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OFFICE OF SECRETARY
GENERAL INVESTIGATIVE SERVICE
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
James P. Gleason, Chairman
Frederick J. Shon
Dr. Oscar H. Paris

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In the Matter of)	Docket Nos. 50-247-SP
)	50-286-SP
CONSOLIDATED EDISON COMPANY OF NEW YORK,)	
INC. (Indian Point, Unit No. 2))	
)	March 14, 1982
POWER AUTHORITY OF THE STATE OF NEW)	
YORK (Indian Point, Unit No. 3))	
)	
-----x)	

CON EDISON'S MOTION TO STRIKE
INTERVENOR TESTIMONY UNDER QUESTIONS 3 AND 4

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CON EDISON'S MOTION TO STRIKE
INTERVENOR TESTIMONY UNDER QUESTIONS 3 AND 4

Pursuant to the Board's March 7, 1983 Mailgram Order, Consolidated Edison Company of New York, Inc. ("Con Edison") hereby moves for an order striking certain of the prefiled testimony of the intervenor witnesses under Commission Questions 3 and 4 which has been proposed in "Intervenors Witness List for Commission Questions 3 and 4" dated March 11, 1983.

INTRODUCTION

In response to the Board's March 7 Order intervenors have proposed that the Board hear testimony from a total of

99 witnesses during the five emergency planning hearings days allocated to intervenors.* If adopted, this proposal would require licensees to cross-examine an average of more than nineteen witnesses per day. Adopting this proposal would seriously undermine licensees' rights to pursue adequate cross-examination, as witness after witness is paraded before the Board and licensees attempt to conduct whatever meaningful cross-examination can be conducted by licensees during the total of one hour allocated to each witness. Adopting this proposal would result in adopting some sort of bizarre "Beat the Clock" approach to hearing and resolving important factual and policy questions.

The "turnstile justice" approach to this proceeding embodied in intervenors' proposal was compounded by the panelization "solution" previously proposed by the intervenors to the problem created by the sheer mass of their testimony. Intervenors have now abandoned panelization (See Intervenors Witness List dated March 11, 1983), but this device may well be the object of efforts to revive it as the week wears on and 99 witnesses do not seem capable of all being heard. As a tool to manage the proceeding, panelization of witnesses who have independently prepared disparate pieces of testimony is a sham and chimera which would deprive opposing parties of

* Intervenors have also requested that four other witnesses be scheduled on other hearing dates. This motion does not address this request or the testimony of these four witnesses.

their due process rights to confront and cross-examine. This fact was recognized by both the Board (Tr. 6938) and Judge Laurenson (Transcript of February 25, 1983 Special Conference at 80).

The denial of licensees' rights embodied in the intervenor "99 witness" proposal of March 11 is further exacerbated by the refusal of the Board to vary the times established for the cross-examination of witnesses. As we noted in our "March 8, 1983 Motion for Modification of the Board's March 7, 1983 Order" (at 4), it might very well be possible to cross-examine the great bulk of intervenor witnesses within the Board's time limitations. However, it will not be possible to conduct adequate cross-examination of intervenors' expert witnesses within such a time period.

Licensees now find themselves in an impossible situation. Licensees only learned late in the afternoon of March 11 which witnesses intervenors are to be offered for cross-examination, and when. The schedule adopted by the Board imposes on licensees the burden of winnowing through almost a hundred pieces of testimony to determine which should be the subject of the present motion to strike, while at the same time preparing staccato cross-examination for those witnesses who will presumably begin testifying the day after filing the instant motion to strike.

In order that the Commission is presented with the

record of something resembling the focused proceeding it intended, and in order to preserve some semblance of a meaningful right of cross-examination, it is essential that the number of intervenor witnesses be drastically reduced and that the Board resist efforts to return to panelization during the hearing days of March 15-19 and 22. This motion asks the Board to strike various pieces of intervenor testimony for various reasons. Among the reasons for striking testimony is that it is cumulative of other testimony. As we noted in our March 8 motion (at 5, n.) it should not be for licensees or even the Board to decide which of a number of possible witnesses making the same point should be heard. This should have been done by intervenors.

ALL OF INTERVENOR'S
QUESTIONS 3 AND 4 TESTIMONY
SHOULD BE STRICKEN
BECAUSE LICENSEES HAVE
BEEN DENIED ANY MEANINGFUL
RIGHT TO DISCOVERY
FROM THESE WITNESSES

Licensees have two panels off-site emergency planning witnesses, both of whom have been fully deposed by intervenors. Licensees on the other hand, have been able to depose only three of the 170 witnesses proposed by intervenors since we have been continually stymied in attempting to have intervenors witnesses reduced to a realistic number. Literally until Friday, March 11 were licensees kept in the dark as to just who the intervenors

witnesses would be, despite repeated requests to the Board* that legitimate intervenor witnesses be identified.

Until March 11, if licensees wished to pursue their rights to discovery under the NRC's Rules of Practice they were faced with only the wholly unrealistic alternative of taking 170 depositions. This situation has not been relieved in any meaningful way by intervenors' latest suggestion that 99 witnesses be heard in 5 days. Because intervenors have steadfastly refused to propose anything but an army of witnesses without regard to burdensomeness or redundancy, and because this number has not been substantially reduced by the eve of hearings, intervenors have denied and frustrated licensees' rights to discovery, and intervenors' Questions 3 and 4 Testimony should accordingly be stricken.

* On June 14, 1982 the Licensees moved to strike intervenors emergency planning testimony. (Licensees motion for an Order Striking Direct Testimony) In response to the motion the Board directed intervenors to reduce the number of their witnesses (Tr. 1064). When intervenors failed to do this, the Board first indicated that intervenors would be limited to 50 witnesses (Tr. 1191), but then ruled that individual witnesses could be grouped as panels (Tr. 1198). Con Edison's February 7, 1983 Proposal For Scheduling Remaining Testimony on Commission Questions 3 and 4 (at pp. 4-5) re-emphasized the need for this Board to require intervenors to specify their witnesses as soon as possible.

THE SEPARATE TESTIMONY
OF VARIOUS INTERVENOR WITNESSES
IDENTIFIED IN THE MARCH 11 LIST
SHOULD BE STRIKEN FOR THE
INDEPENDENT REASONS SET FORTH BELOW

In addition to the basis for striking intervenors' emergency planning testimony due to their thwarting of licensees discovery rights as set forth above, numerous separate pieces of intervenor testimony should be stricken as not properly falling within Commission Questions 3 or 4, or the Board's contentions thereunder as set forth in its February 7, 1983 Memorandum and Order. (The sequencing of witnesses set forth below follows the order in which such witnesses are scheduled to appear per intervenors' March 11 witness list.)

Tuesday, March 15, 1983

#148 Kai T. Erikson

The supplemental portion of the testimony is the subject of a separate motion, dated March 9, 1983. The main testimony submitted in June 1982 suffers from several of the flaws of the supplemental testimony and should also be stricken. In particular, there is no mention of compliance or non-compliance with NRC/FEMA guidelines, nor is there any suggestion of further specific, feasible offsite emergency

procedures which Erikson claims should be implemented at Indian Point.

#134 Jane Courtney

This testimony should be stricken as immaterial and beyond the scope of the questions posed by the Commission. Although the witness acknowledges that she lacks specialized knowledge or background regarding Indian Point, she offers several conclusory statements speculating on human behavior in the event of an emergency without providing any factual bases for these statements. These include unsupported statements about how persons other than herself (e.g. other parents, bus drivers, teachers, police, fire and ambulance personnel) will behave. Unspecified references are made to "congested road systems" and the need for additional equipment.

Although the testimony is purportedly offered in support of several contentions under Question 3, nowhere in the testimony is there an allegation of a failure to comply with NRC and FEMA guidelines or regulations. Similarly, although the testimony also references Contention 4.2, the testimony lacks any suggested specific feasible improvement in off-site emergency planning but rather simply concludes that "an evacuation plan [is] totally unworkable" (at 2). This testimony thus cannot be considered as either Question 3 or Question 4 testimony.

Finally, this testimony is cumulative of testimony

already heard and of other intervenor testimony consisting as it does of generalized concerns about how people behave and how an evacuation will be difficult to implement. As Judge Laurenson (at 17) noted in his Recommended Decision, these subjects have already been addressed by testimony of county and local officials.

#21 Betty Ramey

Con Edison objects to the admission of this testimony, which has been offered under Contentions 3.1 and 3.4. There is no allegation that the Indian Point radiological emergency plans fail to comply with NRC or FEMA guidelines, and this testimony is thus not proper testimony under Commission Question 3. Similarly, with regard to Contention 3.4, the testimony does not include any evidence that licensees' emergency procedures are so deficient that they cannot be relied upon to notify authorities in case of an emergency. Rather there are simply references to four incidents at the Indian Point units and the times that Ms. Ramey's radio station carried reports of their occurrence. There is no showing that any of these incidents involved a failure to notify appropriate authorities of an incident which required such reporting.

#41 Joan Harding King

This testimony should be struck as irrelevant to the proceeding, and because it consists solely of hearsay

statements. Ms. King's testimony consists of her recounting of what was said to her by three individuals during Ms. King's visits to two hospitals. The testimony is also irrelevant since it has not been shown how, even if these hearsay statements were true, the statements evidence non-compliance with NRC or FEMA guidelines. This testimony is not proper Question 3 testimony. Similarly, the testimony does not offer any specific improvements in off-site emergency procedures and, thus, is not proper Question 4 testimony. Finally, this testimony should also be struck because Ms. King has previously made a limited appearance statement. See 10 CFR § 2.715(a).

#150 Edward J. Connelly

The bulk of Mr. Connelly's testimony deals with his experience as a member of the Volunteer Ambulance Corps and what he would do in case of emergency. The testimony consists of one person's statement of his beliefs of what he would do in an emergency. Since the witness is not a behavioral expert, his testimony does not properly arise under Contention 3.2, and is in any event duplicative of testimony offered by others. Mr. Connelly's statements regarding his discussions with other Corps members are unreliable hearsay.

#35 Earle R. Eleffson

This testimony should be stricken as duplicative of testimony already in the record. This testimony includes conclusory statements about "inadequacies" of emergency

planning and "jammed traffic routes" without specifying the routes or the alleged inadequacies. This testimony is simply another citizen's unsupported speculation questioning whether emergency workers will perform their assigned responsibilities under the plan.

#11 Agata Craig

The testimony neither alleges non-compliance with NRC/FEMA guidelines, nor offers any suggested improvements in off-site emergency planning. Thus, it is not proper Question 3 and 4 testimony.

#12 Jamie Green

The testimony neither alleges non-compliance with NRC/FEMA guidelines, nor offers any suggested improvements in off-site emergency planning. Thus, it is not proper Question 3 and 4 testimony.

#131 Mary P. Bulleit

This testimony should be stricken. That portion of the testimony dealing with the possible non-performance of bus drivers is duplicative of other testimony in this proceeding. The reference to statements made to Ms. Bulleit by a teacher are unreliable hearsay. Ms. Bulleit's statement about hearing "several sirens on several occasions" is irrelevant since it is not alleged that Ms. Bulleit heard or did not hear the sirens on March 3, 1982. The reference to Con Edison's past performance lacks any specificity or support.

Finally, the testimony neither alleges non-compliance with NRC/FEMA guidelines, nor offers proposals for specific improvements in offsite emergency planning.

#138 Ellen Burgher

This testimony should be stricken because it seeks to draw into question the sufficiency of the plume exposure pathway EPZ for Indian Point. However, the testimony does not attempt to deal with the factors listed in Contention 4.1 as possible bases for expansion of the EPZ and thus it is irrelevant to this Contention. Rather, this testimony references testimony apparently offered by "Leonard Sohlon" in another proceeding to establish that a "credible accident" would have impacts well beyond the 10 mile EPZ. This is not among the factors listed in Contention 4.1, nor is there any Indian Point-specific accident modeling.

Wednesday, March 16, 1983

81 David S. Siegel

Con Edison objects to and asks to be stricken those portions of the testimony which deal with Mr. Siegel's discussion with White Plains school administrators and with the "questions" of his professional staff and parents, the last two paragraphs in the witnesses' testimony. These portions of his testimony are hearsay.

This testimony is also duplicative, in large part,

of the testimony of John Iurato, intervenor witness #87.

#87 John Iurato

Con Edison ask that this testimony be stricken as duplicative of the testimony of Mr. Siegel. In addition, the testimony should be struck because Mr. Iurato has previously made a limited appearance statement.

#110 Lynn Doughty

This testimony, which deals with the feasibility of evacuating school children, should be stricken as duplicative of testimony already received since it deals with the possible non-performance of bus drivers in an emergency and the possible reactions of parents, subjects which have already been addressed in detail.

#168 Murray Melbin

This testimony deals with alleged problems related to responses to emergencies that occur during the night. These "problems" are irrelevant to the questions posed by the Board and raise only generic issues. Further, there is no allegation of non-compliance with NRC/FEMA guidelines, nor are any off-site emergency procedures suggested to deal with the issues raised by Dr. Melbin. The testimony is not proper Question 3 or 4 testimony and should accordingly be stricken.

#79 Helen Burnham

This testimony should be struck because Ms. Burnham

has already testified at the limited appearance hearings.

#94 Vincent Savastano

This testimony is not proper Questions 3 and 4 testimony and should be stricken, since it neither alleges non-compliance with NRC/FEMA guidelines, nor suggests any specific off-site emergency procedures.

#133 Susan M. Teasdale

This testimony of a parent who states that during a radiological emergency she would go to her child's school to pick him up is duplicative of the testimony of many other witnesses. The testimony does not allege non-compliance with NRC/FEMA guidelines and regulations and does not offer any specific off-site emergency procedures. It is thus not proper Questions 3 and 4 testimony and should be stricken.

#147 Theodora Dyer

That portion of this testimony dealing with Ms. Dyer's difficulty in understanding the maps in the booklet "Indian Point Emergency Planning and You" should be stricken. The testimony does not allege that the maps do not comply with particular NRC/FEMA guidelines and thus this testimony is not proper Question 3 testimony. Although Contention 4.7 deals with possible improvement in notifying and informing certain section of the public, Ms. Dyer's criticisms do not deal with those sections of the public.

That portion of Ms. Dyer's testimony which deals with what she would do if there were an emergency while her

children are in school is duplicative of the testimony of others and should also be stricken.

#60 Donald Sbarra

This testimony does not allege non-compliance with NRC/FEMA guidelines nor does it propose specific off-site emergency procedures. Thus it is not proper Questions 3 and 4 testimony and should be stricken. Rather it deals in general terms with the problems of developing any evacuation plan. Although Mr. Sbarra is deaf he does not suggest alternative means of notifying or informing deaf persons and thus his testimony would not be proper testimony under Contention 4.7.

#90 Toby Gersony

This testimony dealing with the possible responses of parents, bus drivers and school personnel to a radiological emergency is duplicative of testimony already in the record, and should therefore be stricken.

#65 Susan Simon

This testimony, which deals in very general terms with the problems of evacuating the elderly, is duplicative of the testimony of many other witnesses. The testimony is not proper under Contention 3.10 since, although it expresses a general concern for evacuating the elderly it does not allege any failure of the current Indian Point emergency plans to conform with NUREG-0654, Rev. 1, Evaluation Criterion II.J.10.d.

#77 Monya Berg Brown

This testimony is not proper Question 3 or 4 testimony and should be stricken. It does not allege failures to comply with NRC/FEMA guidelines. Although the testimony deals with possible difficulties in hearing the sirens in certain circumstances (e.g. while asleep) there is no allegation of a failure to comply with NRC guidelines. In addition, the siren portion of the testimony is irrelevant to Contention 4.7 since it does not deal with possible problems of the population sub-groups referred to in that contention.

That part of the testimony dealing with bus drivers is duplicative of testimony from others.

The remainder of the testimony is not related to contentions in this case.

#46 Eileen L. Vinci

This testimony deals with Routes 202 and 6 and briefly summarizes the witnesses' experiences with the roads. The testimony should be stricken as immaterial and irrelevant to Contentions 3.3 since there has been no attempt to show how the "facts" impact the Parsons, Brinckerhoff, Quade and Douglas estimates of evacuation time.

#112 Nancy Sheer

This testimony should be stricken as it neither alleges noncompliance with any NRC/FEMA guideline, nor proposes any improvements in off-site emergency planning.

Remarks about "winding, narrow and slippery" roads are duplicative of the testimony of others, as are comments about bus drivers and the failure of the sirens as originally installed. Finally, that portion of the testimony dealing with psychological stress (i.e. paragraph 7) is beyond the scope of this proceeding. See Board's October 1, 1982 Memorandum and Order at 32-34.

#144 Eileen McGovern

This testimony, which alleges that the plants are "deteriorating", is not proper Questions 3 and 4 testimony and should be stricken.

Thursday, March 17, 1983

#98 Cleland S. Conklin

The testimony of Cleland S. Conklin should be stricken because it does not allege non-compliance with NRC regulations. Mr. Conklin has been offered by RCSE/WBCA as a witness on Question 3. However, because this witness makes no specific allegations on licensees' non-compliance with NRC guidelines, this testimony is irrelevant and merely burdens the hearing schedule with superfluous materials.

#24 Myles Lavelle

The testimony of Myles Lavelle should be stricken because it does not allege non-compliance with NRC regulations. It is claimed that the subject of his testimony is Question 3, however neither refers to the controlling NRC regulations

nor alleges licensees' non-compliance with the regulations. Thus, this testimony is irrelevant because it is beyond the scope of Question 3.

#17 Robert T. Johnson

The testimony neither alleges non-compliance with NRC/FEMA guidelines, nor offers any suggested improvements in off-site emergency planning. Thus, it is not proper Questions 3 and 4 testimony.

#97 Reverend David B. Wayne

The testimony of David B. Wayne should be stricken because it does not allege non-compliance with NRC regulations. While Parents Concerned About Indian Point have offered Reverend Wayne on Question 3, he makes no specific allegations of licensees' non-compliance with NRC guidelines. Thus, Reverend Wayne fails to meet this prerequisite and his testimony is consequently irrelevant.

#96 Rev. Robert W. Hare

This testimony should be struck since Rev. Hare already made a limited appearance statement.

#127 David A. Churchill

The testimony of David A. Churchill should be stricken because it does not allege non-compliance with NRC regulations. While WBCA and Parents have offered Mr. Churchill as a witness on Question 3 he makes no specific allegations of licensees' non-compliance with NRC guidelines. Thus, this

testimony is irrelevant because it is beyond the scope of Question 3.

#115 Barbara Gochman

The testimony of Barbara Gochman should be stricken because it does not allege non-compliance with any NRC/FEMA guidelines. Ms. Gochman is to testify on behalf of Parents, ostensibly on the subject of Question 3. However, this witness neither refers to any NRC regulations nor alleges licensees' non-compliance with such regulations. Thus, this testimony is beyond the scope of Question 3.

#86 Vincent J. Rubeo

This testimony of Vincent Rubeo should be stricken because it does not allege non-compliance with any NRC/FEMA guidelines. Mr. Rubeo is to testify on behalf of Parents, ostensibly on the subject of Question 3. However, this witness neither refers to any NRC regulations nor alleges licensees' non-compliance with such regulations. Thus this testimony is beyond the scope of Question 3.

#125 Mary Lou Gohring

The testimony of Mary Lou Gohring should be stricken because it does not allege non-compliance with any NRC/FEMA guidelines. Ms. Gohring is to testify on behalf of RCSE/Parents, ostensibly on the subject of Question 3. However, this witness neither refers to any NRC regulations nor alleges licensees'

non compliance with such regulations. Thus this testimony is beyond the scope of Question 3.

Friday, March 18, 1983

#50 Richard Lang

The testimony of Richard Lang should be stricken because it is repetitive and adds no new material to these hearings. Mr. Lang discusses the effects of an evacuation on emotionally disabled adults in Westchester County. This testimony merely duplicates testimony of this nature submitted by Charles Awalt and repeats many general statements submitted by intervenor witness Gladys Burger.

#51 John Moore

That part of the testimony of John Moore which is repetitive of general statements of other intervenor witnesses should be stricken to prevent burdening the hearings with duplicate materials. Mr. Moore discusses the fact that handicapped children may require medication. Additionally, he believes that many teachers who are also mothers will be concerned about their own children. Witnesses Charles Awalt and Betsy Bergman discuss these very problems in their testimony. It is unproductive to permit such cumulative testimony in these hearings.

#54 Ronni Witkin Schwartz

The testimony of Ronni Witkin Schwartz should be stricken because it is cumulative of other testimony and does not benefit the hearings with any new material. The fact that the roads may be "jammed" with other evacuees has been discussed during lengthy county testimony. Moreover, other intervenor witnesses have discussed the problem of administering medication to the handicapped (See Charles Awalt's testimony on this issue). In addition, the belief that teachers will abandon their students to rush home to their own children has already been considered during county testimony and additionally, Betsy Bergman, another intervenor witness makes this point in her testimony.

#164 Jane Capon

Those parts of the testimony of Jane Capon, which discuss bus drivers' refusals to evacuate children and teachers' refusal to remain behind with their students should be stricken because these statements are cumulative and add no new material to these hearings. The fact that bus drivers may refuse to transport children has already been discussed by various county witnesses. Additionally, intervenor witness, Betsy Bergman, considers the possibility that teachers may abandon their pupils in order to assist their own families.

#141 Madeleine & Marc Holzer

Those parts of the testimony of Madeleine and Marc

Holzer which discuss the inadequate exiting roads of Croton and the inadequate warning sirens should be stricken because they repeat statements made by another intervenor witness. Shirley S. Gunn, a Croton teacher, adequately discusses the Croton roadway system problem and the siren concerns. It is unnecessary to duplicate these statements as this merely burdens the hearings with superfluous materials.

#161 Linda Puglisi

That part of the testimony of Linda Puglisi which states the belief that the Indian Point plant should be closed because it is "too worn and old proven by the numerous leakages throughout the past couple of years" should be stricken because it is outside the scope of Questions 3 and 4. This statement does not specifically address non-compliance with NRC regulations nor does it provide suggestions for improving off-site emergency planning and consequently it is irrelevant.

#100 Sally Ziegler

That part of the testimony of Sally Ziegler which discusses reluctance of day care workers to accompany their students to reception centers should be stricken because it is repetitive and adds no new material to these hearings. The fact that teachers might abandon their pupils was discussed during Rockland County hearings before this Board. It serves no purpose to duplicate this material but rather, burdens the rigorous hearing schedule.

#10 Arthur B. Zelman

The testimony of Arthur B. Zelman should be stricken because it is outside the scope of Commission Questions 3 and 4. Dr. Zelman offers no testimony which alleges licensees' non-compliance with NRC regulations. Moreover, he does not suggest improvements in off-site emergency planning. Rather, he presents problems which can occur if a child is not informed of evacuation plans. Thereafter, he presents additional, more serious problems which can occur if a child is informed about evacuation plans and the reasons for it. Since Dr. Zelman's testimony provides no suggestions which tend to improve off-site emergency planning, this testimony is irrelevant.

Tuesday, March 22, 1983

#135 Helen Ancona

That part of the testimony of Helen Ancona which discusses previous incidents at Indian Point should be stricken because it is beyond the scope of Commission Questions 3 and 4. It alleges no specific non-compliance with NRC and FEMA regulations. Additionally, it suggests no possible improvements on off-site emergency planning. Rather, this testimony deals with an October 17, 1980 incident and Indian Point's overall performance rating. This material is irrelevant to the present proceeding. In addition, this should be stricken because

Ms. Ancona has already testified during the limited appearance statement hearings.

#105 Fern Narod-Shiek

The testimony of Fern Narod-Shiek should be stricken because it is repetitive of testimony of others, and additionally because this witness has already testified during a limited appearance hearing held on January 21, 1982. Ms. Narod-Shiek's comments on bus drivers have already been received during the Rockland County hearings. It would be superfluous to accommodate more bus driver testimony.

#39 Sonny Hall

The testimony of Sonny Hall should be stricken because it does not allege any non-compliance with NRC regulations. UCS/NYPIRG and Parents have offered this witness to testify on Commission Question 3, but the testimony fails to allege licensees' non compliance with NRC and FEMA guidelines. Consequently, this testimony is beyond the scope of Questions 3 and 4 and is therefore irrelevant.

#36 Richard F. Herbek

Those parts of the testimony of Richard F. Herbek which discuss bottlenecks on evacuation routes listed for Croton and asdequate evacuation of Croton's 1,622 school children should be stricken because it merely duplicates other intervenors' testimony. Shirley S. Gunn adequately discusses the poor

road system leading out of Croton. Additionally, David Siegel and John Iurato discuss the evacuation of school children. Consequently, these parts of Mr. Herbek's testimony are duplicative and unnecessary.

#85 Raymond Bowles

That part of the testimony of Raymond Bowles which discusses depressed real estate property values within the EPZ should be stricken because it is outside the scope of Questions 3 and 4 and therefore irrelevant. This portion of Mr. Bowles testimony does not discuss licensees' non-compliance with NRC regulations nor does it suggest measures to improve off-site emergency planning. Consequently, it is irrelevant and does not benefit these proceedings.

#126 Lois Jessup

The testimony of Lois Jessup should be stricken because it is outside the scope of Questions 3 and 4 and duplicative. That part of the testimony which requests instructions from the licensees for individuals residing outside the EPZ who often travel into the EPZ is beyond the scope of Question 4. Specifically, Contention 4.7 is not addressed to individuals residing outside the EPZ.

Those parts of Ms. Jessup's testimony which discuss road jams have been addressed during the week of Rockland County testimony. Additionally, Ms. Jessup's concern for

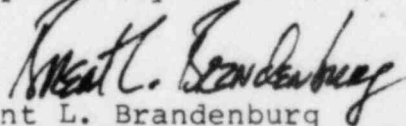
evacuating visitors at various state parks is adequately addressed by Robert T. Johnson (#17). Finally, the testimony should be struck due to the fact that Ms. Jessup has previously offered a limited appearance statement.

#56 Evan Litty

Those parts of the testimony of Evan Litty which discuss the emergency planning brochure and sudden death syndrome should be stricken because they are outside the scope of Questions 3 and 4. Although Litty did not receive an emergency planning brochure, this fact is irrelevant because she does not reside within the EPZ, and is therefore is not covered by Contention 4.7.

The witness' testimony regarding her electricity recently being cut off during a storm similarly does not arise under Questions 3 and 4.

Respectfully submitted,



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Dated: New York, New York
March 14, 1983

Of Counsel:

Thomas J. Farrelly

UNITED STATES OF AMERICA
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POWER AUTHORITY OF THE STATE OF : March 14, 1983
NEW YORK, (Indian Point, :
Unit No. 3) :
:
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CERTIFICATE OF SERVICE

I certify that I have served copies of Con Edison's Motion to Dismiss Intervenor Witnesses by hand on parties indicated by asterisk and by postage prepaid by United States mail on all the parties.

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

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U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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