

166
LILCO, March 18, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

85 MAR 20 P2:51

In the Matter of)
LONG ISLAND LIGHTING COMPANY) Docket No. 50-322-OL-3
(Shoreham Nuclear Power Station,) (Emergency Planning
Unit 1)) Proceeding)

LILCO'S RESPONSE TO INTERVENORS'
NOTICE OF INTENTION TO FILE REPLY MEMORANDUM

LILCO has received, on Saturday, March 16, Intervenor's March 13 "Notice of Intention to File Reply Memorandum" on issues related to LILCO's designation of the Nassau Coliseum as a reception center. The "Notice" is ostensibly based on an unpublished Appeal Board Order of February 13 in the Waterford case.

Only this Board can state dispositively what pleadings it contemplated in its January 28 Order, although it is clear that the last pleading permitted on the face of that Order was LILCO's Response of February 26. The only other thing that appears clear is that unless this Board summarily disposes of the Coliseum matter on the basis of the substantive pleadings before it, several more weeks, and probably months, will elapse before it is decided.¹

¹ LILCO does not concede that Intervenor's have shown good cause for filing any further papers on the Coliseum matter, but has not addressed either this question or the substantive allegations in Intervenor's March 1 paper because that paper appeared plainly unauthorized. In the event the Board permits Intervenor's to file the substantive response presaged by their March 13 "Notice," LILCO requests permission, consistent with the Appeal Board's February 13 Waterford Order, to reply substantively before the Board rules.

8503210174 850318
PDR ADOCK 05000322
G PDR

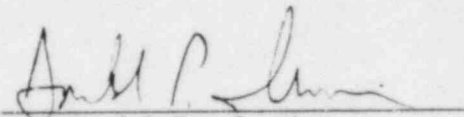
2503

LILCO continues to believe that the Board should summarily dispose of the issue on the basis of the papers specifically authorized by its January 28 Order, and then return to the task from which time, events and the Intervenor's pot-stirring tactics continue to divert it, namely, completion of its Initial Decision on the record which closed in August 1984.

In any other event, LILCO urges that the Board sever this issue from those covered in the record which closed last August, finish and issue its Partial Initial Decision on those issues, and then pick up this tag-end issue, along with any others which may drift in, in proceedings this spring and summer. Two such issues would be the "injured contaminated" issue based on the record from the GUARD v. NRC case (if it ever becomes ripe) and the results of the graded FEMA emergency planning exercise. Since opportunity must be afforded for litigation of the FEMA exercise before LILCO can proceed beyond 5% power, it is simply more efficient to combine litigation of these issues at one time.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY

BY 
Donald P. Irwin
James N. Christman

Hunton & Williams
P.O. Box 1535
707 East Main Street
Richmond, VA 23219

DATED: March 18, 1985

CERTIFICATE OF SERVICE

In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station, Unit 1)
Docket No. 50-322-OL-3

I hereby certify that copies of LILCO'S RESPONSE TO INTER-
VENORS' NOTICE OF INTENTION TO FILE REPLY MEMORANDUM were
served this date upon the following by first-class mail, post-
age prepaid or, as indicated by an asterisk, by Federal Ex-
press, or, as indicated by two asterisks, by hand:

Morton B. Margulies,**
Chairman
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
East-West Tower, Rm. 402A
4350 East-West Hwy.
Bethesda, MD 20814

Dr. Jerry R. Kline**
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
East-West Tower, Rm. 427
4350 East-West Hwy.
Bethesda, MD 20814

Mr. Frederick J. Shon**
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
East-West Tower, Rm. 430
4350 East-West Hwy.
Bethesda, MD 20814

Secretary of the Commission
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Appeal Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Bernard M. Bordenick, Esq.**
Oreste Russ Pirfo, Esq.
Edwin J. Reis, Esq.
U. S. Nuclear Regulatory
Commission
7735 Old Georgetown Road
(to mailroom)
Bethesda, MD 20814

Donna Duer, Esq.**
Attorney
Atomic Safety and Licensing
Board Panel
U. S. Nuclear Regulatory
Commission
East-West Tower, North Tower
4350 East-West Highway
Bethesda, MD 20814

Fabian G. Palomino, Esq.*
Special Counsel to the
Governor
Executive Chamber
Room 229
State Capitol
Albany, New York 12224

Mary Gundrum, Esq.*
Assistant Attorney General
2 World Trade Center
Room 4614
New York, New York 10047

Herbert H. Brown, Esq.*
Lawrence Coe Lanpher, Esq.
Christopher McMurray, Esq.
Kirkpatrick & Lockhart
8th Floor
1900 M Street, N.W.
Washington, D.C. 20036

MHB Technical Associates
1723 Hamilton Avenue
Suite K
San Jose, California 95125

Mr. Jay Dunkleberger
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

Stewart M. Glass, Esq.*
Regional Counsel
Federal Emergency Management
Agency
26 Federal Plaza, Room 1349
New York, New York 10278

Stephen B. Latham, Esq.*
Twomey, Latham & Shea
33 West Second Street
P.O. Box 398
Riverhead, New York 11901

Ralph Shapiro, Esq.*
Cammer & Shapiro, P.C.
9 East 40th Street
New York, New York 10016

James Dougherty, Esq.
3045 Porter Street
Washington, D.C. 20008

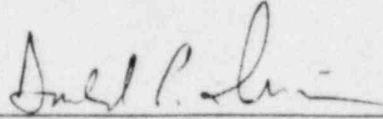
Jonathan D. Feinberg, Esq.
New York State Department of
Public Service, Staff Counsel
Three Rockefeller Plaza
Albany, New York 12223

Spence W. Perry, Esq.
Associate General Counsel
Federal Emergency Management
Agency
500 C Street, S.W.
Room 840
Washington, D.C. 20472

Ms. Nora Bredes
Executive Coordinator
Shoreham Opponents' Coalition
195 East Main Street
Smithtown, New York 11787

Gerald C. Crotty, Esq.
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

Martin Bradley Ashare, Esq.
Suffolk County Attorney
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, New York 11788



Donald P. Irwin

Hunton & Williams
707 East Main Street
P.O. Box 1535
Richmond, Virginia 23212

DATED: March 18, 1985