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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSIONBefore 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-3'  
(Emergency Planning)SUFFOLK COUNTY MEMORANDUM IN OPPOSITION  
TO LILCO'S SUMMARY DISPOSITION MOTIONS  
ON CONTENTIONS 24.B, 33, 45, 46 AND 49

LILCO has filed separate Motions for Summary Disposition of five contentions -- 24.B, 33, 45, 46 and 49. Each motion is very brief (less than five pages) and merely repeats, in a narrative format, the statements of material facts as to which LILCO contends there is no dispute, which are annexed to each motion. Those statements are also repeated, usually word for word, in Affidavits attached to the motions. LILCO also submitted a Memorandum of Law in support of its motions on Contentions 45, 46 and 49. No such memorandum was submitted by LILCO with respect to the motions on Contentions 24.B and 33.

This memorandum sets forth the basis of Suffolk County's opposition to all five LILCO motions, and the County's response to LILCO's Memorandum of Law. Annexed hereto are separate Statements of Material Facts as to Which There Exist Genuine Issues to Be Heard concerning each of the contentions at issue.

We first discuss each of LILCO's Motions, and then we address LILCO's Memorandum of Law relating to Contentions 45, 46 and 49.

At the outset, however, the County highlights several matters. First, LILCO, as the proponent of the instant motions, has the burden of demonstrating the absence of any genuine issue of material fact. In this regard, the record must be viewed in the light most favorable to Suffolk County, the opponent of the motions. See Cleveland Electric Illuminating Co. (Perry Nuclear Power Plant, Units 1 and 2), ALAB-443, 6 NRC 741, 753 (1977); Dairyland Power Cooperative (LaCrosse Boiling Water Reactor), LBP-82-58, 16 NRC 512, 519 (1982).

Second, the County in opposing LILCO's motions is not submitting affidavits. It is not required to. 10 CFR § 2.749(a). The County demonstrates hereafter that while it does not contest the specific factual assertions of LILCO, these assertions are often irrelevant and, more important, do not in fact come to grips with the contentions. Thus, as demonstrated hereafter, even assuming the correctness of LILCO's "material facts," there exist other facts which are in dispute and which are material to the contentions. Thus, the LILCO motions must be denied.

I. Response to LILCO's Motions

A. Contention 24.B

LILCO's Motion concerning Contention 24.B suffers from three basic defects: first, LILCO mischaracterizes the documents it asserts constitute "agreements"; second, LILCO ignores several of the factual issues raised in Contention 24.B and fails to demonstrate how they are addressed in the purported "agreements"; and,

third, LILCO ignores the legal issues raised in Contention 24.B and fails to demonstrate that the Board can make the findings necessary to entitle LILCO to a decision as a matter of law.

1. LILCO mischaracterizes the documents it asserts constitute "agreements"

The letter dated August 10, 1983 from David Schweller to Charles Daverio, which is relied upon by LILCO as its "agreement" with DOE-RAP, states merely that DOE-RAP "will respond to requests for radiological assistance." It neither states nor implies that DOE-RAP employees will fulfill all the roles assigned to such individuals in the LILCO Plan, or that all the functions and services assigned to DOE personnel in the LILCO Plan will in fact be performed or provided by DOE personnel. While the Schweller letter may reasonably be characterized as an "agreement" for DOE to do something if requested to do so in the event of a Shoreham emergency, it cannot be characterized as an "agreement" for DOE to do what LILCO has asserted in its Plan will in fact be done by DOE. Thus, while the County does not contest LILCO's assertion that the Schweller letter is a copy of an agreement with the Department of Energy (see Statement of Material Facts as to Which LILCO Contends That There is no Genuine Issue to be Heard on Contention 24.B, para. 1, and Weismantle Affidavit, para. 1), the document itself belies the accuracy of LILCO's characterization that the agreement is "for performance of services required as part of the offsite response" under the LILCO Plan. Thus, LILCO clearly has failed to meet its burden under Section 2.749 to demonstrate that there is no genuine issue of fact.

Furthermore, the Schweller letter contains a provision which explicitly contradicts the assertions in the LILCO Plan concerning functions which "will be" provided by DOE. The Schweller letter states:

DOE radiological assistance will be limited to advice and emergency action for the control of the immediate hazards to health and safety. Radiological emergency assistance will be terminated as soon as the emergency situation is under control. Therefore, responsibility for post-incident recovery, including further action for the protection of individuals and the public health and safety, should be assumed by the appropriate Federal, State or local government, or private authority as soon as the emergency conditions are stabilized.

The LILCO Plan explicitly assumes that DOE personnel will perform several functions throughout the emergency (i.e., both before and after emergency conditions may be "stabilized"), and assumes continued DOE personnel involvement during recovery and reentry, since the Recovery and Reentry portion of the LILCO Plan is dependent upon the availability of dose projection information to be provided by DOE-RAP. See Plan at 2.2-3; 3.6-4; 3.6-8; 3.9-1; Section 3.5; OPIPs 2.1.1 at 21-24; and 3.10-1, all of which are included in Attachment 1 hereto. Thus, the Schweller letter states that DOE in fact will not perform several of the functions assigned to DOE by LILCO in its Plan.<sup>1/</sup>

The proposal submitted by Impell to LILCO and the purchase order related to that proposal, which, LILCO asserts, constitute

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<sup>1/</sup> See also Attachment 5 to the LILCO Motion for Summary Disposition on Contention 45, at 5, which states "it should be noted that RAP serves an emergency function and that it would not normally be involved in extensive decontamination or other recovery activities."



an "agreement" by Impell to fill the position of Radiation Health Coordinator, suffer from similar defects. See discussion in section 2 immediately below. In addition, LILCO has failed to establish that a proposal and a purchase order constitute an "agreement" as required by NUREG 0654 Sections II.A.3 and II.C.4, particularly when such proposal and purchase order are not contained in the LILCO Plan that has been submitted to this Board -- i.e., Revision 3. Thus the County contends that the fact asserted by LILCO -- that the "agreement" with LILCO "will be included in future revisions" of the LILCO Plan (see LILCO Statement of Material Facts ... on Contention 24.B, para. 5) is not relevant to the resolution of Contention 24.B.

2. LILCO ignores several factual issues  
raised in Contention 24.B

Contention 24.B plainly states on its face that LILCO has failed to obtain agreements "which identify the services to be provided, the criteria for their implementation or the arrangements for exchange of information, or which obligate them to perform the functions for which they are relied upon by LILCO." In its motion and attachments thereto, LILCO completely ignores this portion of Contention 24.B. LILCO has provided no evidence, or even discussion, of how the documents it characterizes as "agreements" address those matters. Accordingly, since LILCO's motion does not even address portions of the contention, it clearly is not entitled to summary disposition.

In fact, as is plain from a review of the purported "agreements," neither the Schweller letter nor the Impell proposal

contains such information; if anything, based on that fact (which is not disputed by any materials submitted by LILCO), summary disposition on Contention 24.B should be granted to Intervenor. In any event, it certainly cannot be suggested that there are no facts material to Contention 24.B in dispute. The LILCO motion simply ignores the factual issues that are raised in that contention. There is, thus, a genuine issue of fact concerning whether the purported "agreements" identify the services to be provided, the criteria for their implementation, arrangements for exchange of information, or obligate DOE-RAP or Impell to perform the functions for which they are relied upon by LILCO. See attached Statement of Material Facts as to Which There Exist Genuine Issues to be Heard Concerning Contention 24.B for a complete listing of the facts at issue which remain in dispute and which must be resolved by the Board before it can rule on Contention 24.B

3. LILCO ignores the legal issues raised  
in Contention 24.E

LILCO's motion quotes the sections of 10 CFR which are referenced in Contention 24.B and asserts -- without discussion, explanation, argument, or legal analysis -- that its purported "agreements" "satisfy the requirements" of those sections and NUREG 0654 Sections II.A.3 and II.C.4. Clearly, LILCO's bald assertion fails to constitute the demonstration required for summary disposition under 10 CFR § 2.749. LILCO has failed to demonstrate how its purported "agreements" meet any of the specific requirements of the regulations which it references in its motion; in fact, as noted in part 2 above, the documents relied upon by

LILCO on their faces fail to meet the requirements of Section II.A.3 of NUREG 0654 since they do not include the identification of services to be provided, criteria for their implementation, arrangements for exchange of information, or an obligation to perform the functions relied upon by LILCO.

Furthermore, LILCO's motion must fail because LILCO has not demonstrated that the documents it characterizes as "agreements" permit a finding that the LILCO Plan or the protective actions contemplated therein can or will be implemented as required by 10 CFR § 50.47(a)(1) and NUREG 0654, Sections II.J.9 and J.10. Indeed, the purported "agreements" relied upon by LILCO raise a substantial issue of material fact, since they do not obligate DOE or Impell personnel to perform the functions LILCO assumes will be performed, and which are necessary for the proposed implementation of the LILCO Plan. Without such agreements, there can be no finding of reasonable assurance that the LILCO Plan complies with Sections 50.47(b)(9), 50.47(b)(10) or 50.47(b)(11) which are cited in Contention 24.B. LILCO thus has failed to establish a legal basis for summary disposition in its favor on Contention 24.B.

B. Contention 33

LILCO's motion for summary disposition of Contention 33 is based on one argument: in LILCO's view the contention "is predicated upon an erroneous interpretation of NUREG 0654, § II.F.1.d." LILCO Motion at 3 and 4. LILCO asserts in its motion that the referenced section of NUREG 0654 "does not require communications between the Shoreham facility and the DOE-RAP field monitoring teams; instead it requires communications between the Shoreham

facility and the licensee's, i.e., LILCO's radiological monitoring teams." LILCO Motion at 3.

LILCO provides no legal or other basis for its assertion concerning the interpretation of Section II.F.1.d of NUREG 0654. In fact, the provisions of that section and common sense make clear that LILCO's interpretation is in error.

Section F of NUREG 0654, entitled "Emergency Communications," sets forth the criteria for satisfying the planning standard that there exist provisions "for prompt communications among principal response organizations ...." Criterion 1.d cited in Contention 33 states that each plan shall include:

d. Provision for communications between the nuclear facility and the licensee's near-site Emergency Operations Facility, State and local emergency operations centers, and radiological monitoring teams.

The introduction to Criterion 1 states that plans must include "titles and alternates for both ends of the communication links," that there shall be "establish[ed] reliable primary and back-up means of communication," and that "systems should be selected to be compatible with one another."

The language in subpart F.1.d contains no statement or even implication that it only refers to communications between the nuclear facility and the licensee's radiological monitoring teams provided for under the licensee's onsite emergency plan. To the contrary, the requirement is for communications between the nuclear facility and: (1) the licensee's EOF; (2) offsite

EOC's;<sup>2/</sup> and (3) radiological monitoring teams. There is no basis for LILCO's assertion that the requirement in subpart F.1.d is limited only to communications between the Shoreham facility and the LILCO radiological monitoring teams. That subpart plainly requires that there be communications between the facility and all radiological monitoring teams relied upon for implementation of the Plan, as well as communication links between offsite EOCs and monitoring teams.

Finally, the interpretation proposed by LILCO would be illogical, despite LILCO's argument that offsite monitoring teams "by design operate independently of the LILCO monitoring teams." The mere fact that such teams are intended to operate independently does not support an argument that there is no need for communications between those teams and personnel who are directing the emergency response (i.e., those in command and control at the EOC) or personnel familiar with plant conditions (i.e., those at the Shoreham facility). Indeed, the fact that there are licensee monitoring teams as well as "independent" non-licensee teams indicates a desire that input from both groups be available to persons responsible for directing and implementing the emergency response. To suggest that such individuals only need to be able to communicate with the licensee's, as opposed to the "independent" teams, makes no sense and is without basis in NUREG 0654.

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<sup>2/</sup>Of course NUREG 0654 refers to State and local emergency operations centers since plans for every other licensing proceeding have been sanctioned and are to be implemented by State and local governmental entities. In this case, however, the LILCO EOC is proposed as a substitute for State and local EOCs.



LILCO has also failed to establish in its motion that there are no material facts in dispute concerning Contention 33. As it did in its motion concerning Contention 24.B, LILCO ignores factual issues that are explicitly raised in Contention 33, as well as legal issues that are raised in that contention. Specifically, the contents of the Affidavit of William F. Renz in support of LILCO's motion fails to address any of the following facts, all of which are plainly at issue in and thus material to Contention 33:

1. Whether there are any means of direct communication between the Shoreham facility and DOE-RAP monitoring teams.

2. Whether there are any means of direct communication between the EOC and DOE-RAP monitoring teams.

3. Whether the Plan provides for any radio communications between DOE-RAP monitoring teams and the EOC or between such teams and the Shoreham facility.

4. Whether the LILCO proposal for one means of communications between DOE-RAP monitoring teams and the Brookhaven Area Office, and a separate means of communications between the EOC and the Brookhaven Area Office constitutes an adequate means of communications between the EOC and DOE-RAP monitoring teams.

5. Whether the so-called "provisions at the EOC for the DOE-Brookhaven Area Office personnel," which are not identified in the Plan or in the Renz Affidavit, include any means of communications with DOE-RAP field monitoring teams.

6. Whether the possible movement of DOE-Brookhaven Area Office personnel "to another location outside the EPZ" if the Brookhaven Area Office were evacuated provides any means of communications between DOE-RAP monitoring teams and the EOC or the Shoreham facility.

7. Whether the alleged "mobility" of "DOE's communications apparatus" constitutes the provision of communications between DOE-RAP field monitoring teams and the EOC or the Shoreham facility.

Thus, even assuming the truth of the facts asserted in Mr. Renz' affidavit,<sup>3/</sup> such facts do not permit a finding that there are no issues in dispute that are necessary to a ruling on Contention 33. On the contrary, each of the facts listed above must be resolved by this Board before it can make a ruling on Contention 33.

Clearly, LILCO has failed to establish that the provisions of the LILCO Plan satisfy the requirements of NUREG 0654 Section II.F.1 by including reliable primary and back-up means of communications between the DOE-RAP field monitoring teams and the Shoreham facility and the EOC. LILCO has also failed to establish that there is no dispute as to whether a finding that appropriate offsite accident and dose assessment actions, including those necessary to determine the appropriate protective action recommendations, can or will be taken promptly. Such findings are necessary in order to determine that LILCO complies with 10 CFR §§ 50.47(b)(9) and 50.47(b)(10), an issue explicitly raised in Contention 33, which must be resolved by the Board before it can rule on Contention 33.

C. Contention 45

In its motion concerning Contention 45, LILCO relies primarily on a general description of the DOE-RAP program contained in a paper (which is Attachment 5 to its motion) for its assertion

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<sup>3/</sup>The County contends that the statements in the Renz Affidavit are either irrelevant or raise additional issues of fact to be resolved.

that there are no facts material to Contention 45 in dispute with respect to DOE-RAP. In making this argument, LILCO ignores the fact that the general description upon which it relies says nothing whatsoever about the individuals who are expected to perform offsite accident and dose assessment functions under the LILCO Plan. Indeed, even the statements contained in that general description -- that "RAP draws upon ... trained and experienced ... personnel with specialized competence within the overall areas of health physics, reactor safety, fire protection, public information and medicine," "a typical team ... would include appropriate personnel from S&EP's radiological staff," and "other BNL specialists in the field of medicine, public information and security may be included as necessary" -- are not sufficient to permit a finding that the LILCO Plan identifies by title or qualification the DOE-RAP personnel who are expected to perform the offsite accident and dose assessment functions assigned to DOE-RAP under the LILCO Plan. See also discussion in Section II below.

Thus, the following material facts pertinent to Contention 45 remain in dispute:

1. Whether the description of the DOE-RAP team at page 3.5.2 and Figure 2.1.1 of the LILCO Plan identifies by title or qualification the individuals from DOE-RAP who are expected to perform offsite accident and dose assessment functions under the LILCO Plan.

2. Whether the contents of pages 6-7 of Attachment 5 to the Weismantle Affidavit include any identification by title or qualification of the individuals from DOE-RAP who are expected to perform offsite accident and dose assessment functions under the LILCO Plan.

3. Whether the contents of the Impell proposal satisfies the requirement of NUREG 0654 Section II.A.2.a that the personnel who are expected to perform offsite functions under the LILCO Plan are identified in the Plan.

Without resolving these disputed issues, this Board cannot make the findings required for a ruling on Contention 45 -- that is, that LILCO has complied with NUREG 0654 Section II.A.2.a. Accordingly, LILCO has failed to demonstrate that it is entitled to summary disposition of Contention 45.

D. Contention 46

Contention 46 raises three issues: (1) whether the Plan identifies an individual from DOE-RAP or from LILCO's outside consultant who will be responsible for assuring continuity of technical, administrative and material resources; (2) whether DOE-RAP and consultant personnel are capable of providing prompt and continuous services (24 hour) for a protracted period; and (3) even assuming adequate initial staffing, whether DOE-RAP and the LILCO consultant are capable of augmenting initial response on a continuous basis. All these issues must be resolved in LILCO's favor before there can be a finding of compliance with 10 CFR § 50.47(b)(1) and NUREG 0654 Sections II.A.1.e and A.4.

LILCO bases its motion concerning Contention 46 on (1) an assertion in the Plan that the "RAP Team Captain will ensure capability for extended response periods," (2) the general description of the DOE-RAP program referenced above with respect to Contention 45 (Attachment 1 to LILCO Motion on Contention 46), (3) a statement in the Impell proposal concerning 24-hour availability

of one of the individuals expected to fill the position of Radiation Health Coordinator, and (4) an assertion that DOE-RAP activities during the Three Mile Island emergency show DOE's capability for an extended response. Even if each of these assertions by LILCO were taken as true, there remain issues of material fact in dispute that must be resolved before Contention 46 can be ruled upon.

LILCO's assertion in the Plan that the RAP Team Captain will "ensure capability" for extended response periods does not constitute compliance with the requirement of NUREG 0654 Section II.A.4 that the Plan shall specify "the individual ... who will be responsible for assuring continuity of resources (technical, administrative, and material)." LILCO does not provide a means by which this Board could determine that the "capability" which the RAP Team Captain "will ensure" will constitute the technical, administrative and material resources necessary to implement the LILCO Plan. See also discussion in Section II below. Similarly, the statement that "the RAP Team Captain" will ensure such capability does not permit the Board to determine the title of the individual in DOE who is expected to be "the RAP Team Captain" who would implement the LILCO Plan.

And, neither the LILCO Plan nor the Impell proposal contains information enabling this Board to determine the title of an individual from Impell who will be responsible for assuring continuity of technical, administrative and material resources relied upon by LILCO for implementation of its Plan. Thus, the first issue raised in Contention 46 remains in dispute.



The statements contained in the general description of DOE-RAP, and in the Schweller Affidavit attached to LILCO's motion concerning a "sustained response" and the alleged availability of resources from other DOE contractor facilities, do not provide this Board with the evidence necessary for a finding that DOE-RAP is capable of providing prompt or continuous 24-hour services of the type and nature required under the LILCO Plan for a protracted period of time. The same is true with respect to the statement in the Impell proposal that Impell would "provide a primary and four alternates" and "ensure that one of these individuals would be maintained in a ready status at all times." Thus, the material fact which forms the basis of the second portion of Contention 46 remains in dispute despite the assertions of LILCO in its motion and attachments thereto.<sup>4/</sup>

Finally, Contention 46 also raises the factual issue of whether there is a provision or capability for augmentation of initial staffing on a continuous basis as required by 10 CFR § 50.47(b)(1) and NUREG 0654 Sections II.A.1.e and A.4, even assuming initial staffing by DOE-RAP and Impell were sufficient. Neither the LILCO Motion nor the attachments thereto eliminate the dispute over this factual issue. There is no indication in the Plan, or in the affidavit or any of the other materials submitted by LILCO that either DOE-RAP or Impell have the capability of augmenting on a continuous basis any initial staffing of the functions assigned to them under the LILCO Plan.

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<sup>4/</sup>LILCO's statement concerning events during the Three Mile Island emergency are plainly irrelevant and should be disregarded by the Board.

Thus, the LILCO motion fails to establish that the Board has a factual basis, not in dispute, upon which to base a finding that 10 CFR § 50.47(b)(1) or NUREG 0654 Sections II.A.4 or II.A.1.e have been satisfied by LILCO. Moreover, without the capability of finding that such requirements have been complied with, the Board is unable to make the further finding required to resolve Contention 46 that LILCO has complied with 10 CFR § 50.47(b)(9).

E. Contention 49

Contention 49 raises several issues concerning the implementation of OPIPs 3.5.2 and 3.5.3. LILCO's motion fails to address the factual issues raised in that contention. Therefore, even taking as true the facts which LILCO contends are not in dispute, the Board could not rule at this time on Contention 49.

First, in mischaracterizing the contention as challenging the capabilities of DOE personnel (see LILCO Motion at 2), LILCO attempts to divert the Board's attention from the issues actually raised in Contention 49. That contention does not challenge DOE personnel -- it challenges the LILCO procedures which identify the method to be used under the LILCO Plan to obtain various calculated results which are necessary input to protective action recommendations. Whether it is DOE personnel who are expected to use those procedures, as opposed to other individuals, is irrelevant. It is the LILCO procedures which are at issue. See also discussion in Section II below.

Second, LILCO's discussion of certain calculations referenced in OPIP 3.5.2 (for the plume exposure pathway) ignores the issues raised in the contention concerning both the data which are

necessary for such calculations, and specific deficiencies alleged to exist in that procedure. Furthermore, other than a cavalier remark that dose projections for the ingestion pathway can be done at a "leisurely pace" (Motion at 4), and an assertion that calculations for the ingestion pathway "use similar data to the plume pathway procedure" (Daverio Affidavit, para. 10), LILCO's Motion fails altogether to address the fact issues raised in Contention 49 concerning OPIP 3.5.3.

Third, Mr. Daverio's assertions that OPIPs 3.5.2 and 3.5.3 "will be tested by LERO and DOE personnel in NRC/FEMA-observed exercises," and that "Any problems revealed by those exercises will be corrected" (Daverio Affidavit, para. 12), are beside the point and should be disregarded by the Board in ruling on the pending motion. Clearly, such a statement could be made in response to every single issue raised by Intervenor in this proceeding; however, the fact that there may be exercises or plan revisions in the future cannot be used by a licensee to bootstrap its way out of litigating specific issues admitted into the proceeding by the Board. Thus, Suffolk County takes issue with paragraph 12 in LILCO's Statement of Material Facts ... on Contention 49, and submits that it should be disregarded by the Board.

Fourth, LILCO's Statement 11 should also be disregarded by the Board. That statement -- "The ingestion pathway procedure is used by numerous emergency response groups around the country" -- even if true, is irrelevant to Contention 49 for the reasons discussed in Section II below.

In sum, even if LILCO's facts were taken as true, fourteen material issues remain in dispute and bar this Board from ruling on Contention 49. The issues are set forth in the Attached Statement of Material Facts as to which There Exist Genuine Issues to be Heard Concerning Contention 49 and will not be repeated here. Without a resolution of each of those facts, this Board cannot find reasonable assurance that LILCO has complied with 10 CFR § 50.47(b)(9). The LILCO Motion therefore fails to demonstrate that LILCO is entitled to a ruling in its favor on Contention 49.

## II. Response to LILCO's Memorandum of Law

### A. LILCO's Summary Disposition Motions on Contentions 45, 46 and 49 Are Improper Attempts to Obtain Board Reconsideration of the Admission of these Contentions

As noted above, LILCO has submitted in support of its motions on Contentions 45, 46 and 49, a "Memorandum of Law" in which it argues that the County, as a matter of law, is not permitted to litigate the issues presented in these contentions pertaining to DOE/RAP. See Memorandum of Law in Support of LILCO's Motions for Summary Disposition on Phase II Emergency Planning Contentions 45, 46, and 49, February 14, 1984 (hereafter, the "LILCO Memorandum"). The merits of LILCO's arguments are discussed in Section II.B below.

However, the County urges this Board not to consider the LILCO Memorandum at all or the arguments contained therein. The essence of LILCO's position in the LILCO Memorandum is that the DOE/RAP portions of these contentions cannot be litigated in this

proceeding. However, LILCO has already had the opportunity to contest the admissibility of these contentions. Thus, it is entirely improper for LILCO now, more than six months after admission of these contentions, to attempt to oppose litigation of these issues. A brief review of the history of this proceeding makes clear the impropriety of LILCO's present efforts.

On July 26, 1983, Intervenor filed "Revised Emergency Planning Contentions." On August 2, 1983, LILCO filed Objections to Intervenor's "Revised Emergency Planning Contentions" (hereafter, "LILCO Objections"). With respect to Contention 49, LILCO stated it had "no objection" to admission. LILCO Objections at 51. With respect to Contentions 45 and 46, LILCO interposed the following objection:

The County suggests in these contentions that the DOE personnel to be provided under the FRMAP program must be identified specifically. DOE will respond in an emergency at Shoreham pursuant to the letter of agreement between DOE and LILCO to provide such services (Attachment 2). It is unnecessary that DOE designate now the names of people who might respond in the event of an emergency that may take place years hence or that may never happen. Consequently, this contention should not be admitted.

LILCO Objections at 50. This objection is similar to several of the arguments now made by LILCO in its summary disposition motions on Contentions 45 and 46.

On August 19, 1983, this Board issued its Special Prehearing Conference Order in which, at page 19, it specifically admitted Contentions 45, 46 and 49. Although the order contained no



specific discussion of the LILCO objections to Contentions 45 and 46, the Board noted:

Where we have, without discussion, admitted a contention over objection of LILCO or the Staff, the Board has specifically considered and rejected the objection.

August 19 Order at 2-3 (emphasis supplied). LILCO had an opportunity after August 19 to object to the Board's ruling (see 10 C.F.R. § 2.751a(d)), but it did not do so.

Therefore, with respect to Contentions 45, 46 and 49, the situation is as follows: LILCO agreed to admission of Contention 49; LILCO objected to Contentions 45 and 46 but lost; LILCO failed to seek timely reconsideration of the Board's August 19 ruling. If LILCO believed that the County was barred from litigating Contentions 45, 46 and 49 merely because they involve DOE-RAP as it now argues in its Memorandum, it should have raised that objection back in August, when the admissibility issue was addressed. It did not and it offers no reason for failing to have done so.

It is entirely too late now -- more than 6 months later -- to argue that those contentions are inadmissible. The Board has already ruled on the issue and that is the law of the case. Since this Board has indicated that it will adhere to the "law of the case" principle (see ASLB Memorandum and Order Denying Suffolk County Motion for Leave to File Contentions Regarding Onsite Emergency Planning, August 5, 1983, p. 6), LILCO's untimely effort to relitigate the admission of these contentions must be rejected.

B. The Board Must Reject LILCO's Arguments  
That the DOE-RAP Program Cannot Be  
Considered in This Proceeding

LILCO asserts that "an NRC licensing proceeding may not be used to litigate the adequacy of the Department of Energy (DOE) Radiological Assistance Program" and that for this reason, "as a matter of law," LILCO is entitled to summary disposition on Contentions 45, 46 and 49. LILCO Memorandum at 1. There are several reasons why this LILCO argument must be summarily rejected.

First, none of these contentions allege an inadequacy "in the DOE-RAP program." LILCO in its Legal Memorandum asserts baldly that the contentions do allege such an inadequacy but LILCO fails to state with the necessary "particularity" (10 C.F.R. § 2.730(b)) how, in fact, the contentions allegedly assert such an inadequacy. In fact, Contentions 45, 46 and 49 allege inadequacies in the LILCO Plan and procedures, a matter which clearly is open to litigation under the NRC's rules.

Second, LILCO seems to argue that since LILCO has chosen in its Plan to rely on the DOE-RAP program for performance of certain functions necessary to comply with 10 C.F.R. § 50.47(b), the County is not permitted to challenge LILCO's compliance with NRC regulations. This LILCO argument means that whenever a licensee decides to use DOE-RAP assistance, the licensee can unilaterally remove issues involving such assistance from a Licensing Board's jurisdiction. This is absurd. There is nothing in 10 C.F.R. § 50.47(b) which supports such an interpretation. Further, under the Atomic Energy Act, an intervenor is specifically entitled to contest the licensing of a plant and a licensee's compliance with

NRC regulations. So long as the Intervenor challenges no regulation (10 CFR § 2.758), there is no basis to assert that a licensee's compliance with a particular regulation is somehow outside the proper scope of an adjudicatory proceeding.

The NRC's emergency planning regulations are not prescriptive in terms of how a licensee should attempt to comply with the Section 50.47(b) planning standards. Rather, the licensee is afforded flexibility in devising a plan for compliance. The pertinent question in any adjudication is whether the means devised by the licensee in a particular instance are satisfactory to meet the regulatory requirements. Many utilities perform all dose assessment functions themselves, or rely on state or local governments, without any explicit reliance in their plans on DOE-RAP assistance. In those instances, the dose assessment issues clearly are open to litigation. LILCO, however, for reasons that only it can know, has sought to comply with Section 50.47(b) by a different means -- by relying solely on DOE-RAP, thereby asserting that DOE-RAP, in effect, is a part of LILCO's alter ego LERO, and an integral, front-line part of the LILCO Plan.

The County does not suggest that LILCO is barred from attempting to meet regulatory requirements by reliance on DOE-RAP. The County does suggest, however, that it is entitled to challenge LILCO's compliance with Section 50.47(b), and that LILCO cannot prevent such a challenge by attempting to hide behind DOE-RAP. Moreover, LILCO cannot use its reliance on DOE-RAP as a method of foreclosing this Board's examination of LILCO's compliance with the regulations as raised by Intervenor's contentions. The County

and other intervenors are entitled to contest LILCO's compliance with the regulations; if LILCO seeks to demonstrate compliance through use of outside entities, that is no basis for arguing that the County is barred from challenging LILCO's asserted compliance.

In this regard, LILCO cites NUREG 0654, pages 27-28 (LILCO Memorandum at 3), which states that response plans should contain provisions for "integration" of DOE-RAP assistance. The NUREG guidance does not address, however, the complete reliance on DOE-RAP which is proposed under the LILCO Plan. Further, nothing in the NUREG prevents an intervenor from contesting the workability and adequacy of the alleged integration -- and this is precisely what is contested in Contentions 45, 46 and 49. Because of defects in LILCO's Plan, the DOE-RAP resources are not effectively integrated into the LILCO Plan. It is entirely proper to litigate this deficiency.

Further, the County has no problem with the role of federal agencies being defined generally in the National Radiological Emergency Plan. See LILCO Memorandum at 3-4. However, the contentions do not involve that federal plan at all. Rather, the contentions involve only LILCO's Plan. Accordingly, these LILCO "legal" arguments simply have no bearing on the admitted contentions.

Finally, for several pages, LILCO provides a historical sketch of federal emergency assistance programs. See LILCO Memorandum at 4-9. LILCO never links this "history" to Contentions 45, 46, and 49. It is simply irrelevant and provides no support at all for LILCO's motion.

The foregoing demonstrates clearly that LILCO's legal "arguments" must be rejected. In the alternative, LILCO argues that the alleged "rules" governing federal agency response to radiological emergencies are entitled to a presumption of validity and that, on this basis, the County should have to file its testimony first. See LILCO Memorandum at 10. Of course, this argument has the same defects as the previous ones: the County is not challenging the adequacy of the DOE/RAP program but rather the adequacy of LILCO's Plan. Thus, LILCO's entire argument is off point.

Assuming arguendo the validity of LILCO's theoretical argument, each of the cases LILCO cites (LILCO Memorandum at 10) as precedent for this argument relates to adjudicatory actions in the context of individual challenges to those actions. Thus, they simply are not on point.

In Lewis v. Richardson, 425 F. Supp. 1164, 1169 (D.C. Mass. 1977), plaintiffs had requested that federal officials be enjoined from using a certain formula which had been devised for the purposes of distributing funds under the Local Public Works and Capital Development and Investment Act. The Court held that the formula used was consistent with the wide discretion provided by the statute and that regulations and procedures promulgated under statutory authority are presumed valid. The issue in Lewis was the validity of the procedure used in developing the formula. This precedent clearly does not apply to the present case where the issue is the adequacy of LILCO's Plan and LILCO's integration of the DOE/RAP assistance into the LILCO Plan.



Similarly, in Parsons v. United States, 670 F.2d 164 (Ct. Cl. 1982), the proceeding was an adjudication of an individual grievance concerning the validity of recording procedures used by the Air Force Retirement Office. Plaintiff alleged that the records office inaccurately recorded her deceased husband's voluntary withdrawal from the retired service family protection plan. The Court held that the actions of the officers were entitled to a presumption of good faith and legality which plaintiff failed to rebut by offering evidence of her own. Again, the subject of this litigation was the adjudication of an individual claim and the presumption of validity was attached to the specific actions of officials in adjudicating the claim. Again, LILCO's "precedent" is not on point.

Individual official action is also subject of United States v. Chemical Foundation, 272 U.S. 1 (1926), which is a case based on the validity of specific sales by the designated custodian of enemy property under the authority of the Trading With the Enemy Act during World War I. The sales of certain patents by the custodian were held to be valid, and absent evidence to the contrary, the custodian was entitled to the presumption that his actions properly discharged his duties. Id. at 14-15.

Accordingly, the foregoing cases do not support LILCO's sweeping assertion that the burden is on Suffolk County to first file testimony on Contentions 45, 46 and 49 because no federal official action is being challenged by Suffolk County. In the emergency planning proceeding, LILCO has the burden of proving the adequacy of its plan. Because the regulations require it to

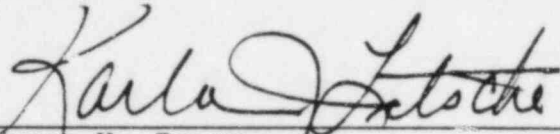
provide specific information on the resources to be used in implementing its plan, LILCO also bears the burden of going forward with its testimony.

III. Conclusion

For the foregoing reasons, LILCO's Motions for Summary Disposition of Contentions 24.B, 33, 45, 46 and 49 should be denied.

Respectfully submitted,

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## ANNEXES

STATEMENT OF MATERIAL FACTS AS TO WHICH THERE EXIST  
GENUINE ISSUES TO BE HEARD CONCERNING CONTENTION 24.B

Suffolk County contends there exist genuine issues in dispute concerning the following facts which are material to a ruling on Contention 24.B. The LILCO Motion referenced herein is LILCO's Motion for Summary Disposition of Contention 24.B, dated February 13, 1984.

1. Whether the "radiological assistance" referenced in the August 10, 1983 letter from David Schweller to Charles A. Daverio at Plan, App-B-1 (Attachment 1 to LILCO Motion), includes all the functions assigned to DOE personnel in the LILCO Plan.

2. Whether the following provisions in the Schweller August 10, 1983 letter mean that DOE will not perform some of the functions LILCO assumes in its Plan will be performed by DOE personnel:

DOE radiological assistance will be limited to advice and emergency action essential for the control of the immediate hazards to health and safety. Radiological emergency assistance will be terminated as soon as the emergency situation is under control. Therefore, responsibility for post-incident recovery, including further action for the protection of individuals and the public health and safety, should be assumed by the appropriate responsible Federal, State or local government, or private authority as soon as the emergency conditions are stabilized.

3. Whether the Schweller August 10, 1983 letter constitutes an agreement by DOE to provide radiological assistance services in the context of an offsite emergency response under the command and control of a private utility rather than an appropriate governmental entity.

4. Whether the Schweller August 10, 1983 letter constitutes an agreement by DOE to provide radiological assistance of the scope, and nature, in the manner, and at the times and places directed by employees of LILCO.

5. Whether the Schweller August 10, 1983 letter relied upon by LILCO as an agreement to satisfy regulatory requirements, identifies the services to be provided, the criteria for their implementation or the arrangements for exchange of information, or obligates DOE to perform the functions for which DOE is relied upon by LILCO in the Plan.

6. Whether the Schweller August 10, 1983 letter constitutes an agreement that satisfies the requirements of NUREG 0654 Sections II.A.3 and II.C.4.

7. Whether the Impell proposal and the LILCO Purchase Order comprising Attachment 2 to the LILCO Motion constitute an agreement between LILCO and Impell.

8. Whether a proposal to provide personnel, that is not contained in the LILCO Plan, constitutes an agreement that meets the requirements of NUREG 0654 Sections II.A.3 and II.C.4.



9. Whether the Impell proposal's reference to providing "personnel for the position of Radiological Health Coordinator" who would be required "to respond" in the event of a Shoreham accident, to "report" to the EOC, and "to help coordinate Radiological Health related activities" constitutes an agreement for Impell personnel to perform all the functions assigned to the Radiological Health Coordinator under the LILCO Plan.

10. Whether the Impell proposal relied upon by LILCO as an agreement to satisfy regulatory requirements, identifies the services to be provided, the criteria for their implementation, or obligates Impell personnel to perform all the functions for which the "Radiation Health Coordinator" is relied upon by LILCO in the Plan.

11. Whether the Schweller August 10, 1983 letter and the Impell proposal, individually or together, provide assurance that the following functions could or would be implemented as set forth in the LILCO Plan, in the event of a Shoreham accident:

- accident assessment
- dose assessment
- accident projection
- dose projection
- recommendation of protective actions to the Director of Local Response
- radiological monitoring for the public and LERO workers
- radiological decontamination for the public and LERO workers
- radiological protection and exposure control for the public and LERO workers
- ingestion pathway protective action recommendations
- implementation of ingestion pathway protective actions
- recovery functions
- reentry functions

Attachment 1 includes some of the portions of the LILCO Plan which indicate the assignment by LILCO of the above functions to DOE-RAP and/or the Radiation Health Coordinator.

12. Whether the Schweller letter and the Impell proposal permit a finding of compliance with 10 CFR §§ 50.47(b)(9), 50.47(b)(10) and 50.47(b)(11).

STATEMENT OF MATERIAL FACTS AS TO WHICH THERE EXIST  
GENUINE ISSUES TO BE HEARD CONCERNING CONTENTION 33

Suffolk County contends that there exist genuine issues in dispute concerning the following facts which are material to a ruling on Contention 33. The Renz Affidavit referenced herein is the one attached to LILCO's Motion for Summary Disposition of Contention 33, dated February 13, 1984.

1. Whether under the LILCO Plan there is any means of direct communication between the Shoreham facility and DOE-RAP field monitoring teams.

2. Whether under the LILCO Plan there is any means of direct communication between the EOC and DOE-RAP field monitoring teams.

3. Whether the LILCO Plan provides for any radio communications between DOE-RAP field monitoring teams and the EOC.

4. Whether the LILCO Plan provides for any radio communications between DOE-RAP field monitoring teams and the Shoreham facility.

5. Whether having one means of communications between DOE-RAP field monitoring teams and the Brookhaven Area Office (Renz Affidavit, para. 1), and a separate means of communications between the EOC and the Brookhaven Area Office (Renz Affidavit, para. 2, 3) constitutes an adequate means of communications between the EOC and DOE-RAP field monitoring teams.

6. Whether the "provisions at the EOC for the DOE-Brookhaven Area Office personnel" (Renz Affidavit, para. 6), include any means of communications with DOE-RAP field monitoring teams.

7. Whether the possibility of moving DOE-Brookhaven Area Office personnel "to another location outside the EPZ" if the Brookhaven Area Office were evacuated (Renz Affidavit, para. 6 and 7), provides a means of communications between DOE-RAP field monitoring teams and the EOC or the Shoreham facility.

8. Whether the alleged mobility of "DOE's communications apparatus" (Renz Affidavit, para. 8), constitutes the provision of a means of direct communications between DOE-RAP field monitoring teams and the EOC or the Shoreham facility.

9. Whether the provisions of the LILCO Plan include reliable primary and backup means of communications that are compatible with one another, between the DOE-RAP field monitoring teams and the Shoreham facility and between the DOE-RAP field monitoring teams and the EOC.

10. Whether there is assurance that necessary and appropriate offsite accident and dose assessment actions, including those necessary to determine the appropriate protective action recommendations, can or will be taken promptly in light of the provisions of the LILCO Plan for the communications between the DOE-RAP field monitoring teams and the EOC.

STATEMENT OF MATERIAL FACTS AS TO WHICH THERE EXIST  
GENUINE ISSUES TO BE HEARD CONCERNING CONTENTION 45

Suffolk County contends that there exist genuine issues in dispute concerning the following facts which are material to a ruling on Contention 45. The Affidavits and Attachments referenced herein are those attached to the LILCO Motion for Summary Disposition of Contention 45, dated February 13, 1984.

1. Whether the description of the DOE-RAP team at page 3.5-2 and Figure 2.1.1 of the LILCO Plan, (See LILCO Attachment 1 and Weismantle Affidavit, para. 2, 3) identifies by title or qualification the individuals from DOE-RAP who are expected to perform offsite accident and dose assessment functions under the LILCO Plan in the event of a Shoreham emergency.

2. Whether the general description of the DOE-RAP program (see pages 6-7 of LILCO Attachment 5) or the following statement in the Schweller Affidavit (para. 1), includes or constitutes the identification by title or qualification of the individuals from DOE-RAP who are expected to perform offsite accident and dose assessment functions under the LILCO Plan in the event of a Shoreham emergency:

When a call for an emergency response comes in, the Captain immediately forms a RAP Team of 5-6 individuals from a pre-established list of members of the radiological staff of the Brookhaven National Laboratory Safety and Environmental Protection Division. Other BNL specialists in the fields of medicine, public information, and security may be included as necessary to deal with the nature of a specific incident.



3. Whether the proposal from Impell (LIICO Attachment 6) satisfies the requirement of NUREG 0654 Section II.A.2.a that the personnel who are expected to perform offsite functions under the LIICO Plan are identified in the Plan itself.

STATEMENT OF MATERIAL FACTS AS TO WHICH THERE EXIST  
GENUINE ISSUES TO BE HEARD CONCERNING CONTENTION 46

Suffolk County contends that there exist genuine issues in dispute concerning the following facts which are material to a ruling on Contention 46. The Affidavits and Attachments referenced herein are those attached to the LILCO Motion for Summary Disposition of Contention 46, dated February 13, 1984.

1. Whether the assertion by LILCO in the Plan at 3.5-2 (LILCO Attachment 3) that "the RAP Team Captain will ensure capability for extended response periods" constitutes the specification of the individual who will be responsible for assuring continuity of technical, administrative, and material resources.

2. Whether the "capability" allegedly to be ensured by the RAP Team Captain will include all technical, administrative and material resources assumed under the LILCO Plan to be forthcoming from DOE-RAP.

3. Whether the LILCO Plan before this Board (Revision 3) identifies an individual from Impell who will be responsible for assuring continuity of all the technical, administrative and material resources assumed in the LILCO Plan to be forthcoming from the Radiation Health Coordinator.

4. Whether the statement that "the Brookhaven Area Office, drawing upon the resources of Brookhaven National Laboratory for personnel, is prepared to provide a sustained response"

(Schweller Affidavit at para. 2) means that DOE-RAP is capable of providing the services expected of DOE-RAP under the LILCO Plan, promptly or continuously (24 hours a day) for a protracted period.

5. Whether the alleged availability of "resources from other DOE contractor facilities" (Schweller Affidavit at para. 2) means that DOE-RAP is capable of providing the services expected of DOE-RAP under the LILCO Plan, promptly or continuously (24 hours a day) for a protracted period.

6. Whether the actions of persons who were members of a DOE-RAP team during the Three Mile Island accident in 1979 have any relevance to the services expected to be performed by DOE-RAP under the LILCO Plan.

7. Whether DOE-RAP has the capability of providing on a prompt and continuous (24 hours a day) basis for a protracted period, the services expected of DOE-RAP under the LILCO Plan.

8. Whether DOE-RAP has the capability of augmenting on a continuous basis any initial staffing of the functions assigned to it under the LILCO Plan.

9. Whether DOE-RAP has the capabilities referenced in paragraphs 7 and 8 above in light of its other obligations to provide assistance to other facilities and governmental entities.

10. Whether the Impell proposals "to provide a primary and four alternates" and to "ensure that one of these individuals would be maintained in a 'ready status' at all times" (LILCO Attachment 2 at 1) means that Impell is capable of providing the services expected of the Radiation Health Coordinator under the LILCO Plan, promptly or continuously (24 hours a day) for a protracted period.

11. Whether Impell has the capability of providing on a prompt and continuous (24 hours a day) basis for a protracted period, the services expected of the Radiation Health Coordinator under the LILCO Plan.

12. Whether Impell has the capability of augmenting on a continuous basis any initial staffing of the Radiation Health Coordinator position under the LILCO Plan.

STATEMENT OF MATERIAL FACTS AS TO WHICH THERE EXIST  
GENUINE ISSUES TO BE HEARD CONCERNING CONTENTION 49

Suffolk County contends that there exist genuine issues in dispute concerning the following facts which are material to a ruling on Contention 49. The Affidavits referenced herein are those attached to the LILCO Motion for Summary Disposition of Contention 49, dated February 13, 1984.

1. Whether the data, relating to radiation releases and mathematical wind dispersion models referenced in paragraphs 1 and 2 of the Daverio Affidavit, which, under the LILCO Plan, must be communicated from the Shoreham site or the EOF to the EOC, and then from the EOC to the Brookhaven Area Office, are complex.

2. Whether the calculated results required under the LILCO Plan and OPIPs could be obtained if there were an inaccurate communication of the data referenced in paragraph 1 above, or other data required for such calculations.

3. Whether the Shoreham site-specific default values contained in software referenced in paragraph 3 of the Daverio Affidavit, or their use, would result in accurate calculations of dose projections under the procedures in the LILCO Plan.

4. Whether the calculated results required under the LILCO Plan and OPIPs could be obtained using the manual backup dose projection procedure referenced in paragraph 4 of the Daverio Affidavit, if there were an inaccurate communication of the data referenced in paragraph 1 above or other data necessary for the making of such calculations.



5. Whether the data, relating to whole body dose rates and thyroid doses referenced in paragraphs 6 and 7 of the Daverio Affidavit, which, under the LILCO Plan must be communicated from field survey teams to the Brookhaven Area Office and then to the EOC, are complex.

6. Whether the calculated results required under the LILCO Plan and OPIPs could be obtained if there were an inaccurate communication of the data referenced in paragraph 5 above or other data necessary for the making of such calculations.

7. Whether the calculated results required under the LILCO Plan and OPIPs could be obtained if any of the data referenced in paragraph 5 above were missing, or not communicated to the Brookhaven Area Office and then the EOC.

8. Whether OPIPs 3.5.2 and 3.5.3 contain provisions for dealing with missing data or communications failures.

9. Whether the required calculations under the LILCO Plan and OPIPs related to ingestion pathway dose projections require unrealistically accurate communications of complex data from the Shoreham site or the EOF to the EOC, from the EOC to the Brookhaven Area Office, from field monitoring teams to the Brookhaven Area Office, or from the Brookhaven Area Office to the EOC.

10. Whether OPIPs 3.5.2 or 3.5.3 contain any provisions for converting measurements from one unit to another for use by personnel at the EOC or the Brookhaven Area Office in obtaining the calculated results required under the LILCO Plan.

11. Whether an assertion by a LILCO employee that "any problems revealed by" exercises proposed to be conducted sometime in the future "will be corrected" (see Daverio Affidavit, paragraph 12) permits a finding that there is reasonable assurance that the procedures in the LILCO Plan before this Board (Revision 3) will provide reliable data for use in making protective action recommendations.

12. Whether availability of equipment, expertise in dose calculation, proximity of Shoreham to the BNL facility, or actions at TMI, referenced in the Schweller Affidavit, paragraphs 1-4 mean that LILCO OPIPs 3.5.2 or 3.5.2 (a) do not require accurate communication of complex data in order to obtain the calculated results required under the LILCO Plan, or (b) contain provisions for dealing with missing data, communications failures, or the necessity of converting measurements from one unit to another.

13. Whether OPIPs 3.5.2 and 3.5.3 will provide reliable data for use in making protective action decisions.

14. Whether OPIPs 3.5.2 and 3.5.3 provide reasonable assurance that there is an adequate method under the LILCO Plan for assessing the potential consequences of an offsite release of radiation.

ATTACHMENT 1

THE FOLLOWING PAGES ARE EXCERPTS FROM  
THE LILCO PLAN, REVISION 3



Department of Energy - Radiological Assistance Plan

Department of Energy - Radiological Assistance Plan (DOE-RAP) provides personnel and equipment to LERO for radiological accident and dose assessment functions, independent from those of the utility. Included in their response are:

- o Field Monitoring Teams
- o EOC Coordination Personnel (See Page No.2.1-3 of Section 2.1)
- o Field Sample Analysis
- o Aerial Radiological Monitoring
- o Radiological Controls Expertise/Advice
- o DOE-RAP Equipment Maintenance

This initial DOE-RAP response will consist of approximately eight persons under the direction of the RAP Team Captain. The dose assessment personnel will report to the Local EOC, and the field monitoring teams will report to BNL. Should BNL be inaccessible, the field monitoring teams will report to the Local EOC. Upon mobilization and arrival of additional DOE-RAP personnel and resources, the Local DOE-RAP Team will relocate to the DOE-RAP Headquarters, when established. One individual will remain at the Local EOC to act as a liaison.

Response by the Department of Energy (DOE) can be expanded to fit the needs of the situation by drawing on capabilities made available from government laboratories such as Bettis, Knolls, Argonne and Oak Ridge.

The Nuclear Emergency Search Team (NEST) is maintained in a constant state of readiness for assistance in emergencies. NEST is a DOE operation and consists of personnel and equipment drawn from Andrews Air Force Base, the Lawrence Livermore Laboratory (LLL), Los Alamos Scientific Laboratory, Sandia Laboratories, and EG&G, Inc., a DOE Contractor/Laboratory. This capability incorporates

### 3.5 Accident Assessment

To organize and coordinate efforts to confirm or determine the offsite radiological consequences of an emergency at the Shoreham Nuclear Power Station (SNPS). Activities which are required under this function include, but are not limited to, the following:

- o determine the magnitude and projected path of radioactive releases into the air, water or onto the ground and vegetation
- o deploying field radiological assessment resources
- o correlating the SNPS estimations of possible offsite radiological consequences determined by actual field measurements

Refer to Accident Assessment and Protective Action Responsibility Matrix, Figure 3.5.2 for organization responsibilities.

#### A - Site Actions

Initial accident assessment of the emergency and evaluation of the radiological release will be performed by SNPS personnel. Based on plant parameters and atmospheric dispersion model, SNPS will determine the projected dose value. Upon declaration of an emergency in any event class, SNPS's initial notification and recommended protective actions will be transmitted through a dedicated phone system or its backup as outlined in Section 3.4 - Communications.

#### B - Offsite Actions

Independent dose assessment of the emergency at SNPS will be performed by the Department of Energy Radiological Assistance Plan (DOE-RAP) personnel. The headquarters for the United States Department of Energy (DOE), Region I, assessment and monitoring team are located at Brookhaven Area Office (BHO),

approximately six miles from SNPS. A DOE-RAP representative will report to the Local EOC to act as a liaison between the local EOC and the DOE-RAP Offsite Radiological Survey (ORS) teams and Radiological Accident Assessment staff.

Two Offsite Radiological Survey (ORS) teams, consisting of two individuals per team from DOE-RAP, will be dispatched as necessary to perform offsite radiological surveys, see Downwind Survey Procedure (Procedure 3.5.1). The estimated deployment time for the Offsite Radiological Survey (ORS) is one hour. The survey teams will obtain their Offsite Radiological Survey (ORS) teams kits at BNL. These teams will be equipped with radiation survey instruments, air samplers with Silver Loaded Silica Gel filters, and equipment to take water, soil and vegetation samples for laboratory analysis. The objectives of this surveying will be to provide data for dose assessment, in conjunction with dose projections, to be used as a basis for protective action recommendations. These ORS teams will be supplemented by additional teams from LILCO if needed.

The level of response with respect to offsite radiological surveying will depend on the seriousness of the accident. The RAP Team Captain will have the authority to determine the level of surveying required and will ensure capability for extended response periods. The ORS teams will be dispatched to perform offsite radiological surveys in the downwind direction from SNPS. Each team will be directed by the Environmental Survey Function located in the Local EOC, via radio communications. He will specify the distance from SNPS, the direction and sampling location number in the ten mile EPZ to monitor radiation levels and obtain samples of air, water, soil and vegetation. These preselected sampling sites are listed on Table 3.5.1 and keyed to the Offsite Survey Map Figure 3.5.1. Field data will be radioed back to the Environmental Survey Function and all samples will be returned to the Local EOC, or as directed, for laboratory analysis by DOE-RAP or SNPS labs.

Through SNPS, laboratory analysis is available at the Radiation Management Corporation in Philadelphia, PA., which offers a complete Radiological Environmental Monitoring Program (REMP) as does Public Service Electric and Gas in Maplewood, NJ.; NUS Corporation in Rockville, MD., and Pittsburgh, PA.; and Teledyne in Westwood, NJ. Each of these facilities has the capability to perform thermoluminescent dosimetry (TLD) analysis, strontium analysis, tritium analysis, gamma spectroscopy, gross alpha, gross beta and iodine radiochemical analysis.

#### Dose Projection Methods

During an emergency at SNPS, the offsite radiological impact of the accident will be assessed through two separate means; environmental measurements and predictive environmental models. This section discusses how dose rates and cumulative doses will be calculated. See Procedure 3.5.2, Assessment and Dose Projection Procedure, to implement these calculation methods. Ingestion pathway doses will be estimated using Procedure 3.5.3 - Ingestion Pathway Assessment and Dose Projection.

The general formulas for dose rate and integrated dose are modified from NRC Regulatory Guide 1.109 as presented in Procedure 3.5.2. All calculations are based on the most limiting factor, the child age group.

The predictive environmental model is programmed on a portable computer. Using information supplied by Shoreham conservative default values dose projections can be calculated within several minutes. The dose projection will be updated as additional data is available.

Offsite radiological survey teams will relay whole body dose rates and iodine sample measurements back to the EOC or Brookhaven Area Office. Based upon projected duration of release, total integrated dose will be calculated. Survey teams will either remain stationary and update dose rates every few minutes or else be deployed to provide information on plume boundary movements.

Depending on whether the results of the monitoring  
teams or computer model is considered more reliable,  
the dose calculations will be used as input to the  
Protective Action decision making process (see  
Section 3.6 and Procedure 3.6.1.)

The Radiation Health Coordinator will ensure  
staffing for a protracted period through the use of  
two-12 hour shifts. The Health Services Coordinator  
is responsible for ensuring continuity of all health  
services.

#### C - Notification and Mobilization

During an Alert the Director of Local Response and  
the Manager of Local Response will report to the  
Local EOC in Brentwood, which will then be  
activated. As explained in Section 3.3, the County  
Executive or his authorized designee will report to  
the Local EOC if he chooses to participate. All  
personnel assigned to the Local EOC will report to  
the Local EOC as well as DOE-RAP's assessment staff  
and coordinators. DOE-RAP's survey teams will be  
mobilized and report to either their staging area or  
the Local EOC for deployment by the Environmental  
Survey Function. Communications between the Local  
EOC, SNPS and the EOF will be established to discuss  
the incident potential, projected releases,  
meteorological data, etc.



		Functions							
IERO	Director of Local Response	Projected Dose	Personnel Coordination	Survey Equipment	Deployment of Survey Teams	Monitoring/Sampling	Dose Assessment Calculations	Actual Dose	Protective Response
	Health Service Coordinator		P						
	Radiation Health Coordinator	S	S						S
	Environmental Assessment Coordinator	S	S	S			S	P	
	Dose Assessment Team	P		P		P			
	Environmental Survey Coordinator		S	S	P	S	S		
	Survey Teams			P		P	S		

P = PRIMARY RESPONSIBILITY

S = SUPPORTING RESPONSIBILITY

Figure 3.5.2  
Accident Assessment and Protective Action  
Responsibility Matrix



PRESELECTED SAMPLING LOCATIONS

The designation symbol is composed of three parts: distance from SNPS (miles), direction and sampling location number.

Example (SESE2):                5                ESE                2  
                                 Miles        Direction        Location No.

LOCATION	DESIGNATION
1. North Side Rd, 0.2 miles North of N. Wading River Rd.	2E1
2. Intersection N. Wading River Rd. & Hulse Ave.	3E1
3. Wildwood State Park Maintenance area, near tower (Lilco designation - 5D3)	4E1
4. Wildwood State Park, State Park Police Barracks (Lilco designation - 5D1)	4E2
5. Intersection Sound Ave. & Oak Drive	5E1
6. Sound Ave., 0.7 mile East of Fresh Pond Ave.	5E2
7. End of Edwards Ave., at L.I. Sound	6E1
8. Intersection Sound Ave. & Edwards Ave.	6E2
9. Intersection Warner Dr. & Warner Ct.	7E1
10. Intersection Sound Ave. & Warner Dr., Baiting Hollow Free Library	7E2
11. Twomey Ave., 0.5 miles South of Sound Ave.	7E3
12. Intersection Sound Ave. & Horton Ave. - NYS Research Farm	8E1
13. Osborne Ave. - 0.5 miles South of Sound Ave.	8E2
14. Intersection Youngs Ave. & Osborne Ave.	8E3
15. End of Roanoke Ave., L.I. Sound	9E1
16. Intersection Sound Ave. & Roanoke Ave.	9E2
17. Intersection Reeves Ave. & Horton Ave.	9E3
18. Intersection Sound Ave. & Doctors Path	10E1
19. Reeves Ave. - 0.6 miles East of Roanoke Ave.	10E2
20. Intersection Reeves Ave. & Roanoke Ave.	10E3
21. Intersection Roanoke Ave. & Joyce Dr.	10E4
22. Intersection Remsen Rd. & Emerald La.	2ESE1
23. Intersection Rt. 25A & Sound Ave.	3ESE1
24. Hulse Landing Rd. & Sound Ave.	4ESE1
25. Intersection Rt. 25A & Hulse Landing Rd.	4ESE2
26. Fresh Pond Rd., 0.5 miles South of Sound Ave.	5ESE1
27. Intersection Rt. 25 & Rt. 25A	5ESE2
28. Intersection Rt. 25 & Fresh Pond Ave.	6ESE1
29. Intersection Riley Ave. & Twomey Ave.	7ESE1
30. Intersection Rt. 25 & Edwards Ave.	7ESE2
31. Intersection Middle Rd. & Manor Rd.	8ESE1
32. Intersection River Rd. & L.I.R.R., 0.5 Miles South of Rt. 25	8ESE2
33. Intersection Edwards Ave. & River Rd.	8ESE3
34. Intersection Nugent Dr. & Toppings Path	8ESE4
35. Intersection Mill Rd. & Middle Rd.	9ESE1
36. Intersection Old Country Rd. & Kroemer Ave.	9ESE2
37. Intersection S. River Rd. & Forge Rd.	9ESE3

PRESELECTED SAMPLING LOCATIONS

The designation symbol is composed of three parts: distance from SNPS (miles), direction and sampling location number.

Example (5ESE2):                      5                      ESE                      2  
   Miles                      Direction                      Location No.

LOCATION	DESIGNATION
38. Intersection Nugent Dr. & Pinehurst Blvd.	9ESE4
39. Intersection Middle Rd. & Horton Ave.	10ESE1
40. Intersection Osborne Ave. & Old Country Rd.	10ESE2
41. Intersection Rt. 25 & Mill Rd.	10ESE3
42. Nugent Dr. (Rt. 24W)-Rest Area, 1.0 miles E. of Pinehurst Blvd.	10ESE4
43. Intersection Moriches-Riverhead Rd. (Rt. 51) & Speonk - Riverhead Rd.	11ESE1
44. Intersection Wading River - Manorville Rd & Rt. 25A	2SE1
45. Intersection Rt. 25 & Line Rd (Gate #25)	4SE1
46. Route 25, 0.5 miles West of Rt. 25A	5SE1
47. Swan Pond Rd., 0.3 miles East of Line Rd.	5SE2
48. Intersection River Rd. & Swan Pond Rd.	6SE1
49. River Rd., entrance to Swan Lake Golf Club, 1 mile E. of Wading River - Manorville Rd.	6SE2
50. Intersection River Rd. & Connecticut Ave.	7SE1
51. Intersection Connecticut Ave. & Mill Rd.	7SE2
52. Intersection Jones Rd. & Primrose Path	8SE1
53. Intersection L.I. Expressway & Halsey Manor Rd.	8SE2
54. Intersection Port Jefferson - Westhampton Rd. & Eastport Manor Rd.	9SE1
55. Intersection East Port Manor Rd. & Jodi Dr.	10SE1
56. Intersection Moriches-Riverhead Rd (Rt. 51) & Old Moriches Riverhead Rd.	11SE1
57. Riverhead Rd., 1.3 miles South of Old Moriches Rd.	11SE2
58. Port Jefferson - Westhampton Rd. & Moriches - Riverhead Rd.	11SE3
59. Rt. 25A, 0.5 miles East of Randall Rd.	2SSE1
60. Intersection Long Pond Rd. & Stephen Dr.	3SSE1
61. Intersection Rt. 25 & Wading River - Manorville Rd.	4SSE1
62. Intersection Pananoka Trail & Tarkill Tr.	4SSE2
63. Intersection Wading River - Manorville Rd. & Swan Pond Rd.	5SSE1
64. Intersection Wading River - Manorville Rd. & Schultz Rd.	5SSE2
65. Intersection Line Rd. & Wading River - Manorville Rd.	6SSE1
66. Schultz Rd.-1.0 mile North of North St. at entrance to N.Y.S. Greyhound Owners & Breeders Assoc.	6SSE2
67. Intersection Mill Rd. & L.I.R.R.	7SSE1
68. Intersection North St. & Raynor Rd.	7SSE2
69. Intersection Center Moriches Rd. & North St.	7SSE3
70. Port Jefferson-Westhampton Rd., 0.2 miles Northwest of Halsey Manor Rd.	8SSE1
71. Intersection Chapmans Blvd. & Port Jefferson - Westhampton Rd.	8SSE2

PRESELECTED SAMPLING LOCATIONS

The designation symbol is composed of three parts: distance from SNPS (miles), direction and sampling location number.

Example (SESE2):                5                ESE                2  
                                 Miles        Direction        Location No.

LOCATION	DESIGNATION
72. South Manor P.S. - South St., 0.2 miles East of Wading River Rd.	8SSE3
73. Intersection South St. & Dayton Ave.	8SSE4
74. Intersection Hot Water St. & Halsey Manor Rd.	9SSE1
75. Intersection Chapmans Blvd. & Hot Water St.	9SSE2
76. Intersection Bauer Ave. & South St.	9SSE3
77. Intersection Wading River Rd. & Country Club Dr.	9SSE4
78. South Manor Dayton Ave. School - Dayton Ave., 0.8 miles South of South St.	9SSE5
79. Intersection Railroad Ave. & Chapmans Blvd.	10SSE1
80. Intersection Wading River Rd. & Jerusalem Hollow Rd.	10SSE2
81. Intersection Moriches - Middle Island Rd. & Pine Hill Pkwy	10SSE3
82. Intersection North Pine St. & Clancy Rd.	11SSE1
83. Rt. 25A at entrance to SNPS	2S1
84. Intersection Rt. 25 & Old Saddle Rd.	4S1
85. Intersection Old Saddle Rd. & Elizabeth Way	5S1
86. Intersection Gull Dip St. & Pine Bark Rd.	5S2
87. Intersection North St. & North Weeks Ave.	8S1
88. Intersection Carleton Dr. and Sleepy Hollow Dr.	8S2
89. Intersection Moriches - Middle Island Rd. & Titmus Dr.	9S1
90. Intersection Moriches - Middle Island Rd. & Birch Hollow Dr.	9S2
91. Intersection Avondale Dr. & Waldorf Dr.	9S3
92. Intersection L.I. Expressway & William Floyd Pkwy.	9S4
93. Intersection Moriches - Middle Island Rd. & Dayton Ave.	10S1
94. Intersection Victory Ave. & Barnes Rd.	10S2
95. Intersection Moriches - Middle Island Rd. & Weeks Ave.	10S3
96. Intersection Titmus Dr. & Grove Dr.	10S4
97. Intersection Sunset Dr. & Wm. Floyd Pkwy.	10S5
98. Intersection Southaven Fireplace River Rd. & Norwood Dr.	10S6
99. Entrance to USAR Center on Rt. 25A, 0.3 miles East of William Floyd Pkwy.	2SSW1
100. William Floyd Pkwy., 1 mile North of Whiskey Rd. Int.	3SSW1
101. Intersection Randall Rd. & Bradley Dr.	3SSW2
102. Intersection Whiskey Rd. & Randall Rd.	4SSW1
103. Intersection Whiskey Rd. & Ridge Rd.	4SSW2
104. Randall Rd., 0.5 miles North of Rt. 25	5SSW1
105. Ridge Rd., 0.7 miles North of Rt. 25	5SSW2
106. Wood Lots Rd., 0.5 miles South of Whiskey Rd.	5SSW3
107. Intersection Smith Rd. & Medford Rd.	6SSW1
108. Intersection Rt. 25 & Smith Rd.	6SSW2
109. Intersection Rt. 25 & Wading River-Hollow Rd.	6SSW3

PRESELECTED SAMPLING LOCATIONS

The designation symbol is composed of three parts: distance from SNPS (miles), direction and sampling location number.

Example (5ESE2):                      5                      ESE                      2  
   Miles                      Direction                      Location No.

LOCATION	DESIGNATION
110. Intersection William Floyd Pkwy. & Longwood Rd.	7SSW1
111. Longwood H.S. - Intersection Smith Rd. & Longwood Rd	7SSW2
112. Intersection Wading River - Hollow Rd. & Cullen La.	7SSW3
113. Intersection Longwood Rd. & Wading River - Hollow Rd.	8SSW1
114. Intersection Middle Island Rd. & Bartlett Rd.	8SSW2
115. Intersection Broadway or Moriches Rd. & L.I. Expressway	9SSW1
116. Intersection Yaphank Ave. & Main St.	9SSW2
117. Intersection Shannon Blvd. & Valerie Ct.	9SSW3
118. Intersection Yaphank - Middle Island Rd. & Shannon Blvd.	9SSW4
119. Intersection Granny Rd. & Ashton Rd.	9SSW5
120. Intersection Park St. & Yaphank Rd.	10SSW1
121. Intersection Sills Rd. & Long Island Ave.	10SSW2
122. Intersection Mill Rd. & Hilldown Rd.	10SSW3
123. Intersection Mill Rd. & Bellport Ave.	10SSW4
124. Intersection Rt. 25A & East St.	2SW1
125. Intersection Randall Rd. & Cooper St.	3SW1
126. Intersection Wading River - Hollow Rd. & Ridge Rd.	4SW1
127. Wading River - Hollow Rd., 1.0 mile North of Whiskey Rd.	4SW2
128. Intersection Whiskey Rd. & Wading River - Hollow Rd.	5SW1
129. Rocky Point Rd. - 1.0 miles North of Whiskey Rd.	5SW2
130. Intersection Whiskey Rd. & Currans Rd.	6SW1
131. Intersection Whiskey Rd. & Rocky Point Rd.	6SW2
132. Intersection Rt. 25 & Middle Island Rd.	7SW1
133. Intersection Miller Pl. - Yaphank Rd. & Rocky Point Rd.	7SW2
134. Intersection Miller Pl. - Yaphank Rd. & Whiskey Rd.	7SW3
135. Intersection Whiskey Rd. & Miller Place-Middle Island Rd.	7SW4
136. Middle Island J.H.S. on Yaphank - Middle Island Rd., 0.5 Miles North of Longwood Rd.	8SW1
137. Intersection Rt. 25 & Church La. (across from entrance to Union Cemetary)	8SW2
138. Intersection Lakeview Dr. & Lake Ter.	8SW3
139. Intersection Westfield Rd. & Northfield Rd.	8SW4
140. Intersection Mt. Sinai - Coram Rd. & Coram - Swezeytown Rd.	8SW5
141. Intersection Gray Ave. & Seymour La.	9SW1
142. Intersection Gray Ave. & Adams La.	9SW2
143. Intersection Middle Country Rd. (RT.25) & Homestead Dr.	9SW3
144. Coram P.S. - Mt. Sinai - Coram Rd. & W. Denis La.	9SW4
145. Intersection Pine Rd. & Sequoia Dr.	9SW5
146. Intersection Mill Rd. & Granny Rd.	10SW1
147. Intersection W. Yaphank Rd. & Seymour La.	10SW2

PRESELECTED SAMPLING LOCATIONS

The designation symbol is composed of three parts: distance from SNPS (miles), direction and sampling location number.

Example (5ESE2):                      5                      ESE                      2  
   Miles                      Direction                      Location No.

LOCATION	DESIGNATION
148. Coram Plaza Shopping Center parking lot - Int. Rt. 112 & Coram - Yaphank Rd.	10SW3
149. Intersection Patchogue - Mt. Sinai Rd. & Route 112	10SW4
150. Intersection Rt. 112 & Milton St.	11SW1
151. Intersection Patchogue - Mt. Sinai Rd. & Old Town Rd.	11SW2
152. Intersection Norman Ave. & Suffolk Down	2WSW1
153. Intersection Rt. 25A & Harding St.	3WSW1
154. Intersection Rt. 25A & Landing Rd.	4WSW1
155. Intersection Broadway & King Rd.	4WSW2
156. Intersection Rocky Pt. Rd. & Wood Rd.	5WSW1
157. Intersection Rt.25A & Rocky Point Rd. - Point Plaza Shopping Center	5WSW2
158. Intersection Rt. 25A & Patchogue Dr.	5WSW3
159. Radio Ave., 1.0 mile south of Town Ave.	6WSW1
160. Intersection Radio Ave. & Town Ave.	6WSW2
161. Intersection Henry Ave. & Henearly Dr.	7WSW1
162. Intersection Helme Ave. & Miller Place Rd.	7WSW2
163. Intersection Miller Pl. Rd. & Miller Pl. - Yaphank Rd.	7WSW3
164. Intersection Canal Rd. & Mount Sinai - Coram Rd.	8WSW1
165. Intersection Canal Rd. & Strathmore Ct.	8WSW2
166. Intersection Mt. Sinai - Coram Rd. & Plymouth Ave.	8WSW3
167. Intersection Bunthorne La. & Wylde Rd.	8WSW4
168. Intersection Mt. Sinai - Coram Rd. Patchogue - Mt. Sinai Rd.	8WSW5
169. Intersection Patchogue - Mt. Sinai Rd. & Pine Rd. - Tanglewood Hills Mall	9WSW1
170. Intersection Canal Rd. & Chestnut St.	9WSW2
171. Intersection Mt. Sinai Ave. & Wheat Path E.	9WSW3
172. Intersection Hallock Ave. & Nesconset Rd. (Rt. 347)	9WSW4
173. Intersection Pine Rd. & Howe Rd.	10WSW1
174. Intersection Locust St. & Wilmont Turn	10WSW2
175. Intersection Rt. 112 & Washington Ave.	10WSW3
176. Intersection Jayne Blvd. & Roosevelt Ave.	10WSW4
177. Jefferson Shopping Plaza parking lot - Rt. 112 between Grand Ave. & Crescent Dr.	10WSW5
178. Intersection Soundview Dr. & Highland Dr.	2W1
179. Intersection Friendship Dr. & Alma Rd.	3W1
180. Intersection Magnolia Dr. & Locust Dr.	4W1
181. End of Hallock Landing Rd., at L.I. Sound	4W2
182. Intersection Rocky Point Landing Rd. & Walnut Rd.	5W1
183. End of Amagansett Rd.	5W2



PRESELECTED SAMPLING LOCATIONS

The designation symbol is composed of three parts: distance from SNPS (miles), direction and sampling location number.

Example (SESE2):                5                ESE                2  
                                 Miles        Direction        Location No.

LOCATION	DESIGNATION
184. Intersection North Country Rd. & Wedgewood La.	6W1
185. Intersection Long Beach Dr. & Rocky Point Rd.	6W2
186. Intersection Miller Pl. - Yapank Rd. & Echo Ave.	7W1
187. North Country Road P.S., Lower Rocky Pt. Rd. & North Miller Pl.	7W2
188. Intersection Pipe Stave Hollow Rd. & North Country Rd.	8W1
189. Intersection North County Rd. & Vidoni Dr.	9W1
190. Intersection North County Rd. & Mt. Sinai - Coram Rd. (Mt. Sinai Fire Dept)	9W2
191. End of Pipe Stave Hollow Rd., at L.I. Sound (Parking Lot at Cedar Beach)	9W3
192. Intersection Crystal Brook Hollow Rd. & Pine Hill Rd.	10W1
193. Intersection Oakwood Rd. & Winston Dr.	10W2
194. Intersection Old Homestead Dr. & Sands La.	10W3
195. Intersection End Of Winston Dr., at L.I. Sound	10W4



The decision to implement protective actions will be based in part on USEPA Protective Action Guides (PAGs). Table 3.6.4 lists the protective actions that may be recommended to offsite authorities by the SNPS Emergency Director or Response Manager for various emergency phases (keyed to approximate time periods following an emergency) as a function of exposure pathways following the onset of a radiological emergency. The initial recommendations concerning Protective Actions will be made by SNPS to LERO.

If time permits, the Health Services Coordinator will direct the independent correlation between projected doses at the time of an emergency and the recommended actions given in Table 3.6.1. However, these projected doses to the population sectors under consideration are influenced by such factors as the kind and amount of release, release duration, and weather conditions. Projected doses are compared with the projected public radiation exposure of the populace being considered for evacuation, and with the projected exposures if the same population were sheltered (taking into consideration the shelter shielding factors given in Table 3.6.5 in order to determine which recommended action in Table 3.6.1 is preferable). Details of this process are presented in Procedure 3.6.1, Protective Action Recommendations. Figure 3.6.1 illustrates the process by which the decision is made to take shelter or evacuate. Sheltering and Evacuation protective actions will be implemented by designated zones of the plume exposure pathway EPZ, as shown in Appendix A, Figure 3.

The Director of Local Response, based on the input from SNPS and the Radiation Health Coordinator, DOE-RAP, and based on advice from NRC and FEMA representatives and the State and County representatives should they choose to participate, will make the final decision regarding which protective action will be implemented.

#### C - Protective Actions - Implementation

##### Individual Protective Actions

The most immediately available resources for protection from exposure by inhalation of airborne radioactive material, is the use of many readily available household and personal items. Materials such as toilet paper, bath towels, handkerchiefs,

- o bedding materials
- o cots/sleeping bags
- o medication
- o infants' supplies
- o clothing
- o toilet articles

#### Food, Milk, Water, and Livestock Feed Control

This protective action entails controlling food, milk, water, and livestock feed supplies which may have become contaminated. These actions are potentially necessary for the entire ingestion exposure pathway EP2. Controls are designed to keep radioactive material out of the human food chain and from being consumed by people both in and out of the ingestion exposure pathway EP2.

During a radiological emergency, the Radiation Health Coordinator will be responsible for the coordination of ingestion pathway sampling and dose assessment activities. In this capacity, he will coordinate the activities of the RAP Team Captain, the Environmental Survey Function and the Dose Assessment Function. The Dose Assessment Function will develop ingestion pathway protective actions proposals for the review of the Director of Local Response. Based on these proposals, the Director of Local Response will decide whether to recommend protective actions. The Radiation Health Coordinator will be responsible for communicating recommended protective actions to farms, food processors and other food chain establishments. The Coordinator of Public Information, moreover, will be responsible for communicating such information to the general public.

#### Utility Protective Actions

Should the evacuation of SNPS nonessential site personnel be necessary, LERO will be informed to allow for the implementation of traffic control. If a public evacuation is in progress, the evacuation route used by site personnel will be via the access road to Route 25A west, south on the William Floyd Parkway and west on the Long Island Expressway.

### 3.10 Recovery/Re-Entry

The purpose of this section is to describe the details of off-site recovery/re-entry operations for the restoration of the area to its pre-emergency conditions following a radiological emergency at the Shoreham Nuclear Power Station. The operations are to be implemented in accordance with the general plans for recovery and re-entry contained in Procedure 3.10.1, Recovery/Re-Entry, which identifies the tasks to be performed, the responsible individuals, and re-entry sequences in accordance with the radiological conditions of the affected area.

When the Response Manager at the EOF declares that the site conditions are controlled, a Recovery Action Committee will be appointed by the Director of Local Response, in accordance with Procedure 3.10.1.

#### A - Recovery Action Committee

The Committee, as described in Procedure 3.10.1, Section 5.1, is chaired by the Manager of Local Response and is staffed with key individuals from LERO who are capable of mobilizing required resources, evaluating the data obtained pertinent to the re-entry operations, and making the necessary decisions. The Recovery Action Committee will also plan and implement actions for the restoration of the affected areas to their pre-emergency conditions.

#### B - Operations

The Recovery Action Committee supervises the re-entry operation to return the population to their homes and employment by performing the following tasks:

- a. With Procedure 3.10.1 Attachment 1 as guidance, coordinates area radiological surveys, evaluates data, and identifies the areas to be re-entered.
- b. Mobilizes all required resources, manpower, and equipment necessary for re-entry and coordinates the operation which includes transportation, traffic control, and communications.
- c. Determines whether all utilities are functioning, that food supplies are adequate and that the evacuation effects on public health and sanitation are mitigated.

- d. In conjunction with LILCO, prepares and issues announcements to the public information media (newspapers, radio, television) and to Relocation Centers specifying areas which may be re-entered.
- e. Ensures establishment of an organization to estimate total population exposure on a continuing basis.

### 3.11 Long Term Operations

Long Term Operations are comprised of the establishment of Federal assistance, a radiation monitoring program and a medical follow-up after protective actions are relaxed.

#### Responsibilities

The Health Services Coordinator has primary responsibility for recommending protective actions; for overseeing the total related radiological program; and for modifying, relaxing and discontinuing protective actions.

#### Federal Assistance

Recovery operations commence as soon as the situation is stabilized and as explained in detail in Section 3.10. LERO functional coordinators will assess the situation and would then submit data to the Director of Local Response who would request the Governor to ask the President to declare an Emergency or Disaster. If such a request is made and granted, the Federal assistance which will then be provided would be administered by the Federal Radiological Preparedness Coordination Committee in accordance with procedures adopted for use in administering Federal aid. The LERO will support Federal assistance with the resources identified in Attachment 3.11.1.

In instances where a Presidential declaration is either not requested or granted, specific types of Federal assistance may be provided by individual Federal agencies acting within their own statutory authorities.

#### Radiation Program

A radiation monitoring program for contaminated areas will be established by the LERO based on recommendations from the Radiation Health Coordinator. This monitoring program may be long-term depending upon the type, levels and extent of the contamination. The monitoring will also take into account the nature of the contamination as well as the area affected. Future activities affecting release radiation (venting etc.) will also require monitoring.



THE FOLLOWING PAGES ARE EXCERPTS FROM  
LILCO OPIPs, REVISION 3



POSITION DEFINITIONS  
(continued)

Emergency Position: Radiation Health Coordinator

Activation Level: Alert through General Emergency

Response Location: Local EOC

Responsible to: Director of Local Response for radiological  
accident assessment/PAG recommendations

Health Service Coordinator for all other  
radiological controls/protective aspects of  
LERO response

Responsibilities:

- a. Coordinating the radiological assessment activities of the LERO.
- b. Providing radiological accident assessment results and PAG recommendation to the Director of Local Response.
- c. Coordinating the radiological protection and exposure control activities of the LERO.
- d. Ensuring that the response activities under his direction are occurring rapidly and in concert with the overall LERO effort.
- e. Ensuring adequate reserves of manpower, equipment, and supplies are readily available.
- f. Providing status reports to the Health Services Coordinator.

Representative  
Titles of Individuals  
Designated to Fill  
This Position:

Representative Outside Consultants

POSITION DEFINITIONS  
(continued)

Emergency Position: RAP Team Captain

Activation Level: Alert through General Emergency

Response Location: Local EOC

Responsible to: Radiation Health Coordinator

Responsibilities:

- a. Coordinating radiological accident assessment activities for the LERO.
- b. Reviewing calculations performed by the Dose Assessment function for accuracy and applicability.
- c. Formulating PAG recommendations based on assessment results and reviewing these recommendations with the Radiation Health Coordinator.
- d. Interfacing with the SNPS Dose Assessment personnel to exchange information and compare assessment results.
- e. Cooperating with other LERO coordinators to ensure all activities undertaken by LERO personnel are conducted with adequate knowledge and protection based on the radiological conditions anticipated or prevailing at the time.
- f. Ensuring that adequate reserves of manpower, equipment, and supplies are readily available.
- g. Providing status reports to the Radiation Health Coordinator.

Representative  
Titles of Individuals  
Designated to Fill  
This Position:

Representatives DOE - RAP

POSITION DEFINITIONS  
(continued)

Emergency Position: Dose Assessment Function

Activation Level: Alert through General Emergency

Response Location: Local EOC

Responsible to: RAP Team Captain

Responsibilities:

- a. Conducting radiological accident dose assessment procedures for the LERO.
- b. Coordinating with the Environmental Survey Function in the direction and utilization of the LERO Survey Teams.
- c. Providing the RAP Team Captain with dose assessment information to support PAG recommendation development.

Representative  
Titles of Individuals  
Designated to Fill  
This Position:

Representatives DOE - RAP

POSITION DEFINITIONS  
(continued)

Emergency Position: Environmental Survey Function

Activation Level: Alert through General Emergency

Response Location: Local EOC

Responsible to: RAP Team Captain

Responsibilities:

- a. Coordinating the field activities of the LERO Survey Teams.
- b. Receiving/recording field survey results and relaying this information to the LERO Dose Assessment staff.
- c. Providing status reports to the RAP Team Captain.

Representative  
Titles of Individuals  
Designated to Fill  
This Position:

Representatives DOE - RAP

POSITION DEFINITIONS  
(continued)

Emergency Position: Survey Team Members

Activation Level: Alert through General Emergency

Response Location: Brookhaven National Laboratory Staging Area/  
field Locations as directed by the Environ-  
mental Survey Function

Responsible to: Environmental Survey Function

Responsibilities:

- a. Conduct field radiological dose assess-  
ment surveys under the direction of the  
Environmental Survey Function.
- b. Conduct field radiological assessment  
environmental sampling as directed by  
the Environmental Survey Function.

Representative  
Titles of Individuals  
Designated to Fill  
This Position: Representatives DOE - RAP

EPC \_\_\_\_\_

OPIP 3.10.1  
Page 1 of 8

Approved: \_\_\_\_\_

Effective Date \_\_\_\_\_

## +OPIP 3.10.1 RECOVERY/REENTRY

### 1.0 PURPOSE

This procedure provides (1) decision-making guidance for the initiation of recovery operations and the implementation of evacuee re-entry into evacuated areas and (2) guidance for the formation and operation of the Recovery Action Committee.

### 2.0 RESPONSIBILITY

- 2.1 The Director of Local Response is responsible for initiating the recovery/re-entry operation.
- 2.2 The Manager of Local Response is responsible for implementing this procedure and is the Chairman of the Recovery Action Committee.

### 3.0 PRECAUTIONS

Special situations requiring temporary re-entry require implementation of Section 5.5.

### 4.0 PREREQUISITES

The prerequisites for the formation of the Recovery Action Committee are:

- 4.1 An evacuation has been implemented for part or all of the 10-mile EPZ.
- 4.2 Conditions at the SNPS site have been declared stable and safe by the SNPS Response Manager/Emergency Director.
- 4.3 No further releases of radioactivity having offsite consequences are expected, as determined by the SNPS Response Manager/Emergency Director.
- 4.4 Radiological conditions in the evacuated area have been determined by the Radiation Health Coordinator to be stabilized.



## 5.0 ACTIONS

### 5.1 Recovery Action Committee

The Director of Local Response directs the formation of the Recovery Action Committee. This committee is convened prior to recovery/re-entry to gather information to assist decision making regarding recovery/re-entry and to implement re-entry upon authorization by the Director of Local Response.

#### 5.1.1 Composition of the Committee

The Director of Local Response will ensure that the Recovery Action Committee is staffed by the following LERO members:

- a. Manager of Local Response - Chairman
- b. Health Services Coordinator
- c. Evacuation Coordinator
- d. Support Services Coordinator
- e. Coordinator of Public Information
- f. Radiation Health Coordinator
- g. Others, see Section 5.1.2

#### 5.1.2 Additional committee members may participate if available. They are:

- a. FEMA Representative
- b. DOE Representative
- c. State Representative
- d. County Representative

### 5.2 Tasks and assigned responsibilities of the Recovery Action Committee members are as follows:

<u>Task</u>	<u>Responsible Individual</u>
a. Administration	Manager of Local Response
b. Air Monitoring	Radiation Health Coordinator
c. Ingestion Pathway Sampling	Radiation Health Coordinator
d. Environmental Media Survey	Radiation Health Coordinator
e. Laboratory Analyses	Radiation Health Coordinator
f. Re-entry Area Identification	Radiation Health Coordinator
g. Public Dose Commitment	Radiation Health Coordinator

<u>Task</u>	<u>Responsible Individual</u>
h. Environmental Decontamination	Health Services Coordinator
i. Transportation	Evacuation Coordinator
j. Traffic Control	Evacuation Coordinator
k. Communications	Manager of Local Response
l. Security	Support Services Coordinator
m. Public Information	Coordinator of Public Information

5.2.1 The Recovery Action Committee will perform the actions identified in Sections 5.3, 5.4, and 5.5 of this procedure.

### 5.3 Initial Recovery/Re-Entry Actions

5.3.1 The Radiation Health Coordinator will:

- a. Direct that surveys of the affected area be initiated. These surveys will include the following as appropriate:
  1. Air Monitoring
  2. Ingestion Pathway Sampling - Surface water (including lakes, ponds, and sumps), potable water, milk, crops (vegetables, fruit), forage, fin fish, shell fish
  3. Environmental Survey - Ground, equipment, structures, vehicles
- c. Compare the results of the surveys with the guidance contained in Attachment 1 (for re-entry) and Attachment 1 of OPIP 3.6.6 (for ingestion considerations).
- d. Advise the Manager of Local Response as to the results of the surveys and the indicated actions.

5.3.2 The Manager of Local Response will convene the Recovery Action Committee to discuss the status of tasks enumerated in Section 5.2 in preparation for re-entry.

- 5.3.3 The Manager of Local Response will indicate to the Director of Local Response when all facets of the re-entry operation are determined to be ready.
- 5.3.4 The Director of Local Response will authorize the initiation of the re-entry operation.
- 5.3.5 The Support Services Coordinator advises the American Red Cross to begin deactivation of the relocation centers.
- 5.3.6 All Recovery Action Committee coordinators notify the members of the response organization that re-entry operations are initiated.
- 5.3.7 All Recovery Action Committee coordinators notify the members of the response organization that re-entry operations are initiated.
- 5.3.8 Either the Radiation Health Coordinator or the U.S. Environmental Protection Agency Office of Radiation Programs in accordance with their FRMAP assessment functions estimates total population exposure.

5.4 Re-Entry - Permanent (Note: Re-Entry/Temporary is detailed in Section 5.5)

The Recovery Action Committee gives consideration to the number of people that have been evacuated, the transportation needs (including special), and the logistics at the relocation centers. Re-entry actions may vary depending upon the specific emergency conditions. Following are the three major re-entry scenarios:

- 5.4.1 The radiological emergency involved an evacuation but did not involve a radiological release. The Manager of Local Response will direct the appropriate Recovery Action Committee members to initiate these tasks:
  - a. Determine that all utilities are functioning in the evacuated area.
  - b. Provide transportation for those who required it during evacuation.
  - c. Inform the public of LERO recommendations to re-enter the evacuated areas.

5.4.2 The radiological emergency involved an evacuation and a radiological release; however, no contamination is identified or the level is less than that described in Attachment 1. The Manager of Local Response directs the appropriate coordinators to initiate these tasks:

- a. Determine that all utilities are functioning in the evacuated area.
- b. Provide transportation for those who required it during evacuation.
- c. Inform the public of LERO recommendations to re-enter the evacuated areas.
- d. Place TLDs in predetermined, strategic locations throughout the evacuated area consistent with the locations utilized by SNPS as described in EPIP 2-6 and 2-15. Determine exposure of these units as frequently as the results require.
- e. Depending on the elapsed time that the evacuees had been absent, emergency food provisions may be supplied in cooperation with the American Red Cross mobile feeding facilities and the U.S. Department of Agriculture (USDA).

5.4.3 The radiological emergency involved evacuation and a radiological release where the evacuated area or a portion of it is determined to be contaminated beyond the levels stated in Attachment 1. The Manager of Local Response ensures that the following tasks are performed:

- a. Continue radiological surveys (per Section 5.3) and plot the data on a map so that those portions of the evacuated area that are contaminated are accurately defined. These areas are not recommended for re-entry.
- b. Around those contaminated areas (as defined in the preceding paragraph), create a buffer zone with readily recognized physical boundaries and place personnel so that the returning population will be advised of the

possible exposure. EBS messages will also advise the public of the physical boundaries of these areas.

- c. Survey the contaminated area(s) as much as possible with consideration of the degree of contamination and the safety of the Radiological Assessment Teams to determine the means of decontamination or other disposition. The decision with regard to this area(s) is made by the Director of Local Response.
- d. Wastes from decontamination operations are collected and safely transported from the affected areas.
- e. Based on the results of laboratory analyses of food samples taken from the affected area, the Radiation Health Coordinator makes a comprehensive evaluation of the possible need to transport drinking water or food stuffs into that area.
- f. For areas not contaminated, proceed as described in Sections 5.4.2a-e.

5.4.4 The Recovery Action Committee will meet periodically, as required by existing conditions, until the evacuated area is returned to normal. The committee will consider problems such as additional areas to be re-entered, the situation of evacuees not yet permitted re-entry, and the mitigation of offsite radiological consequences.

## 5.5 Re-Entry - Temporary

There are situations wherein the evacuated zone must be re-entered by civilians either during the radiological emergency or after it--when the area has not been radiologically cleared for re-entry. Such situations may include the need to turn off/on utilities, attend to livestock, fight a fire, or other matters of a pressing nature. In these instances, the individual(s) seeking temporary re-entry contact(s) the Health Services Coordinator at the Local Emergency Response Organization at the Emergency Operations Center in Brentwood.



Use the following procedure for these situations:

- 5.5.1 The Health Services Coordinator considers the request to re-enter the evacuated area and makes his decision based on the latest radiological surveys, the circumstances involved, and the cost-benefit analysis provided by the NRC in 10 CFR Part 50, Appendix I, Section IID.

CAUTION

PERMISSION IS TO BE AUTHORIZED ONLY FOR A SPECIFIC DESTINATION AND TIME PERIOD.

- 5.5.2 The individual will be directed to report to a staging area near the destination. The staging area will be advised of the special re-entry permission.
- 5.5.3 The re-entering individual is assigned an escort with a vehicle to provide transportation and radiological monitoring capability.
- 5.5.4 The re-entering person is assigned personnel dosimetry, if necessary.
- 5.5.5 The group may not deviate from the designated destination nor the allotted time.
- 5.5.6 Upon exit, the individuals report to the Brentwood Emergency Worker Decontamination facility to be checked.
- 5.6 The Director of Local Response may halt or reverse the recovery/re-entry operation when a change of conditions warrants such actions.

6.0 REFERENCES

- 6.1 U.S. Nuclear Regulatory Commission, Regulatory Guide 1.86, "Termination of Operating Licenses for Nuclear Reactors," June 1974.



- 6.2 Code of Federal Regulations, Title 10, Part 50, Appendix I.
- 6.3 OPIP 2.1.1, Organization Implementation

6.4 OPIP 3.5.1, Downwind Surveying

6.5 OPIP 3.6.6, Ingestion Pathway Protective Actions

7.0 ATTACHMENTS

1. Acceptable Surface Contamination Levels

# ACCEPTABLE SURFACE CONTAMINATION LEVELS

Nuclide (1)	Average (2)(3) 100 cm <sup>2</sup>	Maximum (2)(4) 100 cm <sup>2</sup>	Removable (2)(5) 100 cm <sup>2</sup>
U-nat, U-235 U-238, and associated decay products	5,000 dpm (6) alpha	15,000 dpm alpha	1,000 dpm alpha
Transuranics RA-226, Ra-228, Th-230, Th-228, Pa-231, Ac-227, I-125, I-129	100 dpm	300 dpm	20 dpm
Th-nat, Th-232 Sr-90, Ra-223 Ra-224, U-232, I-126, I-131, I-133	1,000 dpm	3,000 dpm	200 dpm
Beta-gamma emitters (nuclides with decay modes other than alpha emission or spontaneous fission) except Sr-90 and others noted above	5,000 dpm beta-gamma	15,000 dpm beta-gamma	1,000 dpm beta-gamma

## NOTES:

- (1) Where surface contamination by both alpha- and beta-gamma-emitting nuclides exists, the limits established for alpha- and beta-gamma-emitting nuclides should apply independently.
- (2) As used in this table, dpm (disintegrations per minute) means the rate of emission by radioactive material as determined by correcting the counts per minute observed by an appropriate detector for background, efficiency, and geometric factors associated with the instrumentation.

ACCEPTABLE SURFACE CONTAMINATION LEVELS  
(continued)

NOTES: (continue)

- (3) Measurements of average contaminant should not be averaged over more than 1 square meter. For objects of less surface area, the average should be derived for each such object.
- (4) The maximum contamination level applies to an area of not more than 100 cm<sup>2</sup>.
- (5) The amount of removable radioactive material per 100 cm<sup>2</sup> of surface area should be determined by wiping that area with dry filter or soft absorbent paper, applying moderate pressure, and assessing the amount of radioactive material on the wipe with an appropriate instrument of known efficiency.
- (6) dpm-Disintegrations per minute

Reference: Regulatory Guide 1.86, Termination of Operating License for Nuclear Reactors, Table 1.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of )  
 )  
 )

LONG ISLAND LIGHTING COMPANY )

Docket No. 50-322 (O.L.)  
(Emergency Planning)

Shoreham Nuclear Power Station, )  
Unit 1) )  
\_\_\_\_\_ )

CERTIFICATE OF SERVICE

I hereby certify that copies of Suffolk County Memorandum in Opposition to LILCO's Summary Disposition Motions on Contentions 24.B, 33, 45, 46 and 49 have been served on the following by U.S. mail, first class, except where noted, this 5th day of March, 1984.

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DATED: March 5, 1984