

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

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

Docket No. 50-322-~~DL-118~~
(Low Power)

OFFICE OF SECRETARY
DOCKETING & SERVICE

NEW YORK STATE SUPPORT OF SUFFOLK COUNTY'S REQUEST
FOR CLARIFICATION AND REQUEST THAT ALL OF LILCO'S WITNESSES
BE AVAILABLE FOR EXAMINATION IF AND WHEN HEARING ON
EXEMPTION FROM REGULATION FOR LOW POWER LICENSE IS HELD

Suffolk County has requested clarification by this Board of its Order dated May 31, 1984 establishing a schedule for a Resumed Hearing.

Suffolk County's request is that, if and when Hearings are held on LILCO's Application for an Exemption from the Regulations for a Low Power License, inasmuch as such Hearings are deemed a resumption of the Hearings which were halted on April 25, 1984 by way of a Temporary Restraining Order from the Federal District Court of Washington, D. C., Suffolk County be accorded the right not only to continue its cross-examination of Mr. Museler, but also to have available for additional cross-examination all of LILCO's witnesses who appeared at the original Hearing. The State of New York fully supports this request by Suffolk County.

In addition, the State of New York requests that all of the witnesses produced at that Hearing by LILCO be made available for cross-examination by the State of New York. The State of New York declined to cross-examine any witnesses produced at that Hearing because the schedule for conduct of that Hearing did not allow the State adequate time to prepare to cross-examine LILCO's witnesses and thereby denied the State of New York the due process of law to which it was entitled. Cross-examination at that time and under that schedule, therefore, would have been meaningless. The State of New York noted on the record at that time its objection to the conduct of that Hearing, and was granted a continuing objection to everything that took place at that Hearing. 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. Since the State of New York rightfully objected to that Hearing, and rightfully did not cross-examine any of the witnesses presented, the State of New York is now entitled to its due process of law by way of cross-examination of those witnesses.

Accordingly, the State of New York respectfully requests that this Board Order that all of the witnesses presented by LILCO in the aforesaid proceeding which was terminated on April 25, 1984, be made available for cross-

examination by the State of New York if and when resumed Hearings are held upon LILCO's Application for an Exemption from the Regulation for a Low Power License.

Respectfully submitted,

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July 12, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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))	

CERTIFICATE OF SERVICE

I hereby certify that copies of NEW YORK STATE SUPPORT OF SUFFOLK COUNTY'S REQUEST FOR CLARIFICATION AND REQUEST THAT ALL OF LILCO'S WITNESSES BE AVAILABLE FOR EXAMINATION IF AND WHEN HEARING ON EXEMPTION FROM REGULATION FOR LOW POWER LICENSE IS HELD, dated July 11, 1984, have been served on the following this 12th day of July 1984 by U. S. Mail, first class; by Federal Express when indicated by two asterisks; and by telecopier when indicated by one asterisk.

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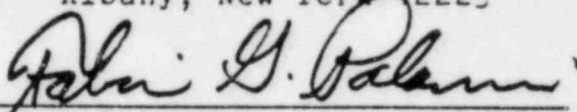
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Date: July 12, 1984