

LILCO, January 19, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

Before the Atomic Safety and Licensing Board 04 JAN 23 AM 11:54

In the Matter of )  
 )  
LONG ISLAND LIGHTING COMPANY ) Docket No. 50-322-OL-3  
 ) (Emergency Planning Proceeding)  
(Shoreham Nuclear Power Station, )  
Unit 1) )

LILCO'S OBJECTIONS TO INTERVENORS'  
"PROPOSED EMERGENCY PLANNING CONTENTIONS  
MODIFIED TO REFLECT REVISION 3 OF THE LILCO PLAN"

On January 12, 1984, Suffolk County served on LILCO the intervenors' "Proposed Emergency Planning Contentions Modified to Reflect Revision 3 of the LILCO Plan." LILCO objects to certain of intervenors' revised contentions as stated below.

I.

LILCO objects to each contention (or part of a contention) listed below on one or more of the following grounds:

1. intervenors have not demonstrated that there is a basis for believing that the revised contention may be true;
2. the revised contention is lacking specificity;
3. there is no legal requirement for the actions that intervenors allege must be taken by LILCO; and
4. the revised contention is untimely.

LILCO discussed lack of basis, lack of specificity, and no legal

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requirement as grounds for objections to contentions in "LILCO's Objections to Intervenor's Consolidated Emergency Planning Contentions," filed with this Board on July 8, 1983. Untimeliness, as a ground for objection, has not been discussed in LILCO's prior pleadings and is discussed below.

LILCO has objected to the intervenors' contentions as untimely because they raise issues that are not justified by modifications to Revision 3 of the LILCO Transition Plan, that could have been raised earlier in the proceeding, and that do not meet the requirements for the filing of late-filed contentions as listed in 10 C.F.R. § 2.714. Recent Commission decisions have confirmed that the late-filed contention standards of 10 C.F.R. § 2.714 apply to contentions based on licensing-related documents. In both Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), CLI-83-23, 17 NRC \_\_\_\_, slip op. (Sept. 20, 1983), and Duke Power Company (Catawba Nuclear Station, Units 1 and 2), CLI-83-19, 17 NRC 1041 (1983), the Commission affirmed that the admissibility of a late-filed contention must be determined by balancing the five factors listed in 10 C.F.R. § 2.714, even when the contention relies solely on information contained in licensing-related documents that were not available early enough to provide a basis for the timely formulation of the contention.

In Catawba, the Commission stated unequivocally that

[T]he institutional unavailability of a licensing-related document does not establish good cause for filing a contention late if information was publicly available early enough to provide the basis for the timely filing of that contention.

17 NRC at 1045. Rejecting the notion that the institutional unavailability of a licensing-related document constitutes "good cause" in and of itself, the Commission specifically endorsed the Appeal Board three-part test for determining whether there is good cause for a late-filed contention. The three-part test requires that the contention:

1. is wholly dependent upon the content of a particular document;
2. could not therefore be advanced with any degree of specificity (if at all) in advance of the public availability of that document; and
3. is tendered with the requisite degree of promptness once the document comes into existence and is accessible for public examination.

17 NRC at 1043-44; see also 18 NRC at 117.

The Catawba test was recently applied in circumstances similar to those faced by this Licensing Board. In Kansas Gas & Electric Co. (Wolf Creek Generating Station, Unit No. 1), LBP 81-453-03 OL, 18 NRC \_\_\_\_\_, slip op. (Jan. 5, 1984), the Licensing Board applied the five-part test endorsed in Catawba to a late-filed, additional emergency planning contention filed by

intervenors who had been admitted as parties. See also Long Island Lighting Company (Shoreham Nuclear Power Station, Unit 1), LBP-83-42, 18 NRC 112 (1983) (Catawba applied to late-filed petition to intervene based on LILCO Transition Plan). This Board should, likewise, apply the Catawba test to intervenors' revised contentions.

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

## II.

### Contention 15 LILCO's Lack of Credibility

#### Contention 15.E:

Objection. LILCO objects to the proposed revisions to subpart 15.E of Contention 15 because they broaden the contention beyond the scope of its original concern with LILCO's credibility. In its Order of August 19, 1983, this Board subsumed the subparts of Contention 15 within the main contention and ordered the parties to treat the subparts only as reasons in support of the issue of credibility raised by Contention 15. The issues raised by the modifications to subpart 15.E do not bear on the issue of LILCO's credibility, but rather, on the content of the EBS messages themselves.

LILCO also objects to specific proposed revisions to subpart 15.E of Contention 15 as follows:

LILCO objects to intervenors' new allegation in subpart 15.E that the identification of officials, engineers, and scientists who are LILCO employees or contractors will not increase the credibility of the EBS messages. This statement is without basis and should not be admitted.

Subpart 15.E.1 alleges that the EBS radio messages "lack credibility" because they do not explain "what it [LERO] is and who comprises it." The same idea was put forward in Contention 16.F as follows:

The LILCO brochure does not inform the public that LILCO itself, in the form of LERO, will be issuing all information and protective action recommendations, as well as performing almost all emergency response tasks. It is important that the public be aware of the source of all emergency information so that it may assess and evaluate the information it is receiving.

In its Order of August 19, 1983, the Board denied Contention 16.F, saying that there "is no basis for the Intervenor's suggestion that these types of specific information and instructions should be included in a brochure." If this information need not be in the brochure, it certainly need not be in the EBS messages, where unnecessary information would complicate the messages and lengthen the time necessary to read them on the air. Furthermore, a review of the sample EBS messages in Revision 0 of the LILCO Transition

Plan reveals that, since Revision 0, the sample EBS messages have made reference to activation of the Local Emergency Response Organization. Plainly, intervenors could have raised this issue in their initial contentions; not having done so, intervenors must meet the late-filed contention standards of 10 C.F.R. § 2.714. Given the fact that the reference to activation of the Local Emergency Response Organization was contained in Revision 0 of the Plan, there is no good cause for intervenors having waited until this late date to raise this issue.

Subpart 15.E.2 of Contention 15 alleges that the absence of an explanation of the seriousness of each of the four emergency classifications detracts from the credibility of the EBS messages. LILCO objects to subpart 15.E.2 for two reasons. First, there is no basis for believing that inclusion of such an explanation would enhance the credibility of the EBS messages. Second, there is no legal requirement for inclusion of an explanation of the event classifications in EBS messages.

Admission of Contention 15.E.3 should be denied for several reasons.<sup>1/</sup> First, the issue of whether the health consequences of exposure to projected radiation doses need be explained was raised

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<sup>1/</sup> As a preliminary matter, LILCO notes that intervenors' subpart 15.E.3 incorrectly states that sample EBS messages D through G set forth the EPA's protective action guides; in fact, only sample EBS messages E through G contain references to the EPA's protective action guidelines.



by intervenors in Contention 19, and denied by the Board in its Order of August 19, 1983, as lacking basis. Intervenor should not be permitted to use Contention 15.E.3 as a vehicle to resurrect Contention 19. Second, the issue of whether the credibility of the EBS messages is undermined by the failure to discuss health consequences of exposure to radiation is already at issue in Contention 16.E and should be consolidated with that contention. Third, whether LILCO provides information on the health effects of radiation has no bearing on the issue of LILCO's credibility. Consequently, if admitted, subpart 15.E.3 would broaden the scope of Contention 15 beyond its original concern of credibility. Finally, LILCO objects to subpart 15.E.3 as going beyond the emergency planning regulations. LILCO will do all it can to assure that clear, accurate, concise, consistent information is given to the public, but it is not obligated to guarantee that every member of the general public will understand the entire EBS message or act in accordance with the recommendations. Therefore, subpart 15.E.3 of Contention 15 should not be admitted.

Intervenors have added subpart 15.E.4 in which they allege that the EBS messages offer no assurance that the school districts will implement LERO's recommendations. LILCO objects to subpart 15.E.4 on the ground that it implies that LILCO cannot show adequate emergency planning unless it proves that the public will follow its protective action recommendations. As stated

previously, LILCO is not obligated by emergency planning regulations to guarantee that the public will act in accordance with the recommendations. Subpart 15.E.4 should be denied admission in its entirety as beyond the scope of emergency planning regulations. At a minimum, the following sentence should be stricken from subpart 15.E.4 for lack of basis: "These inconsistencies are likely to raise doubts in the minds of listeners and will cause many parents to seek to pick up their children -- especially in light of the knowledge that most parents will hear that none of the school districts in the EPZ have evacuation or sheltering plan for a Shoreham emergency."

Subpart 15.E.5, which alleges that EBS messages should include a description of bus routes, should be denied as having no bearing on the issue of credibility. Furthermore, the revision in subpart 15.E.5 is untimely. The sample EBS messages in Revision 0 of the LILCO Transition Plan did not describe the bus routes or inform the public where to obtain a description of the routes. Thus, subpart 15.E.5 is not justified by any new matter in Revision 3 and should be denied admission as untimely.



Contentions 16 through 21:  
Public Education and Information

Contention 18:

Objection. In the "Memorandum Accompanying Proposed Modified Emergency Planning Contentions," intervenors claim that they have not modified Contention 18 because it involves the LILCO Public Information Brochure, and that the revised information brochure has not yet been distributed to the parties. It is true that the brochure has not yet been distributed. Contention 18, however, is not affected by the brochure. Contention 18 concerns (1) the effectiveness of posters, telephone book inserts, and the EBS messages in informing an individual in which zone he is located, and (2) the ability of persons not in their home zone to determine the evacuation route for the zone they are visiting. The only reference to the brochure in Contention 18 is the provision that "someone who does not have access to a brochure in the event of an emergency will be unable to identify his or her zone." The Contention is premised on the assumption that the brochure is unavailable and, thus, the content of the brochure is not at issue in Contention 18. Intervenors should not be permitted to expand the scope of Contention 18 with later revisions to the contention premised on the Public Information Brochure.

Contention 24:  
LILCO's Lack of Agreements with  
Organizations and Personnel Relied Upon in the Plan

Contention 24.E:

Objection. In their modification to Contention 24.E, intervenors contend that LILCO has no agreements with nursery schools or parents of children in nursery schools to permit LILCO employees to drive buses transporting nursery school children. Contrary to intervenors' contention, there is no legal requirement that LILCO obtain agreements with nursery schools or with the parents of children in nursery schools to transport nursery school children in buses. Therefore, the modification to Contention 24.E should not be admitted.

Contention 24.J:

LILCO raises no objection to the statement in Contention 24.J that the LILCO Transition Plan should include special facilities "near the EPZ." LILCO has not objected based on the representation of counsel for Suffolk County that the statement "near the EPZ" should not be construed as alleging that LILCO must add facilities outside the EPZ to its emergency plan.

Contention 24.M:

Objection. Intervenor's revised contention fails to reflect the interpretation placed on that contention by the Board's Order of August 19, 1983. In its Order, the Board stated that this sub-contention is subject to a limiting interpretation that the agreements alleged to be missing under the contention are agreements with companies or institutions and not with individual school bus drivers.

Contention 24.P:

Objection. The proposed modification to the contention alleges that LILCO has no agreement with the American Red Cross to provide services at relocation centers "in the manner or volume . . . assumed in the LILCO Plan." Neither the manner nor volume of services to be provided at relocation centers by the American Red Cross has changed since Revision 0 of the Plan. As stated in the letter of understanding between LILCO and the American Red Cross, which is included in LILCO's Transition Plan at App-B-9 (Rev. 1), "the Red Cross will fulfill its emergency response functions, including setting up and operating relocation centers for the public." The modification to Contention 24.P is unwarranted by modifications in Revision 3 and, therefore, should be denied as untimely.

Contention 26:  
Notification of Emergency Response Personnel

Contention 26.C:

Objection. LILCO objects to intervenors' modifications to Contention 26.C to the extent that the modifications allege that the LILCO Transition Plan does not provide adequate details about the verification system or about verification of the content of the messages received by paged emergency personnel. The regulations do not require that specific details of the verification process be included in the Plan. In the alternative, LILCO objects to inclusion of the statement "[s]ince verification under the Plan is only verification that emergency personnel have received some paged message, the response to the message may not be the response intended and appropriate (e.g., due to pager malfunction, emergency personnel may be notified to go to standby status, rather than to report)," on the ground that it is without basis.

Contention 26.E:

Objection. LILCO objects to revised Contention 26.E on the ground that modifications made to the contention are an attempt to revive the issue of the inadequacy of non-dedicated commercial telephone lines for notification of emergency response personnel; that issue was denied admission by the Board's ruling on

Contention 26.B in its Order of August 19, 1983. The modification concerning the Federal Telephone System as an ineffective backup to commercial telephone contact with the Brookhaven Area office, the U.S. Coast Guard, and the FAA, should be denied on the ground that it is without basis.

Contention 26.F:

Objection. LILCO objects to intervenors' new Contention 26.F, which alleges that the means of communication with WALK-FM radio outlined in the LILCO Transition Plan are inadequate. First, through Contention 26.F, intervenors have attempted to resurrect the argument that commercial telephone lines are an inadequate means of notifying emergency response personnel. That argument was rejected by this Board when it denied admission of Contention 26.B in its Order of August 19, 1983. A second ground for rejecting the new issues raised in Contention 26.F is that they are not justified by any modifications made by Revision 3 of the LILCO Transition Plan. Intervenors have known for some time that the Emergency Broadcasting System could only be activated by communication with WALK-FM radio station and that, until the local EOC is activated, the LILCO Transition Plan provides that non-dedicated commercial telephone lines will be relied upon for notifying WALK-FM of the need to activate the EBS system. In short, LILCO's planned method of communicating with WALK-FM radio has not

changed. Intervenor's new Contention 26.F should be denied as untimely.

Contention 27:  
Mobilization of Emergency Response Personnel

Contention 27:

Objection. LILCO objects to subpart 27.C of Contention 27 on the ground that the modifications suggested by intervenors not justified by Revision 3 to the LILCO Transition Plan and untimely. Intervenor's have known for some time, both through prior versions of the LILCO Transition Plan and through discovery, that the LILCO Transition Plan contemplates that workers with field assignments will pick up dosimetry equipment, receive briefings before they leave for their posts, and, in some cases, will have to install equipment in their vehicles prior to being dispatched. Intervenor's should not be permitted to raise such a contention now without meeting the requirements for late-filed contentions.

Contentions 28 through 34:  
Communications Among Emergency Response Personnel

Contention 30:

Objection. Contention 30 has been modified to allege that LILCO's communications equipment is inadequate because "the vehicles must be running, or the ignition switched on, for the radios to operate. Batteries are effective for only a limited time," and



the Plan provides no assurance that "vehicle batteries are not rundown and remain charged." LILCO objects to this modification as untimely. Intervenor's have known the model numbers of the mobile radios to be used and that LILCO did not intend to use portable radios at least since the discovery responses were served on June 30, 1983. The issues raised by intervenor's modifications to Contention 30 are not justified by Revision 3 and should be denied as untimely.

Contention 34:

Objection. In subpart 34.C of Contention 34, LILCO objects to the addition of allegations concerning LILCO's ability to communicate with fire/rescue organizations on the grounds that such a modification is irrelevant and is not justified by Revision 3 to the LILCO Transition Plan. Suffolk County has long known that LILCO will not rely on fire/rescue organizations as part of LERO. Therefore, LILCO's ability to communicate with such fire/rescue organizations is not relevant to the subject matter of this contention, which concerns the coordinated communications link between field and mobile medical support facilities. Moreover, the time for raising the issue of LILCO's ability to communicate with such organizations has long past. The contention should not be admitted on the grounds that it is irrelevant, untimely, and does not meet the requirements for late-filed contentions.

Contentions 35 through 44:  
Training of Emergency Workers

Contention 39:

Objection. In subpart 39.A of Contention 39, intervenors allege that the LILCO Transition Plan fails to deal effectively with attrition. Intervenors now state that LILCO's quarterly training program, by which LILCO will provide training for new members, is insufficient because it does not assure that trained LILCO employees will be available to fill positions in LERO as the need arises. Such an allegation should be not be admitted on the ground that it lacks basis.

Intervenors' modification of subpart 39.B of Contention 39, in which they now allege that the Coast Guard and ambulance companies will not maintain necessary staffing or notify LILCO of understaffing, is also without basis. For the above stated reason, subpart 39.B of Contention 39 should not be admitted.

Contention 44:

Objection. LILCO objects to subpart 44.D of Contention 44 on the ground that Revision 3 of the LILCO Transition Plan made no change in the provisions for testing of communications equipment with Federal emergency response organizations or states within the ingestion pathway. Intervenors' modification is not justified by modifications in Revision 3, is untimely, and does not meet the

criteria for late-filed contentions. Accordingly, the modification to subpart 44.D of Contention 44 should not be admitted.

LILCO also objects to the modification of subpart 44.F of Contention 44, which states "there is no indication in the Plan that any such entities have agreed to send observers as required by NUREG-0654," both because there is no legal requirement for an agreement with Federal, State, or local governments to send observers, and because there is no basis on which to assume that Federal, State, and local governments, contrary to their normal procedures, would refuse to provide official observers to evaluate and critique annual exercises. See Board's Order of August 19, 1983, ruling on Contention 24.Q. For the above stated reasons, the modification to subpart 44.F should not be admitted.

Contention 60 through 62:  
Sheltering

Contention 61:

Objection. LILCO objects to subpart 61.C.2 on several grounds. First, it is repetitive of the County's allegation in Contention 24.J. Both contentions allege that the LILCO Transition Plan should include agreements with special facilities to implement the evacuation procedures set forth in the LILCO Transition Plan. Second, there is no legal requirement that LILCO have agreements with special facilities to develop or implement

sheltering procedures. Third, intervenors' suggestion that sheltering could not be implemented by a special facility lacks basis. For the above stated reasons, the modifications to subpart 61.C.2 should not be admitted.

Contention 66:  
Removal of Obstacles from the  
Roadway and Provisions for Fuel

Contention 66:

Objection. In subpart 66.D of Contention 66, intervenors complain that "LILCO has no agreements with local jurisdictions or other entities . . . to provide snow removal services during an emergency." LILCO objects to this contention on the ground that there is no basis for the allegation that local jurisdictions will not perform their normal snow removal services. As the Board noted when it denied admission of Contention 24.Q on the similar issue of the likelihood that Suffolk County Police would perform their normal duties, it is inconceivable that, in an emergency, local jurisdictions would not provide their normal services. Board Order, August 19, 1983, at 15. Therefore, subpart 66.D raises no real issue and should be denied admission as lacking basis. Second, there is no legal requirement that LILCO obtain agreements with local jurisdictions for the provision of snow removal during an emergency. Finally, intervenors' modification of this contention is untimely. Since the earliest versions of

the Plan, it has been stated that LILCO anticipated that snow removal operations within the 10-mile EPZ would be provided by local organizations in their normal fashion during an emergency. Intervenors have not established good cause for raising this issue at this late date nor have they demonstrated that they comply with the other four requirements of the late-filed contention regulation, 10 C.F.R. § 2.714. For the above stated reasons, subpart 66.D of Contention 66 should be denied admission.

Contention 67:  
Evacuation of Persons without Access to Automobiles

Contention 67.A:

Objection. LILCO objects to the statement in subpart 67.A.3 that "bus capacity factors are likely to be significantly lower than 75%" on the ground that it lacks basis. LILCO also objects to the admission of subpart 67.A.3 on the ground that it is not justified by any modification in Revision 3 of the Plan and, therefore, is untimely.

Contention 67.D:

Objection. LILCO objects to intervenors' addition to Contention 67.D, which alleges that the eleven new transfer points do not appear to have adequate structures to provide shelter from adverse conditions, on the grounds that it lacks basis and specificity. First, intervenors' modification changes the entire focus

of the contention from the location of some transfer points within the 10-mile EPZ to the adequacy of the shelter available at transfer points. Such an expansion of Contention 67.D is not justified by modifications to Revision 3 of the LILCO Transition Plan and should be denied as untimely. Second, intervenors have provided no basis for their statement that "the eleven new transfer points designated by LILCO do not appear to have adequate structures which could provide shelter from adverse radiological or weather conditions." Intervenors merely allege that the transfer points do not "appear" to have adequate structures but provide no reasons for this belief. Furthermore, the revision does not sufficiently specify what intervenors consider "adequate" structures to provide sheltering. A sophisticated party such as Suffolk County should not be permitted to merely contend that an aspect of LILCO's emergency plan is not "adequate," but should be required to specify how the shelter provided is inadequate.

Contention 68 through 71:  
Evacuation of School Children

Contention 69:

Objection. This contention raises essentially the same issue as that presented in subpart 61.C.1 and Contention 69.E, and should be consolidated with those contentions.



Contention 69.B:

LILCO raises no objection to the statement in Contention 69.B that the LILCO Transition Plan should include details of school plans for schools "near the EPZ." LILCO has not objected based on the representation of counsel for Suffolk County that the statement "near the EPZ" should not be construed as alleging that LILCO must add facilities outside the EPZ to its emergency plan.

Contention 69.E:

Objection. This contention raises essentially the same issues as subpart 61.C.1 of Contention 61 and Contention 69, and should be consolidated with those contentions.

Contention 71.A:

Objection. Intervenors have modified Contention 71.A to change the entire focus of the contention from the availability of evacuation buses and relocation centers for school children to the availability of those facilities for nursery school children. Nothing in Revision 3 of the LILCO Transition Plan supports such a change in the focus of Contention 71.A. The modifications to Contention 71.A, therefore, should be denied as untimely. LILCO also objects to Contention 71.A to the extent that intervenors now allege that LILCO must obtain agreements with schools and parents that give permission for children to ride evacuation buses. First, LILCO objects to intervenors' assertion that LILCO must

have agreements with schools or parents permitting children to ride buses on the grounds that there is no legal requirement for such agreements. Second, this modification to Contention 71.A is repetitive of Contention 24.E and more appropriately comes under the heading of letters of agreement covered by Contention 24. For the above stated reasons, the modifications to Contention 71.A should be denied admission.

Contention 71.C:

Objection. The intervenors contend that the LILCO Transition Plan must include details of emergency plans for schools outside the EPZ. LILCO objects to new Contention 71.C on the ground that there is no legal requirement that offsite emergency plans include the details of school emergency plans. Accordingly, Contention 71.C should not be admitted.

Contention 72:  
Evacuation of People in Special Facilities

Contention 72.D:

Objection. Intervenors state in new Contention 72.D that the LILCO Transition Plan does not provide adequate procedures for determining the circumstances under which an evacuation of hospitals might be necessary. LILCO objects to this contention on the ground that it does not specify in what way the procedures provided in the Plan are inadequate. Contention 72.D, therefore, should not be admitted.

Contention 73:  
Handicapped People at Home

Contention 73.B:

Objection. LILCO objects to subparts 73.B.3 and 73.B.5 of Contention 73.B as follows:

First, with respect to subpart 73.B.3, LILCO objects to the modification which alleges that insufficient numbers of communications and administrative support personnel will be available to assist the home coordinator in contacting handicapped persons. This contention is without basis and should not be admitted.

Subpart 73.B.5 is a completely new subpart in which intervenors allege that notification of the deaf by route alert drivers will not be timely because there will be an insufficient number of drivers, and the available drivers will be delayed by mobilization and evacuation traffic. LILCO objects to the admission of this subpart on the ground that intervenors have no basis for stating that an insufficient number of route alert drivers will be assigned to alert the deaf.

Contentions 78 through 83:  
Food, Milk, Water and Livestock Control

Contention 81:

Objection. Intervenors contend that the LILCO Transition Plan contains "insufficient" procedures for implementing

protective actions for the 50-mile ingestion pathway EPZ. The contention fails to articulate how the present procedures are insufficient for implementing protective actions for the 50-mile ingestion pathway EPZ. The modification to Contention 81 should not be admitted because it lacks specificity. \*

Contention 81.A:

Intervenors allege that the LILCO Transition Plan does not provide adequate procedures for dealing with lactating dairy animals within the 50-mile ingestion pathway EPZ. Intervenors do not specify what procedures are inadequate. The contention should be denied due to lack of specificity.

Contention 81.C:

Objection. Intervenors' modification to Contention 81.C alleges that the LILCO Transition Plan is deficient because it does not provide criteria "for a contaminated operations area and how to measure it." This is a substantive change in the contention that could have and should have been raised prior to Revision 3; it is not responsive to a Revision 3 change and does not meet the criteria for late-filed contentions. This contention should be denied as untimely.

Contention 81.E:

Objection. This contention concerns the absence of provisions in the LILCO Transition Plan for restricting the diet of the population within the EPZ and restricting export of agricultural products from the EPZ. LILCO objects to the addition of Connecticut as an area from which the export of agricultural products might have to be restricted. Intervenors have long recognized that the State of Connecticut comes within the 50-mile ingestion pathway EPZ of the Shoreham Nuclear Power Station. Indeed, the original Contentions 24.R and 79 included reference to Connecticut. If the intervenors had wished to include Connecticut in Contention 81.E, they should have done so when the original contention was drafted. Addition of Connecticut to Contention 81.E is now untimely and should be denied.

Contentions 84 through 91:  
Recovery and Reentry

Contention 85:

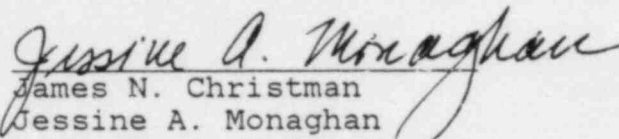
Objection. Title 10 C.F.R. § 50.47(b)(13) requires that the local offsite response plan establish that "general plans for recovery and reentry are developed." The detailed plans of the sort intervenors suggest in Contention 85 are not required by the regulations. This contention should not be admitted because there is no legal requirement for LILCO to do what Suffolk County suggests.

Contention 92:  
State Emergency Plan

Contention 92:

Objection. Originally, intervenors' Contention 92 concerned the absence of a New York State emergency plan for Shoreham and the absence of provisions in the LILCO Transition Plan to provide for coordination with the State of New York. Now, intervenors attempt to add the State of Connecticut to this contention; this modification should be denied on the ground that it is untimely.

Respectfully submitted,

  
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DATED: January 19, 1984



LILCO, January 19, 1984

CERTIFICATE OF SERVICE

In the Matter of  
LONG ISLAND LIGHTING COMPANY  
(Shoreham Nuclear Power Station, Unit 1)  
Emergency Planning Proceeding, Docket No. 50-322-OL-3

I hereby certify that copies of LILCO'S OBJECTIONS TO INTERVENORS' "PROPOSED EMERGENCY PLANNING CONTENTIONS MODIFIED TO REFLECT REVISION 3 OF THE LILCO PLAN" 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.

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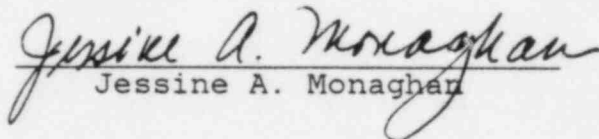
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