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July 18, 1988

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

By Hand

Suffolk County Emergency Operations Plan

Dear Judge Gleason and Members of the Board:

This letter will summarize the knowledge of LILCO and of its counsel concerning the alleged request for and receipt of the Suffolk County Emergency Operations Plan (SCEOP) by a LILCO employee, Norman Kelly, in 1985 or 1986, outside of formal discovery processes. That allegation was first made by Intervenors on June 28, 1988 and does not address the basic issue -- whether that composite document was, in fact, ever provided to LILCO in discovery prior to late May of this year. Nonetheless, the purpose of this letter and of the attached Affidavit of John A. Weismantle is to flesh out the facts on this issue, as best they have been able to be determined, in an inquiry begun by LILCO on or about June 28 and completed only last week.^{1/}

Mr. Kelly, the only witness requested from LILCO by the Board, testified last Thursday, July 14, as to matters within his knowledge. However, he was not in a position, because of the limited nature of his responsibilities at LILCO, to describe LILCO's inquiry. That description follows.

^{1/} In the interest of expedition, Mr. Weismantle's Affidavit is being submitted now in unsigned and un-notarized form. It will be submitted with signature and notarization as soon as possible.

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HUNTON & WILLIAMS

July 18, 1988
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Immediately upon receipt of Intervenor's June 28 pleading, inquiries were begun by LILCO personnel, at the direction and with the assistance of counsel, to attempt to understand any possible basis for Intervenor's allegation. The first series of inquiries was to Mr. Kelly; his knowledge is reflected in his testimony of last week.

Because Mr. Kelly was unable (either upon inquiry within LILCO or in testimony last week) to recall definitively either who had requested him to obtain emergency planning documents in 1985-86, exactly what documents he had obtained, to whom he had provided them, or for what purpose, LILCO's internal inquiry was expanded to include the following questions:

1. Was the composite SCEOP as received in May and then in July 1988 (which, apparently, was the same basic form and length as it existed in 1985) among the documents held anywhere within LILCO's emergency planning group (the Local Emergency Response Implementing Organization, or LERIO) prior to late May 1988?

2. Did anyone in LERIO now or in the 1985-86 period, who now occupies or then occupied a position with actual or apparent authority to instruct Norman Kelly to attempt to obtain the SCEOP, ever ask him to do so?

3. If there is no copy of the composite SCEOP in LERIO files, is there one anywhere else among LILCO files?

4. Could there have been reasons other than the Shoreham case, involving parts of LILCO other than LERIO, for inquiry into the existence and nature of Suffolk County emergency plans?

5. If so, does anyone in such other parts of LILCO recall having requested Norman Kelly, directly or indirectly, to obtain Suffolk County emergency planning documents?

These inquiries produced the following answers:

1. No. A complete search of LERIO records predating late May 1988 failed to disclose any trace of the composite SCEOP. The composite document was not in LERIO files before late May 1988. The fragments of it which LERIO possessed before May 1988 did not include the entire SCEOP, and did not go in fact beyond the fragments provided voluntarily by LILCO on July 9, 1988 under cover of a letter from Mr. Sisk to Mr. Lanpher, and introduced as Suffolk County Discovery Exhibit 1.

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2. No. No one now in authority in LERIO, or in LERIO in 1985-86, recalls having asked Mr. Kelly in the 1985-86 period to attempt to obtain a copy of the Suffolk County Emergency Operations Plan by name or description. The persons inquired of included the following present LILCO employees: John Weismantle, Charles Daverio, Douglas Crocker. It included the following former LILCO employees and consultants: Elaine Robinson, William Renz. It included the following LILCO consultants: Brant Aidikoff, Dennis Behr. No one now or then in a position to have initiated the request to Mr. Kelly was knowingly omitted. None of the persons interrogated can recall having requested Mr. Kelly to make the request for the SCEOP in 1985-86, or at any other time. Questions were specifically asked as to whether there had been an inquiry in connection with the February 1986 exercise; the answer was in the negative. Mr. Aidikoff recalls having asked Mr. Kelly in 1987 to try to obtain a County organization chart and (as indicated in Mr. Kelly's testimony on July 14) Mr. Kelly obtained the County's Emergency Directory.

3. No. No copies of the Suffolk County Emergency Operations Plan have been located anywhere else in LILCO's files.

4. Yes. There were two other projects independent of Shoreham which involved attention to emergency preparedness in the 1985-86 time frame. The first was a task force on hurricane preparedness assembled after Hurricane Gloria in October 1985. The second was emergency preparedness for a liquefied natural gas (LNG) facility owned by LILCO in Holtsville. These projects were ongoing in late 1985 and early 1986. They were directed by personnel elsewhere in LILCO, though some present and former LERIO personnel, primarily Ms. Robinson, were consulted on them. Records of these projects were kept separately from LERIO records.

5. No. Inquiries of key personnel involved in the Hurricane Gloria and Holtsville projects and searches of the projects' records have been made since June 28. No one recalls making the request at issue; no copy of the SCEOP or any of its fragments has been located in the records of either of these projects. Ms. Robinson recalls having requested copies of the emergency plans for the towns of Islip and Brookhaven in connection with the Holtsville project; she has no recollection of having ever asked for or received the SCEOP or other documents from Suffolk County.

HUNTON & WILLIAMS

July 18, 1988

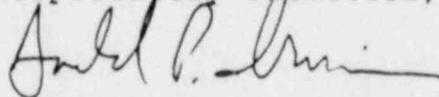
Page 4

The foregoing matters are attested to by the attached Affidavit of John A. Weismantle. Further, confirmatory inquiries have also been made on this matter to knowledgeable attorneys within Hunton & Williams. No attorney at the firm ever requested or knew of a request to Mr. Kelly to obtain the composite SCEOP, and no one at the firm had ever seen the composite SCEOP before late May 1988.

While this issue is peripheral to the one of compliance with formal discovery requests, LILCO does not wish to leave the present record unclear. Whatever the remaining uncertainties, it is the case that no one at LILCO or LILCO's counsel recalls having ever seen the composite SCEOP before May 1988, and that no one recalls having asked Mr. Kelly, directly or indirectly, to obtain it.

Finally, the Board may recall a request from Staff counsel last week for what she described as an "index to the index" of the SCEOP, relating those portions received by LILCO in formal discovery to the overall contents of the document. While that information has already been provided in various places, the attached table entitled "Suffolk County Emergency Operations Plan (Version Produced to LILCO on July 8, 1988)" summarizes the matter. As it indicates, LILCO received in total some 161 pages of the 762 pages of the SCEOP, in 9 increments over the course of two years.

Respectfully submitted,



Donald P. Irwin
One of Counsel for Long Island
Lighting Company

Attachments

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
)
LONG ISLAND LIGHTING COMPANY) Docket No. 50-322-OL-3
) (Emergency Planning)
(Shoreham Nuclear Power Station,)
Unit 1))

AFFIDAVIT OF JOHN A. WEISMANTLE

John A. Weismantle, being duly sworn, deposes and says as follows:

1. My name is John A. Weismantle. My business address is 175 East Old Country Road, Hicksville, New York. My position is Vice President -- Research and Development and Corporate Studies for Long Island Lighting Company. I have been involved with offsite emergency planning for the Shoreham Nuclear Power Station since 1982 and with the functioning of LILCO's Local Emergency Response Implementing Organization, or LERIO, since its inception in 1983, and was the original Manager of LERIO. LERIO is the organization responsible for developing and implementing the Offsite Radiological Emergency Response Plan for Shoreham.

2. I make this affidavit in order to summarize the results of an inquiry undertaken by LILCO, at the direction and with the assistance of counsel, beginning almost immediately upon receipt of Intervenor's June 28 pleading asserting that LILCO had obtained a complete copy of the Suffolk County Emergency Operations Plan (SCEOP) via a LILCO employee, Norman Kelly, outside of formal discovery processes in this proceeding, in either late 1985 or early 1986.

3. Mr. Kelly was first shown a copy of the SCEOP and of Intervenors' June 28 pleading on June 29, and was asked to identify the document if he could and to cast light on the remaining allegations in the June 28 pleading. He testified last Thursday, July 14, as to matters within his knowledge. He was not in a position, because of the limited nature of his responsibilities at LILCO, to describe either the entire range of LILCO's emergency preparedness knowledge or of LILCO's inquiry concerning the SCEOP. Mr. Kelly administers basic LERO training, and also updates an annual farmstand survey for the 50-mile ingestion pathway EPZ and oversees the EPZ siren maintenance program. However, he is not involved in planning or decision-making in LERIO and has never been a witness in this proceeding.

4. When the limitations on Mr. Kelly's knowledge became apparent, LILCO's inquiry was broadened to include the following questions:

- A. Was the composite Suffolk County Emergency Operations Plan as received in May 1988 among the documents held anywhere within LERIO prior to late May 1988?
- B. Did anyone in LERIO now or in the 1985-86 period, who now occupies or then occupied a position with actual or apparent authority to instruct Norman Kelly to attempt to obtain the SCEOP, ever ask him to do so?
- C. If there is no copy of the composite Suffolk County Emergency Operations Plan in LERIO files, is there one anywhere else among LILCO files?
- D. Could there have been reasons other than the Shoreham case, involving parts of LILCO independent of LERIO, for inquiry into the existence and nature of Suffolk County emergency plans?
- E. If so, does anyone in such other parts of LILCO recall having requested Norman Kelly to obtain Suffolk County emergency planning documents?

5. These inquiries produced the following answers:

- A. No. A complete search of LERIO records predating late May 1988 failed to disclose any trace of the composite SCEOP. The composite document was not in LERIO files before late May 1988. The fragments of it which LERIO possessed before May 1988 did not include the entire SCEOP, and did not go in fact beyond the fragments provided voluntarily by LILCO counsel in a letter from Mr. Sisk to Mr. Lanpher dated July 9.

- B. No. No one now in authority in LERIO, or in LERIO in 1985-86, recalls having asked Mr. Kelly in the 1985-86 period to attempt to obtain a copy of the Suffolk County Emergency Operations Plan by name or description. The persons inquired of included the following present LILCO employees: John Weismantle, Charles Daverio, Douglas Crocker. It included the following former LILCO employees and consultants, who came to Long Island on July 7 for a face-to-face meeting on the matter: Elaine Robinson, William Renz. It included the following LILCO consultants: Brant Aidikoff, Dennis Behr. No one now or then in a position to have initiated the request to Mr. Kelly was omitted. None of the persons interrogated can recall having requested Mr. Kelly to make the request for the SCEOP in 1985-86, or at any other time. Questions were specifically asked as to whether there had been an inquiry in connection with the February 1986 offsite emergency preparedness exercise. The answer was in the negative. Mr. Aidikoff recalls having asked Mr. Kelly in 1987 to try to obtain a County organization chart and (as indicated in Mr. Kelly's testimony on July 14) Mr. Kelly obtained the County's Emergency Directory.
- C. No. No copies of the Suffolk County Emergency Operations Plan have been located anywhere else in LILCO's files.
- D. Yes. There were two other projects independent of Shoreham which involved attention to emergency preparedness in the 1985-86 time frame. The first was a task force on hurricane preparedness assembled after Hurricane Gloria in October 1985. The second was emergency preparedness for a liquefied natural gas (LNG) facility owned by LILCO in Holtsville. These projects were ongoing in late 1985 and early 1986. They were directed by personnel elsewhere in LILCO, though some present and former LERIO personnel, primarily Ms. Robinson, were consulted on them. Records of them were and are kept separately from LERIO records.
- E. No. Inquiries of key personnel involved in the Hurricane Gloria and Holtsville projects and searches of the projects' records have been made since June 28. No one recalls making the request at issue; no copy of the SCEOP or any of its fragments has been located in the records of either of these projects. Ms. Robinson recalls having requested copies of the emergency plans for the towns of Islip and Brookhaven in connection with the Holtsville project; she has no recollection of having ever asked for or received the SCEOP or other documents from Suffolk County.
6. I had never seen the composite SCEOP before late May 1988. Though I was aware of the existence of documents which have turned out to be fragments of it, I had no knowledge before May 1988 that they fit together into a composite whole. The identity of whoever (if anyone) requested Mr. Kelly to attempt to obtain the SCEOP in

1985-86 or at any other time has not been disclosed by a review of all knowledgeable persons who could be interviewed. Nor could the recipient of the SCEOP, if it was obtained. It does not exist in any LILCO files in any area where it might logically be located.

John A. Weismantle

Subscribed and sworn before me this _____ day of July, 1988.

My commission expires: _____.

Notary Public

Suffolk County Emergency Operations Plan
 (Version Produced to LILCO on July 8, 1988)

<u>Section Title</u>	<u>Description; No. of Pages</u>	<u>Corresponding or Potentially Corresponding Document Produced to LILCO in 1982-83 Discovery</u>	<u>No. of Pages of Previously Produced Document</u>
Table of Contents	Four (4) pages		
A. General	1. Introduction - Prepared by State; Eight (8) pages		
A. General	2. Basic Plan - Prepared by State; Twenty-one (21) pages		
A. General	3. Legislative Authority - Legal Statutes Signed into Law; Sixteen (16) pages		
Annex A	Command and Control; Eight (8) pages		
Annex A Appendix 1	"Not applicable to the County"; One (1) page		
Annex A Appendix 2 Attachments a,b,c	"Not applicable to the County"; One (1) page		
Annex A Appendix 2 Attachment d	Succession to Command Lines of Succession to the Local Chief Executive and Officials; Thirty-four (34) pages	Emergency Operations Plan Annex A, App. 2, Att. D (for Police Department only); follows SC Bates No. 000090 (Produced in 1983)	One (1) page

<u>Section Title</u>	<u>Description; No. of Pages</u>	<u>Corresponding or Potentially Corresponding Document Produced to LILCO in 1982-83 Discovery</u>	<u>No. of Pages of Previously Produced Document</u>
Annex A Appendix 2 Attachment e	Local Law Establishing Lines of Succession; Ten (10) pages		
Annex A Appendix 3	Line of Authority; Six (6) pages		
Annex A Appendix 4	Local Executive Orders; Standard Operating Procedure for Use in the Event of Natural Disasters, Man-Made Disasters and Nuclear Attack; Twenty-one (21) pages	Standard Operating Procedure for Use in the Event of Natural Disasters, Man-Made Disasters and Nuclear Attack; SC Bates No. 000266 (Produced in 1982 and 1983)	Five (5) pages
Annex A Appendix 5	Jurisdictions; Four (4) pages		
Annex A Appendix 6	EOC Floor Plan; Four (4) pages		
Annex A Appendix 7	Division of Emergency Preparedness Emergency Directory; Thirty-one (31) pages	Department of Emergency Preparedness Emergency Directory; SC Bates No. 4060213 (Produced in 1982)	Thirty-seven (37) pages
Annex A Appendix 8	Increased Readiness and Attack Warning; Three (3) pages	Disaster Action for County, Townships, and Villages Governmental and Emergency Preparedness Personnel; follows SC Bates No. 000173 (Produced in 1983)	Two (2) pages

<u>Section Title</u>	<u>Description; No. of Pages</u>	<u>Corresponding or Potentially Corresponding Document Produced to LILCO in 1982-83 Discovery</u>	<u>No. of Pages of Previously Produced Document</u>
Annex A Appendix 9	County of Suffolk Disaster Preparedness Plan; Fifty-five (55) pages	County of Suffolk Disaster Preparedness Plan; Bates No. 4010022 (Produced in 1982 and 1983)	Fifty-five (55) pages
Annex A Appendix 9 Attachment a	Disaster Relief Act of 1974; Twenty-three (23) pages		
Annex A Appendix 9 Attachment b	Presidential Executive Order 11795; Three (3) pages		
Annex A Appendix 9 Attachment c	Federal Disaster Assistance Administration Regulations; Twenty-one (21) pages		
Annex A Appendix 9 Attachment d	I. Brookhaven Township Plan II. Brookhaven Staff Personnel; Twelve (12) pages	I. Brookhaven Township Plan II. Brookhaven Staff Personnel; SC Bates No. 000633 (Produced in 1983)	Nine (9) pages
Annex A Appendix 10	Activation of the County Emergency Operating Center; Ten (10) pages	Activation of the County Emergency Operating Center SC Bates No. 000863 (Produced in 1983)	Ten (10) pages
Annex A Appendix 11	EOC Operation; Thirty-four (34) pages	Emergency Operating Plan Annex A, Appendix 11; follows Bates No. 000863 (Produced in 1983)	Sixteen (16) pages
Annex A Appendix 12	Situation Reports; Five (5) pages		

<u>Section Title</u>	<u>Description; No. of Pages</u>	<u>Corresponding or Potentially Corresponding Document Produced to LILCO in 1982-83 Discovery</u>	<u>No. of Pages of Previously Produced Document</u>
Annex B	Administration Section; Nine (9) pages		
Annex C	Civil Air Patrol; Twenty-two (22) pages		
Annex D	Communications and Warning System; Fifty-one (51) pages		
Annex E	Fire Service; Six (6) pages	Hurricane Disaster Plan Fire Island, New York Fire Service; SC Bates No. 001227 (Produced in 1983)	Three (3) pages
Annex F	Health Service; Eleven (11) pages		
Annex G	Manpower Service; Ten (10) pages		
Annex H	Police Service; Thirty-six (36) pages	Police Service; follows SC Bates No. 000090 (Produced in 1983)	Sixteen (16) pages
Annex H-1	Sheriff's Department; Twenty (20) pages	Emergency Preparedness Emergency Operations Plan for Suffolk County Sheriff's Office Riverhead, New York; follows Bates No. 000938 (Produced in 1983)	Seven (7) pages

<u>Section Title</u>	<u>Description; No. of Pages</u>	<u>Corresponding or Potentially Corresponding Document Produced to LILCO in 1982-83 Discovery</u>	<u>No. of Pages of Previously Produced Document</u>
Annex I	Public Information Service Four (4) pages		
Annex J	Public Works Service; Ten (10) pages		
Annex K	Radiological Intelligence Section (not included with EOP) One-hundred and Sixty (160) pages		
Annex L	Rescue Service; Fifteen (15) pages		
Annex M	Resources Section; Nine (9) pages		
Annex N	School Service; Twenty-seven (27) pages		
Annex O	Social Services Section; Thirty-seven (37) pages		
Annex P	Community Shelter Plan - "See Volume 2" (not included with EOP)		
Annex Q	Crisis Relocation Plan - "See Volume 3" (not included with EOP)		
<u>TOTAL PAGES:</u>	762		161

LILCO, July 19, 1988

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CERTIFICATE OF SERVICE

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In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station, Unit 1)
Docket No. 50-322-OL-3

I hereby certify that copies of a letter from Donald P. Irwin, Esq. to James P. Gleason, Chairman, et al., with accompanying Affidavit of John A. Weismantle and a table entitled "Suffolk County Emergency Operations Plan (Version Produced to LILCO on July 8, 1988)" were served this date upon the following by hand as indicated by one asterisk, by Federal Express as indicated by two asterisks, or by first-class mail, postage prepaid.

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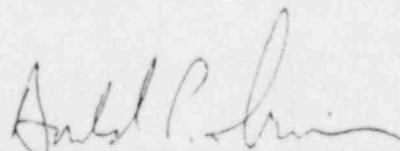
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DATED: July 19, 1988