

COUNTY OF SUFFOLK



PETER F. COHALAN
SUFFOLK COUNTY EXECUTIVE

DOCKETED
USARC

MARTIN BRADLEY ASHARE
COUNTY ATTORNEY

DEPARTMENT OF LAW

'85 JUL 31 11:16 AM
ADDRESS ALL COMMUNICATIONS
IN THIS MATTER TO:

July 26, 1985

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

United States Nuclear
Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555
Attn: Commissioner Nunzio J. Palladino,
Chairman

Re: Docket No. 50-322-OL
Shoreham Nuclear Power Station Unit

Dear Commissioner Palladino:

Please be advised that the law firm of Kirkpatrick and Lockhart have decided to withdraw as counsel to assist the Suffolk County attorney in all Shoreham related litigation as per the attached letter.

We are meeting with Kirkpatrick & Lockhart on Tuesday, July 30, 1985 to make arrangements for the return of the County's files.

Very truly yours,

MARTIN BRADLEY ASHARE
SUFFOLK COUNTY ATTORNEY

MBA:sm
Encs.
cc: Service List

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G PDR

DS03

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LAWRENCE COE LANPHER
(202) 452-7011

July 24, 1985

DOCKETED
USNRC

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

VIA FEDERAL EXPRESS MAIL

Martin Bradley Ashare
Suffolk County Attorney
H. Lee Dennison Building
8th Floor
Veterans Memorial Highway
Hauppauge, New York 11788

Dear Marty:

We have received your letter of July 22, 1985 and also have reviewed Judge Brown's decision of July 19, 1985 in which he ruled that County Executive Cohalan "acted within the scope of permissible statutory authority in discharging the law firm of Kirkpatrick and Lockhart." This decision appears to resolve the conflict under which we have been laboring, and to uphold the termination of the contract of February 22, 1982 between Suffolk County and this firm, and in the absence of a stay or a reversal, we will take no action inconsistent with the decision.^{1/}

I suggest that we meet as soon as possible so that there can be a prompt resolution of outstanding matters. When we meet, there are three primary areas for discussion.

First, we need to discuss the status of various proceedings in which we have represented the County. The proceedings which need to be discussed in greatest detail are: the County appeal of the April 17 ASLB emergency planning partial initial decision (brief due August 30; we have drafts of some portions of the brief and will give you our views of the matters in that decision and in the pretrial phase leading up to that decision which merit the most intense appellate efforts); the LILCO legal authority appeal before the NRC Appeal Board (oral argument in Bethesda on August 12; LILCO scheduled to file last brief on July 25); the Geiler state court proceeding (the postponed June 12 oral argument needs to be rescheduled); the County appeal of the June 14 TDI diesel partial initial decision (County brief filed; oral

^{1/}Although we do not agree with the substance of Judge Brown's decision, Kirkpatrick & Lockhart does not deem it appropriate for the law firm to appeal the decision. We understand that the other petitioners do intend to appeal.

KIRKPATRICK & LOCKHART

Martin Bradley Ashare, Esquire
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argument to be scheduled after NRC Staff and LILCO briefs are filed); the ASLB emergency planning relocation center proceeding (post-trial briefs have been filed); and the appeal in the D.C. Circuit of the validity of the low power license (briefs filed; oral argument not yet scheduled). I am sure that other matters will also need to be addressed.

Second, we need to discuss the file situation. We have commenced an inventory to identify all the files which relate to Shoreham matters. I expect that inventory to be completed this week. There will be some files which you may require soon, such as those related to the August 30 emergency planning brief. On the other hand, there are files that you may not want at all (for example, files on some minor safety issues litigated in 1982 as to which no appeals have been taken), and which thus could be destroyed. There are also security-related files which will require special handling.

Finally, we also need to discuss when we may expect payment to Kirkpatrick & Lockhart for outstanding legal fees and disbursements. The outstanding bills are:^{2/}

<u>Date of Bill</u>	<u>Period Covered</u>	<u>Amount</u>
3/27/85	1/27/85-2/23/85	\$223,042.00
4/23/85	2/24/85-3/30/85	\$220,080.10
5/24/85	3/31/85-4/27/85	\$122,789.72
6/28/85	4/28/85-5/25/85	<u>\$ 94,013.40</u>
	<u>TOTAL:</u>	\$659,925.22

^{2/}On July 24, we received payment in the sum of \$106,667.40 for our March 3, 1985 bill which covered the period December 30, 1984 through January 26, 1985. The invoiced amount was \$114,624.50. In accordance with past County practice, we anticipate receipt in several days of an explanation of why \$7957.10 was disallowed. If appropriate, we will contact the County regarding the disallowance.

KIRKPATRICK & LOCKHART

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Substantial disbursements are also outstanding:

<u>Date of Bill</u>	<u>Period Covered</u>	<u>Amount</u>
9/28/84	7/84	\$45,768.41 ^{3/}
1/28/85 (resubmitted on 5/14/85)	12/84 (partial)	\$ 4,099.15
3/28/85 (resubmitted on 5/14/85)	2/85 (partial)	\$ 150.00
4/23/85	Ocean Fleets	\$ 1,040.00
5/24/85	4/85	\$14,017.61
6/28/85	5/85	<u>\$11,406.45</u>
	<u>TOTAL:</u>	\$76,481.62

Mr. Scroop of your office has informed me that steps have been taken to process payment of the foregoing invoices. I would appreciate it if you would provide us with a written schedule stating when we may expect to receive payment of our outstanding invoices for fees and disbursements.

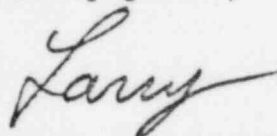
^{3/}This disbursement voucher was lost when initially sent, which explains why it has been outstanding for a long time.

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Subsequent to May 25 (the last date covered by our June 28 voucher), this firm has performed additional work for the County, both prior and subsequent to the June 3 and 19 termination notices. We will submit an invoice next week for work performed between May 26 and July 19, 1985 to advocate positions of the County in Shoreham proceedings, such as work relating to the trial of relocation center issues, opposition to low power testing, the July 11 legal authority brief, the July 17 diesel brief, and matters arising from Executive Order 1985-1. The processing of this invoice may be an additional matter for discussion.

I propose that we meet in Washington, D.C., since you may wish to look over some files during the course of our meeting. Please let me know when we can meet.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Larry", written in dark ink.

Lawrence Coe Lanpher

LCL/dah

July 26, 1985

CERTIFICATE OF SERVICE

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

I hereby certify that a copy of the attached letter to the Nuclear Regulatory Commission dated July 26, 1985, was served on the following persons by U. S. Mail, first-class, postage prepaid.

Chairman Nunzio J. Palladino
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Regulatory Commission
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Washington, D.C. 20555

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Washington, D.C. 20555

Hunton & Williams, Esqs.
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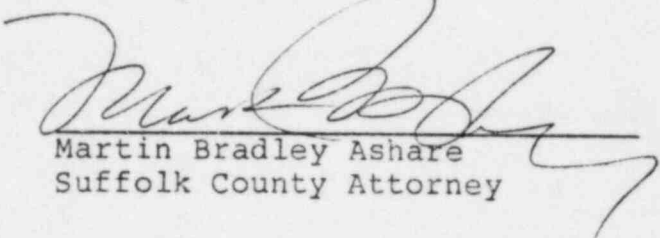
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Department of Law
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Dated: July 26. 1985

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Kirkpatrick & Lockhart, Esq.
1900 M Street M.W.
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Martin Bradley Ashare
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