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February 27, 1985 **DOCKET NUMBER**
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HAND DELIVERED

B. Paul Cotter, Jr., Esq.
Chief Administrative Judge
Atomic Safety and Licensing Board Panel
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Judge Cotter:

I have discussed with Mr. Palomino, Governor Cuomo's Special Counsel, your letter of February 22, which responded to our letter of February 14. Therein you state that it would be "inappropriate to speculate" on the matters raised in our letter. Be assured that we ask you neither to "speculate" nor to act "inappropriately." Accordingly, we would appreciate your reconsideration of our letter, which is purely factual, and an early reply limited exclusively to your own personal knowledge of the facts.

Your citation of the New England Coalition case is appreciated. It is precisely because of the principles articulated therein that we are concerned with the reconstitution of the Emergency Planning Board. Even a cursory review of the briefs pending before the Board illustrates that the demeanor of witnesses who testified on many of the disputed issues, including the important behavioral issues, is of significance to the Board's decisions on those issues.

We have recently received a copy of Judge Laurenson's letter of resignation. The letter was written to you on January 7, but the parties to the Shoreham emergency

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B. Paul Cotter, Jr., Esq.
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planning proceeding were not informed of Judge Laurenson's resignation until February 1. Therefore, we would further ask that you provide us with a chronology of actions and assessments made by you and others, to the extent you know, between your learning of Judge Laurenson's intent to resign and the reconstitution of the Board.

Finally, Judge Laurenson's letter states his intention to resign effective February 1, "with your permission," and offers to provide assistance during the "transition." We would appreciate receiving a copy of any reply that you or others sent to Judge Laurenson conveying such "permission" or other views as to his resignation, reconstitution of the Board, or assistance during the transition.

Suffolk County and New York State consider this a serious matter on which your cooperation is critical. The facts concerning this matter are solely within the control of you and your colleagues. We have no access to such facts, and therefore, no basis on which to determine whether we should consider taking any action, let alone legal action to dissolve the emergency planning board or to call for a mistrial. We do not wish to remain at the disadvantage of having to speculate as to facts within your control that could easily be made known to us. Unfortunately, if you and your colleagues refuse to be forthcoming, we will have no reasonable choice but to assume that you do not want us to know those facts.

On behalf of Suffolk County and with the authorization of the State of New York,

Sincerely,



Herbert H. Brown

cc: Fabian Palomino, Esq.
NRC Commissioners
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Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

In the Matter of)
)

LONG ISLAND LIGHTING COMPANY)

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

Docket No. 50-322-OL

CERTIFICATE OF SERVICE

I hereby certify that copies of a letter from Herbert H. Brown, Esq. to B. Paul Cotter, Jr., Esq., dated February 27, 1985 has been served on the following this 28th day of February, 1985 by U.S. mail, first class, except as otherwise noted.

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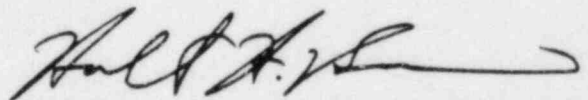
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DATE: February 28, 1985

* By Hand
** By Telecopy