

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Appeal Board

In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station Unit 1)

AFFIDAVIT OF
PHILIP MC INTIRE
Chief, Natural and
Technological Hazards Division

Philip McIntire hereby declares:

I am the Chief of the Natural and Technological Hazards Division of the Federal Emergency Management Agency, Region II, an agency of the executive branch of the Federal government. I make this declaration in support of the Agency's Response to Suffolk County's Discovery Request.

The purpose of this affidavit is to inform the NRC Appeals Board for Shoreham about the impact upon the off-site emergency planning process that will occur if the Atomic Safety and Licensing Board's (ASLB) ruling that written reports of the individual Regional Assistance Committee (RAC) members are allowed to be examined under discovery by parties to this proceeding. The RAC in Region II has always operated under the management principle that the views of the individual members would be kept confidential. The collegial judgment of the group is the only factor that impacts the off-site issues for a site. This principle was upheld by the Indian Point ASLB.

If the ASLB's ruling is not reversed, the following will occur. All RAC activity for the five operating sites in New Jersey and New York will be further delayed. It should be pointed out that not one of these sites has a final approval for off-site safety primarily because of the heavy involvement by the RAC for Indian Point and now Shoreham. New procedures to ensure that individual RAC member views will never be discoverable again will have to be devised. Basically, these procedures will have to do away with individual reports from the members and stress conference calls and meetings as the basis for the RAC process.

It is my judgment that, at a minimum, this will double the time for the RAC review process. This might be a conservative estimate in view of the tight travel budgets of most Federal agencies.

The impact on the RAC review of Revision 4 for Shoreham cannot be predicted. However, delays will be substantial. Because of the extremely short deadline for FEMA to file this appeal we have not been able to discuss the ASLB's ruling in detail with the individual RAC members.

From the program management perspective of the Shoreham off-site safety question, for which I am responsible, the ruling is a disaster for the resolution of the off-site safety questions. The RAC process is by its nature an interactive and evolving area. Initial perceptions change when the RAC meets and all information and evaluations are available to the entire group to discuss. The individual written comments are only the catalyst for the final collegial judgment. In my best professional judgment, the releasing of individual RAC comments, submitted early in the evaluation process, does nothing to clarify the off-site issues at Shoreham.

From the FEMA Region II perspective, the sustaining of this ruling will significantly delay and needlessly complicate the RAC's ability to finalize the off-site issues at Shoreham. In addition, it will delay the issuing of final CFR 350 reports for the five operating sites in New Jersey and New York. At this time, without the opportunity to discuss this ruling with my nine counterparts, there is no way I can estimate at this time the impact on the nuclear industry in the rest of the country.

I hereby certify that the above is true and correct to the best of my knowledge and belief.

Philip McIntire
Philip McIntire, Chief
Natural & Technological
Hazards Division

SUBSCRIBED AND SWORN to before me this 21 day of May, 1984.

Mark S. Farrell
Notary Public

My commission expires:

3/20/86

MARK S. FARRELL
Notary Public, State of New York
No. 4718198
Qualified in Kings County
Commission Expires March 30, 1986