

FEB 8 1985

50-322

Mr. John D. Leonard, Jr.
Vice President - Nuclear Operations
Long Island Lighting Company
Shoreham Nuclear Power Station
P. O. Box 618, North Country Road
Wading River, NY 11792

Dear Mr. Leonard:

SUBJECT: REQUEST FOR EMERGENCY PLAN EXERCISE - SHOREHAM NUCLEAR POWER STATION

By letter dated November 14, 1984 (SNRC-1107), you proposed conducting a full scale emergency plan exercise for Shoreham during the week of February 11, 1985. By memorandum dated December 19, 1984, the NRC staff forwarded your request to the Federal Emergency Management Agency (FEMA) and requested that it take the lead in any preliminary consideration of the matter of the proposed exercise. Also forwarded to FEMA were letters to the NRC from Governor Cuomo and Suffolk County opposing the conduct of the exercise proposed by you. The NRC responded to these letters on January 11, 1985. Copies of all of the above described correspondence are herewith transmitted to you for your use and information.

Sincerely,

A. Schwencer, Chief
Licensing Branch No. 2
Division of Licensing

Enclosures:
As stated above

cc: See next page

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*Previous concurrences concurred on by:

AS for	AS
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02/08/85	02/08/85

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

FEB 8 1985

Mr. John D. Leonard, Jr.
Vice President - Nuclear Operations
Long Island Lighting Company
Shoreham Nuclear Power Station
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Sincerely,

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

A. Schwencer, Chief
Licensing Branch No. 2
Division of Licensing

Enclosures:
As stated above

cc: See next page

SHOREHAM (3)

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U. S. Nuclear Regulatory Commission
Washington, DC 20555

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Resident Inspector
Shoreham NPS, U. S. NRC
Post Office Box B
Rocky Point, New York 11778



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

DEC 19 1984

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

Enclosed is a letter dated November 14, 1984 from John D. Leonard, LILCO, to Harold R. Denton, NRC, regarding an exercise which LILCO has proposed for the week of February 11, 1985. The objective of the proposed exercise is the demonstration of the Shoreham Emergency Preparedness Plan and the Local Emergency Response Organization (LERO) Plan which is referred to as the Transition Plan.

In a letter to FEMA dated June 1, 1983 which was subsequently modified in a letter dated June 17, 1983, the NRC requested FEMA to provide separate findings on whether the LILCO Transition Plan is adequate, whether it is capable of being implemented and whether LILCO has the ability to implement the plan. These findings were requested by the NRC in connection with our continuing review of Shoreham's request for an operating license for full power. 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.

When an exercise is proposed by an applicant, the normal practice of our two agencies 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 are transmitting this request for your information and request that FEMA take the lead in any preliminary consideration of this matter.

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Richard W. Krimm

- 2 -

DEC 19 1984

We are enclosing letters to the NRC from Governor Cuomo and John C. Gallagher, Chief Deputy County Executive for Suffolk County, wherein they oppose the conduct of the exercise proposed by LILCO because of questions involving the legal authority of LILCO to implement its offsite plan. We will provide you a copy of our responses.

Please keep us informed of all developments regarding this effort since NRC resources in support of our review of the Shoreham application may be impacted.

Original Signed By:
E. L. Jordan

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 11/14/84
2. Ltr. from Governor Cuomo to
H. R. Denton, dtd 11/29/84
3. Ltr. from John C. Gallagher to
H. R. Denton, dtd 11/28/84

Distribution:

SASchwartz
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REF: EDO 150 and 151



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

E. 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
RWG:ck

Attachment

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

8411210218 IP



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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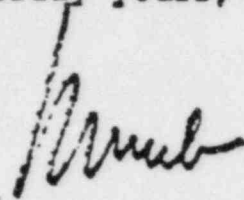
Mr. Harold Denton

- 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, 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



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,

DONALD PAUL HODEL

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

PETER F. COHALAN
SUFFOLK COUNTY EXECUTIVE

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

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 Madril'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