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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board 84 JUL 13 AM 11:19

OFFICE OF SECRETARY
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_____)
In the Matter of)
)
LONG ISLAND LIGHTING COMPANY)
)
(Shoreham Nuclear Power Station,)
Unit 1))
_____)

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

SUFFOLK COUNTY REQUEST FOR CLARIFICATION

By its Order Establishing Schedule for Resumed Hearing, dated May 31, 1984, this Board set the schedule for further hearings on LILCO's Low Power Motion and on the Application for Exemption. Suffolk County hereby requests clarification of one aspect of the schedule.

When the prior hearing was halted on April 25, 1984, the County was nearing completion of the examination of LILCO's witnesses it was then in a position to conduct. The County had examined LILCO's first three panels of witnesses and was preparing to commence examination of Mr. Museler when the hearing was halted. See Tr. 552-53, 579-80. When the hearing resumes, the County wishes not only to cross-examine Mr. Museler, but also to ask additional questions of the other LILCO witnesses. The purpose of this clarification request is to ensure that the County and other parties will have this opportunity.

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*add: York
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As the Board certainly is aware, it is the County's position that it did not have an adequate opportunity under the previous schedule to prepare to cross-examine LILCO's witnesses. The County has previously expressed this view on the record (Tr. 134-35, 149, 259) and the District Court's Temporary Restraining Order provides support for this view. Similarly, the NRC's decision to vacate the earlier schedule, made after the NRC's General Counsel advised the NRC that if the Commission did not "give the court something reasonable" there would be a preliminary injunction,^{1/} is further support for the view that the County's prior opportunity to cross-examine was not sufficient. Thus, when the hearing resumes, the County and other parties should have the opportunity to engage in further examination.

Even aside from the foregoing, however, the County needs an opportunity to examine the LILCO witnesses again because the context of the proceeding has changed. The NRC, in CLI-84-8, May 16, 1984, has enunciated additional criteria which must be met by LILCO, and which were not part of the proceeding during the April examination of witnesses. These include the question whether operation at low power with the enhanced LILCO offsite power system will be as safe as operation at low power with fully qualified onsite diesels. The County is entitled to probe LILCO's witnesses on these new matters.

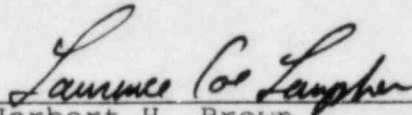
The County does not intend to repeat its prior cross-examination and does not ask that the hearing start again from

^{1/} NRC Transcript, April 26, 1984, at 11.

scratch. Rather, the County only seeks clarification that all of LILCO's witnesses are to be available for examination when the hearing resumes.

Respectfully submitted,

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July 11, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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LONG ISLAND LIGHTING COMPANY)

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CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY REQUEST FOR CLARIFICATION, dated July 11, 1984, have been served on the following this 11th day of July 1984 by U.S. mail, first class; by Federal Express when indicated by two asterisks; and by hand on July 12, 1984 when indicated by one asterisk.

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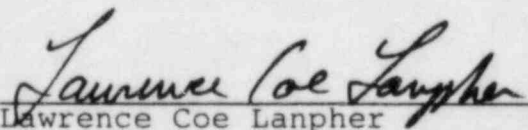
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DATE: July 11, 1984