

LILCO, July 9, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

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Before 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 REPLY TO SUFFOLK COUNTY
MOTION CONCERNING FEMA DISCOVERY

I. Introduction

In the afternoon of Friday, July 6, LILCO counsel received a motion from Suffolk County,^{1/} renewing Suffolk County's earlier demands for production by FEMA of privileged documents relating to the RAC review of the Shoreham Transition Plan, requesting issuance of subpoenas for individual RAC members, and requesting postponement of cross-examination of the FEMA witnesses currently (and long since) scheduled to begin the following Tuesday, July 10.

^{1/} "Suffolk County's Motion to Compel Production of Documents by FEMA, and to Postpone the Cross-examination of FEMA's Witnesses, and for Issuance of Subpoenas to the Members of the RAC," July 6, 1984 (hereinafter, the Motion). The copy received by LILCO on Friday did not include attachments; they were not received until Saturday morning.

The Motion should be rejected in its entirety for the following reasons:^{2/}

1. The Motion is, under the circumstances, inexcusably tardy.

2. The Motion confuses inquiry into the substance and process underlying the RAC's institutional conclusions and FEMA's institutional findings with open-ended inquiry into the specifically identified individual views of individual RAC members. The former was permitted by the Appeal Board's Decision in ALAB-773; the latter was not, absent a showing by Suffolk County that FEMA witnesses could not adequately support those institutional views and conclusions without identifying individual views.

3. The Motion seriously misrepresents the substance of the depositions of the four FEMA witnesses. Actual review of the transcripts (to that end, LILCO has felt it useful to make available, and includes, a full set of the transcripts for the Board) discloses that the witnesses presented -- particularly Messrs. Kowieski, Keller and Baldwin -- were fully able to explain both the substance and the basis of the specific individual RAC conclusions and the RAC process. Such review also discloses that Suffolk County spent, relatively speaking, little time in each

^{2/} This response is a preliminary one: the response time forced by the County's having filed the Motion on Friday afternoon, with hearings to begin Tuesday morning on Long Island, is inadequate for a full response.

deposition on this area, and that the only area in which the witnesses did not provide answers concerned the views of individual RAC members individually identified (by name or agency). Such review also discloses unequivocally, and in total contradiction to the Motion's claims and suggestions, that (a) the usual RAC review process, including a review of and comment on the Plan by each RAC member, a meeting to discuss and resolve initial comments, and the issuance of a RAC report, was followed without deviation for Shoreham; (b) the FEMA witnesses Baldwin and Kowieski were the primary authors of the RAC report, and therefore were intimately knowledgeable, as was witness Keller, about individual NUREG-0654 items as applied to the LILCO Plan, and how the group came to a finding of "Adequate" or "Inadequate" on each item; (c) there were no disagreements among RAC members at the end of their January 20, 1984 meeting as to which rating the LILCO Plan should receive on each NUREG-0654 item; (d) at no time during discussions was the opinion of a RAC member expert in a particular field overridden by others not expert in that field; and (e) while FEMA witnesses were prepared to discuss the basis for the RAC's conclusions, Suffolk County spent little time, if any, probing that basis.

In short, the FEMA witnesses were thoroughly prepared to testify, and were forthcoming, on the matters agreed by the Appeal Board to be relevant to this proceeding: the details and basis for the RAC's institutional judgments on the Shoreham Transition

Plan's consistency with NUREG-0654. None of the preconditions to further discovery set by the Appeal Board, ALAB-773 at 25, was met. Unless one disbelieves the sworn testimony of each of the FEMA witnesses, there were no differences of final opinion among members of the RAC on important issues affecting the adequacy of the Transition Plan, and Suffolk County's assertions to the contrary are simply false. The FEMA witnesses were able to defend and explain adequately -- in detail -- the underlying bases for FEMA's determinations, though they were not asked in detail about many, if any, of these conclusions. Nor were the FEMA witnesses' views inordinately derivative of others' views: while individual RAC members have their areas of expertise, several RAC members commented on each NUREG-0654 item and at least one of the FEMA witnesses was familiar at first hand with each item. There is no basis for either further discovery or for delaying the resumption of hearings.

II. Argument

1. The Motion is, under the circumstances, inexcusably tardy.

The depositions of the FEMA witnesses were taken June 27 (McIntire, Keller) and 29 (Baldwin, Kowieski). The Motion was not filed until Friday, July 6, a full week after completion of the last deposition, with barely one full working day (and one intervening summer weekend) before necessary travel enroute to

resumption on July 10 of the hearings which the Motion seeks, in effect, to enjoin. Counsel for Suffolk County received, to LILCO's information and belief, the deposition transcripts on Monday, July 2. LILCO counsel telephoned Suffolk County counsel that day to inquire whether the County intended to file any papers concerning further FEMA discovery; counsel for Suffolk County replied that he was not sure and that Mr. Miller, who had taken the depositions, was out of the office that day. LILCO counsel requested Suffolk County counsel, given the shortness of time and the general press of work, to inform LILCO as soon as the County determined to file any further papers; Suffolk County counsel agreed. However, the first notice LILCO received of the Motion came late Friday morning, not from the County, but from FEMA counsel, who had begun to receive the Motion over his telecopier. This combination of dilatoriness in filing, shortness of time to respond before the resumption of hearings, and ignoring of the requested notice is, in LILCO's view, inexcusable.

2. The motion seriously mischaracterizes the purpose of discovery permitted by the Appeal Board's June 13 Decision, ALAB-773.

The thrust of the discovery sanctioned by the Appeal Board was "to permit a genuine probing of the bases for the FEMA findings and the RAC's collegial conclusions," ALAB-773 at 15.3/

3/ See also ALAB-773 at 16: "[The FEMA witnesses] may be examined as to the soundness and reliability of the scientific assump-

[Emphasis added]. The problem which the requested disclosure of PAC documents initially raised -- disclosure of the identities and views of individual RAC members -- was squarely before the Appeal Board. In oral argument, as ALAB-773 notes (and as the County repeats, Motion at 7), counsel for FEMA represented that his witnesses would be "forthcoming." However, as the Appeal Board continued (and as the Motion does not repeat), FEMA's primary concern was in "protecting the identity of those RAC members who articulated certain views, rather than the existence or substance of those views." ALAB-773 at 16-17. As the Appeal Board also noted, but as the County again fails to recite in its Motion, "Counsel for the County disavows any particular interest in the names of individuals putting forth specific views; she seeks only the basis of the RAC conclusions." ALAB-773 at 17.

Thus it is inquiry into the RAC's views, not the identified and individually attributed views of its members, by name or agency, ^{4/} that the Appeal Board sanctioned. This is an important

(footnote continued)

tions or professional judgments underlying the FEMA findings." ALAB-773 at 16.

^{4/} Identification of the individuals holding specific views correlates straightforwardly with agency affiliation since there is one RAC member from each participating agency and the names and agency affiliations of the RAC members have been provided to counsel for other parties by FEMA counsel. This was indirectly acknowledged, though perhaps without understanding of its significance, in a lengthy transcript excerpt involving questioning of Mr. Kowieski, cited in the Motion at 11-13.

distinction, and one which the County either misunderstands or ignores: the Motion, in attempting to argue that the FEMA witnesses were unable to defend or articulate the bases for RAC views, cites two instances in the depositions of Messrs. Baldwin and Kowieski where the gist of the interrogation concerned not the substance of a given view, but identification, pure and simple, of its proponent.^{5/} The FEMA witnesses were in fact prepared to respond to substantive inquiry, as is shown in more detail in Part 3. below. However, the arguments advanced in the Motion, and the two transcript citations illustrating it, go to the far different matter of identification of specific agencies and specific individual RAC members. This is a fundamentally different inquiry from that approved by the Appeal Board and fundamentally different from that represented before the Appeal Board as being desired by Suffolk County.

Second, and equally important, the views into which the Appeal Board contemplated primary inquiry were the institutional views of the RAC -- i.e., the final views, as expressed in the RAC Report. It is those views whose substance and basis are most

^{5/} The excerpt from Mr. Baldwin's deposition (Motion at 10-11) involves this question: "Are you able to tell me which five agencies or individuals provided this comments [sic] on Element A.1.A?" and "[A]re you able to tell me . . . which agencies or individuals of the RAC were at least initially in the minority . . . ?" Similarly, with respect to Mr. Kowieski: "Now, I would like you, Mr. Kowieski . . . to tell me the members of the Committee who believed that the rating [etc.] . . ." Motion at 11-13.

important since they are in fact the views of the RAC which are of relevance as a "rebuttable presumption" in NRC proceedings. The preliminary views of individual members may be of intellectual interest, and of relevance if there is evidence either of continuing substantial disagreement within the RAC or of overriding of expert judgments on less qualified bases. However, there is no showing that either such condition occurred with respect to the RAC review of the Shoreham Plan, and the County's virtually exclusive focus on preliminary views is misdirected.

The RAC process, and specific aspects of it as revealed by the FEMA witnesses, are treated in detail in Part 3. Nevertheless, a brief summary here may be useful. The Region II RAC is an experienced committee, all of whose members have reviewed more than one emergency plan, and some of whom have reviewed several. The Committee has worked together before on emergency plan revisions. The RAC commenced its Shoreham review on Rev. 1, and completed it on Rev. 3 (including Rev. 2 by implication). Individual members' review assignments were allotted by a standard FEMA review memo according to areas of agency expertise supplemented by prior RAC experience. In Region II, members are encouraged to comment not only on those areas set out in the basic memo, but on other areas within their knowledge as well. The individual RAC members reviewed the Shoreham Transition Plan and sent their comments to Mr. Kowieski, the RAC Chairman; as the notes of Messrs.

Keller and Baldwin show, at least three comments were received on each NUREG-0654 element and four or five on most. The Region II RAC consists of six members -- Mr. Kowieski from FEMA and one representative each from five other agencies -- plus two consultants, Messrs. Keller and Baldwin. On the basis of these individual comments, Mr. Kowieski, with the help of Mr. Baldwin, prepared two documents in preparation for the January 20 meeting: (1) a flip-chart compilation of each individual comment, NUREG-0654 item by NUREG-0654 item; and (2) a preliminary working draft document with the structure of a RAC report. As Mr. Keller's and Mr. Baldwin's notes show, there was unanimity, or near-unanimity, on most areas even in the initial comments. The preliminary "working draft" generally reflected the prevailing view. On January 20, 1984, the RAC met for an all-day session. Each NUREG-0654 item on which initial views had not been unanimous was discussed. In each case, initial differences of view on any NUREG-0654 item were reconciled, in a professional peer discussion, on professional grounds:^{6/} the RAC Report represents true consensus among the

^{6/} The FEMA witnesses testified that the most typical reason for an individual member's recession from his initial view was that he had simply missed a point caught by another reviewer. There were no formal votes on each item; none, apparently, were needed. Recognized expertise was the general reason for the prevalence of a given view. Indeed, in at least one case, the final RAC view had been advocated at the outset by only a minority of the RAC, which had convinced the majority. In no case, the FEMA witnesses testified, did a RAC member continue to disagree actively with the prevailing view but recede simply in the interest of ending debate.

RAC's members on each item. The notes of Messrs. Keller and Baldwin document this process in detail, including the breakdown of initial views and the basis for initial differences of view among RAC members before the January 20 meeting.

The Appeal Board's Decision, ALAE-773 at 25, provides three bases for reopening discovery:

1. The existence of substantial disagreement on important issues respecting the RAC's institutional views -- i.e., the final RAC views expressed in the RAC Report;
2. Inability of the FEMA witnesses to articulate the bases for, or defend, those views -- i.e., the RAC's final views;
3. Inordinate reliance by the FEMA witnesses on others for the basis or rationale of these views -- i.e., the final RAC views.

With respect to the final RAC Report, the FEMA witnesses passed each of these tests. As shown in detail in Part 3 below, there was no disagreement within the RAC on its final views. FEMA witnesses were ready to defend and articulate the basis for those views; and this knowledge was not inordinately derivative, but rather rested adequately within their collective areas of expertise.

3. The Motion seriously misrepresents the substance of the depositions.

There is a regular process followed by the RAC for evaluating emergency plans, for receiving, evaluating, and reconciling comments, and for preparing a RAC report. Keller Dep. p. 8, lines

11-20; p. 16, lines 9-22; p. 18, line 16 through p. 24, line 11; p. 56, line 9 through p. 60, line 18; McIntire Dep. p. 108, line 10 through p. 112, line 5; Baldwin Dep. p. 13, line 19 through p. 14, line 2; p. 169, lines 3-11; Kowieski Dep. p. 15, lines 6-18; p. 20, line 12 through p. 21, line 5. That procedure was followed at Shoreham with no deviations.

The FEMA witnesses, particularly the participants in the RAC process (Messrs. Kowieski, Baldwin and Keller) were intimately knowledgeable about the individual NUREG-0654 items evaluated in the RAC review, and Messrs. Kowieski and Baldwin were the primary authors of the RAC report. Messrs. Keller and Baldwin each passed out detailed personal notes summarizing the results of the RAC process, showing, as to each individual NUREG-0654 item: (a) the author's individual initial rating of it; (b) the FEMA witnesses with primary responsibility for it; (c) the number of comments received and their division as to adequacy or inadequacy of the items; (d) a shorthand statement of the basis for inadequacy, if any such views were expressed; and (e) the final RAC evaluation of the item. Keller Dep. pp. 28-35, 43-56; Baldwin Dep. pp. 121-123; p. 130, line 21 through p. 153. These note sheets, which were explained at length during the depositions but were not attached by Suffolk County to its Motion, are Keller Ex. 1 and Baldwin Ex. 2 to the depositions, and are attached hereto. They show, in addition to the information outlined above, that the RAC discussion

process was a live one: of the 108 criteria elements for NUREG-0654, the final rating on 9 elements changed as a result of the RAC meeting to discuss individual comments. E.g., Keller Dep. p. 52, line 16 through p. 53, line 16.

Each of the witnesses was asked, and each testified, that there were no disagreements among RAC members on any NUREG-0654 item at the end of the January 20 RAC meeting. Keller Dep. p. 35 lines 1-6; p. 38 lines 1-12; p. 103 line 15 through p. 106 line 11; McIntire Dep. p. 112, lines 6-11; Baldwin Dep. p. 170, lines 3-6; Kowieski Dep. p. 60, line 21 through p. 61, line 6. Initial divergences of view were reconciled in discussions at that meeting on professional bases. Recognized expert views were not overridden in any case. Keller Dep. p. 38, line 14 through p. 41, line 10; p. 127, lines 11-21; Baldwin Dep. p. 172, lines 4-10. All of the RAC members subsequently expressed their agreement with the RAC report. Keller Dep. p. 41, lines 11-20; Kowieski Dep. p. 139, line 17 through p. 142, line 13.

The FEMA witnesses were prepared to discuss the basis for the RAC's institutional conclusions. See, for example, Keller Dep. pp. 67-69, discussing the RAC's decision on how to rate criteria element C.2.A.; Keller Dep. pp. 90-95, discussing the RAC's decision on element J.11; and Baldwin Dep. pp. 142-43, discussing the RAC's decision on element A.2.A. Suffolk County spent very little time probing these conclusions on specific NUREG criteria,

choosing instead to discuss with each of the four witnesses the RAC process generally and the process for preparation of FEMA testimony.^{7/}

FEMA witnesses in some cases could not, and in other cases were instructed not to, identify individual RAC members who held initial views that diverged from the final RAC conclusion on individual NUREG-0654 items. However, these witnesses had set out the shorthand substantive basis for initial divergences on their personal note sheets (Keller Ex. 1 and Baldwin Ex. 2) and could, and, on request, did discuss them. An identification of individuals would serve no purpose since initial opinions were reconciled on professional grounds, the final consensus was real, and no expert views were overruled on non-expert grounds.

Finally, contrary to the County's representation at 17-18, the deposition of Mr. Kowieski was not improperly terminated prematurely. Suffolk County counsel, budgeting his own time, chose to interrogate each FEMA witness separately and chose not to begin Mr. Kowieski's deposition until approximately 4:00 p.m.; it ran into the evening, until 7:22 p.m. Suffolk County counsel at that time refused a final further offer to extend the deposition.

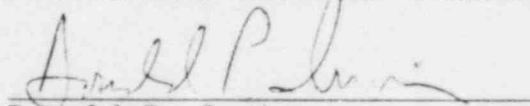
^{7/} Suffolk County went through these processes with each of the four witnesses, obtaining from each similar accounts as to how matters proceeded. To the extent that the County now complains it did not have sufficient time to depose these witnesses, it is worth noting that counsel for FEMA offered repeatedly, both before and during the depositions, to make the witnesses available as a panel to save time and repetitive inquiry. The County, inexplicably, repeatedly declined those offers.

III. Conclusion

For the reasons stated above, Suffolk County requests for (a) privileged documents from FEMA, (b) the issuance of subpoenas for individual RAC members, and (c) postponement of cross-examination of FEMA witnesses scheduled to begin tomorrow should be denied. In the event that the Board wishes to consider further any of the County's discovery requests, LILCO asks that cross-examination of the FEMA witnesses go forward as planned this week, to be supplemented if additional discovery is granted and warrants further questioning.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY



Donald P. Irwin

Kathy E. B. McCleskey

Hunton & Williams
707 East Main Street
Post Office Box 1535
Richmond, Virginia 23212

DATE: July 9, 1984

171's 9

~~32-11-44~~

7/5 ~~1~~ legal
4/5 ~~1~~ local support - AP
4/5 ~~1~~ 2nd side consultation
3/4 1 local
2/4 1 local
3/4 4 primary
4/4
4/5 ham-fisted
4/5 ~~1~~ detailer had
3/4 GR
2/3 cons + good
3/6 judicious, careful
2/6 will do it... *
6/1/4 no local
7/7
8/1/4
9/1/4 objective
6/7 detour...
5/5 "EAS"
3/4 trial (legal)
3/5 state (legal)
6/7 minor
1/1/4 continuation *
2/5 judgement *2/5
4/1/4
4/1/4
4/1/4
5/6 Am
Thurs for present
5/6
↓
3/4 I-see plan
3/4 (local)
3/4 could not handle
4/1/4
3/4 not required

- 1/10/4 - 1/11/4

	BRN12	A	3/5	3/5/4
	BRN16	A	2/6	1/2/4
	B N22	A	3/4	1/2/4
	B N26	A	5/5	1/2/4
*	B N24	AP	5/5	1/2/4
*	N261	A	4/5	1/2/4
	B N32	A	7/4	1/2/4
	N36		1/6/1	1/2/4
	N36		6/4	1/2/4
	N32		6/1/1	1/2/4
	N36		1/2	1/2/4
	N36	A	3/4	1/2/4
	B N4	A	5/6	1/2/4
	K N5	AP	2/3	1/2/4

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*	21	A	3/4	1/2/4
	15 B 016	IA	1/5	1/2/4
	K 024	A	5/5	1/2/4
*	045	I	1/5	1/2/4
*	046	A	5/5	1/2/4
	K 0 042	I	1/3	1/2/4

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* PS

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	15 B 045	A	3/4	1/2/4
	K 0 019	A	3/4	1/2/4
	K 0 046	A	3/4	1/2/4
	B 045	A	7/4	1/2/4
	K 0 05	A	2/4	1/2/4
	15 P1	A	7/4	1/2/4
	15 P2	A	2/4	1/2/4
	K P3	A	7/4	1/2/4
I	B P4	AP	7/5	1/2/4
I	B P5	A	7/5	1/2/4
	B P6	A	2/4	1/2/4
I*	P7	A	7/5	1/2/4
	B P8	I	1/4	1/2/4
	K P10	A	4/4	1/2/4

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*	H 3	A	4/4		
I*	B 44	AP	3/5	Red head and ...	
I*	H 7	API	4/6	same ...	
*	H 10	A	5/5	...	
*	H 11	AP	5/5		
*	H 12	A	5/5		
*	I 7	AP	4/5	...	
*	I 7	I A	4/5	no ...	* PS
I*	I 9	I	2/6	...	*
I*	I 10	I	1/5	...	*
*	I 11	A	7/4		
I*	B 12	I	3/5	...	
I*	59	I	2/6	...	* PS
I	B 100	A I	3/5	...	
	B 103	I	2/5	...	*
	15 106	A	2/4	...	
	K 108	AP	2/4	...	
I*	100	I	4/6	...	
I*	104	AP	4/6	...	
	K-B 109	API	3/5	...	
	B 110	I	3/5	...	
	B 112	A	5/5		
	K-B 113	A I	3/5	...	
	B 114	I	3/5	...	
	B 116	A	5/5		
I*	110	I	1/3	...	* PS
I*	J 11	I	3/5	...	*
I*	J 12	I	4/6	...	
I*	K 12	I	2/6	...	*
*	K 13	A	4/4		
*	K 14	A	4/4		
I*	K 15	I	1/5	...	*
*	K 16	I	2/5	...	*
I*	L 1	I	3/5	...	
I*	L 3	I	3/5	...	
I	B 14	AP	3/5	...	
*	M 1	I	3/4	...	* PS
*	M 3	A	3/3		
*	M 4	I	2/6	...	*

RK A.1.a	I*	5/4	Legal ?
RKTB A.1.b	I	5/4	1 R/M suggested Suffolk Co role should be clarified
JK RK A.1.c	I	5/4	Final - 1 R/M raised A w/o summary of jurisdiction
RKJK A.1.d	AP	4/3	✓ 1 R/M raised legal issue - where state recognize LERO authority for strategic controls and decision making - legal issues treated separate from technical - Provisional - outside bounds of 0654
TB A.1.e	A	4/3	✓ 1 R/M interpreted 0654 said org - 24 Hr could not locate in plan - agreed RECS = primary notification requirement
RK A 2.a	I*	8/3	
	I-3		- Lead / primary responsibility
	A-4		
	2-1		
4.2.b	I*	4/4	* Legal authority cited is not appropriate
A.3	I*	7/4	3 - R/M recognized LsOG
RTB A 4	A	4/4	
RK C.1.a	A*	4/3	1 cross reference incorrect
RK C.1.b	AP I	3/2	1 - Estimated hours of arrival for Fed Agencies if requested
JKTB C.1.c	I	6/3	3 R/M FRMAP agreement
			I - jurisdictional dispute - letters of support needed for full response.
CB C.2.a	A I*	6/2	
	A-2		LERO - substitutes for state and local response
	I-4		based on stated int. of 0654 - local person drop to EOP
JK C.3	A	4/4	
RKTD C.4	I*	7/7	
D.3	A	4/4	
D.4	A	4/4	

RKTB E.1 AP I 7/1

A - content adequate
 - I-1 Does not provide for consultation w/ state & local govt
 plan replaces S & L govt w/ LERO
 consensus - not an issue

RKTB E.2 A 5/5

RKTB E.5 AP* 4/3

A - provided EBS nomenclature is clarified
 - I-1 - legal?

TORK E.6 A* 5/3

- I - Based on S & L govt. activate system - legal
 A LERO replaces S & L govt.

TBRK E.7 A 7/6

A - meets OGS
 I-1 - minor omissions - messages K & L

TBRK F.1.a A 4/4

JR. TB F.1.b AP * 5/2

F.1.c I * 5/2

A - Plan provides for notification
 I-1 - Rhode Island - Officials so in EPZ + cross reference
 A Agencies save themselves
 I-2 - goes H&H w/ C.I. &

RK F.1.d A 4/4

RKTB F.1.e AP 4/4

TB F.2 A 4/4

TB F.3 AP* 6/5

goes w/ E.1

I-1 - basis for press approval

BRK { G.1.a A 6/6
 G.1.b A 6/6
 G.1.c A 6/6
 G.1.d A 6/6

RKTB G.2 A 4/3

RKTB G.3.a A* 4/3

RKTB G.4.a A 4/3

RKTB G.4.b A 4/4

RKTB G.4.c A 4/3

G.5 A 3/3

x I-1 - questionable effectiveness of public id. program
 I-1 legal?
 I-1 could not locate info in plan
 I-1 not really a report

H.3 A 4/4
 H.4 AP* 5/3 ✓ I 2 rad Health Coord. not on call
~~ECF not finished~~
 legal ? State EOC
 H.7 AP I 6/4 I-2 Equipment ownership / maintenance
 DOE/LILCO storage

H.10 A 5/5
 H.11 AP 5/5
 H.12 A 5/5

I.7 AP 5/4 I-1 comparison of LILCO and DOE equipment.
 Nomograms - field, not received in lab
 I.8 I A * 5/1 ✓ A-4 Actual handled
 I-1 Info obtained at RAC meeting 1/20/84
 Potential not handled

I.9 I * 6/2 x A - 4
 I-2 Detailed review of procedures } 2 R/M background
 Nomograms - provided is wrong } and interest
 more detail

I.10 I * 5/1 x A - 4 Actual handled
 I-1 Detailed review of procedures - ^{critical} Nomograms missing
 Plant conditions 1. Potential not handled

x I.11 A 4/4

Item	Category	Value	Notes
TB JK J.2	I	5/3	A-2
JK J.9	I	* 6/2	X A-4 I-2
TB J.10.a	A* I	5/3	✓ I-2
TB J.10.b	I	* 5/2	A-3 I-2
RK J.10.c	A*	4/2	A-2
RK J.10.d	AP	4/2	- I-2
JK J.10.e	I	6/4	A-2 I-4
JK J.10.f	AP*	6/4	A-4
RK TB J.10.g	AP I	5/3	✓ I-2 A-3
RK TB J.10.h	I	5/3	✓ I-2 A-2
TB J.10.i	A	5/5	I-3 A 5
TB RK J.10.j	A* I	5/3	I-0 A-3 I-1 X ? -1
TB J.10.k	I*	5/3	A-2
TB J.10.l	A	5/5	I-3 A 5 I-0
JK ✓ J.10.m	I	2/1	A-1
JK J.11	I	* 5/2	I-6 X A-3
✓ 12	I	6/4	A-2 I-4

did not consider impact of gen pop on area
 overlooked FOA values in table
 plant conditions - Anticipation potential release
 FOA values in table not right #:
 Maps w/ relocation centers not labeled
 no legend, no scale
 looked at table but not maps
 No pop dist map.
 plan is adequate
 Siren activation - legal?
 Adiz pending directory of mob. Imp.
 Directory of Mob Imp. - included in AP (I)
 KI discussed - screening procedure not cons
 Screening, expiration dates
 Screening procedures must be included
 legal (?), screening
 concerns included from I ratings in AP
 Commitment of resources - i.e. letters of agreement
 not congruent of distance factor
 distance 5 and presumably 10 miles by road
 Traffic capacity in Appendix A
 TCPs listed in plan - 147
 legal?
 overlooked letters - strategy
 letters - strategy for same reason

did not consider potential plant conditions
 procedures are in plan
 maps list
 concluded buildings were sufficient
 I-4 more detail re: separation of potentially cont.

JK K.3.a	I	* 6/2	✓ A-4 I-2	Overlooked detailed procedures toxicology charges issued to workers.
JK K.3.b	A	4/4	A-4 I-0	
JK K.4	A	4/4	A-4 I-0	
JK K.5.a	I	* 5/1	A-4	Lack of detail in review - overlooked detail
JK K.5.b	I	* 5/2	I-1 A-3 I-2 x?	detailed review of comp/10/hr reading by Keller overlooked some detail picked up by other R/P down disposal eqpt, supplies don't meet 0654
JK L.1	I	5/3	A-2 I-3	overlooked Commission ruling San Onofre
JK L.3	I	5/3	A-2 I-3	
TB L.4	AP	5/3	A-3 - I-2	Corrections included in AP Letter of agreement, 0654 x ref.
JK ✓ M.1	I	* 8/3	- A-4 I-1 I-3	Overlooked procedure - details plant conditions
JK M.3	A	3/3	A-3 I-0	
JK M.4	I	* 6/2	✓ A-6 I-2	Overlooked detail - Error not necessary for No method for estimating, sp. exposure.

210 N. 1.a A* 5/3

TR N. 1.b A* * 6/2

TB N. 2.a A 4/3

TB N. 2.c A 5/5

JK N. 2.d AP 5/5

N. 2.e.(1) A 5/4

N. 3.a A 4/4

N. 3.b A 4/4

N. 3.c A 4/4

N. 3.d A 4/4

N. 3.e A 4/4

N. 3.f A 4/3

TB N. 4 A 6/5

RF N. 5 A 3/2

A-3

I-2 legal? state & local participation

A-2 plan establishes means for mobilizing LEO personnel

✓ I-4 legal - state & local personnel - extensive

A-3 RECS is tested monthly

✓ I-1 misinterpreted implications of RECS at local

A-5

I-0

A-5

I-0

A-4

I-1 - covered under N2 d above - DoE part in Rad Drills

A-3

✓ I-1 overlapped page 5.2-2 and OPIP 5.1.1 p. 10

A-5

✓ I-1 Misread 0656 comment

A-2

✓ I-1 - Federal observer critique

JK 0.1	A	4/3	A-3	
RK ^{TB} 0.1b	I A *	4/1	I-1 F.M.P. training - common out on 20/2/20	hilly
			A-	
RK 0.4a	A	5/5	I- local, nice and fine	
			A-5	
			I-0	
JK 0.4b	I *	5/1	✓ A-4	
			I-1 plant conditions	
JK 0.4c	A	5/5	A-5	
			I-0	
RK ^{TB} 0.4d	I *	3/1	A-2	
			I-1	
RK ^{TB} 0.4f	A	4/3	A-3	
			✓ I-1	Covered in 0.1b
RK ^{TB} 0.4g	A	4/3	A-3	
			✓ I-1	covered in 0.1b
^{TB} 0.4h	A	4/3	A-3	
			✓ I-1	covered in 0.1b
TB 0.4j	A	4/4		
TB, RK 0.5	A	4/4		
RK P.1	A*	4/4		
RK P.2	A*	4/5		
RK P.3	A*	4/4		
TB P.4	AP*	5/4	A-4	
			I-1	Agreement necessary to replace plans used to be included
TB P.5	A*	5/4	A-4	
			I-1	Rev. dates on rev. pages - included in AP
^{TB} P.6	A	4/4		
JK P.7	A	5/4	A-4	
TB P.8	I *	4/1	I-1	
RK P.10	A	4/4	A-3	
			I-1	

CERTIFICATE OF SERVICE

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

I certify that copies of LILCO'S RESPONSE TO SUFFOLK COUNTY'S MOTION TO STAY THE EMERGENCY PLANNING HEARINGS IN LIGHT OF THE SUBMISSION OF REVISION 4 and REPLY TO SUFFOLK COUNTY MOTION CONCERNING FEMA DISCOVERY were served this date upon the following by first-class mail, postage prepaid, or by hand (as indicated by one asterisk), or by Federal Express (as indicated by two asterisks).

James A. Laurenson,
Chairman*
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
East-West Tower, Rm. 402A
4350 East-West Hwy.
Bethesda, MD 20814

Secretary of the Commission
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Appeal Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Jerry R. Kline*
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
East-West Tower, Rm. 427
4350 East-West Hwy.
Bethesda, MD 20814

Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Mr. Frederick J. Shon*
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
East-West Tower, Rm. 430
4350 East-West Hwy.
Bethesda, MD 20814

Bernard M. Bordenick, Esq.*
Oreste Russ Pirfo, Esq.
Edwin J. Reis, Esq.
U. S. Nuclear Regulatory
Commission
7735 Old Georgetown Road
(to mailroom)
Bethesda, MD 20814

Eleanor L. Frucci, Esq.*
Attorney
Atomic Safety and Licensing
Board Panel
U. S. Nuclear Regulatory
Commission
East-West Tower, North Tower
4350 East-West Highway
Bethesda, MD 20814

Stewart M. Glass, Esq.**
Regional Counsel
Federal Emergency Management
Agency
26 Federal Plaza, Room 1349
New York, New York 10278

Stephen B. Latham, Esq.**
John F. Shea, Esq.
Twomey, Latham & Shea
33 West Second Street
P.O. Box 398
Riverhead, NY 11901

Fabian G. Palomino, Esq.**
Special Counsel to the
Governor
Executive Chamber
Room 229
State Capitol
Albany, New York 12224

Herbert H. Brown, Esq.*
Lawrence Coe Lanpher, Esq.
Christopher M. McMurray, Esq.
Kirkpatrick, Lockhart, Hill
Christopher & Phillips
8th Floor
1900 M Street, N.W.
Washington, D.C. 20036

MHB Technical Associates
1723 Hamilton Avenue
Suite K
San Jose, California 95125

Mr. Jay Dunkelberger
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

Gerald C. Crotty, Esq.
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

Ralph Shapiro, Esq.**
Cammer & Shapiro, P.C.
9 East 40th Street
New York, New York 10016

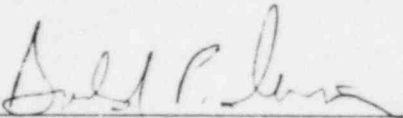
James B. Dougherty, Esq.*
3045 Porter Street
Washington, D.C. 20008

Jonathan D. Feinberg, Esq.
New York State Public Service
Commission, Staff Counsel
3 Rockefeller Plaza
Albany, New York 12223

Spence W. Perry, Esq.
Associate General Counsel
Federal Emergency Management
Agency
500 C Street, S.W., Rm. 840
Washington, D.C. 20472

Ms. Nora Bredes
Executive Coordinator
Shoreham Opponents' Coalition
195 East Main Street
Smithtown, New York 11787

Martin Bradley Ashare, Esq.
Suffolk County Attorney
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, New York 11788


Donald P. Irwin

Hunton & Williams
Post Office Box 1535
Richmond, Virginia 23212

DATED: July 9, 1984