

LILCO, July 8, 1983

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



Before the Atomic Safety and Licensing Board

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

LILCO's Objections To Intervenor's  
"Consolidated Emergency Planning Contentions"

On June 23, 1983, Suffolk County sent to LILCO the intervenors' "Consolidated Draft Emergency Planning Contentions." On the evening of July 5, 1983, Suffolk County sent to LILCO a revised draft of the intervenors' "Consolidated Emergency Planning Contentions." For the reasons stated below, LILCO objects to the intervenors' contentions.1/

I.

LILCO's objections to each contention (or part of a contention) are noted below, using the following terms to avoid repeating lengthy arguments: "consolidation," "basis,"

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1/ LILCO's objections respond to the revised contentions received by LILCO on July 5. The intervenors filed their final contentions on July 7.

"specificity," "no legal requirement," "Phase I," and "County's own doing."<sup>2/</sup> These terms are defined as follows:

Consolidation

First, LILCO objects to the contentions because they are overlong, wordy, and repetitive, not sequentially numbered, and contain frequent cross-references to other contentions. The redundancies could be eliminated by a thoughtful consolidation.<sup>3/</sup>

The cumbersome nature of the contentions apparently results from organizing the contentions along the lines of the LERO plan rather than along the lines of the facts that will have to be litigated. For example, instead of writing a contention about command and control and alleging that the people doing that function will have "role conflict," and then writing another contention about ambulance drivers and claiming that they will suffer role conflict, when it is clear that the same

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<sup>2/</sup> We are not making any objections that a contention is so trivial as to be de minimis, though some of the contentions (such as SC 2.B, which says that the title of the LILCO officer who would be Director of LERO has not been identified) have that infirmity. We think these contentions about very minor matters are, generally speaking, adequately particularized and that they are more suitable for settlement or summary disposition than for exclusion as inadmissible.

<sup>3/</sup> In Phase I, the Board in a number of cases directed the parties to consolidate and simplify their contentions. See, e.g., Prehearing Conference Order (Phase I - Emergency Planning) 9, 11, 14, 15 (July 27, 1982). Some contentions were ruled "redundant and inadmissible." See Supplemental Prehearing Conference Order (Phase I - Emergency Planning) 14, 27 (September 7, 1982).

witnesses will testify about role conflict in all of the emergency personnel, the County should simply write a contention about role conflict, listing in subparts the different emergency personnel who will experience role conflict.<sup>4/</sup>

In addition, although the contentions are labeled "Consolidated Emergency Planning Contentions," the County, SOC and Town of Southampton have not consolidated the contentions. Some SOC and Town of Southampton contentions have been plugged in whole between County contentions without regard for whether the contentions repeat items raised by the County. And within the County's contentions, many of the issues are repeated.

Asking that the intervenors file concise contentions is not a frivolous request. The contentions must be referred to and cited hundreds of times over the next several months. The mechanics of preparing documents are made much more difficult by prolix contentions. More important, it is hard to keep the issue in mind when it is stated in three pages rather than three sentences, or is repeated in bits and pieces throughout a 170-page document. This is a very real difficulty and tends to make the litigation more confusing and difficult to manage.

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<sup>4/</sup> Any one of a number of approaches to the organization of the contentions could result in a concise statement of issues for this proceeding. In these objections we suggest that certain of the contentions be consolidated and list some examples of the contentions we think are related. The point is that contentions should not be repeated, and should be grouped in a fashion that makes it easy for the parties to litigate the issues. The intervenors do not accomplish this objective in their contentions.

Accordingly, LILCO asks that the Board order the intervenors to consolidate and reorganize the contentions into a manageable form. LILCO requests that the Board allow the intervenors no more than five days to revise the contentions admitted to the proceeding, so that the parties can get on with the litigation.

#### Basis

In LILCO's view, the requirement that a contention have a "basis" is that there is a reason to believe the contention may be true. This is a very light burden. It does not require the sponsor of the contention "to detail the evidence which will be offered in support of each contention." Mississippi Power and Light Co. (Grand Gulf Nuclear Station, Units 1 and 2), ALAB-130, 6 AEC 423, 426 (June 19, 1973). But it does require that the sponsor give a "reasonable explanation or plausible authority" for factual assertions. Cleveland Electric Illuminating Co. (Perry Nuclear Power Plant, Units 1 and 2), LBP-81-24, 14 NRC 175, 184 (1981). The sponsor needs to "assign reasons for his belief." See Houston Lighting and Power Co. (Allen's Creek Nuclear Generating Station, Unit 1), ALAB-590, 11 NRC 542, 548 (1980).

#### Specificity

By "specificity," LILCO means that the contention is not sufficiently precise about what it really means, particularly when one asks what type of evidence would have to be presented to either support or refute the contention. In part,



lack of specificity is caused by the use of highly abstract words. An example would be a contention that "adequate" "medical services" are not provided; the contention should instead specify what types of "medical services" it means (ambulance drivers? doctors?) and precisely why they are inadequate (not enough personnel? not trained?).

In the circumstances of this case, LILCO submits that Suffolk County has an unusually heavy burden of stating specifics.<sup>5/</sup> The County is the party that ought to be doing offsite emergency planning, not LILCO. The County has argued vigorously that it and only it has the duty and responsibility of offsite emergency planning. Moreover, the County has cited its \$600,000 study of emergency planning, its public hearings on the subject, and the qualifications of its consultants. It has alleged, in short, that it has done an exhaustive study of emergency planning on Long Island. Therefore, the County ought to be in a position to be very precise in its objections to emergency planning.

Consequently, it is not enough for the County to merely contend that a particular aspect of LILCO's emergency plan is not "adequate" or even to explain why it is not adequate. The County should specify in every case exactly what LILCO should

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<sup>5/</sup> In Phase I the Board was insistent that the County's contentions be "particularized." See, e.g., Prehearing Conference Order (Phase I - Emergency Planning) 16, 17 (July 27, 1982); Supplemental Prehearing Conference Order (Phase I - Emergency Planning) 15 (Sept. 7, 1982).

do to correct the problem that the County sees. And if the County thinks there is no possible solution, it should say so. Among other things, this specificity would have the beneficial effect of separating out those contentions that the County thinks make emergency planning impossible, and those contentions that the County thinks merely raise problems that can be solved. It would also, of course, facilitate settlement, because if the County will just say what it wants, LILCO may be able to provide it.

No legal requirement

By "no legal requirement," LILCO means that what would be necessary to correct the problem the County says exists is not required by the NRC. The County often cites a specific regulation or a provision of NUREG-0654 in its contentions. Yet an examination of these regulations and standards will show that they often do not say expressly what the County claims they require; that is, the County is interpreting the regulations and standards. Some of the measures that the County indicates LILCO should implement are either (1) very difficult to do or (2) counterproductive of public safety. Many of them are not required and are probably not incorporated in any other emergency plan in the country.

Phase I

In many cases the intervenors' contentions could have been raised as Phase I issues. Some of them actually were Phase I issues. Some of them are covered by Phase I settlement agreements signed by the County itself.

The Board has made clear that Phase I issues may no longer be litigated:

Accordingly, we will not consider any contention addressing LILCO's onsite plan or other matters which either were the subject of a previously admitted Phase I emergency planning contention or clearly were within the permissible scope of the Phase I emergency planning litigation.

Memorandum and Order Denying Suffolk County's Motion to Terminate the Shoreham Operating License Proceeding, LBP-82-22, 17 NRC \_\_\_\_, slip op. 64 (Apr. 20, 1983).

This is because the parties were being bound by any stipulation regarding Phase I contentions which was approved by the Board, see Stipulation ff. Tr. 14,719, as well as by our order dismissing the remaining Phase I contentions "with prejudice" due to intervenors' intentional default in refusing to proceed with the examinations before hearing is ordered by the Board.

Id. 64-65.

The meaning of "Phase I" was explicated many times:

Therefore, Phase I emergency planning was defined to include not only onsite matters, but also matters such as gaps in siren coverage within 10 miles of the Shoreham plant, notification of and communications with offsite response organizations, arrangements and training for offsite assistance resources needed on site (e.g., medical and fire services), and assessment and monitoring by LILCO of actual or potential onsite and offsite radiological releases in doses.

LBP-82-22, slip op. at 64. The Phase I issues were those "within LILCO's responsibility to perform whether it be onsite or offsite." Prehearing Conference of April 14, 1982, Tr. 796,

see also Tr. 797-802. They were the issues "currently capable of final resolution" even without an offsite plan. Prehearing Conference Order (Phase I - Emergency Planning) 2 (July 27, 1982); see also Prehearing Conference Order 7 (April 20, 1982).

In particular, the Phase I issues were to cover the "first channel of communication, if you will, from the utility to the governmental authorities." Tr. 7225-26 (July 20, 1982). To the same effect:

We would like the parties to jointly examine contentions, those subject areas and determine whether they fall within the category that I am about to describe now, that is, actions by LILCO, whether it be onsite or offsite but actions by LILCO. That would be the broad definition. This would include communications between LILCO and offsite response agencies, particularly the initial notification from LILCO in the event of an emergency.

Tr. 747 (Apr. 14, 1982) (emphasis added).

In many cases LILCO objects to the intervenors' contentions because they could have been litigated during Phase I.

County's own doing

Another deficiency in many of the contentions is that they do nothing more than assert that Suffolk County refuses to participate in emergency planning.<sup>6/</sup> The basis of this objection is contained in the Board's April 20 order discussing what contentions would be permitted in Phase II:

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<sup>6/</sup> LILCO believes this type of contention amounts to a challenge to NRC regulations, since the County's basis for refusing (the finding that adequate emergency planning is impossible) is squarely within the province of the NRC to determine.

[I]f the County seeks to have its findings adopted, it must litigate before us the facts which it believes support its view that it is not feasible to implement emergency preparedness actions which would meet NRC regulatory requirements in the event of a radiological emergency at the Shoreham Nuclear Power Plant. The right of the County to litigate whether necessary emergency actions can be taken may be distinguishable from the circumstance of a governmental litigant before us which simply refuses to take otherwise feasible actions.

LBP-82-22, slip op. 59

For example, we will not entertain contentions premised solely on the absence of a Suffolk County approved plan.

Id., slip op. 62. Therefore we have made the "County's own doing" objection where the contention is a particularly bald statement of the County's unwillingness and nothing more. The County must litigate the feasibility of emergency planning and not artificial obstacles like the County's own refusal to cooperate.

Specific objections to each of the intervenors' contentions appear below.

## II.

### SC Contentions 1-4: Command and Control

#### SC 1

Consolidation. SC Contention parts A through I should be consolidated with SC contentions 29.C.1, 29.D, 29.E, 29.F,



30.C, 36.I, 53, 61, 65, 66, 68, 70, 71, 76.B and 103.B.4 to form a single contention entitled "Legal Authority." In addition, the unnumbered paragraph following part I, containing an additional issue regarding the legal authorities referenced in the LERO plan, should be consolidated with the items listed above and identified as a separate issue.

County's own doing. As discussed above, the County has created the present situation with respect to LERO's legal authority to take actions and should not be allowed to argue that as a result of the County's own actions LILCO is unable to adequately respond in an emergency. Therefore, this contention should not be admitted.

SC 2.A

Consolidation. This contention should be consolidated with SC contentions 30.A, 78 and 107 through 124 dealing with training.

Basis. Because most LERO personnel live in the area, and the procedures provide extensive detail concerning the emergency response, the County lacks basis for the proposition that the LERO personnel in command and control positions will not be familiar with Long Island. Therefore, this contention should not be admitted.

Specificity. Phrases like "how the various entities, institutions, organizations and the population operate, or interact with each other," are quite vague. At the least, the

County should list the "other institutions and volunteer organizations" referred to in this contention. A similar contention, alleging that "unique local conditions" had not been accounted for, was ruled inadmissible in Phase I as overbroad and inadequately particularized. Prehearing Conference Order (Phase I - Emergency Planning) 7 (July 27, 1982) (hereinafter Attachment A at \_\_\_\_).

SC 2.B

No objection.

SC 2.C

Consolidation. This contention should be consolidated with SC contentions 21.B and 97.

SC 2.D

Consolidation. This contention actually contains three contentions: (1) that LERO personnel in command and control positions may be fearful of entering the EPZ to perform their jobs; (2) that they may experience role conflict; and (3) that the "Emergency Worker Tracker System" is inadequate to eliminate role conflict. These contentions should be divided as to their subject matter: the contention pertaining to fear should be consolidated with SC contentions 21.A, 29.D and 30.B; the contention pertaining to role conflict should be consolidated with SC contentions 2.E, 29.C.4, 36.B, 42.B.3, 42.B.4, 46, 56, 103.B.1, 113 and Southampton 4.C.

Basis. The "Emergency Worker Tracker System" portion of this contention lacks basis because, as the County notes, the system is under development. As soon as the description of the system is complete, the County will be provided the description for review, and can attempt to raise an additional contention on the system if it is appropriate to do so.

SC 2.E

Consolidation. The portion of this contention dealing with notification should be consolidated with SC contentions 29.C.2.b, 36.C.1, 38.2, 47, 51.E.1 and 103.B.3; the portion dealing with mobilization times should be consolidated with SC contentions 29.C.5, 38.1, 38.3, 38.4, 43.C.1, 47, 51.E.1, 77.C, 82, 96.B and 103.B.2; and the portion dealing with role conflict should be consolidated with SC contentions 2.D, 29.C.4, 36.B, 42.B.3, 42.B.4, 46, 56, 103.B.1, 113 and Southampton 4.C.

SC 3.A

Consolidation. The portion of this contention regarding letters of agreement should be consolidated with SC contentions 9, 29.B, 36.B, 37.A.1 (twice), 38.A.6, 40, 43.A, 43.B.1, 44, 46, 48.A, 48.B, 49, 51.C.2, 51.D.1, 52, 53, 55, 77.A, 77.B, 90, 96.A, 103.B.5 and 119.

Specificity. The introductory paragraph to SC 3 lacks specificity because the County uses the word "including" and thus sets no limits on what "various support organizations" it may be referring to in this contention. If it means only the

"American Red Cross, Brookhaven National Laboratory, and ambulance/fire/rescue personnel," the contention should so state.

No legal requirement. If this contention suggests that LILCO must include in the LERO plan the plans and procedures of supporting organizations performing emergency services, the contention should not be admitted because there is no such requirement in NRC regulations.

SC 3.B

Consolidation. This contention should be consolidated with SC contentions 2.A, 107 through 124, 30.A, and 78 and rewritten.

Specificity. The County should define the "non-LILCO support personnel" the County thinks are not being provided training.

SC 3.C

Consolidation. This contention should be consolidated with SC contentions 42.A and 43.B.3.

Basis. LILCO does plan to indemnify LERO emergency response personnel for injuries or liabilities incurred in responding to an emergency or during training, drills, or exercises.

No legal requirement. There is no legal requirement that emergency response personnel be indemnified for injuries or liabilities.

SC 3.D

Consolidation. This contention should be consolidated with SC contentions 3.D, 4, 29.D, 30.B, 73, 97, 100.B, 101 and 104 regarding LILCO's credibility.

SC 4

Consolidation. This contention should be consolidated with SC contentions 3.D, 29.D, 30.B, 73, 97, 100.B, 101 and 104 dealing with LILCO's credibility.

SC Contentions 5-6 and  
Town of Southampton Contention 1:  
Emergency Planning Zone ("EPZ")

SC 5.A7/

No legal requirement. The County contends on page 20 that a 20-mile EPZ is necessary in order to provide planning and preparedness for those members of the public who may receive doses in excess of EPA's Protective Action Guidelines (PAG) levels. The contention is outside the emergency planning regulations and is a challenge to 10 C.F.R. § 50.47(c)(2), which provides:

Generally the plume exposure pathway EPZ for nuclear power plants shall consist of an area of about 10 miles (16 km) in radius . . . . The exact size and configuration of the EPZ surrounding a particular nuclear power reactor shall be determined in relation to local emergency response needs and capabilities as they

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7/ The reference to "Appendix E, Sections II.n.2 and IV" in the preamble to this contention appears to be an error.



are affected by such conditions as demography, topography, land characteristics, access routes, and jurisdictional boundaries. The size of the EPZs also may be determined on a case-by-case basis for gas cooled reactors, nuclear reactors, and for reactors within authorized power levels less than 215 MW thermal.

The Board has already ruled twice in this proceeding that the type of probabilistic risk analysis (PRA) that the County wants to use to establish the EPZ boundaries should not be litigated. First, the Board ruled out SOC Contentions 1 and 2, deeming them to ask "for a totally new probabilistic accident risk and consequences analysis to determine on a clean slate (as if the rule did not exist) what zones should be established for the plume exposure pathway and ingestion pathway." Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-82-19, 15 NRC 601, 618 (1982).<sup>8/</sup> Second, the Board ruled that it saw no reason to litigate LILCO's PRA unless LILCO attempted to rely on it in its testimony. Attachment A at 20.

This is entirely consistent with how other NRC boards have treated this same issue. In San Onofre the Licensing Board rejected a contention that the plume EPZ must be based on site-specific studies.<sup>9/</sup> Southern California Edison Co. (San

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<sup>8/</sup> This dismissal was without prejudice to contentions that adjustments must be made to the approximate 10 and 50 mile EPZs due to "particular local conditions within the flexibility permitted by the regulations." 15 NRC at 618.

<sup>9/</sup> Similarly, in response to an argument that emergency plans must be tested by cost-benefit analysis, the Appeal Board said

Onofre Nuclear Generating Station, Units 2 and 3), LBP-82-39, 15 NRC 1163, 1178 (1982). The Board said that the NRC regulation

would clearly allow leeway for a mile or two in either direction, based on local factors. But it equally clearly precludes a plume EPZ of, say, 20 or more miles.

Id. 1181 (footnote omitted).10/

The Seabrook Board rejected a contention about setting EPZs, with these words:

There is no regulatory requirement in support of, and hence no basis for, NECNP's bald assertion that beyond design basis accidents must be considered by

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(Footnote continued)

As the applicants rightly remark, "[t]he emergency planning zone concept [in the Commission's rules already] takes into account the broad range of radiological accidents and dose consequences to the public from such accidents." It need not be reanalyzed in each individual proceeding.

Southern California Edison Co (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-680, 16 NRC 127, 132 (1982) (footnote omitted).

10/ In a footnote the Board said that 20-mile EPZs in one direction, or longer, might be appropriate in some areas but would require a variance in the rule pursuant to 10 CFR § 2.758. 15 NRC 1181 n.14. To the same effect, boards have said that the "precise" bounds of the EPZ are to be determined by local conditions. Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-680, 16 NRC 127, 131 (1982).

Applicants in establishing the EPZ's. In fact, such consideration is inherent in and obviated by the Commission's delineation of the bounds of the plume exposure pathway EPZ.

Memorandum and Order, Public Service Co. of New Hampshire  
(Seabrook Station, Units 1 and 2) (Nov. 17, 1982)  
(unpublished).

Accordingly, SC 5.A should not be admitted.

SC 5.B

Consolidation. The portion of this contention regarding the shadow effect should be consolidated with SC contentions 21, 22, 31, 59 and 103.I and Southampton 1.A-C and 4.B and rewritten.<sup>11/</sup> The portion of this contention dealing with educational materials should be consolidated with SC contentions 21.C, 99, 103.A, 103.C, 103.D, 103.F 103.H, 103.L and SOC 6, 9.

SC 6

No objection.<sup>12/</sup>

Town of Southampton 1.

Consolidation. This contention regarding the shadow effect should be consolidated with SC contentions 21, 22, 31, 59 and 103.I, and Southampton 1.A-C and 4.B.

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<sup>11/</sup> LILCO agrees that the "shadow phenomenon" is a litigable contention, but does not concede that shadow phenomenon would justify a 20-mile EPZ.

<sup>12/</sup> The reference to "NUREG-0654, Section I.D.a" appears to be an error.

No legal requirement. Part D of this contention, dealing with inadequate emergency communications to Southampton, is outside the scope of the emergency planning regulations because the regulations do not require emergency communications to points outside the 10-mile EPZ. Therefore, this contention should not be admitted.

SC Contentions 7-18: Accident Assessment

SC 7

Consolidation. This contention should be consolidated with SOC 9.B.2.

SC 8

Consolidation. This contention should be consolidated with SC contentions 3.B.8, 30.A, 78 and 107-124 dealing with training.<sup>13/</sup>

SC 9

Consolidation. This contention should be consolidated with SC contentions 3.A, 29.B, 36.B, 37.A.1 (twice), 38.A.6, 40, 43.A, 43.B.1, 44, 46, 48.A, 48.B, 49, 51.C.2, 51.D.1, 52, 53, 55, 77.A, 77.B, 90, 96.A, 103.B.5 and 119, dealing with letters of agreement.

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<sup>13/</sup> The reference in SC 8 to "NUREG-0654 Section II.O.C" should read "II.O.4.C."

SC 10

Consolidation. The portion of this contention regarding "assurance that BNL is capable of providing continuous service" is another way of saying that a letter of agreement does not exist. Therefore, that portion of this contention should be consolidated with SC contentions 30.A, 35.A, 51.C.1, 78, 85, Southampton 2.C, and SOC 9.A.1-3 and 9.C.

SC 11

No objection.

SC 12

Consolidation. This contention should be consolidated with SC contentions 29.C.2.a, 30.E, 79, 81, 95 and SOC 10, 11, 12, 13 and 14.A, challenging commercial telephone lines and the lack of backup communication systems.

Phase I. The issue of use of commercial telephone lines to contact emergency workers was capable of being litigated in Phase I of the emergency planning proceeding, and therefore should not be admitted as a Phase II issue. See admitted Phase I contentions (Attachment B) EP 11.A and 11.C.

SC 13

Consolidation. This contention should be rewritten to divide the ideas it contains into two contentions: one concerning the information to be provided by Shoreham to LERO, and the other concerning the isotopes taken into account by persons making dose projections.



Phase I. Information provided "by Shoreham" to the offsite organization could have been litigated in Phase I. See Phase I contention EP 10.

SC 14

No objection.

SC 15

Specificity. The County should be required to indicate how the procedures "used for dose assessment projections and downwind surveys" are "overly complicated and require unrealistically accurate communications of complex data to obtain the required calculated results."

SC 16

Phase I. The methods used for deriving the values for calculating atmospheric transport and diffusion of the plume are contained in the onsite dose assessment model, which was capable of being litigated in Phase I. See Phase I contention EP 10. In addition, the NUREG reference cited to support this contention pertains to the licensee plan, not the local plan. See NUREG-0654, Section II.I.5. Therefore, this contention should not be admitted as a contention in the Phase II proceeding.

SC 17

Phase I. The issue of the proposed intervals between dose updates and the time necessary to obtain analyses as

compared to the wind speed on Long Island is an issue that was capable of being litigated in Phase I as part of the dose assessment model used by LILCO. LILCO filed detailed testimony on Phase I contention EP 10 on dose-assessment methodology. Therefore, this contention should not be admitted for litigation in the Phase II proceeding.

SC 18

No objection.

SC Contentions 19-68: Protective Actions

SC Contentions 19-24: Sheltering

SC 19

Basis. The portion of this contention alleging that "[t]he Plan fails to set forth guidelines to be used by command and control personnel . . . in determining the individuals who should or would be subject to such a recommendation" lacks basis because the individuals subject to selective sheltering are listed in the Plan at 3.6-5 (the portion cited by the County in its contention). Those individuals are: pregnant women, children, individuals designated medically unable to withstand the physical stress of an evacuation, and individuals requiring constant, sophisticated, medical attention. Therefore, the portion of this contention alleging that individuals subject to selective sheltering have not been identified should not be admitted.

SC 20

No objection.

SC 21

Consolidation. SC contention 21.A should be consolidated with SC contentions 2.D, 29.D and 30.B; SC contention 21.B should be consolidated with SC contentions 3.D.4, 29.D, 30.B, 73, 97, 100.B, 101 and 104; SC contention 21.C should be consolidated with SC contentions 99, 103.A, 103.C, 103.D, 103.F, 103.H, 103.L, SOC 6 and SOC 9; SC Contention 21.D should be consolidated with SC contentions 23.A, 23.B and 23.C; SC contention 21.F should be consolidated with SC contentions 42.A, 42.C, 42.D, 43 and SOC 1, 2, 3.A, 3.B and 3.C and rewritten; and SC contention 21.G should be consolidated with SC contention 21.I.

SC 22

Consolidation. This contention should be consolidated with SC contentions 5.B, 23.D, 30.C, 31, 59, 98, 103.I and Southampton 1.A-C and 4.B.

No legal requirement. This contention implies that LILCO cannot show adequate emergency planning unless it proves either that everyone will obey a sheltering recommendation or that people who do not obey will be protected nevertheless. LILCO objects to this contention as going beyond the emergency planning regulations. LILCO will do all it can to assure clear, accurate, concise, consistent information is broadcast

to the public; it is not obligated to guarantee that no one will act contrary to the protective action recommendations announced to the public. Therefore, this contention should not be admitted.

SC 23

Basis. The County suggests in SC 23 parts A through D that in some cases, sheltering will result in health-threatening radiation doses to the public. This contention should not be admitted because (1) there is no indication that where evacuation is feasible and would result in lower doses, LILCO would order sheltering instead of evacuation, and (2) if sheltering is the only feasible protective action given the circumstances of a particular accident, a recommendation to shelter would constitute adequate protective measures even if, as the County states, "persons who follow a sheltering recommendation could still receive doses that would cause adverse health effects." See SC 23.D.

No legal requirement. There is no legal requirement, as stated above in response to SC 22, that protective actions guarantee zero dose to the public. Therefore, this contention should not be admitted.

SC 24

Consolidation. SC 24 should be consolidated with SC contention 103.J.

No legal requirement. There is no requirement that the

general public must be monitored after taking shelter from a passing plume. Consequently, the portion of this contention alleging the contrary should not be admitted.

SC Contentions 25-60 and  
SOC Contentions: 1-3: Evacuation

SC 25

Basis. That portion of the contention alleging that the Plan fails to indicate guidelines to be used in "determining, identifying, and locating the individuals who should be subject to such a recommendation" should not be admitted because it lacks basis. The plan at 3.6-5 to 3.6-6 (the portion cited in the contention) states that pregnant women, and children under 12, are the persons who would be subject to this protective action. This option is implemented in OPIP 3.6.1, Attachment 9.

SC 26

Consolidation. This contention should be consolidated with SC contentions 2.E, 27, 29.C.5, 38.1, 38.3, 38.4, 42.B.2, 43.C.1, 47, 51.E.1, 77.C, 82, 96.B and 103.B.2.

Specificity. The County should indicate in the contention how long a mobilization time it thinks LERO should assume in light of the factors listed in parts A through C.



SC 27

Consolidation. This contention should be consolidated with SC 26 and the other contentions listed in SC 26.

SC 28

No objection.

SC 29.A

Consolidation. This contention should be consolidated with SC contentions 22, 23.D, 30.C and 98.

SC 29.B

Consolidation. This contention should be consolidated with SC contentions 3.A, 9, 29.B, 36.B, 37.A.1 (twice), 38.A.6, 40, 43.A, 43.B.1, 44, 46, 48.A, 48.B, 49, 51.C.2, 51.D.1, 52, 53, 55, 77.A, 77.B, 90, 96.A, 103.B.5 and 119.

County's own doing. The County, having refused to provide personnel, should not be allowed to raise this contention.

SC 29.C.1

Consolidation. This contention should be consolidated with SC contentions 1, 30, 53, 61, 65, 66, 70, 71 and 103.

County's own doing. The County, having refused to provide policemen to direct traffic, should not be allowed to raise this contention.

SC 29.C.2.a.

Consolidation. This contention should be consolidated with SC contentions 12, 30.E, 79, 81 and 95, and SOC 14.A.

Phase I. The issue of commercial telephones becoming overloaded in an emergency was raised in Phase I. See Phase I contentions EP 11A, 11B, and 11D. Therefore, this contention should not be admitted.

SC 29.C.2.b.

Consolidation. This contention should be consolidated with SC contentions 10, 30.A, 35.A, 51.C.1, 78, 85, Southampton 2.C and SOC 9.A.1-3, 9.C.

SC 29.C.2.c.

Consolidation. This contention should be consolidated with SC contentions 29.C.2.d, 36.E, 83, 87, 89 and 91.

SC 29.C.2.d.

Consolidation. This contention should be consolidated with SC contentions 29.C.2.c, 36.E, 83, 87, 89 and 91.

SC 29.C.3

Consolidation. This contention should be consolidated with SC contentions 26.B, 27, 36.D.2, 36.D.3, 36.F, 36.G, 42.B.2, 82 and 96.B.

SC 29.C.4

Consolidation. This contention should be consolidated

with SC contentions 2.D, 2.E, 36.B, 42.B.3, 42.B.4, 46, 56, 103.B and 113.

SC 29.C.5

No objection.

SC 29.D

Consolidation. Part of this contention states that LERO traffic guides possess "no authority to enforce their objectives". The first two sentences should be struck from the contention. The contention assumes (in the first line) for argument that the traffic control measures to be taken by LERO traffic guides are legal. Therefore there is no other "authority" that the traffic guides would not possess. In addition, the portion of this contention dealing with LILCO's lack of credibility should be consolidated with SC contentions 3.D, 4, 29.D, 30.B, 73, 97, 100.B, 101 and 104. The portion of this contention dealing with "the heightened fear and anxiety caused by a radiological emergency" among the population should be consolidated with SC Contention 2.D, 21.A, 29.D, and 30.B.

SC 29.E

Consolidation. This contention dealing with legal authority should be consolidated with SC contentions 1, 30, 53, 61, 65, 66, 70, 71 and 103.

County's own doing. This contention challenges the authority of LERO workers to implement certain traffic control

functions. LERO is providing traffic guides because thus far the County has refused to allow local police to participate in emergency planning. Therefore, this contention should not be admitted.

SC 29.F

Consolidation. This contention dealing with legal authority should be consolidated with SC contentions 1, 30, 53, 61, 65, 66, 70, 71 and 103.

County's own doing. This contention states that signs to direct motorists on the prescribed evacuation routes will not be installed, resulting in long evacuation times. Suffolk County has stated it refuses to allow the signs to be installed, and therefore has created the harm it seeks to complain of in this contention. Therefore, this contention should not be admitted.

SC 30.A

Consolidation. The portions of this contention dealing with hostile confrontation between the traffic guides and the public should be consolidated with SC contentions 30.B, 73 and 97.

SC 30.B

Consolidation. The portions of this contention alleging aggressive behavior caused by traffic control should be consolidated with SC contentions 30.A, 73 and 97. The portions

of this contention dealing with LILCO's alleged lack of credibility should be consolidated with SC contentions 3.D, 4, 29.D, 73, 97, 100.B, 101 and 104. The portions of this contention dealing with training of traffic guides should be consolidated with SC contentions 2.A, 3.B, 8, 72, 78, 83, 84 and 107-24.

SC 30.C

County's own doing. LERO traffic guides will be giving direction against the signals because the County refuses to provide policemen to direct traffic or give LERO permission to alter signals. Therefore, the County should not be allowed to raise this contention.

SC 30.D

Consolidation. This contention should be consolidated with SC contentions 30.A, 30.B, 73 and 97.

SC 30.E

Consolidation. This contention should be consolidated with SC contentions 29.C.2.d, 36.E, 83, 87, 89 and 91, dealing with communications.

Specificity. The County should state precisely how many frequencies and what kind of radio equipment the County would find adequate.



SC 31

Consolidation. This contention should be consolidated with SC contentions 5.B, 31, 59, 103.I, and Southampton 1.A-C and 4.B, dealing with the shadow effect.

SC 32

Consolidation. This contention should be consolidated with SC contention 36.H.

Specificity. The County should state precisely how many traffic accidents, automobile breakdowns and cars running out of gas it thinks would be a realistic assumption for an evacuation of the 10-mile EPZ, and how each incident would affect evacuation time estimates.

SC 32.E

Consolidation. This contention should be consolidated with SOC 14, dealing with the impact of adverse weather.

SC 33

Consolidation. The portion of this contention discussing time estimates for evacuating persons with special needs should be consolidated with SC contentions 39, 43.D, 47 and 51.F.

SC 34

No legal requirement. LILCO is not required under any NRC regulations or guidelines to take the effect of stress and anxiety on diminished driving skills into account in its

evacuation time estimates. For that reason, this contention should not be admitted.

SC 35.A

Consolidation. This issue should be consolidated with SC contentions 10, 30.A, 51, 51.C.1, 78, 85, Southampton 2.9, and SOC 9.A.1-3 and 9.C, regarding staffing.

Specificity. The County should state the number of route spotters it thinks is required to cover the evacuation routes.

SC 35.B

Consolidation. This contention should be consolidated with SC contentions 2.E, 29.C.5, 38.1, 38.3, 38.4, 43.C.1, 47, 51.E.1, 77.C, 96.B and 103.B.2.

County's own doing. The County has created the deficiency it complains of, by refusing to allow policemen to participate in emergency planning. Consequently, this contention should not be admitted.

SOC 1

Consolidation. This contention should be consolidated with SC contentions 42.A, 42.C, 42.D and 43, and SOC 3.A, 3.B and 3.C, regarding relocation of school children.

SOC 2

Consolidation. This contention should be consolidated with SC contentions 42.A, 42.C, 42.D and 43, and SOC 3.A, 3.B and 3.C, regarding relocation of school children.

SC 36.A

Specificity. The County should be required to define what in its view would be an "adequate number of tow trucks".

SC 36.B

Consolidation. The agreements portion of this contention should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109 and 119; the portion of this contention dealing with role conflict should be consolidated with SC contentions 2.D, 2.E, 29.C.4, 36.B, 42.B.3, 42.B.4, 46, 56, 103.B and 113.

Basis. Contrary to the contention, LERO does not intend to use private fuel companies to provide fuel during a radiological emergency. As indicated in the LERO plan, LERO intends to use LILCO's stored fuel supplies and fueling trucks to provide gas for evacuees within the 10-mile EPZ. This contention is without basis and should not be admitted.

SC 36.C

Specificity. The County should state the locations of the vehicles that are "stationed too far away," and state how far away in its view vehicles could be stationed and still respond to an emergency in a timely fashion.

SC 36.D

Consolidation. This contention should be consolidated with SC contentions 2.E, 29.C.5, 38.1, 38.3, 38.4, 43.C.1, 47, 51.E.1, 77.C, 82, 96.B and 103.B.2.

SC 36.E

Consolidation. This contention should be consolidated with SC contentions 29.C.2.d, 36.E, 83, 87, 89 and 91.

SC 36.F

Consolidation. This contention should be consolidated with SC contention 36.6.

SC 36.G

Consolidation. This contention should be consolidated with SC contention 36.F.

SC 36.H

Consolidation. This contention should be consolidated with SC contentions 32.A and 32.H.

Specificity. The County should state how many people it anticipates would require transportation as a result of accidents or car malfunctions in an evacuation of the 10-mile EPZ.

SC 36.I

Consolidation. This contention should be consolidated with SC contentions 1, 29, 30, 53, 61, 65, 66, 70, 71 and 103 dealing with legal authority.

Specificity. The County should specify the law prohibiting distribution of fuel without authorization.

SC 36.J

No objection.

SC 36.K

Consolidation. This contention should be consolidated with SC contentions 71, 74 and 75.

No legal requirement. This contention should not be admitted because LILCO is not required by emergency planning regulations to provide security at fuel allocation sites during an evacuation.

SC 36.L

Consolidation. This contention should be consolidated with SOC Contentions 32.E and SOC 14.

No legal requirement. NUREG-0654 Section II.J.10.k does not require snow removal. Therefore, this contention should not be admitted.

SC 36.M

Basis. The LILCO fuel trucks are equipped to pump fuel into automobiles. The County has no basis for contending otherwise. This contention should not be admitted.

No legal requirement. The emergency planning regulations do not require that LILCO provide "fire prevention equipment, such as is found on gasoline pumps and trucks designed for refueling aircraft." Therefore, this contention should not be admitted.



SC 36.N

No legal requirement. Nothing in NUREG-0654 requires LILCO to litigate the amount of time required to pump gas. This contention should not be admitted.

SC 37.A.1

Consolidation. This contention should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109 and 119, dealing with letters of agreement.

SC 37.A.2

Consolidation. This contention states that "most buses within a reasonable distance of the EPZ are under contract to school districts or other entities and therefore could not be relied upon by LILCO." It is redundant to the contention alleging that LILCO has no agreements, and therefore should be consolidated with SC contentions listed in SC 37.A.1.

SC 37.A.3 and 37.A.4

Consolidation. These contentions are nothing more than another way of saying that LILCO has no agreements for providing buses sufficient to transport the persons who need transportation. They should be consolidated with SC contentions 37.A.1 and 37.A.2 and with contentions listed under 37.A.1, dealing with agreements.

SC 37.B.1

Consolidation. This contention should be consolidated with SC contentions 37.A.3, 37.A.4, 37.B.2, 43.B.2, 45 and 96.C.

Specificity. The County contends that LILCO has inappropriately based its estimates solely on the number of households without cars. The County should indicate how many buses it thinks are required to provide for people who will need transportation.

SC 37.B.2

Consolidation. This contention should be consolidated with SC contentions 37.A.3, 37.A.4, 37.B.2, 43.B.2, 45 and 96.C.

Specificity. The County should indicate how many buses it thinks are required to provide for people who will need transportation.

SC 38.1

Consolidation. This contention should be consolidated with SC contentions 2.E, 29.C.5, 38.2, 38.3, 38.4, 43.C.1, 47, 51.E.1, 77.C, 82, 96.B, and 103.B.2.14/

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14/ The citation to Title 10 CFR § 50.47(a)(1) in the preamble to this contention appears to be inaccurate.

SC 38.2

Consolidation. This contention should be consolidated with SC contention 38.1 and the contentions listed therein.

SC 38.3

Consolidation. This contention should be consolidated with SC contention 38.1 and the contentions listed therein.

SC 38.4

Consolidation. This contention should be consolidated with SC contention 38.1 and the contentions listed therein.

SC 38.5

Consolidation. This contention should be consolidated with SC contentions 43.C.4 and 47.

SC 38.6

Consolidation. The portion of this contention dealing with agreements with school districts to use schools for transfer points should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109, and 119.

SC 39

Consolidation. This contention should be consolidated with SC contentions 33, 43.D, 47, and 51.F.

SC 40

Consolidation. This contention should be consolidated with SC contentions 3.A, 9, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109, and 119, dealing with letters of agreement.

No legal requirement. LILCO is not required to provide letters of agreement from school districts. Therefore, this contention should not be admitted.

SC 41

No objections.

SC 42.A

Consolidation. The unnumbered portion of this contention dealing with indemnification for school authorities should be consolidated with SC contentions 3.C, 42.A, and 43.B.3.15/

No legal requirement. The portion of this contention dealing with information that must be provided to schools to make a decision regarding early dismissal is not required by emergency planning regulations and should not be admitted. The portion of this contention alleging that LILCO must provide indemnification for school authorities is not required by emergency planning regulations and therefore should not be admitted.

SC 42.B.1

Consolidation. This contention should be consolidated with the numerous previously-cited contentions dealing with mobilization and notification.

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15/ The citation to NUREG-0654 Section II.I.9 appears to be inaccurate.

SC 42.B.2

Consolidation. This contention should be consolidated with SC contentions 5.B, 31, 59, and 103.I relating to the shadow effect and its effects on traffic within the EPZ.

SC 42.B.3

Consolidation. The portion of this contention dealing with role conflict should be consolidated with SC contentions 2.D, 2.D, 29.C.4, 36.B, 42.B.4, 56, 103.B and 113; the portion dealing with letters of agreement should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109, and 119.

SC 42.B.4

Consolidation. This contention should be consolidated with SC contentions 2.D, 2.E, 29.C.4, 36.B, 42.B.3, 46, 56, 103.B, and 113, dealing with role conflict.

SC 42.C

Consolidation. This contention should be consolidated with SC contentions 42, 42.C, 42.D, 43, and SOC 1, 2, 3.A, 3.B, and 3.C.

SC 42.D

No objection.

SC 43.A

Consolidation. This contention should be consolidated



with SC Contentions 1, 29, 30, 53, 61, 65, 66, 70, 71, and 103.

County's own doing. The County contends in this contention that because it is unwilling to provide Suffolk County Community College for use as a relocation center, the LERO plan is deficient. Therefore, the County's contention should not be admitted.

SC 43.B.1

Consolidation. This contention should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109, and 119, dealing with letters of agreement.

SC 43.B.2

Consolidation. This contention should be consolidated with SC contention 43.B.1 and the contentions listed therein.

SC 43.B.3

Consolidation. The portion of this contention dealing with indemnification of school authorities should be consolidated with SC Contentions 3.C and 42.A.

No legal requirement. The portion of this contention dealing with indemnification of school authorities should not be admitted because there is no legal requirement that LILCO provide such indemnification.

SC 43.C.1

Consolidation. This contention should be consolidated with SC contentions 26, 47, 78-82, and 103.B.

SC 43.C.4

Consolidation. This contention should be consolidated with SC contentions 38.A.5 and 47.

SC 43.D

No objection.

SOC Contention 3

Consolidation. This contention should be consolidated with SC contentions 42.A, 42.C, 42.D, and 43, and SOC 1 and 2.

SC 44

Consolidation. This contention should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109, and 119.

No legal requirement. The 10 CFR and NUREG sections cited by the County in support of this contention do not require that LILCO obtain agreements from special facilities stating that they will evacuate. Therefore, this contention should not be admitted.

SC 45

Consolidation. This contention should be consolidated with SC contentions 37.A.3, 37.A.4, 37.B.1, 37.B.2, 43.B.2, 45, and 96.C, dealing with letters of agreement.

SC 46

Consolidation. The portion of this contention dealing with letters of agreement from volunteer LERO non-LILCO personnel should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109, and 119. The unnumbered portion of this contention dealing with role conflict should be consolidated with SC contentions 2.D, 2.E, 29.C.4, 36.B, 42.B.3, 42.B.4, 56, 103.B, and 113.

SC 47

Consolidation. The portion of this contention dealing with estimation of time necessary to evacuate should be consolidated with SC contentions 33, 39, 43.D, 47, and 51.F.

SC 48.A

No objection.

SC 48.B

Consolidation. This contention should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109, and 119.

SC 48.C

Consolidation. This contention should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109, and 119.

SC 48.D

No objection.

SC 48.E

No objection.

SC 48.F

No objection.

SC 49

Consolidation. This contention should be consolidated with SC contentions concerning agreements as previously listed.

Town of Southampton 2

No objection.

SC 50

No objection.

SC 51.A

Specificity. The County should indicate how LILCO should notify handicapped individuals if the County thinks that a telephone call from the Home Coordinator is inadequate.

SC 51.B

No legal requirement. The County's contention that the plan must provide for assisting handicapped individuals with packing and notifying relatives is beyond the regulations and therefore should not be admitted.

SC 51.C.1

Consolidation. This contention should be consolidated with SC contentions 10, 30.A, 35.A, 51.C.1, 78, 85, Southampton 2.C, and SOC 9.A.1-3 and 9.C.

SC 51.C.2

Consolidation. This contention should be consolidated with SC contentions concerning agreements as previously listed.

SC 51.D.1

Consolidation. This contention should be consolidated with SC contentions concerning agreements as previously listed.

SC 51.D.2

Consolidation. This contention is redundant to those regarding letters of agreement and should therefore be consolidated with SC contentions concerning agreements: 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109, and 119.

SC 51.E

Consolidation. This contention, including its subparts 1, 2 and 3, should be consolidated with SC contentions alleging notification and mobilization affecting evacuation times as listed above.

SC 51.F

No legal requirement. Title 10 C.F.R. Part 50, Appendix E, Section IV, and NUREG-0654, Section II.J.8 do not



require evacuation time estimates for evacuation of handicapped individuals. Therefore, this contention should not be admitted.

SC 51.G

No legal requirement. Title 10 C.F.R. § 50.47(b)(8) and NUREG-0654, Section II.J do not require that offsite relocation centers provide special equipment for handicapped individuals. Therefore, this contention should not be admitted.

SC 52

Consolidation. This contention should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109, and 119.16/

SC 53

Consolidation. This contention should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109, and 119.

County's own doing. The County contends in this contention that Suffolk County Community College cannot be used as a relocation center because the County forbids it. Therefore, the County should not be allowed to litigate this contention.

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<sup>16/</sup> The citation to "NUREG-0654 Section II.5.10.h" should read "II.J.10.h."

SC 54

No legal requirement. The unnumbered portion of this contention dealing with evacuees' refusal to use the relocation centers because "they will perceive the centers as being too close to the Shoreham plant" should not be admitted. While an offsite plan must include relocation centers for those people requiring them, it is not a legal requirement that people be encouraged to use relocation centers.

SC 55

Consolidation. This contention should be consolidated with SC contentions concerning agreements as previously listed in LILCO's objection to SC 52.

SC 56

Consolidation. The unnumbered portion of this contention dealing with role conflict of emergency workers should be consolidated with SC contentions 2.D, 2.E, 29.C.4, 36.B, 42.B.3, 42.B.4, 46, 103.B, and 113. The portion of this contention dealing with agreements with volunteer personnel to provide services should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109, and 119. The portion of this contention regarding timely staffing of the centers due to voluntary evacuation should be consolidated with SC contentions 5.B, 31, 59, 103.I, and SH 1.A-C and 4.B.

SC 57

Consolidation. This contention should be consolidated with SC contentions 5.B, 31, 59, 103.I, and SH 1.A-C and 4.B.

Specificity. The County contends in this contention that local relocation centers will be insufficient to provide for the number of evacuees that will require them. The County should specify the number of evacuees it thinks would require shelter in a relocation center, assuming evacuation of the 10-mile EPZ.

No legal requirement. Contrary to the County's contention, an offsite plan need not take into account voluntary evacuees who may require shelter in a relocation center. Therefore, this contention should not be admitted. In addition, the County's position is inconsistent within the contentions because it contends (1) that no one will go to the relocation centers listed because they are within an area where voluntary evacuees will be leaving, and at the same time (2) that voluntary evacuees will be coming to that area to stay in the relocation centers.

SC 58

No legal requirement. Contrary to the contention, there is no legal requirement that monitoring or decontamination be provided for evacuees who leave the EPZ but choose not to go to relocation centers. Therefore, this contention should not be admitted.

SC 59

No objection.

SC 60

Phase I. The thrust of this contention is that "given the existing wind conditions on Long Island" LILCO should be required to "evacuate no less than the entire EPZ for a radius of 5-7 miles around the plant." This contention is really a challenge to the methods used to make protective action recommendations. As such, it was capable of being litigated in Phase I. In Phase I, the County submitted written testimony on Contention EP 4 on "Protective Actions" and EP 14 on "Accident Assessment and Dose Assessment Models." See Direct Testimony of Fred C. Finlayson (Oct. 12, 1982); Direct Testimony of Gregory C. Minor (Oct. 12, 1982). For example, Dr. Finlayson testified that "[c]hanges in wind direction over time and distance will frequently cause the plume trajectory to deviate from a straight-line." Direct Testimony of Fred C. Finlayson 7 (Oct. 12, 1982). Therefore this contention should not be admitted for litigation in Phase II.

SC 61-68, and Town of Southampton 3

No legal requirement. These contentions assert that certain items pertaining to the 50-mile ingestion pathway EPZ must be included in the offsite emergency plan. Contrary to the contention, there is no requirement that the 50-mile ingestion pathway EPZ be administered by the local emergency plan.

Rather, this area is addressed by the state. NUREG-0654 section II.J.11. New York State provides for the 50-mile ingestion pathway EPZ in its plan at Part III-43.5.g. Therefore, these contentions should not be admitted.

SC 69: Emergency Operations Center

Basis. The plan at 4.1.-4 provides that an EOC will be located at the LILCO Brentwood Operations Facility. The EOC is being established by LILCO in accordance with the facility design provided in the plan. Until such time as the County has reason to believe that LILCO will not or has not properly established an EOC, this contention has no basis and therefore should not be admitted.

SC Contention 70-76: Security

SC 70

Consolidation. This contention should be consolidated with SC contentions 1, 29, 30, 53, 61, 65, 66, 71, and 103.

SC 71

Consolidation. This contention should be consolidated with SC contentions concerning security -- SC 36.K, 70, 74, 75, - and with SC 1, 29, 30, 53, 61, 65, 66, 70, and 103 -- to the extent that the County means LILCO lacks legal authority when it says that security personnel "will have no means of enforcing LILCO's assumed authority over the public." If the County means something else, this contention is not adequately specified.



SC 72

Consolidation. This contention should be consolidated with SC contentions 2.A, 3.B.8, 78, 83, 84, 107-124.

SC 73

Consolidation. This contention should be consolidated with SC contentions 3.D, 4, 29.D, 30.B, 73, 97, 100.B, 101, and 104, dealing with LILCO's credibility.

SC 74

Consolidation. This contention should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 96.A, 109, and 119, dealing with letters of agreement.

County's own doing. Because the County refuses to provide security in evacuated areas, the deficiency complained of in this contention is a result of the County's own actions and therefore should not be admitted.

SC 75

Consolidation. This contention should be consolidated with SC contentions 36.K, 70, 71, 74, and 75.

No legal requirement. The contention should not be admitted because, contrary to the County's assertions, there is no legal requirement for providing security at fuel allocation points, staging areas for emergency response personnel, and transfer points for evacuees.

County's own doing. In addition, if the County believes that security is required in these areas, the County can remedy the deficiency complained of by providing security if it wishes to do so. Accordingly, this contention should not be admitted.

SC 76

Consolidation. Part B of this contention should be consolidated with SC contentions 1, 29, 30, 53, 61, 65, 66, 70, 71, and 103.

County's own doing. Part B of this contention should not be admitted because, if adequate measures to control access to evacuated zones do not exist, it is a result of the County's failure to provide security following evacuation.

SC 77: Medical and Public Health Support

No legal requirement. Under the Commission decision in Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 & 3), CLI-83-10, 17 NRC \_\_\_, slip op. 2 (April 4, 1983), and the regulations cited by the County, there is no legal requirement that additional medical facilities and equipment be provided for the general public. Consequently, parts A and B of this contention should not be litigated.

SC Contentions 78-96: Communications

SC 78

Consolidation. The portions of this contention dealing

with adequate staffing should be consolidated with SC contentions 10, 30.A, 35.A, 51.C.1, 85, SH 2.C, and SOC 9.A.1-3 and 9.C; and the portions of this contention dealing with adequate training should be consolidated with SC contentions concerning adequate training as previously listed.

SC 79

Consolidation. This contention dealing with commercial telephone lines should be consolidated with SC contentions 12, 29.C.2.a, 30.E, 79, 81, 95, and SOC 14.A.

Phase I. The notion that communications systems relying upon commercial telephone lines may not operate or will be subject to overload during an emergency was capable of being litigated during Phase I. See Phase I contentions EP 11A, 11B, and 11D. Therefore, this contention should not be admitted.

SC 80

Phase I. The issues surrounding using pagers to communicate to key emergency personnel were capable of being litigated during Phase I emergency planning and therefore should not be allowed as Phase II contentions. See Phase I contention EP 11E.

SC 81

Consolidation. This contention dealing with overloaded commercial telephone lines should be consolidated with SC contentions concerning commercial telephone lines as previously noted in SC 79.

Phase I. The issue of commercial telephones becoming overloaded was capable of being litigated in Phase I, and therefore should not be admitted as a Phase II contention. See Phase I contention 11E.

SC 82

No objection.

SC 83

No legal requirement. NUREG-0654, Section II.F.1.c does not require radio or dedicated telephone links to Federal agencies. Therefore, this contention should not be admitted.

SC 84

Consolidation. This contention should be consolidated with SC contentions 2.A, 3.B.8, 72, 78, 83, 107-124, dealing with training.

SC 85

No objection.

SC 86

Consolidation. This contention should be consolidated with SC contentions 29.C.2.D, 36.E, 83, 87, 89, and 91.

SC 87

Consolidation. This contention should be consolidated with SC contentions 29.C.2.d, 36.E. 83, 89, and 91.

Basis. There is no basis for the County's contention that five frequencies are inadequate to handle communications between the EOC and field emergency response personnel. Therefore, this contention should not be admitted.

Specificity. The County should specify how many frequencies it would find adequate.

SC 88

Consolidation. This contention should be consolidated with SC contention 90.

SC 89

Phase I. Communications between the Shoreham facility and field monitoring teams could have been litigated in Phase I. See Phase I contention EP 14. Therefore, this contention should not be admitted.

SC 90

Consolidation. This contention should be consolidated with SC contention 88.

No legal requirement. This contention should not be admitted because there is no legal requirement that direct communications among the EOC and emergency response personnel be established.

SC 91

Consolidation. This contention should be consolidated with SC contentions 29.C.2.d, 36.E, 83, 87, and 89.



No legal requirement. Emergency planning regulations do not require that the offsite plan include provisions that field emergency personnel be equipped with portable or mobile radios. Therefore, this contention should not be required.

SC 92

Consolidation. This contention should be consolidated with SC contentions 78-82.

SC 93

Consolidation. The portions of this contention dealing with notification of the hearing impaired should be consolidated with SC contention 50.A-C and SOC 4. The portion of this contention dealing with special groups not understanding the message should be consolidated with SOC 8.

SC 94

Consolidation. The issue of the adequacy of WALK radio broadcasts should be consolidated with SC contentions 94, 102, and SOC 12.3.

SC 95

Consolidation. This contention should be consolidated with SC contentions 12, 29.C.2.a, 30.E, 79, 81, and SOC 14.A, dealing with commercial telephone lines.

Phase I. The issue of the use of commercial telephone lines during an emergency for communications among emergency personnel was an issue capable of being litigated during Phase

I emergency planning and therefore should not be admitted as a Phase II issue. See Phase I contentions 11A, 11B, and 11D.

SC 96

Consolidation. This contention should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 109, and 119.

Phase I. The issue of notification by the Coast Guard was capable of being litigated in Phase I, and should not be now admitted as a Phase II issue. See Phase I contentions EP 3 and 11C.

SOC 4

Consolidation. This contention should be consolidated with SC contentions 50.A-C, 93, and SOC 4.

SC Contentions 97-109 and  
SOC Contention 5: Public Notification/Information

SC 97

Consolidation. The portion of this contention dealing with LILCO as a credible source of information should be consolidated with SC contentions dealing with credibility as previously noted; the portion of this contention dealing with LILCO's interests as conflicting with emergency planning should be consolidated with SC contentions 2.C and 21.B; and the portion of this contention dealing with hostility can be consolidated with 30.A, 30.B, and 73.

SC 98

Consolidation. This contention should be consolidated with SC contentions 104-106.

SC 99

Consolidation. This contention should be consolidated with SC contention 106.

SC 100.A

No objection.

SC 100.B

Consolidation. This contention should be consolidated with SC contentions 3.D, 4, 29.D, 30.B, 73, 97, 101, and 104.

SC 101

Consolidation. This contention should be consolidated with SC contentions concerning credibility as listed in LILCO's objection to SC 100.B.17/

SC 102

Consolidation. This contention should be consolidated with SC contentions 94 and SOC 12.3.

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17/ The citations to NUREG-0654, Sections II.G.2.c and II.G.3.c appear to be inaccurate.

SOC Contention 5

Consolidation. This contention should be consolidated with SOC 8.

SC Contentions 103-106 and  
SOC Contention 8: Public Education

SC 103

Consolidation. The portion of this contention dealing with sheltering should be consolidated with SC 21.D and 23.A-C.

Specificity. The County should be required to come forward with its suggested language for the brochure.

County's own doing. The County, if it were participating in emergency planning, would have control over the content of the public education brochure (within the bounds of legal requirements and reason). The LERO brochure is not written as the County would wish because the County will not participate in emergency planning. Thus, the deficiency complained of is the result of the County's own actions. Therefore, it should not be allowed to raise any contentions on the content of the brochure.

SC 104

Consolidation. This contention should be consolidated with SC contentions 3.D, 4, 29.D, 30.B, 73, 97, 100.B, and 101.

SC 105

No objection.

SC 106

Consolidation. The portion of this contention dealing with location in a zone should be consolidated with SC contentions 28 and 29.

SOC 6

Consolidation. This contention should be consolidated with SC contention 103.

No legal requirement. There is no requirement that the emergency planning brochure and other materials be understood by children. Therefore, this contention should not be admitted.

SOC 7

No legal requirement. There is no legal requirement that Braille materials be distributed. Therefore, this contention should not be admitted.

SOC 8

Consolidation. This contention should be consolidated with SOC contention 5.18/

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18/ The citation to NUREG-0654, Section II.B.1 appears to be inaccurate.



SC Contentions 107-124: Training

SC 107

Consolidation . This contention should be consolidated with SC contentions 2.A, 3.B, 8, 72, 78, 83, 84, 108-124.

Basis. Because the LERO training materials have not yet been developed and the County has not reviewed them, this contention lacks basis. The County should be required to state its precise training contentions, if any, within one week of being provided with the training materials.

SC 108

Consolidation. This contention should be consolidated with SC contentions 2.A, 3.B, 8, 72, 78, 83, 84, 107-124.

Basis. Because the County has not yet reviewed the LERO training materials, this contention lacks basis.

No legal requirement. It is not necessary that lesson plans and specific training objectives be set forth in the offsite plan, nor is there a requirement that FEMA and American Red Cross training courses be used to train offsite response workers. Therefore, that portion of the contention that states the contrary should not be admitted.

SC 109

Consolidation. This contention should be consolidated with SC contentions regarding training as stated in LILCO's objection to SC 108.

SC 110

Consolidation. The contention should be consolidated as stated in LILCO's objection to SC contention 109.

Basis. Until the County has an opportunity to review this LERO training program, this contention lacks basis.

SC 111

Consolidation. This contention should be consolidated as stated in LILCO's objection to SC contention 109.

No legal requirement. Title 10 CFR § 50.47(b)(15), 10 CFR Part 50, Appendix E, Section IV.F, and NUREG-0654 Section II.O.1 do not require that LILCO make satisfactory completion of emergency response training a prerequisite to the hiring of personnel. Therefore, this contention should not be admitted.

SC 112

Consolidation. This contention should be consolidated as stated in LILCO's objection to SC contention 109.

SC 113

Consolidation. This contention should be consolidated with SC contentions dealing with training as stated in LILCO's Objection to SC contention 109, and SC contentions 2.D, 2.E, 29.C.4, 36.B, 42.B.3, 42.B.4, 46, 56, 103.B, and 113.

SC 114

Consolidation. This contention should be consolidated with SC contentions dealing with training, as stated in LILCO's objection to SC contention 109.

SC 115

Consolidation. This contention should be consolidated with SC contention 2.

No legal requirement. Title 10 C.F.R. §§ 50.47(a)(1), (b)(15), 10 CFR Part 50, Appendix E, Section IV.F, and NUREG-0654, Section II.O.1 do not require that emergency response personnel be residents of the County in which they are responding. Therefore, this contention should not be admitted.

SC 116

Consolidation. This contention should be consolidated with SC contention 2.A.

Specificity. This contention is not adequately specified for the reasons stated above in response to SC 2.A.

Basis. There is no basis for the statement that emergency response personnel who are not residents of the County will not respond properly. Therefore, this contention should not be admitted.

SC 117

Consolidation. This contention should be consolidated with SC contentions regarding training, as stated in LILCO's objection to SC 109.

Basis. There is no basis for the statement that "LILCO's commitment to review annually the training program content is inadequate and fails to take into account modifications which may be made to the plan, deficiencies in the plan

that may be identified in other factors". The reason for periodically reviewing the training program, as provided in OPIP 5.1.1 at 1, is to assure that training accurately reflects the provisions of the plan and procedures. Therefore, this contention lacks basis and should not be admitted.

SC 118

Consolidation. This contention should be consolidated with SC contentions on training, as stated in LILCO's objection to SC contention 109.

SC 119

Consolidation. This contention is really nothing more than a restatement that LILCO lacks agreements with support organizations and therefore should be consolidated with SC contentions 3.A, 9, 40, 44, 48.B, 51.C, 51.D.1, 52, 74, 96.A, 109, and 119. concerning agreements, as previously noted.

SC 120

Specificity. This contention is not adequately specified because the County does not state how the LILCO plan fails to demonstrate "that drills and exercises will adequately test the training of emergency response personnel." Therefore, the contention should not be admitted.

SC 121

Basis. Since scenarios for drills and exercises, as noted by the County, have not yet been developed by LILCO,

there is no basis for the allegation that the scenarios may not adequately test emergency preparedness. If the County has new contentions related to the scenarios after they have been developed and reviewed by the County, the County can attempt to raise new issues at that time. In addition, there is no reason to believe, given the commitment in the plan to drills, exercises and training, that training or performance deficiencies will go uncorrected. Therefore, this contention should not be admitted.

SC 122

No objection.

SC 123

No objection.

SC 124

No objection.

SC Contentions 125-132: Recovery and Reentry

No legal requirement. While Title 10 CFR §

50.47(b)(13) requires that the local offsite response plan establish that "general plans for recovery and reentry are developed," the detailed plans of the sort the County suggests in its contentions are not required. These contentions therefore should not be admitted.



SC 125

Consolidation. This contention should be consolidated with SC contentions 1, 29, 30, 53, 61, 65, 66, 70, 71, and 103.

SC 126.

No objection.

SC 127 through SC 132.

No objection.<sup>19/</sup>

SC 133: State Emergency Plan

No objection.

SOC Contention 9 and  
Town of Southampton Contention 4: Staffing

SOC 9.A

Consolidation. This contention should be consolidated with SC contentions 10, 30.A, 35.A, 51.C.1, 78, and 85, SH contention 2.C, and SOC contentions 9.A.1-3 and 9.C.

SOC 9.B

Consolidation. This contention should be consolidated with SC contentions 2.B and 7.

SOC 9.C

Consolidation. This contention should be consolidated with SH contention 4.B.

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<sup>19/</sup> The citation to NUREG-0654, Section II.M.2 appears to be inaccurate.

Southampton 4.A

Specificity. The Town of Southampton should specify the "local officials" (other than Suffolk County) who (a) are relied upon to respond in an emergency and (b) would refuse to implement a non-government plan.

Southampton 4.B

Consolidation. This issue should be consolidated with SOC contention 9.C.

Southampton 4.C

Consolidation. This issue should be consolidated with SC contentions 2.D, 2.E, 29.C.4, 36.B, 42.B.3, 42.B.4, 46, 56, 103.B, and 113.

SOC Contentions 10-13: Loss of Offsite Power

SOC 10

No legal requirement. Title 10 C.F.R. § 50.47(b)(8) and NUREG-0654 II.H. do not require that LILCO (1) supply back-up power to the EOC; (2) provide an alternate location for the EOC in the event of loss of offsite power; or (3) establish backup power supplies for staging areas, bus transfer points, receiving hospitals, or relocation centers. Therefore, this contention should not be admitted.

SOC 11.1

No legal requirement. There is no legal requirement

that backup power be provided for the LILCO Customer Service Office. Therefore, this contention should not be litigated.

SOC 11.2

No legal requirement. As previously stated, there is no legal requirement that the EOC have a backup power supply. Therefore this contention should not be admitted.

SOC Contention 12: Notification of the Public

SOC 12.1

Phase I. The adequacy of the sirens for providing immediate alert to the public is a contention that was capable of being litigated during Phase I emergency planning and therefore should not be admitted as a Phase II contention. See Phase I contention 1.B.

SOC 12.2

No objection.

SOC 12.3

No objection.

SOC 12.4

No objection.

SOC 12.5

No legal requirement. NUREG-0654 II.G.3 and 10 C.F.R. § 50.47(b)(7) do not require backup power or a backup news

facility for the emergency news center. Therefore this contention should not be admitted.

Phase I. This contention was capable of being litigated in Phase I. Therefore it should not be admitted.

SOC Contention 13:  
Implementation of Protective Actions

SOC 13.1

No legal requirement. As previously stated there is no legal requirement to provide backup power to the firms and facilities referenced in this contention. Therefore this contention should not be admitted.

SOC 13.2

No legal requirement. There is no legal requirement that the facilities referenced in the contentions have backup power supplies. Therefore this contention should not be admitted.

SOC 13.3

No legal requirement. There is no legal requirement that the facilities referenced in the contentions provide backup power supplies. Therefore this contention should not be admitted.

SOC Contention 14: Bad Weather

SOC 14.A

Consolidation. This contention should be consolidated with SC contention 32.E.

Phase I. The portion of this contention pertaining to commercial telephone lines and pagers was capable of being litigated during Phase I emergency planning and therefore should not be admitted to the Phase II proceeding. In addition, the issue of backup to the siren system should not be admitted for the same reasons.

SOC 14.b

Consolidation. This contention should be consolidated with SC contention 32.E.

No legal requirement. While it is true as stated by SOC that 10 C.F.R. § 50.47(b)(10) states that a local plan "must designate a range of protective actions appropriate to a variety of circumstances" there is no requirement that evacuation be recommended during a heavy snowfall. Therefore this contention should not be admitted.

Basis. There is no basis for the assumption made by SOC in this contention that evacuation would be ordered in a heavy snowfall. It is unlikely that such an evacuation would be ordered because of the feasibility of evacuating during that kind of weather. Accordingly this contention should not be admitted.

Phase I. This contention was capable of being litigated in Phase I, and therefore should not be admitted in Phase II.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY

BY

*Kathy E. B. McCleskey*  
W. Taylor Reveley, III  
James N. Christman  
Kathy E. B. McCleskey

Hunton & Williams  
707 East Main Street  
P.O. Box 1535  
Richmond, VA 23212

DATED: July 8, 1983



CERTIFICATE OF SERVICE

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

I hereby certify that copies of LILCO's "LILCO's Objections to Intervenor's Consolidated Emergency Planning Contentions" were served this date upon the following by first-class mail, postage prepaid, or (as indicated by one asterisk) by hand, or (as indicated by two asterisks) by Federal Express.

James A. Laurenson,\*  
Chairman  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
East-West Tower, Room 402A  
4350 East-West Highway  
Bethesda, MD 20814

Dr. Jerry R. Kline\*  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
East-West Tower, Room 427  
4350 East-West Highway  
Bethesda, MD 20814

Dr. M. Stanley Livingston\*\*  
1005 Calle Largo  
Sante Fe, New Mexico 87501

Secretary of the Commission  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

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

Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Bernard M. Bordenick, Esq.\*  
David A. Repka, Esq.  
Edwin J. Reis, Esq.  
U.S. Nuclear Regulatory  
Commission  
7735 Old Georgetown Road  
(to mailroom)  
Bethesda, MD 20814

Herbert H. Brown, Esq.\*  
Lawrence Coe Lanpher, Esq.  
Christopher McMurray, Esq.  
Kirkpatrick, Lockhart, Hill,  
Christopher & Phillips  
8th Floor, 1900 M Street, N.W.  
Washington, D.C. 20036

Eleanor L. Frucci, Esq.\*  
Attorney  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
Commission  
East-West Tower, North Tower  
4350 East-West Highway  
Bethesda, MD 20814

David J. Gilmartin, Esq.  
Attn: Patricia A. Dempsey, Esq.  
County Attorney  
Suffolk County Department of  
Law  
Veterans Memorial Highway  
Hauppauge, New York 11787

Mr. Marc W. Goldsmith  
Energy Research Group  
4001 Totten Pond Road  
Waltham, Massachusetts 02154

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

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

James B. Dougherty, Esq.\*  
3045 Porter Street  
Washington, D.C. 20008

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

Stewart M. Glass, Esq.  
Regional Counsel  
Federal Emergency Management  
Agency  
26 Federal Plaza, Room 1349  
New York, New York 10278

Ralph Shapiro, Esq.\*\*  
Oak Street  
Wading River, New York 11792

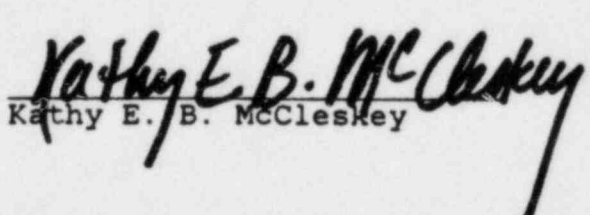
Howard L. Blau  
217 Newbridge Road  
Hicksville, New York 11801

Jonathan D. Feinberg, Esq.  
New York State  
Department of Public Service  
Three Empire State Plaza  
Albany, New York 12223

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

Hunton & Williams  
P.O. Box 1535  
707 East Main Street  
Richmond, Virginia 23212

DATED: June 30, 1983

  
Kathy E. B. McCleskey