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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RELATED CORRESPONDENCE

ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges
James A. Laurenson, Chairman
Dr. Jerry R. Kline
Mr. Frederick J. Shon

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In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power)
Station, Unit 1))

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

March 16, 1984

RESPONSE OF GOVERNOR MARIO CUOMO, REPRESENTING THE
STATE OF NEW YORK, IN OPPOSITION TO "LILCO'S MOTION
TO STRIKE PORTIONS OF THE DIRECT TESTIMONY OF
WILLIAM J. AQUARIO [sic], RICHARD D. ALBERTIN, AND
ROBERT G. KNIGHTON REGARDING CONTENTION 73"

The State of New York hereby opposes "LILCO'S MOTION TO STRIKE
PORTIONS OF THE DIRECT TESTIMONY OF WILLIAM J. ACQUARIO, RICHARD D.
ALBERTIN, AND ROBERT G. KNIGHTON REGARDING CONTENTION 73," dated
March 9, 1984 (herinafter, "Motion").

I. Direct Testimony at pp. 7,8,9

The main point of LILCO's Motion (pp. 3,4) is that the State's
testimony (pp. 7,8,9) addresses "the transportation needs of able-
bodied individuals who are capable of being transported by bus"
but Contention 73 does not address "the transportation needs of
able-bodied individuals who are capable of being transported by
bus." LILCO misreads the State's testimony.

The State's testimony on pages 8 and 9 is primarily directed
at people who are "handicapped" to the extent that they are unable
to successfully hike a 1/2 mile distance to a bus stop while

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lugging a suitcase, pillow and blanket. The State's testimony on pages 8 and 9 is not offered for the purpose of litigating the issue of whether it is proper for LILCO to require physically normal people to walk a 1/2 mile to a bus stop. The point of the testimony on pages 8 and 9 is that some people might not be physically fit enough to make it on their own to the bus stop in the first place. An example of a person in this category would be a person who is healthy enough to move about and ride in vehicles, but who lacks endurance or breathing ability to walk a distance of a half mile. The State's testimony on pages 8 and 9 is, therefore, relevant to Contention 73.A(1)(a), which provides "Many people who will require assistance will not return the postcards to LILCO because they do not: (a) perceive themselves to be handicapped....." (Emphasis added). The testimony should not be stricken.

The State's testimony on p. 7 also is primarily directed at people who are "handicapped" to the extent that they also are unable to successfully hike a 1/2 mile distance to a bus stop while lugging a suitcase, pillow and blanket. However, the testimony is also directed to people who responded to LILCO's survey by answering that they were not handicapped because they anticipated (mistakenly) that a private car would be available to take them to the bus stop or even all the way out of the EPZ. Thus, the State's testimony on page 7 is relevant to Contention 73.A(1)(a), quoted above, and should not be stricken.

II. Language Problems

The State witnesses' testimony on page 11 refers to persons with a "language problem." On page 5 of its Motion, LILCO assumes the phrase narrowly means foreign "language problems." The fact that this testimony may also be relevant to Contention 21.C does not justify striking it from a relevant response to Contention 72. It should also be noted that the phrase is broad enough to include persons who, due to physical or psychiatric causes, are unable to communicate by making coherent sounds with their vocal cords, tongue and mouth, etc.

This testimony on page 11 is directly relevant to Contention 73.B(1), which provides, "This [telephone call] is an inadequate and ineffective means of notifying many handicapped individuals such as those who are...unable to communicate on telephone." (Emphasis added). The testimony should not be stricken.

III. Training of Ambulance and Van Operators

The first question and answer on page 13 of the State's testimony is directly relevant to Contention 73, which provides, "The LILCO Plan proposes to use ambulances to evacuate handicapped people who are not in special facilities. Intervenor's contend that this aspect of the LILCO Plan cannot be implemented in a timely manner and therefore will not provide adequate protection to handicapped persons in the EPZ." The ability of ambulance drivers to perform their duties in a timely manner is relevant to Contention 73. There is a definite need for ambulance drivers to know how to navigate through the EPZ without being hindered by traffic congestion or distractions arising from emotional passengers. The testimony should not be stricken.

IV. Relocation of Handicapped People


The second question and answer on page 13 of the State witnesses' testimony raises the need to designate the places LILCO will bring the handicapped people to. This testimony is directly relevant to Contention 73.B(4), which questions LILCO's ability to transport handicapped people from their homes to relocation center in a timely manner. The location of these relocation centers is critical because it determines which evacuation routes will be utilized and the length of time that will be needed to complete the evacuation. The testimony should not be stricken.

Respectfully submitted,

MARIO CUOMO
Governor of the State of New York

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CERTIFICATE OF SERVICE

I hereby certify that one copy of the

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