

208

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

84 AUG 22 12:00

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,
Unit 1))

Docket No. 50-322-OL-3
(Emergency Planning)

SUFFOLK COUNTY'S CLARIFICATION OF ORAL ARGUMENT

On Thursday, August 16, 1984, the Board offered the parties the opportunity to argue their positions orally on the matters presented in Suffolk County's Motion For Reconsideration Of Memorandum And Order Establishing Format And Schedule Of Proposed Findings Of Fact And Conclusions Of Law (August 6, 1984). See Tr. 14,675-81. In its argument to the Board, the County intended, but inadvertently neglected, to inform the Board of the compromise position that the County would have accepted had negotiations with LILCO gone forward. This pleading is meant to clarify the County's position and to demonstrate, in accordance with the Board's guidance to the parties at the August 8 conference of counsel, that the County does not "merely stand on [its] prior position[]" on the matters raised by the Board's July 27 Memorandum and Order. Tr. 14,028-29.

8408230199 840820
PDR ADOCK 05000322
PDR

add.
J. Hark
OCA

DS03

It is the County's position that its original request to establish a 120-day schedule for the Intervenor's to file findings of fact and conclusions of law, and to eliminate page limitations, was a reasonable one. Nevertheless, the County proposes as a compromise that it file findings of fact and conclusions of law on November 19, 1984 -- that is, 80 days from the closing of the record, now projected to be on August 31. July 27 Memorandum and Order at 6. This reduces the difference between the County's request and the Board's schedule by more than one half. The County also proposes as a compromise that, if there is to be a limitation on the size of the parties' briefs, that such limitation be expanded to 900 pages.

The County offers this compromise position not only in the spirit of bringing a swift end to the instant dispute, but as a final effort before this Board to obtain a schedule and page limit which will permit the rights and interests of the residents of Suffolk County to be meaningfully represented. Accordingly, we ask that the Board take cognizance of the seriousness of this

request and enter an order establishing the schedule and page limit herein requested.

Respectfully submitted,

Martin Bradley Ashare
Suffolk County Attorney
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, New York 11788

Christopher M. McMurray (L)
Lawrence Coe Lanpher
Michael S. Miller
Christopher M. McMurray
KIRKPATRICK, LOCKHART, HILL,
CHRISTOPHER & PHILLIPS
1900 M Street, NW
Washington, DC 20036

Attorneys for Suffolk County

Dated: August 20, 1984

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-3
(Emergency Planning)

CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY'S CLARIFICATION OF ORAL ARGUMENT dated August 20, 1984, have been served to the following this 20th day of August 1984 by U.S. mail, first class, except as otherwise noted.

James A. Laurenson, Chairman *
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Jerry R. Kline *
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Frederick J. Shon *
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

James B. Dougherty, Esq.
3045 Porter Street, N.W.
Washington, D.C. 20008

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

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

Spence Perry, Esq.
Associate General Counsel
Federal Emergency Management
Agency
Washington, D.C. 20472

Mr. Brian McCaffrey
Long Island Lighting Company
Shoreham Nuclear Power Station
P.O. Box 618
North Country Road
Wading River, New York 11792

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

Martin Bradley Ashare, Esq.
Suffolk County Attorney
H. Lee Dennison Building
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
1717 H Street, N.W.
Washington, D.C. 20555

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

Stewart M. Glass, Esq. #
Regional Counsel
Federal Emergency Management
Agency
26 Federal Plaza, Room 1349
New York, New York 10278

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

Ms. Nora Bredes
Executive Coordinator
Shoreham Opponents' Coalition
195 East Main Street
Smithtown, New York 11787

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

Hon. Peter F. Cohalan
Suffolk County Executive
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, New York 11788

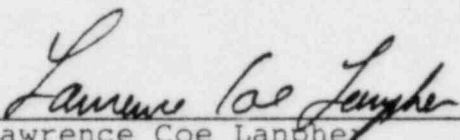
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Jonathan D. Feinberg, Esq.
Staff Counsel
New York State Public
Service Commission
3 Rockefeller Plaza
Albany, New York 12223

Stuart Diamond
Business/Financial
New York Times
229 W. 43rd Street
New York, New York 10036

Eleanor L. Frucci, Esq. *
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Fabian Palomino, Esq. ##
Special Counsel to
the Governor
Executive Chamber, Room 229
State Capitol
Albany, New York 12224


Lawrence Coe Lanphear
KIRKPATRICK, LOCKHART, HILL,
CHRISTOPHER & PHILLIPS
1900 M Street, NW, Suite 800
Washington, D.C. 20036

Dated: August 20, 1984

* By Hand
By Telecopier
By Federal Express