



## NEW YORK STATE ENERGY OFFICE

WILLIAM D. COTTER  
COMMISSIONER

August 1, 1988

William E. Russell  
Regional Administrator  
U.S. Nuclear Regulatory Commission  
Region 1  
475 Allendale Road  
King of Prussia, PA 19406

Dear Mr. Russell:

This letter is to request that the New York State Department of Law be designated as an authorized attendee at U.S. Nuclear Regulatory Commission meetings involving outage issues at the Nine Mile Point Unit 1 nuclear power plant.

The New York State Department of Law has a unique mandate and, thus, a distinct perspective on nuclear power plant operations. These are quite different from those of the New York State Department of Public Service, which also has requested representation at NRC proceedings on Nine Mile Point Unit 1. The agency roles also vary because the Department of Law is headed by the Attorney General's office which is a separately elected office chosen by a separate statewide ballot. For this reason, I would like to request that Assistant Attorney General Charlie Donaldson, be permitted to attend, as an observer, all NRC meetings on Nine Mile Point 1, including NRC entrance and exit meetings and enforcement conferences.

This request is in addition to my previous ones on behalf of the New York State Department of Public Service.

Thank you for your cooperation.

Sincerely,

William E. Davis  
Executive Deputy Commissioner

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## NEW YORK STATE ENERGY OFFICE

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WILLIAM D. COTTER  
COMMISSIONER

July 29, 1988

William T. Russell  
Regional Administrator  
U.S. Nuclear Regulatory Commission  
Region 1  
475 Allendale Road  
King of Prussia, PA 19406

Dear Mr. Russell:

This letter requests a heightened level of cooperation between the U.S. Nuclear Regulatory Commission (NRC) and the New York State Department of Public Service regarding the Nine Mile Point Unit 1 nuclear power plant.

As stated in my letter of July 6, 1988, to Regional State Liaison Officer, Marie Miller, the New York State Department of Public Service (DPS) is reviewing the extended outage at the Niagara Mohawk Power Corporation's Nine Mile Point Unit 1 (NMP-1) facility. The Department's objective is to understand the NRC's concerns and reasons for the current actions affecting the availability of Unit 1. DPS intends to evaluate the reasonableness of the licensee's past and present efforts to resolve the NRC's concerns before the expenses associated with the outage are allowed to be passed on to the ratepayers. Cooperation with the NRC will be needed in order to achieve this objective.

As I interpret your response of July 8, 1988 (signed by James M. Allan), to my initial request of July 6, 1988, the NRC has agreed to notify Mr. John G. Roberts of the DPS "of all meetings between the NRC staff and Niagara Mohawk (Power) Corporation regarding NMP-1." It also allows attendance at such meetings on a case-by-case basis. I would now like to request, pursuant to the NRC Policy Statement of Cooperation with States, that the status of this agreement be upgraded to allow state involvement, as observer, in all NRC undertakings relating to NMP-1.

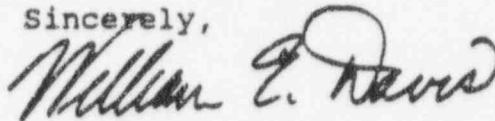
Mr. Roberts will continue to represent the DPS. The DPS has

requested this additional interaction as a result of this NRC's recent determination that NMP-1 is a Category 2 plant requiring "close NRC monitoring," as explained in the July 8, 1988, letter from Mr. V. Stello, Jr., to Mr. J. Endries. DPS anticipates this cooperation agreement will be necessary throughout the duration of the NRC oversight.

According to Mr. Roberts, the DPS will observe any NRC rules or procedures related to participation as an observer in ongoing NRC inspection activities at NMP-1.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "William E. Davis". The signature is fluid and cursive, with the first name "William" and last name "Davis" clearly distinguishable.

William E. Davis  
Executive Deputy Commissioner

WED/ai