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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

Before the Atomic Safety and Licensing Board

'84 MAY -9 AIO:19

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

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Docket No. 50-322-OL-3  
(Emergency Planning)

SUFFOLK COUNTY MOTION TO STRIKE LILCO TESTIMONY  
ON CONTENTION 15 (CREDIBILITY) AND CONTENTION 11  
(CONFLICT OF INTEREST)

For the reasons discussed below, Suffolk County hereby  
moves to strike the following identified portions of LILCO's  
testimony on Contentions 15 and 11.

I. LILCO Testimony on Contention 15

- A. Answer 7, page 16, lines 12 - 19  
(through "because");  
page 17, lines 20 - 23;  
page 18, the portion of line 3  
which reads "or the County Executive";  
page 18, lines 7 - 11 ("If Suffolk . . .  
happen.")

None of this testimony is relevant to Contention 15, which  
deals with LILCO's lack of credibility. The testimony identi-  
fied above all discusses either the alleged credibility of the  
Government of Suffolk County or the Suffolk County Executive,

or what LILCO believes Suffolk County would have to do if it believed it could implement an emergency plan that would protect its citizens. It is not relevant or probative of any issues raised in Contention 15 which are limited to matters involving LILCO's ability to implement the LILCO Plan without participation by any State or local government. Therefore, this testimony should be stricken.

- B. Answer 8, page 18, line 20 (after "No"), through page 19, line 5 (sentence ending with "emergency plan");  
page 19, the portion of line 6 which reads "this is not so";  
page 19, the portion of lines 12 - 13 which reads "and is therefore not exceptional in that regard."

This testimony all purports to compare LILCO's credibility with that of other utility companies. Such a comparison has no relevance to Contention 15, which deals only with LILCO's credibility and LILCO's ability to implement its offsite emergency response plan. The status of other utilities' credibility is not relevant to Contention 15, especially since no other utility has ever purported to be able, or attempted, to implement, without governmental participation, an offsite response plan for a nuclear power plant. The testimony is not relevant, material, or probative with respect to any issue in Contention 15, and therefore should be stricken.

- C. Question and Answer 11, pages 28 - 29;  
Question and Answer 12, page 30

This testimony again discusses the credibility of governmental officials. It is not relevant to Contention 15 for the reasons stated in Part I.A above.

- D. Answer 16, page 38, line 1 (after  
"Quite well") through line 11  
("Master Plan, and")

This testimony discusses the credibility of the Governor of New York, Suffolk County, and the NRC, as well as some supposed NRC activities under a "Federal Master Plan." None of these matters are relevant to Contention 15, which deals with LILCO's credibility and LILCO's implementation of the LILCO Plan. The testimony should be stricken for the reasons discussed in Part I.A above, because it is not relevant or material to any issue in Contention 15.

- E. Question and Answer 23, pages 47 - 52;  
Question and Answers 25 - 27, pages 53 - 56

This testimony is cumulative and repetitious of LILCO's previously submitted testimony concerning Contention 23 -- the Evacuation Shadow Phenomenon. Specifically, the same matters are discussed at pages 26-36 of the LILCO's Evacuation Shadow Testimony. LILCO's repetition of the same discussion in its

testimony on Contention 15 is cumulative. It should be stricken.

F. Answer 29, page 59, line 14  
through page 63;  
Answer 30, pages 64 - 66

This testimony is not relevant or probative of the issues raised in Contention 15. It discusses LILCO's responses to gas and wire problems, what Japanese department stores do during earthquakes, high rise building evacuations in Brazil and Las Vegas, earthquake planning in California, ushers in theatres, and the credibility of parking lot attendants. It adds nothing to the record on Contention 15 and should be stricken.

G. Answer 40, page 75, line 15, to page 76, line 17

This testimony is repetitious and cumulative to LILCO's previously submitted Testimony on Contention 25 - Role Conflict. It discusses the "emergency consensus" and Doctor Mileti's belief that in a Shoreham emergency trained workers will work together for the collective good. See pages 18-19 of LILCO's Role Conflict Testimony, in which these same matters are discussed.

- H. Answer 41, page 77, second sentence  
("This letter . . . Connecticut")

This testimony purports to compare a letter received by LILCO from the U.S. Coast Guard with an unidentified letter relating to nuclear power plants in Connecticut. It has no relevancy to the issues raised in Contention 15, nor is it probative or reliable evidence. Accordingly, it should be stricken.

- I. Questions and Answers 49 - 51, pages 86 - 88

This testimony is repetitious and cumulative of LILCO's previously submitted testimony on Contention 23. Specifically, pages 68 - 82 and 98 - 111 of LILCO's Evacuation Shadow Testimony, also contain a discussion of why LILCO's witnesses believe surveys should not be used to predict future behavior, and the results of the Yankelovich, Skelly and White survey. This testimony should be stricken from LILCO's Contention 15 testimony.



J. Question and Answer 92, pages 109 - 110

This testimony discusses rumor control procedures in unidentified "emergency plans" for unidentified power plants, based on a report by some company of reports from numerous unidentified utilities. It is not relevant to Contention 15, and it is not probative or reliable evidence. Therefore it should be stricken.

K. Question and Answer 97, pages 113 - 115;  
Question and Answer 109, page 121

This testimony discusses what LILCO believes New York State and Suffolk County would do in the event of an emergency at Shoreham. It is pure speculation, and has no relevancy to Contention 15, which deals with LILCO's credibility. Consistent with the Board's rulings on the Motions to Strike LILCO's testimony concerning Contention 92, this testimony should be stricken.

II. LILCO Testimony on Contention 11

Questions and Answers 7 - 10, pages 7 - 10;  
Answer 11, page 10, first sentence

Contention 11 deals with the effects of conflicts of interest which are likely to be experienced by LILCO employees who are in command and control of the offsite response to a Shoreham emergency. This testimony deals with a high rise in New York, a South Dakota weather experiment, a dam crack in Los Angeles, and a gas leak in San Francisco. It is not relevant, material or probative to any issues raised in Contention 11, and therefore should be stricken.

Respectfully submitted,

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Dated: May 7, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

DOCKETED  
USNRC

'84 MAY -9 110:19

In the Matter of )

LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station,  
Unit 1) )

OFFICE OF SECRETARY  
DOCKETING & SERVICE

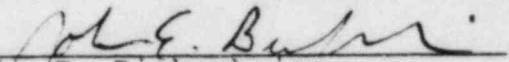
Docket No. 50-322-OL-3  
(Emergency Planning)

NOTICE

This is to inform the parties that the depositions of Roger B. Kowieski, Thomas E. Baldwin, Philip H. McIntire and Joseph H. Keller, which originally were scheduled to take place on May 8 and 9, have been cancelled. We are attempting to reschedule these depositions.

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Date: May 7, 1984



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NUCLEAR REGULATORY COMMISSION

Before The Atomic Safety And Licensing Board

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In the Matter of )  
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LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station,  
Unit 1) )  
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Docket No. 50-322 (O.L.)  
(Emergency Planning)

CERTIFICATE OF SERVICE

I hereby certify that copies of Suffolk County Motion to Strike LILCO Testimony on Contention 15 (Credibility) and Contention 11 (Conflict of Interest), and the Notice of cancellation of the depositions of Roger B. Kowieski, Thomas E. Baldwin, Philip H. McIntire and Joseph H. Keller have been served on the following this 7th day of May 1984, by U.S. mail, first class, except as otherwise noted.

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Date: May 7, 1984