

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

DOCKETED
USNRC

'86 APR 15 P3:03

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,)
Unit 1))

) Docket No. 50-322-OL-3
) (Emergency Planning)

SUFFOLK COUNTY, STATE OF NEW YORK,
AND TOWN OF SOUTHAMPTON PETITION
FOR REVIEW OF ALAB-832

Pursuant to 10 CFR § 2.786, Suffolk County, the State of New York, and the Town of Southampton ("Governments") hereby petition the Commission to review the portions of ALAB-832¹ described below. The Appeal Board's errors fall into two categories: (1) the Board violated 10 CFR § 2.770(b), 5 USC § 557(c), and judicial precedents in failing to explain its basis for rejecting the Governments' appeal of many material issues of substantial safety significance; and (2) the Board erred in its rulings on certain of the issues that it addressed in ALAB-832.

¹ Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), ALAB-832, ___ NRC ___ (March 26, 1986). According to Docketing and Service, ALAB-832 was officially served by mail on March 26, 1986; therefore, under 10 CFR §§2.786 and 2.710, this Petition must be filed by April 15, 1986.

I. The Appeal Board Violated NRC Regulations, the Administrative Procedure Act, and Judicial Precedents in Failing to Explain its Basis For Rejecting the Governments' Appeal of Numerous Issues

A. Introduction

The ASLB addressed emergency planning issues in its April 17, 1985 Partial Initial Decision, 21 NRC 644, its August 26, 1985 Concluding Partial Initial Decision, 22 NRC 410, and in many underlying pretrial and trial orders. The Governments appealed certain of the rulings that were adverse to the Governments' positions. In four briefs filed with the Appeal Board, they set forth the ASLB's errors and why its rulings required reversal.²

² The Governments filed two primary appeal briefs: one on October 23, 1985, addressing the April 17 decision (hereafter, "Brief I"); and one on November 6, 1985, addressing the August 26 decision (hereafter, "Brief II"). The Governments also filed on January 6, 1986, two reply briefs, one on the appeal of the April 17 decision ("Brief III") and one on the appeal of the August 26 decision ("Brief IV").

Contrary to the Appeal Board's statement, the Governments' briefs on appeal did not by any means constitute "an uncritical rehearsal of virtually every claim -- large or small -- that was advanced to and rejected by the Licensing Board below." ALAB-932, at 9-10. Rather, in addition to not appealing countless adverse pretrial and trial rulings which were made during the two years of litigation from June 1983 through June 1985, the Governments also did not raise before the Appeal Board issues relating to any of the following contentions, which the ASLB decided adversely (in whole or in part) to the Governments: 67.A and 67.D (relating to evacuation of transit dependent population); 73.A and 73.B.1-3 and 5 (identification and notification of handicapped and deaf); 20 (adequacy of WALK-AM as primary EBS station); 18 (adequacy of public information on evacuation zones and routes); 21.C (public information materials for Hispanics); 64 (whether protective action recommendations adequately account for wind shifts); 97.B (whether evacuation proposals could be implemented in bad weather); 24.I (availability of bus transfer points); 93 and 96 (whether plan could be implemented if there were a loss of offsite power).

(footnote continued)

In ALAB-832, the Appeal Board addressed only five of the issues raised by the Governments on appeal.³ The remaining issues raised by the Governments -- 38 issues involving more than 50 separate contentions or subparts⁴ -- were purportedly "addressed" by the Appeal Board in the following single paragraph:

Each claim has received our attention. But we see no reason to freight this opinion with a cataloguing of those that lack sufficient merit or significance (or both) to require further discussion. We thus confine ourselves to the relatively few substantial assertions of Licensing Board error that have been put forth by the intervenors.

ALAB-832, at 10. As a review of Attachment I and the Governments' briefs makes clear, the issues ignored by the Appeal Board in ALAB-832 involve important public safety concerns. They include, for example, whether there exists any preparedness to protect school children, whether any of the communications required to implement the LILCO Plan could take place, whether

(footnote continued from previous page)

Moreover, the Governments briefed only certain errors, by no means all, that were embodied in the ASLB's rulings that were the subject of the Government's appeals.

³ The Appeal Board addressed only the ASLB's denial of admission of Contentions 22.A, 22.B, and 22.C (ALAB-832 at 13-22), and the ASLB's rulings relating to the availability of school teachers and school bus drivers to implement LILCO's Plan (two of the three errors raised on appeal concerning Contention 25 - Role Conflict) (*id.* at 23-33), the evacuation of hospital patients (a portion of the issues raised concerning aspects of Contentions 24.G, 24.N, and 72) (*id.* at 33-40), and a portion of the relocation center issues (*id.* at 40-51).

⁴ Attachment I hereto contains a table identifying the 38 issues raised by the Governments and ignored by the Appeal Board, the contentions or subcontentions to which they relate, and where those issues were raised before the Appeal Board.

LILCO's protective action recommendations would be followed, and whether there exists any plan or capability to implement adequate protective actions for a major portion of the ingestion pathway EPZ.

The Appeal Board's unreasoned and unexplained rejection of the majority of the errors identified and briefed by the Governments on appeal constitutes a clear violation of the NRC's regulations, the Administrative Procedure Act ("APA"), and judicial precedents. The Appeal Board's action represents a dramatic and unjustifiable departure from the reasoned decisionmaking required of administrative agencies. The Commission cannot sanction the Appeal Board's disregard for serious safety issues and the fundamental requirements of administrative decisionmaking. It should, therefore, grant the Governments' Petition.

B. Discussion

Absent Commission review, ALAB-832 will constitute the NRC's "Final Decision" on the issues set forth in Attachment I. Under 10 CFR 2.770(b), the Commission (or in this case the Appeal Board) may "adopt, modify or set aside" the ASLB's initial decisions. In taking such action, however, as the Appeal Board did in ALAB-832, the Board must "state the basis of its action." That basis must include:

A statement of findings and conclusions, with the basis for them on all material issues of fact, law or discretion presented; and. . .

[t]he ruling on each material issue. . . .

10 CFR §§ 2.770(b)(1) and (3) (emphasis added). The APA contains a similar requirement. 5 USC § 557(c).

The Appeal Board's refusal to address the bulk of the issues raised by the Governments on appeal constitutes a blatant violation of the NRC's own regulations and the APA. The Appeal Board has provided no basis for its action whatsoever. Its dismissal of 38 issues, with the offhanded aside that they "lack sufficient merit or significance (or both) to require further discussion," certainly fails to satisfy the requirement that the Board provide a "statement of findings and conclusions . . . on all material issues of fact, law or discretion"5

The Governments are not suggesting that the Appeal Board was required to discuss in minute detail every single aspect of each issue raised by the Governments on appeal. But, to comply with the requirement that an agency must provide reasons for its actions, a reviewing court must be able to discern the basis for that agency's action. See Bowman Transport, Inc. v. Arkansas-Best Freight Syst., Inc., 419 U.S.

5 Furthermore, it is no answer that with respect to some issues the ASLB purported to provide reasons for its decision -- reasons which in their briefs the Governments demonstrated to be without basis in law or fact. First, the Appeal Board never even stated that it adopted, approved or even recognized any findings of the ASLB with respect to the issues it ignored. Second, the NRC's regulations require the Commission -- or the Appeal Board when acting pursuant to 10 CFR § 2.785 -- to explain the basis for its decision, including findings and conclusions on all material issues presented to it. Third, with respect to some issues raised by the Governments on appeal, the ASLB never stated a reasoned basis for its rulings. Fourth, in ALAB-832, the Appeal Board did not even identify the issues presented to it, much less explain or set forth its findings and conclusions thereon.

281, 285-86 (1975). Accord, Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), 6 NRC 33, 41 (1977) ("it is a well accepted principle of administrative law that 'the orderly functioning of the process of review requires that the grounds upon which the administrative agency acted be clearly disclosed and adequately sustained'"). The court must be satisfied that the agency has "really taken a 'hard look' at the salient problems" and has "genuinely engaged in reasoned decision-making." Greater Boston Television v. FCC, 444 F.2d 841, 851 (D.C. Cir. 1970) cert. denied, 403 U.S. 923 (1971).⁶

ALAB-832, however, clearly provides no basis for holding that the Appeal Board took a "hard look" at any of the issues raised on appeal and set forth in Attachment I. The Appeal Board's cavalier assertion that "each claim" received its "attention," even when combined with its cryptic comment that they "lack sufficient merit or significance (or both) to require further discussion," clearly violates the judicial precedents

⁶ In Harborlite v. ICC, 613 F.2d 1088, 1092 (D.C. Cir. 1979), the Court explained an agency's obligation as follows:

One basic procedural safeguard requires the administrative adjudicator, by written opinion, to state findings of fact and reasons that support its decision. These findings and reasons must be sufficient to reflect a considered response to the evidence and contentions of the losing party and to allow for a thoughtful judicial review if one is sought.

(footnote omitted). See also Village of Winnetka v. FERC, 678 F.2d 354, 357-58 (D.C. Cir. 1982) ("A venerable principle of administrative law admonishes that an agency must set forth clearly the grounds for its decision.").

defining an agency's obligation to provide reasons for its decision and the requirements of 10 CFR § 2.770(b). See SEC v. Chenery Corp., 332 U.S. 194, 196-97 (1947) ("It will not do for a court to be compelled to guess at the theory underlying the agency's actions . . ."); Taylor v. Heckler, 595 F. Supp. 489, 492 (D.D.C. 1984) ("It is not enough for the ALJ merely to hold that claimant's complaints and records were given "serious consideration" and say no more.").

Moreover, the facile suggestion that all the issues raised by the Governments and ignored by the Appeal Board are insignificant or meritless "or both," is plainly false. To give just one example, the record demonstrates that not one of the 17 school districts with children in the EPZ has adopted, or agreed to implement, any plan for a Shoreham emergency. There exist no plans whatsoever for the evacuation of the over 60,000 school children who are in those districts and who could be in danger. And, the very school officials who would be responsible for implementing a Shoreham-related emergency plan, if one existed, are on record stating that early dismissal procedures used for "snow days" -- the so-called "plans" touted by LILCO -- could not and would not be implemented effectively by them during a Shoreham emergency. See Brief I at 24-33, Brief III at 8-10, and citations to the record therein. The NRC's own precedents clearly require the existence of plans, approved and adopted by schools; they also uniformly hold unacceptable the suggestion that children's safety should be at the mercy of ad hoc

arrangements, or based upon mere hopes or assumptions.⁷

The ASLB's rulings in this case on school "plans" and "preparedness" clearly violated this well-established precedent and Section 50.47. Moreover, the ASLB's errors and the controlling NRC precedent were discussed at length in the Governments' briefs to the Appeal Board. See Brief I at 24-33; Brief III at 8-10. The Governments' briefs also make clear that the other issues ignored by the Appeal Board and listed in Attachment I involve similarly critical safety matters and established NRC precedent. The Board's refusal even to address these issues of crucial safety significance, and its apparent decision simply to ignore settled NRC precedent without so much as a word on the subject, cannot be countenanced by the Commission.⁸ Therefore, the Governments' Petition should be

⁷ Cincinnati Gas & Elec. Co. (Zimmer Nuclear Power Station, Unit 1), ALAB-727, 17 NRC 760, 772-73 (1983); Consolidated Edison Co. (Indian Point, Units 2 and 3), LBP-83-68, 18 NRC 811, 982-85 (1983); Pennsylvania Power & Light Co. (Susquehanna Steam Elec. Station, Units 1 and 2), LBP-82-30, 15 NRC 771, 781-82, 798, sua sponte review, ALAB-702, 16 NRC 1530 (1982); Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1), LBP-81-59, 14 NRC 1211, 1640-41 (1981). See also Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), ALAB-819, 22 NRC 681, 713-14 (1985); Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), ALAB-818, 22 NRC 651, 674-75 (1985) (appeal pending); Pacific Gas & Elec. Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-580, 11 NRC 227 (1980).

⁸ The Court's statement in Brooks v. Atomic Energy Comm., 476 F.2d 924, 926-27 (D.C. Cir. 1974) applies here and requires action by the Commission:

The necessity for administrative agencies to provide a statement of reasons, especially in cases such as this where the public interest demands close scrutiny of administrative action, is a fundamental principle of administrative law.

granted.⁹

II. The Appeal Board Rulings on Specific ALAB-832 Issues Were in Error

In deciding the few issues that it addressed in ALAB-832, the Appeal Board committed additional errors which require NRC review.

A. EPZ Size

The Appeal Board correctly ruled that Contentions 22.B and 22.C were wrongly rejected by the ASLB and ordered that litigation be permitted on those contentions. The Board also ruled, however, that any adjustment of the plume EPZ boundary must be restricted to "minor" adjustments of "a mile or two." See ALAB-832, at 22, n.41. The Appeal Board erred in imposing this arbitrary limitation.¹⁰

10 CFR § 50.47(c)(2) contains no limitation on the amount of EPZ adjustment that is permissible. Indeed, the

⁹ Following the necessary declaration that in ALAB-832 the Appeal Board violated the legal requirement that it explain the basis for its decision, the Commission has two options: (1) to remand to the Appeal Board with directions that reasons be given for its rejection of the Governments' appeal on the issues set forth in Attachment I, with the Governments' being afforded an opportunity for Section 2.786 review following the Appeal Board's decision on the remand; or (2) to examine the merits of the issues set forth in Attachment I itself, relying on the briefs of the Governments, LILCO, and the Staff filed with the Appeal Board. The Governments stress that if the Commission chooses the second course, it will be compelled to rule that the issues raised before the Appeal Board are significant and require reversal of the ASLB's decisions.

¹⁰ See Brief I at 12 and Brief III at 5 for the Governments' statement to the Appeal Board of their position that an arbitrary 1-2 limitation on EPZ adjustments is not proper.

regulation states that an approximately 10-mile plume EPZ is only "generally" what is to be provided, and goes on to state that the exact size of an EPZ for a particular plant "shall be determined in relation to local emergency response needs and capabilities" (emphasis added). Yet, citing the San Onofre and Diablo Canyon decisions, the Appeal Board arbitrarily decreed, without any supporting rationale or basis, that absent an exception to the regulations, adjustments to the Shoreham EPZ beyond two miles cannot even be considered, presumably even if the facts and evidence presented to the ASLB would support or justify a greater adjustment.¹¹

The ruling prohibiting consideration of adjustments to an EPZ beyond the arbitrary limit of two miles violates the plain meaning of Section 50.47(a)(2). That regulation contains no such arbitrary limit, and the Appeal Board's interpretation of the regulation cannot be sustained. See Guard v. NRC, 753 F.2d 1144 (D.C. Cir. 1985). The Governments submit that under Section 50.47(c)(2), an ASLB must consider whether local conditions require an adjustment to a 10-mile EPZ, regardless of whether the necessary adjustment ends up being 1/2 mile, 3 miles, 4.2 miles, or 1 mile. Under the existing regulation, the facts and evidence on site-specific local conditions must guide the NRC in such a decision, not arbitrary limits that are not contained

¹¹ ALAB-832 at 18-19, 22, citing Southern Calif. Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), LBP-82-39, 15 NRC 1163, 1177 (1982) (subsequent history deleted); Pacific Gas & Elec. Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-781, 20 NRC 819, 831 (1984).

in the regulation.

B. Congregate Care Centers

The ASLB refused to consider the Governments' testimony which demonstrated that contrary to LILCO testimony admitted into evidence and relied upon by the ASLB, facilities proposed as "congregate care centers" to shelter evacuees after a Shoreham accident are not available to LILCO. The Appeal Board affirmed this ASLB action. See ALAB-832, at 48, 50. Thus, the Appeal Board ruled, without reference to the record or any discussion or explanation, that the Governments' proffered testimony on the unavailability of facilities to shelter evacuees after processing at the Nassau Coliseum related to an issue which had already been "fully litigated." Id. at 50. In so ruling, the Appeal Board committed clear error and ignored yet another serious safety issue.

As stressed in the Governments' briefs,¹² the issue presented to the ASLB was not whether LILCO's proposal to rely on "congregate care centers" had been covered in prior litigation; rather, the key fact raised by the Governments was that after the initial relocation center litigation in August 1984, new information came to light which demonstrated that prior statements by LILCO and its witnesses regarding the purported existence and availability of "congregate care centers" were untrue.¹³

¹² Brief II at 34, 45-46, 52, 53-57; Brief IV at 2-4.

¹³ Furthermore, even assuming arguendo that the Appeal Board
(footnote continued)

This issue was presented to the Appeal Board for decision with unmistakable clarity. Thus, the Governments' Brief stated:

Contrary to LILCO's assertion . . . , Appellants have not merely 'suggested' that LILCO's witness, Mr. Rasbury, misspoke when he said that the Red Cross had agreements with congregate care centers. Rather, Appellants submit that the representations made by Mr. Rasbury concerning the alleged agreements with and availability of congregate care centers for use during a Shoreham emergency were false. . . .

Mr. Rasbury's testimony that there exist agreements for the use of facilities as congregate care centers was directly contradicted by undisputed facts known to the ASLB. The direct testimony of Suffolk County witness Leon Campo and the supplement thereto, for example, documented that at least nine of the Nassau County school districts relied upon for use by LILCO and Mr. Rasbury as congregate care centers are, in fact, not available for such purpose. This evidence was part of that denied admission by the Margulies ASLB. Furthermore, 30 facility owners (out of the 52 facilities relied upon by LILCO and Mr. Rasbury), which collectively account for approximately 31,000 of the projected 48,000 capacity, sent letters to the ASLB stating that they never agreed to LILCO's or the Red

(footnote continued from previous page)
was correct in stating that the "congregate care center issue" had been litigated earlier, the Governments had moved for reopening of the record on that issue and made an offer of proof on the same subject during the litigation permitted on LILCO's motion to reopen. The basis of the Governments' reopening motion and offer of proof was the need to present to the ASLB evidence that (1) the LILCO testimony in the earlier litigation was false, and (2) a sufficient number of facilities in fact would not be available for congregate care purposes during an emergency. The ASLB erroneously denied the Governments' motion to reopen and offer of proof, however. The Governments expressly sought reversal of these ASLB rulings (Brief II at 47-53, 55-57; Brief IV at 2-4), but in ALAB-832 the Appeal Board ignored the issue. This constitutes a further violation of 10 CFR § 2.770(b). See discussion in Part I, above.

Cross' use of their facilities in a Shoreham emergency. The Margulies ASLB also ignored this information which was presented directly to it. In addition, four other facilities, which account for an additional capacity of approximately 3,000, have notified the Red Cross of the unavailability of their facilities. And, during the reopened proceeding, after the ASLB precluded Appellants from cross-examining LILCO's witness on the existence or the adequacy of the proposed congregate care centers . . . counsel for Suffolk County made an offer of proof which included letters from facilities, with an aggregate capacity of about 33,000, affirmatively stating that they had not agreed to the use of their facilities in a Shoreham emergency. . . .

Thus, this is not a case where there is a "suggestion" that Mr. Rasbury's testimony regarding the alleged availability of congregate care centers during a Shoreham emergency was false, or one where different "interpretations" of events are offered by opposing parties, as LILCO asserts. . . . Rather, this is a case of an ASLB closing its eyes to facts which demonstrate the falsity of evidence submitted by LILCO and adopted by the ASLB: the owners of LILCO-designated "congregate care centers" assumed to accommodate 33,000 evacuees, have stated unequivocally that there are no agreements authorizing the use of their facilities in a Shoreham emergency.

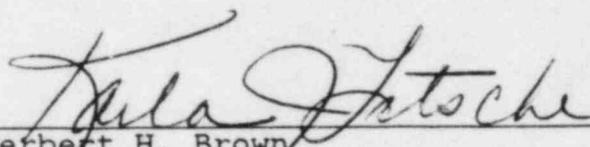
Brief IV at 2-4 (citations and footnote omitted; emphasis in original).¹⁴ Clearly, this issue presented by the Governments has serious safety implications since it involves the potential relocation of tens of thousands of individuals.

¹⁴ See also Brief II at 45-46 and 53-57, for further discussion of how the testimony submitted by the Governments and denied admission by the ASLB demonstrated that LILCO misrepresented its capability to care for evacuees at congregate care centers.

In ALAB-832 the Appeal Board ignored this issue and permitted the ASLB's acceptance of demonstrably false testimony to stand. Its action is indefensible and must be corrected by the Commission.

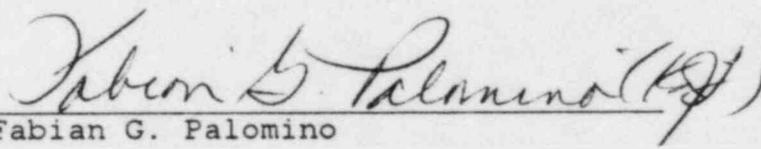
Respectfully submitted,

Martin Bradley Ashare
Suffolk County Attorney
Building 158 North County Complex
Veterans Memorial Highway
Hauppauge, New York 11788



Herbert H. Brown
Lawrence Coe Lanpher
Karla J. Letsche
Michael S. Miller
KIRKPATRICK & LOCKHART
1900 M Street, N.W., Suite 800
Washington, D.C. 20036

Attorneys for Suffolk County



Fabian G. Palomino
Special Counsel to the Governor
of the State of New York
Executive Chamber, Room 229
Capitol Building
Albany, New York 12224

Robert Abrams
Attorney General of the
State of New York
Two World Trade Center
New York, New York 10047

Attorneys for Governor Mario M.
Cuomo, and the State of New York

Stephen B. Latham
Stephen B. Latham
Twomey, Latham & Shea
P.O. Box 398
33 West Second Street
Riverhead, New York 11901

Attorney for the Town of
Southampton

April 15, 1986

ATTACHMENT I

Issues Raised by Governments on Appeal
Which Appeal Board Failed to Address

<u>Issue</u>	<u>Contention(s) Involved</u>	<u>Where Raised Before ALAB</u>
Denial of admission of contention re reliance on commercial telephones for implementation of LILCO Plan	26.B	Brief I at 13-15
Denial of admission of contention re LILCO labor strike	[no number]	Brief I at 15-20
Denial of discovery of FEMA evidence	all but 25, 23 & 65	Brief I at 20-23; Brief III at 6-7
Lack of school preparedness	24.E, 24.F, 24.M, 61.C, 68, 69, 70, 71	Brief I at 23-33; Brief III at 8-10
- Schools have not adopted, or agreed to implement, any LILCO proposals for school children		
- No schools have evacuation plans for a Shoreham emergency		
- No schools have sheltering plans for a Shoreham emergency		
- Early dismissal plans won't work in a Shoreham emergency		
- No agreements with school bus companies to implement school evacuations		

Lack of special facilities preparedness

24.J, 60, 63, 72.D

Brief I at 34-37, 40; Brief III at 10-11

- No nursery schools, nursing homes, adult homes, hospitals or other special facilities have adopted, or agreed to implement, LILCO proposals
- Plan lacks guidelines for recommending protective actions for the radiosensitive
- Plan lacks guidelines for recommending evacuation for hospital patients
- No facility-specific sheltering plans

LILCO's lack of credibility means protective action recommendations won't be implemented

15

Brief I at 41-47; Brief III at 11-12

The evacuation shadow phenomenon will result in protective action recommendations not being implemented

23

Brief I at 47-52; Brief III at 12-14

The ASLB ignored regulatory standards in basing credibility and evacuation shadow findings on assumptions and theories, not facts

15, 23

Brief I at 53-54; Brief III at 11-14

The ASLB erred in adopting a speculative theory, and rejecting factual evidence, re unavailability of emergency workers	25	Brief I at 54-56, 60-62; Brief III at 14-16
Sheltering, as proposed by LILCO, is not an adequate protective action	61	Brief I at 62-63
Exclusion of key evidence demonstrating inadequacy of evacuation as protective action	65, 23.D, 23.H	Brief I at 64-66
LILCO's evacuation time estimates are unrealistic and inaccurate	65, 23.D, 23.H, 66 67.C, 72.A, 73.B.4	Brief I at 69-79; Brief III at 17-18
- Rejection of "qualitative" evidence and improper shifting of burden of proof		
- ASLB ignored evidence on route deviation		
- Rejection of Governments' evacuation time estimates and refusal to consider impact of evacuees on Sunrise Highway		
- Improper evaluation of witnesses' expertise		
- Erroneous rulings on likely number of accidents during evacuation		
- Erroneous rulings on implementability of LILCO's fuel allocation proposals		

- ASLB ignored evidence concerning impact of aggressive driver behavior
- No plans to deal with snow impediments

Insufficient number of busses to evacuate non-automobile owning population	24.F.2	Brief I at 79-82
Mobilization of emergency workers would delay plan implementation	27	Brief I at 82-84
Rulings on notification of emergency personnel and the public ignored regulatory requirements	26, 55, 56	Brief I at 84-87
Inadequate provisions for notifying boaters	24.T, 59	Brief I at 87
Communications among emergency workers won't work	24.L, 28-34	Brief I at 87-91
Inadequate training of emergency workers	24.S, 39-41, 44 98-100	Brief I at 91-93
LILCO cannot implement ingestion pathway protective actions	81	Brief I at 93-95
No plan for portion of ingestion pathway in Connecticut ever submitted by LILCO or reviewed by ASLB	24.R, 81	Brief I at 95-97; Brief III at 18-20
No basis for adequacy or implementability finding for portion of ingestion pathway in Connecticut	24.R, 81	Brief I at 95-97; Brief III at 18-20

Inadequate planning for
recovery and reentry

85

Brief I at 97-99

Denial of Governments'
motion to reopen and
offer of proof re
unavailability of congregate
care facilities

24.0, 75

Brief II at 47-53,
55-57;
Brief IV at 2-4

Denial of admission of
contention re LILCO's
non-compliance with
10 CFR § 50.47(b)(12)

[no number]

Brief II at 65-68;
Brief IV at 9-10

Alan S. Rosenthal, Chairman
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Howard A. Wilber
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Gary J. Edles
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. William Rogers
Clerk
Suffolk County Legislature
Suffolk County Legislature
Office Building
Veterans Memorial Highway
Hauppauge, New York 11788

* Bernard M. Bordenick, Esq.
U.S. Nuclear Regulatory Comm.
Washington, D.C. 20555

Spence Perry, Esq.
Associate General Counsel
Federal Emergency Management
Agency
Washington, D.C. 20471

Mr. L. F. Britt
Long Island Lighting Company
Shoreham Nuclear Power Station
North Country Road
Wading River, New York 11792

Ms. Nora Bredes
Executive Director
Shoreham Opponents Coalition
195 East Main Street
Smithtown, New York 11787

Stuart Diamond
Business/Financial
NEW YORK TIMES
229 W. 43rd Street
New York, New York 10036

Joel Blau, Esq.
New York Public Service Comm.
The Governor Nelson A.
Rockefeller Building
Empire State Plaza
Albany, New York 12223

** Stewart M. Glass, Esq.
Regional Counsel
Federal Emergency Management
Agency
26 Federal Plaza
New York, New York 10278

Anthony F. Earley, Esq.
General Counsel
Long Island Lighting Company
250 Old Country Road
Mineola, New York 11501

** W. Taylor Reveley, III, Esq.
Hunton & Williams
P.O. Box 1535
707 East Main Street
Richmond, Virginia 23212

Mr. Jay Dunkleberger
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

Stephen B. Latham, Esq.
Twomey, Latham & Shea
33 West Second Street
Riverhead, New York 11901

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Comm.
1717 H Street, N.W.
Washington, D.C. 20555

Mary Gundrum, Esq.
New York State Department
of Law
2 World Trade Center, Rm. 4614
New York, New York 10047

MHB Technical Associates
1723 Hamilton Avenue
Suite K
San Jose, California 95125

Martin Bradley Ashare, Esq.
Suffolk County Attorney
Bldg. 158 North County Complex
Veterans Memorial Highway
Hauppauge, New York 11788

David A. Brownlee, Esq.
Kirkpatrick & Lockhart
1500 Oliver Building
Pittsburgh, PA 15222

Hon. Peter Cohalan
Suffolk County Executive
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, New York 11788

Dr. Monroe Schneider
North Shore Committee
P.O. Box 231
Wading River, New York 11792

Fabian G. Palomino, Esq.
Special Counsel to the Governor
Executive Chamber, Rm. 229
State Capitol
Albany, New York 12224

Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory Comm.
Washington, D.C. 20555


Karla J. Letsche
KIRKPATRICK & LOCKHART
1900 M Street, N.W., Suite 800
Washington, D.C. 20036

Date: April 15, 1986

* By Hand
** By Federal Express