

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

11/19/79

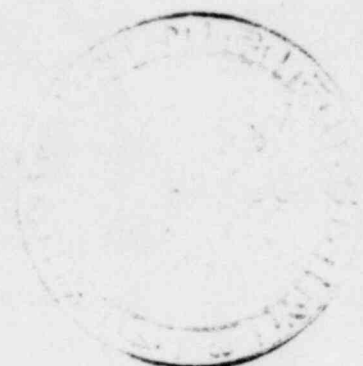
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

NEW YORK STATE ELECTRIC & GAS)
CORP. & LONG ISLAND LIGHTING CO.)

(New Haven 1 and 2))

Docket Nos. STN 50-596
STN 50-597



NRC STAFF RESPONSE TO APPLICANTS' "MOTION FOR
INDEFINITE DELAY IN THIS PROCEEDING DUE TO
THE DISMISSAL BY THE STATE SITING BOARD OF CASE 80008"

This case is being conducted as a joint proceeding before the Nuclear Regulatory Commission and the New York State Board on Electric Generation Siting and the Environment ("Siting Board"). On October 12, 1979 the Siting Board issued an "Order Dismissing Application" with respect to the application for a state certificate of environmental compatibility and public need for the proposed New Haven facility. On October 29, 1979 the Applicants filed with the Atomic Safety and Licensing Board a "Motion for Indefinite Delay in this Proceeding Due to the Dismissal by the State Siting Board of Case 8008". The Applicants stated in their motion that they "will move for rehearing before the Siting Board pursuant to Public Service Law §148 which is a prerequisite to appealing the order of dismissal." Based upon the uncertainty this course of action introduces with respect to the future of the state proceeding, and the resulting uncertainties with respect to the Joint Proceeding, Applicants move for an indefinite

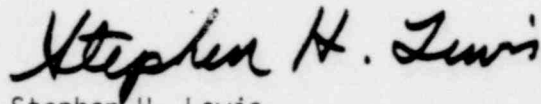
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postponement of activities with respect to the construction permit aspects of the proceeding before the Licensing Board. The construction permit proceeding before the Licensing Board is presently at the stage of negotiation of final revisions to contentions. Board Order of September 18, 1979.

The NRC Staff supports the Applicants' motion. We perceive no prejudice to any party from the proposed postponement and, in light of the joint nature of the federal and state proceeding, it seems wise to await the outcome of Applicants' motion for rehearing and of any appeal therefrom to the New York courts.

Respectfully submitted,



Stephen H. Lewis
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 19th day of November, 1979.

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
NEW YORK STATE ELECTRIC & GAS CORP.) Docket Nos. STN 50-596
AND LONG ISLAND LIGHTING CO.) STN 50-597
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(New Haven 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO APPLICANTS' "MOTION FOR INDEFINITE DELAY IN THIS PROCEEDING DUE TO THE DISMISSAL BY THE STATE SITING BOARD OF CASE 80008," in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 19th day of November, 1979:

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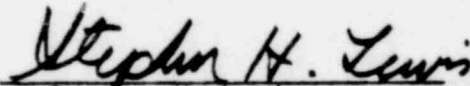
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