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COUNTY OF SUFFOLK



PETER F. COHALAN
SUFFOLK COUNTY EXECUTIVE

MARTIN BRADLEY ASHARE
COUNTY ATTORNEY

June 3, 1985

DOCKETED
DEPARTMENT OF LAW
ADDRESS ALL COMMUNICATIONS
IN THIS MATTER TO:

'85 JUN -3 P5:29

United States Nuclear
Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555
Attn: Commissioner Nunzio J. Palladino,
Chairman

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

DOCKET NUMBER 50-322-OL
PROD. & UTIL. FAC.

Re: Docket No. 50-322-OL
Shoreham Nuclear Power Station Unit

Dear Commissioner Palladino:

On Thursday May 30, 1985, the attached Executive Order was issued by the County Executive of Suffolk County directing certain County officials to review the Shoreham Emergency Response Plan now before the N.R.C. and FEMA, and to conduct an exercise of that plan in conjunction with LERO, with the County assuming command - and - control functions.

Be advised that the law firm of Kirkpatrick & Lockhart (Herbert H. Brown, Esq.) no longer represents the County of Suffolk in this matter. Please be advised that the County does not wish to have the oral argument of this matter adjourned. We are content to rest on the arguments contained in the papers submitted by our attorney on the motion for reconsideration. Hereafter, the Suffolk County Attorney will represent the County in all Shoreham related proceedings.

Also be advised that the County and LILCO have recently signed a "Low Power Security Settlement Agreement" resolving the issue of low-power security at the Shoreham plant. (Copy enclosed)

Thank you for your consideration.

Very truly yours,

MARTIN BRADLEY ASHARE
SUFFOLK COUNTY ATTORNEY

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Encs.
cc: Service List

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COUNTY OF SUFFOLK



PETER F. COHALAN
SUFFOLK COUNTY EXECUTIVE

OFFICE OF THE COUNTY EXECUTIVE

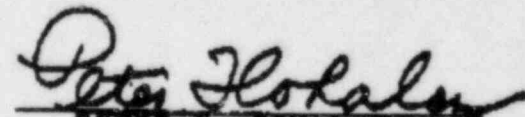
JOHN C. GALLAGHER
CHIEF DEPUTY COUNTY EXECUTIVE

EXECUTIVE ORDER NUMBER 1 - 1985

By the power vested in me under Article II-B of the New York State Executive Law and §302 of the SUFFOLK COUNTY CHARTER, I hereby determine that it is necessary for me to cause to be reviewed and evaluated the Local Emergency Response Plan for Suffolk County presently before the United States Nuclear Regulatory Commission and the Federal Emergency Management Agency.

I therefore direct the Commissioner of Police and Commissioner of the Suffolk County Planning Department to use whatever resources of the government of the County of Suffolk are necessary in order to complete a review and evaluation of the above Local Emergency Response Plan and carry out and cause to be conducted a test and exercise of the above said Plan in conjunction with the Local Emergency Response Organization (LERO). I further direct that agents of the County of Suffolk assume the function of command and control with implementation of the police powers of the County of Suffolk over the conduct of said test and exercise.

IN WITNESS WHEREOF, I hereby set my hand this 30th day of May, 1985.


PETER F. COHALAN
SUFFOLK COUNTY EXECUTIVE

LOW POWER SECURITY SETTLEMENT
AGREEMENT BETWEEN LONG ISLAND
LIGHTING COMPANY AND SUFFOLK COUNTY

Long Island Lighting Company ("LILCO") and the County of Suffolk, New York ("SC") have reached the following agreement in order to resolve completely SC's concerns regarding LILCO's security arrangements for its alternate, on-site AC power sources at the Shoreham Nuclear Power Station ("SNPS"):

I. Background

1. SNPS was designed to rely on diesel generators manufactured by Transamerica Delaval, Inc. (the "TDI diesels") as the plant's source of alternate AC power. The reliability of the TDI diesels has been questioned by SC and is currently the subject of litigation before an NRC Atomic Safety and Licensing Board ("ASLB").

2. Pending the ASLB's determination of the TDI diesels' reliability, LILCO has sought to rely on what has been called SNPS' alternate or backup AC power sources, which consist of 4 General Motors Electromotive Division diesel generators (the "EMD diesels") and a 20 megawatt gas turbine generator (the "20 MW gas turbine").

3. In ALAB-800, 21 NRC 386 (February 21, 1985), the Atomic Safety and Licensing Appeal Board ruled, at SC's urging, that the EMD diesels, the 20 MW gas turbine, and their associated equipment must be treated as "vital equipment" for purposes of determining whether their security arrangements satisfy the

NRC's physical security regulations 10 CFR Part 73, particularly § 73.55.

4. LILCO has appealed that aspect of ALAB-800 to the Nuclear Regulatory Commission. The appeal is still pending.

5. The ASLB has, in the meantime, admitted for litigation certain of SC's security contentions that challenge the adequacy of LILCO's existing security arrangements for the EMD diesels and 20 MW gas turbine. The State of New York also has sponsored SC's low power security contentions.

6. LILCO and SC agree that a negotiated resolution of differences, where both parties' fundamental goals can be met, is always preferable to litigation. Accordingly, LILCO has reviewed in detail the low power security contentions, and technical experts from LILCO have met directly with their expert counterparts from the Suffolk County Police Department. Although LILCO believes that the low power security arrangements it had in place at Shoreham were adequate, this process of study and consultation has led to LILCO's willingness, out of desire to address the technical concerns of the Suffolk County Police Department and LILCO's desire to further cooperation with the County in all possible areas, to implement the substantial additional changes reflected in Attachment III. In the long-standing spirit of cooperation between LILCO and SC regarding security matters reflected in the earlier "Final

Security Settlement Agreement" dated November 22, 1982, and in consideration of one another's promises as recited below, LILCO and SC agree as follows:

II. LILCO's Agreements

1. Before commencing Phase III low power testing, LILCO will implement Attachment III to Revision 10 of its Security Plan. The procedures that implement Attachment III and associated post orders will be reviewed with the Suffolk County Police Department prior to their use to ensure satisfactory implementation of Revision 10 of the security plan with attachments. Copies of Attachment III and the plot plans it references are appended to and incorporated as a part of this Low Power Security Settlement Agreement.

2. LILCO will withdraw its appeal of ALAB-800 promptly upon dismissal of the remand proceeding in Paragraph III.2 below.

III. SC's Agreements

1. SC acknowledges that the security enhancements reflected in Attachment III and its implementing procedures satisfy (a) a regulatory requirements for the EMD diesels and the 20 MW gas turbine as protecting vital equipment during low power operation at Shoreham, and (b) SC's concerns as expressed in its low power security contentions.

2. SC agrees (1) to immediately withdraw its sponsorship of the low power security contentions, (2) to advise the NRC and Licensing Board of its approval of the low power security arrangements as reflected in this Agreement, and (3) to use its best efforts to persuade the State of New York and the NRC Staff to approve the security enhancements reflected in Attachment III and its three implementing procedures, and to obtain dismissal of the pending low power remand proceeding on that basis.

IV. Joint Agreements

1. LILCO and SC agree that this Low Power Security Settlement Agreement is in aid of, and does not detract from, their respective commitments in the November 1982 Final Security Settlement Agreement. LILCO, in implementing this Low Power Security Settlement Agreement, will continue to implement all pertinent commitments made by it in the Final Security Settlement Agreement, including but not limited to provision to the Suffolk County Police Department (the "SCPD") of copies of all procedures and other relevant documents and advance consultation on amendments to the Security Plan.

2. LILCO and SC, acting through the SCPD, agree to cooperate in the implementation of the low power security enhancements. For example, to the extent additional procedures, training and qualification plans, training exercises, post

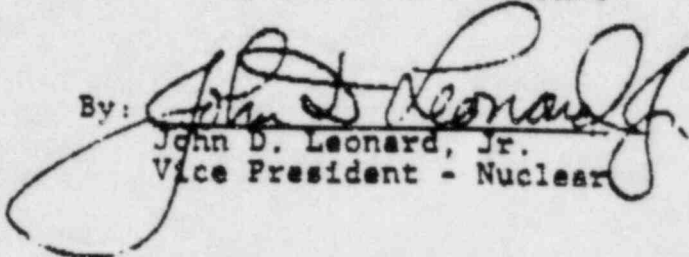
orders, and the like are needed, LILCO will consult with the
SCPD in developing such materials.

LONG ISLAND LIGHTING COMPANY

Date:

5/31/85

By:



John D. Leonard, Jr.
Vice President - Nuclear

COUNTY OF SUFFOLK, NEW YORK

Date:

5/31/85

By:


John C. Gallagher
Chief Deputy County
Executive