



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

JUN 25 1985

MEMORANDUM FOR: Chairman Palladino

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: MONTHLY STATUS REPORT ON EMERGENCY PREPAREDNESS

Enclosed is the monthly report for May 1985 on the status of offsite emergency preparedness for operating license reviews. Two cases, Limerick and Shoreham, continue to be impacted by offsite emergency preparedness issues.

For Limerick, FEMA has provided a finding that offsite emergency planning and preparedness is adequate and can be implemented. On May 2, 1985, the ASLB decided in favor of the licensee on all offsite emergency preparedness issues, except those which may arise regarding the inmates of Graterford prison, subject to two conditions set forth in the decision. Thereafter, on May 9, 1985, the ASLB issued an order inviting comments on its preliminary determination granting the licensee's request for an exemption from the requirements of 10 CFR §50.47(a) and (b) during the period in which the Board is considering any additional contentions involving the Graterford inmates. On May 13, 1985, the inmates filed contentions regarding the Graterford emergency plan. The Licensing Board has admitted one contention and scheduled hearings to begin on July 15, 1985. On May 24, 1985, the ASLB issued an order granting the licensee's request for exemption thereby finalizing its May 9, 1985 preliminary determination. Three intervenors have appealed this decision requesting that it be reversed and that a stay be issued while the appeals are pending. On June 17, 1985, the Appeal Board vacated the Licensing Board's May 24 order and remanded it back to the Licensing Board for further action. In memoranda dated May 21 and 30, 1985, FEMA stated that the two conditions set forth by the ASLB had been resolved. The enclosed table shows a projected delay of three months for offsite emergency preparedness issues at Limerick. However, the potential exists for an additional delay of two months due to the need to complete the scheduled hearing on the Graterford prison issue.

For Shoreham, the Licensing Board for emergency planning ruled on April 17, 1985 that although LILCO's offsite emergency plan is generally adequate, LILCO does not have the legal authority to perform many of the required emergency response functions set out in that plan. On May 30, 1985, the Suffolk County Executive ordered the County to review and evaluate LILCO's offsite emergency plan and to participate in an exercise of that plan with the Local Emergency Response Organization. The New York Supreme Court ruled that the County Executive did not have the authority to take this action and that the order was a "nullity." An appeal is pending on this matter. New York State still

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refuses to cooperate in emergency planning for Shoreham. On May 6, 1985, the Board entered an order finding that an oral hearing was needed to resolve the contested issue as to whether the designated relocation center is itself functionally adequate to serve as a relocation center for the anticipated general evacuees. In addition, the intervenors have submitted a motion to reopen the record on the adequacy of health care facilities to treat radiologically exposed individuals. Hearings on the adequacy of the emergency diesel generators at Shoreham have been completed and the Licensing Board considering that matter issued a partial initial decision on June 14, 1985 authorizing the issuance of a license for operation up to 5 percent of rated power. As a result of a motion filed by Suffolk County and the State of New York, the Appeal Board stayed that decision on June 17, 1985 pending further order of the Board. In addition to the emergency diesel generators issue, resolution of the offsite emergency planning issue including the performance of an emergency plan exercise is required prior to operation above 5 percent power. In response to a memorandum from the Commission, the NRC staff on June 20, 1985 requested the cooperation of FEMA in scheduling an exercise of the emergency plan. Based on the above, a realistic forecast of licensing impact cannot be made at this time.

The Commission Decision and Start of Hearing dates shown in Table 1 of the enclosed report are consistent with the NRR monthly licensing report for May 1985.

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

Enclosure:

Status of Offsite Emergency Preparedness

cc: Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
OPE
OGC
SECY

Distribution: see page 3

See P. 3 for Note

*See previous concurrence

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revised on 6/21/85 to incorporate recent Shoreham events

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Note: About a year ago staff questioned the continued need for this monthly report to you in view of the fact that it is time-consuming to prepare and contains little that is new between quarterly reports to Congress. At that time you asked that the report continue. I would like to request again, for the same reasons as before, that the report be discontinued.

WJD

whether the designated relocation center is itself functionally adequate to serve as a relocation center for the anticipated general evacuees. In addition, the intervenors have submitted a motion to reopen the record on the adequacy of health care facilities to treat radiologically exposed individuals. Hearings on the adequacy of the emergency diesel generators at Shoreham were completed, and the Licensing Board considering that matter is expected to issue a decision in July 1985. For operation above 5 percent power, ASLB approvals on emergency diesel generators and offsite emergency planning are required. In addition, an exercise of the onsite and offsite emergency plans must be performed. Based on the above, a realistic forecast of licensing impact cannot be made at this time.

The Commission Decision and Start of Hearing dates shown in Table 1 of the enclosed report are consistent with the NRR monthly licensing report for May 1985.

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Executive Director for Operations

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Status of Offsite Emergency Preparedness

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May 31, 1985

Table 1
Status of Offsite Emergency Preparedness
Operating License Reviews

Facility	Estimated FEMA Finding	FEMA Finding Needed ²	Offsite EP Potential Delay ³ (Months)	Start of Hearings	Commission Decision
Palo Verde	C	C	0	C	C*
Watts Bar	C	C	0	None	**6
Limerick	C	C	37*	C	06/85*
Wolf Creek	C	C	0	C	06/85
River Bend	(06/30/85)*	(06/30/85)*	0	C	06/85
Perry	C	C	0	C ⁸	06/85
Fermi 2	C	C	0	C	07/85
Shoreham	-9	-9	-9	C	07/85
Comanche Peak	C	C	0	C	**10
Millstone 3	C	C	0	None	11/85
Hope Creek	09/15/85	09/15/85	0	None	12/85*
Clinton	11/01/85	11/01/85	0	None	01/86
Nine Mile 2	C	C	0	None	02/86
Harris	06/15/85	06/15/85	0	C	03/86
Braidwood	12/01/85	12/01/85	0	10/85 ¹¹	04/86
Seabrook	03/15/86	03/15/86	0	-12	04/86
Vogtle	05/01/86	05/01/86	0	**	09/86
South Texas	01/01/86	01/01/86	0	06/86	12/86
Beaver Valley 2	03/01/86	03/01/86	0	None	04/87
Total Potential Offsite Emergency Preparedness Delay			3*		

*Change from previous report.

**Not Scheduled.

¹The FEMA Findings, provided on the estimated dates indicated, are generally based on a determination of the adequacy of plans. FEMA Findings on off-site preparedness are not required to issue a license authorizing fuel loading and operation up to 5 percent of rated power. Parentheses indicate that supplemental information to FEMA Findings previously provided is expected on that date.

²For planning purposes, a FEMA Finding is needed approximately five months before a hearing or, in cases without a hearing, three months before the Commission Decision date for full power. For cases scheduled in the near-term with hearings that are heavily contested on offsite emergency preparedness issues, the FEMA Finding Needed date is usually the date testimony is required. Testimony dates are developed in consultation with the ASLB Panel based on Board hearing schedules and the status of offsite plans. In addition to testimony for these cases, complete FEMA Findings will be required before the Commission Decision date for full power. Dates in parentheses are for supplemental FEMA Findings.

³The delay is generally determined as the difference between FEMA Finding Needed and Estimated FEMA Finding and is in addition to any delays estimated in the report to the House Appropriations Subcommittee on Energy and Water Development.

⁴"C" indicates that a hearing has started. If emergency preparedness issues have been scheduled separately for a date significantly different from that of the start of the hearing, specific dates and footnotes, as appropriate, will be added.

⁵Dates are consistent with those reported to the House Appropriations Subcommittee on Energy and Water Development and in the NRC Monthly Licensing Report. For plants with construction completed, the Commission Decision dates shown are for full power licensing. For the other plants, the Commission Decision dates reflect the projected need date for NRC authorization of fuel loading and low power operations. Operating licenses restricted to 5 percent power may be issued by the NRC staff without additional Commission consideration subsequent to a favorable Board decision.

⁶For Watts Bar, the applicant has not provided a current construction schedule; therefore, no Commission Decision date has been determined. *

⁷On May 21, 1985, FEMA provided a finding that offsite emergency planning and preparedness for Limerick is adequate and can be implemented to protect public health and safety. On May 2, 1985, the ASLB decided in favor of the licensee on all offsite emergency preparedness issues, except those *

*Change from previous report

which may arise regarding the inmates at Graterford prison, subject to two conditions set forth in the decision. Thereafter, on May 9, 1985, the ASLB issued an order inviting comments on its preliminary determination granting the licensee's request for an exemption from the requirements of 10 CFR §50.47(a) and (b) during the period in which the Board is considering any additional contentions involving the Graterford inmates. The Licensing Board has admitted one contention with two bases and scheduled hearings to begin on July 15, 1985. On May 13, 1985, the inmates at Graterford filed eight contentions with regard to the Graterford prison emergency plan. On May 24, 1985, the ASLB issued an order granting the licensee's request for exemption thereby finalizing its May 9, 1985 preliminary determination. Three intervenors have appealed this decision requesting that it be reversed and that a stay be issued while the appeals are pending. On June 17, 1985, the Appeal Board vacated the Licensing Board's May 24 order and remanded it back to the Licensing Board for further action. In memoranda dated May 21 and 30, 1985, FEMA stated that the two conditions set forth by the ASLB had been resolved. A license which permits fuel loading and low power operation (less than 5 percent) was issued on October 26, 1984. The licensee was ready to exceed 5 percent power on March 22, 1985. A delay of three months for full power authorization, starting March 22, 1985, is projected for emergency preparedness issues.

⁸For Perry, the hearings on emergency planning contentions were completed in April 1985 and a Board decision is expected in the near future. *

⁹For Shoreham, a FEMA report on Revision 4 of the LILCO Transition Plan identified eight elements which remained unresolved. LILCO has responded to seven of these remaining inadequacies and FEMA's review of the proposed resolutions was forwarded to NRC. Six of the proposed resolutions are considered to be appropriate contingent upon satisfactory implementation of the resolutions and incorporation into a revised plan. One proposed resolution remains inappropriate. LILCO has not responded to the remaining element regarding the legal authority issue. On April 17, 1985, the Licensing Board for emergency planning ruled that, although LILCO's offsite emergency plan is generally adequate, LILCO does not have the legal authority to perform many of the required emergency functions set out in that plan. Both LILCO and the intervenors filed notices of appeal of the Licensing Board's partial initial decision. On May 30, 1985, the Suffolk County Executive ordered the County to review and evaluate LILCO's offsite emergency plan and to participate in an exercise of that plan with the Local Emergency Response Organization. However, the authority of the County Executive to take these steps is the subject of a hearing in the State Supreme Court; New York State still refuses to cooperate in emergency planning for Shoreham. On May 6, 1985, the Board entered an order finding that an oral hearing was needed to *

*Change from previous report.

resolve the contested issue as to whether the designated relocation center is itself functionally adequate to serve as a relocation center for the anticipated general evacuees. The hearing is currently scheduled for June 25, 1985. In addition, the intervenors have submitted a motion to reopen the record on the issue of the adequacy of health care facilities to treat radiologically exposed individuals. Hearings on the adequacy of the emergency diesel generators at Shoreham have been completed and the Licensing Board considering that matter issued a partial initial decision on July 14, 1985 authorizing the issuance of a license for operation up to 5 percent of rated power. As a result of a motion filed by Suffolk County and the State of New York, the Appeal Board stayed that decision on June 17, 1985 pending further order of the Board. In addition to the emergency diesel generators issue, resolution of the offsite emergency planning issue including the performance of an emergency plan exercise is required prior to operation above 5 percent power. In response to a memorandum from the Commission, the NRC staff on June 20, 1985 requested the cooperation of FEMA in scheduling an exercise of the emergency plan. Based on the above, a realistic forecast of licensing impact cannot be made at this time.

¹⁰The licensee has not provided a current construction schedule for Comanche Peak, and the ASLB has not established a hearing schedule. Therefore, no Commission Decision date has been determined.

¹¹In the case of Braidwood, the Board has admitted certain contentions including one relating to emergency preparedness. A hearing has been scheduled to begin in October 1985. *

¹²For Seabrook, FEMA has been chairing regular coordination meetings over the past year with the utility, New Hampshire, Massachusetts, and the NRC on an invitational basis. State and local plans for both states have been submitted to FEMA for review on an informal, technical basis. New Hampshire is expected to formally submit plans to FEMA by the end of summer 1985. FEMA is not able to accurately predict when Massachusetts will formally submit plans. Hearings were suspended after construction was halted. Although construction has resumed on a limited schedule, a schedule for the resumption of hearings has not yet been established. *

*Change from previous report.