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LILCO, May 2, 1988

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'88 MAY -5 P4:21

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station,
Unit 1)

)
)
) Docket No. 50-322-OL-3
) (Emergency Planning)
) (Realism/Best Efforts)
)

SUPPLEMENT TO LILCO'S RESPONSE TO
GOVERNMENTS' APRIL 13 OBJECTION AND
MOTION IN THE ALTERNATIVE TO COMPEL DISCOVERY

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INTRODUCTION

On April 22, 1988, Long Island Lighting Company ("LILCO") filed "LILCO's Response to Governments' Objection to Portions of February 29 and April 8 Orders in the Realism Remand and Offer of Proof" ("Response to April 13 Objection"). The Response to April 13 Objection requested that the Board dismiss Intervenors' realism contentions for failure to carry their burden of proof and present a positive case. At that time, LILCO had neither Intervenors' written discovery responses nor, with one exception,^{1/} any of the deposition testimony on realism issues. Since then, written Interrogatory answers and depositions taken since April 22 confirm definitively what then appeared to be the case based on Intervenors' April 13 Objection; Intervenors simply do not intend to offer any substantial case on their response to a radiological emergency at

^{1/} Suffolk County Executive Patrick G. Halpin's deposition was taken on April 19, 1988, prior to the Response to April 13 Objection.

Shoreham. Thus they have forgone, to all appearances deliberately, the opportunity to rebut the presumption in the Commission's realism rule that non-participating governments' "best efforts" to respond to a radiological emergency will generally follow an approved utility plan. This evidence is so overwhelming as to impell LILCO to supplement its initial Response.^{2/} Specifically, LILCO reiterates its request that the Board dismiss the Intervenor's contentions on the basis of the record and Intervenor's stated intentions. In the alternative, LILCO moves for a further order compelling discovery.^{3/}

At issue is the nature of the State's and County's "best efforts" response in the event of a radiological emergency at Shoreham. The Board has twice made clear that:

[A] lack of legal authority cannot be raised under the regulation as a response against LILCO's Plan, nor can simple protestations that the State and County will not use LILCO's Plan. Acceptable rebuttals to the Plan must include positive statements of the projected behavior of the Governments. A determination to respond ad hoc would be acceptable only if accompanied by specification of the resources available for such a response, and the actions such a response could entail including the time factors involved.

Confirmatory Memorandum and Order (Ruling on LILCO's Motions for Summary Disposition of Contentions 1, 2, 4, 5, 6, 7, 8 and 10, and Board Guidance on Issues for Litigation) at 4 (Feb. 29, 1988) ("February 29 Confirmatory Memorandum and Order"). Again on April 8, the Board stated:

^{2/} LILCO has foreshadowed, in its Response to April 13 Objection, the likelihood that discovery would require supplementation of that paper.

^{3/} This supplement is being filed the first business day after the close of the discovery period ordered by the Board. Confirmatory Memorandum and Order at 2 (Apr. 18, 1988). It addresses comprehensively Intervenor's complete failure to be forthcoming in discovery as to the nature of Intervenor's "best efforts" response. If the Board declines to dismiss the contentions, the earliest discovery sought to be compelled is the continuation of Mr. Halpin's deposition of April 19, 1988. On April 21, Suffolk County refused to make Mr. Halpin available for continuation of his deposition. See Letter to Lawrence Coe Lanpher from K. Dennis Sisk (Apr. 21, 1988) (Att. 6). All of the other events reported in this supplement are more recent yet.

Intervenors . . . can no longer raise the specter of a lack of legal authority as a response nor can simple protestations that they will not use LILCO's plan suffice. The Intervenors are required to come forward with positive statements of their plans and must specify the resources that are available for a projected response and the time factors that are involved in any emergency activities proposed. Lacking the presentation of a positive case for analysis and evaluation, a finding of default and an adverse ruling could result in connection with the contention to which such omissions applied.

Memorandum (Extension of Board's Ruling and Opinion on LILCO Summary Disposition Motions of Legal Authority (Realism) Contentions and Guidance to Parties on New Rule 10 C.F.R. § 50.47(c)(1)), LBP-88-9, 27 NRC ___, slip op. at 24-25 (Apr. 8, 1988) ("April 8 Memorandum"). The Intervenors have failed to heed these rulings.

In the "Governments' Objection to Portions of February 29 and April 8 Orders in the Realism Remand and Offer of Proof" (Apr. 13, 1988) ("April 13 Objection"), they put forth their entire case on "best efforts" in proffered testimony by two witnesses (State Disaster Preparedness Commission Chairman David Axelrod and Suffolk County Executive Patrick Halpin). The testimony, after declaring the State and County will not use the LILCO Plan in a Shoreham emergency, then flatly refuses to say how the State and County would respond or to identify the resources available, the actions that could be taken or the timing of such a response.

Intervenors subsequently made these two key witnesses available for deposition for only two hours each, terminated the depositions without LILCO's consent and in the midst of LILCO's questions, and obstructed the depositions with a stream of objections and commentary by Intervenors' counsel and nonresponsive answers by the witnesses. The Intervenors also peremptorily ended the depositions of Messrs. Petrone, Roberts, Papile, Czech, and Baranski without LILCO's consent, though LILCO's counsel had not completed questioning. And the Intervenors defied the Board's Order compelling depositions of two other crucial people: Dr. David E. Harris, Commissioner of the Suffolk County Department of Health Services, and William Regan, Director of the Division of

Emergency Preparedness in Suffolk County, who is responsible for County disaster planning and the Suffolk County Disaster Preparedness Plan.

Finally, the Intervenors objected to virtually all of LILCO's written interrogatories and provided responsive answers only to a few -- 10 of 116 -- questions.

In all of this -- Intervenors' April 13 Objection and testimony, depositions and responses to interrogatories -- Intervenors have completely failed to be forthcoming about the nature of their "best efforts" response, the resources available for it, the actions that could be taken, and its timing. Instead, they have done precisely what the Board ruled they could not: rely on "simple protestations that they will not use LILCO's plan" April 8 Memorandum at 24.

Accordingly, for the reasons set forth in LILCO's Response to April 13 Objection and supplemented here, LILCO asks the Board to dismiss Contentions 1-2, 4-8, and 10 on the ground that Intervenors have failed, despite repeated opportunity, to produce the evidence necessary to meet their burden of proof. If the Board declines to dismiss the contentions, LILCO moves the Board to compel the Intervenors to (1) answer LILCO's Interrogatories and (2) make Messrs. Axelrod, Halpin, Petrone, Roberts, Papile, Czech, Baranski, Harris and Regan available for depositions to be continued from day-to-day until they are completed.

STATEMENT OF FACTS

I. April 13 Objection

Intervenors' April 13 Objection had two stated objectives: "(1) to state the Governments' objection to the portions of the Board's Order of February 29, 1988 and April 8, 1988 which appear to preemptively bar the Governments from filing full and truthful testimony in the CLI-86-13 remand proceeding on the Governments' Legal Authority Contentions; and (2) to submit the Governments' offer of proof, pursuant to 10 C.F.R.

§ 2.743(e), consisting of the testimony they would file if they are not precluded from doing so by the Board's Orders." April 13 Objection at 1-2. The April 13 Objection made clear Intervenor's rejection of any interpretation of the realism rule that requires them to present positive evidence about the nature of their emergency response in order to rebut the presumption that they will follow the LILCO plan. The direct testimony that accompanies the April 13 Objection reaffirmed Intervenor's position that they now have no plan for responding to a Shoreham emergency, that they will not develop a plan, and that they will not "speculate" about what resources might be available or response might be forthcoming in a Shoreham emergency.

LILCO's Response to April 13 Objection urged this Board to dismiss Contentions 1-2, 4-8, and 10 because the Intervenor has not and will not "present a positive case for [the Board's] analysis and evaluation." Response to April 13 Objection at 2. In direct defiance of Board rulings, Intervenor has failed to meet their burden of proof; they have refused to provide the evidence necessary to support their contentions.

II. Discovery

Over the past few weeks, LILCO has posed written discovery requests seeking information relevant to the realism/best efforts proceeding, has deposed (or attempted to depose) Intervenor's proffered witnesses and other persons believed by LILCO to be knowledgeable, and has sought to depose other persons with knowledge of the issues raised by this proceeding. LILCO's legitimate discovery inquiries have met a stone wall. At every turn, the Intervenor has disregarded this Board's Orders that they must come forward with positive evidence of "the projected behavior of the Governments," including specification of resources and times for response. Attachments 7 and 8 are the complete deposition transcripts of Mr. Halpin and Dr. Axelrod. Reading them straight through provides insight that nothing else can into how Intervenor has

frustrated discovery, as a means of asserting facts about their potential response to an emergency at Shoreham.

A. Written Discovery Requests

On March 24, 1988, LILCO filed "LILCO's Second Set of Interrogatories and Requests for Production of Documents Regarding Contentions 1-2, 4-8, and 10 to Suffolk County, New York State, and the Town of Southampton." There were 116 inquiries (numbered 8-123).^{4/} On April 20, Intervenors objected formally to 62 of these inquiries.^{5/} On April 22 they served generally nonresponsive answers and further objections^{6/} to the remainder, on April 22.^{7/} A tabular summary of Intervenors' responses to these Interrogatories is Attachment 14, hereto.

^{4/} Intervenors initially sought and were granted an extension of time to respond to LILCO's interrogatories. Board Conference Call (Apr. 11, 1988). Intervenors argued, in part, that the extension was needed because the "[r]equests are lengthy and complex, and would require the Governments to expend substantial time and effort in responding." See Governments' Motion for Extension of Time to Respond to Realistic Discovery Requests, and to Extend Discovery Schedule at 6 (Apr. 6, 1988). The detailed answers implied by Intervenors' request were not forthcoming. Intervenors' responses consisted of objections, without answers, to 96 of the 116 requests; only 10 requests were answered without objection.

^{5/} See Governments' Objections to LILCO's Second Set of Interrogatories Regarding Contentions 1-2, 4-8, and 10 (Apr. 20, 1988) (Att. 1) ("April 20 Objections").

^{6/} See Governments' Answers and Additional Objections to LILCO's Second Set of Interrogatories Regarding Contentions 1-2, 4-8, and 10 (Apr. 22, 1988) (Att. 2) ("April 22 Answers and Objections"). These further objections were untimely. Pursuant to the Board's oral ruling in the April 11 conference call, all objections were to be filed by April 20.

^{7/} Neither the April 20 Objections nor the April 22 Answers and Objections addressed Interrogatory 86, which says:

State all the "general assumptions" referred to at page 5 of the REPG Affidavit that LILCO makes "about the New York State Plan and emergency planning which are unwarranted." For each assumption, state why it is unwarranted.

LILCO has never had any response whatsoever to this basic request.

Intervenors' April 20 Objections consist of six general objections that are cross-referenced, by number, in response to the interrogatories. General Objection 6, which claims that the interrogatories are overly burdensome, is never referenced.

General Objection 1 states:

The Governments object to LILCO's Interrogatories to the extent that they seek information about emergency planning for nuclear power plants other than Shoreham, the actions of governments other than the Governments, emergency plans other than the LILCO Plan, and emergencies other than a radiological emergency at Shoreham. The requested information is not relevant to the issue before the Board, which concerns only the nature of a "best efforts" response by the Governments to a Shoreham emergency. See Confirmatory Memorandum and Order (Ruling on LILCO's Motions for Summary Disposition of Contentions 1, 2, 4, 5, 6, 7, 8, and 10, and Board Guidance on Issues for Litigation) (Feb. 29, 1988) at 2-3.

In addition, LILCO's Interrogatories which seek such information are not within the scope of relevant inquiry established by the NRC's new emergency planning rule. As the NRC stated in adopting the new rule:

The final rule makes clear that every emergency plan is to be evaluated for adequacy on its own merits, without reference to the specific dose reductions which might be accomplished under the plan or to the capabilities of any other plan.

52 Fed. Reg. 42084 (November 3, 1987) [emphasis added] LILCO's Interrogatories are in direct contravention of this NRC directive. Accordingly, LILCO's attempts to obtain information about other plants, other governments, other plans and other emergencies are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. See 10 CFR § 2.740(b)(1).

April 20 Objections at 2-3 (Att. 1).

The information requested by LILCO, however, has obvious relevance to the response capabilities, plans and resources available to the State and County for an emergency response at Shoreham, the actions that could be taken and the timing involved, as directed by the Board.

General Objection 2 states that Suffolk County does not possess or control information about the State and other counties within the State. General Objection 4 similarly states that New York State does not possess or control information about Suffolk County and other counties within the State.

General Objections 3 and 5 refuse to provide information or documents about how counties, other than Suffolk, would respond in the event of a radiological emergency because, according to Intervenors, it would require their "speculation" and the production of documents not in their possession, custody, or control.

General Objection 1 — that other plans and other emergencies are irrelevant — is referenced in response to 61 of LILCO's 116 inquiries, and no answer is given. See Chart (Att. 14). On that and other bases, LILCO obtained no answers to any of its inquiries concerning plans and procedures that New York State and counties in the State now use for ingestion pathway and recovery and reentry responses for other existing nuclear plants (Interrogatories 50-54). Nor did LILCO obtain any answers to inquiries concerning (1) whether New York State or counties in the State will participate in the Yankee Rowe exercise (which took place on April 27, shortly after Intervenors' April 20 Objections were filed) and the nature of that participation (Interrogatories 55-60), and (2) whether New York State and counties in the State within Shoreham's 50-mile EPZ are capable of responding to a radiological emergency that requires ingestion pathway and recovery and reentry activities for other plants and, if so, what resources can be used (Interrogatories 61-63).

General Objection 1 was also used to avoid responses to Interrogatories 117 and 118, which asked as follows:

[117] Identify and describe any and all portions of Suffolk County that are within the plume exposure EPZ of the Millstone Nuclear Power Plant in Connecticut.

And,

[118] Identify any and all plans and procedures that Suffolk County would use, follow, or otherwise rely upon to respond to a radiological emergency at the Millstone plant which required the implementation of protective measures, including, but not limited to, evacuation of the portions of Suffolk County identified in Interrogatory 117. Provide a copy of all such documents.

April 20 Objections at 27 (Att. 1). No answer was given either to Interrogatory 120:

Please provide a copy of any and all existing plans and procedures for responding to emergencies, whether radiological or nonradiological, affecting Suffolk County, including, but not limited to, chemical spills, fires, hurricanes, explosions, and earthquakes. Please include any and all plans for dealing with accidents involving shipments of radiological materials to Brookhaven National Lab, the Shoreham Nuclear Power Station, hospitals and other medical facilities, and industrial facilities.

April 20 Objections at 28 (Att. 1). Intervenors refused to respond on the basis of Objections 1 and 4. Significantly, Intervenors did not assert, nor could they, that Suffolk County did not have responsive information and documents.^{8/} Still, they refused to provide the information and documents.

Objection 2, and no answer, was the response to 58 of LILCO's 116 Interrogatories. See chart (Att. 14). Objection 2 -- that information about the State and its other counties was not within the possession of Suffolk County -- was, with the exception of Interrogatory 62, applied to all of the interrogatories just described. But Suffolk County's fellow Intervenor, New York State, has this information, as its witness Dr. Axelrod admitted. Axelrod Deposition at 76-77.

^{8/} Suffolk County's only proffered witness and his assistant admitted that such plans exist. Suffolk County Executive Halpin was familiar with Suffolk County's plans for hurricanes. Deposition Transcript of Patrick G. Halpin at 10 (Apr. 19, 1988) (Att. 7). Frank Petrone, Halpin's assistant, stated in his deposition that Suffolk County does have a generic plan for responding to emergencies. Deposition Transcript of Frank P. Petrone at 24-26 (Apr. 25, 1988) (Att. 9).

For many interrogatories, neither Objection 4 nor 5 was cited. See April 22 Answers and Objections at Interrogatories 51, 53-56, 58, 63, 64, 70-72, 74, 78-82, 87, 88, 93-96, 99, 102-105, 108, 112, 113, 115-117, and 122 (Att. 2) and Chart (Att. 14). The absence of these two objections (which, when read together, indicate that New York State has no responsive material) means that that State does indeed have responsive information to these 35 interrogatories. The State simply won't provide it even though the State has already selectively relied on it. For example, although the State used the REPG affidavit to defeat LILCO's summary disposition motions, the State refused to provide information in response to Interrogatory 105, which sought clarification of various statements in the REPG Affidavit:

[105] In denying LILCO Material Fact No. 2 REPG states "the State and local government personnel who will be responsible for carrying out particular recovery and reentry and ingestion pathway functions are not primarily identified in the Plan." REPG Affidavit at 17. Identify these "unidentified" State and local government personnel who will be responsible for recovery and reentry activities for each county in New York State located within a 50-mile EPZ of a nuclear power plant.

April 20 Objections at 25 (Att. 1). In short, the State has not only failed to proffer the sponsors of the REPG affidavit as witnesses, or its contents as evidence; it has also failed to provide meaningful responses to most of LILCO's interrogatories concerning the content of that affidavit. See, e.g., April 22 Answers and Objections at Interrogatories 88-98, 103-105, 108, 112, 113, 115, 116 (Att. 2).

Objections 4 and 5, and no answers, were given to inquiries about ingestion pathway and recovery and reentry response training and drills for other nuclear facilities in New York. But, as the State's Radiological Emergency Preparedness Plan shows, the State is heavily involved with that training. The State Emergency Management Office (SEMO) and REPG are to "provide training and awareness to State and local officials." See New York State Radiological Emergency Preparedness Plan for Commercial Power

Plants, Part II, Sec. I, Proc. K at K-7 (Att. 13). A detailed chart in the Plan describes the training for local personnel. *Id.* at Part II, Sec. I, Proc. F. at Att. 6, Table 2, at 5-7 (Att. 13). REPG, SEMO, and the State Department of Health are listed on that chart as either having the primary role for training or providing support resources for it. And all counties are to send REPG their training reports. *Id.* at F-6 (Att. 13). The State obviously has this information; REPG relied on it to defeat LILCO's motions for summary disposition on realism, but now refuses to disclose it.

Turning to Intervenor's "answers" served April 22, one finds they are largely objections. They cover 53 interrogatories, only seven of which were answered without objection. See Chart (Att. 14). Of the 53, 40 were objected to and "answered" generally as follows:

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan, or otherwise trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

See, e.g., April 22 Answers and Objections at 7 (Att. 2). For 30 of the interrogatories, this response was the only "answer" provided. See April 22 Answers and Objections at Interrogatories 9, 13-17, 19-20, 35-38, 40-42, 45-46, 48-49, 66, 107, 109, 114, 121 (Att. 2).

Interrogatories that sought plans and procedures the State and County would use in performing the functions outlined in the realism contentions were answered with the statement that "[n]one has been identified or exists." See April 22 Answers and Objections at Interrogatories 18, 27, 34, 39, 44 (Att. 2).

The only substantive responses given concerned (1) how many police personnel and vehicles were available in Suffolk County from the Suffolk County Police Department (SCPD), the State of New York and the Suffolk County Sheriff (Interrogatories 32,

33); (2) the SCPD list for contacting the County Executive in the event of a newsworthy or major incident (Interrogatory 12); (3) that the Governor and the Suffolk County Executive would be responsible for deciding on protective action recommendations, assuming command and control of an undefined emergency response, and managing, implementing and coordinating that response (Interrogatories 21-23); (4) that road impediments are removed by private contractors licensed by Suffolk County's towns (Interrogatory 43 j); (5) that Shoreham's RECS lines are bare dangling wires in the State's offices (Interrogatory 11); and (6) the locations of those wires relative to the relevant State offices in Albany (Interrogatory 11).

Intervenors provided nonresponsive answers to Interrogatories 106, 110, 111, 119. See Chart (Att. 14). For example, when asked, in Interrogatory 119, who in the New York State government and who in the Suffolk County government are "most knowledgeable" about how the State and County would respond to a Shoreham emergency with respect to the functions at issue in Contentions 1, 2, 4-8, and 10, Intervenors responded:

With respect to the State of New York, Commissioner David Axelrod has been identified to testify regarding the State's response. Suffolk County Executive Patrick Halpin has been designated to testify regarding the County's response.

April 22 Answers and Objections at Interrogatory 119 (Att. 2).

Finally, whenever "answers" were provided, they were not "under oath or affirmation" or "signed by the person making them" as required by the NRC's Rules of Practice. 10 C.F.R. § 2.740(b).^{9/}

^{9/} During the deposition of SCPD Assistant Chief Inspector Roberts, on April 26, counsel for Suffolk County wanted to stipulate that the answers pertaining to the SCPD were provided through Inspector Roberts, but Inspector Roberts denied ever having seen Intervenors' April 22 Answers and Objections.

Q. [Ms. Stone] Chief Roberts, did you participate in the gov-

(footnote continued)

(footnote continued)

ernment's answers and additional objections to LILCO's second set of interrogatories regarding contentions 1 through 2, 4 through 8, and 10, if you know?

Ms. Stone: Let's mark this as Exhibit 4.

Mr. Miller: Ms. Stone, maybe this will save time.

If you want to make this an exhibit, that is fine, I will stipulate that information pertaining to the Suffolk County Police Department that is included within our response, Suffolk County's response to LILCO's interrogatories, was marshaled through Chief Roberts.

If you want to show Chief Roberts a particular interrogatory and ask him about the interrogatory, maybe that will save time.

Q. Chief Roberts, I show you what has been marked as Exhibit 4 to this deposition and ask you if you recognize this document? And feel free to look through it.

A. Thank you.

(Pause)

I've never seen this document before.

Deposition Transcript of Richard C. Roberts at 39-41 (Apr. 26, 1988). On April 26, LILCO wrote to Intervenors asking them to comply with the Rules of Practice and provide a signed verification that supports the April 22 Answers and Objections. To date, there has been no response.

B. Deposition of Suffolk County's Sole Witness Halpin

On April 19, 1988, LILCO deposed the County's only proffered witness on the realism/best efforts issue, Suffolk County Executive Patrick G. Halpin. Mr. Halpin was made available for deposition for only two hours between 2:00 PM and 4:05 PM. Far more than two hours is needed, however, to discover information relevant to this proceeding, including what resources and personnel would be available to respond to a Shoreham emergency and the time within which those resources could be mustered, and whether other emergency plans could be employed. See April 8 Memorandum at 24-25.

From the outset, LILCO had repeatedly made clear its intention to depose Mr. Halpin, Suffolk County's Chief Executive and only proffered witness, as long as necessary to gain understanding of significant details of the realism/best efforts issue. The Notice of Deposition stated that the deposition would be taken "at 1:00 PM and thereafter until the taking of the deposition may be completed." See Notice of Deposition (Patrick G. Halpin) (Apr. 16, 1988) (Att. 3).^{10/} Informed on the eve of the deposition that Mr. Halpin would not be available until 2:00 PM, LILCO's attorneys reiterated their belief that "the few business hours apparently allocated by the County" were not sufficient and that LILCO intended to pursue the deposition, if necessary, into the evening hours and from day-to-day until it was completed. See Letter to Lawrence Coe Lanpher from K. Dennis Sisk (Apr. 18, 1988) (Att. 5); see also Letter to Lawrence Coe Lanpher from K. Dennis Sisk (Apr. 21, 1988) (Att. 6).

^{10/} Mr. Halpin was made available beginning in the afternoon, rather than the morning, at the County's insistence. In pre-deposition telephone scheduling negotiations, LILCO made clear its concerns that a deposition beginning in the afternoon might not be able to be completed the same day.

The deposition began at 2:00 PM, the time dictated by Suffolk County but not consented to by LILCO. See Deposition Transcript of Patrick G. Halpin at 5 (Apr. 19, 1988) (Att. 7). At 4:05 PM, Suffolk County's attorney stopped LILCO's questioning. LILCO's attorney stated on the record that LILCO had not completed its questioning on Mr. Halpin's proposed testimony, the affidavit filed with his testimony, various attachments to it and other relevant areas of inquiry, and that no other party (including counsel for the NRC Staff) had had an opportunity to question the witness. Halpin Deposition at 84-85 (Att. 7). LILCO's attorney further stated that LILCO would not agree to conclude the deposition but would agree to continue the deposition at a later date to be agreed upon by counsel. See Halpin Deposition at 84 (Att. 7). In response, Suffolk County's attorney posed a redirect question to the witness that opened a new area of questioning (delegation of police power to LILCO personnel), upon which LILCO had intended to question had time permitted, and then made the witness unavailable. *Id.* at 85. LILCO's request on April 21 to continue Mr. Halpin's deposition was flatly rejected by the County. See April 21 Letter (Att. 6).

Suffolk County further abbreviated LILCO's discovery by objecting to or seeking clarification of virtually every third question asked of Mr. Halpin. Objections appear on 54 pages of this 86-page transcript. County lawyers interjected commentary or sought "clarification" on an additional five pages. Not only did these interruptions obstruct the development of various lines of questioning, but they also effectively prevented discovery of information recognized by the Board as relevant to the proceeding. Almost without exception, Mr. Halpin parroted his counsel's objections in his answers. The following excerpts are indicative:

Q. As County Executive, can you direct the Suffolk County Police Department to respond to an emergency at the Shoreham Nuclear Power Plant?

A. The --

Mr. Lanpher: I object. I don't know what -- I think the question is vague.

I don't know what you mean by "respond to an emergency." What kind of directions are you assuming in that question?

* * * * *

It's extremely vague. I don't know what you have in mind, but the witness can't know what you have in mind when you say "respond".

The Witness: I'm not sure how the Police Department or how I would direct the Police Department to respond to an emergency at the Shoreham Nuclear Power Station given the vagueness of the question.

Halpin Deposition at 26-27 (Att. 7).

Q. Okay. Mr. Halpin, in the event that the Shoreham Plant were licensed to operate at full power, would you direct anyone under your control or supervision to review the LILCO Plan?

Mr. Lanpher: I object. It calls for speculation.

The Witness: Again, it is our position that the plant should not operate and it will not operate, because an emergency plan that would work couldn't be developed.

You are asking me to speculate about, you know, whether or not we would review the LILCO emergency plan. Frankly, I am not in a position to do that at this time.

Halpin Deposition at 69-70; see also id. at 71-77 (Att. 7).

LILCO's efforts "to find out what it is that they [the Intervenor Governments] would do", April 8 Memorandum at 39 (emphasis in original), were thwarted throughout the Halpin deposition both by counsel's objections and by Mr. Halpin's ignorance of Suffolk County's plans for non-Shoreham emergencies and refusal to "speculate" what resources might be available or response might be forthcoming in a Shoreham

emergency. Yet, Mr. Halpin stated that he was the person in the Suffolk County government who was the most knowledgeable about the intended actions of that government in the event of an emergency at the Shoreham Plant.^{11/} Halpin Deposition at 62 (Att. 7).

Whenever LILCO inquired about plans for non-Shoreham emergencies, an area considered relevant by this Board when it denied LILCO's summary disposition motions (see April 8 Memorandum at 53-54), the County's attorneys objected on the grounds of relevance, and Mr. Halpin said he did not know about the County's emergency plans:

Mr. Sisk: Is he generally familiar with what plans the County has for responding to emergencies of various types?

Mr. Lanpher: I object to the question as irrelevant to the extent it goes beyond a Shoreham emergency.

The Witness: I'm frankly not intimately familiar with all of the plans or for that matter generally familiar with the plans.

* * * * *

The one plan that I am generally familiar with is the plan in the event that there is an emergency relating to a hurricane. And, that's about it.

Halpin Deposition at 9-10 (Att. 7).

When questions focused on what the County would do or what resources would be available in a Shoreham emergency, objections continued, and Mr. Halpin's answers merely repeated Intervenor's position that they will not follow the LILCO plan or coordinate with LILCO, and that they refuse to "speculate" about what their response to an emergency would be or what resources would be available to support it.

^{11/} Intervenor's April 22 Answers and Objections also stated, in response to the inquiry who in Suffolk County government was most knowledgeable about how Suffolk County would respond to a Shoreham emergency, that "Suffolk County Executive Patrick Halpin has been designated to testify regarding the County's response." See April 22 Answers and Objections at Interrogatory 119.

Q. Okay. In the event of an emergency at the Shoreham Nuclear Power Station, Mr. Halpin, what resources would be available to you to respond to that emergency?

Mr. Lanpher: I object. It calls for speculation. Also, its vague. I don't know what you mean by "resources."

By Mr. Sisk: (continuing)

Q. What organizations, departments, personnel within the County would be available to you?

A. I can't answer that question, because we do not have a plan that would give me that information for an emergency, a radiological emergency, at the Shoreham Nuclear Power Plant.

Halpin Deposition at 25-26 (Att. 7).

Q. Okay. Mr. Halpin, returning to the hypothetical and I won't repeat all the facts. It's the hypothetical that the plant is operating, there is an accident, you are notified LILCO recommends evacuation of a portion of the EPZ, let me ask you to assume one additional fact.

If you concluded, based upon your own sources of information, that an evacuation was necessary to reduce harm to the public, what would you do?

A. You know, you are asking me to speculate about what I would do. And, here today, I'm not in a position to be able to do that.

I don't know what I would do. So, it would be difficult for me to speculate at this time.

Q. Mr. Halpin, let me add one additional fact. If you then decided to order an evacuation, how would you effect that?

Mr. Lanpher: I object to the question. He can't possibly answer that question So, I object that it's calling for just too great a degree of speculation.

Mr. Sisk: I think what I did was to remove one contingency and carry it a step further. But, lets see if the witness can answer it.

The Witness: Again, it's impossible for me to answer that question, because I don't know what I would do. The LILCO plan would be something that I wouldn't consider and, therefore, I wouldn't know what, you know, an appropriate response would be, given the scenario that you have posed.

Halpin Deposition at 70-71 (Att. 7).

Q. The plant is in operation. All judicial appeals have been exhausted. An accident occurs. LILCO notifies you that an accident has occurred and LILCO recommends an evacuation of all or part of the EPZ.

Would you notify the public at all?

Mr. Lanpher: I object to the question. He has already testified that he doesn't know what he would do in those circumstances.

And, its speculative. You are asking him to speculate about a thing that he has already told you he can't do.

Mr. Sisk: I'm asking a different question. But, let me ask the witness.

By Mr. Sisk: (continuing)

Q. Can you answer it?

A. Again, I don't know what my response would be. And, therefore, I'm not sure what would be appropriate, given the scenario that you have posed, whether or not taking that action would [be] the appropriate response given the problem.

Q. If you decided to notify the public, how would you do it?

Mr. Lanpher: Same objection.

The Witness: Again, you are asking me to speculate.

Halpin Deposition at 75-76 (Att. 7)

Mr. Halpin's deposition testimony confirms that Suffolk County has no intention of coming forward with positive statements about its plans or resources. In his deposition, Mr. Halpin stated that he would not modify or supplement his testimony filed with the April 13 Objection, and he said that the County does not intend to introduce any additional testimony as to how Suffolk County would respond in the event of an emergency at Shoreham. Halpin Deposition at 19-20 (Att. 7).

C. Deposition of New York State's Sole Witness Axelrod

The deposition of New York State's sole proffered witness on realism/best efforts, Dr. David Axelrod, who is Chairman of the State's Disaster Preparedness Commission and Commissioner of Health, proceeded along similar lines. Dr. Axelrod also was made available for only two hours, despite LILCO's express intention to depose him as long as necessary to discover relevant facts. The deposition was noticed by agreement for "1:00 PM and thereafter until the taking of the deposition may be completed"^{12/} but did not begin until 3:00 PM and was terminated by New York State's counsel at 5:12 PM. The time and length of the deposition were dictated by Intervenors, without LILCO's consent. See Deposition Transcript of David Axelrod at 5 (Apr. 22, 1988) (Att. 8). When the deposition began, LILCO's attorneys protested its length and reiterated what had been said in previous correspondence, that LILCO would:

do its utmost to pursue the questioning as quickly and efficiently as possible but that we do intend to continue the deposition. If we are unable to do so this evening, we are prepared to do so tomorrow or next week at any time the witness hopefully will be available.

Axelrod Deposition at 5 (Att. 8). New York State's attorney replied that:

Dr. Axelrod will not be available tomorrow or next week. So, if the time allowed is not sufficient, then I recommend you pursue what remedies you think are appropriate and we will respond appropriately also.

^{12/} Notice of Deposition (David Axelrod) (Apr. 16, 1988) (Att. 4)

Axelrod Deposition at 5 (Att. 8). Even though New York State's attorney would not permit LILCO to question past 5:10 PM, he permitted Suffolk County's attorney to question for an additional few minutes. Axelrod Deposition at 103-108 (Att. 8).

Throughout the deposition, LILCO's attorney noted subject matter areas, such as the New York State Radiological Emergency Preparedness Plan, radiological plans for other nuclear plants whose EPZs include parts of New York and Suffolk County and the content of the Governor's affidavit and various appended statements it incorporated,^{13/} that would have been pursued in more detail had time not been so abbreviated. LILCO's counsel also noted that time limitations prevented inquiry into other lines of questioning, including Dr. Axelrod's knowledge of a review of a prior radiological emergency plan for Shoreham conducted by the DPC. LILCO made clear that, in its view,

for the State to produce the State's sole witness on the realism/best efforts issue and make that witness available for only two hours and decline at this time to continue the deposition . . . is unreasonable and insufficient time for LILCO to complete discovery prior to hearing.

Axelrod Deposition at 107 (Att. 8).

^{13/} When asked a few questions about Governor Cuomo's statements, Dr. Axelrod was unable to explain, clarify, or give meaning to those statements that were incorporated in his testimony.

Q. [Mr. Brown] Number two, is it correct -- have you spoken to the Governor about the two-sentence quotation that is at the bottom of Page 3 that Mr. Sisk quoted?

A. No. I have not.

Q. And, do you have any idea what the Governor intends by any of these words at the present time, therefore?

A. No, I do not.

Axelrod Deposition at 104 (Att. 8).

As was the case with Mr. Halpin's deposition, Intervenor's further abbreviated LILCO's discovery by peppering the deposition with numerous objections, commentary and requests for "clarification." Objections appear on 35 pages of this 108 page transcript. Lawyers for both the State and County interjected commentary or sought clarification on an additional 7 pages.

In addition to the frequent breaks in the flow of questioning that resulted from these objections, Intervenor's witness was cued by his attorneys' objections to stop providing any information. For example:

Q. Does this portion of the master plan apply where a county fails to provide or implement its own plan?

Mr. Brown: I object to that. It is calling for a legal conclusion.

Mr. Sisk: This is the Chairman of the DPC.

Mr. Brown: I don't think there is any precedent for this, though. I'm positive there is no precedent, plus it's asking for a legal interpretation.

By Mr. Sisk: (continuing)

Q. Can you answer the question?

A. I will defer to counsel.

Axelrod Deposition at 81 (Att. 8).

LILCO's general questions about New York State's plans for radiological emergencies were frequently met with "points of clarification" as to whether the question referred to Shoreham or non-Shoreham emergencies. See, e.g., Axelrod Deposition at 21, 22, 28, 42, 65 (Att. 8). This resulted in the witness qualifying his answers to exclude Shoreham from New York State's generic radiological plans on the ground that there is no site-specific plan for Shoreham establishing the relationships between all parties, including local governments, to the State of New York. For example:

Q. Does that [your responsibilities as Commissioner of Health] include what is described in NRC parlance as a protective action recommendation in the event of an emergency?

A. Yes. The department has a specific responsibility for protective action guidelines.

Mr. Brown: Just a point of clarification, Mr. Sisk. In your question, are you referring to radiological emergencies as some generic concept or on a site-specific basis?

Are you -- obviously I'm addressing Shoreham. Are you asking questions about the Shoreham plant? Because I have not interpreted it to be anything related to Shoreham at this point, just general questions that exclude Shoreham.

Mr. Sisk: I have asked general questions which would include Shoreham.

Mr. Brown: Well that certainly wasn't understood by me. I don't know if the witness understood it that way, because there is no plan for Shoreham, as you know.

* * * * *

Q. Let me ask you, Dr. Axelrod, as Commissioner of Health, do you have general responsibility within the State of New York for developing and implementing protective action recommendations in response to a radiological emergency at any and all power plants in the State of New York?

* * * * *

The Witness: The Department would provide for guidelines for those power plants that are currently licensed and operating and for which there is an existing site-specific plan. That does not include Shoreham.

* * * * *

Each of the operating power plants currently have a site-specific plan which identifies the relationship of all the parties; that is, local parties, community government, county government, and in some cases multiple county governments, to the State of New York and its various activities.

The protective guidelines would relate to information that would be transmitted through those individual entities of local government and how they would be applied. The guidelines assume that form of implementation which would require some form of site-specific activity by each of the entities that would be involved in providing for the protective actions that would be anticipated.

Axelrod Deposition at 21-24 (Att. 8).

When LILCO's questions pursued the plans and resources of New York State to respond to radiological emergencies at other nuclear power plants whose emergency planning zones affect New York State or Suffolk County, objections and evasive answers continued:

Q. Dr. Axelrod, isn't there, in fact, in place in the State of New York a plan for ingestion pathway responses within Suffolk County related to the Millstone plant?

Mr. Zahnleuter: I object to questions about Millstone on relevancy.

The Witness: There is no plan in Suffolk County that relates to -- or for Suffolk County that relates to specific, site-specific, activities that would be required in the event of an accident at Shoreham.

Those site-specific plans which have been identified for Millstone relate only to peripheral activities that would be required under the Millstone site-specific plan and are not relevant to the Shoreham site-specific plan.

Axelrod Deposition at 90-91 (Att. 8).

When the questions focused on how New York would respond to a radiological emergency at Shoreham, Dr. Axelrod's testimony was similarly unresponsive. Consistent with Intervenor's litigation position, Dr. Axelrod would not "speculate" as to what resources might be available or what the response might be to a Shoreham emergency. That testimony seems to conflict with Dr. Axelrod's testimony that in his position as

Chairman of the Disaster Preparedness Commission he is responsible to "Governor Cuomo for the actions of the New York State Radiological Emergency Preparedness Group and the New York State Emergency Management Office." Axelrod Deposition at 13 (Att. 8). For example:

Q. Dr. Axelrod, does this document [the New York State Radiological Plan] identify the resources generally available to the State for responding to radiological emergencies at nuclear power plants?

Mr. Brown: A clarification. Are you including the Shoreham Nuclear Power Plant.

Mr. Sisk: I am including any plant within the State of New York, which includes Shoreham.

Mr. Brown: Even though Shoreham is not an operating plant, you are including Shoreham, I take it?

Mr. Sisk: Yes.

The witness: The plan operates on generic capabilities of each of the departments that would be involved in a response, as they are identified in the 7 counties -- as are identified in relationship to the 7 counties in which there would be an expected response in the event of an accident at an operating commercial power plant.

It does not include Shoreham.

By Mr. Sisk: (continuing)

Q. Dr. Axelrod, is it your testimony that the State resources identified in this document would not be available for response to an emergency at the Shoreham Nuclear Power Plant?

A. It would be impossible for me to speculate as to what resources might or might not be available, since there is the assumption that those resources would be in response to a plan. Since there is no plan with respect to Shoreham, it is impossible for me to identify which resources would or would not be available in addressing an incident at the Shoreham Plant.

Axelrod Deposition at 65-66 (Att. 8).

Intervenors' objections to LILCO's inquiries and Dr. Axelrod's refusals to respond substantively to questions concerning a radiological emergency at Shoreham confirmed the position taken by Intervenors in their April 13 Objection and attached testimony. When asked, Dr. Axelrod affirmed the testimony given by him on behalf of New York State and submitted with the April 13 Objection. He further stated that the State did not intend to modify or supplement that testimony, through him or any other representative of the State of New York. Axelrod Deposition at 10-13 (Att. 8).

D. Petrone Deposition

Frank Petrone, County Executive Assistant to County Executive Patrick Halpin with responsibility for Shoreham and energy issues, was deposed on April 25, 1988. Deposition Transcript of Frank P. Petrone at 4 (Apr. 25, 1988) (Att. 9). His deposition was also limited arbitrarily to two hours. Petrone Deposition at 1, 109 (Att. 9). Again, LILCO was not permitted to finish its questioning and so stated on the record. Petrone Deposition at 107-109 (Att. 9).

E. Deposition of Roberts

On April 26, 1988, LILCO deposed Richard C. Roberts, Assistant Chief Inspector of the Suffolk County Police Department, on the realism/best efforts issue. Again the deponent was made available for an arbitrarily limited time. With LILCO still questioning, Mr. Roberts was removed by counsel for Suffolk County after four hours.

Q. What is Mr. Regan's job?

A. Mr. Regan, to my knowledge, is director of the office of Emergency Preparedness, County of Suffolk.

Mr. Miller: I believe the time is up, Ms. Stone.

Ms. Stone: All right, I will stop under protest. I will make two comments.

Not only did we not agree to the four-hour deadline, I've had to use considerable time out of this deposition time to find a way to limit my questions and there are quite a number of follow-up questions that I've not been able to pursue [sic] here today so on behalf of LILCO, I would have to say that in our view this deposition is not concluded and there are major substantive areas which we have not yet had an opportunity to cover.

Mr. Miller: I understand you disagree with the position that the county has taken in this matter. . . So if you have a complaint, I guess you will take it to the licensing board and we will respond. . . .

Deposition Transcript of Richard C. Roberts at 163-64 (Apr. 26, 1988) (Att. 10). LILCO had more questions to ask of Mr. Roberts. In particular, LILCO wished to pursue detailed questions on Mr. Robert's affidavits that were submitted with the Intervenors' Opposition to LILCO's Summary Disposition Motions; the nature of a SCPD response, if the SCPD were directed by the County Executive to respond to an emergency at Shoreham and to use the LILCO plan; and the relationship between the SCPD and the state police.

F. Papile, Czech and Baranski (REPG) Deposition

LILCO agreed to conduct the deposition of Messrs. Papile, Czech, and Baranski of New York State's Radiological Emergency Preparedness Group (REPG) as a panel. The panel was made available for only four hours, between 1:00 and 5:00 PM on Friday, April 29.^{14/} LILCO was unable to complete its questioning, particularly in the following areas: the details of the New York State Radiological Emergency Preparedness Plan and the State resources for radiological responses identified in it; the Affidavit sponsored by the REPG and relied upon by the Board in denying LILCO's summary

^{14/} The REPG Director, Mr. Papile, departed at 4:30 PM due to a preex-
pointment.

disposition motion; and information requested in LILCO's interrogatories about which the deponents are likely to have knowledge. See Deposition Transcript of Lawrence B. Czech, James D. Papile and James C. Baranski at 166-68 (Apr. 29, 1988) (Att. 11).

Again, the deposition was impeded by numerous objections and requests for clarification (some made after the deponent had answered) and unresponsive answers. Throughout, the deponents adhered to the position that they would not recognize the existence of the LILCO Plan, and that without a Shoreham-specific plan, they would not identify what resources might be available to respond to a Shoreham emergency:

Mr. Sisk: In the interest of time, I am going to depart from my questioning on this document and its details for a moment and return to it later, if there is time.

Let me ask this general question. General Papile, does this generic portion of the state plan [the New York State Radiological Emergency Preparedness Plan for Commercial Power Plants] identify any state resources that could be -- and I am not asking that in a legal sense -- I am asking that in a practical sense -- does this document identify any state resource that could be employed in responding to a radiological accident at the Shoreham plant?

Mr. Zahnleuter: I object. I object because that document speaks for itself and the question pertains to Shoreham. It calls for speculation.

Mr. Sisk: Can you answer the question, General Papile?

Mr. Papile: Well, my counsel presented it real well.

I think it's asking for speculation and I can't speculate because I don't know what we really have and so forth and so on. I can't speculate.

Mr. Sisk: General Papile let, me get down to this a little bit on a nuts and bolts level.

The state does have a Radiological Emergency Response Group, doesn't it?

* * * * *

- Mr. Papile: The Radiological Emergency Preparedness Group?
- What's the question?
- Mr. Sisk: Your agency.
- Mr. Papile: What was the question?
- Mr. Sisk: The question is -- and I don't mean to be cute: You do exist, don't you?
- Mr. Papile: Yes, we do.
- Mr. Sisk: Isn't there a State Department of Health?
- Mr. Papile: Yes, there is.
- Mr. Sisk: In fact, there are a number of state agencies that are set forth in Article 2-B, are there not?
- Mr. Papile: Yes, there are.
- Mr. Sisk: And the heads of those various agencies have positions on the Disaster Preparedness Commission, don't they?
- Mr. Papile: Yes.
- Mr. Sisk: Ignoring legal questions which lawyers can debate at a later date, and focusing on practical questions, would it be possible for any of those agencies to respond in any capacity to a radiological accident at Shoreham?
- Mr. Papile: No. It is not possible.
- Mr. Zahnleuter: I object to this question because it's impossible to ignore the legalities of any situation.
- I also object because it calls for speculation, and the witness has already answered.
- Mr. Sisk: General Papile, why is it not possible?
- Mr. Papile: There is no plan.
- Mr. Sisk: Does that complete your answer?
- Mr. Papile: For now.

Mr. Sisk: When you said, "there is no plan," can you tell me what you mean?

Mr. Papile: There is no plan for that situation.

Mr. Sisk: Meaning that there is no Shoreham specific radiological emergency response plan?

Mr. Papile: Agreed.

* * * * *

Mr. Sisk: General Papile, did you testify previously that in the absence of a site-specific radiological plan for Shoreham, the state REPG would not be able to respond to a radiological accident at Shoreham?

Mr. Zahnleuter: Mr. Sisk, why don't you provide Mr. Papile with a specific, or the specific instance of his testimony to which you are referring?

Mr. Sisk: Let me ask you, is that a correct characterization of your testimony?

Mr. Lanpher: I object. I believe that's not a correct characterization. I think he stated he didn't know how or if he could respond, and again, it is calling for speculation.

Mr. Sisk: Let me note for the record that -- and I will do this very briefly -- that during the deposition of Mr. Halpin, Mr. Lanpher corrected a response that had been given previously to the same fact [sic: effect] by witness Halpin four times. It was subsequently modified by witness Halpin.

I will stand on the answer previously given and reflected in the transcript by General Papile. It is not my recollection that that was his answer. And I will leave it at that.

General Papile, would the state, would the Disaster Preparedness Commission and the REPG be able to respond to an emergency at the Shoreham nuclear power plant in the absence of an approved Suffolk County radiological emergency preparedness plan?

Mr. Lanpher: I object. I don't know what you mean by "respond."

Do anything or do something that would be adequate?

Mr. Zahnleuter: I would like to add to that, "be able to" is also vague.

Mr. Sisk: I will accept a portion of Mr. Lanpher's correction.

Would the state be able to do anything?

Mr. Papile: It is pure speculation. I don't know.

Mr. Sisk: General Papile, can you tell me what resources, departments, agencies or instrumentalities of the state you would be able to direct if the governor ordered you to respond to an emergency at the Shoreham nuclear power plant?

Mr. Zahnleuter: I object. One of the grounds for my objection is you included in your question or statement, "you would be able to direct." Now that's a vague instruction, because I am not sure if that means Mr. Papile as a person, as a general, as director of REPG, in whatever capacity he may have.

I also object, as we have said over and over again here today, that relates to the implausibility of this hypothetical and the fact that it calls for speculation.

Mr. Lanpher: I also object because I don't believe it has been established that REPG has any direction responsibility in the event of a radiological emergency. I believe that's Dr. Axelrod or the governor, those are the people who direct, not REPG.

Mr. Sisk: Can you answer?

Mr. Papile: I have no director responsibility. I would have to take orders from higher up.

Mr. Sisk: In your capacity as the head of the REPG and given the knowledge that you have obtained in that capacity, can you tell me what state resources, and by that I mean departments, agencies, personnel, the governor could direct to respond to an emergency at the Shoreham nuclear power plant if he choose to do so?

- Mr. Lanpher: I object, calling for speculation about what the governor would do or Dr. Axelrod would do as designee.
- Mr. Sisk: I have asked what resources they could use.
- Mr. Zahnleuter: I have the same objection.
- Mr. Papile: Without a plan, it would be pure speculation. I wouldn't want to answer that without a plan.
- Mr. Sisk: By without a plan, do you mean without a Suffolk County approved plan?
- Mr. Papile: With any plan. As of this time, I see no plan.

Czech, Papile and Baranski Transcript at 85-88, 118-122 (Att. 11).

During the time available, LILCO gained some further insight into the meaning and veracity of the REPG Affidavit, but could not complete questioning on it. For example, despite the Affidavit's insistence that detailed, site-specific plans, procedures, training and exercises, including county personnel, are necessary for adequate ingestion pathway response capabilities, the deponents stated that (1) part of Suffolk County is within the 50-mile ingestion pathway for the Millstone plant, but the deponents were not aware of any site-specific exercises or training involving Suffolk County or New York State personnel for that plant (Czech, Papile and Baranski Transcript at 26-28, 74-75, 161-62 (Att. 11)) and (2) the State has no plans or agreements with Nassau County, part of which is within the 50-mile EPZ for Shoreham and the 50-mile EPZ for Indian Point, to play a support role in the ingestion pathway phase for Indian Point (Czech, Papile and Baranski Transcript at 161-65 (Att. 11)). Further, despite the Affidavit's statements that the State Radiological Emergency Preparedness Plan could not be used in conjunction with the LILCO Plan for ingestion pathway and recovery and reentry responses, the deponents stated that they had not reviewed any portions of the LILCO Plan relating to ingestion pathway and recovery and reentry. (See Czech, Papile and Baranski Transcript at 154-55 (Att. 11)).

G. Regan and Harris Depositions

LILCO noticed and the Board subsequently ordered the depositions of State and County employees prior to the designation of Intervenor's witnesses. On April 15, Intervenor's unilaterally suspended those depositions because they deemed them no longer necessary. The Board in a Confirmatory Memorandum and Order of April 18, 1988, reiterated its prior decision, ordered the depositions to be taken during the period April 25-29, and extended discovery solely for that purpose until April 29. Id. at 2, ¶3 (Apr. 18, 1988). Intervenor's delayed making known to LILCO the availability of these depositions until April 21 and, in violation of the Board's Orders, stated without explanation that William Regan and Dr. David Harris would not be available at any time within the discovery period. Letter to James N. Christman from Michael S. Miller (Apr. 21, 1988) (Att. 11).

ARGUMENT

I. The Contentions Should be D/smissed Because Intervenor's have failed to Make their Case on the Merits

Intervenor's position is clear. While they say they will respond to an emergency, they refuse to specify the "resources available for such a response" or "the actions such a response could entail, including the time factors involved" as required by the Board's Orders. See February 29 Confirmatory Memorandum and Order at 4. Intervenor's position and their intended evidentiary presentation were laid out in toto in their April 13 Objection. Discovery since then has only confirmed Intervenor's stolid adherence to that position and their refusal to disclose factual material known to them which would provide the detailed context of (or perhaps dispose of) the presumptions of the realism rule.

Intervenors' "answers" to 40 of LILCO's written interrogatories echo that position. Those "answers" state unequivocally that:

[F]or the reasons set forth in their April 13 Objection and Offer of Proof, . . . [the Intervenors] have not adopted any plan, or otherwise trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

See, e.g., April 22 Answers and Objections at 7. The deposition testimony of Suffolk County Executive Halpin and Commissioner David Axelrod, who represent the views of County and State, also expressly adheres to the position taken in the April 13 Objection and states that that position will not change.

Intervenors have, apparently deliberately, forgone the opportunity "to present a positive case for [the Board's] analysis and evaluation." Intervenors have been cautioned by the Board that they must go forward, but they have refused to do so, in defiance of the Board's rulings and management of this proceeding. Thus, they have triggered that portion of the Board's February 29 Confirmatory Memorandum and Order calling for an adverse ruling on their contentions. February 29 Confirmatory Memorandum and Order at 4.

A. Intervenors' Failure to Present Evidence

Since LILCO's Response to the April 13 Objection, Intervenors have been obdurate in their failure to present evidence on what they would do in a real emergency.

As noted by LILCO in that Response, NRC case law recognizes "that when a party has relevant evidence within his control which he fails to produce, that failure gives rise to an inference that the evidence is unfavorable to him." Public Service Co. of New Hampshire (Seabrook Station, Units 1 & 2), ALAB-471, 7 NRC 477, 498, rev'd on other ground, CLI-78-14, 7 NRC 952 (1978). The depositions of Mr. Halpin and Dr. Axelrod and the April 20 Objection and 22 Answers and Objections show clearly that

Intervenors possess information about the State and County plans and resources that have been used in both radiological and non-radiological emergencies, but they refuse to provide that information. The Statement of Facts, above, illustrates that whenever asked how the State or County would respond to a radiological emergency at Shoreham or what resources would be available, Mr. Halpin and Dr. Axelrod stated that they were unable to "speculate" about either the response or the resources. Yet, Dr. Axelrod admitted that New York State has plans for radiological emergencies at plants whose 10-mile or 50-mile EPZs enter or are wholly within New York State. Three of those plants have 50-mile EPZs that also enter Suffolk County. And Intervenors' April 20 Objection do not deny that the State has that information. See, e.g., April 20 Objection at Interrogatories 51, 53, 54-56, 63, 64, 70-72, 74, 78-82, 87, 88, 93-96, 99, 102-105, 112, 113, 115-117, 122. It follows that the Board can conclude that indeed Intervenors have both plans and resources that could be used to respond to a radiological emergency at Shoreham.

As discussed in LILCO's Response to the April 13 Objection, dismissal is also appropriate because Intervenors' refusal to present evidence on the ground that they -- the State and County -- have decided that the LILCO emergency plan is inadequate constitutes an impermissible challenge to NRC authority over issues concerning radiological health and safety. The two federal courts that have addressed this issue, both in the context of the Shoreham case, have affirmed the exclusive authority of the NRC over radiological health and safety issues, including those dealing with emergency planning. See Citizens for an Orderly Energy Policy v. County of Suffolk, 604 F. Supp. 1084 (E.D.N.Y. 1985), aff'd, 813 F.2d 570 (2nd Cir. 1987) (per curiam) ("COEP"); Long Island Lighting Co. v. County of Suffolk, 628 F. Supp. 654 (E.D.N.Y. 1986).^{15/}

^{15/} That is not to say that federal law requires a county or state to participate in offsite emergency planning. As the COEP court noted, participation is optional COEP,

B. Dismissal of the Contentions because
Intervenors have Obstructed Discovery

Intervenors' obstruction of the discovery process independently justifies dismissal of their contentions. As illustrated in the Statement of Facts, above, Intervenors have refused to make deponents available in violation of Board Orders, have arbitrarily abbreviated the length of the discovery depositions, and have used frivolous objections to obstruct oral examination and to decline to respond to written requests, even though it is clear that they possess relevant information. LILCO has been stonewalled in its efforts to discover what the Board has indicated may be germane to realism/best efforts, specifically:

the state of knowledge [of the State and the County] concerning details of the plan, . . . the availability of State and County resources, . . . LILCO's ability to communicate with responsible State and County officials in an emergency, . . . [the] requirements for a site specific Shoreham emergency plan, . . . [the] responsible County officials to act in an emergency, issues connected with LILCO's traffic control plan, the adequacy of police resources, . . . [the] flexibility in response plans; the necessity of prior training, . . . emergency plans in other areas of other New York State nuclear facilities, . . . [and information underlying] the affidavits of Papile, Roberts, [and] the REPG Group.

April 8 Memorandum at 53-55. Intervenors simply refuse to make this information available, despite LILCO's repeated efforts, supported by Board Orders, to get it.

The situation addressed by this Supplement was still inchoate at the time LILCO filed its April 22 Response to April 13 Objection, since Intervenors had not yet answered pertinent written and deposition discovery. As is clear by now, however, their "answer" is limited to an ipse dixit refusal to plan or disclose.

(footnote continued)

604 F. Supp. at 1095-96. But such refusal to participate affirmatively neither prevents the federal process from proceeding nor determines its outcome. COEP at 1095 (holding that Suffolk County's opposition will, after final NRC action, become "academic").

The current situation is not a minor dispute over tangential details. It involves the factual issues pivotal to observance -- or rebuttal -- of the governmental-cooperation presumption at the core of the Commission's realism rule. That is the central issue remaining to be decided in this case, and one whose facts are uniquely within the control of New York State and Suffolk County.

The conduct recited in this Supplement -- whose true nature has become substantially evident only with responses to LILCO's discovery within the past 10 days -- constitutes repeated and outright refusal to go forward on major issues which would not exist at all in this case but for the actions of Suffolk County and New York State. Having created these issues and injected them into the Commission's process, the County and State are now unmistakably obstructing their resolution by that process. For reasons already set out in detail in LILCO's Response to April 13 Objection at 13-14, 16-19, and merely illustrated here, the "realism" contentions should be dismissed for the repeated failure of New York State and Suffolk County to sustain their burden of going forward.

II. If the Contentions are Not Dismissed, Discovery should be Compelled

In the alternative, if there are facts the Board believes still must be discovered, presented and developed on the record, LILCO asks the Board to issue an order compelling discovery. LILCO seeks forthright answers to its interrogatories, the production of Messrs. Halpin, Roberts, Petrone, Czech, Baranski, and Papile, and Dr. Axelrod for continuation of their depositions, and the production for deposition of Mr. Regan and Dr. Harris.

The depositions of Dr. Axelrod and Mr. Halpin, the sole proffered witnesses for the State and County, were improperly abbreviated both in terms of total time and productive time. Since these officials have been designated as the persons most

knowledgable about the respons- of the State and County to a radiological emergency at Shoreham, it is imperative, if factual issues are to be further explored, that LILCO have full and fair discovery of their opinions and the facts on which they rely.

The depositions of Messrs. Roberts, Petrone, Czech, Baranski, and Papile were likewise abbreviated. Mr. Roberts, Assistant Chief Inspector for the SCPD and a long time expert for Suffolk County on Shoreham matters, is likely to have information concerning the availability of County resources, the SCPD's knowledge of the plan, LILCO's ability to communicate with responsible County officials in an emergency, issues concerning LILCO's traffic control plan, the adequacy of police resources and the flexibility of its response plans -- all areas recognized by the Board as germane. See April 8 Memorandum at 53-54. Mr. Petrone, as the County Executive Assistant and as the former Director of FEMA Region II, is likely to have information about the same matters, especially State and County's ability to respond to an emergency at Shoreman, plans for other nuclear facilities in Region II, and the training, drills and exercises that have taken place.

LILCO was unable to complete its questioning of Messrs. Czech, Papile and Baranski on the REPG Affidavit, the New York State Radiological Emergency Preparedness Plan, plans for other plants in or affecting the State, and other matters. Again the Board has expressed its interest in these matters, and LILCO plainly needs to complete this discovery if hearings are to go forward.

Mr. Regan, Director of the Division of Emergency Preparedness in Suffolk County, has under his control the County EOC. Clearly his deposition, as yet unscheduled despite two Board Orders and efforts by LILCO, would provide relevant information. Similarly, the deposition of Dr. Harris, Commissioner of the Suffolk County Department of Health Services -- also requested by LILCO and ordered twice by the Board but not complied with by Suffolk County -- should also provide relevant information. In other

New York counties, the Health Commissioner typically has primary responsibility for making protective action recommendations to the County Executive and LILCO knows of nothing that distinguishes Suffolk County on this score.

If the contentions are not dismissed, discovery is clearly needed if only to explain the inconsistencies in the Intervenor's pleadings. For example, in one of the affidavits that the Board relied on to deny LILCO's summary disposition motions, the Director of the State of New York's Radiological Emergency Preparedness Group (REPG) said that the Shoreham RECS line to REPG's offices terminates in an office "miles away from REPG's current location." *Governments' Opposition to LILCO's Summary Disposition Motions on Contentions 1, 2 and 4-10* (Feb. 10, 1988) at Affidavit of James D. Papile at 3 (May 11, 1987). In the Intervenor's April 22 Answers and Objection to LILCO's Interrogatory," on the other hand, the Intervenor says that the RECS line closest to REPG is in a non-REPG office that is approximately "50 yards, through corridors, from the REPG office."

LILCO asks this Board to compel not only the process of discovery, but also substantive responses by Intervenor. To this end, LILCO asks the Board to make unmistakably clear that:

1. Information dealing with Suffolk County's and/or New York State's emergency plans and resources for nuclear installations other than Shoreham and non-nuclear emergencies is relevant to the present inquiry.
2. Intervenor may not refuse to discuss their predicted response to a radiological emergency at Shoreham on the ground that such discussion would constitute "speculation."

A. Plans for Nuclear Plants
Other than Shoreham Are Relevant

The relevance of other plans is clear from (1) this Board's April 8 Memorandum, (2) Intervenors' use of the REPG affidavit, which relied on other plans, to defeat LILCO's Summary Disposition Motions, (3) a history of Board decisions in this proceeding confirming the relevance of other plans, and (4) a fair reading of the realism rule.

The Board's April 8 Memorandum, at 53-54, specifically stated that one of the "genuine issues to be heard" was the "relevance of emergency plans in other areas of other New York State nuclear facilities." As the Board further recognized, plans for nuclear plants other than Shoreham were put squarely in controversy by the Intervenors, particularly in their ingestion pathway/recovery and reentry response to LILCO's Summary Disposition Motions. The Board noted that Intervenors'

denials are of the nature of disagreements with the LILCO interpretations of certain features of the New York State Plan and the manner in which that plan interacts with the plans of individual counties. Generally speaking, the New York REPG witnesses see the parts taken by individual counties in recovery, reentry, and ingestion planning as much more complex than LILCO sees them. The witnesses also see such things as police actions in an emergency as quite different from day-to-day police actions; hence they believe that proper response cannot be assured without preplanning and drills.

April 8 Memorandum at 49. It would be manifestly unfair to permit Intervenors, through the affidavits of REPG, to defeat LILCO's Motions for Summary Disposition with assertions of the differences between the LILCO plan and other local plans for ingestion pathway and recovery and reentry without permitting LILCO to inquire whether such differences are real.

The history of this case also demonstrates the relevance of plans for nuclear plants other than Shoreham. Intervenors have repeatedly and unsuccessfully contested their relevance. The Licensing Boards has unexpectedly found those plans to be relevant. See, e.g., Memorandum and Order (Ruling on Governments' Motion to Strike

Portions of LILCO's Testimony on the Suitability of Reception Centers) at 8 (May 7, 1987); Memorandum and Order (Ruling on LILCO's March 13, 1987 Motion to Compel), slip op. at 4 (Mar. 25, 1987); Memorandum Memorializing Ruling on Motion to Compel Response to LILCO's Interrogatories and to Produce Documents (Mar. 17, 1987); Memorandum and Order (Ruling on LILCO's Motions to Compel New York State to Answer LILCO's First Set of Interrogatories and for a Protective Order) at 5-6 (Dec. 19, 1986); Order Granting LILCO's Motion to Compel Expedited Production of the New York State Emergency Preparedness Plan at 4 (Feb. 28, 1984). In fact, the Board heard extensive testimony during the 1987 Reception Centers remand proceeding about the emergency plans for the counties in the 10-mile EPZ's of other nuclear power plants in the State. See Tr. 18,066 et seq. (Baranski, Czech, Papile); Tr. 18,417-18, (Keller); Tr. 18,454-460 (Husar, Keller).

Further, Suffolk County's plans, response capabilities, and resources for responding to emergencies other than an accident at Shoreham are plainly relevant to what the County could or would do in a Shoreham emergency whether or not they say they would follow the LILCO plan.

Finally, Intervenors' reliance on the NRC's realism rule to support their relevance objection to inquiries about other plants, other plans and other emergencies is misplaced. Intervenors quote a portion of the rule's preamble out of context in General Objection 1. See April 20 Objections (Att. 1). When read in context, it is clear that this portion of the preamble is concerned not at all with the general relevance of other emergency plans, but with the much narrower, and distinct, question of whether a utility plan should be required to provide dose savings equivalent to what might be accomplished with government cooperation:

The Commission, in its 1986 LILCO decision, stressed the need for flexibility in the evaluation of emergency plans. In that decision, the Commission observed that it "might look favorably" on a utility plan "if there was reasonable assurance that it was capable of achieving dose reductions in the event of an accident that are generally is comparable to what might be accomplished with government cooperation." 24 NRC 22, 30. We do not read that decision as requiring a finding of the precise dose reductions that would be accomplished either by the utility's plan or by a hypothetical plan that had full state and local participation: such findings are never a requirement in the evaluation of emergency plans. The final rule makes clear that every emergency plan is to be evaluated for adequacy on its own merits, without reference to the specific dose reductions which might be accomplished under the plan or to the capabilities of any other plan.

52 Fed. Reg. 42078, 42084 (Nov. 3, 1987).

The issue here is not whether one plan can be compared with another, but whether the State and County have the ability and resources to respond to a Shoreham emergency. Other plans used or relied on by those governments necessarily will reveal the plans and resources available to cope with other threats -- some or all of which will be relevant in a Shoreham emergency. In particular, LILCO's interrogatories, which included requests for production of documents, would reach such relevant plans as the New York State Radiological Emergency Preparedness Plan for Commercial Power Plants, the County of Suffolk Disaster Preparedness Plan, and the Civil Defense Basic Emergency Plan for Suffolk County and its Townships and Villages.

B. The Details of Intervenors' Response to a Shoreham Emergency and the Resources Available for Such a Response are Relevant

This Board stated in its February 29 Confirmatory Memorandum and Order, at 4, that:

Acceptable rebuttals to the Plan must include positive statements of the projected behavior of the Governments. A determination to respond ad hoc would be acceptable only if accompanied by specification of the resources available for such a response, and the actions such a response could entail including the time factors involved.

Again in its April 8 Memorandum, at 24-25, the Board stated:

The Intervenor is required to come forward with positive statements of their plans and must specify the resources that are available for a projected response and the time factors that are involved in any emergency activities proposed.

In these rulings, the Board was implementing the realism rule. The rule presumes that State and local officials will follow the utility plan in an actual emergency unless there is

a good faith and timely proffer of an adequate and feasible state and/or local radiological emergency plan that would in fact be relied upon in a radiological emergency.

52 Fed. Reg. 42,078, 42,086 (Nov. 3, 1987). As this Board recognized:

We are bound by regulation to affirmatively determine the adequacy of the expected response and that the obligation on us equally binds the parties to supply the critical information needed to make that determination in any future hearing if they want their views to be heard.

February 29 Confirmatory Memorandum and Order at 4-5 (emphasis in original).

It is simply beyond reasonable question that what Intervenor would do to respond to a Shoreham emergency and the resources available for such a projected response are relevant.

CONCLUSION

LILCO moves this Board to dismiss Contentions 1-2, 4-8, and 10 on the grounds that there is no issue to decide since LILCO's prima facie case is un rebutted. In applying the Commission's Rule, the Board has ruled that the presumption in the Rule that the State and County will implement the LILCO plan will apply unless the Intervenor come forward with evidence of how they would otherwise use their best efforts to respond. February 29 Confirmatory Order and Memorandum at 4-5; April 8 Memorandum at 21-22, 24-25. The Board has been specific as to what the Intervenor must show. The Board has twice ruled that the Intervenor must come forward with plans showing

their intended response, or with a specification of the resources available for an ad hoc response and the actions such a response could entail including the time factors involved. The Board has twice stated that Intervenor's failure to present such a positive case could result in an adverse ruling on the contentions.

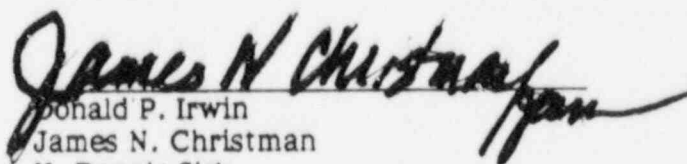
Intervenors have repeatedly and, apparently deliberately, refused to come forward with any such showing. First, Intervenor's filed the April 13 Objection and testimony of DPC Chairman Axelrod and County Executive Halpin, which they say constitutes their entire case on what the State and County might do in response to a Shoreham emergency. The testimony is nothing more than "simple protestations that they will not use LILCO's plan. . . ." (Board's April 8 Memorandum) and refusal to "speculate" as to how the State or County would or could respond to a Shoreham emergency. Second, Intervenor's objected, and failed to provide substantial responses, to LILCO's interrogatories seeking to learn how the Intervenor's would or could respond to a Shoreham emergency. Third, Intervenor's peremptorily truncated the depositions of their two witnesses and the depositions of three State deponents and two County deponents. Fourth, the County defied the Board's orders to produce two additional key County officials for deposition. Fifth, in the depositions that were held -- of five State officials and four County officials -- Intervenor's steadfastly refused to "speculate" as to how they would or could respond to a Shoreham emergency. They even declined to "speculate" as to what State or County resources, departments or personnel could be employed in such a response, much less the timing involved. The deponents' principal reason for refusing to "speculate" as to available resources assertedly was the lack of a "site-specific" plan, approved by the State and/or County, for Shoreham. Thus, at base, the Intervenor's position has remained the same since 1983 -- that, without a State of County approved plan for Shoreham, which they decline to provide, they cannot even identify any response capability.^{16/}

^{16/} Indeed, the Intervenor's objected to, disclaimed knowledge of, or failed to be forthcoming as to their resources and response capabilities for other types of emergencies and other nuclear plants in or affecting the State or Suffolk County.

The Interveners have had multiple opportunities to follow the Board's Orders and put forth "a positive case for review and analysis. . . ." (April 8 Memorandum at 24-25). They have repeatedly declined to do so. Accordingly, Interveners have failed to carry their burden of going forward, and their contentions should be dismissed.^{17/}

If the Board declines to dismiss the contentions, then it would be patently unfair to LILCO to proceed to hearing without the discovery that the Interveners have stonewalled. Thus, in the alternative, the Board should issue an order compelling the Interveners to respond to LILCO's interrogatories and to produce the documents requested, including documents setting forth resources and response capabilities for other types of emergencies and other nuclear plants in the State or affecting the State (including Suffolk County). Further, the Board should issue an order compelling the depositions of County deponents Regan and Harris, and compelling the State and County to make Messrs. Axelrod, Halpin, Petrone, Roberts, Papile, Czech and Baranski available for the completion of their depositions.

Respectfully submitted,



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DATED: May 2, 1988

^{17/} If the Board believes there is still an issue suitable for hearing, then it should be limited to the narrow issue of the adequacy of LILCO's procedure for dealing with the State and County.

ATTACHMENTS

1. Governments' Objections to LILCO's Second Set of Interrogatories Regarding Contentions 1-2, 4-8, and 10 -- April 20, 1988
2. Governments' Answers and Additional Objections to LILCO's Second Set of Interrogatories Regarding Contentions 1-2, 4-8, and 10 -- April 22, 1988
3. Notice of Deposition (Patrick G. Halpin) -- April 16, 1988
4. Notice of Deposition (David Axelrod) -- April 16, 1988
5. Letter to Lawrence Coe Lanpher from K. Dennis Sisk -- April 18, 1988
6. Letter to Lawrence Coe Lanpher from K. Dennis Sisk -- April 21, 1988
7. Deposition Transcript of Patrick G. Halpin -- April 19, 1988
8. Deposition Transcript of David Axelrod -- April 22, 1988
9. Excerpts from Deposition Transcript of Frank P. Petrone -- April 25, 1988
10. Excerpts from Deposition Transcript of Richard C. Roberts -- April 26, 1988
11. Excerpts from Deposition Transcript of Lawrence B. Czech, James D. Papile, and James C. Baranski -- April 29, 1988
12. Letter to James N. Christman from Michael S. Miller -- April 21, 1988
13. New York State Radiological Emergency Preparedness Plan for Commercial Nuclear Power Plants -- April 1987 (Part II, Section I at Procedures F and K)
14. Chart of Intervenors' Interrogatory Responses

Attachment 1

April 20, 1988

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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)

GOVERNMENTS' OBJECTIONS TO LILCO'S SECOND SET OF
INTERROGATORIES REGARDING CONTENTIONS 1-2, 4-8, AND 10

Pursuant to 10 CFR § 2.740b(b), and in accordance with this Board's oral ruling of April 11 and Confirmatory Memorandum and Order of April 12 ("April 12 Order"), Suffolk County, the State of New York, and the Town of Southampton (the "Governments") hereby note their objections to LILCO's Second Set of Interrogatories and Document Requests Regarding Contentions 1-2, 4-8 and 10 (March 24, 1988) ("Interrogatories").

Interrogatories not addressed in these objections will be addressed in the Governments' Answers which will be filed on April 22, 1988, also in accordance with the Board's April 11 oral ruling and the Board's April 12 Order. The April 22 Answers may contain certain additional objections, but the Interrogatories

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addressed there will be answered notwithstanding those objections.

GENERAL OBJECTIONS

1. The Governments object to LILCO's Interrogatories to the extent that they seek information about emergency planning for nuclear power plants other than Shoreham, the actions of governments other than the Governments, emergency plans other than the LILCO Plan, and emergencies other than a radiological emergency at Shoreham. The requested information is not relevant to the issue before the Board, which concerns only the nature of a "best efforts" response by the Governments to a Shoreham emergency. See Confirmatory Memorandum and Order (Ruling on LILCO's Motions for Summary Disposition of Contentions 1, 2, 4, 5, 6, 7, 8, and 10, and Board Guidance on Issues for Litigation) (Feb. 29, 1988) at 2-3.

In addition, LILCO's Interrogatories which seek such information are not within the scope of relevant inquiry established by the NRC's new emergency planning rule. As the NRC stated in adopting the new rule:

The final rule makes clear that every emergency plan is to be evaluated for adequacy on its own merits, without reference to the specific dose reductions which might be accomplished under the plan or to the capabilities of any other plan.

52 Fed. Reg. 42084 (November 3, 1987). LILCO's Interrogatories are in direct contravention of this NRC directive. Accordingly, LILCO's attempts to obtain information about other plants, other governments, other plans and other emergencies are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. See 10 CFR § 2.740(b)(1).

2. Suffolk County objects to the numerous Interrogatories addressed to it which seek information about the State and other counties within the State. The information requested is not within the possession or control of Suffolk County and thus cannot be provided to LILCO by Suffolk County.

3. The Governments also object to LILCO's Interrogatories to the extent that they seek information on how counties other than Suffolk County would respond, or what plans or procedures they would use, follow or rely upon in drills, exercises, or in the event of a radiological emergency (see, e.g., Interrogatory No. 52). These numerous interrogatories call for speculation which the Governments are unable to provide. The counties about which LILCO seeks such information are separate governmental entities which have independent authority to determine their own actions prior to and during emergencies. Accordingly, the Governments cannot predict what these counties would do, how they would respond, what plans they would use, or other such matters. If LILCO wants this information, it should obtain it from the counties in question. The Governments note that the information is as accessible to LILCO as it is to the Governments.

4. The State of New York objects to the questions addressed to it which seek information about Suffolk County and other counties within the State. The information requested is not within the possession or control of the State and thus cannot be provided to LILCO by the State.

5. The Governments object to LILCO's Interrogatories to the extent that they seek the identification of documents, or production of documents themselves, which are in the possession, custody or control of counties other than Suffolk County. Such counties are separate, independent governmental entities. The documents are as accessible to LILCO as they are to the Governments, and if LILCO wants these documents, it should obtain them from the counties in question.

6. The Governments object to all of the Interrogatories addressed herein on the ground that they are overly burdensome, and this is especially true for the 63 interrogatories (over half of those submitted by LILCO) seeking information about emergency planning for plants other than Shoreham, by governmental authorities other than the Governments, or for emergencies other than radiological emergencies. Not only are such questions not relevant (see General Objection No. 1), but by their sheer number, they place an undue burden on the Governments. For instance, a great many of the Interrogatories ask for multiple pieces of information on a "county-by-county" basis for every county located in any 50-mile ingestion pathway EPZ within the State. See Interrogatory Nos. 51-54, 58-60, 68-74, 76-78, 85,

87, 88-89, 91-94, 96-98, 103, 113, 115. To attempt to assemble the requested information and provide answers to the Interrogatories objected to here would take many weeks or months beyond the current deadline imposed by the Board. It is unfair to impose such a burden on the Governments, especially in light of the absence of any relevant purpose for posing the Interrogatories. Because this objection is stated for all of the Interrogatories addressed here, it will not be repeated in the specific objections below.

SPECIFIC OBJECTIONS

LILCO Interrogatory No. 8

8. With respect to each of the following functions,
 - a. activating the early warning sirens and directing the broadcast and contents of emergency broadcast system (EBS) messages in the event of a radiological emergency at Shoreham (hereinafter the "Contention 5 functions"),
 - b. making decisions and official recommendations to the public as to the appropriate actions necessary to protect the public health and safety, including deciding upon protective actions which will be communicated to the public, in the event of a radiological emergency at Shoreham (hereinafter the "Contention 6 functions"),
 - c. directing traffic, blocking roadways, setting up barriers in roadways, and channeling traffic in the event of a radiological emergency at Shoreham (hereinafter the "Contentions 1 and 2 functions"),
 - d. performing access control functions at the EPZ perimeter in the event of a radiological emergency at Shoreham (hereinafter the "Contention 10 functions"),
 - e. removing obstructions from public roadways, including the towing of private vehicles, in the event of a radiological emergency at Shoreham (hereinafter the "Contention 4 functions"),

- f. making and implementing decisions and official recommendations to the public concerning protective actions for the ingestion exposure pathway in the event of a radiological emergency at Shoreham (hereinafter the "Contention 7 functions"), and
- g. making and implementing decisions and official recommendations to the public concerning recovery and reentry in the event of a radiological emergency at Shoreham (hereinafter the "Contention 8 functions"),

please list each and every factor that Intervenor claim would prevent a "best efforts" response by New York State and Suffolk County, generally following the LILCO Plan, from satisfying the applicable NRC requirements.

Answer to Interrogatory 8.

The Governments object on the ground that the premise of the Interrogatory -- that the Governments would generally follow the LILCO Plan -- is false and lacking in any factual basis. For the reasons set forth in the Governments' April 13 Objection to Portions of February 29 and April 8 Orders in the Realism Remand and Offer of Proof and Attachments thereto (hereafter, "April 13 Objections and Offer of Proof"), the Governments will not adopt or follow LILCO's Plan.

LILCO Interrogatory No. 50

50. Identify all plans and procedures that New York State has and would use, follow, or otherwise rely upon to make an ingestion pathway and recovery and reentry response to a radiological emergency at (a) the Yankee Rowe nuclear power plant (Massachusetts), (b) the Millstone nuclear power plant (Connecticut), (c) the Haddam Neck nuclear power plant (Connecticut), (d) the Vermont Yankee nuclear power plant (Vermont), and (e) the Oyster Creek nuclear power plant (New Jersey). Indicate which of the plans and procedures are site-specific rather than generic. Provide copies of all documents.

Answer to Interrogatory No. 50.

See General Objections Nos. 1, 2 and 5.

LILCO Interrogatory No. 51

51. Identify, on a plant-by-plant basis, all counties in New York State that are located in the ingestion pathway EPZs of the nuclear power plants listed in Interrogatory No. 50.

Answer to Interrogatory No. 51.

See General Objections Nos. 1 and 2. In addition, the Governments object on the grounds that the information sought is as easily accessible to LILCO through public sources as it is to the Governments.

LILCO Interrogatory No. 52

52. Identify, on a county-by-county basis, all plans and procedures that the counties listed in response to Interrogatory No. 51 have or would use, follow, or otherwise rely upon for an ingestion pathway and recovery and reentry response to a radiological emergency at the nuclear power plants identified in Interrogatory No. 50. Indicate which of the plans and procedures are site-specific. Provide copies of all documents.

Answer to Interrogatory No. 52.

See General Objections Nos. 1, 2, 3 and 5.

LILCO Interrogatory No. 53

53. State, for the counties listed in response to Interrogatory No. 51 that do not have plans and procedures for an ingestion pathway and recovery and reentry response, how each such county would provide for an ingestion pathway and recovery and reentry response to a radiological emergency.

Answer to Interrogatory No. 53.

See General Objections Nos. 1, 2, and 3.

LILCO Interrogatory No. 54

54. Identify all training sessions, drills, and exercises that have been or will be conducted by a county or by New York State to prepare for an ingestion pathway and recovery and reentry response to a radiological emergency at the nuclear power plants listed in Interrogatory No. 50. Identify which counties were or will be involved in each training session, drill, and exercise.

Answer to Interrogatory No. 54.

See General Objections Nos. 1, 2 and 3.

LILCO Interrogatory No. 55

55. State whether New York State will participate in the FEMA-graded ingestion pathway exercise for the Yankee Rowe nuclear power plant ("Yankee Rowe Exercise"), that will be held in April 1988. Is New York State required by FEMA to participate in this exercise?

Answer to Interrogatory No. 55.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 56

56. Identify the nature of New York State's participation in the Yankee Rowe Exercise. Include (a) the extent of the State's participation, (b) a list of the activities the State will be responsible for and the State personnel who will be responsible for each activity, and (c) a list of the State personnel who will participate in the exercise and the function each will serve in preparing for or participating in the exercise.

Answer to Interrogatory No. 56.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 57

57. Identify all plans, procedures, training materials, drill schedules, drill scenarios, and any other documents that the State has used or will use to prepare for and participate in the Yankee Rowe Exercise. Provide copies of all documents.

Answer to Interrogatory No. 57.

See General Objections Nos. 1, 2 and 5.

LILCO Interrogatory No. 58

58. Identify each and every county in New York State that will be involved in preparing for and participating in the Yankee Rowe Exercise. For each county identify what activities that county will be responsible for and who at each county will be responsible for that activity.

Answer to Interrogatory No. 58.

See General Objections Nos. 1, 2, and 3.

LILCO Interrogatory No. 59

59. Identify, on a county-by-county basis, all plans, procedures, training materials, drill schedules and scenarios, and any other documents that the counties identified in Interrogatory No. 58 will use to prepare for and participate in the Yankee Rowe Exercise. Identify which of these documents are site-specific. Provide copies of all documents.

Answer to Interrogatory No. 59.

See General Objections Nos. 1, 2, 3 and 5.

LILCO Interrogatory No. 60

60. Identify all training and drills that have been or will be conducted by the State and the counties identified in Interrogatory No. 58 in preparation for the Yankee Rowe Exercise. Identify and provide any documents concerning the training and drills.

Answer to Interrogatory No. 60.

See General Objections Nos. 1, 2, 3 and 5.

LILCO Interrogatory No. 61

61. State whether New York State and the counties and other pertinent jurisdictions in New York State within the 50-mile EPZ of Shoreham are capable of responding to a radiological emergency that requires ingestion pathway and recovery and reentry activities within the ingestion pathway EPZs of (a) the Millstone Nuclear Power Plant, (b) the Oyster Creek Nuclear Power Plant, (c) the Indian Point Nuclear Power Plant, and (d) the Haddam Neck Nuclear Power Plant and whether they have sufficient resources to undertake such a response. If the answer is yes, explain how New York State and the counties and other pertinent jurisdictions would respond and what resources they would use. Identify all plans and procedures that would be used and all documents showing that there are sufficient resources. State whether any of these plans, procedures, or other documents are site-specific to their locations.

Answer to Interrogatory No. 61.

See General Objections Nos. 1, 2, 3, and 5.

LILCO Interrogatory No. 62

62. Identify who of the Intervenor would be responsible for the emergency functions and activities identified in Interrogatory No. 49 during the recovery phase of a Millstone, Haddam Neck, Oyster Creek, or Indian Point radiological emergency. To the extent not already identified, identify all plans and procedures that would be used, followed, or otherwise relied upon. Provide copies of all documents.

Answer to Interrogatory No. 62.

See General Objections Nos. 1 and 5.

LILCO Interrogatory No. 63

63. Identify what emergency response functions and activities the following agencies would be responsible for during a Millstone, Haddam Neck, Oyster Creek, or Indian Point radiological emergency affecting the areas of New York State within the Shoreham 50-mile EPZ and state how those functions and activities would differ from the functions and activities which those agencies would have to perform to make an ingestion pathway and recovery and reentry response for Shoreham: (a) State Department of Health, (b) Department of Agriculture and Markets, (c) Departments of Environmental Conservation, (d) State Police, (e) Department of Transportation, (f) State Emergency Management Office (SEMO), and (g) the Radiological Emergency Preparedness Group (REPG).

Answer to Interrogatory No. 63.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 64

64. Identify, on an item-by-item basis, what is different about Shoreham that prevents the State and the other counties and other pertinent jurisdictions in New York State within the 50-mile EPZ of Shoreham from using the same plans, procedures, and resources that are used for an ingestion pathway and recovery and reentry response to a Millstone, Haddam Neck, Oyster Creek, or Indian Point radiological emergency.

Answer to Interrogatory No. 64.

See General Objections Nos. 1, 2, and 3.

LILCO Interrogatory No. 67

67. Identify whether ingestion pathway and recovery and reentry activities have been coordinated between the State and Suffolk County and the utilities and offsite response organizations for Millstone, Oyster Creek, Haddam Neck, and Indian Point nuclear

power plants. Identify any and all such activities. Identify all documents documenting these activities. Provide copies of all such documents.

Answer to Interrogatory No. 67.

See General Objections Nos. 1 and 5.

LILCO Interrogatory No. 68

68. Identify all county plans and procedures, and the specific sections and pages of these plans and procedures, that would be used by the following counties for an ingestion pathway and recovery and reentry response: Orange, Putnam, Wayne, Monroe, Westchester, Oswego, and Rockland. State whether the plans are used for each county only or for other counties. Identify any other counties for which such plans would be used.

Answer to Interrogatory No. 68.

See General Objections Nos. 1, 2, 3 and 5. Moreover, LILCO possesses copies of the plans in question and is capable of making the requested determinations on its own.

LILCO Interrogatory No. 69

69. Identify, on a plant-by-plant basis, each county in the ingestion pathway EPZs, but not in the plume exposure EPZs, of each operating nuclear power plant in New York. For each county, identify all county plans and procedures that would be used, followed, or otherwise relied upon by that county for an ingestion pathway and a recovery and reentry response to a

radiological emergency. If the county does not have plans and procedures, state how they would respond.

Answer to Interrogatory No. 69.

See General Objections Nos. 1, 2, 3 and 5. In addition, the Governments object on the ground that the identification of the counties at issue is as easily accessible to LILCO through the NRC public document room or other public sources as it is to the Governments.

LILCO Interrogatory No. 70

70. Identify, on a county-by-county basis for each county in New York State in the ingestion pathway EPZ of a nuclear power plant, who in the New York State government is most knowledgeable about emergency preparedness of each county to make an ingestion pathway and recovery and reentry response.

Answer to Interrogatory No. 70.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 71

71. For the areas of New York State within the 50-mile EPZ of Shoreham, identify who (a) in the New York State government and (b) in the counties and other pertinent jurisdictions in those areas is most knowledgeable about the emergency preparedness of the counties and other pertinent jurisdictions in those areas to make an ingestion pathway and recovery and reentry response to a Millstone, Haddam Neck, Oyster Creek, and Indian Point radiological emergency.

Answer to Interrogatory No. 71.

See General Objections Nos. 1, 2, and 3.

LILCO Interrogatory No. 72

72. For each county listed in Interrogatory No. 68 and identified in your response to No. 69, identify, for each of the following sub-parts, each county that has participated in (a) an ingestion pathway exercise, (b) any drills of ingestion pathway plans and procedures, (c) any training of ingestion pathway plans or procedures, (d) an exercise dealing with recovery and reentry activities, (e) in any drills of recovery and reentry plans and procedures, and (f) in any training of recovery and reentry plans and procedures. For each subpart, identify the dates that that activity occurred, what plans and procedures were used, and who participated.

Answer to Interrogatory No. 72.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 73

73. For each sub-part in Interrogatory No. 72, identify all documents containing documentation of the activities listed in Interrogatory No. 72. Provide copies of all such documents.

Answer to Interrogatory No. 73.

See General Objections Nos. 1, 2 and 5.

LILCO Interrogatory No. 74

74. Identify, on a county-by-county basis for each county in New York State in an ingestion pathway EPZ of a nuclear power plant, the local offices of the State that are involved in responding to a radiological emergency. State what function they serve and the activities they are responsible for.

Answer to Interrogatory No. 74.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 76

76. Identify which counties in the ingestion pathway EPZ of the Ginna Nuclear Power Station were involved in preparing for the Ginna ingestion pathway exercise ("Ginna Exercise") held in October 1987. For each county describe the roles they played in preparing for and participating in the Ginna Exercise. Identify all documents used by these counties to prepare for and participate in the Ginna Exercise.

Answer to Interrogatory No. 76.

See General Objections Nos. 1, 2 and 5.

LILCO Interrogatory No. 77

77. On a county-by-county basis for all counties except Wayne and Monroe, identify by date when the State and the counties identified in response to Interrogatory No. 76 (a) met to prepare for the Ginna Exercise, (b) trained for the Exercise, and (c) drilled in preparation for the exercise. Identify and provide all documents containing documentation of these events.

Answer to Interrogatory No. 77.

See General Objections Nos. 1, 2 and 5.

LILCO Interrogatory No. 78

78. State for each county in the Ginna ingestion pathway EPZ whether each county's EOC was activated and whether it remained operational throughout the Ginna Exercise. For each county whose EOC was not activated or which did not remain operational throughout the exercise, explain who directed the county's operations and from where.

Answer to Interrogatory No. 78.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 79

79. Do the Intervenor believe (see 10 C.F.R. Part 50, App. E (F)(3)(e)) that it is sufficient to demonstrate at least once every five years the State's capabilities to make an ingestion pathway response through an exercise held at only one nuclear power plant site in the State? If the answer is no, state (a) for which sites in the State that the State's capabilities must be tested in a separate exercise and (b) whether the counties within the 50-mile EPZs of these sites must also participate in a FEMA-graded exercise to demonstrate their ability to make an ingestion pathway response.

Answer to Interrogatory No. 79.

See General Objection No. 1. In addition, the Interrogatory is objectionable because it is vague and ambiguous. To the extent that the interrogatory seeks an interpretation of law, the Governments object on the ground they are not required to provide any such interpretation.

LILCO Interrogatory No. 80

80. If the answer to the first part of Interrogatory No. 79 is yes, state how a single ingestion pathway exercise, like the Ginna Exercise, demonstrates the ability of New York State and the counties in the ingestion pathway EPZs of the other nuclear power plants in the State to make an ingestion pathway response at any other nuclear power plant in the State.

Answer to Interrogatory No. 80.

See General Objections Nos. 1 and 2. See also Answer to Interrogatory No. 79, above.

LILCO Interrogatory No. 81

81. If the Intervenors believe that the Ginna Exercise demonstrates the capabilities of the State and other counties to respond to an emergency at other nuclear power plants, state whether the Ginna Exercise demonstrates the capabilities of New York State and the counties and other pertinent jurisdictions in the Shoreham 50-mile EPZ to make an ingestion pathway response to a Shoreham emergency. If the answer is no, explain why not.

Answer to Interrogatory No. 81.

See General Objections Nos. 1 and 2. In addition, the Interrogatory is objectionable because it is vague and ambiguous.

LILCO Interrogatory No. 82

82. Do the Intervenors believe that for each nuclear power plant in New York State an ingestion pathway exercise must be conducted (a) to satisfy NRC requirements and (b) to demonstrate that the counties are adequately prepared for an ingestion pathway response? If no, explain why not.

Answer to Interrogatory No. 82.

See General Objections Nos. 1 and 2. In addition, the Interrogatory is objectionable because it is vague. To the extent that the Interrogatory seeks an interpretation of law, the Governments object as they are not required to provide any such interpretation.

LILCO Interrogatory No. 83

83. Identify all documents critiquing the Ginna Exercise, including any informal reports, articles, or summaries prepared by the State, counties or utility; and draft FEMA post-exercise reports and the final FEMA post-exercise report. Provide copies of all such documents.

Answer to Interrogatory No. 83.

See General Objections Nos. 1, 2, 3 and 5. The Governments also object on the ground that much of the information requested is as easily accessible to LILCO as to the Governments.

LILCO Interrogatory No. 85

85. Identify, on a county-by-county basis for each county in New York State in a 50-mile EPZ of a nuclear power plant, the "routines" referred to on page 4 of the REPG Affidavit in the sentence "there are also many additional routines developed at the State and county level via close interaction of personnel which are not reflected in the generic State Plan or the county addenda." Identify any documents that contain these "routines." If the "routines" are site-specific to the particular counties, identify the counties to which the routines apply. State whether these routines apply to all counties in New York State located in an ingestion pathway EPZ of a nuclear power plant. Provide copies of all identified documents.

Answer to Interrogatory No. 85.

See General Objections Nos. 1, 2 and 5.

LILCO Interrogatory No. 87

87. On a county-by-county basis for all counties in New York State located in an ingestion pathway EPZ of a nuclear power plant, identify the "detailed State and local government drills and exercises" referenced at the bottom of page 5 of the REPG Affidavit.

Answer to Interrogatory No. 87

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 88

88. Identify the bases and actual experiences and activities that support the statement at page 6 of the REPG Affidavit "that

the various counties respond very differently to ingestion pathway and recovery and reentry matters." Provide specific examples of (a) how the counties respond differently and (b) the implication of these differences.

Answer to Interrogatory No. 88.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 89

89. Identify, on a county-by-county basis for all counties in New York State located within an ingestion pathway EPZ of a nuclear power plant, the "detailed, albeit somewhat informal procedures and techniques" referenced at page 6 of the REPG Affidavit which "enhances the real framework for an integrated response." Identify and provide copies of all documents that contain these "procedures and techniques" for each county.

Answer to Interrogatory No. 89.

See General Objections Nos. 1, 2 and 5.

LILCO Interrogatory No. 90

90. In discussing the proper protective response options available for making decisions about agricultural land on page 8 of the REPG Affidavit, REPG states that "substantial information is needed on soil conditions, crop rotations [and], water flow patterns" State (a) whether all of this information was made available during the Ginna Exercise, (b) whether it was actually used during the Ginna Exercise, and (c) whether this information is kept updated for each county in New York State that is located in an ingestion pathway EPZ of a nuclear power plant. Identify, on a county-by-county basis, who is responsible for gathering and updating this information. If it is collected by State personnel, identify what local offices are responsible for this task and where this information is kept. Provide copies of all documents containing this information.

Answer to Interrogatory No. 90.

See General Objections Nos. 1, 2 and 5.

LILCO Interrogatory No. 91

91. In reference to page 8 of the REPG Affidavit, identify for each county in New York State located in an ingestion pathway EPZ of a nuclear power plant (a) what county personnel "are needed to provide these data," (b) who according to "pre-planning" "will perform particular tasks," (c) what these "particular tasks" are, and (d) the training and evaluation of these personnel necessary to do these "particular tasks." Identify all documents containing this "pre-planning," training, and evaluation. Provide copies of all such documents.

Answer to Interrogatory No. 91.

See General Objections Nos. 1, 2 and 5.

LILCO Interrogatory No. 92

92. Identify, on a county-by-county basis for all counties in New York State located in an ingestion pathway EPZ of a nuclear power plant, "the procedures, dedicated resources [and] trained personnel" that New York State has identified "for ingestion pathway data collection and analysis" referred to on page 9 of the REPG Affidavit. Provide copies of all such documents.

Answer to Interrogatory No. 92.

See General Objections Nos. 1, 2 and 5.

LILCO Interrogatory No. 93

93. If the Intervenor believe that "[t]he level of training required for a proper ingestion pathway response is illustrated by preparation for the Ginna exercise" which "involved close to nine months," REPG Affidavit at 9-10, state whether the same type and amount of training and preparation has already been conducted for all other counties in New York State in an ingestion pathway EPZ of a nuclear power plant. Identify which counties have been prepared to the (same or greater) extent. If the same type and amount of preparation has not been conducted with respect to any counties in New York State in an ingestion pathway EPZ of a

nuclear power plant, state why such preparation has not been conducted and whether there are plans to do so.

Answer to Interrogatory No. 93.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 94

94. State whether the counties in the Ginna ingestion pathway EPZ were capable of making an ingestion pathway response to a Ginna radiological emergency prior to this "close to nine months" of preparation identified on page 10 of the REPG Affidavit. If the answer is yes, explain why nine months of preparation was needed.

Answer to Interrogatory No. 94.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 95

95. State whether the State will change its approach to planning for an ingestion pathway response in light of the two "important lessons learned as a result of the Ginna exercise" identified on page 10 of the REPG Affidavit. If yes, state what changes the State will make. If no, explain why changes will not be made.

Answer to Interrogatory No. 95.

See General Objections Nos. 1 and 2. In addition, the Interrogatory is objectionable because the term "change its approach to emergency planning" is vague and ambiguous.

LILCO Interrogatory No. 96

96. Identify, on a county-by-county basis for each county in New York that is located in an ingestion pathway EPZ of a nuclear power plant, the location of the local cooperative extension offices that would participate in an ingestion pathway response.

Answer to Interrogatory No. 96.

See General Objections Nos. 1 and 2. In addition, the information sought is as accessible to LILCO as it is to the Governments.

LILCO Interrogatory No. 97

97. Page 10 of the REPG Affidavit cites two "examples" of site-specific implementing procedures that concern an "adequate local communication network for use by the ingestion sampling teams," and "an adequate operations base for the ingestion sampling teams." For each county in New York State that is located in an ingestion pathway EPZ of a nuclear power plant, identify (a) the "site-specific implementation procedures" for these two "examples," (b) who is responsible for implementing these procedures, and (c) and training or drills that have taken place concerning these procedures. Provide copies of all documents relating to these procedures and the training involving these procedures.

Answer to Interrogatory No. 97.

See General Objections Nos. 1, 2, 3 and 5.

LILCO Interrogatory No. 98

98. The REPG Affidavit at 10 says that there are "detailed procedures" which go "beyond the generic Plan and county-specific agenda . . . which implement the tasks identified in the Plan. Identify, on a county-by-county basis for each county in New York State that is located in an ingestion pathway EPZ of a nuclear power plant, these detailed procedures, and state which tasks in the State Plan they are used to implement. Provide copies of all such documents.

Answer to Interrogatory No. 98.

See General Objections Nos. 1, 2 and 5.

LILCO Interrogatory No. 99

99. State whether it would take nine months to a year for the counties in New York State in an ingestion pathway EPZ of a nuclear power plant to be prepared to make an ingestion pathway and recovery and reentry response that would be adequate to satisfy the applicable NRC requirements. If the answer is no, state how long it would take the counties to become prepared.

Answer to Interrogatory No. 99.

See General Objections Nos. 1 and 2. In addition, this Interrogatory calls for speculation.

LILCO Interrogatory No. 100

100. Identify when the State and County EOCs on Long Island have been activated in the past, why they were activated, what activities took place, and who was responsible for those activities.

Answer to Interrogatory No. 100.

See General Objections Nos. 1, 2 and 4. The State has no EOC on Long Island. The Suffolk County EOC has never been

activated for a Shoreham-related emergency. Any information sought regarding Nassau County should be obtained from Nassau County.

LILCO Interrogatory No. 101

101. Has New York State or Suffolk or Nassau County ever implemented their recovery procedures on Long Island in response to a man-made or natural disaster or emergency? If so, identify each occurrence? For each occurrence, identify (a) who in the State and County was involved in this response, (b) what roles they were responsible for, and (c) what activities took place.

Answer to Interrogatory No. 101.

See General Objections Nos. 1, 2 and 4.

LILCO Interrogatory No. 102

102. If the "counties near Shoreham have not dedicated the resources or trained the personnel to support a state ingestion pathway response," REPG Affidavit at 12, state how they will support an ingestion pathway response to a Millstone, Haddam Neck, Oyster Creek, or Indian Point radiological emergency.

Answer to Interrogatory No. 102.

See General Objections Nos. 1, 2, and 3.

LILCO Interrogatory No. 103

103. At page 11 of the REPG Affidavit it states that the State Plan does not define responsibilities "since the precise details of how a county can respond are only worked out in "discussions" about how the counties can assist the State in an ingestion pathway response. For each county in New York State in an ingestion pathway EPZ of a nuclear power plant, state when the State has had these "discussions," who attended these "discussions," and, for each county, the "precise details" of the "assistance" that each county will provide the State in an ingestion pathway response. Identify when these "discussions"

have been "refined" during "drills, table top exercises, and similar training sessions. . . ."

Answer to Interrogatory No. 103.

See General Objections Nos. 1, 2, and 3.

LILCO Interrogatory No. 104

104. If the State and all the counties have not had these "discussions," state (a) why they have not occurred, (b) when they will occur, and (c) how the counties can be prepared at this time to assist the State in an ingestion pathway response if these "discussions" have not occurred.

Answer to Interrogatory No. 104.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 105

105. In denying LILCO Material Fact No. 2 REPG states "the State and local government personnel who will be responsible for carrying out particular recovery and reentry and ingestion pathway functions are not primarily identified in the Plan." REPG Affidavit at 17. Identify these "unidentified" State and local government personnel who will be responsible for recovery and reentry activities for each county in New York State located within a 50-mile EPZ of a nuclear power plant.

Answer to Interrogatory No. 105.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 108

108. In response to LILCO Material Fact No. 8 REPG stated that even though the Monroe County Plan says the State Plan has complete instructions on recovery, the State Plan does not have complete instructions. REPG Affidavit at 19. Explain how the Monroe County Plan statement can be true. If it is only true "in context," please identify the context that makes it true.

Answer to Interrogatory No. 108.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 112

112. Explain the Intervenors' "understanding [about] what actually would occur in Monroe County with respect to the County Executive" that is more "complex" than that indicated in LILCO Material Fact No. 17. REPG Affidavit at 21. Identify the detailed preparation and planning referenced in the REPG response excluding Monroe County's preparation for the 1987 Ginna Exercise.

Answer to Interrogatory No. 112.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 113

113. In response to LILCO Material Fact No. 21, REPG states that the "State Department of Health is not the only agency that has responsibilities for analyzing all of the exposure pathways . . ." REPG Affidavit at 22. Identify on a county-by-county basis for each county in New York State in a 50-mile EPZ of a nuclear power plant all other agencies that have this responsibility.

Answer to Interrogatory No. 113.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 115

115. In response to LILCO Material Fact No. 41, REPG states that "particular counties provide more or less support, depending on [various] factors. . . ." REPG Affidavit at 26. On a county-by-county basis for each county in New York State located in a 50-mile EPZ of a nuclear power plant what "more or less support" is provided in comparison to that listed in LILCO Material Fact No. 41.

Answer to Interrogatory No. 115.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 116

116. In response to LILCO Material Fact No. 54, REPG states that the Ginna Exercise tested "the State ingestion pathway procedures for local governments in the vicinity of Ginna only." State what parts of the State Plan were not tested during the Ginna Exercise and if the State plans to test these parts at another exercise.

Answer to Interrogatory No. 116.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 117

117. Identify and describe any and all portions of Suffolk County that are within the plume exposure EPZ of the Millstone Nuclear Power Plant in Connecticut.

Answer to Interrogatory No. 117.

See General Objections Nos. 1 and 2. The Governments also object on the ground that the information sought is as easily accessible to LILCO through public sources as it is to the Governments.

LILCO Interrogatory No. 118

118. Identify any and all plans and procedures that Suffolk County would use, follow, or otherwise rely upon to respond to a radiological emergency at the Millstone plant which required the implementation of protective measures, including, but not limited to, evacuation of the portions of Suffolk County identified in Interrogatory No. 117. Provide a copy of all such documents.

Answer to Interrogatory No. 118.

See General Objections Nos. 1 and 4.

LILCO Interrogatory No. 120

120. Please provide a copy of any and all existing plans and procedures for responding to emergencies, whether radiological or nonradiological, affecting Suffolk County, including, but not limited to, chemical spills, fires, hurricanes, explosions, and earthquakes. Please include any and all plans for dealing with accidents involving shipments of radiological materials to Brookhaven National Lab, the Shoreham Nuclear Power Station, hospitals and other medical facilities, and industrial facilities.

Answer to Interrogatory No. 120.

See General Objections Nos. 1 and 4.

LILCO Interrogatory No. 122

122. With respect to New York State, how do the answers to Interrogatories Nos. 10, 13, 15, 16, 21, 22, 23, 30, 37, and 42 differ from what the State would do in a radiological emergency at other operating nuclear power plants in New York State?

Answer to Interrogatory No. 122.

See General Objections Nos. 1 and 2.

LILCO Interrogatory No. 123

123. To the extent not already requested, please provide all [sic] copies of all documents identified in response to the above interrogatories.

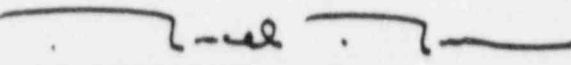
Answer to Interrogatory No. 123.

See General Objections Nos. 1, 2, 3, 4 and 5. To the extent documents are identified in the Governments' April 22 Answers in response to non-objectionable questions, they will be provided.

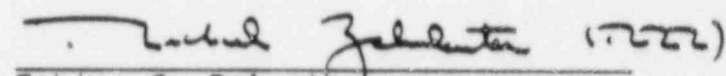
OBJECTIONS STATED BY COUNSEL

Counsel state all objections and answers not requiring verification.

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April 20, 1988

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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 GOVERNMENTS' OBJECTIONS TO LILCO'S SECOND SET OF INTERROGATORIES REGARDING CONTENTIONS 1-2, 4-8, AND 10 have been served on the following this 20th day of April, 1988 by U.S. mail, first class, except as otherwise indicated.

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* By Federal Express

Attachment 2

April 22, 1988

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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)
)
)
)

GOVERNMENTS' ANSWERS AND ADDITIONAL OBJECTIONS
TO LILCO'S SECOND SET OF INTERROGATORIES
REGARDING CONTENTIONS 1-2, 4-8, AND 10

Pursuant to 10 CFR § 2.740(b), and in accordance with this Board's oral ruling of April 11 and Confirmatory Memorandum and Order of April 12, Suffolk County, the State of New York and the Town of Southhampton (the "Governments") hereby answer LILCO's Second Set of Interrogatories Regarding Contentions 1-2, 4-8, and 10 (March 24, 1988) ("Interrogatories").

The Governments' objections to LILCO's Interrogatories were served on April 20. This Answer contains additional objections to some of the Interrogatories, but answers are nevertheless provided. Many of the answers herein reference the Governments' Objection to Portions of February 29 and April 8 Orders In the Realism Remand and Offer of Proof (April 13, 1988) (hereafter, "April 13 Objection and Offer of Proof"). The April 13 Objection and Offer of Proof sets forth the Governments' intended testimony

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43pp.

on the matters at issue in this proceeding (except on immateriality) and is as complete a statement of the Governments' intentions, with respect to a "best efforts" response to a Shoreham emergency, as they are able to provide.

Answers and Objections

LILCO Interrogatory No. 9

9. With respect to the Contention 5 functions, please state whether New York State and Suffolk County, as part of a "best efforts" response to a radiological emergency at Shoreham, would do anything other than generally follow the LILCO Plan.

Answer to Interrogatory No. 9.

For the reasons set forth in the Governments' April 13 Objection and Offer of Proof, the Governments would not follow LILCO's Plan.

LILCO Interrogatory No. 10

10. Unless the answer to Interrogatory No. 9 is a simple no, please identify and describe the processes, methods, and means by which New York State and Suffolk County emergency response personnel would be notified of a radiological emergency at Shoreham. Specifically, in Intervenor's Answer to LILCO's Motion for Summary Disposition of Contentions 5 and 6 (Feb. 10, 1988) (hereinafter "Answer to 5 and 6 Motion") on page 22 Intervenor's state that "the issues presented by LILCO's realism defense to Contentions 5 and 6, CLI-86-13, and the new rule require this Board to determine how the Governments would respond in an emergency" and that "the Board's inquiry must focus" on certain matters, which you then list. With respect to these matters, in your response to this interrogatory please include answers to the following questions which Intervenor's raised:

- a. How would the State learn of a Shoreham accident?
(Answer to 5 and 6 Motion at 22.)
- b. How long would it take New York and Suffolk County to "react to a call from LILCO reporting that there had been an accident at Shoreham?" (Id.)

- c. Whom would the person or persons receiving the call in turn have to contact? How would those contacts be made and how long would such contacts take? (Id. at 22-23).

Answer to Interrogatory No. 10.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan, nor have they otherwise trained or planned for responding to a Shoreham emergency. Accordingly, beyond stating that they would exercise their best judgment at the time of the accident, the Governments do not know how or when they would learn of a Shoreham accident, whether they would receive a call from LILCO, who would receive a call (if one were to be received), or how long any contacts might take. Suffolk County notes that, as stated by Mr. Halpin during his deposition, neither he nor his top deputies regularly carries a "beeper" or other similar device. Thus, while Mr. Halpin, as County Executive, would be the person in charge of any County action, it is not clear whether Mr. Halpin could be contacted at any particular time or how long contacting him might take.

LILCO Interrogatory No. 11

11. To the extent not already provided in your response to Interrogatory No. 10, please answer the following questions with respect to the RECS lines to State offices:

- a. What is required to make the existing Shoreham RECS lines to the State "operational" and "capable of functioning?" (See Affidavit of James D. Papile, May 11, 1987, at 3 ¶ 4).
- b. If Shoreham were to operate at 100% power, would the State permit the RECS lines to be made operational?

- c. Precisely how far is the nearest Shoreham RECS line drop from each of the following offices:
- (i) REPG in Albany
 - (ii) the State Police Communications Center in Albany
 - (iii) the State EOC in Albany
 - (iv) the SEMO district office in Poughkeepsie?
- d. Will the State permit LILCO, at LILCO's expense, to relocate the RECS lines to each of the above four locations?
- e. Will the State permit LILCO, at LILCO's expense, to relocate the RECS lines to each of the above four locations if Shoreham were licensed to operate at 100 percent power?

Answer to Interrogatory No. 11.

a. The "Shoreham RECS Lines to the State" referred to in this Interrogatory protrude from the walls in the various locations and terminate as bare, dangling wires. What is required to make the lines operational is uncertain. Certainly, at a minimum, they would need to be connected to telephones. Whether this would be sufficient to make them operational is unknown because the system has not been in service for years and it could be non-operational or might malfunction for any number of reasons.

b,d, and e. The State objects to these Interrogatories on the ground that they call for speculation. Notwithstanding this objection, the State answers that, for the reasons set forth in the April 13 Objection and Offer of Proof, the State has not adopted any plan for Shoreham and will not cooperate with LILCO in developing or implementing any emergency plan or response.

Beyond these facts, the State is unable to provide any further information. The County is unable to respond to these Interrogatories which are directed to the State.

c. The State objects to this Interrogatory on the ground that the term "Shoreham RECS line drop" is vague. Notwithstanding this objection, the State answers that the wires referenced above: (i) located closest to REPG in Albany protrude from a wall in a non-REPG office that is approximately 50 yards, through corridors, from the REPG office; (ii) located closest to the State Police Communications Center in Albany protrude from a wall in unrelated offices two floors away; (iii) located closest to the State EOC in Albany protrude from a wall in the State EOC; and (iv) located closest to the SEMO district office in Poughkeepsie protrude from a wall in that office.

LILCO Interrogatory No. 12

12. To the extent not already provided in your response to Interrogatory No. 10, please answer the following:

- a. Identify and describe any and all procedures, methods, and means by which the Governor of New York and the Suffolk County Executive can be contacted or paged 24 hours a day. Identify those persons who have control of or access to those means of contact and describe how those persons can be contacted 24 hours a day.
- b. If for any reason the Governor of New York could not be contacted or was otherwise not available to respond to a radiological emergency at Shoreham, who would be responsible for performing the Governor's duties in the Governor's absence? How would that person be contacted and informed of a radiological emergency at Shoreham?

- c. If for any reason the Suffolk County Executive could not be contacted or was otherwise not available to respond to a radiological emergency at Shoreham, who would be responsible for performing the Suffolk County Executive's duties in the county Executive's absence? How would that person be contacted and informed of a radiological emergency at Shoreham?

Answer to Interrogatory No. 12.

The Governments object to this Interrogatory to the extent it calls for speculation about who would be contacted, and how they would be contacted, in a Shoreham emergency. See April 13 Objection and Offer of Proof. Notwithstanding this objection, see Answer to Interrogatory No. 10. In addition, the County attaches herewith a document regarding SCPD procedures for contacting members of the County Executive's staff "in the event of a newsworthy or major incident." The State also notes in response to this Interrogatory that pursuant to Sections 24(1) and 28 of the Executive law, only a local chief executive may request a "declaration of disaster emergency" from the Governor. Therefore, the relevant "procedure, method and means "by which the Governor can be contacted in a radiological emergency include contact by a local chief executive.

LILCO Interrogatory No. 13

13. Unless the answer to Interrogatory No. 9 is a simple no, please identify and describe the processes, methods, and means which New York State and Suffolk County would use, undertake, or employ in activating the early warning siren system in the event of a radiological emergency at Shoreham. Specifically, in your response to this interrogatory please include answers to the following questions which Intervenor's raised in their Answer to 5 and 6 Motion at 23:

- a. Who from New York State and Suffolk County would need to be consulted in connection with a decision concerning when or how to activate the sirens? (Answer to 5 and 6 Motion at 23.)
- b. How would such consultations take place and how long would they take? (Id.)
- c. Who would make the decisions as to when and how to activate the sirens? (Id.)
- d. What "data, information, and criteria" would be "needed, desired, consulted or relied upon" by the person or persons responsible for determining when to activate the sirens and how to do so? (Id.)
- e. Who would "implement" the decision to activate the sirens? (Id.)
- f. How long would it take to "implement" the decision to activate the sirens? (Id.)

Answer to Interrogatory No. 13.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan, or otherwise trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information. Suffolk County also notes that Mr. Halpin testified during his deposition that he does not intend to use LILCO's siren system and thus the assumed basis for this Interrogatory is not accurate. The State notes further that the LILCO Plan does not assume a role for the State in siren activation and thus there is no basis for the Interrogatory to the extent it is directed to the State.

LILCO Interrogatory No. 14

14. To the extent not already provided in your response to Interrogatory No. 13, please answer the following:

- a. Assuming that the public in the Shoreham 10-mile EPZ needed to be alerted quickly to the existence of a Shoreham radiological emergency, would the State and County allow the existing sirens to be sounded?
- b. Is your answer the same if the State and County also assume that a public education brochure has been distributed annually throughout the EPZ telling people that they should tune their radios to the EBS when they hear sirens?

Answer to Interrogatory No. 14.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan, or otherwise trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information. The State and County also object to subpart (b) because it assumes a fact (distribution of the brochure) that cannot occur since LILCO lacks legal authority to distribute such a brochure.

LILCO Interrogatory No. 15

15. Unless the answer to Interrogatory No. 9 is a simple no, please identify and describe the processes, methods, and means which New York State and Suffolk County would use, undertake, or employ in activating an Emergency Broadcast System (EBS) in the event of a radiological emergency at Shoreham. Specifically, in your response to this interrogatory please include answers to the following questions which Intervenors raised in their Answer to 5 and 6 Motion at 23:

- a. Who would have to be "contacted" in connection with making a decision whether to activate an EBS? (Answer to 5 and 6 Motion at 23.)
- b. How would those "contacts" be made and how long would it take to make such "contacts?" (Id.)
- c. Who would need to be "consulted in connection with a decision concerning when or how to activate an EBS"? How would those "consultations" take place and how long would they take? (Id.)
- d. Who would make the decisions as to when or how to activate an EBS? (Id.)
- e. What "data, information, and criteria" would be "needed, desired, consulted, or relied upon" by the person or persons responsible for deciding when or how to activate an EBS? (Id.)
- f. Who would "implement" the decision to activate an EBS? (Id.)
- g. How long would it take to "implement" the decision to activate an EBS? (Id.)
- h. What EBS would be chosen for use by New York State and Suffolk County? (Id.)

Answer to Interrogatory No. 15.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan, or otherwise trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information. Mr. Halpin similarly made clear at his April 19 deposition that since the County has no plan for taking these actions, he could not respond to similar questions because he does not know the answer.

LILCO Interrogatory No. 16

16. Unless the answer to Interrogatory No. 9 is a simple no, please identify and describe the processes, methods, and means which New York State and Suffolk County would use, under-take, or employ in preparing and broadcasting EBS messages in the event of a radiological emergency at Shoreham. Specifically, in your response to this interrogatory please include answers to the following questions which Intervenors raised in their Answer to 5 and 6 Motion at 24:

- a. Who would be responsible for determining the contents of EBS messages? (Answer to 5 and 6 Motion at 24.)
- b. What "criteria" would be used in determining the contents of EBS messages? (Id.)
- c. Who would be responsible for drafting EBS messages and how long would this drafting process take? (Id.)
- d. Who would be responsible for approving EBS messages and how long would this approval process take? (Id.)
- e. Who would broadcast EBS messages? (Id.)
- f. How would the broadcasts of EBS messages be made and how often would they be made (Id.)

Answer to Interrogatory No. 16.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan or otherwise trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 17

17. To the extent not provided in your response to Interrogatory No. 16, please answer the following:

- a. Would the State and County use prewritten messages as much as possible, rather than writing new ones from scratch at the time of the emergency? If so, where are the prewritten messages to be found?

- b. If it were necessary to get a message to the public immediately advising them to shelter or evacuate, would the State and County consider broadcasting one of the messages in LILCO's emergency plan?

Answer to Interrogatory No. 17.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan or otherwise trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information. The Governments state further in response to subpart b that, consistent with the testimony of Mr. Halpin and Dr. Axelrod, they will not use LILCO's Plan.

LILCO Interrogatory No. 18

18. Identify any and all plans and procedures that New York State and Suffolk County would use, follow, or otherwise rely upon in performing the Contention 5 functions. Please provide copies of all such plans and procedures.

Answer to Interrogatory No. 18.

No such plans and procedures have been identified or exist.

LILCO Interrogatory No. 19

19. Please state each and every reason why Intervenor believe that their implementation of the Contention 5 functions as described in their responses in Interrogatories Nos. 10, 13, 15, 16, and 17 would be their "best efforts," whereas following the LILCO Plan would not. Please list each and every factor that Intervenor claim would prevent their "best efforts" response from satisfying the applicable NRC requirements.

Answer to Interrogatory No. 19.

As the Governments stated in response to the referenced contentions, they cannot speculate on what their response might be. Following the LILCO Plan would not be their "best efforts" because, for the reasons stated in the Governments' April 13 Objection and Offer of Proof, the Governments do not believe the LILCO Plan will protect the public and do not believe it can be successfully implemented. The Governments, consistent with their responsibilities to their citizens, could not use LILCO's plan which they have found to be independent. The Governments' ad hoc best effort response would not be adequate under NRC regulations for the reasons identified in the April 13 Objection and Offer of Proof.

LILCO Interrogatory No. 20

20. With respect to the Contention 6 functions, please state whether New York State and Suffolk County, as part of a "best efforts" response to a radiological emergency at Shoreham, would do anything other than generally follow the LILCO Plan.

Answer to Interrogatory No. 20.

For the reasons set forth in the Governments' April 13 Objection and Offer of Proof, the Governments will not follow LILCO's Plan.

LILCO Interrogatory No. 21

21. Unless the answer to Interrogatory No. 20 is a simple no, please identify and describe the processes, methods, and means which New York State and Suffolk County would use, undertake, or employ in determining, deriving, or deciding upon protective action recommendations in the event of a radiological emergency at Shoreham. Specifically, in your response to this interrogatory please include answers to the following questions which Intervenors raised in their Answer to 5 and 6 Motion at 24:

- a. Who would be responsible for determining, deriving, or deciding upon protective action recommendations? (Id.)
- b. How long would it take to locate the person or persons responsible for determining protective action recommendations and to provide those persons with "information" they believed "necessary and appropriate?" (Id.)
- c. What "information" would the person or persons responsible for determining protective action recommendations require in order to determine protective action recommendations, and how would they obtain that "information?" (Id.)
- d. What "criteria" would be used in determining protective action recommendations, and "how would those criteria be applied to information actually available in an emergency?" How long would this "process" take, and who would "perform" it? (Id.)

Answer to Interrogatory No. 21.

With respect to the State of New York, the Governor would ultimately be responsible for deciding upon protective action recommendations. With respect to Suffolk County, the County Executive would ultimately be responsible for deciding upon protective action recommendations. Beyond these responses, the Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan, or trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 22

22. Unless the answer to Interrogatory No. 20 is a simple no, please identify and describe the processes, methods, or means which New York State and Suffolk County would use, undertake, or employ in order to assume and exercise command and control of an emergency response to a radiological emergency at Shoreham.

Specifically, in your response to this interrogatory please include answers to the following questions which Intervenor's raised in their Answer to 5 and 6 Motion at 24:

- a. Who would be responsible for assuming and exercising command and control of the emergency response? (Answer to 5 and 6 Motion at 24.)
- b. How long would it take to locate the person or persons responsible for assuming and exercising command and control of the emergency response and to provide those persons with "information" they believed "necessary and appropriate?" (Id.)
- c. What "information" would the person or persons responsible for assuming and exercising command and control of the emergency response require in order to assume and exercise command and control, and how would they obtain that "information?" (Id.)

Answer to Interrogatory No. 22.

With respect to the State of New York, the Governor would ultimately be responsible for assuming command and control of the emergency response. With respect to Suffolk County, the County Executive would ultimately be responsible for the emergency response. Beyond these responses, the Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan as trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 23

23. Unless your answer to Interrogatory No. 20 is a simple no, please identify and describe the processes, methods, or means which New York State and Suffolk County would use, undertake, or employ in order to manage, implement, and coordinate an emergency response to a radiological emergency at Shoreham. Specifically,

in your response to this interrogatory please include answers to the following questions which Intervenors raised in their Answer to 5 and 6 Motion at 24-25:

- a. Who would be responsible for managing, implementing, and coordinating the emergency response? (Answer to 5 and 6 Motion at 24.)
- b. How long would it take to locate the person or persons responsible for managing, implementing, and coordinating the emergency response and to provide those persons with "information" they believe "necessary and appropriate?" (Id.)
- c. What "information" would the person or persons responsible for managing, implementing, and coordinating the emergency response require in order to perform those functions, and how would they obtain that information? (Id.)
- d. What "functions" would need to be managed, implemented, and coordinated during the emergency response? What "personnel" would need to be managed and coordinated during the emergency response? (Id. at 24-25.)
- e. How would those persons responsible for managing, implementing, and coordinating the emergency response contact and communicate with all "necessary personnel" during the emergency response? How long would it take to establish that contact and perform those communications? (Id. at 25.)

Answer to Interrogatory No. 23.

The Governor and County Executive would ultimately be responsible for managing, implementing and coordinating any response. The Governments object to the remainder of this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan, or trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 24

24. Suffolk County and the State of New York have admitted that they would attempt to stay in contact with LILCO or LERO or both during a Shoreham emergency (LILCO's Statement of Material Facts, Mar. 20, 1987, ¶ 46). To the extent not already provided in your responses to Interrogatories No. 21-23 above, please answer the following:

- a. How would the County attempt to stay in contact?
- b. How would the State attempt to stay in contact?

Answer to Interrogatory No. 24.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that they do not know how they would attempt to stay in contact with LILCO. It would necessarily depend upon multiple factors, such as LILCO's role in causing the disaster. For the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan or trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 25

25. To the extent not already provided in your responses to Interrogatories Nos. 21-23 above, please answer the following questions with respect to the criteria the State and County would use to make protective action determinations for the plume exposure pathway (10-mile) EPZ:

- a. What criteria would be used to decide whether the public should evacuate?
- b. What criteria would be used to decide whether the public should shelter?
- c. Would the State and County use EPA's Protective Action Guidelines to make protective action recommendations?

- d. Would the State use different criteria from the ones it would use for radiological emergencies at other nuclear plants? If so, please specify how the Shoreham criteria would differ.

Answer to Interrogatory No. 25.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan, or otherwise trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 26

26. To the extent not already provided in your responses to other of these Interrogatories, please identify what criteria and standards the State and County would use to make protective action recommendations for the ingestion exposure pathway (50-mile) EPZ.

Answer to Interrogatory No. 26.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan or trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 27

27. Identify any and all plans and procedures that New York State and Suffolk County would use, follow, or otherwise rely upon in performing the Contention 6 functions. Please provide copies of all such plans and procedures.

Answer to Interrogatory No. 27.

None has been identified or exists.

LILCO Interrogatory No. 28

28. Please state each and every reason why Intervenor's believe that their implementation of the Contention 6 functions as described in their responses to Interrogatory Nos. 21-25 above would be their "best efforts," whereas following the LILCO Plan would not. Please list each and every factor that Intervenor's claim would prevent their "best efforts" response from satisfying the applicable NRC requirements.

Answer to Interrogatory No. 28.

See Answer to Interrogatory No. 19.

LILCO Interrogatory No. 29

29. With respect to the Contentions 1 and 2 functions, please state whether New York State and Suffolk County, as part of a "best efforts" response to a radiological emergency at Shoreham, would do anything other than generally follow the LILCO Plan.

Answer to Interrogatory No. 29.

For the reasons set forth in the Governments' April 13 Objection and Offer of Proof, the Governments will not follow LILCO's Plan.

LILCO Interrogatory No. 30

30. Unless the answer to Interrogatory No. 29 is a simple no, please identify and describe the traffic control plans, strategies or techniques which the Suffolk County Police Department (SCPD) would implement during the evacuation of all or a portion of the EPZ in the event of a radiological emergency at Shoreham. Specifically, in Intervenor's Response in Opposition to LILCO's Motion for Summary Disposition of Contentions 1 and 2 (Feb. 10, 1988) (hereinafter "Response to 1 and 2 Motion") at 46-47 Intervenor's state that "there are issues of fact regarding the nature and adequacy of a governmental 'best efforts' attempt at traffic control" and that "[a]mong the questions which must be addressed" are certain matters, which Intervenor's then list. In your response to this interrogatory please include answers to the following questions which Intervenor's raised in their Response to 1 and 2 Motion at 46-47:

- a. What would be the "level of preparedness" of the SCPD and "relevant" County officials in attempting to implement traffic control? (Response to 1 and 2 Motion at 46.)
- b. What specific traffic control strategies would the SCPD implement and how would they be implemented? How long would it take to implement those strategies? (Id. at 47.)
- c. How many SCPD personnel would be required to implement the strategies identified in sub-part b above? How long would it take to mobilize sufficient SCPD personnel to implement the strategies identified in sub-part b above? (Id.)
- d. Could Suffolk County "coordinate" with "other response organizations?" Would Suffolk County "coordinate" with "other response organizations?" If so, what other response organizations" would it "coordinate" with? How would the County and these "other response organizations" would it "coordinate" with? How would the County and these "other response organizations" coordinate?" (Id.)

Answer to Interrogatory No. 30.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan, or otherwise trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information. The County can state, however, that in response to subpart a, there would no level of preparedness, since Suffolk County has determined not to adopt, test, or implement any plan for Shoreham.

LILCO Interrogatory No. 31

31. The traffic posts and traffic movements to be encouraged and discouraged under the LILCO emergency plan are found in OPIP 3.6.3, Attachment 4. To the extent not already answered in your response to Interrogatory No. 30, please answer the following:

- a. Would Suffolk County and the State of New York send personnel to the posts listed in OPIP 3.6.3 if an evacuation of the Shoreham 10-mile EPZ were necessary?
- b. If not, which of the listed posts would not be manned, and which additional posts (not listed in OPIP 3.6.3) would be manned?
- c. Who would the State and County use to man the traffic posts identified in response to a and b above?
- d. In what order would the State and County dispatch police (or other personnel) to the traffic posts? For example, would the State and County try to man the posts in the order listed in Attachment 7 to OPIP 3.6.3, or randomly, or accordingly to which police units were nearest which posts, or some other way? If "some other way," please describe it.
- e. How long would it take for the traffic posts to be fully manned by the State and County?
- f. Would the people manning the traffic posts for the State and County use the traffic control strategies (that is, the movements to be encouraged and discouraged and the channelization and traffic barrier placement) called for in the LILCO Plan? Which would the State and County use and which would the State and County not use?
- g. What traffic control measures would the State and County perform that are not called for in the LILCO Plan?
- h. If traffic were directed in accordance with your answers to b, f, and g above, would the evacuation times be greater than, less than, or the same as the evacuation times if the LILCO Plan were followed?
- i. Assuming LILCO Traffic Guides were stationed at traffic posts listed in OPIP 3.6.3, would Suffolk County traffic personnel (i) ignore them, (ii) send them away, (iii) use them as a source of information or help as needed, or (iv) something else? If the answer is something else, please specify what.

Answer to Interrogatory No. 31.

With respect to subpart a, the answer is no for the reasons set forth in the Governments' April 13 Objection and Offer of Proof. Subparts b-f are therefore without basis. With respect to subpart i, the Governments would neither follow the advice of LILCO's Traffic Guides, nor permit them to direct traffic, which they have no authority to do. The Governments also object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 32

32. To the extent not already provided in your response to Interrogatory No. 30 above, please answer the following. If the answer differs for different times of the day or week, please answer for each time:

- a. How many uniformed police officers does Suffolk County employ? How many are on duty at any give time?
- b. How many police vehicles driven by uniformed officers are on duty in Suffolk County at any given time?
- c. How many New York State Police vehicles driven by uniformed officers are on duty in Suffolk County at any given time?

Answer to Interrogatory No. 32.

- a. The County employs 2,615 police employees, both uniformed and non-uniformed. Of these, 1,740 are dedicated to the patrol division in patrol, supervisory and administrative positions. At any given time,

approximately 185 uniformed officers are assigned to vehicles for patrol, Expressway enforcement, crime scene and supervisory duties.

- b. At any given time, approximately 185 vehicles driven by uniformed officers are on duty including patrol vehicles, beach vehicles, crime scene vehicles and supervisory vehicles.

- c. Depending on certain factors, between three and five New York State Police vehicles are on duty in Suffolk County from 11:00 p.m. to 7:00 a.m., between seven and eleven New York State Police vehicles are on duty from 7:00 a.m. to 3:00 p.m., and between eight and twelve New York State Police vehicles are on duty from 3:00 p.m. to 11:00 p.m.

LILCO Interrogatory No. 33

33. To the extent not already provided in your response to Interrogatory No. 30 above, please indicate how many police vehicles driven by uniformed officers are on duty at any given time for each of the following police departments:

- a. Suffolk County Sheriff's Office
- b. Riverhead Police Department
- c. Southampton Police Department
- d. Southold Police Department

- e. Belle Terre Village Police Department
- f. Old Field Village Police Department
- g. Head of the Harbor Police Department
- h. Nissequogue Police Department
- i. Quogue Police Department
- j. Westhampton Police Department
- k. Parkway Police

Answer to Interrogatory No. 33.

With respect to subpart a, there are approximately 158 uniformed deputies on duty with the Suffolk County Sheriff's Office, dedicated largely to court and civil process duties, not police functions. With respect to subpart k, the "Parkway Police" are part of the State Police. See Answer to Interrogatory 32c. The Governments do not have specific information for the other departments listed in subparts b-j, which are separate entities from the Suffolk County Police Department.

LILCO Interrogatory No. 34

34. Identify any and all plans and procedures that New York State and Suffolk County would use, follow, or otherwise rely upon in performing the Contentions 1 and 2 functions. Please provide copies of all such plans and procedures.

Answer to Interrogatory No. 34.

None has been identified or exists.

LILCO Interrogatory No. 35

35. Please state each and every reason why Intervenors believe that their implementation of the Contentions 1-2 functions as described in their responses to Interrogatories Nos. 30-31 above would be their "best efforts," whereas following the LILCO Plan

would not. Please list each and every factor that Intervenors claim would prevent their "best efforts" response from satisfying the applicable NRC requirements.

Answer to Interrogatory No. 35.

See Answer to Interrogatory No. 19.

LILCO Interrogatory No. 36

36. With respect to the Contention 10 functions, please state whether New York State and Suffolk County, as part of a "best efforts" response to a "best efforts" response to a radiological emergency at Shoreham, would do anything other than generally follow the LILCO Plan.

Answer to Interrogatory No. 36.

For the reasons set forth in the Governments' April 13 Objection and Offer of Proof, the Governments will not follow LILCO's Plan.

LILCO Interrogatory No. 37

37. Unless the answer to Interrogatory No. 36 is a simple no, please identify the processes, methods, or means which the Suffolk County Police Department (SCPD) would use, undertake, or employ to perform access control functions at the EPZ perimeter in the event of a radiological emergency at Shoreham. Specifically, in an attachment to Intervenors' Opposition to LILCO's Motion for Summary Disposition of Contention 10 (Access Control at the EPZ Perimeter) (Feb. 10, 1988) Intervenors list several "issues of material fact in dispute." With respect to these issues, in your response to this interrogatory please include answers to the following questions which Intervenors raised:

- a. Has the SCPD made any "plans or preparations" to implement access control? (Governments' Statement of Issues of Material Fact in Dispute.)
- b. What "standards" would the "local authorities use for exclusion and over how wide an area?" (Id.)
- c. Would Suffolk County "interact" with other "response organizations?" If so, what other "response organizations" would it coordinate with? How would the County and these other "response organizations" coordinate? (Id.)

- d. How many SCPD personnel would be required to implement access control? How long would it take to mobilize SCPD personnel to implement access control? (Id.)
- e. Would the SCPD's response be affected by the absence of radiological protection training or equipment? If so, how would it be affected? (Id.)

Answer to Interrogatory No. 37.

The answer to subpart a is no. With respect to the remaining subparts, the Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan or trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 38

38. To the extent not already provided in your response to Interrogatory No. 37 above, please answer the following:

- a. Would Suffolk County and the State of New York try to provide control of access to the Shoreham 10-mile EPZ if it had to be evacuated in a radiological emergency?
- b. Would the State and County provide access control during the evacuation? If so, would the State and County forbid people to enter the EPZ? If not, what would the "Access control" consist of?
- c. Would the State and County provide access control after the EPZ had been evacuated? If so, why?
- d. Where would police (or other personnel) be stationed to provide access control? List all locations.
- e. How many personnel would be required to provide this access control?
- f. How long would it take Suffolk County and the State to have people in place to provide this access control?

Answer to Interrogatory No. 38.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Offer of Proof, they have not adopted any plan or trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 39

39. Identify any and all plans and procedures that New York State and Suffolk County would use, follow, or otherwise rely upon performing the Contention 10 functions. Please provide copies of all such plans and procedures.

Answer to Interrogatory No. 39.

None has been identified or exist.

LILCO Interrogatory No. 40

40. Please state each and every reason why Intervenors believe that their implementation of the Contention 10 functions as described in their responses to Interrogatories 37-38 would be their "best efforts," whereas following the LILCO Plan would not. Please list each and every factor that Intervenors claim would prevent their "best efforts" response from satisfying the applicable NRC requirements.

Answer to Interrogatory No. 40.

See Answer to Interrogatory No. 19.

LILCO Interrogatory No. 41

41. With respect to the Contention 4 functions, please state whether New York State and Suffolk County, as part of a "best efforts" response to a radiological emergency at Shoreham, would do anything other than generally follow the LILCO Plan.

Answer to Interrogatory No. 41.

For the reasons set forth in the Governments' April 13 Objection and Offer of Proof, the Governments will not follow LILCO's Plan.

LILCO Interrogatory No. 42

42. Unless the answer to Interrogatory No. 41 is a simple no, please identify the processes, methods, or means which New York State and Suffolk County (SCPD) would use, undertake, or employ to remove obstructions from public roadways in the event of a radiological emergency at Shoreham. Specifically, in an attachment to Intervenor's Response in Opposition to LILCO's Motion for Summary Disposition of Contentions 4 and 9 (Feb. 10, 1988), Intervenor's list several "material facts as to which there exists a genuine issue to be heard on matters raised by LILCO's Motion for Summary Disposition of Contentions 4 and 9." With respect to these "material facts," in your response to this interrogatory please include answers to the following questions which Intervenor's raised:

- a. Who from New York State and Suffolk County would be in "overall charge" of an effort to remove road obstructions? Who would actually remove road obstructions and how would they remove them? (Statement of Material Facts.)
- b. How would the removal of road obstructions be "coordinated with such other functions as guiding traffic and selecting alternate evacuation routes?" (Id.)
- c. How would a decision to develop and implement a plan to remove road obstructions be implemented? How long would it take to implement such a plan? (Id.)
- d. How long would it take to mobilize and dispatch personnel into the field to remove road obstructions? Would a "sufficient" number of qualified personnel be "available, willing, and able to implement a plan to remove road obstructions?" (Id.)

Answer to Interrogatory No. 42.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons

set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan, or trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 43

43. To the extent not already provided in your response to Interrogatory No. 42, please state how the State and County would remove road obstructions in a Shoreham emergency by answering the following:

- a. Would Suffolk County and New York State direct or permit LERO road crews to remove obstructions?
- b. Other than LERO vehicles, what vehicles would the State and County use to remove obstructions?
- c. How many such vehicles are available?
- d. Where are these vehicles garaged? Provide addresses and the number of vehicles at each address.
- e. Are these vehicles available to the State or County at all times? If not, when are they unavailable?
- f. What personnel would the State and County use to remove obstructions?
- g. Where are the drivers and personnel needed to remove obstructions during ordinary business hours?
- h. Where would the State and County station vehicles and personnel for the purpose of removing road impediments once a Shoreham emergency had begun?
- i. If during a Shoreham emergency a LERO road crew were in a position to remove a road impediment materially faster than the State or County could do it, would the State and County permit the LERO road crew to remove the impediment? If not, why not?
- j. How does Suffolk County remove road impediments ordinarily (that is, when there is no Shoreham emergency)? Does the County use county vehicles, privately owned tow trucks, or something else? Who owns these vehicles? (List owners and number of vehicles for each owner.) How many such vehicles are available to the County?

Answer to Interrogatory No. 43.

The answer to subparts a and i are no, as set forth in Mr. Halpin's and Dr. Axelrod's testimony. The Governments object to the remainder of this Interrogatory (except subpart j) on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan or trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information. With respect to subpart j, road impediments are generally removed by private contractors licensed by the Towns located in Suffolk County. The numbers of such private contractors and their identities are not known precisely by the County, but the information is probably available from lists maintained by the Town Clerk of each Town.

LILCO Interrogatory No. 44

44. Identify any and all plans and procedures that New York State and Suffolk County would use, follow, or otherwise rely upon in performing the Contention 10 functions. Please provide copies of all such plans and procedures.

Answer to Interrogatory No. 44.

None has been identified or exists.

LILCO Interrogatory No. 45

45. Please state each and every reason why Intervenors believe that their implementation of the Contention 4 functions as described in their responses to Interrogatories Nos. 42-43 would be their "best efforts," whereas following the LILCO Plan would not. Please list each and every factor that Intervenors claim would prevent their "best efforts" response from satisfying applicable NRC requirements.

Answer to Interrogatory No. 45.

See Answer to Interrogatory No. 19.

LILCO Interrogatory No. 46

46. State whether New York State and Suffolk County, as part of a "best efforts" response to a radiological emergency at Shoreham, will use LILCO's ingestion pathway and recovery and reentry procedures as set forth in the LILCO Plan. If the answer is no, state why New York State and Suffolk County would not use LILCO's procedures.

Answer to Interrogatory No. 46.

For the reasons set forth in the Governments' April 13 Objection and Offer of Proof, the Governments will not follow LILCO's Plan.

LILCO Interrogatory No. 47

47. If the answer to Interrogatory No. 46 is no, state whether New York State and Suffolk County will use the New York State Radiological Emergency Preparedness Plan's (hereinafter "State Plan") procedures for an ingestion pathway and recovery and reentry response to a Shoreham emergency. If the answer is yes, identify what portions of the State Plan would be used and whether that response would be adequate to satisfy the applicable regulatory requirements. If the answer is no, state why New York State and Suffolk County would not use the State Plan.

Answer to Interrogatory No. 47.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan or trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information. The State notes, however, that the REPG Affidavit of February 10, 1988 makes clear that the State Plan could not be so used.

LILCO Interrogatory No. 48

48. State whether New York State and Suffolk County would set up a recovery committee to direct all recovery and reentry activities in response to a Shoreham emergency. If the State and County would not set up such a committee, state what the State and County would do instead. If the State and County would set up such a committee, state who would be on the committee and what their responsibilities would be.

Answer to Interrogatory No. 48.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan or trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 49

49. If New York State and Suffolk County would not use LILCO's or New York State's procedures, state what New York State and Suffolk County would do to provide for the following during a Shoreham emergency, as listed in the State Plan at IV 2-3"

- (a) Sampling and monitoring of radiation and evaluation of data.
- (b) Decontamination activities, including waste disposal.
- (c) Security, including police and fire protection for affected area.
- (d) Medical service.
- (e) Electric power and telephone communications.
- (f) Food and water supply.
- (g) Operability of sanitary systems.

- (h) Transportation.
- (i) Sources of heat.
- (j) Conditions and needs of the affected population.

Answer to Interrogatory No. 49.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan, or trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 65

65. If it is true that New York State has sufficient resources to respond to an emergency at the Millstone, Haddam Neck, Oyster Creek, and Indian Point nuclear power plants that affects the areas of the State located within the Shoreham 50-mile EPZ, state why, at page 7 of the "Affidavit of James D. Papile, James C. Baranski and Lawrence B. Czech" ("REPG Affidavit") supporting Intervenors' Response to LILCO's Motion for Summary Disposition of Contentions 7 and 8 (Feb. 10, 1988), REPG says "[t]he State has no sufficient resources to respond to a Shoreham emergency."

Answer to Interrogatory No. 65.

As stated in the Governments' April 13 Objection and Offer of Proof, the State has not adopted any plan for Shoreham. Thus, no resources have been allocated to respond to a Shoreham emergency.

LILCO Interrogatory No. 66

66. State whether the State and the counties and other pertinent jurisdictions within the 50-mile EPZ for Shoreham would respond in the same manner to a Shoreham emergency as they would to a radiological emergency at Millstone, Oyster Creek, Haddam Neck, or Indian Point. If the answer is no, explain why the State's and the counties' responses to a Shoreham emergency would not be the same and describe how they would be different.

Answer to Interrogatory No. 66.

The Governments cannot speak for the "counties and other pertinent jurisdictions within the 50-mile EPZ for Shoreham," other than Suffolk County. The Governments also object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan, or trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 75

75. Is it the Intervenor's position that preparation, in the form of training, drills, and exercise, for a plume exposure response to a radiological emergency is adequate preparation for an ingestion pathway and recovery and reentry response?

Answer to Interrogatory No. 75.

No.

LILCO Interrogatory No. 84

84. The REPG Affidavit at page 8 states: "From experience at other sites in New York State, we have learned that the only way the State and local government personnel have been able to develop adequate site specific response capabilities is through detailed planning, interfacing with personnel, drilling, and exercising." Identify the "other sites" and the "experience" referred to in the REPG Affidavit.

Answer to Interrogatory No. 84.

The "other sites" are other nuclear plants in the State of New York. The "experience" consists of FEMA comments following exercises and drills.

LILCO Interrogatory No. 106

106. In denying LILCO Material Fact No. 4 REPG states that "the State has not developed procedures that are applied generically to other plants. Rather, all procedures of the State are tailored to site-specific situations" If this statement is true, explain why the Intervenor admitted that the State has a "generic State plan" that is applied to all nuclear power plants. Identify "all procedures of the State that are tailored to site-specific situations" and identify those "site-specific situations."

Answer to Interrogatory No. 106.

This Interrogatory is based on the premise that "the Intervenor admitted that the State has a 'generic State plan' that is applied to all nuclear power plants." In response to LILCO Material Fact No. 3, REPG did not make such an admission, but, rather, agreed with the statement that "The State Plan is comprised of (1) a 'generic state plan' that is applied to all nuclear power plants and (2) appendices containing the county plans for all nuclear power plants in New York State other than Shoreham." LILCO has apparently misinterpreted the statement in the REPG Affidavit. An explanation of the relationship between the "generic State plan" and the site-specific plans, the identity of the procedures tailored to site-specific situations, and the identity of the site-specific situations is presented in paragraphs 5, 6 and 7, as well as other portions, of the REPG Affidavit.

LILCO Interrogatory No. 107

107. State what additional ingestion pathway and recovery and reentry activities must be taken in response to a radiological emergency that require "detailed interfacing and practice sessions" that the LILCO Plan does not address. See REPG Affidavit at 18-19.

Answer to Interrogatory No. 107.

As the REPG Affidavit states in response to LILCO Material Fact No. 6, "Ingestion pathway and recovery and reentry activities are complex [T]here is considerable leeway for State and local governments to decide what actions are appropriate Absent such detailed pre-planning, it is likely that a response would be ad hoc, ineffective and inadequate." For the reasons set forth in the Governments' April 13 Objection and Offer of Proof, the State of New York has not engaged in such pre-planning and has not adopted any plan for responding to a Shoreham emergency. The State of New York is thus in no position to provide further information.

LILCO Interrogatory No. 109

109. Identify what "staff members" would [provide] the "local chief executive" of Suffolk County with "information and recommendations" about recovery operations during a Shoreham emergency. See REPG Affidavit at 19-20. Identify what information and recommendations are referred to here.

Answer to Interrogatory No. 109.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan, or trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 110

110. State what is the basis for the statement "any recovery committee which may be appointed is tailored to the specific site and to the specific details of the emergency." REPG Affidavit at 20. Give examples where this has been done during training, drills or exercises.

Answer to Interrogatory No. 110.

The basis for the statement, "any recovery committee which may be appointed is tailored to the specific site and to the specific details of the emergency" is based on, among other things, the diversity of the affected community in terms of sociological, economical, industrial, agricultural and other matters, and the variation of the structures of local governments. As examples, some counties have local health departments and others do not, some counties have a county executive who is empowered to make certain decisions and some counties have a different form of government involving a chairman who may or may not be empowered to make certain decisions. The nature of the accident would also dictate the nature of the recovery committee.

LILCO Interrogatory No. 111

111. In response to LILCO Material Fact No. 14, REPG states that "a variety of other persons may have primary responsibility" for the activities identified in that Material Fact. REPG Affidavit at 20. Give examples where this has been done during training, drills or exercises.

Answer to Interrogatory No. 111.

Other persons, whose responsibilities and activities are self-explanatory, include personnel from the Red Cross, religious organizations, the Salvation Army, psychological therapy groups, local agricultural or business organizations, etc.

LILCO Interrogatory No. 114

114. In reference to LILCO Material Fact No. 26, state what other facts would be considered before information about recovery actions would be disseminated to the public. See REPG Affidavit at 23.

Answer to Interrogatory No. 114.

The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they have not adopted any plan, or trained or planned for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

LILCO Interrogatory No. 119

119. Who in the New York State government and who in the Suffolk County government are most knowledgeable about how the State and County would respond to a Shoreham emergency with respect to each of the following functions:

- a. guiding traffic
- b. blocking roadways, erecting barriers in roadways, and channeling traffic
- c. removing obstructions from public roadways, including towing private vehicles
- d. activating sirens and directing the broadcasting of emergency broadcast system messages
- e. making decisions and recommendations to the public concerning protective actions
- f. making and implementing decisions and recommendations to the public concerning protective actions for the ingestion exposure pathways
- g. making and implementing decisions and recommendations to the public concerning recovery and reentry

h. performing access control at the EPZ perimeter?

Answer to Interrogatory 119.

With respect to the State of New York, Commissioner David Axelrod has been identified to testify regarding the State's response. Suffolk County Executive Patrick Halpin has been designated to testify regarding the County's response.

LILCO Interrogatory No. 121

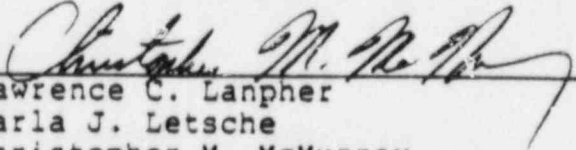
121. If Shoreham were in fact operating at 100 percent power, would (a) the State of New York and (b) Suffolk County do anything to improve their present state of preparedness to respond to a radiological emergency? If so, precisely what would (a) the State and (b) the County do?

Answer to Interrogatory 121.

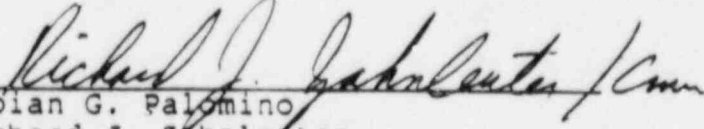
The Governments object to this Interrogatory on the ground that it calls for speculation by the Governments. Notwithstanding this objection, the Governments state that, for the reasons set forth in their April 13 Objection and Offer of Proof, they

have not adopted any plan for responding to a Shoreham emergency. Accordingly, they are in no position to provide further responsive information.

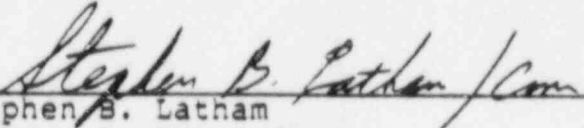
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Attorney for the Town of Southampton

1/6/88

CHIEF INSPECTOR

ORDER NUMBER

82

XX

XX

NOTIFICATION TO THE COUNTY EXECUTIVE

Effective immediately, the Duty Officer will notify a representative of the Office of the County Executive in the event of a newsworthy or major incident.

The representatives to be contacted are:

Monday - Friday, 0900-1700

Contact one of the following (call in order as listed):

THOMAS McATEER
CHIEF DEPUTY COUNTY EXECUTIVE

LARRY SCHWARTZ
DEPUTY COUNTY EXECUTIVE

DENNIS McCARTHY
ASSISTANT TO COUNTY EXECUTIVE

All Other Times and Holidays

DENNIS McCARTHY
ASSISTANT TO COUNTY EXECUTIVE

The Duty Officer will note in the Duty Officer's Log the time, date, and person contacted or will document attempts to make contact in the log.

END

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Office of the Secretary
U.S. Nuclear Regulatory Comm.
1717 H Street, N.W.
Washington, D.C. 20555

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

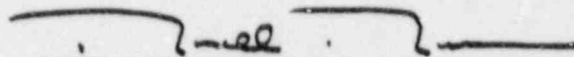
Dr. Monroe Schneider
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Wading River, New York 11792

Richard G. Bachmann, Esq.
Edwin J. Reis, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Comm.
Washington, D.C. 20555

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

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

Adjudicatory File
Atomic Safety and Licensing Board
Panel Docket (ASLBP)
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



Ronald R. Ross
KIRKPATRICK & LOCKHART
1800 M Street, N.W.
South Lobby - 9th Floor
Washington, D.C. 20036-5891

* By Federal Express

Attachment 3

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

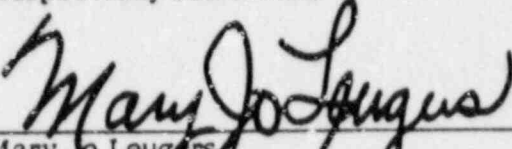
NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that the Long Island Lighting Company, by counsel, pursuant to 10 C.F.R. § 2.740a of the Nuclear Regulatory Commission's Rules of Practice, will take the deposition upon oral examination of Patrick Halpin on matters concerning New York State's and Suffolk County's participation in a "best efforts" response to a Shoreham emergency as it relates to Contentions EP 1-2, 4-8, and 10. The deposition will be taken before a notary public and court reporter on Tuesday, April 19, 1988, at 1:00 p.m. and thereafter until the taking of the deposition may be completed, at the offices of the Suffolk County Executive, the H. Lee Dennison Building, Hauppauge, New York.

The deponent is directed to produce at the deposition, for inspection and copying, any and all documents, including without limitation notes, records, reports, memoranda, correspondence, studies, analyses, papers, writings, photographs, recordings, and other materials of any kind or nature whatsoever, in his possession, custody or control or in the possession, custody or control of representatives, employees, attorneys, assigns, or anyone acting on his behalf which are relevant to the issue stated above, to include those documents requested to be produced in "LILCO's Second Set of Interrogatories and Requests for Production of Documents Regarding Contensions 1-2,

4-8, and 10 to Suffolk County, New York State, and the Town of Southampton," dated March 24, 1988.

Respectfully submitted,



Mary Jo Leugers
Counsel for Long Island Lighting Company

Funtun & Williams
707 East Main Street
P.O. Box 1535
Richmond, Virginia 23212

DATED: April 16, 1988

CERTIFICATE OF SERVICE

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

I hereby certify that copies of NOTICE OF DEPOSITION for Patrick Halpin were served this date upon the following by Federal Express as indicated by one asterisk, or by first-class mail, postage prepaid.

James P. Gleason, Chairman
Atomic Safety and Licensing Board
513 Gilmoure Drive
Silver Spring, Maryland 20901

Richard G. Bachmann, Esq. *
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Washington, D.C. 20555

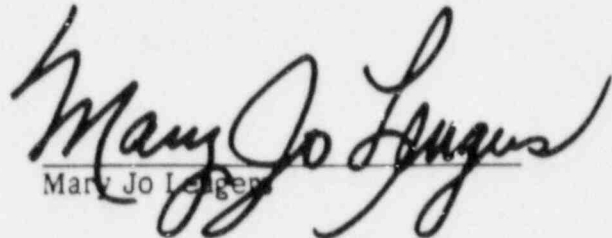
Herbert H. Brown, Esq. *
Lawrence Coe Lanpher, Esq.
Karla J. Letsche, Esq.
Kirkpatrick & Lockhart
South Lobby - 9th Floor
1800 M Street, N.W.
Washington, D.C. 20036-5891

Fabian G. Palomino, Esq. *
Richard J. Zahnleuter, Esq.
Special Counsel to the Governor
Executive Chamber
Room 229
State Capitol
Albany, New York 12224

George W. Watson, Esq. *
William R. Cumming, Esq.
Federal Emergency Management
Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

Stephen B. Latham, Esq. *
Twomey, Latham & Shea
33 West Second Street
P.O. Box 298
Riverhead, New York 11901

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


Mary Jo Lengua

Hunton & Williams
707 East Main Street
P.O. Box 1535
Richmond, Virginia 23212

DATED: April 16, 1988

Attachment 4

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

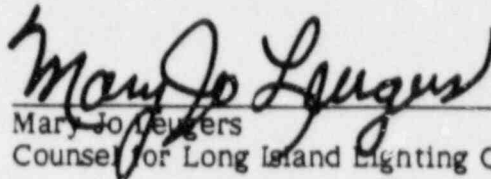
NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that the Long Island Lighting Company, by counsel, pursuant to 10 C.F.R. § 2.740a of the Nuclear Regulatory Commission's Rules of Practice, will take the deposition upon oral examination of David Axelrod on matters concerning New York State's and Suffolk County's participation in a "best efforts" response to a Shoreham emergency as it relates to Contentions EP 1-2, 4-8, and 10. The deposition will be taken before a notary public and court reporter on Friday, April 22, 1988, at 1:00 p.m. and thereafter until the taking of the deposition may be completed, at the offices of the New York State Department of Health, Empire State Plaza, Albany, New York.

The deponent is directed to produce at the deposition, for inspection and copying, any and all documents, including without limitation notes, records, reports, memoranda, correspondence, studies, analyses, papers, writings, photographs, recordings, and other materials of any kind or nature whatsoever, in his possession, custody or control or in the possession, custody or control of representatives, employees, attorneys, assigns, or anyone acting on his behalf, which are relevant to the issue stated above, to include those documents requested to be produced in "LILCO's Second Set of Interrogatories and Requests for Production of Documents Regarding Contensions 1-2,

4-8, and 10 to Suffolk County, New York State, and the Town of Southampton," dated March 24, 1988.

Respectfully submitted,



Mary Jo Leugers
Counsel for Long Island Lighting Company

Hunton & Williams
707 East Main Street
P.O. Box 1535
Richmond, Virginia 23212

DATED: April 16, 1988

CERTIFICATE OF SERVICE

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

I hereby certify that copies of NOTICE OF DEPOSITION for David Axelrod were served this date upon the following by Federal Express as indicated by two asterisks, or by first-class mail, postage prepaid.

James P. Gleason, Chairman
Atomic Safety and Licensing Board
513 Gilmoure Drive
Silver Spring, Maryland 20901

Richard G. Bachmann, Esq. *
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Washington, D.C. 20555

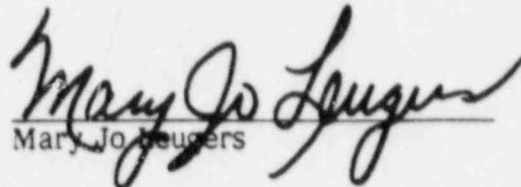
Herbert H. Brown, Esq. *
Lawrence Coe Lanpher, Esq.
Karla J. Letsche, Esq.
Kirkpatrick & Lockhart
South Lobby - 9th Floor
1800 M Street, N.W.
Washington, D.C. 20036-5891

Fabian G. Palomino, Esq. *
Richard J. Zahnleuter, Esq.
Special Counsel to the Governor
Executive Chamber
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Albany, New York 12224

George W. Watson, Esq. *
William R. Cumming, Esq.
Federal Emergency Management
Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

Stephen B. Latham, Esq. *
Twomey, Latham & Shea
33 West Second Street
P.O. Box 298
Riverhead, New York 11901

Mr. David Axelrod *
Commission, New York State
Department of Health
Empire State Plaza
Tower Building
Albany, New York 12237


Mary Jo Leugers

Hunton & Williams
707 East Main Street
P.O. Box 1535
Richmond, Virginia 23212

DATED: April 16, 1988

Attachment 5

HUNTON & WILLIAMS

707 EAST MAIN STREET P.O. BOX 1535

RICHMOND, VIRGINIA 23212

TELEPHONE 804-788-8200

TELEX 6844251

April 18, 1988

2000 PENNSYLVANIA AVENUE, N.W.
P. O. BOX 18230
WASHINGTON, D. C. 20036
TELEPHONE 202-955-1500

FIRST VIRGINIA BANK TOWER
P. O. BOX 3889
NORFOLK, VIRGINIA 23514
TELEPHONE 804-625-9501
TELEX 755628

3080 CHAIN BRIDGE ROAD
P. O. BOX 1147
FAIRFAX, VIRGINIA 22030
TELEPHONE 703-352-2200

100 PARK AVENUE
NEW YORK, NEW YORK 10017
TELEPHONE 212-309-1000
TELEX 424549 HUNTW

ONE HANNOVER SQUARE
P. O. BOX 109
RALEIGH, NORTH CAROLINA 27602
TELEPHONE 919-889-3000

FIRST TENNESSEE BANK BUILDING
P. O. BOX 951
KNOXVILLE, TENNESSEE 37901
TELEPHONE 615-637-4311

FILE NO.

DIRECT DIAL NO. 804 788-7250

BY TELECOPY

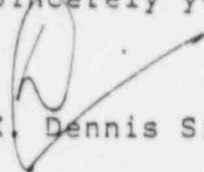
Lawrence Coe Lanpher, Esq.
Kirkpatrick & Lockhart
South Lobby - 9th Floor
1800 M Street, N.W.
Washington, D.C. 20036-5891

Dear Larry:

I was unsuccessful in reaching you by telephone this afternoon to confirm the time and place of the deposition of County Executive Halpin tomorrow. Shortly after 5:00 PM, I did reach your secretary, who informed me that the deposition would begin at 2:00 PM at the County Executive's office on the 9th Floor of the Dennison Building in Hauppauge. Since then, Chris McMurray has confirmed this information in conversations with Don Irwin.

In light of this scheduling, let me reiterate what Don Irwin has indicated previously. LILCO does not agree in advance that this deposition, or any of the others currently noticed by LILCO, can be completed in the few business hours apparently allocated by the County, and LILCO intends to pursue the deposition as necessary through the evening hours and from day-to-day until it is completed.

Sincerely yours,


K. Dennis Sisk

201/374

cc: Christopher M. McMurray, Esq.
Richard J. Zahnleuter, Esq.
Richard G. Bachmann, Esq.
William R. Cumming, Esq.

Attachment 6

HUNTON & WILLIAMS

707 EAST MAIN STREET P.O. BOX 1535

RICHMOND, VIRGINIA 23212

TELEPHONE 804-788-8200

TELEX 6844251

April 21, 1988

2020 PENNSYLVANIA AVENUE, N.W.
P. O. BOX 18230
WASHINGTON, D. C. 20036
TELEPHONE 202-855-1800

FIRST VIRGINIA BANK TOWER
P. O. BOX 3889
NORFOLK, VIRGINIA 23514
TELEPHONE 804-625-5501
TELEX 755628

3050 CHAIN BRIDGE ROAD
P. O. BOX 1147
FAIRFAX, VIRGINIA 22030
TELEPHONE 703-352-2200

100 PARK AVENUE
NEW YORK, NEW YORK 10017
TELEPHONE 212-308-1000
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ONE HANNOVER SQUARE
P. O. BOX 109
RALEIGH, NORTH CAROLINA 27602
TELEPHONE 919-889-3000

FIRST TENNESSEE BANK BUILDING
P. O. BOX 881
KNOXVILLE, TENNESSEE 37901
TELEPHONE 615-637-4311

FILE NO. 24566.300001
DIRECT DIAL NO. 804-788-7250

BY TELECOPY

Lawrence Coe Lanpher, Esq.
Kirkpatrick & Lockhart
South Lobby - 9th Floor
1800 M Street, N.W.
Washington, D.C. 20036-5891

Halpin Deposition

Dear Larry:

County Executive Patrick Halpin, the County's chief -- indeed only -- witness on the realism/best efforts issue, was made available for deposition for only 2 hours between 2:00 PM and 4:05 PM, on Tuesday, April 19. Before the deposition, we, on behalf of LILCO, had repeatedly requested that the deposition begin earlier in the day. We had also stated that we intended to pursue the deposition, if necessary, into the evening hours and from day-to-day until it was completed. At the deposition, at 4:05 PM, I made it clear on the record that LILCO had not completed its questioning on Mr. Halpin's proposed testimony, the affidavit filed therewith, and various attachments thereto, and that no other party (including counsel for the NRC) had had an opportunity to question the witness. I stated for the record that LILCO had further significant questions and would not agree to adjourn the deposition but would agree to continue it at a later date, subject to the agreement of counsel. In response, you posed a re-direct question to the witness, which opened an area ("delegation of police power authority to LILCO personnel") upon which I intended to cross-examine but did not have time to reach; I also noted that for the record. You then made the witness unavailable.

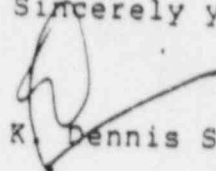
In a telephone conversation today, I asked whether Mr. Halpin would be made available for the continuation and completion of his deposition. You stated that he would not. You further stated that if LILCO needed to make a motion, you

HUNTON & WILLIAMS

Lawrence Coe Lanpher, Esq.
Kirkpatrick & Lockhart
April 21, 1988
Page 2

would respond. This is to inform you that LILCO intends to move for an order compelling the County to make Mr. Halpin available for the completion of his deposition.

Sincerely yours,



K. Dennis Sisk

201/374

cc: Richard J. Zahnleuter, Esq.
Richard G. Bachmann, Esq.
William R. Cumming, Esq.

Attachment 7

(Bound separately)

Attachment 8
(Bound separately)

Attachment 9

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

-----x

Before the Atomic Safety and :
Licensing Board :

In the Matter of :

LONG ISLAND LIGHTING COMPANY
SHOREHAM NUCLEAR POWER STATION
UNIT 1

Docket
: 50-322-
OL-3
: (Emergency
Planning)
:

-----x

April 25, 1988
3:04 p.m.

Deposition of FRANK P. PETRONE, taken by LILCO,
pursuant to Notice and Board Order, at the Suffolk
County County Attorney's Office, Veterans Memorial
Highway, Hauppauge, New York, before Bert E.
Levy, a Certified Shorthand Reporter and Notary
Public within and for the State of New York.



Doyle Reporting, Inc.

CERTIFIED STENOTYPE REPORTERS

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WALTER SHAPIRO, CSR
CHARLES SHAPIRO, CSR

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F R A N K P. P E T R O N E, residing
at 3 Buckingham Drive, Dix Hills, New York
11746, having been first duly sworn by the
Notary Public (Robert E. Levy), was
examined and testified as follows:

EXAMINATION BY

MR. DAVIES:

Q. Mr. Petrone, what is your current
occupation?

A. I'm the county executive assistant
for County Executive Patrick Halpin.

Q. And the title is county executive
assistant?

A. Correct.

Q. Is that the full title?

A. Yes, it is.

Q. What are your areas of
responsibility?

A. My areas of responsibility are the
current Shoreham proceedings as well as working in
the area of energy.

Q. What are your responsibilities for
the current Shoreham proceedings?

A. My responsibilities for the Shoreham

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won't press for an answer. Until then I think I'm relevant and you think my questions are not relevant.

MR. MILLER: In that regard we won't be doing much talking.

Q. The question pending is whether the County of Suffolk has a civil defense plan, I think.

A. O.K., from what I can recall, the County of Suffolk has an emergency plan and as part of an emergency plan, through New York State and through ultimate federal funding, they do have some semblance of a civil defense component.

Q. When you say some semblance of a civil defense component, is that how you characterize the civil defense plan?

A. Basically if -- we can look back to what the federal government has required and that is that they have been requiring for many years an all-encompassing type of emergency planning provided that there were no other regulations that were promulgated through the federal government that required specific planning for specific types of emergencies and civil defense was a component

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that is part of an overall generic type of emergency type of planning.

Q. And the generic emergency planning to which you refer is not disaster specific, is that correct?

A. It could be. There could be various appendixes attached to an emergency plan but by and large, the emergency response plan is somewhat generic.

Q. Is the emergency response plan designed to both prevent and mitigate disasters?

A. There is a prevention mitigation and a recovery to a disaster as part of a plan.

Q. It also covers recovery as a separate concern?

A. To an extent.

Q. Does the plan assign responsibility for different activities in response to disasters to different agencies within the county government?

A. Well, any emergency plan does that, yes.

Q. Does the plan also call for coordination between the county and other

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governmental units within the county such as towns and villages?

A. Yes.

Q. And is that coordination with respect to prevention, mitigation and recovery?

A. I can't recall.

Q. Is the Police Department one of the agencies whose cooperation is contemplated in the plan?

A. Yes, it is, I believe.

Q. Is the Department of Health Services one of the agencies?

A. I believe so.

Q. The Fire Department?

A. That will vary because there are several fire departments, many of them having somewhat different expertise.

Q. Does the plan call for or contemplate cooperation with any nongovernmental agencies or entities in responding to disasters?

A. I believe so.

Q. Has there been communication between the county and any of those nongovernmental entities or agencies concerning a response to a

2 information to the public so that you could -- if
3 you basically could rely on the fact that that
4 would provide some training. Hurricanes, yes, I
5 would say, because there is a time frame that you
6 are working within. And if it is going to be
7 helpful to the public to do that, I'm sure the
8 county would.

9 MR. MILLER: O.K., Mr. Petrone, I
10 believe that is the end of the deposition.
11 I have one --

12 MR. DAVIES: Mr. Miller, if you have
13 questions, they come when I have concluded
14 mine. I am not finished.

15 MR. MILLER: I understand you are
16 not finished.

17 MR. DAVIES: Then you don't have the
18 right, sir, to ask questions because I'm
19 not done.

20 MR. MILLER: My questions are not
21 worth fighting with you about so I will not
22 ask my questions.

23 MR. DAVIES: You don't have the
24 right to because I'm not finished with my
25 questions.

2 MR. MILLER: Please stop
3 interrupting me.

4 MR. DAVIES: You've interrupted my
5 questioning.

6 MR. MILLER: I have been so
7 incredibly patient with your questioning,
8 sir, which is not relevant, not focused,
9 not probative of this witness. You've
10 wasted two hours of our afternoon's time.
11 I've been a real gentleman today and I'm
12 now through and this deposition is through.
13 This witness has been here for two hours
14 and five minutes. I will not ask my
15 questions, sir. This deposition is over.
16 I will not fight with you about that
17 matter.

18 MR. DAVIES: I do not concur with
19 you on that.

20 (Continued on following page)

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Petrone

MR. MILLER: Take it to the
Licensing Bureau.

MR. DAVIES: We will.

MR. MILLER: Good luck.

(Time noted: 5:05 p.m.)

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

Attachment 10

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

-----x

Before the Atomic Safety and :
Licensing Board :

In the Matter of :

LONG ISLAND LIGHTING COMPANY :
SHOREHAM NUCLEAR POWER STATION :
UNIT 1 : (Emergency
Planning)

-----x

April 26, 1988
9:36 a.m.

Deposition of RICHARD C. ROBERTS, taken by
LILCO, pursuant to Notice and Board Order,
at the Suffolk County Police Department,
Yaphank Avenue, Yaphank, New York, before
Robert E. Levy, a Certified Shorthand
Reporter and Notary Public within and for
the State of New York.



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WALTER SHAPIRO, CSR
CHARLES SHAPIRO, CSR

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more than a hundred people on duty during a given time?

A. During the day, Wednesday?

Q. Yes.

A. Well, there would be more than a hundred officers during the day on Wednesday.

Q. Are your -- is your work force lighter on weekend days, Saturdays and Sundays?

A. Yes, it is.

Q. Are there any other days of the week when it is lighter than the Wednesday date we have chosen?

A. It would depend on the character of the day, particular holiday.

Q. Weekdays otherwise are fairly standard?

A. Oh, yes. That is because of the level of interaction between many of the day workers, not necessarily in uniform, who perform interface with other governmental entities.

Q. Chief Roberts, did you participate in the government's answers and additional objections to LILCO's second set of interrogatories regarding contentions 1 through 2, 4 through 8, and 10, if

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you know?

A. Not too good at remembering those numbers of the several contentions, but let me offer this: I did give an affidavit and it was dated February of this year.

MS. STONE: Let's mark this as Exhibit 4.

(Document marked Roberts Exhibit 4 for identification, as of this date.)

MR. MILLER: Ms. Stone, maybe this will save time.

If you want to make this an exhibit, that is fine, I will stipulate that information pertaining to the Suffolk County Police Department that is included within our response, Suffolk County's response to LILCO's interrogatories, was marshaled through Chief Roberts.

If you want to show Chief Roberts a particular interrogatory and ask him about the interrogatory, maybe that will save time.

Q. Chief Roberts, I show you what has been marked as Exhibit 4 to this deposition and

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ask you if you recognize this document? And feel free to look through it.

A. Thank you.

(Pause)

I've never seen this document before.

Q. O.K. I realized earlier you told me that you could not verify how many officers there were on any given shift, but I want to ask you further --

A. No ma'am, I don't want to get picky, but we left it at a day shift Wednesday.

Q. Yes.

A. O.K., then you said would your staffing -- I understood your subsequent comments to be would the staffing be less on a weekend or any single day of the week and I said depending on the character of the day, if it was within the week or what have you.

I'm sorry to interrupt you.

Q. My question is I'm trying to figure out on any given day approximately how many of these 2600 sworn officers are actually on duty daytime, as opposed to evening time, as opposed to the graveyard shift, and that is what I'm trying

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A. I would ask somebody at the warning point.

Q. What is Mr. Regan's job?

A. Mr. Regan, to my knowledge, is director of the Office of Emergency Preparedness, County of Suffolk.

MR. MILLER: I believe the time is up, Ms. Stone.

MS. STONE: All right, I will stop under protest. I will make two comments.

Not only did we not agree to the four-hour deadline, I've had to use considerable time out of this deposition time to find a way to limit my questions and there are quite a number of follow-up questions that I've not been able to pursue here today so on behalf of LILCO, I would have to say that in our view this deposition is not concluded and there are major substantive areas which we have not yet had an opportunity to cover.

MR. MILLER: I understand you disagree with the position that the county has taken in this matter.

2 For the record, I simply will say
3 that I believe we have been here now for
4 four hours and 15 minutes and essentially
5 in that time frame, maybe 10 minutes has
6 been devoted to relevant, probative and
7 meaningful questioning of this witness.
8 Almost all of the questions which have been
9 asked of this witness are not relevant to
10 this proceeding and it has not been a
11 productive use of anyone's time.

12 So if you have a complaint, I guess
13 you will take it to the licensing board and
14 we will respond.

15 Chief Roberts, there is one thing
16 that I --

17 MS. STONE: I believe we don't have
18 time for redirect. When the deposition is
19 concluded, you may give redirect. You tell
20 me this witness has to go at quarter to 2.

21 MR. MILLER: There is a statement
22 made by Chief Roberts that was incorrect.
23 I would like to ask if he would like to
24 make the clarification.

25 You earlier testified, Chief

Attachment 11

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

-----x

Before the Atomic Safety and :
Licensing Board :

In the Matter of :

LONG ISLAND LIGHTING COMPANY : Docket
SHOREHAM NUCLEAR POWER STATION : 50-322-
UNIT 1 : OL-3
: (Emergency
: Planning)

-----x

April 29, 1988
1:15 p.m.

Deposition of LAWRENCE B. CZECH, JAMES D. PAPILE
and JAMES C. BARANSKI, taken by LILCO, pursuant to
Notice and Board Order, at the State Capitol
Building, Washington, Avenue and State Street,
Albany, New York, before Michael H. Stephany, a
Certified Shorthand Reporter and Notary Public
within and for the State of New York.



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CERTIFIED STENOTYPE REPORTERS

WALTER SHAPIRO, CSR
CHARLES SHAPIRO, CSR

369 LEXINGTON AVENUE
NEW YORK, N.Y. 10017
(212) 867-8220

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question. I got lost somewhere.

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MR. SISK: Let me ask you, to your knowledge, have there ever been any exercises, federally graded or not, involving Suffolk County with respect to any nuclear power plant?

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MR. ZAHNLEUTER: I would like a clarification about -- what you mean when you say Suffolk County? Do you mean Suffolk County government, Suffolk County geography?

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What is it that you are speaking of?

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MR. SISK: Well, let me ask you Suffolk County government officials first.

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MR. BARANSKI: I am not aware of any.

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MR. SISK: Are you aware of any involving Suffolk County geographics?

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MR. BARANSKI: I am aware that Shoreham was located in Suffolk County.

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I am aware that LILCO did conduct a federally observed exercise two years ago, I think.

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MR. SISK: Now with that exception,

2 let me ask you this: Are you aware of any
3 exercises involving Suffolk County with
4 respect to the Millstone plant?

5 MR. BARANSKI: No, sir, I am not.

6 MR. SISK: To your knowledge, has
7 there been any training of any Suffolk
8 County personnel with respect to the
9 ingestion pathway response for the
10 Millstone power plant?

11 MR. ZAHNLEUTER: I would like to
12 object at this point because we are beyond
13 qualifications and background and I think
14 this is an irrelevant inquiry.

15 But you may answer.

16 MR. BARANSKI: I have no basis to
17 answer that question.

18 MR. SISK: Do you know whether there
19 has been any training of Suffolk County
20 personnel?

21 MR. BARANSKI: I do not know.

22 MR. SISK: Has there been any
23 training, to your knowledge, of state
24 personnel with respect to any ingestion
25 pathway response for the Millstone plant?

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(Discussion off the record among the witnesses)

MR. BARANSKI: I am not aware of any training that was conducted for the specific response to the Millstone plant.

MR. SISK: Can you tell me what exercises have been conducted within the State of New York with respect to ingestion pathway responses for any nuclear power plant?

MR. ZAHNLEUTER: I would like a continuing objection to these matters about other power plants.

I won't mention it again.

MR. SISK: I understand.

MR. BARANSKI: Since I became exercise director in '85, we have conducted one federally evaluated ingestion pathway for the ^{Orissa} ~~Regina~~ facility.

MR. SISK: And when was that conducted?

MR. BARANSKI: October of '87.

MR. SISK: To your knowledge, in your capacity as exercise director for

2 this page contains, that the 50-mile EPZ
3 around Millstone encompasses all or some
4 portion of Suffolk County, New York?

5 MR. CZECH: I know that it includes
6 at least some portion of Suffolk County. I
7 don't know if it includes all of Suffolk,
8 the 50-mile EPZ.

9 MR. SISK: Now, has the state REPG
10 conducted any training for a response
11 within Suffolk County and within the
12 50-mile ingestion pathway for Millstone?

13 MR. LANPHER: I object to the
14 question. He already testified to that and
15 he said no. It is repetitive.

16 MR. SISK: I apologize, I thought I
17 defined it to the county earlier, but let's
18 be clear. Has the state conducted any
19 training or been involved in any training
20 with respect to such a response?

21 MR. CZECH: Not for Suffolk County
22 or Shoreham. Or -- I am talking for state
23 people in the Shoreham Suffolk County area.
24 There has been no training.

25 MR. SISK: Let me just be sure.

2 There has been no training of state
3 personnel for such a response with respect
4 to Millstone?

5 MR. CZECH: That's correct.

6 MR. SISK: And let me just be sure.

7 I believe that you testified earlier
8 there has similarly been no exercise with
9 respect to a state response in the
10 ingestion pathway for Millstone?

11 MR. CZECH: That's correct.

12 MR. SISK: Let me note for the
13 record that I do have a number of questions
14 with respect to the state plan for these
15 witnesses.

16 I am going to ask a few of those at
17 this juncture, and if there is time at the
18 end of the deposition, I will return to it.

19 MR. ZAHNLEUTER: Let me caution you
20 that Mr. Papile must leave at 4:30, so I
21 would suggest that you keep that in mind.

22 MR. SISK: That was stated earlier.

23 MR. SISK: Mr. Czech, with respect
24 to Part 1, Section 3 of this plan, which is
25 entitled, "Response," it --

2 Is that another one of the
3 references that you were thinking of
4 earlier?

5 MR. CZECH: That's correct.

6 MR. SISK: In the interest of time,
7 I am going to depart from my questioning on
8 this document and its details for a moment
9 and return to it later, if there is time.

10 Let me ask this general question.
11 General Papile, does this generic portion
12 of the state plan identify any state
13 resources that could be -- and I am not
14 asking that in a legal sense -- I am asking
15 that in a practical sense -- does this
16 document identify any state resource that
17 could be employed in responding to a
18 radiological accident at the Shoreham
19 plant?

20 MR. ZAHNLEUTER: I object. I object
21 because that document speaks for itself and
22 the question pertains to Shoreham. It
23 calls for speculation.

24 MR. SISK: Can you answer the
25 question, General Papile?

2 MR. PAPILE: Well, my counsel
3 presented it real well.

4 I think it's asking for speculation
5 and I can't speculate because I don't know
6 what we really have and so forth and so on.
7 I can't speculate.

8 MR. SISK: General Papile, let me
9 get down to this a little bit on a nuts and
10 bolts level.

11 The state does have a Radiological
12 Emergency Response Group, doesn't it?

13 MR. PAPILE: Who does?

14 MR. SISK: What's the title of your
15 agency?

16 MR. ZAHNLEUTER: We covered this. I
17 think this is a repetitive inquiry.

18 We are wasting time.

19 MR. PAPILE: Which agency, sir?

20 MR. SISK: REPG.

21 MR. PAPILE: The Radiological
22 Emergency Preparedness Group?

23 What's the question?

24 MR. SISK: Your agency.

25 MR. PAPILE: What was the question?

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MR. SISK: The question is -- and I don't mean to be cute: You do exist, don't you?

3

4

MR. PAPILE: Yes, we do.

5

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MR. SISK: Isn't there a State Department of Health?

7

MR. PAPILE: Yes, there is.

8

9

MR. SISK: In fact, there are a number of state agencies that are set forth in Article 2-B, are there not?

10

11

MR. PAPILE: Yes, there are.

12

13

MR. SISK: And the heads of those various agencies have positions on the Disaster Preparedness Commission, don't they?

14

15

16

MR. PAPILE: Yes.

17

18

MR. SISK: Ignoring legal questions which lawyers can debate at a later date, and focusing on practical questions, would it be possible for any of those agencies to respond in any capacity to a radiological accident at Shoreham?

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MR. PAPILE: No. It is not possible.

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MR. ZAHNLEUTER: I object to this question because it's impossible to ignore the legalities of any situation.

3

4

5

I also object because it calls for speculation, and the witness has already answered.

6

7

8

MR. SISK: General Papile, why is it not possible?

9

10

MR. PAPILE: There is no plan.

11

MR. SISK: Does that complete your answer?

12

13

MR. PAPILE: For now.

14

MR. SISK: When you said, "there is no plan," can you tell me what you mean?

15

16

MR. PAPILE: There is no plan for that situation.

17

18

MR. SISK: Meaning that there is no Shoreham specific radiological emergency response plan?

19

20

21

MR. PAPILE: Agreed.

22

MR. SISK: Now I will ask you -- let me ask this question of Mr. Czech.

23

24

Will you turn to page Roman numeral III-18 of this document, Section III-18.

25

2 MR. SISK: Could you answer the
3 question, General Papile?

4 MR. PAPILE: Purely speculation. I
5 couldn't answer that.

6 MR. SISK: General Papile, did you
7 testify previously that in the absence of a
8 site-specific radiological plan for
9 Shoreham, the state REPG would not be able
10 to respond to a radiological accident at
11 Shoreham?

12 MR. ZAHNLEUTER: Mr. Sisk, why don't
13 you provide Mr. Papile with a specific, or
14 the specific instance of his testimony to
15 which you are referring?

16 MR. SISK: Let me ask you, is that
17 a correct characterization of your
18 testimony?

19 MR. LANPHER: I object. I believe
20 that's not a correct characterization. I
21 think he stated he didn't know how or if he
22 could respond, and again, it is calling for
23 speculation.

24 MR. SISK: Let me note for the
25 record that -- and I will do this very

2 briefly -- that during the deposition of
3 Mr. Halpin, Mr. Lanpher corrected a
4 response that had been given previously to
5 the same fact by witness Halpin four times.
6 It was subsequently modified by witness
7 Halpin.

8 I will stand on the answer
9 previously given and reflected in the
10 transcript by General Papile. It is not my
11 recollection that that was his answer. And
12 I will leave it at that.

13 General Papile, would the state,
14 would the Disaster Preparedness Commission
15 and the REPG be able to respond to an
16 emergency at the Shoreham nuclear power
17 plant in the absence of an approved Suffolk
18 County radiological emergency preparedness
19 plan?

20 MR. LANPHER: I object. I don't
21 know what you mean by "respond."

22 Do anything or do something that
23 would be adequate?

24 MR. ZAHNLEUTER: I would like to add
25 to that, "be able to" is also vague.

2 MR. SISK: I will accept a portion
3 of Mr. Lanpher's correction.

4 Would the state be able to do
5 anything?

6 MR. PAPILE: It is pure speculation.
7 I don't know.

8 MR. SISK: General Papile, can you
9 tell me what resources, departments,
10 agencies or instrumentalities of the state
11 you would be able to direct if the governor
12 ordered you to respond to an emergency at
13 the Shoreham nuclear power plant?

14 MR. ZAHNLEUTER: I object. One of
15 the grounds for my objection is you
16 included in your question or statement,
17 "you would be able to direct." Now that's
18 a vague instruction, because I am not sure
19 if that means Mr. Papile as a person, as a
20 general, as director of REPG, in whatever
21 capacity he may have.

22 I also object, as we have said over
23 and over again here today, that relates to
24 the implausibility of this hypothetical and
25 the fact that it calls for speculation.

2 MR. LANPHER: I also object because
3 I don't believe it has been established
4 that REPG has any direction responsibility
5 in the event of a radiological emergency.
6 I believe that's Dr. Axelrod or the
7 governor, those are the people who direct,
8 not REPG.

9 MR. SISK: Can you answer?

10 MR. PAPILE: I have no director
11 responsibility. I would have to take
12 orders from higher up.

13 MR. SISK: In your capacity as the
14 head of the REPG and given the knowledge
15 that you have obtained in that capacity,
16 can you tell me what state resources, and
17 by that I mean departments, agencies,
18 personnel, the governor could direct to
19 respond to an emergency at the Shoreham
20 nuclear power plant if he choose to do so?

21 MR. LANPHER: I object, calling for
22 speculation about what the governor would
23 do or Dr. Axelrod would do as designee.

24 MR. SISK: I have asked what
25 resources they could use.

2 MR. ZAHNLEUTER: I have the same
3 objection.

4 MR. PAPILE: Without a plan, it
5 would be pure speculation. I wouldn't want
6 to answer that without a plan.

7 MR. SISK: By without a plan, do you
8 mean without a Suffolk County approved
9 plan?

10 MR. PAPILE: With any plan. As of
11 this time, I see no plan.

12 MR. SISK: Would a plan other than a
13 plan approved by Suffolk County suffice?

14 MR. ZAHNLEUTER: I object on the
15 grounds of vagueness of that question. It
16 has no limits or bounds other than a county
17 plan. I think you need to define that
18 question before it can be answered
19 intelligently.

20 MR. SISK: Can you answer the
21 question?

22 MR. PAPILE: I can't answer the
23 question.

24 MR. SISK: General Papile, is the
25 state, and by that I mean the EPC and the

2 lines of communication or means of
3 communication, rather, that are currently
4 in place between any of the member agencies
5 of the Disaster Preparedness Commission and
6 any officials in Suffolk County?

7 MR. CZECH: The -- of course, this
8 is not an area that I have any expertise
9 in, the only one that would come to mind as
10 a possibility is the state police band
11 network which ties in the state police with
12 local police throughout the state, NYSPIN.

13 MR. SISK: Are either of you aware,
14 by virtue of prior review of any portion of
15 the LILCO plan or otherwise, of the fact
16 that LILCO has established a system of
17 sirens for public notification in the event
18 of an emergency at the Shoreham plant?

19 MR. CZECH: The only way that I am
20 familiar with that is in reference to
21 interrogatories, but I have not seen any
22 planning portion or anything dealing with
23 sirens or siren systems.

24 MR. BARANSKI: Neither have I.

25 MR. SISK: Let me ask you this,

2 gentlemen. Referring back to your
3 affidavit, the affidavit which I believe
4 was marked as Exhibit 2 to the deposition,
5 it contains headings referring to "Ingested
6 Pathway Responses" and "Recovery and
7 Reentry."

8 I recognize you have stated you have
9 haven't reviewed the LILCO plan in its
10 entirety.

11 Have you reviewed the LILCO plan
12 insofar as it relates to those two areas,
13 that is, ingestion pathway and recovery and
14 reentry?

15 MR. BARANSKI: I have not.

16 MR. CZECH: Neither have I.

17 MR. SISK: Have you reviewed
18 portions of the plan that relate to
19 ingestion pathway and recovery?

20 MR. CZECH: I have not.

21 MR. BARANSKI: Neither have I.

22 MR. SISK: Now, let me continue with
23 the affidavit.

24 Mr. Czech, refer to the bottom of
25 page 3 of that document. The last sentence

2 and answered also.

3 MR. SISK: Can you answer the
4 question?

5 MR. CZECH: Not any better than I
6 did before.

7 MR. SISK: Let me refer you to the
8 fifth page of the affidavit, page 7. I'm
9 sorry, the fifth page of the affidavit,
10 paragraph 7.

11 There is a reference in the second
12 sentence of that paragraph to the support
13 role of counties in the ingestion pathway
14 phase.

15 Now, Mr. Baranski, does Suffolk
16 County play a support role in the ingestion
17 pathway phase for the Millstone plant in
18 Connecticut?

19 MR. BARANSKI: Without a plan, I
20 can't speculate on what Suffolk County
21 would do.

22 MR. SISK: I am asking whether
23 Suffolk County plays a support role in the
24 ingestion pathway phase for the Millstone
25 nuclear power plant.

2 MR. LANPHER: And Mr. Baranski
3 answered that precise question.

4 MR. SISK: Does it have a support
5 role in any plan for the Millstone nuclear
6 power plant.

7 MR. BARANSKI: Since I haven't
8 reviewed any plans for Millstone, I can't
9 answer that.

10 MR. SISK: Does Nassau County play a
11 support role in the ingestion pathway phase
12 for the Indian Point power plant?

13 MR. BARANSKI: By the very nature of
14 an ingestion pathway problem and looking at
15 the Indian Point site, we have not dealt
16 with Nassau County for an ingestion
17 pathway.

18 MR. SISK: The New York State
19 plan -- I'm sorry, the New York State plan
20 does not deal with Nassau County as far as
21 ingestion pathways?

22 MR. BARANSKI: No, sir, I am not
23 saying that at all.

24 If you looked at the maps and you
25 showed us the maps and Nassau County is

2 involved partially with the 50-mile EPZ of
3 Indian Point -- now we have not stressed
4 Nassau's involvement in an ingestion
5 pathway exercise to date at Indian Point.

6 MR. SISK: Well, my question to you
7 makes specific reference to the statement
8 in the affidavit of -- and I believe and I
9 will just note this for the record, that
10 the map contained on page K-9 of the state
11 plan appears to encompass a large portion
12 of Nassau County in the Indian Point
13 50-mile EPZ.

14 My question is, does Nassau County
15 play a support role in the ingestion
16 pathway phase or any plan for the Indian
17 Point plant?

18 (Discussion off the record between
19 Mr. Baranski and Mr. Czech)

20 MR. ZAHNLEUTER: While the witnesses
21 are conferring, Mr. Sisk, it's five
22 o'clock.

23 I will allow the questioning to
24 continue for a few more minutes, but I
25 suggest that you begin to wrap up this

2 deposition.

3 MR. BARANSKI: By the very
4 definition of the plan and the areas that
5 are affected within the 50-mile EPZ, if
6 there were an ingestion problem in Nassau
7 County, they would be in a support role.

8 MR. SISK: Can you refer me to any
9 document which sets forth that support
10 role?

11 MR. BARANSKI: Not right offhand.

12 MR. SISK: How would they be
13 involved in a support role?

14 MR. BARANSKI: In the event of an
15 ingestion pathway situation, just like it
16 was at the Ginna exercise, we may call upon
17 the counties to support us in the various
18 activities that are involved in the
19 ingestion pathway problem.

20 MR. SISK: Does the state have any
21 specific plans or agreements with Nassau
22 County to play that specific type of
23 support role?

24 Do you know, Mr. Czech?

25 MR. CZECH: As far as I know, at

2 this stage. we have not developed those
3 with Nassau County.

4 MR. SISK: Now let me refer you to
5 page 6 -- I'm sorry, it's the bottom of
6 page 5 and the top of page 6 of this
7 affidavit.

8 There is a passage in paragraph 8.
9 In the interest of time, I won't read that
10 into the record.

11 I will ask you to simply review that
12 very quickly.

13 MR. LANPHER: All of paragraph 8 or
14 just some portion of it?

15 MR. SISK: Yes, all of paragraph 8.

16 Now, with respect to that paragraph,
17 there is a particular area -- the second
18 sentence of that paragraph refers to
19 experience at other sites in New York
20 State.

21 Let me ask once again whether this
22 statement means that, and if it doesn't
23 mean it, tell me so.

24 But does this statement mean that
25 planning, training and drilling enhance

2 site-specific response capabilities for
3 radiological emergencies?

4 MR. CZECH: I would say, yes.

5 MR. BARANSKI: Yes.

6 MR. ZAKNLEUTER: With that, Mr.
7 Sisk, the time for this deposition has
8 expired.

9 It's after five o'clock, probably
10 seven or eight minutes after five o'clock,
11 so this deposition must conclude.

12 MR. SISK: O.K.

13 I will note for the record that, as
14 with certain previous depositions, I have
15 attempted to conduct as much questioning as
16 I can on an issue-by-issue basis.

17 Of course, counsel can have
18 disagreements as to issues which -- ones I
19 believe are relevant and ones the other
20 side believe are not.

21 I have tried to stick to issues
22 which I believe, to LILCO, are quite
23 relevant to this proceeding.

24 I do have have a number of
25 questions, as I noted earlier, about the

2 specifics of the New York State
3 radiological emergency response plan, how
4 specific provisions of that plan were
5 developed, whether they conform or are
6 built upon federal regulations and specific
7 parts of federal regulations. I have a
8 number of questions continuing on the
9 affidavit that the witnesses currently have
10 before them.

11 I will also note for the record that
12 this affidavit was one of the documents
13 expressly referred to by the board in
14 denying LILCO's motion for summary
15 disposition, and there are a number of
16 questions relating to that document which I
17 have.

18 There are a number of additional
19 questions I have which relate to the
20 county's responses, the county's and
21 state's responses or lack of responses to
22 LILCO's interrogatories. Some of those
23 also specifically relate to the content of
24 this affidavit.

25 I have not completed LILCO's

2 questioning, and, as with previous
3 depositions, I will state for the record
4 that we are prepared to go forward this
5 evening, tomorrow, next week at any time
6 the witnesses are available to complete the
7 deposition.

8 But we are not prepared to agree or
9 consent to terminate the deposition at this
10 time.

11 MR. ZAHNLEUTER: As far as the State
12 of New York is concerned, the deposition is
13 concluded.

14 (Time noted: 5:09 p.m.)

15 _____

16
17 Subscribed and sworn to
18 before me this _____
19 day of _____, 1988.

20
21
22
23
24
25

Attachment 12

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April 21, 1988

BY TELECOPY

James N. Christman, Esq.
Hunton & Williams
P.O. Box 1535
707 East Main Street
Richmond, Virginia 23212

Dear Jim:

On behalf of Suffolk County and New York State, I am providing you with the dates, times and locations for next week's depositions of County and State personnel:

Monday, April 25, 1988Time

SCPD Commissioner Daniel Guido
Suffolk County Police Department
Headquarters
Yaphank, New York

11:00 a.m. - 1:00 p.m.

Frank P. Petrone
Suffolk County Attorney's Office
Hauppauge, New York

3:00 p.m. - 5:00 p.m.

Tuesday, April 26, 1988Time

Asst. Chief of Detectives
Richard C. Roberts
Suffolk County Police Department
Yaphank, New York

9:00 a.m. - 1:00 p.m.

KIRKPATRICK & LOCKHART

James N. Christman, Esq.

April 21, 1988

Page 2

Friday, April 29, 1988TimeDonald DeVito
Albany, New York

9:00 a.m. - 12:00 noon

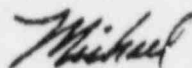
Messrs. Papile, Czech & Baranski
(as a panel)
Albany, New York

1:00 p.m. - 5:00 p.m.

The depositions of Mr. DeVito and Messrs. Czech, Papile and Baranski will take place in the same conference room that has been reserved for tomorrow's depositions of David Hartgen and Commissioner Axelrod.

As the above schedule reflects, Dr. Harris and William Regen are not available for deposition next week. Not reflected in this schedule is the deposition of FEMA's FCC witness on the remanded EBS issues. It is my understanding that this witness will be deposed on Tuesday, April 26, beginning at 2:00 p.m. The deposition will be held at our Washington office.

Sincerely,



Michael S. Miller

cc: Richard J. Zahnleuter, Esq. (By Telecopy)
Stephen B. Latham, Esq. (By Telecopy)
William R. Cumming, Esq. (By Telecopy)
Charles A. Barth, Esq. (By Telecopy)

Attachment 13

NEW YORK STATE
RADIOLOGICAL EMERGENCY PREPAREDNESS PLAN
FOR COMMERCIAL POWER PLANTS

Prepared for
the Disaster Preparedness Commission
of the
State of New York

By the Radiological Emergency Preparedness Group

April, 1987

New York State Radiological Emergency Preparedness Plan

PART II - SECTION I - Procedure F

F. TRAINING, DRILLS AND EXERCISES

1.0 Purpose

The purpose of this procedure is to provide the vehicle by which personnel with emergency responsibilities will be trained initially, periodically retrained, and tested by means of drills and exercises in the performance of the functions that may be required of them in the implementation of this Plan.

2.0 Scope

- 2.1 Radiological emergency preparedness plans require trained personnel to implement them. The State Radiological Emergency Preparedness Group (REPG) will coordinate this training for emergency personnel and public officials. Training and retraining of State and local officials is provided through a variety of programs, such as formal courses, seminars, conferences, emergency operation simulations (EOS's), and experience gained in response to drills and exercises as well as actual emergencies.

State and local agencies with emergency response functions will designate individuals within these organizations who are to be trained in functions that are unique to a radiological emergency. Functions that are normal for the agency's usual role, i.e., teaching a police officer to direct traffic, are not considered here. The personnel selected for radiological preparedness training will include those from the following categories:

- Command and Control Personnel
- Key agency personnel assigned to State, district or County Emergency Operations Center (EOC) staffs
- Radiological monitoring teams and radiological assessment personnel
- Personnel monitoring and decontamination personnel
- Police, security and fire fighting personnel
- Medical and rescue personnel
- Personnel assigned to the evacuation of the general public, special populations and mobility impaired individuals
- Communications personnel
- Reception and Congregate Care Center personnel
- Public information personnel.

2.2 A major portion of the State's and each plume exposure county's emergency response organization will be exercised. Exercises will be scheduled to provide that all major elements of the respective State and county organizations are tested in accordance with 10CFR50 and 44CFR350 (see 4.2). These exercises will be conducted, at different times and under various weather conditions.

2.3 In addition to the scheduled exercise, drills shall be conducted as follows:

- Communication between State EOC, the appropriate district SEMO EOC and local government EOCs within the Plume Exposure pathway EPZ will be tested at least monthly.
- Communications between State EOC and Connecticut, New Jersey, Pennsylvania and Canada radiological emergency response organization, all within the ingestion pathway for Nuclear facilities located in New York, will be tested at least quarterly.
- Communications between NFOs, State EOC, appropriate SEMO district EOC, local EOCs and field assessment teams will be exercised annually.
- Radiological Health staff and local organizations will conduct annual radiological monitoring drills. The drills may include the collection and analysis of water, vegetation, soil and air samples; the communications used for reporting sample results, and the means for keeping records of these sample results. These drills will be included as part of annual exercises.
- The State Radiological Health staff will conduct semi-annual Health Physics drill involving one of the nuclear generating facilities. These drills will involve both the State's and local organizations' analysis of, and response to, conditions arising from simulated elevated airborne and liquid samples and direct radiation measurements in the environment. To the extent possible these drills will be included as part of the required scheduled NFO exercises.
- All or any portion of the State and/or county plans may be drilled as necessary.

3.0 Responsibilities

3.1 The New York State Radiological Emergency Preparedness Group (REPG) coordinates the planning and conduct of emergency response training for personnel who will implement radiological emergency preparedness plans. The State Emergency Management Office (SEMO) in coordination with the REPG will:

- Receive technical guidance from the State Health Department and FEMA on the appropriate application of CD Radiological Defense resources to peacetime radiological emergency response.
- Factor the above guidance into the development of appropriate training activities.
- Conduct formal courses for Emergency Operations Center staff and Radiological Monitor Instructors at State and local level.

- Manage the Home Study Course "Introduction to Radiological Monitoring" (HS-3), as the basic introduction to radiation and radiation detection. Distribution of course material is through a single contact point with each appropriate State agency, local jurisdiction or other large emergency response organization.
 - Manage the Radiological Training Assistance Program which provides reimbursement to local instructors for classroom training in Radiological Defense monitoring.
 - Provide to State agencies and localities technical assistance in the development of their own training capability including training their instructors.
 - Provide technical assistance on the planning, conducting, and evaluation of exercises and drills.
 - Receive and provide for staff and other agencies as appropriate, training on the use of new instrumentation and equipment procured for radiological emergency responses.
 - Assist in identifying and recruiting appropriate State and local Civil Preparedness applicants for federally conducted or other appropriate emergency response training activities and courses. These training activities include planning, operations, and response courses sponsored by the Federal Emergency Management Agency which are geared specifically for State and local emergency response personnel. These courses include topics such as radiological accident assessment, analysis, monitoring and response operations.
- 3.2 The REPG coordinates with representatives of the Nuclear Facilities, appropriate counties, Federal and State agencies in exercising the New York State emergency response organizations. These responsibilities include:
- The designation of elements of the Plan that are to be exercised, to ensure that all elements are exercised in accordance with the federal regulations (see 4.2) under various conditions and times..
 - The establishment of the exercise's basic objectives and any appropriate evaluation criteria.
 - The date and time of the exercise.
 - The agencies, officials and organizations that are expected to participate.
 - The scenario to be used to include a schedule of real and simulated events.
 - The designation and training of exercise observers.
 - Arrangements for materials to be provided to RAC and other observers.
 - Arrangements for a critique of each exercise.

- 3.3 Each agency or organization having an emergency response responsibility will insure that appropriate training is made available to their emergency response personnel, including annual refresher training. Training of appropriate personnel for accident assessment and evaluation will be the responsibility of the Department of Health. State agencies are responsible for the continuance and implementation of training programs relating to their respective agency's operating procedures and coordinate their training efforts related to radiological emergencies with REPG.

In addition, these agencies and organizations will conduct drills to develop, test and maintain their capabilities. These responsibilities include:

- Communications drills to insure the ability to understand and transmit the unique terminology associated with a radiological emergency.
- Radiological monitoring drills.
- As appropriate, medical emergency drills at the local level and health physics drills at the State level.
- Other drills as may be required to improve the capabilities of emergency response personnel.

- 3.4 Local Emergency Services and Disaster Preparedness Coordinators are responsible for, and coordinate with, State REPG for the following:

- Identification of local training needs and requirements.
- Request of appropriate training courses, which includes designation of times and locations.
- Recruitment of trainees to include Directors and Coordinators of response organizations, radiological monitors, emergency service personnel (fire, police, first aid, medical support, and rescue), and other appropriate personnel.
- Development of local training capability as required.
- Assist, as applicable, in the conduct of training. This includes the use of local instructor capabilities such as for the training of radiological monitors, etc.
- Conduct and participate in drills and exercises to improve the capabilities of their emergency response personnel.

4.0 Implementation

- 4.1 In addition to agencies' existing training programs, specialized emergency response training courses are offered to key personnel of those agencies with emergency response responsibilities. The types of training courses to be offered, and the titles and assignments of those who should participate are:

<u>Type of Course</u>	<u>Ref. Attachment</u>	<u>Participants</u>
Public Officials Conferences (POC)	1	Agency heads, and local government chief executives.
Emergency Operations Simulation	2	Agency heads, EOC staff and emergency planning personnel
State Radiological Training Courses	3	Radiological EOC staffs, Radiological Monitors and Instructors, Civil Defense Staff, and as appropriate, personnel assigned to Radiological related duties. (see Attachment 3).
Evaluation of and Response to Radiation Emergencies (as sponsored by the Federal Government)	4	Radiological EOC staffs, Medical and Public Safety Personnel (as appropriate)
NFO sponsored training courses	5	Civil Defense personnel, Public Safety personnel, radiological monitors and EOC staffs.

4.2 Exercises will be conducted to test the integrated capability of a major portion of the State's and appropriate County's radiological emergency preparedness plan and organization. An exercise will include mobilization of State and local personnel and resources adequate to verify the capability to respond to an accident scenario requiring response. The State and appropriate local governments will conduct an exercise jointly with a nuclear power facility in accordance with the federal regulation set forth in 10CFR50, "Domestic Licensing of Production and Utilization Facilities", Appendix E, and 44CFR350, "Review and Approval of State and Local Radiological Emergency Plans and Preparedness". The State will choose, on a rotational basis, the site(s) at which the required exercise(s) is to be conducted. Priority is given to nuclear facilities seeking an operating license from NRC, and which have not had an exercise involving the State plan at that facility site. The scenario should be varied from exercise to exercise such that all major elements of the plans and preparedness organizations are tested. Each full scale exercise will include as many actual (hands on) activities as possible within the resources available for the exercise. Included will be exercising the decision making process (assessment and evaluation), deployment of monitoring personnel and making recommendations of protective action response options to responsible officials. Law enforcement and fire personnel will be exercised on access and traffic control and security. Exercises will include public information activities to demonstrate coordinated efforts by the State, local officials and the licensee in keeping the public informed.

Qualified observers from Federal, State or local governments will critique the exercises. State and local observers will be provided appropriate pre-exercise briefings and, if required, additional training. Provisions will be made to start an exercise between 6:00 p.m. and midnight, and another between midnight and 6:00 a.m. once every six years.

A critique will be scheduled as soon as practicable after each exercise to evaluate the ability of organizations to respond to the plan.

Each organization establishes the means for evaluating observer and participant comments on areas needing improvement, including emergency plan procedural changes, and for assigning responsibility for implementing corrective actions. Each organization establishes management control to ensure that corrective actions are implemented.

- 4.3 Drills involving varying number of personnel and organizations are used to provide practical training. When conducting such a drill, emphasis is on the effectiveness of procedures and use of actual emergency equipment. Observers will be assigned to evaluate the performance of the participants. Drills to test smaller segments of the plan will be held more frequently than exercises. Although a drill is often a component of an exercise, drills will be conducted, in addition to the scheduled exercise, at the frequencies specified in Paragraph 4.3 above. Drills will be supervised and evaluated by qualified instructors. Communication drills are conducted for both radio and hard line modes (RECS) and include the testing of operators' understanding and ability to understand the content of messages transmitted/received. Radiological monitoring drills teach and test procedures for the collection, analysis, recording and reporting of radiation readings. Drills of other emergency functions will be conducted to enhance the capabilities of those persons performing such functions.
- 4.4 Upon completion of an exercise or drill, the evaluator and observer comments will be collected and evaluated. Plan revisions, arising from the lessons learned, will be incorporated in plans and procedures as appropriate.
- 4.5 State and Local training will be given as detailed in the following matrix (Attachment b Part III - 1F).

Training reports from each County will be forwarded to the REPs quarterly. This report will include:

- Training given in the previous quarter
- A schedule of proposed retraining or new training for the next quarter
- Course title, projected date, audience

A complete State and County Training report will be forwarded to the Federal Emergency Management Agency in accordance with FEMA guidelines.

Specific files on individuals and their training will remain on file within the entity responsible for the Primary Training role. Review of such files and lesson plans may be requested by FEMA from REPG.

PUBLIC OFFICIALS CONFERENCES (POCs)

The New York State Emergency Management Office routinely conducts POCs for State, County and City level government officials and is designated to acquaint them with their emergency responsibilities, need for planning, training, and coordinated effort.

This course includes:

1. Review of FEMA's emergency role.
2. Discussion of the New York State Civil Defense and Disaster laws outlining local emergency responsibilities, including a description of the State, District and Local command and control structure and responsibilities.
3. Stressing the need for Local Executive Orders assigning specific emergency response functions to local officials.
4. The concept of an emergency operations center.
5. Advising of training that is available and the sequence in which it is given.
6. Emphasis on the benefits of a well organized and coordinated government that is able to act in time of emergency.
7. The importance of local resource inventory.
8. The methods for recognizing and identifying hazardous materials.

EMERGENCY OPERATIONS SIMULATION

I. GENERAL COURSES

A. Planning and Operations:

1. The Role of Leadership.
2. Principles and techniques for developing emergency plans in accordance with Federal and State criteria.
3. Emergency Operations Center procedures.
4. Principles for successful emergency operations, including evacuation.

B. Communications:

1. Alerting procedures for staff and public.
2. Development and periodic testing of primary and back-up communications.
3. Utilization of procedures to verify notification(s).
4. Procedures for operating RECS, NAWAS, RACES, and local government radio networks.
5. Message center operating procedures.

New York State Radiological Training Courses
Appropriate for Peacetime Radiological Emergency Response

I. RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The following is a listing of the various types of courses specifically given for the REP training of emergency workers:

1. REP Monitoring Course - This course is designed for RDO's, RM's and emergency workers and addresses all aspects of peacetime radiological incidents. It has been utilized as an effective trainer tool for many of the trained county RDO's throughout the State. (8 Hr.)
2. REP Exposure Control Course - This course has been developed for emergency workers specifically for nuclear power plants and has become the core of instruction, following the subject matter dealing with radiological exposure control from the Emergency Worker Response Manual. (4 Hr.)
3. REP PMC Course - This course deals with the specific aspects of PMC operations for radiological monitors. Variations of this course also allows for personnel from Social Services, Department of Health, etc., to receive this training for their responsibility with respect to PMC operations. Please note that this course should be taken after the 4 hour Exposure Control course by Radiological Monitors who will be stationed at PMC. (4 Hr.)
4. REP Management Course - Third block of instructions is intended for REP emergency managers, coordinators and supervisors, i.e., County SEMO Directors, State Agency personnel, etc., who have responsibilities for directing field emergency workers. (3 Hr.)
5. REP Instructor Course - This course is designed to afford potential REP Trainers, preferably with adult education experience with the necessary information to conduct the 4 Hour REP Exposure Control Course. (12-18 Hr.)

II. EMERGENCY OPERATIONS PERSONNEL AND RADIOLOGICAL MONITOR INSTRUCTOR COURSES

The following courses are supplemental to the REP Program and are conducted by State instructors for those local or State Civil Preparedness personnel who are involved in radiological emergency response program development, EOC operations and training of radiological monitors:

a. Basic Radiological Defense Officer (RDO-Basic)

Intended to provide the basic knowledge and skills necessary to qualify selected individuals to perform functions required of an RDO in nuclear attack or peacetime accident emergencies. This course is required for Radiological Monitor Instructors. (15-30 students, 30 hours).

b. RADEF Operations Workshop

Designed to provide Civil Preparedness staff, Radiological Defense Officers, and their assistants with an introduction to the plan, techniques, and tools used in Radiological Operations. The radiological monitoring and reporting system is evaluated and the EOC Radiological area is prepared for attack or peacetime radiological operations (5-10 students/crse., 6-12 hours).

c. Radiological Defense Management Seminar

Intended to provide local Chief Radiological Defense Officers and local Civil Defense Coordinators/Directors with necessary management background to accomplish the successful development and maintenance of a viable RADEF program for wartime or peacetime response at local government level (20-40 participants, 6-8 hours).

d. Radiological Monitor Instructor (RMI)

Designed to qualify selected individuals to conduct radiological monitor training in their respective jurisdictions or agencies. Recommended for Radiological Monitor Instructors. (15 students, 24 hours).

e. CD Peacetime Radiological Emergency Response (PRER) Monitoring

Designed to provide training applicable for use by local Civil Preparedness personnel or State agencies in planning for, responding to, and recovering from a peacetime radiological emergency in support of the responding lead agency. (15-30 students, 4-6 hours).

III. RADIOLOGICAL MONITORING COURSES

The following courses are administered and conducted by local instructors using materials provided by the State. State agencies will also use these courses to train their own personnel. These courses are for radiological monitors from emergency services or other organizations or industries which have a response role for peacetime radiological incidents. The primary purpose of this training as related to nuclear accidents is to provide a capability for exposure control of emergency workers and the public through detection and removal of surface contamination. Emphasis will also be placed on personnel external dosimetry and exposure records:

a. Radiological Monitoring, HS-3

An 8-hour programmed home study course which serves as an introduction to the nature of radiation and Civil Defense radiation detection instruments.

b. Radiological Monitoring - Practical

An 8-hour follow-up course to the Home Study HS-3 course which uses a number of exercises in the use of CD radiation detection instruments.

Federally Sponsored Training Courses

Courses dealing with the evaluation of and response to radiation emergencies are sponsored by the Federal Government. DOH coordinates the student selection with SEMO. Courses listed in the latest edition of the "Emergency Management Institute, Schedule of Courses".

Radiological Emergency Preparedness Course
Radiological Accident Assessment Course
Radiological Emergency Response Team Training
Medical Planning and Care in Radiation Accidents - for Physicians
Fundamentals Course for Radiological Monitors
Basic Radiological Health Course
Radiological Emergency Preparedness workshop
Radiological Monitoring Refresher Course

*Note: All courses offered by the EMI program are also available statewide through NY State Emergency Management Office.

Nuclear Facility Operator Courses

The nuclear facilities provide periodic training and retraining for local emergency services located in the vicinity of the facility. Training and/or drills are typically provided on an annual basis for fire, hospital and ambulance personnel. The nuclear facilities provide instructors at certain Conferences of Public Officials and Emergency Operations simulations and provide staff to assist in preparation of scenarios used in the simulated emergencies. (Refer to Training Procedures, Part IV, County REKP.)

In addition, the Nuclear Facility Operators are providing resources to accomplish the required initial training of county staff. State and local officials provide input into the development of these training programs as well as the individual lesson plans. A typical matrix of topics and target clients for the initial local training is shown in Table 1. State and local personnel will provide training for new individuals and periodic retraining on ongoing basis.

Table 1
(contd.)
STATE PERSONNEL

<u>COLUMN I</u>	<u>COLUMN II</u>	<u>COLUMN III</u>	<u>COLUMN IV</u>
<u>TYPES OF TRAINING HELD</u>	<u>ADDITIVE</u>	<u>PRIMARY TRAINING RESPONSIBILITY</u>	<u>SUPPORT RESOURCES ADDITIONAL TRAINERS</u>
8. <u>Protective Actions Mechanism to coordinate the response activities after the protective action has been ordered</u>	State Agencies as listed above	NYS EMO	NYS DOC., NYS REPG
9. <u>Logistics</u>	DFC Agencies	NYS EMO	NYS REPG
10. <u>Refugee Training</u>	Per 1-8	Per 1-8	Per 1-8

Table 2

LOCAL PERSONNEL

<u>COLUMN I</u>	<u>COLUMN II</u>	<u>COLUMN III</u>	<u>COLUMN IV</u>
<u>TYPES OF TRAINING NEEDED</u>	<u>AUDIENCE</u>	<u>PRIMARY TRAINING RESPONSIBILITY</u>	<u>SUPPORT RESOURCES ADDITIONAL TRAINERS</u>
1. <u>Monitoring Teams</u>			
A) Collect dose assessment data (Field)	Fire, Police, Health Departments, and Volunteers	County RDO	REPG, NYSDOH
B) Personnel monitoring of emergency service workers.	Fire, Police, Health Departments and Volunteers	County RDO	EMO, NYSDOH, REPG
C) Decontamination of personnel and equipment	Fire, Police, Health Departments and Volunteers	County RDO	EMO, NYSDOH, REPG
D) Handling of Potentially Contaminated/Injured Victims.	Fire, Police, Ambulance Health Depts., and Hospitals	Utility	NYSDOH, EMO County RDO, REPG
E) Sample Collection	State or County Personnel who obtain field samples for State analysis	NYSDOH	State Agencies (ASM, DEC)
2. <u>Dose Assessment Analysis (DAC)</u>	County Office of Emergency Preparedness	NYSDOH County RDO	EPA/FEMA, Utility
3. <u>Evaluation (DAC)</u> (Those who make decisions)	Chief Executive, Administrator	County Director of Emergency Preparedness	County RDO, NYSDOH, REPG

Table 2
(cont.)
LOCAL PERSONNEL

<u>COLUMN I</u>	<u>COLUMN II</u>	<u>COLUMN III</u>	<u>COLUMN IV</u>
<u>TYPES OF TRAINING NEEDED</u>	<u>AUDIENCE</u>	<u>PRIMARY TRAINING RESPONSIBILITY</u>	<u>SUPPORT RESOURCES <u>ADDITIONAL TRAINERS</u></u>
4. <u>Exposure Control</u>	Police, Fire, Ambulance and Rescue Squads, Public Works, RDO's, Bus Drivers, American Red Cross, Cooperative Extension RACES, Health Department, Special Services, Civil Air Patrol, Volunteers		
5. <u>Radiological Plans</u>	County Emergency Service Workers AS Listed Above	County Training Coordinator or Director of Emergency Preparedness	REPG
A) County Plan			
B) State Plan		NYS REPG	None
C) Federal Plan		FEMA	REPG
D) Utility		Utility	REPG
6. <u>Communication</u>			
A) RECS	RECS Operators	County RDO, Training Coordinator or Director of Emergency Preparedness	NYS EMO, REPG
B) Back-up System	County Emergency Personnel Amateur Radio Operators, Volunteers, Utility	County Director of Emergency Preparedness, County RDO, Commu- nications Officer	NYS EMO, Utility
C) Public Notification	EBS Personnel, Siren Initiator County PIOs, Utility PIOs, County EOC Staff and Emergency Response Workers	County Director of Emergency Preparedness, County RDO or Training Officer	State PIO, REPG NYS EMO

PART II
SEC. 1
PROC. 2

Appendix
Table 2

T.
(cont.)
LOCAL PERSONNEL

<u>COLUMN I</u>	<u>COLUMN II</u>	<u>COLUMN III</u>	<u>COLUMN IV</u>
<u>TYPES OF TRAINING NEEDED</u>	<u>AUDIENCE</u>	<u>PRIMARY TRAINING RESPONSIBILITY</u>	<u>SUPPORT RESOURCES ADDITIONAL TRAINERS</u>
D) Field Teams	Field Monitoring Teams, Personnel Monitoring Teams, Decontamination Teams, Reception and Congregate Care Centers	County Director of Emergency Preparedness, County RDO, or Training Officer	REPG, NYS EMO Utility
E) Internal EOC	County EOC Staff	County Director of Emergency Preparedness	REPG
F) External EOC to EOC (HAWAS) (Datafax)	County Director of Emergency Preparedness and Staff	County Director of Emergency Preparedness, County RDO or Training Officer	NYS EMO
G) Special Facilities	County Director of Emergency Preparedness and Staff Special Facility Operators	County Director of Emergency Preparedness, County RDO or Training Officer	NYS DOH, NYS DSS, REPG
7. <u>Public Information System</u>	County PIOs, Utility PIOs, County EOC Staff and Emergency Response Workers	State PIO - REPG	County Director
8. <u>Protective Actions</u> Mechanism to coordinate the response activities after the protective action has been ordered	County Departments as listed in #1	County Director of Emergency Preparedness	REPG
9. <u>Refresher Training</u>	Per 1-8	Per 1-8	NYS EMO
			Per 1-8

PART II - SEC. 1 - PROC. F

Attachment 6
Table 2

New York State
Radiological Emergency Preparedness Plan

PART II - Sec. I

K. RADIOLOGICAL INGESTION EXPOSURE PROCEDURE

1.0 INTRODUCTION

The purpose of this procedure is to establish a framework for the responsibilities of the New York State Disaster Preparedness Commission (DPC) with respect to the radiological ingestion exposure pathway and provides response for emergencies at commercial nuclear power plants, and identifies State agency emergency management readiness, response and recovery activities.

The contents of this document reflect the current policies and criteria associated with the radiological ingestion exposure pathway from the operating nuclear power plants located within New York State, as well as those that border the State, and therefore require an ingestion exposure pathway component for response. Attachment 1 depicts operating nuclear power plants for which this procedure has been developed.

The information identified in this procedure relies upon the ability of the DPC, through appropriate State agencies, to accomplish the following:

- activate appropriate State agencies' field staff;
- collect, transport and analyze ingestion pathway samples;
- assess and evaluate the potential impact of ingestion pathway contamination;
- alert local governments of the emergency and the potential for adverse public health impact.

The DPC is responsible to the Governor for the implementation of the radiological emergency preparedness program. This procedure calls for State agency coordination among federal and local governments, the nuclear facility operators, and the private sector for information, technical assistance or resources as necessary.

In response to an ingestion pathway incident, State, County and Federal governments will all be responsible for specific roles and activities in a coordinated response. The State's role, which is built around existing regulatory authority and ongoing programs, includes:

- assessment of impact
- evaluation of response options
- implementation of necessary response actions

The role of the Federal government, which would be assisting the State through Department of Energy, the Federal Radiological Monitoring and Assistance Plan, and the Federal Radiological Emergency Preparedness Plan would include:

- technical resource supplement
- personnel
- monitoring and assessment
- laboratories

The impacted county(ies) would be called upon to provide the following support:

- maintenance of ongoing monitoring programs (i.e., public water supply)
- provide information on local agricultural activities
- guiding State/Federal responders
- support State response for ingestion concerns

The licensee which owns the affected plant would continue to work to stabilize and return the plant to pre-accident conditions. Offsite monitoring would also be supplied by the utility to supplement the county/State resources.

When considering ingestion pathway responses and actions, short term and long term aspects of this response must be kept in mind. Short term consideration would be given to establishing intensive monitoring, sampling and evaluation programs aimed at preventing contamination of ingestion pathways or minimizing consumption of contaminated foodstuffs or water. Long term considerations will include restoration of contaminated areas, and dealing with the economic impacts of an ingestion pathway accident.

Technical Federal support is an integral part of New York State's ingestion pathway response. In the early hours of a radiological emergency, support will be provided through the U.S. Department of Energy's Radiological Assistance Plan (RAP). Technical expertise with sophisticated monitoring, sampling and laboratory analysis capability will be provided from the Brookhaven Area Office with USDOE and Brookhaven National Laboratory staff. Advance RAP teams are also available from the Knolls Atomic Power Laboratory, West Valley Demonstration Project, Environmental Measurements Laboratory and the Pittsburgh Naval Laboratory. USDOE will provide sophisticated aerial monitoring capability and plume modeling using ARAC. USDOE resources from Region I will be supplemented as required from other DOE facilities including the National Laboratories. If the emergency conditions warrant, the Federal Radiological Monitoring and Assessment Plan (FRMAP) will be implemented to obtain Federal interagency technical support. FRMAP is administered by USDOE.

Sampling teams, which will be fielded by NYS in response to ingestion concerns can be comprised of representatives from the Departments of Health, Agriculture and Markets, Environmental Conservation, Transportation, and local Cooperative Extension/USDA, depending upon the situation. DOT will provide the vehicles for the transport of the sampling teams to the necessary locations, and will coordinate transportation of samples to Albany for analysis at the DOH labs.

Each State agency which has a response in ingestion pathway will use existing agency procedures based upon the responsibilities defined in the NYS REP Plan.

2.0 CONCEPT OF OPERATIONS

The concept for this procedure stems from those existing governmental and utility responsibilities currently identified within this plan. The procedures contained in the REPP form the basis for State response to an ingestion exposure pathway incident. However, unlike the plume exposure pathway, the radiological exposure concerns from the ingestion pathway are not as direct and may not require immediate protective actions. The information contained within this procedure centers around these ingestion pathways: (see Attachment 2).

Milk
Foodstuffs
Animal feeds
Water

From an emergency management and public health perspective, the milk pathway is of primary concern. The radioactive materials would enter the human food chain by the following steps: deposition of radioactive material to pasture land, ingestion and concentration of this radioactive material by lactating animals resulting in contamination in milk, and consumption and further concentration by the population. This two-step concentration of radioactive materials plus the short time period between deposition and ingestion by the public, and the potential detrimental impact upon children and infants who are most sensitive to the biological effects of radiation are what make the milk pathway a critical concern.

For potential ingestion exposure pathways, State agencies have prepared procedures which would be implemented under the direction of the Chairman of the DPC who is designated as the lead agent on behalf of the Governor. Appropriate State agency procedures contain information for sampling, detecting the presence of contamination, analyzing and evaluating of the problem, and recommending and implementing protective actions.

Protective response measures associated with the ingestion exposure pathway include preventive protective actions and emergency protective actions.

- Preventive protective actions are those employed to prevent or reduce the concentration of radioactivity on agricultural products, with minimal impact resulting on the food supply.
- Emergency protective actions are those taken by government officials to remove milk, water and food products from public and animal consumption through embargo or through disposition.

Response levels for preventive and emergency Protective Actions Guides are based on U.S. Food and Drug Administration guidance, shown in Attachment 3 (USFDA PAG's).

Notification and Information; and coordination of agency Response and Recovery Procedures.

Coordination and communication are necessary to effectively implement ingestion exposure protective actions. New York State, through the State Emergency Management Office (SEMO) system, will coordinate all operational and informational requirements with local governments and bordering states and provinces. SEMO will insure that this information is coordinated among appropriate officials as necessary in accordance with the State Disaster Preparedness Plan and the REPP. In addition, State agencies, as appropriate, will maintain periodic contact with counterparts in contiguous states and provinces to provide specific details pursuant to respective responsibilities.

3.0 ALERT AND NOTIFICATION

Procedures for the alert and notification of State agencies for a nuclear power plant accident are contained in Part III, Section 1 of this plan, and will be used as appropriate for mobilization of State agencies for the ingestion exposure pathway response. This ingestion procedure deals with the responsibilities of State Government for alert and notification to local government and other appropriate officials in the event of an ingestion pathway concern.

Upon confirmation by Radiological Accident Assessment personnel that radiological ingestion is of concern, SEMO will implement procedures for alert and notification of all potentially affected local governments. State radiological assessment personnel will provide a listing of those counties within the actual or potentially affected areas and continual status updates. SEMO will notify: Radiological Emergency Preparedness Group, appropriate State agencies who send representatives to the State and District EOC's, and potentially affected local governments. In addition, notification will be made to other states and provinces (as appropriate) and the Federal Emergency Management Agency who will in turn notify appropriate Federal agencies and Canadian officials.

Attachments 4, 5, and 6 comprise SEMO's procedures for alert and notification, by operating nuclear power plant site, for the ingestion exposure pathway.

In the event that expeditious notification to county emergency management offices is required, SEMO will use the National Warning System (NAWAS). NAWAS provides the capability for simultaneous notification of local governments on the circuit.

The alert and notification procedures, as defined for the three operating nuclear power plant sites in New York, can be expanded to cover all NYS, or different areas of NYS, as the situation warrants. Subsequent to identification of the area of impact, other SEMO District Offices can use similar notification procedures in that area.

As a means of augmenting alert and notification for an incident, State agencies will employ their respective communications systems, such as the Division of State Police's Information System, Departments of Transportation and Environmental Conservation Radio Systems, etc.

4.0 COMMAND AND CONTROL RESPONSIBILITIES

In the event of a nuclear power plant incident, Command and Control Operations are managed from the State EOC in Albany. From this location, the Chairman of the DPC as the Governor's designee and other State officials direct the emergency management response and recovery operations. The Command Room is augmented by State and District EOC operations, radiological assessment and evaluation, communications and public information. These components provide the necessary information to Command Room personnel to facilitate the State's decision making.

From the Command Room decisions concerning State response and recovery are provided. Local officials will be informed of all decisions to insure continuity of the operation.

The objectives of the Command Room operation are:

- to assess the magnitude of the situation;
- define radiological impact;
- implement procedures to respond to the situation;
- implement protective measures;
- initiate public information procedures;
- coordinate all actions with appropriate local government officials.

With respect to a plume exposure pathway response, Command Room personnel use the existing "Executive Hotlines", which are dedicated landlines, to coordinate emergency management actions with County Executive personnel. In the event of an ingestion exposure pathway concern, this procedure will continue with those counties on this circuit. For other counties potentially impacted in this pathway, Command Room personnel will direct SEMO to coordinate the dissemination of information. This will be done through SEMO District Offices. Attachment 7 depicts Command Room informational flow and coordination responsibilities for the ingestion exposure pathway.

The following is a checklist of Command Room activities which will be completed in the event of an ingestion exposure pathway incident:

- assess the magnitude of the ingestion pathway concern;
- determine appropriate protective actions to be employed to protect public health, property and the environment;
- implement protective actions or measures as required in coordination with local officials;
- coordinate the dissemination of public information through the Joint News Center (where one exists);
- keep local officials informed of protective action recommendations (PARs), the implementation of PARs and public information;
- determine the requirement for Federal resources that may be necessary to augment the State efforts pursuant to the Federal Radiological Emergency Response Plan, the Federal radiological Monitoring and Assessment Plan, or the U.S. Department of Energy's Radiological Assistance Plan;

- provide periodic briefings to the Governor from Chairman of the DPC on the status and projection of the incident and provide recommendation on the requirement for a State Disaster Emergency Declaration pursuant to Article 2-B of State Executive Law;
- as the incident progresses, evaluate protective actions and adjustment as necessary in the interest of public safety;
- provide periodic updates on the status of the management of the incident to all components in the State EOC;
- manage the implementation of short and long term State recovery actions;
- insure that all information is coordinated with other bordering states and provinces, Federal authorities and the nuclear facility operator.

5.0 ORGANIZATIONAL RESPONSIBILITIES

In the event of a radiological ingestion exposure pathway accident, State agencies will provide the necessary resources to protect public health, property and the environment. State agencies involved in the ingestion exposure pathway response will use their own specific agency procedures. Activities will be coordinated by SEHO at the State EOC and in the appropriate District EOC. Attachment 8 is a matrix of State Agency responsibilities. The following is a listing of the State Agency responsibilities associated with the radiological ingestion pathway:

a. Department of Health

As the State's lead agency for the protection of public health for radiological incidents, DCH will:

- collect samples of potable water, soil and vegetation;
- take environmental radiation measurements;
- provide laboratory analysis for samples taken in the field;
- recommend protective actions;
- assist in the coordination and delivery of public information relating to protective actions implemented;
- serve as the focal point in the State EOC for the analysis and assessment of radiological information;
- provide technical training as required.

b. Department of Agriculture and Markets

- maintain an inventory of dairy farms, food processing plants and stock farms;
- collect samples of milk, produce, and animal feeds;
- recommend protective actions;
- implement protective actions as appropriate for milk produce and animal feeds;
- embargo produce and milk in contaminated areas;
- restrict use of animal feeds;
- provide information and direction to all farmers within the affected areas;

- assist in the development and release of public information;
- coordinate with appropriate local agencies (Cooperative Extension, USDA) for necessary resources;
- provide technical training as required.

c. Department of Environmental Conservation

- collect samples of environmental flora and fauna;
- using agency resources, transport samples to laboratory facilities;
- implement protective actions with respect to environmental flora and fauna;
- assist in public information for protective actions;
- support communications using agency resources.

d. Division of State Police

- provide division resources to support communications;
- expedite the delivery of samples for laboratory analysis
- maintain access control points.

e. Department of Transportation

- act as transportation coordinator for collection and transportation of samples to appropriate laboratories;
- provide department resources for delivery of samples to appropriate laboratory for analysis;
- assist in the maintenance of access control points;
- support communications with agency resources;
- provide resources for transporting ingestion field teams.

f. State Emergency Management Office

- provide coordination for response and recovery activities for the State EOC and the SEMO District Offices;
- provide notification to Federal, State and local governments;
- assist the State DOH in radiological assessment at the State EOC;
- provide training and awareness to State and local officials;
- coordinate the delivery and implementation of resources to sustain operational requirements;
- support communications with agency resources.

g. Radiological Emergency Preparedness Group

- coordinate the State's Public Information Program;
- assist in the implementation of protective actions;
- coordinate the overall ingestion pathway planning components of the State's procedure;
- provide liaison to appropriate Federal agencies;
- provide training and awareness to State and local officials.

6.0 FIELD OPERATION RESPONSIBILITIES

County Emergency Operations Centers will coordinate information and requests for assistance with their respective representative in the SEMO District Office.

7.0 PUBLIC INFORMATION RESPONSIBILITIES

The potential magnitude and impact of an ingestion exposure pathway incident requires an extensive public alert and notification capability on the part of State and local government. There is a requirement for notification to the general public, agricultural industry, retail and wholesale food and commodity distributors, industrial representatives and other appropriate entities.

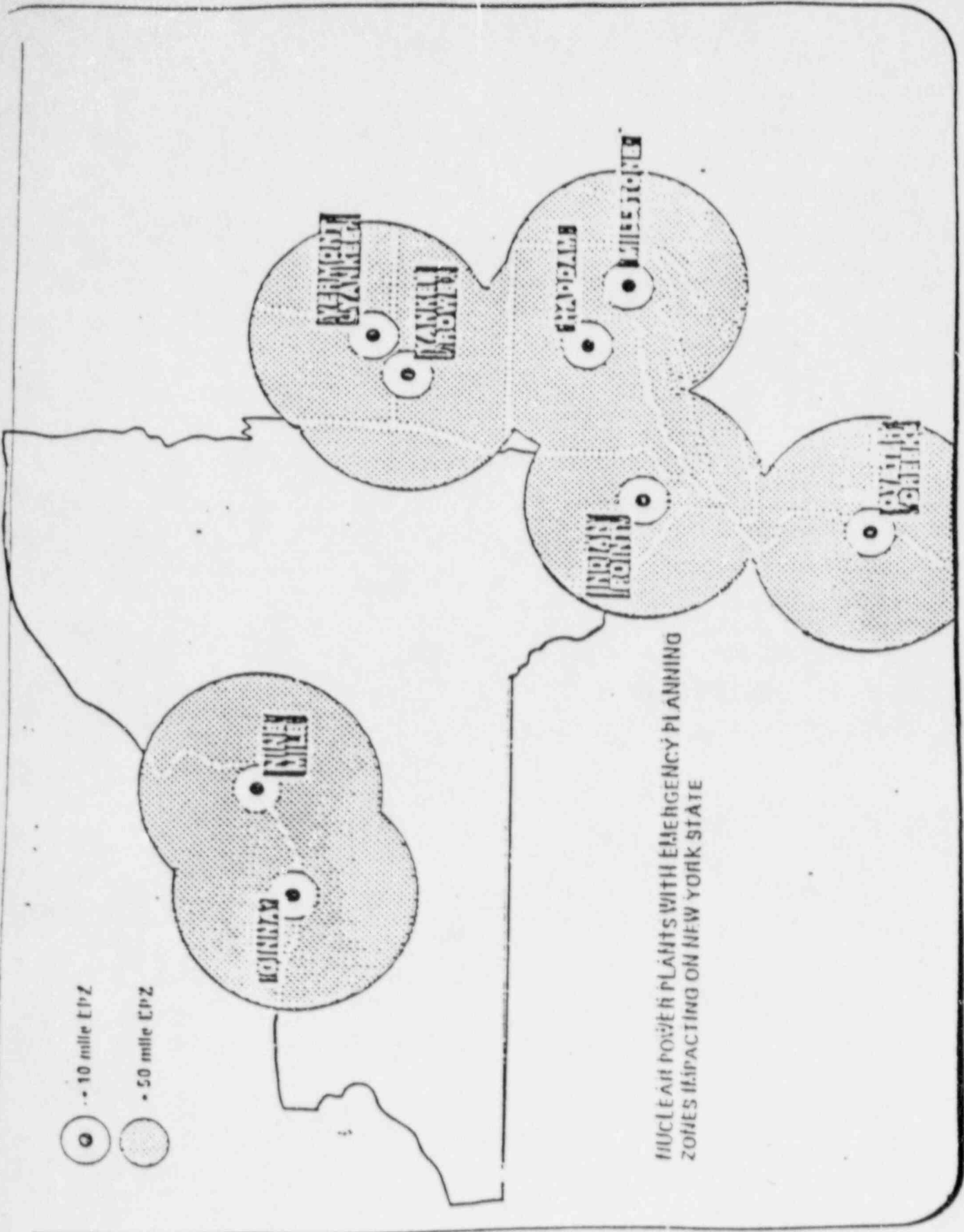
Procedures exist in the State REPP for Public Information during a nuclear power plant incident. Through the use of a Joint News Center (JNC), which is located near to the potentially affected area, local, State, Federal and utility public information officers coordinate and disseminate all information to the general public on the status of the incident and protective measures to be employed for public safety. The JNC (where one exists) is the one designated location for the release of information to the public during an ingestin pathway emergency, if kept operational by New York State.

The JNC may, at the discretion of New York State, continue to operate for at least the initial portions of an ingestion pathway concern.

For long term ingestion pathway activities, the public information function may return to Albany. In the event that no JNC exists in the areas with ingestion pathway impact, the information may be provided to the public from Albany or another designated location.

To provide effective public information releases to the general public, the New York State Emergency Broadcast System (EBS) can be activated if determined to be necessary. The primary means for accessing EBS for dissemination of protective action recommendations will be with the assistance of local access (county) personnel. If the EBS cannot be accessed locally, or if a large region must be notified simultaneously, SEMO will coordinate the issuance of the message via EBS as appropriate.

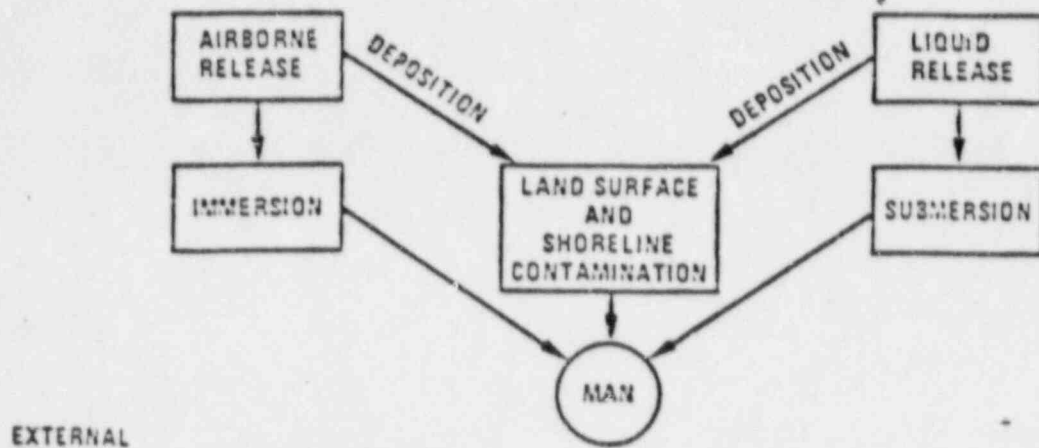
While the JNC is operational, all public information news releases and EBS messages will be compiled and written at the JNC. This information will be provided to the representative for the Public Information function at the State EOC upon completion.



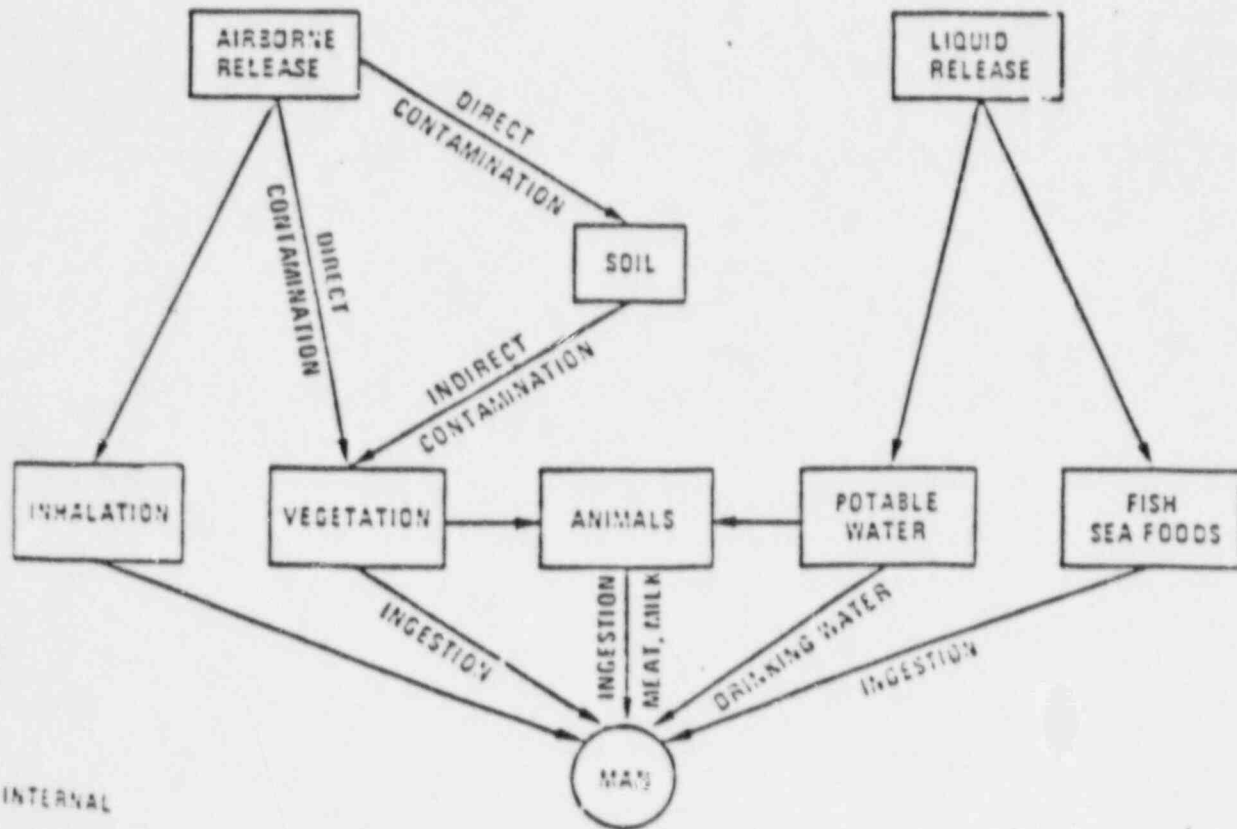
NUCLEAR POWER PLANTS WITH EMERGENCY PLANNING ZONES IMPACTING ON NEW YORK STATE

● 10 mile EPZ
 ○ 50 mile EPZ

(NOT USED)



EXTERNAL



INTERNAL

PATHWAYS FOR EXTERNAL AND INTERNAL EXPOSURE OF MAN FROM AIRBORNE AND LIQUID RELEASES OF RADIOACTIVE EFFLUENTS

(NOT USED)

DERIVED RESPONSE LEVELS FOR EMERGENCY PAG

Radionuclide	I-131		Cs-134		Cs-137		Sr-90		Sr-89	
Source of Sample	*Infant-Adult		Infant-Adult		**Infant-Adult***		Infant-Adult		Infant-Adult	
Initial Deposition (Ground) (u Ci/m ²)	1.3	10.0	20.0	40.0	30.0	50.0	5.0	20.0	80.0	1600.0
Peak Activity:										
Pasture (u Ci/kg)	0.5	7.0	8.0	17.0	13.0	19.0	1.8	8.0	30.0	700.0
Milk (u Ci/l)	0.15	2.0	1.5	3.0	2.4	4.0****	0.09	0.4	1.4	30.0
Total Intake (u Ci)	0.9	10.0	40.0	70.0	70.0	80.0	2.0	7.0	26.0	400.0
Dose Commitment (rem)	15.0	15.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0

- * Newborn infant critical population segment
- ** "Infant" refers to child less than 1 year of age
- *** Based on Heat-to-Man Pathway
- **** Peak activity in meat, u Ci/kg

u Ci = micro curie(s)
 m² = square meter
 kg = kilogram(s)
 l = liter(s)

Reference: Department of Health and Human Services
 Food and Drug Administration
Federal Register, Volume 47, No. 205, October 22, 1982

4-13

REV. 9/87

DERIVED RESPONSE LEVELS FOR PREVENTIVE PAG

Radionuclide -	I-131	Cs-134	Cs-137	Sr-90	Sr-89
<u>SOURCE OF SAMPLE</u>					
Initial Deposition (Ground) (u Ci/m ²)	0.13	2.0	3.0	0.5	6.0
Peak Activity:					
Pasture (uCi/kg)*	0.05	0.8	1.3	0.18	3.0
Milk (u Ci/l)	0.015	0.15	0.24	0.009	0.14
Total intake (u Ci)	0.09	4.0	7.0	0.2	2.6
Dose Commitment (rem)	1.5	0.5	0.5	0.5	0.5

*Fresh Weight

NOTE: This table uses infants as the critical segment of the population. For I-131, the newborn infant is the critical population segment. For the other radionuclides "infant" refers to a child less than 1 year of age.

Reference: Department of Health and Human Services
Food and Drug Administration
Federal Register, Volume 47, No. 205, October 22, 1982

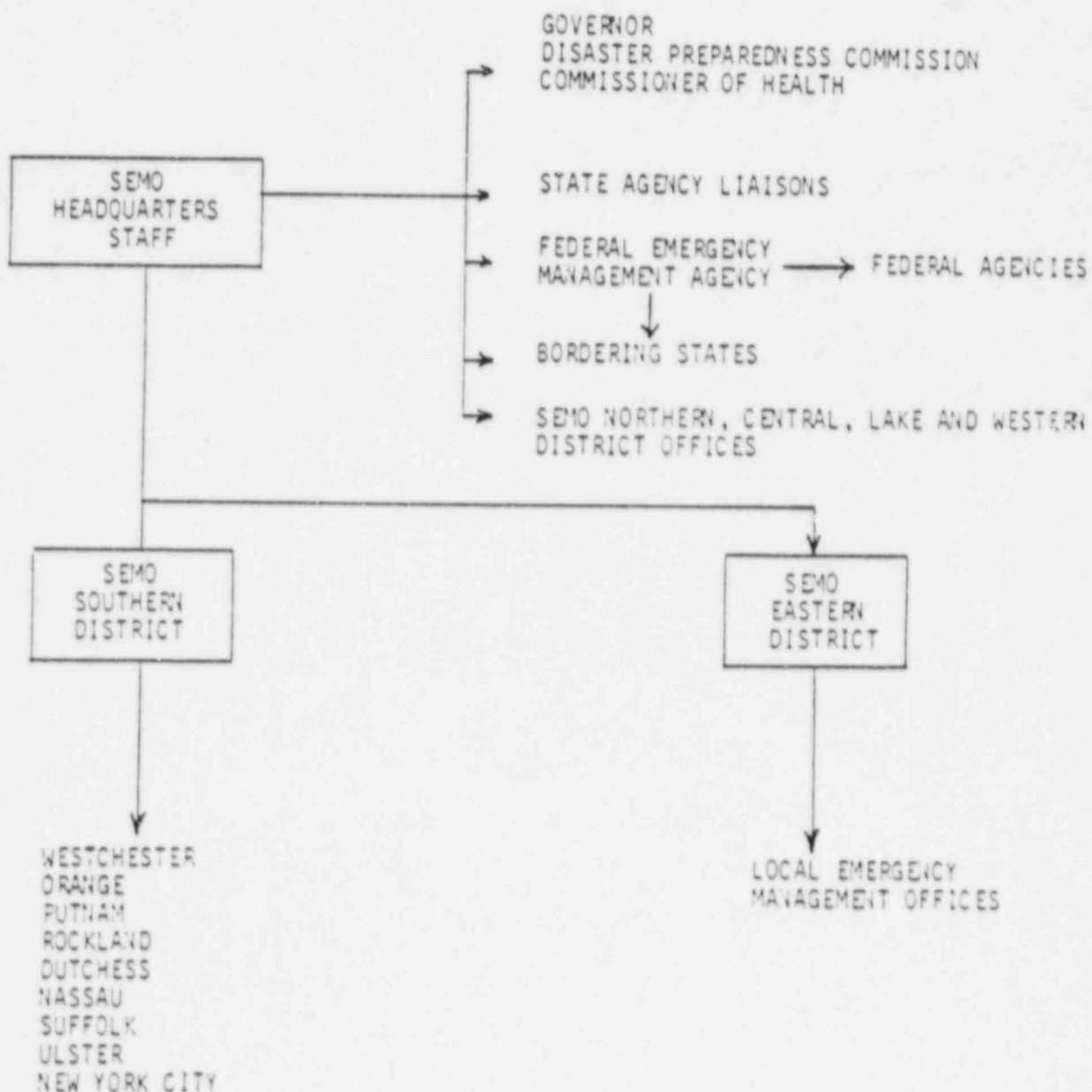
u Ci/m² = micro curies per square meter

u Ci/kg = micro curies per kilogram

u Ci/l = micro curies per liter

Alert and Notification Procedure
Indian Point Nuclear Power Plant Sites

Upon confirmation of an ingestion exposure pathway concern from the Indian Point Nuclear Power Plant sites, the State Emergency Management Office (SEMO) Headquarters Staff will employ the following alert and notification procedure:



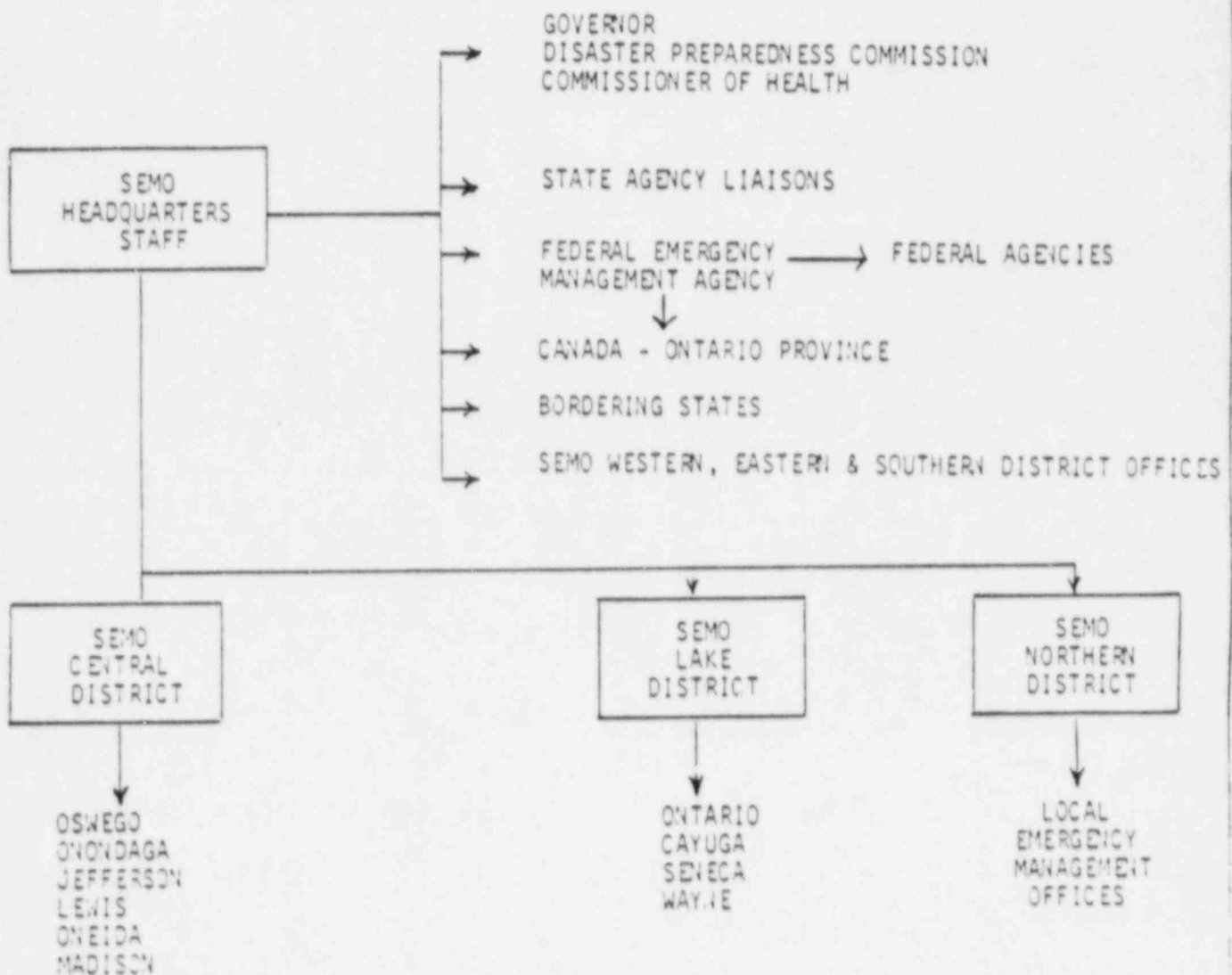
Note: The SEMO District Offices notify their regional State agency liaisons and other local emergency management offices as appropriate.

(NOT USED)

INGESTION EXPOSURE PATHWAY

Alert and Notification Procedure
Nine Mile Point/FitzPatrick Sites

Upon confirmation of an ingestion exposure pathway concern from the Nine Mile Point or FitzPatrick nuclear power plants, the State Emergency Management Office (SEMO) Headquarters Staff will employ the following alert and notification procedure:



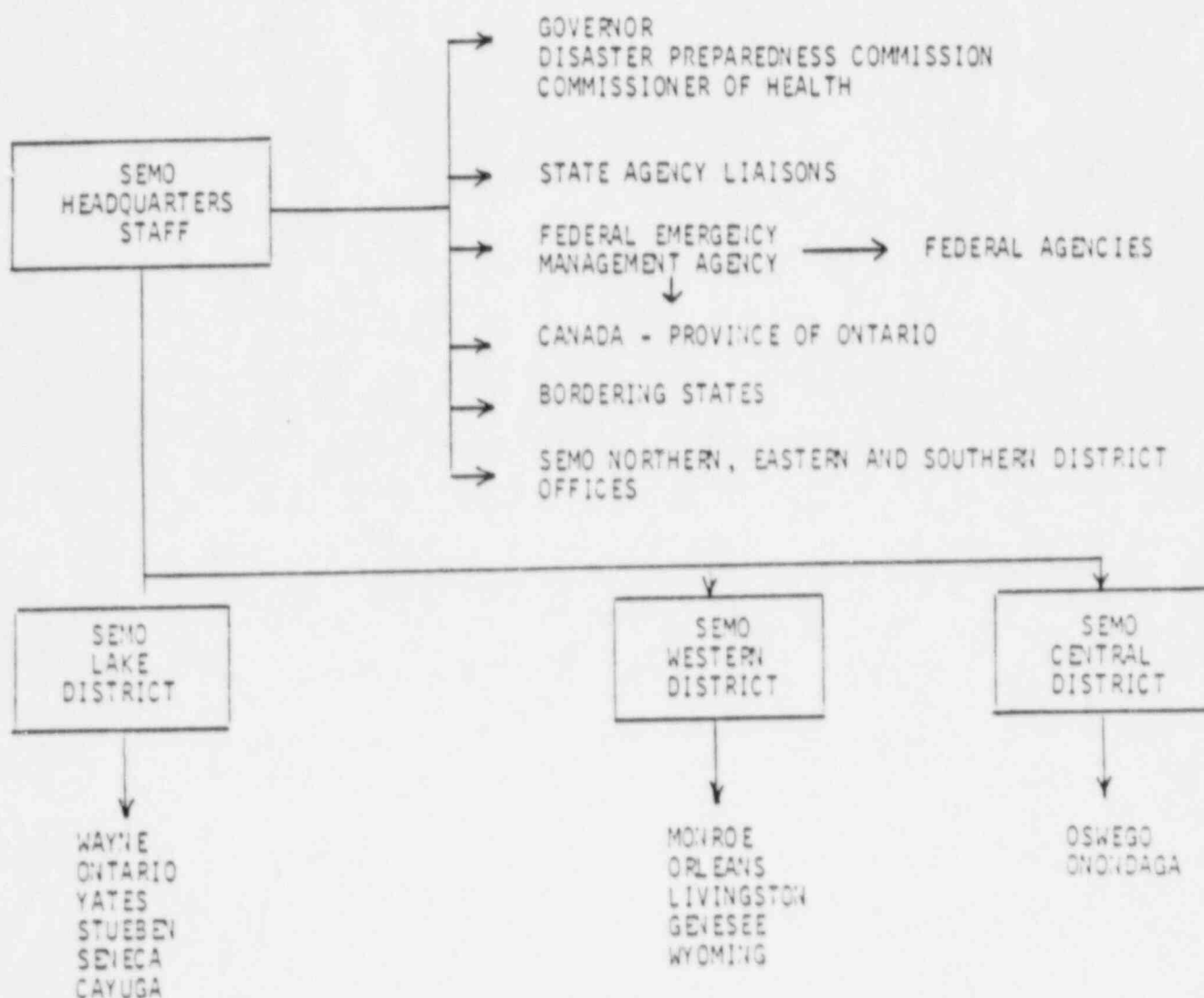
Note: The SEMO District Offices notify their regional State agency liaisons and other local emergency management offices as appropriate.

(NOT USED)

INGESTION EXPOSURE PATHWAY

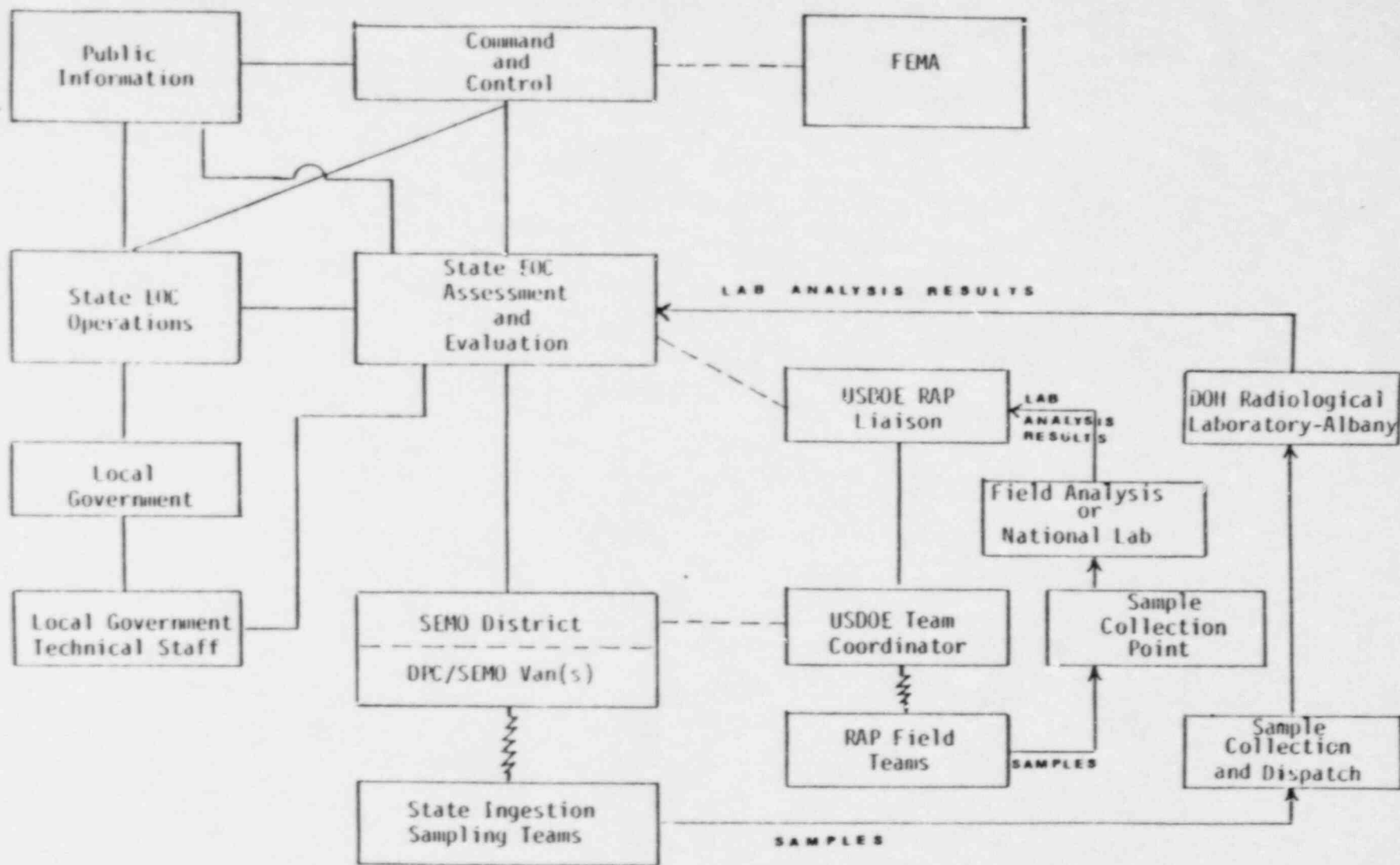
Alert and Notification Procedure
Ginna Site

Upon confirmation of an ingestion exposure pathway concern from the Ginna Nuclear Power Plant, the State Emergency Management Office (SEMO) Headquarters Staff will employ the following alert and notification procedure:



Note: The SEMO District Offices notify their regional State agency liaisons and other local emergency management offices as appropriate.

(NOT USED)



K-21

Rev. 3/87

INFORMATION FLOW FOR INGESTION PATHWAY RESPONSE

Attachment 7

(NOT USED)

(N O T U S E D)

Attachment 14

Interrogatory Number	General Objection 1 (other plans and emergencies irrelevant)	General Objection 2 (SC does not possess information about the State or other counties)	General Objection 3 (information about the radiological response of other counties would be speculative)	General Objection 4 (NYS does not possess information about any counties)	General Objection 5 (NYS and SC do not possess documents related to other counties) ^{1/}	"Speculation" Objection (April 13 objection contains sole response)	"No Plans" Objection (No plans and procedures have been identified or exist)	Answers
8						X		
9						X		
10						X		
11						X		X
12						X		X
13						X		
14						X ^{2/}		
15						X		
16						X		
17						X		
18							X	
19						X		
20						X		
21						X		X
22						X		X
23						X		X
24						X		
25						X		

^{1/} A sixth "General Objection," on the ground of burdensomeness, was never invoked by Intervenors.

^{2/} Intervenors further objected to Interrogatory No. 14 on the ground that it "assumes a fact (distribution of the brochure) that cannot occur since LILCO lacks legal authority to distribute such a brochure."

Interrogatory Number	General Objection 1 (other plans and emergencies irrelevant)	General Objection 2 (SC does not possess information about the State or other counties)	General Objection 3 (information about the radiological response of other counties would be speculative)	General Objection 4 (NYS does not possess information about any counties)	General Objection 5 (NYS and SC do not possess documents related to other counties)	"Speculation" Objection (April 13 objection contains sole response)	"No Plans" Objection (No plans and procedures have been identified or exist)	Answers
45						X		
46						X		
47						X		
48						X		
49						X		
50	X	X			X			
51	X	X						
52	X	X	X		X			
53	X	X	X					
54	X	X	X					
55	X	X						
56	X	X						
57	X	X			X			
58	X	X	X					
59	X	X	X		X			
60	X	X	X		X			
61	X	X	X		X			
62	X				X			
63	X	X						
64	X	X	X					

Interrogatory Number	General Objection 1 (other plans and emergencies irrelevant)	General Objection 2 (SC does not possess information about the State or other counties)	General Objection 3 (information about the radiological response of other counties would be speculative)	General Objection 4 (NYS does not possess information about any counties)	General Objection 5 (NYS and SC do not possess documents related to other counties)	"Speculation" Objection (April 13 objection contains sole response)	"No Plans" Objection (No plans and procedures have been identified or exist)	Answers
65						X		
66						X		
67	X				X			
68	X	X	X		X			
69	X	X	X		X			
70	X	X						
71	X	X	X					
72	X	X						
73	X	X			X			
74	X	X						
75								X
76	X	X			X			
77	X	X			X			
78	X	X						
79	X							
80	X	X						
81	X	X						
82	X	X						
83	X	X	X		X			

Interrogatory Number	General Objection 1 (other plans and emergencies irrelevant)	General Objection 2 (SC does not possess information about the State or other counties)	General Objection 3 (information about the radiological response of other counties would be speculative)	General Objection 4 (NYS does not possess information about any counties)	General Objection 5 (NYS and SC do not possess documents related to other counties)	"Speculation" Objection (April 13 objection contains sole response)	"No Plans" Objection (No plans and procedures have been identified or exist)	Answers
84								X
85	X	X			X			
86								
87	X	X						
88	X	X						
89	X	X			X			
90	X	X			X			
91	X	X			X			
92	X	X			X			
93	X	X						
94	X	X						
95	X	X						
96	X	X						
97	X	X	X		X			
98	X	X			X			
99	X	X						
100	X	X		X				
101	X	X		X				
102	X	X	X					

Interrogatory Number	General Objection 1 (other plans and emergencies irrelevant)	General Objection 2 (SC does not possess information about the State or other counties)	General Objection 3 (information about the radiological response of other counties would be speculative)	General Objection 4 (NYS does not possess information about any counties)	General Objection 5 (NYS and SC do not possess documents related to other counties)	"Speculation" Objection (April 13 objection contains sole response)	"No Plans" Objection (No plans and procedures have been identified or exist)	Answers
103	X	X	X					
104	X	X						
105	X	X						
106								X* ^{3/}
107						X		
108	X	X				X		
109						X		
110								X*
111								X*
112	X	X						
113	X	X						
114						X		
115	X	X						
116	X	X						
117	X	X						
118	X			X				
119								X*
120	X			X				

^{3/} While Intervenor's answered some Interrogatories without objection, in several instances their answers were not fully responsive and provided little or no useful information. Such answers are identified by the notation "*".

Interrogatory Number	General Objection 1 (other plans and emergencies irrelevant)	General Objection 2 (SC does not possess information about the State or other counties)	General Objection 3 (information about the radiological response of other counties would be speculative)	General Objection 4 (NYS does not possess information about any counties)	General Objection 5 (NYS and SC do not possess documents related to other counties)	"Speculation" Objection (April 13 objection contains sole response)	"No Plans" Objection (No plans and procedures have been identified or exist)	Answers
121						X		
122	X	X						
123	X	X	X	X	X			

LILCO, May 2, 1938

DOCKETED
USNRC

'88 MAY -5 P4:23

CERTIFICATE OF SERVICE

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

I hereby certify that copies of SUPPLEMENT TO LILCO'S RESPONSE TO GOVERNMENTS' APRIL 13 OBJECTION AND MOTION IN THE ALTERNATIVE TO COMPEL DISCOVERY were served this date upon the following by Federal Express as indicated by one asterisks, or by first-class mail, postage prepaid.

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Richmond, Virginia 23212

DATED: May 2, 1988