

LILCO, July 6, 1982

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

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

LILCO'S OBJECTIONS TO
SUFFOLK COUNTY'S, SOC'S, AND
NSC'S EMERGENCY PLANNING CONTENTIONS

I.

In its Prehearing Conference Order dated April 20, 1982, the Board ruled as follows:

Emergency planning contentions based on LILCO'S emergency plan must be received by June 22, 1982 . . . Parties filing emergency planning contentions shall do so in a consolidated filing . . . The contentions shall be discussed with the NRC Staff and LILCO prior to filing so that their positions on admissibility can also be received on June 22.

Order at 7-8.

On Thursday, June 17, 1982, LILCO received Suffolk County's emergency planning contentions 1 through 19, and the North Shore Committee's (NSC) emergency planning contentions 1(a) through 1(d) plus thirty-two numbered sections of "bases" for these contentions. On Saturday, June 19, 1982, LILCO

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received another draft of the intervenor's contentions, consisting of the original Suffolk County EP 1 through EP 19, the original NSC 1(a) through 1(d) with twenty-seven of the thirty-two sections of "bases", slightly rewritten and numbered EP 20, and six additional contentions, EP 21 through EP 26.^{1/} This draft, with minor changes, was filed with the Board on June 22, 1982.

Pursuant to the Board's April 20, 1982 Prehearing Conference Order, LILCO filed a statement of its position on the admissibility of the contentions on June 22, 1982. In that statement, LILCO noted that the County, SOC, and NSC had indicated that many of LILCO's concerns regarding the wording and scope of the contentions could be resolved given further discussion among the parties. Counsel for the County, NRC, and LILCO met on Wednesday, June 30 to discuss the contentions, and spoke with counsel for NSC by phone that day.^{2/} As a result of those discussions, the County reworded a few of its contentions, and NSC deleted approximately ten pages of material from its contentions.

LILCO's remaining objections to the emergency planning contentions appear below. Listed in part II are those

^{1/} The County, SOC, and NSC indicated they had attempted to consolidate this second set of draft contentions; it is LILCO's position that neither draft was adequately consolidated as required by the Board's April 20, 1982 Order.

^{2/} Counsel for SOC was unavailable, and did not participate in these discussions.

contentions that have not been consolidated; in part III, those contentions that are not adequately particularized as yet ; and in part IV, a contention that is simply not admissible.

II.

Contrary to the Board's April 20 Order, the County, SOC, and NSC have not filed consolidated contentions. The intervenors' initial filing, while a single document with sequentially numbered contentions, contained redundancies among the contentions. It now appears that NSC has filed its own set of emergency planning contentions (NSC 1(EP), 2(EP), and 3(EP)), and that the County has merely substituted that filing for the old EP 20 in its First Amended Consolidated Emergency Planning Contentions. The County, SOC, and NSC have not thoroughly reviewed the contentions for possible consolidation.

The following contentions and parts of contentions should be combined:

EP 3B, EP 6B, and EP 9D. These contentions question the ability of medical personnel and onsite and offsite emergency response personnel to respond during an emergency given the congested traffic conditions that the County alleges may exist. Since the postulated traffic conditions, if they limit personnel responses, will limit responses of different personnel groups in the same sorts of ways, these contentions should be consolidated.

EP 3C, EP 6C, and NSC 3(EP)(7). EP 3C provides:

The LILCO plan does not contain up-to-date agreements with Central Suffolk Hospital, University Hospital or the Wading River Fire District for emergency medical services to be provided by those facilities. Moreover, the agreements in the plan with Central Suffolk Hospital and the Wading River Fire Department lack specific information to determine whether those organizations can provide necessary medical services in the event of a radiological emergency. Thus, LILCO has failed to satisfy 10 C.F.R. §§ 50.47 (b)(3) and (12), 10 C.F.R. 50, Appendix E, and NUREG 0654, Items II.C.4 and L.4.

EP 6C provides:

The LILCO plan does not contain up-to-date contracts with local fire and ambulance organizations or other offsite organizations concerning the services those organizations will provide in the event of a radiological emergency.

NSC 3(EP)(7) provides:

The letters of agreement with the medical and other facilities are not current and, additionally do not specify the functions each will perform.

These contentions are redundant and should be consolidated.

EP 6A and EP 9C. EP 6A provides:

It does not appear that LILCO has addressed or analyzed the possibility that offsite personnel expected to report to the Shoreham site for emergency duty, many of whom are volunteers, would fail to report (or report in a timely manner) because of conflicting family (or other) duties that would arise in the event of a radiological emergency.

EP 9C provides:

LILCO has not evaluated the effects upon its emergency response efforts of potential family (or other) role conflicts that may inhibit or even prevent LILCO personnel from responding to a radiological emergency.

Whether role conflicts will inhibit emergency personnel from reporting as planned is a single issue requiring a common analysis of the response of all emergency personnel, both from LILCO and from offsite organizations. Therefore, these contentions should be consolidated.

EP 3 and NSC 3(EP)(1) through (6). These contentions question the medical assistance available in a radiological emergency. NSC 3 (EP)(1) through (6) significantly overlap EP 3; EP 3 should be rewritten to include any additional points in NSC 3 (EP) not now covered by EP 3, and NSC 3(EP) should be deleted.

EP 11 and NSC 1(EP), NSC 1(EP)(5), and NSC 2(EP)(1). These contentions all bear on whether LILCO can maintain communication with response organizations using commercial telephone lines that the intervenors allege may overload during an emergency. The contentions should be consolidated and rewritten.

Additionally, within the NSC contentions, NSC 1(EP)(3) and (4) are redundant to NSC 1(EP)(2), and NSC 1(EP)(10) is redundant to NSC 2(EP)(1).

III.

Pursuant to 10 C.F.R. § 2.714(b), the County, SOC and NSC are required to state contentions with "reasonable specificity." The contentions listed below are not adequately particularized.

EP 8B. The County has not defined what it means by a "social and psychological profile of Suffolk County's residents."

EP 26. The County has not articulated what it considers to be the "necessary human factors principles and analyses," has not detailed the regulations that require those principles and analyses to be factored into the LILCO plan, and has not identified how LILCO has failed to meet that requirement, if any exists.

NSC 1(EP)(1). NSC has not specified the ways in which the communications network is inadequate.

NSC 2 (EP)(1). NSC has not stated clearly what it means by "[c]ommunications . . . are inadequately staffed, briefed, and technically equipped . . ."

Additionally, (1) the County has not specified in each contention which part of a regulation it is relying upon to support that particular contention, and (2) the proceeding would benefit from a careful rewording of the NSC contentions.

Finally, regarding particularization, in EP 1, EP 2G, and EP 5B(1), the County contends that LILCO has not taken into account local conditions in preparing its emergency response plan based on a 10-mile emergency planning zone (EPZ). Title 10 C.F.R. § 50.47(c)(2) provides in part:

Generally, the plume exposure pathway EPZ for nuclear power plants shall consist of an area about 10 miles (16 km) in radius and the ingestion pathway EPZ shall consist of an area about 50 miles (80 km) in radius. The exact size and configuration of the EPZs surrounding a particular nuclear power reactor shall be determined in relation to local emergency response needs and capabilities as they are affected by such conditions as demography, topography, land characteristics, access routes, and jurisdictional boundaries.

This Board has ruled that while the County, SOC and NSC are not entirely precluded from alleging that adjustments should be made to the 10 and 50-mile limits provided in 10 C.F.R. § 50.47(c)(2), those allegations "have to be tied to those particular requirements" of 10 C.F.R. § 50.47 and 10 C.F.R. Part 50 Appendix E, and allegations regarding local conditions must be considered "in relation to local emergency response needs and capabilities." Prehearing Conf. Tr., March 10, 1982, at 389. For the reasons stated below, EP 1, EP 2G, and EP 5B are not adequately particularized.

EP 1 provides:

The Board should rule that LILCO's plan is inadequate under 10 C.F.R. § 50.47, 10 C.F.R. Part 50, Appendix E, and NUREG 0654 criteria because the state of preparedness under that plan does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. LILCO has not adequately identified and evaluated local conditions in Long Island that could influence the public notification system, public education program, accident assessment and monitoring systems, protective action measures, and evacuation time estimates referenced in the LILCO plan and used in preparation of that plan. The failure of LILCO to tailor these systems, programs, measures, and estimates to local conditions precludes a finding of reasonable assurance that the LILCO plan is workable.

The local conditions which LILCO has neither identified nor evaluated are the following:

- (1) local demographic and socio-economic characteristics of the population likely to be affected by a radiological emergency;
- (2) the social and behavioral characteristics of the population likely to be affected by a radiological emergency;
- (3) local topographical and geographical characteristics;
- (4) emergency evacuation alternatives, routes, and transportation facilities; and
- (5) the types of materials of which local houses and buildings are constructed and the extent to which these materials would affect the health effects of a radiological release in the event that sheltering

is the recommended protective action.

Suffolk County contends that LILCO must, in developing the systems, programs, measures, and estimates identified above, determine the extent to which such local conditions affect LILCO's own responsibilities (irrespective of the size of the EPZ and even assuming for present purposes an EPZ of about 10 miles), and must account for such effects in its plan.

The County has not identified the specific local conditions that bear on LILCO's emergency response plan, and has not articulated how those specific local conditions affect such items as the public notification system, public education program, and other aspects of the LILCO plan. The contention merely includes a laundry list of undefined terms designated "local conditions", and an assertion that the plan is inadequate as a whole. The contention is therefore overbroad and not adequately particularized.

EP 2G provides:

LILCO has failed to demonstrate that 10-mile siren coverage is the proper coverage for the Shoreham facility. The large population groups located just outside a 10-mile radius zone, and the effects resulting from movement of persons from outside a 10-mile radius zone to within that zone (thus potentially hindering the emergency response), require that placement and coverage include such population groups. This is also necessary to assure that such population groups have accurate information on the state of emergency conditions so as to guide their own behavior and to control the spread of rumors.

The County has not defined precisely what large population groups are located outside the 10-mile zone, and precisely where those groups are located.

EP 5B(1) provides:

The LILCO evacuation time estimates do not take into consideration the particular local conditions surrounding the Shoreham facility. Rather, the evacuation time estimates are based upon an arbitrary 10-mile area around the Shoreham site.

The County has not identified particular local conditions it alleges LILCO must consider in evacuation time estimates. Additionally, LILCO objects to the term "arbitrary" as applied to the 10-mile emergency planning zone. That zone is based upon 10 C.F.R. § 50.47(c)(2), and is not arbitrary.

IV.

Contention EP 27 provides:

LILCO has not completed, nor has the NRC reviewed, a PRA/consequence analysis to provide the basis for the accident assessment and dose assessment models. Thus, Suffolk County contends that there is no assurance that LILCO has met the requirements of 10 C.F.R. §§ 50.47(b)(9) and (10), 10 C.F.R. Part 50, Appendix E and the planning criteria of NUREG 0654.

The contention assumes that a PRA or consequence analysis is required for the LILCO emergency plan. No such requirement exists. Additionally, this Board has ruled that a contention that merely asserts LILCO must "perform a complete accident consequence assessment" is not litigable in this proceeding. Prehearing Conf. Trans., March 10, 1982, at 382.

For the reasons stated above, LILCO objects to the County's, SOC's, and NSC's emergency planning contentions.

Respectfully submitted,

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DATED: July 6, 1982

LILCO, July 6, 1982

CERTIFICATE OF SERVICE

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LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station, Unit 1)
Docket No. 50-322 (OL)

I hereby certify that copies of LILCO'S OBJECTIONS TO SUFFOLK COUNTY'S, SOC'S and NSC'S EMERGENCY PLANNING CONTENTIONS were served upon the following by first-class mail, postage prepaid, or by hand (as indicated by an asterisk), on July 6, 1982:

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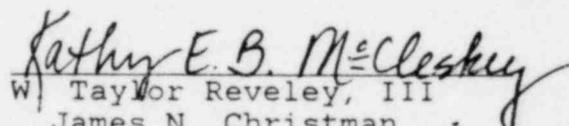
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