

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station, Unit 1))

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

DRAFT CONTENTIONS SUBMITTED BY THE
CITIZENS FOR AN ORDERLY ENERGY POLICY, INC.

Pursuant to 10 C.F.R. § 2.714(b) (1982) and the Licensing Board's Order dated April 20, 1983, the Citizens for an Orderly Energy Policy, Inc. (Citizens) hereby sets forth the contentions it seeks to have litigated in this proceeding. Citizens filed its petition to intervene on June 14, 1983, and although it has not yet been made a party, Citizens files these contentions now so as not to cause any delay in the proceeding.

Contrary to contentions set forth by Suffolk County and other intervenors opposing the Shoreham Nuclear Power Station, Citizens asserts that an emergency plan for the station can be developed to meet Nuclear Regulatory Commission (NRC) and Federal Emergency Management Agency (FEMA) standards, and to adequately protect the public health and safety in the event of an emergency at the facility. Citizens further asserts that the Long Island Lighting Company (LILCO) has, in fact, developed such a plan.

This emergency plan developed by the utility and at issue in this proceeding will be referred to as the LILCO transition emergency plan.

Specifically, Citizens contends:

Contention No. 1:

The assumptions used by LILCO in developing the LILCO transition emergency plan are valid:

- (a) there are no unique geographical, meteorological, or population density features on Long Island which preclude the development of an offsite radiological emergency response plan that will adequately meet the requirements of the FEMA/NRC emergency planning guidelines;
- (b) the unique characteristics of the ten-mile emergency planning zone (EPZ) simplify, rather than complicate, the emergency planning process. For example:
 - (i) the 180° sector to the north is the open water of Long Island Sound;
 - (ii) most of the area in the Southeast and Southwest quadrants within five to seven miles of the station is relatively open land consisting of undeveloped parklands,

farmland, the Brookhaven National Laboratory (BNL) site, the Grumman Airport, and undeveloped pine barrens set aside in perpetuity;

(iii) residential areas within five to seven miles of the station are characterized by low population densities--mostly single family homes on large plots interspersed with undeveloped plots or farms; and

(iv) the more densely populated area generally lie close to the outer boundaries of the ten-mile EPZ.

Basis for Contention No. 1:

Other intervenors, particularly Suffolk County, have alleged that an adequate emergency plan cannot be developed for the Shoreham Nuclear Power Station or its environs. However, the distribution of the population in the ten-mile EPZ is advantageous to emergency planning, and contradicts the assertion that emergency planning is impossible. Moreover, Suffolk County's assertions regarding the impossibility of developing an adequate emergency plan for the county is contradicted by its own consultants' report.

NRC regulations provide for approximately a ten-mile plume exposure pathway EPZ, depending upon such conditions as demography, topography, land characteristics, access routes, and jurisdictional boundaries. 10 C.F.R. § 50.47(c)(2). Citizens intends to show

that the plume exposure pathway EPZ used in the LILCO transition emergency plan is sufficient to protect the public health and safety. See Shoreham Nuclear Power Station Local Offsite Radiological Emergency Response Plan at page nos. 1.2-1 and 1.2-2 and Appendix A (Evaluation Plan) at Figure No. 3.

Contention No. 2:

The LILCO transition emergency plan is sufficient to protect the health and safety of Suffolk County residents. Over the past four years, the overwhelming body of scientific analysis has led to the conclusion that the source term used as the basis for emergency planning in the NRC guidelines is grossly overestimated. In turn, the consequences of class nine accidents have been overestimated and, in fact, the emergency planning requirements may not have to be as far-ranging as under present regulations. LILCO, however, has based its emergency planning assumptions, including the ten-mile plume exposure pathway EPZ, on the existing NRC guidelines. Consequently, the ten-mile EPZ used in the LILCO transition emergency plan is more than adequate to protect the public health and safety.

Basis for Contention No. 2:

Recent studies by the American Nuclear Society, the Electric Power Research Institute, the national laboratories, and the nuclear community indicate that the actual release of radioactive iodine gas and particulates from a degraded core accident would be considerably lower than the values that are currently assumed for emergency planning. NRC is also studying this

matter. Confirmation and application of these new data could significantly ease NRC requirements for emergency public alerting, logistic support, and protective actions. A ten-fold reduction in the assumed releases of radioiodines and radioactive particulates might be justified by current knowledge and additional reductions may be warranted by ongoing research. For the purposes of this proceeding, however, Citizens intends to show that the ten-mile EPZ used by LILCO (see Shoreham Nuclear Power Station Local Offsite Radiological Emergency Response Plan at page nos. 1.2-1 and 1.2-2 and Appendix A (Evacuation Plan) at Figure No. 3) is more than adequate to protect the public health and safety by demonstrating that the source term predictions have been overestimated.

Contention No. 3:

While Suffolk County claims that no emergency plan can be developed, the county has, in fact, developed a civil defense plan which is currently in place. One element of this plan involves preparing for a radiological emergency. Communication centers already exist which provide effective shelter, filtered ventilation, and emergency supplies to permit their uninterrupted functioning during radiological fallout incidents of far greater magnitude than could plausibly occur from a nuclear power plant accident. The Civil Defense force has trained police units, volunteer fire departments, and other volunteer groups in the use of radiation dosimeters and in decontamination procedures. Periodic drills have been held to test the Civil Defense Plan. Thus, Suffolk County has already demonstrated that adequate planning for a radiological emergency can be done.

Basis for Contention No. 3:

The existence of Suffolk County's civil defense plan demonstrates that planning for radiological emergencies is not only possible but actually is already in place, and needs only small modification to be made applicable to the Shoreham Nuclear Power Station.

Contention No. 4:

The volunteers used to implement the LILCO transition emergency plan are trained and available for mobilization in the event of an emergency at the Shoreham Nuclear Power Station. In addition, there are within Suffolk County many emergency volunteer forces which Citizens maintains could be trained, drilled, and mobilized in the event of a radiological emergency. Among these available volunteers are:

- (a) many qualified BNL staff members who are not regularly assigned to existing response teams but who are willing to provide volunteer services, on their own time, to train other volunteer forces, to participate in drills, and to respond in the event of emergencies; and
- (b) emergency units in Suffolk County such as fire departments, ambulance companies, Coast Guard Auxiliary units, National Guard units, and the American Red Cross. In the prior stages of emergency

planning for Shoreham, such units indicated their willingness to participate in emergency planning and drills for Shoreham. These units are frequently mobilized for non-radiological emergencies such as hurricanes and large forest fires, and have frequently demonstrated their ability to respond quickly, effectively, and reliably to public disasters.

Basis for Contention No. 4:

The LILCO transition emergency plan relies on volunteers in certain instances. See, e.g., Shoreham Nuclear Power Station Local Offsite Radiological Emergency Response Plan at Figure Nos. 2.2.1 and 2.1.2 and at page nos. 2.2-1 through 2.2-4.

The emergency response volunteer forces available on Long Island are numerous and effective. Such emergency personnel will be available to effectively implement the LILCO transition emergency plan for Shoreham. The inferences by Suffolk County officials that these volunteer units would fail to perform assigned emergency duties is without basis in fact.

Contention No. 5:

The Shoreham Nuclear Power Station enjoys a unique advantage in emergency planning because of the presence of BNL within the EPZ. BNL staffs the Department of Energy's Federal Radiological Monitoring and Assessment Plan (FRMAP) which provides

support for local radiological emergency response plans. The Department of Energy has specifically agreed to provide this support as part of Shoreham's Local Emergency Response Organization (LERO).

The nationally recognized FRMAP personnel located at BNL will perform radiological surveys and accident dose assessments, will serve as coordinators and team members for the environmental assessments and environmental surveys, and will fill the post of Radiation Health Coordinator under the terms of the LILCO transition emergency plan. This personnel would come to the LERO with specialized training and experience, including emergency duty at Three Mile Island and participation in emergency drills at other nuclear stations. LILCO can depend upon the BNL personnel to perform their assigned tasks as required in the event of an emergency at the facility.

Basis for Contention No. 5:

Other intervenors have alleged that LILCO will not be able to implement its plan in the event of an emergency. LILCO intends to rely in part on BNL personnel for support in an emergency. See Shoreham Nuclear Power Station Offsite Radiological Emergency Response Plan, Attachment No. 2.2.1 and Implementing Procedure No. 2.1.1. Citizens intends to demonstrate that LILCO can reasonably rely on BNL personnel.

Citizens is prepared to develop testimony and to fully litigate the contentions set forth above. These contentions are

within the scope of the proceeding and have been set forth with reasonable specificity as required by 10 C.F.R. § 2.714(b). Thus, Citizens respectfully asks this Licensing Board to admit these contentions.¹

DATED: June 22, 1983.

Respectfully submitted,

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¹ In accordance with the Licensing Board's orders, Citizens intends to discuss these contentions with LILCO and the NRC Staff. Final contentions will be filed in a timely manner.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "Draft Contentions Submitted by the Citizens For An Orderly Energy Policy, Inc. were served upon the following by first-class mail on June 22, 1983, or as indicated by an asterisk, by hand delivery on June 23, 1983, or as indicated by a double asterisk, by overnight delivery service on June 22, 1983:

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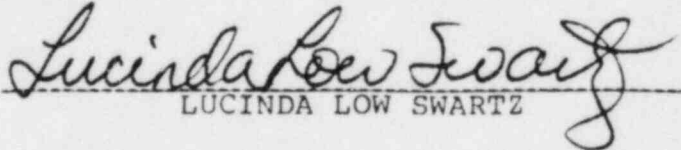
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