



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

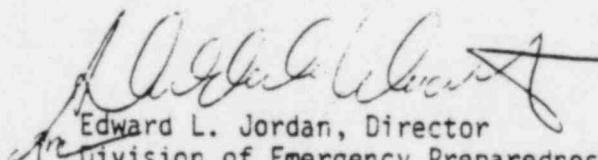
January 23, 1985

MEMORANDUM FOR: Richard W. Krimm
Assistant Associate Director
Office of Natural and Technological Hazards
Federal Emergency Management Agency

FROM: Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

SUBJECT: SHOREHAM EXERCISE

In my memorandum to you, dated December 19, 1984, related to LILCO's proposal for a Shoreham exercise, I stated that we would provide you with a copy of our responses to Governor Cuomo and John C. Gallagher, both of whom had opposed the conduct of the exercise. Enclosed with this memorandum are copies of our responses.


Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

Enclosures:

1. Ltr. to Governor Cuomo from
W.J. Dircks dtd. 1/11/85
2. Ltr. to J.C. Gallagher from
W.J. Dircks dtd. 1/11/85

cc: J. M. Taylor, IE
J. G. Partlow, IE
S. A. Schwartz, IE
D. B. Matthews, IE
C. R. Van Niel, IE
F. Kantor, IE
J. R. Sears, IE

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NY Times 3/27/85

Reports Show U.S. Role In Dispute at Shoreham

By MATTHEW L. WALD

Officials of the United States Department of Energy have been actively conferring with each other and counterparts at other departments to find ways to help license the Shoreham nuclear power plant, according to department documents.

The Secretary of Energy, John S. Herrington, testified recently that the department was doing nothing about the dispute over emergency planning at Shoreham.

He said he supported a pledge by President Reagan in October not to impose a Federal solution on the licensing problem over the objections of state and county governments.

But the newly released documents indicate that the department has been looking for ways to help Shoreham's builder, the Long Island Lighting Company, overcome the refusal of Suffolk County and New York State to participate in emergency planning.

That issue threatens to block licensing of the \$4.3 billion reactor, which is on the North Shore of Long Island, 35 miles east of New York City.

No Comment From Energy Dept.

Philip D. Klef, deputy press secretary of the department, said yesterday afternoon that the department would have no immediate comment on the situation.

The documents were released by the energy conservation and power subcommittee of the House Energy and Commerce Committee, which questioned the Secretary closely earlier this month on the department's activities.

Lilco has developed an emergency plan using meter readers, linemen, and other employees of the utility in the roles usually filled by police, fire and other emergency personnel, and Lilco would like to test the plan.

Among other activities, the Department of Energy appears from the documents to have been active in supporting Lilco's request, and in exploring strategies to lead Federal authority to the utility's plan.

For example, the documents show continuing contact between the department and the Federal Emergency Management Agency, which is responsible for evaluating emergency plans, grading emergency drills, and advising the Nuclear Regulatory Commission on the state of preparedness.

In a March 8 to the Director of the Emergency Management Agency, Louis O. Guthrie, the Energy Secretary, Mr. Herrington, wrote, "The Department of Energy will continue to support the testing of the Shoreham plan as soon as possible."

Need for Test Seen

An internal Energy Department memorandum dated May 4, 1984, said, "The clear gap at this time is the need for a test of the Lilco plan."

If the Federal Emergency Management Agency were to help develop the plan and test it, the document said, "there is a high probability that it would be a sufficient basis for licensing Shoreham."

"We encourage FEMA to develop and test the plan," the memo said.

Another memo included a draft of a proposed executive order intended to solve the problem of Lilco's legal authority to put the plan into effect.

It described an interagency task force—directed by the President's science advisor and including officials of the Emergency Management Agency, the Nuclear Regulatory Commission and the Department of Energy—which was studying plants "held hostage" by local objections to emergency planning.

After the Three Mile Island accident, in March 1979, the N.R.C. insisted that all new plants had to have emergency plans before they opened.

Challenge by Judge

A justice of New York State Supreme Court ruled in March that Lilco did not have the legal authority to exercise the plan, because employees of a private utility could not assume police powers and governmental functions like directing traffic, blocking emergency sirens, or deciding when to declare an emergency and advise the public to take shelter or flee an area.

The documents indicated that the department knew it was acting against the position of the county and state.

An Energy Department summary of Shoreham's status that appeared to have been written in late December or January speculated that the state or county "might attempt to enjoin the conduct of such an exercise on the basis that Lilco would be violating some state law."

Another department memo, undated but evidently written after May of last year, listed "short term" tasks for the agency, including "Lobby NRC and FEMA to amend, interpret, issue opinions, or adopt presumptions regarding their regulations and rules which are favorable to DOE's policies."

Complaint From the House

The subcommittee chairman, Representative Edward J. Markey, a Massachusetts Democrat, complained in a letter sent yesterday to Mr. Herrington that the department's activities were "at odds with President Reagan's and your own pronouncements on this issue."

"It raises a serious concern as to whether the task force is out of control," he said.

Mr. Herrington, testifying before the energy conservation subcommittee on March 13—five days after his letter to the head of the Emergency Management Agency—was asked by Representative Markey, "What, if anything, is D.O.E. doing with respect to Shoreham's emergency plans?"

Mr. Herrington replied, "I don't think we are doing anything."

Mr. Markey, pressing the new Secretary for details, asked him to submit documents describing the department's involvement in Shoreham's emergency plans if any were discovered later.

The department's response was to allow the committee staff access to its files. The documents it released were taken from the department's task force on nuclear construction projects.