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RELATED CORRESPONDENCE

LILCO, May 22, 1984

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Before the Atomic Safety and Licensing Board

|                                  |   |                        |
|----------------------------------|---|------------------------|
| In the Matter of                 | ) |                        |
|                                  | ) |                        |
| LONG ISLAND LIGHTING COMPANY     | ) | Docket No. 50-322-OL-4 |
|                                  | ) | (Low Power)            |
| (Shoreham Nuclear Power Station, | ) |                        |
| Unit 1)                          | ) |                        |

MOTION FOR PROMPT RESPONSES TO  
LILCO'S SUMMARY DISPOSITION MOTIONS

Today, LILCO renews its request for summary disposition on Phases I and II of its low power testing proposal. As to these phases, there has yet been no dispute by the County or State to LILCO's evidence that no AC power -- and hence no onsite power source -- is necessary to protect the public even in a LOCA. No dissent has arisen despite numerous objections by the County and State to other portions of LILCO's Supplemental Motion and despite the following opportunities for raising contrary facts: (1) two filings by the County between the March 20 filing of LILCO's Supplemental Motion and the April 6 Memorandum Order of this Board; (2) extensive oral argument on April 4 on the issues in the Supplemental Motion; (3) Joint Objections to the April 6 Order; (4) affidavits filed by the County with the Board and with the federal court; (5)

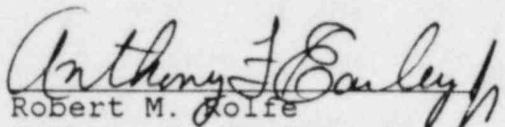
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opportunity for opening statement and cross-examination of LILCO's witnesses on April 24 and 25; (6) opportunity to file direct testimony on April 20; (7) comments filed on May 4 in response to the Commission's April 30 Order; (8) oral argument before the Commission on May 7 at which time LILCO's motions for summary disposition on Phases I and II were pending; and (9) May 10 comments by the County to the Commission in which the County reargued its substantive opposition to LILCO's Supplemental Motion.

LILCO's Supplemental Motion was filed more than 2 months ago accompanied by extensive affidavits. On April 13, LILCO produced thousands of documents in response to the County's extensive document requests. Thus, the County and State have had ample opportunity to review the facts. If they dispute the material facts set forth in LILCO's motions for summary disposition, they should be in a position to enumerate the disputed facts promptly. Accordingly, this Board should exercise its discretion pursuant to 10 CFR § 2.711 and order that responses, if any, to LILCO's motions for summary dispositions be filed by May 30, 1984. By the 30th, the County will have had LILCO's May 4 motions 26 days, more than the usual time permitted for response. 10 CFR § 2.749(a).

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY

A handwritten signature in cursive script, appearing to read "Anthony F. Earley, Jr.", written in dark ink.

Robert M. Wolfe  
Anthony F. Earley, Jr.  
Jessine A. Monaghan

Hunton & Williams  
P. O. Box 1535  
Richmond, Virginia 23212

DATED: May 22, 1984