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February 26, 1992
BY FAX

The Hon. Ivan Selin, Chairman
Commissioner Kenneth C. Rogers
Commissioner Forrest W. Remick
Commissioner James W. Curtiss
Commissioner E. Gail de Planque
United States Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852

Long Island Lighting Company
(Shoreham Nuclear Power Station)
NRC Docket 50-322: - *OLA-3*
Request for Transfer of Facility License

Dear Chairman Selin and Members of the Commission:

As counsel for the Long Island Lighting Company (LILCO) and the Long Island Power Authority (LIPA), we are in receipt of yet another filing by petitioners Shoreham-Wading River Central School District (SWRCSD) and Scientists and Engineers for Secure Energy, Inc. Replying on the merits to petitioners is impossible, as the next day simply brings more arguments never raised before. However, two important points should be made.

First, petitioners' argument about the tax phase-down simply misses (or tries desperately to confuse) the key point: that whatever the size of the property tax liability for Shoreham at the beginning of the ten-year ramp-down, the ramp is still ten years long and, if petitioners are ultimately found to be correct in their position that a new tax year begins on March 1, delay of transfer and closing beyond that date will have delayed the onset of reduced payments on that ramp by another year. Such a delay is their obvious, and publicly admitted, reason for their desperate, meritless thirteenth-hour paper barrages. Further, under state law and contrary to petitioners' new assertion, the phase-down will substantially eliminate tax liability associated with Shoreham, as the SWRCSD has conceded until yesterday.

Second, the request for delay predicated on threatened initiation of suit in New York challenging LIPA's continued existence (a wholly frivolous argument for reasons previously shown) is simply a replay of petitioners' earlier effort to stall NRC action by reference to other New York litigation, rejected in

CLI-91-08. If petitioners wanted the Commission to defer to a ruling of state law, they should have initiated litigation in time to secure relief under New York law, not merely threatened this action in a last-minute bid for delay.

We again urge the Commission to approve license transfer, without a stay, so that the transfer may occur this month.

Sincerely yours,

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Donald P. Irwin *CRS*
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Counsel for Long Island
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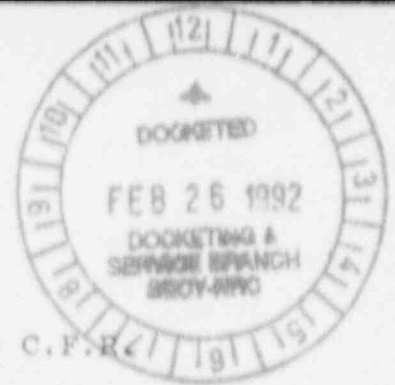
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Attachment

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CERTIFICATE OF SERVICE



Pursuant to the service requirements of 10 C.F.R.
§ 2.712 (1991), I hereby certify that on February 26, 1992,
I served a copy of the joint letter of the Long Island Lighting
Company and the Long Island Power Authority to Chairman Selin and
the Members of the Commission via telecopier upon the following
parties, except where otherwise indicated:

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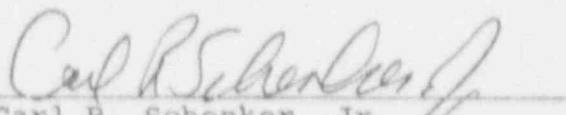
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Dated: February 26, 1992