

DOCKETED
USNRCUNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'87 MAY -4 A10:42

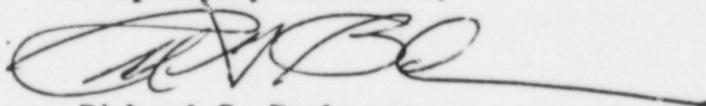
BEFORE THE ATOMIC SAFETY AND LICENSING BOARDOFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

NRC STAFF RESPONSE TO STATE OF NEW YORK
MOTION FOR LEAVE TO FILE REBUTTAL TESTIMONY

On April 16, 1987, Intervenor State of New York filed its "Motion for Leave to File Rebuttal Testimony" ("Motion"). According to the Motion, such testimony would provide an analysis of the underlying data for the KLD TR-201 report, which was submitted as part of LILCO's direct testimony. The Motion states that there is good cause for filing rebuttal testimony because New York's analysis shows that LILCO had manipulated its data, and that New York's witnesses did not have the time to incorporate their analysis in their direct testimony. Motion at 4-5. The Staff believes that New York has not provided sufficient information in its Motion concerning LILCO's alleged manipulation of data to satisfy the "good cause" standard on that basis alone. However, the Staff would not oppose non-cumulative, narrowly focused testimony going to the alleged unreliability of the data underlying KLD TR- 201. See Motion at 6.

Respectfully Submitted,


Richard G. Bachmann
Counsel for NRC StaffDated at Bethesda, Maryland
this 29th day of April, 19878705060030 870429
PDR ADOCK 05000322
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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
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LONG ISLAND LIGHTING COMPANY)	Docket No. 50-322-OL-3
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NPC STAFF RESPONSE TO STATE OF NEW YORK MOTION FOR LEAVE TO FILE REBUTTAL TESTIMONY" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 29th day of April, 1987:

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