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STATE OF CALIFORNIA

EDMUND G. BROWN JR., *Governor*

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Schwartz no preparing response

May 8, 1981

Brian Grimes, Program Director
Emergency Preparedness Program Office
Office of Nuclear Reactor Regulations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Grimes:

It has recently been brought to our attention that the NRC has invoked their November 1, 1981 Memorandum of Understanding with the Federal Emergency Management Agency relating to radiological emergency planning and preparedness for the San Onofre nuclear facility. As detailed in your March 4, 1981 letter to John Dickey (copy attached), you require FEMA to submit findings and determinations to NRC by June 1, 1981 as to whether the State and local emergency plans that support the San Onofre Nuclear Generating Station Units 2 and 3 are adequate and capable of implementation.

The State of California objects to this invoking of the Memorandum of Understanding and takes exception to the fact that we did not receive official notification of this action or a copy of the March 4, 1981 letter. Furthermore, why does NRC want to circumvent the normal review and approval outlined in the proposed FEMA Rule, 44 CFR 350? In your letter, no reason or explanation is given as to why this extraordinary step is being taken. We understand the FEMA rule is being used in other parts of the country on an interim basis, and certainly no action has been taken by the State of California to impede the licensing process, making this circumvention in any way appropriate.

The State Office of Emergency Services has received no cooperation from Southern California Edison or from the counties in the preparation of the emergency plans for local jurisdictions in the area surrounding the San Onofre Nuclear Generating Station. OES is well-qualified in planning and must be included; lacking the necessary cooperation and coordination, the planning is inadequate. The utility and local jurisdictions do not have adequate resources to respond to a major accident without some state assistance.

The planning process is not complete, many implementing procedures have yet to be written, the effects of earthquakes on emergency response capabilities have not been considered -- yet a full-scale licensing exercise is being held

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May 13, 1981 and FEMA is holding a public meeting May 18, 1981. Under these circumstances, we do not understand how the NRC could possibly determine that, "the state of offsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency," as required by 10 CFR 50.47. Nevertheless, in the spirit of cooperation, we will participate in both the exercise and in the public meeting in order to determine the steps that must be taken to protect the public health and safety. However, our participation should not be construed as our approval of the plan or the overall level of preparedness around San Onofre.

Rather than invoking the Memorandum of Understanding, the NRC should be working with OES in the development of plans to protect public health and safety. We do not understand why, rather than supporting state involvement, the NRC has taken this extraordinary step.

We do not believe this circumvention of the review and approval process is in the best interests of the citizens of California. For this and the other reasons detailed above, the State of California requests that the NRC expeditiously reverse this invoking of the Memorandum of Understanding and proceed with the emergency preparedness review and approval process outlined in 44 CFR 350.

I will call you during the week of May 18 to see how we can best resolve this issue.

Sincerely,

John J. Kearns

JOHN J. KEARNS
Deputy Director

Att (1)

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

March 4, 1981

MEMORANDUM FOR: John Dickey, Director
Radiological Emergency Preparedness Division
Office of Population Preparedness
FEMA

FROM: Brian K. Grimes, Director
Division of Emergency Preparedness
Office of Inspection & Enforcement

SUBJECT: FEMA SUPPORT FOR NRC LICENSING OF SAN ONOFRE NUCLEAR GENERATING STATION, UNITS 2&3 (SONGS)

The purpose of this memorandum is to invoke Section II 4 of the November 1, 1980 NRC/FEMA memorandum of understanding and request FEMA to provide NRC with findings and determinations as to whether the State and local emergency plans that support the SONGS Units 2&3 are adequate and capable of implementation. In accordance with 10 CFR 50.47 the NRC must make a finding based, in part, on the FEMA findings and determinations on the overall state of emergency preparedness as part of the licensing process.

The applicants are applying for a full power license. The needed FEMA inputs with respect to the applicable standards in the NRC regulations are the findings and determinations of the State and local emergency preparedness, the FEMA evaluation of the joint exercise to be conducted in April or May, 1981, and the results of the FEMA review of effects of earthquakes on State/local emergency plans requested in my November 3, 1980 memo to John McConnell.

We request that this information be provided to NRC as soon as possible but not later than June 1, 1981. If formal FEMA findings and determinations are not available, interim FEMA evaluation on the state of offsite preparedness and the effects of earthquakes on planning should be provided on this date. Receipt of FEMA findings after June 1, 1981 may result in offsite emergency preparedness being on the critical path for a license decision.

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

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