

1138

RELATED CORRESPONDENCE

October 15, 1986
DOCKETED
USNRCUNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'86 OCT 17 P3:37

Before the Atomic Safety and Licensing BoardOFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,
Unit 1))Docket No. 50-322-OL-5
(EP Exercise)SUFFOLK COUNTY'S FIRST SET OF INTERROGATORIES
TO THE NRC STAFF AND FEMA

Pursuant to 10 CFR §§ 2.740b and 2.741, the NRC Staff and FEMA are requested by Suffolk County to answer separately and fully, under oath, each of the interrogatories set forth below within fourteen (14) days after service hereof.

DEFINITIONS AND INSTRUCTIONS
FOR ANSWERING INTERROGATORIES

A. Wherever appropriate, the singular form of a word shall be interpreted as plural and vice versa.

B. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope hereof any information (as defined herein) which might otherwise be construed to be outside the scope of this discovery request.

8610210247 861015
PDR ADOCK 05000322
G PDR

0503

C. Wherever appropriate, the masculine form of a word shall be interpreted as feminine and vice versa.

D. The term "person" includes any natural person, firm, partnership, educational institution, joint venture, corporation, and any foreign or domestic government organization (including military and civilian), or group of natural persons or such entities.

E. The term "information" shall be expansively construed and shall include, but not be limited to, facts, data, theories, analyses, opinions, images, impressions, conclusions, concepts, and formulae.

F. The term "communication" includes every exchange of information by any means.

G. The term "LILCO" or "LILCO personnel" means Long Island Lighting Company, any affiliate, agent, employee, consultant, contractor, technical advisor, representative (including, without limitation, attorneys and accountants and their respective agents and employees), or other person acting for or on behalf of LILCO, or at LILCO's direction or control, or in concert with LILCO or assisting LILCO.

H. The term "Shoreham" means the Shoreham Nuclear Power Station, Unit 1, any part thereof, or any structure, system, component, instrumentation, equipment, or materials included in, or intended to be included in Shoreham.

I. The term "Exercise" refers to the exercise of the LILCO Offsite Emergency Plan for Shoreham conducted by FEMA on February 13, 1986, and includes activities at the LILCO EOF and the "Medical Drill" held on February 9, 1986.

J. The term "FEMA Report" refers to the FEMA Region II "Post Exercise Assessment of the February 13, 1986, Exercise of the Local Emergency Response Organization (LERO), as specified in the LILCO Transition Plan for the Shoreham Nuclear Power Station, at Shoreham, New York," dated April 17, 1986.

K. The terms "federal evaluator," "simulator," and "controller" have the same meaning as set forth in the FEMA Report.

L. As used herein, the term "evaluation" means research, investigation, observation, inspection, review, analysis, testing, monitoring, critiquing, or any other method or form of examining data or events and/or forming conclusions or recommendations.

M. The words "concerning," "concerns" or any other derivative thereof, include referring to, responding to, relating to, pertaining to, connected with, comprising, memorializing, commenting on, regarding, discussing, showing, describing, reflecting, analyzing, supporting, contradicting and constituting.

N. Whenever in the interrogatories there is a request to identify a person that is a natural person, set forth:

- (1) his name;
- (2) his last known residence address;
- (3) his last known business address;
- (4) his last known employer;
- (5) his title or position;
- (6) his areas of responsibility;
- (7) his business, professional, or other relationship with the NRC, or FEMA or LILCO; and
- (8) if any of the above information has changed subsequent to the time period referenced in a particular interrogatory, set forth in the answer, and label appropriately, current information as well as the information applicable to the time referenced in the interrogatory.

O. Whenever in the interrogatories there is a request to identify a person that is not a natural person, state:

- (1) the full name of such person;
- (2) the nature or form of such person, if known;
- (3) the address of its principal place of business or the principal place where such person is to be found;
- (4) whether the NRC, or FEMA or LILCO has or has had any relationship or affiliation with such person, its affiliates or subsidiaries, and, if so, a description of such relationship; and
- (5) if any of the above information has changed subsequent to the time period referenced in a particular interrogatory, set forth in the answer, and label appropriately, current information as well as the information applicable to the time referenced in the interrogatory.

P. Whenever in the interrogatories there is a request to identify a communication:

- (1) state:
 - (a) the date of the communication;
 - (b) the place of the making and place of receipt of the communication;
 - (c) the type and means of communication;

- (d) the substance of the communication; and
- (2) identify:
 - (a) each person making the communication, and his location at the time the communication was made;
 - (b) each person to whom the communication was made, and his location at the time the communication was made;
 - (c) all other persons present during, participating in, or receiving the communication and the location of each such person at the time;
 - (d) each document concerning such communication; and
 - (e) each document upon which the communication is based or which is referred to in the communication.

Q. With respect to each interrogatory answer, identify each document which forms a basis for the answer given, is relied upon or which was reviewed, in whole or in part, in preparing the answers, or which in any way corroborates or concerns the answer given. A document to be so identified may be produced in lieu of the elements of such identification. In such case, however, please identify the document in the answer to the interrogatory

in sufficient detail so that Suffolk County can readily locate the document among all documents produced by LILCO, the NRC Staff and FEMA.

R. Where exact information cannot be furnished, estimated information should be supplied to the extent possible. Where estimated information is used, the answer should so state and should indicate the basis upon which the estimate was made. If possible, the upper and lower boundaries of the estimate should be given.

S. If the NRC Staff or FEMA objects to or claims a privilege (attorney-client, work product, or otherwise) with respect to the answer to any interrogatory, in whole or in part, or seeks to withhold information because of the alleged proprietary nature of the data, set forth all reasons and the underlying factual basis for the objection or claim of privilege in sufficient detail to permit the Board to determine the validity of your objection or claim of privilege. For any claim of privilege, set forth precise and certain reasons for preserving the confidentiality of any communication, event, discussion or activity.

T. Each interrogatory shall be construed to impose upon the NRC Staff and FEMA the continuing obligation to supplement the answer thereto as required by the NRC's Rules of Practice.

U. Information furnished in answer to an interrogatory may be furnished by reference to the answer provided for another interrogatory, provided the other referenced answer fully responds to each request for information contained in the interrogatory. Separate answers should be provided for each interrogatory and each subpart thereof, unless a complete answer to each interrogatory may best be presented through combining answers. The County is interested in receiving the relevant data asked for and any means of providing such data which is less time-consuming for the responder but which is nevertheless complete will satisfy the intent of this discovery request.

V. As used herein:

- (1) "NRC" or "NRC Staff" means the Nuclear Regulatory Commission and its staff, any division or section or region thereof, any staff member thereof, or any agent, consultant, contractor, technical advisor, employee, or representative (including but not limited to attorneys and accountants and their employees and agents) of the NRC.
- (2) "FEMA" means the Federal Emergency Management Agency and its staff, any division or section or region thereof, any staff member thereof, or any agent, consultant, contractor, technical advisor,

employee, or representative (including but not limited to attorneys and accountants and their employees and agents) of FEMA.

W. If FEMA or the NRC Staff is unable to answer any interrogatory or portion thereof, identify the person whom FEMA or the NRC Staff believes has the knowledge or information which the interrogatory addresses.

INTERROGATORIES

1. Identify each person whom FEMA and/or the NRC Staff expects to call as an expert or non-expert witness during the emergency planning exercise hearings and state the subject matter on which each is expected to testify.

2. Describe the employment history, educational background, experience and professional qualifications of each person identified in response to Interrogatory No. 1.

3. Identify by date, location, and proceeding all prior testimony, including deposition testimony, before any judicial, administrative, or legislative body concerning emergency pre-

paredness, including the implementability of emergency preparedness plans and tests or exercises thereof, given by each of the persons identified in response to Interrogatory No. 1.

4. Identify the Chairman and members of the FEMA Regional Assistance Committee, and all consultants thereto, who reviewed Revision 6 of the LILCO Plan.

5. Identify all members and Chairmen of the FEMA Regional Assistance Committee, and all consultants thereto, who participated in any way in activities concerning the Exercise (including without limitation, preparation, review, negotiations or approval of Exercise objectives or Exercise scenarios; preparation or review of Exercise simulator, evaluator, or controller plans, instructions, training or procedures; discussions concerning the Exercise or its results; participation in the Exercise as a federal evaluator, controller, simulator, or in any other role, participation in reviewing or discussing Exercise evaluations, summaries or critiques; or participation in preparing, reviewing, revising, drafting or finalizing the FEMA Report), and with respect to each, describe such participation and activities.

6. Identify all members and Chairmen of the FEMA Regional Assistance Committee, and all consultants thereto, who are expected to participate in the review of Revisions 7 and/or 8 of the LILCO Plan.

7. Describe the role and activities of FEMA RAC Chairman Roger Kowieski, concerning the Exercise, which occurred prior to, during and subsequent to the Exercise.

8. Identify every agency, organization, group, entity, institution and individual, other than those identified in response to Interrogatory No. 5, who participated in, reviewed, discussed, or received correspondence or documents concerning, preparations for, or the conduct, evaluation or results of, the Exercise. With respect to each organization identified, identify the person or persons affiliated with that organization who are knowledgeable concerning that organization's participation or activities, and describe such participation and activities. With respect to each individual identified, identify the organization or entity which he represents or of which he is a member, and describe his participation and activities.

9. Identify every agency, organization, group, entity, institution, and individual, other than those identified in response to Interrogatory No. 5, who participated in, or reviewed, discussed, or received correspondence or documents concerning, the FEMA Report, drafts thereof, or the bases therefor. With respect to each organization identified, identify the person or persons affiliated with that organization who are knowledgeable concerning that organization's participation or activities, and describe such participation and activities. With respect to each individual identified, identify the organization or entity which he represents or of which he is a member, and describe his participation and activities.

10. Identify all communications concerning in any way the statement or any comments made by Frank Petrone during the Exercise Critique held on February 15, 1986, and documents known to, or in the possession of, FEMA or the NRC Staff, which concern such communications.

11. Identify all communications and documents known to, or in the possession of, FEMA or the NRC Staff, concerning in any way the resignation of Frank Petrone, or events concerning such resignation.

12. Describe the purpose of the "FEMA Command Post" and the roles and activities of the personnel in the FEMA Command Post prior to, during, and subsequent to the Exercise.

13. How many American Red Cross personnel participated in the Exercise, if any? Where were they located and what, if anything, did federal evaluators observe them do? Identify:

- (a) the federal evaluators who observed any Red Cross activities;
- (b) the Red Cross personnel who were observed; and
- (c) all documents concerning such observations.

14. Describe in detail all activities by persons associated with Shoreham-Wading River School District, if any, which were observed by federal evaluators during the Exercise. With respect to each such activity, identify:

- (a) who observed them;
- (b) when and where such observations were made;
- (c) the Shoreham-Wading River School District personnel who were observed; and
- (d) all documents concerning such observation.

15. Describe in detail all activities or participation, if any, by U.S. Coast Guard personnel, which were observed or evaluated by federal evaluators during the Exercise. With respect to each such activity, identify:

- (a) the federal evaluators who observed it;
- (b) when and where such observation was made;
- (c) the Coast Guard personnel who were observed; and
- (d) all documents concerning such observation.

16. Describe in detail all activities or participation, if any, by Nassau County personnel, which were observed or evaluated by federal evaluators during the Exercise. With respect to each such activity, identify:

- (a) the federal evaluators who observed it;
- (b) when and where such observation was made;
- (c) the Nassau County personnel who were observed; and
- (d) all documents concerning such observation.

17. Identify all communications, concerning the response to a Shoreham emergency, the LILCO Plan, or the Exercise between FEMA personnel and:

- (a) representatives of school districts having children inside the 10-mile EPZ;
- (b) representatives of hospitals inside or in the vicinity of the 10-mile EPZ;
- (c) representatives of nursing homes, adult homes, or other special facilities inside the 10-mile EPZ;
- (d) representatives of school districts, hospitals, or special facilities on Long Island but outside the 10-mile EPZ;
- (e) representatives of the State of Connecticut;

- (f) representatives of radio stations identified by LILCO as participants in the LILCO emergency broadcast system ("EBS");
- (g) school bus drivers for schools located in the 10-mile EPZ;
- (h) representatives of bus companies identified in the LILCO Plan as having agreed to make buses available to LILCO;
- (i) representatives of ambulance companies identified in the LILCO Plan as having agreed to make vehicles available during a Shoreham accident;
- (j) representatives of Nassau County;
- (k) members of the public on Long Island.

18. Identify all documents concerning the communications identified in response to Interrogatory No. 17.

19. Identify all documents and communications concerning proposed or actual corrective actions, suggested improvements or LILCO Plan revisions, training revisions, or any other activities suggested, recommended, designed or intended to respond to Exercise events, results, critiques or evaluations.

20. Identify all drills, exercises, tabletop drills, training sessions, demonstrations, tests, simulations or practices, concerning the LILCO Plan, other than the Exercise, which were attended by any FEMA or NRC personnel prior or subsequent to the Exercise. With respect to each, describe the event, identify the FEMA or NRC personnel who attended, and identify all documents concerning the event or such attendance.

21. Identify all persons who participated in the drafting, designing, preparing, reviewing, revising, negotiating, or finalizing of proposed or actual Exercise objectives.

22. Identify all persons who participated in the drafting, designing, preparing, reviewing, revising, negotiating or finalizing of proposed or actual Exercise scenarios.

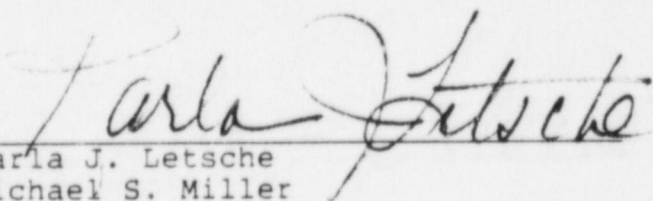
23. Identify all federal personnel who participated in any way in the Exercise, whether as an evaluator, simulator, controller, player, or in any other capacity, other than those

identified in response to other interrogatories herein. With respect to each, describe his assigned duty, function, and activities during the Exercise.

24. Identify all persons who participated in the evaluation of the Exercise, the evaluation of the Exercise results, or the preparation of the FEMA Report, other than those identified in response to other interrogatories herein. With respect to each, describe his assigned duty, and his actual function and activities concerning such evaluation or preparation.

Respectfully submitted,

Martin Bradley Ashare
Suffolk County Attorney
Building 158 North County Highway
Veterans Memorial Highway
Hauppauge, New York 11788



Karla J. Letsche
Michael S. Miller
Susan M. Casey
Kirkpatrick & Lockhart
1900 M Street, N.W.
Washington, D.C. 20036

Attorneys for Suffolk County

Dated: October 15, 1986

October 15, 1986

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'86 OCT 17 P3:37

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
)

LONG ISLAND LIGHTING COMPANY)

Docket No. 50-322-OL-5
(EP Exercise)

(Shoreham Nuclear Power Station,)
Unit 1))
_____)

CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY'S FIRST SET OF INTERROGATORIES TO THE NRC STAFF AND FEMA have been served on the following this 15th day of October, 1986 by U.S. mail, first class, except as otherwise noted.

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

Spence W. Perry, Esq.*
William R. Cumming, Esq.*
Office of General Counsel
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

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

Mr. Frederick J. Shon
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Bernard M. Bordenick, Esq.*
U.S. Nuclear Regulatory Comm.
Washington, D.C. 20555

Mr. William Rogers
Clerk
Suffolk County Legislature
Suffolk County Legislature
Office Building
Veterans Memorial Highway
Hauppauge, New York 11788

Mr. L. F. Britt
Long Island Lighting Company
Shoreham Nuclear Power Station
North Country Road
Wading River, New York 11792

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

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

Martin Bradley Ashare, Esq.
Suffolk County Attorney
Bldg, 158 North County Complex
Veterans Memorial Highway
Hauppauge, New York 11788

David A. Brownlee
Kirkpatrick & Lockhart
1500 Oliver Building
Pittsburgh, Pennsylvania 15222

Anthony F. Earley, Jr., Esq.
General Counsel
Long Island Lighting Company
175 East Old Country Road
Hicksville, New York 11801

W. Taylor Reveley, III, Esq.
Hunton & Williams
P.O. Box 1535
707 East Main Street
Richmond, Virginia 23212

Stephen B. Latham, Esq.
Twomey, Latham & Shea
33 West Second Street
Riverhead, New York 11901

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Comm.
1717 H Street, N.W.
Washington, D.C. 20555

Hon. Peter Cohalan
Suffolk County Executive
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, New York 11788

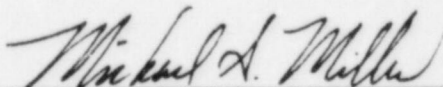
Fabian G. Palomino, Esq.
Special Counsel to the Governor
Executive Chamber, Rm. 229
State Capitol
Albany, New York 12224

John H. Frye, III, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Philip McIntire, Esq.
Regional Counsel
Federal Emergency Management
Agency
26 Federal Plaza
New York, New York 10278

* By Hand


Michael S. Miller
KIRKPATRICK & LOCKHART
1900 M Street, N.W.
Suite 800
Washington, D.C. 20036