

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'83 FEB 23 P3:30

Before the Atomic Safety and Licensing Board

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In the Matter of )

LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station, )  
Unit 1) )

) Docket No. 50-322 (OL)  
)  
)

Motion For Certification

Suffolk County has today filed with this Licensing Board a Motion to Terminate the Shoreham Operating License Proceeding because necessary offsite emergency preparedness cannot be achieved. Pursuant to 10 C.F.R. Section 2.718(i) and 10 C.F.R. Part 2, Appendix A, Section V(f)(4), Suffolk County requests the Presiding Officer to certify such Motion promptly to the Commission for decision.

Suffolk County has raised a major question of law of the type clearly contemplated by the NRC's regulations governing certification of questions to the Commission. The County contends that the NRC's own regulations require, as a straightforward matter of law, the denial of LILCO's license application and the termination of this licensing proceeding.

There are no facts in dispute, and thus there is no need for adjudication of facts. The facts are the following: last week, Suffolk County determined that it is impossible to prepare a local radiological emergency plan which, if implemented, would

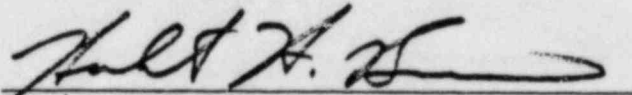
protect the health, welfare and safety in the event of a serious nuclear accident at the Shoreham plant. Accordingly, the County resolved that it will not adopt or implement a local radiological emergency response plan. The County submits that the application of the NRC's regulations to these facts requires the Commission to grant the County's instant Motion.

This is a matter of urgency, and the Commission's prompt action is required by the public interest. The County's action last week has created uncertainty for the future of the Shoreham plant. A continuation of uncertainty would be not only prejudicial to the parties in this proceeding, but it also would be contrary to the interests of the State Public Service Commission, which will be involved in decisions concerning the cost and rate consequences of the Shoreham situation, the financial markets, and the NRC decisionmaking process. The time necessary for action by this Board on the County's Motion and the ensuing appellate process would keep the Commission from confronting the very type of unprecedented issue that only the Commission can address and decide with speed and finality.

Accordingly, Suffolk County requests this Board to certify promptly the County's Motion to Terminate to the Commission.

Respectfully submitted,

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