

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 O.L.
(Shoreham Nuclear Power Station,)	
Unit 1))	
_____)	

ANSWER AND OPPOSITION OF
SUFFOLK COUNTY TO LILCO'S MOTION
FOR A LOW POWER OPERATING LICENSE

I. INTRODUCTION

On June 8, 1983, the Long Island Lighting Company ("LILCO") filed a motion pursuant to 10 C.F.R. § 50.57(c) for a license to load fuel and to operate the Shoreham plant at low power (the "LILCO Motion" or "Motion"). Because the issue of offsite emergency preparedness is in controversy and has not yet been litigated, LILCO relies upon the provisions of 10 C.F.R. § 50.47(d) in its Motion. However, this Board has certified to the Commission the question whether Section 50.47(d) is applicable under the particular circumstances of Shoreham. Further, this Board has currently pending before it a number of health and safety issues as to which no decision has yet been issued. Finally, necessary analyses required by the National Environmental Policy Act concerning the costs and benefits of low power operation still have not been performed.

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Suffolk County opposes and urges denial of the LILCO Motion for the following reasons:

1. The Motion should be denied because this Board has determined that Section 50.47(d) should not be applied at this time, given the lack of adequate offsite emergency preparedness now and doubts about whether it can be achieved in the future. The Board has certified this question to the Commission, but the Commission has not yet addressed this question. Under these circumstances, the LILCO Motion should be denied. No motion for low power operation of Shoreham should be entertained unless and until the Commission decides the certified question or, if it determines that Section 50.47(d) does not apply, until the Licensing Board which is to hear the emergency planning issues reaches a decision.

2. The Motion is premature because this Board cannot now and is unlikely in the immediate future to issue a partial initial decision on all matters in controversy which are relevant to low power operation, and the NRC Staff cannot now and is unlikely in the immediate future to make the findings required under 10 C.F.R. § 50.57(c).

3. The LILCO Motion fails to meet the requirements of 10 C.F.R. §§ 50.57(c) and 50.47(d) with respect to the offsite elements of onsite emergency preparedness.

4. The Motion must be denied because necessary environmental analyses, particularly a supplement to the Final Shoreham Environmental Impact Statement to consider the costs and benefits of low power operation followed by the abandonment of Shoreham, have not been performed.

II. DISCUSSION

A. The Motion Should Be Denied Because the Low Power Issue Certified to the Commission Has Not Yet Been Resolved.

This Board has certified to the Commission the question whether 10 C.F.R. § 50.47(d) should apply "in circumstances which raise preliminary doubts that emergency preparedness requirements for full power operation can and will be met in the future." Memorandum and Order Referring Denial of Suffolk County's Motion to Terminate to the Appeal Board and Certifying Low-Power License Question to the Commission (through the Appeal Board), LBP-83-21, 17 NRC _____, slip op. 12 (April 20, 1983) (the "Certification Order"). There this Board found that, given the absence of a County offsite emergency plan and

County resource assistance to implement any other plan, there could be no finding at this time of reasonable assurance that "offsite emergency preparedness sufficient to permit issuance of a full-power operating license for Shoreham can and will be developed." Id. at 9. This Board concluded that the Commission should not permit fuel loading "unless and until the impending factual inquiry [before the new Licensing Board on emergency planning] can support . . ." such a finding. Id. at 10 (emphasis supplied).

Suffolk County agrees with the position taken by this Board. LILCO's Motion for a license to load fuel and operate Shoreham at low power should be denied unless and until the required finding is made on the sufficiency of offsite emergency preparedness, or unless and until the Commission answers the certified question by determining that despite the circumstances regarding emergency preparedness at Shoreham, Section 50.47(d) should be applied.^{1/}

^{1/} If the Commission were to rule that Section 50.47(d) does apply now to Shoreham, the County would oppose a low power license on the other grounds stated herein. Further, the County would also petition for a waiver of Section 50.47(d), pursuant to 10 C.F.R. § 2.758, because of the special circumstances of this case.

LILCO impliedly invites this Board to reverse its position as stated in the Certification Order because of the so-called changed circumstances arising from the fact that LILCO, on May 26, 1983, filed its own offsite emergency "plans" which, according to LILCO, "go far toward removing the obstacle that the Board saw to a low-power license." LILCO Motion at 8, n. 7. However, the Licensing Board which will hear the emergency planning issues ruled on June 10, 1983, that four of the five alternative plans submitted by LILCO -- all of those which envision the participation of governmental entities -- are not within the scope of the proceeding because none of the governmental entities have consented to participate. Order Limiting Scope of Submissions (June 10, 1983). Certainly, these four plans, which are not even under consideration, do not "go far" toward removing the "obstacle" to a low power license.

The only remaining "plan" is to be implemented solely by LILCO, without the participation of any governmental entity. This LILCO plan (the "LILCO Transition Plan") also fails to remove the "obstacle" to a low power license; rather, as discussed below, it reinforces doubts that offsite emergency preparedness for Shoreham will ever be sufficient to allow full power operation, and thus presents an even greater obstacle to a low power license.

1. The Views of Four NRC Commissioners Are That Without Local or State Government Participation Offsite Emergency Preparedness Is Either Impossible or Very Difficult.

Four NRC Commissioners expressed their views on the feasibility of adequate offsite emergency preparedness without local and state governmental participation (as in the LILCO Transition Plan) in testimony before a Senate Subcommittee on April 15, 1983.

Chairman Palladino:

What is the difficulty, I think, with the utility plan is that lacking local participation and state participation, it would be very difficult to get a workable plan.

Now, I could, in the extreme, envision steps that a utility might take. But that is not the spirit in which the emergency planning process has gone on. The process has been to work closely with states and local officials, and I think that this still needs to go on.

Hearings on Emergency Planning and Preparedness, Subcommittee on Nuclear Regulation of the Committee on Environment and Public Works, United States Senate (April 15, 1983), Transcript at 15-16.

Commissioner Asselstine:

[O]ne does not have to be an expert in emergency planning or preparedness to

recognize that in large part, our requirements and these plans depend upon the active participation and involvement of governmental officials, whether they are State or local or a combination of the two.

I think it is going to be very difficult -- as I think the Chairman recognized earlier -- to find an adequate level of preparedness if you simply don't have, for one reason or another, the participation and involvement either in the planning or in the execution of plans by State or local government officials.

Id. at 21.

Commissioner Gilinsky:2/

Mr. Chairman, I want to say that I agree completely with Jim Asselstine's determination of the problem.

As a practical matter, there just isn't any way the utility can compensate for lack of participation of all of the surrounding government bodies.

Ibid.

2/ The answer to Question 7.e, providing the Commission's response to one of several questions posed in advance by the Senate Subcommittee on Nuclear Regulation and attached to Chairman Palladino's prepared testimony submitted to that Subcommittee on April 14, 1983, states:

Commissioners Asselstine and Gilinsky believe that if both the State and local government refuse to cooperate on emergency preparedness matters, a utility plan does not provide a workable and effective alternative to provide adequate emergency planning and preparedness capability.

Commissioner Ahearne:

We are not experts in emergency planning in the NRC, and I would think that what could be done in the absence of a state or local plan in general would be a question that FEMA would be much more able to answer because they are, supposedly, the experts in emergency planning.

Id. at 18. FEMA's answer to the question posed by Commissioner Ahearne is clear. At the same hearing Richard Krimm, an Assistant Associate Director at FEMA, testified that FEMA would not approve an emergency plan without the participation of state and local government.

I would not consider it likely in the most conceivable circumstances that a plan from other than appropriate local, State and government sources could meet FEMA's criteria.

169 out of the 212 planning standards which we use relate to local and State governments. But if such a plan was submitted, in other words, a utility plan without the enforcement of State and local government, FEMA would review it on a prima facie basis and would return it to the NRC.

We would have to advise the Nuclear Regulatory Commission that because the State and local governments did not endorse this plan or were not participating, that we could not guarantee the adequacy of off-site preparedness or the safety of the public around a nuclear facility.

Id. at 54. Mr. Krimm explained that the offsite emergency preparedness standards, which are joint criteria of FEMA and the NRC,

depend on the involvement of State and local governments . . . and without that involvement and without that commitment, there is no way that we can find a plan adequate.

The utility could draw up the most beautiful plan in the world, and we could certainly review it, but without that involvement of State and local commitment, there is nothing we can do.

Id. at 57-58.

2. FEMA Has Found Significant Inadequacies in the LILCO Transition Plan.

As noted above, LILCO has asserted that the submission of the LILCO Transition Plan "goes far" to remove the "obstacle" to the issuance of a low power license. However, a review of that plan by FEMA, at the request of the Commission, documents numerous serious deficiencies. On June 23, 1983, FEMA submitted to the Commission its findings on the LILCO Transition Plan, detailing thirty-four (34) "inadequacies" in terms of NUREG-0654/FEMA-REP-1, Rev. 1 (the "FEMA Report"). A copy of the FEMA Report with its transmittal memorandum is attached hereto as Exhibit 1.

Some of the inadequacies identified in the FEMA Report appear to be of critical significance to the LILCO Transition Plan. For example, as to the fundamental matter of the legal

authority of LILCO's "local emergency response organization" to implement its plan (Sec. 1.4, Attachment 1.4-1 of the LILCO Transition Plan), the FEMA Report's evaluation and comments stated:

Inadequate; first, the legal authority cited in Attachment 1.4.1 to the plan (10 C.F.R. 50.47) does not specifically grant the necessary police powers to a licensee to implement those aspects of an off-site emergency response requiring the exercise of governmental authority. Second, the underlying assumption of both FEMA and NRC off-site emergency preparedness regulations is that the responsibility for responding to a radiological emergency at a commercial nuclear reactor rests cooperatively with State, local, and federal governments. Part I.F. of NUREG 0654/FEMA-Rep-1, Rev. 1, states at p. 22-23 that "NRC and FEMA recognize that plans of licensees, State and local governments should not be developed in a vacuum or in isolation from one another. Should an accident occur, the public can be best protected when the response by all parties is fully integrated." Part I.H. emphasizes at p. 25 that "NRC and FEMA agree that the licensees of nuclear facilities have a primary responsibility for planning and implementing emergency measures within their site boundaries" (emphasis in original). In designating an emergency response organization relying exclusively on LILCO employees, this plan contravenes these standards.

FEMA Report at 2-3 (Emphasis added).

Again, in the critical area of the organization of LILCO's local emergency response organization (Sec. 2.1, Fig. 2.1.2,

Procedure 2.1.1 of the LILCO Transition Plan), the FEMA Report found:

Inadequate; first, the organizational matrix (Fig. 2.1.2) does not include a designation of responsibility for taking protective actions, although Procedure 2.1.1 states that this is the responsibility of the Director of Local Response. The matrix should be changed to reflect this responsibility. Second, responsibility for emergency law enforcement activities is not assigned (Reference A.2.b). No provision is made for the likely need for large numbers of police officers. For example, the assignment of traffic control responsibilities to persons who are not police officers is inappropriate given the necessity of blocking public thoroughfares, ordering drivers to follow specified routes, and other extraordinary changes in legal driving patterns.

FEMA Report at 2 (Emphasis added).

* * * *

There are many other examples in the FEMA Report of incurable deficiencies in the LILCO Transition Plan.^{3/} Given the inadequacies of the LILCO plan and the positions of four NRC Commissioners and FEMA, as set forth above, the Board should

^{3/} See also "Consolidated Draft Emergency Planning Contentions" dated June 23, 1983, a 169-page document filed by Suffolk County with the emergency planning Licensing Board and containing the County's and other intervenors' contentions on the LILCO Transition Plan.

deny the LILCO Motion because the Commission has not yet acted upon the certified question, and the LILCO Transition Plan, found inadequate by FEMA, will not provide adequate offsite emergency preparedness. LILCO's request that this Board rule favorably on its Motion, subject to a subsequent resolution of the issue of the application of Section 50.47(d), would require this Board to ignore the serious inadequacies which already have been identified in LILCO's Transition Plan. It also would require a premature application of the time and resources of this Board and of the parties. If the Commission agrees with the position taken by this Board in the Certification Order and acts in accordance with the views of four NRC Commissioners expressed at the April 15 Senate Hearing and with the FEMA findings of incurable inadequacies, all of those resources will have been totally wasted.

B. The LILCO Motion is Premature Under Section 50.57(c).

As discussed above, the LILCO Motion should be denied because the Commission has not yet determined whether 10 C.F.R. § 50.47(d) applies. In addition, the LILCO Motion is premature and not ripe for consideration under 10 C.F.R. § 50.57(c). That section requires that, as in this case, where a low power license motion is opposed, "prior to taking any action on such a motion . . .," the Board must make findings in the form of an

initial decision as to matters in controversy specified in Section 50.57(a) (Emphasis added). Apparently recognizing this requirement, LILCO requests that its Motion be granted upon issuance of a partial initial decision on contested full-power health and safety issues as to which the evidentiary record is closed. LILCO Motion at 2, 10.

The LILCO Motion is premature because the requirements of Section 50.57(c) cannot be met now or in the immediate future. While this Board did estimate in late April that its partial initial decision could be issued "around the end of July, 1983," it made clear that this estimate did not take into consideration "the possible large effect of a reopening of the record" Certification Order at 21. This Board correctly noted that Suffolk County expects to study and perhaps:

in effect move to reopen the Quality Assurance/Quality Control record to litigate the still pending, but long anticipated and much delayed (without explanation), Teledyne independent design review report which was commissioned by LILCO and supported strongly, if not effectively required, by the Staff.

Id. at 20-21.

Since April the estimate for the issuance of the Teledyne report has slipped significantly; the latest estimate is July

11, 1983. Letter dated June 3, 1983, from Bernard M. Bordenick, Counsel for NRC Staff, to this Board. Surely, if the County is to be given a fair opportunity to review the Teledyne report and, if warranted, prepare a motion to litigate its contents, and further if LILCO answers the motion and this Board gives appropriate consideration to the motion, the partial initial decision must be delayed well beyond the end of July.^{4/}

Equally important is that this Board recently admitted new County contentions regarding the emergency diesel generators at Shoreham. As to the County's contention regarding the cracking of cylinder heads, this Board said,

Although this issue could delay issuance of a low-power license, it will only do so if LILCO cannot establish its lack of significance for low-power in summary procedures. If LILCO cannot readily establish this lack of significance for low-power, the issue is significant enough to counterbalance the delay in the proceeding. . . .

^{4/} Even if this Board chose to issue its partial initial decision on all other contested health and safety issues, it presumably would delay issuance of an initial decision on QA/QC contentions, to which the anticipated Teledyne report relates. Without an initial decision on the controverted QA/QC issues, a low power license may not be issued under 10 C.F.R. § 50.57(c).

Memorandum and Order Ruling on Suffolk County's Motion to admit New Contention, LBP-83-30, slip op. at 35 (June 22, 1983).

Section 50.57(c) also requires that before a low power license is issued, "[t]he Director of Nuclear Reactor Regulation will make findings on all other matters specified in . . ." Section 50.57(a). The Director of NRR has not yet made all such findings, and may not be in a position to do so for some time. For example, the Staff has suggested that its review of the Teledyne report may be a prerequisite to a license. Certification Order at 21. Numerous SER items remain open. The Staff also continues to have serious concerns over the emergency diesel generators, with no estimate as to when those concerns will be satisfied. See Tr. 21,211-212. The Staff's position is that all diesel generator questions for all three diesels must be resolved before issuance of a low power license. Tr. 21,374. Accordingly, the LILCO Motion is premature because the Staff cannot now or in the immediate future make the findings required under Section 50.57(c) which would allow issuance of a low power license.

C. The LILCO Motion Does Not Meet the Requirements of 10 C.F.R. §§ 50.57(c) and 50.47(d) With Respect to Onsite Emergency Preparedness.

10 C.F.R. § 50.47(a)(1) provides that:

No operating license for a nuclear power reactor will be issued unless a finding is made by NRC that the state of onsite and offsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

Emergency plans must meet the sixteen standards set forth in 10 C.F.R. §50.47(b). Because of the unsettled state of emergency planning, LILCO must base its Motion in part on 10 C.F.R. §50.47(d), which provides:

Notwithstanding the requirements of paragraphs (a) and (b) of this section, no NRC or FEMA review, findings, or determinations concerning the state of offsite emergency preparedness or the adequacy of a capability to implement State and local offsite emergency plans are required prior to issuance of an operating license authorizing only fuel loading and/or low power operations (up to 5 percent of the rated power). Insofar as emergency planning and preparedness requirements are concerned, a license authorizing fuel loading and/or low power operation may be issued after a finding is made by the NRC that the state of onsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. The NRC will base this finding on its assessment of the applicant's emergency plan against the pertinent standards in

paragraph (b) of this section and Appendix E of this Part. (Emphasis added).

Suffolk County submits that the state of onsite emergency preparedness as reflected in LILCO's onsite emergency preparedness plan, Revision 4 (May 1983) (the "Revised Onsite Plan"), is fatally defective and cannot support the finding required by Section 50.47(d), assuming that Section 50.47(d) applies at all in the circumstances of this case. See Section II.A., supra. Further, the County is filing a motion with the emergency planning Licensing Board for leave to file contentions on offsite elements of the Revised Onsite Plan and onsite issues which could not have been litigated before this Board during Phase I of the emergency planning proceedings. A copy of that motion is attached hereto as Exhibit 2.

1. The County's Contentions Regarding the Revised Onsite Plan, If Accepted, Must Be Decided Before A License Can Be Issued Under 10 C.F.R. § 50.57(c).

LILCO asserts that all onsite emergency preparedness issues were disposed of by the default^{5/} of the County and other intervenors in Phase I of the emergency planning

^{5/} The County does not agree that it was properly defaulted on Phase I issues and will address that matter in appellate review, if such appeals ever become necessary.

proceeding before this Board, and that offsite emergency preparedness need not be shown under the terms of 10 C.F.R. § 50.47(d). LILCO Motion at 12. Suffolk County takes issue with both of these assertions.

In the Supplementary Information accompanying the publication as a final rule of Section 50.47(d), the Commission stated:

[T]he NRC review of the licensees' onsite response mechanism would necessarily include aspects of some offsite elements: Communications, notification, assistance agreements with local law enforcement, fire protection, and medical organizations, and the like. Some examples, but not an exclusive list, where review of an applicant's emergency plan would involve aspects of some offsite elements may be found in pertinent portions of 10 CFR 50.47(b)(3), (5), (6), (9), and (12).

47 Fed. Reg. 30,232, col. 2 (July 13, 1982) (Emphasis added). Therefore, LILCO must demonstrate that specific elements of offsite emergency preparedness are provided for adequately in its onsite emergency plan prior to issuance of a low power license. It is precisely some of these offsite elements required for onsite preparedness which the County seeks to litigate before the emergency planning Licensing Board. These elements and the County's contentions are described in Exhibit 2, which is incorporated herein by reference.

Suffolk County submits that this Board could not have intended to prevent the litigation of offsite elements of the LILCO onsite emergency plan which could not have been litigated by the County at the time of its alleged default in Phase I. It is this narrow portion of the Revised Onsite Plan as to which the County is seeking to have contentions admitted.

In the "Memorandum and Order Denying Suffolk County's Motion to Terminate the Shoreham Operating License Proceeding," LBP-83-22, 17 NRC ____ (April 20, 1983), this Board stated:

While we have at times described the scope of Phase I matters using such shorthand terms as "onsite matters" or "LILCO's actions under its onsite plan," we consistently noted that we wished to litigate during Phase I all matters which were at that time capable of final resolution in advance of the then pending preparation of a local offsite plan by Suffolk County.

LBP-83-22 at 63 (Emphasis added). This Board then referenced a number of "offsite elements" which it defined as included in Phase I, and accordingly outside the scope of contentions which may be raised in the forthcoming emergency planning proceeding. See also Certification Order at 10, n. 7; Appendix A to LBP-83-22, at A-4.

However, the County's contentions as to the offsite elements of the Revised Onsite Plan were not "at that time capable of final resolution," because such offsite elements were

at that time based upon the erroneous fundamental assumption that Suffolk County would adopt and implement an offsite emergency plan. This is made clear by this Board's statement of the facts, Appendix A to LBP-83-22 ("Board Appendix A").

In the summer and fall of 1982, this Board, LILCO, and all parties were aware that the County was preparing an offsite emergency plan while LILCO attempted to have New York State approve an offsite plan prepared by LILCO, but relying upon County participation and implementation. See Board Appendix A at A-6 to A-9. At the time that this Board, by confirmatory order of December 22, 1982, dismissed with prejudice the County's Phase I emergency planning contentions, the County's consultants had completed work on a draft offsite plan and the County had entered into a stipulation in a New York State court action which anticipated County approval or disapproval of that plan by February 23, 1983. See Board Appendix A at A-8. Therefore, it is clear that the offsite elements of LILCO's onsite emergency plan as then drafted and the County's contentions regarding the LILCO onsite plan (before they were dismissed) contemplated and relied upon the County's participation in and implementation of an offsite emergency plan. It was not until February 17, 1983, after public hearings held in January, that the County Legislature adopted Resolution No. 111-1983,

which disapproved the draft County offsite plan and determined that the County would not adopt or implement any offsite emergency plan. See Board Appendix A at A-9 to A-10. Thus, only in February 1983 did it become clear that one of the fundamental assumptions of the Phase I litigation -- that the County would participate in overall emergency preparedness for the Shoreham plant -- was no longer valid.

In late May 1983, LILCO submitted its Revised Onsite Plan. The County's contentions on the Revised Onsite Plan (as set forth in Exhibit 2 hereto) focus on issues which arise because that Plan does not adequately take into account the fact that Suffolk County will not participate in or implement any offsite emergency plan, including the so-called "LILCO Transition Plan." For example, the contentions show that LILCO's Revised Onsite Plan erroneously continues to rely upon Suffolk County government resources, despite Resolution No. 111-1983. These contentions involve matters which could not have been litigated and resolved during Phase I before this Board's December 22, 1982 Order confirming sanctions against the County, because at that time the onsite plan assumed the County would participate in and implement an offsite emergency plan.

For the foregoing reasons, the County is urging the emergency planning Licensing Board to admit its contentions. If

they are admitted, the contentions will be litigated in proceedings before that Board and, until resolved by an initial decision as required by 10 C.F.R. § 50.57(c), this Board may not grant LILCO's Motion.

2. The NRC Cannot Make A Finding of Adequate Onsite Emergency Preparedness As Required By 10 C.F.R. §50.47(d).

Section 50.47(d) permits the issuance of a low power license only after the NRC has made a finding, based upon its assessment of emergency plans against the relevant standards of Section 50.47(b) and Appendix E of 10 C.F.R., Part 50:

that the state of onsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

As noted above, this assessment must consider various offsite elements of the onsite plan.

Even if the County's contentions are not accepted by the emergency planning Licensing Board, the NRC Staff must make an assessment regarding the Revised Onsite Plan and issue an SER thereon prior to the issuance of a low power license. 10 C.F.R. §50.57(c). LILCO has incorrectly asserted that because onsite emergency planning issues were disposed of by this Board's dismissal of Phase I issues and no offsite preparedness

need be shown, "there is nothing to prevent the Board from issuing a partial initial decision and granting . . ." the LILCO Motion. LILCO Motion at 12. This Board stated on April 20, 1983:

The dismissal of those [Phase I emergency planning] issues was with prejudice in the proceeding, but was not a ruling on the merits of the contentions. Accordingly, the determination of whether Section 50.47(d) is satisfied is one which must be made and supported by the NRC Staff, subject to such oversight as the Commission, in its discretion, deems appropriate.

Certification Order at 10, n. 7.

Apparently LILCO believes that onsite emergency preparedness is no longer an issue because the Staff filed favorable written testimony regarding onsite emergency preparedness on October 12, 1982. See LILCO Motion at 7, n. 6. Reliance upon that testimony is unjustified. The LILCO onsite plan has been modified since the Staff filed its October 1982 testimony; moreover, at the time the Staff testimony was written as to offsite elements of the onsite plan, the Staff, like the other parties, incorrectly assumed the County would implement and participate in an offsite emergency plan for Shoreham. Therefore, the October 1982 testimony must be viewed as stale and overtaken by events.

Suffolk County submits that, in performing its review of LILCO's May 1983 Revised Onsite Plan, the Staff cannot ignore the deficiencies identified in the County's proposed contentions set forth in Exhibit 2 hereto and the inadequacies identified in the FEMA Report relating to offsite elements. In light of those deficiencies, the NRC cannot properly make the finding as to onsite emergency preparedness required by Section 50.47(d),^{6/} and without such a finding, the LILCO Motion cannot be granted.

D. LILCO's Low Power Motion Cannot be Considered until Necessary Environmental Analyses have been Performed.

Suffolk County contends that the final environmental impact statement ("FEIS") prepared for Shoreham is not sufficient to support operation of Shoreham at low power. First, under the NRC's regulations, an analysis must be prepared of the environmental costs and benefits of low power operation. Because such an analysis has not been prepared, low power operation

^{6/} The County is not suggesting, of course, that it is prepared to rely upon the Staff making a proper finding to the exclusion of the litigation of the County's proposed contentions regarding the offsite elements of the onsite plan which could not have been litigated earlier. Litigation of these contentions before the emergency planning Licensing Board will provide the best and most appropriate forum to determine the validity of these contentions and permit a complete response by LILCO and the Staff.

would now be unlawful. Second, even if the existing FEIS would ordinarily be sufficient to support low power operation at Shoreham, significant new information regarding the balance of environmental costs and benefits requires issuance of a supplemental EIS. This new information concerns the fact that low power operation, if authorized, would likely be followed by abandonment of Shoreham due to LILCO's inability to satisfy the NRC's emergency preparedness regulations. This alternative -- low power operation followed by abandonment -- must be evaluated in a supplement to the FEIS before LILCO's Motion can be considered.

1. The NRC's Regulations Require a Specific Assessment of the Environmental Impacts of Low Power Operation.

The NRC's regulations require that the NRC consider the environmental impacts of operation of a power reactor at less than full power. Thus, 10 C.F.R. § 51.5(b) states:

Many licensing and regulatory actions of the Commission other than those listed in paragraph (a) may or may not require preparation of an environmental impact statement, depending upon the circumstances. In determining whether an environmental impact statement should or should not be prepared for such an action, the Commission shall be guided by the Council on Environmental Quality Guidelines, 40 C.F.R. 1500.6. Such actions include:

. . .

(3) Issuance of a license to operate a power reactor . . . at less than full power . . . ; (Emphasis added).

Section 51.5(c)(1) further provides:

The environmental impact of proposed licensing and regulatory actions listed in paragraph (b) will be evaluated and if it is determined that an environmental impact statement should be prepared, a notice of intent will be published and distributed in accordance with § 51.50(d) and draft and final environmental impact statements will be prepared. If it is determined that an environmental impact statement need not be prepared for an action listed in paragraph (b), a negative declaration and environmental impact appraisal will, unless otherwise determined by the Commission, be prepared in accordance with § 51.7 and § 51.50(d). (emphasis supplied).

Thus, before LILCO's request to operate Shoreham at low power may be acted upon, the regulations require that the environmental impacts of low power operation "will be evaluated," and an EIS on low power operation will be prepared or, if it is determined that an EIS is not required, an environmental impact appraisal ("EIA") and negative declaration will be prepared.

At first glance, the Appeal Board's recent decision in the Diablo Canyon proceeding appears to rule that an EIS or an EIA is not required for low power operation because the existing FEIS for full power operation necessarily covers the environmental impacts of such operation. See Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-728, ___ NRC ___ (May 18, 1983) (slip op. pp. 21-24). The facts in the Shoreham case, however, are markedly different. Unlike Diablo Canyon, the Board in this proceeding is faced

with a circumstance where it is highly questionable (in the County's view, in fact, impossible) that a full power operating license ever can be issued. Thus, the activity sought to be authorized by LILCO's Motion is low power operation, which will produce no benefit in terms of electric power, followed by shutdown and abandonment of the plant. The costs of this action, when compared to the lack of benefits, will be substantial, including contamination of the facility, higher decommissioning costs, and possible worker exposure to radiation during operation and decommissioning.

The FEIS for Shoreham does not weigh the environmental costs and benefits of low power operation followed by abandonment of the plant. Thus, it cannot be said that the existing Shoreham FEIS effectively subsumes or covers the analyses which now must be performed. Accordingly, this Board should require that the necessary environmental analyses required by 10 C.F.R. §§ 51.5(b) and (c) promptly be prepared.

2. A Supplemental EIS Must be Prepared.

Assuming arguendo that as a general rule a final EIS for full power operation is sufficient to evaluate and balance the environmental costs and benefits of low power operation, it is clear that recent events in this proceeding compel preparation of a supplemental EIS for Shoreham. As noted above, the FEIS

for Shoreham never considered the alternative that the power plant would be licensed at low power, go critical, contaminate the facility, and then be abandoned without ever having generated power. Recent events relating to the lack of necessary emergency preparedness make the foregoing alternative highly realistic. Thus, under established law and policy, the FEIS for Shoreham must be supplemented to consider this alternative.

Consideration of this alternative is significant because any weighing of the environmental costs and benefits of low power operation followed by abandonment must result in a decision that the costs greatly outweigh any benefits. First, there are no benefits to be derived from low power operation of Shoreham followed by abandonment. The tests to be performed under low power operation can only have a benefit as a step toward power operation. But because no power will ever be generated, the tests have no benefit. However, substantial environmental and other costs will be incurred if low power operation is permitted. Fuel will be irradiated and its value significantly diminished or lost, the facility will be contaminated, and there will be problems and costs of decontamination and decommissioning. Clearly, then, a cost/benefit analysis of low power operation followed by abandonment can lead to only one conclusion: the plant should not be operated because the costs are significant and the benefits are nonexistent.

The County recognizes that under the so-called "rule of reason," a final EIS is not required to address every conceivable alternative. Thus, matters which are highly speculative need not be considered specifically. See Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station), ALAB-161, RAI-73-11 (1973). However, the alternative of low power operation followed by abandonment is not speculative in this instance; it is a real likelihood because LILCO cannot comply with the NRC's emergency preparedness requirements.

The Shoreham FEIS does not consider the environmental costs and benefits of the alternative of low power operation followed by abandonment. While omission of that alternative may have been understandable when the FEIS was prepared, the recent events discussed above regarding the lack of offsite preparedness (which will not be described again here) make clear that this alternative now needs to be considered.

Under the CEQ regulations, a supplement to a final EIS must be prepared when:

There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

40 C.F.R. § 1502.9(C)(i)(ii);^{7/} see Essex County Preservation

^{7/} The supplement to a final EIS must be prepared, circulated and filed in the same fashion as a draft or final EIS.

(Footnote cont'd next page)

Ass'n. v. Campbell, 536 F.2d 956 (1st Cir. 1976) (supplemental EIS required; Governor's moratorium on highway extension called into question original estimates relied upon to justify highway expansion from four to eight lanes);^{8/} Warm Springs Dam Task Force v. Gribble, 621 F.2d 1017, 1024 (9th Cir. 1980) (a

(Footnote cont'd from previous page)

40 C.F.R. § 1502.9(C)(4). The CEQ regulations are binding only as to EIS's prepared after adoption of the CEQ regulations. However, the duty to supplement an EIS is inherent in NEPA. See Monarch Chemical Works, Inc. v. Exxon, 452 F. Supp. 493, 500 (D. Neb. 1978). See also Preservation Coalition, Inc. v. Pierce, 667 F.2d 851, 857 n.1 (9th Cir. 1982); Sierra Club v. U.S. Army Corps of Engineers, 541 F. Supp. 1367, 1382, (S.D.N.Y. 1982); State of California v. Bergland, 482 F. Supp. 465, 495 (E.D. Cal. 1980), aff'd in pertinent part, reversed in part, 690 F.2d 753 (9th Cir. 1982).

^{8/} Essex County makes clear that just because the FEIS for full power operation may encompass the lesser effects of low power operation, a supplemental EIS may still be required. Essex County concerned a highway development project for reconstruction and widening (from four to eight lanes) of a portion of Interstate 95. The governor had declared a moratorium on further extension of I-95 south of Route 128, but the moratorium was issued too late for consideration in the draft EIS. It was argued that the moratorium would call into question the traffic-flow estimates used to justify the expansion project, and also that the effect of the moratorium was not exposed to the public comment and analysis mandated by NEPA. The Court of Appeals affirmed the district court's order that appellees prepare a supplemental EIS addressing the impact of the moratorium, despite the fact that there would be less of an effect on the environment with the moratorium than without it. See also State of California v. Bergland, 483 F. Supp. 465 (E.D. Cal. 1980), aff'd in pertinent part, reversed in part, 690 F.2d 753 (9th Cir. 1982).

reasonableness standard applies in review of agency decision not to supplement EIS; "[w]hen new information comes to light the agency must consider it, evaluate it, and make a reasoned determination whether it is of such significance as to require implementation of formal NEPA filing procedures.").

In the instant case, significant new information relevant to environmental concerns and bearing on the proposed action has come to light. The NRC must consider and evaluate this information, which demonstrates a strong likelihood that full power operation of Shoreham will never be authorized. Under these circumstances, the Commission must evaluate in a supplement to the FEIS whether the environmental costs and benefits of low power operation balance in favor of such operation or, instead, balance in favor of maintenance of the status quo until a final decision is reached on the full power question. This situation is similar to that in Essex County, supra, where a governmental decision (the highway extension moratorium) raised a serious question whether the proposed action (highway expansion) still was justified; similarly, in the Shoreham proceeding, the lack of offsite preparedness raises a serious question as to whether low power operation can now be justified.

The County's position is clear: the balance of environmental costs so greatly outweighs any "benefits" from low power operation followed by abandonment that no argument can support operation at low power prior to a final full power decision. At a minimum, however, the NRC is obligated under NEPA to evaluate these new facts in the NEPA context and to reach a reasoned decision thereon. Until this NEPA process has been fully performed, any action on LILCO's Motion other than its denial would be unlawful.

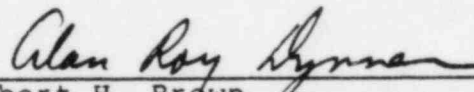
III. CONCLUSION

For the reasons stated above, the LILCO Motion should be denied. Because LILCO has sent a copy of its Motion, together with a letter addressed to this Board dated June 8, 1983, to the NRC Commissioners and to the emergency planning Licensing

Board, the County is also sending a copy of this Answer and Opposition with its transmittal letter to the Commissioners and that Board.

Respectfully submitted,

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June 27, 1983



FEDERAL EMERGENCY
MANAGEMENT AGENCY

News

Office of Public Affairs / Washington, DC 20472

For additional information:

Dave Denne
(202) 287-0300

Release No.: 83-53

Release Date:
Thursday, June 23, 1983

NOTE TO EDITORS:

Attached is the Federal Emergency Management Agency (FEMA) report to the Nuclear Regulatory Commission on the review of the emergency preparedness plan for the Shoreham nuclear power plant. The report was delivered to NRC this afternoon.



Federal Emergency Management Agency

Washington, D.C. 20472

JUN 23 1983

MEMORANDUM FOR: Edward L. Jordan
Director, Division of Emergency
Preparedness and Engineering Response
Office of Inspection and Enforcement
U.S. Nuclear Regulatory Commission

FROM: *Richard W. Krimm*
Richard W. Krimm
Assistant Associate Director
Office of Natural and Technological Hazards

SUBJECT: Findings on the LILCO Transition Plan As Requested by
the NRC as Part of NRC Licensing of the Shoreham
Nuclear Power Station

This is in response to your June 1, 1983, memorandum in which you invoked Section II.4 of the November 1, 1980, NRC/FEMA Memorandum of Understanding by requesting the Federal Emergency Management Agency (FEMA) to provide the Nuclear Regulatory Commission (NRC) with findings and determinations as to whether the LILCO-County plan and/or the interim plans for the Shoreham Nuclear Station are adequate and capable of implementation. As a result of an Atomic Safety and Licensing Board (ASLB) order, your subsequent memorandum of June 17, 1983, requested that FEMA provide findings and determinations on the LILCO Transition Plan as a first priority. This Plan, developed wholly by LILCO, proposes to use LILCO personnel to carry out the offsite preparedness aspects of the plan (to include the total direction and control function) in the case of an emergency involving an accident at the Shoreham Nuclear Power Station.

First, we would like to indicate how the review process for the LILCO Transition Plan differed from the usual "350" approval process. As you know, under normal processing, the plan review is initiated by a formal request by the Governor of the State in which the nuclear facility is located, after he/she has received and analyzed plans submitted by the local governments in the emergency planning zone surrounding the facility. The request includes the State plan which is site-specific to the applicable power facility, appropriate local plans and a statement by the Governor that the State plan, together with the local plans, are adequate to protect public health and safety of the citizens living within the emergency planning zones for the nuclear power facilities included in the submission by providing reasonable assurance that appropriate protective measures can and will be taken in the event of a radiological emergency for the site. The FEMA processing of a Governor's submittal includes extensive review by the relevant Regional Assistance Committee (RAC), a public meeting and most importantly, a drill or exercise, including all appropriate governments, to test whether the plan can be implemented.

In contrast to the process described above, the LILCO Transition Plan was submitted, without Suffolk County or New York State endorsement, directly to FEMA Headquarters through the NRC for review under the terms of the NRC/FEMA Memorandum of Understanding. Because the Plan was not submitted under 44 CFR 350, a RAC review was not undertaken. For this reason, coupled with the fact that the NRC needed a FEMA finding within three weeks, it was necessary to obtain the support of Argonne National Laboratories to assist and perform a technical review of the plan against the 16 planning standards and criteria (A-P) listed in NUREG-0654/FEMA-REP-1, Rev. 1. FEMA Headquarters, assisted by FEMA's Region II Regional Director and staff, directed this technical review.

FEMA finds that the LILCO Transition Plan has 34 inadequacies in terms of NUREG-0654/FEMA-REP-1, Rev. 1. Our analysis relating these inadequacies to the various criteria is attached.

There are two preconditions, identified below, that need to be met for a FEMA finding as to whether the plan is capable of being implemented and whether LILCO has the ability to implement the plan.

- (1) A determination of whether LILCO has the appropriate legal authority to assume management and implementation of an offsite emergency response plan.
- (2) A demonstration through a full-scale exercise that LILCO has the ability to implement an offsite plan that has been found to be adequate.

FEMA will continue to review the other plans associated with your June 1 request in anticipation that the ASLB will require FEMA findings on these plans at a later date.

Attachment
As Stated

ELEMENT-BY-ELEMENT REVIEW OF THE LILCO TRANSITION MODULE

of the

SHOREHAM NUCLEAR POWER STATION OFFSITE RADIOLOGICAL
EMERGENCY RESPONSE PLAN

June 22, 1983

Argonne National Laboratory

PREFACE

This is a review of the LILCO-transition module of the Shoreham Nuclear Power Station Local Offsite Radiological Emergency Response Plan and Procedures (Rev. 0), and Appendix A, Evacuation Plan, with Addendum. The review is presented in a chart format. The first column, labeled "NUREG Reference," refers to those Planning Standards and Evaluation Criteria in NUREG 0654/FEMA-REP-1, Rev. 1, section II, which are applicable to state or local governments. The second column, labeled "Cross-Reference," refers to the section of the Plan corresponding to the NUREG Reference. The third column, labeled "Evaluation and Comments," states whether the element is adequate or inadequate and includes relevant comments.

ABBREVIATIONS

App. appendix
BNL Brookhaven National Laboratory
EBS Emergency Broadcast System
EOC emergency operations center
EOF emergency operations facility
EPZ emergency planning zone
FEMA Federal Emergency Management Agency
KI potassium iodide
LERO Local Emergency Response Organization
LILCO Long Island Lighting Company
NRC Nuclear Regulatory Commission
ORS off-site radiological survey
REPP radiological emergency preparedness plan
Sec. Section
SNPS Shoreham Nuclear Power Station

NUREG Reference	Cross- Reference	Evaluation and Comments
A.1.a	*Sec. 1.4, p. 1.4-1-3 Sec. 2.1, p. 2.1-1-7 *Sec. 2.2, p. 2.2-1-4	Inadequate; first, the plan does not specify whether Suffolk County will or will not be part of the overall response organization. Instead, it leaves this as an option, apparently to be decided during an accident. The plan must define what role, if any, Suffolk County is to have. Second, the plan gives no explanation of the role New York State is to play. Although New York State has written its own Radiological Emergency Preparedness Plan (REPP), this plan does not mention it. Therefore, it is unclear whether this plan is to operate in conjunction with the REPP, or whether this plan is intended to supplant it, covering both the State and local response. If this plan is intended to be integrated with the REPP, it may conflict with the compensating measures of the REPP, which create a special concept of operations for situations where counties decline or are unable to implement their response plans.
A.1.b	Sec. 2.1, p. 2.1-1-7 Sec. 2.2, p. 2.2-1-4	Inadequate; this element is adequate, except that it omits a complete description of the operational role of Suffolk County. In the event of an accident at SNPS, Suffolk County's place in the response must be defined in the plan. Four possibilities exist: (1) Suffolk County may choose not to respond and may not be ordered to respond; (2) Suffolk County may choose not to respond voluntarily and may be ordered to respond by the Governor; (3) Suffolk County may choose to respond in accordance with this plan, such as by placing County resources and personnel at the disposal of the Director of Local Response; or (4) Suffolk County may choose to respond in a manner not in accordance with this plan. While this plan is written on the assumption that Suffolk County either will do nothing or will respond in accordance with this plan (possibilities 1 and 3), the others are not covered. The plan should prepare for these additional contingencies. Moreover, the concept of Suffolk County's

NUREG Reference	Cross- Reference	Evaluation and Comments
A.1.b	(Cont'd)	operations in case it responds in accordance with this plan is not sufficiently detailed. In several places, the plan states that various Suffolk County personnel will be used if they respond for certain functions, but does not detail their role. Thus, arrangements would have to be made to accommodate them on the spot. Allowing Suffolk County personnel to take over important response functions at the last minute seems certain to cause considerable confusion.
A.1.c	Sec. 2.1, Fig. 2.1.1 Sec. 2.2, Fig. 2.2.1	Adequate.
A.1.d	Sec. 2.1, p. 2.1-1 Sec. 3.1, p. 3.1-1 Procedure 2.1.1	Inadequate; the title of an individual LILCO employee who will serve as the Director of Local Response is not given.
A.1.e	Sec. 3.3, p. 3.3-1 Sec. 3.4, p. 3.4-1,2	Adequate.
A.2.a	Sec. 2.1, Fig. 2.1.2 Procedure 2.1.1	Inadequate; first, the organizational matrix (Fig. 2.1.2) does not include a designation of responsibility for taking protective actions, although Procedure 2.1.1 states that this is the responsibility of the Director of Local Response. The matrix should be changed to reflect this responsibility. Second, responsibility for emergency law enforcement activities is not assigned (Reference A.2.b). No provision is made for the likely need for large numbers of police officers. For example, the assignment of traffic control responsibilities to persons who are not police officers is inappropriate given the necessity of blocking public thoroughfares, ordering drivers to follow specified routes, and other extraordinary changes in legal driving patterns.
A.2.b	Sec. 1.4, Attachment 1.4-1	Inadequate; first, the legal authority cited in Attachment 1.4.1 to the plan (10 C.F.R. 50.47) does not specifically grant the necessary police powers to a licensee

NUREG Reference	Cross- Reference	Evaluation and Comments
A.2.b	(Cont'd)	to implement those aspects of an off-site emergency response requiring the exercise of governmental authority. Second, the underlying assumption of both FEMA and NRC off-site emergency preparedness regulations is that the responsibility for responding to a radiological emergency at a commercial nuclear reactor rests cooperatively with State, local, and federal governments. Part I.F. of NUREG 0654/FEMA-Rep-1, Rev. 1, states at p. 22-23 that "NRC and FEMA recognize that plans of licensees, State and local governments should not be developed in a vacuum or in isolation from one another. Should an accident occur, the public can be best protected when the response by all parties is fully integrated." Part I.H. emphasizes at p. 25 that "NRC and FEMA agree that the licensees of nuclear facilities have a primary responsibility for planning and implementing emergency measures <u>within</u> their site boundaries" (emphasis in original). In designating an emergency response organization relying exclusively on LILCO employees, this plan contravenes these standards.
A.3	App. B	Inadequate; no written agreements are included in this plan.
A.4	Sec. 2.1, p. 2.1-2	Adequate.
C.1.a	Sec. 3.11, p. 3.11-1	Adequate.
C.1.b	Sec. 2.2, Attachment 2.2.1	Adequate.
C.1.c	Sec. 3.11, Attach- ment 3.11.1	Adequate; this is primarily a State function, but the local plan lists additional resources.
C.2.a	*Sec. 4.1, p. 4.1-1	Adequate; the EOC is located at the EOF.
C.3	Sec. 2.2, *Attach- ment 2.2.1 Sec. 3.5, p. 3.5-2	Adequate; however, the availability of radiological laboratories is not specifically addressed.

NUREG Reference	Cross- Reference	Evaluation and Comments
C.4	Sec. 2.2, p. 2.2-1-4 Sec. 3.5, p. 3.5-2, App. B	Inadequate; no letters of agreement are included in the plan.
D.3	Sec. 3.2, p. 3.2-1-3	Adequate.
D.4	App. C-List of Implementing Procedures Implementing Procedures	Adequate.
E.1	Sec. 3.3, p. 3.3-1-4, Fig. 3.3.2-4 Procedures 3.3.1, 3.3.2	Adequate.
E.2	Sec. 3.3, p. 3.3-1-2 Procedures 3.3.1, 3.3.2	Adequate.
E.5	Sec. 3.3, p. 3.3-4-7 Sec. 3.8, p. 3.8-6, Attachment 3.8-1 *Procedure 3.8.2 Sec. 3.4, p. 3.4-5-6	Adequate; radio station WALK is the primary EBS station to be used.
E.6	Sec. 3.3, p. 3.3-4-7 Sec. 3.4, p. 3.4-5-6 Sec. 3.8, p. 3.8-6 *Procedure 3.3.4 *Procedure 3.8.2	Adequate; however (1) the plan states that a dedicated line is to be used to contact the EBS station from the EOC, whereas, in Procedure 3.8.2, the Coordinator of Public Information is instructed to call a regular telephone number. Moreover (2) the two procedures regarding notification and instruction -- Procedures 3.3.4 and 3.8.2 -- tend to overlap and conflict, especially with regard to the "fast track" procedure. The two should be clarified and possibly combined. Step by step procedures for the operator should be provided. In addition, (a) the route alerting procedures in Procedure 3.3.4 and (b) the EBS activation in Procedure 3.8.2 incorrectly identify the "FEMA operator" as authorized to activate EBS.

NUREG Reference	Cross- Reference	Evaluation and Comments
E.7	Sec. 3.8 Attachment 3.8.1 *Procedure 3.8.2	Inadequate; the system for identifying the areas which are to take protective actions is inadequate. The messages designate alphabetical zones and refer listeners to brochures, telephone book inserts, and posters. The zone designation maps in the poster and especially in the telephone book insert are difficult to read. The written messages should give descriptions of the protective action areas. Evacuation routes should also be described in those messages to which they apply. Reliance on the information brochure is not adequate.
F.1.a	Sec. 3.3, p. 3.3-1-2 Sec. 3.4, p. 3.4-1-2	Adequate.
F.1.b	Sec. 3.3, p. 3.3-3	Adequate.
F.1.c	Sec. 3.4, p. 3.4-1,4, Fig. 3.4.1	Inadequate; no radio or dedicated telephone links to any federal agencies are listed.
F.1.d	Sec. 3.4, p. 3.4-1-4, Fig. 3.4.1	Adequate; however, the plan leaves unclear how communications with BNL field monitoring teams will be effected. Will they be equipped with LILCO emergency band radios?
F.1.e	Sec. 3.3, p. 3.3-1-4, Figs. 3.3.2- 3.3.4 Procedure 3.3.2 Sec. 3.4, p. 3.4-4,5	Adequate.
F.2	Sec. 3.4, p. 3.4-3	Inadequate; the plan essentially repeats the criterion, without explaining how it will be met. Detail is needed with respect to what medical facilities are involved, and how communication with each will be effected.
F.3	Sec. 3.4, p. 3.4-7 Sec. 5.2, p. 5.2-2 *Procedure 3.4.1	Adequate.

NUREG Reference	Cross- Reference	Evaluation and Comments
G.1.a-d	Sec. 3.8, p. 3.8-1-3	Adequate; however, see evaluation under NUREG Reference G.2 for comments related to the "Emergency Procedures" documents.
G.2	Sec. 3.8, p. 3.8-1-3 *Procedure 3.8.1	Inadequate; the "Emergency Procedure" documents are incomplete. The brochure is missing all specific information including transmittal letter; other participants in the Emergency Broadcast System; detailed zone and evacuation maps; and identifications of Relocation Centers, school districts and schools. The response card for people requiring special emergency assistance does not have a line for the person's name.
G.3.a	Sec. 3.8, p. 3.8-4 *Procedure 3.8.1	Inadequate; although representatives of the news media would be at the Emergency News Center, the plan should designate that they will have facilities for their use, and what these facilities are.
G.4.a	Sec. 3.8, p. 3.8-1 *Procedure 3.8.1	Adequate.
G.4.b	Sec. 3.8, p. 3.8-4-5 *Procedure 3.8.1	Adequate.
G.4.c	Sec. 3.8, p. 3.8-5 *Procedure 3.8.1	Adequate; however, experience has shown that rumor control activities are more effective if they are operated from one centralized location with one telephone number included in all information distributed to residents and available to the transient population.
G.5	Sec. 3.8, p. 3.8-4 *Procedure 3.8.1	Adequate.
H.3	Sec. 4.1, p. 4.1-1	Adequate.
H.4	Sec. 4.1, p. 4.1-1	Adequate.
H.7	Sec. 3.5, p. 3.5-2 Procedure 3.5.1 Sec. 5.2	Adequate.
H.10	Sec. 5.3, p. 5.3-1-2	Adequate.

NUREG Reference	Cross- Reference	Evaluation and Comments
H.11	Sec. 3.4, p. 3.4-1-5 Sec. 4.1, p. 4.1-3-4 Sec. 4.4, p. 4.4-1-4 *Procedure 5.3.1	Adequate.
H.12	Sec. 3.5, p. 3.5-2	Adequate; data and samples are to be collected at the local EOC. However, the plan should clarify how plume data will be communicated to the local EOC. (What radio system will be used by the BNL ORS teams?)
I.7	Sec. 2.2, p. 2.2-3-4, Attach- ment 2.2.1 Sec. 3.5, p. 3.5-1-2 Sec. 4.4, p. 4.4-1	Adequate.
I.8	Sec. 3.5, p. 3.5-1-4, Procedure 3.5.1	Inadequate; deployment times of monitoring teams are not estimated and the plan does not indicate where to pick up the monitoring kits.
I.9	*Sec. 2.2, Attach- ment 2.2.1	Adequate.
I.10	Procedure 3.5.2 Sec. 3.5, p. 3.5-3,4 Sec. 3.6, p. 3.6-3,4	Adequate; however, except for radioiodine, no procedure is described for determining dose rates for significant isotopes listed in NUREG-0654, Table 3.
I.11	Sec. 2.2, Attachment 2.2.1 Sec. 3.5, p. 3.5.2	Adequate.
J.2	Sec. 3.6, p. 3.6-8	Inadequate; criterion stipulates that alternate routings be identified for "inclement weather, high traffic density, and specific radiological conditions." No such alternates are described here. The one route described in the referenced section could pass directly through the release plume, or could encounter heavy traffic conditions on the Floyd or Long Island Expressways if an evacuation is in progress.
J.9	Sec. 3.6, p. 3.6-1-8	Adequate.

NUREG Reference	Cross- Reference	Evaluation and Comments
J.10.a	App. A, Figs. 9-10, 12-27 Sec. 3.5, Fig. 3.5.1 *App. A, Fig. 11 *Procedure 3.5.1, Attachment 10	Inadequate; while evacuation areas, evacuation routes, and relocation centers in host areas are shown, public shelter areas are not shown. Fig. 3.5.1 is missing from the review copy of the plan, but an unnumbered figure entitled SNPS EPZ (Nov 82) is included which does show where the monitoring points are. (These points are also listed in Attachment 10.)
J.10.b	App. A, Table 3 Sec. 1.1, Fig. 1.1.2	Adequate; meets criterion as stated. However, population by evacuation area is shown in a table rather than on a map. For two evacuation areas, population is broken out by subarea but maps indicating the boundaries of these subareas should be referenced. Further, while residential population is apparently shown, total daily population (accounting for employee population in the EPZ and peak summer weekend transient population) is not.
J.10.c	Sec. 3.3, p. 3.3-4-6	Inadequate; no specific provisions are discussed for alerting deaf or hearing-impaired individuals. In the LILCO/County plan, it is indicated that the Suffolk Co. Fire Dept. would keep a list of those who are deaf or hearing-impaired in order to contact them during an emergency. No such list is indicated in this transition plan. Further, while WALK is listed as the EBS station which will broadcast specific instructions to the public, the other stations which will be broadcasting this information should also be listed. In addition, Fig. 3.3.6 referred to on p. 3.3-5 is supposed to illustrate procedures in case the initial notification from the plant is of a general emergency; it does not.
J.10.d	Sec. 3.6, p. 3.6-4-5 *Procedure 3.6.5 *App. A, pp. AII-28-30	Inadequate; hospitals, adult/nursing homes, group homes for the handicapped and correctional facilities are identified and procedures for their evacuation (sheltering in the case of the correctional facilities) are discussed. Evacuation of invalids/disabled people from private residences is

NUREG Reference	Cross- Reference	Evaluation and Comments
J.10.d	(Cont'd)	covered. However, specific resources required to evacuate these facilities (i.e., the number of buses and ambulances required, the number of runs they will make, the number of drivers required, how many trains will be brought in by Long Island Railroad under different scenarios to evacuate hospitals) are not provided. Further, with respect to evacuation of mobility-limited from private residences, the interim plan apparently assumes that individuals who do not answer the phone (if called by LERO to determine if they want evacuation help) are not at home - which may not always be the case.
J.10.e	Sec. 3.6, p. 3.6-5 Procedure 3.6.2	Inadequate; the quantity stored by LILCO is not specified. Furthermore, the use for institutionalized persons in the plume is not discussed.
J.10.f	Sec. 3.6-3,5	Inadequate; the text (p. 3.6-5) says that the radiation health coordinator (BNL) is responsible for decisions on KI. Procedure 3.6.2 says that the health services coordinator is responsible for these decisions. It does not seem appropriate to have someone from BNL in charge of decisions on the use of KI. Where is this authority vested, if legal problems arise?
J.10.g	App. A, Sec. IV Sec. 3.6, p. 3.6-6,7 *App. A, Sec. III, p. AIII-36	Inadequate; the detail provided with respect to the provision of transportation service to the general population without access to personal vehicles is excellent: estimated service demand, number of buses and runs required, route times, bus routes, and transfer points are provided for each evacuation area. However, the specific resources (vehicles and drivers) required to provide this service are not identified: no formal agreements have been made for provision of the service. Further, while in general, emergency dismissal of schools with children returning to their homes is the approach to be taken in this EPZ, (a) there is no indication that formal agreements have been made with the bus companies

NUREG Reference	Cross- Reference	Evaluation and Comments
J.10.g	(Cont'd)	<p>(if buses are not owned by the schools) and drivers that would ensure that this service would be provided during a radiological emergency and (b) there are a few schools (St. Anselm's Nursery School, for example, p. AIV-184) in the area adjacent to the plant that may require buses for evacuation to a relocation center, but the resources for these buses are not identified. Identification of resources to evacuate institutionalized population is also not adequate (see J.10.d). Further, with respect to the bus service to be provided to the noninstitutionalized population, (a) no indication is given that the route times have been tested and (b) service demand apparently is based on nonseasonal population: it may be somewhat higher in the summer.</p>
J.10.h	App. A. p. AIII-8 Sec. 4.2, p. 4.2.1	<p>Inadequate; three relocation centers (and two alternatives) have been selected which are at least 5 miles beyond the boundaries of the plume exposure EPZ. However, letters of agreement are not provided indicating that centers' facilities will be made available.</p> <p>App. A, p. AIII-8, cross-referenced in the plan, has no bearing on the NUREG element.</p>
J.10.i	App. A, Sec. III, Table IV	Adequate.
J.10.j	App. A, Sec. IV, Figs. 8, 8.1 *Sec. 3.6, p. 3.6-6,7 *Procedure 3.3.2 *Procedure 2.1.1, p. 28	<p>Inadequate; with respect to traffic control, traffic control guides will not be able to put signals on "flashing" operation as could be done by police in LILCO/County plan (Reference A.2.b). This is a disadvantage since existing signals may be counter to the control strategy the guide is trying to implement. The confusion which may be generated by traffic signals differing from traffic control guide strategies could reduce intersection capacity and increase evacuation time. Further, with respect to access control, LERO guides will not be perceived by</p>

NUREG Reference	Cross- Reference	Evaluation and Comments
J.10.j	(Cont'd)	public as having the same authority as policemen. Additionally, perhaps the criteria used in the selection of the traffic guides should be indicated, i.e., reasonable proximity of their residences to the posts they will staff is necessary, especially in non-work-hours deployment.
J.10.k	Sec. 3.6, p. 3.6-6 App. A, p. AIV-9, AIV-86 *App. A, Sec. IV, Fig. 8.1 *App. A. p. AIV-5 *Sec. 2, Fig. 2.1.1	Inadequate; no discussion of means for snow removal is provided. The number of LERO tow trucks available to respond to vehicle disablements is not stated. The plan states "radio for tow trucks or any other assistance required" but does not indicate whether such radio communication between LERO and all tow trucks to be used (including private) is available. Police cars, motorcycles, and helicopters were to have been used in the LILCO/County plan -- no indication is given that motorcycles and helicopters will be available for evacuation route patrol in transition plan. Aerial observation would be a far superior and effective procedure. Another concern is what the response of the general public will be to LERO route patrol vehicles, operating without police sirens and flashers (Reference A.2.b). According to Sec. 2, Fig. 2.1.1, there would be only 2 evacuation route spotters to patrol 10 evacuation routes. This is insufficient.
J.10.l	App. A, Sec. V *App. A., App. E *Procedure 3.6.1, pp. 15-18	Inadequate; time estimates are not shown for the following distinct groups as stipulated in App. 4 of NUREG-0654: permanent population, transient population, special facilities population. The time required to evacuate the transit-dependent population has apparently not been specifically incorporated into these estimates though the capacity estimates of the roadways do account for the presence of buses, ambulances, etc. Table DHS-11 does not include an estimated time for the evacuation of all zones though App. E does for all sectors. (Table DHS-11 is to be used

NUREG Reference	Cross- Reference	Evaluation and Comments
J.10.1	(Cont'd)	during the course of a radiological emergency to determine whether or not to shelter or evacuate various zones.) There is no way to compare the results shown in Sec. V and App. E with those shown in Table DHS-11. The time estimates shown in Table DHS-11 are shown for weekdays and week-nights, yet the time estimates in Sec. V and App. E, upon which Table DHS-11 presumably would have been based, do not make this distinction. Further, Sec. V indicates the study assumed school was in session even in the summer: why should this assumption be made?
J.10.m	Sec. 3.6, p. 3.6-1-4, Fig. 3.6.1	Adequate.
J.11	Sec. 3.6, p. 3.6-7-8 Procedure 3.6.6	Adequate.
J.12	Sec. 3.9, p. 3.9-5-6 *Procedure 3.9.2	Adequate.
K.3.a	Sec. 3.9, p. 3.9-1-3 Procedure 3.9.1 Sec. 4.4, p. 4.4-1	Adequate.
K.3.b	Sec. 3.9, p. 3.9-1-3	Inadequate; readings taken at 30-minute intervals may not be frequent enough to allow informing supervisor in a timely fashion that a person has exceeded 150 mR and should leave the radiation area. Frequency of readings is dependent on the dose rate which the person is receiving.
K.4	Sec. 3.9, p. 3.9-2	Adequate.
K.5.a	Sec. 3.9, p. 3.9,3,4, Table 3.9.1, Table 3.9.2	Inadequate; it is not apparent why there are two thyroid radiation levels at which evacuees are sent to the hospital, 0.13 mR/hr and 10 rads. Furthermore, it is not apparent that cumulative dose will be known for evacuees.

NUREG Reference	Cross- Reference	Evaluation and Comments
K.5.b	Sec. 3.9, p. 3.9-4 Procedure 3.9.2 Sec. 4.3, p. 4.3-1-3	Adequate.
L.1	Sec. 2.2, p. 2.2-2 Sec. 3.7, p. 3.7-1	Adequate; however, it is not clear whether the trained emergency medical technicians are LILCO employees, employees of hospitals, or otherwise employed.
L.3	Procedure 4.2.2	Adequate; however, the 47 hospitals should be listed by rank according to their capability to provide radiation health services.
L.4	Sec. 3.7, p. 3.7-1	Inadequate; the private ambulance organizations should be listed together with the field medical services they can provide, especially in cases of radiation contamination.
M.1	Sec. 3.10, p. 3.10-1-2 *Sec. 3.11, p. 3.11-1-2 Procedure 3.10.1	Adequate.
M.3	Sec. 3.10, p. 3.10-1	Adequate.
M.4	Sec. 3.10, p. 3.10-2	Adequate.
N.1.a	Sec. 5.2, p. 5.2-3	Adequate.
N.1.b	Sec. 5.2, p. 5.2-3	Adequate
N.2.a	Sec. 5.2, p. 5.2-2 *Procedure 5.1.1, Sec. 5.2.1.5	Inadequate; does not provide for quarterly testing of communications with the federal emergency response organization and states within the ingestion pathway; does not provide for understanding the content of messages.
N.2.c	Sec. 5.2, p. 5.2-2 *Procedure 5.1.1, Sec. 5.2.1.6	Adequate.
N.2.d	Sec. 5.2, p. 5.2-2 *Procedure 5.1.1, Sec. 5.2.1.2	Adequate.

NUREG Reference	Cross- Reference	Evaluation and Comments
N.2.e(1)	Sec. 5.2, p. 5.2-2	Adequate.
N.3.a-f	Sec. 5.2, p. 5.2-1 *Sec. 5.2, p. 5.2-2-3 *Procedure 5.1.1, Sec. 5.2.3	Inadequate; does not include provisions to allow free play for decision making.
N.4	Sec. 5.2, p. 5.2-3-4 *Procedure 5.1.1, Sec. 5.2.3 *Procedure 5.1.1, Sec. 5.2.4	Inadequate; confusing as to who does the post-exercise critique and formal written critique. The procedures have the critique done by Emergency Planning Coordinator. This element calls for a critique by federal, state, or local governments. Federal exercise observers do not comment on the Controller/Observer comment forms.
N.5	Sec. 5.2, p. 5.2-4 *Procedure 5.1.1, Sec. 5.2.4 *Procedure 5.1.1, Sec. 5.2.5 *Procedure 5.1.1, Sec. 5.4.1	Inadequate; does not provide for means to evaluate federal observer comments.
0.1.b	Sec. 5.1, p. 5.1-1-7, Table 5.1.1 *Procedures 5.1.1- 5.1.5	Adequate; however, courses for training of nonprofessionals in transportation emergencies and accident assessment activities are shown as being still "under development."
0.4.a	Sec. 5.1, p. 5.1-3-7, Fig. 5.1.1-7 *Procedures 5.1.1- 5.1.5	Adequate.
0.4.b	Sec. 5.1, p. 5.1-3-7, Fig. 5.1.1	Inadequate; monitoring teams do not have a specific module to attend.
0.4.c	Sec. 5.1, p. 5.1-3-7, Fig. 5.1.1	Adequate.
0.4.d	Sec. 5.1, p. 5.1-3-7, Fig. 5.1.1	Adequate.

NUREG Reference	Cross- Reference	Evaluation and Comments
0.4.f	Sec. 5.1, p. 5.1-3-7, Fig. 5.1.1 Attachment 5.1.1	Inadequate; courses still under develop- ment, program not clearly defined. No training shown for nonprofessional fire- fighting and rescue personnel.
0.4.g	Sec. 5.1, p. 5.1-3-7, Fig. 5.1.1	Adequate.
0.4.h	Sec. 5.1, p. 5.1-3-7, Fig. 5.1.1	Adequate.
0.4.j	Sec. 5.1, p. 5.1-3-7, Fig. 5.1.1	Adequate.
0.5	Sec. 5.1, p. 5.1-1-7	Adequate.
P.1	Sec. 5.1, p. 5.1-2 *Sec. 5.1, p. 5.1-3, Attachment 5.1.1 *Procedure 5.1.1	Adequate.
P.2	Sec. 5.4, p. 5.4-1 *Procedure 5.4.1	Adequate.
P.3	Sec. 5.4, p. 5.4-1 *Procedure 5.4.1	Adequate.
P.4	Sec. 5.4, p. 5.4-1-2 *Procedure 5.4.1	Adequate.
P.5	Sec. 5.4, p. 5.4-1,2 *Procedure 5.4.1	Adequate; add sentence stating that revised <u>pages</u> (not just documents) should be dated and <u>marked</u> to show where changes have been made.
P.6	Sec. 1.4, Attachment 1.4.2	Adequate.
P.7	Procedures, Appendix C	Adequate.
P.8	Table of Contents Cross-Reference	Inadequate; cross-reference missing many citations, especially procedures. Items with an asterisk in the Cross-Reference column are not included in the Cross-

NUREG Reference	Cross- Reference	Evaluation and Comments
P.8	(Cont'd)	Reference Lists in the plans. They were identified during the review process and should be incorporated in the appropriate Cross-Reference List.
P.10	Sec. 5.4, p. 5.4-2 *Procedure 5.4.1	Adequate.

*Not included on NUREG Cross-Reference List which is provided in plans.