

RELATED CORRESPONDENCE

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July 6, 1988 '88 JUL -8 P2:49

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF THE SECRETARY  
DOCKETING & RECORDS  
BRANCH

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)

SUFFOLK COUNTY'S ANSWERS TO LILCO'S THIRD SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS  
REGARDING CONTENTIONS 1-2, 4-8, AND 10

Suffolk County hereby responds to LILCO's Third Set of Interrogatories and Requests for Production of Documents Regarding Contentions 1-2, 4-8, and 10. In providing these answers, the County does not concede the relevance of, or the Board's jurisdiction over, these matters.

Interrogatory 124. With respect to the Suffolk County Emergency Operations Plan, please state when, if ever, Suffolk County or the State of New York first produced this document to LILCO in response to discovery requests. Specifically, your answer to this interrogatory should include the following:

- a. Please list the date, method of transmittal, and specify the request or requests to which this document was produced as responsive.

- b. If records sufficient to answer part a above are not in the possession of outside Counsel for Suffolk County or the State of New York, then search the files of the Suffolk County Attorney and produce any and all documents from 1982 to the present which would provide a response to this Interrogatory.
- c. If records sufficient to answer part a of this Interrogatory are not available in the files of the Suffolk County Attorney, please state the name, position, and office location of the person or persons having possession, custody, or control of documents which would be responsive to this Interrogatory.
- d. If such documents are unavailable, or have been destroyed or lost, please describe when, why, and at whose direction this occurred.

Response. As Suffolk County has stated previously, the County believes that the Operations Plan was first produced to LILCO during discovery in summer 1982, most likely in response to LILCO's requests of June 2, 1982. Precise records regarding such production have not been located in the files of the Suffolk County Attorney or Kirkpatrick & Lockhart and thus it is not possible to list the date or method of transmittal of the Plan to LILCO. In fact, it is not known whether there are any documents which would establish with certainty whether the entire Plan was produced to LILCO during the 1982 discovery.<sup>1/</sup> However, it is the memory of Mr. J. Bilello and Mr. F. Jones that in 1982 the

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<sup>1/</sup> Files maintained by K&L pertaining to discovery in 1982-83 were sent to Suffolk County in 1985. The County Attorney's Office is seeking to locate those files. If they are located, they will be reviewed. If it is determined that the files sent to the County Attorney's Office no longer exist, we will attempt to find out when and at whose direction they were destroyed.

County made a diligent review of its emergency planning materials at the Emergency Preparedness Division and that the Operations Plan (albeit an earlier version) would have been among the documents produced to LILCO. Such a review was undertaken pursuant to Mr. F. Jones' July 23, 1982, Memorandum (a copy is attached hereto).

Interrogatory 125. Please list the names and positions of all persons within the Suffolk County or State of New York governments who have copies of all or any part of the Suffolk County Emergency Operations Plan. Specifically, in your response to this interrogatory please identify the following persons:

- a. Identify the person(s) within the Suffolk County government who are responsible for maintaining a master copy, if any exists, of this document.
- b. Identify the person(s) within the Suffolk County government who are responsible for updating this document, or keeping it current.
- c. Identify all persons within the Suffolk County and State of New York governments who have a copy or copies of all or any part of this Plan, and for each person so identified list the specific parts of the Plan in the custody of each.

Response. The only complete copy of the Plan possessed by Suffolk County is at the office of the County Emergency Preparedness Division. Mr. R. Jones of that Division is responsible for maintenance and updating of the Plan. Other County departments might have copies of the portion or portions

of the Plan which relate to that particular department. No list of custodians of those parts is available.

The County also is aware that the New York State Emergency Management Office received a copy of the Plan in early May 1988. Mr. Horton of SEMO was at the County Emergency Preparedness Division at that time on matters unrelated to this proceeding. Mr. Horton was provided a copy at that time.

Interrogatory 126. Identify all persons within the Suffolk County or State of New York governments who assisted in any way in the gathering of documents in preparation for Suffolk County's production of documents responsive to LILCO's discovery requests dated June 2, 1982-July 21, 1983, August 8, 1983, and March 24, 1988 as described in LILCO's Response to "Suffolk County Response to Licensing Board Discovery Inquiries," dated June 1, 1988. Specifically, in your response to this interrogatory please include answers to the following questions:

- a. Identify the person or persons responsible for coordinating the document production effort.
- b. Identify the person within the Suffolk County government who produced the Suffolk County Emergency Operations Plan to Kirkpatrick & Lockhart ("K & L") for production to LILCO, including the date of such production to K & L.

Response. It is impossible for the County to identify within the Suffolk County government "all persons who assisted in any way in the gathering of documents" in the 1982-83 era. There are no records which identify such persons. Nevertheless, we can provide the following information. In 1982, Messrs. F. Jones, J. Bilello and W. Regan assisted in document gathering.

Mr. F. Jones was responsible for coordinating the document production effort. Mr. F. Jones sought responsive documents from all Suffolk County department heads; the extent to which particular department heads or other personnel were involved in assisting with document gathering in 1982 is not known. Mr. F. Jones would have been the person who transmitted the Plan to K&L.

In 1983, the same persons with the addition of Mr. R. Jones, can be identified as having assisted with document gathering. Department heads were again requested by Mr. F. Jones to provide responsive documents. Mr. F. Jones again was responsible for coordinating the document gathering and would have transmitted the Plan to K&L.

In 1988, F. Petrone, R. Jones, and J. Bilello assisted in document gathering, with Mr. Petrone having the coordinating role and responsibility. Mr. Petrone transmitted the Operations Plan to Kirkpatrick & Lockhart on or about May 23, 1988, and it was received by K&L from Mr. Petrone on May 24, 1988.

Interrogatory 127. Identify the person within Suffolk County government who provided the copy of the Suffolk County Emergency Operations Plan which was produced to LILCO on or about May 24, 1988.

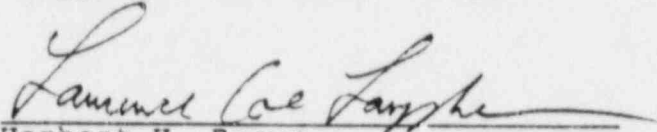
- a. Is the person identified in response to this interrogatory the same person as previously identified in response to part a of Interrogatory No. 125?

- b. Is the document produced to LILCO the same as that maintained by Mr. Petrone?
- c. If Mr. Petrone is not the person responsible for maintaining a master copy, please identify the person who has it, or from whom he received it.

Response. Mr. J. Bilello transmitted the Plan to Mr. F. Petrone who transmitted it to K&L. As noted in response to Interrogatory No. 125(a), Mr. R. Jones is the person who maintains the Plan. The document produced to LILCO is the same as that maintained by Mr. R. Jones except the County's version has xeroxing on both sides and confidential data which have been redacted from the version produced to LILCO.

Respectfully submitted,

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



Herbert H. Brown  
Lawrence Coe Lanpher  
Karla J. Letsche  
KIRKPATRICK & LOCKHART  
1800 M Street, N.W.  
South Lobby - 9th Floor  
Washington, D.C. 20036-5891

Attorneys for Suffolk County



VERIFICATION

Frank R. Jones, being duly sworn, deposes and says: that he is currently the Supervisor of the Town of Islip, Suffolk County, Long Island; that he was involved in matters related to the Shoreham Nuclear Power Station during the period 1982-1986; that he has read SUFFOLK COUNTY'S ANSWERS TO LILCO'S THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS REGARDING CONTENTIONS 1-2, 4-8, AND 10; that the facts related to Mr. Jones stated in Answers 124 and 126 are based on his personal knowledge or reasonable inquiry of appropriate County personnel, as well as on additional information provided by Counsel; and that he believes the matters stated therein to be true to the best of his knowledge and belief, and therefore verifies the foregoing on behalf of Suffolk County.

\_\_\_\_\_  
Frank R. Jones

State of New York    )   SS:

I, \_\_\_\_\_, a Notary Public in and for the jurisdiction aforesaid, hereby certify that Frank R. Jones, whose name is signed to the foregoing Answers, dated July 6, 1988, has personally sworn before me that the statements in Answers 124 and 126 therein are true to the best of his knowledge and belief.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

VERIFICATION

Frank P. Petrone, being duly sworn, deposes and says: that he is currently the Acting Director of the Suffolk County Department of Fire, Rescue and Emergency Services; that he has been involved in matters related to the Shoreham Nuclear Power Station since January 1987; that he has read SUFFOLK COUNTY'S ANSWERS TO LILCO'S THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS REGARDING CONTENTIONS 1-2, 4-8, AND 10; that the facts related to Mr. Petrone stated in Answers 126 and 127 are based on his personal knowledge or reasonable inquiry of appropriate County personnel, as well as on additional information provided by Counsel; and that he believes the matters stated therein to be true to the best of his knowledge and belief, and therefore verifies the foregoing on behalf of Suffolk County.

\_\_\_\_\_  
Frank P. Petrone

State of New York    )   SS:

I, \_\_\_\_\_, a Notary Public in and for the jurisdiction aforesaid, hereby certify that Frank P. Petrone, whose name is signed to the foregoing Answers, dated July 6, 1988, has personally sworn before me that the statements in Answers 126 and 127 therein are true to the best of his knowledge and belief.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_



VERIFICATION

Richard Jones, being duly sworn, deposes and says: that he is currently the Suffolk County Radiological Officer; that he has read SUFFOLK COUNTY'S ANSWERS TO LILCO'S THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS REGARDING CONTENTIONS 1-2, 4-8, AND 10; that the facts related to Mr. Jones stated in Answers 125-27 are based on his personal knowledge or reasonable inquiry of appropriate County personnel, as well as on additional information provided by Counsel; and that he believes the matters stated therein to be true to the best of his knowledge and belief, and therefore verifies the foregoing on behalf of Suffolk County.

\_\_\_\_\_  
Richard Jones

State of New York    )   SS:

I, \_\_\_\_\_, a Notary Public in and for the jurisdiction aforesaid, hereby certify that Richard Jones, whose name is signed to the foregoing Answers, dated July 6, 1988, has personally sworn before me that the statements in Answers 125-27 therein are true to the best of his knowledge and belief.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

VERIFICATION

John Bilello, being duly sworn, deposes and says: that he is currently the Acting Director of the Suffolk County Emergency Preparedness Division; that he has read SUFFOLK COUNTY'S ANSWERS TO LILCO'S THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS REGARDING CONTENTIONS 1-2, 4-8, AND 10; that the facts related to Mr. Bilello stated in Answers 124-127 are based on his personal knowledge or reasonable inquiry of appropriate County personnel, as well as on additional information provided by Counsel; and that he believes the matters stated therein to be true to the best of his knowledge and belief, and therefore verifies the foregoing on behalf of Suffolk County.

\_\_\_\_\_  
John Bilello

State of New York    )    SS:

I, \_\_\_\_\_, a Notary Public in and for the jurisdiction aforesaid, hereby certify that John Bilello, whose name is signed to the foregoing Answers, dated July 6, 1988, has personally sworn before me that the statements in Answers 124-127 therein are true to the best of his knowledge and belief.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

COUNTY OF SUFFOLK



PETER F. CONALAN  
SUFFOLK COUNTY EXECUTIVE

4050050

VICE OF THE COUNTY EXECUTIVE

FRANK R. JONES  
DEPUTY COUNTY EXECUTIVE

TO: ALL DEPARTMENT HEADS

FROM: ~~FRANK R. JONES~~  
Deputy County Executive

DATE: July 23, 1982

RE: Documents Regarding Emergency Planning

As you are aware, the County is a party in proceedings before the NRC Atomic Safety and Licensing Board concerning whether the Long Island Lighting Company should be granted an operating license for the Shoreham Nuclear Power Station.

On July 20, 1982, the Board ruled that the County is obligated to produce for LILCO's inspection a wide range of documents regarding the County's plans for dealing with emergencies, both nuclear and non-nuclear. The documents which the County must produce are as specified in two separate requests for documents (attached) which LILCO had previously submitted to the County. In light of the Board's ruling, I request that your department immediately commence a search of its files in order to determine whether it is in possession of any of the items listed in the attached document requests. To the extent that your department does possess such emergency planning documents, they must be copied and submitted to my office promptly. As I understand the request, any emergency procedure you may possess of any nature, should be provided to LILCO.

The Board has ordered that all documents in the County's possession pertinent to LILCO's document requests be provided by Monday, July 26, 1982. Prompt attention on the part of your department is necessary in order to meet that order. Therefore, I require that within 24 hours of receipt of this memorandum, you inform me

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July 22, 1982

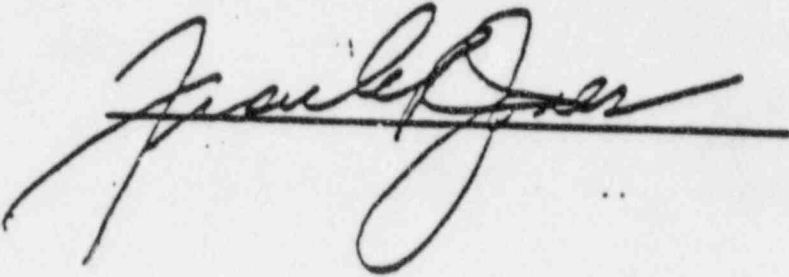
Documents Regarding Emergency Planning

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of the volume of pertinent materials in your department's possession and an estimate of when those materials can be copied and submitted to me. In addition, please describe briefly how your emergency planning documents are filed (e.g. are they in one file or distributed among many files.) Please note that it is not necessary to wait until all documents meeting these requests are copied before forwarding them to this office. If certain categories of documents are more readily accessible or non-voluminous, then those materials should be submitted as soon as possible.

Your prompt attention to this matter is appreciated.

FRJ/tr



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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
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Before the Atomic Safety and Licensing Board

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LONG ISLAND LIGHTING COMPANY )  
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(Shoreham Nuclear Power Station,  
Unit 1) )  
)  
)

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

CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY'S ANSWERS TO LILCO'S THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS REGARDING CONTENTIONS 1-2, 4-8, AND 10 have been served on the following this 6th day of July 1988 by U.S. mail, first class, except as otherwise noted.

James P. Gleason, Chairman  
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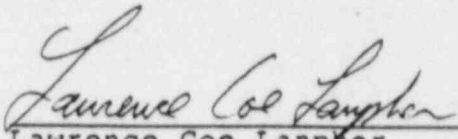
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Adjudicatory File  
Atomic Safety and Licensing Board  
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U.S. Nuclear Regulatory Commission  
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