

LILCO, April 5, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,)
Unit 1))

Docket No. 50-322-OL-3

(Emergency Planning Proceeding)

LILCO'S MOTION FOR EXPEDITED DECISION
CONCERNING ADMISSIBILITY OF NEW YORK
STATE'S DIRECT TESTIMONY ON CONTENTION 24.F.2

On March 21, New York State proffered the prefled Direct Testimony of Charles V. Failla on behalf of New York State Regarding Contention 24.F.2. On March 24, LILCO moved to strike this testimony by motion filed with the Board and the parties. On April 4, New York State responded in opposition to LILCO's motion.

LILCO believes that the positions of the two parties directly in interest are adequately presented on the face of the pleadings. LILCO does not seek to reply to New York State's opposition.^{1/}

This Board has indicated that it would normally decide motions to strike testimony on the day when witnesses appear to testify. On this testimony, however, an advance ruling by the Board

^{1/} LILCO does take exception, however, to the Staff's characterization of the dispute between New York and LILCO over Mr. Failla's testimony as merely "the product of a a discovery dispute." NRC Staff Response to LILCO and Suffolk County Motions to Strike Portions of Group II-B Testimony, April 4, 1983, at 7. LILCO believes, for the reasons stated in its motion to strike, that the issues involve more fundamental principles of notice and good cause.

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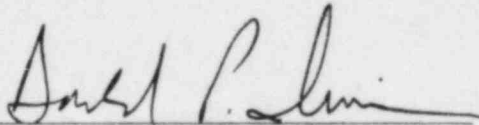
would prevent potentially unnecessary expenditures of time and effort by the parties. If Mr. Failla's testimony is admitted, LILCO will need to depose him prior to his appearance and perhaps file supplemental testimony; if it is not, LILCO would prefer to avoid putting both itself and New York State to this trouble and expense.

Since Mr. Failla's testimony, if heard, would be in "Group II-B", it would not come on for hearing for several weeks yet. However, it would be useful to the parties to have a ruling at least two weeks in advance of his scheduled appearance on the admissibility of his testimony.

Accordingly, although LILCO does not believe that this motion need be resolved immediately, a ruling by the Board well in advance of the anticipated hearing date for this testimony would save the parties potentially unnecessary trouble and expense. Accordingly, LILCO moves for an advance ruling on the admissibility of Mr. Failla's testimony.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY

By 
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DATED: April 5, 1984

LILCO, April 5, 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 EXPEDITED DECISION CONCERNING ADMISSIBILITY OF NEW YORK STATE'S DIRECT TESTIMONY ON CONTENTION 24.F.2 were served this date upon the following by first-class mail, postage prepaid, and in addition by hand if present at the hearings in Hauppauge (as indicated by one asterisk).

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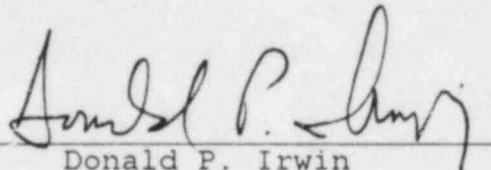
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