

both natural and man-made, with the one exception of a radiological incident. This particular potential disaster is by law, because of the special knowledge and resources required, the purview of the New York State Health Department. The extraordinary procedures required to monitor and respond to radiological incidents have been developed by the Health Department to respond to an incident, it will still function under the general direction of the Division of Emergency Preparedness and receive support from other County agencies.

Operations Plan, Annex A, Disaster Preparedness Plan, at v (emphasis added).^{1/} The County's Emergency Preparedness Division has informed counsel that the Operations Plan pertains only to radiological incidents such as those involving transportation of radiological materials, calibration of sources, and the handling of radiological isotopes. The Operations Plan is not for use in responding to any nuclear power plant incident. LILCO's counsel is wrong in his apparent belief to the contrary.^{2/}

^{1/} This portion of the Operations Plan is dated January 1981. The statement quoted above concerning the fact that the Operations Plan has no applicability to a nuclear plant incident was underscored in February 1983, when Suffolk County adopted Legislative Resolution No. 111-1983, which established by local law that Suffolk County would not adopt or implement any Shoreham emergency plan.

^{2/} LILCO's counsel is correct in stating that the Operations Plan in several places does mention LILCO and Shoreham. The most explicit reference is a so-called "Civil Air Patrol" procedure, dated March 1982. Counsel is informed by the County's Emergency Preparedness Division that the Civil Air Patrol procedure should never have been part of the Operations Plan (and, indeed, that its inclusion in the Operations Plan was only discovered during the document review undertaken in response to LILCO's recent discovery requests). Counsel further is informed that the Civil Air Patrol is not part of the Suffolk County government but, rather, is an auxiliary of the United States Air Force. Finally,
(footnote continued)

Since the Operations Plan is not a plan for responding to a Shoreham radiological emergency, the Governments objected on relevancy grounds to LILCO discovery requests which sought production of such plans.^{3/} The Governments thus stated:

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 Governments' Objections to LILCO's Second Set of Interrogatories Regarding Contentions 1-2, 4-8, and 10, dated April 20, 1988, at 2.

On May 10, 1988, however, this Board overruled the Governments' Objections and ruled that plans for responding to other

(footnote continued from previous page)
according to the County's Emergency Preparedness Division, the Civil Air Patrol procedure, which calls for aerial radiological monitoring by the Civil Air Patrol, would never work because the Civil Air Patrol does not have the correct equipment for such monitoring and there has been no training of the Civil Air Patrol for responding to a Shoreham emergency. These matters can be covered in deposition discovery, should such be necessary. See discussion below.

^{3/} Contrary to the implication of a Board comment (Tr. 20549), neither the County nor the State has ever denied the existence of plans which pertain to emergencies not involving nuclear power plants or Shoreham. The Governments have urged, however, that such plans are irrelevant.

emergencies had to be produced in discovery. Tr. 19382. The County's attorneys so informed their client. Counsel received the Operations Plan from the County late on May 24, 1988. Due to the need to redact confidential data, the Operations Plan could not be served until May 25. LILCO's attorneys were informed that they could pick up the document on the morning of May 25 or have it sent via Federal Express for delivery on May 26. LILCO's counsel chose the Federal Express delivery.

Thus, in answer to the Board's inquiry, the County's Operations Plan was not produced earlier because there was a dispute as to its relevance. Once the Board ruled in LILCO's favor on the dispute, the document was delivered to LILCO as soon as counsel obtained it.

Counsel is informed by County personnel of the Emergency Preparedness Division that many portions of the Operations Plan need to be revised and updated, particularly due to out-of-date material, because some situations have changed (for instance, many fire districts no longer have area-wide sirens), and because some portions are not properly part of the Plan at all and need to be deleted. Nevertheless, counsel is informed that the Operations Plan is considered to be a currently operative County plan despite the revisions which are required. Thus, the Operations Plan is relied upon by the County's Emergency Preparedness Division in responding to non-nuclear emergencies.

If LILCO decides to pursue additional discovery on the Operations Plan, it is the County's intention to make the County's Radiological Officer (the Radiological Officer is employed by the County's Emergency Preparedness Division, which has responsibility for maintenance of the Operations Plan) available for deposition to explain the document. The County expects that individual to be available for deposition the week of June 13, i.e., the week after the currently scheduled exercise. That individual is familiar with the Operations Plan and can explain why LILCO's suggestion (Tr. 20537) that the Operations Plan might be applicable or pertinent to a Shoreham emergency is not accurate.

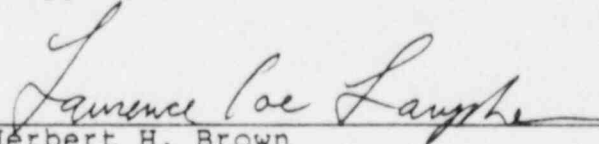
The foregoing essentially completes the County's response to the Board's inquiries. Suffolk County adds a further comment. LILCO's counsel asserted last week that the Operations Plan "is a most illuminating document" (Tr. 20538), that LILCO needs the help of the County "to understand the document" (Tr. 20539), and that LILCO needs to pursue two weeks worth of depositions (Tr. 20546). The County submits that LILCO is engaged in speculation and that the Board should resist scheduling a massive new round of discovery, as LILCO would have it do.

LILCO will receive interrogatory responses on or before this Friday. LILCO will also receive additional documents (some are being served today; others will be served by the end of the

week). As noted above, a deposition pertaining to the Operations Plan can likely be arranged for the week of June 13 (Mr. Halpin's resumed deposition has been scheduled for June 13). The County believes that such a deposition will clarify the nature of the Operations Plan and obviate any need for the kind of extensive and far-reaching discovery suggested by LILCO.

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June 1, 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 SUFFOLK COUNTY RESPONSE TO LICENSING BOARD DISCOVERY INQUIRIES have been served on the following this 1st day of June 1988 by U.S. mail, first class, except as otherwise noted.

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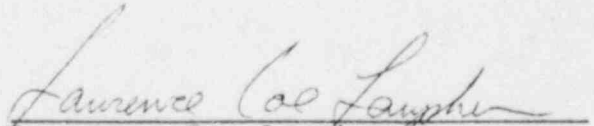
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Note: Courtesy copies also to be available
at the proceedings in Long Island, New York,
June 2.