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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

DOCKETED  
USNRC

September 14, 1988

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OFFICE OF PUBLIC AFFAIRS  
DOCKETING DIVISION  
WASHINGTON, DC

James P. Gleason, Chairman  
Administrative Judge  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

In the Matter of  
Long Island Lighting Company  
(Shoreham Nuclear Power Station, Unit 1)  
Docket No. 50-322-OL-3  
(Emergency Planning)

Dear Judge Gleason:

I was informed that your OL-3 Licensing Board has not received a copy of the "NRC Staff Motion for Schedule for Litigation of the June 1988 Exercise" in the captioned proceeding.

Enclosed is a copy of our motion. Copies are being provided to the other members of the Board.

Sincerely,

Joseph F. Scinto  
Acting Assistant General Counsel  
for Hearings

Enclosure: As Stated

cc w/enclosure:

Judge Jerry R. Kline  
Judge Frederick J. Shon

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PDR ADOCK 05000322  
G PDR

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
LONG ISLAND LIGHTING COMPANY	)	Docket No. 50-322-OL-3
(Shoreham Nuclear Power Station,	)	(Emergency Planning)
Unit 1)	)	

NRC STAFF MOTION FOR SCHEDULE FOR LITIGATION  
OF THE JUNE 1988 EXERCISE

Pursuant to 10 C.F.R. § 2.730, the NRC Staff hereby requests that the Board adopt the NRC Staff's proposed schedule for litigation of the results of the June 7-9, 1988 emergency planning exercise for Shoreham. As grounds for the motion, the Staff states the following:

1. A full scale exercise of the LILCO Local Off-Site Radiological Emergency Response Plan for Shoreham was conducted on June 7-9, 1988. On September 9, 1988, FEMA, Region II issued a Post-Exercise Assessment, dated September 2, 1988, and provided copies to intervenors. On the same day, FEMA also sent a letter from Grant C. Peterson to Victor Stello that indicated (at 2) that "FEMA has reached a finding of reasonable assurance."

2. In accordance with CLI-86-11, 23 NRC 577, 581 (1986), intervenors may only litigate exercise results which they allege reveal fundamental flaws in an emergency plan. In addition, intervenors are obliged to examine publicly available information which could serve as a foundation for a specific contention. Further, where a contention is wholly dependent upon the content of a particular document, to tender the

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contention with the requisite degree of promptness once the document is publicly available. Duke Power Co. (Catawba Nuclear Station, Units 1 and 2), ALAB-687, 16 NRC 460, 468-69 (1982), rev'd in part, CLI-83-10, 17 NRC 1041 (1983).

3. In view of the FEMA finding of reasonable assurance, the absence of any deficiencies in the FEMA report and the extensive background and interchange of information in this case relating to all aspects of emergency preparedness, the Staff requests the Board to establish a schedule which will expedite the resolution of this matter and bring the proceeding to a long awaited end.

Accordingly, the Staff requests that the Board establish the following schedule for any new contentions based on the FEMA exercise report:

NRC STAFF PROPOSED SCHEDULE

October 13, 1988	Deadline for contentions on June Exercise
October 28 and November 2, 1988	LILCO and Staff responses to contentions
November 15, 1988	Prehearing Conference
November 29, 1988	Ruling on Admission of Contentions; Discovery begins on admitted contentions, if any
December 23, 1988	Discovery ends
January 6, 1989	Motions for summary disposition
January 26, 1989	Responses to summary disposition motions

February 7, 1989


Testimony filed

Ruling on Motions for Summary Disposition

February 27, 1989

Evidentiary hearing commences, if needed

Respectfully submitted,

  
Mitty A. Young  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 9th day of September, 1988

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
LONG ISLAND LIGHTING COMPANY	)	Docket No. 50-322-OL-3
(Shoreham Nuclear Power Station,	)	(Emergency Planning)
Unit 1)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR SCHEDULE FOR LITIGATION OF THE JUNE 1988 EXERCISE" 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 or, as indicated by double asterisks, by telecopier, this 9th day of September, 1988.

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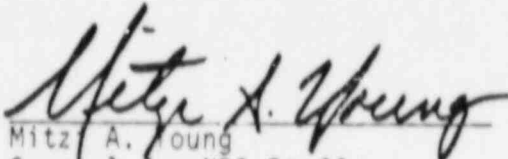
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