

LILCO, March 9, 1984

RELATED CORRESPONDENCE

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 MAR 12 AIO:59

Before the Atomic Safety and Licensing Board

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CONSULTING & SERVICE
BRANCH

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

LILCO'S MOTION TO STRIKE PORTIONS OF
THE DIRECT TESTIMONY OF DEPUTY CHIEF
INSPECTOR RICHARD C. ROBERTS, ET AL.
ON CONTENTIONS 24.T AND 59

Pursuant to 10 C.F.R. § 2.743(c), LILCO hereby moves to strike portions of the "Direct Testimony of Deputy Chief Inspector Richard C. Roberts, Sergeant Donald A. Hoffman, and Police Officer James J. Read on behalf of Suffolk County Regarding Emergency Planning Contentions 24.T and 59 -- Notification to the Public by the U.S. Coast Guard." The reasons why specific portions of the County's testimony should be stricken are set forth below.

The County's testimony asserts that the U.S. Coast Guard has made no commitment "to notify the public on the waters within the EPZ in 15 minutes as required by NUREG 0654." (County testimony, page 2, lines 13-16). NUREG-0654, however, contains no such requirement and the County's assertion therefore is without basis as a matter of law. NUREG-0654, Appendix 3, page 3-3 states that special requirements exceptions may

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apply "for extended water areas with transient boats." Thus, the 15-minute criterion does not apply in this circumstance. See also FEMA's Interim Standard Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants, FEMA-43. This same objection applies to the sentence on lines 16-19 of page 3, and the clause on lines 13-14 of page 6.

The County's testimony also makes numerous references, both in the text of the testimony and in Attachment 2 thereto, to "swimmers and persons on the beaches" and persons in marinas who allegedly would not hear Coast Guard radio broadcasts. Contention 59 asserts only that the U. S. Coast Guard is relied upon to provide "notification to the general public on the waters within the 10-mile EPZ." The Contention makes no reference to swimmers, bathers, people on beaches, or people at marinas. Portions of the testimony that make reference to swimmers, bathers, people on beaches, or people at marinas are plainly outside the scope of Contention 59 and are therefore irrelevant.

Moreover, the testimony appears to assume that Contention 24.T refers to people on beaches or in marinas. In fact, the County proposed to add the words "alert persons on beaches or at the various marinas in and around the EPZ" in the January 12, 1984 proposed revisions to its contentions, but it withdrew this language subsequently. See "Suffolk County Response to

LILCO and NRC Staff Objections to Intervenor's Proposed Emergency Planning Contentions Modified to Reflect Revision 3 of the LILCO Plan," January 20, 1984, p. 33, n.8. The version of Contention 24.T that has been admitted makes no reference to beaches or marinas, nor does Contention 59. In short, the contentions address only people "on the waters" of Long Island Sound.

The following are the parts of the testimony that should be stricken for these reasons:

1. The statement about swimmers and persons on the beaches on page 4:

Likewise, swimmers and persons on the beaches would not hear Coast Guard radio broadcasts.

2. The statement about the "beach population" on page 5:

The beach population in the EPZ on a typical summer weekend is likely to be approximately 2,175 additional persons. (See Attachment 2).

Roberts et al. Testimony 5.

3. The question and answer on pages 5 and 6 that address beach areas and marinas, particularly the sentence (bottom of page 5) which states: "It is unlikely that all persons in boats, in marinas or on beaches would hear LILCO's sirens."

4. The language on page 6 referring to notification of bathers or persons in marinas:

In addition, the Coast Guard has not agreed to notify bathers or persons on boats docked at marinas in the EPZ, and the LILCO Plan has no other proposal for providing notification to them.

5. Similarly, the reference on page 6, line 19, to individuals on "the beaches" should be stricken.

6. The portions of Attachment 2 having to do with beach population and boats anchored in public docks. These portions are items 1-3 and 4(3) of the memorandum from James J. Read to Martin J. Raber.

In addition, the County's testimony speculates that:

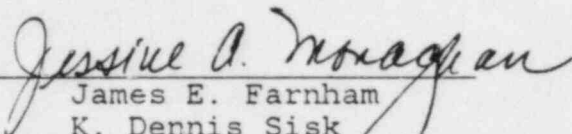
It is unlikely that all persons in boats in marinas or on beaches would hear LILCO's sirens.

(County testimony, page 5, lines 22-23). This speculation is beyond the competence or expertise of the County's witnesses and also lacks any factual basis whatsoever. It amounts to nothing more than conjecture by persons not qualified to express such a purported opinion. That speculation should be stricken.

Moreover, since the testimony questions the coverage of the emergency warning sirens, it raises an issue that was supposed to have been raised in "Phase I" of this litigation. One of the subjects that was clearly ripe for litigation in Phase I was the coverage of the sirens within the 10-mile EPZ. See, e.g., 748-54 (Prehearing Conference of April 14, 1982). Indeed, a contention called "Gaps in siren coverage" was admitted in Phase I.

Prehearing Conference Order (Phase I -- Emergency Planning), slip op. 7 (July 27, 1982). Accordingly, the portions of testimony cited above are inadmissible because they are properly "Phase I" issues.

Respectfully submitted,


James E. Farnham
K. Dennis Sisk
Jessine A. Monaghan

Hunton & Williams
707 East Main Street
Post Office Box 1535
Richmond, Virginia 23212

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