

10/26/79

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Appeal Board

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

and)

NEW YORK STATE ELECTRIC &)
GAS CORPORATION)

(Jamesport Nuclear Power Station,)
Units 1 and 2))

Docket Nos. 50-516
50-517

Siting Board Proceeding
Status Report No. 2

As requested by this Board, the Applicants filed a Siting Board status report on October 10, 1979. On October 17, Suffolk County (SC) gratuitously filed a "supplementary" report which, among other things, accused the Applicants of withholding pertinent information. This SC "supplement" requires a response.

1. SC began its October 17 effort with the following allegation:

In a report dated October 19 [sic], 1979 Applicants responded to a request of this Board for an update on . . . the Jamesport State Siting Board proceeding.

Applicants failed to mention [sic] a development of significance to the Jamesport case of which the Board should be made aware. On October 12, 1979, the State Siting Board issued an order dismissing Case 80008, an application by New York State Electric and Gas Corporation . . . and Long Island Lighting Company (LILCO) to construct two 1250 MW facilities in New Haven

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The Applicants' status report, however, was not filed on October 19 as claimed by SC. It was filed on October 10. That date appears three times on the report -- on its first page and twice in its attached certificate of service. Thus, the Applicants could not possibly have "failed to mention" the Case 80008 decision referenced by SC; the decision did not come down until October 12, two days after the Applicants filed their status report.

2. Proceeding from this threshold error, SC then implied that NYSE&G no longer remains a Jamesport Applicant. It is useful to quote a passage from page 30 of the Applicants' August 16, 1979 Brief to the Siting Board:

Finally, several parties questioned the 1976 Memorandum of Understanding between LILCO and NYSE&G. Contrary to the belief of some of these parties, developments in Case 80008 have not, and will not, affect LILCO and NYSE&G's joint venture to license, build and own the Jamesport nuclear units.

Irrespective of developments in Case 80008, including the Siting Board's decision of October 12, 1979, LILCO and NYSE&G remain jointly committed to the Jamesport Nuclear Power Station.

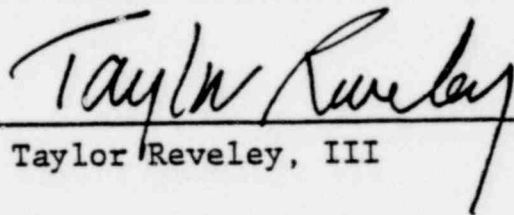
3. SC alleged in conclusion that the Applicants have "attempted to argue that the proposed Jamesport Units are needed to meet statewide electrical demand." (Emphasis added.) The actual grounds for Jamesport were summarized for the NRC Appeal Board on pages 23-32 of the Applicants' Brief Opposing Exceptions (Aug. 14, 1978). These grounds include (1) satisfaction of

LILCO and NYSE&G's "electrical demand," (2) lessening LILCO's dependence on oil and NYSE&G's on coal, (3) supplying LILCO and NYSE&G's customers with less expensive electricity than would otherwise be the case, and (4), in light of the transmission and load center characteristics of New York State, supplying LILCO and NYSE&G's customers, as well as those throughout the rest of the state, with the economic savings and increased electric reliability that can come only from locating new baseload generating capacity in the southeastern corner of New York.

4. In a notice issued on October 23, 1979, the Siting Board set oral argument in Case 80003 for November 28, 1979.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY



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Dated: October 26, 1979

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CERTIFICATE OF SERVICE

I hereby certify that copies of Siting Board Proceeding Status Report were served upon the following by first-class mail, postage prepaid, on October 26, 1979:

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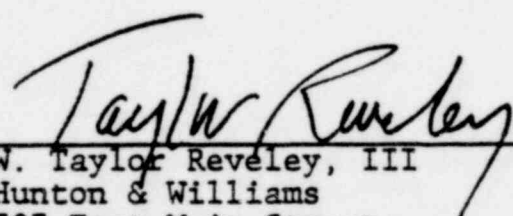
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