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April 13, 1982

Lawrence Brenner, Esq.
Dr. James L. Carpenter
Dr. Peter A. Morris
Administrative Law Judges
Nuclear Regulatory Commission
Washington, D. C. 20555

Re: Long Island Lighting Company
Shoreham Nuclear Power Station, Unit 1
Docket No. 50-322-OL



Sirs:

By order dated April 5, 1982, the Board requested an outline "reasonably specifying" the emergency planning issues discerned by the parties to permit "an informed discussion at the pre-hearing conference to determine whether there are emergency planning issues which can and should be litigated in advance of the finalization of the incomplete draft Suffolk County emergency plan." (April 5, 1982 order, pp. 1, 2.)

The North Shore Committee Against Nuclear and Thermal Pollution (NSC) submits the following summary of the emergency planning issues which now confront the Board and which cannot be litigated without the final Suffolk County emergency plan. The summary is, however, necessarily incomplete because NSC has not received Suffolk County's preliminary draft (see NSC's counsel's April 8, 1982 letter) and NSC therefore reserves the right to submit additional emergency planning issues. NSC therefore reasserts the position urged in its March 29, 1982 Response to the Board's Request of March 15, 1982 that the applicable regulations as well as considerations of efficiency and expense require joint consideration of off-site and on-site emergency planning issues.

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This summary is based upon LILCO's draft of the Shoreham Annex to the New York State Plan (SA), dated March 24, 1982, and the New York State Radiological Emergency Preparedness Plan (REPP), dated July 1981. REPP is not site-specific because it requires coordination with the County plan (see March 26, 1982 letter from Matthew Kelly, Staff Counsel, NYS PSC).

NSC's starting point is that the sixteen substantive standards of 10 CFR 50.47(b) and the criteria of Appendix E to 10 CFR Part 50 are "essential for an adequate radiological plan" (NUREG-0654, Rev. 1, November 1980, p. 5), and, further, that "[f]ailure to meet the standards set forth in paragraph (b) of this subsection may result in the Commission's declining to issue an Operating License. . ." (10 CFR 50.47(c)(1)).

1. Table SNP-2 lists 36 recreation facilities within the ten-mile EPZ (SA 2.2.2), noting in that context that Suffolk County caters to a tourist-oriented market. Without the County plan, compliance with 10 CFR 50.47(b)(5) and (6) cannot be determined.

2. SA 2.3 describes nineteen Emergency Response Planning Areas (ERPAs) and contemplates "emergency instructions to the populace based on individual ERPAs". It is impossible to consider the efficacy of the ERPAs without knowing the Suffolk County plans for assuring adequate issuance, instruction, and transmission of the "emergency instructions" (10 CFR 50.47(b)(7)), the content of initial and follow-up messages to response organizations and the public (10 CFR 50.47(b)(5)), and if there will be the adequate emergency facilities and equipment required by 10 CFR 50.47(b)(8). The omission is especially striking upon examination of REPP (I-12, 13) dealing with the response to a radiological emergency of the private sector, local government, and state government. Compliance with the regulations cannot be determined if the local government plan is not available for review.

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3. The assumptions on which LILCO formulated its emergency response planning assumes local responsibility, i.e. Suffolk County government, ". . . to provide resources (equipment and personnel) in conjunction with the County Radiological Emergency Response Plan. . ." (SA, 3.2). SA shifts the responsibility for notification to the public of an emergency to the Suffolk County Warning Point (SCWP) and provides for an Emergency Operations Facility (EOF) to be staffed by County technical personnel in addition to LILCO and state personnel (SA 3.3). Again, to restate the obvious, compliance with 10 CFR 50.47(b)(5), (6), (7), and (8) cannot be determined without interfacing with the County plan.

4. The Concept of Operation in SA assumes a ". . . carefully orchestrated cooperation among County, State and NFO emergency response organizations." (SA 4.03.) Table SNP-3 assigns primary authority for evacuation to the Suffolk County police and the Town of Riverhead (Suffolk County) police. Fire and Rescue Service authority, not unthinkable if a serious off-site emergency should occur, is assigned to the Suffolk County Fire and Safety Department and the Wading River (Suffolk County) Fire Department. Transportation authority, a major problem during an evacuation, is assigned to the Department of Public Works of Suffolk County.

Table SNP-4 underscores the need for joint consideration with the Suffolk County plan because it assigns primary responsibility for Evacuation, Fire and Rescue Service, and Transportation to the Commissioner of Suffolk County Police, the Suffolk County Chief of Fire Safety, and the Suffolk County Commission of Public Works, respectively.

5. The Direction and Control of SA (5.0) requires the initial warning of an emergency situation to local officials by LILCO via RECS. LILCO's responsibility ceases at that point because the County Chief Executive and the County Emergency Director initiate and implement, respectively, the County's response to the emergency (SA 5.3). Inevitably, joint consideration of the final Suffolk County Plan is necessary.

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The placement of the Suffolk County Emergency Operations Center (SCEOC) within both the ingestion and plume-exposure EPZs needs no comment insofar as underscoring the need for consideration of the County's plan jointly with the applicant's.

6. The location of the SCEOC in the ingestion and plume-exposure EPZs is especially important because, as the notification procedures (SA 6.2) develop, SCWP will send LILCO's emergency notification message to the County's Emergency Director of Preparedness. If the notification is for an "alert", "site-area emergency", or "general emergency", SCEOC will be activated according to County Procedures for Response Activities. It defies common sense to suppose that without review of the County plan compliance with the cited regulations can be determined.

7. SA 7.0 outlines the Protective Action Response Options. They include selective and general sheltering and selective and general evacuation. Restricting itself, solely for the purposes of this summary, to the evacuation plans (SA 7.2.1, 7.2.2), NSC vigorously urges that it is impossible to determine the merits, for example, of the proposals for selective or general evacuation of ERPAs, either singly, in combination, or entirely, i.e. the entire EPZ, without careful scrutiny and joint consideration of the final County plan. (Appendix E, IV, 10 CFR Part 50.)

NSC especially notes that evacuation scenarios, population distribution, evacuation time estimates, evacuation transportation mode, evacuation routes, evacuation route maintenance, public transportation, traffic control, host area/reception and care, public security and access control, and special facilities (7.2.3 - 7.2.13) (all needed to comply with 10 CFR 50.47(b)) are, in each case, "under development".

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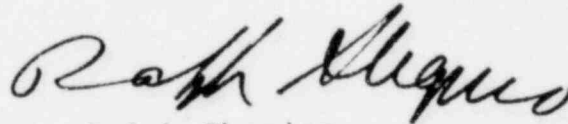
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The foregoing are only some of the issues which NSC has isolated from its examination of the LILCO emergency plan. As noted above, the regulations require a cohesive, coherent, coordinated plan for response to a radiological emergency. Piecemeal consideration of a plan involving a radiological emergency which extends, in any degree, beyond the boundaries of the Shoreham plant is obviously impossible without a thorough examination and analysis of Suffolk County's plan.

Yours truly,

A handwritten signature in dark ink, appearing to read "Ralph Shapiro", written in a cursive style.

Ralph Shapiro,
Attorney for NSC

RS:lm

cc: Service List