

11/08/82

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF MOTION TO STRIKE SUFFOLK COUNTY TESTIMONY
ON CONTENTIONS EP 2B AND EP 5B, AND CONTENTION EP 5A

I. INTRODUCTION

On October 12, 1982, Suffolk County filed:

1. Direct Testimony of Andrew C. Kanen, Dr. James H. Johnson, Dr. Kai T. Erikson on Behalf of Suffolk County Regarding Contentions EP 2B and EP 5B (Traffic Congestion Issues).
2. Direct Testimony of Kai T. Erikson and Dr. Stephen Cole on Behalf of Suffolk County Regarding Contention 5A (Role Conflict).

The NRC Staff moves to strike portions of these two pieces of testimony as beyond the scope of the contentions admitted to Phase I (Onsite) of the emergency planning proceeding.

II. DISCUSSION

A. Contentions EP 2B and 5B (Traffic Congestion Issues)

Suffolk County Contentions EP 2B and 5B assert that: 1) "LILCO has failed to adequately demonstrate that ground transportation is adequate for conveyance of contaminated individuals to Central Suffolk Hospital

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Certified By

W. J. S. A. B.

under the congested traffic . . . conditions"; and 2) "LILCO has not adequately demonstrated the possible effects of traffic congestion during evacuation of the population upon the ability of offsite personnel and/or onsite augmenting personnel to respond to the Shoreham site."

Suffolk County's direct testimony on these contentions focuses on four alleged causes of offsite traffic congestion. The thrust of the testimony is therefore related to the problems of offsite evacuation due to the traffic congestion. Testimony is only relevant to the onsite contentions to the extent it addresses the ability to take onsite personnel to Central Suffolk Hospital, and to move offsite personnel onto the site. The Staff therefore moves to strike those portions of the County testimony which generally addresses traffic congestion in Suffolk County and is not directed to the particular problems of traffic congestion that might be encountered in taking people from the Shoreham plant to the Suffolk Hospital or to the ability of Shoreham personnel and others to get to the Shoreham site. Such testimony might possibly be relevant if admissible contentions concerning evacuation arise during the offsite emergency planning phase of this proceeding. The testimony that should be stricken includes:

1. The Testimony of Mr. Kanen at pages 6-13 (through the second paragraph on p. 13), dealing with traffic congestion generally in Suffolk County in the event of an emergency.
2. Entire Testimony of Dr. Johnson, a social geographer, dealing with "shadow evacuation phenomenon" which might develop out of the plant evacuation area, and his survey on that "phenomenon." The nexus between this "phenomenon" and the problems set out in Contentions EP 2B and 5B is so attenuated as not to be probative of the issues

therein. No showing is made that this phenomenon will arise in the areas or at the times relevant to these contentions. Further, the testimony, if at all relevant, is more appropriate for consideration in the hearings dealing with off-site emergency planning and should be heard there, if at all.

3. Entire Testimony of Dr. Cole, a sociologist, dealing with a social survey he conducted relative to evacuation generally. As in the case of Dr. Johnson's testimony, the connection between this survey and questions of the ability of Shoreham personnel and others to get to the plant, and whether routes would exist to Suffolk Hospital from the plant is so attenuated as not to be probative of the issues in EP 2B and 5B. Again if the testimony has any place in this proceeding it would be more appropriate to consider it in the off-site emergency planning phase of this proceeding.

4. Entire Testimony of Dr. Erikson, as it only attempts to buttress Dr. Cole's testimony on the survey he testifies to.

5. Attachments 2-11 as they are not probative of Contentions 2B and 5B, but only deal with general evacuation problems, and qualifications of those who took social surveys on those problems.

B. Contention EP 5A

Suffolk County Contention EP 5A asserts that LILCO "has [not] addressed or analyzed the possibility that offsite personnel and/or onsite augmenting personnel expected to report to the Shoreham site for emergency duty, would fail to report . . . because of conflicting family (or other) duties"

The direct testimony of Suffolk County relies upon two surveys. The first survey concerns school bus drivers working for school systems near the Shoreham plant. As described in the testimony of Dr. Stephen Cole, the purpose of this survey "was to find out whether the bus drivers would actually report to work and drive their buses to help in the evacuation.

of school children in the case of a nuclear emergency"^{1/} The second survey was conducted among volunteer firemen to determine "whether in the event of a nuclear accident at Shoreham, volunteer firemen would report to duty to assist in evacuation and fire fighting"^{2/}

To the extent that these two surveys, and their use in the testimony of Dr. Erikson and Dr. Cole, address offsite matters they are beyond the scope of the contention admitted to the onsite phase of this proceeding. The ability and willingness of school bus drivers to evacuate offsite school children has nothing to do with role conflicts of those reporting to work at the Shoreham facility in case of an emergency. Likewise, the availability of volunteer firemen to fight fires in the off-site areas and to participate in offsite evacuation activities is not relevant to the issues germane to Contention 5A. As indicated at pp. 3-4 of Dr. Cole's testimony, the entire survey of firemen was directed to whether they would take part in offsite evacuation activities, not as stated in Contention 5A whether they would provide onsite assistance. Further, as indicated at p. 3 of the testimony of Dr. Cole and p. 8 of the attachment thereto, the questions propounded in the social survey were not asked to the members of the Wading River fire department who might be called upon to perform onsite duties (See Erikson Testimony, at 4). To the extent members of five other fire departments might or might not report to duty to perform offsite assignments is not relevant to Contention 5A dealing with onsite duties.

^{1/} Testimony of Dr. Stephen Cole, at 2.

^{2/} Id.

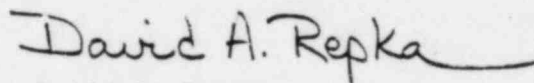
Therefore, the NRC Staff moves to strike the following portions of Suffolk County's testimony on EP 5A:

1. Entire Testimony of Dr. Erikson.
2. Entire Testimony of Dr. Cole, including all attachments thereto.

III. CONCLUSION

The NRC Staff moves that the portions of Suffolk County's testimony on Contentions EP 2B and 5B, and EP 5A, identified above be struck. In the alternative, the Staff moves that the Staff be given an opportunity to file supplemental testimony to address the concerns identified in the County's testimony related to matters which would transpire off the Shoreham site, involving non-applicant personnel, which the Staff did not formerly contemplate to be within the scope of "onsite" emergency planning contentions.

Respectfully submitted,



David A. Repka
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 8th day of November, 1982.

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CERTIFICATE OF SERVICE

I hereby certify that copies of NRC STAFF MOTION TO STRIKE SUFFOLK COUNTY TESTIMONY ON CONTENTIONS EP 2B AND EP 5B, AND CONTENTION EP 5A in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 8th day of November, 1982.

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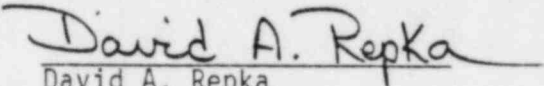
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