

RELATED CORRESPONDENCE

LILCO, February 10, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

LILCO'S MOTION TO ADMIT SUPPLEMENTAL TESTIMONY
OF MATTHEW C. CORDARO, JOHN A. WEISMANTLE,
EDWARD B. LIEBERMAN AND DENNIS S. MILETI
IN RESPONSE TO NEW YORK STATE TESTIMONY ON
PHASE II EMERGENCY PLANNING CONTENTION 65

Pursuant to this Board's Bench Order of January 26, 1984 (Tr. 3288-93) and subsequent Order Confirming Scheduling Changes (January 31, 1984), LILCO files herewith the Supplemental Testimony of Matthew C. Cordaro, John A. Weismantle, Edward B. Lieberman and Dennis S. Mileti on Behalf of Long Island Lighting Company in Response to New York State Testimony on Phase II Emergency Planning Contention 65 for good cause as shown below.

On January 24, 1984, the State of New York submitted, with no prior warning or notice of its content, testimony on Emergency Planning Contention 65. Arguments were heard on the State's motion to admit this testimony on the morning of January 25, 1984 (Tr. 3072-83). On January 26, this Board admitted this untimely testimony, and directed that LILCO be afforded a reasonable opportunity to discovery on the testimony of the State's witnesses and, if it so chose, to submit supplemental testimony on the issues fairly raised by that discovery and the testimony (Tr. 3292-93). The Board also directed that this testimony be accompanied by a showing of good cause (id.). On February 1, 1984, depositions were taken of the New York State witnesses.

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OCA

Good cause exists for the filing of this supplemental testimony on the four major issues raised in New York State's testimony. These issues are: (1) the validity of roadway capacities used in preparing the evacuation time estimates contained in Appendix A to the LILCO Transition Plan and the possible effect of a traffic surge on evacuation time estimates, (2) the appropriateness of the calibration of the DYNEV model, (3) concerns about the treatment of "aggressive behavior" in the modeling runs, particularly in light of experiences gained at Lake Placid during the 1980 Winter Olympics, and (4) the effect of roadway construction on evacuation times. All of these issues represent new concerns under the general language of Contention 65 that have not previously been addressed in either written or oral testimony on this contention.

With respect to the first concern, New York State witnesses' testimony argues that the 1965 Highway Capacity Manual should be used as the source for computing capacities. LILCO believes this position ignores a large body of literature that has been produced since the publication of the Manual which questions its continuing validity. This later information has been followed in estimating the capacities appearing in Appendix A. New York State's concern about a "surge" of evacuation traffic in the first hour of an evacuation represents an opposite concern than that litigated in great detail in this proceeding -- namely, the lengthening of the trip generation period. An examination of the mechanics of a shortened trip generation period, coupled with evacuation time

studies that appear in Appendix A, indicated that a "surge" will not effect evacuation times.

As to New York State's concerns about calibration of the DYNEV model, the State generally concludes that calibration of the model by using "normal" Suffolk County traffic data or data from other evacuations would be a useful exercise. A closer review of New York State's testimony indicates that the suggested calibration would do nothing to improve the reliability or validity of the evacuation time estimates contained in Appendix A.

New York State's concerns about the effects of "aggressive behavior" were revealed in depositions to be premised solely on the observations of two State witnesses at Lake Placid during the 1980 Winter Olympics. This experience is simply not probative of behavior likely to occur during an evacuation.

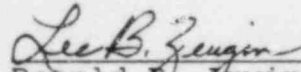
Finally, New York State has presented data on roadway projects scheduled over the next five years in areas within or near the EPZ. New York State has used these data to suggest that sensitivity studies should be conducted to consider the effects of these projects. On deposition, New York State witnesses admitted the uncertainties inherent in any construction schedule. Hence, LILCO believes such sensitivity studies would be merely an academic exercise yielding no useful results for a decisionmaker faced with making protective action recommendations at some future date.

Each of the above points is made in the attached Supplemental Testimony. Each would have been made in LILCO's direct testimony had these concerns been raised at a prior point in time. Each of

the points clarifies areas of difference between New York State's and LILCO's positions. The Supplemental Testimony containing them thus aids in the process this Board has repeatedly expressed its concern for -- narrowing and clarifying issues by means of testimony, in filings that meet head-on. Presentation of the information in the attached Supplemental Testimony is also the most efficient means of presentation: it would be very difficult, if not impossible, to elicit from an adverse expert witness the technical details and conclusions contained in the Supplemental Testimony.

For the foregoing reasons, LILCO believes that good cause exists for permitting the filing of the attached Supplemental Testimony, and moves that the Board accept it.

Respectfully submitted,


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