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July 26, 1988  
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF PUBLIC AFFAIRS  
DOCKETING & SERVICE  
BRANCH

Before the Atomic Safety and Licensing Board

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

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

SUFFOLK COUNTY AND STATE OF NEW YORK  
SUPPLEMENT TO JUNE 15, 1988, FILING

At the conclusion of the recent hearing on the production of emergency plans during document discovery, the Board requested the parties to supplement their June 15, 1988, filings on proposed sanctions in the CLI-86-13 remand proceeding. Tr. 22074 (Gleason). Suffolk County and the State of New York (the "Governments") jointly submit this supplement to their June 15, 1988, filing.<sup>1/</sup>

The recent hearing demonstrated that the Governments have fully complied with NRC rules and Board orders concerning document discovery. The facts supporting this conclusion are set forth in Section I below, first with respect to Suffolk County and then

<sup>1/</sup> That filing was entitled "Governments' Response to Board Order of June 10, 1988, Concerning the CLI-86-13 Remand."

with respect to the State of New York. Accordingly, as stated in the Governments' June 15 filing and supplemented in Section II below, there is no basis for the imposition of any sanctions against the Governments in this CLI-86-13 remand proceeding.

I. The Governments Have Fully Complied With Document Discovery Rules and Orders

The recently completed hearing (held July 11, 12, 14, and 19, 1988; transcript pages 20944-22074) was convened for a single purpose: to determine whether the Governments produced emergency plans, including the Suffolk County Emergency Operations Plan (the "EOP"), in response to document discovery requests and, if not, what the circumstances were concerning any non-production. Thus, for example, the Board stated:

[T]he basic issue is whether state and county emergency plans may have been withheld during the proceeding. And if such plans were withheld what were the circumstances surrounding the withholding?

Tr. 20924 (Gleason).

The hearing is going to relate to the production of emergency plans and whether they should have been produced earlier and if they have not been produced, what the circumstances were for their nonproduction.

Tr. 20935 (Gleason).

The hearing demonstrated that Suffolk County in 1982-83 and 1988, and New York State in 1984 and 1988, produced all emergency plans in their possession which were responsive to discovery requests, including the County's EOP, and that they fully complied with all document discovery obligations. The hearing also demonstrated that even if it were assumed,

arguendo, that in 1982-83 some portions of the County's EOP were not produced, such partial non-production was minimal in scope, unintentional, and caused no prejudice to LILCO. There is no basis for the Board to impose any sanctions against the Governments for non-production of documents during discovery.

A. Suffolk County Has Fully Complied With Its  
Discovery Obligations

1. Overview

There is no dispute that the County's EOP was produced to LILCO by Suffolk County during 1988 discovery proceedings.<sup>2/</sup> Thus, the issue is whether the EOP, in whatever form it existed in the past, was produced by Suffolk County in response to LILCO's 1982-83 discovery requests<sup>3/</sup> and, if not, whether any non-production was intentional or justifies a LILCO claim of prejudice.

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<sup>2/</sup> Suffolk County produced the EOP on two occasions during 1988. First, the EOP was produced to LILCO under cover of Mr. Lanpher's letter of May 25, 1988, following the Board's May 10, 1988 ruling rejecting the Governments' objections to the LILCO discovery requests seeking such a document. That version of the EOP, which dates from 1985, was marked and admitted into evidence as LILCO Discovery Exhibit 9. Tr. 21139, 21143-44, 21323, 21408 (R. Jones). When the County's counsel discovered a somewhat more up-to-date version of the EOP on July 6, 1988, that version was produced to LILCO under cover of Mr. Lanpher's letter of July 8, 1988. That version was marked as LILCO Discovery Exhibit 10. Tr. 21146-47. Mr. R. Jones testified as to the circumstances under which the more up-to-date version was discovered and produced to LILCO. Tr. 21323, 21409-10, 21411 (R. Jones).

<sup>3/</sup> There is no dispute that LILCO's 1982-1983 discovery requests sought production of documents like the County's EOP. Indeed, one of the County's witnesses, Mr. Frank Jones, agreed that the EOP would have been among the first documents to be produced. Tr. 21841 (F. Jones). There is no allegation, much less evidence to suggest, that the County failed to produce any plan sought during discovery other than the EOP.

LILCO has alleged that Suffolk County failed to produce the County's EOP during discovery in 1982-83; that LILCO first learned of the existence of that plan in May, 1988; and that LILCO was severely prejudiced by the County's alleged withholding and concealment of the plan prior to 1988.<sup>4/</sup> The evidence produced during the recent hearing does not support LILCO's allegations. Rather, the evidence establishes the following basic facts:

1. It is impossible to reconstruct, or to determine precisely what was contained in, the County's EOP as of 1982-83. Between the early 1980s and 1984-85, the EOP changed dramatically. It went from a relatively short general document with few annexes to its present form of a far larger document with many components and annexes. The EOP is updated continuously, prior versions are not retained, and there is scant evidence as to when particular annexes were actually made a part of the EOP.
2. Even LILCO concedes that in 1982-83, the County produced to LILCO several documents which are part of the EOP which was produced to LILCO during 1988

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<sup>4/</sup> See, e.g., LILCO's Response to "Suffolk County Response to Licensing Board Discovery Inquiries" (June 1, 1988), 7-8, 16-17; Transcript (June 3, 1988), 20828, 20829-30; Transcript of Telephone Conference (June 17, 1988), 20873; LILCO's Response to Intervenors' Motion to Vacate (June 23, 1988), 5, 20.

discovery. These documents, which LILCO concedes were produced, include the County's "Disaster Preparedness Plan," dated January 1981, which is the heart of the present-day EOP. The evidence is clear that in 1982-83, the 1981 Disaster Preparedness Plan similarly constituted the basic County EOP. In 1982-83 LILCO also received the 1982 version of the County's Emergency Preparedness Emergency Directory, an updated version of which is a part of the EOP produced in discovery in 1988. The Directory identified and provided telephone numbers for all County officials and personnel who could be required to respond to an emergency. In addition, labels on some of the other documents produced by the County to LILCO in 1982-1983 clearly indicated that they were intended to be parts of the County's EOP -- as annexes or appendices thereto. Other documents produced to LILCO in 1982-83 clearly referred to the existence of the County EOP. Thus, there is no dispute that at a minimum, the most important portions of the County's EOP were produced to LILCO in 1982-83 discovery, and that other portions and other documents which were also produced clearly put LILCO on notice of the existence of that Plan in 1982-83.

3. In response to LILCO's 1982-83 document discovery requests, Suffolk County produced more than 7000 pages of documents to LILCO. The County believes it produced to LILCO the entire EOP as it existed at that time. The evidence establishes, and there is no basis for dispute, that the County intended to produce to LILCO the entire EOP as it then existed. There is no evidence that the County attempted to withhold that Plan or any other document, or that the County attempted to conceal its existence from LILCO.
  
4. LILCO has been aware of the existence of the County's EOP for many years and has had a copy of the EOP since at least 1985.
  - a) In 1980 and 1981, the County's EOP as it then existed was being used by County and LILCO personnel to prepare a radiological emergency response plan for Shoreham;
  
  - b) Since at least the early 1980s, the County's EOP has been discussed at annual hurricane conferences which LILCO personnel have regularly attended;

c) In late 1985 or early 1986, LILCO personnel responsible for Shoreham emergency planning evidenced their knowledge of the existence of the EOP by asking Mr. Norman Kelly, a LILCO employee who formerly worked for the County, to obtain a copy of the County's EOP for LILCO; and

d) In late 1985 or early 1986, Mr. Kelly did obtain from the County and provided to LILCO's Shoreham emergency planning personnel a copy of the EOP as it existed at that time (apparently identical to LILCO Discovery Exhibit 9).

In short, the evidence provides no basis for finding that Suffolk County failed to produce documents responsive to discovery requests in 1982-83. Rather, the evidence establishes (1) a good faith effort by the County to comply fully with discovery requirements, and (2) the likelihood that the entire County EOP as it then existed was in fact produced to LILCO in 1982-83. The evidence demonstrates that if there were any non-production, it was partial and unintentional. Further, in view of LILCO's knowledge of the existence of the EOP since the early 1980s, and LILCO's request for and receipt of the County's EOP in 1985-86, LILCO can claim no prejudice from any failure to receive the entire EOP via formal discovery in 1982-83.

2. The Condition and Contents of  
the County's EOP as of 1982-83

During the hearing LILCO's counsel asserted that there was an "integrated" Suffolk County EOP in existence as of 1982-83 but that such an "integrated" EOP was not produced to LILCO at that time. Tr. 21302, 21308, 21309 (Irwin). The record does not support those assertions.

The evidence establishes that a version of the Suffolk County EOP existed as of 1982-83. Indeed, it appears that such a plan, at least in some form, existed since at least the 1960s. Tr. 21882 (Regan). The evidence establishes, however, that the EOP which existed in 1982-83 was different from, and less extensive than, the version of the EOP which existed later in the 1980s.

The evidence indicates that the basic County EOP in 1982-83 -- and today -- was and is the County's Disaster Preparedness Plan, dated January 1, 1981, copies of which were produced to LILCO in 1982 and 1988. There is no clear evidence, however, that any "integrated" EOP beyond the County's Disaster Preparedness Plan even existed as of 1982-83, much less what such an "integrated" EOP consisted of. Rather, the evidence, at best, is inconclusive as to the precise contents and extent of the EOP in 1982-83.

LILCO's witness, Mr. Kelly, was Director of the County's Emergency Preparedness Division from 1968 until early 1980. Tr. 21545 (Kelly). Mr. Kelly testified that as of 1980, the County's EOP was very general in nature and far less voluminous

than LILCO Discovery Exhibits 9 and 10, which constitute the 1985 and 1988 versions of the EOP, respectively. Tr. 21570, 21575, 21583, 21589 (Kelly); see 21323-25 (R.Jones). Mr. Kelly recalled that as of 1980, work was under way to add annexes to the EOP to comply with a State formatting guideline. He recalled that at most there were only a few annexes to the EOP as of 1980. Tr. 21575-76, 21589 (Kelly).

Mr. William Regan succeeded Mr. Kelly as the Director of the Suffolk County Emergency Preparedness Division, serving in that position from February 1980 until May 1988. Tr. 21878 (Regan). He testified that during his tenure as Director of that Division, the EOP expanded from a relatively small document in the early 1980s into the much larger document which exists today. He testified that as of 1982 the EOP was considerably smaller than the present version; that some annexes which presently are part of the EOP did not exist as of 1982-1983; and that it was not until the mid-1980s that the EOP grew to the size of LILCO's Discovery Exhibits 9 and 10. Tr. 21880-84 (Regan).

Furthermore, Mr. Regan testified that in the early 1980s, the Suffolk County Disaster Preparedness Plan, dated January 1, 1981,<sup>5/</sup> was in essence the entirety of the County's EOP.

<sup>5/</sup> The Suffolk County Disaster Preparedness Plan is in the record as one of the documents in Suffolk County Discovery Exhibit 1, and as part of the 1988 versions of the EOP. See LILCO's Discovery Exhibits 9 and 10 (Bates #s K00100-247) and 10 (Bates #s K02418-72). The Suffolk County Disaster Preparedness Plan is tabbed the "C" in the 1988 versions of the EOP.

Tr. 21885, 21913 (Regan). LILCO has acknowledged that Suffolk County produced a copy of that document in discovery in 1982. Suffolk County Discovery Exhibit 1.

There is documentary support for Mr. Regan's recollection that in mid-1981 the County EOP essentially consisted of just the County's Disaster Preparedness Plan. In May 1981, New York State reviewed the County's Disaster Preparedness Plan to determine whether the Plan satisfied the requirements of New York Executive Law, Article 11-B.<sup>6/</sup> LILCO Discovery Exhibit 15; Tr. 21912-13 (Regan). Since the State reviewer, a Mr. Horton, did not testify at the recent hearing, no one can state for certain exactly what he reviewed. See Tr. 21913-14 (Regan). But, his review letter, which is LILCO Discovery Exhibit 15, provides no indication that the County plan which he reviewed consisted of anything beyond the basic Disaster Preparedness Plan. Indeed, Mr. Horton's review letter indicates that town and village plans and procedures and procedures for Suffolk County departments were still to be prepared. See LILCO Discovery Exhibit 15, at 2. This supports the conclusion that such procedures or annexes did not exist as part of the County's EOP as of mid-1981.

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<sup>6/</sup> The plan reviewed by the State is the same Suffolk County Disaster Preparedness Plan that is contained in LILCO Discovery Exhibits 9 and 10 -- the 1985 and 1988 versions of the EOP. Tr. 21912-13 (Regan).

Thus, the testimony of Messrs. Kelly and Regan, and LILCO Discovery Exhibit 15, support the conclusion that when LILCO received the County's Disaster Preparedness Plan in 1982 discovery, LILCO in fact received the County's EOP as it then existed.

Mr. Richard Jones, who has been in charge of maintaining the EOP since 1984<sup>7/</sup>, confirmed that the County's EOP has changed continually over time, as pages or annexes are added, revised, or deleted. The County does not retain earlier versions of that Plan. Mr. Jones could not recreate exactly what the County's EOP looked like during any particular prior point in time, or to state what was or was not contained in the Plan at a particular time. Tr. 21320, 21358, 21374 (R. Jones). He did confirm, however, that the County's Disaster Preparedness Plan produced to LILCO in 1982 has always been the basic EOP. Tr. 21316-17 (R. Jones).

The record is not altogether clear, however, regarding whether the Disaster Preparedness Plan in fact constituted the entirety of the County EOP as of 1982/1983. For example, Mr. Regan testified that other portions of the present-day EOP which bear dates from the 1970s and the early 1980s could have been part of that Plan as of 1982/1983, although he had a difficult time recalling specifically. Tr. 21901-04 (Regan). In addition, other documents which are now part of the EOP and

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<sup>7/</sup> Prior to 1984, Mr. Donald Terrell, a former County employee, had that responsibility, except for Annex K. Tr. 21880-81 (Regan); 21371, 21425 (R. Jones).

which the County produced to LILCO in 1982-83 (see documents contained in Suffolk County Discovery Exhibit 1), contain dates and other notations which indicate that they were part of the County EOP. This, too, suggests that as of 1982/1983, the EOP may have included more than just the Disaster Preparedness Plan. See Suffolk County Discovery Exhibit 1. Finally, Annex K to the County's EOP entitled "Radiological Intelligence," dates from 1976. While it is in large part a State document which deals primarily with civil defense matters, it does appear to have been in existence since before 1982. See LILCO Discovery Exhibit 25.

Nonetheless, and despite the dates and notations which appear on some documents which subsequently became part of the EOP, there is no evidence to establish that as of 1982 or 1983, the County maintained a single integrated document which constituted the County EOP and which contained anything other than the County's Disaster Preparedness Plan.<sup>8/</sup>

In sum, the evidence is inconclusive regarding what the County's EOP consisted of in 1982/1983. Mr. Regan's testimony, supported by that of Mr. Kelly and LILCO Discovery Exhibit 15, establishes that in the early 1980s the EOP was smaller in scope and in size than the 1985 and 1988 versions produced in

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<sup>8/</sup> Even the EOP notations on the documents LILCO acknowledges it received in 1982 and 1983 do not necessarily mean that those documents, in fact, were part of the EOP at that time. For example, Mr. Richard Jones explained that one of the documents in Suffolk County Discovery Exhibit 1 -- the Annex H police procedure -- was a beginning effort by the police to formulate an annex to the EOP. Tr. 21388-89 (R. Jones). Thus, some of the annotated documents may have been only drafts in 1982-83.

discovery in 1988. The evidence establishes further, that in the early 1980s and today, the County's Disaster Preparedness Plan, which was provided to LILCO in 1982 and 1983, was the heart of the EOP. Even in light of all the evidence presented during the recent hearing, it is impossible to determine today the precise elements or format of the EOP in 1982-1983, or whether at that time it consisted of any "integrated" document beyond the County's Disaster Preparedness Plan.

3. Suffolk County Produced Many Documents, Plans and Procedures to LILCO in 1982-83 and Intended the EOP to be Among Them

Based on all the evidence presented, there is no dispute that Suffolk County intended to produce the EOP as it then existed in response to 1982 and 1983 LILCO discovery requests. There also is no dispute that County personnel who were actually involved in the 1982 and 1983 document searches and productions believe that the EOP as it then existed was in fact produced to LILCO.

Messrs. F. Jones, Regan, Bilello, and R. Jones testified about the County's discovery efforts in 1982-83.<sup>9/</sup> Their testimony establishes that Mr. F. Jones, then a Deputy Suffolk County Executive, sent memoranda in 1982 and 1983 to all County Department Heads. The Jones memoranda instructed County

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<sup>9/</sup> Messrs. Regan, Bilello, and R. Jones were or are employed by the County's Emergency Preparedness Division. That Division has responsibility for maintenance of the County EOP. Tr. 21317 (R. Jones); 21879 (Regan).

Department Heads to search their files and gather for transmission to Mr. Jones, all documents in their possession which were responsive to LILCO's document discovery requests.

There is no question but that the County's searches in 1982 and in 1983 sought all kinds of emergency plans, for nuclear and non-nuclear emergencies, such as the EOP. The County's witnesses testified, without contradiction, that a massive search for documents of the kind identified in LILCO's discovery requests was undertaken in 1982 and again in 1983. They are confident that the EOP, as it then existed, was produced to LILCO as part of the County's discovery response. They recalled no instance in which even possibly responsive documents were withheld or not produced. Tr. 21837-40, 21841, 21842-45, 21851, 21853, 21857, 21862-64, 21865-66 (F. Jones); 21884-86, 21887, 21892, 21893, 21896, 21898, 21899, 21909 (Regan); 21318, 21319-20, 21348, 21362, 21364, 21365, 21369, 21371-72 (R. Jones); 21448-54, 21467-68, 21494 (Bilello). See also Tr. 21511 (Petrone). Indeed, Mr. Regan recalled being told by Mr. Terrell and by Mr. R. Jones that the EOP was among the documents that were gathered to be produced. Tr. 21892-93 (Regan). In short, there is no evidence to suggest that the County withheld production of that Plan (or any other plan), or that there was any attempt to conceal its existence.<sup>10/</sup>

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<sup>10/</sup> Of course this latter fact is beyond question in any event, since many of the documents which concededly were produced to LILCO plainly reveal the existence of the EOP.

The evidence also documents that in 1982-83 the County produced to LILCO a vast number of emergency plans and procedures of all sorts, and other materials relating to emergency planning and response. This undisputed evidence further rebuts any suggestion that the County was not completely forthcoming and wholly responsive to the 1982-83 discovery requests.

LILCO's own indices of the documents which LILCO received from Suffolk County in 1982-83 are revealing on this point.<sup>11/</sup> First, the LILCO indices show that LILCO received from Suffolk County at least 7230 pages of documents in 1982 and 1983.<sup>12/</sup>

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<sup>11/</sup> Counsel for Suffolk County explained why the County's counsel no longer have access to their own indices or copies of documents produced to LILCO in 1982-83 discovery. Counsel also explained that they had diligently searched the County's archives in an attempt to locate the missing files. Tr. 21304, 21849 (Letsche). In response to a Board question, Mr. F. Jones explained that it was not surprising to him that counsel had been unable to locate the documents in the archives. Tr. 21850 (F.Jones).

<sup>12/</sup> The indices compiled by LILCO of some of the documents produced by Suffolk County in emergency planning discovery in 1982 and 1983 are the second and third documents contained in Suffolk County Discovery Exhibit 1. It is possible to compute the total number of pages produced to LILCO and listed in the indices by reference to the Bates numbers stamped on each page of each produced document, which are listed on the indices. The starting and ending numbers reveal the length of each document listed. The page lengths for each document can then be added to determine the total number of pages produced. According to LILCO's indices, 3788 pages of emergency planning related documents were produced by Suffolk County in 1982, and 3442 such pages were produced in 1983. In fact, LILCO received even more than 7230 pages, since the LILCO indices do not include 8 folders of documents produced by the County. See Suffolk County Discovery Ex. 1, cover letter, page 2. Suffolk County calculates that it produced more than 3,000 pages of documents in response to LILCO's 1988 discovery in the CLI-86-13 remand proceeding.

Second, the LILCO indices reveal that in 1982 and 1983, Suffolk County produced to LILCO a host of County radiological and non-radiological emergency plans and procedures, including plans, procedures, directories, and related materials concerning emergency response from individual County departments, as well as plans and procedures from independent political subdivisions, such as towns.<sup>13/</sup>

Third, the LILCO indices reveal, and LILCO has conceded, that the documents Suffolk County produced to LILCO in the 1982-83 discovery did include many documents which by 1985 had become part of the EOP. Thus, the following documents (all of which are included as part of Suffolk County Discovery Exhibit 1), which today are part of the EOP, were produced to LILCO in 1982-83:

- County of Suffolk Disaster Preparedness Plan, Jan. 1, 1981
- Flood Disaster Plan/Moriches Inlet Area
- Emergency Operations Plan-Annex A, Appendix 10, Activation of the County Emergency Operating Center
- Emergency Preparedness/Emergency Operations Plan for Suffolk County Sheriff's Office/Riverhead, New York
- Hurricane Disaster Plan/Moriches Inlet Area

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<sup>13/</sup> See Attachment 1 for a compilation of emergency plans, procedures and similar materials which, according to LILCO's indices, Suffolk County produced to LILCO in 1982-83.

- Suffolk County Emergency Operations Plan with Standard Operating Procedure Police Service Annex
- County of Suffolk Emergency Operations Plan - Basic Plan for Suffolk County and its Towns and Villages, January 1980
- Standard Operating Procedure: Procedures for Use in the Event of Natural Disaster, Man-Made Disaster and Nuclear Attack
- Emergency Preparedness - Emergency Directory, July 1982

As discussed earlier, it is impossible to determine today whether as of 1982 or 1983 any of these documents other than the Disaster Preparedness Plan were part of a single County EOP or whether at the time of their production they existed as disparate drafts or documents which later were put together as part of composite document comprising the County's EOP.

Fourth, LILCO's indices indicate that Suffolk County produced additional documents that, from their titles and length, at least appear to have contents related to documents which by 1985 had become part of the EOP. For example, in 1982-83 the County produced to LILCO:

- a six-page document entitled "Responsibilities of the Commissioner of the Department of Health Services"
- a five-page document entitled "Responsibilities of the Commissioner of the Department of Health Services Alert A (Standby)"
- a one-page document entitled "Weekend and Holidays Call System - Health Services Department - Documents Produced Emergency Telephone Numbers"

- a seven-page document entitled "Town of Brookhaven Emergency Preparedness Preliminary Fire Island Evacuation Plan"
- a two-page document entitled "Emergency Action Plan when Public Water Supply Fails"
- a 24-page document entitled "Emergency Medical Services Disaster Plan for Suffolk County"
- a 12-page document entitled "Suggested Equipment for Response to Hazardous Materials Incidents by the Emergency Services Section, Revised January 1982"
- a 62-page document entitled "Hurricane Mitigation Plan for the South Shore of Long Island Planning Board"
- a memo with "Emergency Operations Plan for Suffolk County Department of Parks" totalling 18 pages
- a six-page document entitled "Town of Islip Emergency Preparedness Disaster Procedures and Resource Manual"
- a 10-page memo regarding "Emergency Operating Center Staffing Pattern"
- an 11-page document entitled "Fire Island Emergency Operations Plan"
- a 54-page document entitled "Communication Section of plan," and
- documents entitled "Annex Procedures for Major Radiation Incidents at Shoreham Nuclear Power Station" for the Department of Emergency Preparedness (27 pages), the Department of Fire Safety, the Department of Buildings and Grounds (15 pages), the Health Services Department (28 pages), the Department of Social Services (12 pages), the Department of Public Works (3 pages), and the Suffolk County Police Department (20 pages).

See Attachment 1, and Suffolk County Discovery Exhibit 1.

It is thus clear and beyond dispute that in 1982-83 the County produced not only documents which were, or eventually became, parts of the EOP, but also thousands of pages of other documents containing similar planning information, thus negating any basis for suggesting that any partial non-production -- assuming arguendo that any occurred at all -- was intentional.

4. LILCO Knew of the County's EOP At Least Since 1981 and Has Had A Copy of the EOP At Least Since 1985 or Early 1986

LILCO's counsel has asserted that LILCO first learned of the existence of an integrated County EOP in late May 1988. Tr. 20828-29 (Irwin). LILCO's counsel also has asserted that the EOP contained critical information (for example, who to call in the event of an emergency) and that had LILCO known of the existence of the EOP and such information earlier, LILCO would have "proved realism" earlier in this proceeding. Tr. 20538, 20828-29 (Irwin).

The evidence contradicts these LILCO assertions. Rather, the evidence shows:

1. LILCO and LILCO's emergency planning personnel knew of the existence of the County EOP at least since 1980-81;
2. In 1982 and 1983, LILCO received from the County documents which explicitly identified and referred to the County EOP, as well as the emergency telephone directory, EOC activation procedures, and similar information which LILCO now deems so critical; and,

3. In approximately 1985, LILCO actually asked for the EOP and received a copy of the 1985 version of the EOP from the County.

In light of LILCO's knowledge concerning the County EOP, LILCO's failure to act upon it in its realism case belies its recent assertion that the information it contains is so critical. The state of LILCO's knowledge also compels the conclusion that any alleged non-production of the EOP had no substantive or prejudicial effect upon LILCO.<sup>14/</sup>

A summary of the evidence on this point follows.

First, State witness Davidoff testified that during 1980-81, LILCO and Suffolk County were working together to develop a Shoreham response plan. In that planning effort, LILCO and County personnel were literally cutting and pasting portions of

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<sup>14/</sup> A review of the 1988 version of the County EOP reveals that much of it is out of date and on its face of little apparent usefulness. For example, Annex K is primarily a 1976 document which discusses a civil defense-type approach to a nuclear attack. It is due to be replaced. Tr. 21412-13 (R. Jones). Similarly, the "basic State plan" portion of the EOP dates from 1979 and 1975 and is clearly outdated and superceded by more recent versions of the State Disaster Preparedness Plan. See Tr. 22052-53 (Davidoff). Similarly, despite LILCO's conceded receipt of the 1982 version of the County's Emergency Services Directory from Suffolk County in response to discovery in 1982-83, LILCO never bothered to use that document or its contents in its "realism" case until May 6, 1988, when LILCO attached the 1987 version of that directory to its testimony. See Testimony of Dennis M. Behr, Douglas M. Crosker, Diane P. Dreikorn, Edward B. Lieberman, and John A. Weismantle on the "Best Efforts" Contentions EP 1-2, 4-8, and 10," Attachment U. Mr. Kelly obtained that version from Suffolk County at the request of his LERO supervisors in 1987. Tr. 20550-51.

the County's existing EOP in an effort to use any relevant portions of that Plan in structuring a Suffolk County Shoreham-specific emergency response plan. Tr. 21983-84, 21991-92, 22003-06 (Davidoff). As a result of the 1980-81 County/LILCO planning efforts, LILCO's emergency planners knew of the existence of the County's EOP as it existed at that time. Specifically, at least Messrs. Daverio and Renz were directly involved in these 1980-81 activities on behalf of LILCO. Tr. 21983-84 (Davidoff). Both gentlemen subsequently remained active in LILCO's Shoreham emergency planning efforts, although Mr. Renz has now left LILCO. To this day, Mr. Daverio is a prime player in LILCO and LERO emergency planning activities; he has frequently testified and submitted affidavits on LILCO's behalf in all phases of emergency planning proceedings before the NRC. See Tr. 21562 (Kelly).

Second, the materials Suffolk County produced to LILCO in 1982/1983 discovery included several documents which had typed right on their face an indication that they were, or would in the future become, a part of the County's EOP. For instance, five of the nine documents listed above which LILCO acknowledges having received in 1982 and 1983 (see Suffolk County Discovery Exhibit 1), include on their front pages the words "Emergency Operations Plan" or other notations which indicated they were, or in the future would become a part of that Plan.<sup>15/</sup> In

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<sup>15/</sup> Specifically, the Flood Disaster Plan/Moriches Inlet Area, Activation of the County Emergency Operating Center, Hurricane Disaster Plan/Moriches Inlet Area, and the Suffolk County Standard  
(footnote continued)

addition, other materials produced to LILCO made reference to the County EOP.<sup>16/</sup> Thus, even if LILCO had not known in 1980-81 of the existence of the County EOP, the documents produced to LILCO in 1982/1983 clearly put LILCO on notice as to the existence of the County's EOP.

Third, LILCO's own indices of the documents produced by the County in the 1982/83 discovery confirm LILCO's knowledge of the existence of the EOP. Thus, for example, on page 7 of LILCO's "Phase II" Index, the following listing appears: "Emergency Operations Plan - Annex A, Appendix 10: Activation of the County Emergency Operating Center." See Suffolk County Discovery Exhibit 1, Phase II Index. Similarly, page 30 of the same Phase II index contains the following entry: "Suffolk County Emergency

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(footnote continued from previous page)  
Operating Procedure Police Service Annex, each contain an "Emergency Operations Plan" title typed on every page, and an "annex" or "appendix" designation as well. For example, the Activation of the Emergency Operating Center which the County produced to LILCO in 1982-83 is identified on its face as "Annex A, Appendix 10" of the Suffolk County Emergency Operations Plan.

<sup>16/</sup> In fact, several cover letters produced to LILCO and contained in Suffolk County Discovery Exhibit 1 explicitly reference the County Emergency Operations Plan. For example, the letter from Schaller to Rogers, dated June 22, 1978, accompanying the Emergency Operations Plan for the Suffolk County Sheriff's office, includes a request for "an updated copy of your current Emergency Operations Plan." The memorandum from Treder to Uehlinger dated October 1, 1981 attached to the Police Service annex reads as follows: "Primarily we have one major plan, the Suffolk County Emergency Operations Plan. The plan is maintained by Emergency Preparedness Department and is continuously being updated. The contents of this plan consist of general function overviews from County agencies." Similarly, the memorandum from Treder to Murray attached to the Basic Plan for Suffolk County and its Towns and Villages references as its subject the Emergency Operations Plan.

Operations Plan with Standard Operating Procedure Police Service Annex." Id. Clearly, LILCO's own words in 1982 and 1983 reveal its knowledge of the existence of the County EOP.

Fourth, Mr. Norman Kelly, who since 1985 has worked in LILCO's Emergency Planning Division of the Nuclear Operation Support Department, testified that in either late 1985 or early 1986, one of his LILCO/LERO supervisors asked him to obtain a copy of the County's EOP. Mr. Kelly understood the instruction to be that he obtain the Suffolk County emergency operational plan, a plan which he previously knew to have been in existence. Tr. 21546, 21547-48 (Kelly). Mr. Kelly believes it was likely that either Mr. Daverio or Mr. Renz was the LILCO supervisor who asked him to obtain a copy of the EOP in 1985-86. Tr. 21546-48, 21549, 21568 (Kelly); see also Tr. 21566, 21569 (Kelly). As noted above, both Mr. Renz and Mr. Daverio had learned of the existence of the EOP in 1980-81 through their emergency planning work with the County. The fact that in 1985 or 1986, a high LERO official, likely Mr. Daverio or Mr. Renz, asked Mr. Kelly to obtain a copy of the County's EOP is unrebutted evidence that LILCO knew of the existence of that Plan several years ago. It flatly contradicts LILCO's assertion that LILCO first learned that the EOP existed in May 1988.

Fifth, as requested by his LILCO supervisors, in 1985 or early 1986 Mr. Kelly did in fact obtain for LERO a copy of the County's EOP. Tr. 21328-29, 21349-50, 21351 (R. Jones); 21548-49 (Kelly). The copy he obtained was likely identical to the

version which the County produced to LILCO in May 1988, which is LILCO Discovery Exhibit 9.<sup>17/</sup> Mr. Kelly gave the EOP to one of his supervisors; while he could not recall specifically, he believes he probably gave it to either Mr. Renz or Mr. Daverio. Tr. 21549, 21562, 21568-69 (Kelly). Mr. Kelly could think of no other persons to whom he might have given the Plan. Tr. 21569 (Kelly). Thus, it is undisputed that LILCO asked for a copy of the County EOP in 1985 or early 1986, and that it actually has had a copy for at least two and one-half years.

Sixth, since at least the early 1980s, Suffolk County has conducted "hurricane conferences" on an annual basis. LILCO representatives have regularly attended those conferences. The County's hurricane conferences include discussion of the

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<sup>17/</sup> Mr. R. Jones testified that he provided Mr. Kelly with a copy of the EOP which was identical to LILCO Discovery Exhibit 9. Tr. 21329 (R. Jones). Mr. Kelly testified that he did not carefully review the document which he received from Mr. Jones, but merely glanced at it while it was inside a large envelope. He recalled from that glance, however, that the copy of the EOP he obtained from Mr. Jones was somewhat smaller than the document which was marked as LILCO Discovery Exhibit 9. Tr. 21549, 21561-62, 21586-87, 21594 (Kelly). LILCO never produced at the hearing the document which Mr. Kelly received from Mr. Jones. Indeed, Mr. Kelly testified that he had not even attempted to find that document. Tr. 21570-71 (Kelly).

Mr. Jones was emphatic that the document he gave to Mr. Kelly was a complete copy of the EOP as it existed in 1985, identical to LILCO Discovery Exhibit 9. Tr. 21329, 21382-83, 21430 (R. Jones). Mr. Jones explained that he had made 10 copies of that document in 1985 so that he would have versions available for updating, and that it was one of those 10 copies of that version which he gave to Mr. Kelly. Tr. 21329, 21348-49, 21377, 21379-80, 21382-83, 21427, 21430 (R. Jones). Mr. Kelly performed no careful review of the document which he received from Mr. Jones back in 1985 (Tr. 21571 (Kelly)), and Mr. Kelly never even looked for the document he had received. Thus, the Board must conclude that, as Mr. Jones testified, Mr. Kelly obtained a copy of the EOP that was identical to LILCO Discovery Exhibit 9.

County's EOP, in the context of its use in responding to hurricane emergencies. Tr. 21890-91, 21893-94 (Regan); 21454-55 (Bilello); 21329-30 (R. Jones). See also Tr. 21579-80 (Kelly) (Mr. Kelly recalls no specific discussion of plans at hurricane conferences). LILCO likely would have been made aware of the existence of the County's EOP through its attendance at such conferences.

In short, the documentary and testimonial evidence, from LILCO, the County, and the State, is consistent: LILCO knew of the existence of the County's EOP since the early 1980s, and has had a copy of the County's EOP since at least 1985 or early 1986. The evidence rebuts (a) any suggestion that Suffolk County ever attempted to conceal the existence of the EOP, (b) any LILCO assertion that it first learned of the EOP in May 1988, and (c) any LILCO assertion of prejudice arising from a lack of knowledge about the EOP.

#### 4. Conclusion

The evidence is undisputed that in 1982-83, Suffolk County attempted to produce to LILCO the entire EOP as it then existed, and that the County believes that it in fact did produce it. There is also no dispute that in 1982-83, the County produced to LILCO the County's Disaster Preparedness Plan as well as other materials which by 1985 had become part of the EOP, and that, as revealed by the documents LILCO concedes it received, there was never any effort by the County to conceal the existence of the EOP or the type of information it eventually came to contain.

Because it is impossible at this date to determine conclusively the precise elements or format of the EOP as of 1982-83, there can be no finding that the County failed to produce the entire EOP in response to 1982-83 discovery.

Furthermore, the evidence establishes that even assuming arguendo that some elements of the EOP as it existed in 1982-83 were not produced, such partial non-production was clearly unintentional. The County's witnesses' testimony about their good faith efforts to respond to LILCO's discovery requests and to comply with discovery requirements was not disputed. The volume and nature of the materials the County produced to LILCO, as revealed by LILCO's indices, confirm that a good faith attempt to produce all documents responsive to LILCO's requests was made.

Moreover, there is no evidence to suggest that any unintentional non-production could have had any substantive effect. LILCO produced no evidence to establish any prejudice resulting from the alleged partial non-production. And, it is clear that LILCO knew of the existence of the EOP since the early 1980s, that in 1982-83 LILCO received at least portions of the EOP along with many documents which clearly stated its existence, that LILCO asked for a copy of the EOP in 1985 or early 1986, and that LILCO received a copy of the EOP at that time. Therefore, there is no basis to find that LILCO was prejudiced even assuming arguendo some inadvertent non-production of portions of the EOP in 1982-83.

B. New York State Has Fully Complied  
With Discovery Requirements

1. Overview

The hearing that occurred between July 11, 1988, and July 19, 1988, was prompted by Suffolk County's production of the County's EOP on May 25, 1988. Thus, on May 27, 1988, the Board requested briefing papers because "we'd like to know why it [the County's EOP] has not been delivered to the parties and the Board prior to this time." Tr. 20550 (Gleason).

The hearing record confirms that the reason New York State had not produced the County's EOP to the parties or the Board prior to May 27, 1988, was that the County's EOP was not responsive to any LILCO discovery request directed to New York State prior to 1988. In 1988, LILCO's Second Set of Interrogatories and Document Requests, dated March 24, 1988, did seek that Plan from New York State. On May 10, 1988, the Board ruled that plans such as the County's EOP pertaining to non-Shoreham emergencies were to be produced, despite the Governments' objection. Tr. 19382 (Gleason). It was not until June 6, 1988, that New York State discovered a copy of the County's EOP in its files. The State's counsel learned on June 6 that the State had first obtained a copy of the County's EOP on May 5, 1988. When the State learned that it had a copy of the EOP on June 6, 1988, however, there was no need for the State to produce the County's EOP in response to LILCO's Second Set of Interrogatories and Document Requests because, on May 25, 1988, Suffolk County had already produced to LILCO the same version of the County EOP

possessed by the State. Beyond the County's EOP, all New York State documents responsive to LILCO's Second Set of Interrogatories and Document Requests have been provided to LILCO in a timely manner in accordance with the Board's orders. New York State's discovery obligations in the Shoreham proceeding have been fully satisfied.<sup>18/</sup>

2. LILCO Never Sought the County EOP  
From the State Before 1988

In a conference call on June 17, 1988, the Board stated: "[W]e decided then [on June 10, 1988] and still decide to retain jurisdiction over the issue as to whether that emergency plan [the County's EOP] or other plans should have been produced during the discovery process." Tr. 20892 (Gleason). Much attention has been given in this proceeding to the issue of whether the County's EOP should have been, or actually was,

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<sup>18/</sup> Beyond the County EOP issue, neither the Board nor LILCO has made any specific allegation against the State related to any discovery issue. In these circumstances, it would constitute a denial of due process to raise new, previously unspecified allegations against the State, because a party cannot develop an evidentiary record to respond to allegations of improprieties when the party is not given notice of those allegations. The State does note that at one time LILCO alleged that a Ginna ingestion pathway document (LILCO Discovery Ex. 5) should have been produced in discovery. See LILCO's Response to Intervenor's Motion to Vacate, June 13, 1988 at 17; LILCO's Brief on the Appropriate Remedy for the Intervenor's Failure to Comply with Board Orders, June 10, 1988 at 13. Mr. Germano and counsel explained, however, why that was not the case. Tr. 21730-34 (Zahnleuter); Tr. 21733-34 (Germano). Further, LILCO spent extensive time examining Dr. Axelrod and Mr. Davidoff about Disaster Preparedness Commission meetings in 1982-83 in an apparent search for unstated improprieties. These matters are irrelevant because they are unrelated to the issue of whether emergency plans and procedures were produced in discovery. Tr. 20924, 20935 (Gleason). At any rate, LILCO's questioning revealed no failure by the State to comply with discovery requirements.

produced in response to LILCO's 1982-1983 discovery requests. However, discovery obligations do not spontaneously appear in NRC proceedings -- they necessarily emanate from existing discovery requests served on existing parties.

a. 1982-83 Discovery

LILCO directed none of its 1982-1983 discovery requests to New York State. New York State did not formally enter this proceeding until January 1984. Consequently, the issue of whether the County's EOP "should have been produced" during the 1982-1983 discovery process is entirely inapposite with respect to New York State. The Board's determination clearly must be that nothing "should have been produced" by New York State during the 1982-1983 discovery process.

b. 1984 Discovery

In February 1984, after New York State became a party to this proceeding, LILCO did serve a discovery request on New York State seeking the production of specified emergency plans. This request, embodied informally in a letter from Mr. Irwin to Mr. Palomino, dated February 8, 1984, and formally in a pleading dated February 10, 1984,<sup>19/</sup> did not seek production of the County's EOP, however. Rather, LILCO only sought what LILCO specifically referred to as the "New York State Emergency Preparedness Plan." LILCO characterized this plan and explained the significance of it and its components in the following words:

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<sup>19/</sup> LILCO's Request to the State of New York for Production of New York State Emergency Preparedness Plan, February 10, 1984.

The New York State Emergency Preparedness Plan is the basic operational public document for emergency preparedness for the Government of the State of New York. . . .

Knowledge of this Plan, which contains both generic and plant-specific components, is a unique and irreplaceable component in understanding how the Disaster Preparedness Commission and other New York State agencies involved in radiological emergency response conceive and execute their duties with respect to nuclear power plants in New York . . . .<sup>20/</sup>

New York State responded to LILCO's discovery request by producing three sets of documents. First, on February 17, 1984, New York State provided to LILCO the New York State Disaster Preparedness Plan, the New York State Radiological Emergency Preparedness Plan, and County Radiological Emergency Preparedness Plans for Wayne and Monroe Counties, and the Radiological Emergency Response Interim Plan for Implementing Compensatory Measures for Rockland County. Second, on February 21, 1984, New York State provided to LILCO County Radiological Emergency Preparedness Plans for Westchester and Orange Counties. Third, on February 22, 1984, New York State provided to LILCO the Putnam County Radiological Emergency Preparedness Plan. LILCO Discovery Exhibit 16, at 3 and 4, Attachments; Tr. 21984-86, 21992-93 (Davidoff).

Thus, within approximately one month of when New York State became a party in these proceedings, LILCO possessed -- as a result of New York State's response to LILCO's discovery

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<sup>20/</sup> LILCO's Motion to Compel Expedited Production of the New York State Emergency Preparedness Plan, February 10, 1984, at 3 (emphasis added).

requests -- what LILCO referred to as New York State's "basic operational public document for emergency preparedness" and "a unique and irreplaceable component in understanding" how New York State "conceives and executes" its emergency preparedness duties with respect to nuclear power plants. Instead of hindering LILCO's attempt to "demonstrate realism" during the final stages of the hearings in the latter part of 1984, which is what LILCO claims New York State did (see Tr. 20830 (Irwin)), New York State actually facilitated LILCO's attempted "demonstration of realism" by producing the planning documents that LILCO believed were of "importance . . . to understanding New York State's principals [sic] of nuclear emergency preparedness . . . ."21/ It is evident, therefore, that New York State complied fully with the discovery process in February 1984.22/

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21/ LILCO's Request to the State of New York for Production of New York State Emergency Preparedness Plan, February 10, 1984, at 1.

22/ New York State also provided LILCO with updated copies of plans on two occasions in 1988. First, on February 26, 1988, in response to LILCO Interrogatory No. 34 of LILCO's Third Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers to Suffolk County and New York State, dated January 27, 1988, the State provided LILCO with updated County Radiological Emergency Preparedness Plans specifically for Orange, Putnam, and Rockland Counties. LILCO's counsel indicated that LILCO already possessed current copies of other components of the New York State Radiological Emergency Preparedness Plan. Second, on July 5, 1988, in response to the Board's Order of June 29, 1988 (Tr. 20934, 20935 (Gleason)), New York State again provided LILCO with the New York State Disaster Preparedness Plan and an updated copy of the New York State Radiological Emergency Preparedness Plan.

c. 1988 Discovery

LILCO has served only one discovery request on New York State which called for production of the County's EOP. That discovery request was LILCO's Second Set of Interrogatories and Document Requests, dated March 24, 1988. New York State does not dispute that the County's EOP was to have been produced subsequent to the Board's Order of May 10, 1988, ruling that plans pertaining to non-Shoreham emergencies were relevant. As Suffolk County produced the County's EOP on May 25, 1988, however, there was no need for New York State to duplicate the production of that voluminous document. New York State did promptly inform the Board and parties when it discovered a copy of the County's EOP in its files, however, and it informed the Board and parties that Mr. DeVito was an appropriate person to testify about how the State of New York came to obtain the plan.<sup>23/</sup> The 1988 facts are as follows.

Subsequent to the Board's May 10, 1988 Order, New York State undertook to search for relevant documents. New York State's document search targeted a completion date of 30 days from May 10, 1988, in accordance with 10 CFR § 2.741(d), although some documents were produced on May 24, 1988.<sup>24/</sup> On June 6, 1988, New York State located a copy of the County's EOP in the files of the State Emergency Management Office ("SEMO") and informed the Board

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<sup>23/</sup> See Governments' Motion for Licensing Board to Vacate June 17 Order, June 20, 1988, at 12, n. 10.

<sup>24/</sup> No faster production was possible as during much of May New York State counsel was occupied out-of-town in Hauppauge, Long Island, with the OL-3 trial before this Board.

and parties of its existence.<sup>25/</sup> SEMO is the State agency that oversees State planning in areas to which the County's EOP pertains, i.e., areas other than radiological emergencies at nuclear power plants. LILCO Discovery Exhibit 16 at 5; Tr. 21098 (DeVito). State witness DeVito testified that SEMO originally received the County's EOP on May 6, 1988, from Suffolk County. At counsel's request, SEMO located the County's EOP in SEMO's files on June 6, 1988. LILCO Discovery Exhibit 16 at 5; Tr. 21101-03 (DeVito).<sup>26/</sup> County witness P. Jones confirmed the approximate timing of the State's receipt of the County's EOP. Tr. 21325 (R. Jones). Thus, by June 6, 1988, SEMO had in its files the same version of the County's EOP that the County produced to LILCO on May 25, 1988. Suffolk County had produced the County's EOP to LILCO. New York State was under no obligation to produce that document again.<sup>27/</sup>

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<sup>25/</sup> Governments' Motion for Licensing Board to Vacate June 17 Order, June 20, 1988 at 12, n.10.

<sup>26/</sup> During the recent hearing, there was questioning on whether the State had a copy of an earlier version of the County's EOP prior to May 6, 1988. Tr. 21101-03, 21129 (DeVito). While the State appears to have reviewed an earlier version of the EOP in 1981 (see LILCO Discovery Exhibit 15), a diligent search of State files revealed no copy of the EOP except for the one received by the State on May 6, 1988. Thus, even if there had been pertinent document requests directed to the State prior to 1988 which sought the EOP, the evidence indicates that the State had no copy to produce.

<sup>27/</sup> The first portion of the County's EOP is dated "5/79" and was prepared by New York State. State witness DeVito testified that those 1979 portions evolved into the New York State Disaster Preparedness Plan, Tr. 21105-08 (DeVito). As has been discussed herein, New York State produced the State Disaster Preparedness Plan to LILCO in February 1984. Thus, in 1984 New York State provided to LILCO the more up-to-date successor of an outdated  
(footnote continued)

Throughout New York State's involvement in this proceeding as a party, New York State has produced a great number of documents to LILCO in response to discovery requests. Indeed, many emergency planning documents were produced in 1988 in response to LILCO's Second Set of Interrogatories and Document Requests. A list of all documents produced by New York State since January 1984 is Attachment 2 hereto. This list further confirms that New York State has dutifully satisfied its document discovery obligations.

II. There is No Basis for Imposing Sanctions on the Governments

The foregoing discussion documents that the Governments have fully complied with their 1982-83, 1984 and 1988 discovery obligations. Indeed, in 1988, the Governments responded to three sets of LILCO interrogatories and document requests and supplied thousands of pages of documents even after the Board announced on June 10, 1988, its intention to end the CLI-86-13 remand proceeding on the legal authority contentions.

Further, there is no basis for the imposition of any sanctions arising out of deposition discovery in the CLI-86-13 remand proceeding. The Governments will not restate at length

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(footnote continued from previous page)  
portion of the County's EOP (*i.e.*, the portion of the EOP at the County had received from the State), as observed by the Board. Tr. 20825 (Shon). This was more than four years before LILCO served its discovery request seeking the County's EOP from New York State.

here the basis for that position, which has been fully set forth in prior filings.<sup>28/</sup> A summary of that position can be simply stated, however.

This Board's erroneous interpretation and application of the amended version of 10 CFR § 50.47(c)(1)(i)-(iii) to the facts and evidence in this case, created a proceeding premised on a falsehood -- that the Governments' "best efforts" response to a Shoreham emergency would follow the LILCO Plan or some other existing plan, and would involve so-called "interface" with LILCO as set forth in LILCO's Plan. Pursuant to these rulings, the Board purported to require the Governments to provide testimony, evidence, and discovery concerning baseless assumptions and false presumptions, even though those assumptions and presumptions were contrary to facts already established in the evidentiary record.

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<sup>28/</sup> The Governments' position on that subject is stated in earlier filings. See Governments' Objection to Portions of February 29 and April 8 Orders in the Realism Remand and Offer of Proof (April 13, 1988); Governments' Response to LILCO's April 22 Request for Dismissal of the Legal Authority Contentions (May 2, 1988); Governments' Reply to NRC Staff's April 28 Request that the Governments be Held in Default (May 6, 1988); Governments' Notice that the Board has Precluded Continuation of the CLI-86-13 Remand (June 9, 1988); Governments' Response to Board Order of June 10, 1988, Concerning the CLI-86-13 Remand (June 15, 1988); Governments' Motion for Licensing Board to Vacate June 17 Order (June 20, 1988); and Transcripts of telephone conferences of June 10 and June 17, 1988.

The presumptions and orders upon which the Board premised the proceeding ignored and directly contradicted the lawfully adopted and announced decisions and determinations of the Governments concerning what their intended "best efforts" response to a Shoreham emergency would be. The Board's rulings in the CLI-86-13 remand proceeding exceeded the Board's and the NRC's authority. They rendered the Commission's announced "rebuttable" presumption in the amended Section 50.47(c)(1) effectively irrebuttable. They constituted an unlawful affront to the sovereignty of the Governments. They purported to require the Governments to provide testimony, in depositions and at trial, about actions which the Governments had properly and lawfully determined they would not take.

Thus, the Board's legal errors in interpreting and applying the NRC's new rule, not any refusals to comply with lawful orders on the part of the Governments, made it impossible for the CLI-86-13 remand proceeding to continue. As stated in the Governments' June 15 filing, and as the evidence in the recent hearing demonstrated concerning discovery in 1982-83, 1984, and

1988, there is no basis for imposing any sanctions upon the Governments in the CLJ-86-13 remand proceeding.

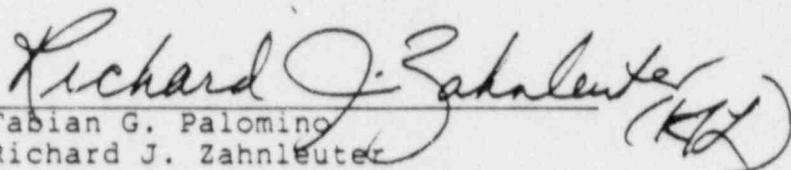
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EMERGENCY PLANS, PROCEDURES, AND RELATED MATERIALS SUFFOLK COUNTY  
PRODUCED TO LILCO IN 1982 AND 1983<sup>1/</sup>

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
7/2/81 letter from Meunkle to Lori Friedman, EMA, enclosing comments on all Millstone Emergency Plan re Fishers Island, New York	8/2/82	34	1982 Index
7/21/82 Memo from Czech to Meunkle, et al. attaching draft report on siren coverage for Fishers Island	8/2/82	1	1982 Index

<sup>1/</sup> This listing of emergency plans, procedures, and related materials produced to LILCO by Suffolk County in 1982 and 1983 is derived from the indices prepared by LILCO of certain of such materials. SC Discovery Exhibit 1 included two such indices, entitled "Index of Suffolk County Documents Produced 8/2/82," referred to herein as the "1982 Index," and "Suffolk County Documents Produced Emergency Planning -- Phase II," referred to herein as the "1983 Index."

It should be emphasized that this listing does not constitute a complete listing of every document which Suffolk County produced to LILCO in response to the document discovery requests in 1982 or 1983 which are at issue. First, the cover letter in SC Discovery Exhibit 1 discloses that there are an additional 8 file folders of documents which the County produced to LILCO in 1982 and 1983 which are not included in LILCO's 1982 Index or in its 1983 Index. None of those additional documents are included in this listing. Second, this listing includes only those materials which, based on how LILCO identified them in their indices, constitute emergency plans, procedures and related planning materials. It does not include correspondence and other documents which are listed in LILCO's indices and which may well contain significant emergency planning information, but which do not so indicate by their titles. Third, this listing excludes altogether the documents produced to LILCO in discovery during other phases of the NRC litigation (e.g., the OL-5 Exercise litigation, the 1986 reception center proceeding), and the documents produced to LILCO by the State of New York beginning in 1984.

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
5/18/81 letter from Meunkle to Czech re Millstone Nuclear Generating Station Emergency Response Plan	8/2/82	3	1982 Index
12/28/81 letter from Lee T. Battes, Office of Disaster Preparedness, State of New York, to William E. Regan, re arrangements between New York and Connecticut regarding instruments and training for Fishers Island	8/2/82	1	1982 Index
Standard Operating Procedure Procedures for Use in the Event of Natural Disasters, Man-Made Disasters and Nuclear Attacks	8/2/82	5	1982 Index
County of Suffolk Disaster Preparedness Plan, January 1, 1981, Department of Emergency Preparedness	8/2/82	55	1982 Index
4/16/82 memo from Palmer to Jones attaching relevant copies of materials regarding SCRERP. Table of Contents and materials are attached.	8/2/82	137	1982 Index
7/21/81 memorandum from Czech to Regan, Meunkle and Erlandson, attaching copies of revised drafts of Fishers Island RERP	8/2/82	32	1982 Index
2/2/82 letter from Meunkle to Charles Meinhold, Safety and Environmental Protection, Brookhaven National Laboratory enclosing draft of communication section of emergency plan	8/2/82	1	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
4/9/82 letter from John Rosso to Koppelman, re sirens	8/2/82	1	1982 Index
12/2/81 memo from Hal Bishop to Meunkle re primary alert authority for radiological emergencies	8/2/82	1	1982 Index
9/5/81 memo from Bishop to Heilbrunn re outline of SCRERP	8/2/82	?	1982 Index
1/19/82 memo from V.R. Stile to Captain D.J. McHaffie, Suffolk County Police Department re meeting: evacuation plan for Shoreham disaster	8/2/82	2	1982 Index
9/8/80 Wilbur Smith and Associates Response to Comments by Suffolk County Department of Transportation on the Independent Assessment of Evacuation Time for Shoreham Nuclear Power Plan	8/2/82	10	1982 Index
9/6/79 letter from Sheridan to Kelly attaching revisions to Emergency Plan for Major Radiation Incidents	8/2/82	4	1982 Index
9/6/79 letter from Sheridan to Kelly enclosing revisions to Emergency Plan	8/2/82	6	1982 Index
8/21/79 memo from Sheridan to Bergmann re transportation element of evacuation plan	8/2/82	?	1982 Index
9/4/79 memo from Sheridan to Cronin re Shoreham evacuation plan	8/2/82	1	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
9/11/79 memo from Cronin to Sheridan re comments on Shoreham Evacuation plan	8/2/82	1	1982 Index
9/17/79 letter from Dilworth to Kelley re evacuation plan	8/2/82	1	1982 Index
9/25/79 letter from Sheridan to Kelley stating all department's conceptual concurrence with transportation element of plan	8/2/82	1	1982 Index
10/4/79 letter from Herskowitz to Meunkle attaching comments on Evacuation Plan	8/2/82	6	1982 Index
11/2/79 letter from Smith to Kelley re test and exercise of Emergency Plan	8/2/82	1	1982 Index
11/6/79 letter from Wilbur Smith & Associates to Alan Nelson, LILCO re evacuation planning for Shoreham site	8/2/82	3	1982 Index
12/3/79 letter from Strang to Herskowitz re comments on Plan	8/2/82	2	1982 Index
letter from Regan to Strang re revisions in existing plans	8/2/82	2	1982 Index
5/5/80 letter from Strang to Barbara Selvin enclosing preliminary transportation plan	8/2/82	1	1982 Index
8/21/80 letter from Strang to Solomon, FEMA, attaching Evacuation Time Assessment - Shoreham - General Comments	8/2/82	9	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
8/22/82 letter from Grushky to Solomon attaching comments on assessment of evacuation times around Indian Point, Shoreham, and Millstone nuclear power stations.	8/2/82	7	1982 Index
12/16/81 memo from Wilenitz to Meunkle attaching "Functions of the Suffolk County Department of Emergency Preparedness in Execution of the SCRERP for the SNPS" November 1981	8/2/82	14	1982 Index
12/15/81 memo from Bishop to Meunkle re SCRERP Communications Draft	3/2/82	1	1982 Index
12/22/81 letter from Regan to Meunkle re comments on Communications Section of Plan	8/2/82	1	1982 Index
1/11/82 form letter from Meunkle enclosing Communication Section	8/2/82	3	1982 Index
1/20/82 letter from Regan to Meunkle re comments on Communications Section	8/2/82	1	1982 Index
1/20/82 letter from Regan to Meunkle attaching comments of Sheriff's department	8/2/82	1	1982 Index
2/2/82 letter from Davidoff to Bert Rhodes re completion of Plan and exercise	8/2/82	1	1982 Index
3/1/81 letter from Meunkle to Treder enclosing Plan	8/2/82	1	1982 Index
3/1/81 letter from Meunkle to Teller, Chief of Police, enclosing Plan	8/2/82	2	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
3/1/82 letter from Meunkle to Davidoff, enclosing Plan	8/2/82	1	1982 Index
3/2/82 letter from Finnerty to Deputy Sheriff Rende re Evacuation of Shoreham Plant	8/2/82	1	1982 Index
3/9/82 letter from Meunkle to Cass, Suffolk County Department of Public Works, enclosing Plan	8/2/82	1	1982 Index
3/15/82 letter from Teler to Meunkle, including comments on Plan	8/2/82	1	1982 Index
3/16/82 letter from Meunkle to Faulkenback with portions of Plan attached.	8/2/82	6	1982 Index
3/16/82 memo from Cass to Meunkle approving Plan	8/2/82	1	1982 Index
3/29/82 handwritten notes - State Police comments re Plan	8/2/82	2	1982 Index
3/17/82 letter from Dilworth to Meunkle approving Plan	8/2/82	1	1982 Index
4/2/82 letter from Meunkle to Strojnowski, New York State Police, enclosing Plan	8/2/82	1	1982 Index
4/8/82 letter from Meunkle to R. Palmer, enclosing Plan	8/2/82	1	1982 Index
4/3/81 memo to Palmer to Koppelman re Shoreham Evacuation Plan and Emergency Planning	8/2/82	1	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
9/16/81 letter from Regan to Koppelman (Meunkle) with comments on Plan	8/2/82	5	1982 Index
12/18/81 December monthly report - SCRERP	8/2/82	2	1982 Index
1/25/82 letter from Bill Hafner to Meunkle re SCRERP	8/2/82	1	1982 Index
4/9/82 letter from Dillenback to DeMartine re contact on off hours	8/2/82	1	1982 Index
5/14/82 letter from Irving Like to Koppelman re Shoreham Evacuation Planning	8/2/82	2	1982 Index
11/30/81 letter from Silverman to Meunkle attaching FEMA Actions to Qualify Alerting and Notification Systems Against NUREG	8/2/82	4	1982 Index
4/25/80 handwritten note from Panzarella re comments on County Evacuation Zone	8/2/82	1	1982 Index
1/23/81 letter from Strong to J.R. Hawald U.S. Coast Guard, to Strang re emergency assistance	8/2/82	2	1982 Index
7/22/81 memo from Gordon to Meunkle attaching 6/15/81 memo re RERP and Department of Social Service Annex Procedures, Radiation Incidents Evacuation Plans	8/2/82	12	1982 Index
6/6/79 letter from Sheridan to Dilworth re Transportation Element, Shoreham Evacuation Plan	8/2/82	1	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
9/8/80 letter from Strang to Falkenback re evacuation from jails	8/2/82	1	1982 Index
1/28/82 memo from Brotherton to Koppelman re Insurance Considerations regarding Nuclear Evacuation Plans	8/2/82	4	1982 Index
6/10/81 letter from Stile, Communications Technical Unit, SCPD, to McHaffie re Evacuation Plan for Shoreham Disaster	8/2/82	7	1982 Index
10/6/81 letter from Silverman to Renz, LILCO re localized SC Emergency Broadcast Network	8/2/82	1	1982 Index
3/4/82 memo from Meunkle to Koppelman, enclosing portion of draft of SCRERP.	8/2/82	3	1982 Index
3/10/82 letter from Koppelman transmitting SCRERP.	8/2/82	1	1982 Index
7/3/79 letter from R.J. Panzarella, forcast analyst, LILCO, to Meunkle, attaching population data for evacuation areas.	8/2/82	30	1982 Index
Emergency Plan for Major Radiation Incidents at Shoreham Nuclear Power Station	8/2/82	53	1982 Index
12/1/81 U.C. Department of Health Services -- Response to NUREG-0654/FEMA-REP-1	8/2/82	6	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
4/8/80 letter from Treder to Regan, enclosing updated recommended Annex Procedure to the Emergency Plan for Police Department (Annex Procedures attached)	8/2/82	22	1982 Index
Department of Emergency Preparedness - Annex Procedures for Major Radiation Incidents at Shoreham Nuclear Power Station	8/2/82	23	1982 Index
Suffolk County Radiological Emergency Response Plan - Appendix A - evacuation plan	8/2/82	216	1982 Index
Suffolk County Radiological Emergency Response Plan - Draft	8/2/82	170	1982 Index
December 1980 Evacuation planning for the Shoreham Nuclear Power Station - an interim report	8/2/82	37	1982 Index
2/1/82 letter from Robin Wilson, LIRR, to David Gilmartin, SC attorney, stating railroad's cooperation in emergency.	8/2/82	1	1982 Index
9/13/79 memo from Becker to Major Kelly re Transportation Element for Evacuation in the Vicinity of SNPS	8/2/82	2	1982 Index
SCRERP program - monthly report number 1. Date May 18, 1981	8/2/82	3	1982 Index
SCRERP - October monthly report. Date: October 19, 1981	8/2/82	3	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
1/14/82 letter from A. Havens, superintendent of South Haven School, stating that the school will not be used in practice drills.	8/2/82	1	1982 Index
SCRERP - February monthly report. Date: February 18, 1982	8/2/82	3	1982 Index
2/3/82 letter from Dempsey to J. Futter re SCRERP	8/2/82	1	1982 Index
10/28/80 letter from H.W. Davids, Bureau of Environmental Health, to Regan re radiation monitoring system. Attached is a Proposal for a Radiological Monitoring System for Suffolk County.	8/2/82	13	1982 Index
6/30/81 memo from W.C. Roberts to A. Andreoli re emergency response plan	8/2/82	2	1982 Index
4/30/81 letter from Halmer to Regan re public safety plans for Shoreham Nuclear Plant	8/2/82	3	1982 Index
6/5/81 letter from Palmer to Czech re comments solicited regarding Northeast Utilities, Public Information Booklet of Emergency Preparedness Actions.	8/2/82	2	1982 Index
6/23/81 memo to George Proios from Vincent Donnelly re evacuation plan. Attached is memo from Proios to supervisor Lefkowitz dated 5/22/81.	8/2/82	3	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
10/16/81 letter from Hafner to S.C. Department of Emergency Preparedness re public safety plans for SNPS.	8/2/82	2	1982 Index
4/24/79 letter from Sheridan to Kelly re time frame of proposed evacuation.	8/2/82	1	1982 Index
12/31/81 letter from Dempsey to Meunkle re RERP.	8/2/82	2	1982 Index
Transportation Considerations for Evacuation Planning Around the SNPS. Attached is driver questionnaire.	8/2/82	3	1982 Index
5/14/80 form letter from Strang to School Districts listed enclosing "contingency measures for the evacuation of schools".	8/2/82	4	1982 Index
Suffolk County Emergency Plans in Support of the New York State Specific Operating Procedures, Date: 1/3/75	8/4/82	12	1982 Index
7/26/82 letter from Paul O'Brien, Deputy Commissioner to Frank Jones, Deputy County Executive, enclosing materials on emergency plans for Shoreham	8/4/82	8	1982 Index
4/24/80 memo by William H. Larkin, prepared for Aaron Chaves, M.D., Deputy Commissioner of Health Services. Title: Emergency Medical Services Factors to be Considered in Developing Emergency Operation and Evacuation Plans for the Shoreham Nuclear Power Station and surrounding Communities.	8/4/82	3	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
7/25/80 memo from William Larkin to David Harris, M.D., MPH Commissioner. Re emergency plan for radiation accident at Shoreham.	8/4/82	2	1982 Index
4/13/82 memo from Robert J. Sheppard to M. H. Zaki, M.D. re Establishment of Radiological Dose Levels - Suffolk County Nuclear Emergency Plan.	8/4/82	2	1982 Index
Suffolk County Department of Health Services/ Response to NUREG 0654, FEMA - REP - 1/ Radiological Emergency Response Plan.	8/4/82	6	1982 Index
5/12/82 memo from William C. Roberts, P.E. to H.W. Davids, P.E. re Department Participation in Shoreham Evacuation Plan.	8/4/82	2	1982 Index
Memo from William H. Larkin to David Harris. Re emergency Plan for Radiation Accidents at Shoreham.	8/4/82	2	1982 Index
7/8/80 letter from Donald Davidoff, Project Manager, Nuclear Emergency Planning Group. Re Progress Report on Development of Revised State Radiological Emergency Plan.	8/4/82	2	1982 Index
4/4/80 memo from William C. Roberts to File. Re meeting - LILCO, March 21, 1980 re Shoreham Emergency Plan.	8/4/82	1	1982 Index
6/15/81 memo from M.H. Zaki, M.D., to Dr. Israel Wilenitz, Department of Planning. Re Radiological Emergency Response Plan.	8/4/82	4	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
6/1/81 memo from M.H. Zaki, M.D., to Drs. David Harris and Aaron Chaves. Re Emergency Reponse Plan.	8/4/82	32	1982 Index
9/13/79 memo from Seymour Becker to Dr. M. Mayer re transportation Element for Evacuation in the Vicinity of the Shoreham Nuclear Power Station.	8/4/82	2	1982 Index
9/25/79 letter from M.H. Zaki, M.D., to Major Norman Kelly, Director of Department of Emergency Preparedness, re comments on preliminary plan for Transportation Element of Shoreham Evacuation Plan.	8/4/82	5	1982 Index
Responsibilities of the Commissioner of the Department of Health Services.	8/4/82	6	1982 Index
3/26/79 letter from Lawrence Czech, Emergency Plans and Special Projects Unit, Bureau of Radiological Health, to Zaki, enclosing draft of "Specific Operating Procedures for the Shoreham Site."	8/4/82	30	1982 Index
9/8/75 letter from Zaki to Major Kelly, attaching draft copy of Radiation Disaster Plan.	8/4/82	7	1982 Index
4/16/79 letter from Zaki to Czech. Re comments on "Specific Operating Procedures for the Shoreham Site."	8/4/82	3	1982 Index
9/8/75 letter from Zaki to Kelly, attaching draft copy of Radiation Disaster Plan.	8/4/82	10	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
9/13/79 memo from Becker to Dr. Mayor re Transportation Element for Evacuation in Vicinity of Shoreham Nuclear Power Station.	8/4/82	2	1982 Index
9/5/73 memo from William Roberts to Dr. Mayor. Re Transportation Element for Evacuation in the Vicinity of the SNPS, document 405.	8/4/82	2	1982 Index
8/31/79 letter from Kelley to Zaki, enclosing preliminary transportation plan.	8/4/82	1	1982 Index
9/25/79 letter from Zaki to Kelley re comments on Preliminary Plan for Transportation Element of Shoreham Evacuation Plan.	8/4/82	2	1982 Index
4/15/75 memo from Davies, Bureau of Radiological Health, to Davis, Suffolk County Health Department. Re SOP LILCO nuclear power reactor, Shoreham site.	8/4/82	15	1982 Index
4/5/79 letter from Mayor from John J. Fulley, Suffolk County Legislator enclosing draft of SOP for the Shoreham site.	8/4/82	31	1982 Index
6/13/80 letter from Zaki to Ronald Buckingham, Director Suffolk County Department of Fire Safety. Re. Radiation Monitoring System for LILCO Shoreham.	8/4/82	4	1982 Index
Memo of Department of Emergency Preparedness plan for radiation accident at specified facilities.	8/4/82	4	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
Responsibilities of the Commissioner of the Department of Health Services Alert A (Stand-by).	8/4/82	5	1982 Index
7/26/82 memo from James Patterson, Manager, Insurance and Risk Management Unit, to Frank Jones re documents regarding emergency planning at SNPS.	8/4/82	7	1982 Index
7/26/82 memo from Bruce G. Blower, Director, Suffolk County Office of Handicapped Services, to Frank Jones re 7/23/82 Memo re Emergency Planning Documents	8/4/82	25	1982 Index
Weekend and Holiday Call System-Health Services Department-Documents Produced Emergency Telephone Numbers.	8/4/82	1	1982 Index
County of Suffolk Disaster Preparedness Plan, dated January 1, 1981	8/4/82	3	1982 Index
SC SOP re Reporting Emergency Situations, dated July 22, 1980	8/4/82	3	1982 Index
9/19/79 letter from Harrison to Kelly. Re. comments on SOP on Procedures in the Event of Natural Disasters, etc.	8/4/82	6	1982 Index
Emergency Action Plan When Public Water Supply Fails	8/4/82	2	1982 Index
7/20/79 memo from William Roberts to the Hon. Michael Grant, Legislator. Re emergency water supply.	8/4/82	4	1982 Index

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Emergency Medical Services Disaster Plan for Suffolk County. Revised the law in 1975.	8/4/82	24	1982 Index
Suggested Equipment for Response to Hazardous Materials Incidents by Suffolk County Department of Health Personnel.	8/4/82	3	1982 Index
Suggested Equipment for Response to Hazardous Materials Incidents by the Emergency Services Section. Revised January 1982. Prepared by Donald J. Howe.	8/4/82	12	1982 Index
12/8/78 memo from Larken to Donald J. Ogden, Chief of Communications Operations. Re medical communications in mass casualty situations.	8/4/82	3	1982 Index
Preliminary Report: Transportation Element for Evacuation in Vicinity of SNPS. Prepared by SC Department of Transportation, August 1979.	8/4/82	Not provided	1982 Index
Completed form re Radiation Accident, Radioactive Contamination Plan. University Hospital, State University of New York at Stonybrook. Date 12/29/81	8/4/82	21	1982 Index
4/19/79 memo from Dietrichson to Harris. Re Emergency Preparedness Response Plan for Major Radiation Incidents.	8/4/82	1	1982 Index
Emergency Medical Services Following a Nuclear Reactor Accident	8/4/82	1	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
Completed form for Good Samaritan Hospital attaching Hospital Planning for Patients Contaminated with Radioactive Materials. Date 12/3/81.	8/4/82	4	1982 Index
Brunswick Hospital Center Policy for Emergency Handling of Radiation Exposure or Radioactive Contamination - Accidental Cases. Revised 8/80.	8/4/82	5	1982 Index
10/27/80 letter from Regan to the Honorable Peter F. Cohalan, attaching proposal for Basic Remote Radiological Monitoring System.	8/4/82	21	1982 Index
2/19/82 letter from Koppelman, Director of Planning, to LILCO. Re Radiological Emergency Response Plan and Agreement.	8/4/82	14	1982 Index
5/20/82 letter from Buckingham to Frank Silvani, SC Fire District Officers Association. Re Emergency Response with Respect to Shoreham Nuclear Facility.	8/4/82	2	1982 Index
Evacuation Planning for the Shoreham Nuclear Power Station and Interim Report Suffolk County Department of Transportation.	8/4/82	41	1982 Index

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7/25/82 memo from James E. Reese, Commissioner, Department of General Services, to Jones re documents re emergency planning, attaching list of documents generated within General Services department re emergency planning	8/4/82	2	1982 Index
7/23/82 passage from Stanley A. Pauzer, Soil and Water Conservation District to Jones, enclosing Protection Plan	8/4/82	12	1982 Index
7/26/82 letter from Sidney Mitchell, Department of Real Estate to Jones, enclosing emergency planning documents	8/4/82	7	1982 Index
Suffolk County Response Plan Specific Operating Procedures for Major Radiation Incidents, August 30, 1978	8/4/82	34	1982 Index
Memo from Bert Friedman, Public Works, to Jones, attaching documents re emergency procedures	8/4/82	8	1982 Index
7/26/82 memo from A.F. Silkworth, to Jones re "Disaster Plan"	8/4/82	1	1982 Index
Suffolk County Community College procedures for fire emergency	8/4/82		1982 Index
Suffolk County Department of Buildings and Grounds- Annex to Suffolk County Response Plan Specific Operating Procedures for Major Radiation Incidents, dated August 1978	8/4/82	10	1982 Index

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7/2/82 memo from R.E. Strzepek to Aldo Marletti re emergency response to spill incidents in Suffolk in sewer districts	8/4/82	26	1982 Index
7/23/82 memo from J. La Trenta, Airport Manager, to Jones, enclosing emergency planning documents	8/4/82	3	1982 Index
7/23/82 memo from Robert Becker to Webber attaching emergency call list	8/4/82	3	1982 Index
7/23/82 letter from A. Barton Cass to Jones re documents re emergency planning	8/4/82	14	1982 Index
7/23/82 memo from Robert Webber to Jones, enclosing Department of Public Works, Division of Sanitation, Emergency Procedures Documents.	8/4/82	6	1982 Index
7/23/82 memo from John Liguori to Jones enclosing documents re emergency planning. Includes all Civil Defense, Basic Emergency Plans for Suffolk and its townships and villages.	8/4/82	30	1982 Index
Civil Defense Basic Emergency Plan for Suffolk and its Documents Produced Townships and Villages	8/4/82	29	1982 Index
Suffolk County Radiological Emergency Response Plan. Emergency Response Function of Principal Agencies (Draft for Comment). Prepared for RERP Steering Committee by PRC Voorhees June 1982.	8/4/82	11	1982 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
Suffolk County Radiological Emergency Response Plan. Preliminary Summary of Agreement/Authority Needs. Prepared for Suffolk County RERP Steering Committee by PRC Voorhees June 1982.	8/4/82	5	1982 Index
Suffolk County Radiological Emergency Response Plan. Preliminary Evacuation Analyses. Prepared for Suffolk County RERP Steering Committee. By PRC Voorhees, June 1982.	8/4/82	89	1982 Index
7/26/82 letter from John Finnerty, Sheriff, to Jones, attaching documents re emergency planning	8/4/82	1	1982 Index
7/27/82 letter from DeWitt C. Treder, Police Department to Jones attaching documents re emergency planning and documents referred to in letter	8/4/82	88	1982 Index
"Part 2" SCPD Special Orders Index and Orders	8/4/82	240	1982 Index
Police Department memoranda	8/4/82	25	1982 Index
Suffolk County Sheriff's Office responsibilities	8/4/82	2	1982 Index
Suffolk County Sheriff's Office procedures	8/4/82	2	1982 Index
River Head Police Department responsibilities	8/4/82	3	1982 Index
Procedures for River Head Police Department	8/4/82	5	1982 Index

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3/16/82 letter from Meunkle to Faulkenbach, Suffolk County Sheriff, enclosing SC's radiological emergency response plan applicable to Sheriff's office	8/4/82	1	1982 Index
Suffolk County Police Department responsibilities	8/4/82	5	1982 Index
SCPD procedures	8/4/82	10	1982 Index
Communications	8/4/82	10	1982 Index
Communications procedures	8/4/82	6	1982 Index
South Hampton Police Department responsibilities	8/4/82	2	1982 Index
South Hampton town Police Department procedures	8/4/82	2	1982 Index
Police responsibilities with respect to evacuation	8/4/82	6	1982 Index
Flood Disaster Plan/Moriches Inlet Area	9/27/83	2	1983 Index
Southold Town Police Dept. Disaster Plan & Operations Guide	9/27/83	43	1983 Index
Disaster Plan for Fishers Island, NY	9/27/83	2	1983 Index
Southampton Town Emergency Preparedness Manual	9/27/83	95	1983 Index
Emergency Operations Plan-Annex A, App. 10. Activation of the County Emergency	9/27/83	26	1983 Index
Memo from Fischler to All Fire Chief Councils' Presidents re: SC Mutual Aid Plan	9/27/83	18	1983 Index

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Section 1/General Considerations, Section 2-Concept of Operations, Section 3-Sequence of Events	9/27/83	33	1983 Index
East Hampton Highway Department	9/27/82	11	1983 Index
Town of Brookhaven Emergency Preparedness Preliminary Fire Island Evacuation Plan	9/27/83	7	1983 Index
Letter from Schaller to Rogers, SC Legislature with attached Emergency Preparedness/Emergency Operations Plan for SC Sheriff's Office/Riverhead, NY	9/27/83	8	1983 Index
Memo from Chester, SC to Dept. Parks Area Supervisors, et al. re Emergency Operations	9/27/83	24	1983 Index
Letter from Caldwell to Koppelman re Hurricane Plans and Preparedness Operative Agmt. EMN-K-0018	9/27/83	20	1983 Index
SC Response Plan Specific Operating Procedures for Major Radiation Incidents	9/27/83	26	1983 Index
Hurricane Damage Mitigation Plan for the South Shore of Long Island Planning board	9/27/83	62	1983 Index
Memo from Regan to All Local Newspapers and Community Publications re: hurricane safety procedures	9/27/83	3	1983 Index
Memo from Larkin to Skinner re: SCRERP w/attached PRC Voorhees communications questionnaire	9/27/83	7	1983 Index

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Memo from Larkin to Skinner re: EMS System Communications Capabilities	9/27/83	2	1983 Index
Memo from Chester Dept. of Parks to Area Supervisors, etc. with Emergency Operations Plan for SC Dept. Parks	9/27/83	18	1983 Index
Town of Islip Emergency Preparedness Disaster Procedure and Resource Manual	9/27/83	6	1983 Index
Fire Island Emergency Operations Plan (attach. 8)	9/27/83	11	1983 Index
Hurricane Disaster Plan Fire Island, NY, Fire Service (attach. 10)	9/27/83	2	1983 Index
Memo from Skinner to Regensburg re: SCRERP	9/27/83	2	1983 Index
Ltr from Kelly to Sheridan re: review of procedures for transportation of hazardous materials	9/27/83	3	1983 Index
Ltrs. re: NAWAS for Nuclear Plant locations in New York State	9/27/83	8	1983 Index
Memo from Treder to Uelhlinger re: Emergency Operating Center Staffing Pattern	9/27/83	10	1983 Index
Memo from Parella, SCPD, to Erickson re: Nuclear Power Plant Exercise (Indian Point)	9/27/83	11	1983 Index
Memo from Treder to Uelhlinger re: Radiological Detection Equipment	9/27/83	4	1983 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
Memo from Parella to Erickson re: status report re: radiological disaster plan for Shoreham	9/27/83	7	1983 Index
Proposal for Development of a Detailed Radiological Emergency Plan	9/27/83	7	1983 Index
Communications (Section of plan)	9/27/83	54	1983 Index
SCPD Annex Procedures for Major Radiation Incidents at SNPS (Exh. 2)	9/27/83	20	1983 Index
Ltr. from Kelly to list re: update of Shoreham evacuation plan	9/27/83	3	1983 Index
Memo from Treder to McBride re SNPS Preliminary Evacuation Plan (Exh. 5)	9/27/83	1	1983 Index
Ltr. from Dilworth to Meunkle attaching memo re: SNPS Evacuation Plan (Exh. 9)	9/27/83	8	1983 Index
Ltr. from Dilworth to Meunkle w/Koppelman ltr. (12/7/81) and Communications section SCRERP	9/27/83	11	1983 Index
Memo from Stile to McHaffie re: Evac. Plan	9/27/83	1	1983 Index
Memo from Stile to McHaffie re: Evacuation Plan for Shoreham Disaster	9/27/83	1	1983 Index
County of Suffolk Police Dept. Emergency Plan for Major Radiation Incidents/Annex Procedures (Exh. 6)	9/27/83	2	1983 Index
Memo from Treder to Uehlinger re: SC Emergency Operations Plan with SOP Police Service Annex	9/27/83	21	1983 Index

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Letter from Dilworth to Kelly attaching SCPD Procedures on Radioactive Materials and Natural Disaster Plan	9/27/83	40	1983 Index
Memo from Uehlinger to Smith re: Update of Plans for Radiological Disaster	9/27/83	1	1983 Index
Memo from Parella to Erickson re: SC Plan	9/27/83	1	1983 Index
Ltr. from Kelly to Dilworth enclosing prelim. transportation plan	9/27/83	1	1983 Index
Memo from Kelly to Dilworth re: Dept. Annexes for SC Response Plan for Major Radiation Incidents	9/27/83	1	1983 Index
SOP-Procedures for Use in the Event of Natural Disaster, Man-Made Disasters and Nuclear Attack	9/27/83	5	1983 Index
Memo from Parrella SCPD to Erickson re: SNPS Evacuation Plan	9/27/83	3	1983 Index
Memo from Treder to Murray with Memo from Murray attaching Emergency Operations Plan	9/27/83	36	1983 Index
Letter from Horton to Regan with comments on January 1, 1981, SC Disaster Preparedness Plan; attached Plan	9/27/83	57	1983 Index
SOP: Procedures for Use in the Event of Natural Disaster, Man-Made Disasters and Nuclear Attack	9/27/83	4	1983 Index

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Suffolk County Radiological Emergency Response Plan Draft	9/27/83	170	1983 Index
Annex Procedures for Major Radiation Incidents at Shoreham Nuclear Power Station Dept. of Emergency Preparedness	9/27/83	27	1983 Index
Annex Procedures of Dept. of Fire Safety Emergency Plan for Major Radiation Incidents	9/27/83	43	1983 Index
Annex Procedures for Major Radiation Incidents at Shoreham Nuclear Power Station Dept. of Bldgs. and Grounds Dept. of Buildings and Ground	9/27/83	15	1983 Index
Annex Procedures for Major Radiation Incidents at Shoreham Nuclear Power Station Dept. of Public Works	9/27/83	3	1983 Index
Annex Procedures for Major Radiation Incidents at Shoreham Nuclear Power Station Dept. of Social Services	9/27/83	12	1983 Index
Annex Procedures for Major Radiation Incidents at Shoreham Nuclear Power Station Dept. of Health Services	9/27/83	28	1983 Index
Ltr. from Stile, SCPD, to Meunkle (2 pp.) re: communications portion of SCRERP	9/27/83	2	1983 Index
Memo from Stile, SCPD, to McHaffie, (2 pp.) re: Evacuation Plan	9/27/83	2	1983 Index
Memo from Stile, SCPD, to McHaffie re: meeting to review communications RERP	9/27/83	1	1983 Index

<u>Document</u>	<u>Date of Production</u>	<u>Page Length of Document</u>	<u>LILCO Index</u>
Memo from Cohalan re: Civil Defense Section, SCPD (2 pp.)	9/27/83	2	1983 Index
Memo from Uehlinger to Grattan re: Dept. of Traffic Evacuation Plan (2 pp.)	9/27/83	2	1983 Index
Memo from Uehlinger to Grattan re: Suffolk County Response Plan	9/27/83	1	1983 Index
Memo from Uehlinger to Grattan re: evacuation plans	9/27/83	1	1983 Index
Letter from Meunkle to Treder, enclosing sections	10/12/83	2	1983 Index
SCPD Section	10/12/83	17	1983 Index
Riverhead Police Dept. Section	10/12/83	11	1983 Index
Southampton Police Dept. Communications Section	10/12/83	5	1983 Index
Section B: Recipients of Tone "A" Activation	10/12/83	11	1983 Index
Section B: Recipients of Tone "A" Activation	10/12/83	4	1983 Index
Police Responsibilities with Respect to Evacuation	10/12/83	4	1983 Index
SC Dept. Health Services response to NUREG-0654, FEMA-REP-1, RERP (Exh. 3)	10/14/83	6	1983 Index
Letter from Mayer to Holder, Central Islip Psychiatric Center, enclosing parts of plan (Exh. 8)	10/14/83	3	1983 Index
Comments on the LILCO Emergency Plan for Shoreham (Exh. 14)	10/14/83	24	1983 Index

LIST OF DOCUMENTS PRODUCED BY NEW YORK STATE  
TO LILCO DURING SHOREHAM PROCEEDINGS \*

<u>Date of Production</u>	<u>Description of Document</u>
7/21/88	Title pages of component procedures for laboratory analysis of ingestion pathway samples
7/18/88	Listing of documents gathered by two bureaucratic units within SEMO for eventual transmittal to counsel for New York State
7/6/88	"New York State Atlas of Community Water System Sources, 1982"
7/6/88	Letters from Mr. DeVito dated September 25, 1987, August 4, 1987, June 1, 1987 (two) and Agendas for June 18, 1987 and August 12, 1987 meetings
7/6/88	"New York State Department of Health Bureau of Environmental Radiation Protection Sample Collection Procedures"
7/6/88	"New York State Emergency Sampling Kit - W4558q"
7/5/88	New York State Radiological Emergency Response Plan and the New York State Disaster Plan (verified by Messrs. Papile and DeVito, respectively)
7/5/88	Procedure: RAD320
7/5/88	Letter of June 2, 1988 from James Papile to Ihor Husar
7/5/88	"Emergency Communications Development Plan, State of New York, County of Suffolk"
7/5/88	"Suffolk County Department of Emergency Preparedness * Emergency Directory"

\* Documents relating to the background of State witnesses or the substance of testimony provided in this proceeding are not included in this list.

Date of Production

Description of Document

7/5/88	"Title III Planning Guide and Model Plan"
7/5/88	"Brookhaven Spent Fuel Shipments Notification and Escort Procedure Checklist"
7/5/88	Memorandum of February 6, 1985 from Lee Bates to Robert Trivison
7/5/88	"The Basic Plan Component of a County Comprehensive Emergency Management Plan"
7/5/88	"Standard Operating Procedures for Suffolk NAWAS Warning Point"
7/5/88	"Hazardous Materials Emergency Contingency Plan"
7/5/88	"A Guide to: Local Government Disaster Planning"
7/5/88	"Guide for Preparing a County Comprehensive Emergency Management Plan in New York State"
7/5/88	"Guide for Counties, Hazardous Materials Response Planning"
5/24/88	New York State Critical Energy Services Civil Disobedience/ Terrorism Plan
5/24/88	New York State Radiological Response Plan - this pertains to non-nuclear power plant, non-nuclear war radiological emergencies
5/24/88	Documents pertaining to the Yankee Rowe 1988 Exercise concerning State of New York objectives, the scenario and "participant messages"
5/24/88	List of recipients of the NYS Radiological Emergency Preparedness Plan
5/24/88	Transcript of relevant March 2, 1983 proceedings of the New York State

Disaster Preparedness Commission

Date of Production

Description of Document

5/24/88	List of Ginna Ingestion Pathway Exercise Meetings and Drills
5/24/88	Document entitled, "Presentation on R.E. Ginna Ingestion Pathway Exercise"
2/26/88	34 completed New York State Education Department forms entitled, "Basic Educational Data System School Data Form Fall 1987"
2/26/88	70 completed New York State Education Department forms entitled "Transportation Contract" or "Extension of Contract for Pupil Transportation"
2/26/88	11 completed New York State Education Department forms concerning school district staff
2/26/88	Radiological Emergency Preparedness Plans for Orange, Putnam and Rockland Counties (LILCO's Counsel indicated that LILCO already possessed current copies of other components of the New York State Radiological Emergency Preparedness Plan)
8/11/87	"Operations Manual For Isolated Traffic - Actuated Intersection;" by Raymond J. Mazuryk; January, 1982
8/11/87	"Traffic Actuated Processing System Operators Manual;" March 1985
2/25/87	Information Regarding Inspection and Recording of Dial Settings on Certain Actuated Traffic Signal Controllers
2/25/87	Emergency regulations pertaining to the Low Level Radioactive Waste Transport law

Date of Production

Description of Document

1/20/87	Three boxes full of scenarios, objectives and related letters and memoranda concerning the development, review or approval of scenarios and/or objectives for FEMA-graded exercises for nuclear power plants in New York State.
2/23/84, 3/2/84	Documents relating to New York State's review of a plan for Shoreham that LILCO purloined from Suffolk County and submitted to the State Disaster Preparedness Commission in 1982. These documents are described in the attached list, entitled "Inventory of Responsive Documents," which was prepared to facilitate a response to a similar document request from the Town of Southampton submitted under the New York Freedom of Information Law. One handwritten asterisk means that the document was provided to LILCO on February 23, 1984. Two handwritten asterisks means that the document was not provided to LILCO because it was a document that was sent to or sent by LILCO or was lost or discarded prior to LILCO's discovery request. Three handwritten asterisks means that the document was exempted from production by a protective order set forth in the Board's March 5, 1984 Order. Four handwritten asterisks means that the document was provided to LILCO pursuant to the Board's March 6, 1984 Order. Five handwritten asterisks means that the document was provided in part to LILCO pursuant to the Board's March 6, 1984 Order.
2/22/84	Putnam County Radiological Emergency Preparedness Plan
2/21/84	Oswego County Radiological Emergency Preparedness Plan

Date of Production

Description of Document

2/21/84	Orange County Radiological Emergency Preparedness Plan
2/21/84	Westchester County Radiological Emergency Preparedness Plan
2/17/84	NYS Disaster Preparedness Plan
2/17/84	NYS Radiological Emergency Preparedness Plan
2/17/84	Wayne County Radiological Emergency Preparedness Plan
2/17/84	Monroe County Radiological Emergency Preparedness Plan
2/17/84	Radiological Emergency Response Interim Plan for Implementing Compensating Measures for Rockland County

INVENTORY  
OF  
RESPONSIVE  
DOCUMENTS

1) The following document is not being provided because it has already been transmitted to Mr. Latham:

<u>DATE</u>		<u>DOCUMENT</u>
4/14/83	*	letter from Axelrod to Latham
7/12/83	*	Notice of Proposed Agency Action

2) A copy of each of the following documents is being provided at this time:

<u>DATE</u>		<u>DOCUMENT</u>
4/18/83	*	testimony of Axelrod
5/10/83	*	press release of Cuomo
4/26/83	*	unidentified factual material headed by "Shoreham"
undated	*	unidentified factual material headed by "This memorandum summarizes the recent events concerning the Shoreham Nuclear Power Station."
3/22/83	*	press release concerning Axelrod's statements to NRC with attachments (2/28/83 memo from Brenner to Axelrod and 3/18/83 letter to Brenner from Axelrod)
3/5/83	*	memo to DPC members from McQueen
2/23/83	*	letter to Cohalan from Axelrod with attachments (letter of 2/2/83 to Axelrod from Jones and letter of 3/1/83 to Axelrod from Cohalan)
12/15/82	*	stipulation of settlement in <u>Cohalan v. New York State Disaster Preparedness Commission</u>
2/17/83	*	press release of Cuomo
undated	* *	chart
1/19/83	*	memo to Castellano from Davidoff is being released but portion containing opinion, belief and conjecture is being redacted; attachments (letter of 1/6/83 from Howard to Davidoff, testimony of 1/17/83, newsclip of 11/8/83) are being released
12/14/82	*	letter from Davidoff to Jones with attachments (buck slip of 12/3/83 and letter of 12/2/82 from Cohalan to Hennessy)
12/9/82	*	<u>motion to dismiss in Cohalan v. New York State Disaster Preparedness Commission</u> , with attachment (affirmation of Alvy of 12/9/82 and affidavit of Davidoff of 12/10/82)

12/6/82 \* letter to Harenberg from Hennessy with attachment  
(letter of 11/23/82 to Hennessy from Harenberg)

12/7/82 \* telegram from Hennessy to Cohalan with attachment  
(telegram to Hennessy from Cohalan)

11/29/82 \* letter to Cohalan from Hennessy with attachments  
(letter of 11/22/82 to Hennessy from Jones,  
letter of 9/16/82 from Jones to Davidoff, letter  
of 9/9/82 to Jones from Davidoff, letter of  
7/26/82 to Jones from Hennessy, letter of 6/30/82  
from Jones to Hennessy)

11/12/82 \* letter to Cohalan from Hennessy

9/10/82 \* letter to Jones from Davidoff with attachments  
(letter of 9/3/82 to Davidoff from Jones and  
\* \* -> letter of 7/21/82 from Christman to Hennessy)

8/3/82 \* memo to Millock from Davidoff with attachments  
(letter of 7/28/82 from Hennessy to La Valle, and  
letter of 7/8/82 from La Valle to Hennessy)

6/9/82 \* press release

7/28/82 \* memo to Millock from Davidoff with attachments  
(letter of 7/26/82 from Hennessy to Jones, letter  
of 6/30/82 to Hennessy from Jones, letter of  
6/11/82 to Cohalan from Hennessy)

7/26/82 \* letter to Halpin from Hennessy with attachment  
(letter of 6/10/82 from Halpin to Hennessy)

6/23/82 \* letter to Berman from Axelrod with attachment  
(letter of 5/25/82 to Axelrod from Berman)

6/17/82 \* letter to Newburger from Hennessy with attachment  
(letter of 6/9/82 to Hennessy from Newburger)

6/15/82 \* letter to Berger from Davidoff with attachment  
(letter of 5/21/82 from Berger to Hennessy)

6/15/82 \* letter to DPC members from Davidoff

6/14/82 \* letter to Marten from Davidoff with attached  
petition and letter of 6/1/82 to Hennessy from  
Marten

6/8/82 \* \* letter to Cordaro from Hennessy with attachment  
(review of Shoreham plan)

6/11/82 \* letter to Trunzo from Davidoff with attachment  
(letter of 5/17/82 to Davidoff from Trunzo)

various dates \* letters from McQueen to various persons

7/29/82 \* letter to Pachman from Hennessy

6/1/82 \* \* \* \* "Analysis of Shoreham Offsite Emergency Plan"

undated \* \* \* \* "Summary of Comments on Sections A, C, and J of  
the Shoreham-Suffolk County Off-site Plan"

5/26/82 \* letter from Hennessy to Wolosin

5/17 and 19/82 < legislative contact reports

5/17/82 \* \* letter to Cordaro from Hennessy with attachments  
(letter of 5/10/82 from Cordaro to Hennessy)

5/17/82 \* \* \* \* memo to Stasiuk from Davidoff

5/14/82 \* \* \* handwritten notes

4/19/83 and \*  
5/16/83 press release, statement by Governor Cuomo

3) The following materials may be responsive documents, but they are being withheld on the grounds specified. The New York State Disaster Preparedness Commission and/or the New York State Department of Health reserve the right to amend or expand the grounds for withholding documents which are protected by privileges, exemptions or objections. Mr. Millock, Mr. Phillips and Mr. Zahnleuter are attorneys employed by the State who function as attorneys. The following privileges, exemptions or objections are referenced by the following code system:

- 1) "A" refers to inter-agency materials which are not:
  - (i) statistical or factual tabulations or data;
  - (ii) instructions to staff that affect the public, or
  - (iii) final agency policy or determinations;

- 2) "B" refers to intra-agency material which are not:
  - (i) statistical or factual tabulations or data;
  - (ii) instructions to staff that affect the public, or
  - (iii) final agency policy or determinations;
- 3) "C" refers to material prepared for litigation;
- 4) "D" refers to attorney work product;
- 5) "E" refers to materials protected by attorney-client privilege.

<u>DATE</u>	<u>DOCUMENT</u>
4/26/83 ***	transmittal slip to Axelrod/DPC from Davidoff/DPC with two attachments ("suggested questions for consideration by the Shoreham panel" and a handwritten note from Stasiuk/DOH to Axelrod/DPC concerning questions which should be emphasized); these materials contain preliminary suggestions, recommendations, opinions, conjecture and deliberations pertaining to the consequences of radioactive materials releases, A, B.
4/26/83 **	document is being released but portion containing opinion, conjecture and beliefs concerning possible Atomic Safety and Licensing Board decisions is being redacted, A, B.
undated **	non-final, draft, working copy of essay headed by "this memorandum summarizes the recent events concerning the Shoreham Nuclear Power Station.", A, B.
stamped received 3/11/83 **	non-final, draft, working copies of a letter to the New York Times concerning a 2/27/83 editorial re: Shoreham, A, B.
3/4/83 ***	memo to Millock/DOH from Davidoff/DPC concerning a draft reply to Brenner's 3/28/83 memo, with attachment (draft, non-final response dated 3/3/83); this is deliberative material, A, B, E.
3/7/83 ***	memo to Axelrod/DPC from Millock/DOH concerning resolution of <u>Cohalan v. New York State Disaster Preparedness Commission</u> with attachments (draft, non-final working copy of a stipulation of discontinuance) A, B, C, D, E.

- 2/23/83 \* \* \* memo from Millock/DOH to Axelrod/DPC concerning events pertaining to Shoreham, A, B, C, D, E.
- 1/19/83 \* → memo to Castellano/DPC from Davidoff/DPC is being released but portion pertaining to interpretation and opinion of the hearing and news coverage is being redacted, A, B.  
\* \* \*
- 2/16/83 \* \* \* memo to Axelrod/DPC from Millock/DOH concerning failure of Suffolk County to prepare a response plan, A, B, C, D, E.
- 2/11/83 \* \* \* → memo from Slocum/DOH to Axelrod/DPC concerning an editorial written by M. Patterson in Newsday on 2/7/83; this memo contains opinions, conjecture, evaluations, recommendations and deliberative material, A, B.  
\* →
- 1/30/82 \* \* \* \* \* memo to DPC members from Davidoff/DPC transmitting DPC's staff's review of the adequacy of LILCO's plan; this memo contains non-final, opinions, conclusions, evaluations and recommendations by staff which have not been acted upon the the DPC members; these documents constitute deliberative materials; attachments are an excerpt from NUREG-0654 and a completed review sheet, A, B.  
error  
should be 11  
\* \* \*
- undated \* \* non-final, draft working copy of a DPC resolution pertaining to Shoreham and associated planning, A, B.
- 12/6/82 \* \* \* non-final, draft, working copy of a DPC press release concerning proposed 12/8/82 DPC meeting, A, B.
- various dates \* \* \* drafts of Hennessy's letter of 11/29/82 to Cohalan, A, C.
- 11/24/82 \* \* \* \* \* memo from Czech/DPC to Davidoff/DPC containing non-final, preliminary advisory comments, opinions, evaluations, beliefs, conjecture and deliberative material pertaining to the adequacy of LILCO's plan, A, B.
- 11/23/82 \* \* \* \* \* memo from Czech/DPC to Davidoff/DPC containing same subject matter as described directly above, A, B.

- 11/19/83 \* \* \* \* memo to Czech/DPC from Clemente/DPC containing same subject matter as described directly above for 11/24/82 memo A, B.
- 11/15/82 \* \* \* \* memo to "Larry"/DPC from "Jim P. "/DPC containing same subject matter as described above for 11/24/82 memo, A, B.
- 11/9/82 \* \* \* draft, non-final working copies of letter to Cohalan from Hennessy, A, B.
- 10/25/82 \* \* \* \* memo to Czech/DPC from Lowery/DPC containing same subject matter as described directly above for 11/24/82 memo, A, B.
- 9/16/82 \* \* \* \* memo to Czech/DPC from Clemente, same as 11/24/82 memo A, B.
- 9/15/82 \* \* memo to Dillenbeck/DPC from Albertin/DOH, same as 11/24/82 memo, A, B.
- 9/13/82 \* \* \* \* memo to Davidoff/DPC from Czech/DPC, same as 11/24/82 memo, A, B.
- 9/8/82 \* \* \* \* memo to Czech/DPC from Popile/DPC, same as 11/24/82 memo, A, B.
- 7/23/83 \* \* \* draft, non-final letter from Hennessy to Pachman.
- 5/18/82 \* \* \* memo from Phillips/DOH to Millock/DOH concerning legal issues pertaining to LILCO's plan, A, B, D, E.
- 5/17/82 \* \* \* memo to "REPG Staff" from Davidoff concerning assignments for Shoreham plan review, A, B.
- 11/30/82 \* \* memo to DPC members from Davidoff/DPC containing non-final, preliminary advisory comments, opinions, evaluations, beliefs, conjecture and deliberative material pertaining to the adequacy of LILCO's plan, A, B.
- 7/18/83 \* \* \* memo to Davidoff/DPC from Zahnleuter/DOH advising of the applicable comment period for regulations, A, B, D, E.

- 7/1/83 ~~\*\*\*~~ memo to Abernathy/DOH from Duncan/DOH circulating for internal review proposed, draft, regulations and regulatory impact statement, this is deliberative material, A, B.
- 6/27/83 ~~\*\*\*~~ memo to Taylor/DOH from Millock/DOH transmitting a revised, proposed regulation transmittal form for further internal review, this is deliberative material, A, B, D, E.
- 6/20/83 ~~\*\*\*~~ memo to Millock/DOH from Zahnleuter/DOH with attachments (rating sheet for "Shoreham Offsite Emergency Plan" and pages 31-79 of an unidentified document) circulating non-final, draft, proposed regulation transmittal form for internal review, this is deliberative material, A, B, D, E.
- 5/17/83 ~~\*\*\*~~ memo to Millock/DOH from Zahnleuter/DOH discussing and identifying several possible modifications of proposed regulation transmittal form, this is deliberative material, A, B, D, E.
- 5/11/83 ~~\*\*\*~~ slip from Slocum/DOH to Duncan/DOH expressing comments on proposed regulation transmittal form, this is part of the internal review process and is deliberative material, A, B.
- 4/29/83 ~~\*\*\*~~ memo to Millock/DOH from Zahnleuter/DOH requesting comments and opinions concerning draft proposed regulation transmittal form, this is part of the internal review process and is deliberative material, A, B, D, E.
- 4/29/83 ~~\*\*\*~~ same as memo directly above, but containing handwritten comments, A, B, D, E.
- 5/18/83 ~~\*\*\*~~ memo to Duncan/DOH from Holohean/DOH expressing comments on proposed regulation transmittal form, this is part of the internal review process and is deliberative material, A, B.
- undated ~~\*\*\*~~ handwritten memo from Millock/DOH to Axelrod/DPC/DOH concerning possible contents of the proposed draft regulations, this is deliberative material and part of the internal review process, A, B, D, E.

DOCKETED  
USNRC

July 26, 1988  
~~88~~ JUL 28 A9:55

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF GENERAL COUNSEL  
DOCKETING & SERVICE  
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)

CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY AND STATE OF NEW YORK SUPPLEMENT TO JUNE 15, 1988, FILING have been served on the following this 26th day of July, 1988 by U.S. mail, first class, except as otherwise noted.

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