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RELATED CORRESPONDENCE

DATE: March 11 1988

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING SERVICE
BETHESDA

Before the Atomic Safety and Licensing Board

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

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

RESPONSE OF THE STATE OF NEW YORK TO LILCO'S FIRST SET
OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS REGARDING LILCO'S EMERGENCY BROADCAST SYSTEM

This is the State of New York's response to "LILCO's First Set of Interrogatories and Requests for Production of Documents Regarding LILCO's Emergency Broadcast System to Suffolk County and New York State," dated February 24, 1988 ("LILCO's First Set of Interrogatories and Requests").¹

To the extent that LILCO's First Set of Interrogatories and Requests seeks information and documents of any sort that are not within the possession, custody or control of the State of New York, but, rather within the possession, custody or control of

¹The Board's "Memorandum and Order (Board Ruling Contentions Relating to LILCO's Emergency Broadcast System," dated February 24, 1988 and received by the State of New York on February 26, 1988, established a discovery period of fifteen days commencing upon receipt of the Order. In accordance with the time frames established in 10 CFR 2.740b and the Order, this response is being served within fourteen days of receipt by the State of New York of the Order.

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county governments (including Suffolk County), the State of New York objects. County governments are autonomous from the State of New York and are not within the State of New York's control. Accordingly, the burden of obtaining such information is the same for LILCO as it is for the State of New York.

To the extent that LILCO's First Set of Interrogatories and Requests seeks information and documents of any sort that are protected against disclosure, for example, by attorney work product doctrine, the State of New York objects.

LILCO Interrogatories Nos. 1-12

1. Please identify each witness Intervenor expect to call to testify on any factors concerning EBS contentions 1.A, 1.B, 1.C, and 2.A, admitted by the Board in its February 22, 1988 Order. For each witness, other than experts, that Intervenor expect to call, state the subject matter on which he is expected to testify and the substance of the facts to which he is expected to testify. For each witness that Intervenor expect to call as an expert witness, state the subject matter on which he is expected to testify, the substance of the facts and opinions to which he is expected to testify, and the summary of the grounds for each such opinion.

Response: The State of New York, at this time, does not expect to call witnesses to testify on factors concerning EBS Contentions 1.A, 1.B, 1.C and 2.A.

2. For each witness, please provide a copy of his most current curriculum vitae, resume, or statement of professional qualifications.

Response: See the response to Interrogatory No. 1.

3. Please list any NRC, legislative, or other legal proceeding in which each witness has testified on any matter

concerning the adequacy under NRC regulations of any EBS station or network intended to be used in the event of any nuclear or non-nuclear emergency to communicate emergency information to the public.

Response: See the response to Interrogatory No. 1.

4. Please provide a copy of any prefiled testimony listed in response to Interrogatory 3 above.

Response: See the response to Interrogatory No. 1.

5. Please identify all articles, papers, and other documents authored or coauthored by each witness on the subject of the adequacy and coverage capabilities of radio stations and, more specifically, the adequacy under NRC regulations of any EBS station or network intended to be used in the event of any nuclear or non-nuclear emergency to communicate emergency information to the public.

Response: See the response to Interrogatory No. 1.

6. Please state whether each witness has prepared, or has had prepared, any written studies, reports, analyses, or other documents with respect to any of the following:

- (a) The Broadcast coverage area of any radio stations(s);
- (b) The effect of geography, transmitter location, and reception antenna location on the broadcast signal and coverage capability of any radio station(s); and
- (c) The broadcast coverage capabilities required of any EBS radio station or system under NRC or FCC regulations.

Response: See the response to Interrogatory No. 1.

7. Unless the answer to Interrogatory 6 above is a simple negative, please identify and provide a copy of each document.

Response: See the response to Interrogatory No. 1.

8. Please list each and every factor, basis, or reason that Intervenor's claim supports their statement in Contention 1.A that "WPLR's broadcast signal is too weak to convey a strong and clear broadcast message throughout the EPZ." Please identify and produce a copy of every document concerning any such factors, bases, or reasons.

Response: It appears that WPLR's broadcast signal is too weak to convey a strong and clear broadcast message throughout the EPZ because, upon information and belief, file documents at the Federal Communications Commission show that WPLR's coverage of the EPZ may not be complete. The main file document is a proposed service contour map for WPLR. Other information and documentation may become known to the State of New York in the future because discovery and research have not been terminated yet.

9. Please list each and every factor, basis, or reason that Intervenor's claim supports their statement in contention 1.B that "The geography of Long Island, combined with the location of WPLR's transmitters, exacerbates the weakness of WPLR's broadcast signal with respect to the public in ... the Shoreham EPZ." Please identify and produce a copy of every document concerning any such factors, bases, or reasons.

Response: Long Island's geography, in combination with WPLR's transmitter location, may exacerbate WPLR's signal weakness because a) Long Island's hilly north shore could diminish the ability of some EPZ residents to receive WPLR's signal, b) upon information and belief, the FM radio antennas of some EPZ residents are fixed in such a way as to receive signals from directions other than New Haven's direction, which is where

WPLR's transmitters are located, c) upon information and belief, other radio stations may interfere with WPLR's signal. File documents at the Federal Communications Commission, including proposed contour maps, support EBS Contention 1.B. Other information and documentation may become known to the State of New York in the future because neither discovery nor research has been terminated yet.

10. Please state the basis for Intervenors' statement in contention 1.B that "Long Island radio antennas are typically oriented in a nominal east-west direction, in order to facilitate reception of radio signals from the New York City area." Please identify and produce any documents that Intervenors believe support this statement.

Response: Upon information and belief, the FM radio antennas of some EPZ residents are fixed in such a way as to receive signals from directions other than New Haven's direction, which is where WPLR's transmitters are located. Other information and documentation may become known to the State of New York in the future because neither discovery nor research has been terminated yet.

11. Please identify and produce a copy of any documents that Intervenors believe support their statement in contention 2.A that "the new EBS network has significant gaps in its AM coverage of the EPZ at night."

Response: At this time, the documents that indicate that the new EBS network appears to have significant gaps in its AM coverage of the EPZ at night are "LILCO's Motion for Summary Disposition of the WALK Radio Issue," dated November 6, 1987, and the

attachments prepared by Cohen and Dippel, P.C. Other documentation may become known to the State of New York in the future because neither discovery nor research has been terminated yet.

12. Please identify and provide a copy of any document not already identified in response to Interrogatories 1-11 above on which Intervenors intend to rely in support of their position on contentions 1.A, 1.B, 1.C and 2.A.

Response: If and when any such documents become known to the State of New York, they will be produced as appropriate.



Fabian G. Palomino
Richard J. Zahnleuter
Special Counsel to the Governor

Attorneys for Mario M. Cuomo
Governor, and the State of New York

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LONG ISLAND LIGHTING COMPANY)
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Docket No. 50-322-OL-3
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CERTIFICATE OF SERVICE

I hereby certify that copies of the "Response of the State of New York to LILCO's First Set of Interrogatories and Request for Production of Documents Regarding LILCO's Emergency Broadcast System" have been served on the following this 11th day of March 1988 by U.S. Mail, first class, except as noted by asterisks.

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

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

Ms. Elisabeth Taibbi
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

Adrian Johnson, Esq.
New York State Department of Law
120 Broadway, 3rd Floor
Room 3-16
New York, New York 10271

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

E. Thomas Boyle
Suffolk County Attorney
Building 158 North County Complex
Veterans Memorial Highway
Hauppauge, New York 11788

Mr. Jay Dunkleburger
New York State Energy Office
Agency Building #2
Empire State Plaza
Albany, New York 12223

Joel Blau, Esq.
Director, Utility Intervention
N.Y. Consumer Protection Board
Suite 1020
Albany, New York 12210

Mr. Donald P. Irwin
Hunton & Williams
707 East Main Street
P.O. Box 1535
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 Commission
1717 H Street, N.W.
Washington, D.C. 20555

Hon. Patrick G. Halpin
Suffolk County Executive
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, New York 11788

Dr. Monroe Schneider
North Shore Committee
P.O. Box 231
Wading River, New York 11792

Lawrence Coe Lanpher, Esq.
Kirpatrick & Lockhart
1800 M Street, N.W.
South Lobby - Ninth Floor
Washington D.C. 20036

George Johnson
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

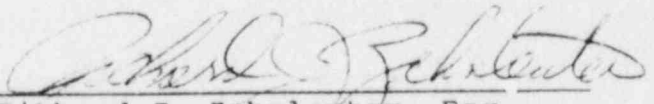
Mr. James P. Gleason
Chairman
Atomic Safety and Licensing Board
513 Gilmore Drive
Silver Spring, MD 20901

Douglas J. Hynes
Town Board of Oyster Bay
Town Hall
Oyster Bay, New York 11771

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

Mr. Philip McIntrie
FEMA
26 Federal Plaza
New York, New York 10278

Mr. Stuart Diamond
Business/Financial
NEW YORK TIMES
229 W. 43rd Street
New York, New York 10036


Richard J. Zahnleuter, Esq.
Deputy Special Counsel to
the Governor
Executive Chamber
Capitol, Room 229
Albany, New York 12224
(518) 474-1273

* By Telecopier

** By Federal Express