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RELATED CORRESPONDENCE

LILCO, March 11, 1988

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'88 MAR 14 AIO 51

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-3  
 ) (Emergency Planning)  
(Shoreham Nuclear Power Station, ) (EBS)  
Unit 1) )

**LILCO'S RESPONSES AND OBJECTIONS TO SUFFOLK COUNTY'S  
SECOND SET OF INTERROGATORIES AND REQUEST FOR  
PRODUCTION OF DOCUMENTS REGARDING EMERGENCY BROADCAST SYSTEM**

LILCO hereby responds to Suffolk County's Second Set of Interrogatories and Requests for Production of Documents on the EBS issues, dated March 3, 1988, and received by LILCO on March 4, 1988.

**I. General Answers and Objections**

LILCO gives the same general answers and makes the same general objections to the County's second set of interrogatories and requests for production that it made in its March 7, 1988 Responses to the County's first set of interrogatories.

**II. Answers and Objections to Interrogatories**

**Suffolk County Interrogatory No. 1**

List each and every factor, basis or reason that LILCO will rely upon to rebut the claim that "LILCO's new provisions for transmitting emergency messages and activating tone alert radios are inadequate and do not comply with regulatory requirements." Please identify and provide a copy of every document concerning any such factors, bases, or reasons.

**Response:** Interrogatory no. 1 asks LILCO to set out its case in this proceeding. But LILCO's case has been known to Intervenor's since LILCO filed for summary disposition on the EBS issues on November 6, 1987. The November 6 motion, in LILCO's view, contained sufficient information and supporting documentation to prove without

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evidentiary hearings LILCO's case on the adequacy of the EBS. The contentions do not by themselves cast doubt on the position taken by LILCO in those documents. Nor have Intervenor's provided any facts to substantiate the allegations made in those contentions. Accordingly, the factors, bases, and reasons relied upon by LILCO to rebut Intervenor's contentions are contained in LILCO's November 6 motion.

Since Suffolk County has not yet provided affirmative reasons, factors, or bases to support the allegations in their contentions, at this time there is nothing additional for LILCO to rebut.

LILCO already has provided all known relevant documents, aside from those promised in LILCO's Response to the County's first set of interrogatories and those requested during Doug Crocker's deposition on March 8. Those documents, excluding the raw survey data, are being produced today.

**Suffolk County Interrogatory No. 2**

List each and every factor, basis, or reason that LILCO will rely upon to rebut the claim in Contention 1.A that "WPLR's broadcast signal is too weak to carry a strong and clear message throughout the EPZ and surrounding areas." Please identify and provide a copy of every document concerning any such factors, bases, or reasons.

**Response:** The Cohen and Dippell coverage studies rebut the claim in contention 1.A. All relevant documents have been provided. See LILCO's Response to Interrogatory no. 1. LILCO notes also that the phrase "and surrounding areas" is no longer part of the contention.

**Suffolk County Interrogatory No. 3**

List each and every factor, basis or reason that LILCO will rely upon to rebut the claim in Contention 1.B that "[T]he hilly geography of Long Island combined with the directional location of WPLR's transmitters diminish the strength of its broadcast signal." Please identify and provide a copy of every document concerning any such factors, bases, or reasons.

**Response:** The Cohen and Dippell coverage studies rebut the claim in Contention 1.B. All relevant documents have been provided. See LILCO's Response to Interrogatory no. 1.

Suffolk County Interrogatory No. 4

List each and every factor, basis or reason that LILCO will rely upon to rebut the claim in Contention 1.C that "[H]aving no AM broadcasting ability, unlike its predecessor WALK, LILCO fails to comply with regulatory requirements that there will be a capability to issue emergency messages on a 24-hour basis." Please identify and provide a copy of every document concerning any such factors, bases, or reasons.

Response: Pursuant to the Board's February 24 Memorandum and Order, the phrase "unlike its predecessor WALK," and all other comparisons with WALK or any other station, are no longer at issue in this proceeding. The rest of the statement is apparently taken from the Board's summarization of the contentions in its February 24 ruling. The actual contention, as admitted, reads as follows: "C. WPLR has no AM broadcasting capability . . . LILCO thus fails to comply with the requirement that there be a capability to issue warning messages on a 24-hour basis." As to this allegation, LILCO's position is that (1) there is no regulatory requirement that WPLR, as the lead EBS station, be both an AM and FM broadcaster; (2) LILCO's other EBS stations provide AM coverage; and (3) LILCO's EBS complies with the requirement for a capability to issue warning messages on a 24-hour basis. LILCO bases its position on the applicable NRC regulations and on the Cohen and Dippell coverage studies. The coverage studies have been provided. See LILCO's Response to Interrogatory no. 1.

Suffolk County Interrogatory No. 5

List each and every factor, basis or reason that LILCO will rely upon to rebut the claim in Contention 1.F that "WPLR is based in Connecticut and LILCO's plan is therefore not in compliance with regulatory requirements." Please identify and provide a copy of every document concerning any such factors, bases, or reasons.

Response: Contention 1.F was not admitted for evidentiary hearing; it was admitted only as a legal issue to be dealt with in briefs. The Board stated as follows:

In connection with 1.F, however, there is no need to consider this issue at a forthcoming hearing as its involves a legal issue susceptible of being handled by briefs. Accordingly, 1.F should be included as part of the parties' proposed findings and conclusions of law submitted after the formal hearing record is closed.

Memorandum and Order (Feb. 24, 1988) at 4-5. Accordingly, discovery on contention 1.F is inappropriate and unnecessary.

Suffolk County Interrogatory No. 6

List each and every factor, basis or reason that LILCO will rely upon to rebut the claim in Contention 2.A that "[T]here is a portion of the population in and around the EPZ that might not receive emergency information due to significant gaps in the EPZ's network coverage." Please identify and provide a copy of every document concerning any such factors, bases, or reasons.

Response: LILCO's case on the coverage of its EBS stations was set forth in the November 6, 1987 summary disposition motion. Until Suffolk County comes forward with some affirmative evidence to support the claim made in contention 2.A, there is nothing for LILCO to rebut. See LILCO's Response to Interrogatory no. 1. Once again, LILCO notes that the Board has excluded from the admitted contentions any language about areas outside the EPZ.

Suffolk County Interrogatory No. 7

What is the minimum acceptable signal strength and coverage of the EBS radio stations necessary for activation of any and all tone alert units? Provide a copy of all documents relating to such signal strength and coverage.

Response: LILCO objects to this Interrogatory as outside the scope of the admitted contentions. Without conceding the relevance of this interrogatory to the admitted issues, the minimum signal strength necessary for activation of the E.A.R. and TFT tone alert receivers is indicated by their sensitivity levels, which are listed on the specifications sheets being provided today. LILCO notes that it has purchased 50 new E.A.R. tone alert receivers, but LILCO does not have a specifications sheet for them.

Suffolk County Interrogatory No. 8

What is the minimum acceptable signal strength and coverage of the EBS radio stations necessary to permit the public to receive emergency information via the EBS network? Provide a copy of all documents relating to such signal strength and coverage.

Response: The FCC has set certain signal strength standards for use in FCC licensing proceedings, and they are discussed where appropriate in the Cohen and Dippell reports that have already been provided. As LILCO has repeatedly noted, however, the signal contours generated from such FCC-recognized signal strength measurements are conservative. Most radio stations actually can be heard at distances beyond what their

signal contours would indicate. It is LILCO's position that if people in the EPZ can actually hear one or more of the stations in the Shoreham EBS, then the system provides adequate signal strength and coverage of the 10-mile EPZ. All relevant documents have been provided or are being provided today.

Suffolk County Interrogatory No. 9

Provide copies of all correspondence to or from, and any other documents or information sent by or on behalf of LILCO, to, or received from, Cohen and Dippell, P.C., or any partner, officer, director, employee, contractor, or agent thereof.

Response: LILCO objects to this Interrogatory on relevance grounds, except to the extent it seeks information concerning the coverage of the stations in LILCO's EBS within the 10-mile EPZ. LILCO also objects to Interrogatory no. 9 because it is overly broad and unduly burdensome. It purports to seek all correspondence between LILCO and Cohen and Dippell, which conceivably could span the entire past year, without regard to whether the correspondence or other documents are related to the admitted issues in this proceeding.

Without waiving these objections, LILCO states that all relevant unprivileged documents known to LILCO have been produced to the Intervenors or are being produced in response to the County's first set of interrogatories. The following is a list of responsive documents being withheld by LILCO on the grounds of the attorney-client privilege and work product doctrine:

1. Letter from Ralph Dippell to LILCO Counsel, dated December 9, 1986, concerning initial review of radio stations serving the EPZ area.
2. Letter from LILCO counsel to Robert W. Guill, dated October 22, 1987, concerning Dippell affidavit for summary disposition motion.
3. Letter from Robert W. Guill to LILCO counsel, dated October 29, 1987, enclosing Dippell affidavit.
4. Letter from LILCO counsel to Robert W. Guill, dated January 19, 1988, enclosing EBS contentions.

5. Letter from LILCO counsel to Robert W. Guill, dated January 28, 1988, enclosing LILCO's objections to EBS contentions.
6. Letter from LILCO counsel to Robert W. Guill, dated February 15, 1988, enclosing Intervenor's Reply to LILCO's EBS objections.
7. Letter from LILCO counsel to Robert W. Guill, dated February 23, 1988, concerning Board ruling on EBS contentions.
8. Letter from LILCO counsel to Robert W. Guill and Ralph E. Dippell, Jr., dated February 25, 1988, enclosing Board's February 24 Memorandum and Order.
9. Letter from LILCO counsel to Ralph Dippell, dated March 1, 1988, enclosing County's first set of interrogatories.
10. Letter from LILCO counsel to Robert W. Guill and Ralph Dippell, dated March 4, 1988, enclosing County's second set of interrogatories.
11. Letter from LILCO counsel to Robert W. Guill and Ralph Dippell, dated March 10, 1988, enclosing County's answers to LILCO interrogatories.

Suffolk County Interrogatory No. 10

(a) In the document entitled "Participating Stations," produced to the Governments on or about March 2, 1988, why was WRIV (AM) not included or referenced? (b) Who prepared this document? (c) Why was it prepared? (d) What is the definition, and quantitative measurement, of the term "coverage" included in the document?

Response: (a) WRIV (AM) was omitted because, at the approximate time this document was prepared, WRIV was in the process of petitioning the FCC for a license modification to reflect a change in station ownership. Thus, while FCC consideration was pending, the extent and effect of the station's participation in the Shoreham EBS were somewhat uncertain. WRIV has since received the requested FCC license approval.

(b) Brant Aidikoff prepared the document.

(c) The document was prepared for Mr. Crocker simply as an outline of the EBS stations to be included in the EBS and to note Mr. Aidikoff's rough approximation of the stations' coverage areas.



(d) The term "coverage", as used by Mr. Aidikoff in this document, has no precise definition or measurement, and the coverages described are Mr. Aidikoff's estimates of the coverage areas based on the stations' own information and preliminary coverage reviews.

**Suffolk County Interrogatory No. 11**

Provide copies of all correspondence to or from, and any other documents or information sent by or on behalf of LILCO, to, or received from the Bureau of Standards, including the National Technical Information Service, or any employee, contractor or agent thereof.

**Response:** LILCO assumes that the County's question is derived from the May 7, 1987 letter from Bob Guill to Doug Crocker, in which Guill mentions the National Technical Information Service. Mr. Guill apparently misspoke in that regard, and intended to say the National Telecommunications and Information Administration (NTIA). The data obtained from NTIA is included in the documents being produced today.

**Suffolk County Interrogatory No. 12**

Were radio stations WINS and WCBS ever considered for inclusion within LILCO's EBS network? If so, why? List any and all reasons why WINS and WCBS were not included within LILCO's EBS network. Provide a copy of all documents relating to this interrogatory.

**Response:** LILCO objects to Interrogatory no. 12 on the ground that it seeks information that is not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The only admitted issues concern the coverage of WPLR and the nine other stations in the Shoreham EBS. Radio stations WINS and WCBS are not part of the Shoreham EBS, and never have been. Therefore, information about why WINS and WCBS are not part of the Shoreham EBS is not relevant.

**Suffolk County Interrogatory No. 13**

(a) Why are "terrain roughness correction procedures" not used by the Federal Communications Commission, as referenced in a letter dated May 7, 1987 from Robert W. Guill to Douglas Crocker? (b) How are these procedures different from the "standard FCC procedure?" (c) What is the most accurate "terrain roughness" factor applicable for each zone of the EPZ? (d) Provide a copy of all documents concerning the use of either "terrain roughness correction procedures" or the "standard FCC procedure" for measuring the signals or contours of stations included in LILCO's EBS network, and/or considered for inclusion within LILCO's EBS network.

Response: (a) As stated in the May 7, 1988 letter from Bob Guill to Doug Crocker, the FCC discontinued using the terrain roughness correction procedures because of anomalies that frequently arose in cases of extremely rugged terrain.

(b) The standard FCC procedure applies a terrain roughness factor of 50 meters in an area out to 16 kilometers from the transmitting source. Because WPLR's signal travels south over the Long Island Sound, which is flat, a terrain roughness or flatness correction procedure is properly used to more realistically determine WPLR's signal contour on Long Island.

(c) Cohen and Dippell did not apply a different terrain roughness correction for each individual zone within the EPZ. They did determine and use the appropriate terrain roughness correction procedure for every radial, spaced every 15° of azimuth from the WPLR transmitting source.

(d) All relevant documents have been provided or are being provided today.

Suffolk County Interrogatory No. 14

(a) What is the "FCC recognized service to the EPZ zone" referenced in the letter dated May 7, 1987 from Robert W. Guill to Douglas Crocker and provided to Suffolk County on or about March 2, 1988? (b) List each and every factor, basis or reason for the belief or opinion that radio stations WINS and WBLI do not provide "FCC recognized service to the EPZ zone"? (c) Does each station in LILCO's EBS network provide "FCC recognized service to the EPZ zone"? (d) If not, in what way(s) do they not provide such service? (e) Provide a copy of all documents concerning the "FCC recognized service to the EPZ zone" as relates to stations in LILCO's EBS network, or stations considered for inclusion within LILCO's EBS network.

Response: (a) The FCC-recognized service standards for AM stations are set forth in the June 1987 Cohen and Dippell engineering study of stations WINS and WELI, which was provided to Intervenor on March 1. The FCC-recognized service standards for FM stations are set forth in the June 1987 Cohen and Dippell report on WPLR and WEZN, which was attached to LILCO's November 6 summary disposition motion.

(b) LILCO objects to part (b) on the ground that it seeks irrelevant information. Stations WINS and WBLI are not presently part of the Shoreham EBS. Therefore, it is not relevant to this proceeding whether or not WINS and WBLI provide FCC recognized service to the EPZ zone.



(c) The Cohen and Dippell studies already provided to the Intervenor show the answers to this subpart.

(d) See LILCO's response to subpart (c).

(f) [sic] All relevant documents concerning the "FCC recognized service to the EPZ zone," as relates to stations in the Shoreham EBS, have been provided, aside from some of the detailed notes, calculations, etc., that support the coverage documents. Those backup documents are being provided today. Documents concerning stations "considered for inclusion" in the Shoreham EBS, but not presently included in the Shoreham EBS, are not relevant.

**Suffolk County Interrogatory No. 15**

What signal strength, as referenced on page 3 of the Engineering Report concerning radio stations WINS and WELI dated June 1987, is LILCO relying on as an appropriate level for service to the population in the EPZ?

**Response:** LILCO relies on the FCC-recognized signal strengths as a conservative indication of the minimum amount of area covered by the EBS stations' signals. However, it is LILCO's position that if the stations can actually be heard in areas beyond what the contours indicate, and LILCO believes they can, then that signal is acceptable.

**Suffolk County Interrogatory No. 16**

Provide the specifications of, and data sheet for, the E.A.R. tone alert radios referenced in the December 15, 1987 "Action Steps" memorandum prepared by C.A. Daverio.

**Response:** See LILCO's response to Interrogatory no. 7.

**Suffolk County Interrogatory No. 17**

Provide all data and correction factors used to determine the curves for 1 mV/m and the Interference-Free Contour, as shown on the "Computed Service Contours Map for WEZN (based on FCC Prediction Method)," dated May 1987.

**Response:** LILCO objects to Interrogatory no. 17 on the ground that it seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence. Interrogatory no. 17 seeks information concerning a study of WEZN's service contour. Station WEZN is not part of the current Shoreham EBS, and thus is outside the

scope of the admitted contentions, which concern only the adequacy of the EBS network's broadcast coverage within the EPZ.

Suffolk County Interrogatory No. 18

What stations or other factors contribute to the limits of interference-free reception, as reflected by the Interference-Free Contour depicted on the "Computed Service Contours Map for WPLR (FM) (based on FCC Prediction Method)," dated May 1987?

Response: The stations that contribute to the limits of interference-free reception are those operating within plus or minus three channels of WPLR's frequency.

Suffolk County Interrogatory No. 19

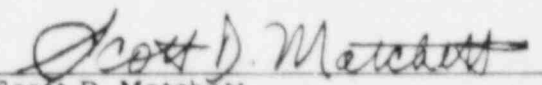
What radio stations have declined to participate in LILCO's proposed EBS network? For each such situation, please specify the reason(s) why the station declined to participate. Provide a copy of all documents relating to this interrogatory.

Response: LILCO objects to Interrogatory no. 19 on the ground that it seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence. The only litigable issue concerns the coverage of participating EBS stations within the 10-mile EPZ. The identify of stations that may have declined to participate is not relevant to the coverage of stations that are participating in the system.

Objections Stated by Counsel

All objections and references to objections were stated by counsel.

Respectfully submitted,

  
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DATED: March 11, 1988