

12957
12958
12959
12960

DOCKET NUMBER
PROD. & UTIL. FAC. 50-322-OLA/OLA-2/OLA-3/DCOM
DOW, LOHNES & ALBERTSON
ATTORNEYS AT LAW
1255 TWENTY-THIRD STREET
WASHINGTON, D. C. 20037

DOCKETED
USNRC

92 JUN -3 P5:36

TELEPHONE (202) 857-2500

June 3, 1992

TELECOPIER (202) 857-2900
OFFICE OF SECRETARY
DOCKETING & SERVICE
TELEX BRANCH

JAMES P. COGRANERY, JR.

DIRECT DIAL NO.

817-2899
The Honorable Samuel J. Chilk
The Secretary of the Commission
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Long Island Lighting Company, (Shoreham Nuclear
Power Station, Unit 1) Docket No. 50-322

Dear Sir:

Pursuant to 10 C.F.R. §§ 2.701 and 2.708 (1990), I hereby submit for filing in the appropriate sub-dockets of the above-captioned matter an original and two (2) copies of each of the following documents on behalf of the Shoreham-Wading River Central School District ("School District") and Scientists and Engineers for Secure Energy, Inc. ("SE₂");

- (1) Petitioners' Consented Motion to Dismiss Their Joint Opposition to Issuance of Decommissioning Order Prior to Hearing (Docket No. 50-322-DCOM);
- (2) Petitioners' Consented Motion to Dismiss their Appeals (Docket No. 50-322-OLA);
- (3) School District Consented Motion to Dismiss Appeal (Docket No. 50-322-OLA-2);
- (4) SE₂ Consented Motion to Dismiss (Docket No. 50-322-OLA-2);
- (5) Petitioners' Consented Motion to Dismiss (ASLBP No. 91-622-10-OLA-3); and
- (6) Petitioners' Consented Motion to Dismiss (ASLBP No. 91-660-01-DCOM)
- (7) SE₂ Letter Withdrawing Opposition to Relief Requested by LSNRC-1936 (April 16, 1992)

The Office of the General Counsel of the Commission has informed counsel for the Long Island Power Authority and undersigned counsel for the School District and SE₂, that the Commission wishes to review the Agreement among the Long Island

9206080164 920603
PDR ADOCK 05000322
9 PDR

DSO3

The Honorable Samuel J. Chilk
June 3, 1992
Page Two

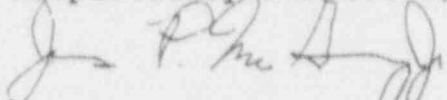
Power Authority, the County of Suffolk, the Town of Brookhaven and the Shoreham-Wading River Central School District, and the Settlement Agreement among the Long Island Power Authority, the School District and SE₂ (effective dated June 1, 1992) in connection with Commission consideration of the motions to dismiss identified above. Please find copies of the Agreement and the Settlement Agreement attached to each motion per the Commission's request.

SE₂ has also asked me to convey to the Commission and the Licensing Board SE₂'s deep regret in having to abandon its principled participation in these NRC proceedings. However, government officials of the County of Suffolk have represented that the Long Island Power Authority ("LIPA") would withhold approximately \$41 million of funds due the County, the Town of Brookhaven, and the School District on June 1, 1992 unless SE₂ agreed to file all necessary papers to seek dismissal of these proceedings with prejudice. And those officials further represented that the withholding of such funds would cause the County's bond rating to be reduced to "junk bonds" and result in the equivalent of the County's bankruptcy with ensuing great harm to the residents of Suffolk County. In these circumstances, SE₂ considered that its larger civic obligations to the general welfare of the community should take precedence over its more narrow educational energy policy objectives which are intended only to promote that general welfare.

Thus, SE₂ agreed to move to dismiss these proceedings in return for LIPA's assurance in the Agreements including LIPA's assurance that it will make payments due to the County, Town and School District, at least for a limited period of time, so that those entities have some security in future budgetary planning while a final and enforceable resolution of LIPA's duties is pursued along parallel paths.

SE₂ wishes to assure the Commission that SE₂ will participate in future NRC proceedings, as it has in the past, to urge the making of decisions which SE₂ considers beneficial to the public welfare.

Respectfully submitted,


James P. McGrovery, Jr.

JPM:jmb
Enclosure

cc: Service List