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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

AUG 22 1979

Mr. Michael J. Grant, Chairman
Major Projects Committee
Suffolk County Legislature
2000 Brentwood Road, Room #211
Brentwood, New York 11717

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

Dear Mr. Grant:

This responds to your letter of August 6, 1979 addressed to Chairman Hendrie regarding the County of Suffolk's intervention in the operating license proceeding for the Shoreham Nuclear Power Station, Unit 1. Chairman Hendrie has asked me to respond to your letter in view of the fact that the application for an operating license for Shoreham is now pending before an Atomic Safety and Licensing Board. Under the NRC rules of practice, Chairman Hendrie and the members of the Commission may be called upon to review the orders and decision of the Licensing Board and hence it would be inappropriate for him or other members of the Commission to comment on the matters raised in your letter.

The NRC rules of practice do not draw any distinction between a "neutral intervenor" and an opposing or supporting intervenor. Under the provisions of 10 CFR §2.714, a person or entity admitted to a proceeding is free to represent any position regarding the issues involved in the proceeding. The County of Suffolk was admitted as a party to the Shoreham proceeding under that rule. No formal action on the part of the Atomic Safety and Licensing Board presiding in the proceeding, or on the part of any party, is necessary for an intervening party to the proceeding to change position regarding a pending application. In the final analysis, the decision to set forth a different position regarding the Shoreham application is one for your Committee and the County Legislature. Accordingly, there would appear to be little purpose served by scheduling a meeting with us to discuss the matter. If, however, you would like further information regarding this matter, please feel free to contact Richard K. Hoefling of this office. Mr. Hoefling is Staff Counsel in the Shoreham proceeding and may be reached at 301-492-7520.

Sincerely,

Thomas F. Engelhardt

Thomas F. Engelhardt
Deputy Executive Legal Director

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