



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

Handwritten: F. Kantor, IE
Handwritten: Sears

January 3, 1984

NOTE TO: James M. Taylor
FROM: Edward L. Jordan
SUBJECT: REQUEST FOR BRIEFING PAPER

Attached is a briefing paper regarding Topic 7 as listed in Attachment 1 of T. Rehm's December 28, 1984 note to you. This information was developed jointly with ELD (E. Christenbury).

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

Attachment:
Response to Topic 7

cc: S. A. Schwartz, IE
D. B. Matthews, IE
F. Kantor, IE
C. R. Van Niel, IE
E. S. Christenbury, ELD
S. E. Turk, ELD

QUESTION 7.

What are NRC's views on implementation of the authority to approve emergency planning without local/State support?

ANSWER.

NRC regulations place the ultimate responsibility for ensuring the adequacy of offsite emergency preparedness on NRC applicants and licensees, while recognizing that State and local authorities bear substantial responsibility for protecting the health and safety of their citizens. Experience to date has shown that the State and local governments have, for the most part, recognized and accepted their responsibilities in this regard and, as partners in undertaking to protect the public health and safety, may be expected to cooperate in the development and implementation of adequate radiological emergency response plans. Nonetheless, the NRC recognizes that the licensing or continued operation of some reactors may be affected by inaction or inability on the part of State or local governments to develop adequate emergency plans on a timely basis.

A provision was included in the 1984/85 NRC Authorization Act, Section 108, which permits the NRC to issue an operating license in the absence of a State or local plan approved by the Federal Emergency Management Agency (FEMA), if the NRC finds that a utility-sponsored offsite plan provides reasonable assurance that operation of the plant will not endanger the public health and safety. This provision is similar to provisions contained in the two prior NRC authorization acts. The Commission has adopted a regulation, 10 C.F.R. § 50.47(c)(1), which permits consideration of a utility-sponsored offsite plan, consistent with this authority.

FEMA is the agency at the Federal level which has been assigned lead responsibility for assessing the adequacy of offsite emergency preparedness. Accordingly, while the NRC is responsible for making the ultimate reasonable assurance finding with respect to both onsite and offsite emergency preparedness, the NRC relies heavily on FEMA's findings and determinations as to offsite matters. This applies with respect to the review of State and local governmental plans, as well as to the review of utility-sponsored offsite emergency preparedness plans where State or local plans have not been prepared. While the 1984/85 NRC Authorization Act and NRC regulations permit the NRC to issue a license in the absence of a FEMA-approved offsite plan, the NRC has not yet had occasion to reach a decision on the adequacy of an offsite plan in the absence of a FEMA determination that the plan was adequate.

The adequacy of a utility-sponsored offsite emergency plan is being litigated in the Shoreham operating license proceeding, now pending before an Atomic Safety and Licensing Board. Two related legal issues have arisen in that proceeding: (1) whether the utility has the legal authority, under State law, to perform certain functions which we normally would expect State and local officials to perform during an

emergency situation, and (2) whether, if State law withholds such legal authority from the utility, there exists any Federal statute or regulation which would preempt the operation of that State law. These questions are pending for resolution both before the ASLB and the New York State courts, and it would be difficult and inappropriate to predict the outcome of these questions.

It is not presently possible to predict whether the NRC would approve an offsite emergency plan in the absence of State or local support. However, depending on the circumstances of a particular case, there may exist legal impediments to the implementation of an offsite plan without such support, and these legal impediments could prevent the NRC from reaching a favorable finding on offsite emergency preparedness.

MEMORANDUM FOR: Darrell G. Eisenhut, Director
 Division of Licensing
 Office of Nuclear Reactor Regulation

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

SUBJECT: LOW-POWER LICENSE FOR SHOREHAM

DISTRIBUTION

DCS
 DEPER R/F
 EPB R/F
 ELJordan, IE
 CRVanNiel, IE
 FKantor, IE
 JRSears, IE

The staff's review of onsite emergency planning and preparedness at Shoreham has been completed and a supplementary SER is being prepared to document the results of the IE and Region I evaluations. Provided that the completion of several hardware items is confirmed through re-inspection, we have determined that the state of onsite emergency preparedness provides reasonable assurance that adequate protective measures can be taken in the event of a radiological emergency that may occur during fuel loading and low-power operations (up to 5% rated power).

The above determination would normally be a sufficient basis insofar as emergency planning and preparedness requirements are concerned, to issue an operating license authorizing only fuel loading and/or low-power operations. However, in view of the status of the development of the offsite emergency plans and response capabilities, I am unable to support the issuance of a low-power license to Shoreham. My views on this matter are based upon considerations that extend beyond the technical and legal findings called for by Section 50.47(d) of Part 50. While I am in complete agreement with the Commission's ~~adoption of revised generic requirements~~ permitting fuel loading and low-power operations without NRC or FEMA findings regarding offsite emergency preparedness (47 FR 30232), I cannot at this time conclude that the present circumstances at Shoreham will lead to the development of an emergency response program that is sufficiently effective to support full-power operation. In the absence of such a conclusion, I am opposed to taking a final action that would lead to fuel irradiation and the attendant contamination with no guarantee of the subsequent benefits of full power operation.

I am closely involved with the ongoing FEMA and NRC review of the offsite plans for Shoreham and am hopeful that the present impediments to the development and implementation of an effective response program can be overcome.

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

cc: See Attached

EPB: IE
 DBMatthews:dh
 04/ /84

DD:DEPER: IE
 SASchwartz
 04/ /84

D:DEPER: IE
 ELJordan
 04/ /84

B/40

ROUTING AND TRANSMITTAL SLIP

Date 5/14/84

TO: (Name, office symbol, room number,
building, Agency/Post)

Initials Date

1.

Van Ziehl / Matthews / Schwartz

2.

3.

Shoreham

4.

Re: RAC-LILCO Meeting

5.

New York on 5/11/84

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

from Ron Bellamy:

— meeting opened by NRC PM who then bowed out; meeting went smooth; 240-50 people, lot of media; LILCO agreed to make all fixes to Transition Plan requested by RAC; 3 areas of concern: role of other Fed agencies, Red Cross commitment needed, and training of bus drivers. Suffolk County there but did not

DO NOT: use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

say much, also a few from public made short statements. Legal question

Phone No. picked off

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206limits for meeting. No
schedule for plan corrections.

Talk

B/29



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20565

Draft Meeting Notice

*May 11, 1984
FEMA Region II
26 Federal Plaza
New York City, NY
10278*

9 AM



*Changes called in
By Wilkerson
4/26 PM -
EW*

MEMORANDUM
OF CALL

Previous editions usable

TO: *ELJ*

☐ YOU WERE CALLED BY- ☐ YOU WERE VISITED BY-

Wilkerson
OF (Organization)

287-0200

☐ PLEASE PHONE ☐ FTS ☐ AUTOVON

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

LILCO got in touch w/FEIA to set up a mtg. on RAC comments on their plant. FEIA informed them that they had to go thru the NRC for this since we requested FEIA to do the study. If you have a problem with this pls. call.

RECEIVED BY

DATE

4/18

TIME

1:45

63-110 NSN 7540-00-634-4018
U.S. G.P.O. 1983-381-529/234

STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
FPMR (41 CFR) 101-11.6

B/32

1-18-84

Draft For Meeting Notice

SUBJECT:

Brief
Meeting to ~~Review~~ Federal Emergency Management Agency
Regional Assistance Committee ~~Comments~~ on the Shoreham
Offsite Emergency Plan *Region II*

DATE:

Friday, May 11, 1984

TIME:

10:00
~~9:00~~ a.m.

LOCATION:

Federal Emergency Management Agency
Region II
26 Federal Plaza
New York, New York 10278

PURPOSE:

Brief
For the representatives of the Long Island Lighting
Company (LILCO) to ~~meet with~~ representatives of the
Federal Emergency Management Agency (FEMA) *on the* to review
LILCO proposals to remedy the deficiencies identified
by FEMA in the LILCO offsite emergency plan for the
Shoreham Nuclear Power Station. FEMA is ~~reviewing~~ *the*
LILCO offsite plans in response to a request from the
Nuclear Regulatory Commission (NRC) in accordance with
Section II 4 of the November 1, 1980 NRC/FEMA Memorandum
of Understanding. *the RAC* *and conducting the meeting*

PARTICIPANTS:

FEMA

Regional Assistance Committee

LILCO

cc: E. Christenbury, ELD
R. Udell, Interior Committee Staff
R. C. DeYoung, IE
E. L. Jordan, IE
D. B. Matthews, IE
G. Cunningham, ELD
W. J. Dircks, EDO
J. W. Roe, EDO
T. A. Rehm, OEDO
EDO rf
Sam Speck, FEMA

cal Ralph Caruso
re E. Christenbury
changes
of 4/27 AM
Done
EMI



Congressional Research Service
The Library of Congress

Washington, D.C. 20540

May 4, 1984

TO : House Subcommittee on Oversight and Investigations
Attn: Richard Udell

FROM : American Law Division

SUBJECT : Whether the Department of Energy or Federal Emergency Management Agency Has Authority Under Existing Law to Conduct "Command and Control" Activities In the Event of a Civilian Nuclear Powerplant Emergency

This memorandum responds to your request for analysis of the issue captioned above. It is understood that your interest in this issue arises from the refusal of the State of New York and Suffolk County to participate in offsite emergency planning in connection with the Shoreham Nuclear Power Station in Suffolk County. In the absence of an offsite emergency plan containing adequate protective measures, regulations of the Nuclear Regulatory Commission (NRC) bar the issuance of an operating license for the reactor.^{1/}

To resolve this impasse, the Federal Emergency Management Agency (FEMA) and the Department of Energy (DOE) have stated in two draft memoranda of understanding supplied us by your subcommittee^{2/} that during an emergency at Shoreham, DOE officials could invoke existing legal authority to perform "command and control" activities normally undertaken by state and local officials. The legal authorities in these draft MOUs which we have reviewed, however, appear unlikely to encompass the federal conduct of such command-and-control functions.

^{1/} 10 C.F.R. § 50.47(a)(1).

^{2/} One draft MOU, dated March 14, 1984, is entitled "DOE/FEMA Memorandum of Understanding" (hereinafter "dated MOU"). The other draft MOU, undated, is captioned "Memorandum of Understanding Between DOE and FEMA Relating to Federal Radiological Emergency Response Capability" (hereinafter "undated MOU").

B/30

The dated MOU (see footnote 2) would delegate to DOE the claimed authority of FEMA to participate in --

(1) command and control ... functions in connection with the Shoreham Offsite Radiological Emergency Response Plan; and (2) any other emergency response functions exercised or reasonably exercisable by governmental entities ..., as may be mutually agreeable to LILCO and DOE. ^{3/}

Authorities cited for such functions are Executive Order No. 12148^{4/} and an unspecified executive order apparently still to be signed by the President. Not possessing a copy of the unsigned executive order, we comment below only on Executive Order 12148.

Executive Order 12148 enlarges FEMA authority through transfers of existing federal-agency functions, creation of new authorities, and delegations of presidential authority. We have reviewed all provisions creating new authorities, and those transfers and delegations most likely to contain authority for direct participation of agency personnel in command-and-control linked to a commercial nuclear powerplant emergency. No clear authority for the aforementioned command-and-control emerges from this qualified review. It is unlikely that any FEMA claim of command-and-control authority would be sustained by a court in the absence of unequivocal statutory grant.

An example of an equivocal authority for command-and-control in Executive Order 12148 is the authority vested by the Federal Civil Defense Act of 1950, as amended, delegated to FEMA by section 4-103(a) of the Order. That Act authorizes the Federal Civil Defense Administration to --

^{3/} Dated MOU at 3.

^{4/} 44 Fed. Reg. 43239 (July 24, 1979). Amendments to Exec. Order 12148; not pertinent here, were made by Exec. Orders 12155, 44 Fed. Reg. 53071 (Sept. 12, 1979) and 12156, 44 Fed. Reg. 53073 (Sept. 12, 1979). The as-amended version can be found at 50 U.S.C. App. § 2251 note.

prepare national plans and programs for the civil defense^{5/} of the United States ... ; sponsor and direct such plans and programs

The better argument would seem to be that the directing authorized above refers to administrative direction, not to assumption of local-government command-and-control duties. A court would be unlikely to infer congressional authorization of such a substantial federal intrusion into a traditional arena of state authority without the clearest of statutory indications.

The undated MOU is not entirely clear as to whether it seeks to delegate FEMA command-and-control authority to DOE or whether it contemplates FEMA's invoking, in the event of a radiological emergency, authorities already vested in DOE. One sentence in the MOU strongly suggests the latter:

Whenever FEMA ... determines that ... the Federal government capability residing with DOE can and should be utilized, FEMA will advise DOE of its determination to implement this MOU. 6/

Other discussion of authority in the MOU can be read to support the authorities-already-vested-in-DOE interpretation. For example, the MOU states --

The assignment effected by this Memorandum of Understanding between FEMA and DOE is in furtherance of Section 2-202 of Executive Order 12148 and paragraph 6 of the FEMA-NRC Memorandum of Understanding. 7/

The "assignment" would appear to be the act of assigning emergency functions among federal agencies acting under their own statutes. If so, the question of interest is whether DOE can find authority for the assumption of

^{5/} "Civil defense" is defined in the Act, 50 U.S.C. App. § 2252(c), to include the evacuation of personnel, and the control of traffic and panic.

^{6/} Undated MOU at 6-7 (emphasis added).

^{7/} Undated MOU at 4. The reference to "the FEMA-NRC Memorandum of Understanding" appears to mean the MOU noted at page 2 of the undated MOU, cited to 45 Fed. Reg. 82713. The MOU at 45 Fed. Reg. 82713, however, deals only with planning matters. So, "paragraph 6 of the FEMA-NRC Memorandum of Understanding" would seem to have no application to any command-and-control responsibilities of DOE.

command-and-control powers pursuant to its own statutory authority, rather than that of FEMA.

None of the DOE authorities cited in the undated MOU support an exercise of command-and-control authority by DOE personnel during a civilian nuclear powerplant emergency. For example, Atomic Energy Act § 31^{8/} cited by the MOU allows DOE to provide for only R&D activities. Section 33 of that Act,^{9/} cited by the MOU, is similarly confined to R&D, training, and studies. The Federal Radiological Emergency Response Plan, also cited, declares that "[n]o new authorities are provided by this plan."^{10/}

In addition to the two draft MOUs, we note a document entitled "Pre-decisional Executive Summary of Issues on Exercise at Shoreham," prepared by FEMA.^{11/} In sharp contrast with the draft MOUs, this document concedes the existence of "questions that arise regarding the legal authority for both Federal [sic] and LILCO to conduct off-site emergency operations in the case of an actual crisis" No comment is made to elucidate this shift in position.

The document further asserts that FEMA does have authority to prepare a plan for emergency federal response at Shoreham and undertake an exercise of such plan, though no specifics as to this authority are set forth. Preparation and exercise of a plan reportedly involve no command-and-control activity, so the doubts expressed above as to the existence of legal authority for actual occurrences cannot necessarily be extended to these preliminary phases. Nonetheless,

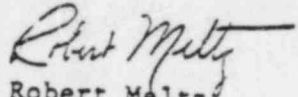
^{8/} 42 U.S.C. § 2051.

^{9/} 42 U.S.C. § 2053.

^{10/} 49 Fed. Reg. 3578, 3580 (January 27, 1984) (draft Plan). The MOU appears to envision that this draft Plan will have been issued as a final document by the time the MOU takes effect.

^{11/} Attachment, letter from Samuel Speck, FEMA, to William Dircks, NRC, dated April 26, 1984.

it seems anomalous that FEMA should assert authority for the expenditure of substantial funds to prepare/exercise a plan the agency is unsure it is fully empowered to carry out in the event of an actual nuclear emergency.


Robert Meltz
Legislative Attorney
American Law Division

Study Criticizes Plan for a Drill Near Shoreham U.S. Agencies Are Said to Lack the Authority

By MATTHEW L. WALD

A study by the research service of the Library of Congress says the Federal agencies seeking to conduct an evacuation drill around the Shoreham nuclear plant have "no clear authority" to exercise the police powers needed to hold the drill.

Last month, the Federal Emergency Management Agency said it was planning a drill early next year at the Suffolk County plant.

During the drill, the United States Department of Energy would exercise such police powers as directing traffic, barring entry to the plant and activating the Emergency Broadcasting System.

The development of an acceptable emergency plan is required before Shoreham can receive a full operating license from the Nuclear Regulatory Commission. But the county has refused to do further work on such a plan, and New York State has declined to step in to replace the county.

Insuring Public Safety

The Emergency Management Agency is officially responsible for reviewing such emergency plans, making recommendations to the commission and coordinating the Federal response to a nuclear disaster.

But the agency maintains that, in the absence of local and state planning, it also has the responsibility for insuring the safety of people living near nuclear plants, if necessary by conducting drills over the objections of local governments.

The Shoreham study, by the Congressional Research Service, was requested by Representative Edward J. Markey, Democrat of Massachusetts and chairman of a House subcommittee

The main control room of the Shoreham nuclear power plant. The development of an acceptable emergency plan is required before the plant can receive a full operating license from the Nuclear Regulatory Commission.

The New York Times/Jack Manning

tee investigating emergency planning for nuclear plants and surrounding areas.

The Congressional Research Service is a nonpartisan agency available to members of Congress. Its findings are often used in legislative debate.

The study — by Robert Maltz, a lawyer in the research service's American law division — noted that the Emergency Management Agency had corresponded with the Energy Department over how the two agencies could perform the "command and control" activities normally undertaken by state and local officials.

But the statutes, Presidential orders and legal authorities cited in that correspondence do not appear to give the two agencies the authority needed to run a drill, the research service said.

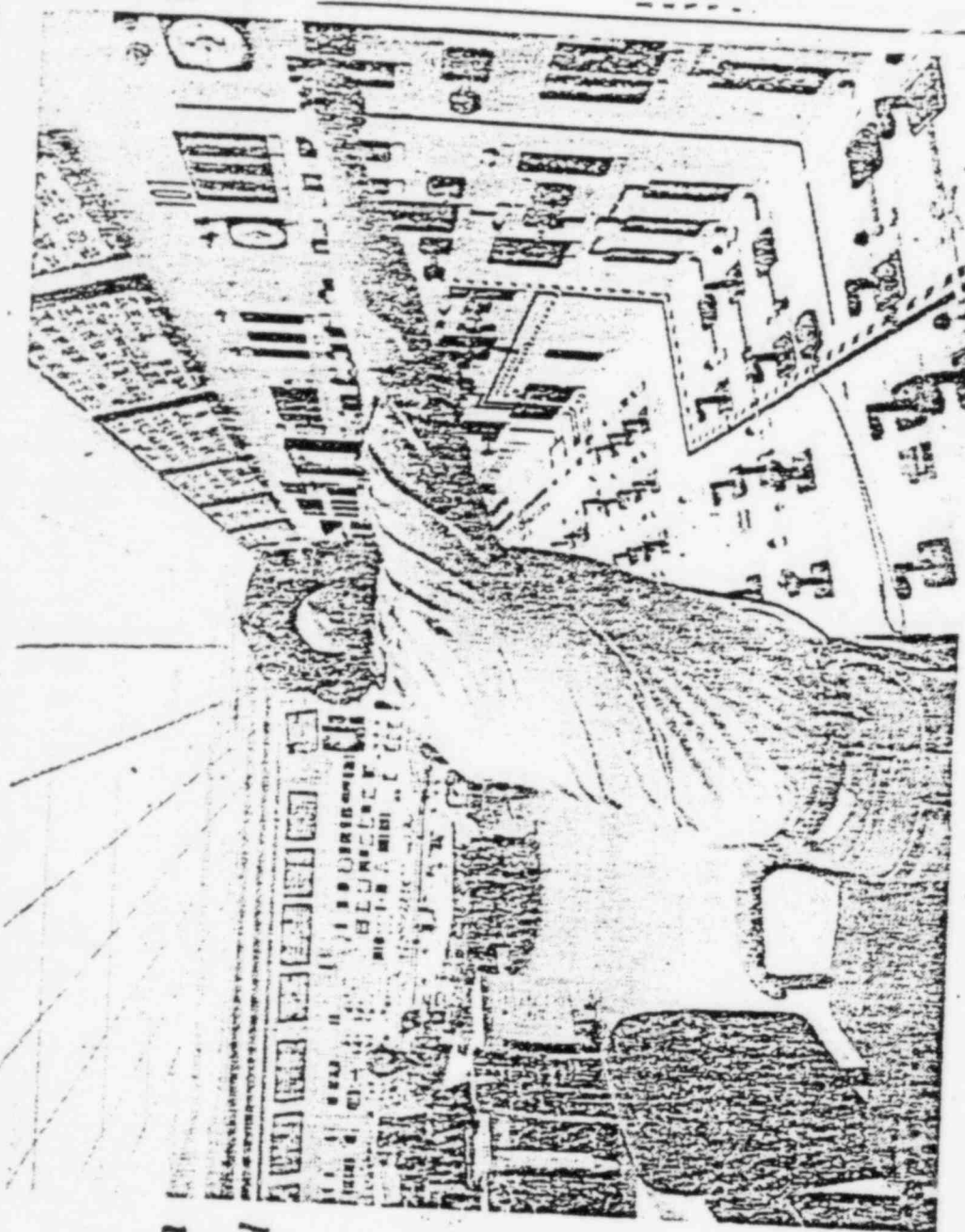
Moreover, the study said, it is doubtful that a court would uphold the Federal agencies' assumption of such powers, since there is no law giving them that authority.

The study also refers to a proposal by the Emergency Management Agency that the agency, the Energy Department and the Nuclear Regulatory Commission each contribute from \$500,000 to \$700,000 to pay for the

The study said it seemed "anomalous" for the Emergency Management Agency to spend "substantial funds to prepare/exercise a plan that the agency is unsure it is fully empowered to carry out in the event of an actual nuclear emergency."

In a statement issued with the report, Mr. Markey called the agency's proposal for joint Federal financing of the drill "ludicrous."

"It would be a conflict of interest for these agencies, which are supposed to independently evaluate the adequacy of emergency planning, to take actions



05-01-84

15:29

NO. 009

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NRC FORM 388 (11-81) NRCM 0270	U.S. NUCLEAR REGULATORY COMMISSION		REQUESTER'S MAILING ADDRESS	
	FACSIMILE TRANSMITTAL REQUEST		STREET	
			CITY	
	DATE		RETURN ORIGINAL TO SENDER	
		<input type="checkbox"/> YES <input type="checkbox"/> NO		

MESSAGE TO		FACSIMILE PHONE NUMBER		VERIFICATION PHONE NUMBER	
NAME AND ORGANIZATION		FAXN-359			
Dave Matthews, IE					
CITY		STATE		NUMBER OF PAGES (INCLUDING TRANSMITTAL INSTRUCTIONS)	
		AUTOMATIC		2	
		<input type="checkbox"/> YES <input type="checkbox"/> NO			

MESSAGE FROM		FACSIMILE PHONE NUMBER		VERIFICATION TELEPHONE NUMBER	
NAME		TELEPHONE NO.			
L. H. Hulman		27763			
BUILDING		MAIL STOP			
Phillips		P-822			
		AUTOMATIC			
		<input type="checkbox"/> YES <input type="checkbox"/> NO			
		PRECEDENCE			
<input type="checkbox"/> OVERNIGHT		<input type="checkbox"/> FOUR HOURS		<input type="checkbox"/> TWO HOURS	
		<input type="checkbox"/> ONE HOUR		<input type="checkbox"/> IMMEDIATE	
SPECIAL INSTRUCTIONS					

TIME/DATE (Stamp)	
RECEIVED	TRANSMITTED
1984 MAY 1 PM 4 35 U.S. NUCLEAR REGULATORY COMMISSION TELETYPE UNIT-BF05	B/31

Question: In these circumstances, what justification is there for waiving the emergency preparedness requirements applicable to full power operation?

Answer: The Commission has previously determined that no NRC or FEMA review, findings, or determinations concerning the state of offsite emergency preparedness are required prior to the issuance of an operating license authorizing only fuel loading and/or low power operations (up to 5% of the rated power). This determination was reaffirmed by the Commission in response to a question certified by the ASLB during the course of the full power proceeding (add citation by ELD). The applicant has not requested nor has the NRC staff proposed that any existing emergency planning requirements applicable to either low power or full power operation be waived. Insofar as the Commission's question seeks the staff's views on whether the circumstances at Shoreham raise doubts regarding the Commission's earlier justification for adoption of the requirements of 10 CFR 50.47(d) that permit the issuance of operating licenses for low-power operation in the absence of a finding concerning the adequacy of offsite emergency preparedness, the staff has reviewed the continued appropriateness of the technical bases provided in the Supplementary Information that was published with the pertinent amendments (47 FR 30232, Commission Response to Issue 2).

Based on the technical justification contained in 47 FR 30232, and the information presented by the staff in response to Question (1), the staff concludes that the level of public protection during low power operation at Shoreham supports a finding that the risks associated with low power operation are significantly reduced compared with those at full power, and that the circumstances at Shoreham do not contradict the bases for the Commission's present requirements regarding the extent of the emergency preparedness findings that must be made preceeding the issuance of license authorizing only fuel handling and/or low power operation.

ROUTING AND TRANSMITTAL SLIP

Date 3/28/84

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Pagan / Matthews		
2. cc Sears		
3.		
4. Re: Rev 3 of Shoreham Offsite RERP		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

I called Ralph Caruso, PM concerning Rev 3 of Shoreham Offsite RERP. It was transmitted to NRC by letter from LILCO dated 12/21/83. It has not been docketed. As a result of my call, Caruso is going to docket Rev 3 immediately. He is sending over a copy of transmittal letter and Rev 3. Caruso also said he must have, by the

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
middle of next week, an SER which is out onsite EP	from Sears
	Phone No.
	issues.

5041-102

GPO : 1981 O - 341-529 (109)

Tralk

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

B/35

49 Dave

Summary Report on FEMA Evaluation of LILCO Plan (Part 3)

D. Perotti (3/23/84)

RESOLUTION DIFFICULT

- There are 5 inadequacies that could be extremely very difficult to fix (one is questionable - could be easy). These items pertain to assignment of responsibility (4a), letter of agreement (a repeat of A.3) and protective measures for ingestion EP2.

In this area, there are really 5 inadequacies (A.3 + C.4 are very similar).

RESOLUTION RELATIVELY EASY

- The remaining (26 items) are what I consider relatively easy to fix, with 1 item questionable - could be difficult (5.10. dealing with ingestion to excretion).

This is a repeat of one issue, namely I.8 and J.10.m.

In this area there are really 25 items that should be easy to fix.

LEGAL IMPLICATIONS ON ADEQUATE ITEMS

- In addition to the 32 inadequacies, FEMA identified 13 adequate items that are possibly complicated by legal issues.

FEMA mis-characterized one item (J.11) dealing with protective measures for the 50-mile C.R.P. FEMA had it listed as inadequate but having no legal implications. I disagree.

GENERAL COMMENTS

It appears that FEMA has gone into the LILCO transition plan in great depth. In many places they refer to procedures (are these part of the plan?). I don't understand the position of the State of New York in

B/36

Review of Emergency Procedures

Criteria	Easy	Hard	Criteria	Easy	Hard
A.1.a.		✓ ^{NY State}	O.1.b	✓	
A.1.b.		✓ ^{City}	O.4.b	✓	
A.1.c	✓		O.4.d	✓	
A.2.a	✓		P.8	✓	
A.2.b		✓ ^{Legal} 50.47(c)(1)			
A.3		✓ ^{has w/ city}			
C.1.c	✓				
C.4		✓ ^{its - see} A.3			
F.1.c	✓				
I.8	✓				
I.9	✓				
I.10	✓				
J.2	✓				
J.9	✓				
J.10.b	✓				
J.10.c	✓				
J.10.h	✓				
J.10.i	✓?				
J.10.m	see I.8	✓			
J.11		✓ ^{ingestion} EIPZ			
J.12	✓				
K.3.a	✓				
K.5.a	✓				
K.5.b	✓				
L.1	✓				
L.3	✓				
M.1	✓				
M.4	✓				

Criteria that were labeled adequate but have legal implications

A.1.d	-	24 hr response
C.1.a	-	persons authorized to call ^{Feds}
E.5	-	EBS
E.6	-	ANS
F.3	-	testing of entire community ^{system}
G.3.a	-	contact, news media
H.4	-	activation of facilities
J.10.a	-	evacuation plan, map
J.10.c	-	means to notify populace
J.10.f	-	KI policy
J.10.i	-	access control
N.1.a	}	integrated exercises
N.1.b		
P.1 thru P.5	-	integrated planning, effort

all of this. Certain criteria in NUREG-0654 are identified as being a State responsibility, however, FEMA reviewed the Transition plan against these criteria. Under ^{criteria} A.1.a, FEMA says, "and New York has not implemented actions." My ignorance prevents me from making substantive recommendations, however, the following is offered:

1) Forward the FEMA review to LILCO and direct LILCO to communicate directly with FEMA in providing a schedule of corrective actions (Note - this was done by Maine Yankee on November 15, 1983, in the case of ETE/Re 27 petition matter.

2) Request that FEMA identify ^{whether} ~~each~~ of their reported inadequacies in accordance with their upgraded reporting procedure:

- 1. a. deficiencies that lead to a negative finding
- 1. b. deficiencies that does not lead to a negative finding but requires correction
- 2. others - improvement areas

3. Request FEMA to take steps to resolve the matters that may have legal complication - it's their job, isn't it?

result in an overall finding of that the local plans are ~~capable~~ adequate and capable of being implemented, or that they are inadequate.

J.W. Smith

To: ED Wilson, Houston & Williams, Washington, D.C.

trained papers, books and an Irish passport. A man was seen leaving the area in the garbage chute held for questioning.

Continued on Page 20

U.S. Standing Back on Shoreham

By Stuart Diamond
Newsday Environment Writer

While House and Energy Department officials, after being asked by Long Island Lighting Co. and its supporters to help open the Shoreham nuclear plant, have decided not to intervene at least until LILCO corrects the \$2 deficiencies a federal agency found in LILCO's emergency plan, Newsday has learned.

Some of the key nuclear articles in Congress, meanwhile, have vowed to oppose any move, legislative or administrative, to substitute federal authority for that of Suffolk County or the state. Suffolk has refused to participate in emergency planning, and the state has declined to force a plan on it.

In a letter to be released today, Rep. Edward J. Markey (D-Mass.) said Congressional Research Service law experts have concluded that the federal government cannot legally supplant local authorities. The House Interior Committee's oversight and investigations subcommittee, which Markey heads, has funding and investigative power over nuclear emergency planning.

The law, however, has not reached the stage of federal intervention — and if it does, the administration has not decided how it will react. Current-

ly, the federal government aids localities in devising emergency plans and responding to accidents, using experts at Brookhaven National Laboratory and other facilities.

"Over-locally, we want nuclear power," said Philip Kell, the Energy Department's deputy press secretary. But whether the administration will intervene that aid to management is an open question, he said.

As LILCO continues its bid to open the Shoreham plant before money runs out, jockeying continues in Washington over whether the government should help. Without an approved emergency plan, LILCO cannot get a full-power license for the completed \$4-billion plant. LILCO chairman William Cataudinos said he believes neither Suffolk nor the state will help him in the short time before a decision on the plant must be made.

So recently, Cataudinos and LILCO supporters have met with Energy Secretary Donald Hodel; Lewis Glitnick, head of the Federal Emergency Management Agency (FEMA); White House aides; and the five members of the Nuclear Regulatory Commission, sources say. LILCO wants federal resources to manage its unprecedented emergency plan, which uses utility workers instead of county employees.

There are questions of whether LILCO alone has the legal authority to direct traffic and other emergency services. Its supporters believe federal managers can give LILCO that authority.

But the executive branch has been reluctant to intervene, sources said. First, the administration "is very reluctant to do anything" that would seem to usurp states' rights, since it has consistently taken that position in other issues, one source said. Second, it is not clear if LILCO can derive an acceptable emergency plan even without the legal authority question. FEMA on March 15 listed 22 inadequacies in the utility's plan.

Third, federal intervention would go against law and practice since the 1979 Three Mile Island accident, when regulators began to say that state and local direction of emergency planning is needed to protect the public. Even Quilfrida last December said, "FEMA does not support the idea that the federal government should be empowered as the 'last resort' to develop a plan even if all other responsible entities fail to do so."

But the "last resort" notion is embodied in legislation being prepared by Sen. Allen Simpson (R-Wyoming), head of the Senate's nuclear regulation subcommittee. Simpson said Con-

gress never intended for localities opposed to a nuclear plant to prevent operation simply by refusing to do an emergency plan. He said "billions of dollars of investment are now in jeopardy" because Shoreham might convince other localities to follow suit. His position was supported 48-1 last year by the National Governors' Association. The only opponent was New York Gov. Mario Cuomo.

Simpson, however, says it will be "brought as hell" to get his bill through Congress and Long Island members of Congress last week said they doubt it will be passed. An aide said Markey "will take whatever action is necessary" to prevent federal preemption. The head of another key energy subcommittee, Rep. Richard Ottinger (D-Westchester), also opposes federal intervention, an aide said.

Kell said the department will take no action until the NRC decides if LILCO's plan is adequate. But the NRC, which makes such decisions after FEMA recommendations, wants more guidance from FEMA on the legal authority question. And FEMA on March 18 referred that issue to the NRC. "This leaves us pretty much where we were before," said William J. Dirch, NRC executive director for operations.

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TO: Morris K. Udall, Chairman
Committee on Interior and Insular Affairs

RE: Emergency Preparedness

FROM: Edward J. Markey, Chairman
Subcommittee on Oversight and Investigations

DATE: March 23, 1984

As you know, the Senate is apparently considering the appropriateness of federal implementation of offsite emergency plans for commercial nuclear reactors during radiological emergencies. Recently, Senator Alan K. Simpson, Chairman of the Subcommittee on Nuclear Regulation of the Senate Environment and Public Works Committee, proposed conferring the traditional governmental roles of state and local authorities upon a federal surrogate in circumstances where those authorities have declined to participate in the radiological emergency planning and preparedness process.

If enacted, such "last resort federal response" legislation would mark a significant, and I think a regressive, departure from the post-Three Mile Island (TMI) emergency preparedness philosophy and practice. During the Subcommittee's investigation of emergency preparedness, similar proposals have been discussed, but none have appeared workable or desirable. Significantly, the Federal Emergency Management Agency (FEMA) has stated its opposition to the last resort federal response proposal citing its informed belief that the federal government could not provide reasonable assurance of protecting the public health and safety. Similarly, several Nuclear Regulatory Commission (NRC) members and the General Accounting Office (GAO) have stated that protecting the public would be difficult, if not impossible, without the active participation of either a state or local government.

Morris K. Udall
March 23, 1984
Page Two

Beyond the important concern of whether federal "pinch-hitters" could adequately assure public health and safety, there is the question of what circumstances would justify federal pre-emption of the responsibility and authority normally assigned to state and local governments. In support of federal stand-ins, Senator Simpson has pointed to the controversy surrounding the licensing of the Shoreham nuclear reactor on Long Island. It is Senator Simpson's apparent position that this particular case and the financial hardships of the nuclear power industry in general, justify a fundamental change in the federal, state and local government relationship that has governed emergency planning efforts since TMI. I firmly disagree.

I do not think there is the need for last resort federal response legislation. Clearly, passage of such "private legislation"--on behalf of one nuclear utility--would be inappropriate in the context of the authorization process. At the same time, the impact of such legislation could short-circuit existing planning efforts at other reactor sites. No doubt other states will question why they should expend resources on emergency preparedness if the federal government is offering bail-outs. Finally, it is apparent from the record compiled by the Subcommittee, that the perceived economic needs of the nuclear industry, or any particular utility, are not and should not be the controlling factor in analyzing whether an entity other than a state or local government should step into the traditional role of exercising governmental powers in a particular political subdivision or region. The compelling question is not whether a utility wants or needs a federal surrogate, but, rather, can a federal substitute perform the tasks necessary to effectively protect the public health and safety. This, I believe, is dubious.

To help facilitate your review of this matter, my staff and I have prepared the following analysis based on the record of the Subcommittee's three oversight hearings and other investigative efforts.

LAST RESORT FEDERAL RESPONSE

The "last resort federal response" concept, proposed by Senator Alan K. Simpson, Chairman of the Subcommittee on Nuclear Regulation of the Senate Environment and Public Works Committee, in a February 21, 1984, letter to ranking minority member George J. Mitchell, would fundamentally alter current emergency planning philosophy and practice.

Senator Simpson has furthered the idea of a last resort federal response as a solution to the ongoing emergency planning controversy at Long Island Lighting Company's (LILCO) proposed Shoreham Nuclear Power Station. In this case, Suffolk County has chosen not to develop or implement an emergency plan after concluding it would be impossible to adequately protect the public if there were a major accident at Shoreham. New York State has decided not to impose a state emergency plan on the county and has intervened in the licensing process and has filed a lawsuit in State Court (as has Suffolk County) to prevent LILCO from implementing an exclusively utility developed emergency plan.

While Section 5 of Public Law 97-415, the 1982/83 NRC Authorization Act, does provide for the development of utility emergency plans, it does not delegate governmental authority for utility implementation of such plans. LILCO has developed an emergency plan that the company and its employees would implement. But the police powers necessary to execute an emergency response plan are not conferred upon LILCO by Section 5. As the American Law Division of the Congressional Research Service has concluded in a recent legal analysis prepared for the Subcommittee:

It is most improbable that the delegation of uniquely governmental power to a private entity would be inferred from Section 5, for numerous reasons. Most obviously, there is no express statement of delegation. Nor is such a delegation a necessary implication of Section 5....Nor do pertinent committee reports offer any clear support for a delegation argument. Finally, it is unlikely that a court would infer such delegation to a private entity without the clearest of textual indications that such was Congress' intent.

As you may recall, the possibility of federalizing emergency preparedness responsibilities was specifically addressed by the Senate in its 1979 deliberations. Senator Simpson, along with Senator Gary Hart, then-Chairman of the Subcommittee on Nuclear Regulation, opposed and defeated an amendment relating to this issue. And, as CRS has noted, it is apparent that specific Congressional intent has not been subsequently expressed.

It is worth noting in this context that LILCO apparently believes that it has the authority to implement an emergency response plan. However, the legal rationale offered by the company is suspect. LILCO has maintained that neither federal or state law "prevents" the company from performing governmental tasks during a radiological emergency. Moreover, as discussed in another legal report prepared for the Subcommittee by the American Law Division of the Congressional Research Service, this is not a correct formulation of the authority question:

it is inappropriate to ask what prevents LILCO from unilaterally assuming these powers; rather, the question is what allows LILCO to do so. It is axiomatic that a nongovernmental entity has no authority to exercise governmental powers in the absence of clear legislative authorization to that effect. Research reveals no common law or other legal doctrine under which the existence of a civil emergency such as a major nuclear accident could be argued to create an exception to this authorization requirement.

In light of the need for affirmative authorization, the "What prevents us?" approach taken by LILCO in its Transition Plan seems misdirected. Moreover, the federal and state law provisions held out by LILCO as conferring some affirmative authority contain little more than indirect suggestion to that effect.

FEMA's February 10, 1984, Regional Assistance Committee (RAC) review of the LILCO Transition Plan appears to support this view. Of 32 deficiencies identified by FEMA in the LILCO plan, 24 are attributable to FEMA's apparent view that LILCO does not have the legal authority necessary to implement an emergency response plan.

The last resort federal response concept is totally inconsistent with the lessons learned from the 1979 accident at Three Mile Island (TMI). Indeed, the post-TMI emergency planning regulations authorized by Congress and promulgated in rulemaking by the Nuclear Regulatory Commission (NRC) and Federal Emergency Management Agency (FEMA) are virtually dependent upon state and local government implementation.

Of the 212 criteria set forth by NRC and FEMA for evaluating emergency plans, 169 are applicable to state governments and 96 are applicable to local governments (See NUREG-0654, FEMA-REP-1, Rev. 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants"). These criteria were established because subsequent to the TMI accident it was universally recognized that emergency

plans could only protect the public if local and state governments were integrally involved. For example, the NRC's own investigation into the TMI accident, the Special Inquiry Group's "Rogovin Report", concluded:

The principle planning responsibility for protective action including evacuation lies with the state, with FEMA's assistance. However, the ability to carry out an evacuation plan in the area of a nuclear plant depends much more on the existence of adequate county and local emergency plans than on a FEMA-approved or NRC-approved state plan. We believe that too little attention has been devoted to this aspect of emergency planning....the county and local levels are where the action is and where the specific details of the plan must be worked out.

More recently, at Senator Simpson's April 6, 1983, hearing, four NRC Commissioners, including the Chairman, expressed grave reservations about whether any emergency plan that did not include state or local participation could adequately protect the public. Similarly, FEMA Associate Director, Richard W. Krimm, testified before the Subcommittee on April 8, 1983, that:

...you can have the most beautiful plan in the world but unless that plan can be exercised and a local government can be adequately prepared, it is not going to be able to respond in an emergency.

The General Accounting Office (GAO) expressed similar concerns at the Subcommittee's August 2, 1983, hearing. While these statements certainly appear to condemn the concept of a last resort federal response, it should be noted that they were originally made in the context of consideration of an exclusively designed and implemented utility emergency plan.

Because of the consensus of opinion recognizing the necessity of local emergency response that emerged after TMI, there is relatively little literature on the question of federal implementation. There are, however, two documents that are particularly worthy of note.

First, is a June 6, 1983, letter from FEMA Director Louis O. Giuffrida to Westchester County Executive Andrew P. O'Rourke. In his letter, Director Giuffrida firmly rejected a proposal that a unit of the military be trained to respond to local radiological emergencies in general and at the Indian Point reactor site specifically. FEMA stated that it had no expertise in this area and that the powers necessary to accomplish such a task "...rightfully reside with the state and local governments."

Most significantly, however, Director Giuffrida stated his view that there would be "practical problems" with any possible federal implementation:

First, evacuation planning is site-specific in nature, taking into consideration local road networks, traffic flows, etc. Local personnel would, of necessity, be better trained and most knowledgeable in the command and control of the evacuation of an area they know. It is unlikely that a core group of Federal personnel could ever become thoroughly knowledgeable of the site-specific evacuation planning requirements for the 53 nuclear reactor sites licensed to operate and the 33 potential sites. Finally, ...mobilization of Federal resources in a timely fashion to direct and control an evacuation is questionable particularly in a fast-developing accident.

This letter, in effect, represents a policy statement by FEMA that federal implementation of emergency response could probably not offer reasonable assurance that public health and safety would be protected.

Second, there is an even more recent and definitive statement on the issue by FEMA, the nation's "experts" on emergency preparedness. In response to the National Governors' Association (NGA) endorsement of the last resort federal response concept, Director Giuffrida wrote the following rebuttal in a December 28, 1983, letter to Governor John V. Evans, Chairman of the NGA's Subcommittee on Nuclear Power:

FEMA does not support the idea that the Federal government should be empowered as the "last resort" to develop a plan even if all other responsible entities fail to do so. The role of the Federal government is to enhance, not supplant, State and local government capabilities to prepare for and respond to radiological and other types of emergencies.

In striving to accomplish its preparedness mission, FEMA coordinates the efforts of other Federal agencies to provide assistance relating to these emergencies. For example, FEMA and the other Federal agencies comprising the Regional Assistance Committees provide guidance and expertise to State and local governments in developing radiological emergency preparedness (REP) plans. This assistance does not include Federal government preparation of REP plans for

the following reasons. First, since the REP plans are site specific, State and local government authorities have the requisite knowledge of the environs of the nuclear power plant to more effectively and accurately tailor these plans to local conditions. Second, the Federal government is not in a position, in terms of policy, authority, or resources to assume the responsibilities of State and local governments for protecting the health and safety of citizens in the event of an accident at a commercial nuclear power facility.

It is worth noting in this context that while Senator Simpson cites the NGA position to support his initiative, he is apparently unaware that it has been specifically and emphatically rejected by FEMA.

The paramount concern stated by FEMA in these two letters, is that it is unlikely that a federal response could offer sufficient protection to the public in the event of a radiological emergency. Even if a federal response were feasible in general, however, it could be argued that since Shoreham is unquestionably one of the most difficult sites to plan for in terms of local conditions (i.e., demography, geography, meteorology and road networks) that it would be especially difficult to develop an adequate federal response effort in this particular case.

There has been some discussion of whether the Federal Radiological Emergency Response Plan (FRERP) could in some way provide a basis for licensing Shoreham in the absence of an otherwise inadequate utility emergency plan. This suggestion, however, ignores the fact that the purpose of FRERP is only to support the emergency response activities of state and local governments during an actual emergency. It is not designed or intended to replace local emergency response efforts. Its substitution could not realistically accomplish these tasks in a manner consistent with public health and safety.

With regard to the wording of the proposal itself, the last resort federal response initiative drafted by Senator Simpson lacks specificity. Its language is imprecise and vague. For example, the relevant section of the proposal reads:

In the event that the Commission is unable to determine that a state or local government will implement a plan that the Commission has determined would otherwise provide reasonable assurance that public health and safety will not be endangered by operation of the facility concerned, the President is authorized to perform those governmental functions necessary for, and shall, as he deems appropriate, participate or assist in, the implementation of such plan.

It is not apparent from this delegation what a federal response would actually look like, whether it would require advance planning and testing to assure its adequacy, or whether it would be practical.

There would be hundreds of governmental personnel involved in an actual emergency response operation. Key tasks requiring legal authority include: directing traffic; controlling egress and ingress of offsite personnel; declaration of a state of emergency; coordination with continuous state and local governments; alerting and notifying the public and making recommendations for taking protective action; and, backing orders with coercive force, etc. However, the draft wording sets no minimum standards or limits on any federal response effort. This would leave open the possibility that only a handful of federal personnel would be involved and that police powers and governmental functions normally performed only by state and local governments would be assigned to private utility employees in an ad hoc fashion without any clear delegation of legal authority. That the proposal does not require advance planning and testing is of particular concern, because it would appear that the federal role would only be determined during an actual emergency. As many high consequence accident scenarios are fast-breaking in nature, and would require an intimate knowledge of local conditions, it is extremely doubtful that any federal response could provide reasonable assurance that public health and safety would be protected.

In his call for legislation providing for federal implementation of emergency response plans in situations where state and local governments choose not to, Senator Simpson repeatedly emphasizes the economic need for changing the regulatory framework and fundamentally altering the relationships between the federal government and various segments of state and local governments. Financial considerations appear to be the foundation of Senator Simpson's belief that legislation is necessary. In his February 21, 1984, letter to Senator Mitchell, Senator Simpson writes, "...billions of dollars in investments are now in jeopardy" and "the uncertainty over who will implement the emergency plan at Shoreham has had tremendous adverse financial consequences for the company." Senator Simpson states further, "...aside from Shoreham, it is essential...that we act promptly to stem the rising tide of investor wariness over the emergency planning issue, so that we avoid any future problems of this magnitude."

These statements are troubling because they do not provide a sufficient or compelling rationale for Congress to relax the existing standard (i.e., local readiness) of emergency preparedness. While it is always difficult to balance safety and economic considerations in regulatory matters, FEMA's unequivocal statements as to the apparent inability of a federal response plan to adequately assure public health and safety do not provide a context for which financial considerations should play a deciding role.

Further, because Shoreham is the exception rather than the rule--as Senator Simpson has aptly pointed out--the peculiar circumstances of this particular case cannot justify national legislation. Indeed, it is reasonable to conclude that a last resort federal response legislative proposal will be viewed as private legislation specifically tailored to permit the licensing and operation of one plant. As such, it is clearly inappropriate that such legislation would be considered in the context of the authorization or appropriation process.

This is not to suggest, however, that last resort federal response legislation would not have any national ramifications. To be sure, a significant consideration should be whether it would act as a disincentive for state and local participation in emergency response planning in other cases. For example, states and local governments may question why they should allocate the resources necessary for emergency response planning if it is perceived that the federal government is offering bail-outs. Ironically, passage of last resort federal response legislation might lead to more "Shorehams".

In closing, it should be recalled that the situation at Shoreham, while unique, was not unforeseen by the post-TMI emergency planning rulemaking process. In concluding that emergency preparedness was absolutely "essential" to the safe operation of nuclear reactors, the NRC formally acknowledged the possibility that a situation such as Shoreham could arise:

The Commission recognizes there is a possibility that the operation of some reactors might be affected by this rule through inaction of State and local governments or an inability to comply with these rules.
(45 FR 55404, August 19, 1980)

In this particular case, Suffolk County's unwillingness to participate in the planning and preparedness process is driven by their belief--which was based on extensive study and public hearings--that it is impossible to adequately protect the health and safety of the public.

A comment similar to the NRC's was made by GAO in its 1979 Report to Congress, "Areas Around Nuclear Facilities Should be Better Prepared for Radiological Emergencies." GAO had recommended that the granting of an operating license be made contingent upon a workable emergency response plan. In response to criticism that this recommendation would provide opponents of nuclear power with a mechanism for shutting down plants, GAO concluded:

Public health and safety must be the primary consideration rather than whether this will provide intervenors with a means of preventing the operation of nuclear powerplants. A carefully

prepared and viable emergency plan should be able to withstand detailed scrutiny on its own merits.

Both Congress and the NRC agreed with GAO. Congressional authorization and NRC rulemaking subsequently made adequate and approved emergency response plans a prerequisite to obtaining a nuclear reactor operating license.

Conclusion

For the reasons stated above, I am opposed to the proposition of enacting legislation that would provide for federal government implementation of emergency plans as a last resort in circumstances where state and local authorities choose not to do so. This opinion is grounded on my firm belief that a federal response to a local radiological emergency could not offer reasonable assurance that public health and safety will be protected. The need for this legislation simply does not exist and passage of it might actually hurt existing planning efforts.



Federal Emergency Management Agency

Washington, D.C. 20472

MAR 15 1984

Mr. William J. Dircks
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Dircks:

In a June 1, 1983 memorandum, the Nuclear Regulatory Commission (NRC) invoked Section II.4 of the November 1, 1980, NRC/Federal Emergency Management Agency (FEMA) Memorandum of Understanding (MOU) by requesting FEMA to provide the NRC with findings and determinations as to whether the Long Island Lighting Company (LILCO)-County plan and/or the interim plans of the Shoreham Nuclear Power Station are adequate and capable of implementation. As a result of an Atomic Safety and Licensing Board (ASLB) order, a subsequent memorandum of June 17, 1983, requested that FEMA provide findings and determinations on the LILCO Transition Plan as a first priority. This Plan, developed and revised wholly by LILCO, proposes to use primarily LILCO personnel to carry out the offsite preparedness aspects of the plan (to include the total direction and control function) in the case of an emergency involving an accident at the Shoreham Nuclear Power Station.

On June 23, 1983, FEMA provided findings on the LILCO Transition Plan. However, primarily due to the short time frame available for evaluation of the Plan, it was necessary to obtain the support of Argonne National Laboratory to perform a technical review against the standards and evaluative criteria of NUREG-0654/FEMA-REP-1, Rev. 1. FEMA Headquarters, assisted by the FEMA Region II Regional Director and staff, directed this technical review.

When subsequent developments eventually indicated a change in the timetable for the Shoreham licensing process, NRC requested on September 15, 1983, that FEMA initiate a full and independent review by the Regional Assistance Committee (RAC) of Revision 1 of the Transition Plan. This request was later modified to include findings on Revision 3 of the Transition Plan. Those findings are presented in this letter.

The RAC reviewed the Plan against the standards and evaluative criteria of NUREG-0654/FEMA-REP-1, Rev. 1. Due to the legal authority issues which arise when some NUREG elements are applied to a utility-based plan, we have marked with an asterisk any aspect of the plan where, in our view, this legal issue occurs. The specific legal concern related to that part of the plan is identified separately in Attachment 2 of the FEMA finding. With the exception of plan aspects relating to NUREG element A.2.b. (a requirement to state, by reference to specific acts, statutes, or codes, the legal basis for the authority to carry out the responsibilities listed in A.2.a., i.e., all major response functions), the legal concern did not affect the FEMA rating given to the technical or operational items relating to NUREG elements.

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FEMA finds that Revision 3 of the LILCO Transition Plan has 32 inadequacies based on the standards and evaluative criteria of NUREG-0654/FEMA-REP-1, Rev. 1. The analysis resulting from the full RAC review and relating these inadequacies to the various NUREG-0654/FEMA-REP-1, Rev. 1, criteria is enclosed as Attachment 1.

The FEMA approach to evaluation of offsite emergency planning and preparedness under 44 CFR 350 and the MOU has been closely focused on the relationship between State and local governments and the licensee, as well as State and local plans and implementing capability. Notwithstanding the legal authority issue and the need for an adequate exercise of the offsite plan, there are many other factors which we do not evaluate in the course of our analysis that in our judgement should be considered by the Commission in a total assessment of whether successful offsite emergency operations at a given nuclear power plant are possible in an actual emergency to provide adequate assurance of public health and safety protection.

Among the additional factors to be reasonably weighed are the existence of a Federal radiological response plan and implementing capability for nuclear power plant emergencies; the known legal responsibility of State and local officials to respond to emergencies and known resources available to these entities for making an effective response; and, in the case of the Shoreham nuclear power plant, the existence of company plans and resources albeit with the deficiencies noted in the enclosed report of FEMA's Region II.

It is our belief, for example, that in the event of an accident at the Shoreham site, the Governor would request Federal assistance and the Federal Radiological Emergency Response Plan (FRERP) could well be activated. That Federal plan has been under development for several years pursuant to a requirement of Section 304 of the NRC Appropriation Authorization Act, June 30, 1980 (P.L. 96-295), and Executive Order 12241 that a Federal plan for radiological emergencies be prepared that provides assurance of public health and safety protection. The FRERP is applicable to all nuclear power plant sites as a supplement to State, local and utility resources. A full field exercise of the FRERP was conducted from March 6-8, 1984, at the St. Lucie Nuclear Power Station in Florida, to test more thoroughly and completely the capabilities required by the plan. The developing capability made available by the FRERP should be recognized when NRC considers the FEMA finding on the technical review of the LILCO Transition Plan.

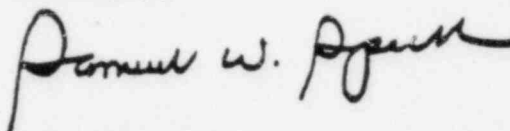
Also, consistent with directions from the President and with FEMA's legal mandates under the Federal Civil Defense Act, we are implementing a new emergency planning and assistance concept to enhance State and local capabilities to prepare for and respond to a broad range of natural and peacetime emergencies. Under title V of the Act, this applies in particular to improvements in State and local offsite readiness for commercial nuclear reactors and we are now planning to direct significant levels of new emergency management assistance resources in FY 1985 into this important area. Key programs will include

redirection of State and local emergency services personnel towards projects that support offsite nuclear facility safety, redirection of assignments to Federal radiological planning officials to concentrate on offsite safety and enhanced programs in training and education for Federal, State, local and utility employees for nuclear safety issues regarding protection of the public. FEMA is prepared to assist the utility, in conjunction with the NRC, with any technical assistance that it can offer to improve the plan which the company has prepared. Relevant FEMA training courses can be made available to utility emergency workers on a reimbursable basis.

We have tried to provide information above on additional factors which may come into play if NRC is to make a total assessment of the offsite preparedness capability at Shoreham. I would suggest that the Commission may wish to think of offsite safety as a mosaic that may very well be composed of different pieces at different times and places. Not all of the potential components will necessarily fall within the ambit of the FEMA plan and response evaluation process in all cases.

If you have any questions, please don't hesitate to call me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Samuel W. Speck". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Samuel W. Speck
Associate Director
State and Local Programs
and Support

Enclosures

D R A F T

Docket No. 50-322

Gentlemen:

The Federal Emergency Management Agency (FEMA) has reviewed the Long Island Lighting Company (LILCO) Transition Plan (Shoreham Nuclear Power Station Local Offsite Radiological Emergency Response Plan), Revision 3, and transmitted its findings to the NRC by letter dated March 15, 1984. The FEMA findings have been served on all parties to the Shoreham proceedings and an advance copy was transmitted to you by NRC Region I on March 20, 1984. We are now requesting your evaluation and response to the inadequacies and legal concerns identified in the FEMA report.

The FEMA review of the LILCO Transition Plan was performed by the Regional Assistance Committee (RAC) against the evaluation criteria in NUREG-0654/FEMA-REP-1, Revision 1, that are applicable to State and local jurisdictions. FEMA finds that the LILCO Transition Plan, Revision 3, has 32 inadequacies related to the NUREG-0654 evaluation criteria. A discussion of each of the inadequacies is provided in Attachment 1 of the FEMA report. We request that you review the identified inadequacies and inform the NRC of your planned corrective actions and schedule.

The FEMA report also identified certain areas in the Transition Plan where, in FEMA's view, legal authority issues arise. The specific legal concerns are discussed in Attachment 2 of the FEMA report. FEMA notes that with the

exception of criterion A.2.b (which refers to the legal authority of offsite organizations to carry out emergency response functions), legal concerns did not affect the FEMA review of the adequacy of each planning element. We request that you review the legal concerns identified by FEMA and inform the NRC of the results of your review.

Your response to the above requests should be provided to the NRC by May 1, 1984.

Sincerely,

Albert Schwencer, Chief
Licensing Branch #2
Division of Licensing
Office of Nuclear Reactor Regulation

Enclosure:
FEMA ltr. dated 3/15/84



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

MATT
FOIA 15-190

March 29, 1985

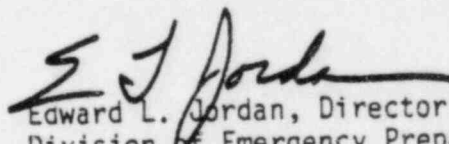
MEMORANDUM FOR: Richard W. Krimm
Assistant Associate Director
Office of Natural and Technological Hazards
Federal Emergency Management Agency

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

SUBJECT: LILCO SHOREHAM PROMPT NOTIFICATION SYSTEM
DESIGN REPORT

By the enclosed letter dated February 21, 1985 from John D. Leonard, LILCO, to Harold R. Denton, NRC, the Long Island Lighting Company informed NRC that on January 7, 1985, LILCO had forwarded six copies of the Long Island Lighting Company Shoreham Nuclear Power Station Prompt Notification System Design Report to Philip McIntire, Chief, Natural and Technological Hazards Division of the Federal Emergency Management Agency (Region II) in accordance with verbal instructions received from FEMA.

Accordingly, FEMA should consider this report in conjunction with their ongoing program for evaluation of alert and notification systems at nuclear power plants as outlined in FEMA-43.


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

Enclosure:
Ltr. from J. D. Leonard, LILCO, to
H. R. Denton, NRC, dtd. 2/21/85

cc: see page 2

~~25/4/85 21-8~~

2pp

B/1

March 20

-2-

cc: W. J. Dircks, EDO
H. R. Denton, NRR
E. S. Christenbury, ELD
J. M. Taylor, IE
R. H. Vollmer, IE
J. G. Partlow, IE
B. K. Grimes, IE
K. E. Perkins, IE
S. A. Schwartz, IE
D. B. Matthews, IE
A. Schwencer, NRR
C. R. Van Niel, IE
F. Kantor, IE
J. R. Sears, IE
T. E. Murley, Region I
R. R. Bellamy, Region I



LONG ISLAND LIGHTING COMPANY

SHOREHAM NUCLEAR POWER STATION

P.O. BOX 618, NORTH COUNTRY ROAD • WADING RIVER, N.Y. 11792

JOHN D. LEONARD, JR.
VICE PRESIDENT - NUCLEAR OPERATIONS

February 21, 1985

SNRC-1151

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

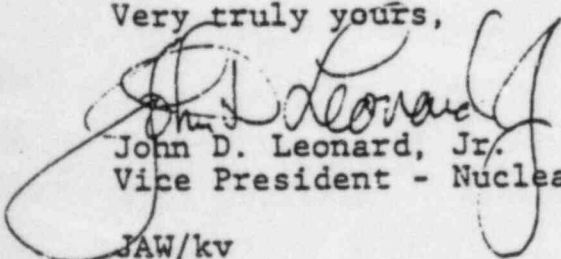
Submission of Long Island Lighting Company
Shoreham Nuclear Power Station
Prompt Notification System Design Report

Dear Mr. Denton:

On January 7, 1985 LILCO forwarded six copies of the Long Island Lighting Company Shoreham Nuclear Power Station Prompt Notification Design Report to Mr. Philip McIntire, Chief, Natural and Technological Hazardous Division of the Federal Emergency Management Agency (see January 7 letter attached). This was done in accordance with verbal instructions received from FEMA.

We have recently been informed by FEMA that we should formally submit this report to your office. LILCO, therefore, asks that your office request FEMA to review the report in an expeditious manner consistent with the NRC/FEMA Memorandum of Understanding.

Very truly yours,


John D. Leonard, Jr.
Vice President - Nuclear Operations

JAW/kv

Attachments

cc: P. Eselgroth

~~880314156~~
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LONG ISLAND LIGHTING COMPANY

SHOREHAM NUCLEAR POWER STATION

P.O. BOX 618, NORTH COUNTRY ROAD • WADING RIVER, N.Y. 11792

JOHN D. LEONARD, JR.
VICE PRESIDENT - NUCLEAR OPERATIONS

January 7, 1985

Mr. Philip McIntire
Chief, Natural and Technological Hazards Division
Federal Emergency Management Agency
26 Federal Plaza
New York, NY 10278

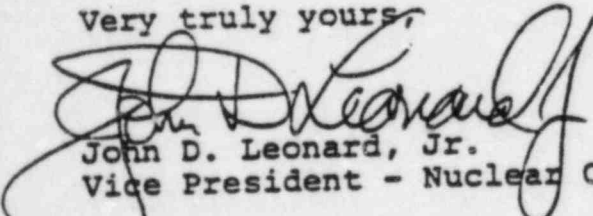
Submission of Long Island Lighting Company
Shoreham Nuclear Power Station
Prompt Notification System Design Report

Dear Mr. McIntire:

As a result of the issuance of FEMA's Standard Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants (FEMA-43), licensees are responsible for drafting a Prompt Notification System Design Report. By this letter we submit the Long Island Lighting Company Shoreham Nuclear Power Station Prompt Notification Design Report written to conform to the FEMA-43 guidelines.

Should you have any questions, please contact this office.

Very truly yours,


John D. Leonard, Jr.
Vice President - Nuclear Operations

WER:ck

Enclosure

cc: P. Eselgroth



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

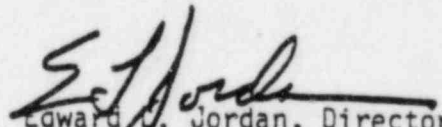
March 15, 1985

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

By letters dated February 8, 1985 and February 22, 1985 from John D. Leonard, LILCO, to Harold R. Denton, NRC, the Shoreham licensee (LILCO) has informed the NRC and FEMA of the current status of its preparations for an exercise of the Shoreham Offsite Emergency Plan. This information is subsequent to their letter dated November 14, 1984 transmitted to you via my letter dated December 19, 1984. The February 8 letter indicated that in accordance with FEMA Guidance Memorandum 17, Rev. 1, the next step would involve the review by FEMA and NRC of the submitted exercise objectives. LILCO indicated a readiness to meet with FEMA personnel to discuss technical issues related to offsite matters at Shoreham and a possible table top exercise. The February 22 letter indicates their intent to hold the table top exercise in early March 1985 and invites both the NRC and FEMA to observe. We request that FEMA review the LILCO letters with respect to further appropriate actions, taking into consideration the recent New York State court finding with respect to LILCO's authority to carry out an offsite response plan.


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

Enclosures:

1. Ltr. from J. D. Leonard to
H. R. Denton, dtd. 2/8/85
2. Ltr. from J. D. Leonard to
H. R. Denton, dtd. 2/22/85

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LONG ISLAND LIGHTING COMPANY

EXECUTIVE OFFICES: 250 OLD COUNTRY ROAD • MINEOLA, NEW YORK 11501

February 8, 1985

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
7920 Norfolk Avenue
Bethesda, MD 20814

Dear Mr. Denton:

The purposes of this letter are to review the current status of planning for a graded exercise of the Shoreham Emergency Plan and to stimulate the actual federal cooperation necessary to achieve progress toward conduct of such an exercise.

On November 14, 1984, LILCO wrote to the Nuclear Regulatory Commission pursuant to the NRC-FEMA Memorandum of Understanding, to request the NRC's good offices in undertaking, with FEMA, to plan for a graded emergency planning exercise for the Shoreham Offsite Emergency Plan. [Letter, Leonard (LILCO) to Denton (NRC) SNRC-1107] That letter stated that LILCO had prepared, and was offering to make available, three exercise scenarios which were being kept in the meantime under security restrictions by LILCO. It also attached a five-page set of proposed exercise objectives and a four-page table cross referencing those proposed objectives to standard FEMA exercise objectives. The letter proposed an exercise during the week of February 11, 1985, and asked the NRC to assist in setting up the necessary initial contacts with FEMA. A copy of that letter was also sent directly to Stewart Glass, Esq., counsel for FEMA, Region II.

On December 19, 1984, the NRC officially forwarded LILCO's letter to FEMA, along with various other comment letters from New York State and Suffolk County. [Letter, Jordan (NRC) to Krimm (FEMA)] The NRC's letter requested FEMA to take the lead in preliminary consideration of LILCO's request. Finally, on January 16, 1985, LILCO provided the NRC with its comments on the RAC review of Rev. 4 of the Shoreham Emergency Plan, as had been requested by the NRC on November 28, 1984. [Letter, Leonard (LILCO) to Denton (NRC), SNRC-1133]

For your convenience, I enclose duplicate copies of LILCO's November 14 and January 16 letters.

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PDR ADOCK 05000322
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Mr. Harold R. Denton, Director

Page 2

February 8, 1985

A graded exercise no longer appears practicable during the week of February 11. However, LILCO is, and believes that it has been for some time, fully ready for a graded exercise of its Shoreham Emergency Plan. LILCO has also taken substantial steps to facilitate this goal. This can be seen from the following tabulation summarizing the pre-exercise milestones of FEMA Guidance Memorandum 17 (Rev. 1), with an indication of their current status at Shoreham.

POTENTIAL SHOREHAM EXERCISE SCHEDULE PER
FEMA GUIDANCE MEMORANDUM 17 (REV. 1)

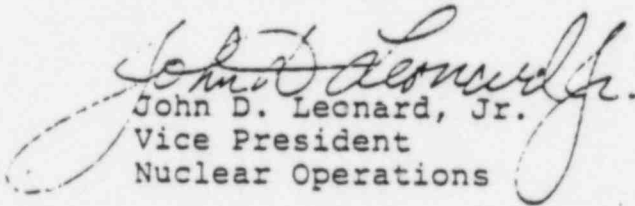
<u>Action</u>	<u>Days before Exercise</u>	<u>SHOREHAM Current Status</u>
Licensee submission of exercise objectives to FEMA/NRC	120	Submitted 11/14/84
FEMA/NRC Completion of Review of exercise objectives	105	Unknown
Licensee submission of exercise scenario	90	In LILCO's possession; Offered to FEMA 11/14/84
Table top exercise	Any time	Not yet done
FEMA/NRC meet with licensee	60	Not yet done
Controller's exercise coordination meeting	40	Not yet done
FEMA/NRC develop post-exercise schedule	30	Not yet done
FEMA/NRC meeting	15	Not yet done
Federal observers' meeting	1	Not yet done
Exercise	0	Not yet done

Mr. Harold R. Denton, Director
Page 3
February 8, 1985

As you can see, LILCO has taken, more than two months ago, all of the actions that are within its sole control. If the NRC and FEMA have reviewed the exercise objectives submitted in November and have found them appropriate, and desire to commence review of the scenarios promptly, it still appears that an exercise in May might be practicable using FEMA's guidelines. However, progress at this point is in FEMA's, not LILCO's, control.

I would appreciate your help in creating an opportunity for cognizant LILCO personnel to meet at the earliest possible date with their FEMA counterparts for a technical meeting on off-site matters including the possibility of a table top exercise in February. LILCO believes that it is ready and that all concerned would benefit from the opportunity to witness this fact.

Very truly yours,


John D. Leonard, Jr.
Vice President
Nuclear Operations

JDL:MF

Enclosures

cc: Mr. Richard W. Krimm
Assistant Associate Director
Federal Emergency Management Agency



LONG ISLAND LIGHTING COMPANY

SHOREHAM NUCLEAR POWER STATION

P.O. BOX 618, NORTH COUNTRY ROAD • WADING RIVER, N.Y. 11792

JOHN D. LEONARD, JR.
VICE PRESIDENT - NUCLEAR OPERATIONS

November 14, 1984

SNRC-1107

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

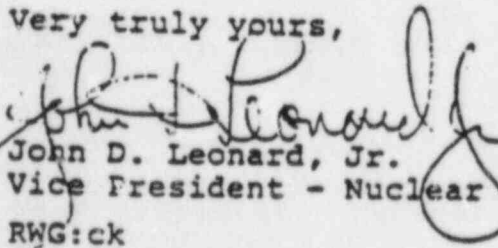
Exercise Objectives for Emergency Plan Exercise
Shoreham Nuclear Power Station - Unit 1
Docket No. 50-322

Dear Mr. Denton:

Attached for your review and forwarding to the Federal Emergency Management Agency pursuant to the FEMA-NRC Memorandum of Understanding dated as of November 1, 1984, 45 Fed. Reg. 02713 (1980), is a statement of objectives to be demonstrated at an exercise of the Shoreham Emergency Preparedness Plan and the Local Emergency Response Organization (LERO) Plan. This attachment is in two parts: first, a statement, in LILCO's terms, of the objectives of the exercise labeled "LERO Objectives", and second, a correlation of these objectives with the standard FEMA "Core Objectives." It is being submitted to you in order to support a graded exercise which LILCO is planning for the week of February 11, 1985. LILCO has also developed three potential scenarios for the exercise, which have been kept under security provisions. We would appreciate your transmitting this document promptly to FEMA and your good offices in arranging the preliminary meeting necessary to commence the detailed planning process for the exercises.

If you have any questions, please contact this office.

Very truly yours,


John D. Leonard, Jr.
Vice President - Nuclear Operations

RWG:ck

Attachment

cc: P. Eselgroth
C. Petrone (FEMA Region II)
Robert DeYoung (I&E)
Edward Jordan (I&E)
All Parties Listed in Attachment I

84-112-218
14pp

Attachment I

James A. Laruenson, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
East-West Tower, Room 402A
4350 East-West Hwy.
Bethesda, MD 20814

Dr. Jerry R. Kline
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
East-West Tower, Room 427
4350 East-West Hwy.
Bethesda, MD 20814

Mr. Frederick J. Shon
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
East-West Tower, Room 430
4350 East-West Hwy.
Bethesda, MD 20814

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing Appeal
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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David A. Repka, Esq.
Edwin J. Reis, Esq.
U.S. Nuclear Regulatory Commission
7735 Old Georgetown Road
(to mailroom)
Bethesda, MD 20814

Stewart M. Glass, Esq.
Regional Counsel
Federal Emergency Management Agency
26 Federal Plaza, Room 1349
New York, NY 10278

Eleanor L. Frucci, Esq., Attorney
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
East-West Tower, North Tower
4350 East-West Highway
Bethesda, MD 20814

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County Attorney
Suffolk County Department of Law
Veterans Memorial Highway
Hauppauge, NY 11787

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Lawrence Coe Lanpher, Esq.
Christopher McMurray, Esq.
Kirkpatrick, Lockhart, Hill
Christopher & Phillips
8th Floor
1900 M Street, NW
Washington, DC 20036

MHB Technical Associates
1723 Hamilton Avenue
Suite K
San Jose, California 95125

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New York State Energy Office
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Albany, NY 12223

Jonathan D. Feinberg, Esq.
New York State Department of
Public Service
3 Rockefeller Plaza
Albany, NY 12223

Fabian G. Palomino, Esq.
Special Counsel to the Governor
Executive Chamber, Room 229
State Capitol
Albany, NY 12224

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Twomey, Latham & Shea
33 West Second Street
P.O. Box 398
Riverhead, NY 11901

James Dougherty, Esq.
3045 Porter Street
Washington, DC 20008

Ms. Nora Bredes
Executive Coordinator
Shoreham Opponents Coalition
195 East Main Street
Smithtown, NY 11787

Gerald C. Crotty
Counsel to the Governor
Executive Chamber
State Capitol
Albany, NY 12224

Spence W. Perry, Esq.
Associate General Counsel
Federal Emergency Management Agency
500 C Street, SW
Room 840
Washington, DC 10472

LILCO SHOREHAM/LERO PLAN

A. Emergency Response Facilities and Equipment

1. Demonstrate the prompt activation, adequacy of the staffing and set up as appropriate of emergency response facilities as follows:
 - o Shoreham Nuclear Power Station Control Room
 - o Shoreham Nuclear Power Station Technical Support Center
 - o Shoreham Nuclear Power Station Operations Support Center
 - o Shoreham Nuclear Power Station Emergency Operations Facility
 - o Local Emergency Response Organization Emergency Operations Center in Brentwood (LERO EOC)
 - o Local Emergency Response Organization Staging Areas in Riverhead, Patchogue and Port Jefferson (LERO SA)
 - o Emergency News Center (ENC)
 - o Emergency Worker Decontamination Facility
2. Demonstrate the Shoreham Nuclear Power Station communication capabilities among the Control Room, Technical Support Center, Emergency Operations Facility, Operations Support Center, and the Emergency News Center.
3. Demonstrate the capability to communicate effectively between Shoreham Nuclear Power Station Emergency Response Organization and LERO.
4. Demonstrate effective communications among the LERO EOC in Brentwood, and the various staging areas, the Emergency News Center, and among Staging Areas, Bus Transfer Points, Traffic Control Points and Field locations.
5. Demonstrate the ability of the Shoreham Nuclear Power Station, and LERO communications to:
 - o Perform a 24-hour per day notification
 - o Transmit accurate and timely information
6. Demonstrate the ability of the Shoreham Nuclear Power Station Emergency Response Organization and LERO to deploy, coordinate and control radiological monitoring teams.
7. Demonstrate exposure control capabilities for onsite corrective action teams.
8. Demonstrate communication of technical information to the Nuclear Regulatory Commission via the NRC hotlines.

9. Demonstrate the adequacy of internal communications within the Emergency Response Facilities as defined in A.1 above.
10. Demonstrate adequacy of facilities and displays to support emergency operations.

B. Notification and Mobilization of Key Personnel and Staff

1. Demonstrate the ability of the Shoreham Nuclear Power Station staff to properly classify actual or potential emergencies in accordance with LILCO Emergency Plan Implementing Procedures.
2. Demonstrate the capability of the Shoreham Nuclear Power Station Emergency Response Organization to notify the Local Emergency Response Organization (LERO) through the established notification system.
3. Demonstrate the capability of the Shoreham Nuclear Power Station Emergency Response Organization and LERO to notify emergency response personnel.
4. Demonstrate the capability of the Shoreham Nuclear Power Station Emergency Response Organization and LERO to mobilize staff and activate the emergency response facilities in a timely manner and maintain staffing around the clock.
5. Demonstrate, as appropriate the ability to identify the need for, notify and request assistance from Federal agencies.
6. Demonstrate, as appropriate, the notification of and coordination with counties and states within the ingestion pathway EPZ and with agencies such as FEMA, NRC, DOE, Red Cross, Federal Aviation Administration, and Coast Guard.

C. Emergency Operations Management

1. Demonstrate the capability of the Shoreham Nuclear Power Station Emergency Response Organization and LERO to implement their radiological emergency preparedness plans.
2. Demonstrate the ability of key emergency personnel within the Shoreham Nuclear Power Station Emergency Response Organization and LERO to initiate, coordinate and implement timely and effective decisions during a radiological emergency and clearly demonstrate "who is in charge."



LONG ISLAND LIGHTING COMPANY

175 EAST OLD COUNTRY ROAD • HICKSVILLE, NEW YORK 11801

February 22, 1985

SNRC-1152

Mr. Harold Denton
Director, Office of Nuclear
Reactor Regulations
U. S. Nuclear Regulatory
Commission
Washington, D. C. 20555

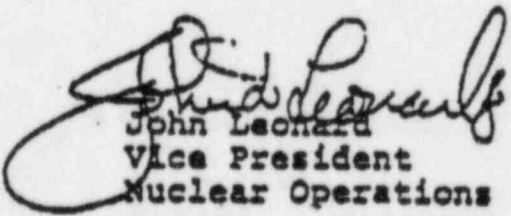
Dear Mr. Denton:

Pursuant to our notification to you of November 14, 1984, the Long Island Lighting Company (LILCO) has been undertaking steps preparatory to conducting a graded exercise for the Shoreham On-site Emergency Plan.

We are now working toward holding a tabletop exercise of the LILCO Transition Plan in early March, and hereby extend an invitation to the Commission staff to observe the conduct of this exercise. At the same time, under the NRC-FEMA Memorandum of Understanding on emergency planning, we request that you extend on our behalf an invitation to FEMA to observe the tabletop exercise as well.

We will advise both your staff and FEMA of the exact date, time and place of the tabletop exercise, and look forward to your early response to this request.

Sincerely,


John Leonard
Vice President
Nuclear Operations

cc: Mr. Richard W. Krimm
Federal Emergency Management Agency
Room 506
500 C Street, S.W.
Washington, D. C. 20472

bcc: Mr. William J. Dircks

Seafood Union Free School Dist.
2147 Jackson Ave.
Seafood, N.Y. 11783

Seaford Union Free School Dist.
CA 2-0700

Sewanhaka Central E.S. Dist.
555 Ridge Rd.
Klaint, N.Y. 11003

SE-4878

Syosset Central School Dist.
Pell Lane
Syosset, N.Y. 11791

Joseph Singleton
921-5500

Uniondale Public Schools
Goodrich Street
Uniondale, N.Y. 11553

485-9304

United Methodist Church
40 Washington Street
 Hempstead, N.Y. 11550

Rev. George Gar
485-6363

United Methodist Church
192 Broadway
Bethpage, N.Y. 11714

George Eilton
WE 1-4345
WE 1-2977

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Valley Stream, N.Y. 11580

525-8545

Valley Stream U.F.S.D. #30
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Don Cirvo
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Harry Ratow
489-8415

WESTBURY CAMPUS
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OLD WESTBURY N.Y.

ANDREW R. STRATTON
516 876 3146 Bus
516 433 5459 WORK

Farmingdale (SUNY)
Rosenblatt Hall
Farmingdale, NY 11735

John Coyne Asst V.P.
or Security Head

3. Demonstrate that there is effective organizational direction and control and integrated radiological emergency response including deployment of field monitors, acquisition, receipt and analysis of field data.
4. Demonstrate the capability to coordinate actions (internally/externally) among organizations in order to obtain support and to make appropriate decisions.
5. Demonstrate the capability of responsible personnel to recommend and/or implement appropriate protective actions.

D. Public Alerting and Notification

1. Demonstrate that the Shoreham Nuclear Power Station (SNPS) Emergency Response Organization and LERO authorities can effectively provide accurate information to the public in a timely fashion.
2. Demonstrate the capability of LERO to activate the prompt notification system within 15 minutes of the decision to implement protective actions to simulate using sirens, EBS and tone alert radios. In addition, demonstrate the capability of LERO to implement route alerting and simulate the notification provided by the United States Coast Guard to boaters.
3. Demonstrate the capability of the SNPS Emergency Response Organization and LERO to provide initial and follow up information to the public in a timely fashion.

E. Public and Media Relations

1. Demonstrate staffing of the Emergency News Center by Shoreham Nuclear Power Station Emergency Response Organization and LERO personnel and the capability to issue coordinated periodic public information releases.
2. Demonstrate ability to provide rumor control and responses to inquiries from the general public in a coordinated fashion.
3. Demonstrate the ability to provide clear, timely and accurate briefings to the news media and public relative to the emergency at the Shoreham Nuclear Power Station.

F. Accident Assessment

1. Demonstrate the ability of both the Shoreham Nuclear Power Station Emergency Response Organization and LERO to receive and assess radiological data.
2. Demonstrate the ability of Shoreham Nuclear Power Station Emergency Response Organization and LERO to respectively project and compare dose projections to the public via the plume exposure pathway, compare their projections to the Protective Action Guides, available shelter, evacuation time estimates and determine appropriate protective action recommendations.

3. Demonstrate the ability of LERO to project doses to the public via the ingestion pathway and to determine appropriate protective measures based on PAG's and other relevant factors.
4. Demonstrate the activation, equipment and procedures of both the Shoreham Nuclear Power Station Emergency Response Organization and LERO field radiation monitoring teams.
5. Demonstrate the ability of in-plant personnel to safely draw and analyze post-accident liquid and gaseous samples.
6. Demonstrate equipment and procedures for measurement of airborne radioiodine concentrations as low as 10^{-7} uCi/cc in the presence of noble gases.

G. Actions to Protect the Public

1. Demonstrate the implementation of appropriate protective action response options by LERO, including (all sheltering and evacuation to be simulated):
 - Sheltering and evacuation of offsite areas including schools and special facilities;
 - Informing the public on the development of the accident and any required protective actions;
 - Identification, notification and evacuation of non-institutionalized mobility-impaired persons;
 - Analyzing and determining ingestion exposure pathway considerations;
 - Provision for removal of impediments from evacuation routes;
 - Provision to guide traffic during a simulated evacuation;
 - Provision to evacuate members of the public without transportation;
 - Activation of Reception Center;
 - Coordination with the American Red Cross for the provision of Congregate Care Centers.
2. Demonstrate the capability of emergency personnel to identify requirements, evaluate data and implement procedures for re-entry.
3. Demonstrate the capability of emergency personnel to identify requirements, programs and policies governing recovery.
4. Demonstrate ability to effect an orderly evacuation of protected area personnel (on site only).
5. Demonstrate adequacy of procedures for registration and radiological monitoring of evacuees (off site only).

H. Health, Medical and Exposure Control Measures

1. Demonstrate the decision making process for limiting exposure of emergency workers.
2. Demonstrate processing of local emergency workers and vehicles through personnel monitoring and decontamination facility.
3. Demonstrate the decision making process for recommending the use of Potassium Iodide for emergency workers.
4. Demonstrate methods and resources for distributing dosimetry and thyroid blocking agents, if appropriate, to emergency workers.
5. Demonstrate the record keeping of radiation exposure and use of dosimetry and thyroid blocking agents for the protection of emergency workers.
6. Demonstrate knowledge, on the part of the emergency worker, of dosimetry and Potassium Iodide usage procedures and of the individual authorized to allow worker exposures above permissible limits.

LILCO
SHOREHAM/LERO PLAN
EXERCISE OBJECTIVE WORKSHEET

FEMA Core Objective*	LERO Objective(s)
1. Demonstrate ability to mobilize staff and activate facilities promptly.	B.4
2. Demonstrate ability to fully staff facilities and maintain staffing around the clock.	A.1, B.4
3. Demonstrate ability to make decisions and to coordinate emergency activities.	C.2
4. Demonstrate adequacy of facilities and displays to support emergency operations.	A.10
5. Demonstrate ability to communicate with all appropriate locations, organizations, and field personnel.	A.3,4,6
6. Demonstrate ability to mobilize and deploy field monitoring teams in a timely fashion.	A.6
7. Demonstrate appropriate equipment and procedures for determining ambient radiation levels.	F.4
8. Demonstrate appropriate equipment and procedures for measurement of airborne radioiodine concentrations as low as 10^{-7} uCi/cc in the presence of noble gases.	F.6

* Source - Modular Format for Uniformity of Radiological Emergency Preparedness Exercise Observations and Evaluations (June 1983) Attachment 2 to letter from Dave McLoughlin (Deputy Associate Director, State and Local Programs Support) to Regional Directors, Acting Regional Directors, Regions III, V; Concerning Procedural Policy on Radiological Emergency Preparedness Plan Reviews, Exercise Observations and Evaluations, and Interim Findings.

LILCO
SHOREHAM/LERO PLAN
EXERCISE OBJECTIVE WORKSHEET

FEMA Core Objective	LERO Objective(s)
9. Demonstrate appropriate equipment and procedures for collection, transport and analysis of samples of soil, vegetation, snow, water, and milk.	
10. Demonstrate ability to project dosage to the public via plume exposure, based on plant and field data, and to determine appropriate protective measures based on PAG's, available shelter evacuation time estimates, and all other appropriate factors	F.2
11. Demonstrate ability to project dosage to the public via ingestion pathway exposure based on field data, and to determine appropriate protective measures based on PAG's and other relevant factors.	F.3
12. Demonstrate ability to implement protective actions for ingestion pathway hazards.	
13. Demonstrate ability to alert the public within the 10-mile EPZ, and disseminate an initial instructional message within 15 minutes.	D.2, 3
14. Demonstrate ability to formulate and distribute appropriate instructions to the public in a timely fashion.	D.1, E.3, G.1
15. Demonstrate the organizational ability and resources necessary to manage an orderly evacuation of all or part of the plume EPZ.	G.1

LILCO
SHOREHAM/LERO PLAN
EXERCISE OBJECTIVE WORKSHEET

FEMA Core Objective	LERO Objective(s)
16. Demonstrate the organizational ability and resources necessary to deal with impediments to evacuation, such as inclement weather or traffic obstructions.	G.1
17. Demonstrate the organizational ability and resources necessary to control access to an evacuated area.	G.1
18. Demonstrate the organizational ability and resources necessary to effect an orderly evacuation of mobility-impaired individuals within the plume EPZ.	G.1
19. Demonstrate the organizational ability and resources necessary to effect an orderly evacuation of schools within the plume EPZ.	H.5, 6
20. Demonstrate ability to continuously monitor and control emergency worker exposure.	H.3
21. Demonstrate the ability to make the decision, based on predetermined criteria, whether to issue KI to emergency workers and /or the general population.	H.4
22. Demonstrate the ability to supply and administer KI, once the decision has been made to do so.	G.4
23. Demonstrate ability to effect an orderly evacuation of onsite personnel.	E.3
24. Demonstrate ability to brief the media in a clear, accurate and timely manner.	

LILCO
SHOREHAM/LERO PLAN
EXERCISE OBJECTIVE WORKSHEET

FEMA Core Objective	LERO Objective(s)
25. Demonstrate ability to provide advance coordination of information released.	E.1
26. Demonstrate ability to establish and operate rumor control in a coordinated fashion.	E.2
27. Demonstrate adequacy of procedures for registration and radiological monitoring of evacuees.	G.5
28. Demonstrate adequacy of facilities for mass care of evacuees.	H.2
29. Demonstrate adequate equipment and procedures for decontamination of emergency workers, equipment and vehicles.	
30. Demonstrate adequacy of ambulance facilities and procedures for handling contaminated individuals.	
31. Demonstrate adequacy of hospital facilities and procedures for handling contaminated individuals.	
32. Demonstrate ability to identify need for, request, and obtain Federal assistance.	C.4
33. Demonstrate ability to relocate to and operate the alternate EOF/EOC.	Not applicable
34. Demonstrate ability to estimate total population exposure.	
35. Demonstrate ability to determine and implement appropriate measures for controlled recovery and reentry.	G.2, 3

Date: 11/9/84



LONG ISLAND LIGHTING COMPANY

SHOREHAM NUCLEAR POWER STATION

P.O. BOX 618, NORTH COUNTRY ROAD • WADING RIVER, N.Y. 11792

JOHN D. LEONARD, JR.
VICE PRESIDENT - NUCLEAR OPERATIONS

January 16, 1985

SNRC-1133

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington DC, 20555

FEMA Findings on LILCO
Transition Plan for Shoreham
Shoreham Nuclear Power Station - Unit 1
Docket No. 50-322

Dear Mr. Denton:

Your November 28, 1984 letter requests that LILCO review and inform the NRC by January 1, 1985 of its intended response to each of the eight inadequacies relative to NUREG-0654 criteria, and to the legal concerns, identified by the FEMA Regional Assistance Committee (RAC) in its review of Revision 4 to the LILCO Transition Plan for Shoreham.

Attachment 1 entitled "Summary of Response to Consolidated RAC Review of LILCO Transition Plan Rev. 4 for Shoreham: Items Graded Inadequate" summarized, for each of the eight listed deficiencies, its NUREG-0654 criterion number, the RAC comment, and LILCO's proposed resolution. These resolutions will be contained in the next revision to the Shoreham offsite emergency plan. No date has yet been set for issuance of that revision.

With respect to the RAC concerns involving LILCO's legal authority to implement its offsite emergency plan, they, or various aspects of them, are presently among the issues being raised in litigation before one Atomic Safety and Licensing Board in this case (Docket 50-322-OL-3 (Emergency Planning)), as well as in lawsuits pending before the United States District Court for the Eastern District of New York (Citizens for an Orderly Energy Policy, et al., v. Suffolk County, Docket No. 83-4966) and the New York Supreme Court, Suffolk County (Cuomo, et al. v. LILCO, Consolidated Index No. 84-4615). LILCO's view on these issues -- namely,

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that it possesses the legal authority to implement all necessary aspects of the Transition Plan -- is set forth at length in pleadings before each of those bodies. Under present circumstances, further resolution of "legal authority" issues must abide the results of this litigation.

Very truly yours,

ORIGINAL SIGNED BY

John D. Leonard, Jr.
Vice President
Nuclear Operations

CAD/kv

Enclosure: As stated

cc: Mr. P. Eselgroth

bcc: Dr. M. C. Cordaro
Messrs. ~~John A. Weismantle~~;
C. A. Daverio
B. Aidikoff
D. P. Irwin

w/enclosure

LERO File

J. W. Dye	w/o enclosure
J. D. Leonard	"
B. R. McCaffrey	"
Chairman NRB	w/enclosure
W. E. Steiger	"
J. L. Smith	"
L. F. Britt	"
R. A. Kubinak	"
A. F. Earley	"
J. A. Scalice	"
L. Klan	"
J. G. Wynne	"
E. J. Youngling	"
D. Toner	"
R. T. Misiaszek	"
J. M. Kelly	"
NOSD File	"
SR2	"

ATTACHMENT

1

1

**SUMMARY OF RESPONSES TO CONSOLIDATED RAC REVIEW
OF LILOO TRANSITION PLAN REV. 4 FOR SHOREHAM
ITEMS GRADED INADEQUATE**

Item No.	RAC Comment	Resolution
A.2b(1)	LILOO has indicated in their summary of responses to the consolidated RAC review for Revision 3 of the plan (see page 2 of 13), that this is a legal authority issue to be addressed elsewhere and there is no modification to Revision 4 of the plan. Therefore, the legal authorities/bases of the LERO plan are not yet defined and for this reason, the element has been rated inadequate.	See cover letter
A.3(1)	A determination of the overall adequacy of these ambulance and ambulette resources must await tabulation of the transportation needs of non-institutionalized mobility impaired (see example Invalid/Disabled Evacuation Listing, Zone Q, Procedure OPIP 3.6.5, Attachment 1).	A copy of the confidential computerized Homebound Evacuation Listing will be available for FEMA's review during the upcoming FEMA/NRC observed exercise.
A.3(2)	The letter of understanding with FAA should be a letter of agreement from the agency to LILOO (see Appendix B, B-54).	A letter of agreement with the FAA is being requested and will be included with the letters of Agreement, Appendix B. If the letter cannot be obtained, FAA support will be requested through FEMA under the auspices of the FRERP.
A.3(3)	There are no letters of agreement included in the LILOO Transition Plan with the facilities designated to serve as relocation centers. This element has been rated inadequate because the plan must contain letters of agreement with the facilities to be used for the monitoring and decontamination of evacuees.	LILOO has arranged for the use of the Nassau County Veteran's Memorial Coliseum as a reception center. LILOO has obtained a letter of agreement from Hyatt Management to allow LERO to monitor and decontaminate evacuees at the facility. In addition, Nassau County has written a letter to Hyatt Management Corporation approving the use of the facility in case of a Shoreham emergency. These letters are enclosed in Attachment 2.

**SUMMARY OF RESPONSES TO CONSOLIDATED RAC REVIEW
OF LILCO TRANSITION PLAN REV. 4 FOR SHOREHAM
ITEMS GRADED INADEQUATE**

<u>Item No.</u>	<u>RAC Comment</u>	<u>Resolution</u>
C.4(1)	The letters of agreement with facilities to be used as relocation centers are missing. This element has been rated inadequate because the plan must contain letters of agreement with the facilities to be used for the monitoring and decontamination of evacuees. Also see analysis comments for element A.3.	See element A.3(3). In addition, a letter of Agreement with the Nassau County Red Cross has been obtained, is enclosed in Attachment 2. This letter identifies the Congregate Care Centers that will be activated in Nassau County to shelter evacuees. While a small number of facilities listed are operated by New York State, the remaining facilities provide more than enough capacity for the number of evacuees expected to require shelter assistance.
I.7(1)	It should be noted that the LERO radiological procedures are still included in the plan. These procedures apparently remain from Revision 3 wherein LERO was to provide field teams if needed. In Revision 4, there is no plan to use LERO personnel since DOE-RAP will perform field monitoring functions; therefore, the LERO radiological procedures should be deleted from the plan.	OPIP 3.5.1, Downwind Surveying, will be removed from the procedures. Support organizations providing this service will use their own procedures.
I.7(2)	Page 7 in Procedure OPIP 3.5.1 has not been changed in Revision 4. The plan at page 3.5-2a, lines 3-6, states that laboratory analysis can be performed. The potential problem alluded to in line 3 of page 3.5-2a (i.e., the calculation of thyroid dose from the iodine samples taken in the field) has not been addressed by any changes in the operating procedures set forth in Procedure OPIP 3.5.1, which should provide for expedited laboratory analysis.	OPIP 3.5.2 will be revised to state that the survey team will, if instructed by the RAP Team Captain to expedite return of samples, proceed directly to the DOE-RAP headquarters prior to going to the Emergency Worker Decontamination Facility.

**SUMMARY OF RESPONSES TO CONSOLIDATED RAC REVIEW
OF LILCO TRANSITION PLAN REV. 4 FOR SHOREHAM
ITEMS GRADED INADEQUATE**

Item No.	RAC Comment	Resolution
I.9(1)	<p>Although LILCO's summary of the consolidated RAC review comments for Revision 3 stated that expedited laboratory analysis will be made, the Procedure (OPIP 3.5.2, Section 3.3) does not include provisions for expediting this analysis. Further, Procedure OPIP 3.5.1 does not call for an expedited return of these samples to the laboratory. In fact, the discrepancies about where the location of the Environmental Survey Function, discussed in the comment for element I.8, is also of concern here. The instructions in Procedure OPIP 3.5.1 are to be returned to the Emergency Worker Decontamination Center at the local EOC where they will be transferred to the Environmental Survey Function and taken into the EOC for further analysis. The plan should be revised to clarify that sample media will be taken to Brookhaven National Laboratory for analysis.</p>	<p>Section 3.3 of OPIP 3.5.2 will be modified to provide for expedited return of field samples to Brookhaven National Laboratory for analysis. See also item I.7(2).</p>
I.9(2)	<p>Attachments 5 and 6 of Procedure OPIP 3.5.2 have been removed and incorporated into a computerized procedure. The RAC comments for Revision 3 of the plan with regard to the nomogram are still valid. The assumptions used in the computerized approach may not be realistic.</p>	<p>The RAC concerns identified in the Rev. 3 review about OPIP 3.5.2 Attachments 5 and 6 were that the heading of the tables should be 'changed to read, multiply results by 10E-6' When these values were transferred to the computer memory they were inputted with the correct units. The RAC concerns on the use of the nomogram for calculation of thyroid dose using the TCS air sampler were addressed in Rev. 4.</p>

SUMMARY OF RESPONSES TO CONSOLIDATED RAC REVIEW
OF LILCO TRANSITION PLAN REV. 4 FOR SHOREHAM
ITEMS GRADED INADEQUATE

<u>Idea No.</u>	<u>RAC Comment</u>	<u>Resolution</u>
I.10(1)	As noted above in the discussion for element I.9, inclusion of the required information in a computerized procedure may not be adequate, since the previous revision of the plan did not contain the required nomograms, and in the current revision this information has been incorporated into a computer program. LERO anticipates that DOE-RAP will carry out dose assessment computations and, therefore, the LERO computerized methodology may not be necessary. FEMA will evaluate the capability to obtain accurate dose assessment calculations during an exercise of off-site radiological emergency preparedness. The current version of the plan does not contain a method for manual calculation of dose. A procedure for manual calculation was contained in Revision 3 of the plan in the event of computer malfunction. It appears that Revision 4 addresses a problem by removing the affected pages of the plan not necessarily by correcting the problem. If LERO decides to retain their procedure described in the plan, documentation of the computer program should be provided to FEMA for review.	The DOE-RAP Team uses the IRDM dose assessment model on a portable Osborne Computer. The development of this dose assessment model was sponsored by the NRC and published in NUREG/CR-3012. LERO uses the ACCDOS dose assessment model described in OPIP 3.5.2, on an HP-85b portable computer. This model is mathematically the same that was previously included in the manual calculation method of Rev. 3. The information previously needed to complete the missing nomograms has been developed and included in the computerized software. Both of these systems may be used in the EOC which has a back-up power supply. LILCO feels that the availability of two independent proven and reliable dose assessment systems precludes the necessity of having a manual backup.
J.9(1)	The FDA Emergency PAGs for ingestion are for projected doses of 5 rem whole body and 15 rem to the thyroid; not 25 rem thyroid as stated in the plan. Also the interpretation of how to use the response level tables (i.e., instructions contained in the footnotes) has been incorrectly transcribed from the Federal Register referenced in the plan. In addition, page 3.6-2 lines 46 and 47, should state "5" nuclides, and include Cs-134.	The Plan will be revised to reference the correct FDA PAGs and Cs-134 has been added to the list of nuclides evaluated. The discussion in the Plan will also be revised to correctly quote the Federal Register.

**SUMMARY OF RESPONSES TO CONSOLIDATED IAC REVIEW
OF LILCO TRANSITION PLAN REV. 4 FOR SHOREHAM
ITEMS GRADED INADEQUATE**

Item No.	IAC Comment	Resolution
J.10.K(1)	<p>LILCO relies on local snow removal organizations who may be accompanied by LERO personnel who will provide dosimetry to ensure that untrained workers do not receive doses in excess of PAGs for the general public (see comment for element A.1.b), the need to coordinate pre-emergency planning for snow removal along evacuation routes is greater in this particular case. This is especially true in view of the fact that since resources may be limited, there is a need to ensure that these resources would be used in an effective manner where sheltering may not be recommended. For example, it would be advisable to ensure that efforts are concentrated on keeping evacuation arteries rather than side streets, driveways, etc. clear. The plan is not clear as to how LERO could coordinate snow removal by normal response functions in the event, however unlikely, they would be needed during an emergency (see pages 2.2-4g and h of the plan). Therefore pre-emergency planning for snow removal on the evacuation routes should be further developed to include administrative procedures, SOPs, etc. These procedures are recommended to ensure that the snow removal strategy would coincide with any evacuation scheme that might be chosen.</p>	<p>LILCO has identified the roads having the highest levels of traffic flow and will add them as an attachment to the procedure. The Brookhaven and Riverhead Townships, Suffolk County and New York State Department of Public Works will be notified of these road priorities in case of an evacuation during or immediately following a snowfall.</p>

ATTACHMENT

2



LONG ISLAND LIGHTING COMPANY

EXECUTIVE OFFICES: 280 OLD COUNTRY ROAD • MINEOLA, NEW YORK 11501

September 25, 1984

Mr. E. B. Sumerlin, Jr.
General Manager
Nassau Veterans Memorial Coliseum
Hyatt Management Corporation of N.Y., Inc.
c/o Nassau Coliseum
Uniondale, NY 11553

Dear Sir:

LETTER OF AGREEMENT FOR USE OF
NASSAU VETERANS MEMORIAL COLISEUM
BY LONG ISLAND LIGHTING COMPANY

This letter confirms our recent discussions regarding the use of Nassau Veterans Memorial Coliseum by Long Island Lighting Company (LILCO) as a reception center during a radiological emergency at the Shoreham Nuclear Power Station.

Use of Facility. Hyatt Management Corporation of New York, Inc., the lessee of the Nassau Veterans Memorial Coliseum, agrees to allow LILCO to use the Coliseum, consisting of the Nassau Veterans Memorial Coliseum building and all parking lots and immediately surrounding property, as a reception center for the general public in planning for and responding to a radiological emergency at Shoreham, pursuant to the Local Offsite Radiological Emergency Response Plan (LILCO Plan) developed by LILCO. LILCO's use of the Coliseum pursuant to the LILCO Plan shall include the following activities:

1. Identifying the Coliseum, in the LILCO Plan and brochures and other information distributed to the public, as a reception center for joint use by LILCO and the American Red Cross in the event of a radiological emergency at Shoreham, where (1) LILCO will register, monitor decontaminate (if necessary), and issue "clean tags" to evacuees, and (2) the Red Cross will provide information and assistance to evacuees as required.

2. Performing radiological monitoring and decontamination, if necessary, in the Coliseum and/or surrounding property in the event of a radiological emergency at Shoreham, including using showers in the building and waterworks on the property for decontamination.

3. Developing layouts and implementing procedures for use of the Coliseum, in cooperation with Nassau County employees to allow LILCO to develop these items expeditiously.

4. Identifying, in cooperation with Coliseum employees, an area in which to store any necessary amounts of equipment and supplies on the property at the facility, and storing such equipment and supplies upon reasonable terms to be agreed to by the parties.

Access. LILCO will be given ~~REASONABLE~~ access to the Coliseum upon notification by LILCO to Hyatt or the County that a radiological emergency exists at Shoreham. LILCO will also be granted access to the Coliseum to plan for and conduct drills and exercises of the Local Emergency Response Organization. These activities will be scheduled on a time-to-time basis by the parties so as not to interfere with the normal operation of the Coliseum.

Expenses. LILCO will be responsible for any expenses (1) incurred in the development of plans for use of the Coliseum, and (2) in using the Coliseum for planning, drills, exercises, or an emergency response. LILCO will reimburse Nassau County and/or Hyatt, as appropriate, for any expenses incurred by them in connection with such activities.

Insurance and Indemnity. LILCO will be liable for all damage to the Coliseum, normal wear and tear excepted, as a result of LILCO's use of the Coliseum pursuant to this Letter of Agreement, and LILCO will indemnify and hold the County and Hyatt harmless from any claims or suits arising out of injury or death to any person or damage to property resulting from LILCO's use of the Coliseum pursuant to this Letter of Agreement. For all contractual and noncontractual non-nuclear liability arising out of either (1) the training of emergency response members or (2) response to a simulated or actual radiological emergency at Shoreham, LILCO will furnish a statement of self-insurance and/or an appropriate certificate of insurance showing that there is in effect, and will remain in effect throughout the term of this agreement, comprehensive general liability insurance, including property damage, in the following amounts:

Comprehensive General Liability (Including Personal Injury and Contractual Liability) - \$1,000,000.

Bodily Injury (each occurrence) - \$1,000,000.

Property Damage (each occurrence) - \$300,000.

LILCO will name, as additional insured, Hyatt Management Corporation of New York, Inc., its officers, directors, agents, and employees, and the County of Nassau and its cognizant officials, as their interests may appear. Within 10 days after the signing of this Letter of Agreement by the County and Hyatt, LILCO will deliver to Hyatt and the County certificates of insurance or evidence of self-insurance with the limits specified above, evidencing that the policies or self-insurance required from LILCO are in full force and effect.

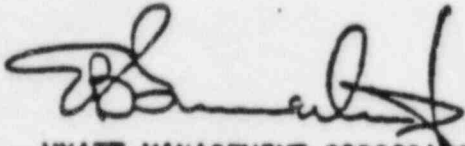
Mr. E. B. Sumerlin, Jr.
September 25, 1984
Page 3

If you find that this Letter of Agreement accurately represents our understanding regarding LILCO's use of the Coliseum during an emergency at Shoreham, please sign the Letter below and return it to me. Thank you very much for allowing us to use the Coliseum in our efforts to aid the public in the unlikely event that an emergency were to occur at Shoreham.

Very truly yours,

W. J. Catasinos

Dr. William J. Catasinos
Chairman of the Board and
Chief Executive Officer
Long Island Lighting Company



HYATT MANAGEMENT CORPORATION
OF NEW YORK, INC.

DATE: 10/8/84

FRANCIS T. PURCELL
COUNTY EXECUTIVE



NASSAU COLISEUM

OFFICE OF THE EXECUTIVE
NASSAU COUNTY EXECUTIVE BUILDING
ONE WEST STREET
MINEOLA, N. Y. 11501

OCT 2 1984

October 1, 1984

Mr. E.B. Sumerlin, Jr.
Vice President/General Manager
Nassau Veterans Memorial Coliseum
Hyatt Management Corporation of New York, Inc.
Uniondale, New York 11553

Dear Mr. Sumerlin:

This letter will confirm discussions between members of my staff with you and officials of the Long Island Lighting Company regarding the use of the Nassau Veterans Memorial Coliseum as a reception center for the public in the event of a radiological emergency at the Shoreham Nuclear Power Station.

I am aware of and approve the use of the Coliseum as a reception center for members of the public requiring assistance from the Local Emergency Response Organization and/or the American Red Cross as a result of any accident at Shoreham which results in the recommendation that the public evacuate from part or all of the Emergency Planning Zone around Shoreham. Included will be:

- a. The identification in public information of the Coliseum as the reception center,
- b. The use of the Coliseum for performing radiological monitoring and decontamination as necessary, and
- c. Cooperation with LILCO in planning, training and exercises as well as in the event of an accident.



Mr. E. B. Sumerlin, Jr.
Page 2

October 1, 1984

I want to assure you that in the event of an emergency at Shoreham, as at all times, the Nassau County Police Department will be prepared to protect the public welfare of all those in Nassau County. The Department will, therefore, be available to provide assistance with security at the Coliseum, and to facilitate traffic flow and parking at the Coliseum and its approaches.

I hope that an agreement can be reached promptly with the Nassau County Chapter of the American Red Cross to formalize their relationship with the Coliseum for its use by the Red Cross during any emergency, including a radiological accident at Shoreham.

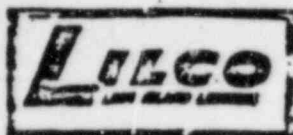
Very truly yours,

A handwritten signature in dark ink, appearing to read "Francis T. Purcell", is written over a horizontal line.

Francis T. Purcell
County Executive

FTP:ser

cc: Dr. William J. Catacosinos
Long Island Lighting Company
Mr. Frank Rasbury
American Red Cross



File

LONG ISLAND LIGHTING COMPANY

175 EAST OLD COUNTRY ROAD • MICKSVILLE, NEW YORK 11501

MATTHEW C. CORDARO, JR., B.
VICE PRESIDENT

October 23, 1984

Mr. Frank M. Rasbury
Executive Director
American Red Cross
Nassau County Chapter
264 Old Country Road
Mineola, New York 11501

Letter of Agreement for Use of
Nassau Veterans Memorial Coliseum by American Red Cross

Dear Mr. Rasbury:

As you know, Long Island Lighting Company has entered into an agreement with Hyatt Management Corporation for the use of the Nassau Veterans Memorial Coliseum (Coliseum) as a reception center pursuant to the Local Offsite Radiological Emergency Response Plan (LILCO Plan) developed by LILCO. A copy of that agreement, dated September 25, 1984, is attached to this letter. The purpose of this letter is to set out our understanding regarding LILCO's and the American Red Cross' use of the Coliseum as a reception center pursuant to the LILCO Plan.

LILCO will identify the Nassau Veterans Memorial Coliseum in the LILCO Plan, brochures, and other information distributed to the Red Cross in the event of a radiological emergency at Shoreham, where 1) the Local Emergency Response Organization (LERO) will register, monitor, decontaminate (if necessary), and issue "clean tags" to evacuees, and 2) the American Red Cross will provide information and assistance to evacuees as required. The American Red Cross will provide Red Cross staff to assist evacuees and to direct evacuees to congregate care centers operated by the Red Cross, chosen from among those on the list provided with the Letter of Agreement between Long Island Lighting Company and the American Red Cross dated July 25, 1984.

Red Cross Staff at the Nassau Coliseum will coordinate with LERO monitoring and decontamination personnel to define a "clean" area from which the Red Cross will operate at the Coliseum; evacuees will be monitored and, if necessary, decontaminated by LERO personnel prior to being directed to Red Cross staff members at the Coliseum. American Red Cross staff at congregate care centers will be trained to send any evacuee who has not been monitored (should any find his way to a congregate care center without first going to the Coliseum) back to the Coliseum for monitoring prior to accepting him into

Mr. Frank M. Rasbury

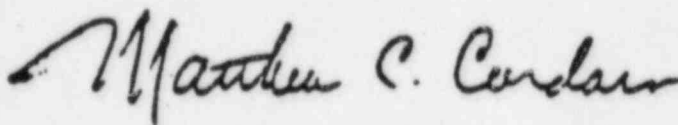
- 2 -

October 23, 1984

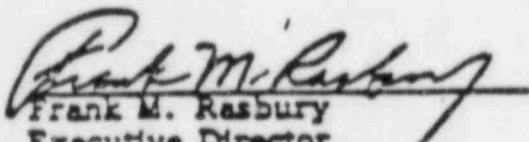
the congregate care centers. The location of specific congregate care centers will not be included in public information materials; all evacuees will be directed to go to the Coliseum.

If you find that this letter accurately represents our understanding regarding the American Red Cross' use with LILCO of the Nassau Veterans Memorial Coliseum during an emergency at Shoreham, please sign the letter below and return it to me. Thank you very much for your continued efforts to provide aid to the public in the unlikely event that an emergency were to occur at Shoreham.

Very truly yours,



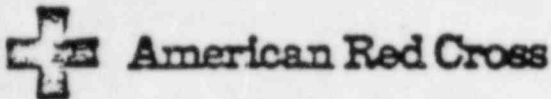
Matthew C. Cordaro, Ph.D.
Vice President



Frank M. Rasbury
Executive Director
American Red Cross
Nassau County Chapter

DATED: October 24, 1984

APP-B-11A



Nassau County Chapter
264 Old Country Road
Mineola, N.Y. 11501
(516) 747-3500

July 25, 1984

Mrs. Elaine D. Robinson
Long Island Lighting Company
100 East Old Country Road
Hicksville, N.Y. 11801

Re: Letter of Agreement Between
LILCO and the American Red Cross

Dear Mrs. Robinson:

This letter confirms our recent discussions regarding the role of the American Red Cross, as determined by Charter of the U. S. Congress, during an emergency at the Shoreham Nuclear Power Station. Upon notification of an emergency at Shoreham the Red Cross will set up emergency centers at a predesignated facility (or facilities) to be listed in the LILCO Transition Plan. The Red Cross will work with LILCO to identify the facility or facilities to be designated; any facility chosen will be 20 miles or more from the Shoreham site. The Red Cross will staff the designated facilities and will, if necessary, dispatch evacuees from these to additional facilities for shelter. It is agreed that the Local Emergency Response Organization (LERO) will provide monitoring and, if necessary, decontamination at the designated facilities.

In addition, there exist agreements between the Nassau County Chapter of the American Red Cross and the facilities named on the attached list, allowing the Red Cross to use the facilities for shelter during an emergency. These facilities will be relied upon by the Red Cross to provide additional space as relocation centers in the event of a radiological emergency at Shoreham, and it is to these facilities that evacuees would be directed, if necessary from the designated facilities in the LILCO Plan. If the space in these facilities is needed during an emergency at Shoreham, the Red Cross would fulfill its usual emergency response functions at these facilities, including staffing them and providing supplies as needed. It is estimated that these facilities could hold up to 48,000 people. All facilities are 20 miles or more from the Shoreham Nuclear Power Station.



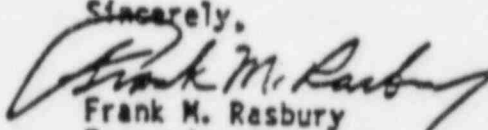
*The Nassau County Red Cross is also affiliated with Garden City Community Fund,
Great Neck United Community Fund Inc., Five Towns United Way,
Manhasset United Fund, Inc.*

Mrs. Elaine Robinson
Long Island Lighting Company
100 East Old Country Road
Hicksville, New York 11801

Page 2.

LILCO has agreed to provide any training the Red Cross may require. Red Cross personnel will participate as appropriate in emergency planning drills and exercises to assure a successful response in an actual emergency.

Sincerely,


Frank M. Rasbury
Executive Director

FMR:beb

AGREEMENT & CAPACITY

1975 500	Baldwin Public Schools High School Drive Baldwin, New York 11510	Contact: Sheldon Fuchs 223-8100 ext. 207/208
1976 1000	Sellers-Herrick Central H.S. Dist. 1691 Meadowbrook Road Herrick, N.Y. 11566	Mr. Ellinger 623-8900
1978 900	Carle Place Union Free School Carle Place, N.Y. 11514	George Beryl 334-1900 ext. 224
1978 500	East Meadow Union Free School Dist. Carman Ave. East Meadow, New York 11554	Claude Stringham Mr. Camp 794-7000 ext. 206
1978 1100	East Rockaway Public Schools East Rockaway E.E. Ocean Ave. East Rockaway, N.Y. 11518	Edward Lattaro 599-7589 Robert Morse 599-7589
1981 900	East Williston School District 110 E. Williston Ave. East Williston, N.Y. 11596	334-8020
1978 1400	Elmont Public Schools Elmont Road Elmont, N.Y. 11003	354-4917
1975 1300	Farmingdale Public Schools Van Cott & Grant Ave. Farmingdale, N.Y. 11735	752-6512 249-7680
1981 400	Floral Park-Bellrose Union Free School Dist. 1 Poppy Place Floral Park, N.Y. 11001	Mr. Russell 352-0768
1981 600	Franklin Square Union Free School Dist. Washington Street Franklin Square, N.Y. 11010	George Reynolds 354-1045
1976 8000	Freeport Public Schools 215 North Ocean Ave. Freeport, N.Y. 11520	Robert Swanson 623-2100
1980 1300	Garden City Public Schools Garden City, N.Y. 11530	Mr. Kelmish 248-7700
1978 1300	Glen Cove Public Schools Dofaris Lane Glen Cove, N.Y. 11542	Anthony Frischola 671-3172

1975 1400	Henricks Public Schools Shelter Rock Road New Hyde Park, N.Y. 11040	Contact: 742-7800
1981 1400	Hewlett High School 60 Everett Ave. Hewlett, N.Y. 11557	Fred DePalma 374-5200 Gus Bruno
1974 800	Hewlett-Woodmere Union Free School Dist. 2 Johnson Place Woodmere, N.Y. 11598	Harry Richter 374-5200 ext. 213
1975 2400	Hicksville Public Schools Division Ave. Hicksville, N.Y. 11801	733-2100 Kathleen Hogan
1980 400	Island Park Schools Island Park, N.Y. 11558	432-8933 431-8100
1975 1400	Island Trees Union Free School Dist. Owl Place & Concor Road Levittown, N.Y. 11756	Mr. Fred Neist 731-4020 Stella Clark 731-7247
1975 300	Lawrence Jr. H.S. Lawrence, N.Y.	Barton Thorp 295-2700 ext. 283/253
1975 1400	Locust Valley Central School Locust Valley, N.Y. 11560	James DiDonatelli Richard Smith 676-8430
1981 800	Long Beach H.S. Lido Blvd. & Allevard Street Long Beach, N.Y.	William Soldan 889-2410 Larry Bourger 889-2167
1974 1000	Lynbrook Union Free School Dist. Waverly Ave. East Rockaway, N.Y. 11518	Louis Pearsall LY 3-4861
1978 100	Masapequa Grace Episcopal Church 4750 Merrick Road Masapequa, N.Y. 11758	Father John Johnson 798-1122
1975 1300	Masapequa High School 4925 Merrick Road Masapequa, N.Y. 11758	William A. Eldard 541-6600
1980 300	Kalverne U.F.W.D. Woodfield Road Rockville Centre, N.Y. 11570	Lawrence Chapman 887-7733
1975 100	Manhasset Public Schools Memorial Place Manhasset, N.Y. 11030	Dr. Owen Hill 627-4400 Dr. Donald Grote 627-4400

1978 100	Ninola Town Hall Jericho Turnpike Ninola, N.Y. 11501	Contact: Mayor Smith 747-2232
1978 100	Ninola Union Free School Dist. 200 Emory Road Ninola, N.Y. 11501	747-6700
1981 100	Nassau County D.O.C.E.S. Salisbury Center Valentines Rd. & The Plain Rd. Westbury, N.Y. 11590	997-8700
1978 100	No. Ballmore U.F.S.D. 2616 Martin Ave. No. Ballmore, N.Y. 11710	221-2200
1978 100	North Merrick U.F.S.D. 1775 Old Mill Road No. Merrick, N.Y. 11566	379-4070
1978 100	North Shore Schools Sea Cliff, N.Y.	671-5500
1982 100	Oceanside Marie Ave. School Marie Ave. Oceanside, N.Y. 11572	678-1200
1978 100	Oyster Bay-East Norwich School Dist. Oyster Bay, N.Y. 11771	922-1170
1981 100	Plainedge Public Schools Nickville Road Bethpage, N.Y. 11714	Norman Black 735-8100 ext. 304
1978 100	Plainview-Old Bethpage Central School Plainview, N.Y. 11803	938-5400
1978 1400	Port Washington U.F.S.D. 27 Longview Road Port Washington, N.Y. 11050	Harold Champel 886-1517 Francis Kanta 883-4000
1978 100	Roosevelt Public Schools 238 Nassau Road Roosevelt, N.Y.	378-7302
1981 1400	Roslyn Public Schools Levert Lane Roslyn, New York	621-4900
1981 100	St. Ignatius Rectory 119 Broadway Ricksville, N.Y. 11801	Father Karrer 931-0056

Bob Wilkerson

COUNTY OF SUFFOLK



PETER F. COMALAN
SUFFOLK COUNTY EXECUTIVE

Hand delivered 3/14/85

OFFICE OF THE COUNTY EXECUTIVE

JOHN C. GALLAGHER
CHIEF DEPUTY COUNTY EXECUTIVE

March 14, 1985

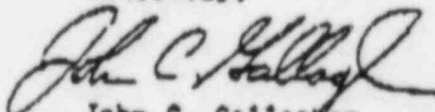
Mr. Harold Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Denton:

By letter to you dated February 22, 1985, LILCO's Vice President for Nuclear Operations extended an invitation to the NRC Staff to observe the conduct of a "tabletop exercise" of LILCO's offsite emergency plan for Shoreham. This is to advise you that Suffolk County objects to the NRC staff observing or in any other way participating in, witnessing, or lending support or credibility to any form of exercise of LILCO's offsite emergency plan.

On February 20, 1985, the New York State Supreme Court ruled that under the Constitution and laws of the State of New York, LILCO does not have authority to implement its offsite emergency plan. Therefore, any exercise by LILCO of its plan would be an act of practicing and preparing for the implementation of an act contrary to law.

Sincerely,


John C. Gallagher
Chief Deputy

JCG:pl

cc: Service List
Mr. Richard W. Krimm
Assistant Associate Director
Federal Emergency Management Agency
Room 306
500 C Street, S.W.
Washington, D. C. 20472

250321/88
IP.

Provided to I-SAS 3/14/85

Copies to:

E. JORDAN

S. SCHWARTZ

D. MATTHEWS

F. KANTOR

R. VAN NISL

INSERT FOR THE RECORD
SUBCOMMITTEE ON ENERGY AND THE ENVIRONMENT
FEBRUARY 28, 1985

Insert for page , line

At the hearing before the Subcommittee on Energy and the Environment held on February 28, 1985 concerning NRC's budget request for fiscal years 1986 and 1987, a question was raised regarding emergency planning. Specifically, we were asked to identify the amount NRC spent on reviewing LILCO's offsite emergency plan.

In May 1983, the Long Island Lighting Company (LILCO) submitted interim offsite plans for the Shoreham Nuclear Power Station. In December 1983 and July 1984, Revisions 3 and 4, respectively, of the currently identified LILCO Transition Plan (one of the plans submitted in May 1983) were received for review. All of these plans were submitted to the Federal Emergency Management Agency for review, as FEMA has the responsibility for evaluating the adequacy of offsite emergency preparedness. The NRC has also reviewed these plans, because of our interest in their interface with the LILCO onsite emergency plan and the NRC's responsibility to provide an overall assessment of adequacy of both onsite and offsite emergency preparedness. Approximately 480 hours have been spent by the NRC for this review, which includes 160 hours by the NRC member of the Regional Assistance Committee in support of the FEMA review activities.



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

February 26, 1985

Cvs: Dircks
Roe
Rehm
Stello
GCunningham
Denton
Minoque
Taylor
EBG R/F

The Honorable Alan K. Simpson, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

This responds to your and Senator Johnston's letter of October 31, 1984 which requested the Commission's views on three questions concerning Department of Energy (DOE) and Federal Emergency Management Agency (FEMA) authority to implement emergency plans for nuclear power plants. Your questions and our replies follow:

1. Does the Commission interpret its regulations on emergency planning for nuclear reactors (10 CFR 50.47 and 50.54) as permitting or precluding a federal agency, such as the Federal Emergency Management Agency or the Department of Energy, from participating in the implementation of (including, but not limited to, providing the necessary "legal authority" to implement) an offsite emergency preparedness plan?

The Commission interprets its regulations as not precluding a Federal agency from participating in the implementation of a utility offsite emergency plan, and as requiring full consideration of the merits of any utility plan.

The Commission's emergency preparedness regulations (10 CFR § 50.47 and § 50.54(s)) require a finding for operation of a power reactor above five percent of rated power that there is "reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency." While the regulations were generally based on the assumption that State and local governments would participate fully in both the development and the implementation of offsite emergency plans, the Commission clearly contemplated the possibility of considering a utility sponsored offsite plan if a State or local government decided not to adopt or implement a plan of its own. Accordingly, a utility plan would be considered under 10 CFR § 50.47(c)(1), which provides that an

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applicant will have an opportunity to demonstrate to the satisfaction of the Commission that deficiencies in the plan are not significant for the plant in question, that adequate interim compensating action has been or will be taken promptly, or that there are other compelling reasons to permit plant operation.

10 CFR § 50.54(s)(2)(ii), applicable to operating reactors, provides comparable flexibility. Both provisions allow consideration of a utility plan as a possibly adequate compensating measure for the lack of State or local government participation.

There is no basis in the regulations for distinguishing a utility plan which includes Federal agency implementation from any other utility plan. Any utility plan would be evaluated under 10 CFR § 50.47(c)(1) and § 50.54(s)(2)(ii).

The Commission believes that this interpretation of its regulations is fully consistent with section 108 of the EY 1984-1985 Authorization Act, P.L. 98-553.

2. If either or both of these two agencies (the Department of Energy and the Federal Emergency Management Agency) were to conclude that they have the statutory authority to participate in the implementation of an offsite emergency preparedness plan, and further undertake to do so, would it be the Commission's position that the Commission would defer to such agency's determination regarding the scope of that agency's statutory authority to undertake such action?

Under these circumstances, as a practical matter, the Commission would defer to an agency's or department's General Counsel's interpretation of the agency's or department's governing statutes. However, such deference would not also extend to interpretations by an agency or department of statutory authority which also would have a bearing on our own statutory authority and responsibility. Thus, in summary, while we ordinarily would defer to the legal views of FEMA and DOE on matters relating to the scope of their statutory authority, we must always reserve to ourselves the final decision of whether, in a specific case, such deference would be consistent with our own statutory authority and responsibility.

Commissioner Bernthal believes that, as a general principle, the Commission should not enmesh itself in the interpretation of another agency's statutory authority on matters where the NRC's own enabling legislation is silent. While he agrees that the Commission must, as a practical matter, always reserve to itself the final decision on whether deference to another agency's interpretation of that agency's statutes is

consistent with the Commission's own statutory authority and responsibility, in this case the Commission has already determined that both NRC statute and regulations are silent on the issue of the legal authority of DOE or FEMA to implement an emergency plan. Therefore, the Commission should resolve to deal with this matter in one of two ways: either 1) ask DOJ at the outset for an interpretation of the statutory authority of all agencies involved in the matter, or alternatively, 2) defer to DOE or FEMA's interpretation and let the courts settle the matter, as they inevitably will. The Commission's letter could have and should have stated unambiguously which of the above policy options the Commission finds preferable.

3. If not, please provide a complete and detailed legal analysis setting forth the Commission's views with respect to the statutory authority of any federal agency or department to participate in the implementation (including, but not limited to, providing the necessary "legal authority" to implement) of an offsite emergency preparedness plan.

In view of our answer to question 2, we understand that no answer to this question is needed.

Commissioner Asselstine has the following comments:

"I agree with the Commission's response to your first question, but I disagree with the response to your second question. As our General Counsel noted in preparing the draft response to your letter, there are several significant problems with an NRC deferral to a DOE or FEMA determination that those agencies have the legal authority to participate in the implementation of an offsite emergency preparedness plan. First, as the Commission has long recognized, offsite emergency planning and preparedness is a safety requirement for operation of a nuclear power plant. The ability to implement an emergency plan depends upon whether the implementing entities have the legal authority to carry out their responsibilities. Therefore, the question of the legal authority of the implementing agencies is clearly relevant to the Commission's safety responsibilities and findings. Deferral to DOE or FEMA on this issue would therefore amount to an abdication of the Commission's safety responsibilities. Second, our emergency planning regulations do not support a deferral to FEMA and DOE findings on their legal authority to implement an offsite plan. Our regulations, by noting that FEMA findings (and, by inference, DOE findings) are rebuttable in NRC licensing proceedings, provide expressly for an independent NRC determination on the issues addressed by the FEMA findings. Third,

section 189 a. of the Atomic Energy Act and the Administrative Procedure Act can be read as providing an opportunity to submit argument to the Commission on legal issues such as this. Given these objections to an NRC deferral to FEMA or DOE, our General Counsel advised that the Commission should defer to a finding by DOE or FEMA that those agencies have sufficient legal authority to implement an offsite plan only if the DOE or FEMA finding is supported by a written and publicly available opinion by the Department of Justice. I agree with our General Counsel. Requiring a formal written opinion by the Attorney General on this subject has several advantages. First, an Attorney General's opinion generally provides a thorough, well-reasoned and well-researched evaluation of the legal issue involved. Second, an Attorney General's opinion is made public, thereby providing for public scrutiny and review. Third, an Attorney General's opinion provides a definitive legal interpretation within the Executive Branch. Since the Department of Justice must ultimately defend the government's position in court, it simply makes good sense to have the formal opinion of the Attorney General before the NRC makes its decision on the issue. For these reasons, I believe ~~that~~ the Commission must insist upon a formal opinion of the Attorney General before it can rely on a DOE or FEMA assertion that those agencies have the legal authority to implement an offsite emergency plan."

Sincerely,

Nunzio J. Palladino
Nunzio J. Palladino

Identical Letter sent to:
The Honorable J. Bennett Johnston
Committee on Energy and Natural Resources
United States Senate
Washington, D. C. 20510



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

February 8, 1985

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

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

SUBJECT: LILCO RESPONSE TO FEMA FINDINGS ON SHOREHAM
TRANSITION PLAN

Enclosed is a letter dated January 16, 1985 from John D. Leonard, Jr., Vice President-Nuclear Operations, Long Island Lighting Company (LILCO) to Harold R. Denton, Director, Office of Nuclear Reactor Regulation, NRC, which transmits LILCO's responses to the FEMA findings developed as a result of the review by the Regional Assistance Committee (RAC) of Revision 4 to the LILCO offsite Transition Plan for Shoreham. Attachment 1 to the LILCO letter presents LILCO's proposed resolution for each of the eight remaining inadequacies in the Transition Plan identified by FEMA.

With respect to the FEMA/RAC concerns involving LILCO's legal authority to implement the Transition Plan, LILCO states that these concerns are among the issues presently in litigation before an Atomic Safety and Licensing Board and the District Court for the Eastern District of New York. Further, LILCO's view that it possesses the legal authority to implement all necessary aspects of the Transition Plan is contained in pleadings before these bodies and resolution of legal authority issues must await the results of this litigation.

We request that you review LILCO's proposed resolutions and inform us as to whether this information satisfactorily responds to the identified inadequacies in the Shoreham Transition Plan. Based on discussions between Robert Wilkerson of FEMA and David Matthews of NRC on February 1, 1985, I understand that FEMA will provide the results of this review by April 1, 1985.

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

Enclosure:
Ltr. dtd. 1/16/85 from
J.D. Leonard to H.R. Denton

cc: See Attached

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2PP

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February 8, 1985

-2-

cc: J. M. Taylor, IE
R. H. Vollmer, 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
E. S. Christenbury, ELD
R. Caruso, NRR
R. R. Bellamy, Region I
R. S. Wilkerson, FEMA



LONG ISLAND LIGHTING COMPANY

SHOREHAM NUCLEAR POWER STATION

P.O. BOX 618, NORTH COUNTRY ROAD • WADING RIVER, N.Y. 11792

JOHN D. LEONARD, JR.
VICE PRESIDENT - NUCLEAR OPERATIONS

January 16, 1985

SNRC-1133

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington DC, 20555

FEMA Findings on LILCO
Transition Plan for Shoreham
Shoreham Nuclear Power Station - Unit 1
Docket No. 50-322

Dear Mr. Denton:

Your November 28, 1984 letter requests that LILCO review and inform the NRC by January 1, 1985 of its intended response to each of the eight inadequacies relative to NUREG-0654 criteria, and to the legal concerns, identified by the FEMA Regional Assistance Committee (RAC) in its review of Revision 4 to the LILCO Transition Plan for Shoreham.

Attachment 1 entitled "Summary of Response to Consolidated RAC Review of LILCO Transition Plan Rev. 4 for Shoreham: Items Graded Inadequate" summarized, for each of the eight listed deficiencies, its NUREG-0654 criterion number, the RAC comment, and LILCO's proposed resolution. These resolutions will be contained in the next revision to the Shoreham offsite emergency plan. No date has yet been set for issuance of that revision.

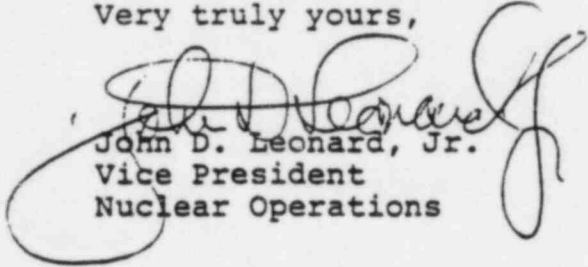
With respect to the RAC concerns involving LILCO's legal authority to implement its offsite emergency plan, they, or various aspects of them, are presently among the issues being raised in litigation before one Atomic Safety and Licensing Board in this case (Docket 50-322-OL-3 (Emergency Planning)), as well as in lawsuits pending before the United States District Court for the Eastern District of New York (Citizens for an Orderly Energy Policy, et al., v. Suffolk County, Docket No. 83-4966) and the New York Supreme Court, Suffolk County (Cuomo, et al. v. LILCO, Consolidated Index No. 84-4615). LILCO's view on these issues -- namely,

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that it possesses the legal authority to implement all necessary aspects of the Transition Plan -- is set forth at length in pleadings before each of those bodies. Under present circumstances, further resolution of "legal authority" issues must abide the results of this litigation.

Very truly yours,



John D. Leonard, Jr.
Vice President
Nuclear Operations

CAD/kv

Enclosure: As stated

cc: Mr. P. Eselgroth

ATTACHMENT

1

SUMMARY OF RESPONSES TO CONSOLIDATED RAC REVIEW
OF LILCO TRANSITION PLAN REV. 4 FOR SHOREHAM
ITEMS GRADED INADEQUATE

<u>Item No.</u>	<u>RAC Comment</u>	<u>Resolution</u>
A.2b(1)	LILCO has indicated in their summary of responses to the consolidated RAC review for Revision 3 of the plan (see page 2 of 13), that this is a legal authority issue to be addressed elsewhere and there is no modification to Revision 4 of the plan. Therefore, the legal authorities/bases of the LERO plan are not yet defined and for this reason, the element has been rated inadequate.	See cover letter
A.3(1)	A determination of the overall adequacy of these ambulance and ambulette resources must await tabulation of the transportation needs of non-institutionalized mobility impaired (see example Invalid/Disabled Evacuation Listing, Zone Q, Procedure OPIP 3.6.5, Attachment 1).	A copy of the confidential computerized Homebound Evacuation Listing will be available for FEMA's review during the upcoming FEMA/NRC observed exercise.
A.3(2)	The letter of understanding with FAA should be a letter of agreement from the agency to LILCO (see Appendix B, B-54).	A letter of agreement with the FAA is being requested and will be included with the letters of Agreement, Appendix 3. If the letter cannot be obtained, FAA support will be requested through FEMA under the auspices of the FRERP.
A.3(3)	There are no letters of agreement included in the LILCO Transition Plan with the facilities designated to serve as relocation centers. This element has been rated inadequate because the plan must contain letters of agreement with the facilities to be used for the monitoring and decontamination of evacuees.	LILCO has arranged for the use of the Nassau County Veteran's Memorial Coliseum as a reception center. LILCO has obtained a letter of agreement from Hyatt Management to allow LERO to monitor and decontaminate evacuees at the facility. In addition, Nassau County has written a letter to Hyatt Management Corporation approving the use of the facility in case of a Shoreham emergency. These letters are enclosed in Attachment 2.

**SUMMARY OF RESPONSES TO CONSOLIDATED RAC REVIEW
OF LILOO TRANSITION PLAN REV. 4 FOR SHOREHAM
ITEMS GRADED INADEQUATE**

Item No.	RAC Comment	Resolution
C.4(1)	The letters of agreement with facilities to be used as relocation centers are missing. This element has been rated inadequate because the plan must contain letters of agreement with the facilities to be used for the monitoring and decontamination of evacuees. Also see analysis comments for element A.3.	See element A.3(3). In addition, a letter of Agreement with the Nassau County Red Cross has been obtained, is enclosed in Attachment 2. This letter identifies the Congregate Care Centers that will be activated in Nassau County to shelter evacuees. While a small number of facilities listed are operated by New York State, the remaining facilities provide more than enough capacity for the number of evacuees expected to require shelter assistance.
I.7(1)	It should be noted that the LERO radiological procedures are still included in the plan. These procedures apparently remain from Revision 3 wherein LERO was to provide field teams if needed. In Revision 4, there is no plan to use LERO personnel since DOE-RAP will perform field monitoring functions; therefore, the LERO radiological procedures should be deleted from the plan.	OPIP 3.5.1, Downwind Surveying, will be removed from the procedures. Support organizations providing this service will use their own procedures.
I.7(2)	Page 7 in Procedure OPIP 3.5.1 has not been changed in Revision 4. The plan at page 3.5-2a, lines 3-6, states that laboratory analysis can be performed. The potential problem alluded to in line 3 of page 3.5-2a (i.e., the calculation of thyroid dose from the iodine samples taken in the field) has not been addressed by any changes in the operating procedures set forth in Procedure OPIP 3.5.1, which should provide for expedited laboratory analysis.	OPIP 3.5.2 will be revised to state that the survey team will, if instructed by the RAP Team Captain to expedite return of samples, proceed directly to the DOE-RAP headquarters prior to going to the Emergency Worker Decontamination Facility.

**SUMMARY OF RESPONSES TO CONSOLIDATED RAC REVIEW
OF LILCO TRANSITION PLAN REV. 4 FOR SHOREHAM
ITEMS GRADED INADEQUATE**

Item No.	RAC Comment	Resolution
.9(1)	<p>Although LILCO's summary of the consolidated RAC review comments for Revision 3 stated that expedited laboratory analysis will be made, the Procedure (OPIP 3.5.2, Section 3.3) does not include provisions for expediting this analysis. Further, Procedure OPIP 3.5.1 does not call for an expedited return of these samples to the laboratory. In fact, the discrepancies about where the location of the Environmental Survey Function, discussed in the comment for element I.8, is also of concern here. The instructions in Procedure OPIP 3.5.1 are to be returned to the Emergency Worker Decontamination Center at the local EOC where they will be transferred to the Environmental Survey Function and taken into the EOC for further analysis. The plan should be revised to clarify that sample media will be taken to Brookhaven National Laboratory for analysis.</p>	<p>Section 3.3 of OPIP 3.5.2 will be modified to provide for expedited return of field samples to Brookhaven National Laboratory for analysis. See also item I.7(2).</p>
I.9(2)	<p>Attachments 5 and 6 of Procedure OPIP 3.5.2 have been removed and incorporated into a computerized procedure. The RAC comments for Revision 3 of the plan with regard to the nomogram are still valid. The assumptions used in the computerized approach may not be realistic.</p>	<p>The RAC concerns identified in the Rev. 3 review about OPIP 3.5.2 Attachments 5 and 6 were that the heading of the tables should be 'changed to read, multiply results by 10E-6' When these values were transferred to the computer memory they were inputted with the correct units. The RAC concerns on the use of the nomogram for calculation of thyroid dose using the TCS air sampler were addressed in Rev. 4.</p>

SUMMARY OF RESPONSES TO CONSOLIDATED RAC REVIEW
OF LILCO TRANSITION PLAN REV. 4 FOR SHOREHAM
ITEMS GRADED INADEQUATE

<u>Item No.</u>	<u>RAC Comment</u>	<u>Resolution</u>
I.10(1)	<p>As noted above in the discussion for element I.9, inclusion of the required information in a computerized procedure may not be adequate, since the previous revision of the plan did not contain the required nomograms, and in the current revision this information has been incorporated into a computer program. LERO anticipates that DOE-RAP will carry out dose assessment computations and, therefore, the LERO computerized methodology may not be necessary. FEMA will evaluate the capability to obtain accurate dose assessment calculations during an exercise of off-site radiological emergency preparedness. The current version of the plan does not contain a method for manual calculation of dose. A procedure for manual calculation was contained in Revision 3 of the plan in the event of computer malfunction. It appears that Revision 4 addresses a problem by removing the affected pages of the plan not necessarily by correcting the problem. If LERO decides to retain their procedure described in the plan, documentation of the computer program should be provided to FEMA for review.</p>	<p>The DOE-RAP Team uses the IRDAM dose assessment model on a portable Osborne Computer. The development of this dose assessment model was sponsored by the NRC and published in NUREG/CR-3012. LERO uses the ACCDOS dose assessment model described in OPIP 3.5.2, on an HP-85b portable computer. This model is mathematically the same that was previously included in the manual calculation method of Rev. 3. The information previously needed to complete the missing nomograms has been developed and included in the computerized software. Both of these systems may be used in the EOC which has a back-up power supply. LILCO feels that the availability of two independent proven and reliable dose assessment systems precludes the necessity of having a manual backup.</p>
J.9(1)	<p>The FDA Emergency PAGs for ingestion are for projected doses of 5 rem whole body and 15 rem to the thyroid; not 25 rem thyroid as stated in the plan. Also the interpretation of how to use the response level tables (i.e., instructions contained in the footnotes) has been incorrectly transcribed from the Federal Register referenced in the plan. In addition, page 3.6-2 lines 46 and 47, should state "5" nuclides, and include Cs-134.</p>	<p>The Plan will be revised to reference the correct FDA PAGs and Cs-134 has been added to the list of nuclides evaluated. The discussion in the Plan will also be revised to correctly quote the Federal Register.</p>

**SUMMARY OF RESPONSES TO CONSOLIDATED RAC REVIEW
OF LILCO TRANSITION PLAN REV. 4 FOR SHOREHAM
ITEMS GRADED INADEQUATE**

Item No.	RAC Comment	Resolution
I.10.K(1)	<p>LILCO relies on local snow removal organizations who may be accompanied by LERO personnel who will provide dosimetry to ensure that untrained workers do not receive doses in excess of PAGs for the general public (see comment for element A.1.b), the need to coordinate pre-emergency planning for snow removal along evacuation routes is greater in this particular case. This is especially true in view of the fact that since resources may be limited, there is a need to ensure that these resources would be used in an effective manner where sheltering may not be recommended. For example, it would be advisable to ensure that efforts are concentrated on keeping evacuation arteries rather than side streets, driveways, etc. clear. The plan is not clear as to how LERO could coordinate snow removal by normal response functions in the event, however unlikely, they would be needed during an emergency (see pages 2.2-4g and h of the plan). Therefore pre-emergency planning for snow removal on the evacuation routes should be further developed to include administrative procedures, SOPs, etc. These procedures are recommended to ensure that the snow removal strategy would coincide with any evacuation scheme that might be chosen.</p>	<p>LILCO has identified the roads having the highest levels of traffic flow and will add them as an attachment to the procedure. The Brookhaven and Riverhead Townships, Suffolk County and New York State Department of Public Works will be notified of these road priorities in case of an evacuation during or immediately following a snowfall.</p>

ATTACHMENT

2



LONG ISLAND LIGHTING COMPANY

EXECUTIVE OFFICES: 250 OLD COUNTRY ROAD • MINEOLA, NEW YORK 11501

September 25, 1984

Mr. E. B. Sumerlin, Jr.
General Manager
Nassau Veterans Memorial Coliseum
Hyatt Management Corporation of N.Y., Inc.
c/o Nassau Coliseum
Uniondale, NY 11553

Dear Sir:

LETTER OF AGREEMENT FOR USE OF
NASSAU VETERANS MEMORIAL COLISEUM
BY LONG ISLAND LIGHTING COMPANY

This letter confirms our recent discussions regarding the use of Nassau Veterans Memorial Coliseum by Long Island Lighting Company (LILCO) as a reception center during a radiological emergency at the Shoreham Nuclear Power Station.

Use of Facility. Hyatt Management Corporation of New York, Inc., the lessee of the Nassau Veterans Memorial Coliseum, agrees to allow LILCO to use the Coliseum, consisting of the Nassau Veterans Memorial Coliseum building and all parking lots and immediately surrounding property, as a reception center for the general public in planning for and responding to a radiological emergency at Shoreham, pursuant to the Local Offsite Radiological Emergency Response Plan (LILCO Plan) developed by LILCO. LILCO's use of the Coliseum pursuant to the LILCO Plan shall include the following activities:

1. Identifying the Coliseum, in the LILCO Plan and brochures and other information distributed to the public, as a reception center for joint use by LILCO and the American Red Cross in the event of a radiological emergency at Shoreham, where (1) LILCO will register, monitor decontaminate (if necessary), and issue "clean tags" to evacuees, and (2) the Red Cross will provide information and assistance to evacuees as required.

2. Performing radiological monitoring and decontamination, if necessary, in the Coliseum and/or surrounding property in the event of a radiological emergency at Shoreham, including using showers in the building and waterworks on the property for decontamination.

3. Developing layouts and implementing procedures for use of the Coliseum, in cooperation with Nassau County employees to allow LILCO to develop these items expeditiously.

4. Identifying, in cooperation with Coliseum employees, an area in which to store any necessary amounts of equipment and supplies on the property at the facility, and storing such equipment and supplies upon reasonable terms to be agreed to by the parties. *EB*

Access. LILCO will be given ~~reasonable~~ ^{REASONABLE} access to the Coliseum upon notification by LILCO to Hyatt or the County that a radiological emergency exists at Shoreham. LILCO will also be granted access to the Coliseum to plan for and conduct drills and exercises of the Local Emergency Response Organization. These activities will be scheduled on a time-to-time basis by the parties so as not to interfere with the normal operation of the Coliseum.

Expenses. LILCO will be responsible for any expenses (1) incurred in the development of plans for use of the Coliseum, and (2) in using the Coliseum for planning, drills, exercises, or an emergency response. LILCO will reimburse Nassau County and/or Hyatt, as appropriate, for any expenses incurred by them in connection with such activities.

Insurance and Indemnity. LILCO will be liable for all damage to the Coliseum, normal wear and tear excepted, as a result of LILCO's use of the Coliseum pursuant to this Letter of Agreement, and LILCO will indemnify and hold the County and Hyatt harmless from any claims or suits arising out of injury or death to any person or damage to property resulting from LILCO's use of the Coliseum pursuant to this Letter of Agreement. For all contractual and noncontractual non-nuclear liability arising out of either (1) the training of emergency response members or (2) response to a simulated or actual radiological emergency at Shoreham, LILCO will furnish a statement of self-insurance and/or an appropriate certificate of insurance showing that there is in effect, and will remain in effect throughout the term of this agreement, comprehensive general liability insurance, including property damage, in the following amounts:

Comprehensive General Liability (Including Personal Injury and Contractual Liability) - \$1,000,000.

Bodily Injury (each occurrence) - \$1,000,000.

Property Damage (each occurrence) - \$300,000.

LILCO will name, as additional insured, Hyatt Management Corporation of New York, Inc., its officers, directors, agents, and employees, and the County of Nassau and its cognizant officials, as their interests may appear. Within 10 days after the signing of this Letter of Agreement by the County and Hyatt, LILCO will deliver to Hyatt and the County certificates of insurance or evidence of self-insurance with the limits specified above, evidencing that the policies or self-insurance required from LILCO are in full force and effect.

Mr. E. B. Sumerlin, Jr.
September 25, 1984
Page 3

If you find that this Letter of Agreement accurately represents our understanding regarding LILCO's use of the Coliseum during an emergency at Shoreham, please sign the Letter below and return it to me. Thank you very much for allowing us to use the Coliseum in our efforts to aid the public in the unlikely event that an emergency were to occur at Shoreham.

Very truly yours,

W. J. Catacosinos

Dr. William J. Catacosinos
Chairman of the Board and
Chief Executive Officer
Long Island Lighting Company

[Signature]

HYATT MANAGEMENT CORPORATION
OF NEW YORK, INC.

DATE: 10/8/84

FRANCIS T. PURCELL
COUNTY EXECUTIVE



OFFICE OF THE EXECUTIVE
NASSAU COUNTY EXECUTIVE BUILDING
ONE WEST STREET
MINEOLA, N. Y. 11501

NASSAU COLISEUM

OCT 2 KEC

October 1, 1984

Mr. E.B. Sumerlin, Jr.
Vice President/General Manager
Nassau Veterans Memorial Coliseum
Hyatt Management Corporation of New York, Inc.
Uniondale, New York 11553

Dear Mr. Sumerlin:

This letter will confirm discussions between members of my staff with you and officials of the Long Island Lighting Company regarding the use of the Nassau Veterans Memorial Coliseum as a reception center for the public in the event of a radiological emergency at the Shoreham Nuclear Power Station.

I am aware of and approve the use of the Coliseum as a reception center for members of the public requiring assistance from the Local Emergency Response Organization and/or the American Red Cross as a result of any accident at Shoreham which results in the recommendation that the public evacuate from part or all of the Emergency Planning Zone around Shoreham. Included will be:

- a. The identification in public information of the Coliseum as the reception center,
- b. The use of the Coliseum for performing radiological monitoring and decontamination as necessary, and
- c. Cooperation with LILCO in planning, training and exercises as well as in the event of an accident.

FRANCIS T. PURCELL
COUNTY EXECUTIVE



Mr. E. B. Sumerlin, Jr.
Page 2

October 1, 1984

I want to assure you that in the event of an emergency at Shoreham, as at all times, the Nassau County Police Department will be prepared to protect the public welfare of all those in Nassau County. The Department will, therefore, be available to provide assistance with security at the Coliseum, and to facilitate traffic flow and parking at the Coliseum and its approaches.

I hope that an agreement can be reached promptly with the Nassau County Chapter of the American Red Cross to formalize their relationship with the Coliseum for its use by the Red Cross during any emergency, including a radiological accident at Shoreham.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Francis T. Purcell", is written over the typed name.

Francis T. Purcell
County Executive

FTP:ser

cc: Dr. William J. Catacosinos
Long Island Lighting Company
Mr. Frank Rasbury
American Red Cross



File
LONG ISLAND LIGHTING COMPANY

175 EAST OLD COUNTRY ROAD • HICKSVILLE, NEW YORK 11801

MATTHEW C. CORDARO, PH. D.
VICE PRESIDENT

October 23, 1984

Mr. Frank M. Rasbury
Executive Director
American Red Cross
Nassau County Chapter
264 Old Country Road
Mineola, New York 11501

Letter of Agreement for Use of
Nassau Veterans Memorial Coliseum by American Red Cross

Dear Mr. Rasbury:

As you know, Long Island Lighting Company has entered into an agreement with Hyatt Management Corporation for the use of the Nassau Veterans Memorial Coliseum (Coliseum) as a reception center pursuant to the Local Offsite Radiological Emergency Response Plan (LILCO Plan) developed by LILCO. A copy of that agreement, dated September 25, 1984, is attached to this letter. The purpose of this letter is to set out our understanding regarding LILCO's and the American Red Cross' use of the Coliseum as a reception center pursuant to the LILCO Plan.

LILCO will identify the Nassau Veterans Memorial Coliseum in the LILCO Plan, brochures, and other information distributed to the Red Cross in the event of a radiological emergency at Shoreham, where 1) the Local Emergency Response Organization (LERO) will register, monitor, decontaminate (if necessary), and issue "clean tags" to evacuees, and 2) the American Red Cross will provide information and assistance to evacuees as required. The American Red Cross will provide Red Cross staff to assist evacuees and to direct evacuees to congregate care centers operated by the Red Cross, chosen from among those on the list provided with the Letter of Agreement between Long Island Lighting Company and the American Red Cross dated July 25, 1984.

Red Cross Staff at the Nassau Coliseum will coordinate with LERO monitoring and decontamination personnel to define a "clean" area from which the Red Cross will operate at the Coliseum; evacuees will be monitored and, if necessary, decontaminated by LERO personnel prior to being directed to Red Cross staff members at the Coliseum. American Red Cross staff at congregate care centers will be trained to send any evacuee who has not been monitored (should any find his way to a congregate care center without first going to the Coliseum) back to the Coliseum for monitoring prior to accepting him into

Mr. Frank M. Rasbury

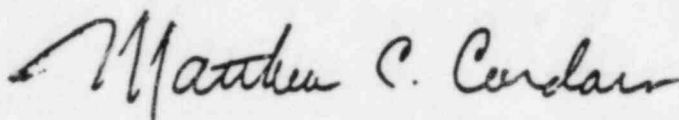
- 2 -

October 23, 1984

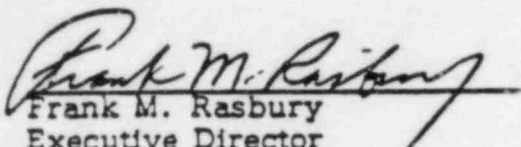
the congregate care centers. The location of specific congregate care centers will not be included in public information materials; all evacuees will be directed to go to the Coliseum.

If you find that this letter accurately represents our understanding regarding the American Red Cross' use with LILCO of the Nassau Veterans Memorial Coliseum during an emergency at Shoreham, please sign the letter below and return it to me. Thank you very much for your continued efforts to provide aid to the public in the unlikely event that an emergency were to occur at Shoreham.

Very truly yours,



Matthew C. Cordaro, Ph.D.
Vice President



Frank M. Rasbury
Executive Director
American Red Cross
Nassau County Chapter

DATED: October 24, 1984

APP-B-11A



American Red Cross

Nassau County Chapter
264 Old Country Road
Mineola, N.Y. 11501
(516) 747-3500

July 25, 1984

Mrs. Elaine D. Robinson
Long Island Lighting Company
100 East Old Country Road
Hicksville, N.Y. 11801

Re: Letter of Agreement Between
LILCO and the American Red Cross

Dear Mrs. Robinson:

This letter confirms our recent discussions regarding the role of the American Red Cross, as determined by Charter of the U. S. Congress, during an emergency at the Shoreham Nuclear Power Station. Upon notification of an emergency at Shoreham the Red Cross will set up emergency centers at a predesignated facility (or facilities) to be listed in the LILCO Transition Plan. The Red Cross will work with LILCO to identify the facility or facilities to be designated; any facility chosen will be 20 miles or more from the Shoreham site. The Red Cross will staff the designated facilities and will, if necessary, dispatch evacuees from these to additional facilities for shelter. It is agreed that the Local Emergency Response Organization (LERO) will provide monitoring and, if necessary, decontamination at the designated facilities.

In addition, there exist agreements between the Nassau County Chapter of the American Red Cross and the facilities named on the attached list, allowing the Red Cross to use the facilities for shelter during an emergency. These facilities will be relied upon by the Red Cross to provide additional space as relocation centers in the event of a radiological emergency at Shoreham, and it is to these facilities that evacuees would be directed, if necessary from the designated facilities in the LILCO Plan. If the space in these facilities is needed during an emergency at Shoreham, the Red Cross would fulfill its usual emergency response functions at these facilities, including staffing them and providing supplies as needed. It is estimated that these facilities could hold up to 48,000 people. All facilities are 20 miles or more from the Shoreham Nuclear Power Station.



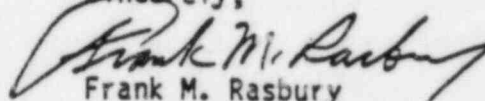
*The Nassau County Red Cross is also affiliated with Garden City Community Fund.
Great Neck United Community Fund Inc., Five Towns United Way,
Manhasset United Fund, Inc.*

Mrs. Elaine Robinson
Long Island Lighting Company
100 East Old Country Road
Hicksville, New York 11801

Page 2.

LILCO has agreed to provide any training the Red Cross may require. Red Cross personnel will participate as appropriate in emergency planning drills and exercises to assure a successful response in an actual emergency.

Sincerely,

A handwritten signature in dark ink, appearing to read "Frank M. Rasbury", written in a cursive style.

Frank M. Rasbury
Executive Director

FMR:bmb

SHELTER INFORMATION 1982-1993

264 OLD COUNTRY ROAD
MINEOLA, NY 11501AGREEMENT & CAPACITY

1975 500	Baldwin Public Schools High School Drive Baldwin, New York 11510	Contact: Sheldon Fuchs 223-8100 ext. 207/208
1978 1000	Bellmore-Herrick Central H.S. Dist. 1691 Meadowbrook Road Herrick, N.Y. 11566	Mr. Ellinger 623-8900
1978 500	Carle Place Union Free School Carle Place, N.Y. 11514	George Beyhl 334-1900 ext. 224
1978 500	East Meadow Union Free School Dist. Carnan Ave. East Meadow, New York 11554	Claude Stringham Mr. Camp 794-7000 ext. 206
1978 1100	East Rockaway Public Schools East Rockaway H.S. Ocean Ave. East Rockaway, N.Y. 11518	Edward Lattare 599-7589 Robert Morse 599-7589
1981 900	East Williston School District 110 E. Williston Ave. East Williston, N.Y. 11596	334-8020
1978 1400	Elmont Public Schools Elmont Road Elmont, N.Y. 11003	354-4917
1975 1500	Farmingdale Public Schools Van Cott & Grant Ave. Farmingdale, N.Y. 11735	752-6512 249-7680
1981 400	Floral-Park-Bellrose Union Free School Dist. 1 Poppy Place Floral Park, N.Y. 11001	Mr. Russell 352-0768
1981 600	Franklin Square Union Free School Dist. Washington Street Franklin Square, N.Y. 11010	George Reynolds 354-1045
1976 2000	Freeport Public Schools 235 North Ocean Ave. Freeport, N.Y. 11520	Robert Swanson 623-2100
1980 1500	Garden City Public Schools Garden City, N.Y. 11530	Mr. Heimisch 248-7700
1978 1500	Glen Cove Public Schools Dedoris Lane Glen Cove, N.Y. 11542	Anthony Frizzolo 671-3272

Contact: 741-7800

1975 1400	Heericks Public Schools Shelter Rock Road New Hyde Park, N.Y. 11040	
1981 1400	Hewlett High School 60 Everitt Ave. Hewlett, N.Y. 11557	Fred DePalma 374-5200 Gus Bruno
1974 800	Hewlett-Woodmere Union Free School Dist. 1 Johnson Place Woodmere, N.Y. 11598	Harry Richter 374-5200 ext. 213
1975 2400	Hicksville Public Schools Division Ave. Hicksville, N.Y. 11801	733-2100 Kathleen Hogan
1980 400	Island Park Schools Island Park, N.Y. 11558	432-8933 431-8100
1975 1400	Island Trees Union Free School Dist. Owl Place & Condor Road Levittown, N.Y. 11756	Mr. Fred Neist 731-4020 Stella Clark 731-7247
1975 300	Lawrence Jr. H.S. Lawrence, N.Y.	Barton Thorp 295-2700 ext. 283/253
1975 1400	Locust Valley Central School Locust Valley, N.Y. 11560	James DiGionanel Richard Smith 676-8430
1981 800	Long Beach H.S. Lido Blvd. & Allevard Street Long Beach, N.Y.	William Soldan 889-2410 Larry Bourger 889-2167
1974 1000	Lynbrook Union Free School Dist. Waverly Ave. East Rockaway, N.Y. 11518	Louis Pearsall LY 3-4861
1978 100	Massapequa Grace Episcopal Church 4750 Merrick Road Massapequa, N.Y. 11758	Father John Jobson 798-1122
1975 1300	Massapequa High School 4925 Merrick Road Massapequa, N.Y. 11758	William A. Eldard 541-6600
1980 500	Malverne U.F.S.D. Woodfield Road Rockville Centre, N.Y. 11570	Lawrence Chapman 887-7733
1975 300	Manhasset Public Schools Memorial Place Manhasset, N.Y. 11030	Dr. Owen Hill 627-4400 Dr. Donald Grote 627-4400

978 00	Mineola Town Hall Jericho Turnpike Mineola, N.Y. 11501	Contact: Mayor Smith 747-2232
978 600	Mineola Union Free School Dist. 200 Emory Road Mineola, N.Y. 11501	747-6700
981 000	Nassau County B.O.C.E.S. Salisbury Center Valentines Rd. & The Plain Rd. Westbury, N.Y. 11590	997-8700
975 600	No. Bellmore U.F.S.D. 2616 Martin Ave. No. Bellmore, N.Y. 11710	221-2200
978 00	North Merrick U.F.S.D. 1775 Old Mill Road No. Merrick, N.Y. 11566	379-4070
980 00	North Shore Schools Sea Cliff, N.Y.	671-5500
982 00	Oceanside Merle Ave. School Merle Ave. Oceanside, N.Y. 11572	678-1200
978 200	Oyster Bay-East Norwich School Dist. Oyster Bay, N.Y. 11771	922-3170
981 000	Flainedge Public Schools Hickville Road Bethpage, N.Y. 11714	Norman Black 735-8100 ext. 1304
978 00	Plainview-Old Bethpage Central School Plainview, N.Y. 11803	938-5400
978 400	Port Washington U.F.S.D. 27 Longview Road Port Washington, N.Y. 11050	Harold Champol 886-2517 Francis Banta 883-4000
978 400	Roosevelt Public Schools 288 Nassau Road Roosevelt, N.Y.	378-7302
981 1400	Realyn Public Schools Locust Lane Realyn, New York	621-4900
981 300	St. Ignatious Rectory 129 Broadway Hicksville, N.Y. 11801	Father Harrer 931-0056

1978 1600	Seafood Union Free School Dist. 2147 Jackson Ave. Seafood, N.Y. 11783	SEAFOOD UNION FREE CA 1-0700
1978 500	Sewanhaka Central H.S. Dist. 555 Ridge Rd. Elmont, N.Y. 11003	328-4878
1975 500	Syosset Central School Dist. Pell Lane Syosset, N.Y. 11791	Joseph Singleton 921-5500
1978 2500	Uniondale Public Schools Goodrich Street Uniondale, N.Y. 11553	485-9804
1978 150	United Methodist Church 40 Washington Street Hempstead, N.Y. 11550	Rev. George Czar 485-6363
1978 100	United Methodist Church 192 Broadway Bethpage, N.Y. 11714	George Hilton WE 1-4345 WE 1-2977 825-8545
1975 600	Valley Stream U.F.S.D. Corona Ave. Valley Stream, N.Y. 11580	
1980 400	Valley Stream U.F.S.D. #30 Valley Stream, N.Y. 11580	Don Ciarro 483-3969
1978 1600	Westbury U.F.S.D. Jericho Tpke. & Hitchcock Lane Westbury, N.Y. 11590	Elwood Webster 876-2016
1975 1200	West Hempstead U.F.S.D. 450 Nassau Blvd. W. Hempstead, N.Y. 11552	Harry Natow 489-8415
1981 500	WESTBURY CAMPUS SUNY OLD WESTBURY N.Y.	ANDREW R. TIRANSKI 516 876 3146 Bus 516 433 5459 CRK
1984 500	Farmingdale (SUNY) Roosevelt Hall Farmingdale, NY 11735	John Coyne Asst V.P. or security Head



LONG ISLAND LIGHTING COMPANY

SHOREHAM NUCLEAR POWER STATION

P.O. BOX 618, NORTH COUNTRY ROAD • WADING RIVER, N.Y. 11792

JOHN D. LEONARD, JR.
VICE PRESIDENT - NUCLEAR OPERATIONS

November 14, 1984

Edward Jordan
SNRC-1107

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Exercise Objectives for Emergency Plan Exercise
Shoreham Nuclear Power Station - Unit 1
Docket No. 50-322

Dear Mr. Denton:

Attached for your review and forwarding to the Federal Emergency Management Agency pursuant to the FEMA-NRC Memorandum of Understanding dated as of November 1, 1984, 45 Fed. Reg. 02713 (1980), is a statement of objectives to be demonstrated at an exercise of the Shoreham Emergency Preparedness Plan and the Local Emergency Response Organization (LERO) Plan. This attachment is in two parts: first, a statement, in LILCO's terms, of the objectives of the exercise labeled "LERO Objectives", and second, a correlation of these objectives with the standard FEMA "Core Objectives." It is being submitted to you in order to support a graded exercise which LILCO is planning for the week of February 11, 1985. LILCO has also developed three potential scenarios for the exercise, which have been kept under security provisions. We would appreciate your transmitting this document promptly to FEMA and your good offices in arranging the preliminary meeting necessary to commence the detailed planning process for the exercises.

If you have any questions, please contact this office.

Very truly yours,

John D. Leonard, Jr.
John D. Leonard, Jr.
Vice President - Nuclear Operations

RWS:ck

Attachment

cc: P. Eselgroth
C. Petrone (FEMA Region II)
Richard DeYoung (I&E)
Edward Jordan (I&E)

64112-14218
1p. PDR



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

MARIO M. CUOMO
GOVERNOR

November 29, 1984

Dear Mr. Denton:

By letter dated November 14, 1984, the Long Island Lighting Company requested that you forward to FEMA materials "to support a graded exercise which LILCO is planning for the week of February 11, 1985." This is to advise you that New York State is opposed to any such exercise and to request that the NRC not assist or cooperate in such an exercise over the objections of New York State.

LILCO's desire to implement its off-site emergency evacuation plan would be unlawful under the constitution and the laws of the State of New York. Both New York State and Suffolk County have filed a consolidated law suit against LILCO which is pending in the State Supreme Court in order to secure a conclusive judicial ruling to that effect. It is our view, therefore, that LILCO's exercise of its plan would be a premature pursuit of an unlawful objective. It would also constitute an affront to the sovereignty of the State of New York.

Given the posture of that case before the courts, as well as the continuing position of Suffolk County that an effective emergency evacuation plan for a nuclear accident at Shoreham is impossible, I ask that you reject LILCO's request to transmit any exercise material to FEMA and that you refrain from taking any steps which contribute to a usurpation by LILCO of the police powers of Suffolk County and the State of New York. Such rejection on your part would be consistent with Administration

~~8412454475-PDR~~

5 PP

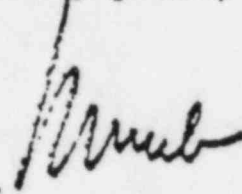
Mr. Harold Denton

- 2 -

November 29, 1984

policy as expressed in a letter written by President Reagan to Congressman Carney, dated October 11, 1984, a copy of which is annexed.

Sincerely yours,



Mr. Harold Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
7920 Norfolk Avenue, Room P-4D4A
Bethesda, Maryland 20814

Enclosure

THE WHITE HOUSE

WASHINGTON.

October 11, 1984

Dear Bill:

I want you to know of my appreciation for your continuing contributions to and support for my Administration. Your leadership and courage have been determining factors in the progress we have made in the last few years.

On a matter of particular concern to you and the people of Eastern Long Island, I wish to repeat Secretary Rodini's assurance to you that this Administration does not favor the imposition of Federal Government authority over the objections of state and local governments in matters regarding the adequacy of an emergency evacuation plan for a nuclear power plant such as Shoreham. Your concern for the safety of the people of Long Island is paramount and shared by the Secretary and me.

Thank you again for your support. I look forward to working with you in the years ahead.

Sincerely,

Ronald Reagan

The Honorable William Carney
House of Representatives
Washington, D.C. 20515



THE SECRETARY OF ENERGY
WASHINGTON, D.C. 20585

October 2, 1984

Honorable William Carney
House of Representatives
Washington, D. C. 20515

Dear Bill:

I want to take this opportunity to update you on our activities regarding the Shoreham nuclear power plant. As we assured you last spring and at other times when we discussed the concerns of the citizens of Long Island regarding Shoreham, the Department of Energy does not favor the imposition of Federal Government authority over the objections of any state and local government in matters regarding the adequacy of an emergency evacuation plan for a nuclear power plant such as Shoreham.

Our position is clear. The Reagan Administration has always had faith in the ability of American citizens and local elected officials to handle the problems which confront them directly. As one of Long Island's most capable and vigorous elected officials, your advice and counsel regarding energy and economic policies which affect the future of your constituents have been extremely valuable to President Reagan and me. As I mentioned to you earlier this year when you brought me, you have been a vigorous advocate of the interests of Long Island, especially in behalf of Brookhaven National Laboratory and other Federal facilities.

I look forward to your continued wise counsel on these and other issues in the years ahead.

Sincerely,

Don

DONALD PAUL HODEL

Office of the Governor
State of New York

BY MESSENGER

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
7920 Norfolk Avenue, Room P-404A
Bethesda, Maryland 20814

25
11/29

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

PETER F. COHALAN
SUFFOLK COUNTY EXECUTIVE

11/29/84
2.01 E Action -
Green Ticket
Em
11/29

JOHN C. GALLAGHER
CHIEF DEPUTY

November 28, 1984

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
7920 Norfolk Avenue
Room P-404A
Bethesda, Maryland 20814

Dear Mr. Denton:

By letter dated November 14, 1984, the Long Island Lighting Company requested that you transmit to FEMA materials intended "to support a graded exercise which LILCO is planning for the week of February 11, 1985." This is to advise you that Suffolk County is opposed to any such exercise and that the NRC should in no way promote, assist, or concur in such an exercise over the objections of this County government.

LILCO's implementation of its offsite emergency plan would be unlawful under the Constitution and laws of the State of New York. Both Suffolk County and New York State have filed lawsuits against LILCO in State Supreme Court in order to secure a conclusive order to that effect. In our view, therefore, LILCO's exercise of its plan would be in pursuit of an unlawful objective. I would also stress that it would be an insult to the people and government of Suffolk County.

Given the posture of the Shoreham case before the courts and the NRC, as well as the continuing position of this County that effective emergency preparedness for a nuclear accident at Shoreham is impossible, we ask that you reject LILCO's request to forward any exercise materials to FEMA and that you refrain from taking any steps which contribute to an intrusion by LILCO into the police powers of Suffolk County. For your information, I am enclosing a copy of a letter written by President Reagan which expresses the Administration's position.

Sincerely yours,

8412030447 PDR
ZPP

John C. Gallagher
Chief Deputy County Executive

JCG:dsb
ENC.

EDO --- 000150

THE WHITE HOUSE

WASHINGTON.

October 11, 1986

Dear Bill:

I want you to know of my appreciation for your continuing contributions to and support for my Administration. Your leadership and courage have been determining factors in the progress we have made in the last few years.

On a matter of particular concern to you and the people of Eastern Long Island, I wish to repeat Secretary Rodini's assurance to you that this Administration does not favor the imposition of Federal Government authority over the objections of state and local governments in matters regarding the adequacy of an emergency evacuation plan for a nuclear power plant such as Shoreham. Your concern for the safety of the people of Long Island is paramount and shared by the Secretary and me.

Thank you again for your support. I look forward to working with you in the years ahead.

Sincerely,

Ronald Reagan

The Honorable William Carney
House of Representatives
Washington, D.C. 20515

JAN 11 1985

The Honorable Mario M. Cuomo
Governor of New York
Albany, NY 12224

Dear Governor Cuomo:

I am responding to your letter of November 29, 1984 to Harold Denton regarding the November 14, 1984 request by the Long Island Lighting Company (LILCO) that NRC forward materials to the Federal Emergency Management Agency (FEMA) related to an emergency preparedness exercise planned by LILCO for the week of February 11, 1985. You attached letters to Congressman Carney from President Reagan and Secretary Hodel, and advised us that New York State is opposed to any such exercise and objects to NRC assistance or cooperation in such an exercise over the objections of New York State.

As you are aware, LILCO has developed its own offsite emergency response plan and organization, with LILCO personnel identified to perform certain duties ordinarily performed by State and County employees in the event of an emergency. Consistent with FEMA's responsibility for assessing the adequacy of offsite emergency planning and preparedness, the NRC requested FEMA to provide findings on whether the LILCO offsite plan (Transition Plan) is adequate, whether it is capable of being implemented, and whether LILCO has the ability to implement the plan. FEMA has provided findings to the NRC relating to the adequacy of the Transition Plan in several letters, the latest of which is dated November 15, 1984. This letter indicated that of the 32 inadequacies identified in a previous review of the Transition Plan, 8 remain inadequate.

FEMA's letter also identified those aspects of the plan, including some of the remaining inadequacies, where legal authority issues continue to be of concern. The legal authority issues are the subject of the lawsuit in the New York State Supreme Court to which you referred in your letter and are also being considered by an NRC Atomic Safety and Licensing Board in the Shoreham operating license proceeding. It would, of course, be difficult and inappropriate to try to predict the outcome of these proceedings at this time.

Regarding the exercise proposed by LILCO in their November 14 letter, the normal practice of NRC and FEMA in response to an applicant's proposal is to review the submitted objectives, provide comments to the involved parties and prepare to observe and evaluate the scheduled exercise. In this instance there are outstanding plan inadequacies and legal authority issues. Accordingly, we have forwarded LILCO's November 14 letter to FEMA for their information and have requested them to take the lead in any preliminary consideration of this matter.

~~8501180191 277~~
PDR

The Honorable Mario M. Cuomo

-2-

We also forwarded to FEMA copies of your November 29 letter and a similar letter to the NRC dated November 28, 1984 from John C. Gallagher, Chief Deputy County Executive of Suffolk County.

We appreciate your informing us of New York State's views on this important matter and hope this information is useful to you in understanding the respective NRC and FEMA responsibilities with regard to evaluating emergency preparedness for Shoreham.

Sincerely,

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

DISTRIBUTION

WJDircks, EDO
JWRoe, EDO
TRehm, EDO
VStello, EDO
HRDenton, HRR
TEMurley, Region I
GCunningham, ELD
RCDeYoung, IE
JMTaylor, IE
JNGrace, IE
ELJordan, IE
SASchwartz, IE
DBMatthews, IE
CRVan Niel, IE
FKantor, IE
JRSears, IE
LToms, IE
EDO-000151
DCS
DEPER R/F
EPB R/F



LONG ISLAND LIGHTING COMPANY

SHOREHAM NUCLEAR POWER STATION

P.O. BOX 618, NORTH COUNTRY ROAD • WADING RIVER, N.Y. 11792

JOHN D. LEONARD, JR.
VICE PRESIDENT - NUCLEAR OPERATIONS

November 14, 1984

g J ord w
SNRC-1107

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

**Exercise Objectives for Emergency Plan Exercise
Shoreham Nuclear Power Station - Unit 1
Docket No. 50-322**

Dear Mr. Denton:

Attached for your review and forwarding to the Federal Emergency Management Agency pursuant to the FEMA-NRC Memorandum of Understanding dated as of November 1, 1984, 45 Fed. Reg. 02713 (1980), is a statement of objectives to be demonstrated at an exercise of the Shoreham Emergency Preparedness Plan and the Local Emergency Response Organization (LERO) Plan. This attachment is in two parts: first, a statement, in LILCO's terms, of the objectives of the exercise labeled "LERO Objectives", and second, a correlation of these objectives with the standard FEMA "Core Objectives." It is being submitted to you in order to support a graded exercise which LILCO is planning for the week of February 11, 1985. LILCO has also developed three potential scenarios for the exercise, which have been kept under security provisions. We would appreciate your transmitting this document promptly to FEMA and your good offices in arranging the preliminary meeting necessary to commence the detailed planning process for the exercises.

If you have any questions, please contact this office.

Very truly yours,

John D. Leonard, Jr.
John D. Leonard, Jr.
Vice President - Nuclear Operations

RWG:ck

Attachment

cc: P. Eselgroth
C. Petrone (FEMA Region II)
Richard DeYoung (I&E)
Edward Jordan (I&E,

8411210218
1P



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

MARIO M. CUOMO
GOVERNOR

November 29, 1984

Dear Mr. Denton:

By letter dated November 14, 1984, the Long Island Lighting Company requested that you forward to FEMA materials "to support a graded exercise which LILCO is planning for the week of February 11, 1985." This is to advise you that New York State is opposed to any such exercise and to request that the NRC not assist or cooperate in such an exercise over the objections of New York State.

LILCO's desire to implement its off-site emergency evacuation plan would be unlawful under the constitution and the laws of the State of New York. Both New York State and Suffolk County have filed a consolidated law suit against LILCO which is pending in the State Supreme Court in order to secure a conclusive judicial ruling to that effect. It is our view, therefore, that LILCO's exercise of its plan would be a premature pursuit of an unlawful objective. It would also constitute an affront to the sovereignty of the State of New York.

Given the posture of that case before the courts, as well as the continuing position of Suffolk County that an effective emergency evacuation plan for a nuclear accident at Shoreham is impossible, I ask that you reject LILCO's request to transmit any exercise material to FEMA and that you refrain from taking any steps which contribute to a usurpation by LILCO of the police powers of Suffolk County and the State of New York. Such rejection on your part would be consistent with Administration

~~8412050475~~ PDR

2PP

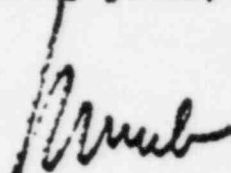
Mr. Harold Denton

- 2 -

November 29, 1984

policy as expressed in a letter written by President Reagan to Congressman Carney, dated October 11, 1984, a copy of which is annexed.

Sincerely yours,



Mr. Harold Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
7920 Norfolk Avenue, Room P-4D4A
Bethesda, Maryland 20814

Enclosure

11/29
COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

PETER F. COHALAN
SUFFOLK COUNTY EXECUTIVE

1. HRD
2. OIE Action -
Green Ticket
Em
11/29
JOHN C. GALLAGHER
CHIEF DEPUTY

November 28, 1984

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
7920 Norfolk Avenue
Room P-404A
Bethesda, Maryland 20814

Dear Mr. Denton:

By letter dated November 14, 1984, the Long Island Lighting Company requested that you transmit to FEMA materials intended "to support a graded exercise which LILCO is planning for the week of February 11, 1985." This is to advise you that Suffolk County is opposed to any such exercise and that the NRC should in no way promote, assist, or concur in such an exercise over the objections of this County government.

LILCO's implementation of its offsite emergency plan would be unlawful under the Constitution and laws of the State of New York. Both Suffolk County and New York State have filed lawsuits against LILCO in State Supreme Court in order to secure a conclusive order to that effect. In our view, therefore, LILCO's exercise of its plan would be in pursuit of an unlawful objective. I would also stress that it would be an insult to the people and government of Suffolk County.

Given the posture of the Shoreham case before the courts and the NRC, as well as the continuing position of this County that effective emergency preparedness for a nuclear accident at Shoreham is impossible, we ask that you reject LILCO's request to forward any exercise materials to FEMA and that you refrain from taking any steps which contribute to an intrusion by LILCO into the police powers of Suffolk County. For your information, I am enclosing a copy of a letter written by President Reagan which expresses the Administration's position.

Sincerely yours,

8412030447 PDR
LP

John C. Gallagher
Chief Deputy County Executive

JCG:dsb
enc.

EDO — 000150

JAN 11 1985

The Honorable Mario M. Cuomo
Governor of New York
Albany, NY 12224

Dear Governor Cuomo:

I am responding to your letter of November 29, 1984 to Harold Denton regarding the November 14, 1984 request by the Long Island Lighting Company (LILCO) that NRC forward materials to the Federal Emergency Management Agency (FEMA) related to an emergency preparedness exercise planned by LILCO for the week of February 11, 1985. You attached letters to Congressman Carney from President Reagan and Secretary Hodel, and advised us that New York State is opposed to any such exercise and objects to NRC assistance or cooperation in such an exercise over the objections of New York State.

As you are aware, LILCO has developed its own offsite emergency response plan and organization, with LILCO personnel identified to perform certain duties ordinarily performed by State and County employees in the event of an emergency. Consistent with FEMA's responsibility for assessing the adequacy of offsite emergency planning and preparedness, the NRC requested FEMA to provide findings on whether the LILCO offsite plan (Transition Plan) is adequate, whether it is capable of being implemented, and whether LILCO has the ability to implement the plan. FEMA has provided findings to the NRC relating to the adequacy of the Transition Plan in several letters, the latest of which is dated November 15, 1984. This letter indicated that of the 32 inadequacies identified in a previous review of the Transition Plan, 8 remain inadequate.

FEMA's letter also identified those aspects of the plan, including some of the remaining inadequacies, where legal authority issues continue to be of concern. The legal authority issues are the subject of the lawsuit in the New York State Supreme Court to which you referred in your letter and are also being considered by an NRC Atomic Safety and Licensing Board in the Shoreham operating license proceeding. It would, of course, be difficult and inappropriate to try to predict the outcome of these proceedings at this time.

Regarding the exercise proposed by LILCO in their November 14 letter, the normal practice of NRC and FEMA in response to an applicant's proposal is to review the submitted objectives, provide comments to the involved parties and prepare to observe and evaluate the scheduled exercise. In this instance there are outstanding plan inadequacies and legal authority issues. Accordingly, we have forwarded LILCO's November 14 letter to FEMA for their information and have requested them to take the lead in any preliminary consideration of this matter.

~~854118414L~~ PDR
2PP
ENCLOSURE 2

The Honorable Mario M. Cuomo

-2-

We also forwarded to FEMA copies of your November 29 letter and a similar letter to the NRC dated November 28, 1984 from John C. Gallagher, Chief Deputy County Executive of Suffolk County.

We appreciate your informing us of New York State's views on this important matter and hope this information is useful to you in understanding the respective NRC and FEMA responsibilities with regard to evaluating emergency preparedness for Shoreham.

Sincerely,

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

DISTRIBUTION

WJDircks, EDO
JWRoe, EDO
TRhm, EDO
VStello, EDO
HRDenton, NRR
TEMurley, Region I
GCunningham, ELD
RCDeYoung, IE
JMTaylor, IE
JNGrace, IE
ELJordan, IE
SASchwartz, IE
DBMatthews, IE
CRVan Niel, IE
FKantor, IE
JRSeas, IE
LToms, IE
EDO-000151
DCS
DEPER R/F
EPB R/F

DBMatthews:sc

1/7/85

SASchwartz

1/7/85

ELJordan

1/8/85

ESChristenbury

1/7/85

JMTaylor

1/8/85

RCDeYoung

1/9/85

WJDircks

1/ /85

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#4
C

WILLIAM CARNEY
FIRST DISTRICT, NEW YORK

WASHINGTON OFFICE
1424 LONGWORTH HOUSE OFFICE BUILDING
(202) 225-3828

DISTRICT OFFICE
2400 NORTH OCEAN AVENUE, R.A. 821
FARMINGVILLE, N.Y. 11738
(516) 728-1100



C1 12/17

Congress of the United States
House of Representatives
Washington, D.C. 20515

December 3, 1984

COMMITTEE ON
MERCHANT MARINE AND
FISHERIES

SUBCOMMITTEE:
PANAMA CANAL/OUTER CONTINENTAL
SHELF
RANKING MAJORITY MEMBERS
RENEWABLES, WILDLIFE CONSERVATION
AND THE ENVIRONMENT
MERCHANT MARINE

COMMITTEE ON
SCIENCE AND TECHNOLOGY

SUBCOMMITTEE:
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MATERIALS
RANKING MINORITY MEMBERS
ENERGY, DEVELOPMENT AND
APPLICATIONS

Hon. Nunzio J. Palladino, Chairman
Nuclear Regulatory Commission
1717 H Street, NW
Washington, DC 20555

Cys: Dircks
Roe
Rehm
Stello
Denton
✓ DeYoung
Murley
GCunningham

Dear Mr. Palladino:

As the Representative of the First Congressional District of New York, I am writing to you on an issue of great importance to my constituents. In my District, as you know, there is great concern over the Shoreham Nuclear Power Plant Licensing Process, and in particular, the question of whether a utility should be permitted to proceed to phases three and four of low power testing before the issue of emergency planning is fully resolved.

I believe that the NRC should exercise extreme caution in its upcoming consideration of the next steps in low power testing of the Shoreham facility. The next two phases of low power testing should not proceed until the remaining issue of emergency planning has been fully considered by the Commission.

Mr. Chairman, I have tried to maintain a fair and balanced approach to this important and controversial issue. My view of the Shoreham question has always been that the plant should not be licensed to operate until all safety issues have been fully resolved. I have always felt that the regulatory process should be completed in a manner that is fair to all parties.

Questions remain over the legal and practical implementation of an emergency preparedness plan. Therefore, I believe that the wisest course would be one that would not allow the contamination of the reactor before it is certain that the plant can meet the requirements for a full operating license.

As you know, both the President and Energy Secretary Hodel have indicated that they do not favor the imposition of federal authority over the objections of state and local governments regarding the adequacy of

12/10...To OGC for Direct Reply...Suspense: 12/19...RF, EDO,
OCA to Ack...84-2039.

~~85-108-418 PDR~~
418

B116

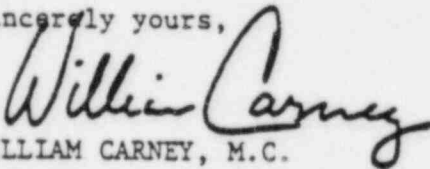
Hon. Nunzio J. Palladino
December 3, 1984
Page Two.

emergency preparedness plans. Enclosed please find their correspondence to me on this topic.

Mr. Chairman, the Shoreham situation can be resolved constructively if there is greater cooperation between all parties. Keeping this in mind, I do not believe that the level of testing of Shoreham should proceed further until the issue of emergency planning is clarified.

With best regards, I am

Sincerely yours,


WILLIAM CARNEY, M.C.

WC:plk
Enclosures



THE SECRETARY OF ENERGY
WASHINGTON, D.C. 20585

October 2, 1984

Honorable William Carney
House of Representatives
Washington, D. C. 20515

Dear Bill:

I want to take this opportunity to update you on our activities regarding the Shoreham nuclear power plant. As we assured you last spring and at other times when we discussed the concerns of the citizens of Long Island regarding Shoreham, the Department of Energy does not favor the imposition of Federal Government authority over the objections of any state and local government in matters regarding the adequacy of an emergency evacuation plan for a nuclear power plant such as Shoreham.

Our position is clear. The Reagan Administration has always had faith in the ability of American citizens and local elected officials to handle the problems which confront them directly. As one of Long Island's most capable and vigorous elected officials, your advice and counsel regarding energy and economic policies which affect the future of your constituents have been extremely valuable to President Reagan and me. As I mentioned to you earlier this year when you brought in industrial, labor, and Government leaders of the First District to visit with me, you have been a vigorous advocate of the interests of Long Island, especially in behalf of Brookhaven National Laboratory and other Federal facilities.

I look forward to your continued wise counsel on these and other issues in the years ahead.

Sincerely,

A handwritten signature in cursive script that reads "Don".

DONALD PAUL HODEL

THE WHITE HOUSE
WASHINGTON

October 11, 1984

Dear Bill:

I want you to know of my appreciation for your continuing contributions to and support for my Administration. Your leadership and courage have been determining factors in the progress we have made in the last few years.

On a matter of particular concern to you and the people of Eastern Long Island, I wish to repeat Secretary Hodel's assurance to you that this Administration does not favor the imposition of Federal Government authority over the objections of state and local governments in matters regarding the adequacy of an emergency evacuation plan for a nuclear power plant such as Shoreham. Your concern for the safety of the people of Long Island is paramount and shared by the Secretary and me.

Thank you again for your support. I look forward to working with you in the years ahead.

Sincerely,

Ronald Reagan

The Honorable William Carney
House of Representatives
Washington, D.C. 20515



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

Cys: Dircks
Roe
Rehm
Stello
✓ DeYoung
Denton
Murley
GCunningham
COMMITTEE ON
APPROPRIATIONS

ROBERT J. MRAZEK
2ND DISTRICT, NEW YORK

December 3, 1984

Mr. Nunzio Palladino, Chairman
United States Nuclear Regulatory
Commission
1717 H Street, N.W.
Room 1114
Washington, D.C. 20555

GP
copy to SCHWARTZ
MATTHEWS
Return to Jordan

Dear Mr. Chairman:

I am writing to again express my deep concern that the interests of hundreds of thousands of Long Island residents are being ignored in the licensing process at the Shoreham nuclear power station.

In recent weeks the Nuclear Regulatory Commission has moved perceptibly closer to bringing Lilco's Shoreham facility on line with the issuance of Phase I and II licenses. Unfortunately for the citizens and ratepayers of Long Island, neither the State nor County government was afforded the opportunity to present its views in oral arguments before the Commission.

Once again, as the Commission prepares to decide on Phases III and IV, it appears that the governmental bodies empowered to represent the residents of New York will not be given the chance to make an oral submission on this critical matter.

It is my sincere hope that the Commission will waste no time in inviting representatives of both Suffolk County and the State of New York to appear before the Commission. Whether or not Shoreham ever opens, it is the residents of Long Island who will pay both the social and economic costs associated with this nuclear power plant. Surely, the interests of fairness and democracy would dictate that their voice be heard.

Sincerely yours,

Bob Mrazek

Robert J. Mrazek
Member of Congress

RJM/dj

~~6542404250 PDR~~
1P

B/17

12/10...To OGC for Direct Reply...Suspense: 12/19
RF, EDO, OCA to Ack...84-2040.

C2
12/12

THOMAS J. DOWNEY
2nd DISTRICT, NEW YORK

Congress House Office Building
Telephone: (202) 225-3325

DISTRICT OFFICE:
4 SMALL ROAD
WEST ISLIP, NEW YORK 11796
Tel: (516) 961-8777

Congress of the United States

House of Representatives

Washington, D.C. 20515

December 1, 1984

EDD

COMMITTEE ON
WAYS AND MEANS

SUBCOMMITTEE ON TRADE

COMMITTEE ON THE BUDGET

SELECT COMMITTEE ON AG

Dircks
Roe
Rehm
Stello
Denton
DeYoung
Murley
GCunningham

24
12/10

Honorable Nunzio J. Palladino
Chairman
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20055

On November 21, the NRC authorized the issuance to LILCO of licenses load fuel and perform cold criticality testing of the Shoreham plant. My understanding is that the Commission will soon consider whether to permit LILCO to undertake low power testing of Shoreham. I am writing to inform you of my opposition to the issuance of a low power license for Shoreham.

As you know, both the State of New York and the County of Suffolk are opposing the low power testing of Shoreham. Their position is that it is unjustified to contaminate Shoreham and incur the attendant large costs while there is such great uncertainty as to whether the plant should ever be permitted to operate at commercial power levels given existing barriers to effective emergency preparedness on Long Island. In light of this, I request that the Commission (1) explain how it could possibly be in the public interest for the Commission to license Shoreham for low power testing at this time, and (2) advise me whether the Commission has performed any analyses of the costs and benefits of issuing a low power license at this time, and if so, I would like to see copies of such analyses. At the very least, I ask that you immediately grant the request of New York State and Suffolk County to present their views in oral arguments before the Commission. The Commission should welcome the opportunity to hear and to discuss the views of those concerned governments.

The Commission should consider all of the implications on the public interest of LILCO's request to contaminate Shoreham through low power testing. Governor Cuomo's Shoreham Commission found that electricity in the amount represented by Shoreham will not be needed for at least a decade. Given this absence of time pressure, why should the Commission even consider the question whether to issue a low power license until the emergency preparedness issue is finally settled?

Sincerely,

[Signature]

THOMAS J. DOWNEY
Member of Congress

65-148437-277
PDR

B118

TJD:cb

12/6...To OGC for Direct Reply...Suspense: Dec. 18...
cc NRC Commissioners RF, Docket, EDO, OCA to Acknowledge...84-2034



Federal Emergency Management Agency

Region II

26 Federal Plaza

New York, New York 10278

November 20, 1984

Samuel W. Speck
Associate Director
Federal Emergency Management Agency
500 "C" Street, S.W.
Washington, D.C. 20472

Dear Mr. Speck:

As per your request enclosed please find a copy of the letter to Mr. Harold R. Denton from the Long Island Lighting Company on Exercise Objectives for Emergency Plan Exercise Shoreham Nuclear Power Station.

If I can be of further assistance, please contact me.

Very truly yours,

Penny Gross

for Stewart M. Glass
Regional Counsel
(212) 264-8980

Encl.

1. Dave
2. Sam

B/21

To: Stuart Glass
From: R.W. Grunewald

P.1
file



LONG ISLAND LIGHTING COMPANY

SHOREHAM NUCLEAR POWER STATION

P.O. BOX 918, NORTH COUNTRY ROAD • WADING RIVER, N.Y. 11792

JOHN D. LEONARD, JR.
VICE PRESIDENT - NUCLEAR OPERATIONS

November 14, 1984

SNRC-1107

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

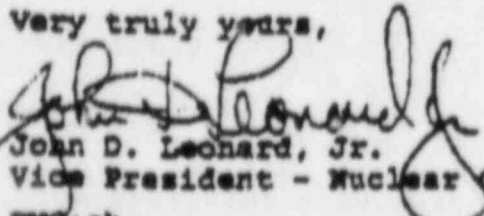
Exercise Objectives for Emergency Plan Exercise
Shoreham Nuclear Power Station - Unit 1
Docket No. 50-322

Dear Mr. Denton:

Attached for your review and forwarding to the Federal Emergency Management Agency pursuant to the FEMA-NRC Memorandum of Understanding dated as of November 1, 1984, 45 Fed. Reg. 62713 (1980), is a statement of objectives to be demonstrated at an exercise of the Shoreham Emergency Preparedness Plan and the Local Emergency Response Organization (LERO) Plan. This attachment is in two parts: first, a statement, in LILCO's terms, of the objectives of the exercise labeled "LERO Objectives", and second, a correlation of these objectives with the standard FEMA "Core Objectives." It is being submitted to you in order to support a graded exercise which LILCO is planning for the week of February 11, 1985. LILCO has also developed three potential scenarios for the exercise, which have been kept under security provisions. We would appreciate your transmitting this document promptly to FEMA and your good offices in arranging the preliminary meeting necessary to commence the detailed planning process for the exercises.

If you have any questions, please contact this office.

Very truly yours,


John D. Leonard, Jr.
Vice President - Nuclear Operations

RMG:ick

Attachment

cc: P. Eselgroth
C. Petrone (FEMA Region II)
Robert DeYoung (I&E)
Edward Jordan (I&E)
All Parties Listed in Attachment I

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RECEIVED
NOV 17 1984
FEDERAL EMERGENCY
MANAGEMENT AGENCY
WASHINGTON, D.C.

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Riverhead, NY 11901

Gerald C. Crotty
Counsel to the Governor
Executive Chamber
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Associate General Counsel
Federal Emergency Management Agency
500 C Street, SW
Room 840
Washington, DC 10472

Ms. Nora Bredas
Executive Coordinator
Shoreham Opponents Coalition
195 East Main Street
Smithtown, NY 11787

Attachment I

3

James A. Laruenson, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
East-West Tower, Room 402A
4350 East-West Hwy.
Bethesda, MD 20814

Dr. Jerry R. Kline
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
East-West Tower, Room 427
4350 East-West Hwy.
Bethesda, MD 20814

Mr. Frederick J. Shon
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
East-West Tower, Room 430
4350 East-West Hwy.
Bethesda, MD 20814

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing Appeal
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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David A. Repka, Esq.
Edwin J. Reis, Esq.
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7735 Old Georgetown Road
(to mailroom)
Bethesda, MD 20814

Stewart M. Glass, Esq.
Regional Counsel
Federal Emergency Management Agency
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New York, NY 10278

Eleanor L. Frucci, Esq., Attorney
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
East-West Tower, North Tower
4350 East-West Highway
Bethesda, MD 20814

Martin Bradley Ashare, Esq.
County Attorney
Suffolk County Department of Law
Veterans Memorial Highway
Hauppauge, NY 11787

Herbert H. Brown, Esq.
Lawrence Coe Lanpher, Esq.
Christopher McMurray, Esq.
Kirkpatrick, Lockhart, Hill
Christopher & Phillips
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1900 M Street, NW
Washington, DC 20036

MHB Technical Associates
1723 Hamilton Avenue
Suite K
San Jose, California 95125

Mr. Jay Dunkleberger
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, NY 12223

Jonathan D. Feinberg, Esq.
New York State Department of
Public Service
3 Rockefeller Plaza
Albany, NY 12223

Fabian G. Falomino, Esq.
Special Counsel to the Governor
Executive Chamber, Room 229
State Capitol
Albany, NY 12224

LILCO SHOREHAM/LERO PLANA. Emergency Response Facilities and Equipment

1. Demonstrate the prompt activation, adequacy of the staffing and set up as appropriate of emergency response facilities as follows:
 - o Shoreham Nuclear Power Station Control Room
 - o Shoreham Nuclear Power Station Technical Support Center
 - o Shoreham Nuclear Power Station Operations Support Center
 - o Shoreham Nuclear Power Station Emergency Operations Facility
 - o Local Emergency Response Organization Emergency Operations Center in Brentwood (LERO EOC)
 - o Local Emergency Response Organization Staging Areas in Riverhead, Patchogue and Port Jefferson (LERO SA)
 - o Emergency News Center (ENC)
 - o Emergency Worker Decontamination Facility
2. Demonstrate the Shoreham Nuclear Power Station communication capabilities among the Control Room, Technical Support Center, Emergency Operations Facility, Operations Support Center, and the Emergency News Center.
3. Demonstrate the capability to communicate effectively between Shoreham Nuclear Power Station Emergency Response Organization and LERO.
4. Demonstrate effective communications among the LERO EOC in Brentwood, and the various staging areas, the Emergency News Center, and among Staging Areas, Bus Transfer Points, Traffic Control Points and Field locations.
5. Demonstrate the ability of the Shoreham Nuclear Power Station, and LERO communications to:
 - o Perform a 24-hour per day notification
 - o Transmit accurate and timely information
6. Demonstrate the ability of the Shoreham Nuclear Power Station Emergency Response Organization and LERO to deploy, coordinate and control radiological monitoring teams.
7. Demonstrate exposure control capabilities for onsite corrective action teams.
8. Demonstrate communication of technical information to the Nuclear Regulatory Commission via the NRC hotlines.

5

9. Demonstrate the adequacy of internal communications within the Emergency Response Facilities as defined in A.1 above.
10. Demonstrate adequacy of facilities and displays to support emergency operations.

B. Notification and Mobilization of Key Personnel and Staff

1. Demonstrate the ability of the Shoreham Nuclear Power Station staff to properly classify actual or potential emergencies in accordance with LILCO Emergency Plan Implementing Procedures.
2. Demonstrate the capability of the Shoreham Nuclear Power Station Emergency Response Organization to notify the Local Emergency Response Organization (LERO) through the established notification system.
3. Demonstrate the capability of the Shoreham Nuclear Power Station Emergency Response Organization and LERO to notify emergency response personnel.
4. Demonstrate the capability of the Shoreham Nuclear Power Station Emergency Response Organization and LERO to mobilize staff and activate the emergency response facilities in a timely manner and maintain staffing around the clock.
5. Demonstrate, as appropriate the ability to identify the need for, notify and request assistance from Federal agencies.
6. Demonstrate, as appropriate, the notification of and coordination with counties and states within the ingestion pathway EPZ and with agencies such as FEMA, NRC, DOE, Red Cross, Federal Aviation Administration, and Coast Guard.

C. Emergency Operations Management

1. Demonstrate the capability of the Shoreham Nuclear Power Station Emergency Response Organization and LERO to implement their radiological emergency preparedness plans.
2. Demonstrate the ability of key emergency personnel within the Shoreham Nuclear Power Station Emergency Response Organization and LERO to initiate, coordinate and implement timely and effective decisions during a radiological emergency and clearly demonstrate "who is in charge."

3. Demonstrate that there is effective organizational direction and control and integrated radiological emergency response including deployment of field monitors, acquisition, receipt and analysis of field data.
4. Demonstrate the capability to coordinate actions (internally/externally) among organizations in order to obtain support and to make appropriate decisions.
5. Demonstrate the capability of responsible personnel to recommend and/or implement appropriate protective actions.

D. Public Alerting and Notification

1. Demonstrate that the Shoreham Nuclear Power Station (SNPS) Emergency Response Organization and LENO authorities can effectively provide accurate information to the public in a timely fashion.
2. Demonstrate the capability of LENO to activate the prompt notification system within 15 minutes of the decision to implement protective actions to simulate using sirens, EMS and tone alert radios. In addition, demonstrate the capability of LENO to implement route alerting and simulate the notification provided by the United States Coast Guard to boaters.
3. Demonstrate the capability of the SNPS Emergency Response Organization and LENO to provide initial and follow up information to the public in a timely fashion.

E. Public and Media Relations

1. Demonstrate staffing of the Emergency News Center by Shoreham Nuclear Power Station Emergency Response Organization and LENO personnel and the capability to issue coordinated periodic public information releases.
2. Demonstrate ability to provide rumor control and responses to inquiries from the general public in a coordinated fashion.
3. Demonstrate the ability to provide clear, timely and accurate briefings to the news media and public relative to the emergency at the Shoreham Nuclear Power Station.

F. Accident Assessment

1. Demonstrate the ability of both the Shoreham Nuclear Power Station Emergency Response Organization and LENO to receive and assess radiological data.
2. Demonstrate the ability of Shoreham Nuclear Power Station Emergency Response Organization and LENO to respectively project and compare dose projections to the public via the plume exposure pathway, compare their projections to the Protective Action Guides, available shelter, evacuation time estimates and determine appropriate protective action recommendations.

3. Demonstrate the ability of LERO to project doses to the public via the ingestion pathway and to determine appropriate protective measures based on PAG's and other relevant factors.
4. Demonstrate the activation, equipment and procedures of both the Shoreham Nuclear Power Station Emergency Response Organization and LERO field radiation monitoring teams.
5. Demonstrate the ability of in-plant personnel to safely draw and analyze post-accident liquid and gaseous samples.
6. Demonstrate equipment and procedures for measurement of airborne radioiodine concentrations as low as 10^{-7} uCi/cc in the presence of noble gases.

G. Actions to Protect the Public

1. Demonstrate the implementation of appropriate protective action response options by LERO, including (all sheltering and evacuation to be simulated):
 - Sheltering and evacuation of offsite areas including schools and special facilities;
 - Informing the public on the development of the accident and any required protective actions;
 - Identification, notification and evacuation of non-institutionalized mobility-impaired persons;
 - Analyzing and determining ingestion exposure pathway considerations;
 - Provision for removal of impediments from evacuation routes;
 - Provision to guide traffic during a simulated evacuation;
 - Provision to evacuate members of the public without transportation;
 - Activation of Reception Center;
 - Coordination with the American Red Cross for the provision of Congregate Care Centers.
2. Demonstrate the capability of emergency personnel to identify requirements, evaluate data and implement procedures for re-entry.
3. Demonstrate the capability of emergency personnel to identify requirements, programs and policies governing recovery.
4. Demonstrate ability to effect an orderly evacuation of protected area personnel (on site only).
5. Demonstrate adequacy of procedures for registration and radiological monitoring of evacuees (off site only).

H. Health, Medical and Exposure Control Measures

1. Demonstrate the decision making process for limiting exposure of emergency workers.
2. Demonstrate processing of local emergency workers and vehicles through personnel monitoring and decontamination facility.
3. Demonstrate the decision making process for recommending the use of Potassium Iodide for emergency workers.
4. Demonstrate methods and resources for distributing dosimetry and thyroid blocking agents, if appropriate, to emergency workers.
5. Demonstrate the record keeping of radiation exposure and use of dosimetry and thyroid blocking agents for the protection of emergency workers.
6. Demonstrate knowledge, on the part of the emergency worker, of dosimetry and Potassium Iodide usage procedures and of the individual authorized to allow worker exposures above permissible limits.

9

**LILCO
SHORENE/LEDO PLAN
EXERCISE OBJECTIVE WORKSHEET**

FEMA Core Objective*	LEDO Objective(s)
1. Demonstrate ability to mobilize staff and activate facilities promptly.	B.4
2. Demonstrate ability to fully staff facilities and maintain staffing around the clock.	A.1, B.4
3. Demonstrate ability to make decisions and to coordinate emergency activities.	C.2
4. Demonstrate adequacy of facilities and displays to support emergency operations.	A.10
5. Demonstrate ability to communicate with all appropriate functions, organizations, and field personnel.	A.3,4,6
6. Demonstrate ability to mobilize and deploy field monitoring teams in a timely fashion.	A.6
7. Demonstrate appropriate equipment and procedures for determining ambient radiologic levels.	F.4
8. Demonstrate appropriate equipment and procedures for assessment of airborne radiologic concentrations as low as 10 ⁻⁴ dCi/cc in the presence of noble gases.	F.6

* Source - Federal Report for Uniformity of Radiological Emergency Preparedness Exercise Observations and Evaluations (June 1983) Attachment 2 to letter from Dave McLaughlin (Deputy Associate Director, State and Local Program Support) to Regional Directors, Acting Regional Directors, Regions III, V; Concerning Procedural Policy on Radiological Emergency Preparedness Plan Reviews, Exercise Observations and Evaluations, and Interim Findings.

LECO
SHORELINE/CERO PLAN
EXERCISE OBJECTIVE WORKSHEET

FEMA Core Objective	LECO Objective(s)
9. Demonstrate appropriate equipment and procedures for collection, transport and analysis of samples of soil, vegetation, snow, water, and milk.	
10. Demonstrate ability to project damage to the public via plume exposure, based on plant and field data, and to determine appropriate protective measures based on PAB's, available shelter evacuation time estimates, and all other appropriate factors	F.2
11. Demonstrate ability to project damage to the public via ingestion pathway exposure based on field data, and to determine appropriate protective measures based on PAB's and other relevant factors.	F.3
12. Demonstrate ability to implement protective actions for ingestion pathway hazards.	
13. Demonstrate ability to alert the public within the 10-mile EPZ, and disseminate an initial instructional message within 15 minutes.	D.2, 3
14. Demonstrate ability to formulate and distribute appropriate instructions to the public in a timely fashion.	D.1, E.3, G.1
15. Demonstrate the organizational ability and resources necessary to manage an orderly evacuation of all or part of the plume EPZ.	G.1

(11)

**LILCO
SHOREHAM/LEBO PLAN
EXERCISE OBJECTIVE WORKSHEET**

FEMA Core Objective	LEBO Objective(s)
16. Demonstrate the organizational ability and resources necessary to deal with impediments to evacuation, such as inclement weather or traffic obstructions.	E.1
17. Demonstrate the organizational ability and resources necessary to control access to an evacuated area.	
18. Demonstrate the organizational ability and resources necessary to effect an orderly evacuation of mobility-impaired individuals within the plume EPZ.	E.1
19. Demonstrate the organizational ability and resources necessary to effect an orderly evacuation of schools within the plume EPZ.	E.1
20. Demonstrate ability to continuously monitor and control emergency worker exposure.	H.5, 6
21. Demonstrate the ability to make the decision, based on predetermined criteria, whether to issue KI to emergency workers and/or the general population.	H.3
22. Demonstrate the ability to supply and administer KI, once the decision has been made to do so.	H.4
23. Demonstrate ability to effect an orderly evacuation of onsite personnel.	E.4
24. Demonstrate ability to brief the media in a clear, accurate and timely manner.	E.3

LILCO
SHOREHAM/CECO PLAN
EXERCISE OBJECTIVE WORKSHEET

FEMA Core Objective	LERC Objective(s)
25. Demonstrate ability to provide advance coordination of information released.	E.1
26. Demonstrate ability to establish and operate rumor control in a coordinated fashion.	E.2
27. Demonstrate adequacy of procedures for registration and radiological monitoring of evacuees.	G.5
28. Demonstrate adequacy of facilities for mass care of evacuees.	
29. Demonstrate adequate equipment and procedures for decontamination of emergency workers, equipment and vehicles.	H.2
30. Demonstrate adequacy of ambulance facilities and procedures for handling contaminated individuals.	
31. Demonstrate adequacy of hospital facilities and procedures for handling contaminated individuals.	
32. Demonstrate ability to identify need for, request, and obtain Federal assistance.	C.4
33. Demonstrate ability to relocate to and operate the alternate EOP/EOC.	Not applicable
34. Demonstrate ability to estimate total population exposure.	
35. Demonstrate ability to determine and implement appropriate measures for controlled recovery and reentry.	G.2, 3

Date: 11/9/84

JAN 11 1985

The Honorable Mario M. Cuomo
Governor of New York
Albany, NY 12224--

Dear Governor Cuomo:

I am responding to your letter of November 29, 1984 to Harold Denton regarding the November 14, 1984 request by the Long Island Lighting Company (LILCO) that NRC forward materials to the Federal Emergency Management Agency (FEMA) related to an emergency preparedness exercise planned by LILCO for the week of February 11, 1985. You attached letters to Congressman Carney from President Reagan and Secretary Hodel, and advised us that New York State is opposed to any such exercise and objects to NRC assistance or cooperation in such an exercise over the objections of New York State.

As you are aware, LILCO has developed its own offsite emergency response plan and organization, with LILCO personnel identified to perform certain duties ordinarily performed by State and County employees in the event of an emergency. Consistent with FEMA's responsibility for assessing the adequacy of offsite emergency planning and preparedness, the NRC requested FEMA to provide findings on whether the LILCO offsite plan (Transition Plan) is adequate, whether it is capable of being implemented, and whether LILCO has the ability to implement the plan. FEMA has provided findings to the NRC relating to the adequacy of the Transition Plan in several letters, the latest of which is dated November 15, 1984. This letter indicated that of the 32 inadequacies identified in a previous review of the Transition Plan, 8 remain inadequate.

FEMA's letter also identified those aspects of the plan, including some of the remaining inadequacies, where legal authority issues continue to be of concern. The legal authority issues are the subject of the lawsuit in the New York State Supreme Court to which you referred in your letter and are also being considered by an NRC Atomic Safety and Licensing Board in the Shoreham operating license proceeding. It would, of course, be difficult and inappropriate to try to predict the outcome of these proceedings at this time.

Regarding the exercise proposed by LILCO in their November 14 letter, the normal practice of NRC and FEMA in response to an applicant's proposal is to review the submitted objectives, provide comments to the involved parties and prepare to observe and evaluate the scheduled exercise. In this instance there are outstanding plan inadequacies and legal authority issues. Accordingly, we have forwarded LILCO's November 14 letter to FEMA for their information and have requested them to take the lead in any preliminary consideration of this matter.

~~8501180141~~

B13

The Honorable Mario M. Cuomo

-2-

We also forwarded to FEMA copies of your November 29 letter and a similar letter to the NRC dated November 28, 1984 from John C. Gallagher, Chief Deputy County Executive of Suffolk County.

We appreciate your informing us of New York State's views on this important matter and hope this information is useful to you in understanding the respective NRC and FEMA responsibilities with regard to evaluating emergency preparedness for Shoreham.

Sincerely,

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

DISTRIBUTION

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FKantor, IE
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JMTaylor
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RCDeYoung
1/9/85

WJDircks
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JAN 11 1985

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Governor of New York
Albany, NY 12224

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~~8501180141 - PDR~~
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The Honorable Mario M. Cuomo

-2-

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Sincerely,

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

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COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

PETER F. COHALAN
SUFFOLK COUNTY EXECUTIVE

1. HRD
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Em
11/29

JOHN C. GALLAGHER
CHIEF DEPUTY

November 28, 1984

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
7920 Norfolk Avenue
Room P-404A
Bethesda, Maryland 20814

Dear Mr. Denton:

By letter dated November 14, 1984, the Long Island Lighting Company requested that you transmit to FEMA materials intended "to support a graded exercise which LILCO is planning for the week of February 11, 1985." This is to advise you that Suffolk County is opposed to any such exercise and that the NRC should in no way promote, assist, or concur in such an exercise over the objections of this County government.

LILCO's implementation of its offsite emergency plan would be unlawful under the Constitution and laws of the State of New York. Both Suffolk County and New York State have filed lawsuits against LILCO in State Supreme Court in order to secure a conclusive order to that effect. In our view, therefore, LILCO's exercise of its plan would be in pursuit of an unlawful objective. I would also stress that it would be an insult to the people and government of Suffolk County.

Given the posture of the Shoreham case before the courts and the NRC, as well as the continuing position of this County that effective emergency preparedness for a nuclear accident at Shoreham is impossible, we ask that you reject LILCO's request to forward any exercise materials to FEMA and that you refrain from taking any steps which contribute to an intrusion by LILCO into the police powers of Suffolk County. For your information, I am enclosing a copy of a letter written by President Reagan which expresses the Administration's position.

Sincerely yours,

John C. Gallagher

John C. Gallagher
Chief Deputy County Executive

JCC:dsb
enc.

6912030447 PDR
2PP
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THE WHITE HOUSE

WASHINGTON.

October 11, 1986

Dear Bill:

I want you to know of my appreciation for your continuing contributions to and support for my Administration. Your leadership and courage have been determining factors in the progress we have made in the last few years.

On a matter of particular concern to you and the people of Eastern Long Island, I wish to repeat Secretary Mead's assurance to you that this Administration does not favor the imposition of Federal Government authority over the objections of state and local governments in matters regarding the adequacy of an emergency evacuation plan for a nuclear power plant such as Shoreham. Your concern for the safety of the people of Long Island is paramount and shared by the Secretary and me.

Thank you again for your support. I look forward to working with you in the years ahead.

Sincerely,

Ronald Reagan

The Honorable William Carney
House of Representatives
Washington, D.C. 20515

ROBERT T. STAFFORD, VT.	JENNINGS SANDOLPH, W. VA.
JOHN T. STANLEY, NJ	LYDIE BENTON, TEX.
ALVIN C. SAMPSON, WY.	QUENTIN N. BURRICK, N. DAK.
JAMES A. SHAW, S. DAK.	GARY HART, CALIF.
STEVE SPENCE, IOWA	DAVID PATRICK STEVENSON, N.Y.
PETE V. THOMPSON, N. DAK.	GEORGE J. MITCHELL, MAINE
DAVE BARNES, IOWA	MAE SAULSBY, WYOM.
JOHN W. TAGE, JR., WYOM.	FRANK R. LAUTENBERG, N.J.

SAULY SHAW, STAFF DIRECTOR
JOHN W. TAGE, JR., WYOMING STAFF DIRECTOR

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, D.C. 20510

October 31, 1984

The Honorable Nunzio J. Palladino
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C.

Dear Joe:

Over the course of the past five years, the Congress has devoted considerable time and thought to the issue of emergency preparedness around commercial nuclear powerplants. We now have in place a framework that is intended to provide for effective emergency planning. In an effort to ensure that all parties concerned with the emergency planning process have a clear and concise understanding of the Commission's approach to this issue, and in order that intelligent and informed decisions may be made by the Congress with respect to what further legislation might be required, we would appreciate the Commission's response to the following questions.

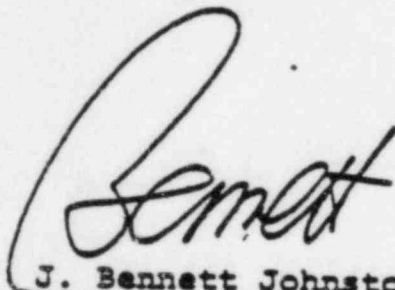
1. Does the Commission interpret its regulations on emergency planning for nuclear reactors (10 CFR 50.47 and 50.54) as permitting or precluding a federal agency, such as the Federal Emergency Management Agency or the Department of Energy, from participating in the implementation of (including, but not limited to, providing the necessary "legal authority" to implement) an offsite emergency preparedness plan?
2. If either or both of these two agencies (the Department of Energy and the Federal Emergency Management Agency) were to conclude that they have the statutory authority to participate in the implementation of an offsite emergency preparedness plan, and further undertake to do so, would it be the Commission's position that the Commission would defer to such agency's determination regarding the scope of that agency's statutory authority to undertake such action?

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3. If not, please provide a complete and detailed legal analysis setting forth the Commission's views with respect to the statutory authority of any federal agency or department to participate in the implementation (including, but not limited to, providing the necessary "legal authority" to implement) of an offsite emergency preparedness plan.

We look forward to your prompt response to the above questions, and thank you for your attention to this important matter.



J. Bennett Johnston
Ranking Minority Member
Committee on Energy and
Natural Resources

Most sincerely,



Alan K. Simpson
Chairman
Subcommittee on Nuclear Regulation



LONG ISLAND LIGHTING COMPANY

SHOREHAM NUCLEAR POWER STATION

P.O. BOX 618, NORTH COUNTRY ROAD • WADING RIVER, N.Y. 11792

JOHN D. LEONARD, JR.
VICE PRESIDENT - NUCLEAR OPERATIONS

November 14, 1984

SNRC-1107

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Exercise Objectives for Emergency Plan Exercise
Shoreham Nuclear Power Station - Unit 1
Docket No. 50-322

Dear Mr. Denton:

Attached for your review and forwarding to the Federal Emergency Management Agency pursuant to the FEMA-NRC Memorandum of Understanding dated as of November 1, 1984, 45 Fed. Reg. 02713 (1980), is a statement of objectives to be demonstrated at an exercise of the Shoreham Emergency Preparedness Plan and the Local Emergency Response Organization (LERO) Plan. This attachment is in two parts: first, a statement, in LILCO's terms, of the objectives of the exercise labeled "LERO Objectives", and second, a correlation of these objectives with the standard FEMA "Core Objectives." It is being submitted to you in order to support a graded exercise which LILCO is planning for the week of February 11, 1985. LILCO has also developed three potential scenarios for the exercise, which have been kept under security provisions. We would appreciate your transmitting this document promptly to FEMA and your good offices in arranging the preliminary meeting necessary to commence the detailed planning process for the exercises.

If you have any questions, please contact this office.

Very truly yours,

John D. Leonard, Jr.
Vice President - Nuclear Operations

RWG:ck

Attachment

cc: P. Eselgroth
C. Petrone (FEMA Region II)
Richard DeYoung (I&E)
Edward Jordan (I&E)

8411210218 P10



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

MARIO M. CUOMO
GOVERNOR

November 29, 1984

Dear Mr. Denton:

By letter dated November 14, 1984, the Long Island Lighting Company requested that you forward to FEMA materials "to support a graded exercise which LILCO is planning for the week of February 11, 1985." This is to advise you that New York State is opposed to any such exercise and to request that the NRC not assist or cooperate in such an exercise over the objections of New York State.

LILCO's desire to implement its off-site emergency evacuation plan would be unlawful under the constitution and the laws of the State of New York. Both New York State and Suffolk County have filed a consolidated law suit against LILCO which is pending in the State Supreme Court in order to secure a conclusive judicial ruling to that effect. It is our view, therefore, that LILCO's exercise of its plan would be a premature pursuit of an unlawful objective. It would also constitute an affront to the sovereignty of the State of New York.

Given the posture of that case before the courts, as well as the continuing position of Suffolk County that an effective emergency evacuation plan for a nuclear accident at Shoreham is impossible, I ask that you reject LILCO's request to transmit any exercise material to FEMA, and that you refrain from taking any steps which contribute to a usurpation by LILCO of the police powers of Suffolk County and the State of New York. Such rejection on your part would be consistent with Administration

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PDR

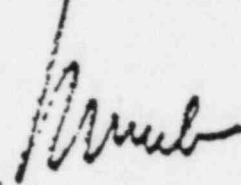
Mr. Harold Denton

- 2 -

November 29, 1984

policy as expressed in a letter written by President Reagan to Congressman Carney, dated October 11, 1984, a copy of which is annexed.

Sincerely yours,



Mr. Harold Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
7920 Norfolk Avenue, Room P-4D4A
Bethesda, Maryland 20814

Enclosure

THE WHITE HOUSE

WASHINGTON.

October 11, 1984

Dear Bill:

I want you to know of my appreciation for your continuing contributions to and support for my Administration. Your leadership and courage have been determining factors in the progress we have made in the last few years.

On a matter of particular concern to you and the people of Eastern Long Island, I wish to repeat Secretary Mead's assurance to you that this Administration does not favor the imposition of Federal Government authority over the objections of state and local governments in matters regarding the adequacy of an emergency evacuation plan for a nuclear power plant such as Shoreham. Your concern for the safety of the people of Long Island is paramount and shared by the Secretary and me.

Thank you again for your support. I look forward to working with you in the years ahead.

Sincerely,

Ronald Reagan

The Honorable William Carney
House of Representatives
Washington, D.C. 20515



THE SECRETARY OF ENERGY
WASHINGTON, D.C. 20585

October 2, 1984

Honorable William Carney
House of Representatives
Washington, D. C. 20515

Dear Bill:

I want to take this opportunity to update you on our activities regarding the Shoreham nuclear power plant. As we assured you last spring and at other times when we discussed the concerns of the citizens of Long Island regarding Shoreham, the Department of Energy does not favor the imposition of Federal Government authority over the objections of any state and local government in matters regarding the adequacy of an emergency evacuation plan for a nuclear power plant such as Shoreham.

Our position is clear. The Reagan Administration has always had faith in the ability of American citizens and local elected officials to handle the problems which confront them directly. As one of Long Island's most capable and vigorous elected officials, your advice and counsel regarding energy and economic policies which affect the future of your constituents have been extremely valuable to President Reagan and me. As I mentioned to you earlier this year when you brought in industrial, labor, and Government leaders of the First District to visit with me, you have been a vigorous advocate of the interests of Long Island, especially in behalf of Brookhaven National Laboratory and other Federal facilities.

I look forward to your continued wise counsel on these and other issues in the years ahead.

Sincerely,

Don

DONALD PAUL ROEDEL

Office of the Governor
State of New York

7/25/68
BY MESSENGER

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
7920 Norfolk Avenue, Room P-404A
Bethesda, Maryland 20814

ds 11/29
COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

PETER F. COHALAN
SUFFOLK COUNTY EXECUTIVE

1. (TR-1)
2. I.E. Action -
Green Ticket
Em
11/29
JOHN C. GALLAGHER
CHIEF DEPUTY

November 28, 1984

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
7920 Norfolk Avenue
Room P-404A
Bethesda, Maryland 20814

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Sincerely yours,

John C. Gallagher

~~8412030447~~
John C. Gallagher
Chief Deputy County Executive

JCG:dsb
ENC.

2 PP.
EDO — 000150

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Thank you again for your support. I look forward to working with you in the years ahead.

Sincerely,

Ronald Reagan

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House of Representatives
Washington, D.C. 20515