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

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Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Frederick J. Shon
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station, Unit 1)
Docket No. 50-322-OL-3 (Emergency Planning)

Dear Administrative Judges:

Pursuant to the Licensing Board's request of August 29, 1984 (Tr. 15,696), the NRC staff is hereby providing its formal position regarding the license condition proposed by LILCO in the affidavit of Dr. Cordaro (LILCO EP Exhibit 71) for the information of the Licensing Board and parties (Enclosure).

Sincerely,

Donald F. Hassell
Counsel for NRC Staff

Enclosure: As stated

cc w/enclosure: See page 2

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cc w/enclosure:

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
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SEP 10 1984

Docket No.: 50-322

MEMORANDUM FOR: Edwin Reis
Assistant Chief Hearing Counsel
Office of the Executive Legal Director

FROM: Thomas M. Novak, Assistant Director
for Licensing
Division of Licensing

SUBJECT: NRC STAFF POSITION IN RESPONSE TO ASLB MEMORANDUM AND
ORDER RELATING TO OFFSITE EMERGENCY PLANNING - SHOREHAM.

On July 24, 1984, the Atomic Safety and Licensing Board issued an order in which it determined that serious safety concerns existed in regard to the Shoreham offsite emergency plan (Enclosure 1). Because the state and local governments have declined to participate in any response to a radiological emergency, LILCO has established an emergency response plan (the Transition Plan) comprised of LILCO employees. The LILCO Transition Plan establishes an organization, the Local Emergency Response Organization (LERO), to perform these duties. The LERO personnel are primarily union employees. Recently LILCO had a strike by union employees during which some of those employees withdrew from LERO. This situation became the basis for the board's concern, which it stated as follows:

1. Whether LILCO's ability to implement its offsite emergency preparedness plan would be impaired by a strike involving the majority of its LERO workers.
2. Whether LILCO should be required to place the reactor in cold shutdown in the event of a strike by LERO workers.
3. Whether placing the reactor in cold shutdown during a strike by LERO workers, after the reactor has operated at full power, would give "reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency."

At a hearing held on August 28 and 29, 1984, the parties litigated the merits of LILCO's proposed resolution contained in the August 3, 1984, filing "LILCO'S MOTION FOR SUMMARY RESOLUTION OF BOARD DETERMINATION INVOLVING EFFECT OF STRIKE ON LERO AND PROPOSAL OF LICENSEE CONDITION" (Enclosure 2). During the evidentiary hearing the ASLB requested that the staff provide the Board with its position on the adequacy of LILCO's proposed license condition or provide the board with a staff proposal. The staff was directed to do so in writing and provide the board with this filing no later than September 12, 1984.

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Edwin Reis

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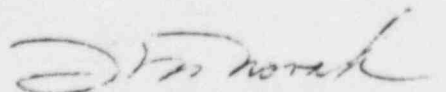
The present proposed license condition submitted by LILCO reads as follows:

So long as LILCO shall rely on an offsite emergency response organization consisting entirely or primarily of LILCO employees, then in anticipation of the commencement of a strike by a union representing LILCO employees, LILCO shall bring the Shoreham Nuclear Power Station (SNPS) to cold shutdown condition using normal operating procedures. LILCO shall commence bringing SNPS to cold shutdown condition 24 hours prior to the commencement of such strike, or immediately upon receipt of less than 24 hours' notice of the impending commencement of a strike, with the goal of having the plant in cold shutdown condition by the time the strike commences. LILCO shall maintain SNPS in cold shutdown condition until the end of the strike except that, with the prior approval of the NRC Staff upon review of written application by LILCO, LILCO shall be permitted:

- (1) to take the reactor to a refueling mode to conduct refueling or other operations requiring access to the reactor core if it is shown that such operations cannot result in the occurrence of any events requiring offsite emergency response capability; and
- (2) to conduct such other operations as the Staff shall approve if it is shown that the strike does not, in fact, impair LILCO's ability to implement its offsite emergency preparedness plan.

This condition shall terminate at such time as any or any combination of agencies of the Federal, New York State, of Suffolk County governments shall provide to the NRC written notice of its or their agreement, under terms and conditions approved by FEMA, to assume legal responsibility for effectuation of offsite emergency response for Shoreham Nuclear Power Station.

After having reviewed LILCO's proposed license condition, the staff finds this proposal adequate as written. The technical basis for the staff position is contained in the hearing record of August 28 and 29, 1984 on this matter and was provided by the NRC staff witnesses.



Thomas M. Novak, Assistant Director
for Licensing
Division of Licensing

Enclosures: As Stated