UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
LONG ISLAND LIGHTING COMPANY	)	Docket No. 50-322-OL-5
	)	(EP Exercise)
(Shoreham Nuclear Power Station, Unit 1)	)	
	)	

LILCO'S OPPOSITION TO SUFFOLK COUNTY'S MOTION FOR ORDER COMPELLING LILCO TO RESPOND TO SUFFOLK COUNTY'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

On November 10, 1986, Suffolk County filed a motion to compel responses by Long Island Lighting Company ("LILCO") to Suffolk County's First Set of Interrogatories and Request for Production of Documents. By its motion, Suffolk County seeks to compel responses to its interrogatories over LILCO's objections based on relevance, privilege, and the unfocused, overbroad and unduly burdensome nature of the discovery sought. LILCO opposes Suffolk County's motion because it fails to establish a particularized need for the information sought on any of the disputed interrogatories and because the five basic arguments on which the motion is premised are without merit. For the following reasons, LILCO urges the Board to deny the motion.

A. Suffolk County Has Not Shown The Requisite Particularized Need for the Information Sought

A motion to compel may be filed when the party upon whom interrogatories were served fails to respond or objects to any or all of a request. 10 C.F.R. § 2.740(f). Where an objection has been noted, the burden rests on the party seeking to compel

discovery, here Suffolk County, to show with "particularized and persuasive reasons" why it is entitled to that information. Duke Power Co. (Catawba Nuclear Station Units 1 and 2), LBP-82-116, 16 NRC 1937, 1950 (1982). Where the objection to producing the information is based on relevance the requirement for "particularized and persuasive" reasons demands that "The movant must address each interrogatory, including consideration of the objection to it, point by tedious point. . . . An objection to an interrogatory on relevance grounds requires the [movant] to explain in concrete terms why the question may lead to relevant evidence." Catawba, 16 NRC at 1950.

Suffolk County's motion does not particularize its need for the information sought by correlating that information to an admitted contention and explaining that correlation. Suffolk County never answers the question "Interrogatory ___ is within the scope of the contention because [specified reason]." See Catawba, 16 NRC at 1950 n.6. As is shown below in specific reference to the outstanding interrogatories, the arguments in Suffolk County's motion are vague, general and unspecified requests for information and documents which Suffolk County baldly asserts are "relevant to admitted contentions," but Suffolk County's arguments never specify how the information sought is relevant or why it is needed. Mere reference to admitted contentions, which is the extent of detail provided by Suffolk County, does not establish a nexus between the allegations of a contention and the facts sought to be discovered.

B. Not One of the Five Issues Raised in the Motion Provides a Basis on Which to Compel Discovery

1. The Development of the Exercise Scenario and Objectives and the Identities of Persons Who Participated in that Development are Irrelevant and Not Subject to Discovery (Interrogatories 15, 16, 17, and 18)

In an operating license proceeding, parties may obtain discovery of information which is relevant to matters in controversy. 10 C.F.R. § 2.740(b)(1); Allied-General

Nuclear Services (Barnwell Fuel Receiving and Storage Station), LBP-77-13, 5 NRC 489 (1977). Still, "there must be limitations on the concept of relevancy so as . . . to keep the inquiry from going to absurd and oppressive grounds." Boston Edison Co. (Pilgrim Nuclear Generating Station, Unit 2), LBP-75-30, 1 NRC 579, 582 (1975). That limitation on relevance is central to the rule that parties are not required to respond to discovery that is not relevant to an admitted contention. Cleveland Electric Illuminating Co. (Perry Nuclear Power Plant, Units 1 and 2), LBP-82-67, 16 NRC 734, 736 (1982).

In determining what is relevant, it is important to keep in mind that the subject of this litigation is limited to whether the February 13, 1986 exercise itself demonstrated that LILCO's emergency plan is not implementable or that there exist fundamental flaws in the Plan. Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), CLI-86-11, 23 NRC 577, 581 (1986); Prehearing Conference Order (Ruling on Contentions and Establishing Discovery Schedule) (Oct. 3, 1986). As the Board recognized in admitting only some of the Intervenors' proposed contentions, neither inquiry into matters that have already been decided in the emergency planning hearings, nor unbridled inquiry into matters remote in time and substance from the matters disputed in the exercise itself is appropriate. See Prehearing Conference Order (Oct. 3, 1986) at 9; Hickman v. Taylor, 329 U.S. 495, 507-508 (1947).

LILCO objected to Interrogatories 15, 16, 17 and 18 on grounds of relevance, since those interrogatories seek only information about the process of creating the exercise scenario and its objectives and about persons who participated in that process, rather than anything to do with the conduct or results of the exercise. Suffolk County's argument in opposition that the information sought may be relevant to issues raised in Contentions EX 15 and 16, as well as in other admitted contentions, should be rejected on a number of counts. The Board should deny the motion to compel and enter a

protective order to prohibit any further inquiry on these subjects. A Motion for a Protective Order is filed with the Response.

Suffolk County's motion to compel discovery should be denied because it is devoid of any particularized and persuasive reasons why the information sought is relative to any of the contentions at issue in this proceeding. The arguments in support of the motion to compel merely allege that "While the information sought may be relevant to issues raised in Contentions EX 15 and 16 [which are the subject of pending motions to reconsider], such information is also relevant to the many other admitted contentions which address LILCO's inability to satisfy objectives during the Exercise (e.g. Contentions EX 38-41, EX 47, EX 49)." No more specific allegation is made than this. Nowhere is there any particularized argument that explains in concrete terms why the specific question at issue may lead to relevant evidence on any admitted contention.[1/] Absent a particularized showing of need Suffolk County should not prevail. Catawba, 16 NRC at 1950.

Second, even assuming that Suffolk County's showing of need were sufficiently particularized as to any contention, the information sought by Interrogatories 15-18 is simply not relevant to any of the contentions to which they are alleged to relate (15, 16, 38-41, 47, 49). Interrogatories 15-18 relate solely to the details of development of the exercise objectives and scenario before the exercise.[2/] However, six of the eight

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1/ For example, Suffolk County makes no attempt to identify how the formulation of exercise objectives has any bearing on the question of whether LERO's performance during the Exercise satisfied those objectives. Yet, the latter question is the only question raised by Contentions EX 38-41, 47 and 49.

2/ Interrogatory 15 seeks the identity of persons who developed the exercise objectives; Interrogatory 16 seeks all the documents related to that process. Interrogatory 17 seeks the identity of all persons who participated in the process of development of the exercise scenario; Interrogatory 18 seeks all documents related to the process of developing the exercise scenario.

contentions to which these interrogatories are alleged to relate -- 38-41, 47 and 49 -- all unmistakably take the exercise objectives as a given and relate solely to how well LILCO satisfied various of them on February 13, 1986.[3/] Suffolk County does not allege that the objectives are not reasonably intelligible as written or that they need interpretation to make them intelligible; nor do they point to any other basis (and there is none) why the names of individuals and other information relating solely to the details of the pre-exercise formulation of the objectives is relevant to a demonstration of whether LILCO's performance in the actual exercise satisfied them. The same is true, a fortiori, with respect to information on the genealogy of the exercise scenario, since the contentions do not even relate to them. With respect to Contentions EX 15 and 16, Suffolk County's position is no better. Suffolk County's own characterization of Contentions EX 15 and 16 in other pleadings rejects the notion that the process of creating the exercise scenario or objectives is relevant to those contentions. In its Response to FEMA's Motion to Reconsider the Board's Prehearing Conference Order, Suffolk County states:

> [T]he Governments do not challenge either the design of the scenario or FEMA's generic process for review of exercises. Rather, the Governments take the exercise scenario, and the exercise, and the FEMA evaluation processes as they existed on February 13. They are a given in this proceeding, and are not "challenged."

3/ Contention EX 38 alleges, in pertinent part, that LILCO's performance at the ENC failed to satisfy various recited exercise objectives. Contention EX 39 alleges, in pertinent part, that LILCO's rumor control operations failed to meet certain recited exercise objectives. Contention EX 40 alleges that the mobilization of LERO traffic guides failed to satisfy certain exercise objectives. Contention EX 41 alleges, in pertinent part, that LILCO's response to roadway impediments failed to satisfy various listed exercise objectives. Contention EX 47 alleges, in pertinent part, that the exercise did not demonstrate satisfaction of various exercise objectives relating to monitoring and decontamination of evacuees from special facilities. ContentCon EX 49 alleges, in pertinent part, that the demonstration of decontamination and monitoring of the general population at the reception center did not satisfy various exercise objectives.

See Suffolk County, State of New York and Town of Southampton Response to "Federal Emergency Management Agency's Motion to Reconsider Atomic Safety and Licensing Board Prehearing Conference Order Dated October 3, 1986, and Memorandum and Supporting Affidavit In Support of That Motion" (Nov. 10, 1986), at 10. (Emphasis in original, footnote omitted.) Later in the same response Suffolk County reaffirms its position that Contentions EX 15 and 16 do not raise the issue of the scenario's design or of the development of its objectives.

> It is completely without basis for FEMA to allege that the Governments' contentions challenge the exercise scenario. As noted above, the Governments have a right to challenge the results and evaluations of the exercise, given the scenario which was used and the LILCO players' responses thereto. That is what the Governments have done in the contentions.

Id. at 16.

If these representations by Suffolk County about Intervenors' theories are to be given credence, then Intervenors are accepting, for purposes of this litigation, the substance of the objectives and the scenario for the February 13 exercise as givens. In that event, the details of their formulation are not in issue with respect to Contentions EX 15 and 16, and inquiry into specific aspects of that formulation, which is all that is sought by Interrogatories 15-18, is utterly unrelated to the Intervenors' own formulation of areas in contention.[4/]

4/ Intervenors' newly limited characterization of the need of Contentions EX 15 and 16 does not make them any the less inadmissible, for reasons set out in LILCO's Novemer 10, 1986 response in support of FEMA's motion for reconsideration of those contentions. Nor does it mean that the actual content of other exercises, based on their final objectives or scenarios, is not relevant to various issues in contention.

Against this background, neither Suffolk County nor any of the other Intervenors should now be heard to complain of LILCO's objection to providing information about the development of the exercise scenario and objectives and the persons who participated in the development. LILCO's objections to Interrogatories 15, 16, 17 and 18 parallel Suffolk County's own representations.

Finally, LILCO objects to providing information about the process of creating the exercise scenario and objectives and the persons involved in that process since this information relates to the subject of motions for reconsideration now pending before this Board. See FEMA's Motion to Reconsider Atomic Safety and Licensing Board Prehearing Conference Order dated October 3, 1986 and Memorandum Supporting Affidavit in Support of that Motion (Oct. 27, 1986); and LILCO's Response in Support of FEMA's Motion to Reconsider that Aspect of the Licensing Board's Prehearing Conference Order Permitting Challenges to the Scope of the February 13, 1986 FEMA Graded Exercise (Nov. 10, 1986). In its November 10 Response, LILCO requested a stay on discovery of materials within the scope of the contentions in controversy. LILCO renews that request here and asks that, if the Board determines that these materials are relevant to Contentions EX 15 and 16 and that a protective order is not appropriate, a stay be granted as to their production pending the resolution of the currently pending motions on Contentions EX 15 and 16. However, LILCO believes that the better course is for the Board to deny the motion to compel and to enter a protective order to preclude any further inquiry on the subject.

2. LILCO Properly Objected to Producing Pre-Exercise Training Documents on the Ground that Such Information Is Not Relevant (Interrogatories 19, 20, and 21)

LILCO properly objected to providing pre-exercise training documents sought by Suffolk County Interrogatories Nos. 19, 20, and 21 on the ground that such information

was not relevant. At issue in this proceeding is the effectiveness of LILCO's training program as demonstrated by events that occurred the day of the exercise. The question is whether LERO "passed the test" or, rather, whether events on the day of the exercise demonstrated a fundamental flaw in the LILCO Plan. In demonstrating this proposition the contents of the videotapes, workbooks, drills, tabletops or other training materials and practice sessions, all of which preceded the exercise, are not self-evidently irrelevant.

As the Board recognized in its Prehearing Conference Order, this proceeding is no place for duplicative contentions or evidence. (See Order at 9). The training program itself has already been extensively litigated in 3½ weeks of hearings during the plan litigation. At that time workbooks, videotapes, training schedules, instructors' guides and all other training materials related to the program were provided to Suffolk County. The details of the program, how it works, how often training is scheduled -- are well known to Suffolk County. They are also well known to the Board. LBP-85-12, 21 NRC 644, 744-56 (1985). Thus, the Board's admission of a nonduplicative Contention EX 50 on training is limited in scope to whether "flaws that came to light during the exercise demonstrate collectively a fatally inadequate training program." (See Order at 29) (emphasis supplied). Contention EX 50 can not be read to reopen the contents of the training program to scrutiny nor can Contention EX 50, focused as it is on the events of the exercise itself, be properly employed as a vehicle for discovery of pre-exercise training materials. There is no issue in Contention EX 50 to which pre-exercise training materials are relevant. But such pre-exercise materials are the entire focus of the objected-to discovery requests.[5/]

5/ Arguably, if Intervenors were contending that information about the exercise had been improperly "leaked" to the exercise players through the training program, or

(footnote continued)

Suffolk County's claim that these pre-exercise materials are needed to examine if the "fixes" for the flaws that were revealed by the exercise will correct those flaws is without merit. LILCO has already provided all training materials which have been used in LERO training since the day of the exercise and which embody any of the "fixes." Included in the training materials provided are the workbooks, videotape scripts, drills, tabletops, player documents, and drill critiques and summaries for all training that has occurred since the date of exercise. Changes reflected in those materials which differ from the materials that were litigated during the emergency plan hearing, and which Suffolk County already possesses, have been provided.[6/] Pre-exercise training documents would duplicate a massive amount of the information Provided during the litigation of the training program and the post-exercise materials provided earlier this month. LILCO objects to providing such massive amounts of duplicative documents the relevance of which cannot be established. "The seeking of a massive volume of information . . ., a good deal of which must, by its nature, be repetitive and duplicative, and only remotely relevant to the specific issues in the case constitute[s] an undue and unnecessary burden." Boston Edison Co. (Pilgrim Nuclear Generating Station), LBP-75-30, 1 NRC 579, 588 (1975) (emphasis supplied).

(continued from previous page)

that training for the exercise had improperly involved "cramming" or "steering" for specific events in the exercise objectives or scenario, then matters relating to the pre-exercise training program could need to be re-examined. But there is no such allegation (nor any basis for one). On the face of the issues admitted for litigation, the question is how effectively the participants in the exercise performed, given the training program which has already been described and evaluated in prior litigation, and which LILCO can be presumed to have implemented in accordance with its own internal procedures.

6/ See attached Letter from Jessine A. Monaghan to Michael S. Miller, Esq. (Nov. 6, 1986).

3. LILCO Properly Withheld the Names of Natural Persons Who Participated In or Are Knowledgeable About Their Organizations' Participation In Activities Concerning the Exercise to Protect Them From Harassment and Intimidation (Interrogatories 9, 10 and 11)

Suffolk County moves to compel a response to Interrogatory No. 9, which seeks the names of natural persons who participated in or are knowledgeable about their organizations' participation in activities concerning the exercise.[7/] It claims that LILCO's objection to this interrogatory on the ground that the information it seeks to obtain is an invasion of privacy is "an improper use of information . . . conjured up by LILCO counsel." On the contrary, the basis for this objection is factual.[8/]

During the course of this proceeding, numerous organizations have assisted LILCO in the development and implementation of its emergency plan. Unfortunately, through no fault of LILCO, not all of the positive working relationships that existed in the past exist in the present. As is stated more fully in the attached Affidavit of Charles A. Daverio, this is in part the cumulative result of governmental opposition and harassment, sensational reporting in the media, and efforts deliberately designed to intimidate individuals or groups from participating in the Shoreham plan or to induce them to withdraw from cooperation.

7/ The motion raises collateral issues as well. Without moving to compel, Suffolk County notes LILCO's objection to disclosing the names and residential addresses of LILCO employees who are members of LERO and states that Suffolk County "does not waive its right to the information sought." (Motion at 6). Suffolk County's position in its motion is contrary to its statement in the interrogatories themselves that "should LILCO wish to protect the privacy of individual workers, the County has no objection to LILCO's designating, at this time, the LERO workers by number (or some other means) rather than by name, as was done in the past." LILCO's answers to Interrogatory 6 merely take Suffolk County at its word.

8/ LILCO does not concede that any of this information would, in any event, be relevant to the extent not already disclosed by FEMA's April 17 Post-Exercise Assessment.

One specific example is the Nassau Coliseum. As recently as last winter, LILCO enjoyed a good working relationship with that facility, but after the FEMA exercise the Nassau County Board of Supervisors, in response to pressure from groups opposed to the operation of Shoreham including representatives of New York State and Suffolk County, enacted an ordinance prohibiting the use of the Coliseum in connection with the Shoreham Plan. Resolution No. 782, Nassau County Board of Supervisors (June 16, 1986). In addition, LILCO's longstanding relationship with radio station WALK was recently severed. See Letter from Alan S. Beck, President and General Manager, WALK Radio, to Ira Freilicher, Vice President, LILCO, dated August 8, 1986. In addition, counsel for Suffolk County met one evening in June 1986 with an organization of Suffolk County bus drivers in an effort to induce them to refuse publicly to cooperate with the Shoreham Plan. See Suffolk County, State of New York, and Town of Southampton Response to LILCO's First Set of Interrogatories and Requests for Production of Documents to Suffolk County, New York State and Town of Southampton, Interrogatory No. 2 (Nov. 14, 1986).

Representatives, or persons posing as representatives, of various private organizations on Long Island have recently undertaken further efforts to destroy the relationships developed by LILCO to implement the Shoreham offsite plan. As is attested to by the Daverio Affidavit, ¶ 13 and the Newsday article attached to it, the Coalition for Safe Living, a group based in Nassau County, has claimed credit for the events involving the Nassau Coliseum and radio station WALK, and has as its avowed intent to attempt to damage or destroy other organizational affiliations with LERO and the Shoreham offsite emergency plan. As is further attested to by the Daverio Affidavit, ¶ 14, reports recently provided to LILCO indicate that persons purporting to be representatives of various educational or health-care associations have telephoned

representatives of various organizations which are affiliated with the Shoreham offsite plan and attempted to induce them to withdraw publicly from further cooperation with LILCO. At least one of these persons inaccurately represented, as part of this invitation, that another named organization had already withdrawn from such cooperation.

The destruction of these relationships and others like them is due in part to intimidation, harassment and sedition of the types outlined above. Once LILCO makes identifying information available it has no way of knowing to whom the information is communicated or what use is made of it. And whether or not LILCO may have separate recourse to prevent or obtain redress against depredations of this kind, it is clear that in the climate now prevailing on Long Island, specific identifying information of the type requested can be used -- and history teaches that it will be used -- to attempt to destroy relationships that are contemplated as part of LILCO's implementation of the Shoreham offsite plan.

On these grounds, LILCO urges the Board to prohibit discovery objected to in Interrogatories 9, 10 and 11 and moves for a protective order to prohibit the disclosure of this highly sensitive information and to prevent intimidation and harassment of these individuals and organizations. A Motion for a Protective Order is filed with this Response together with the affidavit of Mr. Charles A. Daverio, which explains the examples cited above and attests to the need for protecting these individuals.

4. LILCO Properly Objected to Unfocused Discovery Requests as Overly Broad and Unduly Burdensome (Interrogatories 10, 11, and 33)

In seeking to compel discovery on Interrogatories 10, 11 and 33, Suffolk County asks the Board to compel LILCO to comply with excessively broad, unfocused discovery of a type uniformly scorned by administrative and judicial tribunals. The overbreadth

of these requests is apparent on their face. Interrogatory 33 improperly requests "copies of any document of any kind relating to the exercise and not previously produced." Interrogatories 10 and 11 seek the identity of any person or organization "who participated in any way in activities concerning the Exercise prior to or after the Exercise" (emphasis added) and any correspondence between LILCO and those persons or organizations. None of these interrogatories focuses on specific requests for factual material that can be understood or answered in terms of specific admitted contentions. This flaw is particularly egregious where, as here, extensive discovery has already been provided, both voluntarily and in response to relatively specific discovery requests.

Blanket discovery requests such as Interrogatories 10, 11 and 33 are frowned on. In Illinois Power Co. (Clinton Power Station, Unit Nos. 1 and 2), ALAB-340, 4 NRC 27, 34 (1976), the Appeal Board stated that

> a blanket request for production of all "books, documents, papers and records which are relevant and relate to the subject matter of [an] examination . . ." is obviously without merit.

Id. at 34 (quoting from 4A Moore's Federal Practice, ¶34.07 (2d ed.)). There, the Appeal Board ruled that a request for a wide range of documents supporting a study done by an expert witness was too broad where the purpose of the request was to obtain documents that would assist Intervenors in cross-examining that expert witness on particular aspects of the study. Id. at 33. Suffolk County's requests are even more broadly based; they are essentially unrestricted requests for all information relating to the Exercise.

Suffolk County's motion should be denied not only because the requests are inherently improper, but also because the motion to compel is itself unfocused and not particularized. Suffolk County's motion does not correlate the information requested by Interrogatories 10, 11 and 33 to any admitted contention with the particularity

required to sustain a motion to compel. Catawba, LBP-82-116, 16 NRC at 1950. For example, in its motion to compel a response to Interrogatory 10, Suffolk County characterizes LILCO's response that "no admitted contention addresses the pre- or post-Exercise performance of any organization named or unnamed" as a "red herring." Yet nowhere in the motion does Suffolk County identify an admitted contention to which this information, if provided, would relate. Instead, Suffolk County argues generally that this information will show what individuals "were expected to do" or "intended" to do during the exercise. Those facts are not in dispute and are not part of any contention. What is at issue in this case is what LERO players and outside organizations did do on the day of the exercise. In response to Interrogatory 9, LILCO has already identified organizations that participated on the day of the exercise and has produced relevant, non-privileged documents. Without some showing of relevance to an admitted contention LILCO is not required to do more.

Suffolk County's arguments to compel discovery on Interrogatory 33 should also be denied. First, Suffolk County asserts that Interrogatory 33 is "specific and limited in nature" simply because it seek documents not produced in response to other interrogatories. This claim of specificity is not credible. Interrogatory 33's dragnet request for every exercise-related document not previously produced is so unfocused as to constitute the archetypal "fishing expedition" request. Moreover, no argument is put forth that relates the information requested in Interrogatory 33 to any contention at issue. Second, Suffolk County attempts to shift the focus from the blunderbuss nature of its request by claiming that LILCO may not avoid discovery because there is "some burden." In support of its second argument, Suffolk County cites the Licensing Board's decision in Long Island Lighting Co. (Shoreham Nuclear Power Station), LBP-82-82, 16 NRC 1144, at 1155. There the Board stated that "the Board does not believe that a

request for documents should be deemed objectionable solely because there might be some burden attendant to its production." (citation omitted). Reliance on this passage, which dealt solely with burdensomeness as a limit on the production of clearly relevant documents, is misplaced. The Suffolk County discovery request is objectionable not because it imposes some burden but because the request is excessively broad and unfocused.

5. LILCO Has Properly Asserted Privileges Based On the Work Product Doctrine and the Attorney-Client Privilege (Interrogatories 5, 8, 16, 18, 27 and 31)

Suffolk County argues that LILCO has not properly claimed privilege in its responses to Suffolk County Interrogatories 5, 8, 16, 18, 27 and 31. A proper assertion of privilege requires that the party designate and describe (1) the documents for which privilege is claimed; (2) the privilege asserted; and (3) the precise reasons why the party believes the privilege applies to such documents. Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-82-82, 16 NRC 1144, 1153 (1982). In its Supplemental Responses to Suffolk County's First Set of Interrogatories and Request for Production of Documents dated November 10, 1986, LILCO did precisely that for relevant documents withheld from production in response to any of the requests: provided a list of documents which were relevant and for which it claimed a privilege, identified each document by author, date, custodian and recipient, identified the privilege claimed, and stated the basis for the claim of privilege. Therefore, LILCO has met the requirements for proper assertion of privileges.

6. **LILCO Has Fully Responded to Suffolk County's Interrogatory 27**

LILCO has fully responded to Suffolk County Interrogatory 27 by providing all documents prepared by controllers regardless of whether they were acting as a "controller" or "observer." LILCO's reference to controller messages was an effort to identify, prior to the deadline for producing documents, categories of responsive documents; it was not, as Suffolk County suggests, an attempt to narrow the request.

CONCLUSION

For the reasons stated above, LILCO respectfully urges the Licensing Board to deny Suffolk County's Motion for Order Compelling LILCO to Respond to Suffolk County's First Set of Interrogatories and Request for Production of Documents, and to grant LILCO's attached Motion for Protective Order.

Respectfully submitted,

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FILE NO.
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November 6, 1986

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Production of Documents: Training Materials

Dear Mike:

On November 5, 1986, LILCO produced documents related to training activities that have taken place after the February 13, 1976, exercise. Susan Casey and Geoffrey Kors of your office reviewed those documents and designated a number for copying.

At that document production on November 5, we agreed that I would provide you with a list of the classroom training materials that had been modified since 1984 when you received Revision 2 of the training videotapes, scripts, and workbooks. Based on that list you agreed to let me know whether you wished copies of the modified videotapes. The workbooks and scripts were produced on November 5 and Susan Casey and Geoff Kors were told which of those videotapes, scripts and workbooks had not been modified and given an opportunity to designate for copying any script or workbook now used in LERO training. We are making copies for you of the scripts and workbooks they designated and consider our production of those documents to be complete.

The following workbook modules have been revised to reflect Revision 7 of the SNPS Local Offsite Radiological Emergency Response Plan and Procedures ("Plan and Procedures"): 1, 2, 3, 5, 8, 9, 10, 12, 13, and 14. As you will recall, there is no workbook for module 4. The workbooks for modules 6, 7, 11, 16, 17, 18, and 19 have not been revised since 1984.

Videotapes for the following modules have been condensed: module 1/2; module 3; module 5/8; and module 9/10. Videotapes for the following modules have been revised to reflect Revision 5 of the Plan and Procedures: module 7, module 10 (long version);

module 12; and module 13. The videotapes from modules 6, 11, 14, and 16 have not been revised since 1984.

If you wish to receive copies of any of the modified videotapes, please let me know in writing before the close of the discovery period. We will bill you for the cost of reproducing a VHS videotape.

Sincerely,

Jessine A. Monaghan

Jessine A. Monaghan

283/6024