

STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

FABIAN PALOMINO
Special Counsel to the Governor

April 13, 1987

By Telecopier

Morton B. Margulies, Esq.
Dr. Jerry R. Kline
Mr. Frederick J. Shon
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
East-West Towers
4350 East-West Highway
Bethesda, MD 20814

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

Gentlemen:

Today, under separate cover, the State of New York hand delivered the "Direct Testimony of David T. Hartgen and Robert C. Millspaugh on Behalf of the State of New York Regarding LILCO's Reception Centers." Attachments 3, 4, 5 and 6, consisting of aerial photographs, and attachment 25, consisting of a videotape, were also hand delivered in the same package but in a separate envelope. Please take note that this witness panel consists of Dr. Hartgen and Mr. Millspaugh. On March 25, 1987, the State of New York withdrew Messrs. Acquario and Kilduff.

Today, under separate cover, the State of New York also hand delivered the "Direct Testimony of James Conrad Baranski, Lawrence Bruno Czech and James Dominic Papile on Behalf of the State of New York Regarding LILCO's Reception Centers."

The State of New York hereby withdraws Langdon Marsh and Sarah Meyland as witnesses in this proceeding. This development also renders "LILCO's Motion to Compel State of New York to Produce Document" (April 3, 1987) moot.

In a letter dated March 30, 1987, LILCO's counsel "alerted" the Board to several issues. Regarding scheduling, the Governments will respond in a separate pleading. Regarding the

8704230150 870417 PDR ADDCK 05000322 PDR other issues, LILCO's arguments are premature and the State of New York will respond when appropriate. However, the record must be set straight concerning one of LILCO's claims for a need for a rebuttal phase. LILCO bases its claim on, among other things, the fact that LILCO "received only this week [date of receipt was March 26, 1987] certain traffic signal data from the State." LILCO asked for this data on March 9, 1987, three days after the close of the original discovery period. The State of New York actually provided LILCO with responsive information and documents quite promptly, approximately two weeks ahead of the thirty-day period set forth in the regulations. LILCO's inability to discuss this data in its direct testimony is attributable to LILCO's own extensive delay in asking for the data. LILCO, therefore, is unable to show good cause for the need to submit rebuttal testimony based on certain traffic signal data; any such pleading by LILCO should be denied.

Sincerely,

Richard J. Zahpleuter

Deputy Special

Counsel to the Governor

cc: Mr. Christman

Mr. McMurray

Mr. Bachman

Mr. Cumming

STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

FABIAN PALOMINO
Special Counsel to the Governor

March 25, 1987

By Federal Express

Mary Jo Leugers, Esq. Hunton & Williams 707 East Main Street Richmond, Virginia 23212

Dear Mary Jo:

This is in response to "LILCO's Request to Inspect and Record Dial Settings on Certain Actuated Traffic Signal Controllers" (March 9, 1987); your letter to me dated March 18, 1987; your letters to me dated March 4, 1987 and March 17, 1987; and the Board's Order of March 25, 1987.

 "LILCO's Request to Inspect and Record Dial Settings on Certain Actuated Traffic Signal Controllers".

The State of New York hereby provides responsive information and documents as follows:

"Intersec	tion"	Response
Sunrise H	lighway & Babylon Turnpike	
"	& Merrick Avenue	
"	& Newbridge Road	
11	& Bellmore Road	
Merrick !	Road & Newbridge Road	
Willis Av	enue & North LIE Service Road	
"	& South LIE Service Road	
	& Northern State Parkway	

Roslyn Road & South LIE Service Road						
107 & Scott Avenue						
" & Lenox Aver	nue/Newbridge Road					
" & John Street	/Jerusalem Avenue					
" & Old Country	Road	••				
" & New South I	Road					
" & South Oyste	r Bay Road					
" & Hempstead Turnpike						
" & Stewart Ave	enue					
South Oyster Ba	y Road at North LIE Service Road	••				
Woodbury Road		**				
Old Country Roa	d	••				
Old Country Roa	d & Round Swamp Road					
п	& Manetto Hill/Plainview Roads	**				
"	& Seaford Oyster Bay Expressway	••				
"	& New South Road	**				
"	& Park Avenue	**				

One asterisk means that documents setting forth responsive information are attached hereto. Two asterisks mean that the State of New York does not possess or control the requested information.

II. Your Letter of March 18, 1987

Item	Response						
1	Your letter states that Mr. Marsh is presenting "legal testimony rather than factual testimony". To the contrary, Mr. Marsh is presenting factual						

testimony, not "legal testimony" which in itself is a confusing phrase. Mr. Gerstman, who is an attorney, prepared the analysis of environmental laws at my direction. The memorandum is protected by attorney-client privelege and attorney work product doctrine. LILCO may request its own attorneys to analyze environmental laws.

None exist.

Attached.

None exist.

5 None exist.

III. Your letters of March 4, 1987 and March 19, 1987

The State of New York will provide LILCO with videotapes, pictures or measurements which will be relied upon by the State's witnesses in testimony. Videotapes, pictures or measurements not relied upon in testimony, all of which were taken at the direction of counsel, are protected by attorney-client privelege and attorney work product doctrine. Pictures or measurements that were taken by the State can be taken just as easily by LILCO since the reception centers are under LILCO's control and highways are in plain view to all.

At this time, the State's witnesses intend to rely upon the following measurements in testimony:

- a gate directly in front of the gatehouse in the Roslyn reception center is approximately 20 feet wide.

I will keep you apprised of further developments.

IV. Board's Order of March 25, 1987

The Board made the following finding on page four:

"LILCO's request was to determine whether an EIS or SPDES permit has been required at other facilities not whether either is required... At the time of the request, had an EIS or SPDES permit been required by New York State at the other facilities. Applicant's inquiry was not whether a statement or permit is required. It is possible an EIS or SPDES permit is required by law but

may not have been required by the authorities at the time of the request." (Emphasis in last sentence added.) In accordance with the Board's interpretation, the State admits the statements propounded to it in LILCO's requests of March 3, 1987.

V. Miscellaneous

The State of New York withdraws William Acquario and Charles Kilduff as witnesses.

Sincerely,

Richard J. Zahnleuter

Deputy Special Counsel to the Governor

Statement Of Material Facts As To Which LILCO Contends There Is No Genuine Issue To Be Heard

- 1. SEQRA requires an environmental impact statement for any action that state or local agencies, "propose or approve" which may have a significant effect on the environment. ECL §§ 8-0109.2, 8-0105.1-.3.
- The reception centers are on private property owned by LILCO.
- SPDES permits are required only for "discharges" of pollutants "into the waters of [the] state." ECL §§ 17-0701, 17-0505.
- LILCO will collect the washwater in portable storage tanks.
- No other reception center for any nuclear plant in New York State has been required to have SPDES permits or an environmental impact statement.
- 6. In a real emergency, New York State and the county governments would make a "best effort" response. CLI-86-13, 24 NRC 22, 31, 33 (1986).

Attachment 4

TRANSCRIPT OF PROCEEDINGS

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station, Unit 1)

: Docket No. 50-322-OL-5

: (ASLBP No. 86-533-01-OL)

DEPOSITION OF CHARLES DAVERIO

Hauppauge, New York

Friday, March 13, 1987

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- the sinks area accommodate at any one time? 1 A. I would guesstimate somewhere in the range of 20, 30 people. That's just a guess on my 3 part. Q. Does that include --A. That would be total occupancy. How many people do the shower areas Q. accommodate? Do you know? 8 A. You can take ten showers in each side, 9 so there would be a total of 20. 10 Q., Are there any toilet facilities in the 11 decontamination trailers? 12 A. I don't believe so. 13 Q. I assume these are going to have not 14
- 16 A. They are hot water showers and heated.
- 17 Q. I believe under the draft the water from
- the showers is going to be captured?
- 19 A. That's correct.

water, the showers?

- 20 Q. How is that to be done?
- 21 A. In collapsible storage tanks. There is
- 22 a system that runs the water from here to the tank.

1	Q. Will those collapsible tanks be stored
2	on-site or off-site?
3	A. I believe they are stored on-site. They
4	fold up into a sort of neat little package.
5	Q. Do you know what the capacity of those
6	tanks are?
7	A. The ones we are looking at buying are
8	15,000 gallons.
9	Q. They haven't been purchased yet?
10	A. No, they have not.
11	Q. What are they made out of?
12	A. I don't remember the exact material, but
13	it's probably some kind of plastic or rubber type of
14	system. But I am not exactly sure which one.
15	Probably some high tech plastic, but I am not sure.
16	MR. CASE: We'll mark these as Daverio
17	exhibits in order.
18	(Daverio Exhibits 4 through 12
19	were so marked for
20	identification.)
21	Q. Looking at Exhibit 4, do you recognize
22	the document?

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station, Unit 1)

Docket No. 50-322-OL-3

(Emergency Planning Proceeding)

AFFIDAVIT OF JOHN A. WEISMANTLE

My name is John A. Weismantle. I am Manager of the Local Emergency Response Implementing Organization.

- 1. Based on discussions with planners involved in radiological emergency planning for the operating nuclear plants in New York State (Indian Point, FitzPatrick, Nine Mile Point, and Ginna), LERIO believes (1) that no monitoring and decontamination center designated in the emergency plans for any of those facilities has been required to apply for an SPDES permit and (2) that no such center has been the subject of a state environmental impact statement under the State Environmental Quality Review Act.
- 2. In order to protect Long Island's groundwater resources, a study entitled "The Long Island Comprehensive Waste Treatment Management Plan" (or "the 208 Study"), was completed by the Long Island Regional Planning Board under Section

208 of the Clean Water Act Amendments of 1972. The 208 Study divides Long Island into eight hydrogeologic zones and makes specific recommendations pertaining to each zone. The 208 Study identified deep flow recharge areas on Long Island as consisting of hydrogeologic zones I, II, and III.

3. According to the 208 Study, Suffolk County Community College (Zone III), SUNY - Stony Brook (Zone I), and SUNY - Farmingdale (Zone II) are located in the primary groundwater recharge areas for Long Island, as shown on the map of hydrogeologic zones in the Nassau-Suffolk 208 Study Area (Figure 3-2 on page 43 of the 208 Study).

Subscribed and sworn to before me this 27 day of bruggy, 1985.

My commission expires: March

GTALLINY FC.L.KS Notary Fullis, Class of New York (721127) Qualified in Nassau County Commission expires lilar, 30, 19 86

Notary Public

STATE OF NEW YORK

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DEPARTMENT OF HEALTH

TOWER BUILDING . THE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA . ALBANY, N.Y. 12237

DAVID ARELAGO, M.O.

August 29, 1983

RECEIVE

OFFICE OF EMERCENCY PREPAREDRESS

Mr. George Brower
Director
Disaster/Emergency Preparedness
200 North Second Street
Fulton, NY 13069

Dear Mr. Brower:

Referring to your question today on the decontamination of vehicles leaving the 10 mile EPZ as to what problems may arise from water used to wash off a vehicle that may become contaminated, we believe that this is not a problem that creates any major concern.

It is believed that the small amount of contamination that may settle on a car will be diluted to a great extent by washing and that this water can either seep into the ground or enter the sewer system. Care should be taken to see that the wash water does not enter the area where people gather.

The major concern with contamination is still with human beings first and equipment second. I hope this information gives you enough guidance to answer your questions.

Sincerely yours,

Donald D. Davidoff/

Director

Radiological Emergency Preparedness Group

cc: Mr. Kowieski, FEMA

F. 63

STATE OF NEW YORK

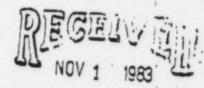


DEPARTMENT OF HEALTH

CORNING TOWER . THE GOVERNOR NELSON & ROCKEPELLER EMPIRE STATE FLAZA . ALBANY, N.Y. 12277-

Canmiestone

November 16, 1983



OFFICE OF EMERGENCY FORESTE

Mr. George Brower
Director
Disaster/Emergency Preparedness
200 North Second Street
Fulton, NY 13069

Dear Mr. Brower:

The question of what to do with waste shower water that has become contaminated due to the cleansing of a contaminated individual has been asked.

In consultation with Dr. Karim Rimawi, Director, Bureat of Environmental Radiation Protection, it has been determined that such waste water should be allowed to flow directly into the normal sewer system since it would be greatly diluted by the volume of water in the system and therefore pose no health problems.

Sincerely yours,

ponald B. Da

Radiological Emergency

Preparedness Group

Attachment 8

TRANSCRIPT OF PROCEEDINGS

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station, Unit 1) : Docket No. 50-322-OL-3 : (Emergency Planning)

DEPOSITION OF

JAMES C. BARANSKI, JAMES D. PAPILE and LAWRENCE B. CZECH

Albany, New York

Wednesday, February 25, 1987

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r ysimons 1	can't remember the necessity for the cars offsite.
2	A (Witness Papile) I've never heard of anyone
3	doing it for offsite personnel. Now offsite means outside
4	the exclusion area. Whether it was in the exclusion area
5	or not, that would be up to the licensee.
6	(Pause while the witnesses confer.)
7	O Do you know if they had to decontaminate any
8	people from the Ginna incident?
9	MR. LANPHER: I object to that question as
10	vague. Do you mean as "they" the licensee or the offsite
11	people?
12	MR. CHRISTMAN: Anyone.
13	WITNESS CZECH: We had no problems offsite, and
14	onsite I don't believe we would have that information
15	readily available.
16	BY MR. CHRISTMAN:
17	O Under other radiological emergency plans in New
18	York State, that is other than Shoreham, I take it people
19	are decontaminated by washing with soap and water? Is that
20	generally right?
21	A (Witness Baranski) That's generally correct.

A (Witness Papile) That's what we teach them.

,	ysimons 1	Q	Where does the wash water go typically at those
	2	other plant	ts once it's been used to wash people off?
	3	A	Down the drain.
	4	0	Into the normal sewer systems or where?
	5		MR. ZAHNLEUTER: If you know.
	6		WITNESS PAPILE: Yes.
	7		BY MR. CHRISTMAN:
	8	¢	Do you monitor it after it leaves the people?
	9	A	(Witness Papile) Yes, we teach to monitor if it
	10	goes either	into the sewer system or goes into the earth
	11	itself, to	keep monitoring that and keep monitoring it.
	12	0	Let's take the sewer system first. How do you
	13	monitor the	sewer system once the water has gone down the
	14	drain?	
	15	А	(Witness Czech) The sewer system itself you
	16	wouldn't be	able to monitor. You would go into a catch
	17	basin or a	trap or something, but what you would be doing
	18	there is mo	nitoring the
	19		(Pause due to telephone interruption.)
	20	1	MR. CHRISTMAN: Back on the record.
	21	1	BY MR. CHRISTMAN:
	22	0	Mr. Czech, I was asking you how you go about

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monitoring wash water after people have been decontaminated, people now. Could you explain how you do that at other sites?

A (Witness Czech) Typically, without being able to take a grab sample, you couldn't do it. You would have to go and monitor the traps or something like that afterwards, unless there were a holding tank.

There are a couple of facilities that do use a hold tank type of approach for the water. There is one in the Ginna area. Other than that it would go into the sanitary sort.

O Are there provisions in other radiological emergency plans for monitoring the water if it is taken to a holding tank?

A That's one of the things they should do before they dispose of it; that's correct.

- Q But do they do that in exercises?
- A I honestly don't know at this time.
- Q Are there provisions in the plans that tell them they should do that?
 - A It's part of their training.
 - O Ch, it's in the training.

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- A I can't speak to the individual plans as to whether that's included or not. That's information that I just don't carry in my head.
- Q But if there is not a holding tank and it goes into the ordinary sanitary sewer, then it's just not feasible I take it to monitor the water?
 - A That's correct.
- O General Papile, you mentioned the water seeping into the ground. I take it that would be water from vehicles rather than people?
 - A (Witness Papile) Yes, absolutely.
- O Are there reception centers under New York State.

 emergency plans where the wash water from the vehicles does
 go to the ground?
 - A There is one that I know of specifically, yes.
 - Q Is there more than one?
- A There is one, and FEMA has approved that area.

 We've had FEMA look at that area, their health physicists

 or whatever, and there are rocks and stones and so forth,

 and we can take readings there, periodic readings to see if

 it's getting beyond the point where we shouldn't do it.
 - Q What is that area?

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- It's in Westchester.
- And that's the only one you know of?
- A No. I'm just saying it's the only one I personally know of because I was there watching it one day, but there are others because I know this is what we teach them.
- Q And what you teach them is you monitor the area where the water has been dumped?
 - Periodic monitoring, yes. A
- Q Periodic means how often and for how long afterwards?
 - I say period, but we tell them to do it.
- And you leave it up to them. Does their training tell them how long or how often?

(Pause while the witnesses confer.)

(Witness Baranski) I know of two other sites that just dump it down the drain. One of them is up in Rochester from Monroe County and another one is in Orange County. The training is not specific in saying that every 15 minutes you shall monitor the ground or every hour or half hour or whatever, but after the fact obviously samples would be taken to see the degree of contamination that

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exists.

When you said they dump it down the drain, did you mean the storm drains? I thought we were talking about dumping it on the ground and you said they dumped it down the drain and I wondered if you mean storm drains?

A Well, eventually in some of these places it will end up in storm drains. It's being filtered through the ground.

- A (Witness Czech) In sanitary sewers usually.
- A (Witness Papile) Yes.
- Q But you're saying in at least three cases that you know of the wash water from the cars goes where wash water from washing cars usually goes which is onto the ground and runs off wherever it runs off?
- A (Witness Czech) Yes.
- A (Witness Baranski) Yes.
 - Q And of those three, you know of one place at least where the people doing the monitoring are taught to monitor the ground ---
 - A (Witness Papile) To monitor the ground around it.
 - Q And that's how you handled that problem I guess

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in that one place?

A (Witness Papile) Yes.

A (Witness Czech) Part of the layout of reception centers would be looking ahead of time to see what's in that area, what sort of soils and where the runoff could potentially go so we don't run into a problem where if you did have a runoff that it would be feeding into some sort of stream or place where it could eventually wind up in the drinking water supply. That's part of the layout initially of the reception centers, too, to look at that.

Q I was going to ask you about that because at your last deposition on February 3rd you said that the State had procedures for looking at what happens to the runoff water.

A (Witness Papile) That's right.

Q I was going to ask you where are those procedures?

A (Witness Czech) Maybe it should be just the practice of actually going out with them, and I myself have gone out with some of the State emergency worker PMC's to look at the setup and appropriate places to put those along with the appropriate county and State officials.

r 'ysimons 1

Mr. Czech, also at that last deposition you said that procedures that allow wash water to seep into the ground or enter the normal sewer system are consistent with EPA policy from the EPA RAC Chairman. It was at page 180 of that last deposition for what that's worth.

Do you recall saying something to that effect?

A I don't remember saying quite that, but I do believe that -- okay, EPA, which has a representative on the RAC review committee for New York State has reviewed these procedures in terms of the water from monitoring and decontaminating personnel as well as vehicles either going to sanitary sewers and/or into areas of the soil which are not going to impact upon public water supplies and found it perfectly acceptable.

Apparently we do have something, I had forgotten, in our Emergency Worker Booklet which talks about letting the contaminated runoff water from decontamination of cars to go into soil could be easily contained or removed at a later date and taken to locations away from streams, rivers, et cetera.

Q You are referring I think to page 70 of that manual?

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	11	1	w.		45-	14	5.7	10	-

- A Page 78, at least that's what I'm looking at right here.
- Q 78, and that's Panel Exhibit No. 2 that is being referred to; is that right?
 - A That is correct.
- Q Well, when you say that the Federal EPA has looked at that and found it acceptable, have you documented that acceptance?

A Not in a letter form. The only areas -- and I'm trying to think now -- would be they have reviewed, and when I say "they" the RAC has reviewed and made comments on the Emergency Worker Booklet originally and do review the appropriate parts of the plan. So EPA would look at the parts of the plan dealing with contamination and decontamination and handling the waste waters, and I don't believe we have any outstanding items that were raised by that.

A (Witness Papile) It is our understanding that the EPA representative on the RAC has stated that that procedure is okay, but he would have to get approval from the Super RAC which is located in -- all the federal agencies are located in Washington. That's our last

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m ysimons 1	understan	ding of it.
2	Q	And when was that understanding derived or when
3	did that	
4	A	Oh, quite a while ago, three or four years ago.
5	0	So you understood that the EPA RAC
6	represent	ative is going to go to Washington and get
7	A	He said he had to go to Washington to get
8	written a	oproval because we wanted it in writing.
9	0	But you never saw the writing.
10	A	No, we haven't, but we've got his approval and
11	he is our	RAC member.
12	0	But his approval is either oral, I take it
13	A	Well, it was oral. There was a letter back
14	there, way	back and we can't find it, and so forth and so
15	on, writte	n by Joyce.
16	0	Written by whom?
17	А	By a member of the EPA.
18	o	What was the name?
19	A	She's no longer there. The gentleman I'm
20	talking ab	out, the RAC man, took her place.
21	0	What was her name?
22	A	Joyce Feldman.

IT	vsimons 1	Q And you think there was at one time a letter
	2	from her on this subject?
	3	A Yes, I do.
	4	Q But it can't be located any more?
	5	A I can't locate it.
	6	Q Was there a letter, either that one or another
	7	in the context of a Nine Mile Point facility involving the
	8	release of wash water to the ground?
	9	(Pause while the witnesses confer.)
	. 10	A Yes. It's a letter that you produced at our
	11	last meeting, or a couple of letters that your partner
	12	produced.
	13	O So the only letters you know, EPA correspondence
	14	on this subject are the two letters you saw at the last
	15	deposition plus this no longer existing letter from Ms.
	16	Feldman.
	17	A Right.
	18	A (Witness Czech) One additional comment that
	19	comes to mind is that again at times when we have gone
	20	through the offsite plan review with the RAC committee,
	21	both members of REPG and the appropriate county or
	22	counties, we went through the plan element by element.

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r ysimons 1	This is NUREG 0654 and it's a rather painful experience to
2	sit there for that long, and I do remember that at the
3	various RAC reviews that was one of the elements, the
4	dealing with the handling of contaminated waste water was
5	covered. And apparently from my recollection of those
6	various meetings, our procedures were satisfactory.
7	Q Is it the practice under any radiological
8	emergency plan in New York State at any reception center in
9	New York State to catch the wash water from people and hold
10	it for monitoring and ultimate disposal?
11	A There are a couple locations where that is
12	possible and is done. There is one location in Westchester
13	County where that's done, Valhalla, and I believe in the
14	Rochester area at Eastview, the State Emergency Worker PMC.
15	(Pause while the witnesses confer.)
16	I believe it's Eastview. It's the one with the
17	DOT maintenance facility.
18	A (Witness Papile) I don't know.
19	O The one at Eastview is a PMC for emergency
20	workers?

(Witness Czech) Yes.

21

22

And the Westchester County one was -- did you

r ysimons 1	say Valhalla?
2	A I believe it's Valhalla.
3	A (Witness Papile) That's for emergency workers
4	also.
5	A (Witness Czech) Is it? Okay.
6	A (Witness Papile) That's for emergency workers.
7	Q And in both those places they contain the water?
8	A (Witness Czech) They have provisions for
9	containing the water; that's correct?
10	O What are the provisions, do you know?
11	A They have underground tanks. I don't know
12	offhand what the dimension are, but they are large
13	underground tanks for holding water that could be monitored
14	and then dumped into the sanitary system.
15	Q I see. So the plan is to hold it in the tanks
16	until it can be monitored?
17	A Right.
18	Q What if the activity in the water is too high to
19	release to the sanitary system?
20	A In at least one of the cases they have tankers
21	there that could actually pump it up and haul it

elsewhere. So there is more storage capability.

ysimons 1	O For the reception centers, not congregate care
2	now, but reception centers at other power plants than
3	Shoreham in New York State, what State permits are required
4	before those facilities can be designated as reception
5	centers?
6	MR. ZAHNLEUTER: I object. It calls for a legal
7	conclusion.
8	MR. CHRISTMAN: You can answer it if you can.
9	WITNESS CZECH: To my knowledge today, we have
10	not needed any State permits.
11	WITNESS PAPILE: I don't know because that's
12	usually at the county level. I don't know.
13	WITNESS BARANSKI: I'm not aware of any State
14	permits required to date for our reception center
15	operations.
16	BY MR. CHRISTMAN:
17	O How about county permits of any kind, are you
18	aware of any of those that are required for reception
19	centers?
20	A (Witness Baranski) I'm not aware of any county
21	permit.

A (Witness Papile) I'm not aware of any.

Attachment 9

TRANSCRIPT OF PROCEEDINGS

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station, Unit 1) Docket No. 50-322-01-5

(ASLBP No. 86-533-01-0L)

DEPOSITION OF JOSEPH H. KELLER,

PHILIP MCINTIRE, IGOR W. KUZAR, and THOMAS E. BALDWIN

New York, New York

Friday, March 6, 1987

ACE-FEDERAL REPORTERS, INC.

Stenotype Reporters
444 North Capitol Street

Washington, D.C. 20001 (202) 347-3700

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UNITED STATES OF AMERICA

2	NUCLEAR REGULATORY COMMISSION
3	BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
4	In the Matter of:
5	LONG ISLAND LIGHTING COMPANY : Docket No. 50-322-01-
6	(Shoreham Nuclear Power Station, : (ASLBP No. 86-533-01-
7	
8	
9	New York, New York Friday, March 6, 1987
10	
1	Deposition of JOSEPH H. KELLER, PHILIP MCINTIRE, IGOR W
2	KUZAR, and THOMAS E. BALDWIN, witnesses herein, held at the
3	offices of the Federal Emergency Management Agency; 26 Federal
	Plaza, New York, New York, on Friday, March 6, 1987 at 10:00 a.
4	before Debra Stevens, a shorthand reporter and notary public,
5	within and for the State of New York.
6	
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1	,
2	continued

WITNESS XELLER: Yes.

2	I might add one more thing: The
;	Environmental Protection Agency is the rederal agency
4	which is charged with promulgating protective action
3	guides and promulgating foderal guidance on the
6	acceptability of contamination, et cetera, and doses.
7	And my recollection fails me because (
	Aun't member whether it is in the original EPA
3	manual or in the draft versions of three chapters
O	which are currently out for review, but their
1	statement from one of those two places specifically
2	states that in terms of decontamination, no
3	methodsyou shouldn't go to any great pains to
4	contain the water.
5	G. And why is ther?
	WITNESS KELLER: I think I didn't writer
7	the document and there is not a big discourse on why.
1	t thinkan assumption on my part, that this
,	conservation of mass thing gets into it.
)	When you decontaminate, you don't create
	radioactivity. You may have moved it, clearly. You
,	may have moved it and it may or may not be good or

t may ar may not be bad.

7	Look, if you have a nuclear incident a
*	a power plant which is sufficiently severe to relea
4	activity so that people are contaminated to dangero
5	levels, there is going to be a very large area of the
6	countryside contaminated to very high levels and you
7	have got a really big problem on your hands.
4	The problemthe additional problem
0	which is created by moving some contamination,
10	people, is so minimal compared to the fact that the
. 1.	guy didn't intercept some in the major part of the
2	plume, it's a trivial problem.
3	2. Let me explore your knowledge of the
4	ground water and squifer in Long Island.
5	WITNESS RELLED No have already
	explored it.
7	G. We may have explored it in total.
А	You have no knowledge of which way bire
9	water flows in the aquifer, do you?
0	WITNESS KELLER: As I stated to you,
1	sir, my comments are based on my recollection of
2	reading a deposition from about two-and-a-mail years

The state of the s

ago. My decollection may be regalty

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2. As a matter of fact, you don't know unether there really is comingling of the ground water between Nassau County and Suffolk County;

3. correct?

WITNESS KELLER: That is correct.

g. Is it your testimony that the packet or contamination of the ground water in Nasanu Gooney to a privial matter?

said. What I said was--what I hope I said was that in comparison with the problem that is going to be associated with contamination from the plume, the incremental problem associated with the potential low probability contamination of the ground water because you moved beenle to a different area to decontaming a them, is a trivial problem to comparison to the problem you had where the plume went. Now, the plume can go all the way to Nassau County also.

c. Without characterizing the problem as trivial, or not trivial, do you agree that decentamination procedures could lead to

COMPUTER ALDED TRANSCRIPTION/keyword index

1	contamination of the ground water at and around the
2	three sites?
3	WITNESS KELLER: Again, I do not have
4	any technical knowledge about the aquifer. I am
5	aware of the fact that radio nuclides in soils are
6	exchanged by the soils. I don't have any knowledge
7	that decontamination efforts in Nassau County at
A	these three sites could contaminated the ground
9	water.
10	Q. Do you disagree with the statement that
1.1	decontamination procedures could contaminate the
12	ground water?
3	WITNESS KELLER: Anything could happen.
4	Q. On you have any opinion on what the
	levels of contamination would be?
0	WITNESS KELLER: In would be despendent
7	atriotly on the amount of released activity in the
/3	accident.
9	Q. Do you have any opinion on whether there
0	would be a health threat from contaminated water or
1	other materials running into the sewage system as a
2	CARLLE OF HARRACE AND COLUMN

The transfer of the transfer of the form of the second of

1	WITNESS KELLER: I don't understand you
2	question. I'm sorry.
3	Q. You understand that there arethat
4	reception centers and in and around the reception
3	centers, there are sewage system as you would find to
6	most semi-urban areas.
7	WITNESS KELLER: I certainly hope to.
7	a. he you have a sufficient understanding
3	of the LILCO decontamination procedures to know
10	whether or not contaminated water or other
1. 1.	contaminated materials might get into the sewage
12	system? .
13	WITNESS KELLER: As I stated, my
1.4	recollection of the plan was that the Liquid produced
1.5	would be caught and contained and then transported
	Dank to the Shareham stor.
7	I think there is another statement than
t it	says if it can't be contained, make sure it doesn't
9	run into surface water.
10	All of the other licensed plants in FEMA
1	region II and most of the other regions in the
2	country, of the decontamination of personnel ro-

1.	nun-off of that decontamination goes to standards
2	sewage systems, as does the radioactive contamination
3	from hospitals that use nuclear medicine in their
4	treatment. It is standard practice that this
5	material go to the standard sewage system.
6	MR. McMURRAY: Would you read that
7	answer, please?
В	(Record Read.)
9	MR. CUMMING: Would it shorten this line
10	of questioning if we stipulated that Mr. Keller is
11	not a geologist or sanitary engineer?
1.2	MR. McMURRAY: Probably not.
13	MR. CUMMING: In that case, could
1.4	counsel for intervenors give us some suggestion how
1.5	long he will continue?
1.5	
17	MR. McMURRAY: I don't think it will be
13	more than half hour. I don't know it anyone also has questions.
19	
20	MR. CHRISTMAN: I have five or ten
21	minutes.
	MR. McMURRAY: Let's take a two or
5.3	three-minute break.

TRANSCRIPT Attachment 10 OF PROCEEDINGS

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station, Unit 1)

: Docket No. 50-322-OL-5 (EP Exercise)

: (ASLBP No. 86-533-01-OL)

DEPOSITION OF

JAMES CONRAD BARANSKI, JAMES DOMINIC PAPILE and LAWRENCE BRUNO CZECH

Albany, New York

Tuesday, February 3, 1987

ACE-FEDERAL REPORTERS, INC. Stenoture Reporters 111 North Capitol Street Washington, D.C. 20001 (202) 347-3700 Nationwide Coverage

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marysimons	1	MR. IRWIN: Just real quickly before we take a
	2	break, let me ask you if you have ever seen a letter dated
	3	August 29, 1983, from Donald B. Davidoff to Mr. George
	4	Brower.
	5	MR. LANPHER: You mean EF-7?
	6	MR. IRWIN: Yes. It has a label on top of it,
	7	"Attachment 3," but I don't know what that relates to. I
1	8	would like it labeled as Exhibit 7.
9	9	(The document referred to was
10	0	marked Deposition Exhibit
11		No. 7 for identification and
12	2	submitted for the record.)
13	3	(Pause while the witnesses examine document.)
14		BY MR. IRWIN:
15		O Mr. Czech, are you familiar with this letter?
16		A (Witness Czech) Not this particular letter.
17		Q Are any of you familiar with it?
18		A (Witness Baranski) No, not with this letter, no
19		A (Witness Papile) No.
20		Q Is the statement of policy in this letter

consistent with New York State's policy as a whole

concerning disposition of contaminated water from vehicles

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	-	- 4	-	-	***	-		-	

at reception centers?

MR. ZAHNLEUTER: I object to the characterization that it is a statement of policy.

BY MR. IRWIN:

Q Is this letter consistent, Mr. Czech, with your understanding of the procedures, with the substantive values embedied in the procedures to which you were referring in our earlier question?

MR. LANPHER: Substantive value?

BY MR. IRWIN:

Q Is it consistent with the procedures?

A (Witness Czech) I would say yes. And not only that, this procedure -- and this goes back now to '83, and a lot has gone on since that time -- this has been consistent with EPA policy from the EPA RAC chairman.

MR. IRWIN: This would be a good time to take a break.

(Brief recess was taken.)

MR. IRWIN: Let's go back on the record.

BY MR. IRWIN:

Q In any of the exercises conducted in the New York
State plants during the period of interest, have there been

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STATE OF NEW YORK

יושנונום כשדיים.



DEPARTMENT OF HEALTH

TOWER BUILDING & THE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA & ALBANY, N.Y. 12217

DAVID AREL AGO, M.D.

August 29, 1983

RECEIVE

DITICE OF EMPECEACY PROPAREDRESS

Mr. George Brower
Director
Disaster/Emergency Preparedness
200 North Second Street
Fulton, NY 13069

Dear Mr. Brower:

Referring to your question today on the decontamination of vehicles leaving the 10 mile EPZ as to what problems may arise from water used to wash off a vehicle that may become contaminated, we believe that this is not a problem that creates any major concern.

It is believed that the small amount of contamination that may settle on a car will be diluted to a great extent by washing and that this water can either seep into the ground or enter the sewer system. Care should be taken to see that the wash water does not enter the area where people gather.

The major concern with contamination is still with human beings first and equipment second. I hope this information gives you enough guidance to answer your questions.

Sincerely yours,

Donald D. Davidoff

Director

Radiological Emergency Preparedness Group

co: Mr. Kowieski, PEMA



DEPOSITION EXHIBIT

November 16, 1983

OFFICE OF CHINACES FOR

Mr. George Brower Director Disast T/Emergency Preparedness " 200 North Second Street Fulton, NY 13069

Dear Mr. Brower:

The question of what to do with waste shower water that has become contaminated due to the cleansing of a contaminated individual has been asked.

In consultation with Dr. Rarim Rimawi, Director, Bureat of Environmental Radiation Protection, it has been determined that such waste water should be allowed to flow directly into the normal sewer system since it would be greatly diluted by the volume of water in the system and therefore pose no health problems.

Sincerely yours,

onald B. Dav

pirector

Radiological Emergency

Preparedness Group

'87 APR 20 P2:51

CERTIFICATE OF SERVICE

OFFICE OF SECRETARY DOCKETING & SERVICE BRANCH

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 Motion for Summary Dismissal or, in the Alternative, Summary Disposition of the State Environmental Law Issue and Groundwater Issue were served this date upon the following by telecopier as indicated by one asterisk, by Federal Express as indicated by two asterisks, or by first-class mail, postage prepaid.

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DATED: April 17, 1987

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