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# TRANSCRIPT OF PROCEEDINGS

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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	:	
In the Matter of:	:	
	:	Docket No. 50-322-OL-5
LONG ISLAND LIGHTING COMPANY	:	(EP Exercise)
	:	
(Shoreham Nuclear Power Station,	:	(ASLBP No. 86-533-01-OL)
Unit 1)	:	
	:	
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DEPOSITION OF IHOR W. HUSAR

New York, New York

Tuesday, January 27, 1987

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CORRECTIONS TO DEPOSITION

Page	Line	Correction:
5	12	Change: "am" to "was"; change "related to" to "working in"
6	9	Change: "are" to "is"
7	4	Delete: "11450"
9	12	Change: "hazards" to "hazardous"
9	14	Change: "hazards" to "hazardous"
12	3	Change: "which" to "where"
12	6	Change: "was" to "headed"
13	16	Change: "250" to "350"
23	5	Add after: "Mr. Keller's" "area of"
23	6	Change: "health physics" to "nuclear science"
33	9	Change: "Armed Forces" to "Active Duty"
33	10	Change: "work" to "worked"; change: "navy" to "Navy"
33	11	Change: "for the navy" to "from the Navy"
53	14	Change: "staging area" to "Staging Area"
53	22	Change: "and to;" to "
59	11	Delete "other"
60	17	Delete "the"
66	20	Add: "a" after: "us"; <del>add</del> change: "scheduled" to "schedule of"
99	4	Add: "It is also evaluated by DOE"
99	5	Delete
99	7	
99	9	<del>Add: "to"</del> Change: "It is" to "We also use"

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1/27/87  
Rptd: JoeW  
Typed: SueW

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NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

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DEPOSITION OF IHOR W. HUSAR

New York City, New York

Tuesday, January 27, 1987

Deposition of IHOR W. HUSAR, called for examination pursuant to notice, at the Federal Emergency Management Agency, Room 1337, 26 Federal Plaza, New York, New York 10278, at 2:05 p.m., before Garrett J. Walsh, Jr., a Notary Public in and for the Commonwealth of Virginia at Large, when were present on behalf of the respective parties:

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CHRISTOPHER M. McMURRAY. ESQ.  
Kirkpatrick & Lockhart  
1800 M Street, N. W.  
South Lobby, 9th Floor  
Washington, D. C. 20036-5891  
On Behalf of the Intervenor, the County of  
Suffolk, State of New York

## 1 APPEARANCES: (Continuing)

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7 New York

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18 Company

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20 Federal Emergency Management Agency  
21 500 C Street, S. W.  
22 Washington, D. C. 20472  
On Behalf of FEMA

C O N T E N T S

Ihor W. Husar

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E X H I B I T S

FOR IDENTIFICATION

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P R O C E E D I N G S

1  
2 Whereupon,

3 IHOR W. HUSAR

4 was called as a witness and, having first been duly sworn,  
5 was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. ZAHNLEUTER:

8 Q Mr. Husar, my name is Richard Zahleuter. I  
9 represent the State of New York and I am one of the Inter-  
10 venors in this proceeding. I am here to ask you a few  
11 questions.

12 And, if my questions are vague or you don't under-  
13 stand them, please tell me and I will try to straighten them  
14 out for you.

15 I don't believe that I've ever been provided with  
16 a resume of your background, so could you please tell me  
17 when it was that you first became associated with FEMA?

18 A Okay. I was associated with FEMA from the out-  
19 set, in 1979 when FEMA was formed, based on Executive Order  
20 in July of 1979 signed by President Carter. I came from one  
21 of the five predecessor agencies of FEMA, the Defense Civil  
22 Preparedness Agency.

1 Q What were your duties at the Defense Civil Pre-  
2 paredness Agency just prior to becoming -- prior to joining  
3 with FEMA?

4 A My major area of involvement was providing assis-  
5 tance to state and local governments with respect to prepared-  
6 ness for emergencies and in particular those emergencies that  
7 are funded and stipulated in defense, the Civil Defense Act  
8 of 1950, primarily which has to do with nuclear attach  
9 preparedness.

10 Q And what was your first job with FEMA?

11 A My first job with FEMA was performing that same  
12 function. I <sup>was</sup> ~~am~~ one of the program officers <sup>working in</sup> ~~related to~~ <sup>with</sup>  
13 defense preparedness as part of governmental preparedness  
14 in the Agency.

15 Q Okay. And did there come a time when your job  
16 description changed with FEMA?

17 A Yes.

18 Q When was that?

19 A Very late in 1979. My recollection is not clear.  
20 I was appointed by the then Regional Director of FEMA to  
21 be the Chairman of the Regional Assistance Committee.

22 Q And how long did you keep your chairmanship?

1           A       My recollection is that I kept that chairmanship  
2 until about November of 1982.

3           Q       And then in 1982 what did your job consist of?

4           A       I became the Branch Chief of the National Pre-  
5 paredness Programs and FEMA Region II.

6           Q       Could you explain what that means, a Branch Chief?

7           A       Sure. In a FEMA regional office, there are  
8 program divisions. And the next level, organizational level,  
9 below a division <sup>is</sup> ~~are~~ branches. And, I was a Branch Chief *SWH*  
10 in one of the program offices.

11          Q       What program office was that?

12          A       This is the Emergency Management and National  
13 Preparedness Programs Division.

14          Q       Did that position have any duties with respect  
15 to nuclear attack?

16          A       No.

17          Q       Did it have any --

18          A       Well, let me take that back and let me say, it  
19 has to do with nuclear attack but not on the part of state  
20 and local governments and their preparedness, per se. It  
21 had to do with continuity of government which is ensuring --  
22 one of my duties was -- and one of the functions actually of



1 the branch is to ensure that the different federal agencies  
2 in our regional area, okay, have plans and have the capability  
3 to deal with emergency functions in accordance with an  
4 Executive Order, Executive Order ~~11450~~ -- 11490, excuse me. *JWA*  
5 It has to do with agency responsibilities in times of  
6 national emergencies.

7 So, from that sense, to deal with nuclear attack  
8 issues, yes.

9 Q Okay.

10 A To deal with nuclear attack preparedness, yes,  
11 but not specifically having to do with the state and local  
12 governments.

13 Q Was there anything else that you did in that  
14 job?

15 A Yes. The entire area of the national preparedness  
16 programs is threefold: The continuity of the government,  
17 which is the survivability of the federal establishment to  
18 sustain a nuclear attack; it has to do also with industrial  
19 preparedness, having to do basically with the economy being  
20 able to gear up for a national emergency, whether it's a  
21 100 percent call-up of the services and also having to do  
22 with the specific subject of mobilization preparedness.

1           The federal civil establishment being able to  
2 support a wartime economy .

3           Q     Do you have any education in emergency planning?

4           A     I don't understand your question.

5           Q     What kind of course work did you study while you  
6 were in college?

7           A     Okay. My academic training is in secondary educa-  
8 tion. So, as far as my baccalaureate degree, no, I did not  
9 take any specific courses having to do with emergency plan-  
10 ning.

11          Q     Okay. Did you take any post-graduate training?

12          A     My post-graduate work was in business. However,  
13 my experience and training having to do with planning comes  
14 from the military, my service in the Armed Forces, and  
15 subsequent to that, and other agencies I have worked for  
16 prior to FEMA.

17          Q     You are not Branch Chief now, are you?

18          A     No.

19          Q     When did you change your position?

20          A     In June, approximately June 22nd of 1986, my  
21 official reassignment was effective.

22          Q     And what reassignment was that?

1           A        To become the Supervisory Natural and Technological  
2 Hazards Program Specialist.

3           Q        Could you explain what that job consisted of?

4           A        Yes. This is a supervisory position in the  
5 Natural and Technological Hazards Division, wherein I am  
6 responsible for the day-to-day supervision of two broad  
7 program areas of our work that we do in that particular  
8 division, one being the National Flood Insurance Program  
9 which is on the natural side which also has to deal with  
10 flood activities, it has to do with flood insurance administra-  
11 tion, it has to do with flood plain management, it has to do  
12 with dam safety, hurricane preparedness and hazards<sup>ous</sup> material. *just*

13                   And on a technological hazards side, having to  
14 do with technological aspects of hazards<sup>ous</sup> material and *just*  
15 radiological emergency preparedness which includes not only  
16 commercial nuclear power plant planning but also having to  
17 do with regional response and coordination response planning  
18 for any kind of radiological accidents, for instance.

19           Q        And you still currently hold that position?

20           A        And I currently hold that position.

21           Q        Now, other than Shoreham, is there anything in  
22 your background that concerns nuclear power plants in New

1 York State?

2 A Sure.

3 Q Okay. What time -- or, when did that occur?

4 A Well, during the time frame where I was the  
5 Chairman of the Regional Assistance Committee the first  
6 time, I was involved with reviewing plans as well as seeing  
7 to it that exercises are held regarding the implementation  
8 of those plans for Ginna, Nine Mile Point. My recollection  
9 is not clear now whether that also included Indian Point.  
10 It may have.

11 Certainly, a review of plans but I don't remember  
12 now whether or not it included an exercise at Indian Point.

13 Q Was NUREG 0654 in effect when you did this?

14 A Yes.

15 Q Did you have any past history to use in your  
16 position as RAC Chairman or did -- were you the first RAC  
17 Chairman?

18 A At Region II, yes.

19 Q Did you create the Radiological Preparedness  
20 Program yourself?

21 A You flatter me. No. No, it was created by the  
22 Agency, and in each region we had an intensive training

1 course for all those that would occupy that position. That  
2 was conducted by the Agency in concert with the Nuclear  
3 Regulatory Commission.

4 And from that point on, everybody had the same  
5 level of basic knowledge with respect to our program re-  
6 sponsibilities and the process of off-site preparedness.

7 Q What standards did you use to review the plans  
8 that you mentioned before?

9 A NUREG 0654, FEMA, Rev 1.

10 Q Did you have anything to do with the development  
11 of NUREG 0654?

12 A No. No, I did not.

13 Q And --

14 A That was basically handed to us as part of the  
15 training process.

16 Q I assume that you worked with the state and  
17 local governments in your position as RAC Chairman?

18 A Oh, sure.

19 Q Do you recall which local governments?

20 A Oh, sure. With respect to the Radiological  
21 Emergency Off-Site Preparedness Program for the nuclear  
22 power plant, part of our program responsibilities, okay, we

1 worked with -- at that time it was called -- the predecessor  
2 organization which is now REPG, Radiological Emergency  
3 Preparedness Group, has a predecessor name <sup>whose</sup> ~~which~~ name *test*  
4 escapes me which was headed up by a gentleman by the name of  
5 Mr. Davidoff, Donald Davidoff, and he was the individual  
6 and that <sup>headed</sup> ~~was~~ the organization that I had dealt with in the *test*  
7 State of New York in dealing with the nuclear power plant  
8 off-site preparedness matters.

9 Q Can you tell me how many exercises you attended  
10 in that period?

11 A I would say about four.

12 Q Can you list them for me?

13 A Salem, Nine Mile Point. My recollection is  
14 Ginna and Oyster Creek.

15 It may have also included Indian Point but again  
16 my recollection is a little fuzzy.

17 Q Can you briefly give me a synopsis of what your  
18 job duties consisted of at the exercises in New York State?

19 A They would be no different than with any other  
20 nuclear power plant site. The job of Chairman of the  
21 Regional Assistance Committee, which is the external title  
22 for that function -- the way I will treat it because it

1 involves two related but really distinctive responsibilities.  
2 My program responsibilities for off-site preparedness for  
3 nuclear power plants internally includes having a staff that  
4 works for me who have program responsibilities for various --  
5 for a specific site.

6 And so with a staff to assist in internal plan  
7 review and the internal preparation of FEMA to be able to  
8 evaluate the implementation of the plan based on the  
9 scenario was done internally. And it is my job as -- at  
10 that time it was another title -- as far as being responsible  
11 for a staff to do the internal FEMA work. with respect to  
12 fielding an evaluation team, a federal evaluation team, to  
13 evaluate an exercise.

14 That responsibility comes with the title of  
15 Chairman of the Regional Assistance Committee which is part  
16 of 44 CFR <sup>3</sup>250. JWH

17 And there is a whole list of responsibilities  
18 the RAC Chair has. One of them is to ensure that the off-site  
19 plans for a site, state and local plans for a site, are  
20 tested biannually. And there is a whole list of things that  
21 we do in order to (a) get our evaluator team ready and (b)  
22 have a scenario, an approved scenario, so that we know what

1 we are evaluating, conducting the exercise and performing the  
2 evaluations and then after the exercise is over putting  
3 together a report on the exercise. That is the process as  
4 it relates to exercise.

5 Q Do you recall giving testimony at the Indian Point  
6 licensing hearings?

7 A Yes, I do.

8 Q Was that in between 1979 and '82 while you were a  
9 RAC Chairman?

10 A Yes, it was.

11 Q What was the subject of that testimony?

12 A It had to do with -- what prompted the Atomic  
13 Safety and Licensing Board hearings were exercise deficiencies  
14 that had occurred at Indian Point. The Nuclear Regulatory  
15 Commission, under their authority, invoked some sanctions  
16 against the licensee, gave them 120 days to show cause why  
17 the plant should not be shut down.

18 Q Were you asked to testify or were you subpoenaed?

19 A Yes, I was asked.

20 Q You were asked? Can you describe what your  
21 testimony consisted of?

22 A The testimony was given by a panel. The three of



1 us testified based on our expertise before the Atomic Safety  
2 and Licensing Board on a number of issues that had to do with  
3 off-site preparedness, with the adequacy of evacuation plans,  
4 adequacy of radiological monitoring and assessment.

5 My recollection is not that clear beyond those  
6 words.

7 Q Do you have any more specific recollection?

8 A No.

9 MR. CUMMING: Counsel objects to this line of  
10 questioning based on the relevance. However, obviously the  
11 subject of the testimony is in the public record. It is  
12 available to all parties.

13 However, to the extent the witness has memory he  
14 may continue to answer with respect to this line of question-  
15 ing.

16 BY MR. ZAHNLEUTER: (Continuing)

17 Q I take it you don't recall in any more specific  
18 detail what your testimony --

19 A No. I would have to refresh my memory by looking  
20 at the record.

21 Q Okay.

22 A We had filed testimony prior to the ASLB and it

1 was transcripts of that ASLB, and my recollection is not clear  
2 on the specific matters at issue that we discussed.

3 Q Did you talk to anyone in preparation for your  
4 deposition today?

5 A Yes, I did.

6 Q Who is that?

7 A I talked to counsel.

8 Q Mr. Cumming?

9 A Mr. Cumming, and also talked to contractor person-  
10 nel of FEMA that have been involved with our support, FEMA  
11 support for an evaluation of plans and other support services  
12 with respect to off-site radiological emergency preparedness.

13 Q Who is that contractor personnel?

14 MR. CUMMING: Witness may answer to the extent  
15 he has memory.

16 THE WITNESS: Okay. Dr. Thomas Baldwin of  
17 the Argonne National Laboratory and Mr. Joseph Keller, Idaho  
18 Nuclear Engineering Laboratory.

19 BY MR. ZAHNLEUTER: (Continuing)

20 Q When did these conversations occur?

21 A Off and on for a good several weeks and also today.

22 Q Was Mr. Cumming present during those conversations?

1 A Not in all cases, no.

2 Q When was --

3 A Excuse me. And also Mr. Roger Kowieski, and also  
4 my boss.

5 Q Who is your boss?

6 A Mr. Philip McIntire.

7 Q Could you specify when the first conversation  
8 occurred between any one of those people?

9 MR. CUMMING: To the extent the witness has  
10 knowledge, he may testify.

11 THE WITNESS: It's hard for me to sort out when  
12 my conversations stopped with respect to plan review issues  
13 as they relate to that site, the LERO plan, and when the  
14 discussion with respect to preparing for this deposition  
15 began.

16 So, it's hard for me to say when one stopped and  
17 the other one began. It runs together.

18 BY MR. ZAHNLEUTER: (Continuing)

19 Q Did you ever have a telephone conversation regard-  
20 ing preparation for this deposition with, for example, Dr.  
21 Baldwin?

22 A Sure.

1 Q Can you recall what you discussed?

2 A We discussed those matters that were related to  
3 Revision 7 and 8, that needed to be sorted out that weren't  
4 specifically tied into problem areas that came out during  
5 the exercise, because there were certain plan deficiencies  
6 that were revealed in the post-exercise report that were not  
7 deficiencies and the plan reviews prior to the exercise.

8 So, I needed to sort that out in my mind which of  
9 those problem areas that were presented in our report,  
10 comments on review of the plan that were pure plan matters  
11 as opposed to exercise-prompted plan matters that needed  
12 improvement or correction.

13 Q Why did you feel that you needed to sort that  
14 out before your deposition?

15 MR. CUMMING: I would like to state a continuing  
16 objection to the record. I would like to pass out at this  
17 time a copy of the January 14th, 1987 OL-3 Order which I  
18 would like bound with the witnesses transcript, furnishing  
19 a copy to all counsel.

20 Discovery has been opened by the OL-3 Board on  
21 reopened Contention 24. The Federal Emergency Management  
22 Agency, since the conference of counsel on December 6th, 1986.

1 has stated for the record that it is uncertain as to the  
2 relevance of the Revision 7 and 8 of the LILCO plan and  
3 the RAC review of that plan to the OL-5 proceeding. However,  
4 while it does not waive any privilege with respect to either  
5 deliberative process or any other appropriate privilege,  
6 it has consented to allow Mr. Husar to testify based on the  
7 review, as RAC Chairman, of Revision 7 and 8.

8 And it believes that this is counsel's opportunity  
9 to ask whatever questions are appropriate reference 7 and 8,  
10 and that this discovery and this deposition is for the pur-  
11 poses of both Boards, and it does not intend to reproduce  
12 for any party Mr. Husar to testify on Revision 7 and 8.

13 Counsel will also state for the record that  
14 originally Mr. Husar was a designated witness and was with-  
15 drawn in the conference of counsel on -- it was either the  
16 December 6th or the January 6th conference of counsel, as  
17 a designated witness for the OL-5 proceeding.

18 With that in mind, to the extent possible, the  
19 witness is instructed to answer questions as fully as  
20 possible with respect to his review and the Agency's review  
21 of Revision 7 and 8. And that is a continuing objection  
22 with respect -- on both relevancy and with respect to the

1 fact that if it is assumed to be relevant to the OL-3 proceed-  
2 ing that this is, in fact, counsel's opportunity, counsel  
3 for all parties, to question the witness for the purposes  
4 of that proceeding.

5 With that in mind, the witness, if he remembers,  
6 may answer counsel for New York State's question. And I  
7 should state that although he was subpoenaed and I thought  
8 that the counsel for Suffolk County was going to question  
9 the witness, counsel for FEMA has no objection to the counsel  
10 for the State of New York questioning the witness.

11 MR. ZAHNLEUTER: Before you answer, Mr. Husar,  
12 Mr. Cumming, let me state that my question was what Mr. Husar  
13 did in preparation for this deposition. It had nothing to  
14 do with any matters that might be the topic of the OL-3  
15 proceeding.

16 MR. CUMMING: I believe counsel is in error.  
17 That was not counsel's question. If he would like to request  
18 the reporter to read back, for the record, his most recent  
19 question to witness he may do so.

20 But it is counsel for FEMA's understanding that  
21 that was not the question that counsel for the State of New  
22 York just asked.

1 MR. ZAHNLEUTER: Well, I will ask the question again,  
2 but I really intended to probe conversations relating to  
3 preparation for this deposition. That will turn out to be  
4 the question.

5 But for now, I would also like to say that I  
6 cannot agree with your categorization that this is the  
7 State's opportunity to seek discovery under OL-3 and the  
8 State of New York does reserve its right to subsequently de-  
9 pose Mr. Husar in the OL-3 proceeding.

10 MR. McMURRAY: Let me also speak for the County  
11 on that issue. As I said this morning, Mr. Cumming, this  
12 witness was subpoenaed for the OL-5 proceeding. We are  
13 here today to discuss all matters relevant to the OL-5  
14 proceeding.

15 Let me just say for myself that I have not pre-  
16 pared questions or prepared to ask questions that would get  
17 deeply into the subject of the OL-3 proceeding. And we  
18 reserve our right to call this witness back in the event  
19 that he is going to be designated as a witness or has  
20 knowledge pertinent to the OL-3 proceeding.

21 MR. CUMMING: Let me state for the record that  
22 counsel for Suffolk is incorrect. This witness was not

1 subpoenaed. He is being produced voluntarily by the Agency  
2 at this deposition.

3 To the extent our positions have been made clear  
4 on the record, they have been very clear, maybe we can  
5 proceed.

6 BY MR. ZAHNLEUTER: (Continuing)

7 Q Okay. Mr. Husar, I think the question was, with  
8 regard to a conversation that you had with Dr. Baldwin in  
9 preparation for this deposition, why did you feel that it was  
10 necessary to discuss the matters that had been rated as  
11 deficiencies in the post-exercise assessment that may not  
12 have been deficiencies previously?

13 A I needed to, in my own mind, sort out those  
14 matters that were prompted, those plan review changes that  
15 were prompted, by exercise deficiencies as opposed to those  
16 matters that were prompted by previous RAC comments on the  
17 plan.

18 Q Did you feel that you were able to sort those  
19 out?

20 A Pretty much.

21 Q Were there other conversations with Dr. Baldwin  
22 in preparation for this deposition?



1 A I can't recall.

2 Q How about Mr. Keller?

3 A With Mr. Keller, discussions in particular re-  
4 lated to matters that I needed to have clarified for me with  
5 respect to radiological monitoring which is Mr. Keller's *area of*  
6 expertise as one who has a background of *nuclear science* ~~health physics~~, *work*  
7 someone that could answer my questions with respect to those  
8 matters.

9 MR. CUMMING: I should state for the record that  
10 Mr. Keller and Dr. Baldwin are going to be deposed the rest  
11 of this week and they also will be available to answer  
12 questions with respect to Revisions 7 and 8.

13 BY MR. ZAHNLEUTER: (Continuing)

14 Q Could you please specify what matters concerning  
15 radiological monitoring you needed to discuss?

16 A I wanted to have us revisit the subject of what  
17 we did during the plan review meeting and the specific nature  
18 of the inadequacies that we found in the plan with respect  
19 to radiological monitoring issues.

20 Q I take it there was a plan review meeting. Could  
21 you tell me when that was?

22 A We had a plan consolidation meeting, plan review

1 consolidation meeting, on November 25th, 1986.

2 Q Okay. Mr. Husar, I see that you are reading from  
3 some notes there. Could you tell me what you brought to the  
4 deposition today in the way of documents?

5 A Sure. On yellow pieces of paper are my own per-  
6 sonal notes in preparation for this deposition. The hand-  
7 written notes to myself regarding that day's consolidation --  
8 plan review consolidation meeting. A copy of the RAC plan  
9 review comments for Revision 7 and 8. A copy of the  
10 Regional Director's transmittal of those comments to our  
11 National Office. And copies of correspondence requesting  
12 from the Nuclear Regulatory Commission -- asking for a review  
13 of Revision 7 and 8, and a subsequent transmittal of that  
14 asking from the National Office to the Regional Office.

15 And, lastly a transmittal of the finalized plan  
16 review comments to the members of the Regional Assistance  
17 Committee that were a party to the plan review itself.

18 MR. CUMMING: Several of those documents, including  
19 the January 5th, 1987 transmittal from Mr. Husar to the RAC,  
20 the 19 December '86 transmittal from Norm Steinlauf to  
21 Dave McLoughlin, and the RAC review and an October 22nd,  
22 1986 memo from Mr. Husar to the RAC, I am furnishing to

1 counsel at this time. If you would like to go off the  
2 record for a few minutes and study that, that's fine. We  
3 have no objection.

4 And also we have no objection to producing Mr.  
5 Husar's file at the close of the deposition. He has  
6 basically stated accurately that it is material that he has  
7 prepared for the purposes of the deposition. FEMA is not  
8 asserting deliberative process privilege over it, because it  
9 does not feel with the RAC review it deals with his prepara-  
10 tion for this.

11 There is one other document which is the attendance  
12 list of the RAC which, when we go off the record, I will  
13 have copied and furnished to you before we go back on.

14 You may have a few minutes to study the documents.

15 MR. ZAHNLEUTER: Mr. Cumming, is the file that you  
16 refer to the one that Mr. Husar has in front of him now?

17 MR. CUMMING: That's correct.

18 MR. ZAHNLEUTER: And your offer is to provide  
19 the documents that are in the file with some of the exceptions  
20 that you mentioned after the deposition?

21 MR. CUMMING: I will be happy to allow you to  
22 inspect the file. We have not had an opportunity, since Mr.

1 Husar has prepared it for the deposition even as late as this  
2 morning, to copy it. If you would like to inspect it, if  
3 there is something you would like to have while we are off  
4 the record, or if you would like to wait to have us copy the  
5 entire file counsel has no objection.

6 There is one document, however, that Mr. Husar  
7 incorrectly stated he brought with him. He, in fact, had  
8 turned it over to me. It is, in fact, a letter of January  
9 20th, 1987 from the Nuclear Regulatory Commission to Mr.  
10 Norman Steinlauf which I have provided to Mr. Bordenick  
11 this morning, and Mr. Bordenick will have to make a decision  
12 as to whether he wants that document released.

13 Otherwise, as I stated on the record this morning,  
14 with respect to the actual RAC review of Revision 7 and 8,  
15 counsel for FEMA is compiling a complete index to all docu-  
16 ments generated during that review not furnished here or  
17 previously to counsel for the Intervenors, and we will provide  
18 that as soon as it is prepared to all witnesses.

19 And assuming there is a request in accordance with  
20 NRC's procedures for any or all of those documents, we will  
21 treat it with expedition and provide as much as we can, that  
22 we do not wish to assert privilege over, and we will be happy

1 to furnish that which we are not asserting privilege over  
2 to all counsel of record.

3 THE WITNESS: I misspoke. Two other documents  
4 that are here sort of got buried. I also have a copy of  
5 the RAC comments regarding Revision 5 and also a complete  
6 reprint of the FEMA Operative Guidance Memoranda.

7 MR. ZAHNLEUTER: Mr. Cumming, I would like to  
8 accept your offer to look at the documents that you handed  
9 out, those memoranda that you refer to.

10 I would also like to take a ten minute break to  
11 read those documents and to persue Mr. Husar's file.

12 MR. CUMMING: I have no objection if all counsel  
13 wishes to initial the documents in Mr. Husar's file so that  
14 when I provide you the initialed copies back, you will under-  
15 stand that I did, in fact, give you everything that Mr. Husar  
16 brought with him.

17 With that, we will go off the record.

18 (Off-the-record.)

19 MR. CUMMING: I will state while we are back on  
20 the record that copies of everything that is in this docu-  
21 ment dated November 13, 1986 has been served on all parties  
22 to this proceeding, although not in this format. Counsel,

1 some time in the near future, would like to copy this format.  
2 I will have to furnish.

3 MR. ZAHNLEUTER: Mr. Cumming, that's the Guidance  
4 Memoranda?

5 MR. CUMMING: That's correct.

6 MR. ZAHNLEUTER: Mr. Cumming, during the short  
7 break we had, I have reviewed the file that Mr. Husar brought  
8 with him. And I would like to request a copy of that file,  
9 including the documents that are not his own individual notes  
10 because I see there are notes that he has put on those docu-  
11 ments.

12 There is approximately two inches of paper, some  
13 papers containing penciled notes, some papers containing  
14 yellow sheets with numerous notes. And I haven't been able  
15 to review them all to a satisfactory depth. And I would like  
16 to request copies of those papers.

17 And it will be necessary to keep this deposition  
18 open. It may be necessary to recall Mr. Husar pending a  
19 complete and comprehensive review of that file.

20 MR. CUMMING: Counsel for FEMA understands your  
21 request. Counsel for FEMA has stated its position, but also  
22 counsel will furnish as requested a copy of the file to the

1 attorneys who are here today personally and they can do  
2 with them what they want.

3 I should state on the record that FEMA understood  
4 originally the purpose of this deposition to concern the  
5 OL-5 proceeding and that Mr. Husar would be asked questions  
6 concerning his involvement in the exercise.

7 MR. McMURRARY: Let me just state for the record  
8 that this deposition does deal with OL-5, and Mr. Husar has  
9 stated on the record that there are certain changes in the  
10 plan that are directly related to deficiencies in the exercise;  
11 therefore, his own testimony shows that the inquiries that  
12 Mr. Zahnleuter is making are perfectly relevant.

13 MR. CUMMING: Witness is not competent to answer  
14 with respect to the legal implication as to his understanding.  
15 He is very competent to answer; and he has, in fact, so  
16 testified.

17 I think the record is clear. Let's proceed.

18 MR. ZAHNLEUTER: Let me state for the record that  
19 I am conducting a deposition in the OL-5 proceeding . And  
20 I don't think I've actually ever brought up the OL-3 proceed-  
21 ing.

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BY MR. ZAHNLEUTER: (Continuing)

Q I would like to return to a point before we took the break where you said you discussed with Mr. Baldwin changes in the plan that related to deficiencies that were observed during the exercise.

Could you list for me what changes those are?

A I think you misunderstood what I have said earlier on. I had conversations with Dr. Baldwin with respect to those matters in the plan review and the RAC evaluation of Revision 7 and 8 that may have been prompted by exercise shortcomings that were reflected in the report.

Q What were those matters?

A I did not discuss specific matters with him. We basically talked generically about reception, congregate care issues. We talked about facility arrangements. We talked about -- to refresh my memory -- status of agreements that are plan related.

I, for myself, and over the week-end made a listing, and it's reflected in my notes, a correlation or an analysis of plan deficiencies that existed at the time or as a result of review of Revision 5 as compared to the plan inadequacies -- I misspoke when I said deficiencies,



1 inadequacies in the plans that were a result of the RAC review  
2 of Revision 8.

3 I would like to point out that our plan review  
4 of Revision 7 and 8 also included review of Revision 6. And  
5 that is so stated in writing in the transmittal of Revision  
6 7 and 8 to our National office.

7 Q You are referring now to your notes in your file;  
8 isn't that correct?

9 A That's correct.

10 Q Are you able to testify today without referring  
11 to your notes?

12 A About what?

13 Q The subject that we are talking about, the in-  
14 adequacies that you looked at with respect to Revision 5,  
15 your review of Revision 7 and 8?

16 A I suppose I could to some degree but not with a  
17 great deal of trust on my recollection.

18 Q Correct me if I'm wrong. I think you said that  
19 you discussed with Dr. Baldwin matters in the plan review  
20 that were prompted by the FEMA post-exercise assessment;  
21 is that correct?

22 A I discussed with him things that I had a question

1 about. I didn't say: Look, I want you to refresh my  
2 memory and let's discuss those things that were prompted by  
3 post-exercise assessment of the exercise at Shoreham.

4 In my own mind, this is what I wanted to do.  
5 Whether or not I stated that to him in those words, I don't  
6 know.

7 Q Mr. Husar, what I'm trying to get at is what it  
8 was about the exercise that you thought was important to  
9 review prior to this deposition?

10 A I did very little review of the post-exercise  
11 assessment report in preparation for this deposition, since  
12 my understanding was that I would be deposed regarding the  
13 RAC review of Revision 7 and 8.

14 Q And that RAC review of Revision 7 and 8 also  
15 included a review of the modifications to the plan that LILCO  
16 made in response to the FEMA post-exercise assessment,  
17 correct?

18 A Correct. Can we visit the subject of my experience  
19 and background at the outset of your questions --

20 Q Sure.

21 A -- so that I can enter into the record some other  
22 matters that may be relevant with respect to my background?

1 Q Sure, go ahead.

2 A Upon graduation from college, I entered the Armed  
3 Forces and I served in the United States Army, Military  
4 Intelligence. I served on active duty for three years and  
5 ten months, and during that period of time I had started my  
6 broad background in planning, strategic planning as well as  
7 tactical planning as well as work in security and intelli-  
8 gence, which was my specialization while I was in the service.

9 Upon my ~~separation~~<sup>OK</sup> from ~~the Armed Forces~~<sup>Active Duty</sup>, I had  
10 work<sup>at</sup> in security and intelligence, working for the ~~Navy~~. just  
11 And after changing jobs ~~for the Navy~~<sup>from N</sup>, I worked for the just  
12 Defense Logistics Agency in industrial security also having just  
13 to do with planning, contingency planning, as well as in  
14 enforcement of DOD directives.

15 And that portion of my background then led me to  
16 my changing jobs and joining the Defense Civil Preparedness  
17 Agency which subsequently became part of the Federal Emergency  
18 Management Agency in July of 1979.

19 Q Do you recall what years those military experiences  
20 occurred in?

21 A Vividly.

22 Q Just generally.

1           A       1968 to 1972. I am still connected with the  
2 Armed Forces. I am in the U.S. Army Reserve at this time,  
3 in the selective reserves, and I hold the rank of Lieutenant  
4 Colonel in the United States Army Reserve.

5           Q       Thank you for bringing that up. If you feel like  
6 you have to supplement anything else in this deposition,  
7 feel free to do so.

8           A       Okay.

9           Q       I would like to get things back on a little bit  
10 of reorganization. When was it that you first became  
11 involved with LILCO and the Shoreham Nuclear Power Plant?

12          A       I will answer your question. I need to refresh  
13 my memory here.

14                   (The witness is looking at documents.)

15          Q       Okay.

16          A       October 6th is the date that I received the  
17 directive through my Regional Director that our Agency  
18 Headquarters had requested the Regional Office to review  
19 Revision 7 and 8. And that was the point in time that I  
20 got involved with the LILCO plan.

21          Q       What document is that in your file that refreshed  
22 your memory?

1           A       This is a memorandum for Norman Steinlauf,  
2 Acting Regional Director from Dave McLoughlin, Deputy  
3 Associate Director, State and Local Programs and Support,  
4 Subject: Review of the Long Island Lighting Company Transi-  
5 tion Plan and LILCO Response to the FEMA Exercise Report.

6           Q       So, you received that memo and what did you do  
7 after that?

8           MR. CUMMING: For the record, I should state  
9 that that memo was served on all parties to this proceeding.

10          THE WITNESS: Shortly thereafter, and counsel  
11 has it before you. It was served on you. October 22nd  
12 memorandum, I had sent out a request to have the members of  
13 the Regional Assistance Committee conduct that review with  
14 a time frame by which I would like to have the responses.

15          And I requested that I wanted the responses, their  
16 comments, by close of business November 14, 1986.

17          BY MR. ZAHNLEUTER: (Continuing)

18          Q       This October 22nd letter was given to me by Mr.  
19 Cumming a few minutes ago; am I correct?

20          A       Correct.

21          Q       About the third or fourth sentence, it says:

22          "Due to the time sensitivity of the action, NRC only asked

1 for a FEMA internal review." I think that refers to Revision  
2 6.

3           Could you explain what you meant by the time  
4 sensitivity phrase in that sentence?

5           A       I'm sorry, where are we?

6           Q       In your October 22nd memo to the RAC, about the  
7 fifth line down.

8           A       Just a second. There was previous correspondence.  
9 Based on the request from Sam Speck, dated January 22nd,  
10 1986, FEMA prepared an internal review; that is, a review of  
11 Revision 6 of the LILCO plan without convening the Regional  
12 Assistance Committee and without asking them to conduct the  
13 reviews.

14           MR. ZAHNLEUTER: I would like to mark this as  
15 Husar Exhibit 1, but I'm afraid I don't have a copy right  
16 now.

17           MR. CUMMING: Which do you want to mark, the  
18 October 22nd memo? Okay. It's the October 22nd memo  
19 you wish to mark?

20           MR. ZAHNLEUTER: Let's mark the entire package  
21 that you handed out, Mr. Cumming, which is covered by a  
22 January 5, 1987 memo and which includes that memo plus a

1 December 19th, 1986 memo to Dave McLoughlin and then lastly  
2 the October 22nd memo from Mr. Husar.

3 MR. CUMMING: Let's add one more passed out  
4 at the same time, the November 25th, 1986 attendance list.

5 MR. ZAHNLEUTER: Okay. We will make Husar Exhibit  
6 1 a four-document package.

7 (The documents referred to are  
8 marked as Husar Deposition  
9 Exhibit Number 1 for identifi-  
10 cation.)

11 BY MR. ZAHNLEUTER: (Continuing)

12 Q What was the time sensitivity for that action?

13 A I cannot speak to that subject since I wasn't  
14 party to that plan review. If you will notice the date of  
15 this plan review, the date of February 6th, 1986, I was in  
16 no way connected with the radiological emergency preparedness.

17 Q But you wrote this memorandum of October 22nd,  
18 right?

19 A That's right.

20 Q Why did you think it was necessary to refer to  
21 the time sensitivity of that action?

22 A What I am alluding to is the October 6th, 1986

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1 memorandum requesting the review and the deadline that was  
2 imposed on us by the National Office. The deadline imposed  
3 on us for providing the complete plan review was December 8th,  
4 1986.

5 Q Well, what purpose would be served by reviewing  
6 Revision 6, in effect, retroactively after Revision 7 and 8  
7 came out?

8 A I felt that it was important that there be a complete  
9 RAC review of Revision 6 since none had been conducted.  
10 And, for the record, I also provided to the Regional  
11 Assistance Committee the internal FEMA review of Revision 6  
12 so that they could review it and if they had any comments  
13 about it that might require further discussion or any changes  
14 to the comments that the internal FEMA review had resulted  
15 in.

16 Q Okay. Were there any comments or changes?

17 A No. In fact, it's stated in a letter of trans-  
18 mittal that the Regional Assistance Committee supported the  
19 evaluation, the comments with respect to Revision 6 to the  
20 LILCO plan.

21 Q Did it state any reason?

22 A It was the subject of discussion. We made sure



1 that we went over the different elements that we review ~~under~~  
2 in accordance with NUREG 0654, and I -- the way we came to  
3 closure on Revision 6 and the RAC acceptance of the comments  
4 in Revision 6 was by voice vote, and it was unanimous.

5 Q When did that voice vote occur?

6 A The same date of the RAC consolidation meeting  
7 for which you have the attendance list.

8 MR. ZAHNLEUTER: Mr. Cumming, have the Intervenors  
9 been provided with the RAC review of Revision 6?

10 MR. CUMMING: It was encompassed in the transmittal  
11 of December 30th, 1986. That RAC review, in fact, encompassed  
12 6, 7 and 8.

13 You can ask my witness to clarify that. That was  
14 my understanding. And you have been furnished that document.

15 MR. ZAHNLEUTER: I would like to make that docu-  
16 ment Husar Exhibit 2. It consists of a cover memo to Mr.  
17 Victor Stello, S-t-e-l-l-o, dated December 30th, 1986.  
18 And then behind it, attached to it, is the consolidated RAC  
19 review.

20 MR. CUMMING: Why don't you put the cover letter  
21 in with the understanding that attached to the Husar -- to  
22 avoid copying -- is the transmittal which was served on all

1 parties I think several times. You explain it the way you  
2 want to.

3 MR. ZAHNLEUTER: That would be fine if we can  
4 recall what the Bernacki exhibit number was for the same  
5 document.

6 MR. BORDENICK: It was 8, Bernacki 8.

7 MR. CUMMING: Since we are on the record, I notice  
8 that Paragraph 2 refers to the fact that it's the review of  
9 6, 7 and 8.

10 MR. ZAHNLEUTER: Okay. Please allow me to clarify  
11 this for the record. The offer of Husar Exhibit 2 is with-  
12 drawn. In its stead, we will refer to Bernacki Deposition  
13 Exhibit 8 which includes a cover letter to Victor Stello,  
14 dated December 30, 1986, as well as the RAC review dated  
15 December 15, 1986.

16 MR. CUMMING: No objection.

17 BY MR. ZAHNLEUTER: (Continuing)

18 Q Now, Mr. Husar, where is it in Bernacki Exhibit  
19 8 that Revision 6 is referred to?

20 A First line, second paragraph.

21 Q Of the letter to Mr. Stello?

22 A Correct.

1 Q Okay. Could you read that sentence?

2 A "A full Regional Assistance Committee review of  
3 Revisions 6, 7 and 8 has been completed and the results are  
4 contained in the enclosed report entitled 'LILCO Transition  
5 Plan for Shoreham - Revision 8, Consolidated RAC Review'  
6 dated December 15, 1986."

7 Q Where in the enclosed report, which is the RAC  
8 report, is Revision 6 mentioned?

9 A Okay. Let me just say for the record that I wasn't  
10 party to the letter to Mr. Stello. That was prepared by the  
11 National Office.

12 The reference to the review of Revision 6 is  
13 contained as part of Husar Exhibit 1, the memorandum from  
14 Norm Steinlauf to Dave McLoughlin, dated 19 December 1986.  
15 The second paragraph. It's also in the first paragraph.

16 Q After you asked the RAC for their review of  
17 Rev 7 and 8 in your October 22nd memorandum, what did you  
18 do?

19 A We proceeded to conduct a FEMA review of those  
20 revisions.

21 Q I am confused by what you mean by FEMA review.  
22 Is that something different than a RAC review?

1           A       Well, each agency, as spelled out in 44 CFR ~~351~~ --  
2   350, excuse me, has a responsibility in this process related  
3   to off-site emergency preparedness. What we do is, we  
4   conduct our own review of those plans based on the NUREG  
5   criteria so that when we come to the meeting we will have  
6   our own evaluation, our own comments on those plans so that  
7   we are just not going purely based on what other agencies  
8   might submit based on the plan review requirements that each  
9   agency is supposed to conduct based on their varied expertise.

10          Q       And with respect to Revision 7 and 8, did the  
11   other members of the RAC prepare a similar --

12          A       Yes, they did. They provided their written  
13   comments on Revision 7 and 8.

14          Q       Okay.

15          A       And the RAC consolidation meeting on November  
16   22nd was used for the purpose of just that, consolidating the  
17   comments and coming up with the final set of plan review  
18   comments, not only the Revision 7 and 8 and addressing the  
19   subject of Revision 6 but also disposing of the matter of  
20   the plan changes that were prompted by the exercise results,  
21   which is Attachment 2 to Bernacki Exhibit 8.

22          Q       Which is the consolidated RAC report?

1           A       Well, Attachment 2 is the schedule for corrective  
2 action or errors requiring corrective action directly tied  
3 into the exercise.

4           Q       Are those what have been referred to as spread  
5 sheets?

6           A       Yes.

7           Q       Did anything else happen between October 22nd  
8 and the meeting of November 25th?

9           A       Routine business. RAC members calling, asking for  
10 some clarification. Some RAC members calling asking for  
11 a time extension. Some RAC members calling and saying  
12 that -- basically related to me a difficulty with other com-  
13 mitments to meet the deadline that I had given them. The  
14 routine kind of things that we get in any request for RAC  
15 review.

16          Q       As part of Husar Exhibit 4, there is an attendance  
17 list --

18                   MR. CUMMING: I'm sorry, Husar Exhibit 1.

19                   BY MR. ZAHNLEUTER: (Continuing)

20          Q       Husar Exhibit 1, I'm sorry. It's the fourth  
21 document in the package. Are those the members of the RAC  
22 that attended the meeting?

1 A These are all the parties present at that meeting.

2 Q Who on that list is a RAC member?

3 A Paul Lutz, Ron Bernacki, Charles Amato, Herb  
4 Fish, Cheryl Malina.

5 The other person from the Nuclear Regulatory  
6 Commission was Ed Fox, and he is an individual who was  
7 there for transition purposes because of NRC's switch of  
8 their designated RAC member to FEMA Region II.

9 Q You are also a member of the RAC, right?

10 A Yes, I am. Bob Acerno works for me. He was  
11 party to that meeting as well. Phil McIntire, my boss, he  
12 was there at the beginning.

13 Q Were there members of the RAC who were not  
14 present?

15 A An individual who came and attended at the very  
16 end but was not there and, therefore, his name does not  
17 appear on here is Mr. Giardina from the Environmental  
18 Protection Agency.

19 Q Was it actually he who attended the meeting?

20 A Yes, it was.

21 Q Was there anyone else who did not attend?

22 A Everybody we asked to attend did attend at some

1 point in time during that day.

2 Q And is it fair to say that you asked all members  
3 of the RAC to attend?

4 A No.

5 Q Who did you not ask?

6 A Department of Commerce, Department of Interior  
7 and Health and Human Services. Now, one might say that the  
8 Food and Drug Administration is a part of the Health and  
9 Human Services; therefore, that completes that membership.  
10 However, Health and Human Services, per se was not represent-  
11 ed.

12 Q The Department of Transportation is not a member  
13 of --

14 A Yeah, right there on top, Paul Lutz.

15 Q Why were those three, the Commerce Department,  
16 the Interior Department and HHS not invited?

17 A All right. Please restate the question.

18 Q Correct me if I'm wrong. I believe you stated  
19 that members of the RAC representing the Commerce Department,  
20 the Interior Department and HHS were not invited to the  
21 meeting and, therefore, were not in attendance.

22 A All right. With respect to the Department of

1 Interior -- correction. With respect to the Department of  
2 Commerce, they have notified us that they were unable to  
3 support the RAC and plan review requirements. That was  
4 documented some time back and, therefore, we did not ask them  
5 to participate in this RAC review.

6 With respect to the Department of Interior, the  
7 Department of Interior basically has advised our Agency  
8 through the Federal Radiological Preparedness Coordination  
9 Committee that unless the specific matters to be reviewed  
10 in terms of plans relate to the ingestion pathway where  
11 Department of Interior facilities are involved, i.e., parks  
12 and other government properties that are controlled by the  
13 Department of Interior, they would not conduct any reviews.  
14 And, so in this particular instance there were no matters  
15 at issue in Rev 7 and 8 that related to that; and, therefore,  
16 we did not ask them to participate.

17 Q And what about HHS?

18 A With respect to Health and Human Services, they  
19 have had a long standing position with FEMA that if there  
20 were matters that needed review on the part of Food and Drug,  
21 certainly the Food and Drug Administration could send their  
22 member to participate. But with matters that deal primarily



1 with other parts of the Health and Human Services Agency,  
2 they were not equipped and staffed to provide that kind of  
3 support to the RAC.

4 Q I'm going to ask several questions now about the  
5 RAC meeting on the 25th, but would you appreciate a break  
6 before I do get into that or would you rather continue?

7 A I would rather continue.

8 Q Okay. Let's continue.

9 MR. CUMMING: I assume you are not going to ask  
10 any deliberative process questions, just with respect to  
11 Mr. Husar's personal knowledge for which we have authorized  
12 him to testify.

13 BY MR. ZAHNLEUTER: (Continuing)

14 Q Mr. Husar, at that meeting on the 25th, do you  
15 recall what plan changes were discussed that were prompted  
16 by the exercise results?

17 A Without referring to my notes, I would be hard  
18 pressed.

19 Q Refer to your notes.

20 (The witness is looking at documents.)

21 MR. CUMMING: Excuse me. Is that just one page?  
22 Do you want to go off the record and let me make comments,

1 and then we can make this an exhibit? Would that be  
2 appropriate if you are going to spend some time on this  
3 issue?

4 I think the question was rather complex.

5 MR. ZAHNLEUTER: Make comments?

6 MR. CUMMING: Copies for everyone, and we will  
7 just make it a Husar exhibit. It will just take two minutes.

8 MR. ZAHNLEUTER: Okay.

9 (Off-the-record.)

10 MR. ZAHNLEUTER: Mr. Cumming has provided to me  
11 at this time part of Mr. Husar's file, the part that appears  
12 to contain handwritten notes.

13 And I would like to mark that production as  
14 Husar Exhibit 2. It's a package which consists of six indi-  
15 vidual components.

16 And let's have it marked as Exhibit 2.

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17 (The documents referred to are  
18 marked as Husar Deposition  
19 Exhibit Number 2 for identifi-  
20 cation.)

21 BY MR. ZAHNLEUTER: (Continuing)

22 Q Now, Mr. Husar, the pending question I believe

1 is what plan changes were prompted by the exercise results?

2 A All right. I would like to turn to my notes to  
3 long sheets of paper wherein at the top it reads NUREG  
4 Element, Location, Topic, Type, ARCA Page Number, Response  
5 and Remedial Action across the top.

6 What you see before you is what I have extrapolated  
7 from the spread sheets from my analysis that are plan changes  
8 that were directly tied into the exercise, post-exercise  
9 assessment results.

10 Q Could you help me interpret this document and list  
11 for me which plan changes were prompted by the exercise  
12 results?

13 A All right. To explain to you what this represents,  
14 the way I did this analysis goes directly from Page 1 of  
15 Attachment 2 through its conclusion. And so the plan changes  
16 that were made were by location as they appear in the spread  
17 sheet comments.

18 For example, the first nine line items that I have  
19 listed relate to the LERO Emergency Operations Center. Okay.  
20 So, if we take, for example, J.10.K of the NUREG Element,  
21 listing the Emergency Operations Center as the location,  
22 and cryptically I put down communications procedures and

1 training being the issue, and the type of inadequacy that  
2 was made through the post-exercise assessment report was  
3 that it was a deficiency. And that particular complete  
4 narrative is found on Page 1 of 16 of the spread sheets.

5 So, if we look at Attachment 2, Bernacki Exhibit 8,  
6 Page 1 of 16, we can navigate through this. Hopefully,  
7 this is in order. Yes.

8 So, we look at Table 3-1 at the top, Page 1 of 16 of  
9 Attachment 2 to Bernacki Exhibit 8, I have found that this is  
10 one NUREG Element for which there was a plan revision in the  
11 LERO plan submitted. And if we look at the column on that  
12 particular spread sheet, Page 1 of 16, it will walk us through  
13 which particular portion of the LERO plan was submitted and  
14 evaluated.

15 And, so that the response to the LERO submission  
16 was that it was an adequate response, which is the next to  
17 the last column on the spread sheet, and that the remediation  
18 of that is that it is still inadequate and the reason being --  
19 and this is my cryptic note -- the (E) denotes to me that  
20 there has to be an exercise to complete the evaluation of this  
21 plan change. It cannot be done in the abstract. It still  
22 remains inadequate because it has to be seen during an exercise

1 to be able to adequately evaluate that.

2 So, basically, therefore, this two-page list  
3 walks you through those matters that are listed in this  
4 spread sheet that are plan-related, driven by exercise in-  
5 adequacies in the post-exercise assessment report.

6 Q With respect to the last column entitled "Remedial  
7 Action," the (E) means exercise, and is it fair to say that  
8 FEMA cannot give reasonable assurance until there is another  
9 exercise?

10 A No, I didn't say that. I said that what we are  
11 saying is we need to look at it during an exercise which is  
12 structured with a scenario which prompts that kind of play  
13 or implementation of that portion of the plan in order to  
14 make a definitive evaluation of the adequacy of that plan  
15 revision.

16 Q Is it fair to say that FEMA cannot determine the  
17 adequacy of Revision 7 and 8 until that remedial exercise is  
18 conducted?

19 A With respect to that particular line item as it  
20 relates to the NUREG and that particular procedure which is  
21 identified in the column on the spread sheet, the column  
22 entitled "FEMA Evaluation of LERO Response."

1 Q So that I'm sure, let me recap which elements  
2 those are. That's NUREC Element J.10.K --

3 A Correct.

4 Q -- I.10, F.1.D --

5 A Correct. F.1.C. If you are going down the list  
6 there, that's from the top to the bottom. Is that what you  
7 are doing?

8 Q I was looking at the ones that had an (E) under  
9 the --

10 A Oh, I see, that need an exercise to evaluate,  
11 complete the evaluation. Okay. Fine.

12 Q Right. You called it a definitive evaluation  
13 or a complete evaluation.

14 A Right. Of that particular plan change. Right.  
15 All right. Proceed. The first one you mentioned is J.10.K.  
16 What is next?

17 Q I.10.

18 A Correct.

19 Q F.1.D.

20 A Correct. Those two are related to that same line  
21 item.

22 Q I.10.

1 A Correct.

2 Q E.2.

3 A Correct.

4 Q I believe J.9 and J.10.G; am I reading that  
5 right?

6 A Yes.

7 Q Okay.

8 A Now, just to explain the others, okay. P says  
9 we didn't buy off on a particular plan submission, in  
10 parenthesis. (T) denotes training. This is my cryptic way  
11 of identifying what is going to fix it. (P) is for plan,  
12 (T) is for training and (E) is for exercise.

13 So, in the case of what they did from the Patchogue  
14 staging area, that particular item on the spread sheet that  
15 is found on Page 1 of 19 that relates to the Patchogue stag-  
16 ing area which relates to the bus driver dispatch issue,  
17 we didn't like the plan revision and we are saying on the  
18 spread sheet -- I don't need to represent those words here  
19 because you have them in front of you in Bernacki Exhibit 8,  
20 Attachment 2 -- it's going to require basically a threefold  
21 effort on the part of LERO in order to fix that particular  
22 planning problem. And that's another rewrite of the plan and

1 be submitted. It's going to require training and also  
2 followed up by a demonstration of that particular capability  
3 during an exercise. Okay.

4 Q How about the next line on that page which has  
5 N/R under NUREG Element?

6 A Okay. The N/R denotes no NUREG reference. These  
7 are purely items that were picked up during the exercise that  
8 cannot be directly correlated to any planning criteria in  
9 NUREG 0654, that in the estimation of the federal evaluators  
10 during the course of the exercise were problem areas that  
11 needed fixing, and the rest speaks for itself.

12 And, for the record, I would like to say that the  
13 way we normally do business, we would ask the level of  
14 government that would generate this plan to demonstrate this  
15 particular capability at the next exercise. So, what we are  
16 saying is that this whole process related to LILCO is not  
17 typical specifically to the extent that we are not dealing  
18 with a level of government, we are dealing with a licensee.

19 But, the point I wanted to make is that an exercise  
20 is what it's going to take to finally come to closure and  
21 our definitive evaluation of that plan provision.

22 MR. ZAHNLEUTER: Okay. I would like to note for



1 the record that the list of NUREG Elements goes on regarding  
2 remedial actions that must be exercised. And I can't refer  
3 to them anymore because they are denoted by N/R.

4 THE WITNESS: Might I suggest the page numbers?  
5 For example, Patchogue staging area, page of pages.

6 MR. ZAHNLEUTER: Okay.

7 BY MR. ZAHNLEUTER: (Continuing)

8 Q Page 1 of 19. Is that a 5 of 19?

9 A Correct.

10 Q 6 of 19.

11 A Correct.

12 Q 7 of 19, that should be?

13 A Let me just double check here.

14 (The witness is looking at a document.)

15 Q Okay.

16 A Correct. That should be a 7 of 19 and it should  
17 be 8 of 19 and 9 of 19.

18 Q And then the list continues, 10, 11, 12, 13, 14  
19 of 19.

20 A Correct. And that completes the spread sheets  
21 related to the Patchogue staging area.

22 Q What does the next reference mean, 2 of 6?

1           A       Okay. With respect to Riverhead Staging Area  
2 on Page 2 of 2.

3           Q       And exercise would be the remedial action called  
4 for in the next entry pertaining to NUREG Element J.12 for  
5 the reception centers, right?

6           A       J.12, reception center, correct. And my note  
7 there is length of personnel monitoring. That's how I  
8 characterized cryptically the nature of the problem area.

9           Q       What does an (A) under remedial action mean?

10          A       Agreement.

11          Q       What about an (H)?

12          A       Hardware.

13          Q       Besides a discussion of this topic, did anything  
14 else occur in the meeting of November 25th?

15          A       I think I have stated earlier it was threefold.  
16 The RAC consensus with respect to the FEMA internal review  
17 of Revision 6, the comments on Revision 6; Revision 7 and 8;  
18 and, also the disposition on the spread sheets which is  
19 Attachment 2 to Bernacki Exhibit 8, whether or not we had  
20 agreement on the evaluation in the last two columns.

21                 MR. CUMMING: Could I ask one clarification for  
22 the record before he leaves this? When exactly did you

1 prepare this form that Mr. Zahnleuter just referred?

2 THE WITNESS: Sunday.

3 BY MR. ZAHNLEUTER: (Continuing)

4 Q But you prepared it on this last Sunday from  
5 your memory of what occurred on the 25th; isn't that  
6 correct?

7 Let me rephrase that. What did you prepare it  
8 from?

9 A I wanted to be able to perform an analysis. This  
10 is my analysis of what we had done on the 25th, not that I  
11 wanted to refresh myself of what we had done on the 25th  
12 but to have an analysis so that I could speak to the subject  
13 of which matters require what kind of remediation. For  
14 example, which matters require additional plan changes;  
15 which matters have to be exercised for us to make a final  
16 determination with respect to that plan revision and so  
17 on.

18 Q Okay. For example, on the spread sheets of  
19 Bernacki Exhibit 8 for the LERO EOC, Page 1 of 16, the last  
20 column says remedial action (I) for incomplete, and what you  
21 are telling me is that (I) means that the required remedial  
22 action is an exercise?

1           A       Correct.

2           Q       And so on and so forth throughout the rest of the  
3 spread sheets?

4           A       Uh-huh.

5           Q       In the spread sheets, an (I) in the column of  
6 remedial action means incomplete; is that correct?

7           A       Correct.

8           Q       And in your notes that we marked as Exhibit 2,  
9 an (I) also means incomplete when it's under the remedial  
10 action column?

11          A       Correct.

12          Q       And an (I) when it's under the response column  
13 mean inadequate; is that correct?

14          A       Correct.

15          Q       After the November 25th meeting, did any other  
16 events occur with regard to the review of Revision 7 and 8?

17          A       Only the usual process that we go through in  
18 consolidating our comments and putting pen to the paper and  
19 getting the final language of the RAC comments on the plan  
20 review.

21          Q       Let me refer you to Husar Exhibit 1 which contains  
22 a December 19th letter from Mr. Steinlauf to Mr. McLoughlin.

1           A       Right.

2           Q       The second page of that letter refers to a  
3 normal review process for nuclear power plants in Region II.  
4 Do you know why it is that the circumstances around Shoreham  
5 would effect the review process for other nuclear power plants  
6 in Region II?

7           A       Could you show me where that is in this memorandum?

8           Q       Well, I was looking at the first sentence on the  
9 top of Page 2. How do you interpret that first sentence?

10          A       I think we stated for the record, not only with  
11 respect to this memorandum but before ~~what~~ other ASLBs, what *with*  
12 our process is. And, this memorandum says what it says. And,  
13 we have gone on with testimony before countless ASLBs with  
14 respect to our process and who we do business with.

15          Q       Okay. The first item under that sentence refers  
16 to corrective action that has not been followed for Shoreham.

17                   Do you know why corrective action has not been  
18 followed?

19          A       The way we do business, we deal with the state  
20 where power plants are situated as well as the local govern-  
21 ments where power plants are situated. That's the way we  
22 normally do business, through them and with them and for

1 them. And so this is not the case where we are dealing with  
2 a non-governmental entity. So in that respect and that  
3 context, we have not in our normal way of doing business  
4 asked the state to respond with corrective action or the  
5 state consolidate corrective action on the part of those  
6 levels of government that have the plans to be written and  
7 to be changed and to have meetings with them, because that's  
8 the way we do business, an ongoing process where we are always  
9 in touch with the levels of government through the state.

10 And, so this is an evolving process. And planning,  
11 as you have maybe seen in other testimony that FEMA has  
12 made, is a dynamic process, ever changing. And so we have  
13 not had that contact and that dialogue with the licensee.

14 So, that's why corrective action probably has not  
15 been taken. We don't know. We didn't ask. We have not  
16 communicated with the licensee with respect to any remediation  
17 of those deficiencies or inadequacies, whichever ~~the~~ case  
18 fits. AWK

19 Q Have there been any discussions or communications  
20 with LILCO, the licensee, regarding the scheduling of a  
21 remedial exercise?

22 MR. CUMMING: Asked and answered. To the extent

1 witness has knowledge, he may answer.

2 THE WITNESS: To the extent that I have knowledge,  
3 and to the extent of my involvement as RAC Chairman, no.

4 BY MR. ZAHNLEUTER: (Continuing)

5 Q Have there been any such discussions internally  
6 within FEMA?

7 MR. CUMMING: Objection, based on relevancy. To  
8 the extent the witness has knowledge, he may answer, is  
9 instructed to answer.

10 THE WITNESS: I have not been party to any conver-  
11 sation with respect to another exercise.

12 BY MR. ZAHNLEUTER: (Continuing)

13 Q Do you have any knowledge of a Revision 9 to  
14 the LILCO plan?

15 A I have no direct knowledge of any additional  
16 revision or revisions to the LILCO plan.

17 Q Could you turn to Bernacki Exhibit 8 and to the  
18 second page of the letter to Mr. Stello, specifically to the  
19 fifth paragraph?

20 (The witness is looking at the document.)

21 A Okay.

22 Q Have you familiarized yourself with that

1 paragraph?

2 A I have just read it for the first time.

3 Q Could you give me your opinion of what that  
4 paragraph means?

5 A As I stated just a little while ago, we are not  
6 doing business the way we normally do in the case of LILCO  
7 and the LERO plan, because we are not dealing with our  
8 normal constituent which is a government entity, state or  
9 local. And since we don't have the dialogue that we would  
10 normally have with them, it's -- it would be very difficult  
11 for us to plan allocation of resources for plan reviews and  
12 for any other work that is necessary in connection with off-  
13 site emergency preparedness.

14 Q Does this paragraph mean to you that if Revision  
15 9 is submitted to FEMA that FEMA will be unable to conduct  
16 a further review?

17 MR. CUMMING: Objection. It calls for the  
18 witness to speculate.

19 To the extent he has knowledge, he may answer.

20 THE WITNESS: That's not a question that I can  
21 answer, since that would require a decision on the part of  
22 FEMA Headquarters as to what we would do in the event that



1 the Nuclear Regulatory Commission would want us under the  
2 MOU to review the next iteration of the plan.

3 Q In the first paragraph on that page, the last  
4 sentence contains a reference to Element E.5 and then a  
5 parenthesis, perhaps others.

6 Could you read that sentence and, if you have  
7 knowledge, explain to me what other NUREG elements are  
8 referred to?

9 (The witness is looking at the document.)

10 A All right. At the time of the review of 7 and 8,  
11 we had gotten indication that in the case of the EBS radio  
12 station, WALK, that they had withdrawn from their association  
13 with and their agreement to be the entry station for  
14 emergency broadcast alert notification dissemination.

15 We only review what is submitted to us to review;  
16 and, therefore, although we had knowledge of there being  
17 this letter from the radio station saying they are not going  
18 to participate in any response as an EBS station, we could  
19 not use that as part of our plan review.

20 And, so what we were saying, if we were to look  
21 at this again we would certainly have to take the EBS radio  
22 station issue into account, and we would want to have the

1 writer of the plan, the author of the plan, demonstrate to  
2 us who or which radio station would be the EBS radio station,  
3 as an example, since if it is not WALK who is it and where  
4 is the agreement that says it is so.

5 Q In Exhibit 2 in your chart which you entitled  
6 "ARCA Chart" there isn't any entry for NUREG Element E.5.

7 Is there a reason why?

8 A The spread sheets relate to exercise inadequacies.  
9 And, let me look at this again.

10 MR. CUMMING: I'm sorry. For clarification, are  
11 you referring to this document?

12 MR. ZAHNLEUTER: Yes. It's part of Husar Exhibit  
13 2. It's the one we referred to earlier entitled "ARCA  
14 Chart."

15 THE WITNESS: I'm not qualified to answer that  
16 question, since that relates to an exercise issue.

17 BY MR. ZAHNLEUTER: (Continuing)

18 Q What do you mean, an exercise issue?

19 A There was a demonstration four times in the  
20 exercise, and I believe that is correct although I'm not --  
21 haven't been party to that. There was an evaluator observa-  
22 tion of a test emergency broadcast system. The notification

1 that we had received and a copy of the letter that we had  
2 gotten in our office with respect to action taken by the  
3 management of the radio station, WALK, occurred subsequent  
4 to the exercise.

5 And, therefore, it is not part of the spread  
6 sheets, Attachment 2 to Bernacki Exhibit 8.

7 Q Now, it is part of Attachment 1 to the consolidated  
8 RAC review, correct?

9 A Yes, it is. Correct.

10 Q And, I see that there is a rating of A for  
11 adequate.

12 A I think that statement speaks for itself.

13 Q Right. Going back to Page 2 of that memo to Mr.  
14 Stello, do you know what other NUREG elements he is referring  
15 to in that parenthetical note?

16 A No. It would be only conjecture on my part.

17 Q On the first page of the RAC review, there is a  
18 definition of adequate, not the letter to Mr. Stello but  
19 the actual RAC review.

20 A Oh, okay.

21 Q Is it fair to say that an adequate rating means  
22 that the plan is adequate to provide reasonable assurance

1 that appropriate protective measures can be taken to protect  
2 health and safety?

3 A No, that's not what this says.

4 Q Okay. What does it say?

5 A This is an evaluation of a particular planning  
6 requirement measured against a NUREG element.

7 Q So, you are saying that when there is an A, that  
8 means that that planning element -- or, planning requirement,  
9 I think you said -- is adequate?

10 A Yes.

11 Q Okay. And, what would a comparable definition of  
12 inadequate be?

13 A It doesn't meet the standard.

14 Q And, if it doesn't meet the standard, the  
15 appropriate remedial action would be as listed in your ARCA  
16 chart; is that correct?

17 A Well, in case of plan deficiencies, all right,  
18 this is what represents the comments. What we would normally  
19 do is request the state -- if we were dealing with the state,  
20 ask them to give us <sup>a</sup> scheduled <sup>of</sup> corrective action, when they  
21 are going to fix all these plan inadequacies. That's what  
22 we normally do with inadequacies with plans that we have

*Walt*

1 reviewed.

2 Q Why is that you, as a RAC Chairman, don't take  
3 that step with respect to LILCO?

4 And, why don't you ask LILCO?

5 A May I have a conference with counsel?

6 (The witness is conferring with Mr. Cumming.)

7 A The answer to your question is, there is  
8 correspondence between the top management of our Agency and  
9 the Nuclear Regulatory Commission, how -- what we would do  
10 in connection with any plan submitted by the licensee and  
11 what we would do -- and also in the event that there should  
12 be an exercise.

13 The Nuclear Regulatory Commission hasn't asked  
14 us to do that.

15 Q In a normal case where you deal with the state  
16 and local governments, do you, as a RAC Chairman, ask the  
17 state and local --

18 A Yes.

19 Q -- governments directly --

20 A Yes.

21 Q -- or do you wait for instruction from the NRC?

22 A As part of what we do in our normal business I,

1 as RAC Chairman, would send a letter to the top official  
2 responsible for radiological emergency preparedness, off-  
3 site preparedness, forwarding the plan review comments and  
4 ask, of course, for a schedule for corrective action.

5 Q Has the RAC seen a schedule of corrective actions  
6 from LILCO regarding the deficiencies noted in the post-  
7 exercise assessment or even the ARCAs?

8 A To my knowledge, there have been none provided and  
9 there are none furnished to the RAC; none provided by LILCO  
10 to FEMA and, therefore, none provided to the RAC.

11 And with the exception that 7 -- our review of  
12 Revision 7 and 8 in part reflect plan revisions prompted by  
13 exercise shortcomings.

14 Q Have you, as RAC Chairman, seen a LILCO response  
15 to your consolidated RAC review?

16 A No, I have not.

17 Q Or had any communications regarding a response?

18 A I have no knowledge of that.

19 Q On Page 1 of 15 of Attachment 1, I want to ask  
20 you a question about the last three lines on that page.  
21 Perhaps you could read it to become familiar with it.

22 A I'm sorry. Where are we?

1 Q Page 1 of 15 of Attachment 1.

2 A Got it. And what would you like me to read?

3 Q "However, based on results of the February 13,  
4 1986 exercise and the RAC review of subsequent plan revisions  
5 it is recommended that LERO notify FAA directly..."

6 Could you tell me what results of the February 13th  
7 exercise you are referring to?

8 A Remember, these are comments on review of plans,  
9 okay. And A.3 has to do -- Element A.3 of the NUREG has  
10 to do with agreements. And, so this is a planning comment,  
11 a comment on planning, not on an exercise, anything prompted  
12 by the exercise.

13 Q Well, I'm sorry. I didn't mean to cut you off.

14 A And, so what we are saying here is that it is our  
15 view as of December 15th, 1986 that to minimize the process-  
16 ing time of various intermediaries in getting federal response  
17 that the caller should deal directly with the agency that  
18 would respond to that particular emergency request.

19 Q What --

20 A And, therefore, we would also like to have it in  
21 writing as a letter agreement between LERO and the Federal  
22 Aviation Administration.

1 Q What was it about the exercise that caused the  
2 RAC to come to that conclusion?

3 A I am not qualified to speak to that subject be-  
4 cause I wasn't a party to the exercise process.

5 Q On the next page, Page 2 of 15 of the RAC review,  
6 there is a paragraph dealing with the American Red Cross.  
7 Are you familiar with the letter that is referred to there?

8 A I'm familiar with the issue.

9 Q Is it your belief that the American Red Cross  
10 has responsibilities just at congregate care facilities?

11 A No. I think the statement speaks for itself.

12 Q Do you believe that the American Red Cross has  
13 responsibilities at reception centers?

14 A I think the matter at issue here has to do with  
15 congregate care centers.

16 Q Did the RAC consider reception centers?

17 A The answer is, we had consulted with the -- let  
18 me speak for a minute what I know about this matter. That  
19 the role of the Red Cross is sheltering. Sheltering occurs  
20 by definition and the parlance of New York State planning as  
21 being called congregate care centers; that sheltering does  
22 not take place at reception centers. Therefore, we did not



1 view the need and did not see a responsibility of the Red  
2 Cross at reception centers.

3 Q Does that mean that in your view the Red Cross  
4 has no responsibilities under the LILCO plan at reception  
5 centers?

6 A I think what I said is an adequate answer to your  
7 question.

8 Q You have said that you have reviewed Revision 6  
9 to the LILCO plan, right?

10 A No, I did not say that I reviewed Revision 6 to  
11 the LILCO plan. I said there was a FEMA internal review  
12 conducted of Revision 6 of the LILCO plan.

13 Q And, wasn't there a subsequent RAC review --

14 A That's right.

15 Q -- of Revision 6?

16 A And there was a subsequent RAC review of Revision  
17 6, in which case I stated earlier the consensus of the RAC  
18 was that they had no difficulty in the plan review comments  
19 for Revision 6.

20 Q Could you switch to Page 10 of 15? For NUREG  
21 Element J.10.H, there is a description of the American Red  
22 Cross. In the middle of that paragraph it says, "This policy

1 is unworkable." Could you explain what you meant by that?

2 A What LERO wanted to do is to get the American Red  
3 Cross to enter into the agreement with the various facilities  
4 that it would select for this purpose. We found that un-  
5 acceptable, and if you look at the last sentence of our  
6 evaluation in J.10.H, "It is FEMA's position that letters of  
7 agreement are required for all facilities which are planned  
8 to be used in an emergency response." Not just with the Red  
9 Cross but between LERO and those facilities.

10 Q In the next sentence it says, "The new materials  
11 submitted for Appendix B raises many questions concerning  
12 the participation of the American Red Cross in a Shoreham  
13 incident..."

14 Could you elaborate on what kind of questions are  
15 raised?

16 A Well, the agreement letters basically says there  
17 is no agreement. There is no agreement between the Red Cross  
18 and LERO for this purpose.

19 Q And FEMA's position is that a letter of agreement  
20 is required?

21 A That's right.

22 Q At the bottom of that page, there is a footnote

1 with an asterisk next to it where it says, "It should be  
2 noted that one RAC member felt that this element should be  
3 rated adequate."

4 Is this the only instance when such a situation  
5 arose?

6 MR. CUMMING: Objection. Witness may answer to  
7 the extent he has knowledge. Objection based on deliberative  
8 process.

9 THE WITNESS: I wanted to state for the record  
10 that we were not unanimous on this particular matter. And  
11 so I wanted to give recognition to the fact that it's not  
12 always the case where we have unanimity, that the final  
13 decision with respect to the evaluation rating for a  
14 particular plan element rests with FEMA.

15 BY MR. ZAHNLEUTER: (Continuing)

16 Q Do you know of any instances where one RAC member  
17 or one or more RAC members rated an element inadequate but  
18 the overall rating was adequate?

19 MR. CUMMING: Continuing objection. Witness may  
20 answer to the extent of his knowledge without identification  
21 of individuals concerned.

22 THE WITNESS: That happens often. It's not unique

1 with respect to the Shoreham plan review. It happens where  
2 there is no unanimity, that we have people at variance to  
3 the consensus. And, again as I stated earlier, it is the  
4 final decision as to the rating for a particular element,  
5 that rests with FEMA and the RAC Chairman.

6 BY MR. ZAHNLEUTER: (Continuing)

7 Q What made this particular element, J.10.K,  
8 noteworthy so that you decided it was important to place  
9 into the review?

10 A I think it was at the request of that particular  
11 agency; my recollection is that we wanted to show that a  
12 particular agency had an evaluation rating that was at  
13 variance with the majority, and they wanted to go on record  
14 as saying that they are not in agreement with the evaluation.

15 Q With respect to the ratings of adequate in your  
16 review of Revision 7 and 8, do you recall any other instances  
17 where the rating was not unanimous?

18 A There were a number.

19 Q How did you determine that a rating of adequate  
20 should be given over the objections of some of the other  
21 RAC members?

22 MR. CUMMING: This isn't what the witness testified

1 to. He said there were disagreements. Are you asking now  
2 were they --

3 MR. ZAHNLEUTER: Okay. I will rephrase the  
4 question.

5 MR. CUMMING: -- graded adequate?

6 BY MR. ZAHNLEUTER: (Continuing)

7 Q I would like to know how differences were re-  
8 solved?

9 A Through discussion, hearing the opposing points  
10 of view with respect to an evaluation on a particular  
11 planning issue, the pros and cons. And after discussion  
12 when all parties were heard, I made the final determination  
13 of what that rating should be.

14 Q Did the RAC members have an opportunity to review  
15 this document after you made the rating but before it became  
16 final?

17 A That's right.

18 Q And, were there any objections or comments noted?

19 A As part of the process we had sent different  
20 language on various matters that were still subject to further  
21 discussion. That language and rating of different plan  
22 elements was communicated to the RAC members that had

1 evaluations at variance to what the consensus was. So, in  
2 answer to your question was, where there were RAC members  
3 that had evaluation comments at variance to what the consen-  
4 sus was, we made sure that we provided them with the language  
5 as the language was being formulated on a particular element  
6 and what the final rating would be prior to the release --  
7 or prior to the final report being furnished from the  
8 Regional Office to FEMA Headquarters, which is the way we  
9 do business routinely.

10 Q And on the next page, Page 11 of 15, at the very  
11 bottom there is a reference to the new reception centers and  
12 the statement says, "The adequacy of these facilities as  
13 reception centers must be evaluated at a future exercise."

14 Is that a remedial exercise that you are referring  
15 to?

16 A No. I'm saying basically at a future exercise,  
17 since these facilities have not been examined nor used in  
18 any exercise that was evaluated in February, whatever that  
19 exercise date was.

20 Q Will that rating remain inadequate until it's  
21 evaluated at an exercise?

22 A I think if you read the entire comment, it will

1 answer your question. You have to read all the paragraphs  
2 that relate to J.12.

3 Q Can you answer that yes or no?

4 A What is your question so I can answer it yes or  
5 no?

6 Q Will that rating of inadequate remain inadequate  
7 until NUREG Element J.12 is tested at a future exercise?

8 MR. CUMMING: Objection. It calls for witness  
9 to speculate.

10 To the extent that the question is intended to  
11 state how may this deficiency be corrected, which I don't  
12 think is counsel's question, witness can answer. With  
13 respect to his speculation, he can answer to the extent he  
14 has knowledge.

15 However, witness is instructed that unless he has  
16 some knowledge I don't think he has, he is speculating. But,  
17 he may speculate if that is what counsel for the State of  
18 New York wishes him to do.

19 THE WITNESS: In answer to your question, seeing  
20 it at a future exercise is not the only thing that would be  
21 taken into account to fix this problem area.

22 BY MR. ZAINLEUTER: (Continuing)

1 Q Okay. Seeing it at a future exercise is one of  
2 the things --

3 A Yes.

4 Q -- that would be required?

5 A Yes.

6 Q Let's look at Page 13 of 15 where it says at the  
7 top, "LILCO's commitment to provide training and equipment  
8 for exposure control to school bus drivers is understood."

9 What is your understanding?

10 A Just what it says here.

11 Q This means that the RAC understands what LILCO's  
12 commitment is?

13 A LILCO has in its plan said that it will provide  
14 the equipment, i.e., dosimetry and the training for all  
15 that might be at risk in receiving doses beyond the PAG's  
16 emergency workers.

17 And the last sentence that we put in there is  
18 the crux of our concern regarding the matter of exposure  
19 control training for school bus drivers.

20 Q That last sentence is that, "...it is not evident  
21 in the plan how these non-LERO workers are to be informed that  
22 they need to initiate the request."



1           A       That's right.

2           Q       Do you, and/or the RAC and/or FEMA, know what  
3 training it is that LILCO is going to implement?

4           A       You have to take the evaluation on the bottom of  
5 Page 12 of 15 in concert with what is said in the first  
6 sentence, "See review of Revision 5." You have to look at  
7 that plus what is stated here in order to get the full  
8 meaning of our concern with respect to exposure control for  
9 emergency workers.

10           MR. MILLER: Excuse me. Can we take about a five  
11 minute break?

12           MR. ZAHNLEUTER: Sure. Yes, this would be a  
13 good time.

14           (Whereupon, a recess was taken at 4:50 p.m.,  
15 to reconvene at 5:20 p.m., this same day.)

16           BY MR. ZAHNLEUTER: (Continuing)

17           Q       Mr. Husar, I would like to refer you to Bernacki  
18 Exhibit 8, specifically the spread sheets which I believe is  
19 Attachment 2 to the RAC report, Page 1 of 16 for the LERO  
20 EOC.

21           A       Okay.

22           Q       Do you see the column headed "RAC Recommendation for

1 Corrective Action?"

2 A Yes.

3 Q And the other column headed "FEMA Evaluation of  
4 LERO Response?"

5 A Yes.

6 Q Is there a substantive reason why one column is --  
7 why one column refers to the RAC and why one column refers to  
8 FEMA?

9 A It's not in all cases that we have to go back to  
10 RAC to evaluate the response on the part of the constituency  
11 we are dealing with, the state. In this case, let's say  
12 LERO. However, we certainly do provide the opportunity --  
13 in other words, we don't necessarily convene a meeting of  
14 the Regional Assistance Committee when it comes time for us  
15 to fill out that column. If we feel there is a need for us  
16 to do that, we will.

17 In the case of Attachment 2, we did convene a  
18 Regional Assistance Committee on the 25th, I believe it was,  
19 of November, 1986, wherein we did this evaluation. But,  
20 it's not necessarily the case that we have to convene the  
21 Regional Assistance Committee to fill out that column.

22 Q With respect to Shoreham and the review of

1 Revision 7 and 8, the RAC did evaluate LERO's responses --

2 A Yes, they did.

3 Q -- correct?

4 A Correct.

5 Q Do you see the column "Proposed Completion Date?"

6 For the dates that are entered in these columns on this page  
7 and all of the other pages, do you know if LILCO has met  
8 those completion dates?

9 A Let me explain to you how to read this spread  
10 sheet. Basically, what we do, we send these spread sheets --  
11 and these spread sheets relate directly to the exercise.  
12 These spread sheets are related 100 percent to the exercise,  
13 okay, for the record.

14 When we send these spread sheets to, in this case  
15 they wound up with LERO, though I'm not sure -- with LILCO --  
16 how they did, you will find that what was completed that was  
17 sent was the first column which is the number line item,  
18 the second column which is the NUREG element, the third  
19 column which is the RAC recommendation for correction action,  
20 and the next column, okay, the evaluation of that item. It  
21 goes to, in this case, LILCO, okay.

22 They then fill out the next two columns. And then

1 we put in the FEMA evaluation of the LERO response based on  
2 what they say they are going to do and when they are going to  
3 do it.

4 In answer to your question, if it ain't done we  
5 will so state if it's not completed. Strike what I just said.  
6 If it is not completed, we will so state in our evaluation  
7 that that deadline has not been met.

8 In answer to your question, unless we specifically  
9 say that that deadline has not been met, and at the FEMA  
10 evaluation column they have met that deadline and they have  
11 submitted to us either a plan revision or the response in  
12 the LERO response action, to the extent to which they have  
13 completed or responded to the recommendation.

14 So, for example, where the first line says, "Pro-  
15 cedures have been reviewed and revised to ensure information  
16 on impediments is promptly passed to all relevant personnel  
17 and a coordinated response implemented," if you look down  
18 in the FEMA evaluation column beginning with the last  
19 full paragraph, "Internal communications within the LERO EOC  
20 regarding assessment of and response to evacuation impediments  
21 have been adequately addressed through modification to the  
22 procedures, especially OPIP 3.6.3," that was submitted.

1 All right, as part of the LERO response action  
2 and the schedule that was submitted. So, unless we say  
3 specifically that they haven't met the proposed completion  
4 date, they did. We have evaluated and concluded our evalua-  
5 tion in that column.

6 Q Look, for example, at the third from the last page,  
7 which is Reception Center, Page 1 of 1.

8 A Okay.

9 Q The LERO response says, "Training material will be  
10 modified..." And the proposed completion date is 9/1/86.

11 Do you know if LILCO has modified its training  
12 material as of 9/1/86?

13 A No, we do not.

14 Q So, then --

15 A The commitment and the schedule, okay, we found  
16 to be an adequate response, as we have indicated in the  
17 response. However, if you look at the final column, it's  
18 still incomplete.

19 And now getting to my cross-reference here, I  
20 am saying that it's incomplete because there is training  
21 involved and it has got to be shown during an exercise to  
22 properly evaluate it. So, giving us the schedule as to when

1 they are going to conduct training is something that we have  
2 accepted as being a reasonable response to a training issue  
3 that has been cited in the course of that exercise.

4 And I can give you examples of that and how we  
5 have treated that at other sites in this Region, both in  
6 New Jersey and in New York. And what we say: Okay, this  
7 sounds good and we may come down and sit in on your training  
8 classes.

9 And both the State of New York and the State of  
10 New Jersey have done that, where we found that there were  
11 training inadequacies. We have, at our discretion, sat in  
12 on training classes and then also earmarked these matters  
13 as part of exercise objectives to be developed and elements  
14 of the response capability to be tested at a future exercise.

15 Q With respect to these spread sheets, isn't it  
16 that what has been rated adequate is the LILCO commitment  
17 or promise to train rather than the content of the training?

18 A That's correct. That is correct.

19 Q I would like you to refer now to Page 1 of 19  
20 regarding the Patchogue staging area in the spread sheets.

21 A Okay.

22 Q The FEMA evaluation of LERO response states that,

1 "FEMA and the RAC have reviewed additional information supplied  
2 by LILCO regarding this issue..."

3 Is that additional information Revision 9?

4 A No. There has been no additional revision to  
5 the LERO plan submitted to us for review.

6 Q Do you know anything about Revision 9?

7 A No, I do not. I've stated --

8 MR. CUMMING: Asked and answered. Witness may  
9 answer again for the record if he wishes.

10 BY MR. ZAHNLEUTER: (Continuing)

11 Q What is this additional information that has been  
12 supplied by LILCO?

13 A My recollection now is not clear. I would have  
14 to go back to the files and get you the answer.

15 Q Does the fact that this information caused FEMA  
16 to change a rating from a deficiency to an ARCA refresh  
17 your recollection?

18 A I would have to go back to the files.

19 Q Do you recall why FEMA changed this deficiency  
20 to an ARCA?

21 A Based on the additional information, but now I  
22 do not remember the time frame and that's why my recollection

1 is not clear that this additional information was provided  
2 and it was in connection with the -- LERO's response to the  
3 exercise results.

4 I think what you should note also is that the  
5 response was inadequate.

6 Q Well, I want to refer you to your notes which are  
7 contained in Husar Exhibit 2 and specifically the note that  
8 is entitled "ARCA Chart," and correct me if I'm wrong but  
9 J.9 and J.10.G have under the Response column an A for  
10 adequate, right?

11 A No. A for ARCA. On the -- under Type it's A  
12 and that denotes ARCA which was the original evaluation of  
13 the inadequacy, or the problem area.

14 Q What about under the column Response? Isn't there  
15 an A under the column Response?

16 (The witness is looking at the document.)

17 A We are looking at Page 1 of 19, Patchogue staging  
18 area? Is that where you are right now?

19 Q Yes. And why don't I ask it this way? Show me  
20 on your notes in Husar Exhibit 2 where the information on  
21 Page 1 of 19 is contained?

22 A All right. Page 2 of my notes that you have just



1 identified is found on Page 1 of 19, Patchogue staging area.  
2 What I see now is that I may have made a mistake in identify-  
3 ing that the response -- no, I did not.

4 Excuse me. I have identified it correctly. It  
5 is an inadequate response, and the remedial action is also  
6 (I) for incomplete.

7 What is your question?

8 Q I think that you have corrected my misunderstanding  
9 already. Is there a reason why that (I) is circled?

10 A What I wanted to do is to circle all the elements  
11 related to the exercise on the spread sheets, which ones  
12 were evaluated as being inadequate responses just so that I  
13 could key in on them. I didn't have a whole lot of consistency,  
14 as you can see because I didn't circle all of the (I's). But  
15 some of them I did.

16 It was my intent to circle them all so that I  
17 would know which ones were inadequately responded to based  
18 on our evaluation.

19 Q Do you or the RAC or FEMA have any criteria that  
20 you use when you change a deficiency to an ARCA?

21 A Yes. The way we go about evaluations are contained  
22 in Guidance Memoranda, and there are definitions for the

1 term "deficiency," "area requiring corrective action," and  
2 "area recommended for improvement."

3 Q Does that help you recall what it was about this  
4 particular corrective action?

5 A No, it does not. At 5:38 in the evening, it does  
6 not.

7 Q Do any of your notes that are contained in Husar  
8 Exhibit 2 or the file that you brought with you contain any  
9 information with respect to this decision to downgrade a  
10 deficiency to an ARCA?

11 A I've already answered your question.

12 Q What was that answer?

13 A I don't recall, and I don't have it in my notes.

14 I also should state for the record that the spread sheets  
15 relate to exercise findings, not all of which I have total  
16 recall on.

17 Q Well, that's true. But the question that I'm  
18 asking you about is relevant to the column "FEMA Evaluation  
19 of LERO Response," which I think you explained before was  
20 something that you filled out; isn't that correct?

21 A That's correct.

22 Q So this would be within your conceivable knowledge,

end T2

1 correct?

2 A Yes. Yes.

3 Q Mr. Keller was a participant in the formulation  
4 of this information under this column heading, wasn't he?

5 A Mr. Keller was part of the meeting. And, yes,  
6 Mr. Keller, as I explained at the outset how we use our  
7 contractor personnel, did participate in his evaluation of  
8 this element, in evaluation of this particular element.

9 Q I would like to ask you some questions about  
10 Husar Exhibit 2.

11 A Okay.

12 Q Could you describe for me the order in which  
13 you have them in your file? In other words, which document  
14 is first in your file?

15 And we will make that order the proper order for  
16 the compilation of Husar Exhibit 2. Okay. So, which docu-  
17 ment is first?

18 A What should be first is the sheet of paper stating,  
19 "Listing, LILCO Transition Plan Summary Ratings of Inade-  
20 quacies." And that relates to Attachment 1 to Bernacki  
21 Exhibit 8.

22 Q Okay. Which is the next?

1           A       Okay. And the next one should be the one that  
2 says "ARCA Chart," and that relates to Attachment 2 to  
3 Bernacki Exhibit 8.

4           Q       Which is next?

5           A       The next item should be "Plan Consolidation  
6 Meeting, Rev 7 and 8, November 25, 1986."

7                   Then, there is this half a page having to do  
8 with Element J.12, Monitoring. If you can't read my writing,  
9 that's what it should say.

10                   And, lastly the piece of paper that says "Plan  
11 Review History."

12           Q       Now, that may be your last page but we were also  
13 handed a document entitled "LILCO Transition Plan for  
14 Shoreham - Revision 8." And I believe it has your hand-  
15 written notes --

16           A       That's right. And that is exactly to the word  
17 and to the letter of Attachment 1, Bernacki Exhibit 8 with  
18 my penciled notations on it.

19           Q       So, that would be the last document in Husar  
20 Exhibit 2?

21           A       Yes.

22                   MR. ZAHNLEUTER: Mr. Cumming, I think I should

1 note right now that on my copy at least the handwritten notes  
2 in that last component of Husar Exhibit 2 are not legible.  
3 I think that's probably because they are written in pencil.

4 So, I would request perhaps --

5 MR. CUMMING: Okay. It's a matter of xeroxing  
6 them.

7 BY MR. ZAHNLEUTER: (Continuing)

8 Q Now, Mr. Husar, the first page that you mentioned  
9 in Husar Exhibit 2, would you tell me when that was prepared  
10 by you?

11 (Pause.)

12 To the best of your knowledge.

13 A Some time last week, in the evening at home.

14 Q What about the next page?

15 A All right. The next page, I've mentioned that  
16 I prepared that on Sunday, this past Sunday.

17 Q And the next one?

18 A The next one, which is the Plan Consolidation  
19 Meeting, Rev 7 and 8, was prepared on the day of the meeting,  
20 November 25th, 1986.

21 Q I have a few questions about this one.

22 A Okay.

1 Q In the second paragraph at the very end it says,  
2 "List of Attendees, Attachment 1."

3 Is that by any chance the last document that we  
4 have compiled under Husar Exhibit 1? I see you are holding  
5 it up, so it is?

6 A Yes.

7 Q Okay.

8 A This is the meeting attendance record which has  
9 been processed this date, 1/27/87.

10 Q Then, underneath Roman Numeral II, Discussion,  
11 there is a reference in parentheses after ANL to Attachment  
12 2.

13 What is Attachment 2?

14 A Attachment 2 to Bernacki Exhibit 8. Attachment  
15 3 is the document that we made copies of earlier, dated  
16 February 6th, 1986, which is the FEMA Internal Review.

17 Q Excuse me. For the sake of completeness, let's  
18 insert that. Well, let's insert it as an attachment like  
19 it says in your notes.

20 So, what I've just inserted is the February 6th,  
21 1986 --

22 A I'm sorry. I misspoke. Excuse me. I misspoke.

1 Attachment 1 in this piece of paper called "Plan Consolidation  
2 Meeting," this is Attachment 1 to Bernacki Exhibit 8.

3 Attachment 2 are the spread sheets commonly  
4 referred to as the spread sheets which are Attachment 2 to  
5 Bernacki Exhibit 8.

6 Attachment 3 is this memorandum dated February 6th,  
7 1986.

8 And, Attachment 4 is a document that we have  
9 discussed earlier which is the RAC Review of Revision 5.

10 Q And on the second page of your notes, there is a  
11 reference to Attachment 5.

12 MR. CUMMING: That's the letter that I referred  
13 to earlier, the NRC/FEMA communication that Mr. Bordenick  
14 has taken under advisement as to whether he is going to  
15 release it.

16 MR. BORDENICK: Are you going to be here tomorrow?

17 MR. ZAHNLEUTER: Yes.

18 MR. BORDENICK: I will let you know tomorrow. I  
19 have a call in to the NRC Region I attorney who was supposed  
20 to check with someone and get back to me. And, unfortunately  
21 I have not heard from him. I will try to reach him in the  
22 morning.

1 MR. ZAHNLEUTER: Mr. Cumming, at this point I  
2 have no further questions. However, I do not wish to adjourn  
3 this deposition. I must review the documents which we just  
4 learned of during the deposition today that Mr. Husar brought  
5 with him. And, I would like to review them.

6 And, depending on the outcome of that review it  
7 may be necessary to recall Mr. Husar. So, at this time I  
8 have no other questions.

9 But, the State of New York does not waive its  
10 right to recall Mr. Husar.

11 Thank you, Mr. Husar.

12 MR. CUMMING: Why don't we get to other questions  
13 first, and I have a closing statement.

14 MR. McMURRAY: I've just got a few questions.

15 CROSS EXAMINATION

16 BY MR. McMURRAY:

17 Q Mr. Husar, my name is Chris McMurray. I represent  
18 Suffolk County.

19 You mentioned earlier a Revision 9 to the LILCO  
20 plan --

21 A No, I did not mention a Revision 9 to the LILCO  
22 plan.



1 Q Well, I think that there was some mention --

2 A Counsel for the State of New York mentioned  
3 Revision 9.

4 Q -- of Revision 9. And I believe that you said you  
5 had some knowledge of it although you may not have seen it.

6 Has anyone told you that a Rev 9 is coming?

7 MR. CUMMING: This question has been asked and  
8 answered several times.

9 However, witness may answer to the extent he  
10 has knowledge.

11 THE WITNESS: I have only heard casually, not  
12 from any source that I want to ascribe any credence to, that  
13 there is another revision coming.

14 BY MR. McMURRAY: (Continuing)

15 Q Have you been told what issues that revision  
16 would address?

17 A No, not at all.

18 Q Let me refer you to Bernacki Exhibit 8, Attach-  
19 ment 1, Page 11, under NUREG 0654, Element J.12, regarding  
20 the reception centers.

21 Do you have that in front of you?

22 A I do.

1 Q Other than what is stated here in the RAC review,  
2 has the RAC reached any further conclusions regarding the  
3 adequacy or inadequacy of LILCO's proposed reception  
4 centers?

5 A In answering your question, it has got to be taken  
6 into account with respect to the RAC review of the matter of  
7 LERO reception centers. You would have to also read that  
8 element in Revision 5 as is so stated in the first sentence.

9 In answer to your question, no, we have not made  
10 any further determination with respect to the LERO reception  
11 centers.

12 Q Just so I understand your qualification, has  
13 there been any review to determine whether or not the  
14 facilities are physically capable of handling the number of  
15 evacuees who might go there for monitoring?

16 A I think that the last sentence on this page answers  
17 your question.

18 Q Okay. Fine. Would your answer be the same for  
19 the staff which LILCO has committed to those reception centers  
20 under the plan?

21 A In answer to your question, I would like to bring  
22 your attention Page 12 of 15, the last paragraph under J.12,

1 wherein we are questioning the adequacy of the monitoring  
2 capability in terms of personnel resources to perform that  
3 function in that paragraph.

4 Q Are there any documents other than this RAC review  
5 which pertain to the J.12 element as it applies to Rev 7  
6 and 8?

7 A Generated by FEMA or the RAC?

8 Q Or the RAC?

9 A The documents that do exist that relate to this  
10 are the individual RAC comments that were submitted that  
11 ultimately were fashioned and formulated into the comments  
12 to the plan that you see before you.

13 Q Let me go to the first sentence of the last para-  
14 graph -- I'm sorry, the second sentence which says, "It is  
15 not adequate to plan for this monitoring with personnel and  
16 equipment when available."

17 Does that mean that the personnel that LILCO has  
18 not committed is not an adequate number of personnel?

19 A If you read the next -- in answer to your question,  
20 if you read the next sentence I think it answers your  
21 question. "It is not possible to evaluate the number of  
22 personnel required for monitoring at the special population

1 reception centers since the plan shows in procedure OPIP  
2 3.6.5, pages 21 through 37, 'to be arranged' for most of the  
3 special population reception centers."

4 Q That just deals with special population reception  
5 centers, correct?

6 A Correct.

7 Q Okay.

8 A And so with respect to the general reception  
9 centers, the three that are identified on Page 11 of 15,  
10 Bellmore, Hicksville and Roslyn, the same question does apply.  
11 We question the number of personnel resources that would be  
12 used to perform the monitoring function and the associated  
13 training.

14 In the paragraph preceding that, the last sentence  
15 of that paragraph, "This screening procedure is inadequate  
16 since the applicable guidance requires the capability of  
17 monitoring within about a 12 hour period all residents and  
18 transients in the plume EPZ arriving at the reception centers."

19 Q Which member of the RAC is responsible, primarily  
20 responsible, for evaluating this NUREG element, specifically  
21 the issue of monitoring?

22 A You are talking about Region II or generically?

1 Q I'm talking about your RAC?

2 A Okay. Our RAC. Let me say that normally this  
3 would be done internally. We do not have on staff a person  
4 with those credentials. *It is also conducted by DOE.*

5 ~~And, in that regard, that is how we use one of our~~  
6 ~~contractor people, to provide that service to us, that~~  
7 ~~technical service to us.~~

8 And, so it is not a RAC member per se who does it.  
9 *We also use*  
10 ~~it is~~ an individual who is under contract to FEMA that has  
11 provided those kinds of services.

11 Q Would that be Mr. Keller?

12 A Yes, it is.

13 Q With respect to the issues set forth on Pages 11  
14 and 12 of Attachment 1, have you drawn any conclusions --  
15 you personally -- regarding the adequacy of LILCO's reception  
16 centers or the monitoring procedures different from what is  
17 stated here?

18 MR. CUMMING: Objection. Witness is testifying  
19 in an official capacity. To the extent he has personal  
20 knowledge, however, he is instructed to answer if he has  
21 a personal opinion.

22 MR. McMURRAY: I'm asking him in his own official

1 capacity as Chairman.

2 THE WITNESS: Could we go off the record?

3 (Off-the-record.)

4 THE WITNESS: Please restate the question.

5 BY MR. McMURRAY: (Continuing)

6 Q Do you have any opinions regarding the adequacy of  
7 LILCO's reception centers other than what is stated in --  
8 on Page 11 of Attachment 1 of Bernacki Exhibit 8?

9 A No, I do not.

10 Q Is this an issue that the RAC intends to take a  
11 closer look at in the future?

12 MR. CUMMING: Asked and answered. To the extent  
13 the witness has information -- it requires speculation, but  
14 if witness wishes to speculate he may so speculate.

15 BY MR. McMURRAY: (Continuing)

16 Q Let me qualify that. Other than the statement  
17 here about the need for a future exercise, does FEMA intend  
18 to take any other steps to review the adequacy of the reception  
19 centers?

20 A FEMA will only pursue other work with respect to  
21 the plan, the LERO plan, the LILCO plan, for Shoreham when  
22 directed to do so.

6:00 P.M.  
EVENING

1 Q You have not yet been directed to do so?

2 A No, we have not.

3 MR. McMURRAY: I take it, Mr. Cumming, that you  
4 have compiled a comprehensive list of the documents that were  
5 generated as a result of the reviews of Revisions 7 and 8?

6 MR. CUMMING: We are compiling it based on Mr.  
7 Husar's files. And as soon as it is done, it will be made  
8 available to all counsel.

9 This gets into the issue I was going to state for  
10 the record again, that FEMA has provided this witness with  
11 respect to Revision 7 and 8. FEMA does not understand how  
12 7 and 8 integrates into the OL-5 proceeding, wishes to have  
13 this testimony be considered and not be repeated with respect  
14 to the OL-3 proceeding.

15 It has, despite the fact there is no formal  
16 discovery request encompassing the testimony presented here  
17 today, furnished as many and as much of the documentation as  
18 it feels it appropriately can at this point informally  
19 without such a formal request. But it will take under  
20 advisement and consider any formal request when it is, in  
21 fact, received.

22 MR. McMURRAY: Mr. Cumming, your statement is

1 incomprehensible to me based on the testimony of your witness  
2 who drew a very clear connection between the exercise re-  
3 sults and all the matters that Mr. Zahnleuter has discussed  
4 today regarding the corrections.

5 I think we have gone over this a lot. We don't  
6 need to argue it again. I understand your position.

7 MR. CUMMING: We understand your position, too.  
8 I think the record is clear.

9 MR. McMURRAY: I think in addition, there is no  
10 basis for stating that the governments have exhausted their  
11 review of Revision 7 and 8 since there has not yet been any  
12 review by the governments of the documents that were generated  
13 regarding Revision 7 and 8, nor have the governments been  
14 able to take a close look at the documents that we received  
15 today.

16 And, pending that we may very well have to come  
17 back and review any documents that we get in the future  
18 regarding Revision 7 and 8 or the reception centers.

19 MR. CUMMING: I believe that has been stated about  
20 five times by you or Mr. Zahnleuter on the record today,  
21 but counsel for FEMA understands your position --

22 MR. McMURRAY: In response to your five speeches.



1 MR. CUMMING: Are there any other questions? I  
2 have at least one question.

3 MR. MILLER: I have a few questions.

4 CROSS EXAMINATION

5 BY MR. MILLER:

6 Q I would like to direct your attention to Husar  
7 Exhibit 2, the ARCA Chart which I believe is the second  
8 document.

9 In the column marked "Remedial Action" we have  
10 already discussed what your notations in the parentheses  
11 stand for. You say that (E) stands for exercise and that  
12 anything that is so marked needs to be run through an  
13 exercise.

14 I would like to get a clear picture of what you  
15 mean when you say exercise. Does that mean that each of  
16 those modifications in the plan need to go through a full-  
17 scale, full participation exercise or something less? For  
18 instance, table-top drill? Would that be sufficient.

19 MR. ZAHNLEUTER: I object to the form of that  
20 question unless we have a clear definition and understanding  
21 of what is meant by those terms, full-scale and full  
22 participation.

indexx

1 MR. MILLER: I would just like Mr. Husar to explain  
2 to me what he means by the term "exercise."

3 MR. CUMMING: Well, the Board in the December 11th  
4 Order said that FEMA witnesses could not speak to what is  
5 a full participation exercise under NRC regulations.

6 However, with respect to FEMA regulations to the  
7 extent that the witness has knowledge he may answer.

8 THE WITNESS: Are you saying that you would like  
9 a definition of what an exercise is?

10 BY MR. MILLER: (Continuing)

11 Q Right. What type of drill could be required in  
12 order to establish the sufficiency of the remedial action --  
13 I'm sorry, the sufficiency of the modification?

14 A I would say that in the case of Shoreham and  
15 in the case of the LERO plan, we want to see a fully inte-  
16 grated exercise in order to properly evaluate this capability.

17 Q Are you saying then that it would not be sufficient  
18 if there was a drill simply of that particular aspect of the  
19 plan?

20 MR. McMURRAY: Objection. Asked and answered.

21 MR. MILLER: I'm just trying to clarify what his  
22 statement was.

1 THE WITNESS: My answer again is, a fully  
2 integrated exercise is what we would be looking for with a  
3 scenario that would prompt these kinds of response measures  
4 so that we can properly evaluate the adequacy of the plan  
5 that treats those planning criteria.

6 BY MR. MILLER: (Continuing)

7 Q Is this your own particular view? Is this the  
8 Region's view or FEMA Headquarters' view?

9 A I'm speaking to you as the Chairman of the  
10 Regional Assistance Committee, and that's the official view.

11 MR. MILLER: Okay. I have no further questions.

12 MR. ZAHNLEUTER: No questions.

13 MR. CUMMING: I have one question for the  
14 record.

15 CROSS EXAMINATION

16 BY MR. CUMMING:

17 Q What various remedial actions are -- first of all,  
18 let me state, because I don't believe that the counsel for  
19 either Suffolk or State of New York asked this question on  
20 the record.

21 Did you, in fact, participate in any fashion in  
22 the exercise in February of 1986 with respect to the Shoreham

1 station?

2 A No, I did not, in no way.

3 Q So that you have no personal knowledge other  
4 than of the records that were forwarded to you completing  
5 the post-exercise assessment as of the time you reassumed  
6 the RAC Chair?

7 A That is correct.

8 Q With respect to plan inadequacies, what alternative  
9 remedial actions may be taken to cure plan inadequacies under  
10 current guidance, in your judgment?

11 MR. McMURRAY: I object to the form of the  
12 question. It's vague.

13 Are we talking about any particular ones, or are  
14 we talking about just generic ones?

15 MR. CUMMING: Generic.

16 THE WITNESS: In order for us to pursue further  
17 review or any other kind of effort on the part of the  
18 Regional Assistance Committee, we would have to be directed  
19 to do this by our National Office.

20 BY MR. CUMMING: (Continuing)

21 Q I don't believe that was my question. My question  
22 was, generically for plan inadequacies, what methods exist

1 by which those inadequacies may be corrected?

2 A Generically speaking, what we would ask is for  
3 a schedule of corrective action and we would then have an  
4 expectation to have plan changes submitted based on the  
5 dates that the -- in this case, the utility submits, and  
6 then we would evaluate the submissions using the criteria,  
7 the planning criteria, and make a determination whether those  
8 plan modifications meet the standard.

9 Generically, that's what we would do.

10 Q With respect to guidance memorandum that existed  
11 as of the date that the RAC reviewed Revisions 6, 7 and 8,  
12 is that reflected in the package of November 13th, 1986  
13 that was discussed previously was in your file?

14 A Yes. All the guidance memoranda that are relevant  
15 to LERO plans, okay, have been applied to our -- the RAC review  
16 of Revision 7 and 8.

17 MR. McMURRAY: Just for clarification, did you say,  
18 Mr. Cumming, that we have been provided with those guidance  
19 memoranda?

20 MR. CUMMING: Yes.

21 THE WITNESS: And to underscore the fact, the ones  
22 that are relevant we have used. There are some that may not

1 particularly apply to Revision 7 and 8.

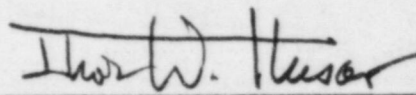
2 MR. CUMMING: I have no further questions.

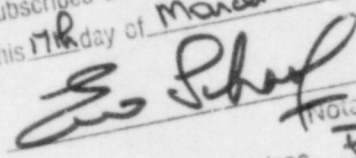
3 MR. McMURRAY: I have no questions.

4 MR. ZAHNLEUTER: No questions.

5 MR. CUMMING: End of deposition.

6 (Whereupon, the taking of the deposition was  
7 concluded at 6:07 p.m., this same date.)  
8  
9  
10

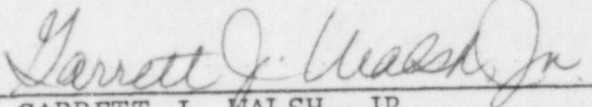
11   
12 \_\_\_\_\_  
13 THOR W. HUSAR

14 Subscribed and sworn to before me  
15 this 17<sup>th</sup> day of March, 1987.  
16   
17 My Commission Expires Feb 28, 1989  
18 Notary Public

19 ERIC H. L. SCHAAF  
20 Notary Public, State of New York  
21 No. 31-4731424  
22 Qualified in New York County  
Commission Expires March 29, 1988  
Feb 28, 1989

1 CERTIFICATE OF NOTARY PUBLIC AND REPORTER  
2

3 I, Garrett J. Walsh, Jr., the officer before whom the  
4 foregoing deposition was taken, Pages 1 through 108, do  
5 hereby certify that the witness whose testimony appears in  
6 the foregoing deposition was duly sworn by me; that the  
7 testimony of said witness was taken by me and thereafter  
8 reduced to typewriting by me or under my direction; that  
9 said deposition is a true record of the testimony given by  
10 the witness; that I am neither counsel for, related to nor  
11 employed by any of the parties to the action in which this  
12 deposition was taken; and further, that I am not a relative  
13 or employee of any attorney or counsel employed by the  
14 parties hereto, nor financially or otherwise interested in  
15 the outcome of the action.

16  
17   
18 GARRETT J. WALSH, JR.

19 A Notary Public in and for the  
20 Commonwealth of Virginia at Large

21 My Commission Expires: January 9, 1989  
22

OL-3  
Board

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Morton B. Margulies, Chairman  
Dr. Jerry R. Kline  
Mr. Frederick J. Shon

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

Docket No. 50-322-OL-3  
(EP Exercise)

(ASLBP No. 86-533-01-OL)

January 14, 1987

ORDER  
(Setting Discovery and Hearing Schedule)

By Memorandum and Order of December 19, 1987, the Board reopened the record on Contention 24.0; determined that the reopened proceeding constitutes the mechanism for hearing and deciding the remanded Coliseum matter in ALAB-832; defined the issues in the reopened proceeding; and requested the parties to file proposed discovery and hearing schedules. Timely responses were filed by LILCO, Suffolk County, New York State and NRC Staff.

The responses were carefully reviewed and due consideration has been given to the respective positions of the parties for the scheduling of discovery and hearing. Particular attention was paid to the matter of resources and the ongoing companion proceeding. The order requiring testimony to be prefiled was determined on the bases of the burden of

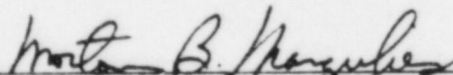


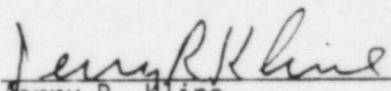
the parties in the proceeding and the information that should be available.

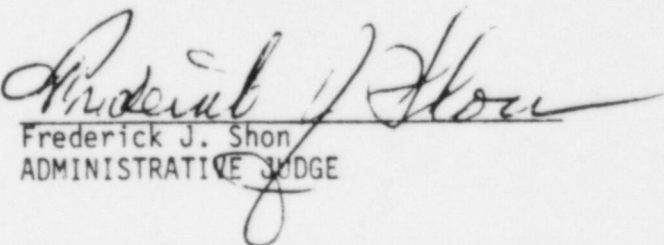
Based upon all of the foregoing, the Board hereby orders that:

1. The time for discovery will commence immediately and conclude on March 6, 1987.
2. LILCO's prefiled testimony is due on March 23, 1987; Intervenor's on April 6, 1987 and Staff's on April 13, 1987.
3. Motions to strike testimony are due April 20, 1987 and responses by April 27, 1987.
4. The due dates are the dates the documents are required to be in the hands of the Board and the parties.
5. The hearing will commence on May 4, 1987.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Morton B. Margulies, Chairman  
ADMINISTRATIVE LAW JUDGE

  
Jerry R. Kline  
ADMINISTRATIVE JUDGE

  
Frederick J. Shon  
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland  
this 14th day of January, 1987

HUSAR. Ex #1



# Federal Emergency Management Agency

Region II      26 Federal Plaza      New York, New York 10278

DATE:                      January 5, 1987

MEMORANDUM FOR:      Herbert Fish  
                                 Paul Lutz  
                                 Ronald E. Bernacki  
                                 Paul A. Giardina  
                                 Edwin Fox  
                                 Cheryl Malina  
                                 Joseph H. Keller  
                                 Thomas E. Baldwin  
                                 Robert L. Acerno

*Thor W. Husar*

FROM:                      Thor W. Husar, Chairman  
                                 Regional Assistance Committee

SUBJECT:                      Transmittal of RAC Review of LILCO's  
                                 Transition Plan for Shoreham, Revision 8,  
                                 With Attachments

Enclosed please find the consolidated RAC Plan Review forwarded by FEMA Headquarters to the Nuclear Regulatory Commission on December 30, 1986.

Again, thank you for your assistance during the plan review process.

I wish you and your families a healthy and happy 1987.



# Federal Emergency Management Agency

Region II      26 Federal Plaza      New York, New York 10278

19 DEC 1986

MEMORANDUM FOR: Dave McLoughlin  
Deputy Associate Director  
State and Local Programs and Support

FROM: *Norman Steinlauf*  
Norman Steinlauf  
Acting Regional Director

SUBJECT: Transmittal of RAC Review of LILCO's  
Transition Plan, Revision 8, For Shoreham,  
With Attachments

On July 16, 1986, FEMA received a request from the NRC to conduct a review of Revision 7 of the LILCO Transition Plan and of LILCO's responses to FEMA's assessment of the February 13, 1986 Exercise of Revision 6 of the plan. On September 30, 1986, the NRC requested that FEMA include Revision 8 in its review.

Attached, please find the consolidated RAC review as requested in your memorandum to me dated October 6, 1986. In addition to reviewing Revision 7 and 8, the RAC concurred with the FEMA internal evaluation of Revision 6 dated February 6, 1986. These consolidated comments were reviewed and discussed at the November 25, 1986 RAC meeting.

Please note that Attachment 2, Concerns Pertaining to LERO's Authority, remains as in the previous submission. The RAC, during its review, made the following assumptions:

- LILCO would have the authority necessary to implement and manage this off-site emergency response plan.
- All LERO personnel identified in the plan will substitute for representatives of Suffolk County, which is not participating in radiological emergency response planning for the Shoreham Power Station at this time.
- This plan makes reference to the New York State Radiological Emergency Preparedness Plan (July, 1981). However, the LILCO Transition Plan for Shoreham has been submitted without a State Site Specific Plan and, therefore, has no provisions for participation by New York State.

The unique circumstances around which the Shoreham Plan is reviewed (i.e., no State and local involvement) effects the normal review process for nuclear power plants in Region II. For example:

- Corrective action has not been followed for Shoreham, as there has been no Remedial Exercise since February 13, 1986.
- LERO support facilities are in a state of flux. Nassau County has withdrawn use of the Nassau Coliseum as a reception center during a radiological emergency at Shoreham; WALK Radio has also withdrawn as the primary EBS station.
- There has been no communication between FEMA Regional Office and the State on Shoreham.

We understand that LILCO is preparing Revision 9 of the plan. In light of the unique circumstances regarding the review of the Shoreham Plan, and the ongoing ASLB proceedings, we wish to suggest that a RAC review of future revisions of the LILCO plan would be premature, and at best, questionable until the official bodies involved have ruled on the issues.

If you have any questions on this matter, please do not hesitate to call me.

2 Attachments



# Federal Emergency Management Agency

Region II      26 Federal Plaza      New York, New York 10278

October 22, 1986

MEMORANDUM FOR: Members  
Regional Assistance Committee

FROM: Ihor W. Husar, Chairman  
Regional Assistance Committee

SUBJECT: Shoreham Plan Review

Each of you should have already received Revision 6 to the Shoreham plan prepared by LILCO. You have already received from LILCO directly, Plan Revisions 7 and 8. The last RAC review was of Revision 5. Revision 6 was submitted to you prior to the Shoreham exercise. Due to the time sensitivity of the action, NRC only asked for a FEMA internal review. NRC has now requested and FEMA has agreed to a full RAC review of Revisions 7 and 8. I am enclosing with this memorandum for your information and use, the FEMA internal review of Revision 6.

In order to meet the ASLB hearing schedule, I ask that you perform a formal plan review of plan Revisions 7 and 8 and submit your written comments to me by COB, November 14, 1986. Thereupon, we will have a RAC consolidation meeting on a date to be mutually agreed upon by phone during the week of October 27, 1986.

I recognize these due dates will be difficult to meet in light of the exercise at Artificial Island on November 12, 1986 and any of your own work that you may have.

If it is impossible for you to meet this schedule, please notify me as soon as possible.

If you have any questions, please call me at FTS 264-8395 or 3276.

Enclosure





Listing HUSAR Ex 2  
 LILCO Transition Plan Summary  
 Summary Ratings of Inadequacies

<u>NUREG Element</u>	<u>Topic</u>	<u>Rev 8 Rating</u>	<u>Rev 5 Rating</u>
✓ A.2.b	Authorities	See review of Rev 5	I* ✓
A.3	Agreements	See review of Rev 5 ARC, FAA, Telogy Isotex CCCs	I* ✓
C.4	Other Fed Assistance	See comments in A.3.	I+ ✓
G.1.e	Conmo OFAs	FAA, LIRR	EA
G.4.b	Info Exchange	Copies of documents	EA
G.4.c	Dealing with rumors	Same as comment to G.4.b	EA
J.9	Protective measures	Rev 5 and Bus driver dosimetry	I ✓
J.10.e	Unsub IAF Emergency Worker	Emerging worker knowledge of KI	EA
J.10.g	Means of relocation	Rev 5 & J.9 above	EA
J.10.h	Relocation Centers	ARC & CCCs	<del>EA</del>
J.10.k	Impediments	Snow removal	I ✓
* J.12	Registration & monitoring	Restyn Bellmore, Hicksville equipment	I ✓
K.3.a.	24 hr dose	Dosimetry knowledge	EA
K.3.b	Dosimetry reading	Same as K.3.a	EA
K.4.	Dose exceed PAGs	See Rev 5 & K.3.a	EA

Handwritten - J.10.d (Rev 5)



## ARCA Chart

(2)

NUREG Element	Location	Topic	T Type	ARCA Pg No	Response	Remedial Action
J.10.K	EOC	Communication Procedures/Training	D	10616	A	I(E)
F.1.C.	EOC	FAA notification	A	20616	I	I(A,T)
E.1. F.1.a.	EOC	LIRR	A	40616	I	I(A,T)
<del>E.10</del>	<del>EOC</del>	<del>Dose Standards</del>	<del>A</del>	<del>50616</del>	<del>A</del>	<del>I(T,E)</del>
I.10 F.1.d	EOC	Field Data review	A	60616	A	I(E)
I.10	EOC	Dose reporting	A	70616	A	I(E)
<del>E.10</del>	<del>EOC</del>	<del>EPA PAG statement</del>	<del>A</del>	<del>80616</del>	<del>A</del>	<del>I(E)</del>
<del>E.6</del>	<del>EOC</del>	<del>Activation of Sema</del>	<del>A</del>	<del>90616</del>	<del>A</del>	<del>I(E)</del>
E.2 K.3. K.5.a.	EOC	Notification of Evacuation	A	100616	A	I(E)
K.3. K.5.a.	EOC	Dosimetry/Training for bus drivers	A	120616	I	I(P,T)
J.10.	EOC	KI training for bus driver's Supplier of KI.	A	140616	I	I(P,T)
<del>K.4</del>	<del>EOC</del>	<del>Dose authorization</del>	<del>A</del>	<del>160616</del>	<del>I</del>	<del>I(P,T)</del>
K.4	EOC	Dose authorization for bus drivers	A	160616	I	I(P,T)
G.4.b G.4.c	ENC	Hard copy of ENC releases	D	160616	I	I(H)

NUREG Element	Location	Topic	Type	Spreadsheet	Response	Remedia Action
				Pg. No		
J.9. J.10.g.	PSA	Bus Driver Dispatch	A	1 of 19	(I)	I(F, E)
N/R	PSA	Main entrance	A	5 of 19	A	I(E)
N/R	PSA	Phone use - upper floor	A	6 of 19	A	I(E)
N/R	PSA	Locking of south door	A	7 of 19	A	I(E)
N/R	PSA	Guard at 2nd floor	A	8 of 19	A	I(E)
J.9. J.10.g	PSA	Bus Drivers	D	9 of 19	A	I(E)
J.9 J.10.g	PSA	Traffic Guide	A	10 of 19	A	I(E)
J.10.k	PSA	"Road crews"	A	11 of 19	A	I(E)
G.10.d	PSA	NIMS Drivers	A	12 of 19	A	I(E)
J.10.l	PSA	NIMS Driver routes	A	13 of 19	A	I(E)
J.9. J.10.g	PSA	Timely dispatch	A	14 of 19	A	I(E)
J.10.j	PSA	Deployment of traffic guide	D	2 of 6	A	I(E)
J.12	RC	Phonetic of Personnel monitoring	A	1 of 1	A	I(F, E)
J.10.h	CC	Unlimited Congregate Care Centers	A	1 of 1	(I)	I(A)

RAC  
Plan Consolidation Meeting  
Rev 7 & 8

November 25, 1986  
Shoreham Nuclear Generating Station

Meeting Notes

I Introduction

Phil McIntire, NTH Division Chief briefed members on status of litigation before two ASLBs (Docket 50-322-01-5, EPE exercise) and (Docket 50-322-01-3, Plans). I identified RAC members that petitioners have requested to subpoena (Melina - USDA, Giardino + EPA, Fish - DOE and Bernader - FDA).

Thor W. Husar, RAC Chairman briefed objective of meeting: Develop consensus on evaluation of plan revisions 6, 7 and 8, and also the adequacy of corrective actions. (list of Attendees - Attachment 1)

The RAC Chairman, at the request of the members present, would provide members copy of typed document on December 5 for review, prior to formal submission to FEMA by December 15, 1986.

II Discussion

Using spread sheets prepared by REP (Shoreham) project officer - Robert Acerno & Thomas Baldwin (ANL), ~~and~~ Attachment: FEMA review of Rev 6 (Attachment 3) and RAC Review of Rev 5 (Attachment 4), the RAC, under the lead of the Chairman proceeded with a page by page deliberation of Attachment 1 recording the consensus determination of plan adequacy and specific corrective actions.

III Conclusion  
~~At the end of the meeting~~

The RAC Chairman, at the end of the meeting, (Approx 1:30 PM) solicited concluding remarks from each member.

The RAC Chairman, for the record, stated that the NRC <sup>written</sup> evaluation submitted by Bill Lanyon, was not

on acceptable. It lacked detail and was vague (Attachment 5). He stated that a letter to the NRC Regional Administrator would be forthcoming voicing FEMA's concern.

The RAC Chairman recapped the ~~major areas of~~ <sup>Category A</sup> deficiencies:

A.2.b Legal Authorities

A.3 Agreements

E.5 Notification

J.12 Registration & Monitoring of Evacuees

K.3/K.4 Radiological Exposure Control for Emergency Workers

5 Attachments



**Federal Emergency Management Agency**

Region II      26 Federal Plaza      New York, New York 10278

*Not an Exhibit*  
*rec'd RZ*  
*1/27/87*

February 6, 1986

MEMORANDUM FOR: SAMUEL W. SPECK  
ASSOCIATE DIRECTOR  
STATE AND LOCAL PROGRAMS AND SUPPORT

FROM: FRANK P. PETRONE  
REGIONAL DIRECTOR *Frank P. Petrone*

SUBJECT: FEMA REVIEW OF THE LILCO TRANSITION PLAN  
FOR SHOREHAM, REVISION 6

Per your request of January 22, 1986, FEMA Region II has completed an internal review of Revision 6 of the LILCO Transition Plan and our comments are attached.

Elements identified by an asterick are affected by legal concerns.

If you have any questions concerning the results of our review, please call me.

Attachment

LILCO Transition Plan for Shoreham - Revision 6  
FEMA Review  
Dated February 7, 1986

<u>NUREG-0654</u> <u>Element</u>	<u>Review Comment(s)</u>	<u>Rating</u>
A.2.b	This element remains inadequate. No material in Revision 6 address this element. All comments in the RAC review of Revision 5 are still in effect.	I*
A.3	This element remains inadequate. - All comments in the RAC review of Revision 5 are still in effect. In addition, this revision requires the addition of a letter of agreement with the owners of the Brookhaven Multiplex Cinema for use of their property (parking lot) as a transfer point. The revised page B-vii shows this letter to be on page B-68 however, page B-68 is the letter of agreement with the previous transfer point property owner.	I*
C.4	This element remains inadequate. See the review comments under A.3.	I*
J.9	This element is now rated adequate. Revisions to Attachment 1 of procedure OPIP 3.6.6 reflect the current FDA response level tables including all footnotes which are necessary for proper use of the numeric data contained in the tables.	A
J.10.g	This element remains adequate. The designation of of replacement transfer point required numerous changes to specify this new location. The plan changes are all involved with the logistics of the movements of buses for the transit dependent population who need assistance in evacuating the EPZ. The new logistics do not change the concept of any procedures.	A
J.10.k	This element remains inadequate. No material in Revision 6 address this element. All comments in the RAC review of Revision 5 are still in effect.	I*

\*This element is inadequately addressed in the plan. In addition, concerns pertaining to LERO's legal authority to implement the plan were identified by the RAC during the review of Revision 5 and are still in effect.

LILCO Transition Plan for Shoreham - Revision 6  
FEMA Review  
Dated February 7, 1986

NUREG-0654  
Element

Review Comment(s)

Rating

J.12

This element remains inadequate. As discussed below Revision 6 adequately addresses two concerns raised by the RAC review of Revision 5. A new Attachment 8 to procedure OPIP 3.9.2 gives a trigger levels for declaring items contaminated. This resolves the RAC issue of not having a trigger level for the interior of vehicles. Revision to the Plan on page 4.2-1 and in procedures OPIP 3.9.2 and 4.2.3 have deleted all reference to a particulate release as being a trigger for various actions. These changes resolve a RAC issue. Procedure OPIP 4.2.3 has been completely rewritten. The new procedure gives a new evacuee traffic pattern and a new monitoring arrangement at the Nassau County Coliseum Reception Center. This new procedure is adequate. This Plan revision raises a new issue due to a change in procedure OPIP 3.9.2. In step 3.2 of the revised procedure, the statement is made that if a radioactive release has occurred, monitoring personnel will be dispatched to special facility reception centers when available. LERO is responsible for monitoring all evacuees arriving at reception centers. It is not adequate to plan for this monitoring with personnel and equipment when available. It is not possible to evaluate the number of personnel required for monitoring at the special population reception centers since the Plan shows in procedure OPIP 3.6.4 pages 21-37, "to be arranged" for most of the special population reception centers. Four (4) reception centers are shown which are not the Nassau County Coliseum. Monitoring personnel and equipment must be available for these four (4) reception centers and an other locations currently shown as "to be arranged".

I

## I J.12 - Monitoring

- ① Shuttering only - 10 to 15% (Natural Disasters)
- ② Monitoring - 20% in case of shattering
- ③ Rev 6 - ~~Alternate~~ monitoring OK AD HOC (Adequate)
- ④ Rev 7 & 8 - Inadequate because main methodology (Inadequate)

## II ~~Alert~~ Alert & Notification Dec 24, 1985 Memo

Define "worst case" accident

How do you evaluate "inflight on air"  
 • When do you apply



Plan Review History

- Rev 0 Argonne at direction of FEMA Hq  
Comments to LILCO
- Rev 1,2,3 FEMA Hq requested full RAC review  
Comments thru FEMA Hq - NRC - LILCO
- Rev 4 May 11, 1985  
Meeting between LILCO, Suffolk County  
Suffolk allowed to make statements, but not plan re-statement
  - Suffolk attorneys
  - Media
  - RAC members
- Rev 5 Full RAC review (1985, like Nassau only full)  
Meeting at Region with LILCO to provide clarification  
State present
  - Suffolk County
  - RAC
- Rev 6 Agreement reached that thru Rev 5 would be exercised  
~~However~~ Several meetings prior to exercise  
 Problem with Nassau Coliseum availability for exercise  
 Agreement reached to review Rev 6 ~~which~~ contained a  
 second floor layout (boat show conflict)  
 LILCO was sending plan revisions directly to FEMA to  
 expedite handling  
  
 No plan review conducted without FEMA Hq official directive

Will meet with LILCO

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The Regional Assistance Committee (RAC) review of the LILCO Transition Plan for Shoreham (Attachment I) is based upon planning criteria specified in NUREG-0654, FEMA-REP-1, Rev. 1; Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants, November, 1980. The plan has been evaluated against each planning element specified in NUREG-0654 applicable to State and/or Local jurisdictions. These evaluations are keyed to the following rating system:

**ADEQUATE RATING**

---

A (Adequate)

A\* (Adequate - concerns pertaining to LERO's legal authority identified during this review)

---

The element is adequately addressed in the plan. Recommendations for improvement shown in *italic* are not mandatory, but their consideration would further improve the LERO plan. These recommendations include revisions to the NUREG-0654 cross-reference, and other minor improvements.

The element is adequately addressed in the plan provided concerns pertaining to LERO's legal authority are resolved. The issues of legal authority affecting these elements are described in Attachment 2 to the RAC review of Revision 5.

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**INADEQUATE RATING**

---

I (Inadequate)

I\* (Inadequate - concerns pertaining to LERO's legal authority identified during this review)

---

The element is inadequately addressed in the plan for the reason(s) stated in **bold type**. The plan and/or procedures must be revised before the element can be considered adequate.

The element is inadequately addressed in the plan for the reason(s) (not related to legal concerns) stated in **bold type**. The plan and/or procedures must be revised before the element can be considered adequate.

In addition, concerns pertaining to LERO's legal authority were identified by the RAC, and are described in Attachment 2 to the review of Revision 5.

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Review Comment(s)Rating

A. Assignment of Responsibility  
(Organization Control)

*2.1.1.1* A.1.a See review of Revision 5. A\*

*2.1.1.2* A.1.b See review of Revision 5. A

*2.1.1.3* A.1.c See review of Revision 5. A

*2.1.1.4* A.1.d See review of Revision 5. A\*

*2.1.1.5* A.1.e See review of Revision 5. A

*2.1.1.6* A.2.a See review of Revision 5. In addition, two (2) key positions have been added to the LERO organization. A\*

The plan has been revised to add a traffic engineer to the staff at the EOC to evaluate any possible impediments to evacuation and to make recommendations on necessary changes to evacuation routes in response to potential impediments. Another position, a LERO Spokesperson, and additional staff have been assigned to assure better coordination of information in the ENC.

A.2.b See review of Revision 5. I\*

A.3 See review of Revision 5. In addition, the following comments pertaining to revised letters of agreement presented by LILCO with Revisions 7 and 8 are now applicable. I\*

Federal Aviation Administration (FAA) — A letter of agreement with the FAA has been withdrawn by LILCO since responsibility for notification of the FAA has been shifted to the U.S. Department of Transportation (DOT) via FEMA as recommended in the review of Revision 5 of the plan. However, based on results of the February 13, 1986 exercise and the RAC review of subsequent plan revisions it

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Rating

A.3  
 (Cont'd)

is recommended that LERO notify FAA directly (see comments for element F.1.c in this review). In order to assure the most timely notification of FAA, LERO should again obtain a letter of agreement with FAA.

I\*

American Red Cross — The letter dated August 21, 1986 submitted with Revision 8 of the plan states that "... there is no agreement between Long Island Lighting Company and this (Nassau County) Chapter relating to the chapter's responsibility to provide emergency assistance during a radiological emergency." This letter is not an acceptable letter of agreement to assure that American Red Cross responsibilities for Congregate Care facilities described in the plan will be carried out.

Teledyne Isotopes — The new purchase agreement with Teledyne Isotopes, Appendix B, B-74A to 74D is an agreement for the routine Radiological Environmental Monitoring program. No indication of detection limits or any assurance that there will be capability for analysis in the event of an emergency could be located in the plan. There is some mention of 24 hour emergency analysis; however, this reference is in regard to routine samples being over prescribed limits.

In response to an issue identified at the February 13, 1986 exercise, the plan has been modified to include notification of the Long Island Railroad (LIRR). These planning provisions are adequate but point of contact and telephone number for notification of the appropriate LIRR official(s) should be documented with a letter of understanding between LERO and the LIRR.

Congregate Care Centers -- Neither of the two (2) congregated care facilities activated for the February 13, 1986 exercise are identified in the

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Review Comment(s)Rating

A.3  
 (Cont'd)

latest submission of the LERO Plan. The Plan should be revised to include all facilities intended for use as shelter facilities during a radiological emergency at SNPS. These facilities must be included in the list attached to LERO's letter of agreement with the American Red Cross.

It is noted that OPIP 3.6.3, p. 2, mentions contacting the U.S. Coast Guard for helicopters (paragraph 5.1.1.c). There is no mention of helicopters in the Coast Guard letter of agreement contained in the plan.

Brookhaven Multiplex Cinemas -- The new letter of agreement for the use of the Brookhaven Multiplex Cinemas parking lot as a bus transfer point, Appendix B, B-68A-B-68E, is acceptable.

*Emergency Plan*  
 A.4

See review of Revision 5.

A

C.

Emergency Response Support and Resources

*Physical Resources*  
 C.1.a

See review of Revision 5.

A\*

*Financial Resources*  
 C.1.b

See review of Revision 5.

A

*L/E/Support Resources*  
 C.1.c

See review of Revision 5.

A

*State/Local - CDF*  
 C.2.a

See review of Revision 5.

A

*Redundant  
 Helicopters*  
 C.3

See review of Revision 5.

A

*Other Physical Resources*  
 C.4

Specific reasons for the inadequate rating of this element are detailed in analysis comments for element A.3 in this review and the review of Revision 5.

I\*

D.

Emergency Classification System

*EC System*  
 D.3

See review of Revision 5.

A

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Al. Procedures	D.4	See review of Revision 5.	A
	E.	<u>Notification of Methods and Procedures</u>	
Basis for Notification	E.1	See review of Revision 5.	A
Procedures for A, N, M Emergencies	E.2	See review of Revision 5.	A
Dissemination	E.5	See review of revision 5. In addition, it has come to FEMA's attention via the letter of transmittal for Revision 8 of the Plan that WALK has withdrawn from its agreement to serve as the Shoreham Emergency Broadcast primary station. Based on Revision 8 which includes WALK FM Radio, this element has been rated as adequate. However, in future reviews of the plan this element will be rated inadequate unless a suitable primary EBS station has been established and is supported with the necessary letter(s) of agreement.	A*
Means for Prompt Notification	E.6	See review of Revision 5. <i>It is recommended that the EBS message recommending evacuation be revised to include a sentence urging people to be "good neighbors" in an evacuation. Some suggested wording would be "Persons in the area to be evacuated are urged to be good neighbors and to assist one another by sharing rides and otherwise helping others with problems." It is also recommended that this same sentence be included in the public information brochure.</i>	A*
Public Messages	E.7	See review of Revision 5.	A
	F.	<u>Emergency Communications</u>	
Notification	F.1.a	See review of Revision 5.	A
Emergency	F.1.b	See review of Revision 5.	A

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Review Comment(s)Rating

*See review of* F.1.c

See review of Revision 5. In addition, the following comments are now applicable.

I

A letter of agreement with the FAA has been withdrawn by LILCO since responsibility for notification of the FAA has been shifted to the U.S. Department of Transportation (DOT) via FEMA as recommended in the review of Revision 5 of the plan. However, based on results of the February 13, 1986 exercise and the RAC review of subsequent plan revisions it is recommended that LERO notify FAA directly. In order to assure the most timely notification of FAA, LERO should again obtain a letter of agreement with FAA.

The plan, has been modified to include notification of the Long Island Railroad (LIRR). Procedure OPIP 3.3.2 Page 4 of Attachment 4, instructs the Support Services Coordinator to contact the LIRR at the Alert, or higher emergency classification, and to request closure of parts of the mainline if evacuations are called for in certain sectors. Figure 3.3.4, page 4 specifies that the Long Island Railroad will be notified at the Site Area Emergency and/or General Emergency ECLs. The LIRR should also be added to Figure 3.3.3 and to the notification diagram shown in Figure 3.3.5.

*Common-Ent* F.1.d  
*and Site E.C.*

See review of Revision 5.

A

*N/N Resource* F.1.e  
*Part 3.3.2*

See review of Revision 5.

A

*Common-Ent* F.2

See review of Revision 5.

A

*Site Area E.C.* F.3  
*Site Area E.C.*

See review of Revision 5.

A\*

*Site Area E.C.*



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Review Comment(s)Rating

G.

Public Education and Information

<p><i>Public information dissemination</i></p>	G.1.a-d	<p>See review of Revision 5. <i>It is recommended that the public information brochure include information to encourage boaters in the EPZ to listen to Chanel 16 so that they can receive radio notification in the event of an emergency at Shoreham.</i></p>	A
<p><i>Public info program</i></p>	G.2	<p>See review of Revision 5.</p>	A
<p><i>Public relations</i></p>	G.3.a	<p>See review of Revision 5.</p>	A*
<p><i>Spokesperson</i></p>	G.4.a	<p>See review of Revision 5.</p>	A
<p><i>Timely exchange of info among agencies</i></p>	G.4.b	<p>See review of Revision 5. In addition, the following comments are now applicable.</p> <p>Insufficient copying capabilities at the ENC resulted in delays in the distribution of information during the February 13, 1986 exercise. These delays affected the following two (2) areas:</p> <ul style="list-style-type: none"> <li>• Hard copies of EBS messages were not provided to the media in a timely manner.</li> <li>• Rumor control personnel were not able to answer questions received from the public because they were not given accurate up-to-date status reports.</li> </ul> <p>LERO should make provisions for reliable and rapid equipment to reproduce, in hard copy, all appropriate messages for distribution to the ENC staff.</p> <p>The plan has been modified to create an additional position, LERO Spokesperson, and additional staff have been assigned to assure better coordination of information in the ENC. The LERO spokesperson is responsible for coordinating the release of information working in conjunction with the County Executive, or his designee, if he chooses to</p>	I

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ElementReview Comment(s)Rating

G.4.b  
 (Cont'd)

participate. The LERO spokesperson will represent LERO at press conferences. Press releases are to be distributed to utility, government and media personnel at the ENC.

As provided in OPIP 3.8.1, Section 5.2.4, changes in important emergency information will be electronically transmitted to Rumor Control District offices and call boards via TSO printout (also see OPIP 3.8.1, Section 5.3.4).

LILCO is still evaluating the lack of hard copy capability for distribution of EBS messages to the press in the ENC. Until LILCO completes the evaluation of this equipment for providing hard copies of EBS messages to the media, the response to this element is rated inadequate. Also see comment for element G.4.c in this review.

*Dealing with rumors* G.4.c

See review of Revision 5. This element is rated inadequate for the same reason given for element G.4.b of this review.

I

*Review of building plan* G.5

See review of Revision 5.

A

H.

Emergency Facilities and Equipment

*Review of FOC* H.3

See review of Revision 5.

A

*Review of staff and staffings* H.4

See review of Revision 5.

A\*

*Provide of information* H.7

See review of Revision 5.

A

H.10

See review of Revision 5.

A

*Review of impact on environment* H.11

See review of Revision 5.

A

H.12

See review of Revision 5.

A

*Review of impact on environment* }  
*Review of impact on environment* }  
*CPC* }  
*all fields* }

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Rating

I.

Accident Assessment

*Field measurements*  
*extrapolated*  
*Extrapolated*  
*Measurements*  
*10' x 6' per*  
*Superiority of*  
*measuring in miles*

I.7

See review of Revision 5.

A

I.8

See review of Revision 5.

A

I.9

See review of Revision 5.

A

I.10

See review of Revision 5. In addition, two (2) plan changes have been made to address issues identified at the February 13, 1986 exercise.

A

The plan has been modified in OPIP 3.5.2 Section 3.6, to require that when field data are received, the data is identified as an actual measurement or as extrapolated data. All extrapolated data are now to be posted under "projected data" on the status board.

Procedure OPIP 3.5.2, Section 3.5 has been revised to specify that all distances reported by DOE-RAP teams are to be recorded in miles.

*Locate/track*  
*airborne sensors*

I.11

See review of Revision 5.

A

J.

Protective Response

*Procedures*

J.2

See review of Revision 5.

A

*Implement &*  
*protective measures*  
*based on EPA guidance*

J.9

See review of Revision 5. In addition, the following comments are now applicable.

I

Revisions to Attachment 1 of procedure OPIP 3.6.6 reflect the current FDA response level tables including all footnotes which are necessary for proper use of the numeric data contained in the tables.

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Review Comment(s)Rating

J.9  
 (Cont'd)

As discussed in the Post Exercise Assessment of the February 13, 1986 exercise, delays were observed in the dispatch of bus drivers due to delays in issuing dosimetry and in the briefing of bus drivers and transfer point coordinators. This element is rated inadequate until the plan is revised to accomplish timely distribution of dosimetry to the large number of Bus Drivers required to be dispatched from the Patchogue Staging Area. This inadequate rating also affects element J.10.g of this review.

*Morgan's* J.10.a

See review of Revision 5. In addition, Procedure OPIP 4.2.5 provides details on the set up and use of LILCO's Bellmore, Hicksville and Roslyn Operations Centers as reception centers for evacuees in the event of Shoreham radiological emergency.

A\*

*Use of form* } J.10.b  
*disturbance*

See review of Revision 5.

A

*Morgan's* J.10.c  
*notify all segments*

See review of Revision 5.

A\*

*Morgan's* J.10.d  
*equipment*

See review of Revision 5.

A

*Use of form* J.10.e

See review of Revision 5. Several issues involving emergency worker knowledge and use of KI were identified at the February 13, 1986 exercise. This element has been rated inadequate because bus drivers used for school evacuation have not been trained in KI policy and the use of KI. Sufficient supplies of KI are not available for school evacuation Bus Drivers.

I

- (1) Bus Drivers used for school evacuation should be trained in KI policy and the use of KI.
- (2) Adequate supplies of KI should be provided for Bus Drivers used for school evacuation.

LILCO's commitment to provide training and equipment for exposure control to school bus drivers is

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Review Comment(s)Rating

J.10.e  
 (Cont'd)

understood. However, it is not evident in the plan how these non-LERO workers are to be informed that they need to initiate the request.

Method  
 Administration  
 Design

J.10.f

See review of Revision 5.

A\*

J.10.g

See review of Revision 5. This element is rated inadequate for the same reason given for the inadequate rating of element J.9 in this review.

I

Plan  
 Control

J.10.h

The letter from the American Red Cross to LILCO dated August 21, 1986 (see Appendix B pages B-11 to B11-d), states that the American Red Cross has not agreed to respond to a radiological emergency at Shoreham (see lines 1-4 page B-11a). Page B-11b implies that the American Red Cross only works with and through the government. It also states that letters of agreement between the American Red Cross and owners of a facility to be used as a shelter will be entered into at the time of an incident. This policy is unworkable. The new material submitted for Appendix B raises many questions concerning the participation of the American Red Cross in a Shoreham incident, not only in the operation of shelters but also in connection with EOC participation. It is FEMA's position that letters of agreement are required for all facilities which are planned to be used in an emergency response.

I

Project  
 Traffic  
 Control

J.10.i

See review of Revision 5.

A

Access  
 Control

J.10.j

See review of Revision 5.

A\*

Fire  
 Control

J.10.k

This element has been rated inadequate for the reason (i.e., snow removal resources and procedures) specified in the review of Revision 5.\*

I\*

\*It should be noted that one (1) RAC member felt that this element should be rated adequate (A). (NRC)

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Review Comment(s)

Rating

J.10.k  
 (Cont'd)

In response to an exercise issue, the plan has been revised to add a traffic engineer to the staff at the EOC to evaluate any possible impediments to evacuation and to make recommendations on necessary changes to evacuation routes in response to potential impediments. Procedures for field workers, i.e., bus drivers, traffic guides, etc., have been modified to include instructions to make prompt notifications through their communication network of any potential impediment. Provisions have been made to issue an EBS message in the event that changes to evacuation routes are necessary.

Internal communications within the LERO EOC regarding assessment of an response to evacuation impediments has been adequately addressed through modification to the procedures (esp. OPIP 3.6.3, Traffic Control). The Evacuation Route coordinator is responsible for obtaining periodic updates from the Evacuation Route Spotters, and for immediately reporting road impediments or other problems to the Traffic Control Coordinator and Road Logistics Coordinator (See OPIP 3.6.3, Section 5.6.7) Lead Traffic Guides (at the staging areas) are to report any incident.

*Time remaining by sector* } J.10.l  
*Review of Choice of evacuation routes* } J.10.m  
*evacuation routes* } J.11  
*Procedures of evacuation* } J.12  
*to be reviewed*

See review of Revision 5.

A

See review of Revision 5.

A

See review of Revision 5.

A

See review of Revision 5. In addition, the following comments are now applicable.

I

The LERO Reception Center previously designated at the Nassau County Veterans Memorial Coliseum has been changed to three (3) LILCO facilities located in Bellmore, Hicksville and Roslyn. The adequacy of these facilities as reception centers must be evaluated at a future exercise.

Contribution # 24

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Review Comment(s)Rating

J.12  
 (Cont'd)

In addition to the change of Reception Center(s) location, the plan specifies (see page 3.9-5 of Revision 8) that a screening process will be used to check evacuees for contamination. Incoming vehicles will be directed to monitoring stations where the vehicle and driver will be checked for contamination. According to this screening procedure, passengers of the vehicle will also be assumed to be uncontaminated and a clean tag will be issued to them if the driver is below contamination limits. This screening procedure is inadequate since the applicable guidance requires the capability of monitoring within about a 12 hour period all residents and transients in the plume EPZ arriving at the Reception Centers.

LERO is responsible for monitoring all evacuees arriving at reception centers. It is not adequate to plan for this monitoring with personnel and equipment when available. It is not possible to evaluate the number of personnel required for monitoring at the special population reception centers since the plan shows in procedure OPIP 3.6.5 pages 21-37, "to be arranged" for most of the special population reception centers.

K.

Radiological Exposure Control

K.3.6

See review of Revision 5. Several issues involving emergency worker knowledge and use of dosimetry were identified at the February 13, 1986 exercise. This element has been rated inadequate because dosimetry and training were not provided to the Bus Drivers used for school evacuation.

- (1) Bus Drivers used for school evacuation should be trained in the use of dosimeters.
- (2) Adequate supplies of dosimetry should be provided for Bus Drivers used for school evacuation.

24 hr capability to determine dose received by emergency personnel

I

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Review Comment(s)Rating

K.3.a  
 (Cont'd)

LILCO's commitment to provide training and equipment for exposure control to school bus drivers is understood. However, it is not evident in the plan how these non-LERO workers are to be informed that they need to initiate the request.

Reading of  
 documents  
 every 15 min } K.3.b

See review of Revision 5. This element is rated inadequate for the same reason given for element K.3.a in this review.

I

Authorizing  
 EVL under  
 exposure review  
 of RABs  
 on action } K.4

See review of Revision 5. This element is rated inadequate for the same reason given for element K.3.a in this review.

I

Means for } K.5.a

See review of Revision 5.

A

Means for } K.5.b

See review of Revision 5.

A

L.

Medical and Public Health Support

Local & backup  
 hospitals } L.1

See review of Revision 5.

A

Insuring of  
 hospitals for  
 contamination } L.3

See review of Revision 5.

A

Transfer of  
 patients } L.4

See review of Revision 5.

A

M.

Recovery and Reentry Planning and Postaccident Operations

Plans } M.1

See review of Revision 5.

A

Means for  
 response } M.3

See review of Revision 5.

A

Provide list  
 of local pop } M.4

See review of Revision 5.

A

N.

Exercises and Drills

Test with  
 assembly } N.1.a

See review of Revision 5.

A\*

Mobilizing  
 of local pop } N.1.b

See review of Revision 5.

A\*



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Commissar } N.2.a	See review of Revision 5.	A
Misses } N.2.c	See review of Revision 5.	A
RT-100 } N.2.d	See review of Revision 5.	A
RT-100s - N.2.e.(1)	See review of Revision 5.	A
to 4/4 } N.3.a-f	See review of Revision 5.	A
to 4/4 } N.4	See review of Revision 5.	A
to 4/4 } N.5	See review of Revision 5.	A
O.	<u>Radiological Emergency Response Training</u>	
O.1	See review of Revision 5.	A
O.1.b	See review of Revision 5.	A
Training problem - O.4	See review of Revision 5. <i>In addition, it is suggested that LILCO consider requiring that training be provided per module 11 to personnel assigned to the Emergency Worker Decontamination Facility and the Reception Centers. It would also be advisable to consider requiring training per module 11 for personnel assigned to the following positions: Emergency Medical Coordinator, Hospital Coordinator, and Ambulance Coordinator.</i>	A
O.5	See review of Revision 5.	A
P.	<u>Responsibility for the Planning Effort</u>	
Planning P.1	See review of Revision 5.	A*
Involvement with the RAC for P.2	See review of Revision 5.	A*
to consider P.3	See review of Revision 5.	A*
Annual P.4	See review of Revision 5.	A*

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Review Comment(s)Rating

*Change in plan*  
 P.5

See review of Revision 5.

A\*

*adding of backup in plan & source*  
 P.6

See review of Revision 5.

A

*adding of procedure required to implement file*  
 P.7

See review of Revision 5.

A

*Task in Control & clear reference*  
 P.8

See review of Revision 5.

A

*Update of Power & pressure*  
 P.10

See review of Revision 5.

A