



OFFICE OF THE SECRETARY

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

October 19, 1987

*Stalin  
Layton  
Fisher  
Mudry  
Small  
W. King*

MEMORANDUM FOR: Chairman Zech  
Commissioner Roberts  
Commissioner Bernthal  
Commissioner Carr  
Commissioner Roberts

FROM: Samuel J. Chilk, Secretary *[Signature]*

SUBJECT: LETTER CAMPAIGN OF LONG ISLAND RESIDENTS  
CONCERNING LILCO'S REQUEST TO OPERATE  
SHOREHAM AT 25% POWER

*WFO  
E Reis*

During the past several weeks, my office has received approximately 12,000 forms and letters concerning LILCO's request to operate Shoreham at 25% power. This correspondence was initiated by the County Executive of Suffolk County, New York through the mailing of a form letter (copy attached) to Suffolk County residents requesting that they sign, clip and mail the bottom portion of the form to the Secretary, NRC.

Should your office have an interest in seeing any of these letters they are available in the Docketing and Service Branch.

cc: General Counsel  
EDO  
GPA

8810190010 880916  
PDR FOIA  
BELAIR88-A-34 PDR

*FOIA-88-24  
(FOIA-88-24)*

*H 9*

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

MICHAEL A. LOGRANDE  
SUFFOLK COUNTY EXECUTIVE

GREGORY W. MUNSON  
CHIEF DEPUTY COUNTY EXECUTIVE

September, 1987

Dear Suffolk County Resident:

I would like to bring you up to date on the current situation facing Suffolk County concerning LILCO, the Long Island Power Authority (LIPA), utility rates and the Shoreham nuclear power station.

The good news is that the Governor has kept his commitment with respect to LIPA and has signed the indemnification law that should clear the way for the Authority's creation. LIPA's main function will be to keep electric rates down and to insure that Shoreham does not open. At present, we are in a race between LIPA's efforts to take over LILCO and LILCO's attempt to license and operate Shoreham.

While efforts to prevent Shoreham from operating continue, we are also working to protect you, LILCO's overburdened ratepayers. In late July, I called upon the Public Service Commission to put a halt to the totally unnecessary and unjustifiable rate increase that LILCO is now seeking. They have been successful in prior years with their unwarranted requests to increase rates, and that must stop.

If LIPA can successfully take over LILCO before the Nuclear Regulatory Commission (NRC) can act to approve LILCO's application to operate at 25% of power, we can prevent Shoreham from ever opening. An important factor as we race the clock is LILCO's current application before the NRC for a license to operate Shoreham at 25% power. I will continue to work against this application, but your help is also needed.

Our joint efforts were well received in late July when over 400 Suffolk citizens along with elected officials visited the Long Island Congressional Delegation in Washington, D.C., to voice support for the "Markey" amendment. Congress turned down the amendment which would have blocked the NRC from making a rule change which may improve the chances of Shoreham opening.

Once again, the concerned voices of Suffolk County citizens must be heard in Washington if we are to prevent LILCO's blatant backdoor attempt to license Shoreham. We must oppose the 25% license.

We urge you to again express your views to the NRC. Join us in the battle to keep Shoreham closed by clipping the form on the bottom of this page and sending it to: **Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.**

We have been quiet for a long time; however, we are fed up with LILCO mismanagement and poor service... the lights were out again yesterday in Miller Place and Shoreham the other day and now they seek an increase. We feel Long Island would be benefited better through LIPA Power Authority, not LILCO (and their Public Service Commission).

Sincerely,  
  
MICHAEL A. LOGRANDE  
Suffolk County Executive

TO: U.S. Nuclear Regulatory Commission (NRC)

Date: 10/5/87

We fully support the position of Suffolk County and New York State in opposing the opening of the Shoreham Nuclear Power Plant and oppose LILCO's request to upgrade the plant to 25% power. We urge you to be responsive to the will of the people of Suffolk County by denying this application.

\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)  
Miller Place, NY 11764



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

January 27, 1988

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

FROM: Frank J. Congel, Director  
Division of Radiation Protection  
and Emergency Preparedness  
Office of Nuclear Reactor Regulation

SUBJECT: FEMA SUPPORT FOR NRC LICENSING OF  
SHOREHAM NUCLEAR POWER STATION

*Re: Plan Review*

Enclosed is a Long Island Lighting Company (LILCO) letter transmitting the offsite plan for Shoreham Nuclear Power Station (SNPS) which LILCO has provided to you separately. The plan, "SNPS Local Offsite Radiological Emergency Response Plan" Revision 9, is further described in the licensee's transmittal letter of January 22, 1988.

Under the provisions of the April 9, 1985 NRC/FEMA Memorandum of Understanding, we request that FEMA review the SNPS plan. As you are aware, the NRC and FEMA have jointly developed an interim-use document entitled: Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (Criteria for Utility Offsite Planning and Preparedness). The document has been published as Supplement 1 to NUREG-0654/FEMA-REP-1, Rev. 1. The guidance contained in this document is to be used for the development, review and evaluation of offsite utility radiological emergency planning and preparedness for accidents at commercial nuclear plants.

In reviewing and evaluating utility offsite plans and preparedness, FEMA should assume that in an actual radiological emergency, State and local officials that have declined to participate in emergency planning will:

- (1) Exercise their best efforts to protect the health and safety of the public;
- (2) Cooperate with the utility and follow the utility offsite plan; and
- (3) Have the resources sufficient to implement those portions of the utility offsite plan where State and local response is necessary.

A-10

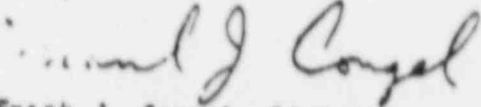
~~0602070155~~ XA 291

Richard W. Krimm

-2-

In accordance with 10 CFR 50.47(a), the NRC must make a finding on whether the state of emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. It is therefore requested that FEMA provide findings on whether the SNPS plan meets the interim criteria described above. We understand that FEMA will provide its findings on a mutually agreeable schedule consistent with the hearing schedule for Shoreham. A specific request as to the FEMA finding date will be coordinated by our staffs.

If you have any questions, please call me at 492-1088.

  
Frank J. Congel, Director  
Division of Radiation Protection  
and Emergency Preparedness  
Office of Nuclear Reactor Regulation

Enclosure:  
LILCO Ltr. dtd. 1/22/88



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

JUN 29 1987

MEMORANDUM FOR: Frank J. Miraglia  
Associate Director for Projects  
Office of Nuclear Reactor Regulation

Richard Starostecki  
Associate Director for Inspection and  
Technical Assessment  
Office of Nuclear Reactor Regulation

William Russell, Regional Administrator  
Region I

FROM: Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

SUBJECT: STAFF REVIEW OF LILCO'S REQUEST FOR AUTHORIZATION TO OPERATE  
SHOREHAM AT 25% POWER LEVEL

By Memorandum and Order (CLI-87-04), the Commission denied LILCO's request for a license to operate Shoreham at 25% of rated power. Referring to the staff's review effort, the Order states that, "In view of our disposition of the request, we presume that staff will no longer need to expend resources to review the request, unless necessary to respond to a renewed request for such authorization at some future time." Please direct your staffs to cease the review of LILCO's request. However, in light of LILCO's notification to the Commission of their intent to refile, those work items that are nearly complete should be brought to closure and all results should be documented and related files retained. This approach will assure availability of the results of this effort for use in any future generic consideration of the risks associated with low power operations or in a staff response to a future filing by LILCO.

A handwritten signature in black ink, appearing to read "T. Murley", with a horizontal line underneath.

Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

cc: L. Shao  
F. Congel  
W. Kane  
W. Olmstead  
E. Reis  
Y. Stello  
J. Murray

~~8707060055~~

A-7

ENCLOSURE



## LONG ISLAND LIGHTING COMPANY

SHOREHAM NUCLEAR POWER STATION

P.O. BOX 618, NORTH COUNTRY ROAD • WADING RIVER, N.Y. 11782

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

SNRC-1420

JAN 22 1988

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

Shoreham Offsite Emergency Plan; Rev. 9  
Shoreham Nuclear Power Station - Unit 1  
Docket No. 50-322

*Re: Plan  
Review*

Gentlemen:

Long Island Lighting Company hereby submits Revision 9 to LILCO's Local Offsite Radiological Emergency Response Plan for the Shoreham Nuclear Power Station. This letter describes the principal changes set forth in Revision 9 of the LILCO Plan.

As with previous revisions to the Plan, Revision 9 changes are marked in the right hand margin: vertical bars denote the addition or replacement of material in Revision 9; horizontal bars denote its deletion in Revision 9. LILCO has reproduced all pages of the Plan and Implementing Procedures, not just Revision 9 pages. This alleviates the tedious process of replacing each outdated page in the document with Revision 9 pages, and insures that each plan holder has an updated Plan. Because there are so few of them, only replacement pages for Appendix A have been included. Thus, while the Revision 9 package sent you includes all pages of the Plan and Implementing Procedures, plus Revision 9 pages for Appendix A, only pages marked "Rev. 9" in the bottom right corner with revision bars in the right margin have been changed. Instructions for handling the Revision 9 package are included as Attachment I to this letter.

The principal areas of change in Revision 9 respond to NUREG-0654, Rev. 1, Supp. 1 and the "best efforts" regulation; the Licensing Board's emergency planning decisions; the RAC comments on Revisions 7 and 8 of the Plan; FEMA Guidance Memorandum MS-1; and various ministerial updates to the Plan that are required from time to time. These areas of change are described generally below and in some detail in Attachment II to this letter.

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1. NUREG 0654, Rev. 1, Supp. 1 (Nov. 1987) and "Best Efforts" Regulation, 10 C.F.R. paragraph 50.47(c), 52 Fed. Reg. 42078 (Nov. 3, 1987). Revision 9 reflects the regulatory requirements of the new NRC "best efforts" regulations. The legal authority sections of the plan have been revised to take into account the regulation; two Emergency Preparedness Advisors have been added at the EOC to liaison with State and County government representatives during an emergency, as required by NUREG 0654, Rev. 1, Supp. 1 (Nov. 1987); and implementing procedures for coordination between LERO and government representatives during an emergency have been revised. Because certain governmental facilities have not agreed to participate in planning, LILCO has relied upon governmental support in the Plan by naming certain entities that would provide support during an emergency. These entities are identified in sections 1.4 and 2.2 of the Plan as being relied upon pursuant to the "best efforts" regulation. They include such facilities as, for example, the Nassau County Coliseum and Nassau County Community College, which are identified in the Plan as school relocation centers. Letters are being sent to each non-LILCO entity named in the Plan reminding them of the existence of the Plan and their role in it, and offering to plan with them and to train them. Attachment II.1 lists the revised criteria in NUREG-0654, Supp. 1, and describes the response for each included in Revision 9.
2. Issues previously litigated. Revision 9 identifies special facility reception centers; evacuation time estimates, buses, drivers, and reception centers for school children; evacuation time estimates for hospitals; and an EBS station, as required by the Licensing Board's Partial Initial Decision and Concluding Partial Initial Decision on emergency planning. Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-85-12, 21 NRC 644 (1985); id. LBP-85-31, 22 NRC 410 (1985). These issues and the Plan revisions responding to them are listed in Attachment II.2.
3. Regional Assistance Committee (RAC) Comments. The December 15, 1987 FEMA RAC comments on Revisions 7 and 8 of the LILCO Plan identified inadequacies in the LILCO Plan. All these items have been resolved in Revision 9. The inadequacies identified by the RAC, and the LILCO responses in the Plan, are listed in Attachment II.3.
4. Hospitals for Contaminated Injured Public. FEMA Guidance Memorandum MS-1 requires identification of a primary and backup hospital for treatment of contaminated injured members of the public. Revision 9 contains a letter of agreement between LILCO and Brunswick Hospital in Amityville for use as the primary hospital during an emergency. In addition, LILCO has identified Nassau County Medical Center and Northport Veterans Administration Medical Center.

The Nassau County Medical Center, a government-operated facility, would be available during an emergency pursuant to the "best efforts" rule and NUREG-0654, Rev. 1, Supp. 1 (Nov. 1987). Northport Veterans Administration Medical Center (is available under the Federal Radiological Emergency Response Plan (FRERP) and other Federal policies. All three hospitals have Nuclear Medicine/Radiology Departments and are therefore qualified to treat contaminated injured individuals. The identification of these three hospitals in Revision 9 satisfies the MS-1 requirements. This revision is listed in Attachment II.4 to this letter.

5. Ministerial updates. The remaining Revision 9 changes update information about personnel, facilities, or equipment, including such items as updated farm listings. These revisions are listed in Attachment II.4 to this letter.

Very truly yours,



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

KEBM:ck

Attachment

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





**LONG ISLAND LIGHTING COMPANY**

**SHOREHAM NUCLEAR POWER STATION**

P.O. BOX 818, NORTH COUNTRY ROAD • WADING RIVER, N.Y. 11798

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

DEC 10 1987

SNRC-1406

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

*Re: Exercise*

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.

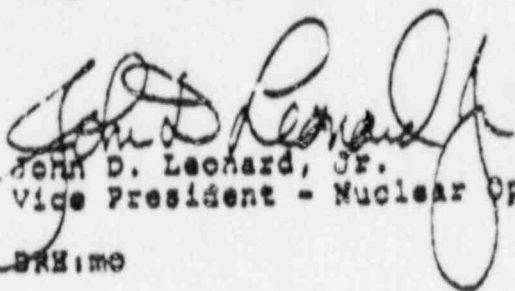
LILCO conducted, on February 13, 1986, a FEMA graded offsite exercise intended and believed to be sufficient to permit issuance of a full power operating license for Shoreham. If that exercise is deemed to have been sufficient in design and LILCO's performance is judged to have been sufficient, it could 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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SNRC-1406  
Page 2

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

BRH:me

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

OL-5

KIRKPATRICK & LOCKHART

SOUTH LOBBY - 9TH FLOOR  
1800 M STREET, N.W.  
WASHINGTON, D.C. 20036-5891

TELEPHONE (202) 778-9000  
TELEX #40209 KL DC LI  
TELECOPIER (202) 778-9100

EXCHANGE PLACE  
53 STATE STREET  
BOSTON, MA 02109  
(617) 227-6000

1428 BRUCKELL AVENUE  
MGAME, FL 33131  
(305) 374-8112

1500 OLIVER BUILDING  
PITTSBURGH, PA 15222-5379  
(412) 355-4500

LAWRENCE COE LANPHER  
(202) 778-9011

December 30, 1987

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

*Re: Exercise Request*

Request for Graded Offsite Exercise  
Shoreham Nuclear Power Station - Unit 1  
Docket Nos. 50-322; 50-322-OL-5

Gentlemen:

By letter dated December 18, 1987, LILCO requested that a full participation exercise be scheduled for Shoreham and that LILCO's request be forwarded to FEMA. Moreover, LILCO stated that it "looks forward to an early meeting in order to discuss this matter."

The Governments request that any meetings with LILCO held by or involving NRC and/or FEMA personnel and relating to any exercise for Shoreham, and any meetings involving NRC and FEMA personnel and relating to any such exercise, be formally noticed so that the Governments receive reasonable, advance notice. The Governments also request that such meetings be transcribed so that an accurate record of any meeting is maintained. The Governments request, further, that they be served promptly with copies of all correspondence on this subject. And, the Governments request that no substantive matter related to LILCO's latest exercise request be discussed with LILCO or FEMA representatives by telephone unless the Governments have been given reasonable opportunity to participate in such conversations.

The foregoing assumes that the NRC might accede to LILCO's request. In fact, however, the NRC should decline to forward to FEMA LILCO's request for a new exercise. The request is grossly premature for several reasons, assuming arguendo that any further Shoreham exercise would ever be appropriate.<sup>1/</sup>

<sup>1/</sup> Suffolk County reiterates its view that no exercise of LILCO's Plan would or could be appropriate. LILCO's Plan is (footnote continued)

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KIRKPATRICK & LOCKHART

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
December 30, 1987  
Page 2

First, the last FEMA RAC review of LILCO's Plan (Revision 8) was completed December 15, 1986, and was transmitted to the NRC on December 30, 1986. Quite aside from legal authority concerns, FEMA identified 14 inadequacies in LILCO's Plan, an increase more than doubling the 6 inadequacies identified during the prior full RAC review of LILCO's Plan, transmitted to the NRC on October 8, 1985. These 14 inadequacies remain uncorrected one year after the 1986 RAC review. It is improper to consider the scheduling of an exercise when so many Plan inadequacies remain outstanding and, apparently, unaddressed.

Second, LILCO has announced that it soon will file yet another revision of its Plan -- Revision 9. That Revision has not yet appeared or been submitted to the NRC, however. While it is not possible to predict precisely how extensive the changes in Revision 9 will be, it is reasonable to expect them to be major. At a minimum, they appear likely to cover: LILCO's new proposal to create and use a Connecticut-based EBS system; LILCO's new single-wave school evacuation proposal; new hospital evacuation procedures and time estimates; numerous changes designed to address recent amendments to 10 CFR § 50.47(c)(1); changes designed to address the inadequacies identified in the last RAC review; and changes designed to address deficiencies identified in the Licensing Board's Partial Initial Decision of April 17, 1985, and its Concluding Partial Initial Decision of August 26, 1985. A full RAC review of these plan revisions will be required before any exercise could even be considered, much less scheduled.

Third, any FEMA review of the apparently forthcoming Revision 9, or preparation for a new Shoreham exercise will likely involve consideration of draft NUREG-0654, Rev. 1, Supp. 1, which is presently subject to public comment prior to its finalization. See 52 Fed. Reg. 45866 (1987). It makes no sense for FEMA or the parties in the Shoreham proceeding to devote resources to plan reviews or preparing for or conducting an exercise when some of the very criteria relevant to review of these matters are subject to change.

Fourth, the Frye Licensing Board (OL-5) has not yet issued its second decision concerning LILCO's performance during and the results of the February 1986 Exercise. It makes no sense to

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(footnote continued from previous page)  
illegal. The courts have ruled that LILCO lacks legal authority to implement the Plan. It is a waste of resources to conduct an exercise of an illegal plan.

KIRKPATRICK & LOCKHART

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
December 30, 1987  
Page 3

start structuring or preparing for the next exercise until the Board has ruled upon the results of the last one.

Fifth, a multitude of other issues involving the LILCO Plan remain outstanding and the subject of ongoing litigation, including those relating to reception centers, LILCO's EBS scheme, school evacuation, "realism"/legal authority, and hospital evacuation. FEMA has made clear in the past that it does not favor further RAC reviews or exercises while so many issues remain in litigation. Thus, one year ago FEMA stated:

At present, there are a number of unresolved issues being considered or litigated in no less than three different NRC forums. There are planning and exercise issues before two licensing boards; numerous issues under consideration by the full Commission. In addition, the OL-3 Board has recently reopened the record on issues related to the Nassau Coliseum . . . .

In FEMA's view, the fluidity of this great number of issues renders it impractical, and an unwise use of limited resources, to continue to perform further reviews of LILCO plans or exercises under the current unsynchronized manner in which these issues are being adjudicated. This works to the detriment of effective treatment of the issues from a programmatic viewpoint.

Within the limits of sound management of resources, FEMA remains committed to providing testimony to assist in the resolution of the various issues before the NRC's licensing boards and to provide information which may be needed by the Commission to resolve issues being considered by them.

Letter from Dave McLoughlin, FEMA, to Victor Stello, NRC, December 30, 1986, p.2 (emphasis added). The situation is no different today than a year ago -- indeed, the number of open items, unreviewed items, and deficiencies in LILCO's Plan continues to grow.

In short, there are no good reasons to justify the commencement of preparations for, or the scheduling of, a Shoreham exer-

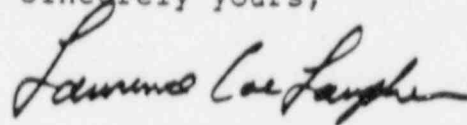
KIRKPATRICK & LOCKHART

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
December 30, 1987  
Page 4

cise at this time -- and LILCO has offered none. The Govern-  
ments, therefore, request that the NRC refuse LILCO's December 18  
request.

The undersigned is authorized to state that the State of  
New York and the Town of Southampton agree with the views  
expressed herein.

Sincerely yours,



Lawrence Coe Lanpher

cc: Ronnie Lo/Stewart Brown  
William T. Russell  
Frank Crescenzo  
Service List (attached)

K L H C P

KIRKPATRICK & LOCKHART

SOUTH LOBBY - 9TH FLOOR  
1800 M STREET, N.W.  
WASHINGTON, D.C. 20036-5891

EXCHANGE PLACE  
51 STATE STREET  
BOSTON, MA 02109  
(617) 227-6000

1428 BRICKELL AVENUE  
MIAMI, FL 33131  
(305) 374-8112

1500 OLIVER BUILDING  
PITTSBURGH, PA 15222-5379  
(412) 355-6500

TELEPHONE (202) 778-9000  
TELEX 440209 KL DC UT  
TELECOMPER (202) 778-9100

RECEIVED

88 MAR 21 AIO

WRITER'S DIRECT DIAL NUMBER

(202) 778-9119

March 16, 1988

DKN/110

Director, Office of Administration  
Nuclear Regulatory Commission  
Room 4210  
Maryland National Bank Building  
7735 Old Georgetown Road  
Bethesda, Maryland 20814

Attention: Ms. Natalie Brown

Re: Freedom of Information Act Request, 88-63

Dear Ms. Brown:

This is to confirm the content of our March 3, 1988, telephone conversation concerning numbered paragraph 2 of the above-referenced Freedom of Information Act request. Paragraph 2 is clarified to read as follows:

"All records, not served via the service list in 50-322-OL-03, 05, or 06 dockets, relating in any way to any other communications during the period March 1987 to the present between LILCO, including any person acting for or on behalf of LILCO, and NRC employees, officials, agents or representatives, which concerned LILCO's request to operate Shoreham at 25 percent power, any Federal Emergency Management Agency review of revisions to LILCO's emergency plan, any further exercise of LILCO's emergency plan, and any proposed procedures or schedules for any review or exercise of LILCO's emergency plan."

The Nuclear Regulatory Commission's response to this request is due on March 17, 1988. Please call me when the NRC's response is ready, so that I may send a messenger to pick it up.

Thank you for your assistance with this matter.

Sincerely,

*Lorraine C. Gibson*

Lorraine C. Gibson  
Paralegal

~~8809090169~~

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