

PROG. & UTIL. FAC. 50-596,577



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NRC PUBLIC DOCUMENT ROOM

September 5, 1979

State of New York  
Board on Electric Generation Siting  
and the Environment  
New York State Department of  
Public Service  
Agency Building No. 3  
Albany, New York 12223

Re: Application of New York State  
Electric & Gas Corporation and  
Long Island Lighting Company;  
Case No. 80008 before the  
New York State Board on Electric  
Generation Siting and the  
Environment

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Dear Sirs:

We are submitting this brief reply to the letter of Rochester Gas and Electric Corporation dated August 23, 1979 and addressed to the members of the Public Service Commission. By notice issued on August 23, 1979, this Board distributed copies to all parties in this proceeding.

That letter apparently misconstrues the Commission's decision issued on July 10, 1979. The Commission did not say that the ownership plan set forth in the application could not be altered to meet future conditions. However, while the possibility of future change may exist, the Siting Board should insist that at each point in the proceeding it has before it applicants who are then ready, able and willing to build the proposed plant if approval is obtained. The Board should not consider an application by a dummy company which has no present intention to build the plant. Since LILCO evidently has no such intention, and NYS&G has not

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To: State of New York  
Re: Application of N.Y.S.  
Electric & Gas Corp. and  
Long Island Lighting Co.  
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September 5, 1979

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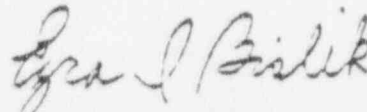
said it would proceed without a partner, there are no viable applicants before the Board. It would not necessarily follow that an application by serious, viable applicants having a present intention to follow through on the project must be dismissed because of the possibility that applicants' intentions may change in the future.

Furthermore, Rochester Gas is incorrect in characterizing the issue as whether there is "a rather definitive statement of the extent of each utility's participation in the proposed project" (letter, p. 1; emphasis added). The issue before the Board here is broader than whether LILCO's participation will be 50% or 49%. The issue is whether LILCO intends to be a builder or owner at all, and whether NYSEG intends to proceed at all if LILCO does not. Therefore the identity of the proposed owners, not merely the exact percent of their participation, is in question here.

For these reasons, and those set forth in our reply brief dated August 3, 1979, we renew our request that the Board dismiss the application.

Very truly yours,

ROBERT ABRAMS  
Attorney General  
By



EZRA I. BIALIK  
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EIB:ted

NEW YORK STATE BOARD ON ELECTRIC GENERATION  
SITING AND THE ENVIRONMENT

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Application of the NEW YORK STATE ELECTRIC :  
& GAS CORPORATION and the LONG ISLAND :  
LIGHTING COMPANY pursuant to Article VIII :  
of the Public Service Law for a certificate :  
of environmental compatibility and public :  
need to construct two 1250-megawatt nuclear :  
generating units in the Town of New Haven, :  
Oswego County, or at an alternate site in :  
the Town of Stuyvesant, Columbia County.


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CERTIFICATION OF SERVICE

STATE OF NEW YORK )  
: SS.:  
COUNTY OF NEW YORK)



This is to certify that a true copy of the annexed letter of Attorney General Robert Abrams dated September 5, 1979, was served upon the persons appearing on the attached list by depositing in a post office box regularly maintained by the Government of the United States in the County of New York, State of New York, on September 5, 1979, or in the case of New York State agencies, was on that date sent either by such mailing or by depositing in the State's internal mail system.

  
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