



Federal Emergency Management Agency

Washington, D.C. 20472

JUN 23 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

SUBJECT: Findings on the LILCO Transition Plan As Requested by
the NRC as Part of NRC Licensing of the Shoreham
Nuclear Power Station

This is in response to your June 1, 1983, memorandum in which you invoked Section II.4 of the November 1, 1980, NRC/FEMA Memorandum of Understanding by requesting the Federal Emergency Management Agency (FEMA) to provide the Nuclear Regulatory Commission (NRC) with findings and determinations as to whether the LILCO-County plan and/or the interim plans for the Shoreham Nuclear Station are adequate and capable of implementation. As a result of an Atomic Safety and Licensing Board (ASLB) order, your 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 wholly by LILCO, proposes to use 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.

First, we would like to indicate how the review process for the LILCO Transition Plan differed from the usual "350" approval process. As you know, under normal processing, the plan review is initiated by a formal request by the Governor of the State in which the nuclear facility is located, after he/she has received and analyzed plans submitted by the local governments in the emergency planning zone surrounding the facility. The request includes the State plan which is site-specific to the applicable power facility, appropriate local plans and a statement by the Governor that the State plan, together with the local plans, are adequate to protect public health and safety of the citizens living within the emergency planning zones for the nuclear power facilities included in the submission by providing reasonable assurance that appropriate protective measures can and will be taken in the event of a radiological emergency for the site. The FEMA processing of a Governor's submittal includes extensive review by the relevant Regional Assistance Committee (RAC), a public meeting and most importantly, a drill or exercise, including all appropriate governments, to test whether the plan can be implemented.

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In contrast to the process described above, the LILCO Transition Plan was submitted, without Suffolk County or New York State endorsement, directly to FEMA Headquarters through the NRC for review under the terms of the NRC/FEMA Memorandum of Understanding. Because the Plan was not submitted under 44 CFR 350, a RAC review was not undertaken. For this reason, coupled with the fact that the NRC needed a FEMA finding within three weeks, it was necessary to obtain the support of Argonne National Laboratories to assist and perform a technical review of the plan against the 16 planning standards and criteria (A-P) listed in NUREG-0654/FEMA-REP-1, Rev. 1. FEMA Headquarters, assisted by FEMA's Region II Regional Director and staff, directed this technical review.

FEMA finds that the LILCO Transition Plan has 34 inadequacies in terms of NUREG-0654/FEMA-REP-1, Rev. 1. Our analysis relating these inadequacies to the various criteria is attached.

There are two preconditions, identified below, that need to be met for a FEMA finding as to whether the plan is capable of being implemented and whether LILCO has the ability to implement the plan.

- (1) A determination of whether LILCO has the appropriate legal authority to assume management and implementation of an offsite emergency response plan.
- (2) A demonstration through a full-scale exercise that LILCO has the ability to implement an offsite plan that has been found to be adequate.

FEMA will continue to review the other plans associated with your June 1 request in anticipation that the ASLB will require FEMA findings on these plans at a later date.

Attachment
As Stated