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LILCO, June 20, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
LONG ISLAND LIGHTING COMPANY)	Docket No. 50-322-OL-3
)	(Emergency Planning
(Shoreham Nuclear Power Station,)	Proceeding)
Unit 1))	

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

For the reasons stated below, LILCO requests that the Board admit "LILCO's Supplemental Testimony on Contention 24.R (Letter of Agreement with Connecticut)."

LILCO's prefiled direct testimony on Contention 24.R was filed on March 2, 1984. The County and the State cross-examined LILCO's witnesses on this testimony on April 6 and 24, 1984 (Tr. 6332-6645). In its prefiled direct testimony, LILCO relied upon a letter dated December 15, 1983 from Frank Mancuso, Director of the Office of Civil Preparedness for Connecticut, to Donald A. DeVito, Director of the Office of Disaster Preparedness for New York, to show that the State of Connecticut has agreed to assume responsibility for implementing protective actions for the portion of the Shoreham 50-mile ingestion exposure pathway EPZ within Connecticut. (See Tr. Apr.

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add:
J. Gorn, OCA

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6, 1984, Vol. II, pp. 27-28 and Attachment 28.) During cross-examination of LILCO's witnesses, New York State entered into the record a reply letter from David Axelrod, Chairman of the New York State Disaster Preparedness Commission, to Mr. Mancuso (N.Y. Ex. 3, ff. Tr. 6598), disavowing any "agreement" between New York and Connecticut "to exchange information in the event of a nuclear accident at Shoreham." On LILCO's motion, Mr. Mancuso's response to Mr. Davidoff's letter also was entered into the record, on June 5, 1984. (LILCO Ex. EP-48, ff. Tr. 9945.)

Following the introduction of N.Y. Ex. 3 and LILCO EP-48 into the record, LILCO wrote to the State of Connecticut to confirm that LILCO's understanding of the meaning of the December 15, 1983 letter, about which LILCO witnesses had testified to refute Contention 24.R, was accurate in light of the subsequent letters. The State of Connecticut responded on June 14, 1984 with a letter that makes it clear that, in the event of an emergency at Shoreham, Connecticut will institute "existing emergency plans and resources to protect the health and safety of the residents of Connecticut" whether notified by LILCO or some other competent entity, and whether or not New York State participates in emergency planning for Shoreham. LILCO therefore seeks to file brief supplemental testimony to introduce this letter into the record.

Contention 24.R alleges that the State of Connecticut has not agreed to implement protective actions for the portions of the Shoreham ingestion exposure pathway EPZ within Connecticut. The June 14 letter from the State of Connecticut that LILCO seeks to introduce through this supplemental testimony makes clear that the State of Connecticut has agreed to implement protective actions for the portion of the Shoreham 50-mile ingestion exposure pathway EPZ within Connecticut. LILCO received the letter from the State of Connecticut on June 18, 1984, and therefore could not have filed this supplemental testimony at an earlier date. In addition, LILCO sought the confirmation provided in the June 14 letter from the State of Connecticut solely due to the response letter written by the State of New York to Connecticut and introduced into the record in this proceeding. Good cause therefore exists for admitting the supplemental testimony offered by LILCO, because that testimony is material, probative, and relevant to the issue raised in Contention 24.R and could not have been filed previously.

Rather than simply submitting the letter as an additional exhibit, LILCO is providing two witnesses, Dr. Matthew C. Cordaro, who was on the original panel on Contention 24, and Mr. William F. Renz, who contacted the State of Connecticut and to whom the June 14 letter from the State of Connecticut is addressed, so that the parties may explore with these witnesses on cross-examination the circumstances surrounding the June 14 letter. The supplemental testimony LILCO seeks to file is

three pages long. The parties therefore will not be prejudiced if this testimony is admitted, because they will have the opportunity to cross-examine LILCO witnesses about the Connecticut letter, and because the supplemental testimony is limited in scope to a discussion of the Connecticut letter.

For the reasons stated above, LILCO requests that the Board admit LILCO's supplemental testimony on Contention 24.R, which is attached to this motion.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY

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