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September 10, 1982

Note to: Brian Grimes
John Sears
Richard Starostecki
Robert Gallo

From: Richard L. Black *oc*

Subject: Shoreham On-Site Emergency Planning Testimony

On September 7, 1982, the Licensing Board issued its Supplemental Pre-hearing Conference Order which ruled on the admissibility of the Intervenor's emergency planning contentions based on the LILCO on-site plan. I sent you a copy of that order on September 8, 1982. That order admitted 27 discrete contentions and denied 23 contentions. (Note that Appendix A to the order has erroneously listed EP 13 as an admitted contention.) In addition, the parties had been actively negotiating in an attempt to settle many of the admitted contentions. These efforts have not yet resulted in any settlement agreements, but I anticipate that agreements will be reached within the month. In sum, the Board's order and settlement negotiations will result in a substantial reduction in the number of contentions that must be addressed in Staff testimony.

Testimony on these emergency planning contentions must be filed on October 12, 1982. Consequently, draft testimony must be submitted for ELD review by September 30, 1982. Accordingly, efforts must be started immediately to determine (1) what the issues are that must be addressed, (2) what person(s) will sponsor the testimony on these issues, and (3) how the Staff will respond to the issues. To aid in these efforts, this note will set forth the issues presently admitted by the Board's order and give you the present status of the possibility of settlement of them. In general, the Staff should initially prepare testimony on all admitted contentions because settlement agreements may not be finalized on all aspects of the contentions.

ADMITTED CONTENTIONS*

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EP2: PROMPT NOTIFICATION SYSTEM
(SC, joined by NSC and SOC)

LILCO intends that individuals situated within a 10-mile radius of the plant will be alerted to a radiological emergency through 89 sirens

* These contentions are based on the Intervenor's submittal of August 20, 1982, or the Board's amendments, where appropriate. The numbering of the contentions in this note correspond to the original numbering in the August 20, 1982, submittal and should be retained for identification of the contention in subsequent testimony. Contentions not admitted have been deleted from this note.

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and approximately 150 tone alert receivers (Plan at 6-11 through 6-12; Wyle Laboratories Report WR 82-10 at 4-3). LILCO's system, known as the "Prompt Notification System," is inadequate to effectively notify the population which may be affected by a radiological emergency and thus fails to meet the requirements of 10 C.F.R. §§ 50.47(b)(5) and (6), 10 C.F.R. Part 50, Appendix E, Item D.2 and NUREG 0654, Items II.E and F for the following reasons:

- A. LILCO has failed to demonstrate that the siren coverage will not be constricted significantly during weather conditions such as rain, snow and fog, which have a tendency to muffle sound, as well as during high winds and thunderstorms which may adversely affect the ability to hear the siren.
- B. LILCO has not adequately demonstrated that in the event of a loss of power to all or part of the system, it could provide backup power in time to offer timely warning to the population.
- C. LILCO's prompt notification system does not provide complete siren coverage of all of the population within the EPZ as shown by the gaps evident on the map appended to the Wyle Report. LILCO has not adequately provided for notification of individuals who may be within the areas not covered by sirens.

EP3: MEDICAL AND PUBLIC HEALTH SUPPORT
(SC, joined by NSC and SOC)

A. Suffolk County contends that LILCO, by designating Central Suffolk Hospital as the primary medical facility to treat contaminated injured individuals (Plan at 6-16), and further by designating University Hospital in Philadelphia, Pennsylvania for backup medical treatment (Plan at 6-16), has failed to provide adequate medical services for contaminated injured individuals as required by 10 C.F.R. § 50.47(b)(12), 10 C.F.R. Part 50, Appendix E, Items IV.E.5 through 7, and NUREG 0654, Items K and L for the following reasons:

- (2) Central Suffolk Hospital may itself become subject to radiological exposure and/or evacuation given its location approximately nine miles from the Shoreham site (Plan at 6-16).
- (3) University Hospital is too distant to provide timely treatment of contaminated injured individuals.

B. Furthermore, LILCO has failed to adequately demonstrate that ground transportation (Plan at 6-16) is adequate for conveyance of contaminated injured individuals to Central Suffolk Hospital under

the congested traffic or radiological conditions that are likely to exist during a radiological emergency. Thus, LILCO has failed to satisfy 10 C.F.R. § 50.47(b)(12), 10 C.F.R. Part 50, Appendix E, Item IV.E.6, and NUREG 0654, Item II.L.4.

EP4: FEDERAL RESOURCES
(SC, joined by NSC and SOC)

The LILCO plan (Plan at 5-8) fails to provide for incorporation of Federal response capabilities into the plan. The plan states that "although no federal assistance is expected" other than that to be provided for in the Suffolk County plan and other non-LILCO plans, the LILCO "Response Manager has the authority to request any and all Federal assistance considered appropriate for the given situation" (Plan at 5-8; see also 5-10). The plan makes no mention of specific Federal resources expected to arrive at the facility and their estimated time of arrival, nor does it identify specific utility and local resources available to support the Federal response. In failing to do so, Suffolk County contends, LILCO has not satisfied the requirements of 10 C.F.R. §§ 50.47(b)(1), (2) and (3), 10 C.F.R. Part 50, Appendix E, Item IV.A.7, and NUREG 0654, Items I.1, II A.2 and 3, and II C.1.

EP5: PROTECTIVE ACTIONS
(SC, joined by NSC and SOC)

Suffolk County contends that LILCO has not met the requirements of 10 C.F.R. § 50.47(b)(10), 10 C.F.R. Part 50, Appendix E, Item B, or NUREG 0654, Item II.J with respect to development and implementation of a range of protective actions for emergency workers and the public within the plume exposure pathway EPZ and with respect to development of guidelines for the choices of such actions in that the LILCO plan and procedures do not adequately discuss the bases for the choice of recommended protective actions (i.e., the choice between various ranges of evacuation vs. sheltering vs. other options) for the plume exposure pathway EPZ during emergency conditions. Thus, LILCO does not have sufficient knowledge or information to provide reliable, accurate protective action recommendations.

EP6: OFFSITE RESPONSE ORGANIZATION
AND ONSITE RESPONSE AUGMENTATION
(SC, joined by NSC and SOC)

Suffolk County contends that LILCO has failed to provide reasonable assurance that onsite assistance from offsite agencies will

be forthcoming in the event of a radiological emergency at the Shoreham site (see, e.g., Plan at 5-8 and 6-15). LILCO has therefore not met the requirements of 10 C.F.R. §§ 50.47(b)(1), (2), (3), (8), (12) and (15), 10 C.F.R. Part 50, Appendix E, Item A, and NUREG 0654. In addition, LILCO has not demonstrated adequately that it will be able to augment its onsite emergency response staff in a timely manner (see Plan, Ch. 5). LILCO has also, therefore, failed to meet the requirements of 10 C.F.R. § 50.47(b)(1) and (2). Thus:

A. It does not appear that LILCO has addressed or analyzed the possibility that offsite personnel and/or onsite augmenting personnel expected to report to the Shoreham site for emergency duty, would fail to report (or report in a timely manner) because of conflicting family (or other) duties that would arise in the event of a radiological emergency.

B. LILCO has not adequately demonstrated the possible effects of traffic congestion during evacuation of the population upon the ability of offsite personnel and/or onsite augmenting personnel to respond promptly to the Shoreham site.

C. LILCO has not developed notification procedures for offsite response organizations and onsite personnel (both those onsite at the time of an emergency and those called to report for duty after an emergency has commenced) in a manner consistent with the emergency classification and action level scheme set forth in NUREG 0654, Appendix 1. LILCO has, therefore, not ensured that sufficient trained personnel will be available when required.

EP7: TRAINING
(SC, joined by NSC and SOC)

A. Suffolk County contends that LILCO has failed to meet the training requirements of 10 C.F.R. §§ 50.47(b)(11) and (15), 10 C.F.R. Part 50, Appendix E, Item F, and NUREG 0654, Items 11.K and O for all personnel who may be called upon to assist in an emergency in that LILCO has not provided adequate assurance (Plan at 5-8) that fire, ambulance, and other such personnel from off-site agencies in the vicinity of the Shoreham plant (mutual aid districts) which are expected to respond for emergency duty have received adequate radiological emergency response training. Without such training, the County contends that an adequate response as required by § 50.47(b) [cannot be assured].

EP8: ONSITE RESPONSE ORGANIZATION
(SC, joined by NSC and SOC)

Suffolk county contends that LILCO has not satisfactorily delineated the responsibility of LILCO response personnel, nor has it

demonstrated adequately that it will be able to augment its emergency response staff in a timely manner. Thus, LILCO's emergency response plan is not in compliance with 10 C.F.R. §§ 50.47(b)(1)(2)(3) and (8), 10 C.F.R. Part 50, Appendix E, Items A and C, and NUREG 0654, Items II.A, B, C and H for the following reasons:

A. The LILCO plan at 5-4 through 5-8 does not clearly define and distinguish between the functions of the Emergency Director and the Response Manager;

B. Table 5-1 does not clearly demonstrate LILCO's ability to augment its staff within 30 minutes of declaration of an emergency and is not in compliance with Table B-1 of NUREG 0654.

EP10: EMERGENCY OPERATIONS FACILITY
(SC, joined by NSC and SOC)

Suffolk County contends that LILCO's plan and procedures for operation of its Emergency Operations Facility is not in conformance with the requirements of 10 C.F.R. § 50.47(b)(8), 10 C.F.R. Part 50, Appendix E, Item IV.B.B, and NUREG 0654, Item II.H in that:

A. The LILCO plant at 7-3 states that the EOF shall achieve operational readiness within two hours of declaration of an emergency. Such an activation time violates the one hour requirement of NUREG 0696.

B. There is, as yet, no provision for obtaining at the EOF, or at any other LILCO emergency response facility, information relating to seismic phenomena (Plan at 7-9).

C. LILCO proposes to activate its EOF only upon declaration of a Site Area or General Emergency (Plan at 7-2). The EOF should be activated at an earlier time in an accident to ensure operational readiness in the event that an accident escalates to a more severe classification level.

EP12: RADIOLOGICAL EXPOSURE
(SC, joined by NSC and SOC)

LILCO has failed (Plan at 6-12 through 6-16 and related EPIPs) to demonstrate that it has established the means for controlling radiological exposures to emergency workers (both LILCO personnel and those from offsite agencies). Thus, it has not met the requirements of 10 C.F.R. §§ 50.47(b)(11) and (15), 10 C.F.R. Part 50, Appendix E, and NUREG 0654, Items II.K and O in that:

- A. The plan inadequately describes provisions for monitoring individuals evacuated from the site (Plan at 6-12).
- B. The plan does not describe action levels for determining the need for decontamination of emergency response personnel.
- C. The plan does not adequately delineate guidelines for emergency workers to follow to ensure that exposures received by such workers are not excessive.

EP14: ACCIDENT ASSESSMENT AND MONITORING
(SC, joined by NSC and SOC)

Suffolk County contends that LILCO's plan (see Chapter 6) is inadequate with respect to its ability to assess and mitigate accidents and monitor radiological releases from the Shoreham facility in the event of a radiological emergency. Thus, LILCO has failed to comply with 10 C.F.R. §§ 50.47(b)(2), (4), (8), (9) and (10), 10 C.F.R. Part 50, Appendix E and NUREG 0654, Items II.B, D, H, I and J in the following respects:

- A. LILCO's commitment to only three field monitoring teams (Plan at 6-8) is inadequate given the large area and population that will need to be covered in the event of an accident. Furthermore, LILCO's failure to require deployment of monitoring teams prior to the site emergency stage, and the time necessary (60 minutes) for such development, are inadequate for timely monitoring of potential radiological releases.
- B. LILCO does not intend to use real time monitors at fixed locations that can be remotely interrogated.
- C. The equipment intended for use by LILCO to monitor plant effluent does not provide timely and accurate information as to the actual value of the quantity of iodine released to the environment in the case of a radiological accident. In the absence of such timely and accurate information, LILCO is unable to initiate an adequate response to the release of iodine to the environment in the case of such an accident.

EP15: COMMUNICATIONS WITH OFF-SITE RESPONSE ORGANIZATIONS
(NSC, joined by SOC, SC will participate as an interested County pursuant to 10 C.F.R. § 2.715)

The Plan relies completely for communication with off-site national, state, and local response organizations upon telephone communications (e.g. 7.2.1 through 7.2.8) and on a low power UHF Radio

Based Station and a VHF Radio Based Station (7.2.10). It fails to meet the criteria of 10 C.F.R. §§ 50.47(b)(2)(5)(6), 10 C.F.R. Part 50, Appendix E, IV Paras D(3) and E(9) and NUREG 0654, Appendix 3, Para C(1), in the following respects:

- A. In so far as the Plan relies on telephone communications (7.2.1 through 7.2.8), it does not take into account the possibility of (1) a power outage, (2) sabotage and (3) overload. This omission is especially significant because the Plan describes the Hotline as the "primary means for notification of the State and County of emergency conditions at Shoreham." (7.2.1; see also 5.4).
- B. Assuming that the telephone communications depend upon overhead, outdoor lines (there is nothing to the contrary in the Plan), the telephone communication network is vulnerable to extreme weather conditions, especially to sleet and ice formations on its lines and poles.
- D. The Plan relies on commercial telephone lines as "the primary communication link" for hospitals, Coast Guard, and DOE (7.2.4). These lines will become overloaded in an emergency, thus preventing communication with these vital offsite organizations.
- E. The Plan does not describe the "redundant power supplies" (7.2.) which purportedly insure communications with off-site facilities. NSC understands a "power supply" to mean the source of the power to maintain the communications systems and not the different communication modes and systems.
- F. The personnel to whom beepers are issued have varying responsibilities to notify response organizations. However, the beeper requires them only to call in to predetermined numbers (7.2.9), using commercial telephone lines.
- H. The Plan describes the National Alert Warning System (NAWAS) as the "primary back-up communications link between the Shoreham site and off-site officials." (7.2.3) It does not otherwise describe NAWAS and therefore it is impossible to determine if it can perform its assigned task. For example, there is no description of its load capacity, coverage, or technical configuration; nor does it name the "off-site officials" and their agencies who are linked to NAWAS.

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

EP17: PERSONNEL ASSIGNMENTS TO COMMUNICATION/NOTIFICATION
(NSC, joined by SOC. SC will participate as an interested County pursuant to C.F.R. § 2.715)

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

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

EP20: INTERIM SAFETY PARAMETER DISPLAY SYSTEM (SPDS)
(SC, joined by SOC and NSC)

Suffolk County contends that the interim SPDS that LILCO proposes to utilize until the installation of a permanent SPDS is deficient because it does not meet minimum requirements for such a system. Specifically, the interim SPDS does not:

- A. provide all required parameters [NUREG 0696 at 26];
B. provide all data verification [NUREG 0696 at 24];
C. provide trending capability [NUREG 0696 at 25-26];
D. provide information to the TSC and EOF [NUREG 0696 at 25]; and
E. provide the function of aiding the operator in the interpretation of transients and accidents, nor does it provide this function during and following all events expected to occur during the life of the plant, including earthquakes [NUREG 0696 at 27].

Thus, the interim SPDS does not meet the requirements of 10 C.F.R. §§ 50.47(b)(4), (8), and (9), 10 C.F.R. Part 50, Appendix E, Items IV.E.2 and 8, 10 C.F.R. Part 50, Appendix A, GDC 13, and NUREGs 0696, 0737 and 0654, Item 1.

EP23: ACCIDENT ASSESSMENT AND DOSE ASSESSMENT MODELS
(SC, joined by SOC and NSC)

LILCO's plan fails to provide reasonable assurance that adequate methods, systems and equipment for assessing and monitoring actual or

potential off-site consequences of a radiological emergency condition are in use, and therefore does not comply with 10 C.F.R. § 50.47(b)(9).

STATUS OF SETTLEMENTS

Based on negotiations with Suffolk County (SC), the following contentions do not appear to be negotiable and thus will probably be litigated:

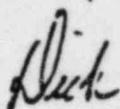
- EP 3B: (Ground transportation of contaminated injured individuals to Central Suffolk Hospital)
- EP 5: (Bases for protective action recommendations)
- EP 6A: (Inability of offsite personnel to report to Shoreham because of conflicting family duties)
- EP 6B: (Inability of offsite personnel to report to Shoreham because of traffic congestion)
- EP 14B: (Use of real time monitors at fixed locations that can be remotely interrogated)
- EP 14C: (Inability of plant effluent monitors to provide timely and accurate information on iodine)
- EP 23: (No assurance that adequate methods, systems, and equipment for assessment and monitoring offsite conditions are in use.)

The remaining Suffolk County contentions may be settled. However, because settlement agreements have not been signed, all contentions should be construed as litigable issues and testimony preparation should begin. In addition, settlement negotiations with the North Shore Coalition (NSC) have not begun and it is impossible at this time to predict which remaining NSC contentions (EP 15A, B, D, E, F, H and EP 17B) will be settled without litigation. Accordingly, initial testimony preparation should begin on these issues.

I will keep you promptly informed of the status of all settlements in order to avoid unnecessary testimony preparation. As I have indicated previously, at this time settlement agreements are not assured and, therefore, preparation must begin. Do not take testimony preparation lightly and do not wait until the 11th hour to start. This Board will not tolerate written testimony that does not adequately address the issues. They want to be informed of the relevant information before the witnesses are examined during the hearing.

Witness identification must be completed by September 17th (i.e., Region and/or headquarters) and there must be a general consensus of how to address the issues at that time. This schedule would only leave approximately two

weeks for preparation of the testimony. The schedule is extremely tight considering that the Region must have the On-site Appraisal Report completed by October 1 and headquarters needs to complete the emergency planning SER input. Please keep me informed of all impediments and developments with respect to this schedule.



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*/ There is also a possibility that Suffolk County will either request the deposition of certain Staff members or submit written interrogatories during this timeframe.