

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges

James A. Laurenson, Chairman '84 MAR 21 A11:01

Dr. Jerry R. Kline

Mr. Frederick J. Shon

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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 WILLIAM J. ACQUARIO,  
ET AL.'S TESTIMONY ON EMERGENCY PLANNING CONTENTION 67

The State of New York hereby opposes "LILCO'S MOTION TO  
STRIKE PORTIONS OF WILLIAM J. ACQUARIO, ET AL.'S TESTIMONY ON  
EMERGENCY PLANNING CONTENTION 67," dated March 9, 1984 (hereinafter,  
"MOTION").

I. Bus drivers exposed to radiation

The statements of the witnesses, beginning on page 7, line 24,  
and ending on page 8, line 2, consider the radiation doses bus  
drivers may receive. The focus of Contention 67 is on persons  
in buses who may be exposed to health-threatening radiation doses  
as a result of the time necessary to complete an evacuation. (See  
the sixth sentence in Contention 67). Bus drivers, as well as  
bus passengers, fall within this category of persons who need to  
be protected during an evacuation. The testimony beginning on  
page 7, line 24 and ending on page 8, line 2 should not be  
stricken because it expresses concern for bus drivers who as  
a result of the lengthy time to complete an evacuation, are

threatened by radiation doses at least as much as bus passengers are threatened by radiation doses.

II. Inexperienced bus drivers.

LILCO's Motion, at lines 8, 9 on page 2, states that the witnesses' testimony "discusses the training program for LERO bus drivers." This statement is incorrect. The witnesses' testimony on lines 14, 15 of page 11 states, "Even if this training program was acceptable in every respect, it would still result in providing drivers who were inexperienced at best." (Emphasis added). The remainder of the answer describes the disadvantages of using inexperienced bus drivers. Thus, the point of the entire answer on pages 11 and 12 is that regardless of training, the bus drivers are not going to have sufficient bus driving experience to complete their assignments in a timely manner. For the reasons elaborated upon in the answer on pages 11, 12, evacuation times will therefore be lengthened.

This testimony is relevant to Contention 67, which focuses on exposure of persons in buses to radiation doses as a result of the time necessary to complete an evacuation. The fourth and sixth sentences under "Contention 67" directly raise this issue as do the first and tenth sentences under "Contention 67.C." The witnesses are expressing a concern about lengthened evacuation times due to bus delays, and accordingly their testimony is relevant to Contention 67 and should not be stricken.

Earlier in this proceeding, LILCO moved to strike testimony about training. However, the Board ruled "evacuation times cannot be estimated without some consideration of the training and experience of the personnel who will have first-line responsibility for maintaining traffic flow." Order Ruling on Motions to Strike 4 (Jan. 16, 1984). Likewise, the feasibility of evacuation by buses requires some consideration of the experience of the bus drivers. The testimony should not be stricken.

III. Availability of buses to evacuate persons without vehicles.


LILCO's suggestion that testimony pertaining to one contention should be stricken because it also happens to relate to another contention is without basis. The testimony which LILCO seeks to strike (answer beginning on pg. 18) is relevant to Contention 67. The root of the concerns expressed in Contention 67 is that persons traveling in buses may be exposed to radiation doses as a result of the time necessary to complete an evacuation. The answer beginning on page 18 of the testimony states that buses may be delayed in picking up evacuees in the day due to prior commitments to transport school children, and buses may be delayed in picking up evacuees at night due to difficulties in getting the buses out of the yard and onto the road. Because this testimony relates to lengthened evacuation times due to bus delays, the testimony is relevant to Contention 67 and should not be stricken.

The fact that the State witnesses' testimony may also be relevant to another contention does not justify striking it from testimony relevant to Contention 67.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that one copy of the

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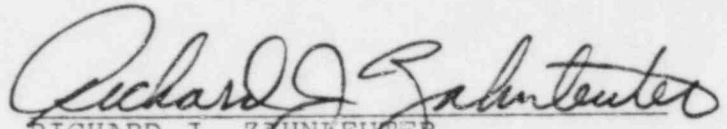
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