

DEC 28 1983

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

FROM: Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

SUBJECT: THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) SUPPORT
FOR THE NUCLEAR REGULATORY COMMISSION (NRC) LICENSING OF
SHOREHAM NUCLEAR STATION

As promised in my December 22, 1983 memorandum to you, I am transmitting herewith one copy of the Long Island Lighting Company's Revision 3 to the LILCO Transition Plan for Shoreham. LILCO informs us that they have transmitted 15 copies of Revision 3 to your Regional RAC Chairman. LILCO has also stated that this Revision does not make significant changes but rather sets forth matters of modification and clarification.

We thank you for your continued support and look forward to receiving your report on February 1, 1984 as previously agreed.

Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

Enclosure: As stated

cc w/o encl:
D. Eisenhut, NRR
T. Novak, NRR
E. Christenbury, ELD
E. Reis, ELD
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J. Allan, RI

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Memo to Krimm on content of Rev 3

Federal Emergency Management Agency

Washington, D.C. 20472

DEC 22 1983

MEMORANDUM FOR: Edward L. Jordan
Director, Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement
U.S. Nuclear Regulatory Commission

FROM: *Richard W. Krimm*
Richard W. Krimm
Assistant Associate Director
Office of Natural and Technological
Hazards Programs

SUBJECT: Regional Assistance Committee (RAC) Review of Long Island
Lighting Company (LILCO) Transition Plan for the Shoreham
Nuclear Power Station

On October 27, 1983, the Federal Emergency Management Agency (FEMA) asked for an extension of 60 days (i.e., until February 1, 1984) to complete a thorough, detailed RAC review of Revision 1 of the LILCO Transition Plan for the Shoreham Nuclear Power Station. Via your memorandum of November 10, 1983, the Nuclear Regulatory Commission (NRC) granted that extension but requested that FEMA include Revision 2 in the RAC review. This had already been delivered to RAC members. In addition, via a letter of December 8, 1983, from Hunton and Williams, legal counsel for LILCO, FEMA received an amended list of effective pages of Revision 2. Finally, on December 14, 1983, FEMA was notified by Hunton and Williams that Revision 3 of the plan would be received during the week of December 19, 1983.

FEMA will make every effort to complete the review of the LILCO Transition Plan including Revisions 2 and 3 as close to February 1, 1984 as possible provided we receive the required material from LILCO no later than January 3, 1984. However, based on a preliminary examination of Revision 2 and preliminary information on Revision 3, some additional time beyond the originally projected date of February 1, 1984, will probably be needed to assure a comprehensive analysis of the plans by a full RAC review. In order to give FEMA's analysis and finding to NRC as soon as possible, we will need prompt distribution of the collated LILCO Transition Plan to all RAC members no later than January 3, 1984, including Revision 3, with appropriate cross-references to NUREG-0654. It is our understanding that LILCO intends to provide FEMA and the RAC members with comprehensive plans that incorporate both Revisions 2 and 3. Upon receipt of these plans and the cross-referencing mentioned below, a full, independent RAC review will begin.

In the interest of efficiency and effective utilization of RAC members and FEMA's resources, we request that the utility also prepare a matrix which identifies page changes affected by each revision of the plan with references to NUREG-0654. This matrix should be updated with each revision that is submitted in order to provide all reviewers with a chronological record of changes that have been affected. This matrix will facilitate quick reference to specific pages and allow reviewers to more readily assess the quality and effect of the changes that have been instituted as the plan and procedures have evolved to their current status. The suggested format is provided in the Attachment 1.

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In addition to the above matrix, FEMA also requests that a narrative description of the reason(s) for each change (i.e., actions, clarifications, etc. in response to FEMA comments, contentions, improvements, minor changes, etc.) be submitted with each revision of the plan and procedures. This narrative description should also be indexed by NUREG-0654 element.

At present, we have a substantial workload associated with operating nuclear reactors which will have to be postponed if FEMA attempts to meet the February 1, 1984, deadline. The Regional Assistance Committee has other agency commitments in addition to the REP work for our Region and cannot devote 100% of their time to Shoreham. As a result of this effort for Shoreham, FEMA/RAC may delay the completion of 44 CFR 350 reports for the operating nuclear reactors in the Region.

Attachment
as Stated

ATTACHMENT I

RPSC-0674

Revision number and affected pages

criteria element	0	1	2	3	4
A.1.a					
A.1.b					
A.1.c					
A.1.d					
A.1.e					
A.2.a					
A.2.b					
A.3					
A.4					
...					
...					
...					
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P.10					



Federal Emergency Management Agency

Region II 26 Federal Plaza New York, New York 10278

To Marshall Sanders

December 21, 1983

Donald Irwin, Esq.
Huntton & Williams
707 East Main Street
PO Box 1535
Richmond, Virginia 23212

Dear Mr. Irwin:

This letter will confirm our conversation of this morning. First, you informed me that you would be sending to each RAC member a fully assembled and collated LILCO Transition Plan including Revision 3 with appropriate cross-reference to NUREG-0654.

In addition, you agreed in the interest of efficiency and effective utilization of FEMA and RAC resources that LILCO will prepare a matrix which identifies page changes affected by each revision of the plan with reference to NUREG-0654. This matrix should be updated to include each revision that has been or will be submitted in order to provide all reviewers with a chronological record of changes that have been effected. This matrix will facilitate quick reference to specific pages and allow reviewers to more readily assess the quality and affect of the changes that have been instituted as the plan and procedures have evolved to their current status. The suggested format is provided in Attachment 1.

In addition to the above matrix, FEMA also requests that a narrative description of the reason(s) for each change as provided with Revisions 1 and 2 be submitted with each revision of the plan and procedures. This narrative description should continue to be indexed by NUREG-0654 element.

Thank you for your assistance in this matter.

Sincerely,

Stewart M. Glass
Regional Counsel

cc: David A. Repka, Esq.
Lawrence Lempher, Esq.
Stephen B. Lathan, Esq.
James B. Dougherty, Esq.
Ralph Shapiro, Esq.

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Federal Emergency Management Agency

Washington, D.C. 20472

JAN 13 1984

MEMORANDUM FOR: Edward L. Jordan
Director, Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement
U.S. Nuclear Regulatory Commission

FROM: *Richard W. Krimm*
Richard W. Krimm
Assistant Associate Director
Office of Natural and Technological
Hazards

SUBJECT: Regional Assistance Committee (RAC) Review of Long Island
Lighting Company (LILCO) Transition Plan for the Shoreham
Nuclear Power Station

This is to inform you that the Federal Emergency Management Agency (FEMA) Region II staff has confirmed the receipt by all RAC members of the revised transition plan for Shoreham. The plan (one set) consists of four volumes and incorporates revisions 0, 1, 2, and 3. The FEMA Region II office received four sets of the revised plan on December 30, 1983. In addition, a revised NUREG-0654 cross-reference was provided along with a clarifying letter from LILCO. Although the revised cross-reference is helpful, the utility did not provide the matrix (that was requested in FEMA's December 22, 1983, memorandum) identifying page changes affected by each revision of the plan with reference to NUREG-0654. Members of the FEMA Region II staff have made inquiries into this matter and expect clarification from LILCO's counsel shortly.

We will, of course, continue the review of the revised Shoreham plan. As we noted in our December 22, 1983, memorandum, we will make every effort to complete the review as close to February 1, 1984, as possible, although some additional time may be needed to assure a comprehensive analysis of the plans by a full RAC review.

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IP

Morgan
FOIA 84-250



Federal Emergency Management Agency

Washington, D.C. 20472

January 25, 1984

Mr. William J. Dircks
Executive Director for Operations
Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Dircks:

Given the recent interpretation of Governor Cuomo on behalf of New York State as to the legal authority of Lilco to implement its emergency plan; should FEMA continue, modify or terminate the NRC requested review of the Lilco Plan?

Sincerely,

Samuel W. Speck
Associate Director
State and Local Programs
and Support

8402070134 vpp

Copy to SCHWARTZ
PAGANO/MATTHEWS

January 26, 1984

Mr. Samuel W. Speck
Associate Director
State and Local Programs and
Support
Federal Emergency Management Agency
Washington, DC 20472

Dear Mr. Speck:

This is in response to your letter of January 25, 1984, inquiring as to whether FEMA should continue, modify or terminate its review of the LILCO off-site emergency plan for the Shoreham facility. In that FEMA's review will be an essential ingredient in the Licensing Board's ultimate determination on the adequacy and implementability of LILCO's proposed emergency plan, I would request that FEMA continue its review of the plan. In addition, because of the schedule previously set by the Licensing Board in the ongoing Shoreham proceeding, I would appreciate every effort you could make to insure that FEMA's review of the LILCO plan is completed by the previously agreed-upon date of February 1, 1984.

Thank you for your assistance in this matter.

Sincerely,

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

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Federal Emergency Management Agency

Washington, D.C. 20472

MAR 15 1984

Mr. William J. Dircks
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Dircks:

In a June 1, 1983 memorandum, the Nuclear Regulatory Commission (NRC) invoked Section II.4 of the November 1, 1980, NRC/Federal Emergency Management Agency (FEMA) Memorandum of Understanding (MOU) by requesting FEMA to provide the NRC with findings and determinations as to whether the Long Island Lighting Company (LILCO)-County plan and/or the interim plans of the Shoreham Nuclear Power Station are adequate and capable of implementation. As a result of an Atomic Safety and Licensing Board (ASLB) order, a subsequent memorandum of June 17, 1983, requested that FEMA provide findings and determinations on the LILCO Transition Plan as a first priority. This Plan, developed and revised wholly by LILCO, proposes to use primarily LILCO personnel to carry out the offsite preparedness aspects of the plan (to include the total direction and control function) in the case of an emergency involving an accident at the Shoreham Nuclear Power Station.

On June 23, 1983, FEMA provided findings on the LILCO Transition Plan. However, primarily due to the short time frame available for evaluation of the Plan, it was necessary to obtain the support of Argonne National Laboratory to perform a technical review against the standards and evaluative criteria of NUREG-0654/FEMA-REP-1, Rev. 1. FEMA Headquarters, assisted by the FEMA Region II Regional Director and staff, directed this technical review.

When subsequent developments eventually indicated a change in the timetable for the Shoreham licensing process, NRC requested on September 15, 1983, that FEMA initiate a full and independent review by the Regional Assistance Committee (RAC) of Revision 1 of the Transition Plan. This request was later modified to include findings on Revision 3 of the Transition Plan. Those findings are presented in this letter.

The RAC reviewed the Plan against the standards and evaluative criteria of NUREG-0654/FEMA-REP-1, Rev. 1. Due to the legal authority issues which arise when some NUREG elements are applied to a utility-based plan, we have marked with an asterisk any aspect of the plan where, in our view, this legal issue occurs. The specific legal concern related to that part of the plan is identified separately in Attachment 2 of the FEMA finding. With the exception of plan aspects relating to NUREG element A.2.b. (a requirement to state, by reference to specific acts, statutes, or codes, the legal basis for the authority to carry out the responsibilities listed in A.2.a., i.e., all major response functions), the legal concern did not affect the FEMA rating given to the technical or operational items relating to NUREG elements.

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FEMA finds that Revision 3 of the LILCO Transition Plan has 32 inadequacies based on the standards and evaluative criteria of NUREG-0654/FEMA-REP-1, Rev. 1. The analysis resulting from the full RAC review and relating these inadequacies to the various NUREG-0654/FEMA-REP-1, Rev. 1, criteria is enclosed as Attachment 1.

The FEMA approach to evaluation of offsite emergency planning and preparedness under 44 CFR 350 and the MOU has been closely focused on the relationship between State and local governments and the licensee, as well as State and local plans and implementing capability. Notwithstanding the legal authority issue and the need for an adequate exercise of the offsite plan, there are many other factors which we do not evaluate in the course of our analysis that in our judgement should be considered by the Commission in a total assessment of whether successful offsite emergency operations at a given nuclear power plant are possible in an actual emergency to provide adequate assurance of public health and safety protection.

Among the additional factors to be reasonably weighed are the existence of a Federal radiological response plan and implementing capability for nuclear power plant emergencies; the known legal responsibility of State and local officials to respond to emergencies and known resources available to these entities for making an effective response; and, in the case of the Shoreham nuclear power plant, the existence of company plans and resources albeit with the deficiencies noted in the enclosed report of FEMA's Region II.

It is our belief, for example, that in the event of an accident at the Shoreham site, the Governor would request Federal assistance and the Federal Radiological Emergency Response Plan (FRERP) could well be activated. That Federal plan has been under development for several years pursuant to a requirement of Section 304 of the NRC Appropriation Authorization Act, June 30, 1980 (P.L. 96-295), and Executive Order 12241 that a Federal plan for radiological emergencies be prepared that provides assurance of public health and safety protection. The FRERP is applicable to all nuclear power plant sites as a supplement to State, local and utility resources. A full field exercise of the FRERP was conducted from March 6-8, 1984, at the St. Lucie Nuclear Power Station in Florida, to test more thoroughly and completely the capabilities required by the plan. The developing capability made available by the FRERP should be recognized when NRC considers the FEMA finding on the technical review of the LILCO Transition Plan.

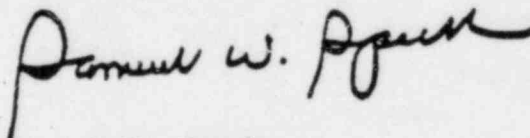
Also, consistent with directions from the President and with FEMA's legal mandates under the Federal Civil Defense Act, we are implementing a new emergency planning and assistance concept to enhance State and local capabilities to prepare for and respond to a broad range of natural and peacetime emergencies. Under title V of the Act, this applies in particular to improvements in State and local offsite readiness for commercial nuclear reactors and we are now planning to direct significant levels of new emergency management assistance resources in FY 1985 into this important area. Key programs will include

redirection of State and local emergency services personnel towards projects that support offsite nuclear facility safety, redirection of assignments to Federal radiological planning officials to concentrate on offsite safety and enhanced programs in training and education for Federal, State, local and utility employees for nuclear safety issues regarding protection of the public. FEMA is prepared to assist the utility, in conjunction with the NRC, with any technical assistance that it can offer to improve the plan which the company has prepared. Relevant FEMA training courses can be made available to utility emergency workers on a reimbursable basis.

We have tried to provide information above on additional factors which may come into play if NRC is to make a total assessment of the offsite preparedness capability at Shoreham. I would suggest that the Commission may wish to think of offsite safety as a mosaic that may very well be composed of different pieces at different times and places. Not all of the potential components will necessarily fall within the ambit of the FEMA plan and response evaluation process in all cases.

If you have any questions, please don't hesitate to call me.

Sincerely,



Samuel W. Speck
Associate Director
State and Local Programs
and Support

Enclosures