

~~RELATED CORRESPONDENCE~~

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LILCO, June 7, 1988

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Before the Atomic Safety and Licensing Board

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

LILCO'S THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS REGARDING CONTENTIONS 1-2, 4-8, AND 10 TO SUFFOLK COUNTY, NEW YORK STATE, AND THE TOWN OF SOUTHAMPTON

Long Island Lighting Company, by its counsel, propounds the following interrogatories to Suffolk County, New York State, and the Town of Southampton ("Intervenors" or "the Intervenors"), pursuant to §§ 2.740, 2.740b, and 2.741 of the Nuclear Regulatory Commission's Rules of Practice. By propounding these interrogatories and requests for production of documents LILCO makes no admission or representation about the proper scope of the issues to be decided or the evidence that may be presented.

INSTRUCTIONS AND DEFINITIONS

Except as supplemented below, the "Instructions and Definitions" for this third set of interrogatories on the "best efforts" issue are the same ones set out in LILCO's First Set of Interrogatories and Requests for Production of Documents Regarding Contentions 1-2, 4-8, and 10 to Suffolk County, New York State, and the Town of Southampton, dated March 9, 1988.

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SUPPLEMENTAL INSTRUCTIONS

The primary documentary basis for these Interrogatories, other than the Shoreham offsite emergency plan and Intervenor's responses to LILCO's summary disposition motions on the realism issues, is the recently produced Suffolk County Emergency Operations Plan. The bulk of the interrogatories concern the production of this Plan, with the goal of eliciting exactly when, if ever, this Plan was produced to LILCO, whether this Plan is current, and who has, or has had responsibility for maintaining this document.

The Interrogatories below request information to the best of the State's or County's current knowledge, belief, and intention (whatever knowledge, belief, or intention underlie the answers in responses to summary disposition motions refusing to agree to generally follow the LILCO plan on a given issue). The lack of absolute certainty about the specifics of State/County response should thus not lead to answers that decline to answer on the basis of lack of such certainty.

The following Requests are numbered beginning where the second set, dated March 24, 1988, left off.

INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

124. With respect to the Suffolk County Emergency Operations Plan, please state when, if ever, Suffolk County or the State of New York first produced this document to LILCO in response to discovery requests. Specifically, your answer to this interrogatory should include the following:

- a. Please list the date, method of transmittal, and specify the request or requests to which this document was produced as responsive.
- b. If records sufficient to answer part a above are not in the possession of outside Counsel for Suffolk County or the State of New York, then search the files of the Suffolk County Attorney and produce any and all documents from 1982 to the present which would provide a response to this Interrogatory.

- c. If records sufficient to answer part a of this Interrogatory are not available in the files of the Suffolk County Attorney, please state the name, position, and office location of the person or persons having possession, custody, or control of documents which would be responsive to this Interrogatory.
- d. If such documents are unavailable, or have been destroyed or lost, please describe when, why, and at whose direction this occurred.

125. Please list the names and positions of all persons within the Suffolk County or State of New York governments who have copies of all or any part of the Suffolk County Emergency Operations Plan. Specifically, in your response to this interrogatory please identify the following persons:

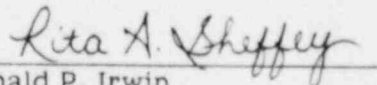
- a. Identify the person(s) within the Suffolk County government who are responsible for maintaining a master copy, if any exists, of this document.
- b. Identify the person(s) within the Suffolk County government who are responsible for updating this document, or keeping it current.
- c. Identify all persons within the Suffolk County and State of New York governments who have a copy or copies of all or any part of this Plan, and for each person so identified list the specific parts of the Plan in the custody of each.

126. Identify all persons within the Suffolk County or State of New York governments who assisted in any way in the gathering of documents in preparation for Suffolk County's production of documents responsive to LILCO's discovery requests dated June 2, 1982, July 21, 1983, August 8, 1983, and March 24, 1988 as described in LILCO's Response to "Suffolk County Response to Licensing Board Discovery Inquiries," dated June 1, 1988. Specifically, in your response to this interrogatory please include answers to the following questions:

- a. Identify the person or persons responsible for coordinating the document production effort.
- b. Identify the person within the Suffolk County government who produced the Suffolk County Emergency Operations Plan to Kirkpatrick & Lockhart ("K & L") for production to LILCO, including the date of such production to K & L.

127. Identify the person within Suffolk County government who provided the copy of the Suffolk County Emergency Operations Plan which was produced to LILCO on or about May 24, 1988.

- a. Is the person identified in response to this interrogatory the same person as previously identified in response to part of a Interrogatory No. 125?
- b. Is the document produced to LILCO the same as that maintained by Mr. Petrone?
- c. If Mr. Petrone is not the person responsible for maintaining a master copy, please identify the person who has it, or from whom he received it.



Donald P. Irwin
K. Dennis Sisk
Rita A. Sheffey
Counsel for Long Island Lighting
Company

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

DATED: June 7, 1988

CERTIFICATE OF SERVICE

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

I hereby certify that copies of THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS REGARDING CONTENTIONS 1-2, 4-8, AND 10 TO SUFFOLK COUNTY, NEW YORK STATE, AND THE TOWN OF SOUTHAMPTON were served this date upon the following by telecopier as indicated by one asterisk, by Federal Express as indicated by two asterisks, or by first-class mail, postage prepaid.

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

Dr. Jerry R. Kline *
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U.S. Nuclear Regulatory Commission
East-West Towers, Rm. 427
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Mr. Frederick J. Shon *
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory Commission
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Secretary of the Commission
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Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Adjudicatory File
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Washington, D.C. 20555

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Federal Emergency Management
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26 Federal Plaza
New York, New York 10278

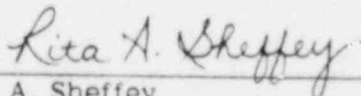
Jonathan D. Feinberg, Esq.
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Ms. Nora Bredes
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Shoreham Opponents' Coalition
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North Shore Committee
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Wading River, NY 11792


Rita A. Sheffey

Hunton & Williams
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DATED: June 7, 1988

LILCO, June 7, 1988

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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NOTICE OF DEPOSITION

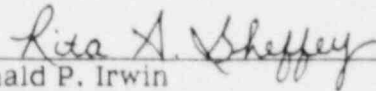
PLEASE TAKE NOTICE that the Long Island Lighting Company, by counsel, pursuant to 10 C.F.R. § 2.740a of the Nuclear Regulatory Commission's Rules of Practice, will take the deposition upon oral examination of Lee Koppelman, Executive Director, Long Island Regional Planning Board, County of Suffolk, on matters concerning the Suffolk County Emergency Operations Plan and any and all revisions thereto, from 1980 to the present, and any and all County efforts at planning for responses to any radiological emergency at Shoreham including County planning efforts in 1981, 1982, and 1983. The deposition will be taken before a notary public and court reporter on Friday, June 10, 1988, beginning at 1:00 p.m. and thereafter until the taking of the deposition may be completed, at the offices of the Suffolk County Attorney, Hauppauge, New York.

The deponent is directed to produce at the deposition, for inspection and copying, any and all documents, including without limitation notes, records, reports, memoranda, correspondence, studies, analyses, papers, writings, photographs, recordings, and other materials of any kind or nature whatsoever, in his possession, custody or

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control or in the possession, custody or control of representatives, employees, attorneys, assigns, or anyone acting on his behalf, which are relevant to the issue stated above, including but not limited to procedures for notifying the public in the event of any emergency, whether or not included in the County of Suffolk Emergency Operations Plan.

Respectfully submitted,



Donald P. Irwin
K. Dennis Sisk
Rita A. Sheffey
Counsel for Long Island Lighting Company

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

DATED: June 7, 1988

LILCO, June 7, 1988

CERTIFICATE OF SERVICE

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

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

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

Edwin J. Reis, Esq. **
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852

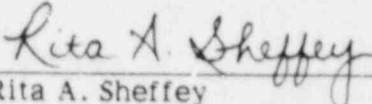
Herbert H. Brown, Esq. *, **
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Mr. Lee Koppelman **
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Hauppauge, New York 11788


Rita A. Sheffey

Hunton & Williams
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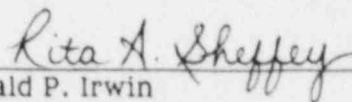
PLEASE TAKE NOTICE that the Long Island Lighting Company, by counsel, pursuant to 10 C.F.R. § 2.740a of the Nuclear Regulatory Commission's Rules of Practice, will take the deposition upon oral examination of Robert Sheppard, Radiation Control Officer, Department of Health, County of Suffolk, on matters concerning the Suffolk County Emergency Operations Plan, including particularly Annex K entitled, "Radiological Intelligence", and any and all County plans and responsive capabilities for responding to radiological incidents of any type. The deposition will be taken before a notary public and court reporter on Friday, June 10, 1988, beginning at 9:00 a.m. and thereafter until the taking of the deposition may be completed, at the offices of the Suffolk County Attorney, Hauppauge, New York.

The deponent is directed to produce at the deposition, for inspection and copying, any and all documents, including without limitation notes, records, reports, memoranda, correspondence, studies, analyses, papers, writings, photographs, recordings, and other materials of any kind or nature whatsoever, in his possession, custody or control or in the possession, custody or control of representatives, employees,

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attorneys, assigns, or anyone acting on his behalf, which are relevant to the issue stated above, including but not limited to procedures for notifying the public in the event of any emergency, whether or not included in the County of Suffolk Emergency Operations Plan.

Respectfully submitted,



Donald P. Irwin
K. Dennis Sisk
Rita A. Sheffey
Counsel for Long Island Lighting Company

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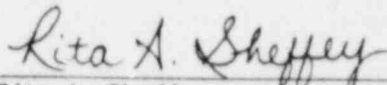
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DATED: June 7, 1988