



LONG ISLAND LIGHTING COMPANY

EXECUTIVE OFFICES 250 OLD COUNTRY ROAD • MINEOLA, NEW YORK 11501

WILLIAM J. CATACOSINOS
CHAIRMAN AND CHIEF EXECUTIVE OFFICER

February 28, 1984

Commissioner Victor Gilinsky
Nuclear Regulatory Commission
1717 H. Street N.W.
Washington, D.C. 20555

Dear Commissioner Gilinsky:

I am writing to express my appreciation for your taking the time to meet with me on Thursday.

As you are aware, the vast majority of LILCO's current problems are related, either directly or indirectly, to the future of our Shoreham Nuclear Power Station.

As I am sure is obvious, our highest priority is to operate a safe, reliable and efficient power station, and to do so as soon as is consistent with appropriate safety considerations.

Sincerely,

W. J. Catacosinos

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

March 29, 1984

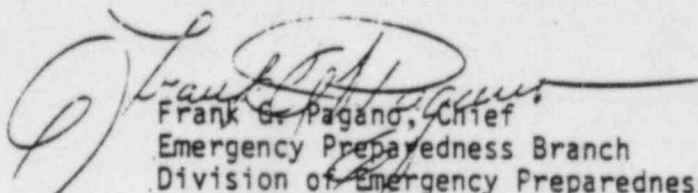
MEMORANDUM FOR: Albert Schwencer, Chief
Licensing Branch #2
Division of Licensing
Office of Nuclear Reactor Regulation

FROM: Frank G. Pagano, Chief
Emergency Preparedness Branch
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

SUBJECT: FEMA FINDINGS ON LILCO TRANSITION PLAN FOR SHOREHAM

The Federal Emergency Management Agency (FEMA) has reviewed the LILCO Transition Plan for Shoreham, Revision 3, and provided its findings to the NRC by letter dated March 15, 1984. FEMA has identified 32 plan inadequacies and raised concerns regarding the applicant's legal authority in certain areas of the Transition Plan.

We request that you transmit the enclosed FEMA report to the applicant for their evaluation and response. A draft transmittal letter that has been coordinated with E. Christenbury, ELD, is also enclosed for your use. Please provide this office with a copy of the correspondence to the applicant.


Frank G. Pagano, Chief
Emergency Preparedness Branch
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

Enclosure:

1. FEMA ltr. dtd. 3/15/84
2. Draft Transmittal Letter

cc: w/o encl. to FEMA ltr.
R. C. DeYoung, IE
J. M. Taylor, IE
J. N. Grace, IE
S. A. Schwartz, IE
E. S. Christenbury, ELD
F. G. Pagano, IE
D. B. Matthews, IE
F. Kantor, IE
C. R. Van Niel, IE
J. R. Sears, IE
T. E. Murley, RI
J. Beres, RI

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RI/IE
FEMA



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.

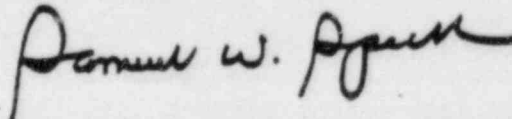
Also, consistent with directions from the President and with FEMA's legal mandates under the Federal Civil Defense Act, we are implementing a new emergency planning and assistance concept to enhance State and local capabilities to prepare for and respond to a broad range of natural and peacetime emergencies. 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

D R A F T

Docket No. 50-322

Gentlemen:

The Federal Emergency Management Agency (FEMA) has reviewed the Long Island Lighting Company (LILCO) Transition Plan (Shoreham Nuclear Power Station Local Offsite Radiological Emergency Response Plan), Revision 3, and transmitted its findings to the NRC by letter dated March 15, 1984. The FEMA findings have been served on all parties to the Shoreham proceedings and an advance copy was transmitted to you by NRC Region I on March 20, 1984. We are now requesting your evaluation and response to the inadequacies and legal concerns identified in the FEMA report.

The FEMA review of the LILCO Transition Plan was performed by the Regional Assistance Committee (RAC) against the evaluation criteria in NUREG-0654/FEMA-REP-1, Revision 1, that are applicable to State and local jurisdictions. FEMA finds that the LILCO Transition Plan, Revision 3, has 32 inadequacies related to the NUREG-0654 evaluation criteria. A discussion of each of the inadequacies is provided in Attachment 1 of the FEMA report. We request that you review the identified inadequacies and inform the NRC of your planned corrective actions and schedule.

The FEMA report also identified certain areas in the Transition Plan where, in FEMA's view, legal authority issues arise. The specific legal concerns are discussed in Attachment 2 of the FEMA report. FEMA notes that with the

exception of criterion A.2.b (which refers to the legal authority of offsite organizations to carry out emergency response functions), legal concerns did not affect the FEMA review of the adequacy of each planning element. We request that you review the legal concerns identified by FEMA and inform the NRC of the results of your review.

Your response to the above requests should be provided to the NRC by May 1, 1984.

Sincerely,

Albert Schwencer, Chief
Licensing Branch #2
Division of Licensing
Office of Nuclear Reactor Regulation

Enclosure:
FEMA ltr. dated 3/15/84