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RELATED CORRESPONDENCE

LILCO, April 26, 1984

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 APR 30 A10:45

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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
WITHDRAW CERTAIN PORTIONS OF ITS
TESTIMONY ON CONTENTION 11 (CONFLICT OF INTEREST)
AND TO FILE SUPPLEMENTAL TESTIMONY ON THAT CONTENTION

On March 30, 1984, LILCO filed its "LILCO Testimony on Contention 11 (Conflict of Interest)." One of the LILCO witnesses for that testimony was Andrew Wofford, who contributed to the testimony in response to questions 1, 2, 5, 6, 24, 25, 26, and 30. Mr. Wofford served as a Director of Local Response in the Local Emergency Response Implementing Organization.

On the same day the testimony was sent to Washington, D.C., for filing (March 29), Mr. Wofford took early retirement from LILCO. The Board was apprised of this development by the "Joint LILCO/Suffolk County Motion for Deferral of Motions to Strike Testimony on Contentions 11 and 15," dated April 5, 1984.

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I. MOTION TO WITHDRAW
MR. WOFFORD'S CONTRIBUTIONS

LILCO has now designated Mr. Jay R. Kessler to replace Mr. Wofford as a Director of Local Response, and LILCO wishes to substitute Mr. Kessler for Mr. Wofford on the witness panel for Contention 11. In order to do this, first it is necessary to delete Mr. Wofford's contributions to the testimony. LILCO therefore asks permission to withdraw the following portions of the Contention 11 testimony:

The last paragraph in Answer 1 on page 1, beginning with "[Wofford]" and ending with "11801."

The first paragraph on page 3, beginning with "[Wofford]" and ending with "Response."

Questions and answers 5 and 6 on pages 5-7.

The name "Wofford" in Answer 24 on page 19.

The name "Wofford" in Answer 25 on page 19.

The name "Wofford" in Answer 30 on page 28.

In addition, the "All witnesses" portion of Answer 26, on pages 22-24, will no longer have Mr. Wifford as a sponsor, though no change need be made in the text. Finally, the third title in Answer 4 on page 5 should be changed from "Vice President - Purchasing and Stores" to "Vice President - Gas Operations."

II. MOTION TO SUPPLEMENT TESTIMONY

Second, it is necessary to submit new testimony by Mr. Kessler. Accordingly, LILCO hereby moves to submit the enclosed "Supplemental Testimony of Jay R. Kessler on Behalf of the Long Island Lighting Company on Contention 11 (Conflict of Interest)" for good cause shown. The "good cause" is simply the retirement of LILCO's witness Mr. Wofford, an event that occurred after the written testimony on Contention 11 had been dispatched to Washington, D.C., for filing, and the subsequent designation of Mr. Kessler to replace Mr. Wofford as a Director of Local Response.

As support for its showing of "good cause" LILCO submits the following:

1. The supplemental testimony has been promptly submitted. Mr. Wofford's retirement was announced March 29. Suffolk County learned of his retirement from the press, and LILCO confirmed it for the County in response to a County request by letter of April 3. Mr. Kessler's resume was forwarded to the County by Federal Express on April 23 and the supplemental testimony filed April 26.
2. Contention 11 is not scheduled to be heard for some time. There are approximately 20 panels still to be heard in Group II-A and, if the joint proposal of the parties is adopted, 10 panels in Group II-B,

plus the FEMA panel, before LILCO's Contention 11 testimony will be heard.

3. The changes in the Contention 11 testimony effected by the supplemental Kessler testimony are minor ones. The supplemental testimony is, in fact, less than three pages long, with only one answer (150 words) containing new substantive material.

Accordingly, LILCO submits that there is both good cause for admitting the supplemental testimony and no prejudice to the other parties.

III. AN ADDITIONAL CHANGE

The words "[Cordaro, Weismantle]" were inadvertently left out of Answer 31 on page 29. This will require a correction on the stand.

Respectfully submitted,
LONG ISLAND LIGHTING COMPANY

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