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SUBJECT: Requests inclusion of State of NY Consumer Protection Board
 as party to plant licensing proceeding.

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STATE OF NEW YORK
EXECUTIVE DEPARTMENT

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RICHARD M. KESSEL
CHAIR AND EXECUTIVE DIRECTOR

UTILITY INTERVENOR UNIT
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September 22, 1986

Elinor Adensam, Director
BWR Project Directorate No. 3
Division of BWR Licensing
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Ms. Adensam:

By this letter, I request that you add the State Consumer Protection Board (CPB) as a party to the Nine Mile Point Two (NMP2) licensing proceeding, and provide a copy of all future Nuclear Regulatory Commission (NRC) reports regarding that power plant to the CPB.

The CPB is an agency within the New York State Executive Department, and is a statutory party in proceedings before the Public Service Commission (PSC) involving the setting of rates for regulated electric utilities. In this capacity, the CPB has actively participated in several proceedings evaluating the prudence of NMP2 expenditures and the recoverability of such costs from ratepayers.

To limit ratepayer liability the PSC imposed a "cap" on NMP2's costs, beyond which additional expenditures would be absorbed by the co-tenant owners. There is, however, an escape clause which would permit a larger recovery if the NMP2 owners could establish that a delay of the inservice date was the result of certain extraordinary circumstances.

We are concerned that the co-tenants may make such a claim regarding NMP2's main steam isolation valves (MSIVs) and other problems that might arise. To properly respond to such arguments, the CPB must have available all relevant information. It is essential, therefore, that a complete copy of any reports, memorandums, etc. issued by the NRC related to NMP2, and made available to the parties in that proceeding, be provided to the CPB.



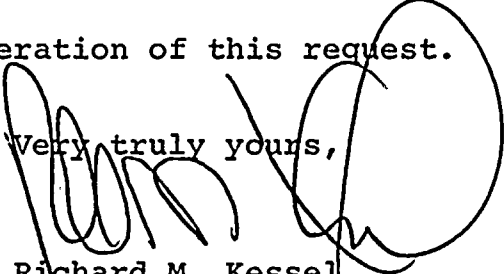
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The CPB has attempted to secure the information we seek here from other sources, but found that it is unavailable locally. A copy of NRC NMP2-related reports is sent to Paul Eddy of the PSC. However, as Mr. Eddy is located in Syracuse, more than 150 miles from Albany, this information is not readily available for our use.

Thank you for your consideration of this request.

Very truly yours,



Richard M. Kessel
Executive Director

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