

LILCO, May 18, 1988

DOCKETED  
USNRC

'88 MAY 19 P4:54

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Before 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,	) (Hospital Evacuation Time
Unit 1)	) Estimates)

LILCO'S MOTION FOR LEAVE TO FILE REBUTTAL TESTIMONY

LILCO hereby moves for leave to file the Rebuttal Testimony of Edward B. Lieberman and Diane P. Dreikorn on the Remanded Issue of the Bases and Accuracy of LILCO's Hospital Evacuation Time Estimates. This Testimony addresses issues raised by New York State witness David T. Hartgen in his direct testimony and accompanying exhibits filed April 13, 1988. Specifically, the Testimony addresses the State's criticisms of LILCO's hospital evacuation time estimates and the lack of sensitivity analyses; and Mr. Lieberman's criticisms of the inputs, methodologies, and results of the sensitivity analyses presented by Dr. Hartgen.

This testimony is clearly proper rebuttal; it responds directly to issues raised by Dr. Hartgen in his direct testimony and accompanying exhibits. LILCO believes that it has good cause to file the rebuttal testimony for the following reasons.

First, LILCO could not have addressed the State's criticism and sensitivity analyses in direct testimony. While LILCO had the opportunity to depose Dr. Hartgen on March 25, 1988, the witness stated at that time that he had just begun his review of LILCO's hospital evacuation time estimates, as the following illustrates:

8805260062 880518  
PDR ADOCK 05000322  
G PDR

Q. Okay. Could you briefly summarize for me what you expect to testify about?

A. Well, it's very preliminary now. We haven't completed our review of the materials, and we have not had an opportunity to hear discussion by Mr. Lieberman on some of the assumptions made and procedures used.

Fundamentally, we will be looking at the assumptions and the translation of those assumptions into working calculations.

Deposition of David T. Hartgen (March 25, 1988) at 22.

\* \* \*

So far, my analysis has been confined to understanding what is going on in that set of calculations and how that set of calculations relates to the assumptions that are in the OPIP.

Id. at 24.

\* \* \*

Q. Okay. Now, as a result of this chart or calculations, did you make any conclusions regarding the hospital evacuation time estimates?

A. No. My conclusion was that I had successfully duplicated the calculation process employed by LILCO subject to three unclear items for both normal time and for Summer adverse.

Q. And, did you form an opinion of this particular time estimate based on your duplication of LILCO's calculations?

A. No.

Q. Do you expect to do further calculations to be able to formulate an opinion?

A. Well, we are just beginning that process. This trace tells us what the sequence of assumptions was that produced the answer.

And, each of the assumptions applied by each of the numbers on his chart could, in fact, be thought about, modified, checked, replaced or accepted.

Id. at 54.

Thus, LILCO was not able to learn any conclusions which Dr. Hartgen reached about the hospital ETEs or to explore the results or methodologies of analyses conducted until the State's testimony was filed on April 13, 1988.

Apart from the deposition, LILCO by requests for documents sought production of, among other things, documents on which the State intended to rely in its testimony. See LILCO's First Set of Interrogatories and Requests for Production of Documents Regarding Hospital Evacuation Time Estimates to Suffolk County and New York State (February 25, 1988).<sup>1/</sup> Aside from Dr. Hartgen's one calculation which duplicated LILCO's ETes for two trace vehicles under normal weather conditions, LILCO did not receive the State's analyses until April 13, 1988, in its direct testimony. Accordingly, Mr. Lieberman could not have addressed Dr. Hartgen's concerns with the inputs, methodologies, and results of the State's analyses in his direct testimony.

Additionally, LILCO could not reasonably have filed its rebuttal testimony at an earlier date. Mr. Lieberman's development of a computer model for the hospital evacuation time estimates began weeks ago and, only recently was completed. The sensitivity analyses could not be performed properly, without investing man-months of effort, in the absence of the computer model. In fact, "debugging" of the model continued through the middle of the week of May 9, 1988 (i.e., last week), and the

---

1/ Request number 13 of that document states:

13. Please identify and provide a copy of any document not already identified in response to Interrogatories 1-12 above on which Intervenors intend to rely in support of their position on the accuracy and bases of the hospital evacuation time estimates contained in Rev. 9 of the LILCO Plan.

Response: At this time, the State of New York has not identified any such documents. If any such documents are identified as a result of further discovery, investigation and analysis, they will be provided as appropriate.

Response of the State of New York to LILCO's First Set of Interrogatories and Requests for Production of Documents Regarding Hospital Evacuation Time Estimates (March 15, 1988) at 7.

model runs attached hereto were performed during the latter part of that week. Thus, this rebuttal testimony is being filed literally three business days after the completion of the model runs addressed and presented herein.

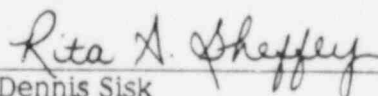
This rebuttal testimony addresses primarily the portions of the Hartgen Testimony which analyze the sensitivity of LILCO's hospital ETES to variations in speed. The sensitivity analyses included in the rebuttal testimony show that Dr. Hartgen's computations were not performed correctly and produced incorrect results, because they are based on an invalid assumption that a trace limited to the last two vehicles to evacuate patients is the proper way to perform sensitivity studies. Thus, this rebuttal testimony directly responds to the State's testimony and represents a valuable addition to the record.

Furthermore, comparison of LILCO's sensitivity analyses and computer format of its ETES with the computed ETES in Revision 9 and with Dr. Hartgen's analyses will assist the Board in assessing the bases and accuracy of the ETES.

#### Conclusion

For the foregoing reasons, LILCO respectfully requests that this Board grant leave to file Rebuttal Testimony of Edward B. Lieberman and Diane P. Dreikorn on the Remanded Issue of the Bases and Accuracy of LILCO's Hospital Evacuation Time Estimates.

Respectfully submitted,

  
\_\_\_\_\_  
K. Dennis Sisk  
Rita A. Sheffey

Hunton & Williams  
707 East Main Street  
P. O. Box 1535  
Richmond, Virginia 23212

Date: May 18, 1988