

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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In the Matter of :
LONG ISLAND LIGHTING COMPANY : Docket No.
 : 50-322 (OL)
(Shoreham Nuclear Power Station :
Unit 1) :
 :
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MOTION OF ROBERT ABRAMS, ATTORNEY GENERAL
OF THE STATE OF NEW YORK, FOR LEAVE
TO FILE A BRIEF AS AMICUS CURIAE

Suffolk County has moved the NRC to cease further consideration of the application of the Long Island Lighting Company ("LILCO") for a license to operate the Shoreham Nuclear Power Station ("Shoreham") on the ground that emergency preparedness to respond to a nuclear accident at Shoreham does not and will not exist. Robert Abrams, Attorney General of the State of New York, hereby moves for permission to file a brief amicus curiae in response to Suffolk County's motion. The proposed brief is being filed with this motion.

Suffolk County's motion raises important legal issues concerning the licensing of the Shoreham plant. The ultimate determination of these issues may also have significant implications with respect to other nuclear power

plants in New York State. As the chief legal officer of the State of New York, the Attorney General can provide the Commission with valuable guidance on these issues.

Moreover, the Attorney General has an interest in protecting the public health and welfare of the people of the State of New York. The Attorney General is currently an active participant in the NRC proceeding which focuses on the safety and emergency preparedness at the Indian Point nuclear power plants. Docket Nos. 50-247, 50-286.

The Attorney General has a significant interest in the resolution of the Suffolk County motion, which involves emergency preparedness and therefore will have an impact on the health and welfare of those situated within the general vicinity of the Shoreham plant. In addition, the consequences of any decision may very well extend to all persons situated within the vicinity of other nuclear power plants in the State.

Further, the Attorney General is an active participant in the New York State Public Service Commission proceedings concerning Shoreham. One will determine the ultimate cost to ratepayers of the Shoreham plant and the second will develop a plan to charge LIICO ratepayers for the cost of the plant. NRC determinations in this proceeding will have a major impact upon the outcome of those two proceedings.

Appearing on behalf of Robert Abrams on this matter are Assistant Attorneys General Marcia Cleveland,

Peter Bienstock, Ezra I. Bialik, Steven D. Leipzig and Kenneth L. Robinson, all admitted to practice in the courts of the State of New York. Jerrold Oppenheim, also appearing on behalf of the Attorney General, is admitted to practice in Illinois.

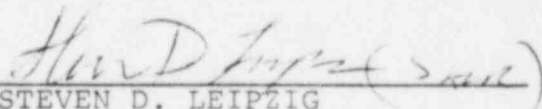
On March 11, 1983, Steven D. Leipzig spoke by telephone to counsel for the NRC, Bernard Bordenick, and counsel for Suffolk County, Lawrence Lanpher, and both consented to this motion.

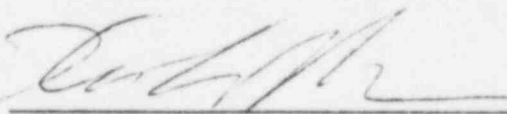
For the reasons stated above, Robert Abrams, Attorney General of the State of New York, should be permitted to file an amicus brief.

Dated: New York, New York
March 18, 1983

Respectfully submitted,

ROBERT ABRAMS
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By


STEVEN D. LEIPZIG
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