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FILE NO.

DIRECT DIAL NO. 804-788-

May 16, 1988

James P. Gleason, Chairman
Dr. Jerry R. Kline
Mr. Frederick J. Shon
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

EBS Remand

Gentlemen:

As this Board knows, LILCO initially created a specific Emergency Broadcast System network for the Shoreham Nuclear Power Station in 1983, as part of the offsite emergency plan it developed after Suffolk County reversed its earlier course of cooperation. That network was originally based on a Long Island Station, WALK, which was to serve as the "trigger" station ("Common Program Control Station" or "CPCS-1" station in FCC terminology). EBS issues involving that network were litigated in the original round of emergency planning litigation decided by the Licensing Board in 1985.

WALK unilaterally terminated its agreement with LILCO in 1986. The only explanation LILCO has ever received for this withdrawal was the hostility of Suffolk County and New York State to emergency planning at Shoreham and to the emergency plan developed by LILCO for Shoreham.

LILCO next constructed a successor EBS system, based on WPLR-FM, a station located in New Haven, Connecticut. Recently, following months of pressure from groups based on Long Island as well as in New Haven, events similar to those which took place with WALK two years ago have recurred. In late April, 1988, the New Haven Board of Aldermen enacted a nonbinding resolution urging WPLR to repudiate its agreement with LILCO. The local Congressman, Bruce Morrison, also pressured the station to withdraw.

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Discussion at the May 10 Prehearing Conference concerned the likelihood that WPLR would no longer serve as the "CPCS-1" station for the Shoreham EBS following receipt of a full power license. Since the prehearing conference, two sets of developments have continued to unfold; neither has come to a definitive resolution. First, after the prehearing conference LILCO received a letter from WPLR's counsel, Herbert Emanuelson, Esq., dated May 9. In the letter, WPLR has again assured LILCO that it will continue to act as the lead or trigger station in the LILCO EBS until LILCO obtains a full power operating license, but will not do so thereafter. Unlike the situation with WALK, the letter does not exclude WPLR's continued participation in the Shoreham EBS. However, WPLR's letter is not clear as to whether WPLR will remain a member station in the EBS after LILCO obtains a full power operating license.

Second, LILCO currently is making progress on the details of its EBS procedures relying upon the official EBS for the Nassau and Suffolk Counties Operational Area, triggered by WCBS. We anticipate being able to notify the Board and the parties shortly as to the interface of this system with the LILCO Plan. Since the WCBS-based EBS provides more than adequate coverage of the Shoreham EPZ, this may moot the need to litigate the coverage of the WPLR-based system.

LILCO has concluded that any Shoreham-specific EBS is likely to be vulnerable to pressure. LILCO will therefore rely primarily on the existing federal EBS for the Nassau and Suffolk Counties Operational Area, based on WCBS in New York City. This system, which is the one on which Long Islanders now rely for warning in every other emergency, and its application to Shoreham will be described in Revision 10 to the Shoreham Offsite Emergency Plan, which LILCO expects to issue this week.

LILCO is not withdrawing its testimony on the signal coverage of the WPLR-based EBS. However, until the circumstances described above are clarified, LILCO believes that it is premature to proceed to hearing at this time on the existing EBS contention.

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LILCO regrets that circumstances beyond its control have repeatedly forced reconfiguration of its EBS plans. However, emergency plans always change to adapt to circumstances, and further changes will doubtless occur in this plan, perhaps even in this very area, over time.

Sincerely yours,

Signed:

Donald P. Irwin
James N. Christman
K. Dennis Sisk

Attachment

cc: Attached Service List

LILCO, May 16, 1988

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CERTIFICATE OF SERVICE

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

I hereby certify that copies of a letter from Donald P. Irwin to James P. Gleason, Chairman, Dr. Jerry R. Kline and Mr. Frederick J. Shon, dated May 16, 1988, were served this date upon the following by first-class mail, postage prepaid.

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DATED: May 16, 1988