

LILCO, May 2, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'85 MAY -6 A11:16

Before the Atomic Safety and Licensing Appeal Board

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

LILCO'S NOTICE OF APPEAL

LILCO, pursuant to 10 CFR § 2.762, notes the following exceptions to the Atomic Safety and Licensing Board's Partial Initial Decision (PID) on Emergency Planning, Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-85-12, 21 NRC ____ (slip op. Apr. 17, 1985), released on April 22, 1985.

1. LILCO excepts to the Board's determination in the Intervenor's favor on Contentions 1-10, including the Board's rulings on LILCO's preemption, immateriality, and realism arguments. See PID at 386-426.

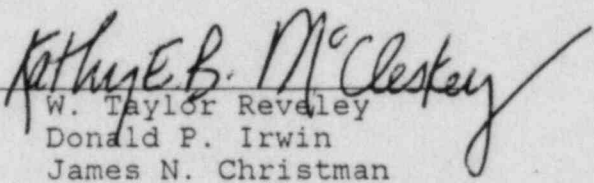
2. LILCO excepts to the Board's determination on Contention 11, Conflict of Interest, including that decisionmakers in LERO might not "make correct and appropriate command and control decisions" because they are utility employees. See PID at 51-63.

DS03

3. LILCO excepts to the Board's determination on Contention 92, State Plan, including that "[t]here is insufficient evidence in our record to conclude that New York State would participate in an actual emergency at Shoreham as contemplated by the NRC's regulations and guidance," PID at 367-68, and that "lack of State participation constitutes a serious substantive deficiency in emergency preparedness at Shoreham," PID at 371. See PID at 367-71.

Respectfully submitted,
LONG ISLAND LIGHTING COMPANY

BY


W. Taylor Reveley
Donald P. Irwin
James N. Christman
Kathy E. B. McCleskey

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

DATED: May 2, 1985

LILCO, May 2, 1985

CERTIFICATE OF SERVICE

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

DOCKETED
USNRC

85 MAY -6 AM 1:16

I hereby certify that copies of LILCO'S NOTICE OF APPEAL were served this date upon the following by first-class mail, postage prepaid or, as indicated by an asterisk, by ~~hand~~ ^{OFFICE OF SECRETARY} ^{DOCKETING & SERVICE} ^{BRANCH}

Alan S. Rosenthal, Chairman*
Atomic Safety and Licensing
Appeal Board, United States
Nuclear Regulatory Commission
Fifth Floor (North Tower)
East West Towers
4350 East-West Highway
Bethesda, Maryland 20814

Howard A. Wilber*
Atomic Safety and Licensing
Appeal Board, United States
Nuclear Regulatory Commission
Fifth Floor (North Tower)
East West Towers
4350 East-West Highway
Bethesda, Maryland 20814

Gary J. Edles*
Atomic Safety and Licensing
Appeal Board, United States
Nuclear Regulatory Commission
Fifth Floor (North Tower)
East West Towers
4350 East-West Highway
Bethesda, Maryland 20814

Frederick J. Shon*
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
East-West Tower, Room 430
East-West Highway
Bethesda, Maryland 20814

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

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

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 208

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

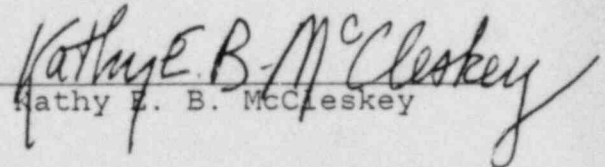
Ms. Nora Bredes
Executive Coordinator
Shoreham Opponents' Coalition
195 East Main Street
Smithtown, New York 11787

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

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

DATED: May 2, 1985


Kathy E. B. McCleskey