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*AK*  
*2nd Floor*

August 23, 1984

MEMORANDUM TO: Elva W. Leins  
Assistant Executive Secretary, ASLBP

FROM: Marshall E. Miller  
Administrative Judge

SUBJECT: SHOREHAM TRANSCRIPT, PAGES 2969-3118

The closing arguments and other proceedings in the Shoreham case have been submitted by the court reporters, Free State Reporting, Inc., as pages 2969-3118 of the official transcript in this proceeding. This transcript is totally unacceptable as the official record.

The proceedings are so substantially mistranscribed and the fundamental errors are so numerous and egregious that it is impossible to correct them by errata sheets. A letter dated August 23, 1984, from Hunton and Williams, Esq. (copy attached) correctly describes the wholesale errors and the attempts of the parties to reconstruct their own arguments.

This situation is intolerable. As the presiding administrative judge, I formally request that this entire transcript be completely rewritten and proofread, and that this reporting firm be removed from any other hearings or proceedings with which I am associated.

Attachment

cc: w/o attachment  
G. Bright  
E. Johnson

*W.O. 122*

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August 23, 1984

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Marshall E. Miller  
Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
4350 East-West Highway, North Tower  
Bethesda, MD 20814

## Shoreham Low Power Proceeding

Dear Judge Miller:

In reviewing the August 16, 1984 transcript containing the closing arguments of the parties, we discovered that the arguments of counsel for both LILCO and the NRC had been substantially mistranscribed. LILCO notified counsel for the Licensing Board, NRC, and Suffolk County of this problem and attempted to notify counsel for New York State. Both the NRC and Suffolk County have agreed to the submittal of a corrected copy of the transcript to the Board and to the parties who have actively participated in the Low Power Proceeding.

LILCO attempted to reconstruct its own argument and worked with Bob Perlis, counsel for the NRC, to reconstruct his argument. Ms. Letsche, counsel for Suffolk County, whose argument appears for the most part to have been properly transcribed, has not had the opportunity to review the limited corrections made by LILCO to her argument and reserves the right to submit her own corrections.

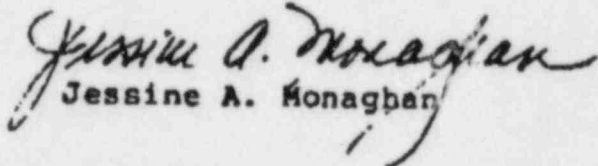
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HUNTON & WILLIAMS

Marshall E. Miller, Chairman  
August 23, 1984  
Page 2

Due to the inordinate number of corrections, LILCO believed that, rather than submit an errata sheet, it would be more efficient and useful to those who would be reading the transcript to xerox the transcript with corrections noted on the page. Such a copy of the transcript is enclosed. The length of the transcript militates against sending copies to all persons on the service list; however, LILCO will supply copies on request to any party on the service list at that party's expense.

Sincerely,

  
Jessine A. Monaghan

281/869

cc w/enclosure:

Judge Glenn O. Bright  
Judge Elizabeth B. Johnson  
Service List