

LILCO, March 16, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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))	

LILCO'S ANSWER TO SUFFOLK
COUNTY MOTION TO STRIKE
TESTIMONY OF JOHN R. SEARS

Suffolk County has moved to strike the entire Testimony of John R. Sears on Behalf of the NRC Staff Regarding Emergency Preparedness Contentions 26.A, 26.C, and 26.D. The County's motion is based on Mr. Sears' statement that his testimony consists of his "personal professional opinions." The County's theory, which it puts forth without citing any authority, is that "[t]he Staff is a party to licensing proceedings for one purpose: to provide licensing boards with the views of the NRC Staff as to matters at issue" (Motion at 2). Apparently, in the County's view, an NRC Staff witness must represent an official, final position of the Staff, or he may not testify.


It appears to LILCO, on the other hand, that the purpose of expert testimony is to help the Board decide issues of fact, and that if a witness is qualified, then his professional

opinion may help resolve issues of fact regardless of whether he represents some sort of "official" position of one party or another.

LILCO believes there is no basis in NRC regulations or case law for the County's motion to strike Mr. Sears' testimony and the County cites none. Accordingly, LILCO opposes the County's motion.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY


James M. Christman

Hunton & Williams
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707 East Main Street
Richmond, Virginia 23219

DATED: March 16, 1984

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CERTIFICATE OF SERVICE

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

I hereby certify that copies of LILCO'S RESPONSE TO SUFFOLK COUNTY AND NEW YORK STATE MOTIONS TO STRIKE PORTIONS OF LILCO'S GROUP II-A TESTIMONY and LILCO'S ANSWER TO SUFFOLK COUNTY MOTION TO STRIKE TESTIMONY OF JOHN R. SEARS were served this date upon the following by first-class mail, postage pre-paid, or by hand (as indicated by one asterisk), or by Federal Express (as indicated by two asterisks).

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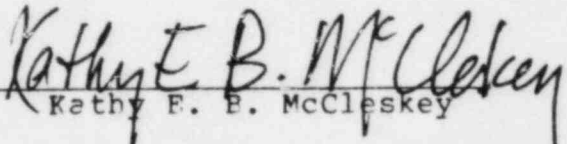
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In addition, copies of (1) LILCO'S CROSS PLAN FOR THE CROSS-EXAMINATION OF DEPUTY INSPECTOR KENNETH J. REGENSBURG, DEPUTY INSPECTOR ROBERT A. SNOW AND POLICE OFFICER VINCENT R. STYLE ON EMERGENCY PLANNING CONTENTIONS 20 AND 50-58 (NOTIFICATION TO THE PUBLIC); (2) LILCO'S PLAN FOR THE CROSS-EXAMINATION OF DEPUTY INSPECTOR KENNETH J. REGENSBURG, DEPUTY INSPECTOR ROBERT A. SNOW AND POLICE OFFICER VINCENT R. STYLE ON EMERGENCY PLANNING CONTENTION 26 (NOTIFICATION OF EMERGENCY PERSONNEL);

AND (3) LILCO'S PLAN FOR THE CROSS-EXAMINATION OF DEPUTY INSPECTOR RICHARD C. ROBERTS, SERGEANT DONALD A. HOFFMAN AND POLICE OFFICER JAMES J. READ ON EMERGENCY PLANNING CONTENTIONS 24.T AND 59 (NOTIFICATION TO THE PUBLIC BY THE U.S. COAST GUARD) are being served by hand on Judges, Laurenson, Kline and Shon, and Ms. Frucci.


Kathy E. B. McCleskey

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DATED: March 14, 1984