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OSWEGO COUNTY LEGISLATURE

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NRC PUBLIC DOCUMENT ROOM

May 10, 1979

Secretary  
United States Nuclear  
Regulatory Commission  
Washington, D.C. 20555

Attn: Docketing and Service Branch

Dear Sir:

Oswego County hereby petitions the United States Nuclear Regulatory Commission for leave to intervene as a party-of-interest without contentions pursuant to Title 10, Chapter 1, Part 2, Section 2.715(c) of the United States Nuclear Regulatory Commission Rules and Regulations in the license proceeding of applicant New York State Electric and Gas Company for construction of two 1250 megawatt nuclear power generating units at New Haven in Oswego County, New York (Docket No. STN 50-596/597).

Oswego County requests that the Commission consider this petition despite its untimely filing for the following reasons pursuant to Title 10, Chapter 1, Part 2, Section 2.714(a)(1) of the Commission's Rules and Regulations:

- 1) Petition to intervene was not filed by the time specified in the February 9, 1979, issue of the Federal Register because Oswego County was not aware at that time of the provisions of Part 2, Section 2.715(c) permitting participation by municipalities without specific contentions;
- 2) Participation by Oswego County in these proceedings is the only means by which its interests can be fully protected in this matter. Participation in the New York State Public Service Commission proceedings on this proposal will not afford the county opportunity to protect its interests in matters of health and safety. The perspective of the county is unique among other parties to the hearing as detailed below (4);
- 3) The Oswego County Legislative Committee on Planning and Development has been involved in a two-year study of the impact of the electric power generating industry on the natural, social, and



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economic environment of Oswego County. The Committee anticipates concluding this study by early autumn 1979, and the conclusions of the study will form the basis for county policy in assessing any future proposals, including the immediate application, for construction and operation of electric generating facilities in the county;

- 4) The interests of Oswego County cannot be adequately represented by the State of New York, by local governments, or by other parties to the hearing, since the perspective and concerns of the county are unique by virtue of its political jurisdiction;
- 5) It is not anticipated that participation by Oswego County in these proceedings will result in a broadening of issues or a delay in the proceedings.

As stated above, Oswego County is not prepared at this time to present contentions, and may in fact not choose to do so. However, the county does have a concern for remaining abreast of the proceedings and for having an opportunity to present testimony and to cross-examine applicant and NRC staff witnesses. The county is concerned with the environmental impact of the plant on the natural and human environment and with the safety and health impacts of operating a nuclear power plant in the county.

It has been the practice of the Oswego County Legislature to formally direct by resolution that the Chairman of the Legislature petition the adjudicatory body hearing a license application proceeding for leave to intervene. Because the County Legislature cannot enact such a resolution until its regular session on June 14, 1979, I hereby request, on behalf of the county, that the Nuclear Regulatory Commission accept this letter as Oswego County's petition to intervene subject to amendment by inclusion of an authorizing resolution from the County Legislature after June 14, 1979. Such an arrangement will allow us to participate in the prehearing conference scheduled for Wednesday, May 23, in Oswego, New York.

Please direct further correspondence on this matter to Alman J. Hawkins, County Planning Director, Oswego County Planning Department, 46 East Bridge Street, Oswego, New York, 13126.

Sincerely,



Robert P. Jones  
Chairman

RPJ:mj

cc: M. Mulkey, Office of Executive Legal Director  
S. Wenner, Esq., Atomic Licensing Board  
R. Schutt, Esq., Huber, Magill, Lawrence & Farrell

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