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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE COMMISSION

DOCKETED  
USNRC

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OFFICE OF SECRETARY  
DOCKETING

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

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

SUFFOLK COUNTY, STATE OF NEW YORK, AND TOWN OF  
SOUTHAMPTON MOTION FOR LEAVE TO FILE  
SUPPLEMENTAL ANSWER TO LILCO'S  
PETITION FOR REVIEW OF ALAB-832

On April 23, 1986, Suffolk County, the State of New York and the Town of Southampton ("Governments") filed an Answer to LILCO's Petition for Review of ALAB-832 ("Answer"). See Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), ALAB-832, 23 NRC 135 (1986). Subsequent to the filing of the Governments' Answer, an event occurred which has a significant impact upon the NRC's consideration of LILCO's Petition -- the Nassau County Board of Supervisors barred LILCO from using the Nassau Coliseum as part of its emergency plan. As described more fully below and in the attached Supplemental Answer, this event provides a substantial additional basis to support the position of the Governments set forth in the Answer.

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The Commission has not yet ruled on LILCO's Petition for Review of ALAB-832, but apparently it intends to do so in the near future. See CLI-86-11 at 2. By this Motion, the Governments seek leave to inform the Commission of the significance of the recent Nassau County action<sup>1</sup> to ensure that the Commission takes this event into account in making its decision on ALAB-832.

#### Discussion

LILCO's Petition sought review of five alleged errors in ALAB-832, including the Appeal Board's reversal of the ASLB's decision on the adequacy of the Nassau Coliseum as a reception center and its refusal to consider the Governments' proffered testimony on that subject. In their Answer, the Governments demonstrated why the Appeal Board was correct in this ruling and urged the Commission to deny the LILCO Petition.

On June 16, 1986, the Nassau County Board of Supervisors adopted resolutions which bar LILCO's use of the Nassau County Veterans Memorial Coliseum as a reception center under the LILCO Plan. These resolutions not only support the Governments' position that the Appeal Board's reversal on the Nassau Coliseum

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1 Nassau County has already advised the NRC of its action. See Letter from Thomas L. Carroll, Counsel to the Nassau County Board of Supervisors, to Nunzio Palladino, June 23, 1986. Nassau County's Notice did not link the County's action to ALAB-832.

issues should be affirmed, but also require that the Commission rule finally on the relocation center issue, rather than remanding for additional litigation as suggested by the Appeal Board. Since there is now no relocation facility in the LILCO Plan, there is nothing that needs to be litigated on that subject. Thus, the recent Nassau County resolutions require affirmance of the Appeal Board's reversal of findings on the adequacy of the Coliseum as well as a ruling by the Commission that the LILCO Plan fails to comply with 10 CFR § 50.47 in that there is no identified facility for the relocation, radiological monitoring, or decontamination of evacuees.

The attached Supplemental Answer to LILCO's Petition for Review of ALAB-832 sets forth in further detail the implications of the recent event which gave rise to this Motion, and how it impacts the Commission's review of the Appeal Board's decision. In light of the significance of the matter discussed in this supplemental filing, the Governments submit that this Motion should be granted and the filing accepted by the Commission for consideration in its decision on the LILCO Petition for Review.

Respectfully submitted,

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