



State of New Jersey

Department of Environmental Protection

Division of Environmental Safety, Health,
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Radiation Protection Programs

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James E. McGreevey
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Commissioner

December 16, 2002

Michael T. Lesar
Chief, Rules and Directives Branch
Office of Administration (Mail Stop: T6-D59)
Nuclear Regulatory Commission
Washington, DC 20555-0001

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RULES AND DIRECTIVES

Dear Mr. Lesar:

This letter is in response to the NRC's November 15, 2002, Solicitation of Public Comments on the Third Year of Implementation of the Reactor Oversight Process (ROP).

My comment deals with the following questions:

- 12. Does the ROP provide adequate assurance that plants are being operated and maintained safely?
- 14. Does the ROP enhance public confidence?
- 19. Does the ROP result in unintended consequences?

We have raised concerns with the lack of corrective action taken by AmerGen in the area of Emergency Preparedness at Oyster Creek. During drills conducted during 2001 and 2002, we noted recurring problems. We verbally expressed our concerns to AmerGen, and then documented these problems in a letter November 22, 2002, attached.

Over the three-year implementation of the Reactor Oversight Process, the NRC continuously rated Oyster Creek as Green in assessments of Emergency Preparedness. We feel the ROP is misleading the public in this area for the Oyster Creek plant. This is an example where ineffective corrective actions are not being appropriately assessed by the ROP, possibly due to the low acceptance criteria for reactor support areas, e.g. Emergency Preparedness. The Federal Emergency Management Agency, in their recent draft Exercise Report, judged the Joint Information Center at Oyster Creek as follows:

Template - ADM-013

ERDS = ADM-03

ADM = M. Hanley (4543)

“Facility that is inadequate to support the type of media response that could be expected from an emergency activity at OCNGS. Additionally, telephone support for media representatives does not exist in the present facility, and the availability of audiovisual equipment to support media briefings is inadequate.” It was recommended to, “Identify an additional facility that could handle a response team of 100-200 media representatives that can provide adequate audiovisual support for media briefings.”

The issues are documented in the Oyster Creek corrective action program but remain unresolved. The NRC's oversight of this area is not affecting a positive change in performance. There appears to be no mechanism for the NRC to cite a violation on poor performance during emergency exercises as long as critiques identify the problems. We request an assessment of NRC performance indicators of corrective action and emergency preparedness, hopefully the NRC will find a better way to represent weaknesses in these area and present them in a meaningful way.

Thank you for the opportunity to comment.

Sincerely,



**Jill Lipoti, Ph. D., Assistant Director
Radiation Protection Programs**

Enclosure

**c: Robert Bores, Ph.D. Region 1
Kent Tosch, NJ DEP
Dennis Zannoni, NJ DEP**



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James E. McGreevey
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November 22, 2002

Ron DeGregorio, Site Vice President
Oyster Creek Generating Station
AmerGen Electric Company LLC
PO Box 388
Forked River, NJ 08731-0388

Dear Mr. DeGregorio:

I am writing to express our deep concern that AmerGen's response during recent nuclear emergency preparedness exercises has not met the requirements established by the Nuclear Regulatory Commission (NRC) in NUREG 0696, "Functional Criteria for Emergency Response Facilities." Our most immediate concern is the apparent lack of operational control at the Emergency Operations Facility (EOF) and the Joint Information Center (JIC). I would like to emphasize that our concerns are for fundamental and recurring problems.

It is our understanding that, in accordance with its new exercise evaluation methodology, the Federal Emergency Management Agency (FEMA) will use this opportunity to provide a baseline for Oyster Creek during the September 2003 evaluated exercise. Without significant improvement, we believe that FEMA is likely to issue a deficiency. We, therefore, believe that it is critical that AmerGen take immediate corrective action.

As you know, NUREG 0696 describes the facilities and systems to be used by nuclear power plant licensees during emergency situations. The EOF is described as the licensee's controlled and operated offsite support center. "The EOF will have facilities for:

- Management of overall licensee emergency response,
- Coordination of radiological and environmental assessment,
- Determination of recommended public protective actions, and
- Coordination of emergency activities with federal, state and local agencies.

Facilities shall be provided in the EOF for the acquisition, display, and evaluation of all radiological, meteorological and plant system data pertinent to determine offsite protective

measures. These facilities will be used to evaluate the magnitude and effects of actual or potential radioactive releases from the plant and to determine offsite dose projections.

The licensee shall use the EOF to coordinate its emergency response activities with those of local, state, and federal agencies, including the NRC.....

State and local agencies will be responsible for implementing emergency response actions involving the general public. The state and local agencies may operate from the EOF or from their own control centers at other locations. Collocation of offsite authorities at the EOF for the purpose of offsite dose estimation is encouraged." (NUREG 0696, pp. 16 and 17)

"The primary functions of the EOF voice communications facilities will be:

- EOF management communications with the designated senior licensee manager in charge of the Technical Support Center,
- Communications to manage licensee emergency response resources,
- Communications to coordinate radiological monitoring,
- Communications to coordinate offsite emergency response activities,
- Communications to disseminate information and recommended protective actions to responsible government agencies." (NUREG 0696, p. 20)

During previous post exercise assessments and at various meetings including your own EPAC, we have expressed our concerns regarding AmerGen's operation of the EOF and the JIC and with quality of the exercise scenarios. It is apparent to us the AmerGen personnel assigned to the Lakewood EOF are not familiar with the criteria established in NUREG 0696. During the most recent nuclear emergency response exercise on November 12, 2002 we encountered the following problems:

Emergency Operations Facility

1. The Emergency Site Director (ESD) focused a majority of the EOF resources towards accident mitigation and support to the Technical Support Center/Operator. This allocation of resources severely limited the availability of resources to the DEP and hindered access to essential information necessary to perform an independent assessment. On at least three occasions (at Leads' briefings and to the EOF as a whole), the ESD stated that "we (the EOF) are here to support the site." The EOF's mission given in NUREG 0696 to manage the emergency response effort, coordinate radiological and environmental assessment, make a Protective Action Recommendation (PAR) and coordinate response activities with federal, state and local agencies was completely lost.
2. The ESD rarely announced significant events and Emergency Action Level (EAL) changes over the facility public address system. Therefore, most of the state and utility staff at the facility were unaware of significant plant status changes, including releases of radioactive material. There appeared to be little concern for briefing the State representatives on any important information, including the reasoning supporting AmerGen's PAR. There was no immediate announcement to the entire EOF that a

General Emergency had been declared. It was announced 20 minutes later with the PAR. No AmerGen representative sought out the BNE Lead to ask whether or not BNE had developed a PAR. The existence of a BNE PAR was not announced to the EOF after being shared with the Leads.

3. The ESD did not consult with the DEP lead before developing a protective action. There have been at least three exercises where the utility PAR was developed and forwarded to the State Emergency Operations Center (EOC) before the DEP lead at the EOF was notified of an official EAL upgrade to a General Emergency (GE). During the November 12, 2002 exercise, AmerGen's EOF Lead did not ensure that a DEP representative was present in the briefing when he announced that a GE had been declared and discussion began on a utility PAR. DEP's Assistant Lead walked into the briefing mid-way and needed to stop the discussion to ask if a GE had been declared and if a release was in progress. The State Police's Office of Emergency Management's attempts to contact AmerGen's EOF Lead by phone were unsuccessful due to busy signals. AmerGen staff at the EOF did not recognize the gravity of this situation when it was brought to their attention and made no attempt to correct the problem. Again, this was due to a misunderstanding of the EOF's mission. There was no further discussion of the utility PAR during the Leads' briefing to re-evaluate its appropriateness as events unfolded.
4. Because of the focus on support to the TSC by AmerGen Staff at the EOF, DEP staff have had to aggressively search for critical plant data necessary to formulate an independent protective action. The Safety Parameter Display System (SPDS) used by AmerGen is controlled by its response group. Attempts to have certain SPDS screens displayed for use in developing an accurate protective action met with competing needs to support the TSC in mitigating the accident. State dose assessment staff could not access stack effluent readings when it was necessary to understand the magnitude and pathway of the release to make a PAR because engineering mitigation was the priority. Data on the release through the stack was essential since it was a dual path release. Knowing the potential source term and seeing stack release information would have resulted in a conclusion that the majority of the release was through the blowout panel and was unmonitored. It is imperative for the DEP to have all data systems available when PARs are formulated. In this exercise, it meant the difference between evacuating people from 0-5 miles versus 0-10 miles.
5. There was a complete lack of understanding that the majority of the release was through the blowout panels and very little through the stack. Critical discussions on whether to upgrade the PAR, such as issuing KI for emergency workers, and a potential reduction of driving force were not held.
6. Because AmerGen has not emphasized dose assessment, there have been a number of incorrect assessments performed by the AmerGen dose assessment team. Model runs have not corresponded to scenario offsite data. Plant pathway analysis has not been understood.

Joint Information Center

Previous problems with the JIC are well established. It is inadequate for conducting the media briefings. At the November 12 exercise two problems recurred that highlight the fundamental lack of resources at the JIC.

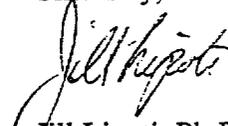
1. The initial news briefing (at the Alert) was delayed because the computer file containing the templates for the press briefings was erased and the briefing had to be retyped. Once it was retyped, the press briefing was reviewed by the EOF and revised. This process was delayed due to computer problems at the EOF. Finally, by the time the press release was approved, the exercise was at a GE and the Governor had issued a Declaration of a State of Emergency. The utility Public Information Officer refused a suggestion by the State Police and DEP to do a short briefing during this delay. Consequently, a briefing was not conducted until the exercise was over. After the exercise had terminated, the JIC conducted a short briefing on the GE and subsequent Protective Action Decision.
2. There were no personnel from the Kennett Square facility participating at the JIC. Participation by Kennett Square personnel is essential since there are few personnel from the site available for JIC functions. In addition, JIC responders do not receive adequate training during drills due to the problems cited above.

Scenario Development

Lastly, the Department believes that the exercise scenarios are inadequate. Quarterly scenarios have typically been off the shelf, shortened, not re-dated and sometimes incomplete. They lack descriptive narratives for the event, accurate field data with which to support DEP functions, including incorrect information for the Continuous Radiological Environmental Telemetry (CREST) system, and provide no data for field monitoring teams. Scenarios and data are often delivered too late for a complete BNE review. An example of this occurred during the FEMA graded exercise last June. The controller at the EOF was actually handed corrected CREST data during the exercise.

We are available to meet with you to help resolve these continuing problems.

Sincerely,



Jill Lipoti, Ph.D.,
Assistant Director

C: Ernie Harkness
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Robert J. Summers, Senior Resident Inspector, NRC
Robert J. Bores, Regional State Liaison Officer