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January 27, 1988

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U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555

Long Island Lighting Company  
(Shoreham Nuclear Power Station)  
NRC Docket 50-322-OL

Gentlemen:

As you know, LILCO has submitted Revision 9 to the Shoreham Offsite Radiological Emergency Plan to the NRC on January 22. Copies were simultaneously provided to all parties to the Shoreham proceeding and to FEMA at the same time. LILCO accordingly requests that the NRC officially request FEMA to conduct an expedited review of Revision 9. LILCO also renews its request that the NRC promptly transmit its outstanding request for an exercise, dated December 18, 1987,<sup>1/</sup> for the Shoreham plant to FEMA. A copy of that request is attached.

This letter also responds briefly to Mr. Lanpher's letter of December 30, which suggests, in various forms, that the NRC refuse to transmit LILCO's exercise request to FEMA. Most of his arguments are actually directed to FEMA rather than to the NRC.

<sup>1/</sup> Letter, John D. Leonard (LILCO) to the Commission, December 18, 1987 (SNRC-1406).

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Given, however, that periodic exercises are a requirement under both NRC and FEMA regulations for issuance or retention of a full power license, he is in effect requesting that the NRC summarily terminate the Shoreham docket. This would be such a flagrant denial of due process to LILCO that it does not merit further discussion.

His other suggestion, that the state and local governments which have intervened in this proceeding be allowed to participate in the process of exercise development, must be discussed in some detail. LILCO has always sought legitimate governmental participation in offsite emergency planning and preparedness for Shoreham, and still would welcome it at any time. If any of these governmental units wish to join in protecting their citizens by participating in emergency planning for Shoreham -- including proper assurances of good faith participation in the exercise itself -- LILCO would welcome their participation in the exercise planning process.

However, the role of these governmental units appears to remain that of opposing LILCO at every turn in the federal process as well as of using and occasionally abusing their powers under state law.<sup>2/</sup> Unless the policies of these governmental

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<sup>2/</sup> For instance, Suffolk County went so far in opposing the 1986 exercise as to enact a criminal ordinance which would have subjected anyone participating in the exercise to a year of imprisonment and a fine of \$1000. That ordinance, which was obviously designed to chill preparation for the exercise as well as participation in it, was declared unconstitutional by the United States District Court. Long Island Lighting Co. v. County of Suffolk, 628 F. Supp. 654 (E.D.N.Y. 1986).

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units become reasonable, their participation in, presence at, or contemporaneous knowledge of, the details of the Shoreham exercise planning process would simply amount to an invitation to sabotage. The necessary confidentiality of the exercise scenario and objectives could not be ensured; the observation of the exercise itself would be affected adversely; and the fundamental fairness of the process would be destroyed.

Sincerely yours,



Donald P. Irwin  
One of Counsel for Long Island  
Lighting Company

Attachment

cc: Members of the Nuclear Regulatory Commission  
Atomic Safety and Licensing Appeal Board Members  
Atomic Safety and Licensing Board Members  
Counsel for Parties  
Ron Lo  
S. Brown  
W. Russell  
F. Crescenzo



# LONG ISLAND LIGHTING COMPANY

SHOREHAM NUCLEAR POWER STATION

P.O. BOX 818, NORTH COUNTRY ROAD • WADING RIVER, N.Y. 11792

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

DEC 18 1987

SNRC-1406

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555

Request for Graded Offsite Exercise  
Shoreham Nuclear Power Station - Unit 1  
Docket No. 50-322

Gentlemen:

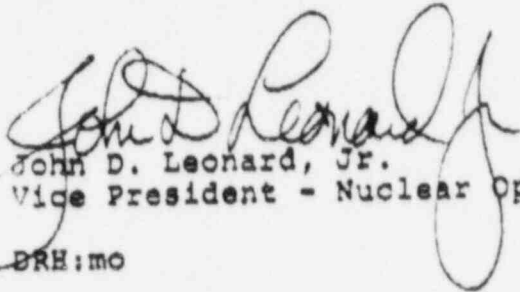
Long Island Lighting Company hereby requests that a full participation graded biennial offsite emergency preparedness exercise meeting the requirements of 10 CFR Section 50.47 and of Paragraph IV.F.1 to 10 CFR Appendix E be scheduled for the Shoreham Nuclear Power Station for the earliest possible date, and that pursuant to the NRC-FEMA Memorandum of Understanding, 50 Federal Register 15,485 (1985), this request be transmitted formally to the Federal Emergency Management Agency. It is imperative that the design of this exercise be sufficient to meet any remaining requirements for the full power licensing of the Shoreham plant.

LILCO conducted, on February 13, 1986, a FEMA graded offsite exercise intended and believed to be sufficient to permit issuance of a full power operating license for Shoreham. If that exercise is deemed to have been sufficient in design and LILCO's performance is judged to have been sufficient, it could serve as a basis for issuance of a full power license until at least February 13, 1988. 10 CFR Part 50 Appendix E, Paragraph IV.F.1 (52 Federal Register 16,823, May 6, 1987). However, that exercise, including issues involving both design and performance, remains in litigation before the NRC. Depending on developments in that and related NRC litigation over the next several weeks, LILCO may adjust the nature and scope of the exercise presently being requested. Otherwise, either an extension of the prescribed two-year period of effectiveness of exercises for licensing purposes will have to be obtained by LILCO for the February 13, 1986 exercise or another full-participation exercise held because the agency's review process has taken longer than is contemplated by its regulations.

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Regardless of the scope of the exercise to be scheduled and held, LILCO asks that this request be transmitted to FEMA and that a date be fixed and preparations begun for the graded exercise as promptly as possible. LILCO is prepared to take all steps necessary to expedite the process of exercise planning and preparation and looks forward to an early meeting in order to discuss this matter.

Very truly yours,



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

DRH:mo

cc: R. Lo / S. Brown  
W. Russell  
F. Crescenzo