

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

SUBJECT:

LTR 3 ENCL 20

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  
LIC ASST LWR#4 LA\*\*W/ENCL

PROJ MGR KANE\*\*W/ENCL

FOR INFO: MOORE\*\*LTR ONLY(1)  
FOR INFO: NORRIS\*\*LTR ONLY(1)

EPB#2 BC\*\*LTR ONLY(1)  
DUNCAN\*\*LTR ONLY(1)

INTERNAL: REG. FILE\*\*W/ENCL  
I & E\*\*W/2 ENCL  
HANAUER\*\*W/ENCL  
SALTZMAN\*\*W/ENCL

NRC PDR\*\*W/ENCL  
OELD\*\*W/ENCL  
MELTZ\*\*W/ENCL  
RUTBERG\*\*W/ENCL

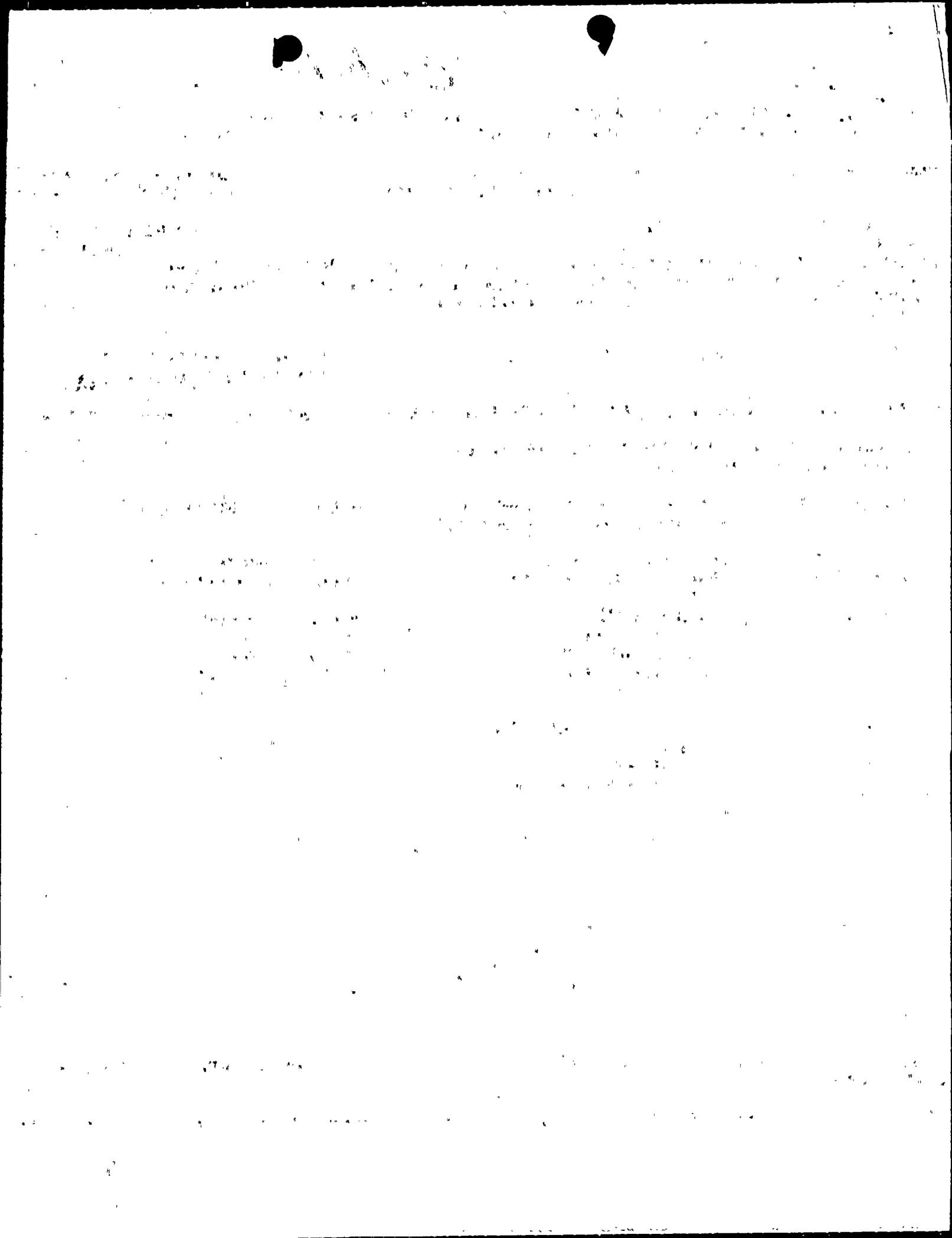
EXTERNAL: LPDR'S  
OSWEGO, NY\*\*W/ENCL  
TERA\*\*W/ENCL  
NSIC\*\*W/ENCL  
ACRS CAT B\*\*W/3 ENCL

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

CONTROL NBR: 782200278

\*\*\*\*\* THE END \*\*\*\*\*

OP<sup>2</sup> W



# REGULATORY DOCKET FILE COPY

LEBOEUF, LAMB, LEIBY & MACRAE

1757 N STREET, N.W.

WASHINGTON, D.C. 20036

TELEPHONE 202-457-7500

## CABLE ADDRESS

LEBWIN, WASHINGTON, D.C.

TELEX: 440274

TELECOPIER:

202-457-7543

RANDALL J. LeBOEUF, JR. 1929-1975

HORACE R. LAMB 1934-1977

ADRIAN C. LEIBY 1952-1976

140 BROADWAY

NEW YORK, N.Y. 10005

TELEPHONE 212-269-1100

CABLE ADDRESS

LEBWIN, NEW YORK

TELEX: 423416

LEON A. ALLEN, JR.  
JOSEPH E. BACHELDER, III  
ERNEST S. BALLARD, JR.  
G. S. PETER BERGEN  
GEOFFREY D. C. BEST  
DAVID P. BICKS  
TAYLOR R. BRIGGS  
CHARLES N. BURGER  
THOMAS E. BURKE  
ROGER D. FELDMAN  
EUGENE R. FIDELL  
JACOB FRIEDLANDER  
GERARD GIORDANO  
DONALD J. GREENE  
JAMES A. GREER, II  
JOHN L. GROSE  
DOUGLAS W. HAWES  
CARL D. HOBELMAN  
MICHAEL IOVENKO  
JAMES F. JOHNSON, 4TH  
RONALD D. JONES  
LEX K. LARSON  
GRANT S. LEWIS  
KIMBA W. LOVEJOY

CAMERON F. MACRAE  
CAMERON F. MACRAE, III  
GERARD A. MAHER  
SHEILA H. MARSHALL  
JAMES G. McELROY  
JAMES P. McGRANERY, JR.  
PHILIP PALMER McGUIGAN  
HARVEY A. NAPIER  
JAMES O'MALLEY, JR.  
J. MICHAEL PARISH  
WILLIAM W. ROSENBLATT  
JOHN A. RUDY  
PAUL G. RUSSELL  
PATRICK J. SCOONAMIGLIO  
HAROLD M. SEIDEL  
HALCYON G. SKINNER  
JOSEPH S. STRAUSS  
SAMUEL M. SUGDEN  
EUGENE B. THOMAS, JR.  
LEONARD M. TROSTEN  
HARRY H. VOIGT  
H. RICHARD WACHTEL  
GERARD P. WATSON  
THOMAS A. ZIERK

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 Amend-  
ment 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

782200278

Boos  
SE  
3/20/78  
LPP  
LPP

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

1954

RECEIVED  
JAN 15 1954  
PHYSICS DEPARTMENT  
UNIVERSITY OF CHICAGO

TO THE PHYSICS DEPARTMENT

FROM THE PHYSICS DEPARTMENT

RECEIVED  
JAN 15 1954  
PHYSICS DEPARTMENT  
UNIVERSITY OF CHICAGO

RECEIVED  
JAN 15 1954  
PHYSICS DEPARTMENT  
UNIVERSITY OF CHICAGO

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.





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.



10/10/10

10/10/10

10/10/10

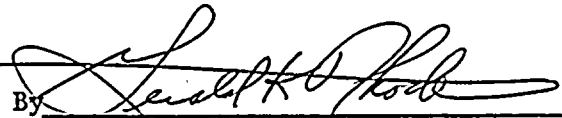
10/10/10

10/10/10

Respectfully Submitted,

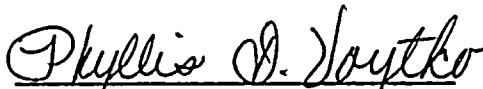
NIAGARA MOHAWK POWER CORPORATION

By



Gerald K. Rhode, Vice President  
System Project Management

Subscribed and sworn to  
before me this 11<sup>th</sup> day of  
August, 1978.

  
NOTARY PUBLIC

PHYLLIS D. VOYTKO  
Notary Public in the State of New York  
Qualified in Onondaga Co. No. 34-9435535  
My Commission Expires March 30, 1980

