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December 14, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

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

Docket No. 50-322-OL

SUFFOLK COUNTY AND STATE OF NEW YORK
MOTION FOR LEAVE TO RESPOND TO LILCO'S
REPLY TO SUFFOLK COUNTY AND STATE OF NEW YORK
PROPOSED FINDINGS OF FACT

Suffolk County and the State of New York hereby move for leave to file a limited response to LILCO's Reply to Suffolk County and State of New York Proposed Findings of Fact. We note that during the course of the hearing in this matter, the Board contemplated that such a response might be necessary (see Tr. 24,360-61).

We seek such leave for the limited purpose of answering LILCO's unfair and unfounded charges that the County and the State mislead the Board, distort the record, and propose findings that have no evidentiary support. We submit that it is appropriate and indeed necessary for the Board to grant such

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leave under the circumstances because LILCO's charges are totally groundless and exceed the limits of fair advocacy.^{*/}

Accordingly, granting this request is essential to permit fair evaluation of the record and also to protect the integrity of the positions espoused by the County and the State in their Joint Proposed Findings.

The response contemplated by the County and the State is not expected to exceed ten pages in length.

^{*/} As an example, submitted solely for the purpose of permitting the Board to evaluate this motion, LILCO accuses the Intervenors of misleading the Board concerning Joint Proposed Finding 36 (LILCO Reply ¶¶18-19), but fails to show how this Finding is misleading or incorrect in any respect. Although LILCO attacks the County's witnesses for not checking the accuracy of TDI's calculation of torsional stress, LILCO points to no evidence whatsoever that TDI's calculation is anything but accurate. Surely, LILCO would have brought any inaccuracy in this calculation to the attention of the Board and the parties if one existed.

Respectfully submitted,

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December 14, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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In the Matter of))
LONG ISLAND LIGHTING COMPANY) Docket No. 50-322 O.L.
(Shoreham Nuclear Power Station,))
Unit 1))
_____)

CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY AND STATE OF NEW YORK MOTION FOR LEAVE TO RESPOND TO LILCO'S REPLY TO SUFFOLK COUNTY AND STATE OF NEW YORK PROPOSED FINDINGS OF FACT have been served to the following this 14th day of December, 1984, by U.S. mail, first class, except as otherwise noted.

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By Hand *
By Federal Express #

DATE: December 14, 1984