

C 03/02/78

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)  
DISTRIBUTION FOR INCOMING MATERIAL

50-410

REC: CASE E G  
NRC

ORG: THOMAS E B  
LEBOEUF LAMB LEIBY ET AL

DOCDATE: 02/27/78  
DATE RCVD: 02/27/78

DOCTYPE: LETTER NOTARIZED: YES

COPIES RECEIVED  
LTR 1 ENCL 10

SUBJECT:

FORWARDING PLEADING ENTITLED: "REQUEST FOR EXTENSION OF LATEST  
COMPLETION DATE", RE CONSTRUCTION COMPLETION OF UNIT 2.

PLANT NAME: NINE MILE POINT - UNIT 2

REVIEWER INITIAL: XJM  
DISTRIBUTOR INITIAL:

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

REQUESTS FOR EXEMPTIONS (ALL TYPES)  
(DISTRIBUTION CODE B006)

FOR ACTION: BR CHIEF VARGA\*\*W/ENCL  
LIC ASST SERVICE\*\*W/ENCL

PROJ MGR KANE\*\*W/ENCL

FOR INFO: MOORE\*\*W/ENCL  
FOR INFO: NORRIS\*\*W/ENCL

REGAN\*\*W/ENCL  
DUNCAN\*\*W/ENCL

INTERNAL: REG FILE\*\*W/ENCL  
I & E\*\*W/2 ENCL  
T ABELL\*\*W/ENCL

NRC PDR\*\*W/ENCL  
J MILLER\*\*W/ENCL

EXTERNAL: LPDR'S  
OSWEGO, NY\*\*W/ENCL  
ACRS CAT B\*\*W/16 ENCL

DISTRIBUTION: LTR 30 ENCL 30  
SIZE: 1P+5P+2P

CONTROL NBR: 780600004

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



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  
GEOFFRY 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. SCOGNAMIGLIO  
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

February 27, 1978

\* RESIDENT PARTNERS WASHINGTON OFFICE

\* ADMITTED TO THE DISTRICT OF COLUMBIA BAR

Mr. Edson G. Case  
Acting 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. Case:

As counsel for Niagara Mohawk Power Corporation,  
I enclose herewith an original and 10 copies of a pleading  
entitled "Request for Extension of Latest Completion Date."

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE

By Eugene B. Thomas, Jr.  
Eugene B. Thomas, Jr.  
Partner

Attorneys for Niagara Mohawk  
Power Corporation

Enclosures

780600004

Boob  
SE  
1/10 \*

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

100

[illegible]

1. *Chlorophyll a* (Chl *a*)

1000

8 1

BEFORE THE UNITED STATES  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
NIAGARA MOHAWK POWER CORPORATION )  
(Nine Mile Point Unit 2) )

Docket No. 50-410

REQUEST FOR EXTENSION  
OF LATEST COMPLETION DATE

Pursuant to Section 2.109 of the Commission's Rules of Practice and Section 50.55(b) of the Commission's Regulations, Niagara Mohawk Power Corporation, holder of Construction Permit No. CPPR-112, hereby requests an extension of its latest completion date for Nine Mile Point Unit 2. In support of such request, Niagara Mohawk Power Corporation states as follows:

- (1) In the aforesaid construction permit, the latest completion date specified is July 31, 1978. At this time, the project is about 20 percent complete and cannot be finished within the time specified in the construction permit;
- (2) Niagara Mohawk Power Corporation requests that the latest completion date in the construction permit be extended to December 31, 1984;



10

(3) In late 1973, the then President of the United States publicly announced the seriousness of the energy crisis confronting the United States. Immediately thereafter and continuing to this time, there has been a reduction in the use of electricity and, consequently, for power demand in Niagara Mohawk Power Corporation's service area. Accordingly, the need for this facility to produce power has been postponed.

(4) Niagara Mohawk Power Corporation, along with other privately owned public utilities, experienced difficulty in obtaining funds for construction at rates which were considered reasonable. This lack of funds at reasonable rates has caused the construction of the facility to be delayed.

(5) In addition to the above, the following unanticipated causes for delay have occurred during the construction period.

i. Additional time is required due to design changes, such as safety/relief valve piping relocation, required to mitigate Mark II containment dynamic loads. This area is under Commission review, and additional requirements may result from that review.





- ii. Additional time is required due to intensive study of geological features and phenomena as reported to the Commission in Niagara Mohawk Power Corporation's letter dated December 13, 1976.
- iii. Additional time is required due to a change from once-through to closed loop circulating water cooling. This change was reported to the Commission by letter dated July 19, 1976.
- iv. Additional time is required due to complete redesign of electrical raceway systems and major structural changes in the Reactor Building, Control Building, and cable tunnels to implement the Regulatory Guide 1.75 separation requirements.
- v. Additional time is required due to labor problems including work stoppages in 1976 and 1977.
- vi. Additional time is required due to shortage of qualified welders, and material procurement delays, such as for the primary containment liner.



vii. Additional time is required due to a delay in the granting of the original Construction Permit which was not reflected in the previously revised dates for earliest and latest completion of the facility (see Attachment 1).

viii. Additional time is required to implement NRC requirements for flood protection of ECCS pumps.

ix. Additional time is required due to the implementation of pipe whip protection requirements similar to those expressed in Regulatory Guide 1.46 which impacted the schedule for completion of pipe stress analysis and liner fabrication.

x. Additional time is required due to the imposition of Regulatory Guide 1.89 requirements on Class IE Equipment Vendors which has resulted in shortages of acceptable vendors.

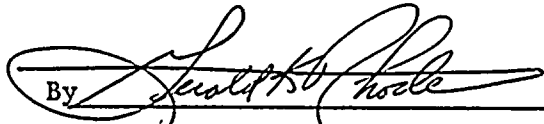


(6) In Niagara Mohawk Power Corporation's opinion, the requested action involves no significant hazards consideration; good cause has been shown for the delay; and the extension of the latest completion date which has been requested is for a reasonable period.

WHEREFORE, Niagara Mohawk Power Corporation requests that the latest date in Construction Permit No. CPPR-112 be extended until December 31, 1984.

Respectfully submitted,

NIAGARA MOHAWK POWER CORPORATION

By 

Gerald K. Rhode  
Vice President - System Project  
Management

Subscribed and sworn to  
before me this 24<sup>th</sup> day of  
February, 1978.

  
NOTARY PUBLIC

HAZEL J. CARRICK  
Notary Public in the State of New York  
Qualified in Onon. Co. No. 4524460  
My Commission Expires March 30, 1978



LAW OFFICES OF  
LEBOEUF, LAMB, LEIBY & MACRAE  
1757 N. STREET, N.W.  
WASHINGTON, D.C. 20036

ARVIN E. UPTON  
EUGENE B. THOMAS, JR.  
LEONARD M. TROSTEN  
HARRY H. VOIGT  
LEX K. LARSON  
WASHINGTON PARTNERS

March 12, 1974

ONE CHASE MANHATTAN PLAZA  
NEW YORK, N.Y. 10005

WASHINGTON TELEPHONE  
202-872-8668

CABLE ADDRESS  
LALALU, WASHINGTON D.C.

Daniel M. Head, Esq.  
Atomic Safety and Licensing  
Board Panel  
U.S. Atomic Energy Commission  
Washington, D. C. 20545

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

Dear Mr. Head:

During our conference call this morning with counsel for all parties except the Environmental Defense Fund, I mentioned that Niagara Mohawk had one revision to the form of proposed construction permit which was distributed by the AEC Regulatory Staff on February 28, 1974.

The Applicant's proposed change concerns the earliest and latest completion dates mentioned in paragraph 3.A. on page 3 of the proposed construction permit. Under the present circumstances, Applicant believes and thereby requests that the earliest completion date be October 1, 1978 and the latest date for completion of the facility be April 1, 1980.

We would appreciate having the Board revise the construction permit in this respect.

Very truly yours,

LEBOEUF, LAMB, LEIBY & MACRAE

By E. B. Thomas, Jr.

E. B. Thomas, Jr.  
Partner

cc: See page 2.





cc: Dr. Marvin M. Mann  
Dr. William E. Martin  
Richard I. Goldsmith, Esq.  
Carmine J. Clemente, Esq.  
Mrs. Suzanne Weber  
Anthony Z. Roisman, Esq.  
Bernard M. Bordenick, Esq.  
Secretary, U.S. Atomic Energy Commission  
Atomic Safety and Licensing Appeal Board

