

July 25, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station,
Unit 1)

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Docket No. 50-322-1
(OL)

NRC STAFF TESTIMONY OF JOHN R. SEARS
REGARDING EMERGENCY PREPAREDNESS CONTENTION 11

Q1. What is your name and position with the U.S. Nuclear Regulatory Commission?

A1. My name is John R. Sears. I am a Senior Reactor Safety Engineer with the Emergency Preparedness Branch, Division of Emergency Preparedness and Engineering Response, Office of Inspection and Enforcement. A copy of my professional qualifications is already a part of the record of this proceeding. (See ff TR 4708).

Q2. What is the purpose of this testimony?

A2. The purpose of this testimony is to respond to emergency planning Contention 11.

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Q3. Have you reviewed the plans submitted by the Applicant for emergency preparedness in the environs of Shoreham?

A3. Yes. I have reviewed the Shoreham Nuclear Power Station Emergency Preparedness Plan and Implementing Procedures and also the Shoreham Nuclear Power Station Local Offsite Radiological Emergency Response Plan and Implementing Procedures, Revisions 1, 2, 3, and 4 (a.k.a. the LILCO Transition Plan).

Q4. Beyond reviewing the onsite and offsite emergency plans, what else have you done in your review of emergency preparedness at Shoreham?

A4. I have visited the Shoreham plant on 10 separate occasions and have interviewed LILCO employees from shift supervisors, who would have the initial responsibility to assess the accident and make the initial recommendations for offsite protective measures, to vice presidents who would have the responsibility for subsequent recommendations for offsite protective measures. I have visited Brookhaven National Laboratory (BNL) on three visits and have discussed the BNL response capability with BNL and DOE personnel. I have interviewed LERO operators who would take the initial call from the reactor station. I have also interviewed the LERO directors, the LERO administrator for training, and recordkeeping of training, and the contractor responsible for the LERO training program. I have toured all onsite emergency facilities, and the Emergency Operations Facility, the Emergency News Center, the Brentwood

Emergency Operations Center, and the Hicksville Emergency Operations Center. I have visited Station WALK and discussed the Emergency Broadcast System with both program and technical personnel. I have toured all the principal roads in the 10 mile EPZ. I have visited Central Suffolk Hospital in Riverhead and discussed treatment of contaminated injured patients with hospital personnel.

Q5. What does Contention 11 allege?

A5. Contention 11 alleges that LILCO employees in command and control positions under the LILCO Plan may experience a conflict between LILCO's financial and institutional interest and the public's interest, which may substantially hamper their ability to perform the functions assigned to them in a manner that will result in adequate protection of the public. The Intervenors contend that LILCO employees will have a strong incentive to minimize the public's perception of the potential or actual danger involved in a radiological emergency in order to avoid engendering public or LILCO shareholder disapproval of LILCO, or anti-Shoreham sentiment. Thus, for example, they may not recommend an appropriate protective action in a prompt manner because to do so would be contrary to LILCO's financial interest in maintaining a public perception that Shoreham is not a source of danger. LILCO has failed to institute appropriate measures to ensure the independence of LERO personnel. Accordingly, there is no assurance that correct and appropriate command and control decisions will be made by LILCO employees.

Q6. Where in the Code of Federal regulations is the issue of prompt protective action recommendations to the public addressed?

A6. 10 C.F.R. § 50 Appendix E, IV, D. 3 states the following:

A licensee shall have the capability to notify responsible state and local governmental agencies within - 15 minutes after declaring an emergency. The licensee shall demonstrate that the state/local officials have the capability to make a public notification - decision promptly on being informed by the licensee of an emergency condition.

The issue is also addressed in 10 C.F.R. § 50.47 b.(1), (5) and (6).

Immediate notification requirements for operating nuclear power reactors are specified in 10 C.F.R. § 50.72.

Q7. Have you discussed prompt notification and protective action recommendation with SNPS Emergency Directors?

A7. Yes, I have discussed prompt notification and protective action recommendations with the SNPS Emergency Directors, including the Watch Engineers who are the initial Emergency Directors, and the Plant Manager, and other Operation Managers and two Vice Presidents who have been trained to be Response Managers. Each of the individuals with whom I have talked has understood his responsibility and authority. In July 1983, the plant manager issued a memorandum to the shift supervisors emphasizing their authority and responsibility to make prompt offsite recommendations. Each

expressed his understanding that in line with onsite Emergency Plan Implementing Procedures, recommendations would be made on the basis of degraded plant conditions, before there is a release of radioactivity from containment. All SNPS Emergency Directors are NRC-licensed Senior Reactor Operators and are legally bound to make prompt notification offsite.

Each of the operations personnel mentioned above also was aware of the history of compliance of prompt notification to the NRC by other licensees, and of the strict enforcement by the NRC of this provision of the regulations. I pointed out that, when they called the NRC Operations Center with a report of a significant event the NRC Engineer taking the call would ask "Have you informed local authorities?" as a reminder in case they had not, to do so at once.

- Q8. In the LERO Plan, to whom does the initial call from the plant go?
- A8. The initial call from the plant is received by the Customer Service Operator at the Hicksville Service Center.
- Q9. Have you discussed prompt notification and protective action recommendations with CSO's?
- A9. Yes, I have discussed prompt notification and protective action recommendations with three CSO's. Each understands his authority

and responsibility to inform LERO Directors, or if a LERO Director could not be reached within 10 minutes, to call the plant control room to activate the Early Warning System in a General Emergency. I pointed out that such action by a CSO may result in people evacuating their homes. The response was that it was simply part of the job, and each stated that he would do it without hesitation.

Q10. Have you discussed prompt notification and protective action recommendations with LERO Director?

A10. Yes I have discussed prompt notification and protective action recommendations with four Vice Presidents who are LERO Directors including the replacement for one who has retired. Each understood his responsibility and authority to act on the recommendations from the plant on the basis of plant conditions before there is a release of radioactivity. One LERO Director pointed out that in LILCO's gas distribution operations recommendations to evacuate have been made late at night and in freezing weather when there has been the potential for a gas leak. No one expressed a reservation to make a prompt decision and recommendation. In discussions with the LERO Directors, and in discussions with the Shift Supervisors and the other SNPS Emergency Director, there was expressed the idea that no one would hesitate to make notification and offsite protective measure recommendations because an accident at Shoreham involving significant core damage would only happen once.

Q11. In any of these discussions with LILCO Vice Presidents, was a possible conflict between LILCO's financial and institutional interest and the public's interest brought out?

A11. Yes, I broached the subject. The response was that they were aware of the relatively minor cost to the utility as the result of people evacuating from the TMI environs versus the tremendous cost of recovering the plant, and consequently it makes good common sense to tell people to move early.

Q12. What is your response to the statement in Contention 11 that LILCO has failed to institute appropriate measures to ensure the independence of LERO personnel?

A12. In my judgment, the fact that the Shift Supervisors, the SNPS Engineering Directors and the LERO Directors are all part of the same overall organization is a distinct advantage in ensuring that the public is promptly notified in an emergency, when I compare the LERO situation with others I have reviewed. I have reviewed the proposed plans for other reactors where there is a time-consuming relay of information up to the Governor who alone can recommend evacuation. There is no provision for a by-pass, as there is in the LERO Plan wherein the Customer Service Operator can relay the message back to the Control Room to activate the Early Warning System. In some other offsite plans that I have reviewed, the County Executive calls a meeting of County officials before the

decision is made to alert the public, where the LERO Director can make his recommendation directly on the basis of information on the core conditions from the plant. An emergency is, by definition, a situation that requires prompt action. The provisions of the SNPS and LERO Plans afford me reasonable assurance that prompt notification and protective action recommendations to the public will be made.

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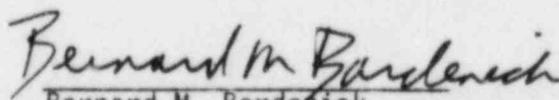
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