

LILCO, June 22, 1982

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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,)
Unit 1))

LILCO'S POSITION ON
SUFFOLK COUNTY'S, SOC'S AND NSC'S
EMERGENCY PLANNING CONTENTIONS

I.

In its Prehearing Conference Order dated April 20, 1982, the Board ruled as follows:

Emergency planning contentions based on LILCO's emergency plan must be received by June 22, 1982 Parties filing emergency planning contentions shall do so in a consolidated filing The contentions shall be discussed with the NRC Staff and LILCO prior to filing so that their positions on admissibility can also be received on June 22.

Order at 7-8.

On Thursday, June 17, 1982, LILCO received Suffolk County's emergency planning contentions 1 through 19, some twenty pages of material, and the North Shore Committee's (NSC) emergency planning contentions 1(a) through 1(d) plus thirty-two numbered sections of "bases" for these contentions, some twenty pages of material. On Saturday, June 19, 1982, LILCO received another draft of the intervenors' contentions, consisting of the original Suffolk County EP 1 through EP 19 (now labeled "SC, joined by NSC and SOC"), the original NSC 1(a) through 1(d) with twenty-seven of the thirty-two sections of "bases", slightly rewritten and eighteen pages long (now labeled "EP 20, NSC, joined by SOC. SC will participate as an interested County pursuant to 10 CFR § 2.715"), and six additional contentions, EP 21 through EP 26. The County, SOC, and NSC indicated they had attempted to consolidate this second set of draft contentions; it is LILCO's position that neither draft was adequately consolidated as required by the Board's April 20, 1982 Order.

II.

LILCO reviewed the contentions to the extent possible given the short time the contentions were available and the prolixity of the draft documents, and discussed its objections to the contentions on Monday afternoon, June 21, 1982 in a

conference call with Suffolk County, NSC, SOC, and NRC Staff. As stated during that call, LILCO's position on the admissibility of each contention is as follows:

- (1) Emergency planning contentions 4, 10, 11, 15, 16, 17, 18, 19, 21, 24 (Accident Assessment Equipment), 1/ and 26 are adequately particularized; EP 3 is adequately particularized so long as it is understood that it relates only to the LILCO plan; and EP 12 is adequately particularized assuming the footnote that appeared in the draft contention is dropped from the filed version.
- (2) Emergency planning contentions 1, 2, 5, 7, 8, 13, 20, 23, and 24 (Emergency Operating Procedures) 2/ are not adequately particularized.
- (3) Emergency planning contentions 1, 5, 6, 9, 14, 20, and 25 are redundant to other contentions and should be consolidated.

1/ There are two EP 24's in the draft contentions received by LILCO. One deals with Emergency Operating Procedures, the other with Accident Assessment Equipment.

2/ See Footnote 1, above.

- (4) Emergency planning contentions 1, 2, 20, and 22 are outside the scope of "contentions based on LILCO's emergency plan" as contemplated by the Board's April 20 Order.

In addition, wherever a contention makes reference to the LILCO plan, the County as a minimum should indicate which pages of the plan are being considered. And, while some of the contentions may be adequately particularized within the legal meaning of those words, in many cases the parties, Board, and proceeding would benefit from a careful rewording of the contentions.

In the conference call between the parties on Monday afternoon, Suffolk County, SOC, and NSC indicated they thought that many of LILCO's concerns regarding the wording and scope of the contentions could be resolved given further discussion among the parties. Because LILCO was provided with unconsolidated draft contentions only a short time prior to their being filed, additional discussion may indicate that further objections to certain contentions are appropriate. LILCO is hopeful, however, that discussion between the parties will eliminate objections, not add to them. LILCO proposes to report any remaining objections in a written filing on or

before July 6, the date set by the Board for the first status report on negotiations.

The NRC Staff has authorized us to state that the Staff (1) finds contentions 2 through 19, 21 through 23, 24 (Accident Assessment Equipment), and 26 adequately particularized, and (2) objects to contentions 1, 20, 24 (Emergency Operating Procedures), and 25 for the reasons stated above.

Respectfully submitted,
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DATED: June 22, 1982

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I hereby certify that copies of LILCO'S POSITION ON SUFFOLK COUNTY'S, SOC'S AND NSC'S EMERGENCY PLANNING CONTENTIONS were served upon the following by first-class mail, postage prepaid, or by Federal Express (as indicated by an asterisk), or by hand (as indicated by two asterisks), on June 22, 1982:

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