

RELATED CORRESPONDENCE

LILCO, March 9, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

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

MOTION TO STRIKE PORTIONS OF
DIRECT TESTIMONY OF THOMAS D. GIBBONS
ON CONTENTIONS 66.D AND 97.B

Pursuant to 10 CFR § 2.743(c), LILCO hereby moves to strike portions of the "Direct Testimony of Thomas D. Gibbons on Behalf of New York State Regarding Emergency Planning Contention 66.D -- Agreements for Snow Removal and Emergency Planning Contention 97.B -- Evacuation During Deep Snow." Three parts of this testimony are outside the scope of the contention and therefore irrelevant to any issue still ripe for litigation in this proceeding.

I. The part of the testimony about
"role conflict"

The first portion of Mr. Gibbons' testimony that LILCO moves to strike is the following passage on pages 4 and 5:

Another problem would probably be the reluctance of employees to perform snow and ice removal tasks in the EPZ during a

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radiological emergency. Indeed, 20% of the employees supervised from that headquarters and their families live within the EPZ. They certainly would be concerned for themselves and for families. Any failure of employees stationed in this area to report for or remain at work would mean a reduction in service to state highways. Further, given highway congestion and fears of radiation, workers who reside outside of the EPZ would likely be unwilling to remain within or to enter [sic] the EPZ to perform snow removal. Certainly, the performance of snow removal in the face of radiation dangers is not part of their required jobs. Thus, in my opinion, there would be large gaps in the available work force. They would be turned away at the EPZ boundary. The reduction in the number of personnel to operate the equipment due to these factors would severely limit the ability to remove snow from roadways.

Direct Testimony of Thomas D. Gibbons 4-5.

This portion of the Gibbons testimony is inadmissible because it impermissibly attempts to reopen the "role conflict" issue (Contention 25), which was litigated among the "Group I" issues. New York State, which agreed to "take the proceeding as it finds it," became active in the case too late to submit testimony on "role conflict." But it attempts to do so now under Contention 66.D.

II. The part of the testimony about travel times

The second part of the testimony that should be stricken is the following passage on page 5:

Finally, the snow fall itself will at least double the travel times by halving the road capacities. This occurs in the absence of heavy traffic conditions. Heavy traffic conditions will lengthen the travel times even further.

Direct Testimony of Thomas D. Gibbons 5. Again, New York State attempts to reopen a Group I issue -- this time the issue of evacuation time estimates, Contention 65. This testimony should have been produced during the "Group I" litigation.

III. The part of the testimony about sleet and rain

Finally, the question on page 6 of the Gibbons Testimony that reads "In your opinion, does unfavorable weather only include deep snow?" and its answer should be stricken as outside the scope of Contention 97.B. The answer talks mostly about ice storms and touches briefly on rain and sleet:

- A. No. It has been my experience that weather conditions are not uniform throughout the entire island. It may be snowing heavily on the east end, sleeting in the middle, and raining on the west end. Besides deep snow ice storms may occur. On January 13, 1978, a major combined ice and snow storm occurred that virtually paralyzed all transportation on Long Island. It not only coated the roads and made the roads slippery, but also caused power and other utility lines, limbs and trees to fall and block the roads. This required removal of the limbs, trees, wires, and debris before we could even start to apply chemicals and abrasives to provide

traction and melt the ice, and then plow the snow. It took 32 hours from the start of the storm to clear the state highways and parkways just in the Town of Huntington, which comprises an area roughly half the size of the EPZ.

During ice storms, it is frequently necessary to back spreader trucks up slopes while spreading chemicals and abrasives to provide traction for the spreader trucks to climb the slope. This means we must stop all the traffic, turn the truck around and proceed up the slope backwards, and then return the truck to the forward position. We usually employ this procedure several times a year at certain hills, ramps, bridge approaches, etc.

Direct Testimony of Thomas D. Gibbons 6-7. This testimony is outside the scope of 97.B, which is the contention that it is designed to support. Contention 97.B reads as follows:

Pursuant to 10 CFR Section 50.47(b)(10) the LILCO Plan must designate a range of protective actions appropriate to a variety of circumstances. See also NUREG 0654 Section II.J.9. This includes unfavorable weather. Yet the LILCO Plan's procedures for evacuation completely disregard the possibility of the existence of deep snow. SOC contends that the evacuation procedures outlined in the LILCO Plan would not work during a heavy snowfall, for the following reasons:

1. Key LERO personnel would be unable to travel to the EOC, as required by the LILCO Plan at 3.3;
2. Neither traffic guides, road crews, evacuation route spotters, ambulance drivers nor staging area coordinators would be able to travel to the

staging areas, as required by OPIP 3.3.3 and 3.6.3;

3. Even if the persons listed in (2) above were to reach the staging areas, they would be unable to travel to their assigned posts/routes, as required by OPIP 3.6.3;
4. Bus drivers and shuttle operators would be unable to travel to staging areas, as required by OPIP 3.6.4 and, in any case, would be unable to complete their assigned trips;
5. Relocation center staff would be unable to travel to the relocation center; and
6. Members of the public would be unable to evacuate their homes or places of work.

The only mention in this contention of "unfavorable weather" in general is in its characterization of the regulatory requirements. The operative part of the contention is that the LILCO Transition Plan disregards the "possibility of the existence of deep snow." The next sentence likewise mentions only "heavy snowfall." The contention simply does not raise any issues about rainfall or ice storms, being limited exclusively to "heavy snowfall" and "deep snow." Accordingly, the question and answer that addresses other weather conditions should be stricken as outside the scope of the contention.^{1/}

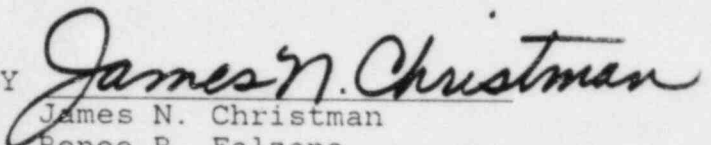
^{1/} Also, Contention 97.B alleges (1) that LERO workers and other emergency personnel would not be able to travel to the Emergency Operations Center, staging areas, or assigned posts and (2) that residents in the EPZ would not be able to evacuate

(footnote continued)

The same is true for the last three words ("and ice storms") of the answer to the very last question in the testimony, on page 8. These three words should also be stricken.

Respectfully submitted,

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(footnote continued)

"during a heavy snowfall." The allegation that people will "be unable to travel" suggests that Contention 97.B contemplates a situation in which residents and emergency workers are immobilized. Other unfavorable weather conditions, such as rain or sleet, could not be contemplated by Contention 97.B, because people are able to travel, albeit perhaps more slowly, under such conditions.