

LILCO, March 15, 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-3
) (Emergency Planning Proceeding)
(Shoreham Nuclear Power Station,)
Unit 1))

LILCO'S OPPOSITION TO SUFFOLK COUNTY'S LETTER REQUEST
FOR DELAY IN BOARD RULING ON CONTENTION 65 "REBUTTAL"

LILCO opposes Suffolk County's letter request of March 14 that this Board delay ruling on pending motions until after Friday, March 16, to the extent that it relates to New York State's motion to file "rebuttal" testimony on Contention 65. Suffolk County claims (Letter at 3) that it wishes to file what it terms a response to the New York State motion on that date.

The County's request is either feckless or disingenuous. The only papers authorized to be filed on March 16 on Group I contentions, under the Board's March 2 Scheduling Order, are motions to strike; and the transcript of February 24 (Tr. 3876) makes crystal-clear that the only party as having a right to reply to State-proffered testimony was LILCO. Suffolk County took no exception to this ruling. Thus Suffolk County has no right to file any papers at all on March 16. In any event, LILCO needs and expects no help from Suffolk County with its

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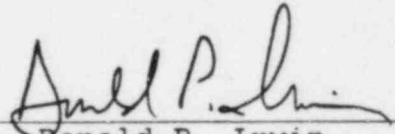
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March 12 motion to strike the State's proffered testimony on Contention 65.

If Suffolk County is intending, on the other hand, to reply as New York State's surrogate to LILCO's March 12 motion to strike, that would be merely an attempt to end-run this Board's repeated injunctions against multiple pleadings, as well as being an unauthorized pleading under the March 2 Scheduling Order. There is no need to await useless paper from Suffolk County on this issue before ruling.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY

By 
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DATED: March 15, 1984

LILCO, March 15, 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 OPPOSITION TO SUFFOLK COUNTY'S LETTER REQUEST FOR DELAY IN BOARD RULING ON CONTENTION 65 "REBUTTAL" were served this date upon the following by first-class mail, postage prepaid, or by hand (as indicated by one asterisk), or by Federal Express (as indicated by two asterisks).

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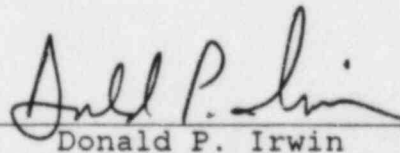
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DATED: March 15, 1984