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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 MOTION TO STRIKE PORTIONS
OF THE TESTIMONY OF DAVID HARRIS AND
MARTIN MAYER ON CONTENTIONS 24.G
(AGREEMENTS FOR AMBULANCES) AND 75
(CAPACITY OF RELOCATION CENTERS)

LILCO moves to strike those portions of the "Direct Testimony of David Harris and Martin Mayer on Behalf of Suffolk County Regarding Contentions 24.G, 24.K, 24.P, 73 and 75" (the Harris testimony) filed on March 2, 1984, dealing with agreements for a sufficient number of ambulances (page 6, line 21 through page 7, and page 8, lines 17-18) and coordination of personnel and potential contamination at relocation centers (page 25, line 1 through page 26 line 6, page 27 line 4 through page 28 line 1, and page 28 line 9 through page 30 line 13). These portions of the Harris testimony are outside the scope of Contentions 24.G and 75 and thus are not relevant to issues in this proceeding and not admissible as evidence under §2.743(c)

of the Commission's rules of practice, which restricts admissible evidence to "relevant, material, and reliable evidence."

I.

Contention 24.G states as follows:

Contention 24. LILCO has failed to obtain agreements from several of the organizations, entities, and individuals for performance of services required as part of the offsite response to an emergency pursuant to NUREG-0654, as follows:

Contention 24.G. According to LILCO's estimates (see Appendix A, at IV-175), it will require sufficient ambulances to make 113 ambulance trips and enough ambulettes to make 209 trips in order to evacuate the nursing and adult homes located in the EPZ and the homebound who reside in the EPZ. An additional number of ambulances and ambulettes will be required to evacuate the approximately 630 patients likely to be in the hospitals within (and just outside) the EPZ. (See Appendix A, at IV-172; OPIP 3.6.5.) However, LILCO has no agreements with ambulance companies to provide such equipment in such quantities (see FEMA report at 10). Even the letters of intent to enter into such agreements which are contained in Appendix B do not relate to numbers of ambulances and ambulettes necessary to meet LILCO's own estimates. In the absence of such agreements, LILCO's proposed evacuation of persons in special facilities, hospitals, and the handicapped cannot and will not be implemented.

In essence, this Contention states that LILCO does not have sufficient agreements for ambulances and ambulettes to meet its own estimates in the LILCO Transition Plan. The Harris

testimony goes beyond the issue of agreements for equipment to meet the estimates set out in the LILCO Transition Plan, to challenge the estimates themselves as "unrealistically low."

The Harris testimony states that the LILCO estimates do not include ambulances or ambulettes for the three hospitals in the EPZ. But the intervenors' contentions do not address the issue of whether the estimates in the Plan are accurate. They simply allege in Contention 24.G that the estimates in the Plan cannot be supported by letters of agreement for the equipment necessary to meet the planning basis, and in Contention 72 that the arrangements being made for hospital patients for sheltering, with evacuation on an ad hoc basis, will not adequately protect the patients. Similarly, the Harris testimony challenges LILCO's estimate for ambulances and ambulettes needed to evacuate the homebound. Contention 24.G, again, says only that there do not exist agreements to provide sufficient equipment to support the number of trips planned in the LILCO Transition Plan, and Contention 73.A alleges that the estimate of the number of handicapped persons residing in the EPZ is too low. Contention 24.G does not state that the number of ambulance trips estimated is too low, or that ambulances should not be relied upon to make more than one trip in an evacuation.

Consequently, the intervenors are attempting to expand the existing Contention 24.G regarding letters of agreement to meet the specifications of the Plan, to include an attack on the

specifications of the Plan itself. That testimony should be struck as outside the scope of Contention 24.G. In addition, to the extent that the testimony repeats arguments in testimony that has been filed on Contention 73.A and addresses arguments that will be litigated under Contention 72, it is cumulative and therefore should be struck.

II.

Contention 75 reads as follows:

Contention 75. The LILCO Plan provides no estimates of the number of evacuees who may require shelter in a relocation center, and the Plan fails to demonstrate that each such facility has adequate space, toilet and shower facilities, food and food preparation areas, drinking water, sleeping accommodations, and other necessary facilities. Accordingly, there is no assurance that the relocation centers designated by LILCO will be sufficient in capacity to provide necessary services for the number of evacuees that will require them. Thus, LILCO fails to comply with NUREG-0654, Sections II.J.10.g and J.12.

The Harris testimony, for the most part, does not address the capacity of relocation centers. Instead it discusses (1) "the need for coordination among the ARC and the various LILCO employees who supposedly would also be involved in relocation center operations" (page 25 through page 26 line 6); (2) "waste removal," particularly "wastes contaminated by radioactivity, such as contaminated water, clothing and personal possessions

of contaminated evacuees as well as normal wastes" (page 27 line 4 through page 28 line 1); (3) the ability of evacuees and response workers to find the appropriate areas for sheltering at a particular facility (page 28 lines 9-19); (4) "the logistical problems involved in conducting the monitoring and decontamination functions that LILCO expects to take place at the relocation centers" (page 28 line 20 through page 29 line 11); and (5) the "[d]ual facilities [that] would be necessary in order to accommodate separately the potentially or actually contaminated evacuees and those who are not contaminated" [emphasis in original] (page 29 line 12 through page 30 line 13).

If the intervenors wanted to litigate the ability of American Red Cross and LILCO workers to coordinate their activities at relocation centers, the ability of LILCO to deal with contaminated people, wastes, and water, and the ability of workers and evacuees to identify the portions of the buildings being used as shelters, the intervenors should have said so in their 200 pages of emergency planning contentions. They did not. What they articulated in Contention 75 is that (1) the LILCO Transition Plan does not provide estimates of the number of evacuees that may require shelter in a relocation center, and (2) that the plan fails to demonstrate that each such facility has adequate space, toilet and shower facilities, food and food preparation areas, drinking water, sleeping accommodations, and other necessary facilities for the evacuees who might use the

shelter. A fair reading of Contention 75 indicates that it mentions nothing about coordination of LILCO and Red Cross personnel or the special problems that might be raised should any contamination occur.^{1/}

Further, the phrase "other necessary facilities" in Contention 75 does not mandate a whole new focus on monitoring, contaminated wastes, and coordination of personnel, given the list in Contention 75 that immediately proceeds "other necessary facilities": "adequate space, toilet and shower facilities, food and food preparation areas, drinking water, sleeping accommodations." The Contention raises the issue of adequate capacity and basic facilities such as sleeping, water, toilet, and food facilities for the evacuees expected to require such facilities should an evacuation of the EPZ take place. No mention is made in Contention 75 of the entirely separate issues of contaminated wastes, monitoring and decontamination at relocation centers, coordination of personnel, and people's ability to find shelter areas within each facility designated. The County's testimony expands the Contention far beyond the original issues raised in this contention, and therefore should be struck.

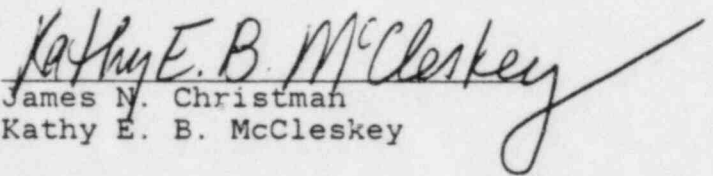
^{1/} In fact, the intervenors did submit a contention that discussed the ability of LILCO to exercise command and control over support organizations in the plan, including the Red Cross (proposed Contention 24.A). It was not admitted by the Board's Order of August 19, 1983.

III.

For the reasons stated above, LILCO requests that the Board strike (1) page 6 line 21 through page 7, and page 8 lines 17-18 as outside the scope of Contention 24.G, and (2) page 25 line 1 through page 26 line 6, page 27 line 4 through page 28 line 1, and page 28 line 9 through page 30 line 13 of the Harris testimony as outside the scope of Contention 75.

Respectfully submitted,

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