

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges
James A. Laurenson, Chairman
Dr. Jerry R. Kline
Mr. Frederick J. Shon

DOCKETED
USNRC

'84 AGO 10 P12:21

_____)
In the Matter of)
)
LONG ISLAND LIGHTING COMPANY)
)
(Shoreham Nuclear Power)
Station, Unit 1))
_____)

Docket No. 50-322-OL-3
(Emergency Planning Proceeding)

August 8, 1984

REGULATORY SERVICE
BRANCH

STATEMENT OF GOVERNOR MARIO M. CUOMO, REPRESENTING
THE STATE OF NEW YORK, IN SUPPORT OF THE COUNTY OF
SUFFOLK'S MOTIONS FOR RECONSIDERATION CONCERNING
THE BOARD'S SCHEDULING ORDERS OF JULY 24, 1984 AND
JULY 27, 1984

On July 24, 1984, the Board issued a Memorandum and Order
Determining that a Serious Safety Matter Exists (hereinafter,
"July 24, 1984 Order"). On July 27, 1984, the Board issued a
Memorandum and Order Establishing Format and Schedule of Proposed
Findings of Fact and Conclusion of Law (hereinafter, "July 27, 1984
Order"). Suffolk County moved for reconsideration of these orders
on August 3, 1984 and August 6, 1984, respectively.

The State of New York supports both of the County's motions
for reconsideration.

With respect to the July 24, 1984 Order, the State is
experiencing the same difficulties the County is experiencing,
except to a greater degree. The problem is highlighted by the
fact that with regard to the three strike issues, LILCO is in a
much more advantageous position than the County and State are in.

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Obviously, on July 24, 1984, LILCO was much more aware of the status of its labor relations and its ability to place the reactor in cold shutdown than the County and State were. This disparity in knowledge is evidenced by the ease with which LILCO prepared its motion for summary resolution of the strike issues. In addition, it is no coincidence that all of the affiants in LILCO's summary resolution motion, and all of LILCO's proposed witnesses, are local LILCO employees. The State and County, on the other hand, must solicit outside experts from around the country on such short notice, and must accept their dates of ability for what they are. The State and County's witnesses also must be educated concerning the strike issues. That, too, is a difficult task for the State and the County considering that LILCO rejected the State and County's discovery request in its entirety on August 3, 1984. As a result, the State and County had no alternative but to file a motion to compel. The State and County are making a good faith effort to comply with the July 24, 1984 order as best as possible under difficult circumstances.

With respect to the July 27, 1984 order, the State shares every one of the County's concerns. Like the County, the State has no quarrel with the Board's ruling on the form the Board expects the parties' findings of fact and conclusions of law to take. Public safety must be of primary importance, and a balanced format that sets forth proposed findings in the form of a Board

decision serves that goal. However, public safety is not served by a rushed time frame and meager page allotment. Even counsel for LILCO conceded that 60 days would be a suitable time in which intervenors could file initial findings of fact. Tr. 13,815, lines 15-23. In addition, counsel for LILCO stated that there was no absolute need for page limitations, and that LILCO preferred that there be no page limitations. Tr. 13,800, lines 3-6. Considering all of the circumstances of this case, the Board's imposition of a 49-day period for intervenors to file proposed findings and a 500-page limitation for proposed findings is unduly harsh.


Accordingly, the State supports each of the County's motions for reconsideration.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that one copy of the STATEMENT OF GOVERNOR MARIO M. CUOMO, REPRESENTING THE STATE OF NEW YORK, IN SUPPORT OF THE COUNTY OF SUFFOLK'S MOTIONS FOR RECONSIDERATION CONCERNING THE BOARD'S SCHEDULING ORDERS OF JULY 24, 1984 AND JULY 27, 1984

has been served to each of the following this 8th day of August 1984 by U.S. Mail, first class, except as otherwise noted:

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*By Hand
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