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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
OF ENERGY & SPECIAL
ORDERS

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

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

NRC STAFF/FEMA RESPONSE TO
MEMORANDUM AND ORDER GRANTING
LILCO'S MOTION TO REOPEN THE RECORD

The Atomic Safety and Licensing Board in a Memorandum and Order dated January 28, 1985, granted LILCO's January 11, 1985 "Motion to Reopen the Record". The motion in question sought a reopening of the evidentiary record in this proceeding for the limited purpose of admitting into evidence an Affidavit and six documents which relate to the use of the Nassau County Memorial Coliseum (Coliseum) as a reception center under the LILCO Transition Plan.

In granting the motion to reopen the record for the limited purpose of assessing the adequacy of LILCO's proffered evidence concerning the Coliseum as a relocation center to be used in the event of an emergency at Shoreham, the Board invited the parties to this proceeding to state specifically their position concerning LILCO's evidence as follows:

- 1) Do the parties question the authenticity of LILCO's documents? If so, set forth with particularity the reasons for such a challenge and the evidence such party intends to offer to challenge the authenticity of the documents.

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- 2) If a party asserts a need to cross-examine LILCO's witness on the substance of the designation of the Nassau Veterans Memorial Coliseum as a relocation center, such party shall state the questions to be asked and the substance of what is expected to be proved by such interrogation.
- 3) If a party asserts a need to submit direct testimony or other evidence on the merits of LILCO's designation of the Coliseum as a relocation center, such party shall submit copies of all such documents and narrative testimony or an affidavit of any witness whose testimony is said to be necessary.

The Staff/FEMA response to the above three items follows:

- 1) Staff/FEMA at this time have no basis to question the authenticity of LILCO's documents.
- 2) Staff/FEMA at this time do not perceive a need to cross-examine LILCO's witness on the substance of the designation of the Coliseum as a relocation center.
- 3) In order that the Board may compile as complete a record as possible at this time on the merits of LILCO's designation of the Coliseum as a relocation center, FEMA submits the attached affidavit of Thomas E. Baldwin, Joseph H. Keller, Roger B. Kowieski and Philip McIntire.

Respectfully submitted,

Bernard M. Bordenick
Bernard M. Bordenick
Counsel for NRC Staff

Stewart M. Glass
Stewart M. Glass *By BMB*
Counsel for FEMA

Dated at Bethesda, Maryland
this 19th day of February, 1985



Federal Emergency Management Agency

Region II

26 Federal Plaza

New York, New York 10278

February 15, 1985

Morton B. Margulies, Chairman
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Frederick J. Shon
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Dear Sirs:

Attached please find a copy of the Affidavit of Thomas E. Baldwin, Joseph H. Keller, Roger B. Kowieski and Philip H. McIntire. This affidavit has been executed by three of the four affiants. Mr. Keller was unable to sign the affidavit but he did participate in its drafting and concurs in its statements. A duly executed copy containing Mr. Keller's signature, duly sworn to will be provided as soon as possible under separate cover.

Sincerely,

Stewart M. Glass
Regional Counsel