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LILCO, May 11, 1988

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'88 MAY 13 P4:28

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	
LONG ISLAND LIGHTING COMPANY)	Docket No. 50-322-OL-3
)	(Emergency Planning)
(Shoreham Nuclear Power Station,)	
Unit 1))	

LILCO'S ANSWER TO INTERVENORS' MOTION TO
DEFER MOTIONS TO STRIKE REALISM TESTIMONY

On May 10, 1988, the Intervenors filed their Governments' Motion to Defer Filing Date for Motions to Strike on Realism Testimony ("Motion"). They ask that the motions to strike realism testimony, now due May 20, be "deferred until 7 days after receipt of the Board's ruling on realism issues." Motion at 2.

LILCO does not oppose the Intervenors' Motion,^{1/} if the filing date is extended for all motions to strike -- that is, those filed by LILCO as well as the Intervenors. At the appropriate time, LILCO expects to move to strike the Halpin and Axelrod testimony in its entirety, primarily because it is a challenge to NRC regulations, and portions of the Sholly and Minor testimony on the ground that they attempt to reopen already-litigated issues and stray beyond the expertise of the witnesses. LILCO believes that these motions should be filed on the same date that the Intervenors file theirs.

LILCO does ask that, if the Board grants the Intervenors' Motion, it give notice by phone when it issues its decision on the pending realism issues. Since the

^{1/} LILCO does not agree with footnote 1 of the Intervenors' Motion, which suggests that if the Halpin and Axelrod testimony is stricken, then the Intervenors may be entitled to strike part of LILCO's testimony. But resolution of this issue must of course await the filing of the motions to strike.

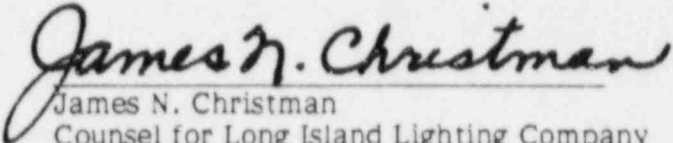
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Intervenors propose a filing date seven days beyond "receipt" of the Board's decision, the parties need a chance to pick up the decision promptly.

LILCO agrees with the Intervenors that a prompt decision on their Motion is needed, since otherwise we will need to file our motions to strike this Friday.

Respectfully submitted,


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DATED: May 11, 1988

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CERTIFICATE OF SERVICE

OFFICE OF SECRETARY
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(Shoreham Nuclear Power Station, Unit 1)
Docket No. 50-322-OL-3

I hereby certify that copies of LILCO'S ANSWER TO INTERVENORS' MOTION TO DEFER MOTIONS TO STRIKE REALIS'M TESTIMONY were served this date upon the following by telecopier as indicated by one asterisk, by Federal Express as indicated by two asterisks, or by first-class mail, postage prepaid.

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