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May 10, 1988 ~~9:15~~ 12 P6:15

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Before the Atomic Safety and Licensing Board

In the Matter of  LONG ISLAND LIGHTING COMPANY  (Shoreham Nuclear Power Station, Unit 1)	) ) ) ) ) ) ) ) ) )	Docket No. 50-322-OL-3 (Emergency Planning)
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GOVERNMENTS' MOTION TO DEFER FILING DATE  
FOR MOTIONS TO STRIKE ON REALISM TESTIMONY

At today's Prehearing Conference, the Governments omitted to raise one matter which became "ripe" during the course of today's proceeding. That concerns the timing for the filing of strike motions concerning LILCO's prefiled testimony on Contentions 1-2, 4-8, and 10.

The Board stated part way through today's conference that it expects to issue a decision concerning pending realism issues on approximately May 26 or June 2. If the Board were to dismiss the contentions (as LILCO and the Staff have urged), then strike motions are not required at all. If the Board does not dismiss the contentions, the Board's decision still will have an impact

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regarding what matters contained in the LILCO testimony are subject to being struck, since the Board necessarily will provide guidance on the realism issues.<sup>1/</sup>

In view of the foregoing, as well as the work requirements already specified for this week (particularly the May 12 response to LILCO's discovery motion), the Governments submit that it makes sense that strike motions on LILCO's realism testimony be deferred until 7 days after receipt of the Board's ruling on realism issues. Since there is a "target" date of June 20 or June 27 for the start of the realism trial, a deferral of strike motions should have no adverse impact on the proceeding.

Under the Board's current schedule, strike motions would be due to be filed this Friday, May 13. Accordingly, we respectfully request the Board to issue an immediate ruling on this matter and to advise the parties by telephone regarding the

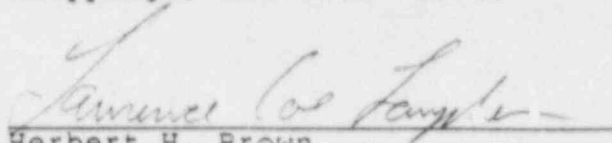
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<sup>1/</sup> For example, if the Board were to decide to deny admission to some or all of the testimony of County Executive Halpin or Health Commissioner Axelrod, such action would provide a basis for striking many portions of the LILCO testimony as well. This is because LILCO's testimony in many places addresses the same issues as are addressed in the Halpin and Axelrod testimonies. For example, the LILCO testimony (at pages 22 and 26) discusses the Governments' familiarity with the LILCO Plan. That matter is discussed in the Halpin testimony (at pages 7 and 8 and at pages 7-8 of the Halpin affidavit) and at pages 3-4 of the Cuomo affidavit that is attached to the Axelrod testimony.

outcome. Again, we apologize for not raising this matter at the conference.

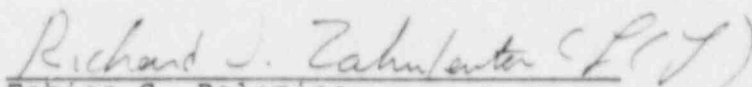
Respectfully submitted,

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LONG ISLAND LIGHTING COMPANY )

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) Docket No. 50-322-OL-3  
) (Emergency Planning)

CERTIFICATE OF SERVICE

I hereby certify that copies of Governments' Motion to Defer Filing Date for Motions to Strike on Realism Testimony have been served on the following this 10th day of May 1988 by U.S. mail, first class, except as otherwise noted.

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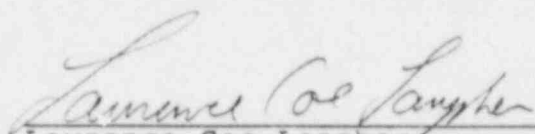
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