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LILCO, April 18, 1984
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION '84 APR 20 AIO:30

Before the Atomic Safety and Licensing Board, OFFICE OF SECRETARY
REGULATORY & SERVICE
BRANCH

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 REPORT ON SETTLEMENT NEGOTIATIONS
ON EMERGENCY PLANNING CONTENTION 16
(PUBLIC INFORMATION BROCHURE)

The purpose of this pleading is to advise the Board of progress to date regarding settlement of Contention 16, the contention about alleged deficiencies in the Public Information Brochure. Although we are advising the Board of developments rather than asking for Board action, we are using a pleading rather than a letter simply because the Board imposed a requirement on us to report if negotiations failed, and we believe that requirement may require something more formal than a letter.

Pursuant to this Board's Orders of March 9, 1984 and April 10, 1984 ordering that the parties undertake settlement negotiations prior to the submission of testimony on the admitted portions of Contention 16, LILCO wrote the County letters, on March 23, April 1, and April 12, 1984, asking that settlement negotiations begin. We suggested that negotiations might be more focused if the County were to propose specific changes to the Public Information Brochure.

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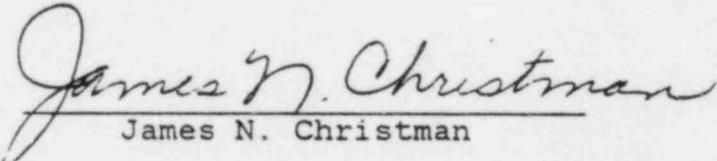
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We received from the County on April 16, 1984, a letter and proposals relating to some parts of Contention 16. The County's letter is attached.

We wish to advise the Board that in our judgment, based on the County's April 12 letter, there is no realistic hope of achieving a settlement of Contention 16, or even of parts of it. LILCO, therefore, intends to file a motion for summary disposition of Contention 16 on or before April 27, 1984 and has notified the County accordingly.

The County has reviewed this pleading and agrees that it will serve as the joint report of both the County and LILCO.

Respectfully submitted,
LONG ISLAND LIGHTING COMPANY


James N. Christman

Hunton & Williams
Post Office Box 1535
Richmond, Virginia 23212

DATED: April 18, 1984

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April 12, 1984

Renee R. Falzone, Esquire
Hunton & Williams
707 East Main Street
Richmond, Virginia 23212

Dear Renee:

This is in partial response to your letter dated March 23, 1984, concerning the Board's March 9, 1984 Order requiring the parties to attempt to settle Emergency Planning Contention 16.

First, as we have stated before, it is the County's position that the emergency planning contentions in this proceeding are not subject to "settlement." If the County determines that a contention or subpart thereof no longer constitutes a concern (for example, because LILCO has changed its plan to eliminate matters from controversy), the County will then withdraw the contention. As you know, this has occurred several times in the past. As to matters, however, that remain in contention, it is the County's view that they cannot be rectified by LILCO or LERO and thus are not amenable to "settlement" unless that is accompanied by LILCO's abandonment of the Shoreham plant.

Nonetheless, in response to the Board's Order and your request, we set forth below proposals relating to several of the concerns raised in Contention 16. Note, however, that the proposals which follow do not cover the concerns raised in Subpart E of that Contention, and are not complete with respect to the concerns raised in the "main" part of the Contention. If you find the proposals below acceptable, we will provide you with suggested language to deal with the remaining concerns.

The language suggested below reflects the findings and conclusions of the Suffolk County Legislature which, as you know, resolved that it would be impossible to evacuate, safely

Renee R. Falzone, Esquire
April 12, 1984
Page Two

and in a timely manner, the persons who would attempt to evacuate in the event of a Shoreham accident, and therefore, that it would mislead the public to suggest it is possible to protect the health and safety of Suffolk County citizens if there were a serious accident at Shoreham. The proposed language, in our view, is the only means of stating the truth about a Shoreham accident, honestly and faithfully, for the benefit of the affected public.

Contention 16.J

The following modifications should be made to the LILCO brochure:

1. Identify by call letters and radio dial locations those radio stations that have unconditionally agreed (i.e., without a provision for discretion by station officials) to broadcast LILCO's messages to the public in the event of a Shoreham accident (we understand that at present there are no such stations).

2. State that the identified radio stations (if any):

"do not constitute the Emergency Broadcast System, which is authorized by the Federal Communications Commission for use by government officials to provide information to the public during emergencies."

3. State that the identified radio stations (if any):

"are a network created by LILCO for the sole purpose of broadcasting messages from LILCO officials about a Shoreham emergency."

4. Delete all other references to: "Emergency Broadcast Stations," "Emergency Broadcast System," "EBS."

Contention 16.K

In place of the statement at page 9 that "you will find it easy to get to your relocation center if you travel along the recommended route" insert the following language:

Renee R. Falzone, Esquire
April 12, 1984
Page Three

No facilities have agreed to serve as relocation centers in the event of a Shoreham emergency.

LILCO's recommended evacuation routes are likely to be heavily congested during a Shoreham emergency as a result of traffic volume, vehicle breakdowns, accidents, and driver behavior.

Many of you will find it impossible to reach your desired destinations outside the EPZ in the event of a Shoreham accident in less than 12-18 hours, or before the radiation passes over you.

Contention 16.L

In place of the statement at page 9 that LILCO's recommended routes will be the "safest and fastest way out of the emergency planning area," insert the following language:

The evacuation routes recommended by LILCO are likely to be heavily congested during a Shoreham emergency as a result of traffic volume, vehicle breakdowns, accidents, and driver behavior. There will be no police or other authorized officials directing or controlling traffic or otherwise protecting your safety on the roads.

Contention 16.M

In place of the statement at page 9 that evacuees should "follow the blue and white pathfinder signs which are located on every major road in the 10-mile emergency planning area. They will direct you out of the area" insert the following:

Because only governments are authorized to post signs on the roadways in the EPZ, and neither Suffolk County nor the State of New York believe that LILCO's plans for evacuation of the EPZ would adequately protect the public in the event of an accident, there are no signs on the roadways depicting the evacuation routes recommended by LILCO.

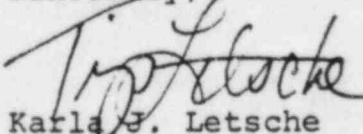
Renee F. Falzone, Esquire
April 12, 1984
Page Four

Main portion of Contention 16

The following language should be included on pages 1 and 7 of the brochure:

The offsite response to an emergency at Shoreham will be directed, managed and controlled by LILCO employees. And, the vast majority of the individuals who would be involved in implementing the response will be LILCO's regular employees. (For example, LILCO employees will: decide and tell the public what actions LILCO believes would protect them from harmful radiation; attempt to direct traffic; drive buses to transport nursery school children, patients from nursing homes and medical facilities, and the general public; monitor people for radiation exposure, decide if they need medical treatment, and perform decontamination; and attempt to prevent people from going into evacuated areas.) LILCO has decided to call all these LILCO employees, many of whom will attempt to perform tasks which only governmental authorities are authorized to perform, by the name "LERO," which stands for LILCO's "Local Emergency Response Organization." "LERO" is not affiliated in any way with New York State, Suffolk County, or any other local governments. No governmental entity or official has authorized LILCO to have "LERO" attempt to protect the public health safety and welfare. In fact, both the State of New York and Suffolk County have taken LILCO to court because they believe the actions LILCO wants its employees to perform as "LERO" in an emergency are illegal.

Sincerely,


Karla J. Letsche

KJL:so

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 certify that copies of LILCO's REPORT ON SETTLEMENT NEGOTIATIONS ON EMERGENCY PLANNING CONTENTION 16 (PUBLIC INFORMATION BROCHURE) were served this date upon the following by first-class mail, postage prepaid, or (as indicated by one asterisk) by Federal Express.

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DATED: April 18, 1984