

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

New York State Electric
and Gas Corporation and
Long Island Lighting Company

NYSE&G 1 and 2

NRC PUBLIC DOCUMENT ROOM

Docket Nos. STN 50-596
and STN 50-597

NOTICE OF HEARING OF APPLICATION
FOR CONSTRUCTION PERMITS

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Domestic Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice for Domestic Licensing Proceedings," notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board, to consider the application filed under the Act by the New York State Electric and Gas Corporation (NYSE&G) and the Long Island Lighting Company (LILCO), applicants, for construction permits for two pressurized water nuclear reactors designated as NYSE&G 1 and 2 (the facilities), each of which will be designed to operate at a core power level of 3800 megawatts thermal, with an equivalent net electrical output of approximately 1250 megawatts. The proposed facilities are to be located on the New Haven site in the Town of New Haven, Oswego County, New York, approximately 9 miles east of the City of Oswego, 30 miles north of Syracuse, and 2 miles south of Lake Ontario.

7902140⁵008

(11)

416 067



This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants in accordance with Commission regulations 10 CFR Part 50 Appendix N. The application references the Combustion Engineering Standard Safety Analysis Report (CESSAR System 80), Docket No. 50-470. CESSAR System 80 received a Preliminary Design Approval (PDA-2) on December 31, 1975. This application also references the Stone and Webster Engineering Corporation Standard Safety Analysis Report (SWESSAR-P1), Docket No. 50-495. SWESSAR-P1 received a Preliminary Design Approval (PDA-6) on August 18, 1976.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board (Board), which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Dr. Oscar H. Paris, Member, Dr. Walter L. Jordan, Member, and Seymour Wenner, Esq., Chairman.

Pursuant to 10 CFR §2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's staff of a favorable safety evaluation of the application and an environmental review, and upon

receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Nuclear Reactor Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicants. In the event that a separate hearing is held with respect to a limited work authorization, Item 6 below describes the matters for consideration.

Issues Pursuant to the Atomic Energy Act of 1954, as Amended

1. Whether in accordance with the provisions of 10 CFR 50.35(a):
 - (a) The applicants have described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;
 - (b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;
 - (c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the New York State Electric and Gas Corporation is technically qualified to design and construct the proposed facilities;
3. Whether New York State Electric and Gas Corporation and Long Island Lighting Company are financially qualified to design and construct the proposed facilities; and
4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue Pursuant to National Environmental Policy Act of 1969 (NEPA)

5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

Issues Pursuant to 10CFR 2.761a (Limited Work Authorization)

6. Pursuant to 10 CFR 2.761a, a separate hearing and partial decision by the Board on issues pursuant to NEPA and general site suitability

and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Nuclear Reactor Regulation may, pursuant to 10 CFR 50.10(e) authorize the applicants to conduct certain onsite work entirely at their own risk prior to completion of the remainder of the proceeding.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine without conducting a de novo evaluation of the application: (1) whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's staff has been adequate to support the proposed findings to be made by the Director of Nuclear Reactor Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Nuclear Reactor Regulation; and (2) whether the NEPA review conducted by the Commission's staff has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether construction permits should be issued to the applicants.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with 10 CFR §51.52(c): (1) determine whether the requirements of Section 102(2)(A), (C), and (E) of NEPA and 10 CFR Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permits with a view to determining the appropriate action to be taken; and (3) determine after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives whether construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR §2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715. A person making a limited appearance may make an oral or written statement of position on the issues. A limited appearance may be made at any session of the hearing or at any prehearing conference subject to such limits and conditions as may be imposed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by APRIL 10, 1979.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition, under oath or affirmation, for leave to intervene in accordance with the provisions of 10 CFR § 2.714. A petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to

intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend a petition, without prior approval of the presiding officer at any time up to 15 days prior to the holding of the first prehearing conference, but such an amended petition must satisfy the specificity requirements described above. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to present evidence and cross-examine witnesses.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not

be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR §2.714(a)(1)(i)-(v) and §2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 must be filed by the applicants by MARCH 1, 1979.

A request for a hearing or a petition for leave to intervene shall be filed by MARCH 12, 1979 with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room 1717 H Street, N. W., Washington, D. C. by the above date. A copy of the petition should also be sent to the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, and to Roderick Schutt, Esq., Huber, Magill, Lawrence & Farrell, 99 Park Avenue, New York, New York 10016, attorney for the applicants. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR §2.708, an original and twenty (20) conformed copies of each such paper with the Commission. Any questions or requests

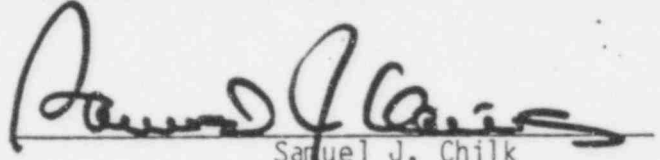
for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555.

For further details, see the application for construction permits dated November 22, 1978 including site suitability information, and the applicants' Environmental Report, dated November 22, 1978, which along with any amendments or supplements thereto, are or will be available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C. between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of these documents will also be available at the Office of the Clerk of Oswego County Legislature, Oswego County Office Building, 46 East Bridge Street, Oswego, New York 13126 for inspection by members of the public between the hours of 9 a.m. and 5 p.m. on weekdays. As they become available, a copy of the Safety Evaluation Report by the Commission's staff, the Draft and Final Environmental Statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the proposed construction permits and the ACRS report may be obtained, when available, by request to the Director, Division of Project Management, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555. Copies of the Commission's staff Safety Evaluation Report and Final Environmental Statement, when

available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Washington, D. C. this 5th day of February, 1979.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Samuel J. Chilk", written over a horizontal line.

Samuel J. Chilk
Secretary of the Commission