

08/17/78

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)
DISTRIBUTION FOR INCOMING MATERIAL 50-410

REC: DENTON H
NRC

ORG: FARON R S
LEBOEUF LAMB LEIBY ET AL

DOC DATE: 08/16/78
DATE RCVD: 08/16/78

DOCTYPE: LETTER NOTARIZED: YES

COPIES RECEIVED
LTR 3 ENCL 20

SUBJECT: FORWARDING REQUEST FOR AMEND OF CONSTRUCTION PERMIT NO CPPR-112 (UNIT 2),
CONCERNING INCLUDING TRI-COUNTIES CONSTRUCTION TRUST AS CO-OWNER AND
CO-APPLICANT OF SUBJECT FACILITY... NOTARIZED 08/11/78.

PLANT NAME: NINE MILE POINT -- UNIT 2

REVIEWER INITIAL: XJM
DISTRIBUTOR INITIAL: M

***** DISTRIBUTION OF THIS MATERIAL IS AS FOLLOWS *****

LICENSE APPLICATION AMDTS (GENERAL INFO)
(DISTRIBUTION CODE B005)

FOR ACTION: BR CHIEF LWR#4 BC**W/ENCL PROJ MGR KANE**W/ENCL
LIC ASST LWR#4 LA**W/ENCL

FOR INFO: MOORE**LTR ONLY(1) EPB#2 BC**LTR ONLY(1)
FOR INFO: NORRIS**LTR ONLY(1) DUNCAN**LTR ONLY(1)

INTERNAL: REG FILE**W/ENCL NRC PDR**W/ENCL
I & E**W/2 ENCL OELD**W/ENCL
HANAUER**W/ENCL MELTZ**W/ENCL
SALTZMAN**W/ENCL RUTBERG**W/ENCL

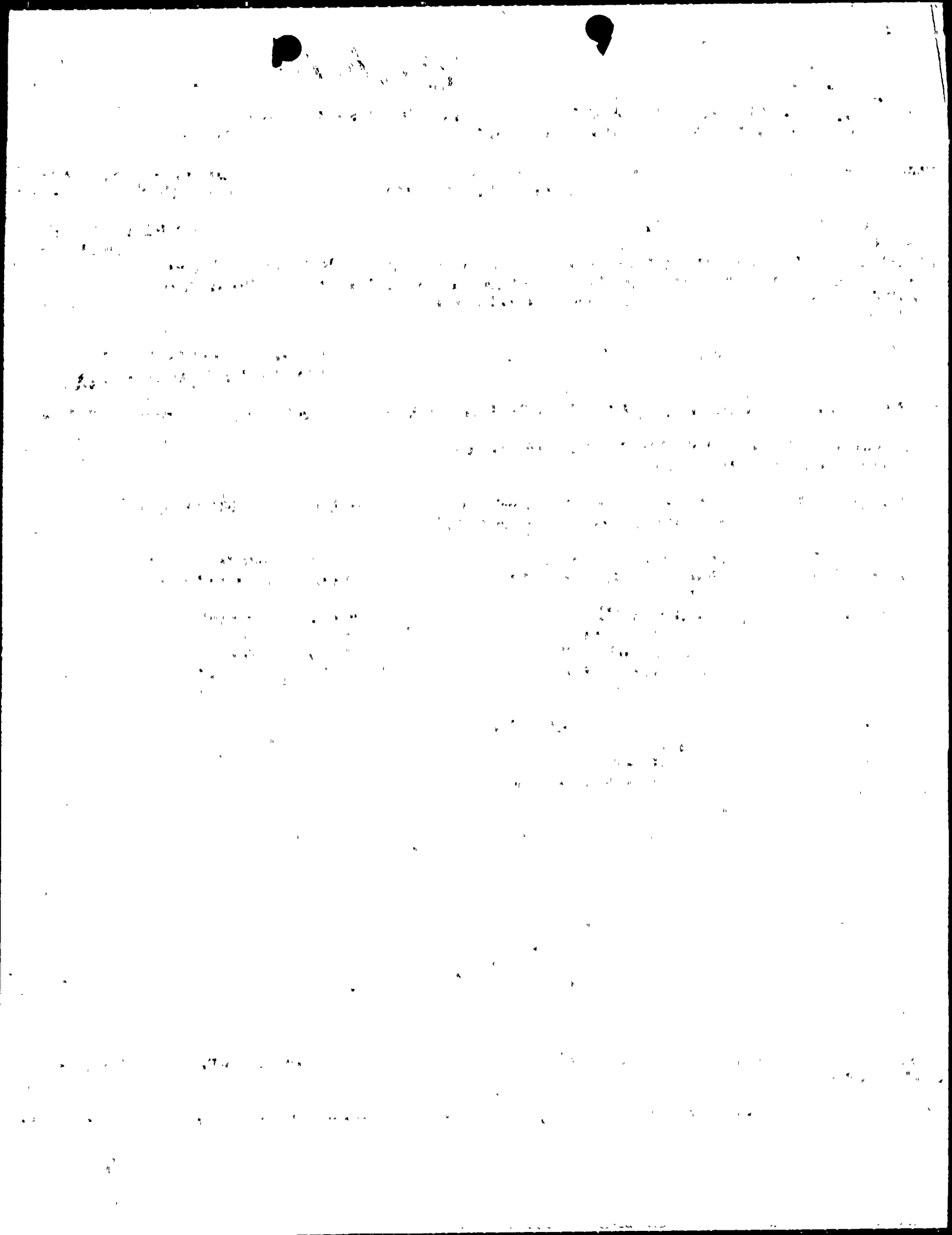
EXTERNAL: LPDR'S
OSWEGO, NY**W/ENCL
TERA**W/ENCL
NSIC**W/ENCL
ACRS CAT B**W/3 ENCL

DISTRIBUTION: LTR 22 ENCL 18
SIZE: 1P+4P

CONTROL NBR: 782200278

***** THE END *****

OP² W



REGULATORY DOCKET FILE COPY

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August 16, 1978

* RESIDENT PARTNERS WASHINGTON OFFICE
* ADMITTED TO THE DISTRICT OF COLUMBIA BAR

Mr. Harold Denton, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Niagara Mohawk Power Corporation
Nine Mile Point Unit 2
Docket No. 50-410

Dear Mr. Denton:

As counsel for Niagara Mohawk Power Corporation, we hereby transmit in the above-captioned docket three (3) originals and nineteen (19) copies of a Request for Amendment of Construction Permit for Nine Mile Point Unit 2.

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE

By Robert S. Faron
Robert S. Faron

Enclosures

BY HAND

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LPPD
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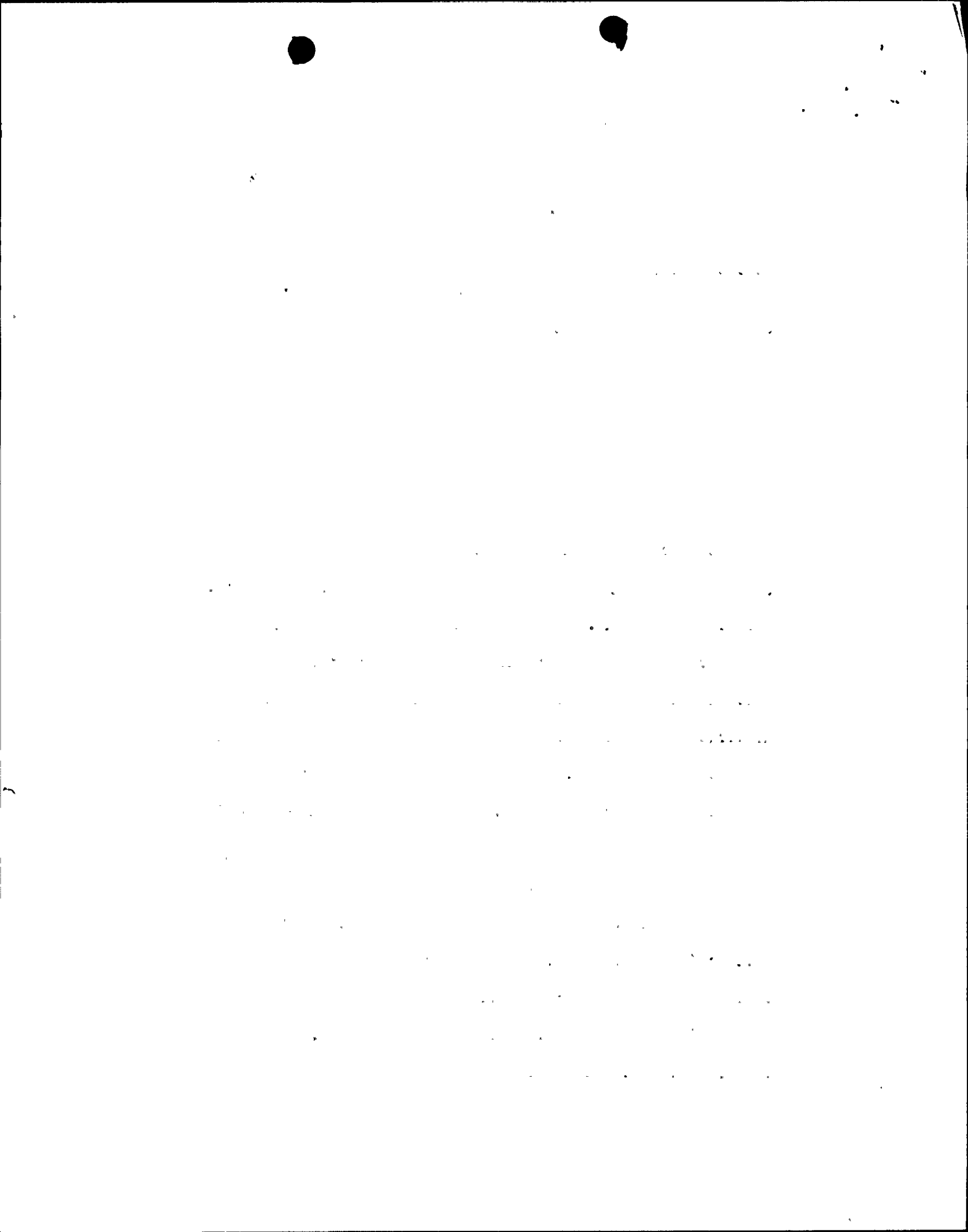
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BEFORE THE UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
NIAGARA MOHAWK POWER CORPORATION) Docket No. 50-410
(Nine Mile Point Unit 2))

REQUEST FOR AMENDMENT
OF CONSTRUCTION PERMIT

On February 6, 1978, Niagara Mohawk Power Corporation ("Niagara Mohawk") filed a request for amendment to Construction Permit No. CPPR-112. This request asked the Commission to amend the aforementioned Construction Permit in order to include Central Hudson Gas & Electric Corporation, New York State Electric & Gas Corporation, Long Island Lighting Company and Rochester Gas and Electric Corporation as co-owners of the facility. On February 16, 1978, in the Marble Hill case (In the Matter of Public Service Company of Indiana, ALAB-459), the Appeal Board held that co-owners would also be deemed to be co-applicants. By letter dated April 25, 1978 from the Nuclear Regulatory Commission, Niagara Mohawk was informed that in view of the Marble Hill decision Niagara Mohawk's request for the amendment of its Construction Permit would be construed to include the co-owners as co-applicants.



Long Island Lighting Company ("LILCO") has been negotiating with the Tri-Counties Construction Trust ("Construction Trust") whereby for purely financing purposes the Construction Trust would be created. Approval of the New York Public Service Commission is necessary and Niagara Mohawk has been advised that such approval can be expected on or about August 24, 1978.

The purpose of the trust is that during the construction phases of Nine Mile Point Unit 2 the Construction Trust will channel the funds for LILCO's share of the construction costs for the Nine Mile Point Unit 2 facility. The principal lender to the Construction Trust is the Chase Manhattan Bank. Under the terms of the Construction Trust, the trust will hold bare legal title to the assets and the entire beneficial interest in those assets will be for LILCO. At some future time when construction is substantially completed or the first core is ready for loading, the Construction Trust will be dissolved and the legal title to the assets of the trust will be transferred from the Construction Trust to LILCO. More details concerning LILCO and the Construction Trust were submitted to the Commission on June 30 by Niagara Mohawk in response to certain questions from the Staff relating to the financial qualifications of all co-owners.



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Niagara Mohawk has been advised that this matter of a Construction Trust created during the construction period of a nuclear facility is a case of first impression with this Commission.

WHEREFORE, Niagara Mohawk Power Corporation prays as follows:

(1) If the Commission deems it necessary to include the Tri-Counties Construction Trust as a co-owner and co-applicant of the facility along with LILCO and the three other co-owners (Central Hudson Gas & Electric Corporation, New York State Electric & Gas Corporation, and Rochester Gas and Electric Corporation), then the Construction Permit be so amended; or

(2) If the Commission decides that it is unnecessary to include the Tri-Counties Construction Trust as a co-owner and a co-applicant, then the Tri-Counties Construction Trust be omitted from the amended Construction Permit and the four co-owners mentioned previously in this pleading be named as co-owners and co-applicants.



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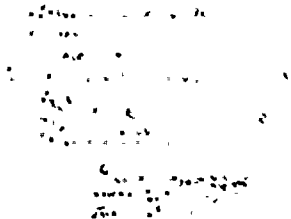
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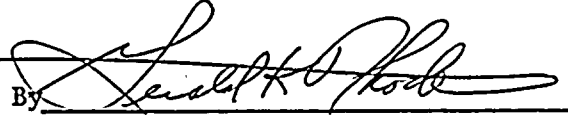
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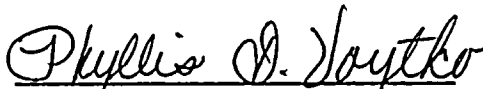


Respectfully Submitted,

NIAGARA MOHAWK POWER CORPORATION

By 
Gerald K. Rhode, Vice President
System Project Management

Subscribed and sworn to
before me this 14 day of
August, 1978.


NOTARY PUBLIC

PHYLLIS D. VOYTKO
Notary Public in the State of New York
Qualified in Onondaga Co. No. 349435535
My Commission Expires March 30, 1980

