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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

'88 MAY 10 A11:54

Before Administrative Judges:

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

James P. Gleason, Chairman
Dr. Jerry R. Kline
Mr. Frederick J. Shon

SERVED MAY 10 1988

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

Docket No. 50-322-0L-3
(Emergency Planning)

May 9, 1988

BOARD MEMORANDUM AND ORDER ON
PENDING MOTIONS TO STRIKE

Due to the pendency of a forthcoming hearing, the Board herein submits its decision on pending motions to strike. The bases for admitting or excluding the testimony challenged will be furnished in a subsequent order. Intervenors are to submit the testimony of Brodsky, et al. with the stricken testimony delineated or supply new copies of the testimony with the stricken parts excised.

A. Testimony of Perry and Minor on Emergency Broadcast System

Issue:

1. LILCO's Motion to Strike

a. Board grants motion on the following testimony:

- 2. p. 5 line 19 through p. 6 line 3;
- 3. p. 13 line 10 " p. 14 line 9;
- 7. p. 25 line 13 " line 21;
- 13. p. 34 line 1 " line 8.

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b. Board denies motion on the following testimony:

1. p. 4 line 5 through p. 5 line 8;
4. p. 14 line 19 " p. 15 line 7;
5. p. 15 line 8 " p. 16 line 20;
6. p. 25 line 19 " p. 26 line 12;
8. p. 27 line 3 " line 6;
9. p. 28 line 13 " line 22;
10. p. 28 line 23 " p. 29 line 2;
11. p. 32 line 5 " line 7;
12. p. 33 line 1 " line 3;
14. Attachment 3.

2. Staff's Motion to Strike

Board grants motion on testimony on pp. 13-14.

B. Testimony of Cole, et al. on School Bus Driver Issue:1. LILCO's Motion to Strike

a. Board grants motion on the following testimony:

1. p. 13 line 7 through line 14 and fn. 3;
4. p. 24 line 15 " line 21 and part of
fn. 34;
6. p. 25 line 18 " p. 26 line 3;
9. p. 19 line 15 " line 19;
- p. 43 line 4 " line 7;
10. p. 8 numbers 1., 3. and on p. 9 number 4.

b. Board denies motion to strike on testimony:

1. p. 10 line 6 through p. 19 line 6 except
sentence on p. 15 beginning with words
"the bus driver . . ." and on p. 13 noted
above;
2. p. 22 line 18 through p. 24 line 5;
3. p. 23 line 2 " p. 24 line 5;
- p. 26 line 10 " line 20;
5. p. 25 line 1 " line 11;
- p. 54 line 1-19; on p. 55 fn. 35;
7. All of p. 27 through p. 37 line 6;
8. p. 42 line 10 " p. 43 line 7;
10. p. 8 and p. 9 to to contention language
exception noted above.

C. Testimony on School Bus Driver Issues:

1. LILCO's Motion to Strike Testimony of Broadsky, et al.

a. Board grants motions to strike testimony on:

II. A. p. 53 line 5 through p. 55 line 8;
 p. 56 line 1 " p. 57 line 10;
 Attachments 13 and 14.

B. p. 28 line 1 through line 4, line 7 through line 10;
 p. 29 line 1 through line 8;
 p. 31 line 8 " line 9;
 p. 32 line 17 " line 21;
 p. 32 line 31;
 p. 65 line 14 through line 15;
 p. 71 line 15 " line 18;
 p. 72 through p. 74;
 p. 78 line 10 through line 11;
 p. 78 line 15;
 p. 79 line 14;
 Attachment 10.

C. p. 13 line 16 through line 21;
 p. 39 line 1 " line 4;
 p. 66 line 5 " line 16;
 p. 68 line 1 " line 6.

D. p. 28 line 5 through line 7;
 p. 48 line 5 " line 8;
 p. 52 line 19 through p. 53 line 4;
 p. 54 line 3 " line 4;
 p. 73 line 3 " line 15;
 p. 77 line 12 " line 17;
 p. 79 line 10 " line 11.

E. p. 44 line 15 through line 19;
 p. 73 line 24 " p. 74 line 4.

F. p. 28 line 10 through line 12;
 p. 64 line 19 " p. 65 line 2.

H. p. 54 line 8 through line 17.

J. p. 28 line 4 " line 5;
 p. 69 line 4 " line 12.

III. A. p. 45 line 21 through p. 46 line 5;
 p. 46 line 24 " p. 47 line 4;
 p. 79 line 3 " line 8.
 Attachment 12

B. p. 52 line 8 through line 10.

C. pp. 78 and 79.

IV. p. 28 line 15 through line 20;
 p. 29 line 1 " line 8;
 p. 29 line 16 " line 20;
 p. 30 line 4 " line 9;
 p. 49 line 5 " line 7;
 p. 49 line 19 " line 20;
 p. 51 line 7 " line 8;
 p. 52 line 13 " line 14;
 p. 53 line 5 " line 20;
 p. 56 line 1 " p. 57 line 10;
 p. 57 line 20 " line 21;
 p. 70 line 15 " p. 71 line 14;
 p. 71 line 18 " line 21;
 p. 74 line 11 " line 14;
 p. 78 line 7 " line 10;
 p. 78 line 14 " p. 79 line 2;
 Attachments 9, 10, 11, 14, 15.

b. Board denies motion to strike testimony on:

B. p. 31 line 12 through p. 32 line 16.

G. p. 37 line 15 through p. 38 line 11;
 p. 39 line 5 " p. 42 line 21;
 p. 67 line 14 " line 21;
 p. 68 line 18 " p. 69 line 3;
 p. 70 line 1 " line 7.

I. p. 30 line 17 through line 20.

D. p. 32 line 23 through line 33;
 p. 44 line 23 " p. 47 line 4;
 p. 47 line 12 " line 14;
 p. 48 line 12;
 p. 52 line 19 " p. 53 line 4;
 p. 58 line 12 " line 16;
 p. 70 line 9 " line 20.

E.	p. 5	through	p. 6;
	p. 7	"	p. 12;
	p. 20;		
	p. 27	"	p. 28;
	p. 61	"	p. 62
	p. 65	"	p. 66;
	p. 74	"	p. 76.

2. Governments' Motion to Strike LILCO's Testimony

- a. Board denies motion to strike question and answer 67 at p. 58.

D. Testimony on Hospital Evacuation Time Estimates Issue:

1. LILCO's Motion to Strike Testimony

- a. Board grants the motion on:

3. p. 20 line 16 through line 18;
 6. p. 25 line 19 " p. 28 line 8;
 9. p. 34 lines 25-26;
 Attachments 17, 20.

- b. Board denies the motion on:

1. p. 8 line 10;
 2. p. 12 line 12 through p. 18;
 4. p. 20 line 19 " p. 22 line 4;
 5. p. 24 line 6 " line 17;
 7. p. 29 (2nd paragraph);
 8. p. 31 line 18;
 9. p. 34 lines 3, 4-5, 12-19, 22-24;
 Attachments 7-16, 18-19, 21-22.

FOR THE ATOMIC SAFETY AND
 LICENSING BOARD



James P. Gleason, Chairman
 ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
 this 9th day of May, 1988.