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UNITED STATES OF AMERICA USNRC
NUCLEAR REGULATORY COMMISSION

'84 MAR 19 A10:52

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
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BRANCH

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,
Unit 1))

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

SUFFOLK COUNTY'S RESPONSE TO LILCO'S
MOTION TO STRIKE PORTIONS OF
THE SUFFOLK COUNTY POLICE DEPARTMENT WITNESSES
TESTIMONY ON EMERGENCY PLANNING CONTENTION 66

On March 9, 1984, LILCO filed a motion to strike portions of the County's direct testimony on Contention 66 -- Removal of Obstacles From The Roadway And Provisions For Fuel.^{1/} Suffolk County responds as follows:

Discussion

Suffolk County's testimony on Contention 66 concerns LILCO's inability to remove disabled vehicles and snow from the roadways in a timely manner and to prevent further obstructions by providing fuel to evacuees. LILCO first moves to strike the portion of the County's testimony extending from page 7, line 9 to page 12, line 2 which discusses how LILCO will not be able to field an

^{1/} Direct Testimony of Assistant Chief Inspector Joseph L. Monteith, Et Al., On Behalf Of Suffolk County Regarding Emergency Planning Contention 66 -- Removal Of Obstacles From The Roadway And Provisions For Fuel.

adequate number of tow trucks because most of them are deployed at great distances from the EPZ. The grounds asserted by LILCO are (1) that the testimony on those pages is repetitive of certain testimony concerning Contention 27, and (2) that the testimony is outside the scope of Contention 66. LILCO's motion should be denied.

Contention 66.A alleges that LILCO does not have an adequate number of tow trucks to remove roadway obstructions during an emergency. Contention 66.B further states that the tow trucks are deployed in such a manner as to make it difficult for them to respond to obstructions in a timely manner. The portion of the County's testimony that LILCO seeks to strike directly addresses those precise issues. As stated in the County's testimony on Contention 66 at 7, one reason that LILCO's mere twelve tow trucks are inadequate in number is that a large portion of those twelve are deployed far from the EPZ. (See also, Table 1 at 10). In fact, it will take hours for road crews to get all of LILCO's tow trucks to their field locations in the EPZ. (Testimony of SCPD Witnesses on Contention 66 at 8). Thus, the testimony at issue is directly related to the allegation contained in Contention 66 that the number and deployment points of LILCO's tow trucks render LILCO unable to remove road obstructions in a timely manner.

The fact that the distance between the twelve tow trucks and their field locations in the EPZ is also referenced in Contention 27 and therefore discussed in testimony on that contention is not

a basis for striking the County's testimony on Contention 66. The Board and the parties have recognized from the outset that the emergency planning contentions are interrelated and that, as a consequence, some issues overlap. Nevertheless, the testimony at issue is not unduly repetitious because it is focused on a different issue than the related testimony on Contention 27. Contention 66 and the County's testimony on that contention expressly address the issue of why the deployment of LILCO's tow trucks will hamper LILCO's ability to remove obstacles from the roadway. That issue is not the focus of Contention 27 which discusses the problems LILCO will face in mobilizing a wide range of emergency personnel and getting them to their field locations. Therefore, the testimony on pages 7 through 12 that LILCO seeks to strike is not cumulative, is within the scope of Contention 66, and should not be stricken.

LILCO next moves to strike one paragraph extending from page 19, line 15 to page 20, line 3. This brief paragraph explains that LILCO's fuel trucks will not be able to report to LILCO's seven fuel allocation sites promptly because of the great distances those trucks are stored from the EPZ. Again, LILCO erroneously argues that this testimony is unduly repetitious of the County's testimony on Contention 27 and is outside the scope of Contention 66.F.

The point of subpart F of Contention 66 is that LILCO will be unable to provide adequate fuel supplies because LILCO's scheme to distribute fuel from its seven allocation sites in and

around the EPZ will not work. One obvious reason is that the fuel trucks will not be able to reach their assigned allocation sites for several hours. Therefore, the paragraph LILCO seeks to strike is within the scope of Contention 66.F. Moreover, the mere fact that the County's testimony on Contentions 66 and 27 both discuss the problem of getting fuel trucks to allocation sites in a prompt manner does not make those discussions unduly repetitious. The fact is that the issue is pertinent to both contentions. The County, however, has eliminated any undue repetition between the paragraph at issue and Contention 27 by discussing the distance problem in only four brief sentences and then citing to Contention 27 for further explanation. Nevertheless, the paragraph at issue is relevant to Contention 66.F and should not be stricken.

The third and fourth portions of the County's testimony that LILCO has moved to strike are found on page 22, line 1 through page 23, line 2 and on page 24, lines 3-11. According to LILCO, this testimony discusses "aggressive behavior that may result if drivers are only provided three gallons of fuel." LILCO complains that this testimony is outside the scope of Contention 66.F which questions whether provisions have been made to handle the queues that can be expected to form at LILCO's proposed fuel allocation sites. LILCO also complains that the County witnesses' discussion of aggressive behavior is cumulative of testimony on Contention 65. LILCO is wrong on both grounds.

First, despite LILCO's characterization, it is important to note that the testimony at issue does not concern itself solely with aggression that may occur as a result of LILCO's three-gallon limit. Rather, the testimony discusses the need for provisions to handle the queues at fuel allocation sites -- an issue set forth in subpart F. LILCO's ill-advised three-gallon gasoline limitation is only one factor -- albeit an important one -- which will contribute to the anxiety, frustration and potential aggression which will be felt by the people in the queues that will form at the fuel allocation sites, and which must be dealt with along with all the other problems that will arise as a result of those queues. Thus, the concerns expressed by the Suffolk County Police Department witnesses relate directly to the issue identified in subpart F and draws upon their experience with similar queues during the gasoline shortages of the 1970s. It is clear that the testimony LILCO seeks to strike is within the scope of Contention 66.F.

Furthermore, the testimony at issue is not cumulative of testimony on Contention 65. The testimony on aggression by the County's experts on Contention 65 focused on the issue of how aggression against traffic guides would affect evacuation times. In Contention 66, however, the issue is that the LILCO Plan does not make any provisions for security personnel or other such measures to handle queues at the fuel allocation sites. The issues are plainly distinct. Furthermore, the County's testimony on Contention 66 dealing with aggression does not repeat any of

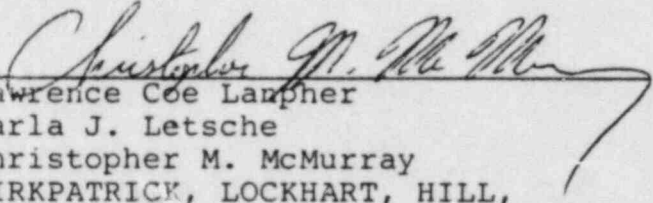
the testimony given by the County's experts on Contention 65. Therefore, LILCO's complaint that the testimony at issue is cumulative is without merit.

Conclusion

For the reasons stated above, LILCO's Motion To Strike Portions Of Assistant Chief Inspector Monteith, Et Al.'s Testimony On Emergency Planning Contention 66 should be denied.

Respectfully submitted,

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Dated: March 16, 1984