

RELATED CORRESPONDENCE

August 3, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing

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In the matter of)	
)	
Long Island Lighting Company)	Docket No. 50-322-OL-3
(Shoreham Nuclear Power)	(Emergency Planning
Station, Unit 1))	Proceeding)

NRC Staff Testimony of Sheldon A. Schwartz
Regarding Emergency Preparedness Contention 11

1.Q. What is your name?

A. My name is Sheldon A. Schwartz.

2.Q. What is your position at the NRC?

A. I am employed as the Deputy Director in the Division of Emergency Preparedness and Engineering Response.

3.Q. Please describe your professional qualifications.

A. A copy of my professional qualifications is attached to this testimony.

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4.Q. What is the purpose of this testimony?

A. The purpose of this testimony is to address concerns raised in Emergency Planning Contention 11. Contention 11 is presented in Mr. Sear's testimony.

5.Q. Does consideration of financial and institutional interests hamper the ability of a utility to make safety decisions or diminish the protection afforded to the public?

A. In making decisions about what actions should be taken to address a safety concern, a nuclear power plant owner is frequently faced with decisions that potentially affect both safety and financial interests. Sometimes these interests are in conflict, such as when a safety interest would require a power reduction or plant shutdown. Sometimes they are in agreement, such as when a concern about the safety of a particular situation results in changes which improve the reliability of the power plant. What matters is that the overriding emphasis is placed on safety interests in situations potentially affecting public health and safety without regard to cost. This emphasis monitored by the NRC under its statutes and regulations and as an independent organization, the NRC assures that public health and safety interests are the primary consideration. I cannot perceive of any difference in kind between a decision or action a utility may be called upon to take in the regular operation of a plant or in regard to onsite or offsite emergency response.

6.Q. How does the NRC ensure that safety interests are given the proper consideration by the licensee in favor of financial interest during plant operations?

A. The primary NRC mechanism to ensure that utilities properly account for safety interests during operational situations is the NRC's inspection and enforcement program. The purpose of this program is to protect public health and safety by ensuring that licensees comply with regulatory requirements. The NRC maintains a vigorous inspection program including onsite resident inspectors to monitor a licensee's activities on a daily basis. Because of the communication links and new requirements which have been established since the TMI accident, NRC Headquarters and Regional offices would be informed of an emergency situation and, if necessary, would quickly dispatch response teams to the plant site to monitor the performance of the utility to assure that appropriate actions are taken to mitigate the consequences of the event. The NRC Headquarters operations center and Regional response center would also be staffed to support the response effort.

7.Q. Do you think that utility/management employees may not recommend an appropriate protective action in a prompt manner because of a conflict with the utility's financial interest?

A. No. I think that if a potential problem situation were to occur at a nuclear power plant, the appropriate protective actions would be recommended and implemented whether or not the command and control positions were filled by trained utility or offsite personnel. Adequate and thorough training in understanding their responsibilities and duties in an emergency is the key to assuring that offsite command and control personnel make the proper decisions to protect the public health and safety. No matter who makes the offsite command and control decisions, these decisions will depend to a large extent on information about the status of the power plant and potential radioactive releases. This will be supplied by onsite utility employees according to the emergency plan and procedures. It is the information and recommendations provided by the onsite personnel that will affect offsite decisionmaking most significantly.

8.Q. Do you believe that it is essential that off-site command and control personnel be independent of LILCO because of the potential for conflict of interest?

A. No. I believe the rigorous NRC licensing, inspection and enforcement functions provide reasonable assurance that the utility operator will make appropriate decisions and recommendations in situations involving public health and safety. I am confident that the emergency organization established for Shoreham will function in an adequate manner.

SHELDON A. SCHWARTZ

Organization: Office of Inspection and Enforcement

Title: Deputy Director
Division of Emergency Preparedness and Engineering Response

Grade: ES-4

Education: B.S. Mechanical Engineering, Widener University, 1960
Graduate courses at Drexel Institute of Technology and Sacramento State College.

Experience:

1983 - Present Deputy Director, Division of Emergency Preparedness and Engineering Response - Develops policy and procedures and maintains NRC capability to respond to incidents, events, and reported problems involving NRC licensees; identifies generic implications, communicates generic issues to licensees on a timely basis; develops policy and provides licensing reviews and safety evaluation reports for emergency preparedness at reactor licensee facilities; and assesses effectiveness and uniformity of Regional office implementation of the Division's program requirements.

1980 - 1982 Deputy Director, Division of Emergency Preparedness - Responsible for carrying out the Commission's regulatory program for assuring that adequate emergency preparedness was in place to protect the public health and safety in the event of an accident at a nuclear power plant. Concurrent with this responsibility was to assure that the Commission's response to an accident was timely and that appropriate resources were available to minimize the risk to the public. (NRC)

1/80 - 10/80 Detailed Acting Director, Radiological Emergency Preparedness Division - Carried out a number of tasks relating to upgrading of offsite radiological emergency preparedness around nuclear facilities. This detail was in direct response to the assignment by the President on December 7, 1979, of responsibility to FEMA for these activities. (FEMA)

1975 - 1979 Assistant Director for Program Development - Responsibilities were to participate in formulation of policies involving NRC/State cooperation and liaison; develop and direct administrative and contractual programs for coordinating and integrating Federal and State regulatory activities; maintain liaison with and provide guidance and support to State, interstate, regional, and quasi-governmental organizations; NRC offices and other Government agencies on regulatory matters; monitor nuclear-related State legislative and regulatory activities; and plan, direct and coordinate activities of State Liaison Officers located in the five NRC Regional Offices. (NRC)

- 1972 - 1975 Special Assistant for State Liaison - Responsible for establishing a program for State Cooperative Efforts in the NRC regulatory program. (AEC)
- 1971 - 1972 Senior Consultant, California Legislature's Joint Committee Atomic Development and Space - Responsibilities were to maintain contact with pertinent public and private organizations in California, nationally and internationally, to insure that the Committee was kept informed of the latest development in the nuclear and aerospace fields; draft legislation and reports to the legislators with current factual information regarding nuclear and space related subjects; and recommend to the Committee the subject matter to be studied for legislative changes.
- 1963 - 1970 Designer, Project Manager, Program Manager, and Senior Engineer - Specifically involved in the design, fabrication and operation of ground based equipment for evaluating and testing solid, liquid and nuclear-powered rocket engines as well as in the Company's nuclear oriented new business programs. (ANSC)
- 1961 - 1963 Junior Engineer, Catalytic Construction Company - Design and specification of piping and equipment for chemical processing facilities.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
LONG ISLAND LIGHTING COMPANY)
(Shoreham Nuclear Power Station,)
Unit 1))

Docket No. 50-322-OL-3
(Emergency Planning)

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF TESTIMONY OF SHELDON A. SCHWARTZ REGARDING EMERGENCY PREPAREDNESS CONTENTION 11" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 3rd day of August, 1984:

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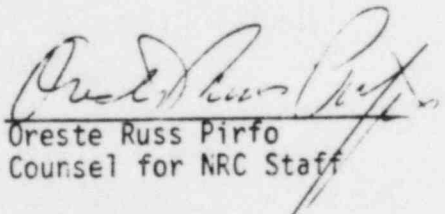
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