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RELATED CORRESPONDENCE

HUNTON & WILLIAMS

707 EAST MAIN STREET P.O. BOX 1535

RICHMOND, VIRGINIA 23212-7
24 JUN -7 11:13

TELEPHONE 804-788-8200

TWX-710-956-0061

June 5, 1984

2000 PENNSYLVANIA AVENUE, N.W.
P. O. BOX 19230
WASHINGTON, D. C. 20036
TELEPHONE 202-955-1500

333 SOUTH GRAND AVENUE
LOS ANGELES, CALIFORNIA 90071
TELEPHONE 213-617-2800
TELEX 754709

FIRST VIRGINIA BANK TOWER
P. O. BOX 3889
NORFOLK, VIRGINIA 23514
TELEPHONE 804-625-5501
TELEX 755628

299 PARK AVENUE
NEW YORK, NEW YORK 10171
TELEPHONE 212-980-8200
TELEX 754708

B & T BUILDING P. O. BOX 109
RALEIGH, NORTH CAROLINA 27602
TELEPHONE 919-828-9371

FIRST TENNESSEE BANK BUILDING
P. O. BOX 951
KNOXVILLE, TENNESSEE 37901
TELEPHONE 615-637-4311

FILE NO.

DIRECT DIAL NO. 804 788

By Telecopier

Lawrence Coe Lanpher, Esq.
Kirkpatrick, Lockhart, Hill,
Christopher & Phillips
1900 M Street, N.W.
Washington, D.C. 20035

Long Island Lighting Company
Shoreham Nuclear Power Station
Docket No. 50-322-OL-4 (Low Power)

Dear Larry:

This letter memorializes our agreement today with respect to the depositions for which LILCO has applied to the Licensing Board for subpoenas. The agreement was precipitated by your letter of June 4 to Tony Earley and me and all references below pertain to the schedule proposed in that letter (a copy of which is attached). In lieu of serving subpoenas for depositions as set forth in LILCO's Application for Subpoenas, LILCO has agreed as follows:

1. LILCO will depose the persons identified in your June 4 letter on the dates you have proposed. These depositions will be taken in Hunton & Williams' Washington Office at 2000 Pennsylvania Avenue. On June 7, 11 and 26, we will begin at 10:00 a.m., although it may be necessary to begin Professor Meyer's deposition on June 11 at 11:00 a.m. because of his travel plans. On the other days, we will begin at 9:00 a.m. (except June 8, if necessary, when we will begin at 10:45 a.m. to accommodate your schedule).

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HUNTON & WILLIAMS

Lawrence Coe Lanpher, Esq.

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2. We will depose witnesses, individually; not in panels. We agree, however, to begin depositions at the conclusion of the previous deponent rather than waiting for a new day. We do not agree to any artificial time limit on the length of depositions. While we do not anticipate lengthy depositions, we will depose each individual as long as necessary. We understand that the County may attempt to impose a one-day maximum for each deposition. That issue will have to be addressed as may be appropriate if and when the County seeks to stop any unfinished deposition.

3. The County has agreed that the documents in the possession, custody or control of each deponent, as described in the requested subpoenas, will be made available to us at or before the depositions. Additionally, you have advised that the County is attempting to gather all documents responsive to LILCO's Request for Production and will produce documents as they become available. By agreeing to revise the deposition schedule, however, LILCO does not waive its request to have documents produced on June 6 as formally requested.

4. The County will make a decision as to the use of Professors Christensen and Roesset and any other witnesses as soon as possible. If they are to be called as witnesses, LILCO will be afforded sufficient notice and opportunity to depose them within the currently scheduled discovery period.


5. LILCO agrees to pay the hourly charges for the deponents' time actually spent in depositions. With respect to travel expenses, LILCO agrees to pay only the coach airfare and reasonable hotel expenses for one night (unless the deposition lasts more than a day) for those deponents from California, Messrs. Weatherwax, El-Gasseir, Bridenbaugh, Hubbard and Minor.

HUNTON & WILLIAMS

Lawrence Coe Lanpher, Esq.
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Finally, so there will be no misunderstanding, LILCO does not agree with your suggestion that depositions are premature or that LILCO's proposed discovery is in any way burdensome so as to warrant the imposition of arbitrary restrictions on the length or number of depositions.

Sincerely yours,



Robert M. Rolfe

177/643
Attachment

cc: Judge Marshall E. Miller
Judge Glenn O. Bright
Judge Elizabeth B. Johnson
Eleanor L. Frucci, Esq.
Fabian Palomino, Esq.
Edwin J. Reis, Esq.
Service List

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

1900 M STREET, N. W.
WASHINGTON, D. C. 20036

TELEPHONE: (202) 428-7000
TELEX: 440209 KHPH III

800 OLIVER BUILDING
PITTSBURGH, PENNSYLVANIA 15222
(412) 855-6500

1426 BICKELL AVENUE
MIAMI, FLORIDA 33136
(305) 574-6222

June 4, 1984

WALTER DEEDOT HALL FURNER
202/452-7011

(BY TELECOPIER)

Robert Rolfe, Esq.
Anthony F. Earley, Jr., Esq.
Hunton & Williams
P.O. Box 1535
707 East Main Street
Richmond, Virginia 23212

Dear Bob and Tony:

This letter further addresses the issue of the depositions LILCO wants to take. We continue to believe depositions are premature until the Commission has acted. However, in view of the ASLB's May 31 Order and in the absence of Commission action, we provide the following.

1. You have requested that each deponent be available for two days. Given the shortness of the schedule set forth in the ASLB's May 31 Order, and the number of depositions you apparently intend to take, we cannot agree to make people available for more than a day. Further, given the related nature of many depositions (e.g., Bakshi; Eley; Weatherwax, El-Gassier), LILCO should either take witnesses as a panel or continue with the next deposition as soon as the first is over. By doing this, the LILCO depositions should be shortened. In this regard, I note that your subpoena schedule calls for LILCO depositions on 12 of the 16 last days of the discovery period. That needs to be shortened, which can be done under our proposal to try and complete two depositions per day and/or to combine witnesses into panels.

2. We agree that all depositions should be in Washington, D.C., thus minimizing travel expenses and time. We assume LILCO will pay the reasonable travel expenses of the deponents, plus their hourly charges for the time actually in depositions.

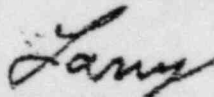
3. We have largely completed our survey of witnesses' availability dates. We note that LILCO's schedule begins this Friday, June 8. In fact, the County has deponents available starting June 7. Further, our witnesses have conflicts on many of the dates you suggest. Thus, we propose the following schedule:

Robert Rolfe, Esq.
Anthony F. Earley, Jr., Esq.
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A. Bakshi	June 7	
D. Eley	June 7 (with or after Bakshi, continuing if necessary on June 8)	
C. Meyer	June 11	
B. Weatherwax	June 12	
M. El-Gassier	June 12 (with or after Weatherwax, continuing if necessary on June 13)	
J. Madden ^{1/}	June 14	
M. Dirmeier ^{1/}	June 14 (with or after Madden, continuing if necessary on June 15)	
D. Bridenbaugh	June 26-27)	These to be taken
D. Hubbard	June 26-27)	one after another
G. Minor	June 26-27)	or as a panel.
P. McGuire	June 28	
R. Roberts	June 28 (with or after McGuire, continuing on June 29 if necessary)	

We have been unable thus far to obtain availability dates for Professor Christensen. As noted previously, we do not know if he will be used at all for low power. Thus, there is no reason to schedule a deposition. As of now, the same also applies to Dr. Roesset -- namely, we don't know if we will use him and thus no date should be scheduled. We will advise you if the situation changes.

Sincerely yours,


Lawrence Coe Lanpher

LCL/dk

cc: Edwin J. Reis, Esq.
Fabian G. Palomino, Esq.

1/ New witnesses from Georgetown Consulting Group.