



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

SEP 19 1995

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 August 1985 on the status of offsite emergency preparedness for operating license reviews. The licensing process for Shoreham continues to be impacted by offsite emergency preparedness issues.

A license authorizing operation of Shoreham at up to 5 percent power was issued on July 3, 1985. Resolution of offsite emergency planning issues, including the performance of an emergency plan exercise, is required before operation of Shoreham above 5 percent power may be authorized. On June 20, 1985, the NRC staff requested FEMA's cooperation in scheduling as full an exercise of the LILCO offsite plan for Shoreham as is feasible. On August 2, 1985, LILCO submitted Revision 5 of this plan to the NRC, which in turn forwarded it to FEMA for review. This revision responds to the remaining FEMA-identified inadequacies in the LILCO offsite plan, except for the lack of LILCO's legal authority to implement the plan. A New York court ruled on February 20, 1985, that LILCO did not have authority to implement its offsite plan without state or local government cooperation. LILCO has filed a notice of appeal of that decision to higher New York State courts.

On April 17, 1985, the NRC Licensing Board considering emergency planning for Shoreham ruled on the basis of the existing New York State court decision, that although the LILCO offsite plan is generally adequate, the plan could not be implemented under state law. Appeal of that decision was taken by LILCO, Suffolk County, and New York State to the NRC Appeal Board. On August 26, 1985, the Licensing Board issued a concluding partial initial decision finding that because of LILCO's inability to implement its offsite emergency response plan for Shoreham and because of the refusal of the state and county to cooperate, LILCO may not be issued a license for Shoreham at this time.

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. On July 9, 1985, the New York Court of Appeals affirmed lower court determinations holding that the Suffolk County Executive had acted contrary to county law in instructing county police and other county officials to participate in an emergency planning exercise for Shoreham. On July 15, 1985, the County Executive issued a new order

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directing that county agencies analyze, but not test, an emergency plan for Shoreham. New York State still refuses to participate in emergency planning for Shoreham. Following an exercise, additional delays may result based on hearings of exercise-related issues.

On the basis of the above, a realistic forecast of the impact on the licensing process 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 NRC monthly licensing report for August 1985.

Original signed by
Victor Stello

for
William J. Dircks
Executive Director for Operations

Enclosure:

Status of Offsite Emergency Preparedness

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

WJD

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*See previous concurrence

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Table 1
Status of Offsite Emergency Preparedness
Operating License Reviews

Facility	Date of Estimated FEMA Finding ¹	FEMA Finding Needed ²	Potential Offsite EP Delay ³ (Months)	Start of Hearings ⁴	Commission Decision ⁵
River Bend	C	C	0	C	10/85*
Shoreham	6	6	6	C	†
Perry	C	C	0	C ⁷	10/85*
Watts Bar	C	C	0	None	† ⁸
Comanche Peak	C	C	0	C	⁹
Millstone 3	C	C	0	None	11/85
Hope Creek	11/15/85*	11/15/85*	0	None	12/85
Clinton	11/15/85*	11/15/85*	0	None	01/86
Nine Mile 2	C	C	0	None	02/86
Harris	C*	C*	0	C	03/86
Braidwood	11/01/85*	11/01/85*	0	10/07/85* ¹⁰	04/86
Seabrook	03/15/86	03/15/86	0	¹¹	06/86*
Vogtle	05/01/86	05/01/86	0	†	12/86*
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:

-6

* Change from previous report.
† Not Scheduled.

Notes:

¹C = complete; i.e., FEMA Findings have been provided. Where a date is given in parentheses, supplemental information to FEMA Findings previously provided is expected on that date. FEMA Findings on offsite preparedness are not required to issue a license authorizing fuel loading and operation up to 5% of rated power.

²C = complete; i.e., FEMA Findings have been provided. Where a date is given, it is the date by which the FEMA Findings must be provided so that the Commission can make its decision on the full-power operating license for a plant.

³The delay is the difference between the date the FEMA Finding is needed and when it is required. This delay is in addition to any delays estimated in the report to the House Appropriations Subcommittee on Energy and Water Development.

⁴C = complete; i.e., a hearing has started.

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 for which construction is complete, the dates shown are for full-power licensing. For the other plants, the dates are those by which the NRC needs the information to act on authorization for fuel loading and low-power operations.

⁶On August 2, 1985, LILCO submitted Revision 5 of the offsite plan which incorporated resolutions to the remaining FEMA-identified inadequacies, except the element regarding LILCO's legal authority to implement this plan. NRC forwarded this plan to FEMA for review. FEMA intends to respond to NRC by September 30, 1985. 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. On July 9, 1985, the New York Court of Appeals affirmed lower court determinations holding that the Suffolk County Executive had acted contrary to county law in instructing county police and other officials to participate in an emergency planning exercise for Shoreham. On July 15, 1985, the County Executive issued a new order directing county agencies to analyze, but not test, an emergency plan for Shoreham. New York State still refuses to cooperate in emergency planning for Shoreham. 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. Oral argument on the legal authority issues was held on August 12, 1985. On August 26, 1985, the Board issued a concluding partial initial decision finding that because of LILCO's inability to implement its offsite emergency response plan and because of the refusal of the state and county to cooperate, a full-power license may not be issued for Shoreham. On July 3, 1985, a license was issued authorizing operation at up to 5% of rated power. Resolution of the offsite emergency planning issue, including the performance of an emergency plan exercise, is required before operation above 5% power. The NRC staff, on June 20, 1985, requested the cooperation of FEMA in scheduling as full an exercise of the LILCO offsite plan as is feasible. Following such an exercise, additional delays may result, based on a possible hearing of exercise-related issues. On the basis of the above, a realistic forecast of the impact on the licensing process cannot be made at this time. *

⁷The hearings on emergency planning contentions were completed in April 1985, and a Board decision is expected in September 1985.

⁸The applicant has not provided a current construction schedule.

⁹The licensee has not provided a current construction schedule, and the ASLB has not established a hearing schedule.

¹⁰The Board has admitted certain contentions including one relating to emergency preparedness; a hearing has been scheduled to begin in October 7, 1985.

¹¹FEMA has been chairing regular coordination meetings over the past year with the utility, New Hampshire, Massachusetts, and the NRC on an invitational basis. FEMA has reviewed draft state and local plans for both states, which were submitted for an informal technical review. FEMA's comments were transmitted to New Hampshire and Massachusetts for their use in preparation for formal submittal of emergency plans. New Hampshire is expected to formally submit plans to FEMA in the early fall 1985. FEMA is not able to accurately predict when Massachusetts will formally submit plans. Hearings on offsite emergency preparedness issues have yet to be held; the commencement of such hearings is awaiting the submission of emergency plans. *

directing that County agencies analyze, but not test, an emergency plan for Shoreham. New York State still refuses to participate in emergency planning for Shoreham. Following an exercise, additional delays may result based on hearings of exercise-related issues.

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William J. Dircks
Executive Director for Operations

Enclosure:
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cc: Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
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*See previous concurrence

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