
Office of Nuclear Reactor Regulation

Enclosure:
Response to letter
from Ms. Brand dated
11/5/76

SEEPREVIOUS YELLOW FOR ADDITIONAL CONCURRENCES

OFFICE	LWR-4	DDPM				
SURNAME	Varga:nlg	RSBoyd				
DATE	11/15/76	11/15/76				

DISTRIBUTION:

Docket file	JMiller
NRC PDR	HShapar
Local PDR	HDenton
LWR-4 Reading	RHeineman
NRR Reading	VStello
BRusche	MGroff
EGCase	EHughes
RSBoyd	LDreher
SVarga	IE (3)
WKane	SECY Mail Facility (3)
MService	
GErtter (01083)	

Docket No. 50-410

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

Dear Ms. Brand:

This letter is in response to your letter of October 27, 1976 to the Chairman of the Nuclear Regulatory Commission which has been referred to this office for reply. In that letter, you inquired as to why you had not received a response to your letter to the Commission dated September 20, 1976. You also inquired as to who at the Commission had the responsibility for answering your request and when you might expect a reply.

Your letter of September 20, 1976, was assigned to the Commission's Office of Nuclear Reactor Regulation for reply and our response was mailed on November 5, 1976.

Please be assured that we give serious attention to each of the many requests such as yours we receive from members of the public and attempt to reply as soon as possible. Our resources are such however, that occasionally some delay occurs and I regret any inconvenience to you this may have caused.

Sincerely,

Original signed by
Roger S. Boyd

Roger S. Boyd, Director
Division of Project Management
Office of Nuclear Reactor Regulation

OFFICE ➤	LWR-4	LWR-4	AD/LWRs	D:DPM		
SURNAME ➤	WKane:nlg	SAVarga	DVassallo	RSBoyd		
DATE ➤	11/9/76	11/9/76	11/9/76	11/18/76		

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

November 5, 1976

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.

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 NYSEAC, 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

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

FROM:	ACTION CONTROL	DATES	CONTROL NO.
Shirley A. Brand, Safe Energy Coalition of New York State	COMPL DEADLINE	11-15-76	01083
	ACKNOWLEDGMENT		DATE OF DOCUMENT
	INTERIM REPLY		10-27-76
TO:			PREPARE FOR SIGNATURE OF:
Chairman Rowden	FINAL REPLY		☐ CHAIRMAN
	FILE LOCATION		☐ EXECUTIVE DIRECTOR
			OTHER: Rusche

DESCRIPTION ☒ LETTER ☐ MEMO ☐ REPORT ☐ OTHER

Req. current status of construction permit for Nine Mile Point Nuclear Station Unit 2

SPECIAL INSTRUCTIONS OR REMARKS

INFO

EXECT 76-2513

CLASSIFIED DATA			
DOCUMENT/COPY NO.		CLASSIFICATION	
NUMBER OF PAGES		CATEGORY	
POSTAL REGISTRY NO.		☐ NSI ☐ RD ☐ FRD	

ASSIGNED TO:	DATE	INFORMATION ROUTING
Rusche	11-2-76	Case
		Shapar

LEGAL REVIEW		☐ FINAL ☐ COPY
ASSIGNED TO:	DATE	NO LEGAL OBJECTIONS
		NOTIFY:
		☐ EDO ADMIN & CORRES BR
		_____ EXT. _____
		COMMENTS, NOTIFY:
		_____ EXT. _____

JCAE NOTIFICATION RECOMMENDED: ☐ YES ☐ NO

NRC FORM 232 (11-75)

EXECUTIVE DIRECTOR FOR OPERATIONS

DO NOT REMOVE THIS COPY

PRINCIPAL CORRESPONDENCE CONTROL

No. 76- 2513 Logging Date 11/1

NRC SECRETARIAT

TO:
- [ ] Commissioner _____ Date _____
- [x] Exec. Dir./Oper.
- [ ] Gen. Counsel
- [ ] Cong. Liaison
- [ ] Solicitor
- [ ] Public Affairs
- [ ] Secretary
- [ ] _____

Incoming: Shirley A. Brand, Steering Committee
From: Legislative Coordinator, RD 1 BX 169XA Highland, NY 12528
To: Chairman Rowden Date 10/27
Subject: Asking for status report on Nine Mile Pt. Nuclear Station Unit # 2

- [ ] Prepare reply for signature of:
  - [ ] Chairman
  - [ ] Commissioner _____
  - [ ] EDO, GC, CL, SOL, PA, SECY
  - [ ] Signature block omitted
  - [ ] _____
  - [ ] Return original of incoming with response

- [x] For direct reply* SUSPENSE: nov. 19
- [ ] For appropriate action
- [ ] For information
- [ ] For recommendation

Rec'd Off. EDO
Date 11/2/76
Time 11:40

Remarks: Cys to: GC, PE, Secy, PA, OCA. Original to Docket. Logged Ex Parte-.

For the Commission: [signature]

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

NRC-62 ACTION SLIP

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

October 27, 1976

Honorable Marcus A. Rowden
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Rowden:

Enclosed is a copy of a communication dated September 20, 1976 which I sent to the Commission in regard to the Nine Mile Point Nuclear Station Unit #2.

To date I have received neither a response or an acknowledgement of my communication. I would appreciate your attention in this matter. Specifically, who at the Commission has the responsibility for answering my request for information and when might I expect a reply?

Thank you.

Respectfully,

Shirley A. Brand

Shirley A. Brand
Steering Committee,
Legislative Coordinator
RD 1 BX 169XA
Highland, N.Y. 12528

Copy to:
Hon. Joseph J. Gottlieb
Administrative Law Judge,
New York State Public Service Commission
Empire State Plaza
Albany, New York 12223

John W. Keib, esq.
System Attorney
Niagara Mohawk Power Corp.
300 Erie Blvd.
Syracuse, New York 13202

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 co-tenancy 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

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