

LILCO, May 22, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONBefore 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 Submit Supplemental
Exhibit or to Strike New York Exhibit 3

For the reasons stated below, LILCO moves that the attached letter dated April 18, 1984, to Dr. David Axelrod, Commissioner of Health and Chairman of the New York State Disaster Preparedness Commission, from Mr. Frank Mancuso, State Director of the Office of Civil Preparedness for the State of Connecticut, be entered into the record as LILCO's Exhibit EP 38, or alternatively that New York Exhibit 3, a letter to Mr. Mancuso from Dr. Axelrod dated March 30, 1984, be struck.

As part of its prefiled testimony in response to emergency planning Contention 24.R, LILCO filed a letter dated December 15, 1983 to Mr. Don A. DeVito, New York State Director of the Office of Disaster Preparedness, from Mr. Mancuso, discussing the State of Connecticut's willingness to provide support and

radiological assistance in Connecticut in the event of a radiological emergency at the Shoreham Nuclear Power Station (Tr. April 6, 1984, Vol. 2). On Tuesday, April 24, 1984, during cross-examination of LILCO's witnesses on Contention 24, counsel for New York State entered into the record a letter dated March 30, 1984 to Mr. Mancuso from Dr. David Axelrod, Commissioner of Health and Chairman of the New York State Disaster Preparedness Commission, responding to the December 15 letter that is attached to LILCO's testimony. (New York State Exhibit 3, ff. Tr. 6598.)^{1/} The March 30 letter disavows any "agreement" between New York State and the State of Connecticut "to exchange information in the event of a nuclear accident at Shoreham."

On April 27, 1984, and thereafter, LILCO requested that the State provide, among other documents, any response letters to the March 30 letter that may have been written by officials from Connecticut. On May 17, 1984, the State provided a copy of an April 18, 1984 letter from Mr. Mancuso to Dr. Axelrod, responding to Dr. Axelrod's March 30 letter that the State introduced on cross-examination. Mr. Mancuso's April 18 letter states that, contrary to Dr. Axelrod's characterization in the March 30 letter, the December 15 letter attached to LILCO's

^{1/} Although LILCO received a copy of the December 15 letter, Dr. Axelrod did not send LILCO a copy of the March 30 letter, and the first time LILCO became aware of the existence of the March 30 letter was during cross-examination of LILCO witnesses on April 24 by counsel for New York State.

testimony "does not purport to serve as a letter of agreement between the State of Connecticut and the State of New York concerning the Shoreham Nuclear Power Station. It does suggest that [Connecticut is] meeting the requirements of NUREG-0654, FEMA REP-1."

LILCO requests that Mr. Mancuso's April 18, 1984 letter be admitted into evidence as LILCO's Exhibit EP 38. As a statement of Connecticut's intent to meet NUREG-0654, and as a response to the March 30 letter that is New York Exhibit 3, it is relevant to Contention 24.R, and it provides context and additional information with which to read the March 30 letter. Since Dr. Axelrod and Mr. Mancuso were not present for cross-examination when the March 30 letter was entered into the record by New York State, the parties will not be prejudiced by entering an additional letter without the opportunity to cross-examine Dr. Axelrod and Mr. Mancuso. LILCO had no knowledge of the existence of the March 30 or April 18 letters prior to the time that the State introduced the March 30 letter into the record on April 24, and did not receive a copy of the April 18 letter until May 17. Thus there exists good cause for admitting this supplemental exhibit.

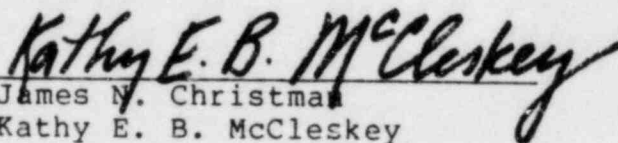
Alternatively, LILCO requests that the Board strike New York Exhibit 3. The subsequent letter that LILCO seeks to submit as Exhibit EP 38 provides context, clarification, and additional information pertinent to the March 30 letter. The March 30 letter read without the April 18 reply could be misleading.

Conclusion

For the reasons stated above, LILCO requests that the April 18, 1984 letter from Mr. Mancuso to Dr. Axelrod be admitted into the record as LILCO Exhibit EP 38, or that the Board strike New York Exhibit 3 from the record.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY


James N. Christman
Kathy E. B. McCleskey

Hunton & Williams
707 East Main Street
Post Office Box 1535
Richmond, Virginia 23212

DATE: May 22, 1984

CERTIFICATE OF SERVICE

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

I certify that copies of "LILCO's Motion to Submit Supplemental Exhibit or to Strike New York Exhibit 3" were served this date upon the following by first-class mail, postage prepaid, or (as indicated by one asterisk) by Federal Express.

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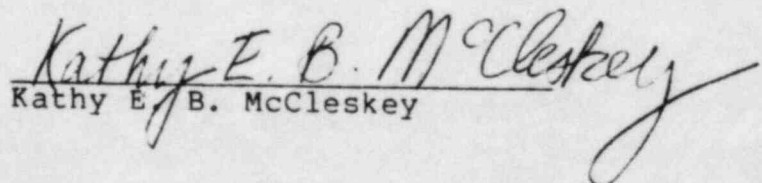
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Post Office Box 1535
Richmond, Virginia 23212

DATED: May 22, 1984


Kathy E. B. McCleskey



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF CIVIL PREPAREDNESS

DATE RECEIVED

APR 25 1984

April 18, 1984

NYS DEPARTMENT OF HEALTH
OFFICE OF THE COMMISSIONER

David Axelrod, M. D.
Commissioner of Health
Chairman, NYS Disaster Preparedness Commission
State of New York
Albany, New York 12226

Dear Dr. Axelrod:

In response to your letter of March 30, 1984, let me assure you that the State of Connecticut will not become involved in the explosive environment that exists in the State of New York concerning Radiological Emergency Planning. My letter to Director DeVito does not purport to serve as a letter of agreement between the State of Connecticut and the State of New York concerning the Shoreham Nuclear Power Station. It does suggest that we are meeting the requirements of NUREG-0654, FEMA REP-1.

Your letter makes your position as well as that of your Governor's clear to us. It is not our intention to pursue this matter any further.

Enclosed are letters of correspondence between my office and the State of New York Legislative Commission on Expenditure Review. I have cooperated with that office and made available information concerning Radiological Emergency Planning in Connecticut. I hope it meets with your approval. If not, I suggest you contact Mr. Irving Wendroskey and express your displeasure. I have no desire to become involved in your internal problems.

Sincerely,

A handwritten signature in cursive script that reads "Frank Mancuso".

Frank Mancuso
State Director

FM:ms

Encl.- OCP Letter to I.Wendrovsky 10/28/83
OCP Letter to DeVito 12/15/83 - omitted
Wendrosky Letters to OCP 10/3/83, 3/9/84

cc: D.DeVito, Of. of Dis. Prep., N.Y.
Ed Thomas, FEMA Reg. 1
I.Wendrovsky, N.Y. Legislative Comm.

Phone: 566-3180
360 Broad Street — Hartford, Connecticut 06103

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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY OFFICE OF CIVIL PREPAREDNESS

October 28, 1983

Mr. Irving Wendrovsky, General Associate
State of New York Legislative Commission
On Expenditure Review
111 Washington Avenue
Albany, New York 12210

Dear Mr. Wendrovsky:

Enclosed are the documents we discussed in our phone conversation several weeks ago. I hope the contents will be useful to you and the Legislative Commission on an expenditure review.

I ask that the #34 copy of the "State of Connecticut Radiological Emergency Response Plan for the Haddam Neck Plant and the Millstone Power Station" be returned to us after you have had a chance to review it. It is one of only three copies in our inventory.

In my observation with the neighboring states, I find that Radiological Emergency Planning should be with the State Office of Emergency Planning for two reasons:

1. The Office of Civil Preparedness is entrusted with other emergency planning and has direct contact with the state, local, and in your case, county governments.
2. It has been my experience that when the responsibility for nuclear planning was in other agencies, it was not properly coordinated with the Office of Civil Preparedness.

In order for any planning to be effective, the agency responsible for that planning should have the full support of the administration as well as the legislative body within that jurisdiction.

Please let me know if I can be of any further help.

Sincerely,

Frank Mancuso

Frank Mancuso
State Director

FM:ma

Enclosures - #34 Copy CT REP, Annual Plan for Expenditures, Title 28,
Emergency Operations Plan Part II Natural Disasters

Phone: 203/566-3180

360 Broad Street -- Hartford, Connecticut 06105

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STATE OF NEW YORK
LEGISLATIVE COMMISSION
ON EXPENDITURE REVIEW

111 WASHINGTON AVENUE — ALBANY, NEW YORK 12210 — (518) 474-1474

October 3, 1983

Mr. Frank Mancuso
Director
Connecticut Office of Civil Preparedness
State Armory
360 Broad Street
Hartford, Connecticut OG 105

Dear Mr. Mancuso:

As per our telephone conversation, I would appreciate receiving a copy of the following documents from your agency:

1. Title 28
2. Statute 81-409
3. National Disaster State Plan
4. REP Annex.

Your cooperation was extremely helpful.

Sincerely,

Irving Wenzlovsky
General Associate

IR:deh

RECEIVED
OCT 11 1983
Office of Civil Preparedness

STATE OF NEW YORK
LEGISLATIVE COMMISSION
ON EXPENDITURE REVIEW

111 WASHINGTON AVENUE, ALBANY, N.Y. 12243

RECEIVED
MAR 14 1984
REGISTRAR
Office of Civil Practice

March 9, 1984

Mr. Frank Mancuso
State Director
Department of Public Safety
Office of Civil Preparedness
360 Broad Street
Hartford, Connecticut 06105

Dear Mr. Mancuso:

We are returning under separate cover the Connecticut State Plan loaned to the Commission. The material was useful and provided us with insight in planning for radiological emergencies.

Please accept our thanks for your assistance and graciousness in providing information.

Sincerely,

Geraldine Stout

Irving Wendrosky