

6598

KIRKPATRICK & LOCKHART

SOUTH LOBBY - 9TH FLOOR
1800 M STREET N.W.
WASHINGTON, D.C. 20036-5891

DOCKET
UNIT

EXCHANGE PLACE
53 STATE STREET
BOSTON, MA 02109
(617) 227-6000

'88 JUN 22 P3:13

TELEPHONE (202) 778-9000
TELEX 440209 KL DC US
TELECOMPER (202) 778-9100

OFFICE OF THE CLERK
DOCKETING & SERVICE
BRANCH

1428 BRICKELL AVENUE
MIAMI, FL 33131
(305) 374-8112
1500 OLIVER BUILDING
PITTSBURGH, PA 15222-5179
(412) 355-6500

LAWRENCE COE LANPHER
(202) 778-9011

June 20, 1988

VIA TELECOPY

James P. Gleason, Chairman
Dr. Jerry R. Kline
Mr. Frederick J. Shon
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Docket No. 50-322-OL-3

Dear Mr. Chairman and Members of the Board:

Suffolk County and New York State have just received a copy of a letter from LILCO's counsel to the Board, dated today. LILCO accuses Suffolk County and New York State "of studied defiance of this Board's legitimate orders on discovery and other matters."

By now, the Board has received the "Governments' Motion for Licensing Board to Vacate June 17 Order," dated June 20, 1988. The Motion is not "defiance," studied or otherwise, of anything. It raises fundamental issues of jurisdiction and procedure and, indeed, the essential legality of the Board's June 17 Order.

In recent weeks, LILCO's counsel have chosen to punctuate their pleadings with vituperation toward the Governments. This unfitting surplusage the Governments have ignored. LILCO may not like the stand the Governments have taken, but it is within the Governments' rights and not subject to LILCO's concurrence. The dispute should be dealt with on the merits without the backdrop of LILCO's hysteria. LILCO's accusations underscore the inappropriateness of the Board's June 17 Order that would permit LILCO to act as prosecutor of the Board's "integrity of the proceeding" inquiry.

BB06300185 880620
PDR ADOCK 05000322
G PDR

D503

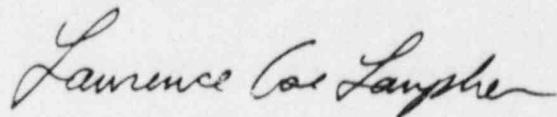
KIRKPATRICK & LOCKHART

James P. Gleason, Chairman
Dr. Jerry R. Kline
Mr. Frederick J. Shon
Atomic Safety and Licensing Board
June 20, 1988
Page 2

It is tempting in the circumstances of LILCO's persistent epithets to reply with speculation about the likely motivations of LILCO's counsel. Why, for instance, did LILCO file its accusatory letter with the Board without even waiting for the Government's Motion that they knew would be filed shortly with the Board? Suffice it to state that the County's actions and bases are described in the Motion.

The undersigned is authorized to state that New York State joins in this letter.

Sincerely yours,



Lawrence Coe Lanpher

cc: Richard J. Zahnleuter, Esq. (Via Telecopy)
Donald P. Irwin, Esq. (Via Telecopy)
Edwin J. Reis, Esq. (Via Telecopy)
William R. Cumming, Esq. (Via Telecopy)
Docketing and Services