

On August 4, 1982, the Board denied Objections to Prehearing Conference Order and Motion for Reconsideration or, in the Alternative, for Certification to the Commission which was filed by SC on August 2, 1982.

Tr. 8901-8904. However, the Board's rulings granted the Intervenors an opportunity to revise contentions which were initially denied. Pursuant to the Board's orders, revised emergency planning contentions were submitted on August 20, 1982.

II. DISCUSSION

The NRC Staff submits the following objections and responses to the twenty-four revised contentions.

EP 1: LILCO's Failure to Account for the Specific Conditions Existing on Long Island

This contention was initially denied by the Board because it lacked particularization and was overly broad. However, the Board permitted SC an opportunity to provide further particularization. Tr. 8902-04. The revised contention has narrowed the "local conditions" at issue to three groupings: (1) local demographic, socio-economic, social and behavioral characteristics of the affected population; (2) the adequacy of local evacuation transportation routes and facilities; and (3) characteristics of local building materials in the event that sheltering is the recommended protective action.

The Staff again objects to this revised contention because it is overly broad and has not clearly defined those aspects of the LILCO

emergency plan which are alleged to be inadequate. The preamble to the contention asserts inadequacies in the determination of: (a) types and sizes of releases, (b) physical dispersion of releases, (c) population at risk, (d) reactions of the population, (e) recommended protective actions, (f) notification procedures, and (g) education programs. By these broad-sweeping allegations, the intervenors have left no doubt that they wish to litigate an issue regarding the social and behavioral characteristics of the local population which may present some impediment to effective emergency planning. More particularly, it is readily apparent to Staff that the County wants to litigate the attitude survey conducted by Social Data Analysts, Inc. for Suffolk County ("Attitudes Towards Evacuation: Reactions of Long Island Residents to a Possible Accident at the Shoreham Nuclear Power Plant," June 1982). However, an attitude survey provides no basis or particularity as to how or why the range of planning standards provided by the regulations as addressed in the LILCO emergency plans do not adequately encompass or consider preconceived attitudes of the local population regarding nuclear power or evacuation which might present a problem to the required protective action. In short, emergency planning standards have been developed to provide effective planning, resources, support, education, notification, and exercises to implement required protective actions. This revised contention provides no specificity as to the inadequacies of those standards nor does it cure the defects noted in the Board's Order. Accordingly, this contention should be denied.

EP 2: Prompt Notification System

Admitted by Board. However, EP 2(D) and (E), pursuant to the Board's Order, should be susceptible to settlement. We agree.

EP 3: Medical and Public Health Support

A. Medical Services for Contaminated Injured Individuals

The Board's Order (p. 8) denied this contention because it lacked specification as written. The revised contention is identical to the previous one except for the assertion that "large numbers of the public would require hospitalization for radiation injury" which cannot be accommodated by Central Suffolk Hospital. This unsupported allegation is not sufficient to cure the defect of specification and, accordingly, revised contention EP 3(A) should be denied. The Staff would further note that this subject matter--i.e., medical facilities for contaminated injured members of the public, was recently analyzed by the Appeal Board in Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-680, 16 NRC ____ (July 16, 1982). There, the Appeal Board concluded that there is "serious doubt that the Commission's regulations require arrangements [for members of the general public who may suffer radiation exposure in a serious nuclear accident]." Slip op. p. 21. This conclusion was based, in part, on the distinction between a "contaminated injured" individual versus a person exposed to radiation. Contaminated injury is a traumatic (i.e., physical) injury complicated by radioactive contamination. This type of injury requires emergency care, whereas people who suffer radiation injury are unlikely to need emergency treatment. The Appeal Board determined that the San Onofre record established that "relatively few people [1 to 25] are expected to be both

contaminated and traumatically injured in a nuclear accident." Id. at 18. It further found that "for a serious nuclear accident to result in the hospitalization of large numbers of people, not only must an already unlikely accident be severe, but also the emergency response to protect the public must be ineffectual." Id. at 19-20 (footnote omitted). This being so, the Appeal Board concluded that "immediate hospitalization would not be necessary for radiation injury" Id. at 21.

In sum, this revised contention does not meet the requirements of 10 C.F.R. § 2.714 for particularization nor does it consider the San Onofre Appeal Board decision as requested in the Board's Order. We believe that decision makes it abundantly clear that medical facilities for "large numbers of the public" who might become "contaminated injured" is not required by 10 C.F.R. § 50.47(b)(12) as alleged in this contention. Therefore, this contention should be denied.

B. Transportation of Contaminated Individuals - Traffic Congestion
Admitted by Board.

C. Up-to-Date Agreements
No objection, but susceptible to settlement.

EP 4: Federal Resources

The Board did not admit this contention because it lacked particularization (Order at 9). The revised contention attempts to provide particularization by noting that the LILCO plan provides authority to request any and all Federal assistance considered appropriate for the

given situation, but it makes no mention of any specific Federal resources and their ability to give adequate and timely assistance. This revision still leaves the implication that the LILCO plan was silent as to the use of Federal resources. However, this is simply not true. The LILCO plan at pp. 5-8 refers to the resources available at Brookhaven National Laboratory and Appendix B, "Letters of Agreement," contains agreements with the U.S. Coast Guard and Brookhaven. Thus, the revised contention is not only without basis, but it fails to provide the particularization required by the Board. Accordingly, it should be denied.

EP 5: Protective Actions

Admitted by Board.

EP 6: Offsite Response Organization and Onsite Response Augmentation

Admitted by Board.

EP 7: Training

Admitted by Board but it noted that the contention was susceptible to settlement.

EP 8: Onsite Response Organization

Admitted by Board (formerly, EP 9).

EP 9: Public Information

The Board noted that this issue was susceptible to settlement. The Staff agrees but, in any event, we have no objection to its admission.

EP 10: Emergency Operation Facility

Admitted by Board (formerly, EP 12).

EP 11: Messages to the Public and to Offsite Authorities

The Board noted that this issue (formerly, EP 13 and EP 14) was susceptible to settlement. The Staff agrees but, in any event, we have no objection to its admission.

EP 12: Radiological Exposure

Admitted by Board (formerly, EP 16).

EP 13: Emergency Classification System

This contention was not admitted by the Board as previously written (formerly, EP 18) because it lacked particularization. It has been revised to indicate that information is missing from many Emergency Action Levels (EALs), including: Unusual Event No. 5; Alert No. 5; General Emergency No. 2; and General Emergency No. 6b; and that EALs have not been established for certain specified FSAR Chapter 15 initiating conditions. While it is true that some of the EALs do not appear to have complete information, it is expected that most of the blanks relating to instrumentation will be filled in later as a result of start-up testing. Although the statements in this revised contention may be correct, we believe that the assertions fail to establish a litigable concern of safety significance because the information must be provided prior to fuel load. Accordingly, we submit that the revised contention fails to provide basis and specificity as to why and how the EALs do not meet the applicable NRC requirements. Thus it should be denied.

EP 14: Accident Assessment and Monitoring

This contention was not admitted by the Board as previously written (formerly, EP 19) because of lack of specificity (Order at 14).

A. Three Field Monitoring Teams Inadequate This contention has not been revised or further specified. Thus it does not provide particularization as to why the quantity and quality of field monitoring in the event of an accident will be inadequate. See LILCO Plan at Sections 6.1.2 and 7.3.2. Accordingly, this contention should be denied.

B. Real Time Monitors. This contention has not been revised or further specified. Thus it does not provide any basis or particularization as to why real time monitors at fixed locations that can be remotely interrogated are needed to provide an adequate accident assessment. See LILCO Plan at Sections 6.1.2 and 7.3.2. In addition, SECY-82-111 (March 11, 1982) which was approved by the Commissioners on July 20, 1982, provides (p. 13) that continuous offsite dose monitors are not required for BWRs pending further development and consideration as requirements. Accordingly, this contention should be denied.

C. Iodine Monitors. This contention asserts that the equipment intended for use by LILCO to monitor plant effluent does not provide timely and accurate information as to the actual value of the quantity of iodine released. However, it does not provide any particularization as to why the in-plant iodine monitors are insufficient for this purpose. See LILCO Plan at pp. 6-6, 6-7. Although signals from these monitors are not sent to the Radiation Monitoring System computer, samples from the in-plant iodine monitors can be analyzed in a timely and accurate manner

(less than 3 hours) under accident conditions. See description of post accident sampling system (PASS), LILCO Plan at pp. 6-4 to 6-6. This contention, therefore, should be denied for lack of basis and specificity.

D. Monitors To Be Used for EALs This contention asserts that the monitors to be used in determining the accident classification for the various EALs are not specified. While this statement appears to be correct, no basis is provided as to why this specification is needed, particularly in light of the fact that Table 6-1 lists the monitors which would detect and monitor all accident releases for the accidents analyzed in Chapter 15 of the FSAR. Accordingly, we submit this contention should be denied.

EP 15: Communications With Off-Site Response Organizations

- A. No objection.
- B. No objection.
- C. This contention asserts that the Hotline communication network is inadequate because (1) it is not connected with the NRC, and (2) it does not list personnel who will be connected to the Hotline. The Staff objects to this contention for three reasons. First, the specific allegations contained in this contention have not been raised previously and, therefore, this contention has been untimely filed without justification, or good cause. Second, the NRC will be connected with Shoreham by a dedicated phone system and, hence, connection to the Hotline system is not needed. See LILCO Plan at 7.2.2. Third, there is no basis given as to why identification of the personnel to use the

Hotline is needed at this phase of the hearing in the absence of a County plan. In addition, LILCO communicators to use the dedicated lines have been identified. LILCO Plan Sec. 5.2.8. For these reasons, this contention should be denied.

D. No objection.

E. No objection.

F. Staff objects to this contention because it does not appear to assert a litigable concern. That is, the contention asserts noncontested facts, but does not set forth a contested issue.

G. Staff objects to this contention for two reasons. First, the UHF radio has been established and verified to provide the capability of two-way voice communications between the Technical Support Center, Emergency Operations Facility, and the downwind survey teams throughout the 10 mile EPZ. Thus, verification of the capability of the UHF radio has been established. LILCO Plan, Sec. 7.2.10. The VHF radio will provide the capability of two-way voice communication between the station and the police. Consequently, although specific data regarding these radios is not present, the contention has set forth no reason to doubt the capability of these standard communication systems. Second, the contention asserts that the Radio Based Stations must provide a reliable communications link between the facility and the Emergency News Center (ENC). The ENC will be located approximately 18 miles from the site and 4.5 miles from the EOF. LILCO Plan, Sec. 7.1.5. However, neither the UHF or VHF radios will be connected to the ENC. Therefore, no basis is provided for this contention.

H. Staff objects to this contention because it is a new issue and, therefore, it is untimely raised.

EP 16: Stress on Communications/Notification Personnel

A. This contention appears to contest the adequacy of the LILCO emergency training as set forth in LILCO Plan Sec. 8.1.1, the drills (Sec. 8.1.2) and the emergency exercises (Sec. 8.1.3). However, the contention does not assert how the emergency training, drills and exercises will not provide an effective means to equip personnel to ensure that they are familiar with their roles and actions in the event of an accident. Staff submits that an effective training, drills and exercise program will train personnel to overcome any psychological or mental stress that might hinder their response actions. In sum, Staff objects to this contention because (1) it provides no basis that personnel will be subjected to psychological or mental stress during an emergency, (2) it provides no basis or specificity as to how the emergency training, drills, and exercises will not adequately provide a means to overcome such stresses, and (3) it refers to no regulatory requirements as a basis for this contention.^{2/}

B. This contention asserts that the training program does not include motivational programs to ensure that personnel will report to their stations in the event of an emergency. Staff objects to this

^{2/} The contention does refer to certain sections of 10 C.F.R. § 50.47(b); 10 C.F.R. Part 50, Appendix E, and NUREG-0654, but none of these sections address criteria for psychological and mental stress. In fact, the contention refers to NUREG-0654, Appendix A 3(c)(2), which is nonexistent.

contention because: (1) it is a new contention and, therefore, untimely raised without good cause; (2) it provides no basis as to why a motivational program is needed in light of the extensive training, drills, and exercises that will be conducted; and (3) it provides no basis for the assertion that off-site personnel will have a natural reluctance to respond to the emergency and, therefore, a motivation program is needed.

C. This contention asserts that communicators are not included in the training program. However, the contention ignores the program to train LILCO's Nuclear Emergency Communications Personnel (LILCO Plan Sec. 8.1.1(1)) and the communication drills and testing (LILCO Plan Sec. 8.1.2(5)). Therefore, this contention is without basis and should be denied.

EP 17: Personnel Assignments to Communication/Notification

A. This contention contests the adequacy of the dual capacity role of the Watch Engineer who may act as the Emergency Director. (See LILCO Plan Sec. 5.2.1). However, pursuant to LILCO Plan Section 5.2.2, if the Watch Engineer assumes the responsibility of Emergency Director, the Operations Manager or other licensed operator assumes plant operations control from the Watch Engineer. Thus, the Watch Engineer will not have dual responsibilities in the event of an emergency. Accordingly, this contention has no basis and should be denied.

B. This contention asserts that there is an insufficient number of personnel assigned to the EOF. However, this contention provides no specificity as to why three communicators in the EOF (Section 5.2.8) will

be insufficient. In addition, the contention appears to ignore the role of the public affairs personnel as set forth in LILCO Plan Section 5.2.9. In sum, we submit that the contention provides no basis or specificity regarding the insufficiency of the communications and notification personnel.

C. This contention asserts that the Plan has no safeguards against the possibility that the Emergency Director or the Response Manager may make communications/notifications decisions which conflict with State or County actions. However, this contention has no basis in light of the explicit division and coordination of responsibilities between LILCO, County and State officials in the event of an emergency. Particularly, LILCO Plan Section 5.4 states that LILCO has the responsibility for implementing protective actions for all persons located in the area of the site "under owner control" and the notification of persons in residence at the St. Joseph's Villa. The State and County have the responsibility for implementing protective actions for all other members of the public. In light of this clear delineation of notification responsibilities, this contention has no basis and should be denied.

EP 18: Medical and Public Health Facilities Support

A-C. These contentions assert the inadequacy of assurance relating to the training, availability, and entry of off-site medical personnel required for on-site medical assistance. With respect to training and availability, this contention does not acknowledge the availability of the LILCO Medical Director located in Hicksville (approximately 45 miles from Shoreham), and an on-call physician from Radiation Management

Corporation to provide medical services at the plant site. These physicians will be trained in the handling and treatment of radiation accidents. LILCO Plan Sec. 6.5.3. Thus, the contention alleging inadequate training and availability of off-site physicians for on-site medical assistance is lacking basis and specificity. In addition, the assertion that off-site medical personnel may not be able to reach and enter Shoreham in the event of an emergency is without basis in light of the close proximity of the LILCO Medical Director and the availability of helicopter services. See LILCO Plan, Sec. 6.5.3.

D. This contention asserts that there are no provisions to assure that vehicles and trained personnel to staff the vehicles will be available to transport persons requiring off-site medical treatment. However, no basis or specificity for this contention is provided in light of the fact that the Plan commits to (1) transportation for minor injuries by LILCO and/or privately owned vehicles, (2) transportation to Central Suffolk Hospital by ambulance provided by Wading River Fire Department, and (3) transportation to University Hospital by helicopter. Plan Sec. 6.5.3; Appendix B. In addition, on-site personnel and personnel of the Wading River Fire Department will be trained to handle radiation contamination injuries. Ibid.

E. This contention asserts that there are no procedures to relate the level of medical training and assistance which should be available to the escalating EAL levels. However, the contention provides no basis or specificity as to why these procedures should be required. Therefore, this contention should be denied.

EP 19: Recovery and Reentry

This contention basically asserts that LILCO has failed to develop adequate procedures for recovery and reentry pursuant to 10 C.F.R. § 50.47(b)(13). This same contention was not admitted by the Board (formerly, EP 21). Since this contention has not been revised in accordance with the Board's Order, it should be denied. In addition, the Staff notes that procedures have been developed for plant recovery (LILCO Plan, Chapter 9 and LILCO Emergency Plan Implementing Procedures, Vol. 2, Tab J) and for reentry (LILCO Emergency Plan Implementing Procedures, Vol. 1, Tab 27). Thus, this contention provides no specificity regarding the inadequacies of these procedures.

EP 20: Interim Safety Parameter Display System

This contention was not admitted by the Board (formerly, EP 22) and was not rewritten. It therefore should be denied because it lacks particularization as required by the Board.

EP 21: Emergency Implementing Procedures

This contention was not admitted by the Board (formerly, EP 24). Although the contention has been rewritten in a limited way, the Staff submits that it has not been particularized to indicate why the alleged missing information in the EIPs represents a safety concern which should be litigated. It appears to the Staff that the missing information, if any, pertains only to procedures which may be further particularized in the future but is not immediately required. Thus, we object to this contention because it does not allege a litigable safety concern nor

contest the adequacy of any given facts. When the missing procedures are supplied, they may develop a litigable concern.

EP 22: Accident Assessment Equipment

This contention (formerly, EP 25) was not admitted by the Board because it lacked particularization. The contention has been rewritten and basically alleges that nonsafety grade instruments and equipment relied upon to assess or mitigate an accident should be identified and demonstrated to function properly during the course of an accident. However, the contention as rewritten still fails to identify why the failure of certain instruments or equipment would lead to an improper or inadequate assessment and mitigation of accident conditions. In light of a reactor's defense-in-depth design objective, the Staff submits that greater particularization is needed to allege how that design objective is not met at Shoreham and why accident assessment and mitigation is not adequate. In addition, SECY-82-111, supra at 13, indicates that it is acceptable to rely on equipment presently installed to prevent and mitigate the consequences of reactor accidents, even if the equipment is not environmentally qualified, if the equipment will provide measurements in accordance with Regulatory Guide 1.97 (Rev. 2). Accordingly, the contention should be denied as overly broad in scope.

EP 23: Accident Assessment and Dose Assessment Models

This contention was reworded by the Board and admitted (Board Order at 20-21).

EP 24: Technical Support Center

The Board granted Intervenors an opportunity to file a contention by August 20, 1982 regarding the Technical Support Center (TSC). Accordingly, this contention was filed and asserts that the TSC will not be functional by the presently scheduled fuel load date of September 20, 1982. It is Staff's understanding that the estimated fuel load date has been revised by LILCO and is now projected to be November 1982. Accordingly, the basis for this contention is not present. In addition, the contention provides no basis or specificity as to why the TSC will not be functional by the fuel load date. In essence, the contention is mere speculation without supporting documentation. Accordingly, it should be denied.

Respectfully submitted,

Richard L. Black / by *DAR*
Richard L. Black
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 24th day of August, 1982.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF OBJECTIONS TO PHASE ONE CONSOLIDATED EMERGENCY PLANNING CONTENTIONS" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 24th day of August, 1982:

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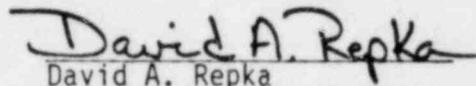
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