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JAN 27 1975

Docket Nos. 50-220
and 50-410

Mr. Gerald M. Hansler
Regional Administrator
Environmental Protection Agency
26 Federal Plaza
New York, New York 10007

Dear Mr. Hansler:

In accordance with Section 401 of the Federal Water Pollution Control Act, as amended, enclosed (for appropriate action) is a copy of two letters from the New York State Department of Environmental Conservation, both dated December 24, 1974, to the Atomic Energy Commission. In the letters the Department of Environmental Conservation reaffirms that the 401 Certificates issued by the Department of the Nine Mile Point Units 1 and 2 facilities remain in effect.

Also enclosed for your information is a copy of the correspondence from the Atomic Energy Commission, both dated December 13, 1974, to the New York State Department of Environmental Conservation regarding Niagara Mohawk Power Corporation's Nine Mile Point Units 1 and 2 facilities 401 certificates.

Sincerely,

Original signed by
Daniel R. Muller

Daniel R. Muller, Assistant Director
for Environmental Projects
Directorate of Licensing

Enclosures:
1. Two ltrs dtd 12/24/74 from NY Dept. of Environmental Conservation to AEC
2. Two ltrs dtd 12/13/74 from AEC to NY Dept. of Environmental Conservation

OFFICE	L:EP-4	L:EP-4	L:EP-4	L:EP	OGC	L:ADEP
SURNAME	SDRegdal	GDittman JNorris	WHRegan	BHarless	BBordenick	DRMuller
DATE	1/13/75	1/13/75	1/16/75	1/17/75	1/24/75	1/27/75

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Commissioner
James L. Biggane

December 24, 1974

Mr. Bernard M. Bordenick
U.S. Atomic Energy Commission
Washington, D. C. 20545

Dear Mr. Bordenick:

Re: U.S. AEC Docket No. 50-220
(Nine Mile Point Unit No. 1)

This letter is written in response to your December 13, 1974 letter to Commissioner James L. Biggane which requested information concerning the Department of Environmental Conservation certification pursuant to Public Law 92-500, of the Nine Mile Point Unit No. 1 of the Niagara Mohawk Power Corporation. This letter confirms that the certificate issued by this Department on April 9, 1974, pursuant to Section 401 of the Federal Water Pollution Control Act, as amended, remains in effect and will continue in effect until modified or amended in accordance with applicable law.

Sincerely,

Terence P. Curran
Director of Environmental Analysis

cc: John Hanna, Jr., Esq.
Langdon Marsh, Esq.
Paul Merges
Eugene E. Thomas, Esq.

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Commissioner
James L. Biggane

December 24, 1974

Mr. Bernard M. Bordenick
U.S. Atomic Energy Commission
Washington, D. C. 20545

Dear Mr. Bordenick:

Re: U.S. AEC Docket No. 50-410
(Nine Mile Point Unit No. 2)

This letter is written in response to your December 13, 1974 letter to Commissioner James L. Biggane which requested information concerning the Department of Environmental Conservation certification pursuant to Public Law 92-500, of the Nine Mile Point Unit No. 2 of the Niagara Mohawk Power Corporation. This letter confirms that the certificate issued by this Department on October 13, 1973, pursuant to Section 401 of the Federal Water Pollution Control Act, as amended, remains in effect and will continue in effect until modified or amended in accordance with applicable law.

Sincerely,

Terence P. Curran
Director of Environmental Analysis

cc: John Hanna, Jr., Esq.
Langdon Marsh, Esq.
Paul Merges
Eugene B. Thomas, Esq.

UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

DOCKETED
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December 13, 1974

Mr. James L. Biggane
Commissioner
New York State Department of
Environmental Conservation
50 Wolf Road
Albany, New York 12201

In the Matter of Niagara Mohawk Power Corporation
(Nine Mile Point, Unit No. 1)
Docket No. 50-220

Dear Mr. Biggane:

On April 9, 1974, the New York State Department of Environmental Conservation issued to Niagara Mohawk Power Corporation (NMPC) a certificate pursuant to Section 401(a)(1) of the Federal Water Pollution Control Act, as amended (FWPCA) (33 U.S.C. § 1251, et seq.). The certificate states, in part, that

> *** [NMPC] will comply with all applicable provisions of sections 301, 302, 306, and 307 of the [FWPCA] *** provided that:
>
> (1) There are no future changes in any of the following ***
>
> (D) Applicable effluent limitations or other requirements.

On October 8, 1974, the Environmental Protection Agency published its "Steam Electric Power Generating Point Source Category Effluent Guidelines and Standards," (39 Federal Register 36186) which, among other things, establishes effluent limitations and standards of performance under Sections 301(b) and 306 of the FWPCA.

The purpose of this letter is to ask you whether, in light of that recent promulgation of standards, limitations, and guidelines by EPA, the New York State Department of Environmental Conservation intends to take any additional certifying action regarding the Nine Mile Point, Unit 1 facility.

Sincerely,

Bernard M. Bordenick

Bernard M. Bordenick
Counsel for AEC Regulatory Staff

cc: John Hanna, Jr., Esq.
Mr. Paul Merges
Eugene B. Thomas, Esq.

UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

December 13, 1974

Mr. James L. Biggane
Commissioner
New York State Department of
Environmental Conservation
50 Wolf Road
Albany, New York 12201

In the Matter of Niagara Mohawk Power Corporation
(Nine Mile Point, Unit No. 2)
Docket Nos. 50-410

Dear Mr. Biggane:

On October 12, 1973, the New York State Department of Environmental Conservation issued to Niagara Mohawk Power Corporation (NMPC) a certificate pursuant to Section 401(a)(1) of the Federal Water Pollution Control Act, as amended (FWPCA) (33 U.S.C. § 1251, et seq.). The certificate states, in part, that

> *** there is no applicable limitation or other limitations under Section 301(b) and 302 of the Act, and there is no standard under Sections 306 and 307 of the Act applicable to the activity which [NMPC] proposes to conduct***.

On October 8, 1974, the Environmental Protection Agency published its "Steam Electric Power Generating Point Source Category Effluent Guidelines and Standards," (39 Federal Register 36186) which, among other things, establishes effluent limitations and standards of performance under Sections 301(b) and 306 of the FWPCA.

The purpose of this letter is to ask whether, in light of that recent promulgation of standards, limitations, and guidelines by EPA, the New York State

Department of Environmental Conservation intends to take any additional certifying action regarding the Nine Mile Point, Unit 2 facility.

Sincerely,

Bernard M. Bordenick

Bernard M. Bordenick
Counsel for AEC Regulatory Staff

cc: John Hanna, Jr., Esq.
Mr. Paul Merges
Eugene B. Thomas, Esq.