

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
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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)

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).

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).

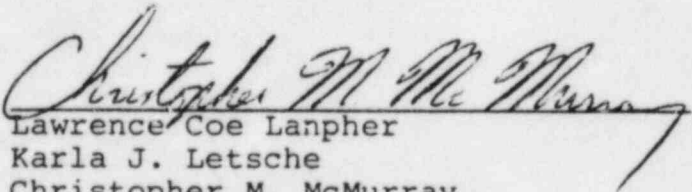
^{3/} Response Of Governor Mario M. Cuomo, Representing The State Of New York, In Opposition To "LILCO's Motion To Admit LILCO's Supplemental Testimony On Contention 24.R (Letter Of Agreement With Connecticut)" (June 29, 1984).

Conclusion

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

Respectfully submitted,

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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)

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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.

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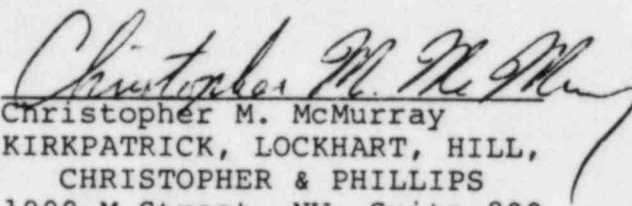
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Dated: July 7, 1984

* By Hand
** By Federal Express
By Telecopier