

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
LONG ISLAND LIGHTING COMPANY) Docket Nos. 50-322-1
(Shoreham Nuclear Power Station,) (OL)
Unit 1))

AFFIDAVIT OF RICHARD J. GODDARD

1. I am employed by the Office of the Executive Legal Director, United States Nuclear Regulatory Commission, and am presently the lead attorney for litigation of EDG issues in the Shoreham proceeding.

2. The purpose of this affidavit is to address circumstances surrounding the filing of the "NRC Staff Response to LILCO's Motion to Strike Portions of the Joint Testimony of Dr. Robert N. Anderson, Professor Stanley G. Christensen, G. Dennis Eley, Aneesh Bakshi, Dale G. Bridenbaugh and Richard B. Hubbard," which was prepared under my direction and filed by hand delivery to the Board on the afternoon of August 16, 1984, with telefax to other parties on early a.m. on August 17, 1984.

3. The responsive pleading was due one week after receipt of the Motion, pursuant to the schedule set forth in the Board's Order of July 17, 1984. The Motion itself carries a filing date of August 7, 1984, which is not contested by Staff counsel.

4. The Motion was not received by this counsel on August 7, 1984. Telephone inquiry was made to James Bowe, Esq., attorney for

8408270088 840817
PDR ADDOCK 05000322
PDR
G

applicant, on August 8, 1984, requesting information on the status or whereabouts of the Motion. Mr. Bowe stated that, as far as he knew, it had been delivered in due course, but that he would inquire into its whereabouts.

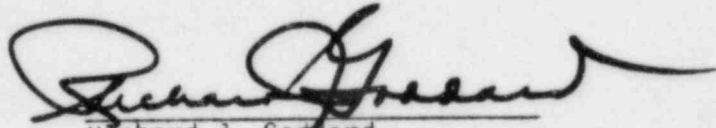
5. On August 8, 1984, I made inquiry of my Section Chief, Mr. Edwin Reis, as to any knowledge he might have of NRC receipt of the Motion. I made similar inquiries to Maryland National Bank Building (MNBB) Mailroom personnel, OELD Mailroom personnel, and the MNBB Security Guard on duty, but could not ascertain that the Motion had been received by any of the above.

6. Mr. Bowe had a second copy of the Motion delivered to me at approximately 10:00 a.m. on August 9, 1984. Later that same day, a copy came to me (and to Mr. Reis as well and, I presume, others) through the OELD mail distribution system.

7. My telephone logs show phone calls to Mr. Bowe were made by me on August 6 (2:15 p.m.), August 8 (10:30 a.m.); and August 9 (11:15 a.m.). I indicate receipt of a call from Mr. Bowe on August 8 (1:30 p.m.). I am certain that this log is not complete, and that other conversations (or telephone messages) were exchanged between us regarding this Motion.

8. For the above reasons, it is the opinion of the undersigned that this Motion was received, for the purposes of timing the Staff response, on August 9, 1984, and that response to the Board was timely made at approximately 4:00 p.m. August 16, 1984. The response would have contained a recitation of facts surrounding these circumstances and their effect upon the filing date of the response, except that due to

the late hour of filing, a day of actual delay would have resulted from attempting to modify the pleading in this manner on the afternoon of August 16, 1984.



Richard J. Goddard
Counsel for NRC Staff

Subscribed and sworn to before me
this 17th day of August, 1984



Notary Public

My Commission expires: 7/1/86.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

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

'84 AGO 23 P4:34

Docket No. 50-322-1

(OL) US DEPT OF ENERGY
DOCKETING & SERVICE
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of "AFFIDAVIT OF RICHARD J. GODDARD" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 17th day of August, 1984:

Lawrence Brenner, Esq.**
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Fabian G. Palomino, Esq.
Special Counsel to the Governor
Executive Chamber
State Capitol
Albany, NY 12224

Dr. George A. Ferguson**
Administrative Judge
School of Engineering
Howard University
2300 - 6th Street, N.W.
Washington, D.C. 20059

Howard L. Blau, Esq.
217 Newbridge Road
Hicksville, NY 11801

Dr. Peter A. Morris**
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

W. Taylor Reveley III, Esq.
Hunton & Williams
707 East Main Street
Richmond, VA 23212

Jonathan D. Feinberg, Esq.
New York State Department of
Public Service
Three Empire State Plaza
Albany, NY 12223

Cherif Sedkey, Esq.
Kirkpatrick, Lockhart, Johnson
& Hutchison
1500 Oliver Building
Pittsburgh, PA 15222

**SERVED BY HAND

Stephen B. Latham, Esq.
John F. Shea, III, Esq.
Twomey, Latham & Shea
Attorneys at Law
P.O. Box 398
33 West Second Street
Riverhead, NY 11901

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

Atomic Safety and Licensing
Appeal Board Panel*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

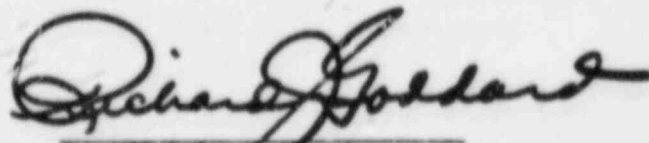
Gerald C. Crotty, Esq.
Ben Wiles, Esq.
Counsel to the Governor
Executive Chamber
State Capitol
Albany, NY 12224

Herbert H. Brown, Esq.
Lawrence Coe Lanpher, Esq.
Karla J. Letsche, Esq.
Kirkpatrick, Lockhart, Hill,
Christopher & Phillips
1900 M Street, N.W.
8th Floor
Washington, D.C. 20036

Docketing and Service Section*
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

James B. Dougherty, Esq.
3045 Porter Street, N.W.
Washington, D.C. 20008

Peter S. Everett, Esq.
Hunton & Williams
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20036



Richard J. Goddard
Counsel for NRC Staff

COURTESY COPY LIST

Edward M. Barrett, Esq.
General Counsel
Long Island Lighting Company
250 Old County Road
Mineola, NY 11501

Mr. Brian McCaffrey
Long Island Lighting Company
Shoreham Nuclear Power Station
P.O. Box 618
North Country Road
Wading River, NY 11792

Marc W. Goldsmith
Energy Research Group, Inc.
400-1 Totten Pond Road
Waltham, MA 02154

Martin Bradley Ashare, Esq.
Suffolk County Attorney
H. Lee Dennison Building
Veteran's Memorial Highway
Hauppauge, NY 11788

Ms. Nora Bredes
Shoreham Opponents Coalition
195 East Main Street
Smithtown, NY 11787

Ken Robinson, Esq.
N.Y. State Dept. of Law
2 World Trade Center
Room 4615
New York, NY 10047

Chris Nolin
New York State Assembly
Energy Committee
626 Legislative Office Building
Albany, New York 12248

MHB Technical Associates
1723 Hamilton Avenue
Suite K
San Jose, CA 95125

Hon. Peter Cohalan
Suffolk County Executive
County Executive/Legislative Bldg.
Veteran's Memorial Highway
Hauppauge, NY 11788

Mr. Jay Dunkleberger
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

Leon Friedman, Esq.
Costigan, Hyman & Hyman
120 Mineola Boulevard
Mineola, NY 11501