

RELATED CORRESPONDENCE

LILCO, February 22, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

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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 Proceeding)
(Shoreham Nuclear Power Station,)
Unit 1))

LILCO'S RESPONSE TO SUFFOLK COUNTY'S
LETTER MOTION FOR EXTENSION
OF TESTIMONY FILING DEADLINE

Construing Mr. Lanpher's letter of yesterday to the Board as an unorthodox motion for a general extension until March 14 for filing Group II testimony, LILCO replies as follows:

1. Suffolk County's assessment of affected contentions is accurate in most but not all cases. It is overinclusive in some respects,1/ underinclusive in some,2/ and inaccurate in one other.3/ A list which LILCO agrees contains arguably

1/ The County suggests that all training contentions (39, 40, 41, 44) are affected; in fact, only 40 is; but since the County is seeking to revise training issues generally, LILCO does not object to the County's categorization. The reference to Contention 24 should be limited to 24.N; the reference to Contention 72 should be limited to 72.C and D.

2/ The County's pleading should also consider Contention 96.B, on which Messrs. Glaser and Yedvab will be contributing testimony. Also, Mr. Richard Watts will be a witness on Contentions 60, 61, 63 and 64.

3/ The County paper's reference to Contention 82 should be to Contention 81; Contention 82 has been withdrawn.

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PDR ADDCK 05000322
PDR

add: J. Gorn
CA

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affected contentions is displayed in paragraph 4 of this Response. In any event, the number of contentions affected, either under the County's count or LILCO's, is only between a quarter and a third of the Group II contentions in which testimony is due to be filed on March 2.

2. LILCO does not agree with the County's chronology of events and emphatically rejects its suggestion that LILCO was somehow remiss in not mentioning these supplemental witnesses during the Board's brief February 15 conference call on other matters. The correspondence attached to the County's motion explains this background in somewhat more detail. LILCO's further follow-up note of February 21 should also have been included (Attachment 1 hereto).

3. LILCO similarly does not agree that circumstances prevent the County's lawyers from conducting any discovery before March 2. Available dates were already being provided to them in response to Mr. Lanpher's February 17 letter, received on Friday evening, by about midday on Monday, February 20. Nor does LILCO agree that supplemental testimony is not generally a sufficient remedy. Nor has FEMA provided any greater certainty than previously as to the date of issuance of the RAC review.

4. If the Board determines that any alteration to the current schedule is warranted, it should not be a general delay of the type proposed by the County. The significant majority

of contentions are totally unaffected by these witnesses' addition, and it is important to the progress of this proceeding that this unaffected testimony be filed on time on March 2 and that hearings on it begin on March 20. Any schedule adjustment should be limited to those contentions which are potentially affected by the addition of new witnesses, namely:

15 4/
24.N
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72.C and D
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85
88
96.B

Any such deferral should be subject to the following conditions:

A. It is limited to those contentions or parts thereof listed.

B. Testimony is due on them from all parties (except, to the extent it cannot, from FEMA) on March 14.

4/ A listed contention includes all subparts except where otherwise designated.

C. Testimony on all other Group II issues is to be filed by all parties (except, to the extent it cannot, by FEMA) on March 2.

D. All discovery on the deferred issues is to take place before the filing of testimony on them on March 14. Discovery shall consist of depositions of each witness and associated follow-up document discovery.

E. The March 14 date is independent on the date of FEMA's completion of the RAC review.

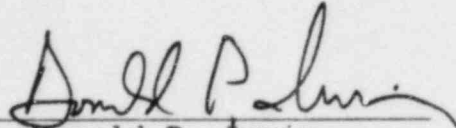
F. LILCO shall have the right to take depositions and associated follow-up document discovery, before March 14, of certain Group II witnesses designated by Suffolk County since the close of the initial discovery period last October 14, i.e., David J. Olson, Michael Lipsky, Sgt. Donald Hoffman and Police Officer James J. Read (all designated on November 1, 1983). In addition, LILCO shall have the right to depose Capt. Edward Michel, designated for the first time as a witness on communications issues on February 21, 1984.

G. Internal prehearing dates and dates for the commencement of hearings on issues not deferred remain as currently scheduled.

H. LILCO believes that it would be best for the Board to decide this issue promptly, in the interest of certainty for the parties. LILCO sees no need for open-ended discussion of

the matter when the hearings are resumed tomorrow to deal with New York State's and LILCO's supplemental testimony on traffic issues.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Donald P. Irwin", written over a horizontal line.

Donald P. Irwin
James N. Christman

Hunton & Williams
707 East Main Street
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DATED: February 22, 1984

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February 21, 1984

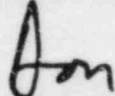
Lawrence Coe Lanpher, Esq.
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BY TELECOPIER

Dear Larry:

I have information concerning Dr. David Glaser's availability for depositions. He is available this Thursday, February 23; this Friday, February 24, as long as the deposition ends before 2:00 p.m. He is then available March 2 in the afternoon, March 5, March 6 in the afternoon, or March 12 after 11:00 a.m.

Sincerely yours,


Donald P. Irwin

91/730

cc: Bernard M. Bordenick, Esq.
Stewart M. Glass, Esq.
Fabian G. Palomino, Esq.
Stephen B. Latham, Esq.
James B. Dougherty, Esq.
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LILCO, February 22, 1984

CERTIFICATE OF SERVICE

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

I, Donald P. Irwin, certify that copies of LILCO'S RESPONSE TO SUFFOLK COUNTY'S LETTER MOTION FOR EXTENSION OF TESTIMONY FILING DEADLINE were served this date upon the following by first-class mail, postage prepaid, or by hand (as indicated by one asterisk), or by Federal Express (as indicated by two asterisks).

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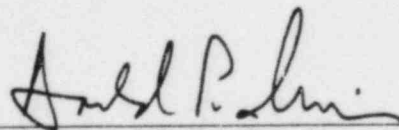
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