

LILCO, August 24, 1982

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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 (OL)  
 )  
(Shoreham Nuclear Power Station, )  
Unit 1) )

LILCO'S OBJECTIONS TO  
THE INTERVENORS' PHASE ONE  
CONSOLIDATED EMERGENCY PLANNING CONTENTIONS

I.

In its Prehearing Conference Order dated April 20, 1982, the Board ordered the intervenors to file consolidated emergency planning contentions, and LILCO to file a statement of its position on the admissibility of the contentions, on June 22, 1982. April 20 Order at 7-8. Following those filings, the intervenors filed a second set of contentions on July 6, 1982. LILCO filed its objections to the July 6 contentions that day as well.

On July 20, 1982, the Board heard oral argument on the July 6 contentions and, after a day-long, contention-by-contention discussion with the parties that included specific instructions to Suffolk County (the County), the North Shore Coalition (NSC), and the Shoreham Opponents Coalition (SOC)

(collectively, the intervenors) regarding further particularization and consolidation of the contentions, ordered the parties to meet frequently to discuss, refine, and in some instances settle the contentions. The intervenors were directed to file another set of contentions on August 20.

Since July 20, the County, NSC, and SOC have met once with LILCO, on July 26. LILCO met a second time with the County on the afternoon of August 3.<sup>1/</sup>

LILCO, in its letters of July 16 and August 5, included information pertinent to the issues raised in the contentions, and questions designed to narrow the issues and explore settlement of certain contentions. On August 5, the County responded to LILCO's July 16 and July 24 letters. The County's letter contained no settlement proposals and little useful information concerning the County's position on the contentions.

On August 11, LILCO received a new draft of NSC's contentions, representing a substantial rewrite of EP 20. On August 13, LILCO provided additional information on many of the contentions, asked 45 informal interrogatories (including questions from the July 16 and August 5 letters that had not been answered), and included nine draft settlement agreements.

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<sup>1/</sup> LILCO's Emergency Planning Coordinator participated in this meeting.



LILCO received the County's revised contentions on August 16. LILCO sent another letter on August 17 containing information and questions on the remaining contentions, as well as draft contention language for new EP 14.C, an additional draft settlement agreement, and the text of five sample public messages. LILCO also discussed NSC's contentions with NSC by phone on August 18, and provided additional information NSC had requested. A letter confirming the information exchanged during that phone call was sent on August 20.<sup>2/</sup> To date, LILCO has received no draft settlement language and no firm commitment from Suffolk County regarding settlement of any of the emergency planning contentions. The County has not responded in any substantive way to LILCO's questions and settlement proposals.<sup>3/</sup>

The Board and the parties are now facing the County's third attempt at drafting contentions that are adequately

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<sup>2/</sup> Copies of pertinent emergency planning correspondence are attached to this pleading.

<sup>3/</sup> The County did telecopy to us yesterday a five page letter, dated August 23, that states in part that "[t]o help move things along, and as a sign of the County's good faith, we propose a meeting of the parties on Tuesday, September 7, 1982, at which time we can begin to discuss your proposals and put forth the County's position with respect to them." Citing "existing time constraints" (discovery depositions), the County also states "we are unable to answer [your informal interrogatories] in writing at this time." We do not find it necessary to attach this letter to the pleading, and mention it only because arguably it constitutes a response to our letters.

particularized and have factual bases as required by 10 C.F.R. § 2.714(b). These contentions have hardly changed from the original contentions the County filed two months ago. In LILCO's view, the contentions have remained unchanged because the County has done little towards refining the contentions, engaging the substantive issues raised in the contentions, or addressing the substantive issues raised by LILCO regarding the contentions.

For this reason, LILCO requests that, should the Board agree that certain of the August 20 contentions are still not adequately particularized, or lack bases, or both, that the Board deny admission of those contentions with prejudice. The County and SOC<sup>4/</sup> are not pro se litigants, but are represented by counsel with extensive experience in NRC licensing proceedings. The Board has imposed obligations on the parties in this hearing regarding discussions and refinement of emergency planning issues, obligations that in our view would, if met, substantially improve the quality of the emergency planning phase of this proceeding. The County and SOC have not met their obligations. The appropriate sanction is to deny admission of their contentions. See, e.g., Commonwealth Edison Co.

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<sup>4/</sup> SOC is the lead intervenor for one contention -- EP 19, Recovery and Re-entry. LILCO, in its objections below, is requesting that the Board deny admission of that contention.

(Byron Nuclear Power Station, Units 1 and 2), ALAB-678, 16 NRC \_\_\_\_ (June 17, 1982). Therefore, in the objections to the contentions detailed in part III below, LILCO has requested that the Board dismiss contentions lacking adequate bases or particularization, rather than permitting the County and SOC to submit these contentions a fourth time.

## II.

The NRC Staff announced to the Board on August 3 (Tr. 8697) that the Staff would begin its onsite emergency planning appraisal on August 23, filing an interim appraisal report on September 6 and a final appraisal report on October 1. Following that announcement, the Board requested that LILCO include in this filing its position on revising the filing date for emergency planning testimony, in light of the revised appraisal schedule.

LILCO continues to believe that the emergency planning testimony on Phase I issues should be filed on September 14. Filing testimony on the issues serves to focus the parties' attention on those issues in a way that discovery and informal discussions cannot. This view has been borne out thus far during the Shoreham operating-license proceeding. Further, on the emergency planning issues, discussions among the parties have not worked. Given the dismal results of the parties'

attempts to date to focus on emergency planning issues, it is particularly important that the parties file testimony on emergency planning as previously scheduled.

LILCO is mindful of the Board's wish that the results of the Staff's appraisal be included in the NRC's testimony. The Staff can use the interim appraisal report in writing its testimony, appending the final report on October 1. The Staff will also have the benefit of the information provided by LILCO to close out open CER emergency planning items on emergency planning.<sup>5/</sup> Accordingly, the NRC Staff will have the opportunity to incorporate the appraisal findings in its testimony.

The County contends that emergency planning testimony should be filed on November 1, or 30 days after receipt of the Staff's final report, whichever date is later. It argues that the final appraisal report is "vital" to settlement of the issues, might uncover emergency planning deficiencies that would not be apparent to the parties, and will most likely identify new facts. We submit that filing testimony on September 14 will accomplish the same purpose. Further, we are not so optimistic as the County that the issues remaining for litigation will run well into November.

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<sup>5/</sup> LILCO will provide by August 30, 1982, the additional information necessary to close the open SER items.

Therefore, LILCO requests that the Board maintain the present filing schedule for emergency planning testimony.

### III.

Below are LILCO's objections to the County's, NSC's, and SOC's August 20 emergency planning contentions.

#### EP 1 (old EP 1, rewritten)

The Board ruled in its July 27, 1982 Order that old contention EP 1, "Overall LILCO Plan Inadequacy," was inadmissible because it lacked particularity and was overly broad. However, in response to the County's Motion for Reconsideration, the Board allowed the County to resubmit EP 1 in this filing. The new contention EP 1, retitled "LILCO's Failure to Account For the Specific Conditions Existing On Long Island," is also overly broad, and lacks particularity and bases. It should be denied admission.

The only regulations cited by the County to support the contention are the general provisions of 10 CFR § 50.47(a) and (b), requiring "reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency." No specific provisions that follow the general language of 50.47(a) have been cited to support the contention (unless by citing part (b) the County means to include the sixteen subparts that follow).



Further, the County has once again provided nothing more than a list of factors (this time round the list is more detailed) that allegedly have not been taken into account in forming the LILCO plan. No attempt has been made to identify specific factors unique to Long Island that may affect emergency planning for Shoreham. For example, the County has added (i), "where people live" and (ii), "where people work" under (1), "local demographic, socio-economic and social and behavioral characteristics of the population affected by a radiological emergency." Items (i) and (ii) may assist in defining what the County means by (1), but these additions do not provide a basis for litigating (1). The County does not state where these people are located, why their location must be taken into account, and how their location affects emergency planning. Contrary to the language of the second paragraph of the contention, the County has not provided the bases for EP 1.

Finally, many parts of EP 1 are redundant to other contentions. Most of the factors listed in paragraph three of EP 1 are included in EP 5, Protective Action Recommendations, and EP 23, Dose Assessment Model. Notification of the population is discussed in EP 9, Public Information; public education was discussed in old EP 8, Public Education, which the Board ruled is a Phase II issue. Part (iii) of EP 1 is redundant to EP 9, Public Information; part (iv) is redundant to old EP 8, Public

Education (Phase II); parts (v) and (vi) are redundant to each other and to EP 2, Prompt Notification System (partly Phase II; susceptible to settlement), old EP 2.G (Phase II), EP 5, Protective Actions, old EP 8, Public Education (Phase II), EP 9, Public Information (susceptible to settlement), and EP 11, Messages to the Public and to Offsite Authorities (susceptible to settlement); part (vii) is redundant to EP 6.A, Role conflict in emergency workers; and (2) and (3) are redundant to EP 5, Protective Action Recommendations.<sup>6/</sup> In addition, no regulation sections are cited to support these points, and nowhere in the contention does the County cite the LILCO plan.

For the reasons stated above, LILCO requests that the Board deny admission of EP 1. If EP 1 is admitted, LILCO requests the Board to order the County to (1) delete those portions of the contention redundant to other contentions, (2) specify the unique circumstances on Long Island that have not been considered, (3) provide cites to the portions of the LILCO plan the County finds inadequate, and (4) provide cites to specific regulations that address each remaining point. It is likely that whatever might remain of EP 1 after

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<sup>6/</sup> LILCO asked the County, in its letters of July 24 and August 13 (attached), to identify the evidence the County planned to present in litigating EP 1 that it was not going to present in litigating the other emergency planning contentions. The County has not responded.

particularization and consolidation would be more properly litigated in Phase II of the emergency planning proceeding.

EP 2 (old EP 2, with old 2.C dropped)

The Board admitted EP 2.A, 2.B, and 2.C in its July 27 Order. The Board ordered the parties "to conduct whatever investigation or informal exchanges of information as are necessary for them to narrow or resolve" EP 2.D (old EP 2.E), Order at 7, and suggested that EP 2.E (old EP 2.F) is susceptible to settlement "in accordance with the on-the-record comments of counsel for Suffolk County." Order at 8.

LILCO provided additional information and asked questions designed to narrow these issues in its letters of July 16 at 2 and August 13 at 8-10. The County responded to the July 16 letter in its letter of August 5, stating that new 2.D (old 2.E) had been deferred to Phase II, and that the County would appreciate additional information (unspecified) on new 2.E (old 2.F). Contrary to the Board's July 27 Order, the County has made no effort to settle new 2.D and 2.E or to narrow these contentions. Accordingly, LILCO requests that the Board deny admission of 2.D and 2.E as not adequately particularized and without bases.

If new 2.D and 2.E are admitted, LILCO requests the Board to order the County to comply with the Board's July 27 Order by (1) particularizing the contentions by listing the facilities the County alleges are to be notified through tone alerts, and identifying precisely what objections the County has to LILCO's use of the Emergency Broadcast System to verify the tone alerts; (2) provide cites to the portions of the LILCO plan the County finds inadequate; and (3) provide cites to the specific regulations relevant to these issues. Additionally, it is likely these issues are more properly considered in Phase II of the emergency planning litigation.

EP 3.A (old EP 3.A)

The Board in its July 27 Order ruled EP 3.A inadmissible as written. Order at 8. The County has rewritten EP 3.A by adding this paragraph:

(1) LILCO's plan, if implemented, would constitute an emergency response so ineffectual that large numbers of the public would require hospitalization for radiation injury. Thus, hundreds of thousands of people will be gridlocked in traffic jams for hours in automobiles that furnish virtually no shelter from radiation. In a severe radiological accident, many of these individuals are likely to receive radiation injury which would require hospitalization. Central Suffolk Hospital cannot accommodate such a large number of individuals.

EP 3.A is not adequately particularized and should not be admitted. The County's additional paragraph (1) is global in its assertions, redundant to paragraph (4), and contrary to the Appeal Board's decision in Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-680, 16 NRC \_\_\_\_ (July 16, 1982). As the Appeal Board noted in its decision, 10 C.F.R. § 50.47 (b)(12) -- cited by the County to support this contention -- "requires arrangements for medical services only for 'contaminated injured' individuals, not for members of the general public who may have suffered radiation exposure or injury in a nuclear accident." San Onofre at 16. The Appeal Board went on to identify the possible "contaminated injured" individuals as follows:

These people would be principally workers onsite who become contaminated and injured during the course of the accident. The contaminated injured could also include members of the general public, such as emergency workers, who might be involved in monitoring a contaminated area onsite and are then injured (for example) in a traffic accident.

San Onofre at 18. The County asserts in paragraphs (1) and (4) of EP 3.A that "large numbers of the public would require hospitalization for radiation injury" as a result of being "gridlocked in traffic jams for hours." The County offers no bases for this assertion. If the County is challenging protective action recommendations, the dose assessment model, the



prompt notification system, or the public education program, the County has filed contentions that address these issues.

Additionally, in paragraphs (2) and (4) of EP 3.A, the County does not state precisely why the County thinks Central Suffolk Hospital is inadequate to treat contaminated injured individuals. And in paragraph (3) of EP 3.A, the County has not specified why University Hospital is "too distant" or what constitutes "timely treatment" of contaminated injured individuals. Paragraph (3) also refers to "contaminated individuals" rather than "contaminated injured individuals."<sup>7/</sup>

Despite the Board's July 27 Order and the questions in LILCO's letters of July 16, August 13, and August 17, the County has not particularized EP 3.A. In addition, in response to LILCO's July 16 letter, the County stated in its August 5

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<sup>7/</sup> In its contention, the County is blurring the meanings of "contaminated persons," "contaminated injured persons," and "persons with radiation injury." Contaminated persons need to be decontaminated, usually by simply washing the contamination off. They need not go to the hospital to do so. Contaminated injured persons need attention to their traumatic injury, and decontamination. The traumatic injury, which may be life-threatening, is attended to before the decontamination. These people may require hospitalization. Persons with radiation injury are not contaminated. Their symptoms develop over time, and while they may require hospitalization, it is unlikely they would require immediate hospitalization. Title 10 C.F.R. § 50.47(b)(12) refers to the "contaminated injured" individuals. See the discussion in San Onofre at 13 through 22. A contention addressing radiation sickness and injury to the general population would be litigable, if at all, in Phase II.

letter that the County's expert was planning to visit Central Suffolk Hospital (at an unspecified date) to "evaluate its capacity to respond to a radiological emergency." The County has put forth EP 3.A without bases and without particularizing its concerns. LILCO therefore asks that the Board deny admission of EP 3.A. If EP 3.A is admitted, the County should be required to particularize its contention.

EP 3.B (old EP 3.B)

The Board admitted this contention in its July 27 Order, instructing the intervenors to consider consolidating it with EP 6.B and 9.D, and reserving the possibility that this contention will be heard during Phase II of the proceeding. Order at 8. It is LILCO's view that EP 3.B should be consolidated with EP 6.B and 9.D, and that all three are properly considered during Phase I.

Additionally, LILCO objects to the County's having rewritten this contention to read "those persons who would require hospitalization for radiation injury and/or of contaminated injured individuals." The contention should be filed for litigation as originally admitted, with the additions to the contention (underlined in the above quote) omitted.

EP 3.C (old EP 3.C and EP 6.C)

The Board ruled in its July 27 Order that this contention was susceptible to settlement. Order at 9. LILCO asked the County questions and provided information to the County regarding this contention in letters dated July 16 and August 13. The County responded to the July 16 letter by stating in its August 5 letter that it wants "some assurance" that response organizations will respond. The County did not define "some assurance", and did not respond to or suggest settlement proposals.

Accordingly, LILCO requests that the Board deny admission of EP 3.C as not adequately particularized. If EP 3.C is admitted, the County should be required to particularize this contention by (1) identifying by name the organizations it thinks LILCO should obtain agreements from, (2) defining what it means by an "up-to-date agreement", and (3) defining what constitutes "reasonable assurance that those organizations have the capability to deliver and will deliver" services.

EP 3.D (old EP 20(c) and new EP 18)

The Board ruled in its July 27 Order that this contention was not admissible as written. Order at 16. As rewritten by NSC, subpart (1) refers to training and should be consolidated with EP 7.A; subpart (2) refers to notification of offsite

personnel and should be consolidated with EP 6; subpart (3) refers to the ability to respond at Shoreham during an emergency and should be consolidated with EP 6.B; and subpart (4) is redundant to EP 3.B and should be dropped. Additionally, for subparts (1) through (5), NSC should list the specific regulations appropriate for each issue and state precisely which section of the LILCO plan NSC contends is inadequate. Accordingly, LILCO objects to EP 3.D as not adequately particularized, and requests that the Board order consolidation and particularization as outlined above.

EP 4 (old EP 4, slightly rewritten)

The Board ruled in its July 27 Order that the intervenors were to "file a better particularized version" of this contention, that "[i]f LILCO's plan is silent as to the use of Federal Resources, that too should be noted," and that this contention is "readily susceptible to settlement." Order at 9. In the LILCO plan, pages 3-1, 3-2, and 5-8 plus figures 3-1, 3-1.1, 3-1.2, and 3-1.3 mention Federal resources. Even looking only at page 5-8, the County has not particularized the contention as the Board ordered by stating precisely what is lacking from the LILCO plan. In addition, the County has not identified the part of the LILCO plan quoted in EP 4 that is objectionable to the County or stated why it is objectionable, and has not defined "local resources."<sup>8/</sup> Therefore, LILCO

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<sup>8/</sup> LILCO requested this information in its August 13 letter.

requests that the Board deny admission of EP 4 as not adequately particularized.

EP 5 (old EP 5.A)

The Board admitted EP 5 in its July 27 Order. Order at 9. However, the intervenors have not referenced the specific provisions of the LILCO plan alleged to be inadequate, as required by the Board's Order. Order at 4. As stated in LILCO's August 13 letter, information regarding protective action recommendations is contained in the LILCO plan at 6.4.1 (page 6-11) and in SP 69.026.02 (found in volume 1 of the Emergency Plan Implementing Procedures at tab 15). Although the Board has admitted this contention as written, we observe that the County could better particularize the contention by reviewing the material contained in the LILCO plan and corresponding procedure, and stating precisely what the County finds lacking in this material, including what "particular conditions existing in the Shoreham vicinity" have not been addressed.<sup>9/</sup>

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<sup>9/</sup> The questions on EP 5 in LILCO's letters of July 16, August 13, and August 17 were posed to obtain these details. The County responded to the July 16 letter on August 5 by stating that in its view LILCO has failed to set forth in the LILCO plan a range of protective actions, or to discuss the bases for those actions.



EP 6.C (old EP 13)

The Board ruled in its July 27 Order that this contention is not admissible as written and "should be susceptible to resolution." Order at 12. It has not been rewritten, and it does not reference specific portions of the LILCO plan. A draft settlement agreement for this contention was sent to the County with LILCO's August 13 letter; the County has not responded. Therefore, LILCO requests that the Board deny admission of EP 6.C as not adequately particularized. If EP 6.C is admitted, the Board should order the intervenors to (1) reference the specific provision of the LILCO plan alleged to be inadequate and (2) state precisely in what way the provision is inadequate, including a list of the specific procedures that allegedly do not conform to NUREG-0654, and a discussion of the alleged deficiencies.

EP 7 (old EP 7)

The Board ruled in its July 27 Order that this contention is "susceptible to settlement as part of Phase I." Order at 10. The County was ordered to "[p]articularize, based on references in the recent revision to the LILCO plan, any matters which remain in issue." The intervenors have not rewritten this contention.

LILCO provided information regarding EP 7.A in its letters of July 16, August 13, and August 17. The County responded to the July 16 letter in its August 5 letter, stating its belief that fire departments and ambulance services in the Shoreham vicinity had not been trained. LILCO supplied information regarding EP 7.B in its letters of July 16, August 13 (noting an attached draft settlement agreement), and August 17.

LILCO requests that the Board deny admission of EP 7 for lack of bases and particularity. If EP 7 is admitted, the Board should order the County to comply with its previous Order regarding this contention.

EP 9 (old EP 10)

The Board ruled in its July 27 Order that this contention is "susceptible to settlement as part of Phase I, and subject to the clarification that the contention relates to coordination of messages between LILCO and Suffolk County." Order at 11. In LILCO's letter of July 16, LILCO asked the County what role Suffolk County officials should take. The County responded in its August 5 letter that the County does "not seek in this contention to have LILCO set forth in any great detail precisely what role Suffolk County will play in the event of an emergency." LILCO provided a draft settlement agreement and additional information regarding EP 9 in LILCO's August 17

letter. The County has not identified, at any time since this contention first appeared, the language in the LILCO plan it finds objectionable, or the language it would like LILCO to add to the plan to address the County's concern.

LILCO requests that the Board deny admission of EP 9 as not adequately particularized and without bases. If EP 9 is admitted, the County should identify the objectionable language in the LILCO plan and to suggest language that would satisfy its concerns regarding the County's role in an emergency.

EP 11 (old EP 13 and 14)

The Board ruled in its July 27 order that this contention was susceptible to settlement. Order at 12. The County has not suggested any settlement language. LILCO provided a draft settlement agreement for part of this contention (old EP 13) with its August 13 letter, and provided additional pertinent information in its August 17 letter, including the number of the Shoreham procedure that contains preplanned message statements, the section of the LILCO plan that contains the standardized message forms used by all nuclear power plants in the State of New York, and five sample messages to the public. The contention has not been rewritten, and merely states incorrectly that LILCO's plan does not provide the contents of messages to the public and to offsite authorities. Therefore,

LILCO requests that the Board deny admission of EP 11 for lack of particularity and bases.

If the contention is admitted, the Board should require the County to examine the materials in the LILCO plan and the pertinent supporting documents, and state precisely what language the County finds objectionable.

EP 14.C (no old number)

LILCO objects to EP 14.C as worded because it does not adequately reflect the parties' settlement agreement on the iodine monitoring issue. The contention should be rewritten as follows:

Even though the equipment intended for use by LILCO to monitor iodine released to the environment in the case of a radiological accident meets the specifications of NUREG-0737 and Regulatory Guide 1.97, the accuracy of the equipment is not satisfactory to meet the requirements of [specify the requirement] because [explain why].

EP 14.D

The Intervenor has not identified the pertinent regulations or section of the LILCO plan for this issue. NUREG-0654 II.H.5.b. suggests that a plan identify the process and radiation monitors to be used. LILCO has identified those monitors at page 6-2 and in Table 6-1 of the LILCO plan. If "furnish specific identification" means something other than this

information, LILCO objects to this contention as lacking particularity.

EP 16 (old EP 20)

This contention, as rewritten, deals entirely with alleged inadequacies in the training program for LILCO and off-site emergency workers. It should be consolidated with EP 7. Further, EP 16.A is not adequately particularized in that NSC has not defined "psychological and mental stress" or identified the regulations and section of the LILCO plan pertinent to each subpart of this contention.

EP 17 (old EP 20)

Based upon discussions last week with counsel for NSC, it appears that the parties may settle this contention. If settlement is not effected, EP 16.A should be consolidated with EP 8, Onsite Response Organization; EP 16.B should be consolidated with EP 10, Emergency Operations Facility; and EP 16.C should be consolidated with EP 9, Public Information.

EP 18 (old EP 20(c))

This contention is also included in its entirety as part D of EP 3, Medical and Public Health support. Objections to this contention are included in the discussion of EP 3, above.



This contention should be deleted as redundant to EP 3.D.

EP 19 (old EP 21)

The Board ruled in its July 27 Order that "[t]his contention, advanced by SOC, should be clarified . . . as to those aspects of LILCO's plan which allegedly do not comply with NUREG-0654, Item IIIM or 10 CFR § 50.47(b)(13)," and that the contention was susceptible to settlement as part of Phase I. Order at 16. Contrary to the Board's Order, the contention has not been rewritten.

LILCO's letter of August 13 asked SOC to review Chapter 9 of the LILCO plan, "Recovery," plus SP 69.070.01, "Re-Entry," to determine whether that material satisfied SOC's concerns. SOC has not responded. Therefore, LILCO requests that the Board deny admission of EP 19 as lacking adequate particularity and bases.

EP 20 (old EP 22)

The Board ruled in its July 27 Order that "the subdivisions of this contention, particularly (f), should be better particularized by August 20 as to what specific matters intervenors seek to litigate." Order at 16. The County has dropped part F, but has not particularized the remaining A through E. Therefore, LILCO requests that the Board deny

admission of EP 20 as not adequately particularized. If EP 20 is admitted, the County should comply with the Board's July 27 Order and particularize EP 20.A through EP 20.E.

EP 21 (old EP 24)

The Board ruled in its July 27 Order at 17 that "[t]his contention should be better particularized by August 20, or dropped, if all necessary EPIP's have now been provided." Order at 17. The intervenors have rewritten the contention by adding the phrase "contain numerous blanks and missing information." LILCO objects to this contention as still lacking particularization. The County has not identified the alleged blanks in the EPIP's, or listed the EPIP's the County alleges are not complete and approved. Therefore, LILCO requests that the Board deny admission of this contention. If EP 21 is admitted, the County should be required to adequately particularize the contention.

EP 22 (old EP 25)

The Board ruled in its July 27 Order that this contention was not admissible as written. In an attempt to particularize the contention, the County has added this paragraph:

LILCO has failed to identify in its Emergency Action Level scheme (Plan Chapter 4: EPIP at SP 69.020), the extent, if any, to which non-safety-related instruments and equipment will be relied upon. To the

extent that non-safety-related instruments and equipment are relied upon in LILCO's Emergency Action Level scheme, LILCO has failed to demonstrate that such instruments and equipment are capable of providing accurate information during the course of an accident.

It appears to LILCO from this language that the County is attempting to re-litigate contention 7B, Systems Interaction (and possibly the quality assurance contentions as well) in the emergency planning phase of this proceeding. If the County intended to distinguish EP 22 from 7B, then the County has not adequately particularized EP 22 by identifying the "non-safety-related instruments and equipment" the County is referring to in the contention, and by providing a basis for the assertion that "LILCO has failed to demonstrate that such instruments and equipment are capable of providing accurate information during the course of an accident." In either case, LILCO requests that the Board deny admission of this contention.

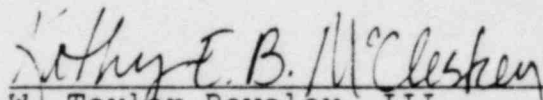
If EP 22 is admitted, LILCO requests that the Board order the County to further particularize EP 22 by stating precisely what instruments and equipment it is referring to, what LILCO is required to "demonstrate" regarding the equipment, and why the County thinks such a demonstration has not been made.

EP 24 (no old number)

The Board ruled in its July 27 Order that by August 20 the intervenors were to file a contention informing the Board of any "specific concerns" the County may have regarding the Technical Support Center (TSC). Order at 21. EP 24, the County's contention regarding the TSC, is not adequately particularized, as it does not list precisely the alleged deficiencies in the TSC and gives no basis for the County's assertion that the TSC will not be functional by fuel load. Accordingly, LILCO requests that the Board deny admission of EP 24 as not adequately particularized and without bases.

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

Respectfully submitted,  
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DATED: August 24, 1982

LILCO, August 24, 1982

CERTIFICATE OF SERVICE

In the Matter of  
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 THE INTERVENOR'S PHASE ONE CONSOLIDATED EMERGENCY PLANNING CONTENTIONS were served upon the following by first-class mail, postage prepaid, by Federal Express (as indicated by an asterisk), or by hand (as indicated by two asterisks), on August 24, 1982:

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Respectfully submitted,  
LONG ISLAND LIGHTING COMPANY

*Kathy E. B. McCleskey*  
for W. Taylor Reveley, III

Hunton & Williams  
707 East Main Street  
P.O. Box 1535  
Richmond, Virginia 23212

DATED: August 24, 1982

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July 16, 1982

## PROPOSALS FOR SETTLEMENT OF EMERGENCY PLANNING CONTENTIONS

Gentlemen:

### I.

As we told you on Wednesday, we believe some of your contentions on emergency planning can be settled, and we understand that you will make a good-faith effort to reach agreement with us. Listed below are settlement suggestions for particular contentions. If you are not satisfied with our proposals, please advise us what would satisfy you.

In some areas we are unable to understand precisely what you would have LILCO do to correct the alleged deficiencies in its plan. We think settlement would be facilitated if you would simply tell us in concrete terms what you want LILCO to do; perhaps LILCO will be able to accept some of your proposals. Accordingly, we have included in this letter some questions about what your contentions mean. We will consider these questions to be part of the informal discovery process, and we call upon you to answer them in that spirit, even if you are not interested in settlement.

In reviewing our proposals and questions in this letter, be sure you are also referring to the latest draft of the LILCO Emergency Plan and the supporting documents that were submitted to the NRC on June 28, 1982, by SNRC-722. A copy of this latest draft has been provided to you.

### II.

As for EP 2.C, despite your statements on July 14 that the issues regarding signs on beaches are intertwined with the "local conditions" issues and therefore not likely to be settled, we feel the beach signs issues could be settled if you would advise us what types of signs should be placed on the beaches, where they should be placed, and what they should say. We think this information from you would be useful in

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reaching a settlement agreement, and we had understood after Kathy's June 30 meeting with you and our later discussions that you too thought we might profitably discuss settlement of these matters.

As for EP 2.D, regarding the "gaps" in siren coverage, would you be satisfied if you knew that the circles on the map represent the 70 dB coverage, which is a sound level greater than the 60 dB specified in NUREG-0654? If not, what would satisfy you?

As for EP 2.E, what would you consider "sufficient" in-house paging or alerting capabilities? Can you give us an example of an "appropriate" message and instructions for a nursery school, nursing home, recreational area, or major employer? What kind of showing would satisfy you that the notification responsibilities will be effectively implemented? In addition, please advise us what regulation you think requires LILCO to demonstrate the in-house paging or alerting capabilities of nursery schools, nursing homes, recreational areas, and major employers.

As for EP 2.F, would you be satisfied with a showing that the tone alert system is tested once a week using the Emergency Broadcast System (EBS)? If not, what would you prefer?

As for EP 2.G, will you admit that members of the Suffolk County Planning Department reviewed the siren coverage and agreed that 10-mile siren coverage was proper?

As for EP 2.H, we believe we can agree on some procedure for notifying people who are hard-of-hearing. For example, at Diablo Canyon a procedure was developed to send local policemen door-to-door to notify people previously identified as having special needs. Another alternative would be to provide special tone alerts with blinking lights for the hard-of-hearing. Would you find either of these alternatives acceptable? If not, what do you suggest instead?

As for EP 3.A, what hospitals should be designated? Why? How far away is "too distant"? That is, how far away can a hospital be without being "too distant"? What capacity does Central Suffolk Hospital lack? What capacity would satisfy you?

As for EP 3.B, what ground transportation would be "adequate"?

As for EP 3.C, the LILCO plan contains a contract with Central Suffolk Hospital (see Appendix B of the LILCO plan). What more does LILCO need to do to satisfy your concern with respect to Central Suffolk Hospital?

As for EP 5.A, how does one "assess the relative benefits" of protective actions? Are you thinking of benefits in addition to reducing or preventing exposure to radioactivity?

As for EP 5.B, has the Suffolk County Planning Department ever estimated the evacuation time for the entire EPZ? If so, what is the estimate?

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As for EP 5.A(4), what is a realistic assumption, if not twenty minutes? How should LILCO determine what assumption to use?

As for EP 5.D, if LILCO were to delete from its plan the suggestion that sheltering is the immediate protective action to be taken at the general emergency action level, would Suffolk County drop this contention? If not, what would you want LILCO to substitute for the deleted suggestion?

As for EP 7.A, precisely why are the training programs for the Wading River Fire Department and Central Suffolk Hospital, which were provided to you in response to your first request to LILCO for emergency planning documents, not "adequate assurance"? What else do you think LILCO should do?

As for EP 7.B, the LILCO Training Manual is one of the supporting documents to the LILCO plan that were supplied with the letter of June 28, 1982, cited above. Why isn't the Manual "adequate" information regarding the training of LILCO personnel? What, if anything, should be added to the Manual to satisfy you?

As for EP 9.A, please be sure you have read the latest draft of the LILCO plan, pages 5-2 and 5-3. Section 5.2.1 of the plan says this:

The responsibility for emergency direction and control, emergency classification, the decision to notify and recommend offsite protective actions, and commitment of corporate resources is held initially by the Emergency Director and passes to the Response Manager as this individual augments the emergency organization. The responsibilities associated with this position are non-delegable.

In light of the revisions to the draft LILCO plan submitted with the letter of June 28, 1982, cited above, we feel there is no need to litigate EP 9.A. If you have reason to think the thrust of EP 9.A is significant, please tell us that reason.

As for EP 9.B, do you admit that NUREG-0654 is a guideline and not a requirement?

As for EP 10, precisely what role do you want Suffolk County officials to take? That is, what do you want them to do about determining the form and substance of public statements, and what should LILCO do to help them or to make use of their efforts? Please also refer to CIP 17 and tell us in what respects, if any, you find it inadequate.

As for EP 18, please review the revised chapter 4 in the draft LILCO plan submitted with the cover letter of June 28, 1982, cited above. How does the revised chapter fail to satisfy you?

As for EP 19.A, do you agree that NUREG-0654 suggests only two, not three, field monitoring teams? Isn't the plume, not the "large area and population," the important factor?



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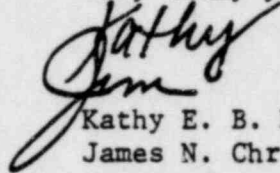
As for EP 19.E, isn't this just an effort to resurrect SC Contention 17 (Fire Protection), which has been settled? If not, how does 19.E differ?

As for EP 19.F, please provide the regulation that you think requires LILCO to provide for a mobile radiological lab.

As for EP 24, please change the title of the contention to conform to the text. All the EPIPs listed in Appendix D of the LILCO plan are complete and have been included in the EPIP manuals submitted with the June 28, 1982, letter cited above. If these EPIPs are approved as required by the applicable LILCO procedure, will you drop contention EP 24?

Please respond in writing to these questions and proposals as soon as possible. If you aren't able to respond by the July 20 cut-off date for the filing of interrogatories, we will feel entitled to repeat the questions as interrogatories notwithstanding the cut-off date.

Very truly yours,



Kathy E. B. McCleskey  
James N. Christman



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July 24, 1982

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## Emergency Planning Settlement Proposals

Gentlemen:

Here are a few more questions designed to elicit information about the County's position so as to facilitate settlement. Please respond in writing as part of the informal discovery process.

Regarding Contention EP 1, it appears that the contention says that "local conditions" are important to designing (1) the public notification system, (2) the public education program, (3) the accident assessment and monitoring systems, (4) protective action measures, and (5) evacuation time estimates. It looks to us as though all these concerns are covered by EP 2 (Prompt Notification System), EP 5 (Protective Actions), EP 8 (Public Education), maybe EP 14 (Public Messages), and EP 19 (Accident Assessment and Monitoring). If you plan to present evidence for EP 1 different from that for the other contentions, please give us an idea what it will be. Otherwise, why not drop EP 1?

Regarding EP 2A, exactly what effects on siren operation do you think rain, snow, fog, high winds, and thunderstorms, respectively, might have? Some of the effects may seem obvious to you (for example, presumably you contend that the sound of thunder may drown out the sound of the sirens), but they are

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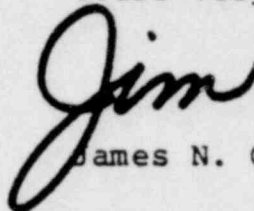
Herbert H. Brown, Esq.  
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July 24, 1982  
Page 2

not obvious to us, and even the obvious effects may not be the only ones you are thinking of.

Regarding EP 2C, how should LILCO demonstrate that signs will actually be read? Do you want LILCO to do some sort of survey to determine if people read signs? Similarly, please describe what would accept as an "adequate demonstration" under each of the subparts EP 2C(2) and EP 2C(3). Under EP 2C(5), how should the signs be "protected"? Since the signs you contemplate would apparently be on public property, what do you expect LILCO to do by way of maintenance?

Would the County permit LILCO to install, at LILCO's expense, a "hotline" (dedicated telephone line) from the County's Emergency Operations Center to the Emergency Broadcasting Station, WALK? Would the County permit LILCO to have installed, at LILCO's expense, the communication system described in Section 7.2.1 of LILCO's emergency plan? If not, what would you propose as an alternative?

Yours very truly,

A handwritten signature in cursive script, appearing to read "Jim", written in dark ink.

James N. Christman

126/755

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DIRECT DIAL NO. 804-788-8701

August 5, 1982

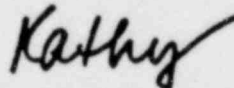
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Gentlemen:

Attached are proposed changes to the LILCO emergency plan to effect settlement of contentions EP 12, 13, 15, 16, and 17.

Sincerely,



Kathy E. B. McCleskey

Enclosures

301/798

Proposed Settlement of EF 13 --  
Notification of Response Organizations  
and Emergency Personnel

The plan currently states (p 6-10):

6.2 Activation of Emergency Organization

Most emergency situations will be immediately indicated by local and Control Room alarm instrumentation. For any emergency situation which is discovered by an individual in the plant environs, notification to the Control Room will be made using the nearest communication system.

Following a judgment, using a guidance contained in Section 4.0, on the part of the Watch Engineer that an emergency situation exists, notification of members of the emergency organization will be achieved by use of both the Private Automatic Exchange and the station public address system. For those emergencies where the plant staff on duty must be supplemented with off-duty members of the emergency organization, the emergency organization Call Phone, commercial telephone as well as a paging system will be used to summon additional emergency organization personnel to the site.

Replace the second paragraph with the following:

The Watch Engineer based upon valid indications of an exceeded Emergency Action Level (Section 4.0), will announce the emergency condition over the page party system, take corrective actions, approve a completed Notification Fact Sheet (Appendix F), and direct the Control Room Communicator to initiate notifications in accordance with the EPIP's. The Control Room Communicator will notify appropriate station personnel, offsite response organizations and other personnel in the owner-controlled area (e.g. St. Joseph's Villa) consistent with the emergency classification and the type of release.

Notification for augmentation of corporate personnel is accomplished by an initial call to the Gas Systems Operator from an Onsite Communicator. The Gas Systems Operator will then initiate corporate notification procedure consistent with the emergency classification.

Notification to members of the emergency organization is made by use of page-party system, Card Dialer Phone and/or beeper system.



Proposed Settlement of EP 16 --  
Radiological Exposure

EP 16A

The plan currently states (pp. 6-12 to 6-13):

Protective action within the plant site will be initiated by actual or imminent radiological conditions or other habitability hazards such as toxic gas, or fire. Upon assessment by the Emergency Director that a situation exists that requires evacuation of areas of the plant, an evacuation signal will be activated simultaneously with an announcement of the emergency condition over the party page system indicating the areas to be evacuated. Evacuated personnel will report to designated assembly areas consistent with implementing procedures.

When personnel have assembled, personnel accountability will then proceed following the guidance of the personnel accountability procedures. Accountability for onsite personnel will be accomplished within 60 minutes.

In the event of a site evacuation, Figure 6-1 details the onsite assembly areas with primary and secondary evacuation routes leading to the LILCO main access road. Transportation for onsite personnel shall be by personal vehicle as well as car pooling where conditions warrant.

The extent and nature of personnel and vehicle monitoring will depend on the amount and physical nature of the radioactive material released. If personnel exit the site via the portal monitors in the guardhouse, monitoring can be considered complete. If background levels preclude use of the portal monitors, monitoring should be performed at the offsite assembly area. If vehicle monitoring is performed, it should be performed along the LILCO main access road at the 69KV substation. Vehicles found to be contaminated should be directed into the substation for decontamination.

Replace the second and third paragraph with the following:

In the event of a site evacuation, an evacuation signal will be activated simultaneously with an announcement of the emergency condition over the page-party system. The announcement will indicate the means by which

evacuation is to occur and to what offsite assembly area people are to gather for subsequent monitoring, decontamination, and accountability. Transportation for onsite personnel shall be by personal vehicle as well as car pooling where conditions warrant. Station security personnel will direct traffic onsite and at the intersection of both access roads and North Country Road (see Figure 6-1). More detail is contained in EPIP's.

The extent and nature of personnel and vehicle monitoring will depend on the amount and physical nature of the radioactive material released. If personnel exit the site by means of portal monitors located in the guardhouse, monitoring can be considered complete. If high radiation levels preclude the use of portal monitors, personnel monitoring will be performed at the offsite assembly area by health physics personnel. If vehicle monitoring indicates levels in excess of 100 cpm above background Beta-Gamma radiation, decontamination of vehicles shall be performed by health physics personnel at the 69KV substation.

At the remote assembly area, accountability of personnel will be performed by the Administrative Supervisor with the assistance of Security. Any unaccounted for personnel will be paged and, if still missing, search and rescue efforts will commence.

#### EP 16B

The plan (p. 6-14 to 6-15) currently states:

To the extent possible, the normal station contamination limits shall be adhered to. The personnel contamination limits are 100 cpm above background as measured by an RM-14/HP-210 or equivalent. Equipment contamination limits are less than 200 dps/100 cm<sup>2</sup> removable Beta-Gamma.

Decontamination of emergency personnel wounds, supplies, instruments and equipment shall normally be conducted in the Personnel Decontamination Facility adjacent to the Health Physics office on the 15' elevation of the Turbine Building. This facility contains showers with controlled drains and the necessary materials for personnel decontamination. The Personnel Decontamination Facility contains a stainless steel sink and decon area which shall be used for contaminated minor wounds, equipment and instruments.

If the release has resulted in extensive offsite contamination such that evacuation of the general public is being implemented, monitoring and decontamination prior to exit from the assembly areas would be superfluous in light of the potential for recontamination. Under these circumstances, personnel will be monitored for contamination as provided in the emergency plans of the affected jurisdictions.

In the event where personnel are evacuated to offsite assembly areas, monitoring and decontamination will be performed along the site access road near the LILCO 69KV Substation.

Personnel found to be contaminated will be issued protective clothing and directed to the EOF decontamination facility for further monitoring and decontamination. The same material and equipment utilized in onsite decontamination will be utilized at the EOF. Provisions will be available for radionuclide analysis of the personnel contamination in order to determine the amount of radioiodine present. Personnel contamination that cannot be removed by normal Health Physics Procedures will be referred to a medical specialist in personnel radiation accidents.

Replace the first paragraph with the following:

During emergency conditions, normal station contamination limits shall be adhered to as much as possible. Normal personnel contamination limits are 100 cpm above background as measured by an RM-14/HP-210 or equivalent. Normal equipment contamination limits are less than 200 dpm/100 cm<sup>2</sup> removable Beta-Gamma activity. Under accident conditions, the Radiation Protection Manager will determine if a change in contamination levels is warranted. Actions taken by health physics personnel will include access control for unrestricted areas where excessive contamination levels exist; personnel monitoring at alternate areas; and vehicle monitoring at offsite assembly areas.

Personnel performing emergency actions such as search and rescue, first aid, corrective actions, assessment actions, personnel decontamination, and offsite assistance shall be subject to normal contamination limits unless the Radiation Protection Manager has increased these limits.

The plan currently states:

All reasonable measures shall be taken to maintain the radiation dose to emergency personnel as low as reasonably achievable and within 10 CFR Part 20 limits. Personnel performing emergency activities involving exposures which may or will exceed 10 CFR 20 limits shall be volunteers and shall be briefed on potential exposure consequences prior to receiving such dose. Authorization to exceed 10 CFR 20 limits shall be made only by the Emergency Director and/or the Radiation Protection Manager. Since this authorization is made only during declared emergencies, this capability is readily available on a 24-hour a day basis (see Section 5.1). Emergency Exposure Criteria, detailed in the Emergency Plan Implementing Procedures, are consistent with EPA Emergency Worker and Lifesaving Activity Protective Action Guides (EPA 520/1-75-001). Table 6-4 depicts Emergency Exposure Criteria for various activities.

Replace this paragraph with the following:

Radiation doses to emergency personnel shall be maintained within 10 CFR 20 limits and be kept as low as reasonably achievable (ALARA). Maintenance of exposure records shall be performed in accordance with normal station procedures. Personnel performing emergency activities involving exposures which may or will exceed 10 CFR 20 limits shall be volunteers and shall be briefed on potential exposure consequences prior to receiving such dose. Authorization to exceed 10 CFR 20 limits shall be made by the Emergency Director and/or the Radiation Protection Manager. The means to accomplish this is contained in the EPIPs. Since this authorization is made only during declared emergencies, this capability is available on a 24-hour/day basis (see Section 5.1). Emergency exposure criteria (Table 6-4) depicts exposure guidelines for various emergency activities and are consistent with EPA Emergency Worker and Lifesaving Activity Protective Action Guides (EPA 520/1-75-001).



Proposed Settlement of EP 15 --  
Offsite Planning Coordination

Section 6.4.1 of the LILCO plan states in part:

LILCO will make a protective action recommendation to Suffolk County and New York State authorities for the population at risk. The various protective action options available are detailed in the New York State and Suffolk County emergency response plans. The protective action recommendation is based upon dose projection calculations, field monitoring data, EPA protective action guidelines, sheltering factors offered by local dwellings and evacuation time estimates for ambient conditions. The emergency plan procedure, "General Emergency" immediate implementing actions, contains protective actions to be recommended during events that are deteriorating rapidly based upon conditions in accordance with NUREG 0654, Appendix 1. The details of this decision process are contained in the EPIPs. Regarding the protective actions taken on behalf of the general public, notification will be made of an emergency situation via the use of the Prompt Notification System set up throughout the ten (10) mile Emergency Planning Zone (EPZ).

Amend this portion of Section 6.4.1 of the plan to read:

LILCO will make a protective action recommendation to Suffolk County and New York State authorities for the population at risk. When notified, the New York State Office of Disaster Preparedness will initiate its notification plan as outlined in The New York State Radiological Emergency Preparedness Plan. As stated in the New York State Plan, if appropriate, New York State will contact the State of Connecticut and repeat a message provided by the New York State Department of Health.

The protective action recommendation is based upon dose projection calculations, field monitoring data, EPA protective action guidelines, sheltering factors offered by local dwellings and evacuation time estimates for ambient conditions. The emergency plan procedures contain protective actions to be recommended during events that are deteriorating rapidly based upon



conditions in accordance with NUREG 0654, Appendix 1. The details of this decision process are contained in the EPIPs. Regarding the protective actions taken on behalf of the general public, notification will be made of an emergency situation via the use of the Prompt Notification System set up throughout the ten (10) mile Emergency Planning Zone (EPZ).

Proposed Settlement of EP 12 --  
Emergency Response Facility (Parts A & C)

The plan currently states (pp. 7-2 to 7-3):

7.1.3 Emergency Operations Facility (EOF)

The Company's Training Center in Hauppauge has been designated the Emergency Operations Facility. The Facility is located approximately 18.5 miles from the reactor. Company, Federal and State officials may assemble at this location. This facility is the Company center for the receipt and analysis of all field monitoring data available from Federal, State, local and LILCO field teams. Specific media personnel may be escorted to the EOF to observe operations if conditions permit. More detailed information on this center, including types of data displays, available documents, is contained in SNRC-643, dated December 1981. An EOF floor plant and layout is contained in the Emergency Plan Implementing Procedures.

The EOF is activated upon the declaration of a Site Area or General Emergency. It may also be activated during an Alert Emergency at the discretion of the Response Manager in concurrence with the Emergency Director. The EOF shall achieve operational readiness within two hours and shall assume the following responsibilities under the direction of the Response Manager:

1. Management of corporate emergency response resources.
2. Radiological effluent and environs monitoring, assessment dose projections.
3. Flow of information and protective action recommendations to Federal, State and County response organizations.
4. Management of recovery operations.

Replace the second paragraph with the following:

The EOF is activated upon the declaration of a Site Area or General Emergency. It may also be activated during an Alert Emergency at the discretion of the Response Manager in concurrence with the Emergency Director.

Upon declaration of an Alert Emergency, the Emergency Planning Advisor No. 1 will report to the EOF and either place the facility in a standby status or activate it (mandatory within one hour of a Site Area or General Emergency). The EOF shall achieve operational readiness one hour after activation (two hours after declaration of the emergency) and assume the following responsibilities under the direction of the Response Manager:

1. Management of corporate emergency response resources.
2. Radiological effluent and environs monitoring, assessment and dose projections.
3. Flow of information and protective action recommendations to Federal, State and County response organizations.
4. Management of recovery operations.

The EOF may be activated during an Alert at the discretion of the Response Manager as stated in the plan.

Proposed Settlement of EP 15 --  
Offsite Planning Coordination

Section 6.4.1 of the LILCO plan states in part:

LILCO will make a protective action recommendation to Suffolk County and New York State authorities for the population at risk. The various protective action options available are detailed in the New York State and Suffolk County emergency response plans. The protective action recommendation is based upon dose projection calculations, field monitoring data, EPA protective action guidelines, sheltering factors offered by local dwellings and evacuation time estimates for ambient conditions. The emergency plan procedure, "General Emergency" immediate implementing actions, contains protective actions to be recommended during events that are deteriorating rapidly based upon conditions in accordance with NUREG 0654, Appendix 1. The details of this decision process are contained in the EPIPs. Regarding the protective actions taken on behalf of the general public, notification will be made of an emergency situation via the use of the Prompt Notification System set up throughout the ten (10) mile Emergency Planning Zone (EPZ).

Amend this portion of Section 6.4.1 of the plan to read:

LILCO will make a protective action recommendation to Suffolk County and New York State authorities for the population at risk. When notified, the New York State Office of Disaster Preparedness will initiate its notification plan as outlined in The New York State Radiological Emergency Preparedness Plan. As stated in the New York State Plan, if appropriate, New York State will contact the State of Connecticut and repeat a message provided by the New York State Department of Health.

The protective action recommendation is based upon dose projection calculations, field monitoring data, EPA protective action guidelines, sheltering factors offered by local dwellings and evacuation time estimates for ambient conditions. The emergency plan procedures contain protective actions to be recommended during events that are deteriorating rapidly based upon

conditions in accordance with NUREG 0654, Appendix 1. The details of this decision process are contained in the EPIPs. Regarding the protective actions taken on behalf of the general public, notification will be made of an emergency situation via the use of the Prompt Notification System set up throughout the ten (10) mile Emergency Planning Zone (EPZ).



Proposed Settlement of EP 17 --  
Exercises

Change the first three paragraphs of Section 8.1.3 of the LILCO plan to read:

A full scale exercise which tests as much of the site, State and local emergency plans as is reasonably achievable without mandatory public participation shall be held annually. Each State and local government within the plume exposure EPZ shall participate in these annual exercises. Each state within the ingestion pathway EPZ shall participate in at least one exercise every three years. The scenarios will be varied from year to year to allow all major elements of the plans to be tested within a five year period. At least once every five years an exercise shall be scheduled to take place between 6 p.m. and midnight and another between midnight and 6:00 a.m. Exercises shall be conducted under various seasonal conditions. Some exercised shall be unannounced.

The scenario for the exercise shall be mutually agreed upon by those involved, and will be structured so as to allow free play for decision making as much as possible, providing that the basic objective(s) of the exercise or drill are satisfied. The scenario shall include, but not be limited to the following:

1. The basic objective of the exercise.
2. The date, time and place of the exercise.
3. The organizations participating in the exercise.
4. The simulated events.
5. The time schedule of real and simulated initiating events.
6. A narrative summary of the exercise including simulated casualties, offsite assistance, use of protective clothing, deployment of monitoring teams, communications, rescue of personnel, and public relations.
7. Arrangements for qualified observers.

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August 5, 1982

Kathy E.B. McCleskey, Esquire  
James N. Christman, Esquire  
Hunton & Williams  
707 East Main Street  
P.O. Box 1535  
Richmond, Virginia 23212

Proposals for Settlement of  
Emergency Planning Contentions

Dear Kathy and Jim:

This letter is in response to your letters of July 16, July 24 and July 25, 1982 concerning the possible resolution of some of Suffolk County's contentions with respect to LILCO's emergency planning and certain other matters. Set forth below is our response to each of the contentions which you have identified as being the subject of possible resolution.

CONTENTION EP 2.C. As we have told you previously, the thrust of this contention is not so much the content of the signs but whether the signs are an appropriate notification device for transients who are likely to be on Long Island beaches at the time of a radiological emergency. Since this contention has now been deferred until a later stage of the litigation, it would probably be more productive of our time to consider resolving that contention sometime after the so-called "Phase I" issues have been litigated.

CONTENTION EP 2.D. We do not agree that NUREG 0654 "specifies" a 60 dB sound level. Instead, we read NUREG 0654 to require sirens to have a sound level which is 10 dB above the ambient level. Presumably for that reason, the Wyle Report deemed it appropriate to suggest a 70 dB level. Since that appears to be the level necessary in the vicinity, the County contends that the gaps in the siren coverage should be filled. Nevertheless, it would be helpful if the County could examine a map showing siren coverage at a 60 dB sound level.

CONTENTION EP 2.E. As you know, this contention has also been deferred to a later phase of the litigation. Accordingly, I

suggest that we renew our efforts to resolve this contention after the Phase I issues have been litigated.

CONTENTION EP 2.F. We would be interested in learning more about how the tone alert system is being tested. Any information you can furnish us on such testing would be appreciated. It may well be that our experts would be satisfied with the testing procedures and we would be able to resolve the contention without the need for litigation.

CONTENTION EP 2.G. This contention has also been deferred for a later stage of the proceeding. I assume, however, that the County and LILCO could come to terms on the appropriate configuration of the siren coverage without having to litigate the question.

CONTENTION EP 2.H. Similarly, this contention has been deferred. I feel confident, however, that the County and LILCO will be able to work out a solution to the problem of notifying people who are hard of hearing without the need to litigate this question.

CONTENTION EP 3.A. Our expert, Dr. Radford, is arranging to visit Central Suffolk Hospital and will evaluate its capacity to respond to a radiological emergency. After the review, I am sure that the County will have some ideas to suggest to you.

CONTENTION EP 3.B. It may well be that in light of (a) anticipated traffic conditions in the event of a radiological emergency, and (b) the failure of LILCO's plan to take into account the likely human response to such an emergency, that no form of ground transportation for the conveyance of contaminated individuals can be adequate. Therefore, unless LILCO and the County are able to work together towards alleviating the potential level of traffic congestion, LILCO may have to propose other means of transportation in order to meet 10 C.F.R. §50.47(b)(12) and other regulatory standards.

CONTENTION EP 3.C. As we advised you during the course of our meeting on Monday July 26, we would like some assurance that Central Suffolk Hospital and other response organizations have the capability to do what they say they will do and will be able to deliver that capability in the case of a real emergency. Simply having an outdated contract with Central Suffolk Hospital does not, in our view, furnish the assurance we seek.

CONTENTION EP 5.A. As we understand 10 C.F.R. §50.47(b)(10) and NUREG 0654, Item II.J, LILCO is required to set forth in

its plan a "range of protective actions" and discuss the "bases" for making recommendations within that range under various emergency conditions. In our view LILCO has failed to do so. Had LILCO done so, we assume it would have been possible for one to assess the relative benefits of the various protective actions which would be set forth in the plan.

CONTENTION EP 5.B. As we read NUREG 0654, Item II.J, it is incumbent upon LILCO to furnish an estimate for the evacuation of the entire EPZ. I had understood from our conversation in Washington on July 26 that you believed that such an estimate had been made by LILCO. In any event, I do not believe that the County has yet formulated a final evacuation time estimate. At such time as it does so, we will be happy to furnish the estimate to you.

CONTENTION EP 5.B(4). It would seem to us that a realistic assumption of how long it would take to mobilize the affected population would have to consider such factors as how much of the affected population is likely to evacuate, where people are likely to be at the time of an emergency (i.e. parents at work, children at school), and whether families will seek to unite prior to evacuation. The study conducted by Steven Cole suggests the latter scenario. In that event, it would seem that 20 minutes is a grossly unrealistic assumption.

CONTENTION EP 5.D. If LILCO has no legal obligation to suggest any immediate protective action, it may well be that deleting the suggestion now contained in the plan would resolve the County's contention. On the other and, as a practical matter in coordinating LILCO's activities with those of the County's, an agreed to immediate protective action recommendation may be worked out. Since this contention has been deferred to a later stage of the proceeding, it is likely that we will be able to resolve this matter at a later time.

CONTENTION EP 7.A. The basic thrust of this contention is that, except for Wading River Fire Department, no other fire department or ambulance service in the vicinity which is likely to be called in to assist in an emergency has the vaguest idea of what it would be expected to do. Accordingly, unless there is some assurance that Wading River's resources will be adequate to meet all contingencies, we believe it is incumbent upon LILCO to furnish training to other response organizations that might be called upon to assist.

CONTENTION EP 7.B. We are still in the process of reviewing the new training manual and it may well be that the new materials satisfactorily respond to the County's concern.



CONTENTION EP 9.A. Despite the provisions which are contained in the most recent draft of the LILCO plan, we are still confused as to the roles of the Emergency Director and the Response Manager. I assume, however, that LILCO will be able to furnish whatever clarification may be necessary and incorporate it into its plan.

CONTENTION EP 9.B. Whether NUREG 0654 is merely a "guideline" and not a "requirement" does not address the County's concern. It appears to us that LILCO is obliged to justify why the provisions of NUREG 0654 are not being met.

CONTENTION EP 10. We do not seek in this contention to have LILCO set forth in any great detail precisely what role Suffolk County officials will play in the event of an emergency. It seems to be conceded by all that most of the substantive communications with the public will be made by County officials and that LILCO's dealings with the public will relate to technical onsite matters. The contention simply addresses the fact that the plan makes it appear as though LILCO will have the only role to play in dealing with the public.

CONTENTION EP 18. This contention principally addresses the format of old Chapter 4 of the LILCO plan. In other words, it did not appear to us as though LILCO had set forth the various categories of information which are required by Appendix 1 to NUREG 0654. A brief review of new Chapter 4 suggests that the new chapter is in the format required by the guidelines. Unless we have substantive contentions with respect to the contents of the new material, it appears that the concerns expressed in EP 18 may have been adequately responded to by LILCO.

CONTENTION EP 19.A. We are reevaluating the sufficiency of the three field monitoring teams in light of the comment in your July 16 letter and whether Table B-1 requires four teams or only four surveys. However, LILCO and the County may not be able to agree at this stage on the size of the plume for which monitoring may be necessary.

CONTENTION EP 19.E. We do not believe that this emergency planning contention has been settled as part of SC Contention 17 (fire protection).

CONTENTION EP 19.F. As you know, NUREG 0654 Item 2.H.6.C. suggests a choice of either fixed or mobile radiological laboratory facilities. In light of anticipated traffic congestion, we believe that mobile laboratories are a more appropriate response.



CONTENTION EP 24. Based on your representation that all the EPIP's have been completed, and if you further represent that the EPIP's will have been approved prior to fuel loading, we believe that the County may be able to drop this contention.

We hope that the foregoing information also adequately responds to your letter of July 24, 1982. Specifically, however, the County's concern over the effect of climatic conditions is that rain, snow and fog have a muffling effect on sound and may adversely affect the range of siren coverage. High winds and thunder storms speak for themselves--deafeningly at times. As indicated above, the question of the adequacy of the signs as a notification measure is intertwined, we believe, with the entire public education process. With respect to LILCO's installation of certain communications systems, we believe the County would be prepared to consider anything that LILCO has to offer as part of the County's ongoing planning efforts.

Finally, I wish to address your letter of July 25, 1982 in which you recited that I "reported that the County's experts were ready to file testimony shortly and to testify on many issues relating to the LILCO plan." I have not reviewed the transcript pages referred to in your July 25 letter. However, given the context of the discussions, I believe a fair interpretation of what I said was that the County's experts will be ready by mid-September to testify on all the issues raised by the County's contentions. If you construed my words to mean that their testimony is ready for filing today, then you are mistaken. The experts will be submitting their testimony on the date it becomes due. In the meantime, any deposition testimony they may give will represent the extent of their knowledge up until that point and no more. Moreover, in light of the Board's limitation of deposition testimony solely to Phase I contentions, we see no basis for your taking the depositions of anyone other than Messrs. Cole, Kanen, Erikson, Johnson, Radford, Finlayson and Budnitz. If you believe other persons previously identified by the County have information relevant to the Phase I contentions, please advise us and we will discuss the matter with them.

In response to Item III of your July 25 letter, please be advised as follows:

(1) We have never undertaken to furnish you with periodic written status reports of the work of the County's experts. I do not believe you furnished us with such reports for LILCO. Nevertheless, if it would be helpful to you, to the best of our

knowledge, at this time Dr. Cole has completed the survey which is now in your hands; Dr. Erikson is still in the process of undertaking a survey on role conflict; Dr. Johnson continues to analyze the survey prepared by Dr. Cole in connection with an analysis of the evacuation shadow phenomenon; there has been some delay in Mr. Kanen's receipt of the PRA and consequence analysis being prepared by Messrs. Finlayson and Budnitz -- accordingly, Mr. Kanen's work on traffic congestion is not yet complete; and, Dr. Radford has arranged to visit Suffolk County Hospital before his testimony on August 18.

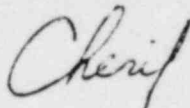
(2) It appears that LILCO is in a better position to determine quickly which of the County's employees submitted suggestions or materials for the LILCO plan. We would be happy to confirm that information for you if you tell us who it is you believe did so.

(3) We are still in the process of compiling previous testimony by the County's experts in response to your prior requests for documents. You will be furnished with the information as soon as we have it.

I trust that the foregoing adequately responds to your letters of July 16, 24, and 25.

Kindest personal regards.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Cherif".

Cherif Sedky

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Re: Long Island Lighting Company  
(Shoreham Nuclear Power  
Station, Unit 1)  
Docket No. 50-322(OL)

Gentlemen:

Herewith a draft of NSC's Second Contentions which earnestly attempts to conform to the Board's July 27th order (p. 14 et seq.) and our recent conference.

Please note the following:

1. Much of EP 20(a) is consolidated into I(A)(B).
2. EP 11 is incorporated into I(D).
3. The Board requested the Hotline definition.
4. I(G) incorporates former EP 20(a)(13).

5. II is responsive to the Board's suggestion to separate EP 20(a)(8) and (9) from the rest of EP 20(a). As noted, it does not implicate TMI-related issues. In that connection, I would appreciate insertion of the citation to the NRC regulation, if

there is one, limiting the scope of that decision.

6. III is a condensation of EP 20(b). EP 20(b)(2) is now in I and, as you will note below, I am questioning Jim Christman about the uninterruptable power source cited in EP 20(b)(3).

7. EP 20(b)(6) and (7) are transferred to II.

8. IV is an expansion of EP 20(c). I have omitted EP 20(c)(5) and (7) because they duplicate        Suffolk County contentions 6 and 13.

9. It is intended that IV should be consolidated into EP(3).

The following is directed to Jim Christman's expressed willingness to fill in gaps:

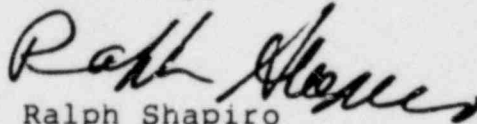
EP 20(a)(12) of the Consolidated Contentions refers to the Electrical Emergency Restoration Procedure and EP 20(b)(4) refers to the Health Physics Engineer. I have unable to find a reference to either of them in the June, 1982 revision and will appreciate guidance.

Please furnish a more detailed description of NAWAS including its load capacity, coverage, what agencies or personnel are linked to it, how long it has been in existence, etc.

How will the Hotline and the dedicated phone lines continue to function if there is a power loss? If there is a power back-up source, other than on-site (Plan 7.2.7), please identify it.

Has LILCO considered the possibility that the Radiation Monitoring System Computer will become non-operational and, if so, its impact on the ability to communicate with and notify off-site response agencies. If not, we may have to add it as a contention.

Sincerely,

  
Ralph Shapiro

RS:jgb  
Enclosure

11-8  
August 10, 1982

SECOND CONTENTIONS  
OF  
OF NORTH SHORE COMMITTEE  
AGAINST NUCLEAR AND THERMAL POLLUTION (NSC)

I. COMMUNICATIONS WITH OFF-SITE RESPONSE  
ORGANIZATIONS

The Plan relies completely for communication with off-site national, state, and local response organizations upon telephone communications (e.g. 7.2.1, through 7.2.8) and on a low powered UHF Radio Based Station and a VhF Radio Based Station (7.2.10).<sup>\*</sup> It fails to meet the criteria of by 10 CFR 50.47(b)(2)(5)(6), 10 CFR 50 Appendix E, IV Paras D(3), and E(9) and NUREG 0654, Appendix 3, Para C(1), in the following respects:

A. In so far as the Plan relies on telephone communications (7.2.1 through 7.2.8), it does not take into account the possibility of (1) a power outage, (2) sabotage and (3) overload. This omission is especially significant because the Plan describes the Hotline<sup>\*\*</sup> as the "primary

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<sup>\*</sup>In this connection NSC notes that the Plan refers to the Suffolk County Radiological Emergency Response Plan (e.g. 5.3, 7.2.4). In view of the County's oft stated position that no such plan is now in existence and that its plan will not be filed until October, NSC requests a reservation for additional contentions if the County's Plan, as filed, should so require.

<sup>\*\*</sup>Hotline(s) are "dedicated phone lines, made operational upon pick-up of the receiver and selection of desired location xxx"(7.2.1)



means for notification of the State and County of emergency conditions at Shoreham." (7.2.1; see also 5.4) *and the only power backup is onsite.*

B. Assuming that the telephone communications depend upon overhead, outdoor lines (there is nothing to the contrary in the Plan), the telephone communication network is vulnerable to extreme weather conditions, especially to sleet and ice formations on its lines and poles.

C. The Hotline communications network is inadequate because (1) it is not connected to the NRC Bethesda office and its King of Prussia Regional Office (cf. 7.2.2), and (2) does not give titles and alternates of the personnel at both ends of the Hotline.

*Overloading* D. The Plan relies on commercial telephone lines as "the primary communication link" for hospitals, Coast Guard, and DOE (7.2.4).

E. The Plan does not describe the "redundant power supplies" (7.2) which purportedly insure communications with off-site facilities.\* NSC understands a "power supply" to mean the source of the power to maintain the communications systems and not the different communication modes and systems.

F. The personnel to whom beepers are issued have varying responsibilities to notify response organizations.

---

\*The back-up power source relates only to intra-and on-site communication (7.2.7)

However, the beeper requires them only to call in  
topredetermined numbers (7.2.9), using commercial telephone  
lines.

*informatives of  
commercial lines*

G. The Plan presents insufficient data about the  
coverage and load capacity of the UHF and VHF Radio Based  
Stations (7.2.10) to assess their capabilities as reliable  
communications facilities with the response organizations and  
the Emergency News Center (7.1.5).

*coverage  
load capacity*

H. The Plan describes the National Alert Warning System  
(NAWAS) as the "primary back-up communications link between  
the Shoreham site and off-site officials." (7.2.3) It does  
not otherwise describe NAWAS and therefore it is impossible  
to determine if it can perform its assigned task. For  
example, there is no description of its load capacity,  
coverage, or technical configuration ; nor does it name the  
"off-site officials" and their agencies who are linked to  
NAWAS.

## II. STRESS ON COMMUNICATIONS/ NOTIFICATIONS PERSONNEL

The Plan training procedures (8.1.1 et seq.), for communications/notifications personnel (¶10) are flawed because they neither recognize nor respond to the need for special training of the LILCO personnel who are assigned to implement the communications and notifications procedures Plan §§5 and 7.\* Therefore the Plan does not meet the criteria of 10 CFR 50.47(b)(1)(2)(4)(5)(7), 10 CFR 50, Appendix E, IV, Para D(1)(3) and NUREG 0654, Appendix A 3(c)(2), as follows:

A. The psychological and mental stress to which personnel, both on site and off site, will be subjected when a radiological emergency occurs is not addressed.

B. The training fails to include programs to motivate off-site personnel (1) to leave their homes and families to report for duty at the plant, (2) to overcome a natural reluctance to respond to a hazardous situation and (3) in any case, to subordinate considerations of family and personal safety. Thus, there is no assurance that personnel assigned to communication and notification will report their stations and be sufficiently trained.

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\*This contention is not intended to litigate and specifically excludes TMI-related issues considered in People v. Nuclear Energy v. NRC, (DC., Cir., May 14, 1982, No. 81-1131) which is a subject of a Regulation \_\_\_\_\_.

C. The Plan (5.2.8, 5.2.9) assigns various personnel as communicators, but they do not appear to be included in the training program described in 8.1.1.

D. The failure to furnish adequate training jeopardizes both LILCO's ability to assure adequate staffing and the ability to furnish appropriate responses.

### III. PERSONNEL ASSIGNMENTS TO COMMUNICATION/NOTIFICATION

The Plan's assignment of personnel to communications and notification responsibility is inadequate, both in the number of personnel assigned and because it overburdens these assigned with too many tasks. It thus does not meet the standards 10 CFR 50.47(b)(1) and (7), and 10 CFR Appendix E, IV Para D (1)(3) and (9), in the following respects:

20(b)  
drop A) Plan 5.2.1 assigns immediate responsibility and authority to react to the emergency to the Emergency Director who may be the on-shift Watch Engineer, who must at once shoulder the additional duties thrust upon him. There is no assurance that one person can perform these manifold non-delegable tasks especially since it is impossible to foretell, with any precision, the length of time during which the Watch Engineer may be required to function in that dual capacity.

drop B. An insufficient number of personnel is assigned to the EOF to assure proper notification to off-site emergency support and response organizations (5.2.8, 5.5.1, 7.1.3)

drop C. 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.



#### IV. MEDICAL AND PUBLIC HEALTH FACILITIES SUPPORT

The Plan does not assure that off-site medical personnel and equipment, such as ambulances and radiologically-related medical supplies and equipment, will be available if an on-site emergency requires those services. Therefore the Plan does meet the standards of 10 CFR 50.47(b)(6)(8), 10 CFR 50, Appendix E, IV Para. E(1)(3)(4)(5)(6)(7) and NUREG 0654, II L(1)(2)(3), in the following respects:

A. The Plan does not provide assurance that off-site medical personnel required for on-site medical assistance have been trained to treat individuals sickened or injured by a radiological emergency.

B. If they have so been trained, there is no procedure to notify them to report, or if notified, that they will be available.

C. If properly trained off-site medical and health-related personnel is available, the Plan does not require that route instructions to reach Shoreham shall have been previously furnished or that appropriate identification to permit ready entry into the plant has been previously issued.

D. The Plan has no provision to assure that vehicles and trained personnel to staff the vehicles will be available to transport persons requiring off-site medical treatment.

draft drop.

E. There are no procedures to relate the level of medical training and assistance which should be available to the escalating EAL levels in Plan §4.

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FILE NO.

DIRECT DIAL NO. 804 788-

August 13, 1982

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This letter and the attached draft settlement agreements represent our attempt to move the group forward toward settlement or at least narrowing of the emergency planning contentions.

Thus far, the parties' progress has been somewhat disappointing. Our first meeting on July 26 was helpful, but the draft language of contentions that we thought the County would produce by Friday, July 30, as a result of that meeting never materialized. The meeting we scheduled for the following

## HUNTON & WILLIAMS

Tuesday, August 3, was forgotten by the County's counsel and was not attended by counsel for the other parties. (We eventually met with Cherif and Chris for about two hours that day.) We have sent three letters (dated July 16, July 24, and August 5) to the County containing settlement proposals and questions designed to narrow the focus of the issues. The County's response on August 5 did not answer many of our questions and did not include any draft settlement proposals or draft contention language. Despite our repeated requests for draft contentions and our expressed willingness to accept draft contentions as they are produced rather than when the entire package is complete, to date we have not received any draft language from the County.

We received from Ralph Shapiro on August 11 a new draft of NSC's contentions. (We appreciate your efforts, Ralph, in reworking these contentions.) From our preliminary review of the NSC draft, we think that NSC may have raised new issues; if so, we may want to object to them. Additionally, it will be necessary for NSC to coordinate with the County to produce a single filing for August 20. We will provide shortly our detailed comments and the information Ralph requested regarding communications.

## HUNTON & WILLIAMS

For each of the contentions listed below, we have provided information, asked questions, or produced draft settlement proposals as appropriate. The questions incorporate the unanswered questions in our July 16 and July 24 letters, and are numbered consecutively for ease of response. Additional information and questions on the remainder of the contentions will be forthcoming on Monday; we are sending this material on now because we thought it important that you receive it as soon as possible.

The next round of contentions must be filed in one week. Clearly, there is a great deal of work left to be done prior to next Friday. We would be grateful if you would answer our questions and return the draft resolutions with your comments by Tuesday, August 17. We would also welcome any draft contentions prepared to date by the County.

We propose that the group meet on Wednesday, August 18, in Washington to finalize settlement agreements and contention language. We are prepared to begin at 9 a.m. and go into the evening if necessary. Please advise us at your earliest convenience whether you are able to attend.

Below is the additional information regarding the contentions. The County in its August 5, 1982, letter addressing



## HUNTON & WILLIAMS

our settlement proposals and questions suggests that discussions of Phase II issues (EP 2.C, for example) should be postponed. We do not agree. The Board has directed us to engage in intensive discussions and to try to settle as many issues as possible. We think this means all issues, Phase II as well as Phase I.

EP 1. We still think that Contention EP 1, as reworked in the County's "Objections to Prehearing Conference Order and Motion for Reconsideration or, in the Alternative, for Certification to the Commission," dated August 3, 1982, is unwieldy. To be specific, you have mentioned at least ten plan elements -- (1) types and sizes of radiological releases, (2) physical dispersion of radiological releases, (3) populations at risk, (4) reactions of people to notification that they are at risk, (5) protective action recommendations, (6) who should give notification, (7) how notification should be given, (8) what education is required, (9) when education is to be provided, and (10) how education should be provided -- and at least nine "local conditions," resulting in a potential of at least 90 issues involving how each plan element is affected by each "local condition." This seems to us an impossible burden on the Board and parties.

## HUNTON & WILLIAMS

Also, we continue to believe that most or all of the EP 1 issues are already covered by other contentions. For example, does not EP 2 (Prompt Notification System) in your view include how notification "should be done" in light of local conditions such as where people live (see EP 2(D) and 2(G)? For that matter, don't EP 5 (Protective Actions) plus EP 8 (Public Information), and EP 14 (Public Messages) cover just about all of EP 1?

We also regard as unacceptable your use of words like "including" (page 16 of the County's August 3 "Objections"), which might allow you to litigate the seven "demographic, socio-economic and social and behavioral characteristics" you have specified plus any others you can think up by the time of hearing. You need to decide by August 20 what social science characteristics you want to litigate and specify them once and for all. You can always raise additional "characteristics" as new contentions later if you can satisfy the legal standards for late contentions ("good cause" for lateness, etc.).

In short, it appears to us that EP 1 contains no ideas not contained in other contentions and is merely a catchall contention designed to preserve your ability to litigate new ideas you may develop later. If you believe this is not the

## HUNTON & WILLIAMS

case, please advise us in what respects litigation of EP 1 will require evidence different from EP 2, 5, 8, 10, and 14. Otherwise we will have to conclude that EP 1 is superfluous.

Inasmuch as the Social Data Analysts, Inc., report ("Attitudes Towards Evacuation: Reactions of Long Island Residents to a Possible Accident at the Shoreham Nuclear Power Plant," June 1982), concludes that "other demographic variables such as education and income were not significantly correlated with attitudes towards evacuations" (Executive Summary at 10, 1/26), can we not agree that such "other variables" are not at issue in this proceeding?

EP 2.A. In your rewrite of Contention 2.A, please include the following information:

- (1) What effect will rain have on one's ability to hear the sirens? Do the raindrops absorb sound, or does the drumming of raindrops drown out the sound of sirens, or are you concerned about something else?
- (2) Same question for snow.
- (3) Same question for fog.
- (4) Same question for high winds.
- (5) Same question for thunderstorms.

EP 2.C. Since the thrust of this contention is not the

## HUNTON & WILLIAMS

content of beach signs but whether signs are an appropriate means of notifying transients, why don't we litigate (or settle) that issue, and drop the rest of 2.C? Please answer these questions:

- (1) Does the County think that a public address (PA) system would be better than signs?
- (2) Does the County think some means of notifying people on beaches and in recreational areas other than signs or a PA system should be used?
- (3) If the County would prefer a PA system to signs, why does it prefer the PA system? That is, what are all the advantages that a PA system has over signs?
- (4) Given the thrust of Contention EP 2.C, does the County really want the federal government to decide what the beach signs should say, how far apart they should be placed, and how they should be maintained?

## HUNTON & WILLIAMS

EP 2.D. In response to the County's request for information in its August 5 letter: the Wyle report set an ambient sound level of about 55 dB for the noisiest location. The sirens produce 70 dB at each location. Thus, the sirens are 15 dB above the ambient in the worst case, and a good deal above that at most locations. LILCO would be happy to discuss the "gaps" in the siren coverage with the appropriate expert for the County to resolve this issue. In addition, please answer this question:

- (5) NUREG 0654 Appendix E, Section D.3 says that the design objective of the prompt notification system shall be to have the capability to "essentially complete" the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes. Even if people within the "gaps" are not notified, isn't the coverage of the sirens sufficient to "essentially" complete initial notification?

EP 2.E. We do not believe efforts to settle EP 2.E should be postponed. Please answer these questions:



## HUNTON & WILLIAMS

- (6) What if any "large facilities" does EP 2.E refer to in addition to the 50 schools, 15 nursery schools, 14 nursing homes, 36 recreational areas, and 11 major employers mentioned?
- (7) What "paging or alerting" capabilities should these facilities have? Please describe the minimum capabilities that are necessary to satisfy (a) NRC requirements and (b) the County.
- (8) What information should "appropriate messages" under EP 2.E(1) include?
- (9) What "instructions" should be disseminated to the personnel of large facilities?
- (10) How often should large facilities hold drills to test the adequacy of their internal notification systems?
- (11) What does the County believe would be an adequate demonstration that large facilities have agreed to bear notification responsibilities? That is, what evidence would be necessary?

## HUNTON & WILLIAMS

- (12) What does the County believe would be an adequate demonstration that the large facilities will effectively implement their notification responsibilities? That is, what evidence would be necessary?

EP 2.F. The Emergency Broadcast System (EBS) tests the tone alerts through radio station WALK once a week. Please answer this question:

- (13) What further information do you require regarding the tone alert testing?

EP 2.G. We think the County's planning people should promptly resume meeting with LILCO's planners to try to agree on the siren coverage. Please ask the County to advise LILCO when such meetings may take place.

EP 2.H. The same remark as for 2.G above applies to 2H. Please let LILCO know when LILCO may meet with County planners to resolve the issue of notifying the deaf. Surely there is no reason why the County's consultants have to finish their work before discussions can be had between LILCO and the County.

HUNTON & WILLIAMS

EP 3.A. Please answer these questions:

- (14) When will Dr. Radford visit Central Suffolk Hospital?
- (15) When will you provide us his report?
- (16) Are you going to claim his report is covered by the attorney-client privilege or the work-product doctrine?
- (17) What hospitals should be designated in addition to Central Suffolk and University Hospital in Philadelphia?
- (18) What hospital capacity is needed under Contention EP 3.A(3) to meet NRC requirements?
- (19) If Dr. Radford hasn't yet evaluated Central Suffolk, what was your basis for raising Contention EP 3.A. in the first place?

EP 3.B. Please answer these questions:

- (20) You say it "may well be" that ground transportation will be adequate. When will you know whether you think it will be or won't be?

## HUNTON & WILLIAMS

- (21) What data or studies are you awaiting that will enable you to decide whether you think ground transportation is adequate or not?
- (22) When may LILCO's planners meet with the County's planners to "work together towards alleviating the potential level of traffic congestion"?
- (23) By "other means of transportation" you mean helicopters, do you not? If not, what do you mean?
- (24) What "other regulatory standards" are you talking about?
- (25) What would constitute an "adequate demonstration" for the purposes of EP 3.B?
- (26) What is the "likely human response"?
- (27) By "likely human response" do you mean that (a) ambulance drivers will not perform as expected or (b) the public will use the roads and block the ambulances or (c) something else?

Incidentally, we have to point out that the County's response to our questions about EP 3.B is of no help at all in getting

## HUNTON & WILLIAMS

ourselves closer to settlement. It provides no information and equivocates on what the County's position really is. We hope the response to this letter will be more useful.

EP 3.C. A draft resolution for settlement of this issue is attached. In addition, please answer these questions:

- (28) What precisely do you mean by "some assurance" that response organizations can do what they say they will do? What evidence do you want to see?
- (29) What "other response organizations" do you mean? Please list them.
- (30) You say an outdated contract is not enough. What do you think is enough?
- (31) Is an up-to-date contract adequate assurance for you?
- (32) If not sufficient, is an up-to-date contract at least necessary?
- (33) What date must the contracts bear in order to be sufficiently up-to-date to satisfy you?
- (34) Is a contract with Central Suffolk, assuming its date is sufficiently current, adequate assurance?
- (35) If the answer to the preceding question is no, what assurance do you need in addition to the contract?



## HUNTON & WILLIAMS

Please don't tell us you need "some assurance"; tell us in concrete terms what evidence you want to see. Otherwise how can we ever hope to satisfy the County's concerns?

EP 4. Please review page 5-8 of the LILCO plan. In addition, please answer these questions:

- (36) What specific "local resources" are you referring to in EP 4?
- (37) What language would you have LILCO add to page 5-8 of the Plan to resolve this issue?
- (38) Is it the County's position that the information provided at page 5-8 of the Plan is not sufficient to comply with NUREG 0654?

EP 5.A. Information regarding protective action recommendations is contained in the LILCO Plan at 6.4.1 (page 6-11) and in SP 69.026.02, in Volume 1 of the Emergency Plan Implementing Procedures at tab 15. Please review these materials and advise us what, if anything, you find lacking. In addition, please answer this question:

HUNTON & WILLIAMS

- (39) How do the "bases for choice" in the first sentence of EP 5.A differ from the "relative benefits" in the second sentence? The County's August 5 letter says that if the bases are discussed it should be possible to "assess the relative benefits." So why not drop the second and third sentences of EP 5.A?

EP 5.B. Please answer these questions:

- (40) In your August 5 letter you say you "do not believe" the County has yet formulated a final evacuation time estimate. Can you be less equivocal? Has anybody working for the County (Mr. Meunkle or Ms. Palmer, for example, or an outside consultant) prepared any evacuation time estimate, whether "final" or not? We believe such an estimate has been prepared. By what date will the County's "final" evacuation time estimate be provided to you? By what date may we have a copy?

## HUNTON & WILLIAMS

- (41) Please list all the "local conditions" that the evacuation time estimates should take into consideration.
- (42) If the County has an estimate for evacuation of the entire EPZ, be that estimate "final" or not, what is it?
- (43) EP 5.B(3) seems to address (a) people evacuating even though they are not told to by the authorities, (b) people outside the EPZ coming inside the EPZ to assist their families, (c) people moving from one area inside the EPZ to another area inside the EPZ, and (d) people outside the EPZ using the roads and slowing down evacuation from the EPZ. Does 5.B(3) refer to other "actions" in addition to these?
- (44) How long does the County think it will take to mobilize the affected populations?
- (45) Who of your technical experts think 20 minutes is "unrealistic"? Is that opinion reduced to writing?

## HUNTON & WILLIAMS

EP 7.A. We disagree with the statement in the County's August 5 letter that "except for Wading River Fire Department, no other fire department or ambulance service in the vicinity which is likely to be called in to assist in an emergency has the vaguest idea of what it would be expected to do." Under mutual aid agreements, the other participating fire departments in the vicinity would cover Wading River's routine calls, freeing Wading River to respond at Shoreham. In addition, LILCO has trained and plans to continue training other response organizations in the Shoreham vicinity. We will provide further information regarding that training program.

EP 7.B, EP 12(A) and (C), EP 13, EP 15, EP 16, EP 17, and EP 18. Draft Resolutions for settlement of these issues are attached.

EP 21. Please review Chapter 9 of the LILCO Plan plus SP 69.070.01, "Re-Entry," contained in Volume 1 of the Emergency Plan Implementing Procedures at tab 27. We think EP 21 may be dropped based upon this material.

EP 24. A draft Resolution for settlement of this issue is attached.

HUNTON & WILLIAMS

We look forward to hearing from you regarding our proposals.

Yours very truly,

*Kathy McCleskey*  
*Jim Christman*  
James N. Christman  
Kathy E. B. McCleskey

Attachments



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August \_\_, 1982

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25 UNITED STATES OF AMERICA  
26 NUCLEAR REGULATORY COMMISSION  
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29 Before the Atomic Safety and Licensing Board  
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31 In the Matter of )  
32 )  
33 LONG ISLAND LIGHTING COMPANY ) Docket No. 50-322 (OL)  
34 )  
35 (Shoreham Nuclear Power Station, )  
36 Unit 1) )  
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39 RESOLUTION OF  
40 SUFFOLK COUNTY CONTENTIONS EP 3 PART (C) --  
41 MEDICAL AND PUBLIC HEALTH SUPPORT AND  
42 EP 6 PART (C) -- OFFSITE RESPONSE ORGANIZATIONS  
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45  
46 THIS AGREEMENT by and among Long Island Lighting  
47 Company ("LILCO"), the Nuclear Regulatory Commission Staff  
48 ("Staff"), Suffolk County ("SC"), the Shoreham Opponents  
49 Coalition ("SOC"), and the North Shore Coalition ("NSC") (here-  
50 inafter collectively the "Parties") resolves Suffolk County  
51 Contentions EP 3 Part (C) and EP 6 Part (C) in accordance with  
51 the terms stated below, subject to the approval of the Atomic  
52 Safety and Licensing Board ("Board").

55 Suffolk County EP 3 Part (C) and EP 6 Part (C) concern  
56 up-to-date agreements with local fire and ambulance organiza-  
57 tions that may respond to a radiological emergency at the  
58 Shoreham Nuclear Power Station. Suffolk County has contended

59 that the LILCO Emergency Response Plan ("Plan") does not  
60 contain recent agreements with these organizations, and that  
61 the agreements in the Plan do not indicate the services to be  
62 provided by those organizations.

64 By this Resolution Agreement, LILCO agrees to obtain  
65 and include in the Plan prior to fuel load letters of agreement  
66 dated within one year of fuel load. Accordingly, based upon  
67 LILCO's agreement to add those letters to the Plan, SC finds  
68 that SC Contentions EP 3 Part (C) and EP 6 Part (C) are resol-  
69 ved. As a result, the Parties jointly urge the Licensing Board  
70 to accept this Resolution to terminate litigation of SC  
71 Contentions EP 3 Part (C) and EP 6 Part (C).

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\_\_\_\_\_  
Counsel for (Date)  
LONG ISLAND LIGHTING COMPANY

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Counsel for (Date)  
NUCLEAR REGULATORY COMMISSION STAFF

\_\_\_\_\_  
Counsel for (Date)  
NORTH SHORE COALITION

Agreed to and accepted by the  
Atomic Safety and Licensing  
Board this \_\_\_\_ day of  
\_\_\_\_\_, 1982.

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 (OL)  
(Shoreham Nuclear Power Station, )  
Unit 1) )

RESOLUTION OF SUFFOLK COUNTY  
CONTENTION EP 7 PART (B) -- TRAINING

THIS AGREEMENT by and among Long Island Lighting  
Company ("LILCO"), the Nuclear Regulatory Commission Staff  
("Staff"), Suffolk County ("SC"), the Shoreham Opponents  
Coalition ("SOC"), and the North Shore Coalition ("NSC") (here-  
inafter collectively the "Parties") resolves Suffolk County  
Contention EP 7, Part (B) in accordance with the terms stated  
below, subject to the approval of the Atomic Safety and  
Licensing Board ("Board").

Suffolk County EP 7 concerns training of emergency re-  
sponse personnel to respond during a radiological emergency at  
the Shoreham Nuclear Power Station. Suffolk County has con-  
tended that the LILCO Emergency Response Plan does not provide  
adequate information regarding the training of LILCO personnel.

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61 Having reviewed the revised Plan of June 28, 1982 and  
62 the supporting Training Manual, the County has now concluded  
63 that its concerns regarding the training of LILCO personnel are  
65 resolved. Accordingly, the Parties jointly urge the Licensing  
68 Board to accept this Resolution to terminate litigation of SC  
69 Contention EP 7, Part (B).

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74 Counsel for (Date)  
75 LONG ISLAND LIGHTING COMPANY  
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78 Counsel for (Date)  
79 NUCLEAR REGULATORY COMMISSION STAFF  
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82 Counsel for (Date)  
83 NORTH SHORE COALITION  
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86 Counsel for (Date)  
87 SHOREHAM OPPONENTS COALITION  
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Agreed to and accepted by  
Atomic Safety and Licensing  
Board this \_\_\_\_\_ day of  
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August \_\_, 1982

25 UNITED STATES OF AMERICA  
26 NUCLEAR REGULATORY COMMISSION  
27

29 Before the Atomic Safety and Licensing Board  
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31 In the Matter of )  
32 )  
33 LONG ISLAND LIGHTING COMPANY ) Docket No. 50-322 (OL)  
34 )  
35 (Shoreham Nuclear Power Station, )  
36 Unit 1) )  
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39 RESOLUTION OF SUFFOLK COUNTY CONTENTION  
40 EP 12(A) and (C) -- EMERGENCY RESPONSE FACILITY  
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44 THIS AGREEMENT by and among Long Island Lighting  
45 Company ("LILCO"), the Nuclear Regulatory Commission Staff  
46 ("Staff"), Suffolk County ("SC"), the Shoreham Opponents  
47 Coalition ("SOC"), and the North Shore Coalition ("NSC") (here-  
48 inafter collectively the "Parties") resolves Suffolk County EP  
49 12, Parts (A) and (C), in accordance with the terms stated  
50 below, subject to the approval of the Atomic Safety and  
51 Licensing Board ("Board").

53 Suffolk County Contention EP 12 concerns the Emergency  
54 Operations Facility (EOF) for the Shoreham Nuclear Power  
55 Station. The County has alleged in EP 12(A) and EP 12(C) that  
55 the LILCO Emergency Response Plan ("Plan") does not state that  
56 the EOF will achieve operational readiness within the time

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58 suggested in NUREG-0696, and that the Plan does not indicate  
59 that the EOF will be activated at the appropriate period during  
61 an accident.

63 By this Resolution Agreement, LILCO agrees to replace  
64 the second paragraph of 7.1.3 of the Plan (pp. 7-2 to 7-3) with  
65 this language:

68  
69 The EOF is activated upon the declaration of  
69 a Site Area or General Emergency. It may  
70 also be activated during an Alert Emergency  
71 at the discretion of the Response Manager in  
72 concurrence with the Emergency Director.

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74 Upon declaration of an Alert Emergency, the  
74 Emergency Planning Advisor No. 1 will report  
75 to the EOF and either place the facility in a  
76 standby status or activate it (mandatory  
77 within one hour of a Site Area or General  
78 Emergency). The EOF shall achieve operation-  
78 al readiness one hour after activ<sup>r</sup> and  
80 assume the following responsibil<sup>i</sup> under  
80 the direction of the Response Manager:

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83 1. Management of corporate emergency re-  
83 sponse resources.  
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86 2. Radiological effluent and environs mon-  
86 itoring, assessment and dose projec-  
87 tions.  
88  
89 3. Flow of information and protective  
89 action recommendations to Federal,  
90 State and County response organiza-  
91 tions.  
92  
93 4. Management of recovery operations.

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95 The EOF may be activated during an Alert at  
95 the discretion of the Response Manager as  
96 stated in the Plan.

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101 Accordingly, based upon LILCO's agreement to add this  
102 language to the Plan, SC finds that parts (A) and (C) of SC

103 Contention EP 12 are resolved. As a result, the Parties  
104 jointly urge the Licensing Board to accept this Resolution to  
105 terminate litigation of SC Contention EP 12, Parts (A) and (C).

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111 Counsel for \_\_\_\_\_ (Date)  
112 LONG ISLAND LIGHTING COMPANY

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115 Counsel for \_\_\_\_\_ (Date)  
116 NUCLEAR REGULATORY COMMISSION STAFF

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119 Counsel for \_\_\_\_\_ (Date)  
120 NORTH SHORE COALITION

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123 Counsel for \_\_\_\_\_ (Date)  
124 SHOREHAM OPPONENTS COALITION

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127 Counsel for \_\_\_\_\_ (Date)  
128 SUFFOLK COUNTY

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Agreed to and accepted by the  
Atomic Safety and Licensing  
Board this \_\_\_\_ day of  
\_\_\_\_\_, 1982.

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August \_\_, 1982

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

30 In the Matter of )  
31 )  
32 LONG ISLAND LIGHTING COMPANY ) Docket No. 50-322 (OL)  
33 )  
34 (Shoreham Nuclear Power Station, )  
35 Unit 1) )  
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38 RESOLUTION OF SUFFOLK COUNTY  
39 CONTENTION EP 13 -- NOTIFICATION OF  
40 RESPONSE ORGANIZATION AND EMERGENCY PERSONNEL  
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44 THIS AGREEMENT by and among Long Island Lighting  
45 Company ("LILCO"), the Nuclear Regulatory Commission Staff  
46 ("Staff"), Suffolk County ("SC"), the Shoreham Opponents  
47 Coalition ("SOC"), and the North Shore Coalition ("NSC") (here-  
48 inafter collectively the "Parties") resolves Suffolk County  
49 Contention EP 13 in accordance with the terms stated below,  
50 subject to the approval of the Atomic Safety and Licensing  
51 Board ("Board").

53 Suffolk County Contention EP 13 concerns the notifica-  
54 tion procedures for offsite response organizations and onsite  
55 personnel reporting to the Shoreham Nuclear Power Station. The  
56 County has alleged in EP 13 that LILCO has not developed the  
57 notification procedures in a manner consistent with the emer-  
58 gency classification and action level scheme set forth in NUREG



59 0654, Appendix 1, and that the LILCO Emergency Response Plan  
60 ("Plan") does not provide the contents of initial and followup  
62 messages to offsite authorities.

64 By this Resolution Agreement, LILCO agrees to replace  
65 the second paragraph of Section 6.2 of the LILCO Plan with this  
66 language:

70 The Watch Engineer, based upon valid  
70 indications of an exceeded Emergency  
71 Action Level (Section 4.0), will an-  
72 nounce the emergency condition over the  
72 page party system, take corrective  
73 actions, approve a completed  
74 Notification Fact Sheet (Appendix F),  
74 and direct the ControlRoom Communicator  
75 to initiate notifications in accordance  
76 with the EPIP's. The Control Room  
76 Communicator will notify appropriate  
77 station personnel, offsite response  
78 organizations and other personnel in  
78 the owner-controlled area (e.g., St.  
79 Joseph's Villa) consistent with the  
79 emergency classification and the type  
80 of release.

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82 Notification for augmentation of corpo-  
82 rate personnel is accomplished by an  
83 initial call to the Gas Systems  
84 Operator from an Onsite Communicator.  
84 The Gas Systems Operator will then ini-  
85 tiate corporate notification procedures  
85 consistent with the emergency classifi-  
86 cation.

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88 Notification to members of the emer-  
88 gency organization is made by use of  
89 page-party system, Card Dialer Phone  
90 and/or beeper system.

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94 In addition, prior to fuel load LILCO will develop and  
95 include in the Plan the initial and follow-up messages to  
96 offsite authorities.

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100 these actions, SC finds that SC Contention EP 13 is resolved.  
101 As a result, the Parties jointly urge the Licensing Board to  
102 accept this Resolution to terminate litigation of SC Contention  
103 EP 13.

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Atomic Safety and Licensing  
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25 UNITED STATES OF AMERICA  
26 NUCLEAR REGULATORY COMMISSION  
27

29 Before the Atomic Safety and Licensing Board  
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31 In the Matter of )  
32 )  
33 LONG ISLAND LIGHTING COMPANY ) Docket No. 50-322 (OL)  
34 )  
35 (Shoreham Nuclear Power Station, )  
36 Unit 1) )  
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39 RESOLUTION OF SUFFOLK COUNTY CONTENTION  
40 EP 15 -- OFFSITE PLANNING COORDINATION  
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44 THIS AGREEMENT by and among Long Island Lighting  
45 Company ("LILCO"), the Nuclear Regulatory Commission Staff  
46 ("Staff"), Suffolk County ("SC"), the Shoreham Opponents  
47 Coalition ("SOC"), and the North Shore Coalition ("NSC") (here-  
48 inafter collectively the "Parties") resolves Suffolk County  
49 Contention EP 15 in accordance with the terms stated below,  
50 subject to the approval of the Atomic Safety and Licensing  
51 Board ("Board").

53 Suffolk County Contention EP 15 concerns radiological  
54 emergency planning and coordination between LILCO and the State  
55 of Connecticut. Suffolk County has contended that LILCO has  
56 failed to demonstrate such planning in the LILCO Emergency  
57 Response Plan ("Plan") for the Shoreham Nuclear Power Station.

Section 6.4.1 of the LILCO Plan states in part:

LILCO will make a protective action recommendation to Suffolk County and New York State authorities for the population at risk. The various protective action options available are detailed in the New York State and Suffolk County emergency response plans. The protective action recommendation is based upon dose projection calculations, field monitoring data, EPA protective action guidelines, sheltering factors offered by local dwellings and evacuation time estimates for ambient conditions. The emergency plan procedure, "General Emergency" immediate implementing actions, contains protective actions to be recommended during events that are deteriorating rapidly based upon conditions in accordance with NUREG 0654, Appendix 1. The details of this decision process are contained in the EPIPs. Regarding the protective actions taken on behalf of the general public, notification will be made of an emergency situation via the use of the Prompt Notification System set up throughout the ten (10) mile Emergency Planning Zone (EPZ).

By this Resolution Agreement, LILCO agrees to amend

this portion of Section 6.4.1 of the Plan to read:

LILCO will make a protective action recommendation to Suffolk County and New York State authorities for the population at risk. When notified, the New York State Office of Disaster Preparedness will initiate its notification plan as outlined in The New York State Radiological Emergency Preparedness Plan. As stated in the New York State Plan, if appropriate, New York State will contact the State of Connecticut and repeat a message provided by the New York State Department of Health.

The protective action recommendation is based upon dose projection calculations, field monitoring data, EPA protective action guidelines, sheltering factors offered by local dwellings and evacuation time estimates for ambient conditions. The emergency plan procedures contain protective actions to be



recommended during events that are  
deteriorating rapidly, based upon conditions  
in accordance with NUREG-0654, Appendix 1.  
The details of this decision process are con-  
tained in the EPIPs. Regarding the protec-  
tive actions taken on behalf of the general  
public, notification will be made of an emer-  
gency situation visa the use of the Prompt  
Notification System set up throughout the ten  
(10) mile Emergency Planning Zone (EPZ).

Accordingly, based upon LILCO's agreement to add that

language to the Plan, SC finds that SC Contention EP 15 is  
resolved. As a result, the Parties jointly urge the Licensing  
Board to accept this Resolution to terminate litigation of SC  
Contention EP 15.

Counsel for (Date)  
LONG ISLAND LIGHTING COMPANY

Counsel for (Date)  
NUCLEAR REGULATORY COMMISSION STAFF

Counsel for (Date)  
NORTH SHORE COALITION

Counsel for (Date)  
SHOREHAM OPPONENTS COALITION

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25 UNITED STATES OF AMERICA  
26 NUCLEAR REGULATORY COMMISSION  
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29 Before the Atomic Safety and Licensing Board  
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31 In the Matter of )  
32 )  
33 LONG ISLAND LIGHTING COMPANY ) Docket No. 50-322 (OL)  
34 )  
35 (Shoreham Nuclear Power Station, )  
36 Unit 1) )  
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39 RESOLUTION OF SUFFOLK COUNTY  
40 CONTENTION EP 16 -- RADIOLOGICAL EXPOSURE  
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44 THIS AGREEMENT by and among Long Island Lighting  
45 Company ("LILCO"), the Nuclear Regulatory Commission Staff  
46 ("Staff"), Suffolk County ("SC"), the Shoreham Opponents  
47 Coalition ("SOC"), and the North Shore Coalition ("NSC") (here-  
48 inafter collectively the "Parties") resolves Suffolk County  
49 Contention EP 16 in accordance with the terms stated below,  
50 subject to the approval of the Atomic Safety and Licensing  
51 Board ("Board").

53 Suffolk County Contention EP 16 concerns the control of  
54 radiological exposure to emergency workers during a radiologi-  
55 cal emergency at the Shoreham Nuclear Power Station. Suffolk  
56 County contends that the LILCO Emergency Response Plan ("Plan")  
57 (a) inadequately describes provisions for monitoring

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58 individuals evacuated from the site, (b) does not describe  
59 action levels for determining the need for decontamination of  
60 emergency response personnel, and (c) does not delineate guide-  
61 lines for emergency workers to follow to ensure that any expo-  
62 sures received by workers are not excessive.

65       The LILCO Plan currently states the following at pages  
66 6-12 to 6-13:

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70       Protective action within the plant site will  
70       be initiated by actual or imminent radiologi-  
71       cal conditions or other habitability hazards  
72       such as toxic gas or fire. Upon assessment  
73       by the Emergency Director that a situation  
73       exists that requires evacuation of areas of  
74       the plant, an evacuation signal will be acti-  
75       vated simultaneously with an announcement of  
76       the emergency condition over the party page  
76       system indicating the areas to be evacuated.  
77       Evacuated personnel will report to designated  
78       assembly areas consistent with implementing  
79       procedures.

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81       When personnel have assembled, personnel ac-  
81       countability will then proceed following the  
82       guidance of the personnel accountability pro-  
83       cedures. Accountability for onsite personnel  
84       will be accomplished within 60 minutes.

85  
86       In the event of a site evacuation, Figure 6-1  
86       details the onsite assembly areas with pri-  
87       mary and secondary evacuation routes leading  
88       to the LILCO main access road.  
88       Transportation for onsite personnel shall be  
89       by personal vehicle as well as car pooling  
90       where conditions warrant.

91  
92       The extent and nature of personnel and vehi-  
92       cle monitoring will depend on the amount and  
93       physical nature of the radioactive material  
94       released. If personnel exit the site via the  
95       portal monitors in the guardhouse, monitoring  
95       can be considered complete. If background  
96       levels preclude use of the portal monitors,  
97       monitoring should be performed at the offsite  
98       assembly area. If vehicle monitoring is

performed, it should be performed along the LILCO main access road at the 69KV substation. Vehicles found to be contaminated should be directed into the substation for decontamination.

By this Resolution Agreement, LILCO agrees to address the County's EP 16(A) by replacing the second and third paragraphs quoted above with the following language:

In the event of a site evacuation, an evacuation signal will be activated simultaneously with an announcement of the emergency condition over the page-party system. The announcement will indicate the means by which evacuation is to occur and to what offsite assembly area people are to gather for subsequent monitoring, decontamination, and accountability. Transportation for onsite personnel shall be by personal vehicle as well as car pooling where conditions warrant. Station security personnel will direct traffic onsite and at the intersection of both access roads and North Country Road (See Figure 6-1). More detail is contained in EPIP's.

The extent and nature of personnel and vehicle monitoring will depend on the amount and physical nature of the radioactive material released. If personnel exit the site through portal monitors located in the guardhouse, monitoring can be considered complete. If high radiation levels preclude the use of portal monitors, personnel monitoring will be performed at the offsite assembly area by health physics personnel. If vehicle monitoring indicates levels in excess of 100 cpm above background Beta-Gamma radiation, decontamination of vehicles shall be performed by health physics personnel at the 69KV substation.

At the remote assembly area, accountability of personnel will be performed by the Administrative Supervisor with the assistance of Security. Any unaccounted for personnel will be paged and, if still missing, search and rescue efforts will commence.

The LILCO Plan currently states at pages 6-14 to 6-15:

To the extent possible, the normal station contamination limits shall be adhered to.



The personnel contamination limits are 100 cpm above background as measured by an RM-14/HP-210 or equivalent. Equipment contamination limits are less than 200 dps/100 cm<sup>2</sup> removable Beta-Gamma.

Decontamination of emergency personnel wounds, supplies, instruments and equipment shall normally be conducted in the Personnel Decontamination Facility adjacent to the Health Physics office on the 15' elevation of the Turbine Building. This facility contains showers with controlled drains and the necessary materials for personnel decontamination. The Personnel Decontamination Facility contains a stainless steel sink and decon area which shall be used for contaminated minor wounds, equipment and instruments.

If the release has resulted in extensive offsite contamination such that evacuation of the general public is being implemented, monitoring and decontamination prior to exit from the assembly areas would be superfluous in light of the potential for recontamination. Under these circumstances, personnel will be monitored for contamination as provided in the emergency plans of the affected jurisdictions.

In the event that personnel are evacuated to offsite assembly areas, monitoring and decontamination will be performed along the site access road near the LILCO 69KV Substation.

Personnel found to be contaminated will be issued protective clothing and directed to the EOF decontamination facility for further monitoring and decontamination. The same material and equipment utilized in onsite decontamination will be utilized at the EOF. Provisions will be available for radionuclide analysis of the personnel contamination in order to determine the amount of radioiodine present. Personnel contamination that cannot be removed by normal Health Physics Procedures will be referred to a medical specialist in personnel radiation accidents.

By this Resolution Agreement, LILCO agrees to address the

192 County's EP 16(B) by replacing the first paragraph quoted above  
194 with the following language:

197  
198 During emergency conditions, normal station  
199 contamination limits shall be adhered to as  
199 much as possible. Normal personnel contamin-  
200 ation limits are 100 cpm above background as  
201 measured by an RM-14/HP-210 or equivalent.  
202 Normal equipment contamination limits are  
202 less than 200 dpm/100 cm<sup>2</sup> removal Beta-Gamma  
203 activity. Under accident conditions, the  
204 Radiation Protection Manager will determine if  
204 a change in contamination levels is war-  
205 ranted. Actions taken by health physics person-  
206 nel will include access control for unre-  
207 stricted areas where excessive contamination  
207 levels exist, personnel monitoring at alter-  
208 nate areas, and vehicle monitoring at offsite  
209 assembly areas.

210  
211 Personnel performing emergency actions such  
211 as search and rescue, first aid, corrective  
212 actions, assessment actions, personnel decon-  
213 tamination, and offsite assistance shall be  
214 subject to normal contamination limits unless  
214 the Radiation Protection Manager has in-  
215 creased these limits.

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219 The LILCO Plan currently states in Section 6.5.1:

222  
223 All reasonable measures shall be taken to  
223 maintain the radiation dose to emergency per-  
224 sonnel as low as reasonably achievable and  
225 within 10 CFR Part 20 limits. Personnel per-  
226 forming emergency activities involving expo-  
226 sures which may or will exceed 10 CFR 20  
227 limits shall be volunteers and shall be  
228 briefed on potential exposure consequences  
228 prior to receiving such dose. Authorization  
229 to exceed 10 CFR 20 limits shall be made only  
230 by the Emergency Director and/or the  
230 Radiation Protection Manager. Since this  
231 authorization is made only during declared  
232 emergencies, this capability is readily  
233 available on a 24-hour a day basis (see  
233 Section 5.1). Emergency Exposure Criteria,  
234 detailed in the Emergency Plan Implementing  
235 Procedures, are consistent with EPA Emergency

Worker and Lifesaving Activity Protective  
Action Guides (EPA 520/1-75-001). Table 6-4  
depicts Emergency Exposure Criteria for various activities.

By this Resolution Agreement, LILCO agrees to address the  
County's EP 16(C) by replacing this paragraph with the following language:

Radiation doses to emergency personnel shall  
be maintained within 10 CFR 20 limits and be  
kept as low as reasonably achievable (ALARA).  
Maintenance of exposure records shall be performed in accordance with normal station procedures. Personnel performing emergency activities involving exposures which may or will exceed 10 CFR 20 limits shall be volunteers and shall be briefed on potential exposure consequences prior to receiving such dose. Authorization to exceed 10 CFR 20 limits shall be made by the Emergency Director and/or the Radiation Protection Manager. The means to accomplish this is contained in the EIPs. Since this authorization is made only during declared emergencies, this capability is available on a 24-hour/day basis (see Section 5.1). Emergency exposure criteria (Table 6-4) depicts exposure guidelines for various emergency activities and are consistent with EPA Emergency Workers and Lifesaving Activity Protective Action Guides (EPA 520/1-75-001).

Accordingly, based upon LILCO's agreement to add this language to the Plan, SC finds that SC Contention EP 16 is resolved. As a result, the Parties jointly urge the Licensing Board to accept this Resolution to terminate litigation of SC Contention EP 16.

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Counsel for \_\_\_\_\_ (Date)  
LONG ISLAND LIGHTING COMPANY

Counsel for \_\_\_\_\_ (Date)  
NUCLEAR REGULATORY COMMISSION STAFF

Counsel for \_\_\_\_\_ (Date)  
NORTH SHORE COALITION

Counsel for \_\_\_\_\_ (Date)  
SHOREHAM OPPONENTS COALITION

Counsel for \_\_\_\_\_ (Date)  
SUFFOLK COUNTY

Agreed to and accepted by the  
Atomic Safety and Licensing  
Board this \_\_\_\_ day of  
\_\_\_\_\_, 1982.



20 August \_\_ , 1982  
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25 UNITED STATES OF AMERICA  
26 NUCLEAR REGULATORY COMMISSION  
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27

29 Before the Atomic Safety and Licensing Board  
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31 In the Matter of )  
32 )  
33 LONG ISLAND LIGHTING COMPANY ) Docket No. 50-322 (OL)  
34 )  
35 (Shoreham Nuclear Power Station, )  
36 Unit 1) )  
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39 RESOLUTION OF SUFFOLK COUNTY  
40 CONTENTION EP 17 -- EXERCISES  
43  
43

44 THIS AGREEMENT by and among Long Island Lighting  
45 Company ("LILCO"), the Nuclear Regulatory Commission Staff  
46 ("Staff"), Suffolk County ("SC"), the Shoreham Opponents  
47 Coalition ("SOC"), and the North Shore Coalition ("NSC") (here-  
48 inafter collectively the "Parties") resolves Suffolk County  
49 Contention EP 17 in accordance with the terms stated below,  
50 subject to the approval of the Atomic Safety and Licensing  
51 Board ("Board").

53 Suffolk County Contention EP 17 concerns annual emer-  
54 gency planning exercises for the Shoreham Nuclear Power  
55 Station. Suffolk County contends that it is unclear from the



56 LILCO Emergency Response Plan ("Plan") that each annual  
56 exercise for Shoreham will test as much of the Plan "as is rea-  
57 sonably achievable," as required by 10 CFR Part 50, Appendix  
58 E.IV.F.1

60 By this Resolution Agreement, LILCO agrees to amend the  
61 first three paragraphs of Section 8.1.3 of the LILCO Plan to  
62 read:

63  
66 A full scale exercise which tests as much of  
66 the site, State and local emergency plans as  
67 is reasonably achievable without mandatory  
68 public participation shall be held annually.  
69 Each State and local government within the  
69 plume exposure EPZ shall participate in these  
70 annual exercises. Each state within the  
71 ingestion pathway EPZ shall participate in at  
72 least one exercise every three years. The  
72 scenarios will be varied from year to year to  
73 allow all major elements of the plans to be  
74 tested within a five year period. At least  
74 once every five years an exercise shall be  
75 scheduled to take place between 6 p.m. and  
76 midnight and another between midnight and  
77 6:00 a.m. Exercises shall be conducted under  
77 various seasonal conditions. Some exercises  
78 shall be unannounced.

79  
80 The scenario for the exercise shall be  
80 mutually agreed upon by those involved, and  
81 will be structured so as to allow free play  
82 for decision making as much as possible, pro-  
83 viding that the basic objective(s) of the  
83 exercise or drill are satisfied. The scen-  
84 ario shall include, but not be limited to the  
85 following:

- 86  
87 1. The basic objective of the exercise.  
89  
90 2. The date, time and place of the exer-  
91 cise.  
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3. The organizations participating in the exercise.
4. The simulated events.
5. The time schedule of real and simulated initiating events.
6. A narrative summary of the exercise, including simulated casualties, offsite assistance, use of protective clothing, deployment of monitoring teams, communications, rescue of personnel, and public relations.
7. Arrangements for qualified observers.

Accordingly, based upon LILCO's agreemnt to add this language to the Plan, the Parties jointly urge the Licensing Board to accept this Resolution to terminate litigation of SC Contention EP 17.

Counsel for \_\_\_\_\_ (Date)  
LONG ISLAND LIGHTING COMPANY

Counsel for \_\_\_\_\_ (Date)  
NUCLEAR REGULATORY COMMISSION STAFF

Counsel for \_\_\_\_\_ (Date)  
NORTH SHORE COALITION

-4-

Agreed to and accepted by the Atomic Safety and Licensing Board this \_\_\_\_ day of \_\_\_\_\_, 1982.

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20 August \_\_, 1982  
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25 UNITED STATES OF AMERICA  
26 NUCLEAR REGULATORY COMMISSION  
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27  
29 Before the Atomic Safety and Licensing Board  
30  
30

31 In the Matter of )  
32 )  
33 LONG ISLAND LIGHTING COMPANY ) Docket No. 50-322 (OL)  
34 )  
35 (Shoreham Nuclear Power Station, )  
36 Unit 1) )  
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39 RESOLUTION OF SUFFOLK COUNTY  
40 CONTENTION EP 18 -- EMERGENCY CLASSIFICATION  
43  
43

44 THIS AGREEMENT by and among Long Island Lighting  
45 Company ("LILCO"), the Nuclear Regulatory Commission Staff  
46 ("Staff"), Suffolk County ("SC"), the Shoreham Opponents  
47 Coalition ("SOC"), and the North Shore Coalition ("NSC") (here-  
48 inafter collectively the "Parties" resolves Suffolk County  
49 Contention EP 18 in accordance with the terms stated below,  
50 subject to the approval of the Atomic Safety and Licensing  
51 Board ("Board").

53 Suffolk County Contention EP 18 concerns the Emergency  
54 Action Levels (EAL's) for the Shoreham Nuclear Power Station.  
55 Suffolk County has contended that the LILCO Emergency Response

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56 Plan ("Plan") does not include a complete set of EAL's, and  
57 that LILCO has not established EAL's for each initiating condi-  
58 tion listed in NUREG-0654 Appendix 1.

60 Suffolk County has now reviewed the revised Chapter 4  
61 of the June 28, 1982 LILCO Plan and has concluded that the  
62 EAL's are complete and meet the suggested format of NUREG-0654  
63 Appendix 1. Accordingly, the Parties jointly urge the  
66 Licensing Board to accept this Resolution to terminate litiga-  
67 tion of SC Contention EP 18.

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72 Counsel for \_\_\_\_\_ (Date)  
73 LONG ISLAND LIGHTING COMPANY

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76 Counsel for \_\_\_\_\_ (Date)  
77 NUCLEAR REGULATORY COMMISSION STAFF

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80 Counsel for \_\_\_\_\_ (Date)  
81 NORTH SHORE COALITION

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84 Counsel for \_\_\_\_\_ (Date)  
85 SHOREHAM OPPONENTS COALITION

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(Date)

Agreed to and accepted by the  
Atomic Safety and Licensing  
Board this \_\_\_\_ day of  
\_\_\_\_, 1982.

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August \_\_ , 1982

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25 UNITED STATES OF AMERICA  
26 NUCLEAR REGULATORY COMMISSION  
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29 Before the Atomic Safety and Licensing Board  
30  
30

31 In the Matter of )  
32 )  
33 LONG ISLAND LIGHTING COMPANY ) Docket No. 50-322 (OL)  
34 )  
35 (Shoreham Nuclear Power Station, )  
36 Unit 1) )  
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39 RESOLUTION OF SUFFOLK COUNTY CONTENTION  
40 EP 24 -- EMERGENCY OPERATING PROCEDURES  
43  
43

44 THIS AGREEMENT by and among Long Island Lighting  
45 Company ("LILCO"), the Nuclear Regulatory Commission Staff  
46 ("Staff"), Suffolk County ("SC"), the Shoreham Opponents  
47 Coalition ("SOC"), and the North Shore Coalition ("NSC") (here-  
48 inafter collectively the "Parties") resolves Suffolk County  
49 Contention EP 24 in accordance with the terms stated below,  
50 subject to the approval of the Atomic Safety and Licensing  
51 Board ("Board").

53 Suffolk County Contention EP 24 concerns the emergency  
53 plan implementing procedures ("EPIP's") for the Shoreham  
54 Nuclear Power Station. Suffolk County has contended that the  
55 EPIP's are not complete and approved.

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58 By this resolution agreement, LILCO represents that all  
59 the EPIP's are now complete and have been approved, or will be  
60 approved by fuel load.

62 Accordingly, based upon LILCO's agreement to add that  
63 language to the Plan, SC finds that SC Contention EP 24 is  
64 resolved. As a result, the Parties jointly urge the Licensing  
65 Board to accept this Resolution to terminate litigation of SC  
66 Contention EP 24.

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71 Counsel for \_\_\_\_\_ (Date)  
72 LONG ISLAND LIGHTING COMPANY

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75 Counsel for \_\_\_\_\_ (Date)  
76 NUCLEAR REGULATORY COMMISSION STAFF

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79 Counsel for \_\_\_\_\_ (Date)  
80 NORTH SHORE COALITION

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83 Counsel for \_\_\_\_\_ (Date)  
84 SHOREHAM OPPONENTS COALITION

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Agreed to and accepted by the  
Atomic Safety and Licensing  
Board this \_\_\_\_ day of  
\_\_\_\_, 1982.

# HUNTON & WILLIAMS

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August 17, 1982

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## Settlement of Emergency Planning Contentions

Gentlemen:

Enclosed are the additional information and questions on emergency planning that we promised you in our letter of August 13; we're sorry we didn't provide it yesterday as we had indicated we would. We received yesterday morning your rewrite of the Phase I contentions. The subheads below refer to the original numbering of the contentions, but we have tried to include the new numbers in parentheses as well. The numbers of the questions we are asking begin with (46), since our August 13 letter contained questions numbered (1) through (45).

### EP 1 (new EP 1)

We still find EP 1 unacceptable as drafted, for these reasons: (1) You have not specified the local conditions you think have not been considered ("where people live," to use (i) as an example, does not provide us with a particular local condition and does not indicate what basis, if any, you have for raising the contention); (2) you have repeated points raised in other contentions; and (3) you have not cited the parts of the LILCO Plan that you find deficient.



## HUNTON & WILLIAMS

August 17, 1982

Page 2

### EP 2.A (new EP 2.A)

Please review pages 2-6 through 2-8, 3-5 through 3-6, G-1, and G-8 of the Wyle Report (WR 82-10). We think this material demonstrates that adverse weather conditions have been considered in the design of the prompt notification system for Shoreham. What further "demonstration" do you require?

Additionally, from your letter of August 5 plus your rewrite of the Phase I contentions, we understand that you contend that rain, snow, and fog will muffle the sirens and that high winds and thunder may drown out the sound of the sirens. The phrase "adversely affect the ability to hear the siren" in EP 2.A (new version), however, does not reveal your meaning. Why not write it to say that the sound of wind or thunder will overpower the sound of the sirens, or that the sound of the sirens will not be heard over the sound of wind and thunder?

### EP 2.B (new EP 2.B)

(46) Please cite the regulation requiring backup power to the prompt notification system.

(47) What events do you anticipate would cause "a loss of power to all or part of the system?"

(48) What "backup power" do you think is lacking? That is, do you want backup power in the event Shoreham is inoperable, or something else?

### EP 3.A (new EP 3.A)

We do not understand the distinction between new EP 3.A(1) and new EP 3.A(4).

(49) What is your basis for the statement that "large numbers of the public would require hospitalization for radiation injury?" How would these people be contaminated? How would they be injured?

(50) Please define "radiation injury."

### EP 5.C (new EP 5)

The new draft EP 5 is unacceptable in that it does not state specifically what bases for protective actions the County thinks LILCO has not "adequately discussed," and what "particular

## HUNTON & WILLIAMS

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Page 3

conditions existing in the Shoreham vicinity" LILCO has not "assessed." Additionally, this contention repeats new EP 1.

(51) What protective action recommendations does the County or the County's experts think should be issued for

- (a) persons using beaches?
- (b) bedridden persons?
- (c) persons on boats?
- (d) the handicapped?
- (e) people in hospitals?
- (f) people in other "health care institutions?"
- (g) people in penal institutions?
- (h) the elderly?
- (i) people without their own means of transportation?

### EP 7.A (new EP 7.A)

The following fire departments have been trained or will be trained by LILCO or RMC personnel in radiation protection, radiation health, and accident response:

Wading River  
Manorville  
Ridge  
Rocky Point

At the appropriate time, Suffolk County's police force and response officials will also be trained. LILCO is prepared to begin training Suffolk County employees at the County's request.

Please answer the following questions:

(52) Do you have any evidence that the Wading River Fire Department's resources are not adequate to respond to emergencies at Shoreham? If so, what is that evidence?

(53) Do you propose to litigate whether the Wading River Fire Department's training has been adequate, or are your concerns limited to other fire departments and ambulance services other than Wading River?

### EP 7.B (new EP 7.B)

As you know, we have provided you with draft settlement language on EP 7.B. If you find that language unacceptable, we

## HUNTON & WILLIAMS

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will need the following information:

(54) Have you finished your review of the training materials? If not, when will you?

(55) Are you (that is, legal counsel) doing the review of the training materials yourselves, or do you have technical experts or consultants looking at the materials also? If the latter, who are the experts or consultants?

(56) The rewrite of the contention says you have inadequate information. What information do you want?

### EP 8.A (no new number, since this is a Phase II issue)

(57) It looks to us as though the "form" of public education materials are covered very specifically in section 8.4 of the LILCO plan. What more about the form of materials do you need to know? Isn't your real concern with the content?

(58) If the County thinks that some additional form of education materials is needed, please tell us what.

(59) As for "content," please list for us what information needs to be included in the materials. If we knew what the County thinks should be included, it seems there would be a good chance that LILCO could simply include much or all of it and resolve this contention.

(60) With what frequency does the County think each form of educational material should be disseminated?

### EP 8.B (no new number)

(61) Can't you be more specific about what social and psychological factors you think ought to be considered? Which of the following are you concerned about:

- (a) People's ability (education and intelligence) to understand messages?
- (b) People's tendency to disbelieve or disregard messages from certain authorities
- (c) Others?

## HUNTON & WILLIAMS

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Page 5

(62) What precisely do a person's economic circumstances have to do with what emergency messages he should receive?

### EP 9.A (new 8.A)

Below is some draft testimony on EP 9.A. Assuming what it says is true, does it alleviate your concerns?

Q. Based on your review and knowledge of the LILCO Plan, is there a clear difference between the Emergency Director and the Response Manager?

A. Yes, there is a clear difference between the Emergency Director and the Response Manager. Though both share similar functions, each have responsibilities unique to their positions.

Q. What responsibilities do the Emergency Director and the Response Manager share?

A. As stated in Section 5.2.1 of the LILCO plan:

"The responsibility for emergency direction and control, emergency classification, the decision to notify and recommend offsite protective actions, and commitment of corporate resources is held initially by the Emergency Director and passes to the Response Manager as this individual augments the emergency organization. The responsibilities associated with this position are non-delegable."

Q. Do the Emergency Director and the Response Manager perform these shared functions simultaneously?

A. No. As described in Section 5.2.1 of the LILCO plan, the functions pass from the Emergency Director to the Response Manager depending on the severity of emergency classification, and the emergency response facilities that have been activated.

When initiating conditions exist that result in one of the EALs being reached, the Watch Engineer in the Main Control Room assumes the Emergency Director role, declares that an emergency exists, and takes immediate action in accordance with written operating procedures to mitigate the consequences. The emergency direction and control functions remain with the Emergency Director in the Main Control Room during an Unusual Event.



## HUNTON & WILLIAMS

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Should the emergency escalate to an Alert or higher classification, the TSC becomes activated. The Plant Manager reports to the TSC, and after being briefed, assumes the overall direction and control of the response effort from the Watch Engineer.

The EOF becomes activated upon escalation to a Site Area or General Emergency, or at the Alert stage if deemed necessary. A LILCO official reports to the EOF, is briefed, and assumes the overall direction and control of the integrated emergency response effort, taking the title of Response Manager.

- Q. At the point that the Response Manager takes over for the Emergency Director, what functions does the Emergency Director assume that are unique to this position?
- A. As outlined in CIP-21, "Emergency Organizations," the Emergency Director is responsible for the overall management and implementation of all on-site operations and procedures in support of the objectives of the emergency response and recovery operations. He has the authority to immediately and unilaterally initiate any emergency actions that plant conditions may warrant. This will include:
1. Dispatching qualified personnel available to perform corrective actions.
  2. Assessing the need for additional personnel.
  3. Ordering required protective actions for on-site personnel.
  4. Approving the analysis and development of plans and procedures which are conducted in support of operations personnel.
  5. Evaluating plant and radiological conditions.
  6. Providing a single source of contact with the NRC personnel or their contacts.
  7. Maintaining the on-site security program in support of the Company (LILCO) for the duration of



## HUNTON & WILLIAMS

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Page 7

the emergency and will keep corporate management advised of plant status and emergency response operations.

8. Providing information and recommendations to the Response Manager concerning future operations that could affect the plant or the environment.
9. Reviewing and approving plans and procedures to process and control liquid and solid wastes in a manner consistent with overall emergency response and recovery operations.
10. Ensuring that all on-site injured personnel receive proper aid and medical attention.
11. Authorizing radiation doses to emergency workers in excess of normal operational limits when required.
12. Keeping a log of all actions starting with the first notification of an emergency.

Q. What are the functions and responsibilities of the Response Manager that are unique to this position?

A. As outlined in CIP-21, "Emergency Organizations," the Response Manager has the following specific responsibilities, in addition to those of emergency direction and control:

1. He will implement corporate policy and make decisions on all aspects of emergency mitigation or plant recovery operations without the need for consultation with higher management.
2. He will report to the President of LILCO for the duration of the emergency and will keep corporate management advised of plant status and emergency response operations.
3. He will function as the principal corporate interfact between the company and all other organizations.

## HUNTON & WILLIAMS

August 17, 1982

Page 8

4. He will request or authorize the request of any and all Federal assistance considered appropriate for the given situation.
5. He will have the option of acting as the principal media spokesman and may leave the EOF for a press conference at the ENC provided that he has appointed an interim Response Manager to take over his functions at the EOF during his absence.
6. He will decide which information concerning plant conditions and emergency response operations will be disseminated to the news media.
7. He will decide, once an ALERT has been called, whether or not to activate the Emergency Operations Facility (EOF) organization.
8. He will keep a log of all his actions starting with the first notification of an emergency.

### EP 9.B (new EP 8.B)

(63) We asked you whether you agree that NUREG-0654 is not an NRC requirement and you answered (in your August 5 letter) that whether it is or isn't doesn't resolve your concerns. We'd still like an answer to the original question.

### EP 9.C (new EP 6.A)

(64) How does the County want LILCO to solve the alleged problem of conflicting duties? Or is the County's position that there is no solution?

### EP 10 (new EP 9)

A draft Resolution for settling this contention is attached.

(65) Why is the statement in LILCO plan section 5.5.1 that "All announcements on public health and safety will originate from the State and local PIOs" not adequate to alleviate your concerns?

(66) We think that 10 CFR §§ 50.47(b)(3) and NUREG-0654 item II.C (and possibly other authorities you've cited) may

## HUNTON & WILLIAMS

August 17, 1982

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not be germane to the contention. Please tell us how they relate to the contention.

### EP 12.B (new EP 10.B)

There are seismic instruments and indicators in the Control Room. The Control Room is manned continuously, including during and following an accident. The Control Room is linked by a dedicated line and by telephone to the EOF. Any pertinent seismic information can be obtained through the seismic instruments and indicators in the Control Room and communicated to the EOF if needed.

(68) What NRC regulation requires LILCO to make provision for obtaining information relating to seismic phenomena?

(69) Why do you think it is important for emergency planning that LILCO provide for obtaining information relating to seismic phenomena?

### EP 13 (new EP 6.C, 11)

Notification Procedure SP 69.009.01, contained in the Emergency Plan Implementing Procedures (EPIP's) Volume 1 at tab 3, contains preplanned message statements to allow transfer of information. In addition, five sample messages to the public are attached. Please review these materials and tell us if you find any information lacking. LILCO will include the sample messages in the EPIP's if that will resolve this contention.

(70) For EP 13, our technical people think that 10 C.F.R. 50.47(b)(1), (b)(3), and (b)(4) are not germane to the substance of the contention, and neither is NUREG-0654, Item II.C. Can you explain why these authorities are cited for this contention?

(71) Appendix F of the LILCO plan contains specific message forms, and we understand that both the initial and follow-up notification forms used by LILCO are the standardized forms used by all nuclear power plants in the State of New York. Do you think these forms are inadequate? If so, how do you want them to be improved?

(72) Please review Section 6.2 of the LILCO plan and EPIP SB 69.09.01 and tell us how, if at all, they are inadequate.



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August 17, 1982  
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### EP 14 (new EP 11)

(73) Our technical people feel that 10 C.F.R. § 50.47(b)(6) and (b)(7) and NUREG-0654, Items II.F and II.G, are not germane here. Can you explain how they are relevant to the contention?

(74) In light of the fact that NUREG-0654, Item II.E(7) at page 46, says "[t]he role of the Licensee is to provide supporting information for the messages," do you believe there is an NRC requirement that the licensee's emergency plan contain the actual text of the messages?

(75) When may LILCO's planning people meet with the County's planning people to formulate the content of messages to the public?

### EP 15 (no new number, since this is a Phase II issue)

(76) Our technical people think you may have cited the wrong regulations for this contention. Please tell us how § 50.57(b)(1), 50.47(b)(3), 10 C.F.R. Part 50, Appendix E, and II.A and II.C of NUREG-0654 relate to the contention.

### EP 16.A (new EP 12.A)

(77) Section 6 of the LILCO plan provides that workers will be monitored by portal monitors at the guardhouse or, alternatively, at the off-site assembly area. The plan also provides for vehicle monitoring at the 69 kV substation (see page 6-13 of the plan). In what respects do you find these plans inadequate?

### EP 16.B (new EP 12.B)

(78) According to Section 6.5.2 of LILCO's plan, personnel contamination limits are 100 cpm above background as measured by an RM-14/HP-210 or its equivalent. What more do you want to know?

### EP 16.C (new EP 12.C)

(79) Section 6.5.1 of the LILCO plan says that radiation dosage to emergency personnel will be maintained as low as reasonably achievable and within 10 C.F.R. Part 20 limits. Volunteers may exceed Part 20 limits, but only after being

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briefed (again, see Section 6.5.1). Also, the EPIP's list emergency exposure criteria that are consistent with EPA Emergency Worker and Lifesaving Activity Protective Action Guidelines (EPA 520/1-75-001). Precisely in what ways are these guidelines deficient, in your view?

### EP 18.A (new EP 13.A)

Certain information is missing from the EAL's in some instances because the equipment has not been fully installed and in others because the information must be taken from startup tests, qualifications and calibrations that are not yet completed. The information will be filled in prior to fuel load.

### EP 18.B (new EP 13.B)

LILCO analyzed in FSAR Chapter 15 all the accidents required by the NRC Standard Plan, and established initiating events for those accidents. Some of these events were determined to cause no significant consequences to Shoreham plant parameters; others were determined to be covered by other initiating events and their associated EAL's. Each of the initiating events listed in the contention included in the LILCO plan in the last pages of Chapter 4 and falls into one of the two categories described above.

### EP 19.A (new EP 14.A)

(80) Doesn't NUREG-0654 II.B (Table B-1) require four people for field monitoring, not four teams?

(81) Are you saying that three field monitoring teams do not meet the recommendation of NUREG-0654, or that NUREG-0654 is insufficient in this particular situation?

(82) What does the population have to do with field monitoring teams? Is it not true that the need for radiological field monitoring is dependent on the size of the plume, not the population?

### EP 19.B (new EP 14.B)

(83) Table 6-1 of the LILCO plan gives the range in uCi/cc for each monitor used for detecting an abnormal condition in the plant. The EAL's also lists the monitors, their



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location on the panels, and their setpoints. What further details do you want?

### EP 20.A (NSC 1) (new EP 15)

In answer to your questions, we provide the following information.

First, the following is a list of locations between which dedicated lines are installed or will be installed:

- Control Room (CR) - TSC
- CR - OSC
- CR - EOF
- TSC - OSC
- TSC - EOF (2 Lines)
- EOF - Support Corporate Headquarters
- EOF - Emergency News Center (ENC)
- Suffolk County EOC (SCEOC) - WALK Radio Station
- SCEOC - Suffolk County Police Communications Center
- SCEOC - Brookhaven National Laboratories
- SCEOC - ENC

The hotline and the dedicated phone lines will continue to function if there is a power loss because the telephone company has its own backup generation capability.

Second, Electrical Emergency Restoration Procedure is a four-hundred page document used by LILCO to explain to employees what to do to restore electrical service. We do not know why it is referenced in your contentions. We will be glad to make this document available for inspection at LILCO's offices.

Finally, we think the footnote to your Contention II, Ralph, should refer to the NRC Policy Statement at 47 Fed. Reg. 31762 (1982), though you should check that Policy Statement to make sure it is what you have in mind.

### EP 21 (new EP 19)

(84) In addition to the material we mentioned in our August 13 letter, Corporate Implementing Procedure (CIP) 10 (Recovery) contains relevant material, and the Training Manual, Volume 1, Lesson Plan #10, deals with recovery. In what respects, if any, are these materials inadequate, in your view?

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August 17, 1982

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EP 22.A (new EP 20.A)

(85) What parameters does the County think are not provided and should be?

New EP 14.C (no old number)

The new EP 14.C, on iodine monitoring, we believe will need to be rewritten to better reflect the settlement agreement on that subject.

We suggest the following:

C. Even though the equipment intended for use by LILCO to monitor iodine released to the environment in the case of a radiological accident meets the specifications of NUREG-0737 and Regulatory Guide 1.97, the accuracy of the equipment is not satisfactory to meet the requirements of [specify the requirement].

New EP 18 (no old number)

(86) Is the new EP 18 an entirely new contention, or is it a rewrite or reorganization of some of the old contentions? If the latter, which if the old contentions are now incorporated into the new EP 18?

General

(87) Are you still planning to file testimony on the Phase I issues on September 14, 1982?

(88) Does the County still plan to produce an emergency plan of its own by October 1, 1982?

Yours very truly,

*Kathy E. B. McCleskey*  
Kathy E. B. McCleskey  
James N. Christman

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20 August \_\_, 1982  
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25 UNITED STATES OF AMERICA  
26 NUCLEAR REGULATORY COMMISSION  
27

29 Before the Atomic Safety and Licensing Board  
30  
30

31 In the Matter of )  
32 )  
33 LONG ISLAND LIGHTING COMPANY ) Docket No. 50-322 (OL)  
34 )  
35 (Shoreham Nuclear Power Station, )  
36 Unit 1) )  
37

37  
39 RESOLUTION OF SUFFOLK COUNTY CONTENTION  
40 EP 10 -- PUBLIC INFORMATION  
43  
43

44 THIS AGREEMENT by and among Long Island Lighting  
45 Company ("LILCO"), the Nuclear Regulatory Commission Staff  
46 ("Staff"), Suffolk County ("SC"), the Shoreham Opponents  
47 Coalition ("SOC"), and the North Shore Coalition ("NSC") (here-  
48 inafter collectively the "Parties") resolves Suffolk County  
49 Contention EP 10 in accordance with the terms stated below,  
50 subject to the approval of the Atomic Safety and Licensing  
51 Board ("Board").

53 Suffolk County contends that the LILCO Emergency  
54 Response Plan ("Plan") does not adequately describe the role of  
55 Suffolk County officials in composing public statements con-  
56 cerning actions occurring and to be taken during a radiological  
57 emergency at the Shoreham Nuclear Powr Station. By this

57 Resolution Agreement, LILCO agrees to add the following  
58 language to the Chapter 5 of the LILCO Plan:

62 Suffolk County officials should take a major  
62 role in determining the form and substance of  
63 public statements concerning protective  
64 actions occurring and to be taken during a  
65 radiological emergency.

68  
69 Accordingly, based upon LILCO's agreement to add that  
70 language to the Plan, SC finds that SC Contention 10 is re-  
71 solved. As a result, the Parties jointly urge the Licensing  
72 Board to accept this Resolution to terminate litigation of SC  
73 Contention 10.

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78 \_\_\_\_\_ (Date)  
79 COUNSEL FOR LONG ISLAND LIGHTING COMPANY

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82 \_\_\_\_\_ (Date)  
83 COUNSEL FOR NUCLEAR REGULATORY COMMISSION STAFF

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86 \_\_\_\_\_ (Date)  
87 COUNSEL FOR NORTH SHORE COALITION

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90 \_\_\_\_\_ (Date)  
91 COUNSEL FOR SHOREHAM OPPONENTS COALITION

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Agreed to and accepted by the  
Atomic Safety and Licensing  
Board this \_\_\_\_\_ day of  
\_\_\_\_\_, 1982.



Prepared Sample News Releases and Messages

Message No. 4-Emission of Radiological Plume From Station Site

General Emergency Status

Mineola/Ronkonkoma, New York/Date/. Long Island Lighting Company and Emergency Services Authorities in Suffolk County have announced that a general emergency has been declared at the Shoreham Nuclear Power Station in Shoreham, Long Island.

Residents in zones \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, are being advised by County and State Emergency officials to remain indoors and close their doors and windows. It is recommended that residents in these zones place a common cotton handkerchief or bathroom towel over their nose and mouth for respiratory protection.

Members of the general public are urged to monitor radio and television news reports for further instructions. Any information regarding possible evacuation will be issued by local and state civil defense agencies.

Authorized Signature For Release: X _____	Time/Date: _____
Released By: X _____	Location: _____ Time/Date: _____

Prepared Sample News Releases and Messages

Message No. 3-Radiological Release Outside Station Site

Site Area Emergency Status

Mineola/Ronkonkoma, New York/Date/. A site area emergency has been declared at Long Island Lighting Company's Shoreham Nuclear Power Station in Shoreham, New York due to a release of radioactive material at the power station site. LILCO has notified local, state and U.S. government authorities.

If public action is necessary, state or local officials will notify you through local emergency broadcast radio and television stations. If you are advised to leave your home please follow instructions from public officials..

Your local emergency broadcast radio and television stations will carry further details of the situation as soon as they are available.

Authorized Signature For Release:X

Time/Date:

Released By:X

Location:

Time/Date:

Prepared Sample News Releases and Messages

Message No. 2-Radiological Release within Station Site

Alert Status

Mineola/Shoreham, New York/Date/. A site emergency has been declared at Long Island Lighting Company's Shoreham Nuclear Power Station in Shoreham, New York.

There has been a release of radioactive material within the power station site, but no impact is expected at this time outside the station boundary. LILCO has notified local, state and U.S. government authorities.

For further updated information concerning the site emergency, LILCO suggests staying tuned to local radio or television stations.

News media will be advised by public health and civil defense officials should any additional precaution be required.

Authorized Signature For Release: X

Time/Date: \_\_\_\_\_

Released By: X

Location: \_\_\_\_\_

Time/Date: \_\_\_\_\_

Prepared Sample News Releases and Messages

Message No. 1-Unusual Event Status

Mineola/Shoreham, New York/Date/. A nonradiological emergency has been declared at Long Island Lighting Company's Shoreham Nuclear Power Station in Shoreham, New York. NO radiation has been released and there is no danger to anyone outside the station boundary. LILCO has notified local, state, and U.S. government authorities.

The nature of the problem is being investigated by experts at the site and further details will be forthcoming when available. LILCO urges the public to listen to television and radio news reports for further information.

Authorized Signature for Release:X

Time/Date:

Released By:X

Location:

Time/Date:

CUSTOMER INFORMATION DEPT.

Prepared Sample Telephone Answering Message

The following taped message should be relayed to LILCO customers who call their local business district offices during an incident at the Shoreham Nuclear Power Station.

This is a recording from the Long Island Lighting Company. There has been an (incident classification) at our Shoreham Nuclear Power Station; the following message has been prepared for your information:

(At this point one of the previous recorded news releases and messages would be played.)

Please monitor radio and television news reports for further information concerning the incident. If your call concerns a gas odor or service emergency, we ask that you please call \_\_\_\_\_ and one of our Customer Relations personnel will speak with you. Thank you.



# HUNTON & WILLIAMS

707 EAST MAIN STREET

P.O. Box 1535

**RICHMOND, VIRGINIA 23212**

TELEPHONE 804-788-8200

August 20, 1982

1919 PENNSYLVANIA AVENUE, N.W.  
P.O. BOX 19230  
WASHINGTON, D.C. 20036  
202-223-8650

FILE NO.

DIRECT DIAL NO. 804 788- 8701

B & T BUILDING  
P.O. BOX 109  
RALEIGH, NORTH CAROLINA 27602  
919-828-9371

FIRST VIRGINIA BANK TOWER  
P.O. BOX 3889  
NORFOLK, VIRGINIA 23514  
804-625-5501

Ralph Shapiro, Esquire  
Cammer and Shapiro, P.C.  
9 East 40th Street  
New York, New York 10016

Dear Ralph:

18  
This letter confirms the phone conversation we had yesterday concerning your letter of August 10, 1982 and the new contentions EP 15, 16, 17 and 18.

In your August 10 letter your requested information on a variety of topics related to the emergency planning contentions. Jim Christman and I provided much of that information in our letter of August 13. Two items remain: NAWAS, and the Radiation Monitoring System Computer.

As I mentioned yesterday, the New York Office of Disaster Preparedness is sending you, at LILCO's request, literature on the National Alert Warning System (NAWAS) and a map of the subcircuit locations in the vicinity of Shoreham. NAWAS has been in existence since the early 60's. It has three subcircuit capabilities: one nationwide, one statewide, and one subcircuit system. A subcircuit may include several phones ("drops"). For example, LILCO is part of the subcircuit that includes Nassau County's and Suffolk County's emergency offices; Brookhaven is on another subcircuit. Within a subcircuit, one drop is designated as primary receiver. Primary receivers can talk to, as well as receive information from, Albany and other primary receivers. Nassau County is the primary receiver on our subcircuit.

NAWAS has one hundred seventy drops in New York State, and unlimited drop capability nationwide. It is a twenty-four hour service with dedicated lines. Should you require additional information after reviewing the literature, you might contact the New York Office of Disaster Preparedness.

You also asked whether LILCO has considered that the Radiation Monitoring System computer might not function. As Mark Blauer explained during our conversation yesterday, LILCO has considered that possibility and has a backup computer for that

HUNTON & WILLIAMS

Ralph Shapiro, Esq.  
August 20, 1982  
Page 2

System. Based on this information, we do not anticipate that you will find it necessary to file a contention on this topic. I note again that we will object to your now filing contentions you did not raise in your original filing.

We also discussed contentions EP 15 through 18 during our phone conversation yesterday.

EP 15. I understand that 15.D and 15.F concern the possibility that phone lines may become overloaded. We will provide further information regarding 15.G, coverage and load capacity of UHF and VHF radio stations, with the hope that 15.G will be settled. It is also our hope that based upon the information provided on NAWAS, we will settle 15.H.

Please answer these questions on EP 15:

- (1) Assuming that the telephone system is inadequate for communications with off-site response organizations, what sort of communication system would NSC consider adequate?
- (2) How and by whom does NSC think phone lines will be sabotaged?

EP 16. As I mentioned yesterday, EP 16 seems to deal with training and with potential role conflict. These topics are discussed in County contentions as well. The contentions should be consolidated.

Please answer these questions:

- (3) What kind of psychological and mental stress does NSC think emergency personnel will experience?
- (4) How does NSC think LILCO should take that stress into account in its training program?

EP 17. It is my understanding that based upon information provided by LILCO about personnel assignments, NSC may settle this contention. I will send you draft settlement agreements under separate cover.

HUNTON & WILLIAMS

Ralph Shapiro, Esq.  
August 20, 1982  
Page 3

EP 18. EP 18.A, B, C, and D seem to overlap the County's training and medical services contentions. These should be consolidated. In addition, it is my understanding that NSC may settle EP 18.E based upon information about the training level of medical personnel. I will send you a draft settlement agreement under separate cover.

As I mentioned during our phone conversation, LILCO would like NSC to identify as soon as possible the experts NSC plans to use for EP 15 through 18. I understand that you will provide the names of those experts on Monday, August 23.

Please advise me if you need additional information.

Sincerely,

*Kathy/jnc*  
Kathy E. B. McCleskey

301/740