



Federal Emergency Management Agency

Washington, D. C. 20472

MAY 31 1988

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

Dear Mr. Stello:

On January 27, 1988, the Nuclear Regulatory Commission (NRC) requested the Federal Emergency Management Agency (FEMA) to review Revision 9 of Long Island Lighting Company's (LILCO) offsite emergency plan for the Shoreham Nuclear Power Station, under the provisions of the April 1985 NRC/FEMA Memorandum of Understanding and certain criteria and assumptions, as indicated below. FEMA was also requested to provide a finding, i.e., indicate whether in the framework of those criteria and assumptions, FEMA has reasonable assurance that the plans can protect the health and safety of the public living in the vicinity of the plant.

We were requested to review the plan under the criteria of the interim-use document entitled Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (Criteria for Utility Offsite Planning and Preparedness). That document has been published as Supplement 1 to NUREG-0654/FEMA-REP-1, Rev.1. As requested by NRC, FEMA also used 3 assumptions in reviewing and evaluating the LILCO plan. Those assumptions are that in an actual radiological emergency, State and local officials that have declined to participate in emergency planning will:

- 1) Exercise their best efforts to protect the health and safety of the public,
- 2) Cooperate with the utility and follow the utility plan, and
- 3) Have the resources sufficient to implement those portions of the utility offsite plan where State and local response is necessary.

It is further understood that in any subsequent hearings or litigation related to the plan review or exercise, NRC will defend the above assumptions.

Enclosed is a report on the results of a full review of Revision 9 of the LILCO plan, conducted by FEMA Region II and the Regional Assistance Committee (RAC), using the criteria and assumptions specified by NRC. Based on

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that evaluation, Revision 9 contains 17 inadequacies. More detail on the review process and the inadequacies is contained in the enclosed report from FEMA Region II to FEMA Headquarters. Based on these inadequacies, and the recommendation of FEMA Region II, FEMA does not have reasonable assurance under Revision 9 that the public health and safety can be protected in the vicinity of the Shoreham Nuclear Power Station.

However, planning for the exercise may go forward for the reasons noted below. First, the utility has already provided FEMA Region II and the RAC with proposed plan changes to address these inadequacies. We understand that these changes were incorporated into Revision 10 of the plan. Eleven of the inadequacies in Revision 9 required relatively minor changes and the utility's proposed changes were responsive to the RAC/FEMA concerns. For the six inadequate elements requiring more substantive revision, five of these [(i.e., provisions for communication with New York State (F.1.b), the public information program for residents, transients, and the agricultural community (G.1.a-e, G.2, and J.11), and written agreements for "first-call" commitments with companies supplying supplementary buses for a "one-wave" evacuation of school (J.10.g)], will not affect the conduct of the exercise. With regard to the remaining inadequacy that must be evaluated at the exercise [i.e., planning for the monitoring and decontamination of school children evacuated after a release (J.12)], FEMA Region II provided technical assistance to the utility to expedite the resolution of this issue for its inclusion in Revision 10.

On May 23, 1988, NRC requested FEMA to conduct a full RAC review of Revision 10 of the plan and provide a finding by July 29, 1988. NRC has also requested that the Revision 10 changes be incorporated into the exercise play of the upcoming Shoreham exercise, now scheduled for the week of June 6, 1988. Since FEMA would not be able to complete a full RAC review in that short time frame, FEMA Region II has agreed to review the changes, coordinate with the RAC where necessary, and incorporate them into the evaluation of the exercise. A cursory review has been performed by FEMA Region II of the sections of Revision 10 relating to the inadequacy concerning the monitoring and decontamination of school children mentioned above in connection with element J.12. Based on that review, we have concluded that the inadequacy has been addressed in a manner sufficient to permit an adequate demonstration of the monitoring and decontamination function in the exercise.

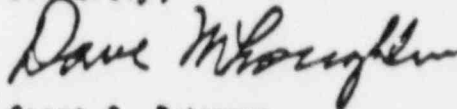
We note also that on April 27, 1988, the Director of the Connecticut Office of Civil Preparedness notified LILCO that his office "would participate in an interstate exercise only in full coordination with the participating states and local governments. We have received no such coordination." He further indicated that his office will not "conduct any exercise evaluation activities or any simulation activities during the proposed exercise conducted by LILCO." This was fully discussed by members of our staffs on May 3, 1988. As discussed at the meeting, although the State of Connecticut has not withdrawn from participation in offsite emergency planning for the Shoreham plant, it will be considered by NRC as a non-participating government for purposes of the exercise. As a consequence, as stated in NRC's memorandum of May 26, 1988, NRC staff finds appropriate that the role of the State will be simulated through the use of a control cell, since the participation of the State is not reasonably achievable.

We have also received the May 26, 1988 confirmation from NRC staff that the May 25, 1988 advisory opinion from the Atomic Safety Licensing and Appeal Board does not change NRC staff's view that the current objectives for the exercise would constitute a qualifying exercise under NRC regulations. It is also our understanding that this confirmation has the concurrence of the NRC Office of General Counsel.

The above pre-exercise arrangements notwithstanding, we think it only prudent to raise the question of whether the planned FEMA-evaluated exercise should proceed at this time. It is our understanding that only recently, LILCO and the State of New York reached agreement in principle which will allow for the closing of the Shoreham plant. While it is possible that final agreement may not be reached, there is also the probability that Shoreham will not continue to operate. In light of the additional expenditure of funds about to be spent related to the Shoreham exercise, it would be more judicious, in FEMA's view, to postpone a FEMA-evaluated exercise at least until further results from the negotiations between LILCO and New York are made public. Of course, postponement of the exercise would not prohibit continued planning and plan review litigation. Since there are only 4 working days left before the scheduled start of the exercise activities, please let us know in writing by COB June 1, 1988, of your position on this matter. If you agree with FEMA's position, we would also ask you to advise LILCO. If you disagree, please include your full rationale.

If you have any questions, please feel free to contact me or Dave McLoughlin at 646-3692.

Sincerely,

for 

Grant C. Peterson
Associate Director
State and Local Programs
and Support

Enclosure
As Stated



Federal Emergency Management Agency

Region II

26 Federal Plaza

New York, New York 10278

May 6, 1988

MEMORANDUM FOR: Grant Peterson
Associate Director.
State and Local Programs and Support

FROM: Jack Sable
Regional Director *Jack M. Sable*

SUBJECT: RAC Review Comments for the LILCO Local
Offsite Radiological Emergency Response Plan
for Shoreham, Revision 9

Per your request of February 16, 1988 attached is the review of the referenced plan which has been conducted by the Region II Regional Assistance Committee (RAC). As referenced on each page of the document, this review has been conducted in accordance with the interim-use and comment document jointly developed by FEMA and NRC entitled: Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (Criteria for Utility Offsite Planning and Preparedness); NUREG-0654/FEMA-REP-1, Rev. 1, Supp. 1. In reviewing this plan, FEMA and the RAC have assumed that in an actual radiological emergency, State and local officials that have declined to participate in emergency planning for the Shoreham plant will:

- (1) Exercise their best efforts to protect the health and safety of the public;
- (2) Cooperate with the utility and follow the utility offsite plan; and
- (3) Have the resources sufficient to implement those portions of the utility offsite plan where State and local response is necessary.

Although Revision 9 constitutes a major revision, affecting more than 1000 pages of LILCO's plan, the Local Emergency Response Organization's (LERO's) concept of operations remains essentially unchanged from previous versions of the plan that have been reviewed. Therefore, this review builds upon RAC comments developed for previous revisions (Revs. 1, 3, 5, 6, 7, and 8) of the plan and this updated review reflects current operations, resources and status of the utility's offsite emergency planning effort. The following steps were taken in completing this review:

- (1) RAC comments for Revisions 5, 6, and 7 heretofore detailed in separate documents, and comments on Revision 8, were consolidated into one document dated 2/11/88 and was distributed to the RAC members.
- (2) A preliminary review dated 3/17/88 of Revision 9 was conducted by FEMA Region II and contractors to the REP program. This preliminary review was distributed to the RAC, FEMA Headquarters and LILCO on March 18, 1988.
- (3) Region II met with LILCO representatives on April 8, 1988 and received the utility's proposed actions to resolve items rated Inadequate (I) in the 3/17/88 preliminary review comments.
- (4) Detailed review comments on Revision 9 of the plan were received from RAC member agencies and were consolidated into an updated review document dated 4/21/88.
- (5) A RAC meeting, chaired by FEMA Region II was held in our offices to finalize the attached comments on Revision 9 of the plan. A record of this meeting was transcribed.

In the course of developing the attached updated review, the following nomenclature has been adapted from previous reviews:

- A (Adequate) The element is adequately addressed in the plan. Recommendations for improvement shown in italics are not mandatory, but their consideration would further improve the utility's offsite emergency response plan.
- I (Inadequate) The element is inadequately addressed in the plan for the reason(s) stated in bold type. The plan and/or procedures must be revised before the element can be considered adequate. For ease of understanding, the reason(s) an element has been rated inadequate is, where possible, stated first.

As a means of summarizing this rather lengthy review and for ease in understanding abbreviations used, an Element Rating Summary and List of Acronyms are provided at the end of the document.

Seventeen (17) elements are currently rated inadequate (I) and, in accordance with your request, Region II recommends a negative finding that the plan does not presently provide reasonable

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assurance that adequate protective measures can be taken in the event of a radiological emergency at Shoreham.

Planning for the exercise can go forward for two reasons. First, the utility has provided Region II and the RAC with proposed plan changes to address these inadequacies that would be incorporated, prior to the exercise, into Revision 10 of the plan. Eleven (11) of these inadequacies require relatively minor changes, and the utility's proposed changes are responsive to the RAC/FEMA concerns. Second, for the six (6) inadequate elements requiring more substantive revision, five (5) of these (i.e., provisions for communications with New York State, element F.1.b; the public information program for residents, transients and the agricultural community, elements G.1 a-e, G.2 and J.11; and written agreements for "first-call" commitments with companies supplying supplementary buses for a "one-wave" evacuation of schools, element J.10.g) will not be exercised. With regard to the remaining inadequacy that must be evaluated at the exercise (i.e., planning for the monitoring and decontamination of school children evacuated after a release, element J.12), FEMA is providing technical assistance to the utility to expedite the resolution of this issue for its inclusion in Revision 10.

With respect to LILCO's submission of Revision 10, FEMA will review the plan changes, coordinate with the RAC, and incorporate them in the evaluation of the exercise. Should any additional changes be forthcoming, every effort will be made to incorporate them in the exercise as well.

Based on all of the above, I recommend that the exercise proceed as planned. If you have any questions, please contact Mr. Ihor W. Husar, Chairman, Regional Assistance Committee, at FTS 649-8203.

Attachment