

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board ^{'84 JUN 28 P2:12}

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

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

SUFFOLK COUNTY MOTION TO COMPEL
PRODUCTION OF TRAINING-RELATED DOCUMENTS BY LILCO

On Friday, June 15, 1984, during cross-examination of the LILCO witnesses on Contentions 39.A and B, 40, 41, 44.D, E and F, 98, 99.C and G, and 100.B, D and G (Training of Offsite Emergency Response Workers), Suffolk County learned for the first time that LILCO had recently conducted additional training drills for LERO trainees. The results of these drills were requested and, when LILCO objected to producing the requested material, the Board suggested that "a motion [to compel] and briefs be filed." Tr. 11,971 (Laurenson). Pursuant to the Board's suggestion, and for the reasons set forth below, Suffolk County, pursuant to 10 CFR Section 2.740(f), hereby requests that the Board order LILCO to produce the training-related documents requested of LILCO on June 15, 1984.

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During the hearing on June 15, the County made clear its need for the requested documents. The County pointed out, for example, that in light of the testimony given by the LILCO witnesses on the training issues in controversy, and considering LILCO's reliance on training drills and exercises as a way to critique the performance of trainees -- thereby providing a way to assess the overall adequacy of the training provided by LILCO -- the requested information falls squarely within the NRC's mandate that discovery be relevant to the subject matter involved in this proceeding. 10 CFR Section 2.740(b)(1). Further, the County argued that the information sought appears "reasonably calculated to lead to the discovery of admissible evidence," *id.*, and therefore should be provided by LILCO. See generally Tr. 11,970-71.

It is significant that when the County, on May 30, 1984, brought to the Board's attention a similar discovery dispute involving LILCO's refusal to produce training-related documents, the Board, after having heard the arguments of the parties, ruled that the test for determining a party's entitlement to discovery is whether the documents "are relevant to the subject matter involved in the proceeding." Under this test, the Board, on June 1, 1984, determined that there was no need to "look too far to establish relevancy," and ordered LILCO to produce the requested documents. Tr. 9,672 (Laurenson).

In its June 1 ruling, the Board ordered LILCO to produce documents that had first been requested by the County on April 18, 1984. Specifically, the County had requested "[a]ll documents relating to the critiques and evaluations of LERO trainees' performance by drill and/or exercise controllers and/or observers . . . including all completed drill and/or exercise evaluation forms . . . and/or exercises that have been conducted." Tr. 9,670 (Laurenson). In ordering production of such documents, the Board agreed with the County that the LILCO training testimony referenced and relied upon the evaluations and critiques regarding LERO trainees' performance during drills and exercises as a way to support the assertion made in the LILCO testimony that the LILCO training program teaches trainees their emergency jobs, including how to perform such jobs. See Tr. 9,672-73. Thus, the Board ruled that the completed evaluations and critiques were relevant to the LILCO testimony and the training contentions in issue and ordered LILCO to produce such documents. Tr. 9,673 (Laurenson).

Clearly, the documents now sought by the County are no less relevant to the LILCO testimony and the contentions. The County has requested the results of the most recent LILCO training drills and/or exercises. According to the LILCO witnesses, with the exception of limited training drills for LILCO's traffic guides, the recently completed June drills/exercises are the only training drills or exercises that have been conducted since

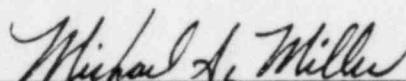
February 1984. See, e.g., Tr. 11,969-70. During the cross-examination of the LILCO witness panel during the week of June 11, the County established that there have been numerous and serious deficiencies in the training drills and exercises conducted under the LILCO training program, and that those deficiencies prevailed up to and through the February exercises. Because the June drill/exercise results may reveal whether such deficiencies still exist or have been remedied in any way, the County is entitled to the requested information. In this way, the County can make a better determination regarding the adequacy of the LILCO training program. Under prior Board rulings in this case, the County is therefore entitled to the requested information.

Accordingly, the County requests that LILCO be ordered to produce all documents relating to the critiques and evaluations

of LERO trainees' performances by drill and/or exercise controllers and/or observers, including all completed drill and/or exercise evaluation forms, from LILCO drills and/or exercises that have been conducted up to and through June 1984.

Respectfully submitted,

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Date: June 26, 1984

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CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY MOTION TO COMPEL PRODUCTION OF TRAINING-RELATED DOCUMENTS BY LILCO dated June 26, 1984, have been served to the following this 26th day of June 1984 by U.S. mail, first class, except as otherwise noted.

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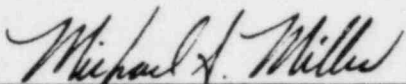
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Dated: June 26, 1984

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By Federal Express