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USNR 3/13/85

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'85 MAR 15 10:49

Before the Atomic Safety and Licensing Board

SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of )

LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station,  
Unit 1) )

Docket No. 50-322-OL-3  
(Emergency Planning)

SUFFOLK COUNTY AND STATE OF NEW YORK  
NOTICE OF INTENTION TO FILE REPLY MEMORANDUM

On March 1, 1985, Suffolk County and the State of New York filed a "Motion for Leave to File Reply to LILCO's Response to February 19 Proffered Testimony on the Designation of Nassau Coliseum as a Monitoring and Decontamination Center." The substantive reply was not attached to the Motion.\*

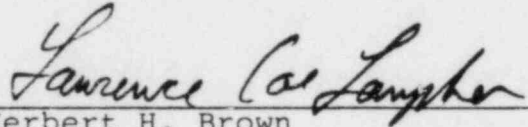
It came to our attention today that the Appeal Board ruled on February 13, 1985 in the Waterford proceeding that contrary to several Licensing Board decisions, "the preferred practice followed in litigation is to tender the document that a party seeks leave to file along with its motion." See decision attached hereto. Given this Appeal Board guidance, the State and County

\* LILCO on March 5, 1985 moved to strike the County/State motion as an unauthorized substantive reply. In a filing dated March 6, 1985, the County and State replied to the LILCO strike motion, pointing out that there was no basis to construe the County/State filing as a substantive reply.

now intend to prepare and submit the substantive reply referenced in our March 1 motion unless otherwise directed by this Board.

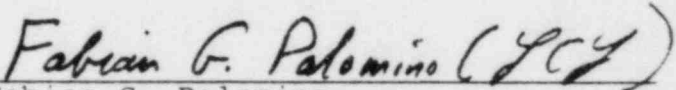
Respectfully submitted,

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March 13, 1985

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Christine N. Kohl, Chairman  
Dr. W. Reed Johnson  
Howard A. Wilber

'85 February 13, 1985

In the Matter of )

LOUISIANA POWER & LIGHT COMPANY )

(Waterford Steam Electric Station, )  
Unit 3) )

**SERVED FEB 14 1985**

Docket No. 50-382 OL

ORDER

On January 25, 1985, Joint Intervenors filed a motion for leave to file a reply to applicant's and the NRC staff's responses to Joint Intervenors' motion to reopen. Their reply accompanied the motion for leave to file. The staff opposes the motion for leave to file, but seeks additional time in which to respond to Joint Intervenors' tendered reply itself, in the event we accept the latter for filing.

We have not yet decided whether to grant Joint Intervenors' motion and accept its tendered reply. Nonetheless, we believe it would be useful and more efficient to have the staff's complete response on hand.<sup>1</sup>

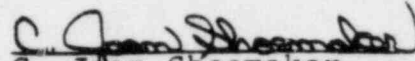
<sup>1</sup> Applicant has already chosen this course and replied to Joint Intervenors' reply itself, as well as the motion for leave to file. Notwithstanding several contrary Licensing Board decisions cited to us, the preferred  
(Footnote Continued)

~~85-2144-195-5pp~~

Accordingly, the staff should file the balance of its response by February 28, 1985.

It is so ORDERED.

FOR THE APPEAL BOARD

  
C. Jean Shoemaker  
Secretary to the  
Appeal Board

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(Footnote Continued)

practice followed in litigation is to tender the document that a party seeks leave to file along with its motion. Similarly, the better practice is to tender any substantive response along with one's opposition to a motion for leave to file.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station, )  
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) Docket No. 50-322-OL-3  
) (Emergency Planning)

CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY AND STATE OF NEW YORK NOTICE OF INTENTION TO FILE REPLY MEMORANDUM, dated March 13, 1985, have been served on the following this 13th day of March 1985 by U.S. mail, first class.

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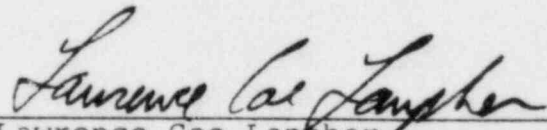
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DATE: March 13, 1985