

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD '83 MAR 14 11:05
Before Administrative Judges:
James P. Gleason, Chairman
Frederick J. Shon
Dr. Oscar H. Paris

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USNRC

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In the Matter of :
CONSOLIDATED EDISON COMPANY OF NEW : Docket Nos.
YORK, INC. (Indian Point Unit No. 2) : 50-247 SP
: 50-286 SP
POWER AUTHORITY OF THE STATE OF :
NEW YORK (Indian Point Unit No. 3) : March 9, 1983
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CON EDISON'S MOTION TO
STRIKE SUPPLEMENTAL TESTIMONY
OF DR. KAI T. ERIKSON

Consolidated Edison Company of New York, Inc.
licensee of Indian Point Unit No. 2 ("Con Edison") hereby
moves for an order striking the supplemental testimony of
Dr. Kai T. Erikson, filed on February 21, 1983 on behalf of
intervenor-sponsors UCS/NYPIRG and Parents Concerned About
Indian Point. The testimony is not relevant to any issue
properly before the Board under the Commission's Orders,
and is also unreliable hearsay which, if admitted, would
effectively preclude any cross-examination by licensees.

This proceeding is under a mandate from the NRC to be Indian-Point-specific. Commission Question 3 asks whether NRC emergency planning regulations are complied with at Indian Point, and Commission Question 4 asks whether there are specific, feasible emergency planning improvements that can be made at Indian Point. Testimony about Shoreham, or any other plant, is irrelevant to Indian Point emergency planning and whether or not there are any difficulties affecting emergency planning in the area around Indian Point. Yet the supplemental testimony that Dr. Erikson proposes to present consists entirely of a report of a study, not conducted by Dr. Erikson, of purported emergency response in the area around LILCO's Shoreham plant in Suffolk County, Long Island. Dr. Erikson mentions Indian Point only insofar as he asserts, without reasoning or support, that the Shoreham study should be accepted as applicable to Indian Point.

The Commission has stressed that "the Board should focus clearly upon the [Indian-Point-specific] questions asked by the Commission." (CLI-81-1, p. 7; 13 NRC 1, 6 (1981).) This intention of the Commission would be thwarted by the introduction of voluminous and irrelevant material, relating to an entirely different

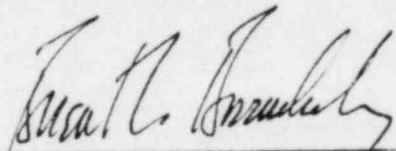
site, as proffered by Dr. Erikson. Even in the area of comparative risk between Indian Point and other plants, which is the most specific inquiry into issues relating to other plants intended by the Commission, the Commission provided that: "The Board should limit its inquiry to generic examination of the range of risks and not go into any site-specific examination other than for Indian Point itself. . . ." (CLI-81-1, p. 10; 13 NRC 1, 8 (1981).) Surely the Commission did not intend that specific data from other sites be excluded in the comparative risk area (as it provided) while intending to permit emergency planning data from other sites to be admissible under Commission Questions 3 and 4. If one were to accept, arguendo, that the Shoreham material were somehow relevant to this proceeding, then material from any other nuclear plant site would similarly be relevant, and this proceeding would be deprived of the Indian-Point-specific focus so clearly intended by the Commission.

Moreover, the material is irrelevant to Commission Question 3, since there is no mention of compliance or non-compliance with any NRC/FEMA guideline. It is also irrelevant to Commission Question 4, since there is no suggestion of any additional, feasible off-site emergency procedures that could be implemented at Indian

Point. The testimony purportedly addresses Contentions 3.2 and 3.7. However, it fails to satisfy the reformulated version of Contention 3.2, since it does not address any specific NRC/FEMA guideline, and it is also totally irrelevant to Contention 3.7, which deals not with parents' reactions to evacuation of their children, but with evacuation of the children themselves.

Finally, the Shoreham study underlying the testimony is entirely multiple-level hearsay, and unreliable. Dr. Erikson had only the most passing connection with the Suffolk study. Indeed, he claims only to have been "consulted" by the authors of the study, and to have "commented" on a draft of the questionnaire. This is clearly insufficient to allow the survey to be admitted as evidence in this proceeding, since licensees would be deprived of any opportunity to inquire how the survey was conducted.

Respectfully submitted,



Brent L. Brandenburg

CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.
Licensee of Indian Point
Unit 2
4 Irving Place
New York, New York 10003
(212) 460-4600

Dated: March 9, 1983
New York, New York

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	:
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CERTIFICATE OF SERVICE

I certify that I have served copies of Con Edison's Motion to Strike Supplemental Testimony of Dr. Kai T. Erikson on the following parties by deposit in the United States Mail this ninth day of March 1983.

Docketing and Service Branch Office of the Secretary U.S. Nuclear Regulatory Commission Washington, D.C. 20555	*Mr. Frederick J. Shon Administrative Judge Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555
*James P. Gleason, Esq., Chairman Administrative Judge 513 Gilmore Drive Silver Springs, Maryland 20901	James A. Laurenson Administrative Judge Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555
*Dr. Oscar H. Paris Administrative Judge Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555	

* For parties marked with an asterisk, service is also being effected by hand delivery.

Paul F. Colarulli, Esq.
Joseph J. Levin, Jr., Esq.
Pamela S. Horowitz, Esq.
Charles Morgan, Jr., Esq.
Morgan Associates, Chartered
1899 L Street, N.W.
Washington, D.C. 20036

Charles M. Pratt, Esq.
Stephen L. Baum
Power Authority of the State
of New York
10 Columbus Circle
New York, New York 10019

Ellyn R. Weiss, Esq.
William S. Jordan, III, Esq.
Harmon & Weiss
1725 I Street, N.W., Suite 506
Washington, D.C. 20006

* Joan Holt, Project Director
Indian Point Project
New York Public Interest
Research Group
9 Murray Street
New York, New York 10007

Melvin Goldberg
Staff Attorney
New York Public Interest
Research Group
9 Murray Street
New York, New York 10007

Jeffrey M. Blum
New York University Law School
423 Vanderbilt Hall
Washington Square South
New York, New York 10012

Donald Davidoff, Director
Radiological Preparedness
Group
Empire State Plaza
Tower Building - Room 1750
Albany, New York 12237

Charles J. Maikish, Esq.
Litigation Division
The Port Authority of
New York and New Jersey
One World Trade Center
New York, New York 10048

Ezra I. Bialik, Esq.
Steve Leipsiz, Esq.
New York State Attorney
General's Office
Two World Trade Center
New York, New York 10047

Alfred B. Del Bello
Westchester County Executive
148 Martine Avenue
White Plains, New York 10601

Renee Schwartz, Esq.
Paul Chessin, Esq.
Laurens R. Schwartz, Esq.
Botein, Hays, Sklar & Herzberg
200 Park Avenue
New York, New York 10166

Stanley B. Klimberg
New York State Energy
2 Rockefeller State Plaza
Albany, New York 12223

Ruth Messinger
Member of the Council of the
City of New York
District #4
City Hall
New York, New York 10007

Marc L. Parris, Esq.
County Attorney
County of Rockland
11 New Hempstead Road
New City, New York 10010

Craig Kaplan, Esq.
National Emergency Civil
Liberties Committee
175 Fifth Avenue - Suite 712
New York, New York 10010

Joan Miles
Indian Point Coordinator
New York City Audubon Society
71 W. 23rd Street, Suite 1828
New York, New York 10010

Greater New York Council on
Energy
c/o Dean R. Corren, Director
New York University
26 Stuyvesant Street
New York, New York 10003

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

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

Richard L. Brodsky
Member of the County Legislature
Westchester County
County Office Building
White Plains, New York 10601

Phyllis Rodriguez, Spokesperson
Parents Concerned About
Indian Point
P.O. Box 125
Croton-on-Hudson, New York 10520

Charles A. Scheiner
Co-Chairperson
Westchester People's Action
Coalition, Inc.
P.O. Box 488
White Plains, New York 10602

Stewart M. Glass
Regional Counsel, Room 1347
Federal Emergency Management
Agency
26 Federal Plaza
New York, New York 10278

Alan Latman, Esq.
44 Sunset Drive
Croton-on-Hudson, New York 10520

Richard M. Hartzman, Esq.
Lorna Salzman
Friends of the Earth, Inc.
208 West 13th Street
New York, New York 10011

Zipporah S. Fleisher
West Branch Conservation
443 Buena Vista Road
New York, New York 10956

Mayor F. Webster Pierce
Village of Buchanan
236 Tate Avenue
Buchanan, New York 10511

Judith Kessler, Coordinator
Rockland Citizens for Safe
Energy
300 New Hempstead Road
New City, New York 10956

David H. Pikus, Esq.
Richard F. Czaja, Esq.
330 Madison Avenue
New York, New York 10017

*Amanda Potterfield, Esq.
New York Public Interest
Research Group, Inc.
9 Murray Street, 3rd Floor
New York, New York 10007

Janice Moore, Esq.
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Jonathan D. Feinberg
New York State Public
Service Commission
Three Empire State Plaza
Albany, New York 12223

Steven C. Sholly
Union of Concerned
Scientists
1346 Connecticut Avenue, N.W.
Suite 1101
Washington, D.C. 20036

* David Lewis, Esq.
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

David B. Duboff
Westchester People's
Action Coalition
255 Grove Street
White Plains, New York 10601

Spence W. Perry
Office of General Counsel
Federal Emergency
Management Agency
500 C Street Southwest
Washington, D.C. 20472

Andrew S. Roffe, Esq.
New York State Assembly
Albany, New York 12248

Dated: March 9, 1983
New York, New York

