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OFFICE OF SECRETARY
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In the Matter of

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

(Shoreham Nuclear Power Station,
Unit 1)

Richard C. Roberts, being duly sworn, does say under oath
the following:

1. My name is Richard C. Roberts. I am a Deputy Chief Inspector with the Suffolk County Police Department.

2. I am familiar with the LILCO Transition Plan, the radiological emergency response plan which LILCO proposes to implement in the event of a radiological emergency at Shoreham. I have appeared as a witness on behalf of Suffolk County in the ongoing Licensing Board proceeding concerning the adequacy of the LILCO Transition Plan.

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3. Suffolk County Executive Peter Cohalan has stated that in the event of a radiological emergency at Shoreham, "[t]he County could not implement a response to a Shoreham accident because County law -- particularly Resolution Nos. 262-1982, 456-1982, and 111-1983 -- prohibits that." Statement of Suffolk County Executive Peter F. Cohalan Before the Governor's Shoreham Commission, September 30, 1983, at 9 (attached hereto). In addition, County Executive Cohalan stated that there is no other government in a position to respond and that the State government does not have a prompt response capability. Id. at 10.

4. Assuming arguendo that there could be some sort of ad hoc response by Suffolk County personnel to a Shoreham radiological emergency. Such personnel would not have been trained how to respond to a radiological emergency at Shoreham. Accordingly, it is my opinion, based on my experience in responding to emergency situations, that their response would be inadequate and could not be counted on to provide effective preparedness.

5. LILCO has asserted that under the LILCO Transition Plan, State and County personnel could communicate with LILCO and LERO using existing systems which are already installed.

LILCO and LERO have no dedicated emergency planning communications system link with County offices. There is no plan and there are no procedures for Suffolk County personnel to communicate with LILCO or LERO using any communication system in the event of a radiological emergency at Shoreham.

6. LILCO has stated that space exists at the Emergency Operations Facility, the Emergency Operations Center, and the Emergency News Center for use by State and County officials. As noted by County Executive Cohalan, the County could not implement a response to a Shoreham emergency and the State has no prompt response capability. See Cohalan Statement attached hereto.

7. LILCO has stated that the Transition Plan provides for the incorporation of the County Executive or his designated representative in responding to an emergency should that official choose to participate. As noted in the attached statement of County Executive Cohalan, "[t]he County could not implement a response to a Shoreham accident because County law -- particularly Resolution Nos. 262-1982, 456-1982, and 111-1983 -- prohibits that."

8. LILCO has stated that the LERO Director of Local Response is to take into account in making any protective action

recommendations advice that may be received from local and State government officials. As noted in the attached statement of County Executive Cohalan, "[t]he County could not implement a response to a Shoreham accident because County law -- particularly Resolution Nos. 262-1982, 456-1982, and 111-1983 -- prohibits that."

9. LILCO has stated that its LERO traffic guides are trained to assist police should the police participate in an emergency. LILCO also has asserted that the Transition Plan provides for the incorporation by traffic guides trained under the Plan of any police assistance that is offered during an emergency. As noted in County Executive Cohalan's attached statement, the County could not respond. Assuming arguendo that Suffolk County's police did participate in response to an emergency, they would not rely upon the assistance or advice of LERO traffic guides whom they consider inexperienced and who would be lacking in essential training. Roberts, et al., ff. Tr. 2260, at 39-44.

10. LILCO also has asserted that traffic guides are trained to explain to the police the situation existing at the time of an emergency, to turn over posts for facilitating traffic to the police, and to remain as assistants if necessary in

coordinating the evacuation effort. To repeat, County law bars the County from implementing any response to a Shoreham emergency. See Cohalan Statement attached hereto. Assuming arguendo that the police would respond to a Shoreham emergency, the police would not rely inexperienced and inadequately trained LERO traffic guides for assessment or other purposes.

11. LILCO has asserted that if the State of New York and Suffolk County participate in an emergency response, the LERO organization will coordinate its activities with State and County officials. The attached Cohalan statement states that the County could not implement a response and the State has no resources for a prompt response. See Cohalan Statement at 9-10.

12. LILCO has asserted that it could implement an uncontrolled evacuation, using no traffic guides, signs, cones, channelization or other traffic control devices, with an increase of evacuation times of less than one hour 35 minutes in normal conditions and one hour 55 minutes in inclement weather. I disagree. LERO does not have the capacity to implement any kind of effective evacuation of the EPZ or portions thereof due to its lack of experience in emergency evacuation operations. The evacuation time estimates proposed by LILCO are far too

low, being based on unrealistic assumptions, particularly regarding the likely congestion on the limited Suffolk County road network. Pigozzi, ff. Tr. 2909 (entire testimony and especially pages 37-39); Herr, ff. Tr. 2909, at 8-10; Polk, ff. Tr. 2909, at 3-17; Saegert, ff. Tr. 2259, at 8-10; Roberts, et al., ff. Tr. 2260, at 8 - conclusion; Hartgen, et al., ff. Tr. 3695, at 5-19. Further, the County's witnesses have specifically contested the accuracy of LILCO's so-called "uncontrolled" time estimates. Pigozzi, ff. Tr. 2909, at 37-38.

13. In my opinion, for an "uncontrolled" evacuation to have any potential to succeed, an emergency response organization would need to have traffic guides, tow trucks, etc. in place on evacuation routes during the evacuation effort so that they could respond to developing situations as the need arose. This was a concept of "uncontrolled" evacuation that the SCPD suggested during the County's planning effort. Thus, the evacuation effort would be closely supported by trained and capable response personnel to assist evacuees if, for instance, severe congestion developed at a particular location. LILCO's concept of an uncontrolled evacuation is drastically different and completely inadequate since LERO would have no capability for any response to the needs of the evacuating public when traffic congestion and similar events occurred during an emergency.

14. LILCO suggests that its evacuation time estimates, including those for an uncontrolled evacuation, are reasonable when compared to time estimates at other nuclear power plant sites and that they meet the accuracy standards of NUREG-0654. With respect to the accuracy assertion, I dispute that LILCO's time estimates are accurate. Herr, ff. Tr. 2909; Polk, ff. 2909; Pigozzi, ff. Tr. 2909; Roberts, et al., ff. Tr. 2260. Given the inaccuracy of the LILCO estimates, there is no basis to compare these estimates with those at other nuclear power plants.

15. LILCO asserts that the controlled evacuation plan used in the LILCO Transition Plan could be modified to eliminate traffic guidance completely, with a resulting increase in evacuation time estimates of about 1-1/2 hours. I disagree. If there were no traffic guides and if LILCO/LERO were in charge of the evacuation effort, it is my opinion that chaotic conditions would result. This is because LILCO does not have the institutional capabilities or experience to implement an adequate response to a radiological emergency, and the public will realize this and will react accordingly. If chaos resulted, the evacuation would take considerably longer. Further, without having the capability and authority to institute traffic control methods, there would be no effective means to

respond to the chaos that would result. This would mean that evacuees would be stranded in traffic and likely be exposed to health threatening radiation.

16. In the event of an evacuation of all or portions of the EPZ, whether under controlled or uncontrolled conditions, LILCO would need to have the capability to institute effective traffic control measures in order to have adequate preparedness. During the course of an emergency, there likely will be severe traffic congestion and also accidents. Unless the capability exists to deal effectively with such traffic contingencies, it is my opinion that no effective preparedness can exist.

17. The evacuation shadow phenomenon is expected to result in a large number of voluntary evacuees in the event of a Shoreham emergency. In order to cope with the traffic congestion caused by these evacuees (who will be in addition to the 100,000 - 150,000 evacuees from within the EPZ), there must be a capability to deal with the traffic control problems which are certain to ensue, including traffic jams, traffic going the wrong way, and roadway impediments. LILCO has inadequately considered the evacuation shadow phenomenon. Polk, ff. Tr. 2909, at 7-10; Pigozzi, ff. Tr. 2909, at 45-49.

18. An uncontrolled evacuation would not result in adequate response under the LILCO Plan. An essential attribute of adequate preparedness to respond to a radiological emergency at Shoreham is the capability to implement rapid and effective actions to assist persons attempting to leave the EPZ. Such capability is essential because the precise way an emergency may develop cannot be predicted in advance. Thus, for example, if a serious traffic tie-up occurs, it is essential that there be a capability to assist in alleviation of the resulting congestion. If LILCO lacks legal authority to implement the traffic and security-related functions contested in Contentions 1-4, 9, and 10, then there will exist no capability to take necessary actions to assist persons ordered to leave the EPZ.

19. I have reviewed the LILCO emergency plan and conclude that LERO employees, chiefly the traffic guides, will in fact will be directing traffic. One does not have to "compel" or "require" people to move in a particular direction in order to be directing traffic. The traffic guides, using hand signals and other directional devices, including parked vehicles blocking lanes, will be directing and attempting to affect the driving patterns of Suffolk County residents. This constitutes traffic direction in my opinion. See Tr. 3468-69 (Urbanik) (traffic strategy to block lanes of the LIE with vehicles to

create congestion upstream, to attempt to preclude congestion downstream).

20. Under LILCO's plan, traffic guides are to be stationed at key intersections to facilitate the movement of traffic by using hand and arm signals, traffic cones, parked vehicles and flashing lights and thus to discourage travel in certain directions. LILCO has asserted that traffic will not be restricted from traveling in a particular direction. However, in my experience as a police officer, the stationing of traffic guides using hand and arm signals and other devices (such as parked vehicles and flashing lights) will restrict traffic from traveling in particular directions and will constitute the direction of traffic, something which I, as a police officer, do not believe LILCO is permitted to do.

21. The LILCO assumption regarding the likely number of accidents during an evacuation is too low. Herr, ff. Tr. 2909, at 39-41.

22. LILCO has asserted that it will not force anyone to turn in a particular direction should they choose not to do so. However, LILCO intends to convert a two mile stretch of at least one two-way road to a one-way road. LILCO Transition Plan, Appendix A, Table XIII. LILCO will also be using

channeling techniques and concurrent continuous flow treatment, methods of traffic control which will likely require drivers to go in particular directions. Thus, LILCO traffic guides will be forcing persons to turn in a particular direction. In addition, under LILCO's Plan, LILCO traffic guides will use cones, hand signals, arm movements, parked vehicles and flashing lights to encourage the movement of traffic out of the EPZ. Such actions, taken by persons standing in or next to the roadway, will constitute the direction of traffic.

23. LILCO has asserted that the controlled evacuation contemplated under the LILCO Plan results in an evacuation time estimate of four hours and 55 minutes for evacuation of the entire 10-mile EPZ in summer and good weather and six hours in inclement weather. The time estimate is substantially inaccurate, for reasons that are described in the expert testimony of Suffolk County and New York State Department of Transportation witnesses. See also ¶ 12, supra for citations.

24. LILCO has stated that whether a controlled or uncontrolled evacuation time estimate is used as the basis for protective action recommendations, LILCO will make the choice between evacuation and sheltering based on the action that affords the greatest dose savings. This may be true, but these

recommendations will be based on a fundamentally inaccurate proposition: namely that LILCO can implement either a controlled or uncontrolled evacuation. LILCO does not have that capability. LILCO may believe that it has that capability and thus recommend evacuation, resulting in people being stranded in traffic and potentially exposed to health threatening radiation. See Pigozzi, ff. Tr. 2909, at 7-8.

25. LILCO has stated that trail blazer signs are located along every major road in the EPZ. In fact, these signs have not been located along any major road in the EPZ.

26. LILCO has suggested that the evacuation time estimates for an uncontrolled evacuation would not be altered if there are no trail blazer signs. I disagree. Based on my experience and knowledge of the roads in Suffolk County, I believe that signs providing clear guidance in an evacuation scenario would be helpful to drivers attempting to escape from the EPZ. If there were no trail blazer signs, evacuation times would increase.

27. LILCO has asserted that the State of Connecticut has agreed to implement protective action recommendations in its State when notified by LILCO of an emergency at Shoreham.

However, Connecticut has not agreed to implement the LILCO Plan. Cordaro and Renz, ff. Tr. 13,858; Tr. 13,876-77 (Renz); Tr. 13,877, 13,878 (Cordaro).

28. LILCO has asserted that protective action recommendations for the 50-mile EPZ need not be made immediately following the declaration of an emergency. While this may be true in some instances, a fast developing emergency may require protective actions in close-in portions of the 50-mile EPZ relatively soon after declaration of an emergency.

29. LILCO has stated that following an emergency at a nuclear plant, many governmental entities will step forward to study the situation and to determine what actions should be taken to reenter the area affected and to recover it if necessary. This may be the general rule, but there is no evidence that either the State of New York or Suffolk County would in fact undertake recovery and reentry actions as suggested by LILCO. Further, Executive Cohalan has stated that the County could not implement a response. See attached Cohalan Statement.

30. LILCO has asserted that dispensing fuel from tank trucks is not required under the NPC emergency planning regulations or even suggested by NUREG-0654. NUREG-0654, Section

II.J.10.K, requires that LILCO have a capability to remove road obstacles. If fuel trucks were not available to dispense fuel to cars running out of gas, these cars would be obstacles and thus there would not be compliance with NUREG-0654. Further, it is not enough just to push the disabled cars to the side of the road as LILCO has suggested. In my experience as a police officer, even cars which are pushed to the side of the road after an accident or after suffering a breakdown or running out of gas do constitute road obstacles, causing people to gawk and slow down and likely to cause traffic jams and sometimes accidents as well. Tr. 3418-19 (Michel). It is estimated that 277 cars will run out of gas in a 10 mile EPZ evacuation; the presence of so many disabled cars will impede the evacuation. Polk, ff. Tr. 2909, at 13-17. See also Roberts, et al., ff. Tr. 2260, at 55-59 (discussing vehicle breakdowns and effects on traffic movement).

31. LILCO has stated that its employees will be assigned to the EPZ perimeter to discourage people from entering the EPZ through the use of hand and arm movements and traffic cones. Such action, in my opinion as a police officer, constitutes the direction of traffic for which LILCO lacks legal authority. Further, if adequate EPZ control is not exercised, additional congestion will result and evacuation times will be increased. Roberts, et al., ff. Tr. 2260, at 67.

32. LILCO has stated that its employees will be channeling traffic and the stream of people who may be arriving at relocation centers for assistance. In my opinion as a police officer, such channeling of traffic constitutes the direction of traffic and LILCO is not authorized to perform such functions.

Richard C. Roberts
Richard C. Roberts

Sworn to this 25th day of September, 1984.

William W. Rieger
Notary Public
Qualified in Suffolk County
#4809267
Term Expires March 30, 1986