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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

71 JUL 16 AM 11:38

Before the Atomic Safety and Licensing Board

In the Matter of )

LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Plant, )  
Unit 1) )

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

Memorandum Accompanying Proposed Modified  
Emergency Planning Contentions

Pursuant to the terms of the Joint Motion for Adjustment of Schedule filed by LILCO and Suffolk County on January 3, 1984 and accepted by the Board during a conference of counsel held January 4, 1984, Intervenors filed today Proposed Emergency Planning Contentions Modified to Reflect Revision 3 of the LILCO Plan. The purpose of this Memorandum is to explain the format of the Proposed Modified Contentions, and to set forth the reasons for the modifications. For the convenience of the Board and parties, attached to this Memorandum is a table which lists each contention, indicates whether it has been modified, and the reason for the modification or lack of modification.

In order to show the modifications in the context of the original contentions, the Proposed Modified Contentions are contained in a bound volume which includes all the Revised

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Emergency Planning Contentions submitted by Intervenor on July 26, 1983. All modifications to the text of contentions are indicated using the conventions described below, and other relevant matters such as Board rulings on admissibility and withdrawal of contentions by Intervenor are also indicated as described below.

A. Contentions Not Modified

The text of certain contentions or subparts of contentions was not modified at all, for one of five reasons: (1) the contention or subpart was not admitted by the ASLB; (2) the contention or subpart has been withdrawn by Intervenor; 3) the contention or subpart is part of the Group I contentions as to which testimony has been filed and trial is in progress; (4) the contention or subpart involves the LILCO Public Information Brochure, the revision of which is scheduled for distribution in a matter of days; or (5) the revisions to the LILCO Plan required no modification to the contention or subpart. Each of these categories is discussed separately below.

1. Board Rulings

Board rulings on admissibility made in the Special Prehearing Conference Order (Ruling on Contentions and Establishing Schedule for Discovery, Motions, Briefs, Conference of Counsel, and Hearing), dated August 19, 1983, are

indicated in bracketed underlined language, generally at the beginning of the relevant contention or subpart. The following contentions or subparts were not modified because they were not admitted by the Board:

12, 13, 16.B, 16.C, 16.F, 16.G, 16.I. 17,  
19, 21.A, 21.B, 22, 22.A, 22.B, 22.C, 23.E,  
23.F, 23.G, 24.A, 24.C, 24.Q, 26.B, 35, 36,  
37, 38, 42, 43, 44.A, 44.B, 44.C, 47, 52,  
53, 54, 61.F, 62, 69.A, 73.B.2, 76, 83, 84,  
86, 87, 89, 90, 91, 97.A.

In addition, the following contentions or subparts contain portions that were not admitted or were rewritten by the Board (also indicated in the Proposed Modified Contentions by bracketed underlined language), and the portions of the contentions to which such rulings apply were not modified:

4, 11, 15.D, 16.E, 24 (introductory portion preceding subparts), 24.G, 71.A.2, 74.

2. Withdrawn Contentions

The following contentions or subparts have been withdrawn by Intervenor because revisions to the LILCO Plan made subsequent to the filing of contentions in July 1983 made the contention no longer applicable to the Plan now being submitted by LILCO:

14, 24.D, 24.H., 24.U, 48, 50, 66.E, 67.B,  
72.B, 78, 79, 80, 82, 95.B, 95.C.

The withdrawal of these contentions is indicated by the insertion of the underlined word "Withdrawn" between the contention number and the beginning of the text. The text of withdrawn contentions has not been modified.

3. Group I Contentions

The text of Contentions 23.A, 23.B, 23.C, 23.D, 23.H, 25 and 25 was not modified because they are "Group I" contentions as to which testimony has already been filed and the hearing is in progress. Those contentions are stated in their original form in the Proposed Modified Contentions.

4. Contentions Involving Information Brochure

Contentions 16.A, 16.D, 16.E, 16.H, 16.J, 18 and 21.C all involve the LILCO Public Information Brochure. On Monday, January 9 1984, Suffolk County learned from LILCO counsel that Revision 3 of the Brochure was in the process of being completed and that it would be distributed to the parties "in a matter of days." As of Wednesday, January 11, 1984, Suffolk County had not as yet received Revision 3 of the Brochure. Rather than make tentative modifications which would likely have to be changed again upon receipt and review of Revision 3 of the Brochure, the listed subparts of Contentions 16, 18 and 21 were not modified in the enclosed filing. However, Intervenor's intend to modify them as appropriate to reflect Revision 3 of

the Brochure, and will submit such modifications promptly after Revision 3 is received and reviewed.

5. Contentions Not Affected by Plan Revisions

The following contentions were not modified because revisions to the LILCO Plan through Revision 3 did not affect them:

11, 15.B, 15.D, 15.F, 20, 22.D, 24.R, 24.S,  
27.A, 27.B, 27.E, 44.E, 49, 51, 59, 61.A,  
61.B, 61.D, 61.E, 61.G, 61.H, 61.I, 66.C,  
67.A.2, 69.D, 73.A, 73.B.4, 75, 81.B, 81.D,  
81.F, 93, 94, 95.A, 95.D, 95.E, 96.B, 96.C,  
97.B.1, 97.B.3, 97.B.5, 97.B.6.

B. Modified Contentions

The following conventions were used to indicate modifications to the original text of contentions or subparts of contentions:

- Language added to the text is underlined.
- A dashed line has been drawn through deleted language.

Modifications were made to contentions or subparts for three reasons:

- 1) To reflect a change in page or section numbers in the Plan;
- 2) To reflect a change in either the text or the substantive proposals contained in the Plan;



- 3) To correct a non-substantive typographical error in the original text of the contention.

In many cases, if the modification was made for the second reason (to reflect a change in text or substantive proposal in the Plan), modifications were also necessary to reflect page or section numbers.

1. Changes in Plan Page or Section Numbers

The only modifications made to the following contentions were to reflect a change in page numbers or section numbers of the Plan which were specifically referenced in the contention:

2, 3, 4, 1/ 5, 10, 15.G, 55, 56, 63, 67 (introductory portion preceding subparts), 69.C, 97.B.2, 97.B.4.

No other modifications were made to the text of these contentions. The reason these changes were made is obvious: the original contention referenced a now-outmoded version of the Plan and the change merely corrects the citation so that the contention addresses the version of the plan which the Board will in fact be considering.

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1/ In addition, Footnote 2 was deleted.

## 2. Changes in Plan Text or Proposals

Modifications were made to the following contentions in order to reflect either changes in Plan text that had been quoted or referenced in the contention or substantive changes in the proposals contained in the Plan, or both:

Legal Authority: 1, 6, 7, 8, 9

Command and Control: Preamble to 11-14

Credibility: 15.A, 15.C, 15.E

Lack of Agreements: 24.B, 24.E, 24.F, 24.G, 24.I,  
24.J, 24.K, 24.L, 24.M, 24.N,  
24.O, 24.P, 24.T

Notification of Workers: 26.A, 26.C, 26.D, 26.E

Mobilization of Workers: 27.C, 27.D, 27.F

Communications Among Workers: 28, 29, 30, 31, 32, 33, 34

Training: 39, 40, 41, 44.D, 44.F

Accident/Dose Assessment: 45, 46

Notification to Public: 57, 58

### Protective Actions

Sheltering: 60, 61.C

Evacuation: 64

Obstructions and Fuel: 66 (introductory portion),  
66.A, 66.B, 66.D, 66.F

Persons without Cars: 67.A, 67.C, 67.D

School Children: Preamble to 68-71, 68, 69 (introductory  
portion), 69.B, 69.E, 70, 71.A, 71.B

Special Facilities: 72 (introductory portion), 72.A

Handicapped at Home: 73.B.1, 73.B.3

Relocation Centers: 77

Ingestion Pathway: 81 (introductory portion), 81.A,  
81.C, 81.E

Recovery and Reentry: 85, 88

State Plan: 92

Loss of Offsite Power: 96.A

In many instances, the modifications are minor. Several consist primarily of deletions of portions of the contentions, and others involve the addition of words to make the contention conform to the terms now used in the Plan. This is true with respect to the following contentions:

1, 6, 7, 8, Preamble to 11-15, 15.A, 24.J, 24.K, 24.L, 24.M, 24.O, 26.D, 27.D, 27.F, 28, 29, 32, 40, 44.D, 45, 57, 60, 64, 66 (introductory portion), 66.A, 67.A (introductory portion), 69.B, 72 (introductory portion), 72.A, 73.B.1, 81.E, 77, 92, and 96.A.

With respect to these contentions, the reasons for the changes which have been made are, in the County's view, largely self-explanatory on the face of the contention, particularly since the revised contention format includes the language which has been deleted, and the minor nature of the changes that involve additions is self-evident. (For example, Contentions 15.A and 24.P were changed to delete reference to the Salvation



Army and church and industry groups, since the LILCO Plan no longer relies on them. Similarly, Contention 24.K was changed to delete reference to "rescue vehicles" and insert the term "ambulette," since the Plan now does not rely on rescue vehicles but does propose to use ambulettes.) The changes which have been made to these contentions do not in any instance change the meaning or thrust of the pre-existing contentions.

In other instances, the modifications appear more extensive. Each of these, as well as many of the minor modifications referenced above are discussed by subject matter groups below. Before discussing the individual changes, however, the County stresses at the outset (and thus will avoid repeating with respect to each individual contention change) that none of these changes, even the more extensive ones, alters the basic thrust of the pre-existing contentions. Rather, the thrust of each contention remains the same, with the underlying facts changed to reflect the changes in LILCO's plan.

The Sample EBS Messages contained in Revision 3 of the LILCO Plan are substantially different both in scope and content from those contained in Revision 0. LILCO's changes to the proposed EBS messages required the County primarily to modify Contention 15.E and to add subparts 1-5 to that contention; the changed EBS Messages and the procedure relating to them

(OPIP 3.8.2) are also referenced in modifications to Contentions 61.C, 68 and 69.E.

Revision 3 of the Plan contains information regarding agreements or proposed agreements with bus companies, ambulance companies, the American Red Cross, and the U.S. Coast Guard, which was not contained in Revision 0. LILCO's inclusion of this new information in the Plan necessitated many of the modifications to Contentions 24.F, 24.G, 24.P, and 24.T.<sup>2/</sup>

The LILCO proposals concerning means of communications (e.g., numbers and types of radios and radio frequencies, numbers, locations, and types of telephones, numbers and types of pagers and who is to receive them, etc.) and procedures for the use of communications (e.g., who has access to particular equipment, how equipment relates to or purports to back up other equipment, a system for verification of notification, etc.) have also changed significantly since Revision 0 of the Plan. The additional equipment now being proposed for use, as well as the additional or changed lines of communications and procedures for their use, necessitated the modifications to contentions 26.A, 26.C, 26.E, 27.C, 30, 31, 33 and 34, and gave rise to a new subpart of contention 26 (contention 26.F).

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<sup>2/</sup> Other modifications to those contentions were either minor or were necessitated by other substantive LILCO Plan changes discussed below.

Revision 0 of the LILCO Plan relied upon Brookhaven National Laboratory (BNL) personnel to fill the LERO position of Radiation Health Coordinator, and to perform all functions related to accident and dose assessment and projection. In Revision 3 of the Plan, the Radiation Health Coordinator is identified as a representative of an "outside consultant" not identified in the Plan, and BNL has been replaced by the Department of Energy-Radiological Assistance Program (DOE-RAP). This change in LILCO's Plan necessitated the modifications to Contentions 6, 7, 8, Preamble to 11-14, 24.B, 45, and 46.

As was noted in the original Revised Contentions filed in July, 1983, Revision 0 of the LILCO Plan did not contain much information at all about training because at that time LILCO's proposed training materials were still in the process of being developed. Revision 3 of the Plan includes slightly more information on LILCO's proposed training than did Revision 0. This additional information necessitated the modifications to Contentions 39, 40, 41, 44.D and 44.F.<sup>3/</sup>

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<sup>3/</sup> LILCO has not yet advised the Board that its proposed training materials are complete, as required by the Board's Order of September 30, 1983. Accordingly, Suffolk County has not yet submitted additional training contentions as contemplated in that Order.

Whereas Revision 0 to the LILCO Plan stated that a plan for distributing and allocating fuel to evacuees was being developed, Revision 3 sets forth the actual LILCO proposal on that subject. Plan revisions also include a provision relating to snow removal (none was included in Revision 0), and specific details concerning the generalized Revision 0 proposal that LILCO vehicles would remove roadway obstructions during an evacuation. These additions to the LILCO Plan necessitated the modifications to Contentions 9 and 66.

In the revisions to the LILCO Plan, the proposed method of evacuating persons without cars has been changed significantly. All the bus transfer points have been changed, the method of determining how many buses are estimated to be necessary has been clarified, the estimates themselves have changed, and LILCO now proposes to have an additional and separate group of buses to drive from transfer points to relocation centers. (In Revision 0, the buses which drove the routes, picked up passengers and took them to transfer points were also intended to drive from the transfer points to relocation centers.) These LILCO changes necessitated the modifications to contentions 24.F, 24.I, 67.A.1, 67.C and 67.D, and the addition of new subpart 67.A.3.

Revision 3 contains completely new provisions relating to protective actions for school children, persons in special facilities and the handicapped. Thus, the Plan now includes for the first time, provisions for the following: sheltering school children in schools , evacuating and relocating school children from schools in the EPZ other than those in the Shoreham-Wading River School District, retaining children outside the EPZ in their schools, and LILCO personnel driving buses for evacuation of nursery schools. Revision 3 also deleted the identification contained in Revision 0 of a relocation center for school children from the Shoreham-Wading River District. These changes by LILCO necessitated the modifications to Contentions 15.C, 24.E, 24.F, 24.M, 24.N, 24.O, 58, 61.C, Preamble to 68-71, 68, 69 (introductory portion), 69.E, 70, 71.A, 71.B, and the addition of new subpart 71.C.

Revision 3 also includes provisions for: "ad hoc" transportation planning for evacuation of hospitals to follow the evacuation of the rest of the population; elimination of Long Island Railroad assistance; deletion of relocation and reception centers identified in Revision 0 for hospitals and special facilities; emphasis on sheltering as the protective action for special facilities; notification of the deaf; and changes in the procedure for notification of special facilities. These



new provisions in the LILCO Plan necessitated the modifications to contentions 24.G, 24.K, 24.N, 58 and 73.B.3, and the addition of new subparts 61.C.2, 72.C, 72.D, 72.E, and 73.B.5.

Subsequent to Revision 0, LILCO changed the procedure for measuring and acting upon thyroid contamination in persons at relocation centers. This change necessitated the modifications made to Contention 77.

Revision 3 includes a substantial rewriting of the proposed procedures for ingestion pathway protective actions. These LILCO changes necessitated modifications to Contentions 7, 24.B, 45, 81 (introductory portion), 81.A, 81.C, and 81.E, and 92.

Finally, Revision 0 of the LILCO Plan acknowledged that recovery and reentry was a "non-utility decision-making process." In Revision 3, LILCO has included a proposed procedure for Recovery and Reentry, and apparently, LILCO asserts that this procedure could be implemented by LILCO. The new LILCO proposals for recovery and reentry necessitated the modifications to Contentions 85 and 88, and are also reflected in the modifications to Contentions 8 and 24.B.

### 3. Typographical Corrections

One modification in contention 56 was made to correct a non-substantive typographical error contained in the original text of that contention (i.e., 45 minutes was corrected to read 15 minutes). Such typographical corrections are also contained in contentions 6 (deletion of redundancy in second sentence), 26.E (addition to the word "Plan" in next to the last sentence), the title of Contentions 35-44 (deletion of "SC" from beginning), and 66 (introductory portion) (deletion of "SC" before reference to Contention 65).

### C. Conclusion

Suffolk County proposes that the Proposed Modified Contentions which are transmitted with this Memorandum be admitted by the Board in substitution for the Contentions which the Board previously admitted. In the event that any party objects to any proposed modification and this Board decides that it will sustain such objection, then the County will withdraw the proposed objected-to modification and will rely upon the existing contention or contentions to which the objection pertains.

If any party has any questions regarding these proposed modifications, Suffolk County urges that party to contact County counsel promptly. Further, while the County does not believe there is any basis for an objection to any of the

proposed modifications, the County similarly urges any party considering an objection to discuss the matter with the County's counsel prior to filing such objections so that potential disputes and further filings can be avoided.

Respectfully submitted,

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Dated: January 12, 1984

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ATTACHMENT

Contention	Reasons for Modifications to Contentions			Reasons for Not Modifying Contentions				Not Affected by Revisions
	Change in Plan Page or Section	Change in Text or Proposal	Correct Typographical Error	Board Ruling	Withdrawn by Intervenor	Group I Issue	Concerns Information Brochure	
14					X			
15.A		X						
15.B								X
15.C								
15.D								
15.E								
(new subparts 1-5)								
15.F								X
15.G								
16.A								
16.B								
16.C								
16.D								
16.E								
16.F								
16.G								



### Reasons for Not Modifying Contentions

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ATTACHMENT

Reasons for Modifications to Contentions				Reasons for Not Modifying Contentions			
<u>Contention</u>	<u>Change in Plan Page or Section</u>	<u>Change in Plan Text or Proposal</u>		<u>Correct Typographical Error</u>	<u>Board Ruling</u>	<u>Withdrawn by Intervenor</u>	<u>Group I Issue</u>
		<u>Minor Modification</u>	<u>More Extensive Modification</u>				
23.A							X
23.B							X
23.C							X
23.D							X
23.E					X		
23.F					X		
23.G					X		
23.H							
24 intro.					X (rewritten)		X
24.A					X		
24.B			X				
24.C					X		
24.D						X	
24.E			X				
24.F			X				
24.G			X				
24.H					X (portion only)	X	
24.I			X				

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Contention	Reasons for Modifications to Contentions			Reasons for Not Modifying Contentions					
	Change in Plan Page or Section	Change in Plan Text or Proposal		Correct Typographical Error	Board Ruling	Withdrawn by Intervenor's	Group I Issue	Concerns Information Brochure	Not Affected by Revisions
		Minor Modification	More Extensive Modification						
24.J		X							
24.K		X							
24.L		X							
24.M		X							
24.N			X						
24.O		X							
24.P			X		X				
24.Q									
24.R									X
24.S									X
24.T				X					
24.U						X			
25A-F							X		
26.A				X					
26.B									
26.C			X					X	
26.D			X						

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ATTACHMENT

Contention	Reasons for Modifications to Contentions				Reasons for Not Modifying Contentions				
	Change in Plan Page or Section	Change in Plan Text or Proposal		Correct Typographical Error	Board Ruling	Withdrawn by Intervenor	Group I Issue	Concerns Information Brochure	Not Affected by Revisions
		Minor Modification	More Extensive Modification						
26.E			X	X					X
26.F (new)			X						X
27.A									
27.B									
27.C				X					
27.D			X						
27.E									X
27.F			X						
28			X						
29			X						
30									
31									
32			X						
33									
34									
35							X		
36							X		

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ATTACHMENT

Contention	Reasons for Modifications to Contentions			Reasons for Not Modifying Contentions			
	Change in Plan Page or Section	Change in Text or Proposal Minor Modification	Change in Plan More Extensive Modification	Correct Typographical Error	Board Ruling	Withdrawn by Intervenor	Group I Issue
37					X		
38					X		
39			X				
40		X					
41			X				
42					X		
43					X		
44A-C					X		
44.D		X					
44.E							
44.F			X				
45		X					
46			X				
47					X		
48						X	
49							
50						X	

X

X



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Contention	Reasons for Modifications to Contentions			Reasons for Not Modifying Contentions				
	Change in Plan Page or Section	Change in Plan Text or Proposal	Correct Typographical Error	Board Ruling	Withdrawn by Intervenor	Group I Issue	Concerns Information Brochure	Not Affected by Revisions
51				X				X
52				X				
53				X				
54				X				
55	X							
56	X		X					
57		X						
58								
59								X
60		X						
61.A								X
61.B								X
61.C.1								X
61.C.2 (new)								
61.D								X
61.E								X
61.F				X				
61.G								X

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ATTACHMENT

Reasons for Modifications to Contentions					Reasons for Not Modifying Contentions				
Contention	Change in Plan Page or Section	Change in Plan Text or Proposal		Correct Typographical Error	Board Ruling	Withdrawn by Intervenor	Group I Issue	Concerns Information Brochure	Not Affected by Revisions
		Minor Modification	More Extensive Modification						
61.H									X
61.I									X
62					X				
63	X								
64		X							
65							X		
66 intro.		X		X					
66.A		X							
66.B			X						
66.C									X
66.D			X						
66.E						X			
66.F			X						
67 intro.	X								
67.A intro.		X							
67.A.1			X						
67.A.2									X

**ATTACHMENT**

Reasons for Modifications to Contentions				Reasons for Not Modifying Contentions					
Contention	Change in Plan Page or Section	Change in Plan Text or Proposal		Correct Typographical Error	Board Ruling	Withdrawn by Intervenor	Group I Issue	Concerns Information Brochure	Not Affected by Revisions
		Minor Modification	More Extensive Modification						
67.A.3 (new)			X						
67.B						X			
67.C			X						
67.D			X						
Preamble to 68-71			X						
68			X						
69 intro.			X						
69.A					X				
69.B			X						
69.C	X								X
69.D									
69.E			X						
70			X						
71.A			X		X (portion of 71.A.2)				
71.B			X						
71.C (new)			X						
72 intro.			X						

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Contention	Reasons for Modifications to Contentions			Reasons for Not Modifying Contentions					
	Change in Plan Page or Section	Change in Plan Text or Proposal		Correct Typographical Error	Board Ruling	Withdrawn by Intervenor	Group I Issue	Concerns Information Brochure	Not Affected by Revisions
		Minor Modification	More Extensive Modification						
72.A		X							
72.B						X			
72.C (new)			X						
72.D (new)			X						
72.E (new)			X						
73.A									X
73.B.1			X						
73.B.2							X		
73.B.3									
73.B.4									X
73.B.5 (new)									
74							X (rewritten)		
75									
76									X
77							X		
78								X	
79								X	

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Contention	Reasons for Modifications to Contentions			Reasons for Not Modifying Contentions				
	Change in Plan Page or Section	Change in Text or Proposal	Correct Typographical Error	Board Ruling	Withdrawn by Intervenor	Group I Issue	Concerns Information Brochure	Not Affected by Revisions
80								
81 intro.								
81.A								X
81.B								X
81.C								
81.D								
81.E								
81.F								
82								
83								
84								
85								
86								
87								
88								
89								
90								



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Reasons for Modifications to Contentions			Reasons for Not Modifying Contentions						
Contention	Change in Plan Page or Section	Change in Plan Text or Proposal		Correct Typographical Error	Board Ruling	Withdrawn by Interviewers	Group I Issue	Concerns Information Brochure	Not Affected by Revisions
		Minor Modification	More Extensive Modification						
91					X				X
92		X							X
93									X
94									X
95.A						X			
95.B						X			
95.C									
95.D									X
95.E									X
96.A			X						
96.B									X
96.C									X
97.A									X
97.B.1					X				
97.B.2	X								X
97.B.3									
97.B.4	X								X

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### Reasons for Not Modifying Contentions

Contention	Change in Plan Page or Section	Change in Plan Text or Proposal	Correct Typographical Error	Board Ruling	Withdrawn by Intervenor	Group I Issue	Concerns Information Brochure	Not Affected by Revisions
97.B.5		Minor Modification						X
97.B.6		More Extensive Modification						X

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

84 JAN 16 A11:38

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of )  
)  
)

LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station,  
Unit 1) )  
)  
)

Docket No. 50-322  
(Emergency Planning)

CERTIFICATE OF SERVICE

I hereby certify that copies of the Memorandum Accompanying Proposed Modified Emergency Planning Contentions and the Proposed Emergency Planning Contentions Modified to Reflect Revision 3 of the LILCO Plan have been sent to the following this 12th day of January 1984 by U.S. mail, first class, except as otherwise noted:

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