

LILCO, May 2, 1988

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

88 MAY -5 P4:23

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

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

Deposition Transcript of Patrick G. Halpin

Attachment 7

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PDR ADDCK 05000322
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TRANSCRIPT OF PROCEEDINGS

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE
ATOMIC SAFETY AND LICENSING BOARD

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

DEPOSITION OF PATRICK G. HALPIN

Hauppauge, New York

Tuesday, April 19, 1988

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1 GJW/sw 1

UNITED STATES OF AMERICA

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NUCLEAR REGULATORY COMMISSION

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In the Matter of: : Docket No. 50-322-OL-3

5

LONG ISLAND LIGHTING COMPANY : (Emergency Planning -

6

(Shoreham Nuclear Power Station, : Best Efforts Issue)

7

Unit 1) :

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DEPOSITION OF PATRICK G. HALPIN

10

Hauppauge, New York

11

Tuesday, April 19, 1988

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Deposition of PATRICK G. HALPIN, called for examination

13

pursuant to notice, at the Dennison Building, 9th Floor,

14

Veterans Memorial Highway, at 2:00 p.m., before Garrett

15

J. Walsh, Jr., a Notary Public in and for the Commonwealth

16

of Virginia at Large, when were present on behalf of the

17

respective parties:

18

K. DENNIS SISK, Esquire, and DAVID S. HARLOW, Esquire,

19

Hunton & Williams, 100 Park Avenue, New York, New York

20

10017; on behalf of the Applicant, the Long Island Lighting

21

Company.

22

1 GJW/sw 1

2 LAWRENCE COE LANPHER, Esquire, and HERBERT H. BROWN,
3 Esquire, Kirkpatrick & Lockhart, 1800 M Street, N. W., South
4 Lobby, 9th Floor, Washington, D. C. 20036; on behalf of the
5 Intervenor, the County of Suffolk.

6 RICHARD J. ZAHNLEUTER, Esquire, Deputy Special Counsel
7 to the Governor, Capitol, Room 229, Albany, New York 12224;
8 on behalf of the Intervenor, the State of New York.

9 RICHARD G. BACHMANN, Esquire, Office of General
10 Counsel, U. S. Nuclear Regulatory Commission, Washington,
11 D. C. 20555.

12 ALSO PRESENT:

13 Dennis Milton, Esquire

14 Deputy Chief, County Attorney

15 New York State

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1 GJW/sw 1

C O N T E N T S

2 Witness Direct Cross Redirect Recross

3 Patrick G. Halpin - 5 - 85

4 E X H I B I T S

5 FOR IDENTIFICATION

6 Halpin Deposition Exhibit Number 1..... 7

7 Biography, Patrick G. Halpin,
8 Suffolk County Executive

9 Halpin Deposition Exhibit Number 2..... 13

10 Direct Testimony of Patrick G.
11 Halpin Concerning Contentions
12 1-2, 4-8 and 10, dated April 13,
13 1988

14 Halpin Deposition Exhibit Number 3..... 16

15 29-Page Document, Article 2-B,
16 State and Local Natural and
17 Man-Made Disaster Preparedness

18 Halpin Deposition Exhibit Number 4..... 61

19 Letter, dated April 15, 1988, to
20 James P. Gleason, Jerry R. Kline
21 and Frederick J. Shon from Mr.
22 Lanpher

1 GJW/sw 1
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E X H I B I T S (Continuing)

FOR IDENTIFICATION

Halpin Deposition Exhibit Number 5..... 66

Memo, dated July 23, 1982, to
Frank R. Jones from John W.
Liguori with Enclosure, Civil
Defense Basic Emergency Plan
for Suffolk County and Its
Townships and Villages, New York

* * * * *

1 GJW/sw 1

P R O C E E D I N G S

2 MR. SISK: Let the record reflect that this
3 deposition is convened pursuant to notice issued by the Long
4 Island Lighting Company in this case and under the NRC's
5 Rules of Practice and the Federal Rules of Civil Procedure.

6 Let the record also show that the deposition is
7 beginning at 2 p.m. This is because the witness was
8 proffered at this time by the County irrespective of any
9 consent from LILCO.

10 Whereupon,

11 PATRICK G. HALPIN

12 was called as a witness and, having first been duly sworn,
13 was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. SISK:

16 Q Good afternoon, Mr. Halpin.

17 A Good afternoon.

18 Q Could you state your full name for the record?

19 A Patrick G. Halpin.

20 Q And, what is your position?

21 A I am Suffolk County Executive.

22 Q And, have you sponsored testimony that has been

1 GJW/sw 1 filed or is to be filed in this proceeding?

2 A Yes, I have.

3 Q Can you describe briefly for the record your
4 educational background?

5 A I have a degree in government from Old Dominion
6 University, and I graduated high school prior to that.

7 Q Can you describe also briefly your experience
8 since graduating from college?

9 A I served as a congressional aide to Congressman
10 Tom Downey in Washington, D. C. After that, I worked for
11 two years as the Assistant Supervisor of the Town of
12 Babylon.

13 Following that, I served as a County Legislator.
14 And, then I served for five and a half years in the New York
15 State Assembly.

16 And, I was elected Suffolk County Executive in
17 November of 1987.

18 MR. SISK: Very well. I have been handed this
19 morning a document which I will now hand to the Court
20 Reporter and ask that it be marked as Exhibit 1 to this
21 deposition.

22 It bears a title, "Patrick G. Halpin, Suffolk

1 GJW/sw 1 County Executive."

2 (A one-page document, Patrick G. Halpin,
3 Suffolk County Executive, is marked as
4 Halpin Deposition Exhibit Number 1 for
5 identification.)

6 BY MR. SISK: (Continuing)

7 Q I will ask you to review it briefly.

8 (The witness is looking at the document.)

9 MR. LANPHER: Is there a purpose for which you
10 want him to review it?

11 MR. SISK: I would just ask him to identify it
12 and describe what it is for the record.

13 THE WITNESS: This is a biography that was
14 released by my office.

15 BY MR. SISK: (Continuing)

16 Q Okay. Very well. Mr. Halpin, can you describe
17 for me in general terms your duties and responsibilities as
18 County Executive?

19 A Well, as County Executive I am the Chief Budget
20 Officer as well as the Chief Executive of the Executive
21 Branch of government in Suffolk County.

22 And, I am responsible for the preparation of

1 GJW/sw

1 budgets and the administration of County government.

2 Q Are you also responsible for the general
3 Executive function of the County?

4 A Yes, I am.

5 Q That is, running the Executive Department; is
6 that correct?

7 A That's correct.

8 Q As part of that responsibility as County
9 Executive, are you also responsible for responding to
10 emergencies of various types?

11 A Yes.

12 Q Can you describe for me generally the types of
13 emergencies for which you might be called upon to respond as
14 County Executive?

15 MR. LANPHER: I object to the question. It's
16 vague.

17 You may attempt to answer if you can.

18 THE WITNESS: Well, the -- what type of
19 emergencies? There are a whole host of emergencies that the
20 County could be called upon to respond to, emergencies
21 involving fire, emergencies involving police, and
22 emergencies related to conditions like a hurricane.

1 GJW/sw 1

BY MR. SISK: (Continuing)

2 Q So, it would include natural disasters as well as
3 man-made disasters. Is that accurate?

4 A That's accurate, yes.

5 Q Now, with respect for responding to these various
6 types of emergencies, are you familiar with any and all
7 plans that the County has for these various types of
8 emergency response?

9 MR. LANPHER: I would like a clarification. Is
10 he personally familiar with each plan that the County has?

11 MR. SISK: Is he generally familiar with what
12 plans the County has for responding to emergencies of
13 various types?

14 MR. LANPHER: I object to the question as
15 irrelevant to the extent it goes beyond a Shoreham
16 emergency.

17 THE WITNESS: I'm frankly not intimately familiar
18 with all of the plans or for that matter generally familiar
19 with the plans. I've only been in office since January 1st,
20 so I haven't had the opportunity to be briefed on the
21 various plans that the County has developed over the years
22 regarding a variety of different emergencies.

1 GJW/sw 1

BY MR. SISK: (Continuing)

2 Q Are you generally familiar with the types of
3 plans that the County has?

4 A Yes, I'm somewhat familiar with that.

5 Q Okay. To the extent of your familiarity, can you
6 tell me what plans the County has for responding to
7 emergencies of any type?

8 MR. LANPHER: I object as irrelevant. You may
9 attempt to answer.

10 THE WITNESS: The one plan that I am generally
11 familiar with is the plan in the event that there is an
12 emergency related to a hurricane. And, that's about it.

13 BY MR. SISK: (Continuing)

14 Q Does that particular plan relate to hurricanes
15 specifically or to natural disasters generally?

16 A I'm not sure.

17 Q Okay. Does the County have a plan of any sort
18 for response to an emergency at the Brookhaven National Lab?

19 MR. LANPHER: I object. It's irrelevant. The
20 subject of this proceeding is what Suffolk County would do
21 in the event of an emergency at the Shoreham Nuclear Power
22 Plant, Mr. Sisk.

1 GJW/sw 1 I've informed you prior to the deposition that
2 Mr. Halpin's time is brief. If you want to inquire into
3 irrelevancies, that's your business.

4 But, just let the record note my objection.

5 THE WITNESS: I don't know.

6 BY MR. SISK: (Continuing)

7 Q Does the County have a general contingency plan
8 for emergencies?

9 A I don't know.

10 Q How have you become familiar with the emergency
11 plan for hurricanes?

12 MR. LANPHER: Same objection. Irrelevant.

13 THE WITNESS: You know, basically it hasn't been
14 through a formal briefing but through information that I
15 have regarding responses that occurred after Hurricane
16 Gloria. I know that the County was involved with the State
17 in evaluating our response to that plan.

18 But, I haven't seen the result of that effort.

19 BY MR. SISK: (Continuing)

20 Q Are you aware of any other standard documents or
21 plans or procedures which you would look to to follow in
22 responding to any type of emergency as County Executive?

1 GJW/sw 1

2 MR. LANPHER: I object to the question. First of
3 all, it's multiple. Plans, standards and procedures, that's
4 a confusing question.

5 Also, it asks the witness to speculate. You are
6 assuming that he is following these plans. That's not
7 established on the record.

8 That's my objection.

9 THE WITNESS: I'm sorry. What was the question
10 again?

11 MR. SISK: Can you read back the question?

12 (The Court Reporter read the question as
13 requested.)

14 THE WITNESS: The answer is no.

15 BY MR. SISK: (Continuing)

16 Q Can you describe for me generally your
17 responsibilities and duties as County Executive in the event
18 of an emergency?

19 MR. LANPHER: I object to the question as vague.
20 You haven't defined what kind of an emergency you are
21 talking about.

22 BY MR. SISK: (Continuing)

Q Can you answer the question?

1 GJW/sw 1 A Well, the County Executive is ultimately
2 responsible for responding to emergencies.

3 Q Okay. Is it generally your duty, Mr. Halpin, as
4 County Executive to ensure that public health and safety is
5 protected in the event of an emergency?

6 A Yes.

7 MR. SISK: I will now hand to the Reporter and
8 ask him to mark as Exhibit 2 to this deposition a document
9 bearing the title, "Direct Testimony of Patrick G. Halpin on
10 Behalf of Suffolk County Concerning Contentions 1-2, 4-8,
11 and 10." It's dated April 13, 1988.

12 (Direct Testimony of Patrick G. Halpin
13 on Contentions 1-2, 4-8 and 10, dated
14 April 13, 1988, is marked as Halpin
15 Deposition Exhibit Number 2 for
16 identification.)

17 BY MR. SISK: (Continuing)

18 Q I will ask for you to take a quick look at that
19 document. By the way, it includes the attachments.

20 And, I will vouch for the record that this is a
21 copy of testimony that was served on LILCO on or about April
22 13 by Suffolk County.

1 GJW/sw 1

(The witness is looking at the document.)

2

Mr. Halpin, is that the testimony that you have sponsored in this proceeding?

4

A Yes, it is.

5

Q I will ask you to turn to Page 5 of that

6

testimony. On Page 5, there is an answer which reads, "The

7

Suffolk County government would not follow or implement

8

LILCO's plan or work with LILCO's personnel if there were an

9

accident at Shoreham. The reasons are set forth in detail

10

in an affidavit I executed on February 9, 1988. Rather than

11

repeat those reasons again, I attach a copy of that

12

affidavit and make it a part of this testimony."

13

Have I correctly read that portion of the

14

testimony?

15

A That's right.

16

Q Now, I will ask you to turn to the affidavit that

17

is referred to that has been attached and made a part of the

18

testimony.

19

(The witness is complying.)

20

Have you located that?

21

A Yes.

22

Q And, turn to Item 1. The second sentence in

1 GJW/sw 1 Item 1 of Page 1 of the affidavit states, "As County
2 Executive, I am authorized to direct the County's response
3 to emergencies."

4 Is that a correct statement?

5 A That's a correct statement.

6 Q Can you tell me what the basis is for stating
7 that you are authorized to direct the County's response to
8 emergencies?

9 MR. LANPHER: I would like a clarification. Are
10 you asking for him to cite a law?

11 MR. SISK: Yes, if any. I'm just asking for the
12 basis of the statement.

13 THE WITNESS: Well, I'm not familiar with the
14 specific sections of County or State law that give the
15 County Executive that responsibility. But, that is one of
16 the County Executive's responsibilities as Chief Executive.

17 BY MR. SISK: (Continuing)

18 Q So, you have not made reference to any particular
19 State or County law in making that statement?

20 A We would be glad to provide whatever additional
21 documentation you might like.

22 Q Okay. I have no doubt that the statement is

1 GJW/sw 1 correct.

2 A Okay.

3 MR. LANPHER: Then, why are you asking?

4 MR. SISK: Let me turn to a document that I'm
5 going to ask the Reporter to mark as Exhibit 3 to this
6 deposition.

7 (A 29-page document, "Article 2-B, State
8 and Local Natural and Man-Made Disaster
9 Preparedness," is marked as Halpin
10 Deposition Exhibit Number 3 for
11 identification.)

12 BY MR. SISK: (Continuing)

13 Q And, I will ask you to take a quick look at that
14 document as well.

15 MR. LANPHER: Do you want him to read it?

16 MR. SISK: Just to look at it.

17 MR. LANPHER: Well, for what purpose?

18 MR. SISK: For the purpose of questioning.

19 (The witness is looking at the document.)

20 BY MR. SISK: (Continuing)

21 Q I will vouch for the record, Mr. Halpin, that
22 this is a copy of Article 2-B of the New York State

1 GJW/sw 1 Executive Law, entitled "State and Local Natural and
2 Man-Made Disaster Preparedness."

3 I'm not going to ask you to read the entire
4 document, but I would ask whether you are generally familiar
5 with that portion of the New York Executive Law?

6 A Yes, I am generally familiar with it.

7 Q Is this one of the sources of authority that you
8 have for directing the County's response to emergencies?

9 MR. LANPHER: I object to the question. He
10 already testified that as to the statement in his affidavit
11 he did not have any particular law in mind at the time that
12 he made that statement.

13 MR. SISK: The record will reflect what it
14 reflects.

15 BY MR. SISK: (Continuing)

16 Q Is this one of the laws that authorizes you to
17 respond to emergencies and to direct the County's emergency
18 response?

19 MR. LANPHER: Same objection. Answer if you can.

20 THE WITNESS: I'm not sure. I would have to ask
21 the County Attorney to review that.

22 But, I do know that State law certainly gives the

1 GJW/sw 1 County Executive the authority to respond in the event of an
2 emergency.

3 BY MR. SISK: (Continuing)

4 Q As County Executive, do you consider yourself
5 bound by State law?

6 MR. LANPHER: I object to the question. It calls
7 for a legal conclusion.

8 BY MR. SISK: (Continuing)

9 Q Can you answer the question?

10 A Well, I'm sworn to uphold the constitution of the
11 State of New York.

12 Q Does that include the laws of the State of New
13 York?

14 A Yes, it does.

15 Q Now, Mr. Halpin, I am going to go through certain
16 portions of your testimony. Before I do that, I would like
17 to ask you generally. have you reviewed the testimony which
18 is Exhibit 2 to this deposition prior to today in
19 preparation for this deposition?

20 A This testimony?

21 Q Yes.

22 A Yes, I have.

1 GJW/sw 1 Q And, is the testimony true and accurate to the
2 best of your knowledge and belief?

3 A Yes, it is.

4 Q Have you noted in your review any changes or
5 corrections that you wish to make?

6 A No.

7 Q Did you actually prepare this testimony?

8 A This testimony was prepared at my direction by
9 the County's attorneys.

10 Q Okay. At this time, do you intend to modify or
11 supplement this testimony?

12 A Not at this time.

13 Q And, at this time, do you intend to submit any
14 additional testimony in this proceeding?

15 A At this particular time?

16 Q Right.

17 A No.

18 Q At this time, does the County intend to introduce
19 any additional testimony as to how Suffolk County would
20 respond in the event of an emergency at the Shoreham Nuclear
21 Power Plant?

22 A No. At this time, the County is not prepared to

1 GJW/sw 1 submit additional testimony.

2 Q Now, within the testimony, Mr. Halpin, there are
3 numerous statements -- I read one a moment ago -- to the
4 effect that the County and you, as County Executive, would
5 not use or rely upon the LILCO plan in responding to an
6 emergency at the Shoreham Plant.

7 Is that basically accurate?

8 A Yes, that's correct.

9 Q Have you reviewed the LILCO plan?

10 A The County has reviewed LILCO's plan.

11 Q Have you personally reviewed it all or parts of
12 that plan?

13 A The -- I'm familiar with portions of the plan.
14 The County has, I know, and the people that I would -- let
15 me get this straight.

16 The people that I would rely upon to evaluate
17 such a plan have reviewed that plan.

18 Q Did you say that you personally have reviewed
19 some portions of it?

20 A No. What I said is that I'm familiar with some
21 portions of it, but that the analysis and review has been
22 done by experts, people working for the County whose

1 GJW/sw 1 responsibility it is to do that.

2 Q Which portions of the plan are you personally
3 familiar with?

4 A Well, the portions that are represented in this
5 affidavit.

6 Q Are you referring to the portions that are
7 referred to in the attachments to the affidavit or the
8 affidavit generally?

9 A The affidavit generally.

10 Q Does the affidavit fully and completely describe
11 your familiarity with the LILCO plan?

12 MR. LANPHER: I object to the question. The
13 affidavit speaks for itself.

14 THE WITNESS: I think I'm very clear in the
15 affidavit about the issues that I'm concerned about as it
16 relates to the LERO plan or the LILCO plan.

17 BY MR. SISK: (Continuing)

18 Q Okay. Let me try to be clear. I'm simply trying
19 to determine your personal familiarity with the LILCO plan
20 and the various provisions of it.

21 You have stated that your familiarity with the
22 LILCO plan I believe is set forth in the affidavit; is that

1 GJW/sw 1 correct?

2 A That's correct.

3 Q Is that the full extent of your familiarity with
4 the LILCO plan?

5 MR. LANPHER: I object. I don't understand the
6 question.

7 THE WITNESS: Yeah. I'm not sure what you mean.
8 I think the affidavit is clear.

9 BY MR. SISK: (Continuing)

10 Q Well, let me put it this way. Are you familiar
11 with how that plan would operate in the event of an
12 emergency at the Shoreham Plant?

13 Who would notify whom? Who would be asked to
14 activate sirens? Who would be asked to set off an EBS
15 system and so forth?

16 MR. LANPHER: I object to the question as
17 multiple.

18 THE WITNESS: Would you like to take it -- you
19 know, I'm not intimately familiar with every aspect of that
20 plan, no.

21 BY MR. SISK: (Continuing)

22 Q But, you are familiar with portions of it?

1 GJW/sw 1

A Well, it depends on which portions.

2

Q Understood. All right. We will get to that in a

3

moment.

4

Mr. Halpin, in the event of an emergency, of any type -- and I'm not going to confine it to this particular plan -- how could you be reached in order to make decisions regarding an emergency?

8

MR. LANPHER: I object to the question. It is calling for speculation. You are asking him --

10

MR. SISK: I'm asking for physical means.

11

MR. LANPHER: Is it your question, how can Mr. Halpin be reached at any time of the day, period?

13

MR. SISK: Yes, in the event of an emergency of any sort requiring his attention.

15

MR. LANPHER: Well, you specify the sort of emergency you are talking about.

17

MR. SISK: That's not necessary.

18

MR. LANPHER: Well, then I object. It calls for speculation. I think it is necessary.

20

You can answer.

21

THE WITNESS: That is a very difficult question to answer, because I'm not sure where I am at any given

22

1 GJW/sw

1 time. I certainly can't predict that at the time there may
2 be an emergency. I can't predict the emergency, and I
3 certainly can't predict where I would be or what I would be
4 doing at that time.

5 BY MR. SISK: (Continuing)

6 Q Do you carry a pager?

7 A No, I don't.

8 Q Does anyone on your staff in the County
9 Executive's Office carry a pager?

10 A Yeah, from time to time people carry pagers.
11 But, they are not required to carry pagers.

12 Q I want to ask you a hypothetical question and
13 just assume these things with me.

14 An emergency has occurred. An attempt is made to
15 contact you. You are not in your office. How would someone
16 go about attempting to reach you in that circumstance?

17 MR. LANPHER: I object to the question. It's a
18 multiple hypothetical, first of all. I don't think anyone
19 could be asked to answer that fairly.

20 But, it's also extremely vague. What kind of an
21 emergency? Are you including a Shoreham emergency or not?
22 Who is attempting to contact him? Where is he if he is not

1 GJW/sw 1 in his office?

2 You have got just too many variables, Mr. Sisk.

3 MR. SISK: Let me ask it this way.

4 BY MR. SISK: (Continuing)

5 Q When you leave your office knowing that you may
6 be called upon to respond to an emergency, do you leave word
7 as to where you will be?

8 A It depends. If I'm not available, then the Chief
9 Deputy is available. At any given time, there is somebody
10 in Suffolk County who would be able to respond to a call.

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

14 MR. LANPHER: I object. It calls for
15 speculation. Also, it's vague. I don't know what you mean
16 by "resources."

17 BY MR. SISK: (Continuing)

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

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

1 GJW/sw 1 Power Plant.

2 Q Are you saying that in the event of a
3 radiological emergency at the Shoreham Plant, without a plan
4 you would be unable to respond at all?

5 MR. LANPHER: That was not his answer. He stated
6 that he could not answer your question about what resources
7 would be available. He says he doesn't know.

8 So, I object to your question as
9 mischaracterizing his prior answer.

10 MR. SISK: Very well. Let me have his answer.

11 MR. LANPHER: Could you please repeat the
12 question?

13 BY MR. SISK: (Continuing)

14 Q In the event -- are you saying that in the event
15 of an emergency at the Shoreham Plant, without a plan you
16 would be unable to respond at all?

17 A What I'm saying is that I don't know what
18 resources would be available to respond to an emergency at
19 Shoreham.

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

1 GJW/sw 1

A The --

2 MR. LANPHER: I object. I don't know what -- I
3 think the question is vague.

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

7 MR. SISK: Could you read the question back?

8 (The Court Reporter read the question as
9 requested.)

10 MR. LANPHER: My objection is --

11 MR. SISK: The objection is on the record.

12 MR. LANPHER: Well, I'm going to restate it and
13 expand upon it. Having had it read back to me, I think it's
14 more objectionable than I originally thought, Mr. Sisk.

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

18 THE WITNESS: I'm not sure how the Police
19 Department or how I would direct the Police Department to
20 respond to an emergency at the Shoreham Nuclear Power Plant
21 given the vagueness of the question.

22 BY MR. SISK: (Continuing)

1 GJW/sw 1 Q My question is, can you direct the Suffolk County
2 Police Department to respond to an emergency at the Shoreham
3 Nuclear Power Plant?

4 MR. LANPHER: Same objection.

5 THE WITNESS: The Police Department could be
6 directed to respond. However, the County Legislature has
7 passed a Resolution several years ago saying that the
8 County, including the Police Department, cannot spend any
9 resources or have any personnel participate in a
10 radiological emergency or plan for a radiological emergency
11 at Shoreham.

12 So, not knowing what type of emergency you are
13 talking about it's very difficult to answer that question.
14 If it's related to a radiological emergency, the answer is
15 no.

16 BY MR. SISK: (Continuing)

17 Q Does the Resolution that you referred to prohibit
18 the Suffolk County Police and you, as County Executive, from
19 responding to an emergency at the Shoreham Nuclear Power
20 Plant?

21 MR. LANPHER: I object to the question. It calls
22 for a legal conclusion. It might be a proper question if

1 GJW/sw 1 you ask what his understanding is.

2 The way you phrased the question, it's
3 objectionable.

4 MR. SISK: I will call for the witness'
5 understanding as an officer of the County and as County
6 Executive.

7 THE WITNESS: It's my understanding that in the
8 event there is a radiological emergency at Shoreham, I would
9 not be in a position to be able to direct the Police
10 Department to respond.

11 BY MR. SISK: (Continuing)

12 Q Why is that?

13 A Because the Resolution says that the County is
14 not authorized to participate in an emergency response plan
15 or in any way. And, that includes the use of personnel or
16 any other resource that the County might have.

17 Q Mr. Halpin, does Suffolk County have a plan for
18 responding to an emergency at the Shoreham Nuclear Power
19 Plant?

20 A No, the County does not.

21 Q Now, in the event of an emergency at the Shoreham
22 Nuclear Power Plant, does the Resolution that you have

1 GJW/sw 1

referred to prohibit you from responding at all to such an
2 emergency?

3 MR. LANPHER: I object to the question. You are
4 again using such a broad term, "respond at all."

5 If you would be more specific, I think it would
6 be a lot easier for the witness.

7 MR. SISK: That's very specific.

8 MR. LANPHER: Well, I object. I disagree.

9 THE WITNESS: What type of an emergency are you
10 referring to?

11 BY MR. SISK: (Continuing)

12 Q A radiological emergency at the Shoreham Plant.

13 A No. I don't believe that as County Executive I
14 would be in the position to respond to an emergency at that
15 plant, a radiological emergency.

16 Q Why would you not be in a position to respond?

17 A The reason why we would not be in a position to
18 respond is because the County, after doing an exhaustive
19 study as to the liability of developing such an emergency
20 plan, came to the conclusion that an emergency plan would be
21 unworkable. And, therefore, the County was not going to
22 participate in perpetrating a fraud on the people.

1 GJW/sw 1 It is our responsibility to protect the health
2 and safety of the people of Suffolk County. We do not
3 believe that that can be done at the Shoreham Nuclear Power
4 Plant if there were a radiological emergency there.

5 And, therefore, we do not have a plan. And, we
6 are not participating in the development of such a plan by
7 any other entity, because it would be misleading to the
8 public that we are sworn to protect.

9 Q Let's pose the question this way, and I will pose
10 it as a hypothetical.

11 Assume the following facts: The Shoreham Nuclear
12 Power Plant has been licensed to operate at full power. It
13 has been so licensed based on the NRC's approval of the
14 LILCO plan. All appeals have been exhausted. All judicial
15 remedies have been pursued. And, the plant is operating.
16 There is an emergency at the plant, and you are notified
17 that LILCO recommends evacuation of part of the emergency
18 planning zone.

19 Now, as County Executive, how would you respond
20 in that circumstance?

21 MR. LANPHER: I object to the hypothetical,
22 Mr. Sisk. It is multiple in the extreme. It assumes facts

1 GJW/sw 1 that are very much in dispute. You haven't described the
2 kind of emergency.

3 You have assumed that there is a notification,
4 but that's not established. That's a further assumption.

5 So, it's multiple and there are no bases for the
6 assumptions.

7 You may attempt to answer.

8 THE WITNESS: Mr. Sisk, I have real difficulty
9 answering that question, because it's difficult to know, you
10 know, what might be happening at that time, where I might
11 be, and what -- you know, to look into the future to assess,
12 you know, all of the factors that might be involved in the
13 event that there were a serious accident at the Shoreham
14 Nuclear Power Plant.

15 So, I really can't speculate, you know, what my
16 response would be.

17 BY MR. SISK: (Continuing)

18 Q What resources of the County, departments and
19 agencies, would you be able to direct in responding to such
20 an emergency?

21 MR. LANPHER: Are you asking for him to assume
22 the same hypothetical circumstances?

1 GJW/s:w 1

MR. SISK: Yes. I said "such an emergency."

2

MR. LANPHER: I object to the question. It is

3

calling for speculation.

4

THE WITNESS: I don't know what resources would

5

be available, because again it's very difficult for me to

6

speculate as to, you know, what might be happening, you

7

know, at that time that you described in your hypothetical

8

question.

9

So, I don't know what, you know, County resources

10

I could be directing to respond to such an emergency.

11

BY MR. SISK: (Continuing)

12

Q Does Suffolk County have a police department?

13

A Yes.

14

Q As County Executive, do you have the authority to

15

direct the Police Department?

16

MR. LANPHER: I object to the question. Asked

17

and answered.

18

THE WITNESS: I'm sorry. What was your

19

objection?

20

MR. LANPHER: Answer the question.

21

THE WITNESS: As County Executive, the answer to

22

the question is yes, I could.

1 GJW/sw 1

BY MR. SISK: (Continuing)

2 Q Does Suffolk County have a Department of Fire,
3 Rescue and Emergency Services?

4 A Yes.

5 Q Is there a Division of Emergency Preparedness
6 within the Department of Fire, Rescue and Emergency
7 Services?

8 A Yes, there is.

9 Q As County Executive, can you direct the
10 Department of Fire, Rescue and Emergency Services?

11 MR. LANPHER: I object to the question. You
12 haven't specified under what circumstances.

13 BY MR. SISK: (Continuing)

14 Q Can you answer the question?

15 A Direct them to do what?

16 Q Can you direct them in responding to an emergency
17 of any type?

18 A It would depend upon the emergency.

19 Q Do you have the authority to direct them in
20 responding to an emergency?

21 A In the event that there were an emergency that
22 they were responsible for responding to, the answer is yes.

1 GJW/sw 1

Q Does the County have a Department of Health Services?

2
3 A Yes, it does.

4 Q Do you have the authority to direct the
5 Department of Health Services in responding to an emergency
6 of any type?

7 MR. LANPHER: Same objection.

8 THE WITNESS: Again, it's a very open-ended
9 question. It depends on the type of an emergency.

10 BY MR. SISK: (Continuing)

11 Q Let me clarify. I'm not asking how you would
12 direct them specifically but whether you have the authority
13 to direct them in any number of ways in responding to an
14 emergency?

15 MR. LANPHER: I object to the question. He
16 already has answered it.

17 THE WITNESS: Again, I think I've answered that
18 question. It would depend on the nature of the emergency as
19 to whether or not I could direct them to respond to that
20 emergency.

21 BY MR. SISK: (Continuing)

22 Q Mr. Halpin, just so I understand, are you saying

1 GJW/sw 1 that in certain types of emergencies you would not have the
2 authority to direct the Department of Health Services to
3 respond?

4 A Well, you are asking me to give you a specific
5 answer to a very open-ended question. If you asked me if I
6 have the authority to have them to respond to a Lyme disease
7 emergency where people are being bitten by ticks and getting
8 Lyme disease, the answer is yes, of course, I could. That's
9 their responsibility.

10 But, if you are asking me about some other type
11 of emergency that wouldn't fall under their jurisdiction,
12 then it would be inappropriate for me to direct them or to
13 get them involved.

14 Q Do you have the authority to direct the
15 Department of Health Services in responding to an emergency
16 within that Department's jurisdiction?

17 A Yes.

18 Q Does Suffolk County have a civil defense plan?

19 MR. LANPHER: I object. Irrelevant. The plan
20 that is being discussed in this proceeding is the LILCO
21 plan.

22 All these questions about other County plans and

1 GJW/sw 1 the like are simply irrelevant.

2 You may attempt to answer.

3 THE WITNESS: I'm not sure if the County has a
4 civil defense plan. I haven't seen that particular
5 document.

6 BY MR. SISK: (Continuing)

7 Q Do you know whether the County receives funds
8 from the Federal Emergency Management Agency to assist with
9 civil defense plans?

10 MR. LANPHER: I object. Irrelevant.

11 THE WITNESS: I believe that they do, but I'm not
12 positive.

13 BY MR. SISK: (Continuing)

14 Q I assume if you are unsure, you don't know how
15 those funds are expended or what they are used for if they
16 exist?

17 A What I'm saying is that I have not reviewed the
18 operations of that particular agency within the County
19 government to tell you how much of that is funded from other
20 sources and how much of that comes from County funds and how
21 those governmental resources are allocated.

22 I know they have a bunker out there and somebody

1 GJW/sw 1 sits there. I think there is a spot reserved for the County
2 Executive.

3 (Laughter.)

4 Q Okay. Now, as the County Chief Executive Officer
5 and as the person in charge of the County's responses to
6 emergencies, are you bound to follow the provisions of
7 federal law?

8 MR. LANPHER: I object to the question. That is
9 irrelevant and calls for a legal conclusion. And, it's
10 vague.

11 What provisions of federal are you talking about?

12 BY MR. SISK: (Continuing)

13 Q Can you answer the question?

14 MR. LANPHER: Nobody could answer that question,
15 Dennis. Come on.

16 THE WITNESS: It would be very difficult for me
17 to answer that question. I'm not sure of what you are
18 talking about.

19 BY MR. SISK: (Continuing)

20 Q Mr. Halpin, let me ask you to turn to Exhibit 2,
21 which is your testimony in this proceeding, specifically
22 Page 3 of the affidavit that is attached to the testimony.

1 GJW/sw 1

MR. LANPHER: The one with Roman II on it, County

2 Policy?

3 MR. SISK: Yes.

4 MR. LANPHER: All right.

5 BY MR. SISK: (Continuing)

6 Q Under Paragraph Number 6 of that affidavit, the
7 first sentence states: "I hereby affirm my agreement with,
8 and I hereby adopt as part of this affidavit, Attachments
9 3-5 hereto."

10 Have I read that correctly?

11 A Yes, you have.

12 Q Attachment 4 to this affidavit, if you would turn
13 back to that, appears to be a statement of Suffolk County
14 Executive, Peter F. Cohalan, dated June 23, 1986.

15 Is that correct?

16 A Yes, it is.

17 Q And, you have stated your agreement with that
18 statement; is that correct?

19 A Yes, I have.

20 Q I will ask you to turn to Page 5 of that
21 statement.

22 A Yes.

1 GJW/sw 1 Q The middle paragraph on Page 5 of that statement
2 says, "First, LILCO's fiction retrieves the discredited
3 theory on which the NRC licensed nuclear plants before the
4 Three Mile Island accident. Then, there was no pre-planning
5 or integrated planning required for state and local
6 governments with the utility. The NRC simply assumed that
7 if there were an accident, the governments would know how to
8 act alone and with others in response. The Three Mile
9 Island accident proved this assumption to be wrong.
10 Following Three Mile Island, Congress passed laws and the
11 NRC made regulations that require pre-planning and
12 integrated preparedness. There is no pre-planning or
13 integrated preparedness at Shoreham."

14 Have I read that correctly?

15 A Yes, you have.

16 Q Now, Mr. Halpin, do you know why -- just
17 expanding on this statement -- Congress required
18 pre-planning for radiological emergencies?

19 MR. LANPHER: I object. Irrelevant. That's not
20 an issue in this proceeding. It also calls for speculation.

21 THE WITNESS: Yeah, I'm not familiar with the
22 legislative history that went into that particular statute.

1 GJW/sw 1 But, as Cohalan describes in his affidavit, after Three Mile
2 Island Congress decided to require that such planning be
3 done.

4 BY MR. SISK: (Continuing)

5 Q Mr. Halpin, can you tell me what is meant by the
6 words "discredited theory" in that paragraph?

7 MR. LANPHER: Do you need to review other
8 portions?

9 THE WITNESS: I have to put it in context.

10 (The witness is looking at the document.)

11 THE WITNESS: Okay. What was the question again?

12 BY MR. SISK: (Continuing)

13 Q The question is, what is meant by the words
14 "discredited theory" in that passage?

15 A The -- I believe it is meant in the context that
16 the NRC presumed that state and local governments would
17 automatically participate in emergency responses in the
18 event that there were an accident, whether or not those
19 responses would be adequate to truly protect the public.

20 Q Do you agree that pre-planning for radiological
21 emergencies should be required as a condition for the
22 operation of a nuclear power plant?

1 GJW/sw 1

MR. LANPHER: I object to the question. That is

2 vague.

3 What do you mean by "pre-planning?" And, what
4 assumptions? It also calls for speculation. Are you
5 assuming that the pre-planning leads to an effective plan or
6 not?

7 MR. SISK: Let me state for the record that I
8 read a passage of a statement from Mr. Cohalan, which the
9 witness has endorsed fully in his affidavit, which is in
10 turn incorporated into his testimony.

11 I am simply asking the witness to expand upon
12 this passage by telling me whether he agrees that
13 pre-planning generally should be required as a condition for
14 the operation of a nuclear power plant.

15 MR. LANPHER: My objection stands. I think the
16 question also is vague.

17 If you understand it, you may answer it.

18 THE WITNESS: It's a very difficult question to
19 answer simply because I believe that any planning should be
20 part of a bona fide emergency plan that would work. And,
21 the only thing I can talk about in particular is as they
22 relate to Shoreham.

1 GJW/sw 1

2 It is Suffolk County's belief and contention that
3 an emergency response would be impossible in the event that
4 there were a radiological emergency; and, therefore, any
5 planning, you know, that might be part of that would be
6 fiction and it wouldn't result in the public being
7 protected.

8 BY MR. SISK: (Continuing)

9 Q Is that the determination that you are referring
10 to in the County Resolutions?

11 A I'm sorry. What was the question again?

12 MR. LANPHER: I also got lost. What
13 determination did you mean?

14 Maybe I missed a word in his answer.

15 MR. SISK: Can we go off the record a second?

16 MR. LANPHER: Sure.

17 (Whereupon, a recess is taken at 2:55 p.m., to
18 reconvene at 3:06 p.m., this same date.)

19 BY MR. SISK: (Continuing)

20 Q Mr. Halpin, I'm going to continue for a moment
21 with the passage on Page 5 of Mr. Cohalan's statement.

22 This statement indicates, "The Three Mile Island
accident proved this assumption to be wrong." Can you tell

1 GJW/sw 1 me, Mr. Halpin, what assumption was proved to be wrong by
2 the Three Mile Island accident?

3 A That governments would know how to act and
4 respond to a radiological emergency.

5 Q And, that is without pre-planning, correct?

6 A Without a plan, correct.

7 Q So, the net result, according to this passage,
8 was that planning, or as this passage states, pre-planning,
9 was required in connection with the licensing of nuclear
10 power plants; is that correct?

11 MR. LANPHER: I want a clarification. You said
12 the "net result." The net result of what?

13 MR. SISK: The net result of the assumption being
14 proven wrong.

15 (No response.)

16 MR. SISK: Let me try to rephrase it.

17 BY MR. SISK: (Continuing)

18 Q Mr. Halpin, was the net result of the Three Mile
19 Island accident that Congress and the NRC required
20 pre-planning as a condition for a federal operating license
21 for a nuclear power plant?

22 A It's my understanding that as a result of Three

1 GJW/sw 1 Mile Island, there is a requirement that there be an
2 effective emergency response plan for all nuclear power
3 plants.

4 Q Do you agree with that determination?

5 MR. LANPHER: I object. That's irrelevant.

6 THE WITNESS: I'm not a member of Congress, and
7 certainly I'm not in a position to take a position on that.
8 So, I don't know whether that is relevant.

9 That is, you know, a federal requirement.

10 BY MR. SISK: (Continuing)

11 Q My question to you, Mr. Halpin, as County
12 Executive, is do you agree with that federal requirement?

13 MR. LANPHER: I object to the question. He has
14 already answered.

15 He said he can't agree or disagree.

16 THE WITNESS: It's my position, you know, that
17 that is a federal requirement. And, I'm not in the position
18 to -- it's really irrelevant to the situation today.

19 BY MR. SISK: (Continuing)

20 Q If emergency planning was not required as a
21 condition of a federal operating license, would we be here
22 today?

1 GJW/sw 1

MR. LANPHER: Could I have that read back,

2 please?

3 (The Court Reporter read the question as

4 requested.)

5 MR. LANPHER: I object. That's obviously an
6 irrelevant question. It's not a serious question either.7 He is attempting to answer the questions. I
8 think you ought to ask serious questions.9 THE WITNESS: I would presume that you would
10 rather be spending your time some place else. But, yes,
11 there is a requirement and that's why we are here today.

12 BY MR. SISK: (Continuing)

13 Q As County Executive, Mr. Halpin, do you agree
14 that -- or, would you agree that planning for a radiological
15 action (sic), if that planning is done properly, is better
16 than no planning at all?17 MR. LANPHER: I object to the question. I don't
18 know what "planning done properly" means.19 Does that include the concept of whether it can
20 be effective?

21 MR. SISK: Yes.

22 THE WITNESS: I believe that a plan must work.

1 GJW/sw 1 And, you just simply cannot have a radiological response
2 plan that is part of a report and incapable of
3 implementing.

4 So, planning for the sake of planning is
5 meaningless. And, in fact, it's probably worse, because you
6 are really giving the public a false sense of security.

7 BY MR. SISK: (Continuing)

8 Q Mr. Halpin, if emergency planning can be done in
9 a manner that effectively protects public health and safety,
10 is it better to proceed with planning than not to proceed
11 with planning?

12 MR. LANPHER: I object to the question. It calls
13 for speculation.

14 What facts are you asking him to assume?

15 MR. SISK: I'm questioning the witness on a
16 statement that is contained as an attachment to his
17 affidavit.

18 MR. LANPHER: Could you direct us to the specific
19 statement you are referring to, please?

20 MR. SISK: I am referring to it throughout.

21 MR. LANPHER: I don't recall the statement that
22 you just attempted to paraphrase apparently.

1 GJW/sw 1

BY MR. SISK: (Continuing)

2 Q Mr. Halpin, since you are obviously unable to
3 answer that question, let me just ask you this.

4 What law governs whether emergency planning for a
5 nuclear power plant is or is not adequate to protect public
6 health and safety?

7 MR. LANPHER: I object to the question. That's
8 clearly calling for a legal conclusion.

9 Mr. Halpin is not a lawyer. You have his
10 resume. That's just a totally improper question. He can't
11 possibly answer that.

12 BY MR. SISK: (Continuing)

13 Q Can you answer the question?

14 A I can't. But, I'm sure we would be able to
15 research that and to respond to your question in the future.

16 Q Are there federal laws and regulations which
17 govern emergency planning for nuclear power plants?

18 A Yes, there are.

19 Q And, are those the laws and regulations that are
20 referred to in this passage from Mr. Cohalan's statement?

21 A That is my interpretation of that, yes.

22 Q Mr. Halpin, let me return to what has been

1 GJW/sw 1 identified as Exhibit 3 to this deposition, Article 2-B of
2 the New York Executive Law.

3 Mr. Halpin, as County Executive, I believe you
4 stated earlier that you are bound and sworn to uphold the
5 State constitution and State laws; is that correct?

6 A That's correct.

7 Q Mr. Halpin, I'm going to refer to Section 20 of
8 Article 2-B of the New York Executive Law. Section e
9 states, "state and local plans, organizational arrangements,
10 and response capability required to execute the provisions
11 of this article shall at all times be the most effective
12 that current circumstances and existing resources allow."

13 Have I read that correctly?

14 A Yes, you have.

15 Q And, referring back to Section 20.c, it states,
16 "state and local natural disaster and emergency response
17 functions be coordinated in order to bring the fullest
18 protection and benefit to the people."

19 Have I read that correctly?

20 A Yes, you have.

21 Q And, under Executive Law Article 2-B in those
22 references to disaster, that includes, does it not,

1 GJW/sw 1 radiological accidents?

2 And, if it will assist you, that's Section 2.a on
3 the following page. Is that correct?

4 A That's correct.

5 Q As a general proposition, as County Executive, do
6 you agree with those policies of State law?

7 MR. LANPHER: I object to the question. It's
8 vague. I don't know what you mean by "agree with those
9 policies." In what context? For what emergency?

10 Are you talking for a Shoreham emergency? Are
11 you talking about the County's policies?

12 MR. SISK: I stated as a general proposition.
13 That was part of the question.

14 MR. LANPHER: Well, it's such a general and vague
15 question, I don't think you can get a meaningful answer.

16 THE WITNESS: I'm not sure I know how to answer
17 that. As I said before, I'm sworn to uphold the State
18 constitution.

19 Therefore, you know, it really would depend on
20 the nature of the emergency.

21 BY MR. SISK: (Continuing)

22 Q What would depend on the nature of the emergency?

2 GJW/sw 1 A That was the first part of your question. Your
2 previous question, that was an answer in response to your
3 previous question.

4 What was your previous question?

5 Q The previous question was whether you generally
6 agree with the policies set forth in those provisions of
7 State law which I've just read?

8 A Well, as I said to you, I am sworn to uphold the
9 law.

10 Q And, I believe your previous answer said that
11 something may depend upon the particular type of emergency;
12 is that correct?

13 A Let me clarify that. The law -- I'm sworn to
14 uphold the State law. And, to the best of my ability, I try
15 to do that.

16 But, it's very difficult to answer, you know,
17 such a broad question without, you know, some type of --
18 without making it a little bit more specific.

19 Q Okay. Let me ask it this way. In the event of
20 an emergency at the Shoreham Nuclear Power Plant, are you
21 bound to follow Article 2-B of the Executive Law?

22 MR. LANPHER: I object to the question. I object

2 GJW/sw 1 to this line of questioning, because there is an insinuation
2 that Suffolk County is not following Article 2-B.

3 And, that has been litigated, as you well know,
4 Mr. Sisk, by Suffolk County and LILCO where Suffolk County's
5 determination not to adopt a plan was upheld by the New York
6 Court of Appeals.

7 So, I think this is an improper line of
8 questioning. Plus, it's calling for legal conclusions.

9 MR. SISK: Could you read the question back,
10 please.

11 (The Court Reporter read the question as
12 requested.)

13 THE WITNESS: I'm not intimately familiar with
14 every aspect of this particular statute. And, I'm not sure
15 how it would relate to an emergency at the Shoreham Nuclear
16 Power Plant.

17 BY MR. SISK: (Continuing)

18 Q If there is a relation between the statute and an
19 emergency at the Shoreham Nuclear Power Plant, are you bound
20 to follow this State law in the event of such an emergency?

21 MR. LANPHER: I object. He said he is not --

22 MR. SISK: I understand.

2 GJW/sw 1

MR. LANPHER: -- familiar with this. You are asking him to speculate about something he is not familiar with.

Now, if you would like him to review all of Article 2-B, then we ought to go ahead and do it.

6 BY MR. SISK: (Continuing)

7 Q Can you answer the question?

8 A I think I've answered that question.

9 Q As County Executive, Mr. Halpin, are you generally familiar with Article 2-B of the Executive Law?

11 A What do you mean by "generally familiar?"

12 Q Well, can you describe for me the extent of your familiarity with Article 2-B of the Executive Law?

14 A Frankly, it's -- I'm not intimately familiar with all of the sections of the Article 2-B.

16 Q Let me ask you to refer very quickly to Section 25 of the New York Executive Law, Article 2-B.

18 (The witness is complying.)

19 Subsection 1 of Section 25 states, "Upon the threat or occurrence of a disaster, the chief executive of any political subdivision is hereby authorized and empowered to and shall use any and all facilities, equipment,

1 GJW/sw 1 supplies, personnel and other resources of his political
2 subdivision in such manner as may be necessary or
3 appropriate to cope with the disaster or any emergency
4 resulting therefrom."

5 Have I read that correctly?

6 A Yes, you have.

7 Q In the event of an emergency at the Shoreham
8 Nuclear Power Plant, as County Executive, would you be bound
9 to follow this provision of State law?

10 MR. LANPHER: I object. It calls for a legal
11 conclusion. Plus, it's calling for him to speculate.

12 THE WITNESS: You know, it's very difficult for
13 me to speculate, given the fact that, you know, I don't
14 know what the nature of the emergency might be at the
15 Shoreham Nuclear Power Plant.

16 BY MR. SISK: (Continuing)

17 Q Are you saying you might not be required to
18 follow this provision of State law?

19 A No, I didn't say that. What I said is that --
20 you are asking me to speculate about an emergency at the
21 Shoreham Nuclear Power Plant, and it's difficult for me to
22 do that without knowing, you know, what the particular

1 GJW/sw 1 situation might be or whatever the given time might be that
2 that emergency could possibly occur.

3 Q Mr. Halpin, are you simply trying to indicate
4 that you can't say exactly how you would follow this
5 provision, but that you would follow it to the best of your
6 capabilities?

7 Is that your answer?

8 MR. LANPHER: I object.

9 BY MR. SISK: (Continuing)

10 Q If not, just tell me what it is.

11 MR. LANPHER: I have a continuing objection.

12 This is an extremely complicated law. It has been litigated
13 a lot, and we will probably continue to disagree with what
14 it means.

15 And, to pursue questions with Mr. Halpin, who
16 says he is not intimately familiar with the specifics of
17 this law and ask him for legal conclusions, I think it's
18 very unproductive and I object. I don't think it's proper
19 questioning.

20 You may attempt to answer.

21 THE WITNESS: It's difficult for me to be more
22 specific. Frankly, as it relates to the Shoreham Nuclear

1 GJW/sw 1 Power Plant, it is our position that an emergency plan
2 cannot be fully implemented; and, therefore, the plant
3 shouldn't get an operating license.

4 So, you are asking me to speculate about
5 something that, from my point of view, isn't going to
6 happen.

7 BY MR. SISK: (Continuing)

8 Q All right. Let me ask you to speculate in that
9 fashion. I want to return to a hypothetical that I posed
10 earlier and again ask you to assume the following facts:

11 The Shoreham Plant has been licensed. All
12 judicial appeals have been exhausted. The plant is
13 operating. LILCO notifies you that an accident has occurred
14 and recommends that a portion of the EPZ be evacuated.

15 In that circumstance, as County Executive, would
16 you respond?

17 MR. LANPHER: I object to the question. It's
18 multiple. You have not specified how they would be
19 notified. And, you've not specified what you mean by
20 "respond." I don't know what you mean.

21 MR. SISK: Let me state for the record that there
22 are assumptions within the question which are assumed facts.

1 GJW/sw 1 The question itself is singular.

2 BY MR. SISK: (Continuing)

3 Q And, the question is, assuming those facts, would
4 you respond?

5 MR. LANPHER: My objection stands. I think the
6 question is vague in addition to all my other objections.

7 You haven't specified what you mean by "respond."

8 THE WITNESS: I would have great difficulty
9 taking any action because I wouldn't know what an
10 appropriate response would be, given, you know, the vague
11 nature of your question.

12 BY MR. SISK: (Continuing)

13 Q How would you go about determining -- well, let
14 me ask you this. First, would you respond?

15 A In what way?

16 Q At all?

17 A I'm not sure what -- respond to what, a
18 radiological emergency at Shoreham?

19 Q Yes.

20 A And, do what?

21 Q My first question is, would you respond?

22 MR. LANPHER: I object to the question. The

1 GJW/sw 1 witness is obviously having a difficult time answering your
2 question, because he doesn't understand what you mean by
3 "respond."

4 That was my objection before. And, the --

5 MR. SISK: Let me put it this way.

6 MR. LANPHER: Let me finish my objection,
7 please. The witness still couldn't answer the question.

8 I think you ought to rephrase it, Mr. Sisk.

9 BY MR. SISK: (Continuing)

10 Q Assuming the facts that I have listed, as County
11 Executive, would you do anything?

12 A The answer is, I would not be in a position to do
13 anything because I would not know what an appropriate
14 response would be.

15 Q Why wouldn't you know?

16 A Because there isn't an emergency plan that would
17 work in the event that there was an evacuation called for
18 at the Shoreham Nuclear Power Plant.

19 Q So, you would be unable to respond without a
20 plan?

21 A No. What I'm saying is that no plan could be
22 developed to properly respond to such an emergency at

1 GJW/sw 1 Shoreham.

2 So, you are asking me what my response would be
3 in the absence of a plan that could work.

4 Q That's what I'm asking you.

5 A Yeah. And, I'm saying that I would not be in a
6 position to be able to respond anyway.

7 Q You would not be able to respond; is that
8 correct?

9 A That's right.

10 Q And, if you were unable to respond, does that
11 mean that the County government would not be able to
12 respond?

13 A Well, I'm the County Executive and -- yes. The
14 answer is that County government would not be able to
15 respond.

16 Q If --

17 MR. LANPHER: Excuse me.

18 (The witness and Mr. Lanpher are conferring.)

19 MR. SISK: Let the record show that the witness
20 is conferring with his counsel.

21 MR. LANPHER: And, let the record show that it is
22 perfectly proper for counsel to confer with my witness.

2 GJW/sw 1

2 THE WITNESS: Let me just clarify this one
3 point. I don't know what my response would be in the event
4 that the hypothetical that you posed to me occurred.

4 BY MR. SISK: (Continuing)

5 Q Are you modifying your answer, Mr. Halpin?

6 A No. I'm trying to clarify that answer so that I
7 can make it clear.

8 You posed a hypothetical question, and to that
9 hypothetical you are asking me to presume a lot of things
10 and it's very difficult for me -- it would be difficult for
11 me to predict what my response would be in the event that
12 that hypothetical question that you posed ever occurred.

13 Q Okay. Assuming the hypothetical facts, would you
14 be able to respond at all in the absence of an emergency
15 plan?

16 MR. LANPHER: The same objection. I don't know
17 what you mean by the term "respond."

18 THE WITNESS: You know, again you are asking me
19 to respond to a hypothetical situation. And, it's difficult
20 for me to answer what my response would be to such a vague
21 question.

22 MR. SISK: I am going to hand to the Reporter and

2 GJW/sw 1 ask him to mark as Exhibit 4 to this deposition a letter to
2 James P. Gleason, Chairman; Dr. Jerry R. Kline and
3 Mr. Frederick Shon of the Atomic Safety and Licensing Board,
4 dated April 15, 1988.

5 It is from the firm of Kirkpatrick & Lockhart and
6 is signed by Mr. Lanpher.

7 (A letter, dated April 15, 1988, to James
8 P. Gleason, Jerry R. Kline and Frederick
9 J. Shon from Mr. Lanpher, is marked as
10 Halpin Deposition Exhibit Number 4 for
11 identification.)

12 BY MR. SISK: (Continuing)

13 Q Mr. Halpin, I will ask you to turn to Page 2, the
14 bottom of Page 2 of that letter.

15 And, by the way, let me ask you, have you
16 reviewed this letter prior to this moment?

17 A This particular letter?

18 Q Yes.

19 A No. This is the first time I'm reviewing this.

20 Q If you will turn to the bottom of that page, it
21 states, "First, the individuals whom the Governments have
22 designated as witnesses have been so designated because they

1 GJW/sw 1 are high ranking County and State officials who are able to
2 speak, knowledgeably, authoritatively, and on behalf of the
3 Governments, on the matters at issue. Further, since the
4 matter at issue here is the intended action of the
5 Governments, the Governments are entitled to designate the
6 persons to appear and speak on their behalf in a legal
7 proceeding such as this, and this Board must respect that
8 right."

9 Have I quoted that correctly?

10 A Yes, you have.

11 Q Mr. Halpin, is there anyone in the County
12 government who is more knowledgeable than you who would be
13 able to tell me what the intended actions of the governments
14 are in the event of an emergency at the Shoreham Plant?

15 A No. That's my responsibility.

16 Q Mr. Halpin, as County Executive, is it your
17 responsibility to protect the health and safety of the
18 public?

19 MR. LANPHER: I object. That was one of your
20 first questions. Asked and answered.

21 BY MR. SISK: (Continuing)

22 Q The answer to that was yes, I believe?

1 GJW/sw 1 A Yes, it was.

2 Q Returning to my hypothetical, if the Shoreham
3 Plant were licensed to operate, all judicial appeals were
4 exhausted, the plant is in operation, LIICO notifies you
5 that an emergency has occurred and they recommend evacuation
6 of a portion of the EPZ, now assuming that, Mr. Halpin, you
7 might have to face those facts, would the County in that
8 instance proceed to put in place an emergency plan to permit
9 you to respond?

10 MR. LANPHER: I object to the question. It calls
11 for him to assume a fact that is not available. He has
12 already told you that the County does not have an emergency
13 plan.

14 Are you asking if the County would implement
15 LIICO's plan?

16 MR. SISK: No. I'm asking if the County would
17 proceed with a plan of its own.

18 MR. LANPHER: He has already testified that he
19 doesn't have a plan of his own. I object to the question.

20 BY MR. SISK: (Continuing)

21 Q Can you answer the question?

22 A The County doesn't have a plan of its own. The

1 GJW/sw 1 County would not implement LILCO's plan.

2 So, I don't know, you know, what the appropriate
3 response would be from the County in the event that the
4 occurrence you have described happened.

5 Q Would you, in the event the Shoreham Plant were
6 licensed to operate, recommend that the County adopt a plan
7 so that you, as County Executive, could respond in the event
8 of an emergency?

9 A No, I wouldn't.

10 Q Why not?

11 A Because I believe that to do that we would be
12 misleading the public into believing that we could safely
13 evacuate the area in and around the Shoreham Nuclear Power
14 Plant. And, after a lot of study and hearings by the County
15 Legislature and reviews by previous County Executives, it
16 was the determination of Suffolk County that such an
17 evacuation would be impossible.

18 And, to participate in the development of a plan
19 would mislead the public and, in fact, would give the public
20 a sense of security that frankly didn't exist.

21 Q Mr. Halpin, is it possible to adequately protect
22 the public health and safety from a nuclear war?

1 GJW/sw 1

2 MR. LANPHER: I object to the question and
3 instruct the witness not to answer. That is totally
4 irrelevant and outside the scope of this proceeding.

5 MR. SISK: Mr. Lanpher, I intend to pursue a line
6 of questioning. If you are instructing the witness not to
7 answer, I want that clear because this is the beginning of a
8 line of questions.

9 MR. LANPHER: Well, I instruct him not to answer
10 that question, that's correct.

11 MR. SISK: And, what is the basis for instructing
12 him not to answer?

13 MR. LANPHER: It's so completely irrelevant that
14 it's a total waste of time. Mr. Halpin is a busy County
15 Executive.

16 My recollection of LILCO's prima facie case also
17 has nothing to do with nuclear war.

18 MR. SISK: Mr. Halpin, I'm going to hand to the
19 Reporter another document which I will ask to be marked as
20 Exhibit 5 to this deposition.

21

22

23

1 GJW/sw 1

2 (A memo, dated July 23, 1982, to Frank P.
3 Jones from John W. Liguori, Subject:
4 Documents Regarding Emergency Planning,
5 with an inclosure, "Civil Defense Basic
6 Emergency Plan for Suffolk County and Its
7 Townships and Villages, New York, is
8 marked as Halpin Deposition Exhibit
9 Number 5 for identification.)

10 MR. SISK: I will vouch for the record that this
11 is a document that is under cover of a letter to Frank
12 Jones, Deputy County Executive, dated July 23, 1982. And,
13 underneath that cover is a document entitled "Civil Defense
14 Basic Emergency Plan for Suffolk County and Its Townships
15 and Villages, New York."

16 BY MR. SISK: (Continuing)

17 Q Mr. Halpin, have you ever seen this document
18 before?

19 A No. This is the first time I'm personally
20 reviewing this document.

21 Q Do you know whether Suffolk County has and
22 maintains a civil defense plan?

MR. LANPHER: I object. Irrelevant.

1 GJW/sw 1

THE WITNESS: I'm not sure.

2

(The witness is looking at the document.)

3

BY MR. SISK: (Continuing)

4

Q Mr. Halpin, the first paragraph of this document states, "The primary mission of Civil Defense is the saving of lives and property under major disaster conditions. The function of Suffolk County Civil Defense is to establish within the County an organization prepared to meet emergency situations arising from natural or man-made disasters and to include an enemy attack upon this nation."

11

Have I read that correctly?

12

A Yes, you have.

13

Q Mr. Halpin, do you believe that it is a disservice to the public to adopt a civil defense plan designed to reduce harm from a nuclear war?

16

MR. LANPHER: I object to the question. It's irrelevant.

18

He has also testified that he is not familiar with this document. So, you are calling on him to speculate.

21

BY MR. SISK: (Continuing)

22

Q Can you answer the question?

1 GJW/sw 1 A It would be very difficult for me to answer that
2 question. I haven't had a chance to review this plan, and I
3 don't know how adequate it is.

4 Q Mr. Halpin, in the event that the Shoreham Plant
5 is licensed to operate at full power and all the judicial
6 appeals are exhausted and a license is upheld, would you, as
7 County Executive, recommend that the County adopt an
8 emergency plan for the Shoreham Plant?

9 MR. LANPHER: I object. That is repetitive. He
10 has already testified that he would not.

11 Do you want him to say it again?

12 BY MR. SISK: (Continuing)

13 Q Is that correct?

14 A The answer is that I wouldn't. Again, I think
15 it's highly speculative.

16 It's the County's position that there has to be
17 an emergency plan that would, indeed, work. And, we don't
18 think such a plan can be developed as it relates to the
19 Shoreham Nuclear Power Plant.

20 Q Is it the County's official position that the
21 Shoreham Plant, if it operates at full power, represents a
22 threat to public health and safety?

1 GJW/sw

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MR. LANPHER: I object to that. I don't know what you mean by "official position," Mr. Sisk. Do you mean, has it adopted a Resolution or issued some sort of proclamation to that effect?

MR. SISK: Is that the County's position in this litigation?

MR. LANPHER: I was focusing on the words "official position." I don't know what you meant.

MR. SISK: I was referring to the County's position, not just the County Executive's position, yes.

THE WITNESS: I would have to review the previous Resolutions to see whether or not that specifically was stated.

BY MR. SISK: (Continuing)

Q So, in order to answer that question, you would need to review the prior Resolutions?

A Well, you are asking me if that is the County's official position.

Q That's correct.

A I would have to review that.

Q Okay. Mr. Halpin, in the event that the Shoreham Plant were licensed to operate at full power, would you

1 GJW/sw 1 direct anyone under your control or supervision to review
2 the LILCO plan?

3 MR. LANPHER: I object. It calls for
4 speculation.

5 THE WITNESS: Again, it is our position that the
6 plant should not operate and it will not operate, because an
7 emergency plan that would work couldn't be developed.

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

11 BY MR. SISK: (Continuing)

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

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

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

1 GJW/sw 1

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

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

7 MR. LANPHER: I object to the question. He can't
8 possibly answer that question.

9 He told you already that he doesn't know what he
10 would do when we add four or five facts. You've just added
11 another fact. That only makes it more impossible for the
12 witness to answer.

13 So, I object that it's calling for just too great
14 a degree of speculation.

15 MR. SISK: I think what I did was to remove one
16 contingency and carry it a step further. But, let's see if
17 the witness can answer it.

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

1 GJW/sw 1

BY MR. SISK: (Continuing)

2 Q Who would you call upon to try to make that
3 decision?

4 A Again, it's very -- it would be very difficult
5 for me to know exactly who I would call upon, given the fact
6 that in an evacuation of the magnitude that would be
7 involved it would be impossible.

8 Q So, you don't know who within Suffolk County
9 government you would consult?

10 A You are asking me to speculate. You know, I
11 don't want to do that.

12 Q I understand you don't want to speculate. Can
13 you identify persons who you would consult in order to make
14 a decision as to how to evacuate a portion of the EPZ?

15 MR. LANPHER: Are you asking, does he know who he
16 would consult? Is that the question?

17 MR. SISK: The question is, who would he consult?

18 MR. LANPHER: If you know.

19 THE WITNESS: You know, you are asking me if I
20 were to order an evacuation of the area. The one thing that
21 I do know is that an evacuation of that size would be
22 impossible. So, it's difficult for me to predict who I

1 GJW/sw 1 would specifically consult with, given that scenario that
2 you posed.

3 BY MR. SISK: (Continuing)

4 Q Do you know what departments of Suffolk County
5 government you might consult in order to make that decision?

6 A I would draw upon the -- again, it's highly
7 speculative, but obviously the Police Department would be
8 one entity that I would speak to.

9 But, you are asking me whether or not I would
10 order an evacuation and, again, getting back to what I said
11 before, an evacuation in and around the Shoreham Nuclear
12 Power Plant would be impossible. So, it would only be
13 contributing to the problems that would already exist.

14 So, it's difficult for me to give you a
15 definitive answer.

16 Q Let me clarify this line of questioning. If you
17 decided to order an evacuation, who would you consult in
18 order to effect that?

19 MR. LANPHER: I object to the question. He has
20 already testified that he believes that it is impossible to
21 carry out an effective evacuation.

22 So, you are asking him to speculate about

1 GJW/sw 1 carrying out something he doesn't think can be done. I
2 think that's really far beyond the proper hypothetical
3 question.

4 BY MR. SISK: (Continuing)

5 Q Can you answer the question?

6 A No, I can't.

7 Q In the event of an emergency at the Shoreham
8 Plant, again if LILCO notified you and recommended
9 evacuation of all or part of the EPZ, would you notify the
10 public in any way?

11 A No, I wouldn't.

12 Q Why?

13 A To begin with, I don't believe an evacuation is
14 possible. I think it was the President's Advisor, former
15 Advisor, Donald Regan, who said that they should build
16 another bridge in order to make such an evacuation happen.
17 He is a Long Islander. He understands the problems that we
18 have here.

19 The other thing is that LILCO does not have much
20 credibility. So, I would be very reluctant to take any
21 action based on representations made by that utility.

22 Q Would you notify the public that an accident had

1 GJW/sw 1 occurred?

2 MR. LANPHER: I object to the question. I don't
3 understand what assumptions are at play here.

4 MR. SISK: The same assumptions we have been
5 talking about all along. I will repeat them.

6 MR. LANPHER: They've changed.

7 BY MR. SISK: (Continuing)

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

12 Would you notify the public at all?

13 MR. LANPHER: I object to the question. He has
14 already testified that he doesn't know what he would do in
15 those circumstances.

16 And, it's speculative. You are asking him to
17 speculate about a thing that he has already told you he
18 can't do.

19 MR. SISK: I'm asking a different question. But,
20 let me ask the witness.

21 BY MR. SISK: (Continuing)

22 Q Can you answer it?

1 GJW/sw 1

A Again, I don't know what my response would be.

2

And, therefore, I'm not sure what would be appropriate,

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given the scenario that you have posed, whether or not

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taking that action would the appropriate response given the

5

problem.

6

Q If you decided to notify the public, how would

7

you do it?

8

MR. LANPHER: Same objection.

9

THE WITNESS: Again, you are asking me to

10

speculate.

11

BY MR. SISK: (Continuing)

12

Q You can't tell me how you would notify the public

13

if you decided to?

14

A Well, what do you mean by notification of the

15

public?

16

Q Let me ask you this. If you decided to notify

17

the public of the accident at Shoreham, would you authorize

18

the sounding of the sirens that LILCO has installed?

19

A No, I wouldn't.

20

Q Why not?

21

A You are asking me if I would, based on LILCO's

22

recommendation, authorize the sirens to be utilized?

1 GJW/sw 1 Q If you decided to notify the public?

2 A Frankly, you are asking me to speculate. I don't
3 know what, you know, the public's response would be. And, I
4 don't know whether that would ease or exacerbate the
5 situation.

6 Q In the event of any type of emergency,
7 Mr. Halpin, do you, as County Executive, have the capability
8 to activate or request activation of a state emergency
9 broadcast system?

10 MR. LANPHER: Could I ask for a clarification?
11 You said any type of emergency. Are you including the
12 Shoreham --

13 MR. SISK: I am no longer confining it to
14 Shoreham, but it is included within that question.

15 MR. LANPHER: Could you repeat then the last
16 portion of that question. Was it the State EBS system?

17 MR. SISK: Yes.

18 MR. LANPHER: Does he have the authority to ask
19 it to be activated; is that correct?

20 MR. SISK: Yes.

21 THE WITNESS: I could certainly contact the State
22 officials and, you know, ask that it be activated. But, it

1 GJW/sw 1 would depend on the nature of the emergency.

2 BY MR. SISK: (Continuing)

3 Q Have you ever had occasion to do that in your
4 tenure?

5 A No. I haven't had occasion fortunately.

6 Q Do you know whether any of your predecessors in
7 the County Executive's Office have done so?

8 A I don't know.

9 MR. LANPHER: Mr. Sisk, it's three minutes to 4.
10 Mr. Halpin is going to have to leave very shortly. So, if
11 you have any other questions, I suggest you finish up.

12 MR. SISK: There are several more questions. I
13 will go as long as we can for the next few moments. And, if
14 you will notify me when we have run to the end of our rope
15 for the afternoon --

16 MR. LANPHER: We took a little longer break than
17 I promised. So, at five after 4 we are going to have to
18 terminate.

19 BY MR. SISK: (Continuing)

20 Q Mr. Halpin, I will ask you to turn very quickly
21 to the document that has been designated Exhibit 2 to this
22 deposition. That is the testimony you have filed in this

1 GJW/sw 1 proceeding. And, I will ask you to turn to Page 2 of that
2 document.

3 (The witness is complying.)

4 There is a statement on Page 2, "During 1982 and
5 early 1983, the County government thoroughly evaluated
6 whether it was possible to develop an emergency plan that
7 would protect the health, welfare, and safety of Suffolk
8 County's residents. In Resolution 111-1983, the County
9 determined that such a plan could not be developed."

10 Have I quoted that correctly?

11 A Yes, you have.

12 Q What was the basis for the determination made in
13 that Resolution?

14 A I know that the County spent considerable
15 resources to attempt to try to develop a plan. When that
16 plan was presented to the County Legislature and the County
17 Executive, hearings were held. Experts were brought in,
18 questioned. The plan was objectively evaluated. The public
19 also had the opportunity to comment on that.

20 And, after weighing all of the things that should
21 be considered, the Legislature reached a determination with
22 the concurrence of the County Executive that such an

1 GJW/sw 1

emergency plan could not be successfully implemented in
Suffolk County.

3

Q Do you know if the determination was made based
on federal criteria for determining the effectiveness of an
emergency plan?

6

A I'm not sure precisely, you know, which criteria
was considered. I know that there are a lot of factors that
go into the development of an emergency plan.

9

Of course, it's up to the County Executive and
the Legislature to evaluate those and then make a decision.

11

Q So, the answer is you don't know which standards
were applied in making the determination?

13

A I'm saying --

14

MR. LANPHER: The previous question was --

15

BY MR. SISK: (Continuing)

16

Q Do you know whether it was federal standards,
yes. So, do you know what standards were applied in making
that determination?

19

A As I said, I know that they looked at a whole
host of factors in making that judgment. It's a very
complicated judgment that requires, you know, a lot of
analysis as well as review by the appropriate agencies.

1 GJW/sw 1

Q Is the answer no?

2

A What was your question?

3

Q Do you know which standards were applied --

4

A You are asking me do I know precisely which

5

standards?

6

Q Yes.

7

A I'm not, you know, intimately familiar with that.

8

Q Okay. Did the County Legislature have the LILCO

9

plan which is currently in litigation before it when it

10

passed this Resolution?

11

A I believe this was the only plan that was

12

considered at that time, the plan that was developed by the

13

County.

14

Q So, the Legislature did not have the LILCO plan

15

that is currently in litigation before it at that time?

16

A I don't think so.

17

Q Mr. Halpin, what legal effect does a County

18

Resolution have in terms of its effect on you as County

19

Executive?

20

MR. LANPHER: I object to the question. It's

21

calling for a legal conclusion.

22

MR. SISK: I will ask for the witness'

1 GJW/sw 1 understanding as County Executive.

2 THE WITNESS: Well, as County Executive it is my
3 understanding that the Legislature acts as the Board of
4 Directors of Suffolk County and they set policy that
5 manifests itself, of course, in local laws.

6 BY MR. SISK: (Continuing)

7 Q Does a Resolution have the same binding force and
8 effect on you as County Executive as a local law would?

9 A Yes. That Resolution is -- yes, it does have the
10 same effect.

11 Q I will ask you to turn to Page 3 of your
12 testimony, Mr. Halpin. There is a statement, "NRC action to
13 license Shoreham above 5 percent power would not cause the
14 County to reconsider Resolution Nos. 456-1982 and
15 111-1983..." That's a portion of the sentence that I've
16 quoted.

17 Mr. Halpin, as County Executive, how do you know
18 that the licensing of Shoreham at full power would not cause
19 the County to reconsider those Resolutions?

20 A I believe the Legislature and the Executive speak
21 with one voice on this issue and that we are of the opinion,
22 which has been reinforced through the passage of this

1 GJW/sw 1 Resolution, that the development and the implementation of
2 an emergency response plan for Shoreham would be a waste of
3 the taxpayer's money and impossible to implement.

4 Q I will ask you to turn to Page 5 of your
5 testimony, Mr. Halpin. The statement -- there is a
6 statement, "The Suffolk County government would not follow
7 or implement LILCO's plan or work with LILCO's personnel if
8 there were an accident at Shoreham."

9 In the event of an accident at Shoreham, would
10 you, as County Executive, have any contact with LILCO at
11 all?

12 MR. LANPHER: I object to that question. It
13 calls for speculation.

14 THE WITNESS: There is no means that we have
15 developed that would ensure that there would be contact.

16 BY MR. SISK: (Continuing)

17 Q Would you want to have data regarding conditions
18 at the reactor so that you could decide whether and how to
19 respond on behalf of the County?

20 A Again, you are asking me to respond to -- to
21 answer a scenario that includes -- that would involve a
22 response from the County that frankly we do not feel we are

1 GJW/sw 1 in the position to be able to successfully implement.

2 If I was getting data from LILCO, I would have no
3 way of judging whether or not it was accurate or what the
4 appropriate response would be.

5 MR. LANPHER: Mr. Sisk, it's 4:05. I would like
6 this deposition to come to a conclusion.

7 MR. SISK: Let me note for the record that we
8 have expended as much time as we have been permitted by the
9 County today for deposing this witness, that at present I am
10 on approximately Page 5 of the witness' testimony, which has
11 nine pages. I've asked very few questions concerning an
12 affidavit which itself spans 14 pages with numerous
13 attachments.

14 I have attempted within the short time to focus
15 on issues rather than specifics of the testimony and
16 affidavit. Nonetheless, there are a number of important
17 specifics as to which LILCO needs to, and intends to,
18 inquire. Therefore, LILCO will agree to continue this
19 deposition at a later date subject to the agreement of
20 counsel as to such a date but cannot agree to conclude its
21 questioning at this time.

22 And, I don't believe any of the other parties

1 GJW/sw 1 have been afforded an opportunity to question either.

2 MR. LANPHER: I understand your position. I do
3 have one just brief follow-up question for Mr. Halpin.

4 CROSS EXAMINATION

5 BY MR. LANPHER:

6 Q It goes back to the very beginning of your
7 questioning by Mr. Sisk about whether you were personally
8 familiar with portions of the LILCO plan.

9 Am I correct, Mr. Halpin, that the portions that
10 you are generally familiar with are portions of the plan
11 which state to the effect that you or someone else in County
12 government would give LILCO permission to take actions in
13 the event of a Shoreham emergency?

14 A That's right. The portions in the plan that
15 relate to the delegation of our police powers.

16 Q Am I correct, according to your testimony, that
17 you would not give such permission?

18 A Yes.

19 Q Is that the extent of your familiarity with
20 LILCO's plan?

21 A That's the extent of my familiarity.

22 MR. SISK: Let me note for the record that that

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is the next line of questioning that I intended to pursue,
and it begins on Page 6 of the witness' testimony.

MR. LANPHER: I thought you were there far
earlier in this deposition, Mr. Sisk.

MR. SISK: We haven't touched delegation.

MR. LANPHER: Very well. Thank you.

THE WITNESS: Thank you.

(Whereupon, the taking of the deposition is
concluded at 4:08 p.m., this same date.)

PATRICK G. HALPIN

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CERTIFICATE OF COURT REPORTER AND NOTARY PUBLIC

I, Garrett J. Walsh, Jr., the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by the witness; that I am neither counsel for, related to nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

GARRETT J. WALSH, JR.

A Notary Public in and for the Commonwealth of Virginia at Large

My Commission Expires:
January 9, 1989