

LILCO, March 9, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

Before the Atomic Safety and Licensing Board

'84 MAR 12 11:00

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

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

LILCO'S MOTION TO STRIKE PORTIONS OF ASSISTANT  
CHIEF INSPECTOR MONTEITH, ET AL.'S TESTIMONY  
ON EMERGENCY PLANNING CONTENTION 66

Pursuant to 10 C.F.R. § 2.743(c), Long Island Lighting Company ("LILCO") hereby moves to strike portions of the "Direct Testimony of Assistant Chief Inspector Joseph L. Monteith, Deputy Chief Inspector Richard C. Roberts, Deputy Inspector Philip McGuire, Deputy Inspector Michael J. Turano, Jr., and Captain Edwin J. Michel on Behalf of Suffolk County Regarding Emergency Planning Contention 66 - Removal of Obstacles from the Roadway and Provisions for Fuel" on the grounds that it either is unduly repetitious of testimony filed by Suffolk County on other Group II contentions or is outside the scope of the contention and therefore irrelevant to any issue still ripe for adjudication. Specifically, LILCO seeks to strike four portions of Suffolk County's testimony on Contention 66.

1. The first portion of testimony that LILCO moves to strike starts on page 7 line 9 and runs to page 12 line 2. This

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testimony focuses on whether the twelve tow trucks specified in the LILCO Transition Plan will be deployed in a prompt manner. It raises a number of concerns about the time needed to complete a series of mobilization steps. These concerns are in fact the subjects of Contentions 26 and 27. Indeed, virtually identical arguments are presented on pages 33-35 of these witnesses' testimony on Contention 27.<sup>1/</sup> The repetitive nature of this testimony adds nothing to the litigation of the issues raised by Contention 66. The pertinent portion of Contention 66 states:

LILCO does not have an adequate number of tow trucks to enable LILCO personnel to remove all potential road obstructions.

Contention 66.A. Thus, to stretch this language to include issues related to the mobilization of LERO workers, particularly when those issues are identically addressed by other testimony, serves no useful purpose. Accordingly, this testimony should be stricken.

2. Similarly, the discussion that begins on page 19 line 15 and continues through page 20 line 3 should be stricken as being unduly repetitive of other testimony filed on Contention 27. This testimony questions whether LILCO has provided adequate fuel

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<sup>1/</sup> An example of the repetitive nature of this testimony is Table 1 that appears on page 10 of Suffolk County's testimony on Contention 66. An identical table is also presented on page 34 of these witnesses' testimony on Contention 27.

supplies given the time required for LERO road crews to reach their deployment locations. This same argument is presented on page 36 of these witnesses' testimony on Contention 27. An examination of the language of Contention 66.F indicates that this testimony is not clearly presaged by the contention. Therefore, it should be stricken as unduly repetitious of testimony on Contention 27 and as beyond the scope of Contention 66.

3. The third portion of testimony that LILCO moves to strike appears on the page 22 line 1 and continues through page 23 line 2. This testimony is outside the scope of Contention 66.F, which questions whether provisions have been made to handle queues which may back up into evacuating traffic. The testimony in question does not address this concern but rather discusses aggressive behavior that may result if drivers are only provided three gallons of fuel. This issue is not raised by Contention 66.F or by any other part of Contention 66. Furthermore, it has been the subject of extensive testimony on Contention 65 (see, e.g., Direct Testimony of Susan Saegert on Contention 65, pp. 5-10). Therefore, this testimony should be stricken as beyond the scope of Contention 66 and cumulative of testimony on Contention 65.

4. Finally, the testimony on page 24 line 3 ("Long traffic queues . . .") through the end of the paragraph (page 24 line 11)

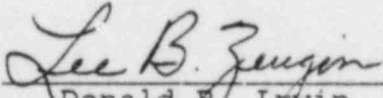
should be stricken as outside the scope of Contention 66. This testimony seeks to summarize the more lengthy testimony discussed in item 3 above, and accordingly, should be stricken for the same reasons.

WHEREFORE, LILCO respectfully requests that this Board strike:

- (1) page 7 line 9 through page 12 line 2;
- (2) page 19 line 15 through page 20 line 3;
- (3) page 22 line 1 through page 23 line 2; and
- (4) page 24 line 3 through page 24 line 11

of Assistant Chief Inspector Monteith, et al. testimony on Contention 66.

Respectfully submitted,

  
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