

May 29, 1979

NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
POWER AUTHORITY OF THE STATE)
OF NEW YORK)
(Greene County Nuclear Power)
Plant))

Docket No. 50-549



NRC STAFF RESPONSE TO
POWER AUTHORITY OF THE STATE OF NEW YORK'S
REQUEST FOR SUSPENSION OF PROCEEDING

In a letter dated May 7, 1979, the Power Authority of the State of New York (PASNY) applied to the Atomic Safety and Licensing Board for suspension of the proceeding pending before it until May 1, 1980. The request was based upon PASNY's ongoing attempts to sell the assets in the Greene County Nuclear Power Plant. PASNY considers the record in this proceeding to be a considerable asset which could serve as an inducement to a potential purchaser, apparently on the theory that substantial portions of the record would not have to be relitigated upon the substitution of a new applicant. Without passing upon this theory, we would note that the replacement of PASNY with a new applicant would necessitate a de novo review of that entity's technical and financial qualifications. Additionally, based upon the opposition of the NRC Staff and the Staff of the Departments of Public Service and Environmental Conservation to the siting of this facility at the proposed Cementon site it does not appear likely that any revised application would be for a facility at that site. Other significant changes, which cannot be presently anticipated, may also occur before any revised application is filed. In short, it appears to the NRC Staff that any revised application in this docket would be significantly changed from the application now of record.

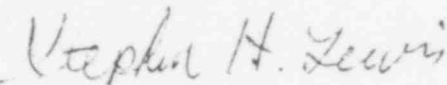
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Nevertheless, subject to the following understandings, the NRC Staff has no objection to the granting of PASNY's requested suspension. First, the Staff would have to undertake a de novo review of any changed aspects of the application, as noted above. Second, as developed in the enclosed memorandum, certain safety matters previously considered resolved for this application would have to be reopened to consider the most current Staff positions growing out of ongoing Staff investigations. The specific determination of what safety standards would apply to a revised application would have to be established once such an application is received and is under review. Finally, we believe that this docket should be treated as inactive until PASNY either indicates on what basis the application should go forward or formally withdraws its application. During this period there would appear to be nothing that could transpire before the Board and the Staff would discontinue sending the Board the various "notifications" that are transmitted to Boards in active proceedings.

To summarize, the Staff has no objection to PASNY's requested extension subject to the understanding noted above.^{1/}

Respectfully submitted,


Stephen H. Lewis
Counsel for NRC Staff


Janice E. Moore
Counsel for NRC Staff

Enclosure

Memo to GHCunningham from DBVassallo,
dated 5/18/79.

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^{1/} Although it is not determinative of our response to this motion, we note that the Presiding Examiner has also granted PASNY an extension (until October 16, 1979) to report on its plans concerning the State docket.