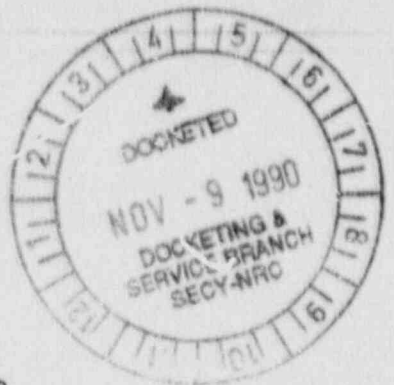


11032

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION



-----X
In the Matter of :
Long Island Lighting Company : Docket No. 50-322
(Shoreham Nuclear Power Station, :
Unit 1)
-----X

MOTION OF
MARIO M. CUOMO, GOVERNOR OF NEW YORK,
TO FILE A REPLY
AS FRIEND OF THE COMMISSION
IN OPPOSITION TO
THE JOINT PETITION
FOR RECONSIDERATION

Pursuant to 10 CFR §§ 2.711 AND 2.715, Mario M. Cuomo, Governor of New York "New York," moves, by Robert Abrams, Attorney General of the State of New York, for permission to file as friend of the Commission a reply in opposition to the Joint Petition for Reconsideration ("Petition") filed in this case on October 29, 1990, by Shoreham-Wading River School District and Scientists and Engineers for a Secure Energy Policy ("Petitioners").

New York's interest is that New York is a party to the Settlement referred to in the Order that the Petition seeks to have reconsidered. Petitioners have sought unsuccessfully to invalidate the Settlement in the courts of New York'. Having failed, they now seek to thwart implementation of the Settlement by challenging all orders of the Commission that appear to facilitate such

1 On October 10, 1990, the Appellate Division (3d Dept.) of the New York State Supreme Court denied Petitioners' motion for leave to appeal the Appellate Division's order sustaining the Settlement to the New York Court of Appeals.

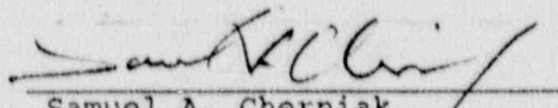
3503

implementation. In the Petition, they have mischaracterized the effect that certain events would have on the Long Island Lighting Company's obligation under the Settlement not to operate the Shoreham Nuclear Power Station ("Shoreham"). New York wishes to correct that mischaracterization, as well as to show that the Commission's decision not to issue at this time an Environmental Impact Statement ("EIS") on the proposed decommissioning of Shoreham and not to consider in any such EIS resumed operation of Shoreham as a reasonable alternative is correct and lawful.

Although Staff's reply is due to be filed on November 19, 1990, New York requests permission to file its reply on November 26, 1990. The reasons for this request are that New York has just been informed of the Petition and that one of the two attorneys who would work on New York's reply is on vacation out of state until November 20, 1990. Counsel for Petitioners have stated that they do not oppose New York's motion. Counsel for Staff and counsel for the Long Island Lighting Co. do not oppose New York's filing of a brief but oppose any such filing after November 19, 1990.

Dated: New York, N.Y.
November 9, 1990

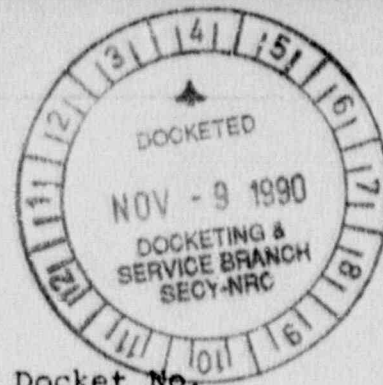
Respectfully submitted,



Samuel A. Cherniak
Assistant Attorney General
Attorney for
Mario M. Cuomo, Governor
of New York

JOHN W. CORWIN
CHARLIE DONALDSON
Assistant Attorneys General

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

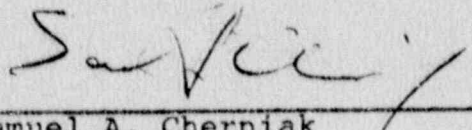


In the Matter of)
) USNRC Docket No.
Long Island Lighting Co.,) 50-322
Shoreham Nuclear Power Station;) License No. NPF-82
Confirmatory Order Modifying)
License (Effective Immediately))
(55 Fed. Reg. 12758, April 5, 1990))

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the captioned matter. In accordance with 10 C.F.R. § 2.713 (1989), the following information is provided:

Name: Samuel A. Cherniak
Address: NYS Department of Law
Bureau of Consumer
Frauds and Protection
120 Broadway
New York, New York 10271
Telephone Number: (212) 341-2350
Admission: U.S. Court of Appeals for
the D.C. Circuit
Name of Party: Mario M. Cuomo
Governor of New York



Samuel A. Cherniak

Dated at New York, New York
this 9th day of November, 1990

D503

CERTIFICATE OF SERVICE

hereby certify that one copy of the foregoing Reply in Opposition to Joint Petition for Reconsideration of Commission's Decision CLI-90-08 was served by facsimile machine and one copy by first-class mail, postage prepaid upon the following on this 9th day of November 1990.

Lawrence J. Chandler, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

James McGranery, Jr., Esq.
Dow, Lohnes & Albertson
Suite 500
1255 Twenty Third Street, N.W.
Washington, D.C. 20037

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

Carl R. Schenker, Jr., Esq.
O'Melveny & Myers
Counsel for Long Island Power Authority
555 13th Street, N.W.
Washington, D.C. 20004

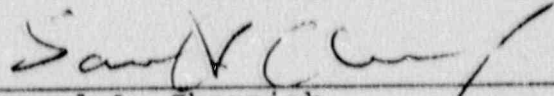
Michael R. Deland, Chairman
Council on Environmental Quality
Executive Office of the President
Washington, D.C. 20500

Honorable James D. Watkins
Secretary of Energy
Washington, D.C. 20585

Steven A. Wakefield, Esq.
Department of Energy
Office of General Counsel
Room 2000
825 North Capitol Street
Washington, D.C. 20426



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



Samuel A. Cherniak
Assistant Attorney General
Attorney for
Marlo M. Cuomo, Governor
of New York