



January 21, 1986

POLICY ISSUE
(Information)

SECY-86-23

For: The Commissioners

From: Victor Stello, Jr.
Acting Executive Director
for Operations

Subject: EMERGENCY PREPAREDNESS EXERCISE FOR SHOREHAM

Purpose: To inform the Commission of the current status of the proposed emergency preparedness exercise for Shoreham.

Background: By a Commission memorandum dated June 4, 1985, the staff was directed to "request that FEMA schedule as full an exercise of the LILCO plan as is feasible and lawful at the present time" (Enclosure 1). Accordingly, the staff requested FEMA to schedule an exercise by memorandum dated June 20, 1985 (Enclosure 2). By memorandum dated October 29, 1985 (Enclosure 3), FEMA proposed two options for conducting an exercise in consideration of the reluctance of state and county officials to participate in an exercise. By Commission memorandum dated November 8, 1985 (Enclosure 4), the staff was directed to pursue the option that would include all functions and normal exercise objectives. It was recognized that some offsite response roles may be simulated. By letter dated November 12, 1985 (Enclosure 5), the staff requested FEMA to conduct an exercise consistent with the second option proposed by FEMA.

The staff has met with FEMA representatives in response to FEMA's request for assistance in the conduct of the offsite portion of the Shoreham exercise. In addition to NRC's normal evaluation of the onsite portion of the exercise, NRC agreed to provide about 20 staff members from headquarters and the regions to support FEMA as offsite exercise controllers. In a meeting with FEMA Region II, LILCO stated that they are prepared to participate in an exercise on February 13, 1986 (Enclosure 6).

Contact:
K. Perkins, IE
492-7361

8602130530 860121
PDR SECY
86-023 PDR

The staff has received a copy of legislation passed in Suffolk County entitled "A Local Law Concerning the Protection of Police Powers Held by the County of Suffolk" (Enclosure 7), which has been signed by the County Executive and has the potential for impacting the Shoreham exercise and schedule. This legislation is currently being discussed with the Commission by the Office of the General Counsel and the Office of the Executive Legal Director.

Discussion:

The role of emergency preparedness exercises in the licensing process is to demonstrate that the plans and procedures developed to cover onsite and offsite response and reviewed by NRC and FEMA, respectively, can be implemented. In preparing for an exercise, the objectives to be tested are first agreed on by the licensee, state and local officials, NRC, and FEMA. A scenario is developed to test these objectives by providing sufficient conditions to demonstrate the players' capabilities.

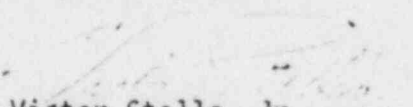
Because actual emergency conditions do not exist, exercise controllers are used to provide the information that simulates emergency conditions. These positions, for control of offsite exercise conditions, are normally filled by the licensee and state or local agency staff or contractors. For this exercise, federal agency staff will perform some of the controller functions normally filled by state or local agency staff. Controllers do not play the role of decisionmakers. Consistent with the scenario, controllers provide the information needed for the players to take actions or challenge the players to test response capabilities against the exercise objectives. For example, this could include introducing equipment malfunctions to test the players' ability to use alternate resources.

Evaluators observe the players in their various roles to make determinations on their capability to implement the plans and procedures. The NRC regional office evaluates the licensee's performance. While the NRC evaluates the licensee's onsite performance, the Regional Assistance Committee (RAC), composed of several federal agencies including a member from NRC, supports FEMA in the evaluation of offsite performance. Typically, the licensee must also provide evaluators to observe their player's performance. This critique is a key element in the exercise process and is included in the federal evaluation of the exercise.

Because of the unique nature of the Shoreham exercise in that the licensee will be filling the role of state and local officials through the Local Emergency Response Organization (LERO) plan, FEMA requested NRC to provide additional controllers for the LERO portion of the exercise. The superimposing of federal controllers, managed by FEMA, will assist in ensuring objectivity in the control of the exercise. FEMA is developing a control plan to coordinate the federal and licensee effort and will act as the lead controller to manage the control of the exercise. For this exercise, DOE-Argonne National Laboratory,

support FEMA in exercise evaluations, will be providing additional evaluators.

The NRC staff members used as controllers in this exercise will be located in either Federal or LILCO controlled property with the potential exception of two controllers assigned to radiological monitoring teams. NRC's participation as controllers in this exercise is being coordinated with the Office of the Executive Legal Director. We do not put any NRC employees in a position where they could be arrested or where they would be in violation of local laws. The Commission will be informed of any planned changes to NRC participation in this exercise.


Victor Stello, Jr.
Acting Executive Director
for Operations

Enclosures:

1. Memo from S. Chilk to W. Dircks dtd 6/4/85
2. Memo from E. Jordan to R. Krimm dtd 6/20/85
3. Ltr from S. Speck to W. Dircks dtd 10/29/85
4. Memo from S. Chilk to W. Dircks dtd 11/8/85
5. Memo from W. Dircks to S. Speck dtd 11/12/85
6. Ltr from C. Daverio to R. Kowieski dtd 12/13/85
7. Suffolk County Legislation

DISTRIBUTION:

Commissioners

OGC

OPE

OI

OCA

OIA

ACRS

EDO

SECY



OFFICE OF THE
SECRETARY

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

June 4, 1985

ACTION

Action: Taylor, IE

Cys: Dircks

Roe

Rehm

Stello

GCunningham

Denton

Murley

Jordan

COMTR-85-5A

MEMORANDUM FOR: William J. Dircks, Executive Director
for Operations

FROM: Samuel J. Chilk, Secretary

SUBJECT: SCHEDULING OF EMERGENCY PLAN EXERCISE
FOR SHOREHAM

In view of LILCO's standing request to schedule an exercise of its emergency plan, the Commission, with Chairman Palladino and Commissioner Asselstine disagreeing, sees no reason why the licensee should not be allowed to exercise those parts of the plan which it may legally exercise.

The Commission does not disagree with the view that an exercise of the LILCO plan could yield meaningful results, even though such an exercise may not satisfy all of the requirements of NRC's regulations. It could, as a minimum, identify the impact of the limitations of LILCO's plan when executed under the state and county restrictions. Although the Commission is aware that because of the recent court decision a full exercise of the LILCO emergency plan may not be possible, the staff should request that FEMA schedule as full an exercise of the LILCO plan as is feasible and lawful at the present time. If FEMA indicates an exercise is not currently possible, the staff should ask FEMA to provide a detailed report of its reasons for declining, addressing the following:

1. Status of the outstanding technical and operational deficiencies with the LILCO plan.
2. Estimates of when each remaining deficiency will be corrected.

NOTE: Since this SRM was approved, the County Executive of Suffolk County has issued an Executive Order indicating that the County will cooperate in emergency planning activities for Shoreham. The Staff, in requesting that FEMA schedule an emergency plan exercise, should also suggest that FEMA give appropriate consideration to the County's apparent change of position regarding participation in emergency planning activities.

ENCLOSURE 1

Rec'd 07.200

3. Specific plan implementation activities LILCO could not exercise given the state court's decision.
4. Benefits and disadvantages to holding an exercise, given the response to Item 3, until legal concerns have been fully resolved or adequate compensating measures taken.
5. Views on whether (and if so how) the deficiencies can be adequately remedied without the involvement and cooperation of state and local entities.

Commissioner Asselstine's views for inclusion in any letter to FEMA will be provided to you within several days. ((

cc: Chairman Palladino
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
OGC
OPE
ASLBP
ASLAP
OI
OIA
OPA
OCA
Shoreham Service List

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

JUN 20 1985



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

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

SUBJECT: SCHEDULING OF EMERGENCY PLAN EXERCISE
FOR SHOREHAM

In response to LILCO's standing request to schedule an exercise of its emergency plan for Shoreham, the Commission, in a memorandum to the Executive Director for Operations dated June 4, 1985 (Enclosure 1), stated that it sees no reason why the licensee (i.e., LILCO) should not be allowed to exercise those parts of the plan which may be legally exercised. Further, the Commission indicated that it does not disagree with the view that an exercise of the LILCO plan could yield meaningful results, even though such an exercise may not satisfy all of the requirements of NRC's regulations. The exercise could, as a minimum, identify the impact of the limitations of LILCO's plan when executed under the state and county restrictions.

Accordingly, we request that FEMA schedule as full an exercise of the LILCO Local Emergency Response Organization (LERO) plan as is feasible at the present time giving appropriate consideration to the Suffolk County Executive's May 30, 1985 Executive Order and subsequent developments relating to emergency planning activities by the County. In determining those portions of the LERO plan that might be appropriate for inclusion in an exercise at this time, we suggest that FEMA emphasize evaluation of the functional areas of emergency preparedness related to the demonstration of response capabilities within the plume exposure (10 mile) Emergency Planning Zone.

Contact: F. Kantor, IE
492-9749

ENCLOSURE 2

Richard W. Krimm

-2-

In the event FEMA determines that an exercise is not currently possible, we request that FEMA provide a response which addresses the five issues identified in the memorandum from the Secretary of the Commission. Commissioner Asselstine's views on this matter are provided as Enclosure 2.

Sheldon Schwartz

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

Enclosure:

1. Memorandum from the
Secretary of the Commission
dtd. 06/04/85
2. Commissioner Asselstine's Views

DISTRIBUTION

J. M. Taylor, IE	JRoe
R. H. Vollmer, IE	TRehm
J. G. Partlow, IE	VStello
B. K. Grimes, IE	GCunningham
E. L. Jordan, IE	EDO r/f
S. A. Schwartz, IE	
K. E. Perkins, IE	
D. B. Matthews, IE	
C. R. Van Niel, IE	
F. Kantor, IE	
W. J. Dircks, EDO	
H. R. Denton, NRR	
T. E. Murley, Region I	
E. S. Christenbury, ELD	
E. J. Reis, ELD	
J. R. Sears, IE	
W. R. Butler, NRR	
R. R. Bellamy, Region I	
DCS	
DEPER RF	
EPB RF	

ELD *T. E. Murley*
ESChristenbury
6/14/85

EDO *WJ*
WJDircks
6/14/85

EPB:IE
FKantor
6/14/85

Tech.Ed
DGable
6/14/85

EPB:IE
DBMatthews
6/14/85

DO:DEPER:IE
ESchwartz
6/14/85

DO:DEPER:IE
ELJordan
6/14/85

DO:IE
RVollmer
6/14/85

DO:IE
JMTaylor
6/14/85

Commissioner Asselstine does not believe that the Commission should request that FEMA schedule an emergency planning exercise of the LILCO plan at this time. Absent state or local government participation, there are serious questions about LILCO's authority to implement significant portions of its emergency plan for Shoreham. Further, there is an ongoing dispute within Suffolk County concerning the county's position on emergency planning at Shoreham and its willingness to participate in testing and implementing an emergency plan. Under these circumstances, Commissioner Asselstine believes that scheduling an exercise of the LILCO plan at this time would only confuse matters further. He therefore recommends that FEMA wait to plan and schedule an exercise for Shoreham at least until there is some resolution of Suffolk County's position on this issue.



Federal Emergency Management Agency 'r 7 2

Washington, D.C. 20472

October 29, 1985

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

Dear Mr. Dircks:

This is in response to a memorandum dated June 20, 1985, from Edward L. Jordan to Richard W. Krimm in which FEMA was requested to proceed with the conduct of "as full an exercise.....as is feasible to test offsite preparedness capabilities at the Shoreham Nuclear Power Plant." In my October 8, 1985 letter, which transmitted the review of revision 5 of the LILCO Local Emergency Response Organization (LERO) plan, I indicated we were analyzing the results of the plan review in the context of the September 17, 1985 letter from Chairman Palladino to Congressman Markey, and the various legal proceedings related to Shoreham in order to respond to the June 20 memorandum within several weeks. Our analysis includes consideration of the Atomic Safety and Licensing Appeal Board decision of October 18, 1985.

The deficiencies identified in my letter of October 8 do not preclude the conduct of an exercise of the LERO plan. However, the reluctance of county and State officials to participate in such an exercise and the related legal authority issues would place special parameters on the conduct of a LERO exercise.

We have no indication at this time that offsite jurisdictions are willing to directly participate in an exercise in the short term. Thus, any exercise will be dramatically different than is typical at other sites in the State of New York. Any exercise without participation by State and local governments would not allow us sufficient demonstration to reach a finding of reasonable assurance. This conclusion is based on the current legal decision with respect to utility authority to perform civil emergency functions. However, that does not preclude the conduct of an exercise that would provide an indication to the Nuclear Regulatory Commission (NRC) as to utility onsite and offsite emergency capabilities. We believe such a report would have value in decisions to continue the licensing process or possibly provide a basis on which the NRC could make predictive findings. Obviously, the value of such an exercise in the licensing process is a determination which can only be made by the NRC.

Given the nature of your June 20 request and consideration of a practical structure for an exercise, we feel that, while there are a number of variations possible, the basic options for exercising in the near term are limited to two:

Option 1 - This option would require that we set aside all functions and exercise objectives related to issues of authority and State and local participation. Thus, only the functions outlined for LILCO would be exercised. Such

ENCLOSURE 3

-2-

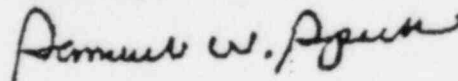
an exercise is possible but its usefulness would ~~seem~~ very limited. An exercise of this type would not address questions such as those raised on pages 35 through 39 of the October 18 decision of the Atomic Safety and Licensing Appeal Board and would be redundant to actions already taken by NRC.

Option 2 - This option would include all functions and normal exercise objectives. This option would exercise Revision 5 of the LERO Plan. Exercise controllers would simulate the roles of key State or local officials unable or unwilling to participate. It would be desirable that State and local government personnel actually play. However, such a simulation mechanism would at least test the utility's ability to respond to ad hoc participation on the part of State and local governments.

The ultimate purpose of an exercise is to support a finding by FEMA for use by the NRC in their licensing process. As we mentioned above, neither of these options would allow a finding by FEMA on offsite preparedness. However, we recognize that Shoreham is in no way typical and that in the past in exercising its adjudicatory powers the Commission and the various Atomic Safety and Licensing Boards have reached predictive findings.

Pursuant to your June 20 request, we are initiating the process necessary to conduct an exercise of either option. We are prepared to conduct such an exercise in approximately 75 days. However, FEMA requires further clarification from NRC as to the scope of the exercise to be conducted. FEMA will proceed with the initiating steps until November 15, at which time we will need a definitive exercise scope from NRC in order to avoid prohibitive costs. If at that time we have received no direction from the Nuclear Regulatory Commission we will suspend activities until a decision is made. Given other demands, we do feel that any delay beyond the current window would require an exercise postponement of at least 90 days beyond the mid-January time frame.

Sincerely,



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



OFFICE OF THE
SECRETARY

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

November 8, 1985

Action: Taylor, IE
Cys: Dircks
Roe
Rehm
Stello
Denton
GCunningham
Murley
Jordan
Matthews

MEMORANDUM FOR: William J. Dircks
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary

SUBJECT: SECY-85-346 - EMERGENCY PREPAREDNESS
EXERCISE FOR SHOREHAM

This is to advise you that the Commission (with Commissioners Bernthal, Roberts, and Ch agreeing) have approved your recommendation to proceed with the Emergency Preparedness Exercise following option 2. Chairman Palladino and Commissioner Asselstine disapproved and continue to question the usefulness of an exercise at this time.

He to FEMA 11/12/85

cc: Chairman Palladino
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
OGC
OPE

Rec'd Off. EDO
Date.....11-12-85
Time.....8A

ENCLOSURE 4

NOV 12 1985

Mr. Samuel W. Speck
Associate Director
State and Local Programs and Support
Federal Emergency Management Agency
Washington, D.C. 20472

Dear Mr. Speck:

This responds to your letter of October 29, 1985, proposing two options for an exercise to test onsite and offsite emergency preparedness capabilities at Shoreham. We conclude that an exercise should be conducted consistent with the approach outlined in your Option 2.

You asked in the letter for further clarification from the NRC as to the scope of the exercise to be conducted. As stated in our memorandum to you of June 20, 1985, we requested that you schedule as full an exercise of the LILCO Local Emergency Response Organization plan as is feasible. Option 2 would include all functions and normal exercise objectives, recognizing that some offsite response roles may be simulated. We believe that such an exercise would be useful in the licensing process for Shoreham. Please let me know if we can be of further assistance.

Sincerely,

[[Signed]] Jack W. Roe

WJD
William J. Dircks
Executive Director for Operations

DISTRIBUTION

JMTaylor, IE	JRSears, IE
RHVollmer, IE	WRButler, NRR
JGPartlow, IE	RRBellamy, RI
BKGrimes, IE	JROE, EDO
ELJordan, IE	TRehm, EDO
SASchwartz, IE	GHCunningham, ELD
KEPerkins, IE	EDO R/F 1139
DBMatthews, IE	DCS
CRVan Niel, IE	DEPER R/F
FKantor, IE	EPB R/F
WJDircks, EDO	SECY
HRDenton, NRR	
TEMurley, RI	
ESChristenbury, ELD	
EJReis, ELD	

ELD *ESC*
ESChristenbury
11/12/85

EDO *WJD*
WJDircks
11/12/85

*SEE PREVIOUS CONCURRENCE

*EPB/IE	TECH ED	*EPB/IE	DD/DEPER/IE	D/DEPER/IE	DB/IE	D/IE
FKantor:sc	DGable	DBMatthews	SASchwartz	ELJordan	RHVollmer	JMTaylor
11/12/85	11/ /85	11/12/85	11/ /85	11/12/85	11/ /85	11/12/85

ENCLOSURE 5



LONG ISLAND LIGHTING COMPANY

175 EAST OLD COUNTRY ROAD • HICKSVILLE, NEW YORK 11801

Direct Dial Number

December 13, 1985

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

ATTENTION: Mr. Roger Kowieski

SUBJECT: Shoreham Nuclear Power Station
Local Emergency Response Organization
1986 Graded Exercise - Proposed Schedule

REFERENCE: 1. LILCO/FEMA Meeting on December 12, 1985
2. Telecon between Messrs. Charles Daverio/Roger Kowieski
on 12/12/85

Gentlemen:

Pursuant to the referenced meeting, LILCO and LERO are prepared to participate in a fully integrated emergency preparedness exercise, to be graded by FEMA and NRC, on February 13, 1985.

During our most recent drill program, we have determined that the Coliseum receiving area is not as available for training as we would like. While it could be made available for an actual emergency, we have decided to identify a more accessible location for training as well as emergencies. This location is the Coliseum concourse area. The concourse area will provide ample space for the implementation of LERO procedures for radiological monitoring of evacuees and shall be used to demonstrate this activity during the graded exercise. We believe either of these locations would be adequate.

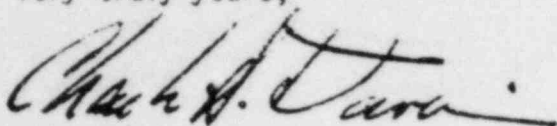
It is our intent to incorporate the Coliseum concourse area as the primary location for radiological monitoring of evacuees in a permanent revision to the LERO plan. The receiving area will remain in the plan, but will be identified as the secondary location for this activity. We plan to forward this revision to NRC requesting an expedited review.

ENCLOSURE 6

Federal Emergency Management Agency
Region II
December 13, 1985
Page Two

If you have any questions or concerns regarding this letter or any points of discussion concerning the referenced meeting, please do not hesitate to contact the undersigned at (516) 420-6211.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charles A. Daverio".

Charles A. Daverio
Manager, Emergency Preparedness

CAD/DMB/cjc

1.R. 2127-85

RESOLUTION NO. _____, ADOPTING LOCAL LAW NO. _____
YEAR 1985, A LOCAL LAW CONCERNING THE PROTECTION OF
POLICE POWERS HELD BY THE COUNTY OF SUFFOLK

WHEREAS, the County of Suffolk, pursuant to the Constitution and laws of the State of New York, has been delegated police powers by the State; and

WHEREAS, the County has a duty to ensure that such police powers are not usurped by other entities; and

WHEREAS, County preparations for and responses to natural and man-made emergency situations involve the County's exercise of its police power functions; and

WHEREAS, the Long Island Lighting Company has prepared an off-site emergency plan for the Shoreham Nuclear Power Station in which private persons, including Long Island Lighting Company employees, would carry out governmental functions and otherwise usurp the police powers of Suffolk County; and

WHEREAS, at the initiative of the Long Island Lighting Company there is proposed to be a test of that Company's off-site emergency plan, during which test the roles and governmental functions of Suffolk County officials would be performed and "simulated" by persons who are not officials of Suffolk County and who are not legally authorized to perform or simulate Suffolk County roles or governmental functions; and

WHEREAS, the County of Suffolk has not been informed of what roles and governmental functions of the County would be so performed or "simulated," what actions would be taken by persons carrying out the test, and what public roadways, lands, and other property would be affected during such simulation; and

WHEREAS, the County of Suffolk finds that it would be inconsistent with its police powers and its duty to prevent such powers from being usurped if it were to remain indifferent to usurpation of its police powers or to allow unauthorized persons to perform or simulate the County's roles or governmental functions; and

WHEREAS, the County of Suffolk finds that it is required to establish a mechanism of general applicability to gain information needed to assess whether persons are proposing to take actions or perform roles or governmental functions, or otherwise usurp the County's police powers in a test or actual emergency situation; and

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 1985, a proposed local law entitled, "A LOCAL LAW CONCERNING THE PROTECTION OF POLICE POWERS HELD BY THE COUNTY OF SUFFOLK," and said local law in final form is the same as when presented and introduced; now, therefore, be it
RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. _____, SUFFOLK COUNTY, NEW YORK LOCAL LAW
CONCERNING THE PROTECTION OF POLICE POWERS HELD BY THE
COUNTY OF SUFFOLK

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK
AS FOLLOWS:

Section 1. Definition.

As used herein, "person" means any individual, partnership, corporation, association, or public or private organization of any character, provided, however, that "person" shall not include any governmental entity authorized by law to perform the governmental functions of Suffolk County or authorized by law to exercise police powers within the State of New York.

Section 2. Prohibition.

(a) It shall be a crime for any person to conduct or participate in any test or exercise of any response to a natural or man-made emergency situation if that test or exercise includes as part thereof that the roles or functions of any Suffolk County official will be performed or simulated, and if the Suffolk County Legislature, pursuant to the procedures set forth in Sections 3 and 4 of this Local Law, has issued a notice of disapproval of such performance or simulation of County roles or functions.

(b) It shall be a crime for any person to conduct or participate in any test or exercise of any response to a natural or man-made emergency situation if that test or exercise includes

as part thereof that the roles or functions of any Suffolk County official will be performed or simulated, and if the person shall have failed to comply with the procedures set forth in Sections 3(a) and 3(b) of this Local Law.

Section 3. Procedures and Public Hearings.

(a) At least 25 days prior to conducting or participating in a test or exercise covered by this Local Law, a person who intends to conduct or participate in such test or exercise shall submit to the Clerk of the Suffolk County Legislature a description of the proposed activity, specifying how, when, where, by whom, and for what purpose the roles or functions of Suffolk County officials may be performed or simulated.

(b) Upon receipt of the submittal required by Section 3(a) of this Local Law, the Clerk shall within 7 days inform the person of any additional information required for the Legislature's review of such submittal.

(c) The Legislature shall review the submittal to assure that the times, places, manner, and purposes of the proposed performance or simulation of County of Suffolk roles or governmental functions do not interfere with the public's use of or access to public property, do not involve the unauthorized performance of governmental functions, and do not usurp or otherwise impair the police powers held by the County.

(d) The Clerk shall in writing notify the person of the Legislature's determinations under the review set forth in Section 3(c) of this Local Law.

(e) The Legislature shall hold a public hearing concerning any submittal wherein the Legislature determines that the proposed performance or simulation of County roles or governmental functions may involve an interference with the public's use of or access to public property, or unauthorized performance of governmental functions, or a usurpation or other impairment of the police powers held by the County.

(f) After such public hearing, the Legislature shall determine whether the proposed performance or simulation of County roles or governmental functions constitutes an interference with the public's use of or access to public property, or unauthorized performance of governmental functions, or a usurpation or other impairment of the County's police powers, and in the event of a determination to disapprove the proposed performance or simulation, the Clerk shall issue a notice of disapproval of such proposed performance or simulation.

Section 4. Special Procedures.

(a) If any person making a submission pursuant to Section 3 of this Local Law believes that some or all of the data in the submittal merit confidential treatment, the person shall so inform the Clerk at the time of the submission. If the Legislature then determines that confidential treatment is required, the procedures of Section 3 shall be modified as

necessary and appropriate. If the Legislature determines that confidential treatment is not required, the person shall be so advised and shall have the option of withdrawing the submittal or proceeding under the procedures of Section 3.

(b) The Presiding Officer is hereby authorized to convene such special meetings of the Legislature as may be required in order to conduct the reviews and other procedures required by this Local Law in a timely manner.

Section 5. Penalties and Remedies.

(a) A violation of Section 2 of this Local Law shall be a Class A Misdemeanor and shall be punishable by a sentence of not more than one (1) year in prison or a fine of not more than one thousand dollars, or by both such fine and imprisonment.

(b) A violation or threatened violation of any Section of this Local Law, including a failure to submit information as set forth in Sections 3(a) and 3(b), shall give the County the option, among other civil remedies, of seeking injunctive relief against the person who is in violation or threatening violation thereof.

Section 6. Separability.

If any part of this Local Law shall be declared invalid or unconstitutional by any Court, such declaration shall not affect the validity of any other part.

Section 7. Effective Date.

This Local Law shall take effect immediately, and shall apply to any activity conducted after such effective date.