

059
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
JUL-6 P2:53

Before the Commission

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station,
Unit 1)

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Docket No. 50-322-OL

DOCKET NUMBER
PROD. & UTIL. FAC. 50-322-OL-3

DOCKET NUMBER
PROD. & UTIL. FAC. 50-322-OL-4

MOTION FOR LEAVE
TO FILE BRIEF AMICUS CURIAE

The Atomic Industrial Forum, Inc. ("Amicus") hereby moves, pursuant to 10 CFR § 2.715(d), for leave to file a brief as amicus curiae in connection with the request and motion for disqualification of Chairman Palladino filed by Suffolk County and the State of New York in the Shoreham operating license proceeding.

The Atomic Industrial Forum, Inc. is an association of over 500 domestic and overseas organizations interested in the development of peaceful uses of nuclear energy. Its members include electric utilities, manufacturers, architect-engineers, consulting firms, law firms, mining and milling companies, labor unions, financial institutions, universities, and others who design, build, operate and service facilities for the production of nuclear fuel and the generation of nuclear

power. Long Island Lighting Company is a member of the Forum. In addition, each utility owning the plants identified in the Individual Statement of Nunzio J. Palladino, Chairman, U. S. Nuclear Regulatory Commission, Before the Subcommittee on Energy and the Environment, Committee on Interior and Insular Affairs, U. S. House of Representatives, dated May 17, 1984, is a member of the Forum. The members of the Forum have had extensive experience in the law relating to nuclear regulation and practice. Its members, as well as all consumers of electricity, stand to be harmed in the event of unnecessary delays in the licensing process.

On June 6, 1984, counsel for Suffolk County and the State of New York served on Chairman Palladino a formal request that the Chairman recuse himself from the Shoreham operating license proceeding. On June 20, 1984, the Chairman, in a Memorandum to the Parties, invited comment from all parties as to whether he should recuse himself in the proceeding, either as a matter of legal requirement or of discretion. Amicus believes that there are substantial policy issues associated with the recusal effort in this case. Those policy issues include the need for expeditious conduct of Nuclear Regulatory Commission ("Commission") licensing proceedings and the role of the Chairman of the Commission in carrying out the policies of the Commission and the law which requires that Commission adjudications be conducted without unnecessary delays. The

disposition of the recusal request thus relates to the entire fabric of Commission licensing proceedings. Because of the far-reaching consequences if it should be determined that the Chairman of the Commission may not carry out the policies of the Commission and may not initiate administrative actions designed to bring efficiency and expedition to the licensing process, Amicus requests permission to file a brief in this matter.

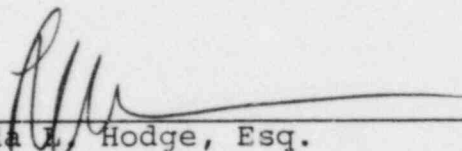
Amicus believes that the position it will take with respect to the issues connected with the recusal motion will be supportive of the position of applicant in this proceeding. Amicus is aware of the provisions of Section 2.715(d), whereby such brief is to be filed within the time allowed to the party whose position the brief will support, except as otherwise provided by the Commission. Amicus hereby requests permission to file its brief out of time on July 6, 1984. The motion by counsel for Suffolk County and the State of New York was dated June 6, 1984. Applicant's response was filed June 18, 1984. The Chairman of the Lawyers Committee and the General Counsel of the Atomic Industrial Forum, Inc. each first became aware of the recusal request and the Chairman's Memorandum to the Parties on June 25, 1984. Thereafter, time was required to review the matter, conduct appropriate consultations and obtain requisite authorizations before this motion could be filed. Such process was not completed until July 5, 1984, and

it was impossible for Amicus to prepare its brief by the filing date of applicant of June 18, 1984.

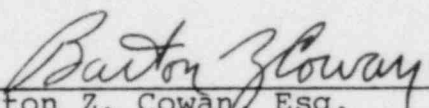
The Chairman's Memorandum to the Parties, dated June 20, 1984, requested the views of the other party (the NRC Staff) to be filed no later than July 6, 1984. Hence, no prejudice should result to any party from granting Amicus permission to file its brief on the same date, July 6, 1984.

WHEREFORE, the Atomic Industrial Forum, Inc. respectfully requests leave to file a brief as amicus curiae in the above-captioned proceeding.

Respectfully submitted,



Linda L. Hodge, Esq.
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Atomic Industrial Forum, Inc.



Barton Z. Cowan, Esq.
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Dated: July 6, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the "Motion for Leave to File Brief Amicus Curiae" in the above-captioned matter have been served on the following by deposit in the United States mail this 6th day of July, 1984.

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