



JUNE 9 1981

Docket 50-361
RSB-016

Dockets 50-361/362
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Mr. John J. Kearns, Deputy Director
Office of Emergency Services
Post Office Box 9577
Sacramento, California 95823

Dear Mr. Kearns:

In your May 8, 1981 letter, and in our discussion on May 18, 1981, regarding the Radiological Emergency Planning and Preparedness for the San Onofre Nuclear Facility, you raised a number of issues. It is my view that satisfactory resolution of these issues is critical to our responsibility for assuring that the health and safety of the public is protected in the event of an accident at the facility.

When NRC and FEMA negotiated the November 1, 1980 Memorandum of Understanding, it was done with the knowledge that each Agency had different statutory, regulatory and executive authorities which must not be encumbered. For this reason, the following paragraph was included under the responsibilities of FEMA:

"To make findings and determinations as to whether State and local emergency plans are adequate and capable of implementation (e.g., adequacy and maintenance of procedures, training, resources, staffing levels and qualifications and equipment adequacy). Notwithstanding the procedures which may be set forth in 44 CFR 350 for requesting and reaching a FEMA administrative approval of State and local plans, findings and determinations on the current status of emergency preparedness around particular sites may be requested by the NRC through the NRC/FEMA Steering Committee and provided by FEMA for use as needed in the NRC licensing process. These findings and determinations may be based upon plans currently available to FEMA or furnished to FEMA by the NRC."

What is implied in this paragraph is that NRC, as a regulatory agency must, as a matter of law, respond to applications for licenses in the most expeditious manner consistent with the safety and environmental and financial judgements that must be made in order to assure that the health and safety of the public is protected. This is a public process, as you know, that is meticulous in every respect and requires the input of numerous professional disciplines. A substantial body of laws, regulations and guides are in place that must be adhered to at all levels in the review process.

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The FEMA review process described in 44 CFR 350 (proposed) is administrative in nature and therefore not a requirement for inclusion in the NRC licensing process. While the completion of the FEMA process would be desirable before the completion of the NRC regulatory process, it is not mandatory. FEMA, consistent with President Carter's December 7, 1979 statement that directed them to take the lead in offsite plans and preparedness around nuclear power reactor sites, will provide NRC with its judgment on the current status of preparedness around a particular site when it is needed for the NRC licensing process irrespective of the status of their review under the proposed regulation. Notwithstanding the FEMA judgment, NRC is required to make the overall finding on the adequacy of emergency plans and preparedness both onsite and offsite. This information is necessary for the Atomic Safety and Licensing Board hearing on San Onofre which is scheduled to begin on June 22, 1981.

It is my understanding that FEMA has not yet initiated their formal review of the offsite plans in support of the San Onofre facility because they have not yet been submitted by the State and the affected local jurisdictions. I urge you to provide FEMA with the appropriate plans as soon as possible in order that their formal process can begin.

The invoking of the MOU is not an extraordinary step that is unique to this facility. Over the last few months, NRC has requested FEMA, under the MOU, to provide findings and determinations for a number of other facilities across the country. In fact, the procedure has become the predominant mechanism by which FEMA provides NRC the status of offsite planning and preparedness.

I therefore believe that it would be counterproductive to reverse our request to FEMA for findings and determinations under the MOU. I believe that the FEMA administrative process under the proposed rule is useful and encourage the State of California to expedite and submit the plans to FEMA for formal review as provided for in Section 350.7 of the proposed rule.

I am concerned about your statement that your office has received no cooperation from Southern California Edison or from the counties. It was my impression, based on our meeting in October in El Segundo, California, that all of the parties would work together, and have had no other indication since then that this was not the case. Since planning and preparedness must be a coordinated effort of all response organizations, we will discuss this matter with Southern California Edison. There also seems to be a difference in understanding as to how "formal" was the submittal of the county plans to the State, which I understand occurred in February. With respect to NRC cooperation with the Office of Emergency Services, I believe that we have, over the last few years, established an operational rapport that has been useful to our mutual goals. We have continued to support State involvement. However, in the shift of responsibilities from NRC to FEMA for offsite preparedness, the frequency of our communications has understandably diminished.

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It goes without saying, of course, that we are available at any time to discuss any of the issues associated with the subject at hand.

I believe that I understand your position relative to the planning process. It seems to me that perhaps underlying your concerns is the matter of the size of the Emergency Planning Zones and whether these need to be larger for California plants. As you know, we believe that the 10 and 50 mile distances are adequate to form a planning base. (As I have indicated before we have no objection to laying explicit plans for farther distances should offsite authorities choose to expend resources for this purpose.) As a result of our discussions on the risk studies performed for the State of California, I believe that one of the most important differences between the California studies and NUREG-0396 (the basis for the EPZ's) was the California assumption that no protective actions would be taken offsite for 7 days for those individuals in local areas of high radiation after cloud passage where explicit plans had not been laid. I believe that if a more realistic (shorter) exposure time were chosen for the analysis, your conclusions on zone sizes would be entirely compatible with those of NUREG-0396.

I appreciate the State's involvement in the May 13, 1981 exercise and agree with you that the exercise should provide information on where more work is needed to perfect the plans.

Sincerely,

Original Signed by

Brian K. Grimes

Brian K. Grimes, Director
Division of Emergency Preparedness
Office of Inspection and Enforcement

cc: J. Dickey, FEMA
K. Baskin, SCE

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