

Appendix B: Statement of Material  
Facts as to Which There Is No Dispute

1. If Shoreham were to be operated and an emergency occurred, the State and the County would respond to the emergency. Cordaro and Weismantle (State Emergency Plan), ff. Tr. 13,899, at 7.

2. Under the LILCO Plan, State and County personnel could communicate with LILCO and LERO using existing systems already installed. LILCO Transition Plan, Figure 4.1.3 and pages 4.1-1, 4.1-4; Cordaro and Weismantle (State Emergency Plan), ff. Tr. 13,899, at 8; Tr. 13,737-41 (Daverio) (if the State has unplugged RECS telephone, it need only plug it in to communicate in an emergency).

3. Space exists in the Emergency Operations Facility, the Emergency Operation Center, and the Emergency News Center for use by State and County officials. LILCO Transition Plan 3.8-5, 3.8-6.

4. The Director of Local Response is to take into account in making any protective action recommendations advice that may be received from local and state government officials. LILCO Transition Plan, 3.1-1 and OPIP 2.1.1, p. 5 of 79.

5. Traffic guides are trained to assist police should they participate in an emergency. LILCO Transition Plan, OPIP 3.6.3, p. 11 of 46; Babb et al. (Training), ff. Tr. 11,140, at Vol. 5, Attachment 20, Module 12.

6. If the State of New York and the County of Suffolk participate in an emergency response, the LERO organization will coordinate its activities with State and County officials. See LILCO Transition Plan 1.4-1.

7. LILCO could implement an "uncontrolled" evacuation, using no traffic guides, signs, cones, or channelization, with an increase of evacuation times of less than 1 hour 35 minutes in normal conditions and 1 hour 55 minutes in inclement weather. Cordaro et al. (Contention 65), ff. Tr. 2,337, at 15.

8. LILCO's evacuation time estimates, including the "uncontrolled" evacuation time estimates, are comparable to estimates for other nuclear power plants. Cordaro et al. (Contention 65), ff. Tr. 2,337, at 46-47.

9. An "uncontrolled" evacuation would result in an adequate response under the LILCO Plan. Cordaro et al. (Contention 65), ff. Tr. 2,337, at 71-72; Cordaro et al. (Contention 23.C, D, and H), ff. Tr. 2,337, at 17-18.

10. LILCO employees will not be "directing traffic," if by that phrase one means compelling people to move in a particular direction. Cordaro et al. (Contention 65), ff. Tr. 2,337, at 60-61; Cordaro et al. (Contention 23.H), ff. Tr. 2,337, at 21-22.

11. Traffic guides will be stationed at key intersections to facilitate the movement of traffic by using hand and arm signals and thus discourage travel in certain directions, but traffic will not be restricted from traveling in a particular direction. Tr. 2,344 (Lieberman).

12. LILCO will not force anyone to turn in a particular direction should they choose not to do so. LILCO Transition Plan, Appendix A, IV-8; Cordaro et al. (Contention 65), ff. Tr. 2,337, at 76; Cordaro et al. (Contention 23.H), ff. Tr. 2,337, at 21-22; Tr. 2,625 (Lieberman).

13. Only one two-way road is converted to a one-way road under the LILCO Plan. LILCO Transition Plan, Appendix A, Table XIII.

14. LILCO Traffic guides will use cones, hand signals, and arm movements to encourage the movement of traffic out of the EPZ as quickly as possible. Cordaro et al. (Contention 65), ff. Tr. 2,337, at 61-62.

15. The controlled evacuation contemplated under the LILCO Plan results in a traffic time estimate of 4 hours and 55 minutes for evacuation of the entire 10-mile EPZ in summer in good weather, and 6 hours in inclement winter weather. Cordaro et al. (Contention 65), ff. Tr. 2,337, at 62, and Attachment 6 (Cases 12 and 19, respectively).

16. The LILCO Transition Plan provides for the incorporation by the traffic guides trained under that plan of any police assistance that is offered during an emergency. LILCO Transition Plan, OPIP 3.6.3, p. 11 of 46.

17. Traffic guides are trained to explain to the police the situation existing at the time of an emergency, to turn over posts for facilitating traffic to the police, and to remain as assistants if necessary in coordinating the evacuation effort. LILCO Transition Plan, OPIP 3.6.3, p. 11 of 46; Babb et al. (Training), ff. Tr. 11,140, at Vol. 5, Attachment 20, Module 12.

18. The controlled evacuation plan used in the present traffic plan for Shoreham could be modified to eliminate traffic guides entirely, with a resulting increase in evacuation time estimates of 1 1/2 hours. Tr. 2,663 (Lieberman); Cordaro et al. (Contention 65), ff. Tr. 2,337, at Attachment 6 (Case 24).

19. Even what is referred to in the record as the "uncontrolled" evacuation time estimate is reasonable when compared to time estimates at other nuclear power plant sites, and meets the accuracy standards of NUREG-0654. Cordaro et al. (Contention 65), ff. Tr. 2,337, at 46-47.

20. Whether a "controlled" or an "uncontrolled" evacuation time estimate is used as the basis for protective action recommendations, the choice between evacuation and sheltering will be based upon the action that affords the greatest does savings. Cordaro et al. (Protective Actions), ff. Tr. 8760, at 27.

21. LILCO's traffic plan relies upon "trail blazer" signs to mark routes out of the EPZ. Cordaro et al., ff. Tr. 2,337, at 61; Clawson et al. (Public Information), ff. Tr. 10,035, at 12-13.

22. These signs are located along every major road in the EPZ. Id.

23. The trail blazer signs will contain the standard evacuation route logo used for civil defense purposes throughout the country. Tr. 2,539 (Lieberman); Tr. 2,614-19 (Weismantle, Lieberman).

24. The evacuation time estimates for an uncontrolled evacuation would not be altered were a scheme to be developed that did not include traffic signs. Cordaro et al. (Contention 65), ff. Tr. 2,337, at 68-69 and Attachment 6 (compare Case 24 (uncontrolled case assuming route compliance) with Case 34 (uncontrolled case assuming 50% non-compliance with route assignments)).

25. The LILCO Plan provides for road crews, made up of LERO workers to remove stalled cars and other obstacles from roadways using LILCO tow trucks and line trucks. LILCO Transition Plan, OPIP 3.6.3, p. 12; Cordaro et al. (Contention 66), ff. Tr. 6,685, at 6-7.

26. Under the LILCO Transition Plan, the Director of Local Response implements procedures to set off sirens at a Site Area or General emergency. LILCO Transition Plan, 3.3-4.

27. The sirens are activated using the encoder at the EOC. LILCO Transition Plan, OPIP 3.3.4, p. 2 of 7.

28. In the event that the local EOC is not activated and the initial notification from Shoreham is of a General emergency with protective action recommendations, the Customer Service Supervisor, at the direction of the Director of Local Response, instructs the Shoreham Emergency Director to activate the siren system from the Shoreham control room. LILCO Transition Plan 3.3-5 and OPIP 3.3.4, p. 7.

29. A backup encoder is located at the Brookhaven Substation. LILCO Transition Plan, OPIP 3.3.4, pp. 2-3 of 7.

30. In the event that the Customer Service Operator is unable to reach the Director of Local Response within 10 minutes of receipt of notification from Shoreham of a General emergency with a recommendation for protective action, the customer service supervisor notifies the Shoreham Emergency

Director and requests that the control room activate the sirens. LILCO Transition Plan OPIP, 3.3.4, p. 3 of 7.

31. The prompt notification system for the LILCO Plan is made up of a system of fixed sirens, mounted throughout the 10-mile EPZ, as well as an emergency broadcast system and tone alert radios. LILCO Transition Plan 3.3-4 and OPIP 3.3.4.

32. Under the LILCO Transition Plan, the Director of Local Response is responsible for decision-making for responses to be taken pursuant to the plan. LILCO Transition Plan, 3.3-1.

33. The LILCO Transition Plan provides for the incorporation of the County Executive or his designated representative in responding to an emergency should that official choose to participate. LILCO Transition Plan, 3.1-1.

34. Drafts of EBS messages to be used during an emergency are included in the plan. LILCO Transition Plan, OPIP 3.8.2, Attachment 4.

35. The LILCO Transition Plan provides that LILCO employees will make protective action recommendations for the 50-mile ingestion exposure pathway EPZ. LILCO Transition Plan 3.6-8 and OPIP 3.6.6, Section 5.4.

36. The Radiation Health Coordinator is responsible for communicating recommended protective actions to farms, food processors, and other food chain establishments. LILCO Transition Plan. 3.6-8.

37. The Coordinator of Public Information is responsible for communicating the same information to the general public. Id.

38. Recommendations would include suggestions about the sheltering of dairy animals, limiting or ceasing the consumption of certain foodstuffs, washing or scrubbing fruit and vegetables, or other similar precautions. See Cordaro et al. (Contention 81), ff. Tr. 13,563.

39. Recommendations would identify areas of concern and offer to compensate anyone with economic losses due to food being withheld from the market. LILCO Transition Plan, OPIP 3.6.6, Section 5.4.3.1; Tr. 13,769-92 (Cordaro, Daverio, Watts).

40. The Plan provides that short-term and long-term recovery and reentry operations will be performed by LILCO employees. See LILCO Transition Plan, OPIP 3.10.1.

41. The recovery action committee (1) coordinates area radiological surveys, (2) evaluates data, (3) identifies areas to be reentered, (4) mobilizes required resources, manpower, and equipment for reentry, (5) determines that all utilities are functioning, that food supplies are adequate, and that evacuation effects on public health are mitigated, (6) participates with LILCO in preparing and issuing announcements, specifying the areas that may be reentered, and



(7) ensures establishment of an organization to estimate population exposure on a continuous basis. LILCO Transition Plan, 3.10-1 and 3.10-2.

42. Two states are involved in the 50-mile ingestion exposure pathway EPZ for Shoreham: New York State and Connecticut. See, e.g., Cordaro et al. (Contention 81), ff. Tr. 13,563, at 7-8.

43. Connecticut has agreed to implement protective action recommendations in its State when notified by LILCO of an emergency at Shoreham. Cordaro and Renz (Letter of Connecticut Supplement), ff. Tr. 13,858, at Attachment 2.

44. Protective action recommendations for the 50-mile ingestion exposure pathway need not be made immediately following the declaration of an emergency. LILCO Transition Plan, OPIP 3.6.6, p. 1 of 50.

45. Following an emergency at a nuclear power plant, many governmental entities step forward to study the situation and to determine what actions should be taken to reenter the area affected and recover it if necessary. Tr. 10,509-10 (Weismantle); Cordaro et al. (Contention 81), ff. Tr. 13,563, at 38-39; Tr. 13,702-06 (Daverio, Watts).

46. LILCO plans to station fuel truck in proximity to evacuation routes to assist motorists who may run out of fuel. Cordaro et al. (Contention 66), ff. Tr. 6,685, at 14.

47. LILCO plans to provide sufficient fuel such that 5 gallons of fuel per vehicle will be available. Id. at 15.

48. Dispensing fuel from tank trucks is not required under the NRC emergency planning regulations, or even suggested by NUREG-0654. Tr. 12,818 (Keller).

49. The EOC is located on LILCO property. LILCO Transition Plan, 4.1-1.

50. LILCO employees are assigned to the EOC to identify persons entering the facility. LILCO Transition Plan OPIP 4.1.1, p. 2 of 12.

51. LILCO employees will be assigned to the EPZ perimeter to discourage people from entering the EPZ through the use of hand and arm movements and traffic cones. Weismantle and Lieberman (Traffic), ff. Tr. 2337, at 62.

52. All relocation centers used for the LILCO Plan will be in Nassau County. LILCO's testimony on Phase II Emergency Planning Contentions 24.0, 74, and 75 (Relocation Centers), at 22.

53. LILCO relies upon the Red Cross to provide relocation centers. Id. at 15.

54. LERO workers will rely upon the local police to provide security at relocation centers to the extent it is necessary. Tr. 11,344 (Varley).

55. No LERO personnel would be relied upon to maintain order at relocation centers. Tr. 11,344 (Varley); Tr. 12,069 (Mileti).

56. LILCO personnel are assigned to relocation centers to liaison with Red Cross, provide monitoring and decontamination, and help in the parking lots of the facilities to channel people through the monitoring and decontamination process and to there relocation center. LILCO Transition Plan 3.6-7 and OPIP 4.2.1, pp. 1-7 of 22; LILCO Testimony at 24.

57. LERO workers will not be ordering, requiring, or using force to "maintain security." Cordaro et al. (Credibility), ff. Tr. 10,396, at 101-04; Tr. 11,344 (Varley); Tr. 12,068-69 (Mileti).

58. LERO employees will be checking identification of persons at the EOC. Cordaro et al. (Credibility), ff. Tr. 10,396, at 101-04.

59. LERO employees will be channeling traffic and the stream of people who may be arriving at relocation centers for assistance. Id.

60. If difficulties ensue at the EOC, the perimeter, or relocation centers, LERO workers will call the police. Tr. 11,344 (Varley).

CERTIFICATE OF SERVICE

In the Matter of  
LONG ISLAND LIGHTING COMPANY  
(Shoreham Nuclear Power Station, Unit 1)  
Docket No. 50-322-OL-3

I hereby certify that copies of LILCO'S MOTION FOR SUMMARY DISPOSITION OF CONTENTIONS 1-10 (THE "LEGAL AUTHORITY" ISSUES) were served this date upon the following by first-class mail, postage prepaid or, as indicated by an asterisk, by Federal Express.

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