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USNRC

LILCO, August 19, 1983

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OFFICE OF SECRETARY  
MEETING & SERVICE  
BRANCH  
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
LONG ISLAND LIGHTING COMPANY	)	Docket No. 50-322 (OL)
	)	
(Shoreham Nuclear Power Station,	)	
Unit 1)	)	

LILCO'S RESPONSE TO THE  
BOARD ORDER OF AUGUST 9th

We have the Board's August 9 order and the Staff's response to it of August 16, 1983. We have just received the Staff's voluminous supplemental submission of August 18 provided by the Staff on the precise nature of the allegations and on the investigation to date of these claims by Region I, but have not yet an opportunity to review it substantively.

Five points:

1. To the extent LILCO has sufficient information to understand the allegations, the Company has been conducting its own investigation. That process will continue. To date, no basis for any claim has been found.

2. LILCO has been cooperating, and will continue to cooperate, with the Staff in its investigation.

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3. Allegations of the present sort have been made before. None has been found to have basis in the past.<sup>1/</sup> In light of past experience, and given the results of Region I's and LILCO's investigations to date, the Company does not anticipate that the current set of allegations will be found to have basis.

4. Accordingly, the fact that the present investigation by Region I remains in progress does not, in our judgment, constitute grounds for delaying issuance of a partial initial decision on issues on which the record closed over four months ago. If the ongoing I&E and/or LILCO investigations produce information warranting a reopening of the record, the record and decision could be reopened and reconsidered. But in the absence of meaningful evidence that one allegation or another actually has some basis, it would be counterproductive to withhold a partial initial decision simply because the investigation of some of the allegations has yet to be completed. If it were NRC practice to withhold decisions on that basis, then all a person would need do to delay a decision would be to raise allegations pertinent to litigated contentions, thereby trigger an I&E investigation, and prolong it by failing to be precise about the nature of the charges and any supporting evidence.

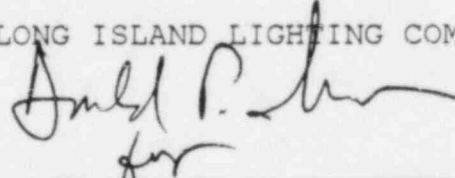
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<sup>1/</sup> See, e.g., the results of the investigation of numerous allegations conducted from December 11, 1979 through March 19, 1980, by Region I; its pertinent 61-page report is numbered 50-322/79-24.

5. It seems not unlikely that issuance of a partial initial decision on issues litigated through last April will engender motions, appeals, and other requests for review. It is also possible that the decision will embody certain conditions whose satisfaction will take time. In short, the decision is needed now so that whatever further litigation and work it occasions may be begun.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY

A handwritten signature in dark ink, appearing to read "W. Taylor Reveley, III", written over a horizontal line.

W. Taylor Reveley, III

Hunton & Williams  
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DATED: August 19, 1983

LILCO, August 19, 1983

CERTIFICATE OF SERVICE

In the Matter of  
LONG ISLAND LIGHTING COMPANY  
(Shoreham Nuclear Power Station, Unit 1)  
Docket No. 50-322 (OL)

I hereby certify that copies of LILCO's Response to the Board Order of August 9th were served this date upon the following by first-class mail, postage prepaid.

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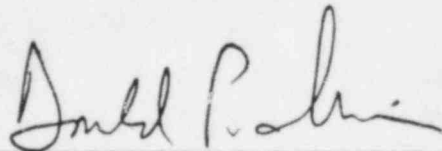
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