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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Before the Atomic Safety and Licensing Board

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In the Matter of )

LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station, )  
Unit 1) )

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

GOVERNMENTS' MOTION FOR EXTENSION OF TIME  
FOR DISCOVERY ON HOSPITAL, EMERGENCY BROADCAST SYSTEM,  
AND SCHOOL ISSUES

The Governments (Suffolk County, New York State, and the Town of Southampton) received the Board's Order dated March 7, 1988. In accordance with the Board Order, the Governments move for an extension of discovery on the hospital, emergency broadcast system ("EBS"), and school issues. Discovery currently ends on March 14, 1988, on hospital and EBS issues; it ended February 29 on school issues. The Governments request that the discovery period be extended until May 13, 1988, on EBS and hospital issues; on schools, the Governments request a period of additional discovery of the FEMA witnesses from May 9-13 (assuming the RAC review is completed on schedule).

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The bases for this Motion are set forth in two documents:

Attachment 1 hereto: Governments' Response to Board Request for Schedule Proposals and Motion to Reconsider Discovery Orders, March 1, 1988 (see especially pages 10-20); and

Attachment 2 hereto: Letter to Judges Gleason, Kline and Shon from Karla J. Letsche, March 3, 1988.

These documents set forth with particularity and conciseness the necessity for the requested extension. They are being refiled since the Board stated in its March 7 Order that it had not considered them. They remain accurate, and no useful purpose would be served by restating the points made in those documents.

The Governments emphasize the point made in Attachments 1 and 2: the present simultaneous 15-day discovery periods for EBS and hospital issues (and the discovery cutoff on the school issue prior to the FEMA RAC review being complete) are not fair or workable. The parties have proceeded with dispatch on the hospital and EBS issues since discovery began. Many sets of interrogatories, document requests, and requests for admissions have already been sent out. A deposition was conducted yester-

day; additional depositions are scheduled for today, Thursday and Friday.

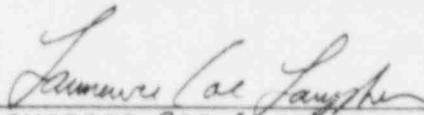
The Governments are not, however, in a position to complete meaningful discovery, by conducting depositions of expert witnesses, on the highly technical aspects of these issues. Thus, depositions of LILCO's Mr. Dippell (on technical EBS issues), and LILCO's Mr. Lieberman and the Staff's Mr. Urbanik (both on evacuation time estimates) cannot proceed meaningfully until the Governments have been able to retain consultants (and confer with existing consultants) and pursue the necessary activities to prepare for the depositions. Moreover, FEMA's RAC review will not be completed until May 6, 1988. The Governments are entitled to additional discovery time (until May 13) to enable them to engage in discovery of FEMA.

The Appeal Board last year emphasized that Licensing Boards must set fair schedules. Among the factors to be considered are the number, scope and complexity of issues to be tried, and whether there is any need or basis for expedition. Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-864, 25 NRC 417, 421 (1987). The Appeal Board also emphasized that intervenors must have an opportunity to confront FEMA findings. Id. at 427-28.

Attachments 1 and 2 hereto demonstrate the need for more time. The EBS, hospitals and school issues may be relatively discrete, but they are not so narrow that they do not each require substantial time for adequate preparation. Further, these issues must be looked at in the context of the many other matters being pursued at the same time -- including two Exercise appeal proceedings, a 25% power proceeding, and legal authority issues. See Attachment 1 at 18-19. Finally, there is no need for the haste which has been ordered. Attachment 1, at 20.

Respectfully submitted,

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