

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD
Before the Atomic Safety and Licensing Board

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In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power
Station, Unit 1))

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH
Docket No. 50-322-OL-3
(Emergency Planning Proceeding)

February 10, 1984

NEW YORK STATE'S RESPONSE TO SUFFOLK COUNTY
MOTION TO CHANGE SCHEDULE

By motion dated February 8, 1984 Suffolk County has moved that the date for filing Group II testimony be changed from March 2, 1984 to March 14, 1984. The cause for the change is that the FEMA RAC review will not be available until March 1, 1984. New York State agrees with the reasons set forth in Suffolk County's motion and supports it. However, we would like to emphasize the importance of reviewing the FEMA RAC review prior to filing of testimony.

FEMA's findings are rebuttably presumed to be valid. 10CFR§50.47(a)(2). As such, those findings will have great importance for the litigation of the Group II issues. To the extent the FEMA findings bear upon the contentions each party will have to consider FEMA's acceptance as disavowal of its position. The filing of testimony that addresses the RAC review is the simplest means to respond to that review. Testimony on the RAC review will allow a full joinder of all issues. That testimony is best filed with the rest of Group II testimony to avoid the

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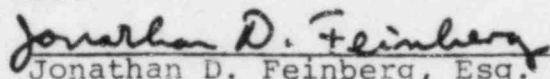
unnecessary duplication of effort and awkwardness arising from supplemental testimony. The two week change proposed by Suffolk County will serve to simplify the task of the board and parties and should be adopted.

Respectfully submitted,

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Governor of the State of New York

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BY:


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DATED: February 10, 1984
Albany, New York

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

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

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Unit 1))

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CERTIFICATE OF SERVICE

I hereby certify that one copy of NEW YORK STATE'S RESPONSE
TO SUFFOLK COUNTY MOTION TO CHANGE SCHEDULE has been served to
each of the following this 10th day of February 1984 by U.S. Mail,
first class, except as otherwise noted:

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Albany, New York
February 10, 1984