

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	Docket Nos. STN 50-596
)	and STN 50-597
New York State Electric)	
and Gas Corporation and)	
Long Island Lighting Company)	AFFIRMATION IN SUPPORT
)	OF PETITION TO INTERVENE
NYSE&G 1 and 2)	

Robert J. Kafin, an attorney admitted to practice before the United States Supreme Court, hereby affirms the following to be true under the penalties of perjury:

1. I am the attorney for Columbia County, Town of Stuyvesant and Concerned Citizens for Safe Energy, Inc. and make this affirmation in support of their petition to intervene in this proceeding as parties.

2. This is an application by the New York State Electric and Gas Corporation (NYSE&G) and the Long Island Lighting Company for construction permits for two pressurized water nuclear reactors, each of which will be designed to operate with net electrical output of approximately 1250 megawatts. While the application requests a permit for the construction of the proposed facilities on the so-called "New Haven site" in the Town of New Haven, Oswego County, New York, the Environmental Report sets forth a prime alternate location for such facilities in the Town of Stuyvesant, Columbia County, New York.

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3. Columbia County and the Town of Stuyvesant are each municipalities within which the prime alternate site is located.

4. Concerned Citizens for Safe Energy, Inc. is a corporation, with principal offices in the vicinity of the Stuyvesant site, organized under the New York State Not-For-Profit Corporation Law whose primary purposes are:

- (a) To study and investigate environmental and public safety concerns involved with the construction of nuclear and/or fossil fuel power generating plants in Columbia County, the Hudson River Valley and elsewhere.
- (b) To communicate publicly its findings and opinions.
- (c) To study, investigate and communicate findings and opinions regarding alternate sources of electric power other than nuclear fuel.
- (d) To study, investigate and communicate findings and opinions regarding the conservation of electrical energy. On behalf of the hundreds of individuals who have joined Concerned Citizens, it has actively participated in cases before the New York State Public Service Commission relating to energy planning and NYSE&G rate making.

5. A large portion of Columbia County is within the service area of NYSE&G. Furthermore, all of Columbia County and, in fact, all of New York State is served by

private utilities (and the Power Authority of the State of New York) who are members of the New York Power Pool which operate a totally integrated system of electrical generating stations and transmission capacity within New York State. The proposed facilities are part of an integrated, comprehensive plan for the construction of numerous generating and transmission facilities throughout the State of New York, some of which will inevitably be located in Columbia County if the proposed facilities are approved for construction. Their financing, construction, operation and maintenance will necessarily affect the interests of the petitioners herein as representatives of distinct groups of consumers of electric power.

6. Each of the petitioners has the following interests:

- (a) It is concerned that the citizens it represents will be unable to obtain a safe, reliable and economical supply of electric energy if the construction permits are granted in this proceeding.
- (b) It is concerned that as a direct or indirect result of this proceeding, electrical facilities will be constructed in Columbia County which will have a substantial, adverse environmental and economic impact on the citizens of such area.

7. While the NRC most likely cannot grant a construction permit for facilities at the Columbia County site in this proceeding, it could decide a number of engineering, economic,

environmental, health and safety issues which are not strictly site related, but which could be binding upon the applicant and the petitioner should a construction permit be denied for the New Haven site and an application then be made relating to the Stuyvesant site. For example, the following issues might be decided, regardless of site specific considerations:

- (a) need for power
- (b) financial qualifications of applicants
- (c) technical qualifications of applicants
- (d) design of components
- (e) antitrust implications of the application
- (f) costs of the facilities
- (g) energy generation costs
- (h) expected average annual electrical energy generation from the facilities
- (i) decommissioning costs

8. Each of these issues materially relate to the ultimate cost-benefit analysis which the NRC must make in this case. If, for some reason, the New Haven site is found not to be acceptable, then, it is apparent that the applicant will apply for a construction permit for the same facilities at the Stuyvesant site. Unquestionably, the applicants will argue (and presumably be joined by the NRC Staff in this argument) that the issues litigated and resolved in connection

with these facilities at the New Haven site, to the extent they are not strictly site related, should not be relitigated in any application for facilities at the Columbia County site. For that reason, if the petitioners are not granted leave to intervene in this proceeding at this time, they will be forever foreclosed from participating in the determination of some of the most significant issues relevant to the grant or not of a construction permit for these massive facilities.

9. At present the specific aspects of the subject matter of the proceedings as to which petitioners wish to intervene are described by the following general categories:

- (a) need for power
- (b) comparative costs
- (c) health and safety
- (d) site suitability
- (e) applicants' capability
- (f) secondary impacts.

A brief description of petitioners' interest in each follows.

10. Need for Power. Petitioners are concerned about the impact on the electric power supply available, and its cost, to the individuals and institutions they each represent of the construction of the proposed facility, or its failure to be constructed.

11. Comparative Costs. If additional capacity is to be added to the systems which service petitioners' constituents, petitioners want to be sure that the most cost effective plan is followed.

12. Health and Safety. Since a number of non site-related health and safety issues may be resolved in this proceeding with respect to the design of the proposed facility, petitioners wish to be heard on those.

13. Site Suitability. Under the National Environmental Policy Act and 10 CFR Part 51, consideration of alternate sites is an integral part of this proceeding. Since the applicants' primary alternate site is in Stuyvesant in Columbia County, Petitioners wish to participate in the consideration of alternate sites.

14. Applicants' Capability. Petitioners believe that inflation, poor planning, decline in electric power use growth and other factors make it unlikely that applicant NYSE&G has the capability of financing, constructing and operating the proposed facilities. Granting a construction permit in these circumstances would have a material, adverse impact on petitioners.

15. Secondary Impacts. It is perfectly clear that, among other things, the construction of the proposed facilities at the New Haven site will require substantial new extra high

voltage transmission capacity to be built in Columbia County since the existing 765 kv transmission system now runs from near the New Haven site to points in or adjacent Columbia County. The only possible route for New Haven power to the southeastern New York load centers is through Columbia County. Therefore, petitioners wish to be heard on this and other secondary impacts on them of granting a construction permit in this proceeding.

16. It is believed that none of the other parties to this proceeding will represent the particular interests of the petitioners and that no means other than intervention is available to petitioners to protect their respective interests.

17. Inasmuch as a large part of the proceeding will apparently involve consideration of alternate sites, and especially the Stuyvesant site, the participation of Columbia County and the Town of Stuyvesant, the two municipalities within which the site is located, will be of substantial assistance in developing a sound record.

18. Finally, since the aspects of the proceeding relating to environmental impact will be carried on jointly with the N.Y.S. Board on Electric Generation Siting and the Environment, before whom the petitioners are already parties, their intervention herein as well will make the proceeding more efficient and less confusing.

March 12, 1979



Robert J. Kafin

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NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above-captioned matter. In accordance with 10 CFR §2.713(a), the following information is provided:

Name	Robert J. Kafin
Address	Miller, Mannix, Lemery & Kafin, P.C. P.O. Box 765 11 Chester Street Glens Falls, New York 12801
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Admission	United States Supreme Court
Parties Represented	(1) Columbia County Columbia County Planning Board 70 North Third Street Hudson, New York 12534 (2) Town of Stuyvesant William J. Spampinato, Esq. 10-12 South Fourth Street Hudson, New York 12534

(3) Concerned Citizens for Safe
Energy, Inc.
Anne F. Curtin
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Box 82-A-40
Valatie, New York 12184

March 12, 1979

Respectfully submitted,


Robert J. Kafin


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I hereby certify that I served copies of the Notice of Appearance of Robert J. Kafin, Esq., and Petition to Intervene with supporting Affirmation by mail on March 12, 1979 on the following:

Executive Legal Director,
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Roderick Schutt, Esq.
Huber, Magill, Lawrence & Farrell
99 Park Avenue, New York, New York 10016


Pat Gibbons

Sworn to before me this

15th day of March, 1979

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Notary Public - Comm. Exp. 3/30/80

ROBERT J. KAFIN
Notary Public, State of New York
No. 7106019
Qualified in Warren County
Commission Expires March 30, 1980

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