

# STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THE GOVERNOR NELSON A. ROCKEFELLER  
EMPIRE STATE PLAZA ALBANY 12223

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April 24, 1979

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Dr. Miller B. Spangler  
Special Assistant for Policy Analysis  
Division of Site Safety and Environmental  
Analysis  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Dr. Spangler:

Robert Vessels has asked me to respond to your request for comments on Federal-State Authorities and Cooperation in Nuclear Power Plant Licensing. Since time is short I have outlined two major areas that are pertinent to power plant siting in New York which could supplement the statements on page 27 of your paper.

A. Changes to New York Siting Law - In 1978 the siting law was amended to insure expeditious consideration of new applications. The key elements of the legislative changes are:

1. Membership of the Board - The Commissioner of the State Energy Office replaces the Commissioner of Health.

2. Pre-application procedures - Applicants are encouraged to consult with staffs of the Department of Public Service and Environmental Conservation regarding sampling methodology and study programs prior to implementation.

3. Intervenor funds - The fund has been raised from \$25,000 to \$150,000.

4. Length of cases - New applications must be completed in 24 months, and pending cases in 18 months.

5. Alternatives - The new statute allows early consideration and determination of alternative sources of power and alternative sites before resolution of other siting issues.

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April 24, 1979

B. Federal-State Cooperation - In recent years several attempts to eliminate duplication of regulatory processes have been made.

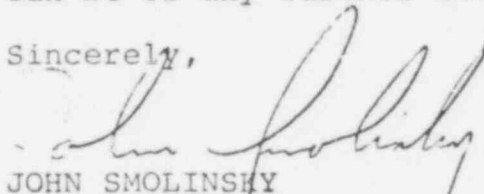
1. Joint applications - Staffs of the New York Department of Public Service and NRC developed the Joint Working Paper for the Preparation of Environmental Reports for Generating Facilities in New York State which allows an applicant proposing a nuclear generating facility in New York State to file only one environmental report which will satisfy the requirements of both the NRC and the New York Siting Board.

2. Joint hearings - Joint hearings were held in the Greene County case and are presently being negotiated in the New Haven case.

3. EIS work for NRC - The staff of the Department of Public Service has agreed to perform the analytic work related to certain portions of the Draft and Final Environmental Impact Statements for the New Haven case and to act as NRC expert witnesses for these portions.

Please contact me if I can be of any further assistance.

Sincerely,



JOHN SMOLINSKY  
Acting Chief, Generating Facilities  
Planning and Certification Section  
Office of Environmental Planning