

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

STATUS REPORT OF COUNSEL

The following report is submitted pursuant to the Board's instructions given during the course of the licensing hearing.

At the Board's request, counsel for the LILCO, for Suffolk County and for the Commission staff met in Washington, D.C. on Wednesday, June 30, 1982 in order to consider the following:

(i) The need for greater particularization of the Consolidated Emergency Planning Contentions filed by Suffolk County, the Shoreham Opponents Coalition ("SOC") and the North Shore Committee Against Nuclear and Thermal Pollution ("NSC");

(ii) Areas of potential settlement and compromise;  
and

(iii) Establishing a discovery schedule.

At the June 30 meeting, counsel for LILCO, counsel for Suffolk County and counsel for the NRC staff reviewed the

Consolidated Contentions paragraph by paragraph and exchanged views as to the need for further particularization. As a result of that review, many of LILCO's and the staff's suggestions have been incorporated in the First Amended Consolidated Emergency Planning Contentions being filed contemporaneously herewith. Since neither counsel for SOC nor counsel for NSC was present in person at the June 30 meeting, such counsel were apprised by telephone of actions taken at the June 30 meeting. Moreover, counsel for LILCO and counsel for NSC also discussed by telephone the need for greater particularization of NSC's contentions. On July 2, 1982, counsel for NSC transmitted to other counsel revised contentions of NSC. These contentions have been fully incorporated into the First Amended Consolidated Contentions being filed herewith.

Also during the course of the June 30 meeting, counsel for LILCO and counsel for Suffolk County explored particular contentions which might be compromised and settled prior to trial. Several specific contentions were identified as candidates for settlement, and counsel expressed willingness to continue to search for additional areas where common ground may exist.

Finally, counsel for the parties have agreed to the following as a schedule for discovery concerning the litigation of LILCO's emergency plan:

A. On or before July 7, 1982, each party seeking discovery shall furnish to the parties from whom discovery is sought, a request for an identification of witnesses who have knowledge of the matters as to which discovery is sought;

B. On or before July 9, 1982, the parties shall furnish the information requested of them pursuant to subparagraph A above;

C. On or before July 13, 1982, the parties shall confer and identify depositions which they expect to take and to establish an orderly schedule for the taking of such depositions;

D. On or before July 20, 1982, all parties shall file and serve any interrogatories and requests for admissions. In view of the informal discovery which is expected to be ongoing during the entire discovery period, the parties do not anticipate the need to utilize any interrogatories. Instead, they contemplate that interrogatories will be filed mostly as a matter of record in the event that a dispute arises as to the scope of permissible discovery; and

E. All discovery shall be concluded on or before July 30, 1982.

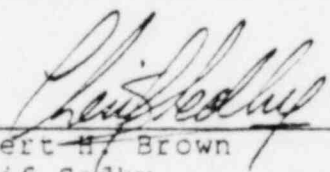
As noted, the parties expect to be able to conduct much of their discovery informally in a good faith effort to conclude all discovery within the time-frame contemplated. However, in view of the extremely severe deadline within which the parties are operating, the schedule set forth above does not include any time to resolve discovery disputes, any of which will have to be resolved by the Board outside the discovery period.

Respectfully submitted,

DAVID J. GILMARTIN  
Suffolk County Attorney

PATRICIA A. DEMPSEY  
Assistant Suffolk County  
Attorney

Suffolk County Department of  
Law  
Veterans Memorial Highway  
Hauppauge, New York 11788



---

Herbert H. Brown  
Cherif Sedky  
Christopher M. McMurray  
KIRKPATRICK, LOCKHART, HILL,  
CHRISTOPHER & PHILLIPS  
1900 M Street, NW, Suite 800  
Washington, D.C. 20036  
(202) 452-7000

Attorneys for Suffolk County

Dated: July 6, 1982

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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 (O.L.)

CERTIFICATE OF SERVICE

I hereby certify that copies of the Status Report of  
Counsel were sent on July 6, 1982, by first class U.S. Mail,  
postage prepaid, to the following:

Lawrence Brenner, Esq.\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. James L. Carpenter\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mr. Peter A. Morris \*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Edward M. Barrett, Esq.  
General Counsel  
Long Island Lighting Company  
250 Old Country Road  
Mineola, New York 11501

Mr. Brian McCaffrey  
Long Island Lighting Company  
175 East Old Country Road  
Hicksville, New York 11801

Ralph Shapiro, Esq.  
Cammer and Shapiro  
9 East 40th Street  
New York, New York 10016

Howard L. Blau, Esq.  
217 Newbridge Road  
Hicksville, New York 11801

W. Taylor Reveley III, Esq.  
Hunton & Williams  
P.O. Box 1535  
707 East Main St.  
Richmond, Virginia 23212

Mr. Jay Dunkleberger  
New York State Energy Office  
Agency Building 2  
Empire State Plaza  
Albany, New York 12223

Stephen B. Latham, Esq.  
Twomey, Latham & Shea  
Attorneys at Law  
P.O. Box 398  
33 West Second Street  
Riverhead, New York 11901

\* / By hand

Marc W. Goldsmith  
Energy Research Group, Inc.  
400-1 Totten Pond Road  
Waltham, Massachusetts 02154

Joel Blau, Esq.  
New York Public Service Commission  
The Governor Nelson A. Rockefeller  
Building  
Empire State Plaza  
Albany, New York 12223

David H. Gilmartin, Esq.  
Suffolk County Attorney  
County Executive/Legislative Bldg.  
Veterans Memorial Highway  
Hauppauge, New York 11788

Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Docketing and Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Bernard M. Bordenick, Esq.  
David A. Repka, Esq.  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Stuart Diamond  
Environment/Energy Writer  
NEWSDAY  
Long Island, New York 11747

Cherif Sedky, Esq.  
Kirkpatrick, Lockhart,  
Johnson & Hutchison  
1500 Oliver Building  
Pittsburgh, Pennsylvania 15222

Mr. Jeff Smith  
Shoreham Nuclear Power Station  
P.O. Box 618  
North Country Road  
Wading River, New York 11792

MHB Technical Associates  
1723 Hamilton Avenue  
Suite K  
San Jose, California 95125

Hon. Peter Cohalan  
Suffolk County Executive  
County Executive/Legislative  
Building  
Veterans Memorial Highway  
Hauppauge, New York 11788

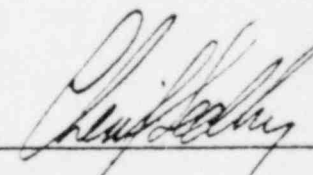
Ezra I. Bialik, Esq.  
Assistant Attorney General  
Environmental Protection Bureau  
New York State Department of  
Law  
2 World Trade Center  
New York, New York 10047

Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Matthew J. Kelly, Esq.  
Staff Counsel, New York  
State Public Service Comm.  
3 Rockefeller Plaza  
Albany, New York 12223

DATE:

July 6, 1982



KIRKPATRICK, LOCKHART, HILL,  
CHRISTOPHER & PHILLIPS  
1900 M Street, N.W., 8th Floor  
Washington, D.C. 20036