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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'84 JUN -6 A9:59

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,	)	
Unit 1)	)	
_____	)	

MOTION FOR RECONSIDERATION

On Friday, June 1, 1984, following cross-examination of the County's panel on Contentions 24.J, 24.N, 60, 63 and 72, LILCO moved the Board for leave to offer rebuttal testimony on a number of issues related to special facilities and registration of the handicapped. One of the express purposes behind LILCO's motion was to introduce into the record LILCO draft proposals for protective actions for various special facilities within the EPZ.<sup>1/</sup> Tr. 9912. Over the County's objections, the Board granted LILCO's motion, scheduling the rebuttal testimony for Tuesday, June 5, 1984. The County submits that the Board's ruling, permitting LILCO to introduce its draft proposals for special

<sup>1/</sup> LILCO had previously attempted to introduce the draft proposals, marked as LILCO exhibits EP 38-47, into the record through the County's own witnesses. The Board, however, denied LILCO's motion to admit the draft proposals into evidence on grounds that LILCO had failed to lay a proper foundation for their admission.

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facilities through rebuttal testimony, is in error. The County therefore moves this Board for reconsideration of its July 1 ruling.

LILCO's effort to introduce its draft proposals into the record of this proceeding constitutes an improper attempt to supplement its direct case. LILCO has presumably known for some time that the proposals existed or would exist. Thus, LILCO could have, and should have, moved some time ago to supplement its direct testimony upon a proper showing of good cause. This is the only proper way for a party to supplement or amend its direct testimony. LILCO, however, has made no such motion.

Furthermore, LILCO's proposed rebuttal testimony is improper because it rebuts nothing. The County's witnesses have testified that no plans exist for the protection of the special facilities at issue. Counsel for LILCO was unable to represent that LILCO's proposals were, in fact, plans adopted and approved by the special facilities. Tr. 9925-9927. Counsel for LILCO represented only that LILCO is communicating with some special facilities. Tr. 9927. However, the fact that LILCO may be in the process of contacting special facilities fails to rebut the County's testimony. Thus, LILCO has shown no good cause for presenting rebuttal testimony. Furthermore, such testimony merely repeats similar assertions of ongoing communication found

in the LILCO witnesses' direct testimony. See LILCO Direct Testimony on Contentions 24.J, N, 72.C, D, and 96.B at 8, 26 and 29, ff. Tr. 9017.

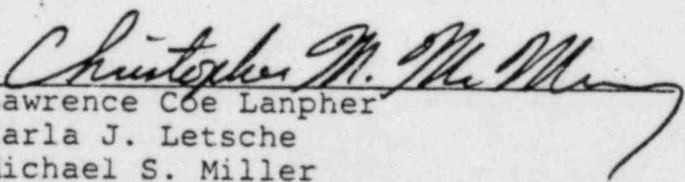
The County is prepared to present oral argument on this motion on Tuesday morning, June 5, 1984, when the hearing reconvenes in Hauppauge.

Conclusion

For the reasons stated above, the Suffolk County's Motion For Reconsideration should be granted and LILCO's motion to present rebuttal testimony for the purpose of introducing LILCO's draft proposals for special facilities should be denied.

Respectfully submitted,

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Dated: June 4, 1984