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COUNTY OF SUFFOLK



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OFFICE OF THE COUNTY EXECUTIVE

MICHAEL A. LOGRANDE
SUFFOLK COUNTY EXECUTIVE

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

January 16, 1987

Mr. Victor Stello
Executive Director for Operations
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Stello:

On December 27, 1986, I took office as the Suffolk County Executive. I am writing in this capacity to correct two misstatements by you that were reported in the enclosed Newsday article of January 4, 1987.

First, you state that the problems concerning emergency planning for Shoreham "are all a direct result of the lack of participation by state and local governments." Your statement is unfounded and incorrect. The emergency planning problems at Shoreham are a direct result of the decision to construct the Shoreham plant where a nuclear power plant does not belong. That decision was made by LILCO and approved by the NRC. LILCO and the NRC are thus the ones responsible for the "problems" to which you allude.

Second, you state,

"If there was [sic] a real emergency, there is no doubt that those people pledged to help protect the public would follow LILCO's plan. I'm convinced they would do anything to protect the public, and that means following a structured plan. Unless they have a plan we don't know about, that means they would follow LILCO's plan."

Again, your statement is unfounded and incorrect.

Suffolk County has determined after extensive analyses that under no circumstances would it follow LILCO's emergency plan or work in concert with LILCO to effect an emergency response to an accident at Shoreham. For your information, enclosed are copies

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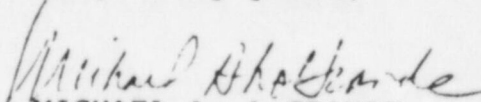
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of Suffolk County Resolution 111-1983 and the June 23, 1986 statement of the former Suffolk County Executive. These documents reflect the conscientiousness of the County and provide thoroughly considered bases for the County's determinations.

For the reasons elaborated in the enclosed documents, I emphasize that as County Executive, I would not use the authority or resources of this government to implement LILCO's emergency plan or to work in concert with LILCO to effect an emergency response to an accident at Shoreham. Suffolk County has found LILCO's plan to be unworthy and unworkable. The County would not, and could not, rely on such a discredited plan.

Moreover, in recent years LILCO has repeatedly demonstrated itself to possess poor and untrustworthy judgment. For example, after holding full hearings, the State Public Service Commission denied LILCO recovery of \$1.3 billion of Shoreham's costs because of LILCO's "imprudence" and "gross mismanagement" during construction of the plant. The County would not, and could not, rely on the guidance or advice of such a company in an emergency. If the County did, its citizens could not trust their own government.

Very truly yours,


MICHAEL A. LOGRANDE
Acting County Executive

MAL:fmn
Enclosures

LILCO Plan Changes Too Often: FEMA

By John McDonald

Changes are so frequent in the emergency plan for the Shoreham nuclear power plant that further reviews and exercises of it are "impractical, and an unwise use of limited resources," according to a high-ranking official of the Federal Emergency Management Agency.

In a letter to the Nuclear Regulatory Commission, Dave McLoughlin, FEMA's deputy associate director for state and local programs and support, said that the number of changes — and different proceedings before the NRC — "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." He added that FEMA will continue to provide witnesses for NRC hearings on the reviews it has completed. McLoughlin's letter accompanied the latest FEMA review of changes in the Long Island Lighting Co. plan.

Asked if the statement meant that FEMA would refuse to conduct further reviews of changes in the LILCO plan, FEMA spokesman Bob Blair declined to answer directly. "What we've expressed is frustration with the limited resources we have," he said.

LILCO officials said they did not find McLoughlin's statement to be a complaint about LILCO and referred further questions to FEMA and the NRC. LILCO spokesman Jim Lois said that the FEMA review is being studied by company officials and that many changes in the Shoreham plan are caused by "the political situation here."

Blair said the Shoreham licensing case was straining FEMA resources because "we find that the plan is changed before we even complete our review."

For example, in the latest review, LILCO received an adequate rating for having an agreement with a radio station willing to serve as the primary emergency broadcast station in the event of a Shoreham accident. But after LILCO submitted its revision for review, WALK radio dropped out of the plan, and a substitute has not been designated.

"There is no other case as complicated as this one," said Victor Stello, executive director for operations of the NRC, after receiving McLoughlin's letter and the FEMA review. The review found 15 "inadequacies," up from six found in the previous review in October 1985. The review a year earlier, in October 1984, found eight. The inadequacies in the latest review include LILCO's plan to monitor only drivers in automobiles for radiation rather than both drivers and passengers, and the lack of firm agreements with support agencies including the Nassau Chapter of the Red Cross.

The Shoreham licensing case is the first before the NRC to involve an emergency plan prepared by a utility. Such plans ordinarily are prepared by state and local government and reviewed by FEMA, which issues a finding on whether they provide adequate protection to the public.

LILCO submitted its emergency plan after the state and Suffolk County refused to participate in emergency planning. Because the courts have ruled that LILCO has no legal authority to implement its emergency plan, FEMA has said it cannot issue a finding on whether the plan would protect the public.

The NRC's Stello said the problems concerning emergency planning for Shoreham, including the stands taken by WALK and the Nassau Red Cross, "are all a direct result of the lack of participation by state and local governments. I find it difficult to understand. If there was a real emergency, there is no doubt that those people pledged to help protect the public would follow LILCO's plan. I'm convinced they would do anything to protect the public, and that means following a structured plan. Unless they have a plan we don't know about, that means they would follow LILCO's plan."

Gov. Mario Cuomo and former Suffolk County Executive Peter F. Cohan have submitted sworn statements to the NRC saying they would act to protect the public in a Shoreham accident, but not by following LILCO's plan, which they claim is unworkable and illegal.

Richard Kessel, executive director of the state Consumer Protection Board and a spokesman for Cuomo on the Shoreham issue said, "The problem is you can't evaluate Long Island no matter what the state and county were to do. The NRC is sitting in their ivory towers and evaluating a plan."

STATEMENT OF SUFFOLK COUNTY EXECUTIVE

PETER F. COHALAN

JUNE 23, 1986

I AM ISSUING THIS STATEMENT TO ENSURE THAT THERE ARE NO MISUNDERSTANDINGS OF MY POSITION WITH RESPECT TO THE SHOREHAM NUCLEAR POWER STATION. I AM PARTICULARLY MOTIVATED TO MAKE THIS STATEMENT BECAUSE LILCO HAS MISSTATED MY POSITION IN EFFORTS TO PERSUADE FEDERAL AGENCIES TO LICENSE SHOREHAM. LET THE RECORD BE CLEAR: I AM OPPOSED TO THE LICENSING OF SHOREHAM.

IN FACT, I HAVE NEVER SUPPORTED THE LICENSING OF SHOREHAM FOR COMMERCIAL OPERATION. ON MAY 30, 1985, I GAVE QUALIFIED SUPPORT ONLY TO A TEST OF LILCO'S EMERGENCY PLAN ON THE CONDITION THAT THERE WOULD BE PARTICIPATION OF THE SUFFOLK COUNTY GOVERNMENT. HOWEVER, ON JUNE 10, 1985, THE NEW YORK STATE SUPREME COURT, AND LATER THE APPELLATE DIVISION AND THE COURT OF APPEALS, RULED THAT I COULD NOT CHANGE COUNTY POLICY BY COMMITTING COUNTY PERSONNEL AND RESOURCES TO A TEST. IN RESPONSE, I WITHDREW MY MAY 30, 1985, POSITION, AND ON NOVEMBER 7, 1985, FORMALLY REQUESTED THE NUCLEAR REGULATORY COMMISSION NOT TO CONDUCT A TEST OF LILCO'S EMERGENCY PLAN.

ON FEBRUARY 13, 1986, OVER THE OBJECTIONS OF THE COUNTY LEGISLATURE AND MYSELF, LILCO CONDUCTED A TEST OF ITS EMERGENCY PLAN. I STATED THEN THAT THE EXERCISE AMOUNTED TO "THEATER OF

THE ABSURD." THE TEST WAS UNREALISTIC AND WAS CLEARLY DESIGNED TO CONVEY FALSE IMPRESSIONS OF LILCO'S COMPETENCE. WE ON LONG ISLAND WERE NOT DECEIVED; WE HAVE FIRST-HAND EXPERIENCE WITH LILCO'S LACK OF COMPETENCE -- LET'S NOT FORGET THE \$1.35 BILLION IMPRUDENCE FINDING AND LILCO'S RESPONSE TO HURRICANE GLORIA. I FEEL THAT THE ONLY SIGNIFICANT ASPECT OF THE FEBRUARY 13 TEST CAME AFTERWARD, WHEN THE REGIONAL DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FRANK PETRONE, ANNOUNCED THAT LILCO'S EMERGENCY PLAN DOES NOT PROVIDE REASONABLE ASSURANCE THAT THE PUBLIC WOULD BE PROTECTED IN THE EVENT OF A NUCLEAR ACCIDENT AT SHOREHAM. IN SHORT, MR. PETRONE, SAID SHOREHAM SHOULD NOT BE LICENSED TO OPERATE.

SINCE FEBRUARY 1983, IT HAS BEEN CLEAR TO SUFFOLK COUNTY THAT THE OPERATION OF SHOREHAM WOULD CREATE A POTENTIAL DISASTER FOR THE PUBLIC. AFTER EXTENSIVE AND COSTLY STUDIES, ANALYSES, AND SURVEYS, PUBLIC HEARINGS, AND A TRIP TO THE THREE MILE ISLAND VICINITY, THIS GOVERNMENT CONCLUDED THAT THE PUBLIC COULD NOT BE SAFELY EVACUATED OR OTHERWISE PROTECTED IF THERE WERE A SERIOUS ACCIDENT AT SHOREHAM. THE COUNTY GOVERNMENT, HAVING BEEN ESTABLISHED FOR THE PURPOSE OF PROTECTING THE PUBLIC'S WELFARE, THEREFORE, HAD ONLY TWO CHOICES: TELL THE PUBLIC THE TRUTH THAT THEY COULD NOT BE PROTECTED; OR DECEIVE THEM BY ADOPTING AN EMERGENCY PLAN THAT WOULD LULL THEM INTO BELIEVING THEY WERE BEING PROTECTED WHEN IN FACT THEY WERE NOT.

SUFFOLK COUNTY CHOSE WHAT IT WAS OBLIGATED TO DO: IN RESOLUTION 111-1983, IT TOLD ITS CITIZENS THE TRUTH. THUS, THE COUNTY RESOLVED NOT TO ADOPT OR IMPLEMENT AN EMERGENCY PLAN FOR SHOREHAM. THIS DECISION WAS UPHELD BY FEDERAL AND STATE COURTS. IT WAS ALSO UPHELD BY GOVERNOR CUOMO AFTER EXTENSIVE ANALYSES BY THE MARBURGER COMMISSION.

UNFORTUNATELY, LILCO HAS REFUSED TO ACCEPT THE FACT THAT SHOREHAM SHOULD NOT OPERATE. FOR INSTANCE, AFTER RESOLUTION 111-1983, WAS ADOPTED, THE COUNTY INFORMED THE NRC OF OUR ACTION, AND ASKED THAT AGENCY TO APPLY ITS REGULATIONS BY DENYING LILCO A LICENSE TO OPERATE SHOREHAM. AT LILCO'S URGING, THE NRC REJECTED OUR REQUEST AND, INSTEAD, STARTED A 3-YEAR CONTORTED PROCESS OF GIVING LILCO CHANCE-AFTER-CHANCE TO CONCOCT A SCHEME BY WHICH TO LICENSE THE PLANT.

AT THE SAME TIME, LILCO LOBBIED TO ENLIST FEDERAL OFFICIALS TO SUPPORT LICENSING SHOREHAM. LILCO'S SUCCESSES PEAKED LAST YEAR WHEN PRESIDENT REAGAN'S SECRETARY OF ENERGY ANNOUNCED THAT SHOREHAM SHOULD BE LICENSED TO OPERATE OVER THE OBJECTIONS OF SUFFOLK COUNTY AND NEW YORK STATE. HE DID THIS IN THE FACE OF THE PRESIDENT'S OWN POLICY ON SHOREHAM, WRITTEN OCTOBER 11, 1984, THAT THE REAGAN ADMINISTRATION DOES NOT FAVOR THE IMPOSITION OF FEDERAL AUTHORITY AT SHOREHAM OVER THE OBJECTIONS OF NEW YORK STATE AND SUFFOLK COUNTY.

I HAVE RECITED THIS BRIEF HISTORY TO BRING THE SHOREHAM SITUATION UP TO DATE. BY NOW, EVERY FAIR-MINDED PERSON MUST REALIZE THAT SAFE EVACUATION OF THE PUBLIC WOULD NOT BE POSSIBLE IF THERE WERE A SERIOUS NUCLEAR ACCIDENT AT SHOREHAM. THE OVERWHELMING MAJORITY OF SUFFOLK COUNTY'S RESIDENTS AND ALMOST EVERY LONG ISLAND ELECTED OFFICIAL ARE OPPOSED TO THE LICENSING OF SHOREHAM. AND BOTH THE NRC'S LICENSING AND APPEAL BOARD'S HAVE REJECTED LILCO'S BID FOR A LICENSE. BUT DESPITE ALL OF THIS, THE CASE IS NOT OVER. WHY IS THAT?

THE REASON IS THAT LILCO PERSISTS IN TRYING TO LICENSE SHOREHAM AND IS NOW ORCHESTRATING THE BIGGEST DECEPTION OF ALL: EVEN THOUGH THE NEW YORK STATE SUPREME COURT AND THE NRC'S LICENSING AND APPEAL BOARDS HAVE RULED THAT LILCO CANNOT IMPLEMENT ITS EMERGENCY PLAN, THE NUCLEAR REGULATORY COMMISSION, AT LILCO'S URGING, IS CONSIDERING A LILCO REQUEST TO LICENSE SHOREHAM WITHOUT THERE BEING ANY IMPLEMENTABLE EMERGENCY PLAN. THIS IS A PRESCRIPTION FOR DISASTER. IN THE WAKE OF CHERNOBYL, IT IS A RECKLESS DISREGARD FOR THE SAFETY OF THE RESIDENTS OF LONG ISLAND.

SPECIFICALLY, LILCO IS PRESSING THE NRC TO LICENSE SHOREHAM ON THE BASIS OF A FICTION IT HAS CREATED AND DUBBED "REALISM." THIS FICTION GOES ON AS FOLLOWS: SHOREHAM SHOULD BE LICENSED EVEN THOUGH THERE IS NO IMPLEMENTABLE EMERGENCY PLAN, BECAUSE IF THE PLANT WERE LICENSED AND IF THERE WERE AN ACCIDENT AT

SHOREHAM, THE STATE AND COUNTY WOULD IN REALITY ACT IN RESPONSE TO THE ACCIDENT AND THIS AD HOC "RESPONSE" WOULD SOMEHOW PROTECT THE PEOPLE. LILCO ARGUES THAT THIS SET OF HYPOTHETICALS WOULD COMPLY WITH THE NRC'S REGULATIONS AND PROVIDE A BASIS FOR THE LICENSING OF SHOREHAM. IT WOULD NOT. LILCO'S FICTION IS ILLEGAL AND ILLOGICAL; IT IS BORN OF CYNICISM AND INDIFFERENCE TO THE PUBLIC'S SAFETY.

FIRST, LILCO'S FICTION RETRIEVES THE DISCREDITED THEORY ON WHICH THE NRC LICENSED NUCLEAR PLANTS BEFORE THE THREE MILE ISLAND ACCIDENT. THEN, THERE WAS NO PRE-PLANNING OR INTEGRATED PLANNING REQUIRED FOR STATE AND LOCAL GOVERNMENTS WITH THE UTILITY. THE NRC SIMPLY ASSUMED THAT IF THERE WERE AN ACCIDENT, THE GOVERNMENTS WOULD KNOW HOW TO ACT ALONE AND WITH OTHERS IN RESPONSE. THE THREE MILE ISLAND ACCIDENT PROVED THIS ASSUMPTION TO BE WRONG. FOLLOWING THREE MILE ISLAND, CONGRESS PASSED LAWS AND THE NRC MADE REGULATIONS THAT REQUIRE PRE-PLANNING AND INTEGRATED PREPAREDNESS. THERE IS NO PRE-PLANNING OR INTEGRATED PREPAREDNESS AT SHOREHAM.

SECOND, LILCO'S FICTION PRESUMES THAT STATE AND LOCAL GOVERNMENTS NOT ONLY WOULD RESPOND TO AN ACCIDENT, BUT THAT THEIR RESPONSE WOULD WORK TO PROTECT THE PUBLIC. THUS, LILCO CLAIMS, THE PUBLIC WOULD BE PROTECTED EVEN THOUGH THE GOVERNMENTS HAVE NO

PRE-PLANNING, OR KNOWLEDGE OF INVENTORY OF AVAILABLE RESOURCES, NO PERSONNEL READINESS, AND NO TRAINING. SUCH A PRESUMPTION IS UNFOUNDED; FARCICAL AT BEST.

THIRD, LILCO'S FICTION PORTRAYS SUFFOLK COUNTY ACTING IN CONCERT WITH LILCO IF THERE WERE AN ACCIDENT AT SHOREHAM. HOWEVER, COUNTY LAW PROHIBITS COUNTY PERSONNEL FROM IMPLEMENTING LILCO'S EMERGENCY PLAN. EVEN IF IT DID NOT, THE COUNTY COULD NOT RESPONSIBLY ACT IN CONCERT WITH LILCO AND ITS EMERGENCY PLAN. THE COUNTY'S STUDIES, ANALYSES, AND SURVEYS, TOGETHER WITH OUR DAY-TO-DAY EXPERIENCES ON LONG ISLAND WITH THE LIMITED ROAD NETWORK AND THE CONFINED GEOGRAPHY, HAVE CONVINCED US THAT SAFE EVACUATION OF THE PUBLIC IS NOT POSSIBLE IN A SHOREHAM ACCIDENT. LILCO'S EMERGENCY PLAN IS A GUIDELINE FOR TRAFFIC-JAM GRIDLOCK AND AN IMMOBILIZED EVACUATION WHERE HUNDREDS OF THOUSAND OF LONG ISLAND'S RESIDENTS WOULD BE TRAPPED TO ABSORB THE RADIATION THEY SOUGHT TO FLEE. THIS COUNTY WOULD NOT ACT IN CONCERT WITH SUCH A GUIDELINE FOR DISASTER.

FOURTH, LILCO'S FICTION RESTS ON THE SURMISE THAT THE COUNTY WOULD HAVE CONFIDENCE IN LILCO, OR THAT IT WOULD RELY ON LILCO BECAUSE THERE WOULD BE NO ONE ELSE ON WHICH TO RELY. THIS IS FALSE. THERE IS NO CORPORATION ON LONG ISLAND WITH SO LOW A STANDING WITH THE PUBLIC AND LOCAL GOVERNMENTS AS LILCO. THERE IS EVEN A STRONG AND CREDIBLE EFFORT TODAY TO EFFECT A PUBLIC

TAKEOVER OF THIS COMPANY. IN AN EMERGENCY OR OTHERWISE, THE PUBLIC AND THE COUNTY GOVERNMENT WOULD HAVE NO CONFIDENCE IN LILCO. WE COULD NOT, AND WOULD NOT, LOOK TO SUCH A DISCREDITED SOURCE FOR GUIDANCE OR ASSISTANCE IN A NUCLEAR ACCIDENT. INDEED, LILCO WOULD BE THE OBJECT OF THE PUBLIC'S WRATH BECAUSE IT CAUSED THE ACCIDENT. IT WOULD BE THE ENTITY WHICH STEAMROLLED SHOREHAM INTO OPERATION OVER THE PUBLIC AND GOVERNMENTS' OBJECTIONS. IN SUCH CIRCUMSTANCES, IT WOULD BETTER SERVE THE PUBLIC'S INTEREST TO ACT ALONE THAN TO ENTRUST THE PUBLIC WEAL TO MORE OF LILCO'S POOR JUDGMENTS.

MOREOVER, LILCO'S RESPONSE TO HURRICANE GLORIA LAST OCTOBER LIVES INDELIBLY AS A LESSON TO EVERYONE ON LONG ISLAND. IN THE POTENTIALLY CATASTROPHIC CIRCUMSTANCES OF A NUCLEAR ACCIDENT, WE WOULD NEVER RELY UPON OR ACT IN CONCERT WITH A COMPANY THAT COULD NOT EVEN PUT THE LIGHTS BACK ON FOR DAYS.

FIFTH, LILCO'S FICTION HAS PROMPTED THE COMPANY TO EXTEND ITS PLEAS FOR LICENSING SHOREHAM TO SHAMEFUL LIMITS. ON JUNE 11, 1986, LILCO'S COUNSEL WROTE THE NRC, CLAIMING THAT STATE LAW REQUIRES THE COUNTY TO TAKE ACTIONS IN AN EMERGENCY THAT PURPORTEDLY WOULD JUSTIFY THE NRC PUTTING SHOREHAM INTO OPERATION. THIS CLAIM MISSTATES THE LAW. IT WOULD NEVER BE "APPROPRIATE" OR "NECESSARY" FOR THE COUNTY TO TAKE ACTIONS IN PURSUIT OF LILCO'S ILLEGAL EMERGENCY PLAN.

FINALLY, IN THE SAME LETTER OF JUNE 11, LILCO ENSHRINES ITS FICTION WITH THE FOLLOWING WORDS: "...THE LILCO PLAN PROVIDES A BASIS FOR A PRIVATE/GOVERNMENTAL PARTNERSHIP THAT COULD AND WOULD BE EFFECTIVE TO PROTECT THE PUBLIC IN A REAL EMERGENCY, WHEN POLITICAL POSTURING WOULD BE ABANDONED AND THE SAFETY OF THE PUBLIC WOULD BE GIVEN PARAMOUNT IMPORTANCE." THIS IS MORE FANTASY. I REITERATE WHAT IS IN ESSENCE STATED ABOVE: NEITHER SUFFOLK COUNTY NOR I AS COUNTY EXECUTIVE HAS ANY "PARTNERSHIP" WITH LILCO; THERE IS NO "BASIS FOR A PRIVATE/GOVERNMENTAL PARTNERSHIP" OF ANY KIND WITH LILCO; THE COUNTY HAS NO CONFIDENCE OR TRUST IN LILCO; AND IN AN EMERGENCY, THE COUNTY WOULD GIVE NO CREDENCE TO LILCO OR ITS PLAN AND WOULD NOT WORK IN CONCERT WITH LILCO. INDEED, IN AN EMERGENCY, THE PUBLIC OF SUFFOLK COUNTY -- SHOWN BY RESPECTED POLLS TO OPPOSE SHOREHAM BY MORE THAN 75 PERCENT -- COULD NOT TRUST THEIR OWN GOVERNMENTS OFFICIALS IF WE, IN TURN, LOOKED TO THE DISCREDITED LILCO FOR GUIDANCE OR ADVICE.

TO MAKE CERTAIN THAT LILCO'S MISCHARACTERIZATIONS OF MY POSITION ARE BROUGHT TO AN END, I SHALL TRANSMIT A COPY OF THIS STATEMENT TO LILCO, THE NRC, AND FEMA. I SHALL ALSO EXPRESSLY NULLIFY MY JUNE 26, 1985 LETTER TO LILCO'S COUNSEL AND SHALL RESCIND EXECUTIVE ORDER 2-1985. BOTH OF THESE DOCUMENTS HAVE EFFECTIVELY BEEN NULLIFIED BY EARLIER ACTIONS; HOWEVER, LILCO'S PERSISTENT MISSTATEMENTS (SUCH AS IN ITS JUNE 11 LETTER) PROMPT ME TO CLEAR THE SLATE SO THAT NO PERSON CAN CONCOCT FURTHER

FICTIONS. I AM ALSO DESIGNATING CHIEF DEPUTY COUNTY EXECUTIVE FRANK JONES, AS MY REPRESENTATIVE, TO FOLLOW THESE MATTERS AND TO COORDINATE AS NECESSARY AND APPROPRIATE WITH THE COUNTY LEGISLATURE AND WITH THE ATTORNEYS HANDLING SHOREHAM MATTERS.

LILCO HAS LOBBIED IN WASHINGTON AND ELSEWHERE TO CHARACTERIZE SHOREHAM AS A LITMUS TEST FOR NUCLEAR POWER. THUS, LILCO SEEKS TO TRANSFORM THE SHOREHAM CASE INTO THE SHOREHAM CAUSE. THIS IS A DECEPTION. SUFFOLK COUNTY IS NOT ANTI-NUCLEAR, AND WE HAVE NO SUCH POLICY. INDEED, BROOKHAVEN NATIONAL LABORATORY IS IN OUR MIDST. THE COUNTY IS SIMPLY IN FAVOR OF DOING WHAT WE WERE ELECTED BY OUR CITIZENS TO DO: TO PROTECT THEIR WELL-BEING AND TO BE TRUTHFUL. LILCO DOES NOT LIKE THIS, BECAUSE THE RESULT PUTS THE COUNTY AGAINST THE MISTAKE LILCO MADE AT SHOREHAM. BUT IN A DEMOCRACY, THE PUBLIC GOOD CANNOT BE DISREGARDED. SHOREHAM IS A MISTAKE; GOVERNMENT SHOULD NOT COMPOUND THE MISTAKE OF HAVING PERMITTED SHOREHAM TO BE BUILT WITH THE MISTAKE OF LETTING SHOREHAM OPERATE.

THE SHOREHAM CONTROVERSY HAS OVER THE PAST FOUR YEARS GROWN TO CONFLICT AND CONFRONTATION. THIS IS NOT SOMETHING WE RELISH. TO STEP BACK FROM THE TRENCHES AND VIEW THE BROADER SCALE, ONE CAN ONLY WISH THAT LILCO HAD SEIZED THE OPPROTUNITY TO ABANDON SHOREHAM IN 1983 OR EVEN SOONER, WHEN THE INVESTMENT WAS BILLIONS LESS. WE WOULD STILL WELCOME SUCH A LILCO DECISION TODAY.

BUT, THE FACT IS THAT WE HAVE A FIGHT ON OUR HANDS. LILCO REMAINS BLIND TO THE REALITY WHY SHOREHAM SHOULD NOT OPERATE. TO LILCO, CHERNOBYL NEVER HAPPENED, FEMA'S REGIONAL DIRECTOR NEVER RESIGNED OVER SHOREHAM, THE WHITE HOUSE CHIEF OF STAFF NEVER ADMITTED LONG ISLAND CANNOT BE EVACUATED, SUFFOLK COUNTY DID NOT WIN COURT VICTORIES UPHOLDING THE LEGALITY OF THE COUNTY'S POLICIES ON SHOREHAM, AND LONG ISLAND'S GEOGRAPHY IS NO DIFFERENT FROM ANYWHERE ELSE. INDEED, LILCO IS EVEN IMPERVIOUS TO THE OUTPOURING OF OPPOSITION TO SHOREHAM FROM EVERY CORNER OF LONG ISLAND. VIRTUALLY EVERY ELECTED OFFICIAL OPPOSES SHOREHAM, THE GOVERNOR OPPOSES SHOREHAM, AND THE PUBLIC OVERWHELMINGLY OPPOSES SHOREHAM.

I REMAIN CONFIDENT THAT SUFFOLK COUNTY WILL PREVAIL. WE ARE RIGHT, AND WE HAVE THE PUBLIC'S UNYIELDING SUPPORT. THE REASON IS THAT A BASIC TRUTH HAS DRIVEN THIS COUNTY FROM THE START: IT WOULD NOT BE POSSIBLE TO EVACUATE OR OTHERWISE PROTECT THE PUBLIC IF THERE WERE A SERIOUS NUCLEAR ACCIDENT AT THE SHOREHAM PLANT. SHOREHAM SHOULD NOT OPEN.

Introduced by Legislators Wehrenberg, Caracappa, D'Andre, Geise, Allgrove, Bachet Prospect, Foley, Nolan, Blass, Rizzo, LaBua, Devine, Hariton, Beck

RESOLUTION NO. 111 - 1983, CONSTITUTING THE FINDINGS AND DETERMINATIONS OF SUFFOLK COUNTY ON WHETHER A LEVEL OF EMERGENCY PREPAREDNESS TO RESPOND TO A RADIOLOGICAL ACCIDENT AT THE SHOREHAM NUCLEAR POWER STATION CAN PROTECT THE HEALTH, WELFARE AND SAFETY OF THE RESIDENTS OF SUFFOLK COUNTY

WHEREAS, Suffolk County has a duty under the Constitution of the State of New York, the New York State Municipal Home Rule Law, and the Suffolk County Charter to protect the health, safety, and welfare of the residents of Suffolk County; and

WHEREAS, the Long Island Lighting Company ("LILCO") is constructing and desires to operate the Shoreham Nuclear Power Station ("Shoreham"), located on the north shore of Long Island near the town of Wading River, a location which is within the boundaries of Suffolk County; and

WHEREAS, a serious nuclear accident at Shoreham could result in the release of significant quantities of radioactive fission products; and

WHEREAS, the release of such radiation would pose a severe hazard to the health, safety, and welfare of Suffolk County residents; and

WHEREAS, in recognition of the effects of such potential hazard posed by Shoreham on the duty of Suffolk County to protect the health, safety, and welfare of its citizens, this Legislature on March 23, 1982, adopted Resolution No. 262-1982, which directed that Suffolk County prepare a "County Radiological Emergency Response Plan to serve the interest of the safety, health, and welfare of the citizens of Suffolk County .."; and

WHEREAS, in Resolution 262-1982, the Legislature determined that the plan developed by the County "shall not be operable and shall not be deemed adequate and capable of being implemented until such time as it is approved by the Suffolk County Legislature"; and

WHEREAS, in adopting Resolution 262-1982, the Legislature found that earlier planning efforts by LILCO and County planners (the "original planning data") were inadequate because they failed to address the particular problems posed by conditions on Long Island and further failed to account for human behavior during a radiological emergency and the lessons of the accident at Three Mile Island; and

WHEREAS, on March 29, 1982, Peter F. Cohalan, Suffolk County Executive, acting to implement Resolution 262-1982, by Executive Order established the Suffolk County Radiological Emergency Response Plan Steering Committee ("Steering Committee") and directed it to prepare a County plan for submittal to the County Executive and County Legislature; and

WHEREAS, the Steering Committee assembled a group of highly qualified and nationally recognized experts from diverse disciplines to prepare such County plan; and

WHEREAS, such highly qualified experts worked in a diligent and conscientious effort at a cost in excess of \$500,000 to prepare the best possible plan for Suffolk County, and particularly to ensure that such plan took into account all particular physical and behavioral conditions on Long Island that affect the adequacy of the emergency response plan; and

WHEREAS, the analyses, studies, and surveys of such experts included:

- (a) Detailed analyses of the possible releases of radiation from Shoreham;
- (b) Detailed analyses of the radiological health consequences of such radiation release on the population of Suffolk County, given the meteorological, demographic, topographical, and other specific local conditions on Long Island;
- (c) A detailed social survey of Long Island residents to determine and assess their intended behavior in the event of a serious accident at Shoreham;
- (d) A detailed survey of school bus drivers, volunteer firemen, and certain other emergency response personnel to determine whether emergency personnel intend to report promptly for emergency duties, or instead to unite with their own families, in the event of a serious accident at Shoreham;
- (e) Detailed estimates of the number of persons who would be ordered to evacuate in the event of a serious accident at Shoreham, as well as the number of persons who intend to evacuate voluntarily even if not ordered to do so;
- (f) Detailed analyses of the road network in Long Island and the time required to evacuate persons from areas affected by radiation releases;
- (g) Detailed analyses of the protective actions available to Suffolk County residents to evacuate or take shelter from such radiation releases; and
- (h) Analysis of the lessons learned from the accident at Three Mile Island on local government responsibilities to prepare for a radiological emergency; and

WHEREAS, on May 10, 1982, LILCO, without the approval or authorization of the Suffolk County Government, submitted to the New York State Disaster Preparedness Commission ("DPC") two volumes entitled "Suffolk County Radiological Emergency Response Plan" and containing the original planning data, as further revised and supplemented by LILCO, and requested the DPC to review and approve such LILCO submittal as the local radiological emergency response plan for Suffolk County; and

WHEREAS, in Resolutions 456-1982 and 457-1982, the County further addressed the matter of preparing for a radiological emergency at Shoreham and emphasized that:

- (a) The LILCO-submitted document was not and will not be the County's Radiological Emergency Response Plan; and

(b) The County's Radiological Emergency Response Planning Policy, as enunciated in Resolution 456-1982, is as follows:

Suffolk County shall not assign funds or personnel to test or implement any radiological emergency response plan for the Shoreham Nuclear Plant unless that plan has been fully developed to the best of the County's ability.

Suffolk County shall not assign funds or personnel to test or implement any radiological emergency response plan for the Shoreham Nuclear Plant unless that plan has been subject of at least two public hearings, one to be held in Riverhead, and one to be held in Hauppauge.

Suffolk County shall not assign funds or personnel to test or implement any radiological emergency response plan for the Shoreham Nuclear Plant unless that plan has been approved, after public hearings, by the Suffolk County Legislature and the County Executive; and

WHEREAS, on June 9, 1982, the DPC rejected the LILCO-submitted document for the reason that it was deficient; and

WHEREAS, on October 6, 1982, LILCO, again without the approval or authorization of the Suffolk County Government, submitted to the DPC an amended version of the previously submitted LILCO document which had been rejected by the DPC; and

WHEREAS, on December 2, 1982, the Draft County Radiological Emergency Response Plan authorized by Resolution 262-1982 was submitted to the County Legislature for review and public hearings as specified in Resolutions 262-1982, 456-1982, and 457-1982; and

WHEREAS, in January 1983, the Legislature held hearings on the Draft County plan, which hearings included:

- (a) More than 1,590 pages of transcripts;
- (b) Detailed written statements and oral testimony of County expert consultants who prepared the Draft County plan;
- (c) Detailed written statements and oral testimony of LILCO officials and expert consultants retained by LILCO;
- (d) Detailed written statements and oral testimony of the Suffolk County Police Department, the County Health Department, the County Social Services department, and the County Public Works Department, all of which would have indispensable roles in responding to a radiological emergency at Shoreham;
- (e) Detailed written statements and oral testimony of organizations in Suffolk County concerned with radiological emergency preparedness; and
- (f) Extensive presentations by hundreds of members of the general public; and

WHEREAS, members of the Legislature also travelled to and held public hearings in the vicinity of the Three Mile Island Nuclear Power Plant to gain information on the lessons to be learned by local governments from the accident at Three Mile Island; and

WHEREAS, the Draft County plan identifies evacuation and protective sheltering as the two primary protective actions which would need to be implemented in the event of a serious accident at Shoreham; and

WHEREAS, evacuation of Suffolk County residents in the event of a radiological emergency could take as much time as 14-30 hours because of various factors, including: the limited number of appropriate evacuation routes in Suffolk County; difficulties in mobilizing police and other emergency personnel; difficulties ensuing from spontaneous evacuation of large numbers of County residents, thus creating severe traffic congestion; and unavailability of alternate evacuation routes for persons residing east of Shoreham and thus the necessity for such persons during an evacuation to pass by the plant and possibly through the radioactive plume; and

WHEREAS, evacuation times in excess of 10 hours -- and certainly evacuation times in the range of 14-30 hours -- will result in virtual immobilization of evacuation and high exposure of evacuees to radiation such that evacuees' health, safety, and welfare would not be protected; and

WHEREAS, protective sheltering is designed to protect persons from excessive radiation exposure by such persons staying indoors until radiation with the greatest danger to health has passed; and

WHEREAS, if protective sheltering were ordered for Suffolk County residents, unacceptable radiation exposure would still be experienced by substantial portions of the Suffolk County population, thus making it impossible to provide for the health, welfare, and safety of these residents; and

WHEREAS, the document submitted by LILCO to the DPC without County approval or authorization is deficient because it does not deal with the actual local conditions, physical and behavioral, on Long Island that would be encountered during a serious nuclear accident at Shoreham; and

WHEREAS, the document submitted by LILCO to the DPC without County approval or authorization does not ensure that effective protective action by persons subject to radiation exposure, in the form of evacuation or sheltering, would be taken in event of a serious nuclear accident at Shoreham, and thus such document, even if implemented, would not protect the health, safety, and welfare of Suffolk County residents; and

WHEREAS, the extensive data which the Legislature has considered make clear that the site-specific circumstances and actual local conditions existing on Long Island, particularly its elongated east/west configuration which requires all evacuation routes from locations east of the plant to pass within a zone of predicted high radiation, the ineffectiveness of protective sheltering, the severe traffic congestion likely to be experienced if a partial or complete evacuation were ordered, and the difficulties in ensuring that emergency personnel will promptly report for emergency duties, preclude any emergency response plan, if implemented, from providing adequate preparedness to protect the health, welfare, and safety of Suffolk County residents; now, therefore, be it

4 RESOLVED, that the Draft County plan submitted to the County Legislature on December 2, 1982, if implemented, would not protect the health, welfare, and safety of Suffolk County residents and thus is not approved and will not be implemented; and be it further

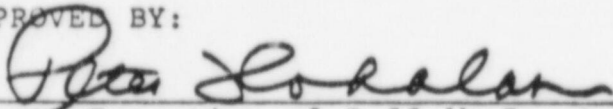
RESOLVED, that the document submitted by LILCO to the DPC without the County approval or authorization, if implemented, would not protect the health, welfare, and safety of Suffolk residents and thus will not be approved and will not be implemented; and be it further

RESOLVED, that since no local radiological emergency response plan for a serious nuclear accident at Shoreham will protect the health, welfare, and safety of Suffolk County residents, and since the preparation and implementation of any such plan would be misleading to the public by indicating to County residents that their health, welfare, and safety are being protected when, in fact, such is not the case, the County's radiological emergency planning process is hereby terminated, and no local radiological emergency plan for response to an accident at the Shoreham plant shall be adopted or implemented; and be it further

RESOLVED, that since no radiological emergency plan can protect the health, welfare, safety of Suffolk County residents and, since no radiological emergency plan shall be adopted or implemented by Suffolk County, the County Executive is hereby directed to take all actions necessary to assure that actions taken by any other governmental agency, be it State or Federal, are consistent with the decisions mandated by this Resolution.

DATED: February 17, 1983

APPROVED BY:


County Executive of Suffolk County

Date of Approval: 2/23/83

January 23, 1987

DOCKETED
USNRC

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Atomic Safety and Licensing Board

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,)
Unit 1))

Docket No. 50-322-OL-5
(EP Exercise)

CERTIFICATE OF SERVICE

I hereby certify that copies of the letter (with its enclosures) from Michael A. LoGrande, Acting County Executive, County of Suffolk, to Victor Stello, Executive Director for Operations, U.S. Nuclear Regulatory Commission have been served on the following this 23rd day of January 1987 by U.S. mail, first class.

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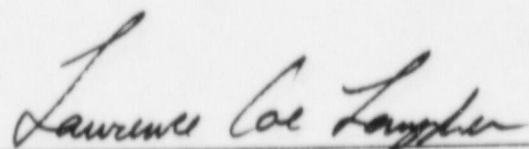
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