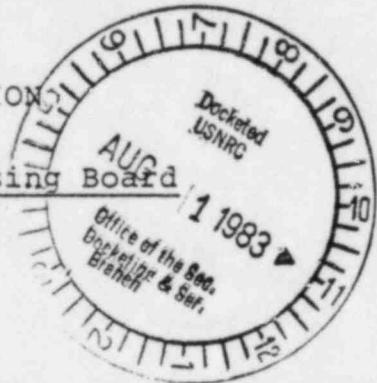


7/29/83

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board



In the Matter of )

LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station, )  
Unit 1) )

Docket No. 50-322 O.L.

SUFFOLK COUNTY MOTION FOR LEAVE TO RESPOND  
TO LILCO AND NRC STAFF NEPA ARGUMENTS

The Licensing Board presently has before it LILCO's June 8, 1983 motion for a low power operating license. Suffolk County hereby requests leave to file the attached response to LILCO and Staff arguments concerning the need to supplement the Shoreham final environmental impact statement ("FEIS").

LILCO's June 8 motion did not address the question of the need to supplement the FEIS. Suffolk County raised this issue in its June 27, 1983 response to the low power motion. Pursuant to leave of the Board, LILCO and the Staff filed responses to the County pleading on July 18, 1983. The County seeks to respond only to the FEIS supplementation arguments raised in the July 18 LILCO and Staff responses. The other issues are adequately set forth in existing pleadings.

With respect to the FEIS supplementation issue, however, LILCO and the Staff have presented arguments which the County

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could not fully anticipate in its June 27 filing. These concern the alleged "economic" impact question and whether economic concerns are within the scope of NEPA and the argument that the circumstances cited by the County relating to the need to supplement the FEIS are too speculative. As to each of these arguments, there are legal precedents and discussion which should be brought to the Board's attention so that a proper decision on this issue can be reached. These are set forth in the attached response.

In view of the fact that the County could not fully anticipate the arguments which would be raised in opposition to its FEIS supplementation position and since the time for ruling on the low power motion is likely still sometime in the future (a partial initial decision on health and safety issues is not scheduled to be issued until after July and the diesel issue is yet to be resolved), the County respectfully requests the Board to accept the attached filing and to consider it in ruling on LILCO's low power motion.

Respectfully submitted,

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July 29, 1983

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