

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

IN THE MATTER OF
NIAGARA MOHAWK POWER CORPORATION }

Docket No. 50-220

(Suppl)
File Copy

ANSWER OF APPLICANT

and

MOTION FOR PREHEARING CONFERENCE

I

Pursuant to the Commission's directive contained in its Notice of Hearing in this proceeding, dated November 10, 1964, and pursuant to Sections 2.705, 2.730 and 2.752 of the Commission's Rules of Practice, Niagara Mohawk Power Corporation, the Applicant herein, hereby answers and requests as follows:

(1) Applicant agrees that the four issues set forth on pages 1 and 2 of the Commission's aforesaid Notice of Hearing in this docket are proper and appropriate for the hearing on a Provisional Construction Permit pursuant to Section 50.35 of the Commission's Regulations.

(2) It is Applicant's position that:

(a) (1) It has described the proposed design of the facility including, but not limited to,

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the principal architectural and engineering criteria for the design and has identified the major feature or components on which further information is required;

(2) Applicant believes and therefore alleges that the omitted technical information will be supplied;

(3) Applicant's principal contractor, General Electric Company, is conducting a research and development program, the results of which, will resolve, inter alia, possible safety questions, if any, with respect to those features or components of Applicant's facility which require research and development; and

(4) Based on the foregoing, Applicant avers that there is reasonable assurance that safety questions, if any, will be satisfactorily resolved on or before the latest date stated in the application for completion of construction of the proposed facility (December 1, 1967); and that, taking into consideration the site criteria contained in Part 100, the proposed

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facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

(b) Applicant and its principal contractors are technically qualified to design and construct the proposed facility;

(c) Applicant is financially qualified to design and construct the proposed facility; and

(d) That the issuance of a permit for the construction of the facility will not be inimical to the common defense and security or to the health and safety of the public.

II

Applicant proposes to appear at said hearing on December 15, 1964 and present evidence on each of the four issues specified in the said Notice of Hearing.

III

Pursuant to Section 2.730, Applicant hereby moves for a prehearing conference, reasonably in advance of the hearing (preferably on or about December 2, 1964), to agree upon procedural and other matters such as (a) the exchange of testimony prior to the hearing; (b) the order and method for presentation of testimony; (c) the stipula-

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2. The second part of the report is a detailed description of the methods used in the study.

3. The third part of the report is a discussion of the results of the study.

4. The fourth part of the report is a conclusion and a list of references.

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15. The fifteenth part of the report is a list of appendices.

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18. The eighteenth part of the report is a list of footnotes.

19. The nineteenth part of the report is a list of references.

20. The twentieth part of the report is a list of appendices.

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23. The twenty-third part of the report is a list of footnotes.

tion of exhibits or other documentary evidence; and (d)
any other relevant or appropriate matters.

Respectfully submitted,

NIAGARA MOHAWK POWER
CORPORATION

By /s/ Arvin E. Upton

Arvin E. Upton

/s/ Eugene B. Thomas, Jr.

Eugene B. Thomas, Jr.

Its Attorneys

Dated: November 20, 1964

Of Counsel:

LeBoeuf, Lamb & Leiby
1821 Jefferson Place, N. W.
Washington, D. C. 20036

One Chase Manhattan Plaza
New York, New York 10005

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing pleading entitled, "Answer of Applicant and Motion for Prehearing Conference" by mailing a copy thereof first class and postage prepaid upon the following persons this 20th day of November, 1964:

J. D. Bond, Esq.
Chairman, Atomic Safety and
Licensing Board
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Washington, D. C. 20545

Dr. Albert J. Kirschbaum
Lawrence Radiation Laboratory
Livermore, California

Mr. Warren E. Nyer
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Atomic Energy Division
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Washington, D. C. 20545

/s/ Eugene B. Thomas, Jr.

Eugene B. Thomas, Jr.
LeBoeuf, Lamb & Leiby
Attorney for Applicant

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APPEARANCES FOR APPLICANT

Pursuant to Section 2.713 of the Commission's Rules of Practice, please enter our appearances for the Applicant, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York, in the above-mentioned docket.

<u>Name</u>	<u>Address</u>	<u>Basis of Eligibility</u>
Arvin E. Upton	1821 Jefferson Place, N.W. Washington 36, D.C. FE 8-0111 Area Code 202	Member of the bar of United States District Court for the District of Columbia
Eugene B. Thomas, Jr.	1821 Jefferson Place, N.W. Washington 36, D.C. FE 8-0111 Area Code 202	Member of the bar of United States District Court for the District of Columbia
James A. Greer, II	1821 Jefferson Place, N.W. Washington 36, D.C. FE 8-0111 Area Code 202	Member of the bar of United States District Court for the District of Columbia

/s/ ARVIN E. UPTON

ARVIN E. UPTON

/s/ EUGENE B. THOMAS, JR.

EUGENE B. THOMAS, JR.

/s/ JAMES A. GREER, II

JAMES A. GREER, II

November 20, 1964

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