

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

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OFFICE OF SECRETARY
 DOCKETING & SERVICE
 BRANCH

_____)
 In the Matter of)
)
 LONG ISLAND LIGHTING COMPANY)
)
 (Shoreham Nuclear Power Station,)
 Unit 1))
 _____)

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

SUFFOLK COUNTY'S RESPONSE TO
 LILCO'S MOTION TO ADMIT LILCO'S
 SUPPLEMENTAL TESTIMONY ON CONTENTION 24.R
(LETTER OF AGREEMENT WITH CONNECTICUT)

On May 5, 1984, LILCO moved this Board^{1/} to admit into evidence a letter written on April 18, 1984 by Frank Mancuso, Director of the Connecticut Office Of Civil Preparedness, to David Axelrod, Chairman of the New York State Disaster Preparedness Commission. LILCO's May 5 Motion asserted that Mr. Mancuso's April 18 letter was proffered in response to a previous (March 30, 1984) letter from Dr. Axelrod to Mr. Mancuso, which disavowed any agreement between New York State and Connecticut regarding protective actions to be taken in the event of an accident at Shoreham. NY EP-3, ff. Tr. 6,598. Over the objections of the County and the State of New York, the Board admitted the April 18 letter. LILCO EP-48, ff. Tr. 9,945.

^{1/} LILCO's Motion To Submit Supplemental Exhibit or to Strike New York Exhibit 3 (May 5, 1984).

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On June 20, 1984, LILCO moved this Board to admit into the record yet another piece of correspondence from Mr. Mancuso -- this time generated in response to a letter from LILCO -- as well as supplemental testimony pertaining to that correspondence.^{2/} The County fully supports the State of New York's Response to LILCO's June 20 Motion^{3/} and, for the reasons set forth in the State's Response, LILCO's June 20 Motion should be denied.

As noted in the State's Response, LILCO has failed to satisfy the four-part test governing the admissibility of supplemental evidence. See Board Order of February 28, 1984 at 7. The letter now proffered by LILCO contains no information not already in the record. Rather, Mr. Mancuso's latest letter is intended merely to confirm previous letters already in evidence. See, e.g., letter of December 15, 1984, Tr. Apr. 6, 1984, Vol. II, at 27-28 and Attachment 28; letter of April 18, 1984, LILCO EP-48, ff. Tr. 9,945). Therefore, the proffered letter constitutes cumulative and unduly repetitious evidence which should not be admitted into the record.

^{2/} LILCO's Motion To Admit LILCO's Supplemental Testimony On Contention 24.R (Letter Of Agreement With Connecticut) (June 20, 1984).

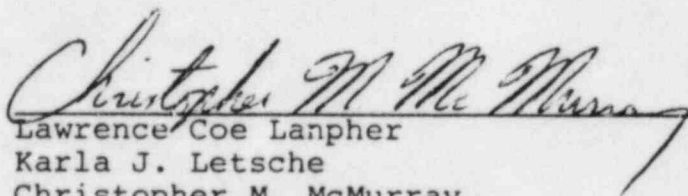
^{3/} Response Of Governor Mario M. Cuomo, Representing The State Of New York, In Opposition To "LILCO's Motion To Admit LILCO's Supplemental Testimony On Contention 24.R (Letter Of Agreement With Connecticut)" (June 29, 1984).

Conclusion

For the reasons stated above, LILCO's Motion To Admit LILCO's Supplemental Testimony On Contention 24.R should be denied.

Respectfully submitted,

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


Lawrence Coe Lanpher
Karla J. Letsche
Christopher M. McMurray
KIRKPATRICK, LOCKHART, HILL,
CHRISTOPHER & PHILLIPS
1900 M Street, NW
Washington, DC 20036

Attorneys for Suffolk County

Dated: July 2, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,)
Unit 1))
_____)

) Docket No. 50-322-OL-3
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CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY'S RESPONSE TO LILCO'S MOTION TO ADMIT LILCO'S SUPPLEMENTAL TESTIMONY ON CONTENTION 24.R (LETTER OF AGREEMENT WITH CONNECTICUT) dated July 7, 1984, have been served to the following this 7th day of July 1984 by U.S. mail, first class, except as otherwise noted.

James A. Laurenson, Chairman *
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

James B. Dougherty, Esq.
3045 Porter Street, N.W.
Washington, D.C. 20008

Dr. Jerry R. Kline *
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Jay Dunkleberger
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

Mr. Frederick J. Shon *
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

W. Taylor Reveley, III, Esq. #
Hunton & Williams
P.O. Box 1535
707 East Main Street
Richmond, Virginia 23212

Edward M. Barrett, Esq.
General Counsel
Long Island Lighting Company
250 Old Country Road
Mineola, New York 11501

Spence Perry, Esq.
Associate General Counsel
Federal Emergency Management
Agency
Washington, D.C. 20472

Mr. Brian McCaffrey
Long Island Lighting Company
Shoreham Nuclear Power Station
P.O. Box 618
North Country Road
Wading River, New York 11792

Marc W. Goldsmith
Energy Research Group, Inc.
400-1 Totten Pond Road
Waltham, Massachusetts 02154

Joel Blau, Esq.
New York Public Service Commission
The Governor Nelson A. Rockefeller
Building
Empire State Plaza
Albany, New York 12223

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

Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Bernard M. Bordenick, Esq. *
David A. Repka, Esq.
Edwin J. Reis, Esq.
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Stewart M. Glass, Esq.
Regional Counsel
Federal Emergency Management
Agency
26 Federal Plaza, Room 1349
New York, New York 10278

Stephen B. Latham, Esq.
Twomey, Latham & Shea
P.O. Box 398
33 West Second Street
Riverhead, New York 11901

Ms. Nora Bredes
Executive Coordinator
Shoreham Opponents' Coalition
195 East Main Street
Smithtown, New York 11787

MHB Technical Associates
1723 Hamilton Avenue
Suite K
San Jose, California 95125

Hon. Peter F. Cohalan
Suffolk County Executive
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, New York 11788

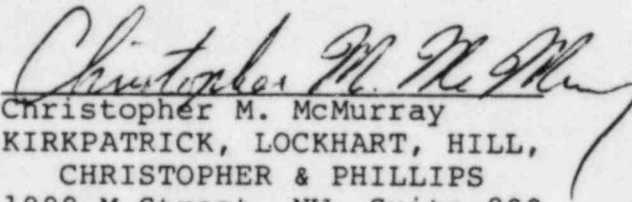
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Jonathan D. Feinberg, Esq.
Staff Counsel
New York State Public
Service Commission
3 Rockefeller Plaza
Albany, New York 12223

Stuart Diamond
Business/Financial
New York Times
229 W. 43rd Street
New York, New York 10036

Eleanor L. Frucci, Esq. *
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Fabian Palomino, Esq. **
Special Counsel to
the Governor
Executive Chamber, Room 229
State Capitol
Albany, New York 12224


Christopher M. McMurray
KIRKPATRICK, LOCKHART, HILL,
CHRISTOPHER & PHILLIPS
1900 M Street, NW, Suite 800
Washington, D.C. 20036

Dated: July 7, 1984

* By Hand
** By Federal Express
By Telecopier