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April 27, 1979

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Re: PSC CASE 80008 and NRC Dockets 50-596 &  
50-597 -- NYSEG & LILCO -- New Haven.

Gentlemen:

Staffs of the Departments of Public Service and Environmental Conservation propose as a guideline the attached schedule for conducting joint hearings before the Nuclear Regulatory Commission (NRC) and the New York State Board on Electric Generation Siting and the Environment on the application of New York State Electric & Gas Corporation and Long Island Lighting Company to build two nuclear generating units at New Haven, New York. We have discussed this schedule with the NRC staff, and NRC staff considers it to represent a reasonable target schedule.

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Our schedule is based on a number of considerations. First, the schedule was developed to comply with applicable NRC regulations which must be adhered to if we are to conduct joint hearings with the NRC. We have enclosed in this mailing a copy of our proposed joint protocol which will govern the conduct of the hearings. The protocol in Article X states that evidentiary hearings shall not begin until after the NRC issues the final environmental statement (FES). This is desirable since the NRC staff may not present its views on environmental matters until the FES is issued (10 CFR 51.52(a)). The protocol contemplates that orders will be issued in both federal and state proceedings limiting those issues which may be litigated. Also, Article X provides that the first hearings on a particular contested issue should not take place until after parties and intervenors file their direct testimony on that issue and until after the applicants have had an opportunity to file rebuttal testimony on that issue. These procedures allow the hearings to focus on contested issues and eliminate the time-consuming and aimless cross-examination that has plagued previous Article VIII cases. Identification of contested issues and issue-by-issue trial of the case places great emphasis on the discovery process. Our schedule includes sufficient time for parties to complete discovery of the applicants' case and formulate issues.

Second, our schedule allows the parties to consider the electric demand forecast of the NYS Energy Planning Board. This forecast, due to be issued not later than December 1, 1979, is binding on the Siting Board deciding this case. N.Y. Energy Law, § 5-112(3)(c). As the official state forecast, it will likely be considered important evidence in the federal docket. Under staffs' schedule, this forecast can be included and analyzed in NRC's environmental statements and in subsequent hearings. It is important to the State that the FES include the official state forecast. The staffs of the Department of Public Service and Environmental Conservation are preparing substantial portions of the FES for, and under the supervision of, the NRC. Under NRC specifications, the FES must include consideration of load forecasts which are relied on when they are different from the applicants' forecast. (NRC Environmental Standard Review Plan, Section 8.2). Therefore, the staffs must consider the official state forecast before the FES is issued.

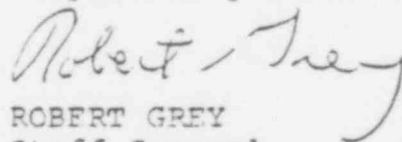
Third, there is uncertainty concerning the need for New Haven 1 and 2. Decisions on pending Article VIII cases must be made by February 4, 1980. Public Service Law § 149-a (as added L. 1978, c. 708). Resolution of those cases -- particularly Jamesport which has the same applicants as New

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Haven -- will do much to clarify the need for capacity and possible economic justification for New Haven and the identity of the co-applicants. Staffs' schedule for New Haven is not built on the proposition that uncertainty over need must be resolved before we begin consideration. In fact, we have already begun discovery. The existence of uncertainty, however, is reason not to rush toward completion of the New Haven proceeding, particularly since the applicants have slipped the in-service dates for these units by one year (Letter of A. E. Kintigh, NYSE&G, to Robert Grey, PSC, April 5, 1979).

In summary, our schedule implements the joint protocol, allows time to evaluate the Energy Planning Board's demand forecast, and is reasonable in light of present uncertainty. It recognizes and accommodates the policy favoring joint hearings and provides the time necessary to prepare an FES which is an integral part of that process. We urge that the joint hearing bodies use the attached schedule as a guideline for the joint hearing.

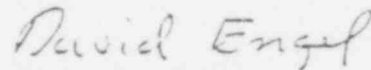
Respectfully submitted,



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DAVID ENGEL  
Senior Attorney for  
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Enc.

Copies to All Parties

STAFFS OF DPS AND DEC SCHEDULE FOR JOINT  
FOR NEW HAVEN 1 AND 2

April 1, 1980	)	issuance of Draft Environmental
	) 4 mos.	Statement
	)	
	)	
August 1, 1980	)	issuance of Final Environmental
	) 1 mo.	Statement
	)	
	)	
September 1, 1980	)	begin evidentiary hearings
	)	
	) 4 mos.	
	)	
January 1, 1981	)	complete evidentiary hearings

STAFFS OF DPS AND DEC SCHEDULE FOR THE  
POST-HEARING STAGE OF THE NEW HAVEN  
ARTICLE VIII PROCEEDING

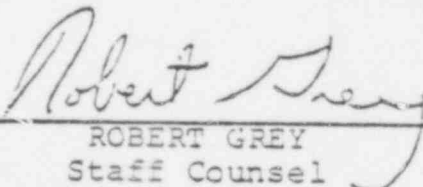
mid-March, 1981	)	file initial briefs
	)	
	) 1/2 mo.	
	)	
	)	
April 1, 1981	)	file reply briefs
	) 2 mos.	
	)	
June 1, 1981	)	Examiners' Recommended Decision
	)	
	)	
	) 1 mo.	
	)	
July 1, 1981	)	file briefs on exceptions
	)	
	) 1/2 mo.	
mid-July, 1981	)	file briefs opposing exceptions
	)	
	)	
	) 2-1/2 mos.	
	)	
	)	
October 1, 1981	)	Siting Board decision

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CASE 80008 and Dockets 50-596 & 50-597 -- New York State Electric & Gas Corporation & Long Island Lighting Company -- New Haven 1 and 2.

CERTIFICATE OF SERVICE

I certify that copies of the "Protocol for the conduct of joint hearings..." and the letter to the joint hearing bodies concerning scheduling have been served this 27th day of April, 1979, either by deposit in the United States mail (first class) or in the NYT internal mail system, on those persons listed in the attachment to this certificate.

  
ROBERT GREY  
Staff Counsel



Attachment

Attachment to Certificate of Service

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