

LILCO, February 13, 1984
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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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 Proceeding)
Unit 1))

LILCO'S MOTION FOR LEAVE TO REPLY AND REPLY
TO NEW YORK STATE'S RESPONSE IN SUPPORT
OF SUFFOLK COUNTY'S MOTION TO CHANGE SCHEDULE

Today LILCO received New York State's February 10, 1984 response supporting Suffolk County's Motion to Change Schedule, which would extend the Group II issues testimony filing date from March 2 to March 12. LILCO requests the Board's leave, pursuant to 10 CFR § 2.230(c), to reply to New York's paper because related correspondence from New York received by LILCO over the weekend further illustrates the lack of need to extend the testimony filing date.

Over the weekend LILCO counsel received the attached letter from counsel for the State of New York, indicating that New York will restrict its direct testimony on Group II issues to two contentions (67 and 97), sponsored by four witnesses, rather than the approximately two dozen contentions sponsored

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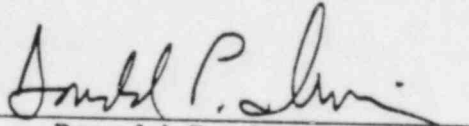
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by approximately 20 witnesses which had been indicated earlier.1/

To the extent that any consideration of the desirability of extending the date for filing Group II testimony from March 2 to March 12 may have hinged on the complexity of coordinated presentation of issues and a resulting need to provide the parties additional time to prepare their direct cases, that consideration has now been mooted by New York State's truncation of the scope of its direct participation.2/

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY

By 
Donald P. Irwin

HUNTON & WILLIAMS
707 East Main Street
P. O. Box 1535
Richmond, Virginia 23212

DATED: February 13, 1984

1/ On the basis of this position, New York State has asked to cancel most of the remaining depositions of its potential witnesses; in reliance on it, LILCO has today indicated by letter its agreement to such cancellation.

2/ As this paper was going out, Mr. Zahnleuter, Mr. Palomino's co-counsel, telephoned to state that New York State also intended to file testimony on Contention 73. The effect of Mr. Palomino's letter of February 10 is not changed by this information, however, since the sponsors of New York's testimony on Contention 73 would be the same as those sponsoring its testimony on Contention 67.



STATE OF NEW YORK
EXECUTIVE CHAMBER
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FABIAN PALOMINO
Special Counsel to the Governor

February 10, 1984

Donald P. Irwin, Esquire
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Dear Don:

In light of the current direction of this case, as well as scheduling conflicts, limitation on resources, and the scope of the NRC proceeding, the State of New York has determined that it will not submit testimony on Group II contentions other than by Messrs. Acquario, Knighton, Gibbon and Albertin on Contentions 67 and 97. Accordingly, the depositions scheduled for February 13, 15 and 17 are cancelled.

Let me reiterate, however, that New York State fully supports the position of Suffolk County and each of Interveners' contentions in this proceeding and that the State will participate in the litigation of the Group II issues.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fabian G. Palomino".

Fabian G. Palomino

LILCO, February 13, 1984

CERTIFICATE OF SERVICE

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

I hereby certify that copies of LILCO'S MOTION FOR LEAVE TO REPLY AND REPLY TO NEW YORK STATE'S RESPONSE IN SUPPORT OF SUFFOLK COUNTY'S MOTION TO CHANGE SCHEDULE were served this date upon the following by first-class mail, postage prepaid, or (as indicated by one asterisk) by hand, or (as indicated by two asterisks) by Federal Express, or (as indicated by three asterisks) by Telecopier.

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DATED: February 13, 1984

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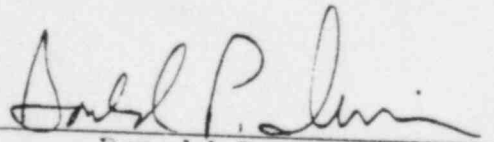
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