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KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

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May 1, 1984

Marshall E. Miller, Chairman
Judge Glenn O. Bright
Judge Elizabeth B. Johnson
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Shoreham Low Power Proceeding; NRC
Docket No. 50-322-OL-4

Dear Administrative Judges:

Suffolk County has reviewed the brief transcript of the proceedings held by this Board on Friday, April 27, 1984. The County has also reviewed the Board's Status Report to Commissioners, dated April 30, 1984. Because of the Board's comments last Friday, which comments are repeated in the Status Report, Suffolk County has determined that it is essential to make its views part of this record.

At the conclusion of the Board's April 27 proceeding, the Board Chairman made the following statement:

In view of the nature of the events this afternoon, the non-appearance and the continued excuses or pretexts or whatever by counsel and now this document, which presumably took a little time to prepare, would indicate that counsel for Suffolk County and the State of New York have no intention of proceeding before or with this Board in any but an exceedingly dilatory, if not intransigent, fashion. We don't wish to have any further proceedings.

We are obeying the mandate of the Court as we understand it. This is not a proceeding, as you know. We simply

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KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

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tried to comply with the Commission's request to permit conferences between and among the parties and the Board. Inasmuch as this is impossible, we will ask to have this transcript written up as promptly as possible. It will be transmitted Monday to the Commissioners together with our status report. You can pretty much imagine what the status report will consist of. And as far as we are concerned, peace be with you. (Tr. 17-18)

These comments are quoted in the Board's Status Report to Commissioners.

The Board's comments, in the view of Suffolk County, mischaracterize the actions of the County and State. Indeed, the facts and events of last Friday do not justify the Board speaking of counsel having "no intention of proceeding before or with this Board." At the very time the Board made that statement, it had been informed that County counsel were enroute to the Board's meeting. Further, the Board's characterization of "continued excuses or pretexts or whatever" by County counsel was unwarranted and in error. The facts show that "pretexts" and the like were misplaced characterizations. Counsel fully informed the Board in writing and the Board's assistant by phone of precisely the facts: namely, that counsel would not be available until after 3:30 p.m., and that at that very hour counsel were enroute to the Board's meeting.

Finally, the Board's statement that "We don't wish to have any further proceedings" was the Board's own unilateral decision, not that of County counsel. As County counsel were about to enter the NRC's building at approximately 4:00 P.M. to attend the Board's meeting, Judges Miller and Johnson were walking out of the building. And, as counsel were later leaving the building by elevator, they met Judge Bright. In fact, County counsel went to the Board's hearing room and met with counsel for the Staff and LILCO. Only the Board was not there.

The County has proceeded diligently, and the inability of its counsel to be present prior to 4:00 P.M. Friday was based upon preexisting scheduling conflicts of which the Board had been made aware. Indeed, the County made clear repeatedly to the Board on Friday, April 27, that the County was willing to meet on the scheduling matter "at virtually any time, day or night" See Exhibit 3 hereto. These statements and the other factual matters discussed below contradict any basis for the Board's statements. The County therefore respectfully requests the Board

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to delete the above quoted portions of the April 27 transcript and the same portion of the Status Report to Commissioners or, in the alternative, to include this letter and attachments as part of the transcript and as part of the Status Report.

The discussion of the sequence of events set forth below provides the basis for the County's view.

1. On Thursday morning, April 26, 1984, Suffolk County and the State of New York amended their complaint in Cuomo, et al. vs. NRC, et al., U.S. Dist. Ct. Docket No. 84-1264, to seek additional relief in the form of disqualification of certain NRC personnel, including this Board, from further participation in Shoreham proceedings.

2. Late on Thursday afternoon, April 26, the Commission issued an oral order directing the parties in the low power proceeding to meet among themselves and with the Board to attempt to agree on a new reasonable schedule for the low power proceeding. A copy of the oral order as dictated to the County's counsel is Exhibit 1 hereto.

3. Late Thursday afternoon or early evening, Mr. Lanpher, one of the County's counsel, was telephoned by the Board's legal assistant, Ms. Frucci. Mr. Lanpher could not be located immediately to take the call. Mr. Lanpher, shortly thereafter, attempted to return Ms. Frucci's call but the line was busy. Mr. Lanpher and Mr. Brown attempted to contact Ms. Frucci about 5-10 times until about 7 P.M. but the line remained busy.

4. Shortly after 8 P.M. on Thursday evening, Mr. Lanpher was able to reach Ms. Frucci. Ms. Frucci informed the County that the Board had scheduled a conference of counsel for 2:00 P.M. Friday, April 27, to attempt to comply with the Commission's oral order.

5. Later in the evening of April 26, Mr. Lanpher contacted Mr. Brown, another counsel for the County, to inform Mr. Brown of Ms. Frucci's call. Mr. Brown reminded Mr. Lanpher that they had a prior appointment with Mr. Martin B. Ashare, the Suffolk County Attorney, for the next afternoon at approximately 12:30 P.M. Mr. Lanpher and Mr. Brown agreed that Mr. Lanpher should inform Ms. Frucci of the conflict first thing the next morning.

6. At about 8:15 A.M. on Friday, April 27, Mr. Lanpher telephoned Ms. Frucci. Since she was not yet in, Mr. Lanpher

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wrote her a letter, to be hand delivered, advising of the conflict but emphasizing that the County wished to attend any such scheduling discussion. The letter advised that the County's counsel could attend a conference after 3:30 P.M. Friday, on Saturday, on Sunday, or any time this week. A copy of this letter is Exhibit 2 hereto.

7. At about 9:00 A.M., Ms. Frucci returned Mr. Lanpher's call. Mr. Lanpher orally advised her of the situation and, at her request, telecopied his letter to her.

8. At about 10:00 A.M. on Friday, April 27, Mr. Palomino, counsel to Governor Cuomo, was notified of the Board's plan to hold a conference at 2:00 P.M. that day. [Ms. Frucci apparently had attempted to reach Mr. Palomino the night before but was unsuccessful]. Mr. Palomino, who was then in New York, immediately responded by letter, advising the Board that he could not attend because of the short notice and his previously arranged duties. Mr. Palomino also questioned whether it was proper for the Board to hold such a hearing in view of the relief being sought in the court litigation. See ¶1, supra. A copy of Mr. Palomino's letter is Exhibit 4 hereto.

9. At about 11 A.M., Ms. Frucci called Mr. Brown and Mr. Lanpher to inquire, apparently at the Board's request, into the nature of their scheduling conflict. Mr. Brown and Mr. Lanpher explained their prior appointment with Mr. Ashare. Ms. Frucci asked that this explanation be put in writing. A copy of Mr. Brown's memorandum to Ms. Frucci, Exhibit 3 hereto, was telecopied to Ms. Frucci shortly after 11 A.M. Mr. Brown stated in conclusion:

I reiterate that we are prepared to meet with other parties to discuss scheduling and other related matters at virtually any time, day or night, other than the brief periods of conflict mentioned to you by Mr. Lanpher.

10. Early on Friday morning, the County's attorneys, knowing that a scheduling meeting appeared inevitable at some time either on Friday or during the weekend, decided to prepare a written schedule proposal that could form the basis for discussions. Such a proposal was prepared Friday morning and completed at about 12:30 P.M. A copy is Exhibit 5 hereto. The State of New York joined in the County proposal. See Exhibit 6. The County and the State were the only parties which prepared a

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formal schedule proposal. The County and State made clear that they disagreed with the Commission's order to the extent it called for the Board's participation since the then-pending Cuomo litigation sought the Board's disqualification. See Exhibits 5 and 6. At about 12:45 P.M., Mr. Lanpher directed that the County's scheduling proposal be sent by messenger to the Board and parties. It apparently was received by the Board at about 3:15 P.M. See Tr. 13-14. The County does not know why Exhibit 5 was not received until about 3:15 P.M.

11. At about noon or shortly thereafter on April 27, Mr. Lanpher spoke with Ms. Frucci concerning whether the 2:00 P.M. conference had been postponed. She indicated that it had not to her knowledge. Mr. Lanpher reiterated the schedule problem but emphasized again the County's willingness to meet on the scheduling matter.

12. Mr. Ashare arrived at about 1:15 P.M. on April 27. Mr. Lanpher and Mr. Brown met with him until shortly after 3:00 P.M.

13. At 2:00 P.M., the Board convened the hearing, placed Exhibits 2 and 4 into the record, and then took a recess. See Tr. 3-7.

14. At about 2:45 P.M., Ms. Frucci called on behalf of the Licensing Board to inquire whether the County's attorneys were on their way to the conference. The events which transpired over the next 30 minutes are described in the attached file memorandum of Mr. Dynner, an attorney for Suffolk County. See Exhibit 7 The memorandum indicates that shortly after 3:00 P.M., the County's attorneys were informed that the Board was waiting for them. The County's attorneys informed counsel for LILCO that they would leave immediately and attempt to be at the hearing no later than 4:00 P.M.

15. The Board was informed by LILCO's counsel that the County's attorneys were on their way and would be at the hearing by 4:00 P.M. Tr. 13.

16. Two of the County's attorneys arrived at East-West Towers at 4:00 P.M. As they arrived, Judges Miller and Johnson passed by and left. The third County attorney was delayed by traffic and arrived at about 4:05 P.M.

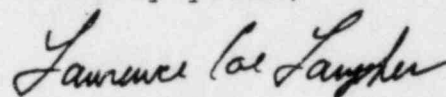
KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

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17. The County's attorneys met with Staff and LILCO counsel beginning at about 4:10 P.M. The County's position, as set forth in Exhibit 5, was that a reasonable schedule would be a hearing starting on August 7. The Staff was prepared to agree to a hearing starting on June 18; LILCO suggested a hearing starting on May 30. No agreement was reached.

The transcript of April 27 and the Board's April 30 Status Report to Commissioners reflect some obvious frustration regarding delay in the start of Friday's scheduling conference. However, the foregoing facts document that the State and County were completely diligent in proceeding on this matter. Therefore, there was no basis for the remarks of the Board which are quoted at pages 1-2 of this letter. The County therefore respectfully requests the Board to reconsider its comments and that they be deleted from the record. If they are not deleted, please have a copy of this letter bound into the transcript of the April 27 Board meeting and also made part of the April 30 Status Report.

Sincerely yours,



Lawrence Coe Lanpher

LCL/jee

cc: Herzel Plaine, Esq., General Counsel
Low power service list

Read by phone by Dan
Burlington, NRC/OGC, at about
5:15 P.M., Thursday, 4/26/84

The parties to the proceedings on applicant's March 20, 1984 Supplemental Motion for Low Power Operating License are directed to confer among themselves and with the presiding Atomic Safety and Licensing Board as soon as possible with the objective of establishing a new schedule for further proceedings on the Supplemental Motion. Such a new schedule should allow the parties a reasonable additional amount of time for their cases.

No later than Noon, April 30, 1984, the Chairman of the Licensing Board shall advise the Commission's general counsel of the status of the conferences among and with the parties. If the Board Chairman advises the General Counsel at this time that no agreement among the parties on a schedule is possible, then the extraordinary circumstances of this case require that the Commission itself set a reasonable schedule.

The conduct of hearings on the Supplemental Motion is currently enjoined in accordance with the U.S. District Court's Order of April 25, 1984.

ADDITIONAL DEFENDING VIEWS OF COMMISSIONERS WILL BE ISSUED TOMORROW MORNING.

? DISSENTING ?

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

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April 27, 1984

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(BY MESSENGER)

Eleanor Frucci, Esq.
 Atomic Safety and Licensing Board
 U.S. Nuclear Regulatory Commission
 4350 East-West Highway
 Bethesda, Maryland 20814

Dear Ms. Frucci:

You informed me by telephone last night that Judge Miller has scheduled a conference at the hearing room in Bethesda, Maryland, for 2:00 p.m. today to discuss responses to the Commission action of yesterday afternoon. The Commission (in an order we have not yet seen, but of which we were informed by the General Counsel's Office) has asked the parties to attempt to agree on a reasonable schedule for a low power hearing.

The County wishes to attend any such scheduling discussions. However, due to conflicts in our schedules, Mr. Herbert H. Brown and myself, the two County attorneys who are to represent the County on this matter, are unavailable at 2:00 p.m. today. (Other County attorneys also have scheduling conflicts at that time.) Mr. Brown and I are available at anytime after 3:30 p.m. today, from 11:00 a.m. to 4:00 p.m. tomorrow, from 9:00 to 11:30 a.m. Sunday, and anytime next week.

I hope to reach you by phone this morning to convey the foregoing information to you but, if not, I thought it best to get it to you in writing as well. In addition, it is likely that the County may file papers concerning yesterday's Commission action. If so, we will hand serve them on the Board and parties.

Sincerely yours,

Lawrence Co Lanpher
 Lawrence Coe Lanpher

LCL/dk

cc: Judge Marshall E. Miller
 Judge Glenn O. Bright
 Judge Elizabeth B. Johnson
 Robert M. Rolfe, Esq.
 Edwin J. Reis, Esq.
 Fabian Palomino, Esq.

April 27, 1984

TO: Eleanor Frucci
FROM: Herbert H. Brown

I have a previously arranged standing appointment at 12:30 p.m. today with the Suffolk County Attorney and other County officials. Early on May 25, I invited Mr. Lanpher to this meeting and he accepted. This meeting will include discussion of pending litigation and other legal matters of interest. I consider Mr. Lanpher's participation essential.

I reiterate that we are prepared to meet with other parties to discuss scheduling and other related matters at virtually any time, day or night, other than the brief periods of conflict mentioned to you by Mr. Lanpher.



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

FABIAN PALOMINO
Special Counsel to the Governor

April 27, 1984

Honorable Marshall E. Miller, Chairman
Judge, Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Judge Miller:

This is in reply to your direction for a conference at 2:00 P.M. in Bethesda, Maryland today.

The State of New York is willing to meet to discuss a revised reasonable schedule for preparation and hearing of LILCO's Supplemental Application for a low power license.

However, due to the unanticipated and short notice of such conference -- I received it in New York City at approximately 10:00 a.m. this morning -- and due to the fact that I had previously arranged duties, as a representative of New York State, I will not be able to appear at the scheduled 2:00 p.m. conference in Bethesda.

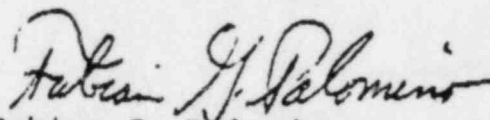
Furthermore, the State of New York does not deem it appropriate to have a conference of such revised schedule before this Board in view of the fact that it is presently challenging the assignment of this Board to conduct the hearing of the aforesaid Application. In furtherance of this challenge,

Honorable Marshall E. Miller -2-

April 27, 1984

the State of New York intends to request the Nuclear Regulatory Commission to delete from its Order of April 26, 1984, any provisions which would allow this Board to conduct such conference.

Very truly yours,



Fabian G. Palomino
Special Counsel to
Mario M. Cuomo, Governor
of the State of New York

cc: Commissioners, NRC Commission
Honorable Marshall E. Miller
Honorable Glenn O. Bright
Honorable Elizabeth P. Johnson

M E M O R A N D U M

April 27, 1984

TO: Counsel for Parties in Cuomo et al. v. NRC et al.
FROM: Kirkpatrick, Lockhart, Hill, Christopher & Phillips
RE: Resolution of Pending Litigation

At the outset of discussions among the parties, Suffolk County wishes to make its position clear.

1. As for the elements of a reasonable hearing schedule, the County rests upon its representations at the April 4 conference of counsel before the NRC Licensing Board, as supported subsequently by the affidavits which have been submitted. We attach hereto a detailed statement of that schedule, with some amendments which reflect recent events. Unless the NRC can demonstrate that a schedule more aggressively paced than the County's will better protect the public's health and safety (which is the NRC's mandate in this proceeding), there is no basis for any schedule other than the County's.

2. As for any deviation from the schedule proposed by the County and supported by the County's affidavits, the County requests that any party proposing such a deviation state the reasons, if any, that:

(a) it believes such deviation is necessary despite the County's representations and affidavits; and

(b) it believes such deviations will foster more effective protection of public safety than the County's proposed schedule.

3. As for the County's request for relief before the District Court that Chairman Palladino, Chief Administrative Judge Cotter, and Judges Miller, Bright, and Johnson be disqualified from participation in Shoreham-related matters, the County wishes to make this the subject of discussion and possible resolution among the parties. In particular, the County requests that appropriate NRC officials with authority to discuss this matter on behalf of the Commission (presumably the Office of General Counsel) be present.

4. The County believes that the involvement of Judges Miller, Bright, and Johnson in the consideration of a new hearing schedule, as directed by the Commission on April 26, is inappropriate. These Judges are Defendants in the U.S. District Court action filed by the County and State and are specifically named in the Court's order restraining NRC action. The County will therefore request the Commission to remove such Judges participating in any conferences with the parties.

5. The County will file additional requests with the Commission for disestablishment of the Licensing Board consisting of Judges Miller, Bright and Johnson (beyond the April 11 written request of the Suffolk County Executive) and also for recusal of such Judges and Chairman Palladino and Judge Cotter.

cc: ASLB Judges (by hand)
Daniel Berkovitz, Esq. (by hand)
Robert M. Rolfe, Esq. (by hand)
Edwin Reis (by hand)
Fabian G. Palomino, Esq. (by telecopier)

4/27/84

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-OL-4
(Low Power)

SUFFOLK COUNTY SCHEDULING VIEWS

At the April 4 argument, counsel for Suffolk County set forth its proposed schedule for activities leading to a hearing on LILCO's Low Power Motion. See Tr. 111, et seq. The schedule proposed by the County on April 4 was as follows:1/

<u>Event</u>	<u>Date</u>
Retention of experts (30 days)	May 4
Discovery ends (56 days)	June 29
Specification of issues	July 16 <u>2/</u>
Responses of parties	July 26

1/ This schedule omits the County's suggestion that the GDC 17 legal issue be briefed before proceeding to address the merits of LILCO's Low Power Motion. Tr. 109-11. The schedule is adjusted to permit the 30-day period to retain expert consultants.

2/ Adjusted to next business day when date ends on weekend.

Prehearing conference	August 6 <u>2</u> /
Prefiled testimony submitted	August 21
Commence hearing	September 5

The Licensing Board rejected the foregoing schedule. However, with the subsequent developments, the parties are now attempting to agree upon a reasonable schedule. The schedule proposed by the County below reflects some developments that have occurred since April 4, and begins on Monday, April 30:

<u>Event</u>	<u>Date</u>
Retention of additional experts (10 days)	May 10
Completion of discovery and preparation of technical analyses (60 days)	July 9
Prefiled testimony submitted	July 19
Commence hearing	August 7

Explanation of New Proposed Schedule

1. The County needs an additional 10 days to complete its retention of experts. Some experts have already been retained for work on low power matters (Messrs. Weatherwax, Meyer, Roesset, and Eley). As documented in Mr. Minor's affidavit, there are still other consultants in other disciplines to be retained. Minor Affidavit at 9-10.

2. The County's experts who have already been retained have set forth in their affidavits the amount of time required for them to complete their technical analyses. The affidavits indicate the following time:

Meyer and Roesset

end of June 1984

Eley

45-50 days 3/

Weatherwax

mid to late June 4/

Thus, it will take until late June for the retained experts to perform the necessary technical analyses. In the new proposed schedule we have added about 10 days (until July 9) to permit the still-to-be-hired experts to perform their work.

3. The Board apparently does not desire a period of time for specification of issues and a prehearing conference; therefore, we have deleted these items from the County's original schedule. Instead, a 10-day period after July 9 is allowed for submitting prefiled testimony. The County's affidavits indicate our experts need 1-2 weeks after completion of technical analyses in order to prepare testimony.

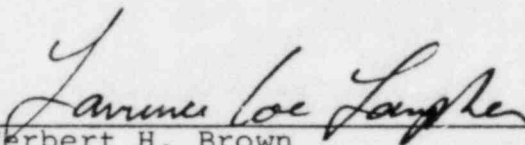
3/ If Mr. Eley could devote full time to the diesel analyses, he could probably be done in one month, assuming prompt receipt of additional documents. However, Mr. Eley is devoting substantial time to the TDI diesel matter; indeed, until May 11, he will be devoting full time to that matter due to the ASLB deposition schedule. Thus, the 45-50 day estimate is a realistic minimum time.

4/ Mr. Weatherwax had previously estimated completion by early June. As Mr. Weatherwax has proceeded with his work, he informs County counsel that his projections are overly optimistic and he will likely need some additional time.

4. The period of time in our schedule between the filing of prefiled testimony and the start of the hearing is roughly the same as the 15-day period provided in 10 C.F.R. § 2.743(b), adjusted so that the hearing will start on a Tuesday, rather than on Friday.

Respectfully submitted,

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



Herbert H. Brown
Lawrence Coe Lanpher
Alan Roy Dynner
KIRKPATRICK, LOCKHART, HILL,
CHRISTOPHER & PHILLIPS
1900 M Street, N.W., Suite 800
Washington, D.C. 20036

Attorneys for Suffolk County

April 27, 1984

M E M O R A N D U M

April 27, 1984

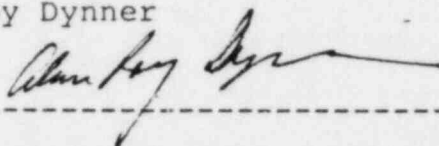
TO: Counsel for Parties in Cuomo et al. v. NRC et al.
FROM: Kirkpatrick, Lockhart, Hill, Christopher & Phillips
RE: State of New York Position Concerning Resolution of
Pending Litigation

After being informed of the contents of our Memorandum to Counsel of this date, Mr. Palomino, Special Counsel to the Governor, informed us by telephone that he agrees with each of the matters discussed therein. Accordingly, he requested that we represent to counsel that such Memorandum be considered the Joint Memorandum of New York State and Suffolk County.

M E M O R A N D U M

April 27, 1984

TO: The Files
FROM: Alan Roy Dynner



At about 2:45 p.m. today Mike Miller told me that he had spoken to Eleanor Frucci, who was calling on behalf of the Miller Licensing Board, to ask whether the County's attorneys were on their way to the meeting with the Board that had been originally set for 2:00 p.m. According to Mike, Ms. Frucci stated that the Board had received Mr. Lanpher's letter and that if the County's attorneys could not be available, they should be in Bethesda for the meeting at 3:30 p.m. Mike told Ms. Frucci that he did not know the whereabouts of Mr. Lanpher or Mr. Brown and stated that he had not seen Mr. Lanpher's letter, so that he could not comment on its contents. Mike said, however, that he would attempt to find out the whereabouts of the County's attorneys (Messrs. Brown and Lanpher) and that he would get back to Ms. Frucci.


Within a few minutes of speaking with Ms. Frucci, I returned to the office and told Mike that Messrs. Lanpher and Brown were at a meeting outside the office but that they could try to make the 3:30 time. Mike then immediately telephoned Ms. Frucci to give her this information. When Ms. Frucci could not be located, Mike left a message containing the above information with a secretary

and requested that the secretary give the information directly to Judge Miller.

I then telephoned Larry Lanpher at his meeting in progress with Marty Ashare outside of the office and told him that, for the first time, the Miller Board had indicated that we should come at 3:30.


At about 3:05 p.m. I received a telephone call from Eleanor Frucci who asked me whether the County's attorneys would be coming to the Board conference at 3:30 p.m. I told Ms. Frucci that I had just spoken to Mr. Lanpher and that he and Mr. Brown were on their way back to the office. I said that we would try to get to Bethesda as soon as possible, but believed that it would not be before 4:00 p.m., because we would be driving from Washington to Bethesda once Mr. Brown and Mr. Lanpher returned to the office.

I asked Ms. Frucci to confirm with Judge Miller first, whether he still wanted the County's attorneys to come to the meeting despite the fact that no representative of New York State would be attending; and second, whether we should come even though we would be unable to arrive before 4:00 p.m. Ms. Frucci told me to hold while she checked. She then told me Judge Miller was indisposed and promised to call back with answers to my questions before we had to leave to go to the conference.



At about 3:20 p.m., just as Mr. Brown and Mr. Lanpher returned and came to my office, I received a telephone call from Taylor Reveley. Mr. Reveley seemed upset and said that he had been in Bethesda since 2:00 p.m., waiting for the meeting to begin. Apparently, he had not received a copy of Larry's letter to his firm this morning; and notwithstanding the fact that Larry Lanpher had told Ms. Frucci at 8:30 a.m. that the County's attorneys could not make the 2:00 p.m. time, no one had told this to Mr. Reveley before he left Richmond at 11:00 this morning to drive to Washington. I told Mr. Reveley we were sorry for the mix-up and the inconvenience to him, and told him of my conversations with Mr. Frucci. He responded that Judge Miller told Ms. Frucci that she should not communicate with us any longer and Mr. Reveley asked that we come to the meeting. I said we would try to get there by 4:00 p.m.

Messrs. Lanpher, Brown and I immediately left the office and Larry Lanpher and I arrived in front of the NRC building on East-West Highway in Bethesda at 4:00 p.m. sharp. While we were waiting for Mr. Brown to arrive in a separate car, Judge Miller and Judge Johnson walked out of the building and passed us. We said good afternoon to them and they said good evening to us. A few minutes later, at about 4:05 p.m., Mr. Brown arrived and the three of us proceeded up to the conference room where we met with Mr. Reveley and Mr. Reis in the presence of two reporters, including Ed McCullough of the Associated Press.



In the ensuing discussion, Mr. Reveley indicated that LILCO would be prepared to give the County another 30 days before the hearings commenced, or until about June 1. Mr. Reis said that the Staff believed the County could have another 7 weeks with the hearings commencing on June 18. We repeatedly asked Messrs. Reveley and Reis to explain why they believed the County's new proposed schedule to commence the hearings on August 7 was deficient or unreasonable. Both gentlemen declined to answer.

[Handwritten mark]

[Handwritten signature]