



STATE OF NEW YORK  
DEPARTMENT OF PUBLIC SERVICE

BOARD ON ELECTRIC GENERATING  
SITE AND THE ENVIRONMENT

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In the Matter of the Application of :

POWER AUTHORITY OF THE STATE OF NEW YORK :

Case 80006

(Greene County Nuclear Generating Facility) :

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RESPONSE OF GREENE COUNTY ET AL.  
TO REPORT OF POWER AUTHORITY

Greene County and its associated municipalities (collectively, the "County"), as parties to this proceeding, submit the following response to the "Report by Power Authority of the State of New York on Status of its Application" filed with this Board on October 16, 1979. It is the County's position that PASNY's application to construct the Greene County Nuclear Generating Facility must be dismissed under the terms of the Board's October 1 Order and, of equal importance, as a matter of equity and justice.

Discussion

By order issued October 1, 1979, the Siting Board stated its intention to dismiss the application in this case unless, on or before October 16, 1979, the Power Authority "demonstrated affirmatively and in detail how continuation of the application would serve the public interest." The Siting Board further cautioned that "a mere repetition of the arguments previously presented...will result in dismissal of the application..."

On October 16, 1979 -- essentially at the last possible moment -- PASNY's counsel submitted the Authority's self-styled Report, purportedly in response to the October 1 Order. Measuring a grand total of two double-spaced pages,

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the Report was unsupported by any affidavits or documentary evidence of any kind, and it was completely without detail. All that was set forth was the same general plaintive statement, made previously to the Hearing Officer, that dismissal of the license "could" (not would, but only could) have an adverse financial impact on PASNY and its customers. No details of these possible impacts were offered, nor any explanation of why the impact would be more serious now than later. Furthermore, all that PASNY offered for the future was the possibility -- clearly impossible in reality -- that "a successor applicant may be found who will wish to continue licensing at the Cementon, New York site."

All of this is, we respectfully submit, rubbish.

PASNY has not provided any details, or, indeed, any showing, as to why dismissal would be counter to the public interest. The vague, unsworn statements of its counsel clearly do not rise to the level specified in the Siting Board's October 1 Order; and to rule otherwise would make a mockery of that order. On this basis alone, the application must be dismissed.

PASNY has also failed to advance any new arguments. The contention that a possible sale of assets could be jeopardized by the dismissal of the application is simply a repetition of the earlier arguments made by PASNY. The Siting Board ruled that such a submission would not be enough. On this basis as well, the application must be dismissed.

In the end, however, the application should be dismissed because it serves no public interest to continue it. PASNY's suggestion that a successor applicant might be found is pure fantasy in light of (A) Three Mile Island, (B) the recommendations of the NRC, PSC and DEC Staffs, made well before Three Mile Island, that the Cementon application be denied on environmental grounds, and (C) the vast cost increases for Babcock & Wilcox units (such as that proposed here) following from the Three Mile Island incident.\* Furthermore, it is beyond credibility that if PASNY, as a

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\* To these obstacles facing a successor applicant might also be added (A) the considerable possibility that a nuclear moratorium may be declared, (B) the State Energy Office's recommendation against construction of additional nuclear plants in the State, and (C) the Governor's opposition to nuclear construction.

public authority, is unprepared to proceed with the plant, any private, investor-owned utility (and they are the only ones remaining in New York who would have authority to build at a New York site) would be interested in doing so. Against this background, it is hardly surprising that the PASNY Report offers no details (and, indeed, nothing at all) on the interest of the utilities with which it has purportedly conducted discussions.

As to any possible sale of the project assets, there is not the slightest indication in PASNY's Report as to why the dismissal of the proceeding might adversely affect that effort. And the reason for this silence is obvious: it would make no difference. The assets are available for sale, either as a unit or as components, whether or not the application in this case is dismissed. Given the reality that a nuclear plant cannot and will not be built at the Cementon site, PASNY's generalized and unsupported claim that it and its customers might suffer significant financial disadvantage as a result of the dismissal of the application is without support.

This is not to say that financial hardship will not be suffered; it will be -- but not as a result of the dismissal of the application. The hardship was created when PASNY invested large sums of money before it obtained necessary licenses, and it became locked in when the entirely proper decision was made to abandon the project. But the resulting hardship is surely far less than would have been incurred if PASNY had pursued the application, since it is clear that the project would in the end have been rejected in any event. PASNY is to be credited for its decision to withdraw -- a decision which, both environmentally and economically, will minimize the costs that would otherwise have been incurred by PASNY, as well as the public. PASNY's reward, however, should not be to continue the license application in abeyance.

The Greene County Nuclear Generating Facility is dead, and it should be accorded its burial. However painful for PASNY, the law does not allow an application to remain

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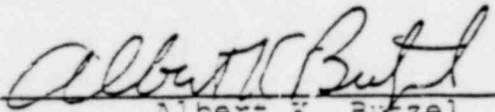
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pending in the abstract. That is the case here. It should be ended by dismissal of the application.

Dated: October 24, 1979

Respectfully submitted,

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