



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

August 12, 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 July 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. The full-power authorization for Limerick was issued on August 8, 1985. Offsite emergency preparedness issues delayed the issuance of this authorization for almost five months.

For Shoreham, LILCO submitted Revision 5 of their Transition Plan to the NRC on August 2, 1985. This revision responded to the remaining plan inadequacies previously identified by FEMA, except the inadequacy regarding the legal authority issue. The NRC is forwarding this plan to FEMA for their review. 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. Appeals from this decision are being taken by LILCO, Suffolk County, and the State of New York. 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 the decision of two lower New York courts, holding that the Suffolk County Executive had exceeded his authority in issuing an Executive Order instructing Suffolk County police and other officials to participate in an emergency planning exercise for Shoreham. The Court of Appeals ruled that the County Executive could take steps to gather information relating to emergency planning, but that only the County Legislature has the authority to adopt an emergency plan. 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. A hearing was held on June 25-26, 1985 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; a decision is expected by the end of August 1985. 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.


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The Licensing Board considering that matter issued a partial initial decision on June 14, 1985 authorizing that a license for operation up to 5 percent of rated power be issued. This license was issued on July 3, 1985. Resolution of the offsite emergency planning issue, including the performance of an emergency plan exercise, is required before 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 as full an exercise of the LILCO Local Emergency Response Organization (LERO) plan as is feasible. Following such an exercise, additional delays may result based on a possible hearing of exercise related issues. Based on 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 NRR monthly licensing report for July 1985.

[(Signed) Jack W. Roe]

 William J. Dircks  
Executive Director for Operations

Enclosure:  
Status of Offsite Emergency Preparedness

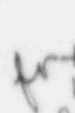
cc: Commissioner Roberts  
Commissioner Asselstine  
Commissioner Bernthal  
Commissioner Zech  
OPE  
OGC  
SECY

Distribution: see page 3

\*previous concurrence - Revised by EDO (8/9/85)

\*DD:IE  
RHVollmer  
8/7/85

\*D:IE  
JMTaylor  
8/7/85

-EDO  
WJDircks  
8/8/85

*EPB:IE	*EPB:IE	*Tech.Ed	*EPB:IE	*DD:DEPER:IE	*D:DEPER:IE	*ELD
RTHogan:ww	FKantor	DGable	DBMatthews	SASchwartz	ELJordan	ESChristenbury
8/7/85	8/7/85	8/6/85	8/7/85	8/7/85	8/7/85	8/6/85

Chairman Palladino

-2-

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. A hearing was held on June 25-26, 1985 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; a decision is expected by the end of August 1985. 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. The Licensing Board considering that matter issued a partial initial decision on June 14, 1985 authorizing that a license for operation up to 5 percent of rated power be issued. This license was issued on July 3, 1985. Resolution of the offsite emergency planning issue, including the performance of an emergency plan exercise, is required before 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 as full an exercise of the LILCO Local Emergency Response Organization (LERO) plan as is feasible. Following such an exercise, additional delays may result based on a possible hearing of exercise related issues. Based on the above, a realistic forecast of the impact on the licensing process cannot be made at this time.

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Distribution: see page 3

\*previous concurrence

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August 12, 1985

Table 1

Status of Offsite Emergency Preparedness  
Operating License Reviews

Facility	Estimated FEMA Finding <sup>1</sup>	FEMA Finding Needed <sup>2</sup>	Offsite EP Potential Delay <sup>3</sup> (Months)	Start of Commission Hearings <sup>4</sup>	Decision <sup>5</sup>
Fermi 2	C	C	0	C	C*
River Bend	C	C	0	C	08/85*
Limerick	C	C	-6	C	C*
Shoreham	-7	-7	-7	C	08/85
Perry	C	C	0	C <sup>8</sup>	09/85
Watts Bar	C	C	0	None	N/S <sup>9</sup>
Comanche Peak	C	C	0	C	N/S <sup>10</sup>
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	08/07/85*	08/07/85*	0	C	03/86
Braidwood	11/15/85*	11/15/85*	0	10/85 <sup>11</sup>	04/86
Seabrook	03/15/86	03/15/86	0	-12	04/86
Vogtle	05/01/86	05/01/86	0	N/S	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: - 6, 7

Notes 1-12 follow.

\* Change from previous report.

N/S Not scheduled.

<sup>1</sup>The 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.

<sup>2</sup>For planning purposes, a FEMA Finding is needed approximately 5 months before a hearing or, in cases without a hearing, 3 months before the Commission Decision date for a full-power operating license. 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 a full-power operating license. Dates in parentheses are for supplemental FEMA Findings.

<sup>3</sup>The 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.

<sup>4</sup>"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.

<sup>5</sup>Dates 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.

<sup>6</sup>On 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 which may arise regarding the inmates at Graterford prison, subject to two conditions set forth in the decision. In memoranda dated May 21 and 30, 1985, FEMA stated that the two conditions set forth by the ASLB had been resolved. On May 13, 1985, the inmates at Graterford filed eight contentions with regard to the Graterford prison emergency plan. The Licensing Board admitted two contentions and hearings were held on July 15-16, 1985. On July 22, 1985, the Board issued its decision which found in favor of the

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\*Change from previous report

licensee and authorized that a full-power license be issued. On June 24, 1985, the licensee filed with the Commission a request for an exemption from the requirements that a full-participation exercise be conducted within 1 year before the issuance of a license for full power and before operation above 5 percent of rated power. On July 25, 1985, the Commission referred the exemption to the Director of Nuclear Reactor Regulation for initial determination. The Director of Nuclear Reactor Regulation has authorized this exemption. A license that 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 full-power authorization was issued on August 8, 1985. Offsite emergency preparedness issues delayed issuance of this authorization for almost 5 months.

<sup>7</sup>For Shoreham, a FEMA report on Revision 4 of the LILCO Transition Plan identified eight elements which remained unresolved. LILCO responded to seven of these remaining inadequacies and FEMA's review of the proposed resolutions was forwarded to NRC. Six of the proposed resolutions were considered to be appropriate, contingent on satisfactory implementation of the resolutions and incorporation into a revised plan. One proposed resolution remained inappropriate. LILCO did not respond to the remaining element regarding the legal authority issue. On August 2, 1985, LILCO submitted Revision 5 of their Transition Plan to the NRC which incorporated resolutions to all the remaining inadequacies, except the element regarding the legal authority issue. The NRC is forwarding this plan to FEMA for their review. 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 is scheduled to be held on August 12, 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. 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." The decision was appealed. On July 9, 1985, the New York Court of Appeals affirmed the decision of two lower New York courts holding that the Suffolk County Executive had exceeded his authority in issuing an Executive Order instructing Suffolk County police and other officials to participate in an emergency planning exercise for Shoreham. The Court of Appeals ruled that the County Executive could take steps to gather information relating to emergency planning, but that only the County Legislature has the authority to adopt an emergency plan. 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. A hearing was held on June 25-26, 1985 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; a decision is expected by the end of August 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 June 14, 1985 authorizing that a license for operation up to 5 percent of rated power be issued. On July 3, 1985, a license was issued authorizing operation up to 5 percent of rated power. Resolution of the offsite emergency planning issue, including the performance of an emergency plan exercise, is required before 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 as full an exercise of the LILCO Local Emergency Response Organization (LERO) plan as is feasible. Following such an exercise, additional delays may result based on a possible hearing of exercise related issues. Based on the above, a realistic forecast of the impact on the licensing process cannot be made at this time.

<sup>8</sup>For Perry, the hearings on emergency planning contentions were completed in April 1985, and a Board decision is expected in August 1985.

<sup>9</sup>For Watts Bar, the applicant has not provided a current construction schedule; therefore, no Commission Decision date has been determined.

<sup>10</sup>The 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.

<sup>11</sup>In 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.

<sup>12</sup>For 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 on offsite emergency preparedness issues have yet to be held; the commencement of such hearings is awaiting the submission of emergency plans for Massachusetts. \*

\*Change from previous report.