

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'86 DEC -1 A10:59

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station, Unit 1))

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

FEMA'S SUPPLEMENTAL RESPONSE TO SUFFOLK COUNTY'S FIRST SET OF INTERROGATORIES
TO FEMA BASED ON THE NOVEMBER 19, 1986, ORDER OF THE BOARD

I. FEMA supplements its answer to Interrogatory #1 as follows: The panel of FEMA witnesses is not modified based on the Board's November 18th Order since FEMA understands this proceeding to require FEMA to provide expert witnesses in support of its April 17, 1986, Post Exercise Assessment. Personal knowledge of specific events the day of the exercise is not required. As noted in Long Island Lighting Co. (Shoreham Nuclear Power Station, unit 1), ALAB-773, 19 NRC 1333, 1346 (1984), "It is also important to place in perspective the significance of the FEMA findings: First of all, it is the ultimate institutional findings and determinations by FEMA, not the predecisional opinions of various members of the RAC, that are centrally important. Moreover, although these findings constitute a rebuttable presumption under the Commission's regulations, the applicant bears the ultimate burden of demonstrating that the emergency plans are satisfactory . . ." Cf. Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-717, 17 NRC 346, 365-68 (1983) (collegial document requires sponsoring witness who need not be the author).

II. FEMA supplements its answer to Interrogatory #9 as follows: The answer with respect to FEMA personnel was comprehensive and remains unmodified. Based on the deposition of Edward Tanzman of Argonne Lab on November 25, 1986, (Copy of transcript not yet available) FEMA supplements its answer with the deposition of Mr. Tanzman which comprehensively discussed the individuals concerned within the Argonne organization.

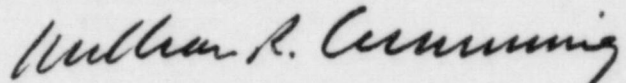
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III. FEMA supplements its response to Interrogatory #10 and #11 as follows: The subject of these Interrogatories was comprehensively discussed in hearings before Congressman Edward Markey of the United States House of Representatives. All documents that exist concerning those hearings, not otherwise available in the public record of the hearings have been provided to the Intervenors. Counsel for FEMA has diligently searched and no other documents are available. Persons with some direct personnel knowledge of the resignation of Frank Petrone and his statement during the post exercise press conference include Spence Perry, Samuel Speck, Frank Petrone, Julius Becton, Dave McLoughlin, Howard Schmidt, Philip McIntire, Roger Kowieski, and Stewart Glass..

IV. FEMA supplements its response to Interrogatory #17 and #18 as follows: All documentation concerning the subject of these interrogatories has been furnished unless objected to or privileged. FEMA will separately file appropriate documentation asserting that privilege.

Respectfully Submitted,

A handwritten signature in cursive script, reading "William R. Cumming".

William R. Cumming
Counsel for FEMA

Dated November 26, 1986
Washington, D.C.

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NUCLEAR REGULATORY COMMISSION

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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 "FEMA'S SUPPLEMENTAL RESPONSE TO SUFFOLK COUNTY'S FIRST SET OF INTERROGATORIES TO FEMA BASED ON THE NOVEMBER 19, 1986, ORDER OF THE BOARD" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or by hand delivery as indicated by double asterisk, this 27th day of November, 1986:

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William R. Cumming
Federal Emergency Management Agency



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November 27, 1986

HAND DELIVERED

Michael S. Miller, Esq.
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1900 M. Street, N.W.
Washington, D.C. 20036

Re: Shoreham Discovery

Dear Mr. Miller:

Under cover of this letter, FEMA is furnishing you with all pre-exercise documents that have not previously been served. Although in various filings, the Intervenor has conceded the lack of relevancy of the pre-exercise period to the events the day of the exercise, unless the Board's Order of October 3, 1986, is substantially modified, the pre-exercise period may be at issue. Obviously, LILCO only documents have not been furnished and your recourse lies against LILCO for their documents. Documents involving conversations between FEMA and LILCO personnel do not exist to my knowledge, or if they exist FEMA does not have them.

Documents that FEMA has produced in redacted form responsive to your document production requests, other than the Exercise Evaluator Critique Forms, and the various materials utilized to compile the March 12th, April 7th, and April 17th version of the PEA, we are willing reconsider unredacted production with the exception of LERO or LILCO personnel. Those documents that were previously produced to you with the redaction of FEMA evaluator or controller names should be identified specifically by you and they will be reconsidered for full release. Once the Board has reconsidered its October 3, 1986, Order, a complete reevaluation of all non-released documents will be conducted within 5 days, and further materials may be released to you based on that review.

Sincerely,

William R. Cumming

William R. Cumming

CC: Service List