

LILCO, February 27, 1984

DOCKETED
USNRCUNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCHBefore the Atomic Safety and Licensing Board

In the Matter of)
)
LONG ISLAND LIGHTING COMPANY) Docket No. 50-322-OL-3
) (Emergency Planning
(Shoreham Nuclear Power Station,) Proceeding)
Unit 1))

LILCO'S MOTION FOR LEAVE TO FILE
SURREBUTTAL TESTIMONY ON CONTENTION 23

LILCO hereby asks leave to file the enclosed "Surrebut-
tal Testimony of Dennis S. Miletic and John H. Sorensen on Con-
tention 23 (Shadow Phenomenon)." LILCO submits that there is
good cause for receiving this testimony into evidence, as fol-
lows.

First, the surrebuttal testimony has as its sole purpose
to rebut the "Rebuttal Testimony of Stephen Cole and Andrea
Tyree on Behalf of Suffolk County Regarding Contention 23
(Evacuation Shadow Phenomenon)," which could not be addressed
until it was filed, quite without warning, on February 1, 1984.
The Cole-Tyree testimony discusses "some additional analyses"
(Cole-Tyree testimony 6) of data presented in the Sorensen and
Richardson TMI paper, analyses that were not available during
discovery, or, for that matter, for some time thereafter.

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Applying the same standards that were applied to Suffolk County's motion to file the Cole-Tyree rebuttal testimony, or even more stringent ones, the Mileti-Sorensen surrebuttal testimony should also be admitted.

Second, the Cole-Tyree testimony, if left unchallenged, would leave a misleading record. As the Mileti-Sorensen surrebuttal shows, the Cole-Tyree testimony contains a number of mischaracterizations or misinterpretations of LILCO's testimony. While some of these might be revealed through cross-examination, there is no certainty that they will. For example, a central thesis of the Cole-Tyree testimony is that the variable called THREAT measures the same thing as the variable EMITB, which is a measure of pre-emergency fear of radiation. The Cole-Tyree testimony does not cite the question that was asked by Cynthia Flynn to elicit the variable THREAT. In fact, as the Mileti and Sorensen testimony reveals, the question was about the perceived threat at the time of the accident:

I would like to ask you some questions about the accident at the Three Mile Island Nuclear Station that deal specifically with the two-week emergency period immediately after the accident on March 28.

21. How serious a threat did you feel the Three Mile Island Nuclear Station was for you and your family's safety at the time?

(Emphasis added.) One could ask Drs. Cole and Tyree on cross-examination what the question from the Flynn survey was, but it is quite likely that they would not recall the precise words.


As another example, the Sorensen-Mileti surrebuttal testimony challenges the Cole-Tyree testimony that the Sorensen path model is the only quantitative or the only empirical support for LILCO's position; to the contrary, Mileti and Sorensen point out that the path model is significant only because, despite the shortcomings in its data base, it shows a pattern of behavior that is consistent with what disaster researchers have learned from other empirical studies. Neither Dr. Cole nor Dr. Tyree professes to be familiar with the literature on disasters, and so it is doubtful they could confirm how the Sorensen-Richardson work fits into the large body of previous research on disasters. And so without putting on testimony of its own, LILCO cannot be assured of clarifying the record.

In short, in the interest of allowing the Board to hear the "clash among experts" (see Tr. 1861), the surrebuttal testimony ought to be allowed in. The Sorensen-Richardson path model is only one small part in the body of literature on human behavior in emergencies. Nevertheless, since the County's consultants have singled it out, after the discovery period and after its author left the witness stand, and since the County testimony contains certain mischaracterizations that would be difficult or impossible to get the County's witnesses to admit on cross-examination, LILCO's witnesses should be allowed to explain those mischaracterizations themselves.

For the foregoing reasons, LILCO requests leave to file the surrebuttal testimony of Drs. Mileti and Sorensen.

Respectfully submitted,

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DATED: February 27, 1984

CERTIFICATE OF SERVICE

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LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station, Unit 1)
Docket No. 50-322-OL-3

I hereby certify that copies of "LILCO'S MOTION FOR LEAVE TO FILE SURREBUTTAL TESTIMONY ON CONTENTION 23" and "SUR-REBUTTAL TESTIMONY OF DENNIS S. MILETI AND JOHN H. SORENSEN ON CONTENTION 23 (SHADOW PHENOMENON)" were served this date upon the following by first-class mail, postage prepaid or, as indicated by an asterisk, by hand or, as indicated by two asterisks, by Federal Express:

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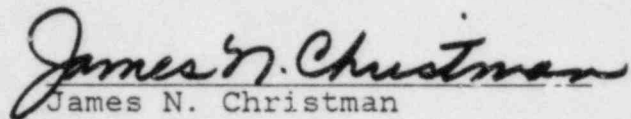
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