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

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As is clear from the preceding, it had never occurred to the County to file new contentions in this proceeding relating to the RAC Review, and the County has no intention of doing so. Accordingly, in the County's view either LILCO should withdraw its Motion, or the Board should simply deny it on the ground that it is without any basis.

Similarly, the County does not understand the point of LILCO's comments in its Motion about the County's discovery concerning FEMA. We note that any such discovery will be directed to admitted contentions and the RAC Review's relation to those contentions. The County certainly does not need separate RAC Review contentions in order to pursue such discovery. In any event, LILCO's comments are premature. The County only filed its FEMA discovery requests on April 20, a week after LILCO filed its Motion. We were unable to file such requests any earlier because we were awaiting receipt of the FEMA testimony and background/scheduling information from FEMA's counsel, both of which were necessary to a determination of what discovery would be required.^{1/}

The County intends to pursue the discovery necessary to enable us to cross examine and rebut the FEMA testimony that has been submitted in this proceeding. The County's previous efforts

^{1/}The April 9, 1984 letter attached to the LILCO Motion represents the County's initial contact with FEMA counsel concerning discovery. It merely requests that there be a discussion of the identities of witnesses and possible availability dates, so decisions on discovery and its scheduling could be made on an informed basis.

to pursue such discovery last Fall were futile because the FEMA personnel had not reviewed the LILCO Plan. Accordingly, this is the first opportunity for any meaningful discovery of FEMA. The County intends to complete this discovery in a timely manner, i.e., before the scheduled May 29 appearance of the FEMA witnesses for cross examination.

Respectfully submitted,

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