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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 MAY 23 A11:12

Before the Commission

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-4
(Low Power)

REQUEST BY THE STATE OF NEW YORK
FOR CLARIFICATION OF COMMISSION'S ORDER
OF MAY 16, 1984

The State of New York joins in request made by Suffolk County dated May 21, 1984, for clarification of the Commission's Order of May 16, 1984. The State of New York joins in supporting Suffolk County's request for the reasons stated therein. With respect to paragraph (1) of that request -- "The following schedule is provided to the Licensing Board as guidance in resuming the hearing." the State of New York additionally wishes to point out that the hearing cannot be treated as a resumed one, and must be a new one in all ways, because the State of New York did not participate in that hearing. Its counsel appeared there, interposed the State's legal objection to that hearing, obtained a continuing objection as to all proceedings

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taking place therein. After getting its legal position clear on the record during the morning session at the outset of that hearing, counsel for the State of New York departed from the hearing and never returned. New York State was unaware of whatever evidence was produced and did not cross-examine any witness or challenge any of the evidence. To deem the hearing a resumed one under these circumstances would be to deny to New York State right of confrontation and other rights to object to evidence as guaranteed by the due process laws of the Federal Constitution.

Respectfully submitted,

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Governor of the State of New York

May 22, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,)
Unit 1))
_____)

Docket No. 50-322-OL-4
(Low Power)

CERTIFICATE OF SERVICE

I hereby certify that copies of the REQUEST BY THE STATE OF NEW YORK FOR CLARIFICATION OF COMMISSION'S ORDER OF MAY 16, 1984, dated May 22, 1984, have been served to the following this 22nd day of May 1984 by U. S. mail, first class, by hand when indicated by two asterisks, and by telecopier when indicated by one asterisk.

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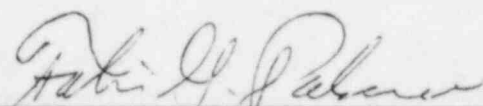
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DATE: May 22, 1984