

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

82 JUL 29 P1:35

emp
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
LONG ISLAND LIGHTING COMPANY)
)
(Shoreham Nuclear Power Station,)
Unit 1))

Docket No. 50-322 O.L.

SUFFOLK COUNTY MOTION TO STRIKE PORTIONS
OF LILCO PREFILED TESTIMONY ON SC
CONTENTION 16 -- ANTICIPATED TRANSIENTS WITHOUT SCRAM

Suffolk County moves to strike Questions and Answers 10 (except the last paragraph) and 21 from the LILCO prefiled testimony on SC Contention 16 - ATWS. The basis for this motion is that these portions of the testimony are not relevant to SC Contention 16 as framed by the Board.

SC Contention 16 concerns whether the Shoreham systems, procedures and training for dealing with an ATWS event are adequate and whether there is compliance with GDC 20 despite the fact that the Shoreham Standby Liquid Control System is not automatic. The Contention makes the assumption that an ATWS event will occur and then questions the adequacy of methods to mitigate the consequences of an ATWS event. Thus, the focus of SC Contention 16 is on mitigation of an ATWS event.

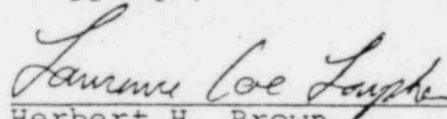
The portions of the LILCO testimony which the County seeks to strike do not concern mitigation of an ATWS event. Rather, these portions, in effect, argue that an ATWS event will not occur.

Thus, Question and Answer 10 (except for the last paragraph) provides a description of the Shoreham scram system, with the focus being on the fact that it allegedly is highly unlikely to fail. Similarly, Question and Answer 21 address the witnesses' view that a severe ATWS event is unlikely during the interim period referenced in the Contention.^{*/}

Suffolk County believes that Suffolk County Contention 16, as reworded by the Board on March 10, 1982, focuses only on the adequacy of LILCO's means to mitigate the effects of an ATWS event. The Contention does not concern whether an ATWS event will in fact occur, as that is a "given" in the context of this Contention. Thus, the cited portions of the LILCO testimony are outside the scope of the Contention and should be struck.

Respectfully submitted,

David H. Gilmartin
Patricia A. Dempsey
Suffolk County Department of Law
Veterans Memorial Highway
Hauppauge, New York 11788



Herbert H. Brown
Lawrence Coe Lanpher
Karla J. Letsche
KIRKPATRICK, LOCKHART, HILL,
CHRISTOPHER & PHILLIPS
1900 M Street, N.W.
Washington, D.C. 20036
(202) 452-7000

July 27, 1982

Attorneys for Suffolk County

^{*/} Evidence concerning the probability of successful mitigation of an ATWS event would be relevant in the County's view.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

JUL 29 P1:35

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
LONG ISLAND LIGHTING COMPANY)
)
(Shoreham Nuclear Power Station,)
Unit 1))

Docket No. 50-322-40L

CERTIFICATE OF SERVICE

I hereby certify that copies of the "SUFFOLK COUNTY MOTION TO STRIKE PORTIONS OF LILCO PREFILED TESTIMONY ON SC CONTENTION 16 -- ANTICIPATED TRANSIENTS WITHOUT SCRAM" have been served on the following by U.S. Mail, first class (except as otherwise indicated), this 27th day of July, 1982.

Lawrence Brenner, Esq. (*)
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Ralph Shapiro, Esq.
Cammer and Shapiro
9 East 40th Street
New York, New York 10016

Dr. James L. Carpenter (*)
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Howard L. Blau, Esq.
217 Newbridge Road
Hicksville, New York 11801

Dr. Peter A. Morris (*)
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

W. Taylor Reveley III, Esq. (*)
Hunton & Williams
P.O. Box 1535
Richmond, Virginia 23212

Edward M. Barrett, Esq.
General Counsel
Long Island Lighting Company
250 Old Country Road
Mineola, New York 11501

Mr. Jay Dunkleberger
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

Mr. Brian McCaffrey
Long Island Lighting Company
175 East Old Country Road
Hicksville, New York 11801

Stephen B. Latham, Esq.
Twomey, Latham & Shea
Attorneys at Law
P.O. Box 398
33 West Second Street
Riverhead, New York 11901

Marc W. Goldsmith
Energy Research Group, Inc.
400-1 Totten Pond Road
Waltham, Massachusetts 02154

Joel Blau, Esq.
New York Public Service Commission
The Governor Nelson A. Rockefeller
Building
Empire State Plaza
Albany, New York 12223

David H. Gilmartin, Esq.
Suffolk County Attorney
County Executive/Legislative Bldg.
Veterans Memorial Highway
Hauppauge, New York 11788

Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Bernard M. Bordenick, Esq. (*)
David A. Repka, Esq.
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Matthew J. Kelly, Esq.
Staff Counsel, New York State
Public Service Commission
3 Rockefeller Plaza
Albany, New York 12223

Cherif Sedky, Esq.
Kirkpatrick, Lockhart,
Johnson & Hutchison
1500 Oliver Building
Pittsburgh, Penn. 15222

Mr. Jeff Smith
Shoreham Nuclear Power Station
P.O. Box 618
North Country Road
Wading River, New York 11792

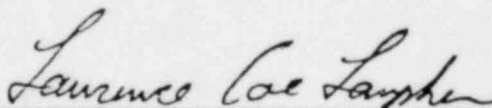
MHB Technical Associates
1723 Hamilton Avenue
Suite K
San Jose, California 95125

Hon. Peter Cohalan
Suffolk County Executive
County Executive/Legislative
Building
Veterans Memorial Highway
Hauppauge, New York 11788

Ezra I. Bialik, Esq.
Assistant Attorney General
Environmental Protection Bureau
New York State Department of
Law
2 World Trade Center
New York, New York 10047

Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Stuart Diamond
Environment/Energy Writer
NEWSDAY
Long Island, New York 11747


Lawrence Coe Lanpher
KIRKPATRICK, LOCKHART, HILL,
CHRISTOPHER & PHILLIPS
1900 M Street, N.W., 8th Floor
Washington, D.C. 20036

July 27, 1982