

11/15/82

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
(Shoreham Nuclear Power Station,)	(OL)
Unit 1))	

NRC STAFF RESPONSE TO LILCO MOTIONS TO STRIKE
AND FOR SUMMARY DISPOSITION, DATED NOVEMBER 9, 1982

I. INTRODUCTION

On November 9, 1982, Applicant Long Island Lighting Company (LILCO) filed (a) LILCO's Motion to Strike the Testimony of Kai T. Erikson and Stephen Cole on Suffolk County Contention EP 5(A) -- Role Conflict; (b) LILCO's Motion to Strike Portions of the Direct Testimony of Fred C. Finlayson; and (c) LILCO's Motion for Summary Disposition of the Traffic Congestion Issues, EP 2(B) and 5(B), and the Augmentation of Onsite Staff Issues, EP 5(B) and 7(B). The Board requested that all parties have their responses, if any, in the hands of all other parties and the Board by November 16, 1982.

On November 8, 1982, the NRC Staff had filed its own "Motion to Strike Suffolk County Testimony on Contentions EP 2B and EP 5B, and Contention EP 5A."

DESIGNATED ORIGINAL
Certified By DS07 [Signature]

NRC Staff, for reasons set forth below, supports each of these motions in whole or in part.

II. DISCUSSION

A. Motion to Strike Testimony of Erikson and Cole

NRC Staff supports LILCO's Motion as basically identical in substance to the Staff's Motion of November 8, 1982.

B. Motion to Strike Portions of Finlayson Testimony

NRC Staff supports LILCO's Motion insofar as it relates to testimony asserted to be outside the scope of Contention EP 14 (Dose Assessment). As the Licensing Board stated in its Prehearing Conference Order of July 27, 1982, consideration of the PRA is not essential to a full hearing on the subject matter of this contention. The testimony sought to be stricken is, therefore, irrelevant.

NRC Staff does not, however, support LILCO's motion to strike the portions of Dr. Finlayson's testimony on Gaussian dispersion methods as being outside the scope of this witness' expertise. This should not, however, be construed as support for this testimony prior to examination of this witness.

C. Motion for Summary Disposition of the Traffic Congestion Issues

NRC Staff supports LILCO's motion. Facts set forth in support thereof establish that the maximum delay predicated by Suffolk County's

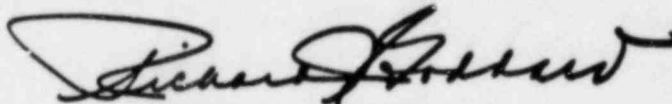
testimony which might occur due to traffic congestion does not establish LILCO's inability to comply with NRC Regulations. Moreover, LILCO's witnesses on this issue, in affidavits attached to the Motion, have identified and analyzed effects upon specified routes to and from the Shoreham site, to demonstrate an absence of inability to implement their onsite emergency plan. For example, Applicant's testimony establishes that the Wading River Fire Department, which is the primary fire department to provide ambulances to the site, is located 1½ road miles away in a sparsely populated area (material fact 2); a Mutual Aid Agreement provides for other area fire departments to supply ambulances in the event the Wading River Fire Department is unable to respond (material fact 8, 9); LILCO vehicles would be able to transport casualties as a last resort (material fact 10); routes to Central Suffolk Hospital are not evacuation routes, and are unlikely to be heavily congested during any evacuation (material facts 15, 17); and the ambulances will have the advantage of two-way communications to avoid congestion (material fact 20). In contrast, Intervenor's testimony seems to speak generally to the occurrence of traffic congestion within the evacuation zone and does not rebut LILCO's specific evidence that traffic congestions will not impede effective transport of injured persons to the hospital or impede the arrival of personnel onsite.

In the event that this Motion for Summary Disposition is not granted, the Staff reaffirms its position that Suffolk County's testimony on this issue should be struck, insofar as it applies to offsite emergency planning matters.

III. CONCLUSION

For reasons stated, NRC Staff supports each of the above motions, excepting the motion to strike that portion of Dr. Finlayson's testimony dealing with Gaussian diffusion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard J. Goddard", written in a cursive style.

Richard J. Goddard
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 15th day of November, 1982.

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CERTIFICATE OF SERVICE

I hereby certify that copies of NRC STAFF RESPONSE TO LILCO MOTIONS TO STRIKE AND FOR SUMMARY DISPOSITIONS, DATED NOVEMBER 9, 1982 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 15th day of November, 1982.

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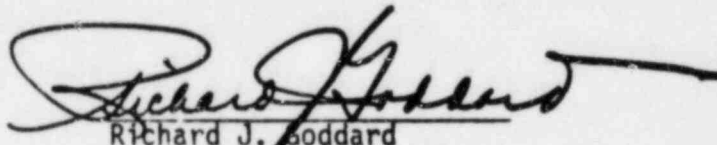
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