UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

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

AMICUS CURIAE BRIEF OF ATOMIC INDUSTRIAL FORUM, INC.

Introduction

The Atomic Industrial Forum, Inc. ("Amicus") files this brief as amicus curiae in connection with the request and motion for disqualification of Chairman Palladino filed by Suffolk County and the State of New York in the Shoreham operating license proceeding.[1] Amicus addresses this brief primarily to the policy issues associated with the recusal effort in this case. Those policy issues include the need

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[1] Suffolk County and State of New York Request for Recusal and, Alternatively, Motion for Disqualification of Chairman Palladino, dated June 5, 1984.

for expeditious conduct of Nuclear Regulatory Commission ("Commission") licensing proceedings and the role of the Chairman of the Commission in carrying out the policies of the Commission and the law which require that Commission adjudications be conducted without unnecessary delays. Amicus also addresses why recusal is inappropriate in this case under the standards to be applied in considering a recusal motion.

In its request and motion Suffolk County and the State of New York urge that the Chairman recuse himself because of alleged activities of the Chairman in urging expeditious scheduling of the Shoreham licensing proceeding.[2] Amicus believes that the allegations and their disposition relate to the entire fabric of Commission licensing proceedings. Because of the far-reaching consequences if it should be determined that the Chairman of the Commission may not carry out the policies of the Commission and may not initiate

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[2] Although Suffolk County/New York State charge that the Chairman prejudged the schedule on which LILCO would receive a low power licensing decision and the need for an onsite emergency power source, the basis for these charges appears to stem from a claim that the Chairman proposed and imposed various ideas regarding expediting the Shoreham hearing process. See supra, pp. 21-22.

administrative actions designed to bring efficiency and expedition to the licensing process, Amicus is filing this brief.[3]

Interest of Amicus

The Atomic Industrial Forum, Inc. is an association of over 500 domestic and overseas organizations interested in the development of peaceful uses of nuclear energy. Its members include electric utilities, manufacturers, architect-engineers, consulting firms, law firms, mining and milling companies, labor unions, financial institutions, universities, and others who design, build, operate and service facilities for the production of nuclear fuel and the generation of nuclear power. Long Island Lighting Company is a member of the Forum. In addition, each utility owning the plants identified in the Individual Statement of Nunzio J. Palladino, Chairman, U. S. Nuclear Regulatory Commission, Before the Subcommittee on Energy and the Environment, Committee on Interior and Insular Affairs, U. S. House of Representatives, dated May 17, 1984, is a

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[3]Amicus is simultaneously filing a "Motion for Leave to File a Brief Amicus Curiae." Because of the importance of the issue raised by the Suffolk County/New York State filing in this case, Amicus urges the motion for leave to file this brief be granted.

member of the Forum. The members of the Forum have had extensive experience in the law relating to nuclear regulation and practice. Its members, as well as all consumers of electricity, stand to be harmed in the event of unnecessary delays in the licensing process.

Summary of Position

The issue to be addressed by the Chairman in connection with the request and motion for recusal and disqualification is whether the Chairman should recuse himself because of his initiatives in seeking to expedite the Shoreham hearing process. Underlying this issue is the question of the public interest that licensing proceedings be conducted in a timely manner, consistent with fairness for all parties. We believe the following are the essential points:

1. There is a substantial public interest, repeatedly recognized by the Commission, that its licensing proceedings be conducted in a timely manner. This public interest is reflected in the policies adopted by the Commission concerning expedition of the licensing process.

2. The Congress has made it clear that it is concerned about the Commission's ability to reach timely

decisions in pending licensing cases. In this connection the Congress has repeatedly urged that the Commission take appropriate steps to avoid such delays.

3. The Energy Reorganization Act of 1974 and Reorganization Plan No. 1 of 1980 delegate to the Chairman the responsibility to see to the faithful execution of the policies and decisions of the Commission.

4. Regardless of what standard the Chairman adopts for recusal, there is no appropriate call for recusal or disqualification where, as here, the Chairman in furtherance of the policies of the Commission initiates actions to make certain that the licensing activities of a hearing board are conducted in a timely fashion.

With respect to the timeliness of and merits of the recusal request, Amicus believes that the request is untimely and in any event should be denied. The conclusion of prejudgment argued by Suffolk County/State of New York is without basis. A search for methods to expedite the completion of the hearing process and a direction or suggestion that prompt dispatch is needed, even if made to a licensing board, cannot be equated with a direction to reach a favorable decision on the merits. Thus recusal is not appropriate in this case.

Discussion

Amicus believes that the issues involved in the present recusal request are of fundamental importance to the ability of the Commission to assure that its functions, including its adjudicatory proceedings, are conducted in an expeditious manner. Thus, the challenge to the Chairman in this case is a challenge to the underlying policy of the Commission which recognizes that fairness to all parties requires that adjudications be conducted without unnecessary delays. Accordingly, it seems appropriate to Amicus to review briefly Commission policy in this area and the obligation and responsibility of the Chairman in carrying out such policy.

1. Policy on Expeditious Licensing

The Commission has recognized repeatedly that there is a substantial public interest[4] which demands that

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[4] In part this public interest is based on the fact that a crucial contributor to the cost of nuclear facilities is the lengthy licensing process. One of the purposes of the Atomic Energy Act of 1954, as amended, was to develop, use and control nuclear technology so as to make the maximum contribution to the general welfare. See Atomic Energy Act of 1954, as amended, Section 1. Essential to this development is that the cost of building nuclear facilities not be needlessly increased.

its licensing proceedings be conducted in a timely manner. The Statement of General Policy and Procedure (10 CFR Part 2, Appendix A) notes:

> "The Statement [of General Policy and Procedure] reflects the Commission's intent that such proceedings be conducted expeditiously and its concern that its procedures maintain sufficient flexibility to accommodate that objective. This position is founded upon the recognition that fairness to all the parties in such cases and the obligation of administrative agencies to conduct their functions with efficiency and economy, require that Commission adjudications be conducted without unnecessary delays. These factors take on added importance in nuclear power reactor licensing proceedings where the growing national need for electric power and the companion need for protecting the quality of the environment call for decision making which is both sound and timely. The Commission expects that its responsibilities under the Atomic Energy Act of 1954, the National Environmental Policy Act of 1969, and other applicable statutes, as set out in the statement which follows, will be carried out in a manner consistent with this position in the overall public interest."

This Statement is echoed in various other Commission pronouncements. Thus, on May 20, 1981, the Commission issued a Statement of Policy on Conduct of Licensing Proceedings, CLI-81-8, 13 NRC 452, to provide guidance to its licensing boards "on the use of tools intended to reduce the time for completing licensing proceedings while still ensuring that hearings are fair and produce full records." As noted

by the Commission in its Policy Statement, if proceedings are not timely concluded, "the cost of such delay could reach billions of dollars." The Policy Statement went on to say that:

> "The Commission will seek to avoid or reduce such delays whenever measures are available that do not compromise the Commission's fundamental commitment to a fair and thorough hearing process."[5]

The Statement of Policy on Conduct of Licensing Proceedings recently was reaffirmed by the Commission in its 1984 policy and planning guidance document "U.S. Nuclear Regulatory Commission Policy and Planning Guidance - 1984," NUREG-0885,

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[5]The Commission's policy on expediting the decision-making process and avoiding undue delays is of long-standing. Thus, in the Statement of Considerations which accompanied the restructured Rules of Practice in 1972, the Commission said:

> "The Commission is concerned not only with its obligation to the segment of the public participating in licensing proceedings but also with a responsibility to the general public--a responsibility to arrive at sound decisions, whether favorable or unfavorable to any particular party, in a timely fashion. The Commission expressly recognizes the positive necessity for expediting the decisionmaking process and avoiding undue delays."

Although efficiency and expedition of the hearing process are not the only interests at stake, they are essential if the Commission is to accomplish its role in conducting a fair hearing process.

Issue 3 dated January 1984. In that document the Commission set forth its current policy on timely licensing of facilities as follows:

> "The NRC intends that its regulatory processes be efficient and cost effective. Actions should continue to be taken to eliminate unwarranted delay in reaching decisions consistent with not compromising safety. The Commission reaffirms its statement of policy on the conduct of licensing proceeding of May 1981, which urged licensing boards to take actions needed to assure the efficient conduct of hearings."

As planning guidance, the Commission stated that, inter alia, "public hearings should be completed on a schedule that assures the licensing process will not be a critical path item which could unnecessarily delay reactor startup."

The Commission's emphasis on the importance of the timely conduct of licensing proceedings to the protection of the public interest also can be seen in licensing decisions of the Commission. Thus, in Consolidated Edison Co. of New York, Inc. (Indian Point Station, Units 1, 2 and 3), CLI-77-2, 5 NRC 13, 15 (1977), the Commission stated:

> "We have previously recognized the 'public interest in the timely and orderly conduct of our proceedings.' Nuclear Fuel Services, Inc. (West Valley Reprocessing Plant), CLI-75-4, 1 NRC 273, 275 (1975)."

Beyond this acknowledgment that timeliness is necessary to the protection of the public interest, the

Commission also has recognized that the timely conduct of the licensing proceeding is required to preserve the rights of the parties to a fair hearing. In the case of Nuclear Fuel Services, Inc. (West Valley Reprocessing Plant), CLI-75-4, 1 NRC 273 (1975), the Commission stated at page 275:

> "Obviously, an important policy consideration underlying the rule [regarding timely interventions] is the public interest in the timely and orderly conduct of our proceedings. As the Commission has recognized, 'fairness to all parties . . . and the obligation of administrative agencies to conduct their functions with efficiency and economy, require that Commission adjudications be conducted without unnecessary delays.' 10 CFR Part 2, Appendix A."

There have been numerous other Commission expressions of its concern with the efficiency of its licensing process. For example, in its July 8, 1981, denial of a request for reconsideration of a petition for rulemaking which would have established specific time limits on licensing board actions, the Commission stated its belief that "unnecessary or inappropriate delays should be avoided whenever possible." The Commission further noted that it had "continued to pursue its oft stated policy of eliminating unnecessary or inappropriate delays in the licensing process." (Docket No. PRM-2-6).

Another expression of the same theme - that unnecessary delays and burdens on the licensing process should be eliminated - is contained in a letter from then Chairman Hendrie of the Commission to President Carter dated July 21, 1978, where the Chairman stated (43 Fed. Reg. 34358):

> "The NRC is fully cognizant of the importance of eliminating unnecessary burdens upon those being regulated, and of reducing as far as possible the economic cost of government regulation."

Similarly, in the prepared testimony submitted on March 22, 1983 by Chairman Palladino at the hearings on the Commission FY 1984/85 budget before the Subcommittee on Energy Conservation and Power of the House Committee on Energy and Commerce, the Chairman stated (Serial No. 98-56, p. 9):

> "We do intend that the regulatory process involved in licensing these new plants be as efficient and effective as possible. We want to eliminate all unwarranted delay in reaching regulatory decisions, and we want our licensing boards to reach sound and fair decisions while at the same time taking firm hold of the hearings to assure they are conducted efficiently.

The Commission's oft-stated concern with respect to avoiding delay in the hearing process has been amplified in recent years by the Congress. As recently as April 23, 1984, the Chairman of the Subcommittee on Energy and Water

Development of the House Interior and Insular Affairs Committee addressed a letter to the Chairman which began:

> "As you are aware, the Subcommittee is concerned about the Commission's ability to reach timely decisions on licensing cases currently pending before the Commission for nuclear powerplants."

With respect to this matter, the Congressman pointed out that "it is the consumers and ratepayers of electricity that will ultimately pay for unnecessary delays." A similar expression of concern over licensing delays was voiced by the Chairman of the Subcommittee on Nuclear Regulation of the Senate Committee on Environment and Public Works in his opening statement on March 25, 1981 at the Senate hearings on Nuclear Powerplant Licensing Delays and the Impact of the Sholly v. NRC Decision: "The growing problem of licensing delays for nuclear powerplants is a matter of great concern to me."

This subject of delay and the Congress urging action to eliminate unnecessary delays has been a recurring theme during recent hearings before the Congress on Commission appropriations. In 1981, the House Appropriations Committee directed the Commission to provide monthly reports on the status of licensing proceedings in an effort to spur the Commission into taking action on unnecessary delays. In 1982, the Congress in the Commission authorization for

fiscal years 1982 and 1983 directed the Commission to adopt administrative measures to minimize delay. In the House Appropriations Committee report on the Energy and Water Development Appropriations Bill, 1983, the Commission, although relieved of its responsibility to provide monthly reports, was directed to report quarterly on any delays projected in the issuance of operating licenses beyond the dates estimated by applicants for construction completion.

2. The Shoreham Proceeding and Responsibilities of the Chairman

The Shoreham proceeding is exemplary of the delay situation faced by the Commission and recognized by the Congress. In the Shoreham case, the operating license application was initially filed in 1975, approximately nine years ago. Public hearings on the application have been conducted for the better part of two years, and a motion for a license to operate at low power has been pending for one year. On March 9, 1984, the Executive Director for Operations of the Commission notified the Commission that the estimated time gap between the time the Shoreham facility would be physically complete and the decision on its operating license was 9 months. Such a situation clearly is antithetical to the Commission policy of expeditious licensing.

The Chairman of the Commission had every right to be concerned about the Shoreham situation. Moreover, the Chairman had the duty to inform himself of the details of the situation and to determine what could be done administratively to avoid any further unwarranted licensing delays.

The duties of the Chairman in this regard arise from the Energy Reorganization Act of 1974, 42 U.S.C. § 5811 et seq. and Reorganization Plan No. 1 of 1980, 45 Fed. Reg. 40561 (1980). The Energy Reorganization Act of 1974, which established the Nuclear Regulatory Commission, provides that:

> "The Chairman . . . shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, persons, or the public, and, on behalf of the Commission, shall see to the faithful execution of the policies and decisions of the Commission, and shall report thereon to the Commission from time to time or as the Commission may direct." (Emphasis added).

Reorganization Plan No. 1 of 1980 provides that the Chairman is the principal executive officer of the Commission.

Where the policy of the Commission to provide for timely licensing proceedings is clear, it is encumbent on the Chairman to carry out that policy. One method

of carrying out such policy was to take the very action which the Chairman took in the current proceeding.[6]

There can be no question that the Atomic Safety and Licensing Boards are not autonomous entities devoid of appropriate supervision. The three-member boards, authorized by Section 191 of the Atomic Energy Act of 1954, are "to conduct such hearings as the Commission may direct and make such . . . decisions as the Commission may authorize." As noted by the Atomic Safety and Licensing Appeal Board, in fulfilling its obligations during licensing proceedings, the licensing boards are not totally insulated. The Appeal Board stated "the Commission's policy on the conduct of licensing proceedings . . . makes manifest that autonomy is not an end in itself. . . ." In the Matter of Offshore Power Systems (Floating Nuclear Power Plants), ALAB 489, 8 NRC 194, 202 (1978). The Appeal Board went on to note:

> "The [policy] statement also sets forth a controlling theme, reiterated elsewhere in Commission regulations and adjudicatory issuances - that decision-making within the Commission should be 'both sound and timely.'"

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[6] Indeed, Section 201(e) of the Energy Reorganization Act of 1974 provides for removal by the President of any member of the Commission for, inter alia, inefficiency.

In the Seabrook proceeding where the Commission had expressed its "obvious and appropriate concern" over that proceeding's image as "a serious failure of governmental process to resolve central issues in a timely and coordinated way" (5 NRC 503 at 517), the Commission remanded the proceeding to the Appeal Board, thereby eliminating entirely the Licensing Board from the disposition of the issue. Public Service Company of New Hampshire (Seabrook Station, Units 1 & 2), CLI 78-14, 7 NRC 952, 956 (1978).

What is at stake in the current proceeding does, indeed, as expressed by the Chairman, go "to the heart of the ability of the Chairman of the NRC to perform his functions in the manner which the NRC Reorganization Plan mandated." If the Chairman is unable to undertake the initiatives demonstrated in the present case, then his ability to function as the chief administrative officer of the Commission is emasculated and the viability of the Commission itself to function as an entity concerned with the prompt dispatch of its business is vitiated.[7]

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[7] Indeed, the Suffolk County Executive apparently recognized the supervisory role of the Commissioners when he wrote them requesting their personal intervention in this licensing proceeding in an effort to enlist their aid for the position of the County that the plant should not be permitted to operate. See Statement of Peter F. Cohalan, Suffolk County

[Footnote continued on next page]

3. The Recusal Request and Motion Should Be Denied

The applicable law to be considered with respect to the recusal motion is appropriately set forth in "LILCO's Response to Suffolk County And State Of New York Request For Recusal And, Alternatively, Motion For Disqualification Of Chairman Palladino," dated June 18, 1984 (the "LILCO Response"). Thus it is clear that any decision on recusal rests solely with the person who is the subject of the motion.

Moreover, it is clear that a motion for recusal must be made in a timely fashion - with reasonable diligence - and that a motion will be considered untimely if the moving party delays unduly in filing after it has knowledge of the facts providing the basis for the claimed bias. See, e.g., Marcus v. Director, Office of Worker's Compensation Programs, 548 F.2d 1044, 1051 (D.C. Cir. 1976); Davis v. Cities Service Oil Co., 420 F.2d 1278, 1282 (10th Cir. 1970); Public Service Company of New Hampshire (Seabrook

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[Footnote continued from previous page]

(N.Y.) Executive at Hearings before the Subcommittee on Energy Conservation and Power, Committee on Energy and Commerce, House of Representatives, on NRC Authorization for FY 1984-85, Serial No. 98-56, pp. 172, 174.

Station Units 1 and 2, ALAB-749, 18 NRC 1195, 1198 (1983). The courts sometimes have stated that the motions must be filed at the first opportunity after discovery of the facts alleged to support the disqualification. See Chafin v. United States, 5 F.2d 592 (4th Cir. 1925), cert. denied, 269 U.S. 552 (1926); Smith v. Danyo, 585 F.2d 83 (3d Cir. 1978). Amicus understands that the facts giving rise to the recusal request were known to Suffolk County/State of New York at least by April 11, 1984, almost two months prior to their request and motion of June 5, 1984. On April 23, 1984 the events which are now alleged to give rise to the disqualification were the subject of a complaint in federal court. These facts appear to Amicus to demonstrate that there was delay by Suffolk County/State of New York in bringing the recusal motion, and that the delay was of sufficient length that the request and motion was untimely.

It is clear that recusal or disqualification is unusual, there being a presumption of the decision-maker's honesty and integrity. The moving party has a substantial burden to carry to rebut this presumption of impartiality. See United States v. Professional Air Traffic Controllers Organization, 527 F. Supp. 1344 (N.D. Ill. 1981); Samuel v. University of Pittsburgh, 395 F. Supp. 1275, 1279 (W.D. Pa. 1975), vacated on other grounds, 538 F.2d 991 (3d Cir. 1976); United States v. Civella, 416 F. Supp. 676 (W.D. Mo. 1975).

Although the legal authority is divided, the better and majority view supports the proposition that all of the facts and circumstances are to be considered in deciding on recusal rather than merely the charges of the party seeking such action. See, e.g., United States v. Civella, supra; Potashnick v. Port City Construction Co., 609 F.2d 1101, 1111 (5th Cir. 1980); Hall v. Small Business Administration, 695 F.2d 175, 179 (5th Cir. 1983); United States v. Sibla, 624 F.2d 864, 867-68 (9th Cir. 1980). In State of Idaho v. Freeman, 507 F. Supp. 706, 721 (D. Idaho 1981), the Court in a well-reasoned opinion, stated as follows:

> "If a judge who is being asked to disqualify himself cannot make all relevant facts known, or rebut those facts that are false and which if left unrefuted would create a reasonable question of impartiality, the result would be an essentially pre-emptive proceeding where the judge would be 'the victim of the appearance of impropriety . . .' with no recourse to remove a possible taint on his integrity. Furthermore, allowing a judge the liberty to evaluate the truth, as well as the sufficiency of the alleged facts, is compatible with the Congressional attempt to control bad-faith litigants' manipulation of the disqualification procedure. This is evident because section 144 has attending procedural requirements to prevent abuse of the disqualification process; section 455 on the other hand permits the judge to edit

> the inaccurate allegations which could be the basis for disqualification under an appearance of partiality standard." See, 46 U. Chic. L. Rev., supra at 250." (Emphasis in original).

Thus, when considering the motion for recusal in the present case, the Chairman may view this matter in its entire context and with all the knowledge which he has as to the actual facts. Moreover, in considering a motion for recusal, the moving parties must set forth the facts and reasons forming the basis of the alleged bias, other than mere conclusions, gossip or opinions that the bias exists. See Wolfson v. Palmieri, 396 F.2d 121 (2d Cir. 1968); Samuel v. University of Pittsburgh, supra; Griffith v. Edwards, 493 F.2d 495 (8th Cir.), cert. denied, 419 U.S. 861 (1974); United States v. Anderson, 433 F.2d 856 (8th Cir. 1970).

The standard adopted by the Commission for determining whether recusal is appropriate was summarized in Consumers Power Co. (Midland Plant Units 1 and 2, ALAB-101, 6AEC 60, 65 (1973), and thereafter quoted in Public Service Electric and Gas Co. (Hope Creek Generating Station, Unit 1) No. 50-354 OL, ALAB-759 (Jan. 25, 1984) as follows:

> [A]n administrative trier of fact is subject to disqualification if he has a direct, personal, substantial pecuniary interest in a result; if he has a "personal bias" against a participant; if he has served in a prosecutive or investigative role with regard to the same facts as are an issue; if he has

> prejudged factual -- as distinguished from legal or policy -- issues; or if he has engaged in conduct which gives the appearance of personal bias or prejudgment of factual issues.

On its face, the current motion does not allege any facts demonstrating bias in fact - a prejudgment on the merits of any issue in the Shoreham licensing proceeding. To reach the conclusion of prejudgment, Suffolk County/State of New York requires a leap from a concern of the Chairman for expediting the hearing schedule to ensure that the hearing process is concluded in a timely manner to the proposition that the Chairman has concluded and is attempting to influence others on the merits outcome of the hearing. According to the Suffolk County/State of New York request, the purpose of the Chairman in inquiring and acting on a procedural plan for timely conduct of the hearing was because of a concern that LILCO might go bankrupt before the low power license can be issued. From this, the county and state argued that since the only way of averting bankruptcy was to obtain a favorable decision on the merits of the low power license request, the Chairman was dictating such favorable decision. The logic of this position will not withstand analysis.

A direction or suggestion to a licensing board to conduct a hearing with prompt dispatch, even if it had been made and expressed as being necessary in order to avert bankruptcy if no decision is reached, cannot be equated with a direction to the licensing board to reach a favorable decision with respect to issuance of the low power license. Assuming that LILCO faced bankruptcy if a decision was not made in a timely fashion, it would have been a dereliction of the duties of the Chairman - and, indeed, of the entire Commission - if some action had not been taken to assure that a timely decision could be reached. Such a determination, of course, would require that there be reasonable assurance of the public health and safety, but the nature of the decision is not foreordained by requiring it to be timely made.

Amicus is concerned that acceding to the request and demand of Suffolk County/State of New York would turn Commission proceedings into a game. As noted by the Senate Judiciary Committee, in recommending what became the law with respect to disqualification of federal judges:

> ". . . in assessing the reasonableness of a challenge to his impartiality, each judge must be alert to avoid the possibility that those who would question his impartiality are in fact seeking to avoid the consequences of his expected adverse decision. Disqualification for lack of impartiality must have a <u>reasonable</u> basis. Nothing in this proposed

> legislation should be read to warrant the transformation of a litigant's fear that a judge may decide a question against him into a 'reasonable fear' that the judge will not be impartial. Litigants ought not to have to face a judge where there is a reasonable question of impartiality, but they are not entitled to judges of their own choice." (Emphasis in orignial).

S. Rep. No. 93-419, 93rd Cong., 1st Sess. 1973, p. 5. See also H.R. Rep. No. 93-1453, 93rd Cong. 2nd Sess., reprinted in U.S. Code Cong. and Ad. News 6351, 6355.

Conclusion

The policy of the Commission is to avoid or reduce delays in the licensing process, consistent with a fundamental commitment to a fair and through hearing. The Chairman is charged with the duty of carrying out such Commission policy. In the Shoreham proceeding, it was proper for the Chairman to be concerned that the issues involved and the question of whether to grant a license be judged on the merits rather than be determined by default due to delay in reaching a decision. Thus, the actions of

the Chairman in this case in exercising his responsibilities were entirely appropriate, and the request and motion for recusal should be denied.

Respectfully submitted,

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Dated: July 6, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the "Amicus Curiae Brief of Atomic Industrial Forum, Inc." in the above-captioned matter have been served on the following by deposit in the United States mail this 6th day of July, 1984.

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