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BY TELECOPIER

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Shoreham Nuclear Power Station
Docket No. 50-322-OL

Dear Judges:

Mr. Dynner has advised the Board that the County wishes to defer the completion of the piston testimony because the matter might be settled. LILCO disagrees; the problematic prospect of a settlement should not dictate another schedule adjustment that involves taking more testimony out of substantive order. The Board has already heard substantial piston testimony and for the sake of continuity, the piston contention testimony should be completed before taking up yet another contention, especially one that may last more than a few days. Further, "it is certain," Mr. Dynner states, that no settlement can be reached by October 22. Again, LILCO disagrees. There is no reason a settlement cannot be reached prior to October 22 provided the parties make a

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good faith, concerted effort to do so. Execution of an agreement in final form need not be accomplished by October 22, but there is no doubt that the parties, if they set their minds to it, could reach essential agreement on all important points prior to this time and be prepared to so advise the Board. By the same token, the parties could well conclude prior to October 22 that there is no likelihood of a settlement. As often happens in this proceeding and elsewhere, I am again reminded (as I hope the Board is also reminded) of Dr. Johnson's remark to the effect that the prospect of hanging wonderfully concentrates the mind. The same, I think, is true here; the prospect of having to deal with pistons on October 22 would wonderfully concentrate the minds of LILCO and the County to the end of settling this matter. I should also note that I have today telecopied to Mr. Brigati a proposal for settlement together with a request that I receive a response by October 16.

Finally, Mr. Dynner correctly notes that LILCO is considering filing additional testimony regarding the boss area of the R-5 AE pistons. The Board will recall that Dr. Harris testified that the boss area of the AE pistons was not polished, but was "as cast." The Board indicated that in light of previous testimony, it would require further testimony on this matter before it could draw certain inferences favorable to LILCO. My present intention is to prepare a brief, joint affidavit to be executed by the appropriate additional witnesses and then, to avoid taking any additional hearing time, to offer these witnesses to the County for appropriate cross-examination. Following this, the affidavits or testimony, together with the deposition transcripts, would be submitted to the Board. Mr. Dynner has indicated that he would prefer to cross-examine these witnesses in front of the Board and LILCO has no objection to this, but merely suggests the other procedure in the interest of economy. LILCO also has no objection to having this testimony precede the cross-examination of the County's panel on pistons. At present, I would estimate that the cross-examination of the County's panel on pistons and the cross-examination of whatever additional testimony LILCO offers on the boss area of the AE pistons could be completed in a day.

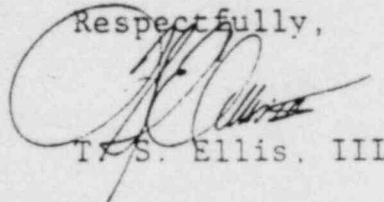
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This estimate is based on the fact that Dr. Harris has already been examined and cross-examined and the County has deleted substantial portions of its piston testimony.

Needless to say, I should be glad to furnish the Board with any additional information it may require in connection with this scheduling issue.

Respectfully,



T. S. Ellis, III

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