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BY HAND

April 23, 1984

Hertzel Plaine, Esq.
General Counsel
United States Nuclear
Regulatory Commission
1717 H Street, N.W.
Room 1035
Washington, D.C.

DOCKET NUMBER
PROD. & UTIL. F.D.

50-3220L-4

Dear Mr. Plaine:

This will confirm our telephone conversations of Saturday and Sunday, April 21 and 22. In those conversations I informed you that our client, Suffolk County, together with the State of New York, intends to file an action in Federal District Court in Washington this morning, Monday, April 23, seeking a temporary restraining order and a preliminary injunction to stop the NRC's Atomic Safety and Licensing Board from beginning a hearing on the motion of the Long Island Lighting Company to obtain a low power operating license for the Shoreham Nuclear Power Station. The action would be based upon the fact that the Licensing Board's schedule for the hearing precludes Suffolk County and the State from preparing for and meaningfully participating in the hearing, and thus deprives the County and State of due process of law.

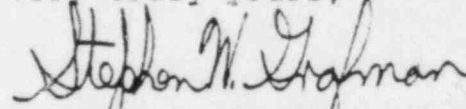
You confirmed during our Sunday discussion, that several of the Commissioners last Friday evening had individually discussed over the telephone the matters raised by Suffolk County in the Joint Request of Suffolk County and New York State, filed with the Commission on April 16, and that a meeting of the Commission is scheduled for 10:00 a.m. this morning to discuss those matters. You advised that, although you do not know what action, if any, the Commission might take on Monday, it would be wise for the County to take this meeting into consideration in the context of the timing of the filing of the Complaint in Federal District Court.

In light of this information, Suffolk County and New York State will delay filing the Complaint until 12:00 noon today, or such earlier time as we are informed of any decision by the Commission that does not provide for satisfactory relief from the Licensing Board's denial of due process. I would appreciate your telephoning me promptly to report any Commission decision which it believes might be appropriate to convey. If we have not heard from you by noon, we will be required to commence the action so that the court will have time to review our pleadings and rule thereon before the scheduled start of the hearing tomorrow.

I do want to emphasize the seriousness of this matter. The 17 day schedule imposed by the Licensing Board for retention of witnesses, for all discovery, for preparation of testimony, and for trial preparation is manifestly unreasonable. This schedule, coupled with Chairman Palladino's intervention with both the Staff (EDO) and the ASLB (Judge Cotter), leads to the inescapable conclusion that the Commission has permitted extraneous influences to taint the hearing process. I further refer you to the request of Suffolk County Executive Peter J. Cohalan, dated April 11, 1984 in this regard.

We urge that the Licensing Board's order be vacated and that fair and reasonable procedures which include full opportunity for discovery and trial preparation be ordered in accordance with the due process needs of Suffolk County and the State of New York.

Very truly yours,


Stephen W. Grafman

cc: Donald P. Irwin, Esq. (by hand)
Shoreham low power service list (by mail)