

LILCO, July 10, 1985

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USNRCUNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCHBefore the Atomic Safety and Licensing Board

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

LILCO'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS  
OF LAW ON REOPENED CONTENTION 24.0 (NASSAU COLISEUM)

The following are LILCO's Proposed Findings of Fact and Conclusions of Law on the issue heard at the evidentiary hearing June 25-26, namely the functional adequacy of the Nassau Coliseum as a reception center for evacuees from an accident at the Shoreham Nuclear Power Station:

I. Procedural Background

1. The procedural background of the reopening of Contention 24.0 is given in the Board's Memorandum and Order Ruling on Motion of Suffolk County and State of New York for Reconsideration and Other Relief, dated June 10, 1985. LILCO's earlier testimony on the relocation center issues had distinguished between the "reception center" (a central location where registration, monitoring, and, if necessary,

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decontamination are performed) and "congregate care" centers (where evacuees are provided food and shelter). See LILCO's Proposed Findings of Fact and Conclusions of Law on Offsite Emergency Planning, Oct. 5, 1984, at 249-50. At the time the record closed, LILCO still had not completed arrangements for any facility to serve as a reception center. After the record closed, however, the Company secured an agreement for use of the Nassau Veterans Memorial Coliseum. On January 18, 1985, LILCO moved to reopen the evidentiary record on Contention 24.0, which asserts that the LILCO Plan fails to designate a relocation center for a significant portion of the anticipated evacuees. The record was reopened (over the objection of the Intervenor), and the issue to be heard was limited (also over their objection) to the question whether the Nassau Coliseum is functionally adequate to serve as a relocation center for the anticipated general evacuees.

2. Intervenor Suffolk County<sup>1/</sup> and New York State submitted a variety of pieces of written testimony. The written testimony of Messrs. Campo, Kilduff, and Marsh, Dr. Johnson, and Ms. Meyland, offered by the Intervenor, was not considered by the Board to go to the issues contained in

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<sup>1/</sup> The Board is aware that there is an ongoing dispute over who represents "the County" in this proceeding. We need not resolve this dispute for the purposes of this decision, because the County Attorney agreed that the firm of Kirkpatrick & Lockhart could participate in the June 25-26 hearing, and the firm did participate, as it had participated in earlier proceedings.

Contention 24.0 and was therefore rejected. The written testimony of Dr. Radford and Mr. Roberts, also offered by Suffolk County, was accepted only in part, and in a letter to the Board of June 21, 1985, the County withdrew that testimony.

3. The Board ruled, in an unpublished Memorandum and Order of February 12, 1985, that there was to be no discovery.

4. By motion dated May 21, 1985, the Long Island Coalition for Safe Living petitioned the Board for leave to intervene in the reopened proceeding on Contention 24.0. The petition was denied in the Board's Memorandum and Order (Ruling on Motion to Intervene) of June 14, 1985. Representatives of the Coalition appeared at the hearing, however, and were permitted to submit written statements, which were bound into the transcript, ff. Tr. 15,956.

5. A hearing on this issue was held June 25-26, 1985, in Hauppauge, New York. LILCO and FEMA presented testimony, while the State of New York and Suffolk County attempted to make their case by cross-examination alone. LILCO's written testimony consisted of an Affidavit of Elaine D. Robinson on Nassau Coliseum (hereinafter "Robinson Affidavit") with six attachments; FEMA's written testimony consisted of an Affidavit of Thomas E. Baldwin, Joseph H. Keller, Roger B. Kowieski, and Philip H. McIntire ("FEMA Affidavit").

6. For planning purposes, the planners use a conservative estimate of 20% of the population of the EPZ, which in this case amounts to 32,000 people, as the maximum number who

will need shelter. See LILCO's Proposed Findings of Fact and Conclusions of Law on Offsite Emergency Planning, Oct. 5, 1984, at 252 ¶ 529.

## II. Findings of Fact

### A. General

7. The Nassau County Coliseum is a sports and entertainment/exhibition complex designed to accomodate crowds of 15,000 to 17,000, depending on the event. The Coliseum is located in south-central Nassau County at the intersection of Hempstead Turnpike and Meadowbrook Parkway. It is 43 miles from the Shoreham Nuclear Power Station and 33 miles from the 10-mile Emergency Planning Zone (EPZ) boundary. Robinson Affidavit, ff. Tr. 15,870, at 2.

### B. Availability of the Coliseum

8. The Board finds that the availability of the Coliseum to LILCO for use as a relocation center is clearly established by the Letter of Agreement, dated September 25, 1985, from Dr. William J. Catacosinos, Chairman of the Board and Chief Executive Officer for LILCO, to Mr. E. B. Sumerlin, Jr., the General Manager of the Nassau County Coliseum. Robinson Affidavit, ff. Tr. 15,870, Att. 1. This Letter of Agreement specifically provides that the Hyatt Management Corporation of New York, Inc., the lessee of the Coliseum, agrees to allow

LILCO to use the Coliseum, consisting of the Coliseum building itself and all parking lots and immediately surrounding property, as a reception center for the general public in planning for and responding to a radiological emergency at Shoreham. Id., at 1.

9. That the Coliseum will be available to LILCO in the event of a Shoreham emergency is further evidenced by a letter, dated October 1, 1984, to Mr. Sumerlin from Mr. Francis T. Purcell, the County Executive for Nassau County. Robinson Affidavit, ff. Tr. 15,870, Att. 2. In this letter, Mr. Purcell notes that he is aware of and approves the use of the Coliseum as a reception center for members of the public requiring assistance from LILCO's Local Emergency Response Organization (LERO) and/or the American Red Cross as a result of any accident at Shoreham which results in the recommendation that the public evacuate from part or all of the Emergency Planning Zone around Shoreham. Id., at 1. In addition, Mr. Purcell has pledged the Nassau County government to "cooperate to the fullest" in making the Coliseum and other public facilities available in an emergency, id., Att. 6.

10. Furthermore, Mr. Purcell, as the Nassau County Executive, has offered his assurance that in the event of an emergency at Shoreham, as at all times, the Nassau County Police Department will be prepared to protect the public welfare of all those in Nassau County. The Department will, therefore, be available to provide assistance with security at the



Coliseum and to facilitate traffic flow and parking at the Coliseum and its approaches. Robinson Affidavit, ff. Tr. 15,870, Att. 2, at 2.

11. The Letter of Agreement between Hyatt Management and LILCO provides that LILCO will be given reasonable access<sup>2/</sup> to the Coliseum upon notification by LILCO to Hyatt or the County that a radiological emergency exists at Shoreham. Robinson Affidavit, ff. Tr. 15,870, Att. 1, at 2. LILCO would not need any permission from Hyatt Management before LERO personnel could arrive at the Coliseum and begin to set up. Tr. 15,924-25 (Robinson). In fact, it is entirely possible that LERO personnel would arrive at the Coliseum and be inside the building before notification was even made to Hyatt Management. Tr. 15,925-26 (Robinson). This is an automatic process which gets itself going and which requires no decisionmaking over access at that point. Tr. 15,926 (Robinson). There is 24-hour security at the Coliseum to provide LERO with physical entry into the building. Tr. 15,925 (Robinson).

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<sup>2/</sup> "Reasonable" in this context does not mean that Hyatt Management has discretion in deciding whether access will be granted to LILCO, depending on the circumstances. The term "reasonable" refers only to the time which Hyatt Management would need to clear the Coliseum parking lots in the event that some activity was taking place at the Coliseum when an emergency occurred and could range from 15 minutes to an hour and a half. Tr. 15,924 (Robinson).

12. Hyatt Management has advised that it would take no more than one-and-a-half hours to clear the Coliseum and its parking lot. Robinson Affidavit, ff. Tr. 15,870, at 3. A LILCO consultant, conducting his own study, clocked the clearing of the parking lot following a hockey game at the Coliseum, which was attended by a capacity crowd of 15,000. The consultant found that the parking lot had emptied and the surrounding streets were cleared within approximately 45 minutes after people began to leave the game. Robinson Affidavit, ff. Tr. 15,870, at 3; Tr. 15,916-17 (Robinson).

C. Functional Adequacy of the Coliseum

1. Generally

13. NUREG-0654 contains two criteria with regard to relocation centers, J.10.h and J.12. In emergency response plans the functions to be performed at a relocation center include registration, monitoring, and decontamination of evacuees, if required. FEMA Affidavit, ff. Tr. 15,991, at 1. Generally, for a facility to be suitable as a reception center it should have parking areas, showers, and other amenities. FEMA Affidavit, ff. Tr. 15,991, at 2. "Other amenities" include toilets, an area to register people, and an area for people to wait in inclement weather. Tr. 16,000-01 (McIntire, Keller). The FEMA witnesses concluded that the Coliseum "appears to be a suitable facility for LILCO to use as a reception center." FEMA

Affidavit, ff. Tr. 15,991, at 2. All of them have seen the Coliseum at one time or another. Tr. 16,001-03, 16,005-06, 16,038 (Baldwin, McIntire, Keller, Kowieski). FEMA findings constitute a "rebuttable presumption" on the questions of adequacy and implementation capacity. 10 C.F.R. § 50.47(a)(2) (1985). No direct evidence was presented by the Intervenor to show that the Coliseum is inadequate,<sup>3/</sup> and they elicited no such evidence on cross-examination.

14. The Coliseum is a large facility with considerable floor space. It has a Receiving Area with 15,500 square feet, an Arena (17,000 square feet), an Exhibition Hall (59,000 square feet), and an arena lobby (5,750 square feet). Robinson Affidavit, ff. Tr. 15,870, at 2. Since the Arena floor is in use 60 percent of the time and the exhibition floor is not available 30 percent of the time, LILCO does not rely on these areas in its Plan.<sup>4/</sup> Tr. 15,926 (Robinson).

2. Monitoring of Evacuees and Vehicles

15. Initial monitoring of evacuees would be done in the receiving area, which is a large, concrete-floored area. Tr.

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<sup>3/</sup> Counsel acting for Suffolk County attempted to introduce several documents, but they were ruled inadmissible.

<sup>4/</sup> While the Plan provides that evacuees would have to walk around the arena floor following decontamination, Robinson Affidavit, ff. Tr. 15,870, Att. 5, at 1, there is a corridor between the Arena floor and the seats which is unobstructed and which would be available even in the middle of a hockey game, Tr. 15,915 (Robinson).



15,899 (Robinson). This would be a general monitoring to determine if an evacuee had any contamination at all, whether on his or her clothing, shoes, skin, or in the thyroid. Tr. 15,901 (Robinson). Evacuees who were not found to be contaminated would be issued "clean" tags and instructed to proceed to the arena lobby. Tr. 15,897 (Robinson). Evacuees who were found to be contaminated would be instructed to proceed to the decontamination area. Tr. 15,898 (Robinson). Where necessary, the evacuee flow pattern would be delineated by stanchions and yellow and magenta rope. Tr. 15,897 (Robinson). In addition, a number of LILCO security personnel would be stationed at any possible points of confusion or where contaminated and decontaminated evacuees might otherwise mingle. Tr. 15,897 (Robinson).

16. Additional monitoring would be conducted before evacuees, already determined to be in need of decontamination, proceeded down a hallway towards the decontamination area. Evacuees would be monitored to see if their shoes or feet were contaminated and, if so, would be issued shoe coverings to prevent contaminating the floor. Tr. 15,958 (Robinson).

17. Suitable arrangements for the monitoring of vehicles have been made as well. As cars from zones of concern arrived at the reception center, LERO monitoring personnel stationed in the Coliseum parking lots would scan with a radiation monitoring device along the vehicle top, radiator grill, and wheel well to determine if contamination was present. Tr. 15,960 (Robinson).

3. Decontamination of Evacuees and Vehicles

18. The Board finds that the Coliseum is suitably equipped with the facilities necessary for LILCO personnel to decontaminate evacuees. The Coliseum has four locker rooms (two for home teams and two for visitors' teams) and five dressing rooms, all of which are equipped with sanitary facilities, including showers. Tr. 15,895 (Robinson). There are a total of twelve showers in the visitors' locker rooms, as well as twenty-two additional showers in the home team locker rooms and the dressing rooms. Tr. 15,896 (Robinson).

19. While LILCO would have access to all four locker rooms and all five dressing rooms in the event of a Shoreham emergency, the LILCO Plan relies on using only the visitors' locker rooms. Tr. 15,895 (Robinson). During the preparation of the decontamination procedures it was decided that these would be adequate. Tr. 15,896 (Robinson).

20. Evacuees needing decontamination would first be asked to remove their outer clothing and then be remonitored before showering. Experience has shown that in the vast majority of cases the contamination would be on the clothing alone. Tr. 15,901-02 (Robinson). Contaminated articles of clothing discarded in the decontamination process would be collected, wrapped, and transported as low-level solid waste back to Shoreham for processing. Tr. 15,907-08 (Robinson).

21. If, after remonitoring, contamination was still detected, the evacuee would be instructed to take a shower. Tr. 15,902 (Robinson). A FEMA witness verified that a normal type of shower is a typical decontamination method, Tr. 16,033 (Keller). The process would be repeated as many as four times if necessary. Tr. 15,902 (Robinson). If, after the process was completed, there still appeared to be skin contamination, an ambulance would be requested to take the person to a hospital for decontamination. Tr. 15,902 (Robinson).

22. Any vehicles coming to the Coliseum that were found to be contaminated would be decontaminated by using disposable towels and spray bottles of a common cleaner to wipe off the radioactive particulates. Tr. 15,960 (Robinson). There is also a hydrant available off the concourse area between the Coliseum and the Marriott Hotel which could be used for washing down vehicles. Such a procedure is not LILCO's current plan, but the hydrant is available if an alternative method of vehicle decontamination is required. Tr. 15,922 (Robinson).

23. If it became apparent that many vehicles coming into the Coliseum parking lot were contaminated and that LILCO personnel could not get to them all immediately, they would be directed to designated parking lots for later decontamination. Tr. 15,961 (Robinson).

4. Red Cross Role at the Coliseum

24. LILCO has made arrangements for the American Red Cross to be at the Coliseum in the event of a Shoreham-related evacuation to provide its traditional emergency assistance to the evacuees who came to the reception center. Among its tasks, the Red Cross would coordinate with LILCO's monitoring and decontamination personnel to define a "clean" area from which the Red Cross would operate at the Coliseum. Robinson Affidavit, ff. Tr. 15,870, Att. 3, at 1. The specified area from which the Red Cross would operate is the arena lobby. Tr. 15,898 (Robinson). The Red Cross would provide what it normally does in any emergency, according to its own procedures, which is basically anything that evacuees need for their physical well-being. Tr. 15,927 (Robinson). From the Coliseum the Red Cross would send evacuees needing public shelter to the congregate care centers. LILCO's Proposed Findings of Fact and Conclusions of Law on Offsite Emergency Planning, Oct. 5, 1984, at 249 ¶ 525.

III. Conclusions of Law

25. Based on the uncontradicted evidence in the record, the Board concludes that the Nassau Veterans Memorial Coliseum is available to LILCO for use as a reception center in the event of a radiological emergency at the Shoreham Nuclear Power Station.

26. Further, the Board concludes that the Coliseum is functionally adequate to serve as a reception center for the anticipated general evacuees.

27. Therefore, the Board concludes that LILCO has satisfactorily carried its burden of proof on Contention 24.0, that there is no longer a "void in the record" on this issue, that with respect to the availability and functional adequacy of the Coliseum the LILCO Transition Plan complies with 10 C.F.R. § 50.47 and NUREG-0654 Criteria J.10.h and J.12, and that there is no inadequacy with respect to the designation of a reception center that would prevent the issuance of a full-power, full-term operating license for Shoreham.

Respectfully submitted,

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DATED: July 10, 1985



CERTIFICATE OF SERVICE

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(Shoreham Nuclear Power Station, Unit 1)  
Docket No. 50-322-OL-3

I hereby certify that copies of LILCO'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW ON REOPENED CONTENTION 24.0 (NASSAU COLISEUM) were served this date upon the following by first-class mail, postage prepaid or, as indicated by an asterisk, by Federal Express:

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