

April 9, 1984

MEMORANDUM FOR: Richard Udell
Subcommittee on Oversight and Investigations
Committee on Interior and Insular Affairs

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: SHOREHAM RAC REVIEW

As we discussed, we are not planning to hold any meetings with the staff of FEMA concerning the RAC review of the LILCO Transition Plan for Shoreham. If we do have one, you and other members of the public will be invited.

As far as other meetings between FEMA and NRC, we will continue to have meetings on a regular government-agency to government-agency basis.

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William J. Dircks
Executive Director
for Operations

CC: RCDeYoung/IE
GCunningham/ELD
WJDircks/EDO
JWRoe/ DEDO
TARehm/OEDO
EDO rf
Sam Speck/FEMA

ENCLOSURE 2

SUMMARY OF RECOLLECTIONS OF COMMUNICATIONS
OF CHAIRMAN'S STAFF WITH DOE AND FEMA RELATING
TO EMERGENCY PLANNING OR SHOREHAM

Executive Assistant

- o Early 1984 (estimated); one or two conversations with an individual in DOE about news article suggesting DOE was considering approaches for federal assistance in emergency preparedness in conjunction with FEMA; DOE's commitment seemed less than the article indicated.
- o April/May, 1984; communications involving:
 - call from DOE requesting information about a Commission meeting on Shoreham (DOE requestor was referred to General Counsel's Office)
 - a returned call to DOE individual who said he had learned what he wanted about Shoreham and no longer needed to talk
 - call from DOE on a matter not related to emergency planning or Shoreham, but during which caller was referred to a Washington Post article on Shoreham; DOE individual then mentioned but did not discuss a recent letter from Secretary Hodel to Governor Cuomo
 - call informing Secretary Hodel's office that Congressman Markey's staff had indicated that he would release to the public Chairman Palladino's April 27, 1984 memorandum concerning the Secretary's April 26, 1984 call (copy of memorandum sent to DOE at that time)

Technical Assistant

- o February, 1984; contact with DOE representatives at the Full Field Exercise at St. Lucie about DOE emergency response facilities demonstrated during the exercise.
- o May, 1984; contacted by DOE about Commission's position on Transamerica Delaval, Inc. diesel generators (most of discussion related to specific problems at Grand Gulf; DOE individual sought verification that Shoreham diesel generator failure first highlighted problems)

ENCLOSURE 4

EP and Shoreham Correspondence

- 1/9/84 Letter, Jordan to L. Joe Deal, Acting Director, Radiological Controls Division, DOE re Dose Assessments & Interagency Exchange of Info
- 1/10/84 Memo, Winkle, FEMA to Jordan re Federal Assistance with Emergency Planning
- *1/11/84 Memo, Jordan to Richard W. Krimm, Assistant Associate Director, Office of Natural and Technological Hazards Programs, FEMA re FEMA Review of LILCO Transition Plan for the Shoreham Nuclear Power Plant
- Attachments 12/28/83 - Memo, Jordan to Krimm re FEMA Support for the NRC Licensing of Shoreham Nuclear Station
- 12/21/83 - Letter, Stuart M. Glass, Regional Counsel, FEMA Region II to Donald Erwin, Hunton & Williams re-Confirming Telecon re LILCO Transition Plan
- 12/22/83 - Memo, Krimm to Jordan re RAC Review of LILCO Transition Plan for the Shoreham Nuclear Power Station
- 1/11/84 Note, DeYoung to Dircks enclosing Governor Cuomo's emergency response proposals (letter of 6/16/83 to Members of Congress)
- 1/12/84 Memo, Dircks to Commission, Federal Field Exercise, enclosing memo Joe Winkle, FEMA to Members of the Subcommittee on Federal Response, FRPCC, i.e., Invitation of Visitors to the FRERP Field Exercise
- 1/13/84 Letter, Perkins to Deal, DOE re Meeting on Intercomparisons of Dose Assessment Models
- *1/13/84 Memo, Krimm, FEMA, to Jordan, NRC, Regional Assistance Committee (RAC) Review of Long Island Lighting Company (LILCO) Transition Plan for the Shoreham Nuclear Power Station
- 1/17/84 Letter to Aubrey V. Godwin, Director, Bureau of Radiological Health, State of Alabama
- 1/17/84 Memo, B. Weiss to Glen Woodard, FEMA re Supplies Needed for March FFE
- 1/19/84 Memo, Jordan, NRC and Jones, FEMA to Principal FFE Participants re FFE
- 1/22/84 Draft joint Letter (NRC/FEMA) to Governor Cuomo Regarding Federal Role

*Shoreham Correspondence

1/24/84 Memo, Jordan to Krimm re Review of Public Safety Information Borchures

*1/25/84 Letter, Speck, FEMA to Dircks re NRC-Requested Review of the LILCO Plan by FEMA

*1/26/84 Letter, Dircks to Speck re Requesting that FEMA Continue its Review of the LILCO Plan

1/27/84 Memo, Jordan to Krimm re Review of the Radiological Emergencies Training Package

1/27/84 Memo, Winkle, FEMA to Federal Response Subcommittee Members re Meetings of the Federal Response Subcommittee

2/6/84 Memo, Jordan to Krimm re Agenda for NRC/FEMA Steering Committee Meeting

2/7/84 Memo, Perkins to L. Joe Deal, DOE; Marvin Rosenstien, HHS; David Jones, EPA; George Bickerton, USDA; William F. Jones, FEMA re Meeting to Formalize Interface Arrangements at the NRC Operations Center

2/7/84 Memo, Winkle to Federal Response Subcommittee Members Participating in the FFE re Identification of FFE Participants

2/8/84 Memo, Davis, FEMA Region VIII to B. Weiss re FFE Dry-Run

2/9/84 Letter, Jordan to Winkle, FEMA re Procedure for Emergency Response for Handling a Second Event During the FFE

2/9/84 Memo, Winkle to FFE Participants re Managing Exercise Scenario During Complicating Real World Events

2/10/84 Comment Paper, FEMA, "Unresolved Exercise Frequency Issues"

2/14/84 Memo, Winkle, FEMA to Federal Response Subcommittee Members re Minutes of Meeting, February 1, 1984

2/15/84 Letter, Perkins to Deborah Schilling, FEMA re Visitors at the FFE

2/15/84 Memo, B. Weiss to Members, National Emergency Preparedness Policy Development Work Group re NRC Role in the Continuity of Government

Enclosures - Letters Palladino to Secretaries of Energy, State, Defense, Director of FEMA and Assistant to the President for National Security Affairs

*Shoreham Correspondence

2/16/84 Memo, B. Weiss to Glenn Woodard, FEMA re Logistics Requirements for March FFE

2/16/84 Memo, Sjoblom, EPA to NRC, DOE FEMA re March 1984 Exercise of the Federal Radiological Emergency Response Plan

2/17/84 Letter, B. Weiss to John Heard, FEMA Region IV re Attendees at FFE

2/22/84 Letter, DeYoung to Bernard A. Maguire, FEMA re Review of Federal Preparedness Circular 6

2/22/84 Memo, Winkle to FFE Exercise Management Group re FFE Exercise

2/23/84 Letter, Speck, FEMA to Dircks re FRERP and FFE

2/23/84 Memo, B. Weiss to Dick Michener, White House re Federal Field Exercise - March 6, 7 and 8, 1984

2/27/84 Memo, Winkle, FEMA to FFE Participating Organization re Players Material for the FFE

2/29/84 Letter, Vernon Adler, FEMA to B. Weiss re FFE Scenario

3/1/84 Memo, Jordan to Krimm re Guidance Memorandum 21 "Acceptance Criteria for Evacuation Plans," Guidance Memorandum 23 "The Ingestion Pathway," and Guidance Memorandum 24 "Radiological Emergency Preparedness for Handicapped Persons"

3/8/84 Letter, Krimm to Jordan re FEMA travel funds

3/12/84 Memo, Winkle, FEMA to Members of the Subcommittee on Federal Response Subcommittee Meeting on March 20, 1984

3/13/84 Memo, Winkle, FEMA to FFE Management Group re Final Meeting of the FFE Management Group

3/13/84 Memo, B. Weiss to Scenario Development and Control and Evaluation Work Group re Success of the FFE

*3/15/84 Letter, Speck, FEMA to Dircks re FEMA Findings on LILCO Transition Plan for Shoreham

3/29/84 Letter, Jordan to Krimm re FEMA travel funds

4/6/84 Letter, B. Weiss to Stephen S. Trott, Dept. of Justice re Handling of Resource Compilation Data

*Shoreham Correspondence

4/9/84 Letter, Perkins to Cecil G. Goal, Dept. of the Army re Designation of Contact for Water Resource Responsibilities in a National Emergency

4/10/84 Letter, Perkins to William Jones, FEMA re Review of the National Contingency Plan for Consequences of an Extraordinary Situation at Special Events

4/11/84 Memo, B. Weiss to Scenario Development and Control and Evaluation Work Group re Report of Work Group Lessons Learned

4/16/84 Letter, Jordan to Glen L. Sjoblom, EPA re Review of Proposal Revisions to the Inhalation Exposure Pathway Portions of the EPA PAG Manual (EPA-520/1-75-001, Revised June 1980)

4/20/84 Letter K. Perkins to Duane S. Cooley, NOAA re Distribution List for Technical Procedures Bulletins

4/23/84 Memo, Winkle, FEMA to Members of the Subcommittee on Federal Response re Minutes of the March 20, 1984 Meeting

4/23/84 Memo, Winkle, FEMA to Members of the Subcommittee on Federal Response

4/24/84 Memo, DeYoung to Speck, FEMA re Emergency Preparedness Exercises re Minutes of the March 20, 1984 Meeting

4/26/84 Letter, DeYoung to Speck, FEMA re Success of FFE

4/26/84 Memo, Krimm, FEMA to Jordan re NRC/FEMA Steering Committee Meeting Agenda

4/27/84 Memo, B. Weiss to Members, National Emergency Preparedness Policy Development Work Group re NRC Role in the Continuity of Government Enclosing letters from White House, State, Defense, FEMA, Energy

4/30/84 Memo, Winkle, FEMA to Federal Response Subcommittee re FRERP Comments, Senior Officers Nuclear Accident Course

4/30/84 Letter, Perkins to Vernon Adler, FEMA re NRC Participation in FRERP Training Sessions

5/2/84 Memo, Jordan to Krimm re NRC Agenda Items for NRC/FEMA Steering Committee Meeting

5/3/84 Letter, Jordan to Winkle, FEMA re NRC Impressions and Comments Related to the FFE

5/4/84 Memo, Speck, FEMA to Executive Board Members of the Conference of Radiation Control Program Directors re Seminars on Federal Emergency Response

5/7/84 Letter, Perkins to Hugh Richardson, FEMA re Comments on Federal Radiological Emergency Response Plan (FRERP)

5/7/84 Letter, Dircks to Rep. William J. Hughes re Prompt Public Notification Systems

5/9/84 Memo, Winkle, FEMA to FFE Management Group and Subcommittee on Federal Response re Draft FFE Evaluation Report

5/9/84 Letter, DeYoung to Bernard A. Maguire, FEMA re Review of Federal Preparedness Circulars 7, 11, 22, 41 and 46

5/10/84 Letter, Jordan to Winkle, FEMA re Comments on FRERP

*5/11/84 Memo, Jordan to NRC/FEMA Steering Committee Members re Highlights of May 2, 1984 NRC/FEMA Steering Committee Meeting

5/15/84 Letter, B. Weiss to James C. Williams, FEMA Special Facility re Access to Area B - May 16, 1984

*Shoreham Correspondence

023
1/22/73

The Honorable Mario N. Cuomo
Governor of New York
Albany, New York 12224

*Please forward
this to FEMA
to review*

*We were directed to prepare
a draft joint letter from
Pulidino, Griffiths to Governor
Cuomo. Ed Jordan believes
you are the proper person at
FEMA to coordinate. Would
you please staff please review
this and provide me your
comments for review.*

*Thanks Ken Perkins
492-7361*

Dear Governor Cuomo:

We recognize that for some time you have been concerned about the appropriate response of Federal agencies in a nuclear power plant accident. We are ^{aware} ~~cure~~ that last spring you made several proposals to members of Congress which you believed would provide a more appropriate role for the Federal government in a nuclear reactor emergency. We believe that some aspects of your proposals are currently planned for in a Federal radiological response, although they may not be well advertised. There are other aspects of your proposal that we are less comfortable with, but we recognize the concerns which prompted all of your proposals.

We would like first to describe those aspects of your proposals that we believe are currently addressed in Federal plans for radiological emergency response. Under these Federal plans there are extensive resources which would be available to support the State and local authorities in response to any major radiological emergency.

FEM1

FEMA has the responsibility for assuring that the Federal response is coordinated under an "umbrella" response plan, i.e., a plan which provides the outline of Federal responsibilities, notifications, deployment of personnel to the site, functions of various facilities, etc. The current plan is the Master Plan (Enclosure 1) which is expected to be superseded in 1984 by the Federal Radiological Emergency Response Plan (FRERP). The FRERP is an expansion of the Master Plan to include guidance for a Federal response to all types of civil radiological emergencies, including nuclear weapons and transportation accidents.

Under both of these plans, significant Federal resources have been committed to provide assistance to support State and local authorities. As you are aware, the Federal government has a broad range of resources. The Federal government is prepared, upon State request, to bring a significant portion of these resources to bear to help protect the public health and safety. Some of the major functions which the Federal government is ready to provide to the State and local authorities are:

Radiological Monitoring Assistance - The Department of Energy (DOE) has a mandate to provide radiological assistance to State and local authorities to monitor the offsite effects and evaluate the radiological impacts. This is done by providing radiological assistance teams from the National laboratories plus the specialized DOE response teams such as the Nuclear Emergency Search Team (NEST) and the Aerial Measurements System (AMS). The Environmental Protective Agency (EPA) and other Federal agencies will also provide similar assistance. These resources include field radiological survey teams, sample collectors, analytical capability, aerial surveillance,

communications equipment, and means for consolidating, collating, and distributing the data and evaluations to offsite authorities and the other Federal agencies. At THE Three Mile Island emergency, there were in excess of 150 technicians at the scene performing this function. This was a small portion of the total Federal resources that could have been made available to this effort.

Technical Assistance - The NRC has developed a comprehensive incident response program in which the NRC will independently evaluate the status of the reactor core and containment, estimate potential offsite impacts, and develop an independent assessment of utility protective action recommendations. This is accomplished by a continuous exchange of data between NRC and the utility and evaluation of that data by NRC technical expertise with some consultation with other Federal agencies, as necessary. These evaluations and assessments are continually discussed with State officials in an effort to assure that the protective action decisionmaker is provided with the assessment of the major participants in an appropriate context.

Military Assistance - After declaration of a Presidential Disaster, Public Law 92-288 authorizes FEMA to assist the State when their resources have been fully committed by an emergency of extraordinary portions. FEMA can give mission assignments to other Federal agencies, including the Department of Defense (DOD), to lend their resources to this effort. However, FEMA has never used military forces for police functions or emergency evacuations of the type that would be necessary in the event of an accident

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at a nuclear power plant. These powers reside with the State and local governments. Prior to the declaration of a Presidential Disaster, FEMA can request support from DOD. In accordance with the Federal response plan, DOD has agreed to provide resources in a major radiological emergency. At TMI, which was not a Declared Disaster, the DOD provided a significant amount of support in transporting emergency supplies and samples, providing communications support, and locating needed equipment. DOD radiological expertise was available but not needed.

Other Assistance - Each of the Federal agencies who have a role, i.e., either technical response, logistical support, or recovery, have delineated the actions and support they will provide to State and local authorities in the FRERP. This assistance will be coordinated by FEMA and includes tasks as diverse as:

- ° use of Federal assets and expertise in meeting communications requirements
- ° providing guidance and planning assistance for acceptable levels of radiation for the reentry of an evacuated population
- ° assist in planning for and placing evacuated individuals in available housing
- ° assist in providing livestock feed

A more complete listing of the assistance that can be provided by the various Federal agencies is provided in Enclosure 2.

We would also like to point out that FEMA conducts a comprehensive and well-respected program of training to State and local officials on radiological emergency response operations at its National Emergency Training Center in Emmitsburg, Maryland.

This outline of potential Federal support is rather brief. However, we wanted to bring to your attention that the Federal government has an extensive plan to assist State and local authorities in a major radiological emergency and is prepared to bring these extensive resources and capabilities to bear on the problem in a coordinated and timely manner. We are vitally interested in your views on the support that the Federal government is prepared to provide, and what additional support the Federal government should consider providing.

Further, senior management of FEMA and NRC would be pleased to meet with you or your representatives to discuss the question of Federal support if you feel that such a meeting would be useful. We would appreciate receiving your views on Federal support and the possibility of a meeting at your earliest convenience.

Sincerely,

Louis O. Giuffrida

Director

Federal Emergency Management Agency

Munzio J. Palladino

Chairman

U.S. Nuclear Regulatory Commission

Document Name:
LETTER TO GOVERNOR CUOMO

Requestor's ID:
KAY

Author's Name:
Bernie Weiss

Document Comments:
EDO-13932 response

THE WHITE HOUSE

WASHINGTON.

October 11, 1984

Dear Bill:

I want you to know of my appreciation for your continuing contributions to and support for my Administration. Your leadership and courage have been determining factors in the progress we have made in the last few years.

On a matter of particular concern to you and the people of Eastern Long Island, I wish to repeat Secretary Mead's assurance to you that this Administration does not favor the imposition of Federal Government authority over the objections of state and local governments in matters regarding the adequacy of an emergency evacuation plan for a nuclear power plant such as Shoreham. Your concern for the safety of the people of Long Island is paramount and shared by the Secretary and me.

Thank you again for your support. I look forward to working with you in the years ahead.

Sincerely,

Ronald Reagan

The Honorable William Carney
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

October 11, 1984

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Thank you again for your support. I look forward to working with you in the years ahead.

Sincerely,

Ronald Reagan

The Honorable William Carney
House of Representatives
Washington, D.C. 20515

Copy of

100-100000-100000

LILCO DITH LACON

Another Snag

Release

By Rick Brand

Federal officials said yesterday that Long Island Lighting Co. probably will not be allowed to hold a drill of its emergency plan for the Shoreham nuclear power plant the week of Feb. 11, the date sought by the utility.

"I don't think it's practical to have a drill at that time," said Edward Jordan, head of emergency preparedness for the Nuclear Regulatory Commission. Jordan's feelings were echoed by Frank Petrone, regional director for the Federal Emergency Management Agency.

Jordan said no action has been taken on LILCO's request because of the "unresolved legal problems" of whether LILCO has the legal authority to implement its plan, in which company employees assume duties

normally performed by government workers. New York State and Suffolk County have challenged in court the utility's right to implement its plan.

The only thing the NRC has done, Jordan said, is to send a letter to FEMA informing it of LILCO's request and subsequent objections by the state and Suffolk. There was no request for FEMA to schedule a drill. Under an agreement, the NRC would have to ask FEMA to schedule the drill, which it would also oversee and grade.

The NRC letter does, however, ask FEMA to take a lead in any preliminary consideration of this matter. Petrone said he will schedule a meeting with LILCO to discuss what a drill would entail and to talk about later dates.

Jordan could not say when a drill might be scheduled or when a decision on the issue could be made. Petrone said his office normally needs at least three months to prepare a drill once the NRC makes a request. He said a spring date for a drill still might be possible if the unresolved issues can be settled in the next month or so.

Ira Frellicher, LILCO's vice president for public affairs, said the company would cooperate with federal officials. "We're ready to proceed at any time with a drill," he said.

LILCO must successfully complete a drill before it can get a commercial operating license for Shoreham. The utility hopes to have the plant begin commercial operations Oct. 1. The plant must be in commercial operation before customers can be required to pay for the plant's cost.

DRAFT

MEMORANDUM FOR: Chairman Palladino
FROM: William J. Dircks
Executive Director for Operations
SUBJECT: SCHEDULING OF EMERGENCY PLAN EXERCISE FOR SHOREHAM

This is in response to your inquiry of January 16, 1985 regarding the scheduling of an exercise for the Shoreham Nuclear Power Station referred to in a recent newspaper article.

In a letter dated November 14, 1984, from J. D. Leonard, VP-Nuclear Operations, to H. R. Denton, NRR, LILCO requested the NRC to review and forward to the Federal Emergency Management Agency a statement of objectives to be demonstrated at an exercise of both the onsite and offsite emergency plans for Shoreham. LILCO stated that the exercise was planned for the week of February 11, 1985 and, in addition to forwarding the letter to FEMA, requested the staff to coordinate the arrangements for a preliminary meeting to begin the detailed planning process for the exercise.

The staff, in accordance with the LILCO request and normal staff practice, transmitted the LILCO exercise package to FEMA in a letter dated December 19, 1984. A copy of this transmittal is enclosed. In this letter the staff summarized the previous FEMA/NRC correspondence concerning the review of offsite emergency planning for Shoreham and, recognizing that there are still outstanding plan inadequacies and legal authority issues, requested FEMA to

(I wish the
transmittal of EEP)

M

D/10

take the lead in any preliminary consideration of the matter of an exercise of the offsite plans for Shoreham. No schedule was discussed in the letter but the staff recognized in internal discussions that the February 11, 1985 date was premature. The NRC also forwarded to FEMA ^{the} letters to the NRC from Governor Cuomo and John C. Gallagher, Chief Deputy County Executive for Suffolk County, opposing the conduct of an exercise at Shoreham due to the legal authority issue. The staff has responded to these two letters and the responses have been forwarded to FEMA.

William J. Dircks
Executive Director for Operations

SHOREHAM LETTER
July 12, 1984

Commissioner Asselstine adds:

I disagreed with the Commission's June 30, 1983 order regarding emergency planning and low-power operation at Shoreham. At the time, I expressed the view that the legal and policy issues involved were not nearly as simple or clear cut as the majority had indicated, and that the Commission should have obtained the views of the parties before reaching a decision on this matter. Apart from this defect in the majority's approach to decision-making, I believe that it would be unwise to allow low-power operation at Shoreham prior to the issuance of an initial decision by the licensing board on the emergency planning and preparedness contentions.

The emergency planning contentions in the Shoreham case differ from most contentions in nuclear plant operating license proceedings. Most such contentions, if decided in favor of the intervenor, are correctable through additional inspections, license conditions or hardware or procedural changes to the plant. However, the emergency planning contentions in Shoreham, if decided in favor of the intervenors, would likely prevent full-power operation of the plant. In such circumstances, it makes little sense to allow low-power operation of the plant--operation that would contaminate the facility and complicate subsequent maintenance--until the emergency planning contentions are resolved.

F/1 attachment

(b)(5)

MEMORANDUM FOR: Richard W. Krimm
Assistant Associate Director
Office of Natural and Technological
Federal Emergency Management Agency

FROM: Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

SUBJECT: SHOREHAM EXERCISE -

We transmit herewith a copy of a letter dated November 14, 1984 from J. D. Leonard, LILCO, to H. R. Denton, NRC, which states the objectives of an exercise which LILCO is planning for the week of February 11, 1985. The exercise is to be a demonstration of the Shoreham Emergency Preparedness Plan and the Local Emergency Response Organization (LERO) Plan which is referred to as the Transition Plan.

In a letter to FEMA dated June 1, 1983 which was subsequently modified in a letter dated June 17, 1983, the NRC requested FEMA to provide separate findings on whether the LILCO Transition Plan is adequate, whether it is capable of being implemented and whether LILCO has the ability to implement the plan. FEMA has provided findings to the NRC relating to the adequacy of the Transition Plan in several letters, the latest of which is dated November 15, 1984. In light of FEMA's continuing evaluation of offsite preparedness for Shoreham, we are providing the LILCO submission

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F/4

Richard W. Krimm

-2-

for your consideration. Also enclosed are letters to the NRC from Governor Cuomo and John C. Gallagher, Chief Deputy County Executive for Suffolk County that are related to the LILCO letter.

I suggest that we meet to discuss this matter following your review of the enclosed materials.

Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

Enclosures:
As Stated



Federal Emergency Management Agency

Region II

26 Federal Plaza

New York, New York 10278

*To: Marshall
Samuels*

December 21, 1983

Donald Irwin, Esq.
Hinton & Williams
707 East Main Street
PO Box 1535
Richmond, Virginia 23212

Dear Mr. Irwin:

This letter will confirm our conversation of this morning. First, you informed me that you would be sending to each RAC member a fully assembled and collated LILCO Transition Plan including Revision 3 with appropriate cross-reference to NUREG-0654.

In addition, you agreed in the interest of efficiency and effective utilization of FEMA and RAC resources that LILCO will prepare a matrix which identifies page changes affected by each revision of the plan with reference to NUREG-0654. This matrix should be updated to include each revision that has been or will be submitted in order to provide all reviewers with a chronological record of changes that have been effected. This matrix will facilitate quick reference to specific pages and allow reviewers to more readily assess the quality and affect of the changes that have been instituted as the plan and procedures have evolved to their current status. The suggested format is provided in Attachment 1.

In addition to the above matrix, FEMA also requests that a narrative description of the reason(s) for each change as provided with Revisions 1 and 2 be submitted with each revision of the plan and procedures. This narrative description should continue to be indexed by NUREG-0654 element.

Thank you for your assistance in this matter.

Sincerely,

Stewart M. Glass

Stewart M. Glass
Regional Counsel

cc: David A. Repka, Esq.
Lawrence Lapher, Esq.
Stephen B. Latham, Esq.
James B. Dougherty, Esq.
Ralph Shapiro, Esq.

RECEIVED
OFFICE OF REGIONAL COUNSEL
1983 DEC 23 PM 2:14
FEDERAL EMERGENCY
MANAGEMENT AGENCY

JAN 11 1984

MEMORANDUM FOR: Richard W. Krimm
Assistant Associate Director
Office of Natural and Technological
Hazards Programs

FROM: Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

SUBJECT: FEMA REVIEW OF LILCO TRANSITION PLAN FOR THE SHOREHAM
NUCLEAR POWER PLANT

This responds to your memo, same subject, dated December 22, 1983.

In that memo you stated the following conditions for expedited FEMA completion of review of the LILCO Transition Plan including Revisions 2 and 3:

1. Prompt distribution of the collated LILCO Transition Plan to all RAC members no later than January 3, 1984, including Revision 3, with appropriate cross-references to NUREG-0654.
2. Preparation by LILCO of a matrix which identifies page changes affected by each revision of the plan with references to NUREG-0654 in accordance with a suggested format.
3. Postponement of reviews at certain operating power reactors which may delay completion of 44-CFR-350 reviews in the Region.

I understand from discussions with NRC Region I representatives that the collated plan with matrix described above and as requested in FEMA Region II memo, S. Glass to LILCO representative D. Irwin, dated December 21, 1983, was forwarded to all RAC members on December 30, 1983. I further understand that the RAC members have been instructed to submit their input to FEMA RII by January 10, 1984. Further, we understand there will be a January 20, 1984 meeting of the RAC members to discuss their comments.

I appreciate the expedited actions by FEMA on this matter and would urge priority continue to be applied to meet the February 1, 1984 schedule.

DISTRIBUTION:

DCS

DEPER R/F

Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

cc: See page 2

D:DEPER:IE

ELJordan

1/ /84.jr

EP:DEPER:IE

FGPagano

1/ /84

ELD (telephone)

ESChristenbury

1/ /84

841236347
3pp

R. W. Krimm

- 2 -

JAN 11 1984

cc: J. G. Partlow, IE
S. A. Schwartz, IE
F. G. Pagano, IE
D. B. Matthews, IE
C. R. Van Niel, IE
F. Kantor, IE
E. S. Christenbury, ELD

DEC 28 1983

MEMORANDUM FOR: Richard W. Krimm, Assistant Associate Director
Office of Natural and Technological
Hazards Programs
Federal Emergency Management Agency

FROM: Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

SUBJECT: THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) SUPPORT
FOR THE NUCLEAR REGULATORY COMMISSION (NRC) LICENSING OF
SHOREHAM NUCLEAR STATION

As promised in my December 22, 1983 memorandum to you, I am transmitting herewith one copy of the Long Island Lighting Company's Revision 3 to the LILCO Transition Plan for Shoreham. LILCO informs us that they have transmitted 15 copies of Revision 3 to your Regional RAC Chairman. LILCO has also stated that this Revision does not make significant changes but rather sets forth matters of modification and clarification.

We thank you for your continued support and look forward to receiving your report on February 1, 1984 as previously agreed.

Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

Enclosure: As stated

cc w/o encl:
D. Eisenhut, NRR
T. Novak, NRR
E. Christenbury, ELD
E. Reis, ELD
T. Murley, RI
J. Allan, RI

DISTRIBUTION

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ASchwartz
12/23/83

ELJordan
12/23/83



11/20/83 on contract
Rev 3
Federal Emergency Management Agency

Washington, D.C. 20472

DEC 22 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 Programs

SUBJECT: Regional Assistance Committee (RAC) Review of Long Island
Lighting Company (LILCO) Transition Plan for the Shoreham
Nuclear Power Station

On October 27, 1983, the Federal Emergency Management Agency (FEMA) asked for an extension of 60 days (i.e., until February 1, 1984) to complete a thorough, detailed RAC review of Revision 1 of the LILCO Transition Plan for the Shoreham Nuclear Power Station. Via your memorandum of November 10, 1983, the Nuclear Regulatory Commission (NRC) granted that extension but requested that FEMA include Revision 2 in the RAC review. This had already been delivered to RAC members. In addition, via a letter of December 8, 1983, from Hunton and Williams, legal counsel for LILCO, FEMA received an amended list of effective pages of Revision 2. Finally, on December 14, 1983, FEMA was notified by Hunton and Williams that Revision 3 of the plan would be received during the week of December 19, 1983.

FEMA will make every effort to complete the review of the LILCO Transition Plan including Revisions 2 and 3 as close to February 1, 1984 as possible provided we receive the required material from LILCO no later than January 3, 1984. However, based on a preliminary examination of Revision 2 and preliminary information on Revision 3, some additional time beyond the originally projected date of February 1, 1984, will probably be needed to assure a comprehensive analysis of the plans by a full RAC review. In order to give FEMA's analysis and finding to NRC as soon as possible, we will need prompt distribution of the collated LILCO Transition Plan to all RAC members no later than January 3, 1984, including Revision 3, with appropriate cross-references to NUREG-0654. It is our understanding that LILCO intends to provide FEMA and the RAC members with comprehensive plans that incorporate both Revisions 2 and 3. Upon receipt of these plans and the cross-referencing mentioned below, a full, independent RAC review will begin.

In the interest of efficiency and effective utilization of RAC members and FEMA's resources, we request that the utility also prepare a matrix which identifies page changes affected by each revision of the plan with references to NUREG-0654. This matrix should be updated with each revision that is submitted in order to provide all reviewers with a chronological record of changes that have been affected. This matrix will facilitate quick reference to specific pages and allow reviewers to more readily assess the quality and effect of the changes that have been instituted as the plan and procedures have evolved to their current status. The suggested format is provided in the Attachment 1. *248189-0359*
3PP

In addition to the above matrix, FEMA also requests that a narrative description of the reason(s) for each change (i.e., actions, clarifications, etc. in response to FEMA comments, contentions, improvements, minor changes, etc.) be submitted with each revision of the plan and procedures. This narrative description should also be indexed by NUREG-0654 element.

At present, we have a substantial workload associated with operating nuclear reactors which will have to be postponed if FEMA attempts to meet the February 1, 1984, deadline. The Regional Assistance Committee has other agency commitments in addition to the REP work for our Region and cannot devote 100% of their time to Shoreham. As a result of this effort for Shoreham, FEMA/RAC may delay the completion of 44 CFR 350 reports for the operating nuclear reactors in the Region.

Attachment
as Stated

WPM-054

Revision number and affected pages

| criteria element | 0 | 1 | 2 | 3 | n |
|------------------|---|---|---|---|---|
| A.1.a | | | | | |
| A.1.b | | | | | |
| A.1.c | | | | | |
| A.1.d | | | | | |
| A.1.e | | | | | |
| A.2.a | | | | | |
| A.2.b | | | | | |
| A.3 | | | | | |
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| P.10 | | | | | |



Federal Emergency Management Agency

Washington, D.C. 20472

JAN 13 1984

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: Regional Assistance Committee (RAC) Review of Long Island
Lighting Company (LILCO) Transition Plan for the Shoreham
Nuclear Power Station

This is to inform you that the Federal Emergency Management Agency (FEMA) Region II staff has confirmed the receipt by all RAC members of the revised transition plan for Shoreham. The plan (one set) consists of four volumes and incorporates revisions 0, 1, 2, and 3. The FEMA Region II office received four sets of the revised plan on December 30, 1983. In addition, a revised NUREG-0654 cross-reference was provided along with a clarifying letter from LILCO. Although the revised cross-reference is helpful, the utility did not provide the matrix (that was requested in FEMA's December 22, 1983, memorandum) identifying page changes affected by each revision of the plan with reference to NUREG-0654. Members of the FEMA Region II staff have made inquiries into this matter and expect clarification from LILCO's counsel shortly.

We will, of course, continue the review of the revised Shoreham plan. As we noted in our December 22, 1983, memorandum, we will make every effort to complete the review as close to February 1, 1984, as possible, although some additional time may be needed to assure a comprehensive analysis of the plans by a full RAC review.

10.
~~840118/189~~



Federal Emergency Management Agency

Washington, D.C. 20472

January 25, 1984

Mr. William J. Dircks
Executive Director for Operations
Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Dircks:

Given the recent interpretation of Governor Cuomo on behalf of New York State as to the legal authority of Lilco to implement its emergency plan; should FEMA continue, modify or terminate the NRC requested review of the Lilco Plan?

Sincerely,

A handwritten signature in cursive script, reading "Samuel W. Speck".

Samuel W. Speck
Associate Director
State and Local Programs
and Support

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84-2207-134

1 (PBEARS/MATHIEL

January 26, 1984

Mr. Samuel W. Speck
Associate Director
State and Local Programs and
Support
Federal Emergency Management Agency
Washington, DC 20472

Dear Mr. Speck:

This is in response to your letter of January 25, 1984, inquiring as to whether FEMA should continue, modify or terminate its review of the LILCO off-site emergency plan for the Shoreham facility. In that FEMA's review will be an essential ingredient in the Licensing Board's ultimate determination on the adequacy and implementability of LILCO's proposed emergency plan, I would request that FEMA continue its review of the plan. In addition, because of the schedule previously set by the Licensing Board in the ongoing Shoreham proceeding, I would appreciate every effort you could make to insure that FEMA's review of the LILCO plan is completed by the previously agreed-upon date of February 1, 1984.

Thank you for your assistance in this matter.

Sincerely,

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

DISTRIBUTION:

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EDO R/F (14006)
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G. Cunningham
J. Murray
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V. Stello
R. DeYoung
Kerr, SP
ELD Reading File

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| NAME : | E. Christenbury/amb | : | G. Cunningham | : | E. Jordan | : | W. Dircks | : | : | : | : |



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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84-319-131

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.

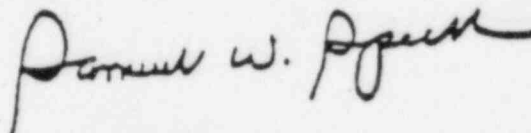
Also, consistent with directions from the President and with FEMA's legal mandates under the Federal Civil Defense Act, we are implementing a new emergency planning and assistance concept to enhance State and local capabilities to prepare for and respond to a broad range of natural and peacetime emergencies.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



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

MAY 11 1984

MEMORANDUM FOR: NRC/FEMA Steering Committee Members

FROM: Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

SUBJECT: HIGHLIGHTS OF MAY 2, 1984 NRC/FEMA STEERING COMMITTEE MEETING

| | | | | |
|------------|-------|--------------|------|-------------|
| ATTENDEES: | FEMA: | R. Krimm | NRC: | E. Jordan |
| | | M. Sanders | | K. Perkins |
| | | C. Wingo | | D. Matthews |
| | | B. Wilkerson | | |


The following are the highlights from the subject meeting:

1. The NRC/FEMA MOU for emergency preparedness was discussed. FEMA has solicited and received comments on the draft from its regions. The most substantive comments were addressed with NRC. FEMA will review the MOU and provide it to NRC for review by upper management.
2. The NRC's decision to table the revision of 10 CFR 50.47, Appendix E and NUREG-0654 for about 3 months was discussed. The NRC's approach to the exercise frequency rule change was discussed. It was agreed that Dave Matthews and Marshal Sanders should get together to assure consistency of language with FEMA's rule, particularly in the area requiring remedial exercises.
3. The status of the alert and notification system review process was discussed. It was agreed, based on the cooperation experienced, to continue the review based on a case-by-case approach to obtain the submittal to FEMA rather than a generic requirement by bulletin.
4. The question of transportation guidance and support to State and local governments was discussed briefly and a meeting to address the specific subject is being scheduled.
5. The NRC reported the staff's recommendation on the interaction of emergency preparedness and earthquakes. The staff's position is that no additional emergency preparedness effort is required.
6. Casework issues:
 - a. The Shoreham proposal described in Speck's letter to Dircks dated April 26, 1984 was discussed. The initial NRC staff position is that the concept has merit, but there are considerations that must be thoroughly addressed in implementing the approach.

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2pp

MAY 11 1984

- b. Maine Yankee (Route 27) was discussed in the context of the acceptability of methodology for evaluating evacuation planning and of the demographic information (particularly for the transient population).
 - c. Pilgrim (Bridge to Cape Cod) was discussed in a context similar to Maine Yankee. FEMA expects to provide their evaluation within 2 weeks.
 - d. TMI/Peach Bottom resolution of deficiencies were discussed. The FEMA region is now reviewing the State's submission.
 - e. The need for a Diablo Canyon interim finding was emphasized. FEMA expects to meet the May 30 due date.
 - f. Indian Point exercise schedule extension was discussed and a target of not later than November 30, 1983 was agreed to.
7. The NRC lessons learned responsibilities at NRC were described with specific mention of Frank Pagano's special assignment.


Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

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U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

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LEE MC ELVAIN
GENERAL COUNSEL

TIMOTHY W. GUDDEN
REPUBLICAN COUNSEL

March 30, 1984

The Honorable Nunzio J. Palladino
Chairman
U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Dear Mr. Chairman:

In light of recent low power licensing cases, I would appreciate an explanation of the risks associated with low power operation at commercial nuclear power reactors.

Additionally, the Commission's response to the following specific questions would be helpful:

1. What studies, reports or "NUREG" documents has the Commission published concerning the risks of low power operation?
2. What would be the accumulation of radioactive fission products after 30, 60 and 120 days of 5 percent operation at a typical BWR and at a typical PWR?
3. What could be the offsite consequences of an accident at low power assuming the accumulation of fission products after 30, 60 and 120 days of 5 percent operation at a typical BWR and at a typical PWR? Specifically, what, if any, source term assumptions does the NRC use for judging the risk of low power operation?
4. What does the NRC believe to be the probability of accidents at a typical BWR and at a typical PWR during low power operation? Identify the dominant accident sequences that could lead to core damage, core melting, or offsite releases. Additionally, please indicate whether the Commission believes that the probability of mishaps and accidents is higher or lower for plants with a low power license than for plants with a full power license. Please also indicate

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March 30, 1984

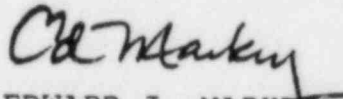
Page Two

what has been the history of operating experience for plants with a low power license and provide any studies or memoranda concerning this subject.

5. For all reactors licensed since the accident at Three Mile Island, please provide the following: (a) the date of issuance of the low power license; (b) the date of initial criticality; (c) the date of 5 percent power operation; (d) the date of issuance of the full power license; (e) the date that power levels of 25 percent or higher were first attained; (f) the date that power levels of 90 percent or higher were first attained; (g) exemptions granted by the NRC to the low power license; and, (h) exemptions granted by the NRC to the full power license.

In advance, thank you for your attention to this matter.

Sincerely,



EDWARD J. MARKLEY
Chairman, Subcommittee on
Oversight and Investigations

EJM:rau

K. runn / W. Johnson

JAN 11 1985

The Honorable Mario M. Cuomo
Governor of New York
Albany, NY 12224

Dear Governor Cuomo:

I am responding to your letter of November 29, 1984 to Harold Denton regarding the November 14, 1984 request by the Long Island Lighting Company (LILCO) that NRC forward materials to the Federal Emergency Management Agency (FEMA) related to an emergency preparedness exercise planned by LILCO for the week of February 11, 1985. You attached letters to Congressman Carney from President Reagan and Secretary Hodel, and advised us that New York State is opposed to any such exercise and objects to NRC assistance or cooperation in such an exercise over the objections of New York State.

As you are aware, LILCO has developed its own offsite emergency response plan and organization, with LILCO personnel identified to perform certain duties ordinarily performed by State and County employees in the event of an emergency. Consistent with FEMA's responsibility for assessing the adequacy of offsite emergency planning and preparedness, the NRC requested FEMA to provide findings on whether the LILCO offsite plan (Transition Plan) is adequate, whether it is capable of being implemented, and whether LILCO has the ability to implement the plan. FEMA has provided findings to the NRC relating to the adequacy of the Transition Plan in several letters, the latest of which is dated November 15, 1984. This letter indicated that of the 32 inadequacies identified in a previous review of the Transition Plan, 8 remain inadequate.

FEMA's letter also identified those aspects of the plan, including some of the remaining inadequacies, where legal authority issues continue to be of concern. The legal authority issues are the subject of the lawsuit in the New York State Supreme Court to which you referred in your letter and are also being considered by an NRC Atomic Safety and Licensing Board in the Shoreham operating license proceeding. It would, of course, be difficult and inappropriate to try to predict the outcome of these proceedings at this time.

Regarding the exercise proposed by LILCO in their November 14 letter, the normal practice of NRC and FEMA in response to an applicant's proposal is to review the submitted objectives, provide comments to the involved parties and prepare to observe and evaluate the scheduled exercise. In this instance there are outstanding plan inadequacies and legal authority issues. Accordingly, we have forwarded LILCO's November 14 letter to FEMA for their information and have requested them to take the lead in any preliminary consideration of this matter.

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2 pp.

ENCLOSURE 2

The Honorable Mario M. Cuomo

-2-

We also forwarded to FEMA copies of your November 29 letter and a similar letter to the NRC dated November 28, 1984 from John C. Gallagher, Chief Deputy County Executive of Suffolk County.

We appreciate your informing us of New York State's views on this important matter and hope this information is useful to you in understanding the respective NRC and FEMA responsibilities with regard to evaluating emergency preparedness for Shoreham.

Sincerely,

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

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K. Rimm / W. Benson

JAN 11 1985

Mr. John C. Gallagher
Chief Deputy County Executive
County of Suffolk
Veterans Memorial Highway
Hauppauge, New York 11788

Dear Mr. Gallagher:

I am responding to your letter of November 28, 1984 to Harold Denton regarding the November 14, 1984 request by the Long Island Lighting Company (LILCO) that NRC forward materials to the Federal Emergency Management Agency (FEMA) related to an emergency preparedness exercise planned by LILCO for the week of February 11, 1985. You attached a letter to Congressman Carney from President Reagan and advised us that Suffolk County is opposed to any such exercise and objects to NRC promotion, assistance or concurrence in such an exercise over the objections of the County government.

As you are aware, LILCO has developed its own offsite emergency response plan and organization, with LILCO personnel identified to perform certain duties ordinarily performed by State and County employees in the event of an emergency. Consistent with FEMA's responsibility for assessing the adequacy of offsite emergency planning and preparedness, the NRC requested FEMA to provide findings on whether the LILCO offsite plan (Transition Plan) is adequate, whether it is capable of being implemented, and whether LILCO has the ability to implement the plan. FEMA has provided findings to the NRC relating to the adequacy of the Transition Plan in several letters, the latest of which is dated November 15, 1984. This letter indicated that of the 32 inadequacies identified in a previous review of the Transition Plan, 8 remain inadequate.

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85-118-117

2pp.

John C. Gallagher

-2-

forwarded LILCO's November 14 letter to FEMA for their information and have requested them to take the lead in any preliminary consideration of this matter. We also forwarded to FEMA copies of your November 28 letter and a similar letter to the NRC dated November 29, 1984 from Governor Cuomo.

We appreciate your informing us of Suffolk County's views on this important matter and hope this information is useful to you in understanding the respective NRC and FEMA responsibilities with regard to evaluating emergency preparedness for Shoreham.

Sincerely,

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

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COUNTY OF SUFFOLK



JOHN C. GALLAGHER
CHIEF DEPUTY SUFFOLK COUNTY EXECUTIVE

January 4, 1985

Mr. William J. Dircks
Executive Director for Operations
U. S. Nuclear Regulatory Commission
7735 Old Georgetown Road
Bethesda, Maryland 20814

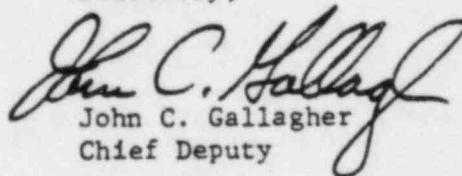
Dear Mr. Dircks:

There has been considerable discussion in the press recently of data developed from the Three Mile Island accident on emissions of radiouclides ^{Sp} (the so-called "source terms" issue), and of any possible effects on emergency planning for areas around nuclear power plants. Needless to say, Suffolk County continues to have a considerable interest in these matters, and we are presently litigating the planning zone issues before a Commission "ASLB" in connection with the licensing of the Shoreham plant.

I am writing to request that you give me a current report on the status of the NRC's analysis of the source term data and on the status of any changes that might result to Commission regulations. I am particularly interested in what effect this new data and analysis might have on your presently postulated 10-mile evacuation zone for nuclear power plants.

The above is a matter of considerable importance and urgency to Suffolk County; we are concerned for the health and safety of the public on Long Island and need to satisfy ourselves and the public on these issues. I look forward to your early response.

Sincerely,


John C. Gallagher
Chief Deputy

JCG:dsb

~~8582118495~~
IP

EDO — 000266



OFFICE OF THE COUNTY EXECUTIVE

PETER F. COHALAN
SUFFOLK COUNTY EXECUTIVE

JOHN G. GALLAGHER
CHIEF DEPUTY

November 28, 1984

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
7920 Norfolk Avenue
Room P-404A
Bethesda, Maryland 20814

Dear Mr. Denton:

By letter dated November 14, 1984, the Long Island Lighting Company requested that you transmit to FEMA materials intended "to support a graded exercise which LILCO is planning for the week of February 11, 1985." This is to advise you that Suffolk County is opposed to any such exercise and that the NRC should in no way promote, assist, or concur in such an exercise over the objections of this County government.

LILCO's implementation of its offsite emergency plan would be unlawful under the Constitution and laws of the State of New York. Both Suffolk County and New York State have filed lawsuits against LILCO in State Supreme Court in order to secure a conclusive order to that effect. In our view, therefore, LILCO's exercise of its plan would be in pursuit of an unlawful objective. I would also stress that it would be an insult to the people and government of Suffolk County.

Given the posture of the Shoreham case before the courts and the NRC, as well as the continuing position of this County that effective emergency preparedness for a nuclear accident at Shoreham is impossible, we ask that you reject LILCO's request to forward any exercise materials to FEMA and that you refrain from taking any steps which contribute to an intrusion by LILCO into the police powers of Suffolk County. For your information, I am enclosing a copy of a letter written by President Reagan which expresses the Administration's position.

Sincerely yours,

John C. Gallagher

John C. Gallagher
Chief Deputy County Executive

JCC:dsb
ENC.

EDO -- 000150



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

MARIO M. CUOMO
Governor

November 29, 1984

Dear Mr. Denton:

By letter dated November 14, 1984, the Long Island Lighting Company requested that you forward to FEMA materials "to support a graded exercise which LILCO is planning for the week of February 11, 1985." This is to advise you that New York State is opposed to any such exercise and to request that the NRC not assist or cooperate in such an exercise over the objections of New York State.

LILCO's desire to implement its off-site emergency evacuation plan would be unlawful under the constitution and the laws of the State of New York. Both New York State and Suffolk County have filed a consolidated law suit against LILCO which is pending in the State Supreme Court in order to secure a conclusive judicial ruling to that effect. It is our view, therefore, that LILCO's exercise of its plan would be a premature pursuit of an unlawful objective. It would also constitute an affront to the sovereignty of the State of New York.

Given the posture of that case before the courts, as well as the continuing position of Suffolk County that an effective emergency evacuation plan for a nuclear accident at Shoreham is impossible, I ask that you reject LILCO's request to transmit any exercise material to FEMA and that you refrain from taking any steps which contribute to a usurpation by LILCO of the police powers of Suffolk County and the State of New York. Such rejection on your part would be consistent with Administration

~~8411205495~~
LPP

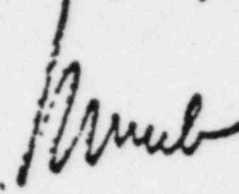
Mr. Harold Denton

- 2 -

November 29, 1984

policy as expressed in a letter written by President Reagan to Congressman Carney, dated October 11, 1984, a copy of which is annexed.

Sincerely yours,



Mr. Harold Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
7920 Norfolk Avenue, Room P-4D4A
Bethesda, Maryland 20814

Enclosure