

LILCO, March 9, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSIONBefore the Atomic Safety and Licensing Board

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

LILCO'S MOTION TO STRIKE PORTIONS OF  
 WILLIAM J. ACQUARIO, ET AL.'S TESTIMONY  
ON EMERGENCY PLANNING CONTENTION 67

Pursuant to 10 C.F.R. § 2.743(c), Long Island Lighting Company ("LILCO") hereby moves to strike portions of the "Direct Testimony of William J. Acquario, Richard D. Albertin and Robert G. Knighton on Behalf of New York State Regarding Emergency Planning Contention 67 - Evacuation of Persons Without Access to Automobiles." Three parts of this testimony are outside the scope of the contention and are therefore irrelevant.

1. The first portion of New York State's testimony that LILCO moves to strike is the following passage beginning on page 7 line 24 and ending on page 8 line 2:

It also requires that drivers spend an unnecessarily long time in the EPZ and in several instances it would require that the drivers reenter the EPZ. This could increase the risk of drivers being exposed to radiation.

The clear focus of this testimony is the radiation dose bus drivers may receive while performing their duties during an

evacuation. This is not a subject contemplated by Contention 67. That contention deals with the evacuation of the general public needing transportation assistance; its focus is on the general public, not bus drivers. Accordingly, these sentences should be stricken as outside the scope of Contention 67.

2. LILCO also moves to strike the question and answer that begins on page 11 line 11 and continues through page 12 line 8. This question and answer discusses the training program for LERO bus drivers. This subject is not raised by Contention 67 or any of its subparts and should be stricken as being beyond the scope of the contention. Instead, the training of LERO workers to perform specific job functions is the subject of Contention 40. Since the filing of testimony on that contention currently awaits this Board's order on Suffolk County's motion to submit new training contentions, New York State would not be prejudiced by the striking of this testimony; it would still have an option to file it with regard to the training contentions. Accordingly, this portion of New York State's testimony should be stricken.

3. Finally, LILCO moves to strike the testimony on page 18 line 5 through page 19 line 3. This testimony deals with the letters of intent LILCO has signed with bus companies, and raises several questions about provisions in those letters of intent including prior contractual agreements and access to buses at

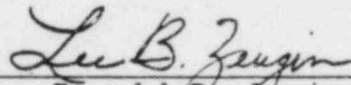
night. The sufficiency of LILCO's letters of intent with bus companies is the subject of Contention 24.F, not Contention 67. Accordingly, this testimony is outside the scope of Contention 67, and should be stricken.

WHEREFORE, LILCO respectfully requests that this Board strike:

- (1) page 7 line 24 through page 8 line 2;
- (2) page 11 line 11 through page 12 line 8; and
- (3) page 18 line 5 through page 19 line 3

of Mr. Acquario, et al.'s testimony on Contention 67.

Respectfully submitted,

  
Donald P. Irwin  
Lee B. Zeugin

Hunton & Williams  
707 East Main Street  
Post Office Box 1535  
Richmond, Virginia 23212

DATED: March 9, 1984