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April 27, 1987UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing BoardOFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power)
Station, Unit 1))Docket No. 50-322-OL-3
(Emergency Planning)SUFFOLK COUNTY AND STATE OF NEW YORK
MOTION FOR LEAVE TO FILE REPLY

On April 13, 1987, Suffolk County and the State of New York (the "Governments") filed a Motion to compel LILCO to provide certain information.^{1/} On April 23, 1987, LILCO filed an Answer opposing the Governments' Motion.^{2/}

The Governments' review of LILCO's Answer reveals that LILCO has advanced certain arguments which the Governments could not anticipate in their Motion and/or which so distort the applicable law and the facts as to require that the Board be apprised of those distortions.

^{1/} Suffolk County and State of New York Motion to Compel LILCO to Provide Sources of Data Relied Upon In Testimony (April 13, 1987) (the "Motion").

^{2/} LILCO's Answer Opposing Intervenor's Motion to Compel of April 13, 1987 (April 23, 1987) (the "Answer").

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For instance, LILCO's argument that the Governments' Motion is untimely is nothing short of disingenuous. The Governments could not reasonably have foreseen that LILCO would advance such a specious argument. LILCO's argument and the reasons why it must be rejected are set forth in the Governments' Reply, which is attached hereto.

Likewise, LILCO states that the use of information over which it claims work product protection in its Direct Testimony does not constitute a waiver of the work product privilege. This is directly contrary to applicable case law which LILCO has conveniently ignored.

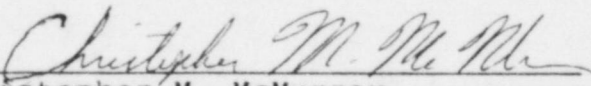
LILCO has also advanced the argument that it has already produced two documents pertinent to its testimony and that further inquiry into the validity of its testimony is not necessary. This argument, as set forth by LILCO, is disingenuous and thus requires a reply.

Finally, LILCO argues without basis that its fears of harassment and intimidation, fears which it does not claim have been expressed by its sources, are real. Even if its "fears" are real (which they are not) LILCO does not address the possibility of an appropriate protective order, which could allay its "fears."

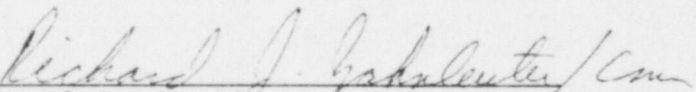
The Governments' proposed Reply is attached hereto. For the reasons set forth above, and as explained further in the Governments' Reply, the Governments respectfully request that this Board accept the attached Reply for filing and consider it in their deliberations on the matter.

Respectfully submitted,

Martin Bradley Ashare
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April 27, 1987