

DOCKETED
U.N.R.C.

'89 OCT 30 A9:53

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket Nos. 50-443 OL
PUBLIC SERVICE COMPANY OF)	50-444 OL
NEW HAMPSHIRE, <u>et al.</u>)	Emergency Planning
)	
(Seabrook Station, Units 1 and 2))	

AFFIDAVIT OF EDWIN F. FOX, JR.
REGARDING ADDITIONAL BASES AND CONTENTION

I, Edwin F. Fox, Jr, being duly sworn, state as follows:

1. I am employed by the United States Nuclear Regulatory Commission as a Senior Emergency Preparedness Specialist, Emergency Preparedness Section, Facilities Radiation Safety and Safeguards Branch, Division of Radiation Safety and Safeguards, Region I, U.S. Nuclear Regulatory Commission at 475 Allendale Road, King of Prussia, Pa. A copy of my professional qualifications is already on record in this proceeding following Tr. 24627. My responsibilities during the September 28, 1989 onsite exercise are set forth in my October 17, 1989 affidavit at ¶¶ 2-6. I have read the Intervenor's 2nd Motion and my conclusions are set forth below.

2. It is part of the intervenors' argument for contention JI-Onsite EX-1 and their new contention, JI-Onsite EX-2, that "an onsite exercise, such as that conducted on September 27 must be broad enough in scope so that the major portions of the onsite emergency response capabilities can be evaluated." As stated in paragraphs 6 and 8 of my October 17, 1989 affidavit ("Fox Affidavit"), the scope of the Seabrook exercise conducted

on September 27 provided for the testing of the major portions of the onsite emergency response capabilities. The NRC Staff has provided guidance for determining the adequacy of exercise objectives and scenarios and hence the scope for all exercises in NRC Inspection Manual, Inspection Procedure 82302 ("IP 82302"). The NRC review of the objectives and scenario for the September 1989 Seabrook onsite exercise was conducted in accordance with IP 82302. The review determined that the exercise objectives and scenario would provide an adequate test of the Seabrook Station Radiological Emergency Plan (SSREP).

3. Intervenors' state in support of contention JI-Onsite Ex-1 that "the scenario failed to meet exercise objectives or regulatory requirements since the exercise design did not advance beyond a declaration of site area emergency and, therefore, did not trigger sufficient offsite protective action decisionmaking." Intervenors further allege that the NRC inspection report (Report No. 50-443/89-10) indicates that no protective action recommendations (PARs) based upon dose assessment or other factors were actually prepared or implemented. As previously stated in Fox Affidavit at ¶ 8, there is no need for the exercise to progress to the general emergency classification, a classification requiring the issuance of a PAR. An SAE classification indicates in accordance with NUREG-0654, Appendix 1, page 1-12, that "[a]ny releases [are] not expected to exceed EPA Protective Action Guideline exposure levels except near site boundary." One of the purposes of the SAE classification is "to provide consultation with offsite authorities." NUREG-0654, Appendix 1, at 1-12. The September 27, 1989 exercise scenario involved a loss-of-coolant accident which would result in declaration of a site area emergency and

would test the Applicants' on-site emergency response facilities including the functions of dose assessment, protective action decisionmaking, and the interface with the State of New Hampshire officials and the Offsite Response Organization (ORO). ^{1/} As documented in the inspection report, the NRC observed various response activities including the assessment and projection of radiological dose consideration of protective actions.

4. Consistent with the guidance in IP 82301, dose assessment capability was promptly established in the emergency operations facility (EOF), and possible protective actions were discussed with the State of New Hampshire and the ORO. ^{2/} The NRC staff noted that these discussions were frequent and effective and included the determination of potentially affected areas and consideration of specific protective actions for school children.

5. PAR's should not be based solely on dose assessment but should initially rely primarily on information concerning plant conditions. As other reliable information is obtained, the PAR's are confirmed and refined. Other information includes, projected or actual dose assessments, meteorological conditions (wind speed, direction, stability class), weather (rain, snow), day of the week, season of the year, time of day, etc. During the onsite exercise, the NRC observed the Recovery

^{1/} The ORO is the New Hampshire Yankee organization responsible for implementing the Seabrook Plan for Massachusetts Communities.

^{2/} The September 27, 1989 exercise was a partial participation exercise involving the participation of representatives of the State of New Hampshire and the ORO. Such offsite participation is not a requirement for an exercise of the onsite plans, however, the participation of these organizations allows for expanded "play" especially in the PAR development and decisionmaking activity.

Manager at the EOF discussing all of these and other factors, the need for protective action recommendations and those protective actions already implemented. The factors were discussed with the Staff at the EOF, other onsite response centers (Technical Support Center, Control Room) and the representatives of the State of New Hampshire and the ORO. This exercise objective was adequately demonstrated.

6. The Applicants tested their protective action decisionmaking capability through their evaluation of potential protective actions based on dose projections and plant conditions which were fully discussed with the offsite response organizations participating in the exercise. Based on the scenario and consistent with their plans and procedures at the SAE, they determined that because no releases occurred and due to the late September weather, there was no need for a beach closing PAR or to issue protective action recommendations (PARs) for the public. Therefore, it was not necessary to issue any PARs to the public. As indicated in the previous staff filing, onsite exercises not held in conjunction with offsite exercises (i.e., the so-called off-year exercises) are not required to proceed to a general emergency condition, the type of condition associated with severe core damage and significant releases of radioactive materials. Kantor Affidavit at ¶ 12; see NRC Information Notice No. 87-54. While no releases occurred and no PARs were actually issued in the September 27, 1989 exercise, the Applicants did engage in the decisionmaking process involved in determining the necessity for PARs. This decisionmaking process, which included discussions with representatives of the offsite organizations, is an acceptable means for testing a licensee's capability to develop appropriate PARs.

7. Intervenors also allege "the scenario . . . did not involve the dispatch of any field monitoring teams and monitoring and assessment activities . . . no monitoring procedures or activities were tested even by mini scenario, [and] only sampling procedures were demonstrated." There is no requirement that field monitoring teams be dispatched to conduct monitoring and assessment activities during each onsite exercise. NRC guidance, IP 82302, provides that field monitoring is one of the elements of the emergency plan that should be included in an exercise over a 5-year period rather than each year. IP 82302 at 03.01.b.2.(m) & (n). The NRC reported that offsite radiological surveys were performed and that the field monitoring teams engaged in typical monitoring activities. Field monitoring teams were observed in the EOF preparing their equipment and receiving briefings on plant conditions and expected radiological conditions prior to dispatch. The NRC Staff observed that communications between the EOF and the field teams were excellent. By monitoring the communications between the EOF and the field teams, the NRC staff determined that the field monitoring teams were engaged in those tasks typically assigned to such teams; i.e., taking direct measurements (plume tracking) and obtaining environmental samples in the area expected to be affected by a release from the plant. The field monitoring results were used to verify that no radiation was being released from the plant. Field monitoring teams are drilled in the performance of their assigned emergency response functions on an annual basis by the Applicants as part of their emergency plan drill program. See SSREP at 12-1. The conduct of these drills has been verified by the NRC. See NRC Inspection Report No. 50-443/89-02. Persons who become members of onsite field monitoring teams

have a health physics background and receive training for and perform monitoring and assessment on a routine, day-to-day, basis at the Applicants' facility. Monitoring equipment and techniques used in the field are the same as those used day-to-day.

8. Intervenors state that the exercise

"failed in that it did not include demonstrations or evaluations of primary procedures, persons, organizations, facilities, or equipment essential to implement the plan. The exercises did not test the adequacy of timing and content of implementing procedures and methods, did not test communications networks or the public notification system, and did not ensure that emergency organization personnel are competent or familiar with their duties."

In order for the Applicants to meet the objectives approved by the NRC and the elements for yearly exercises in IP 82302, Applicants should:

(1) activate their facilities in accordance with their plan and procedures; (2) staff these facilities with individuals who have been previously found to be qualified and competent during NRC inspections using NRC Inspection Manual, Inspection Procedure 82701 ("IP 82701"); (3) use equipment determined to be adequate in previous inspections such as an Emergency Preparedness Implementation Appraisal or an inspection(s) using IP 82701; and (4) use their plan and procedures to carry out functions prescribed for the facility or position in mitigating the consequences of the hypothetical accident. The plan and its implementing procedures have been reviewed and found adequate by the NRC Staff. Revisions are reviewed to assure that these revisions have not degraded the effectiveness of the plan and procedures.

9. During the inspection of the September 27, 1989 Seabrook exercise, NRC inspectors at various emergency response facilities observed and evaluated exercise activities with knowledge and understanding of

these and other factors as the accident scenario progressed. Staff Report at 1-9. A part of the inspection involved the observation and evaluation of notification and communication networks with not only the offsite organizations, but in and among all emergency response facilities. Also, as stated above, these items were reviewed as part of the core inspection program in accordance with IP 82701. The NRC Staff also observed and evaluated these onsite networks during the September 27, 1989 exercise and documented its findings in the Staff Report. During the completion of the IP 82701 inspection, the NRC inspection of training included a review of training records and effectiveness by performing walk-through examinations to verify that the requisite training for positions in the emergency response organization had been completed on an annual basis. Information regarding the position, training and competence are then correlated with the names of the personnel designated to fill these positions.

10. Intervenors also state that "[t]he scope. . . failed to include a demonstration of onsite personnel of an actual shift change or a demonstration of the capability to provide staffing for continuous (24 - hour) operations for a protracted period or for second shift staffing." As indicated in paragraph 9, above, the Applicants' capability for 24 hour staffing is evaluated when conducting the routine core inspection program at Seabrook Station using IP 82701. Consequently, there is no need to demonstrate this during each annual exercise. The important aspect is 24-hour coverage, not the ability of one person to brief his or her relief on status prior to turning over the activity. Therefore, this capability need not be demonstrated during an exercise but rather can be separately

evaluated when conducting the routine core inspection program when reviewing changes to the emergency response organization.


11. Intervenors also state that "the scope . . . failed to require or include a demonstration of the capability for early notification and clear instruction to the populace within the plume exposure EPZ." As stated in NUREG-0654, Appendix 3 (at 3-1), "Means for Providing Prompt Alerting Notification of Response Organization and The Population,"

"NRC and FEMA recognize that the responsibility for activating the prompt notification system called for in this section is properly the responsibility of state and local government. NRC and FEMA also recognize that the responsibility for demonstrating that such a system is in place rests with the facility licensee." (Emphasis added.)

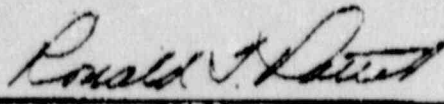
Since activating the Seabrook alert and notification system is the responsibility of the state and local governments and the September 1989 Seabrook exercise was not a "full participation" exercise, this aspect did not have to be tested. Also, other testing is performed throughout the year, such as a silent test (every two weeks), a growl or equipment test (quarterly or when preventive maintenance is performed) and a complete cycle test (at least annually and as required for formal evaluation).

12. The information relied on by Intervenors does not show a deficiency in scope of the onsite exercise and thus does not raise a significant safety issue.

The foregoing is true and correct to the best of my knowledge and belief.


Edwin V. Fox, Jr.

Subscribed and sworn to before
me this 27 th day of October 1989


Notary Public

My commission expires: 06 June 1993

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'89 OCT 30 A9:53

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
PUBLIC SERVICE COMPANY OF)
NEW HAMPSHIRE, et al.)
)
(Seabrook Station, Units 1 and 2))

OFFICE OF SECRETARY
DOCKETING & SERVICE
Docket Nos. 50-443 OL
50-444 OL
Offsite Emergency Planning

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO INTERVENORS' SECOND MOTION TO ADMIT CONTENTIONS ON THE SEPTEMBER 27, 1989 EMERGENCY PLAN EXERCISE" in the above captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, as indicated by double asterisks, by Express Mail, this 27th day of October 1989:

Ivan W. Smith, Chairman (2)*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Philip Ahrens, Esq.
Assistant Attorney General
Office of the Attorney General
State House Station
Augusta, ME 04333

Richard F. Cole*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

John Iraficonte, Esq.**
Assistant Attorney General
Office of the Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

Kenneth A. McCollom**
Administrative Judge
1107 West Knapp Street
Stillwater, OK 74705

Geoffrey Huntington, Esq.**
Assistant Attorney General
Office of the Attorney General
25 Capitol Street
Concord, NH 03301

Thomas G. Dignan, Jr., Esq.**
Robert K. Gad, III, Esq.
Ropes & Gray
One International Place
Boston, MA 02110-2624

Diane Curran, Esq.**
Harmon, Curran & Tousley
2001 S Street, NW
Suite 430
Washington, DC 20009

H. J. Flynn, Esq.
Assistant General Counsel
Federal Emergency Management Agency
500 C Street, S.W.
Washington, DC 20472

Paul McEachern, Esq.**
Shaines & McEachern
25 Maplewood Avenue
P.O. Box 360
Portsmouth, NH 03801

Sandra Gavutis, Chairman
Board of Selectmen
RFD #1, Box 1154
Kensington, NH 03827

Calvin A. Canney
City Hall
126 Daniel Street
Portsmouth, NH 03801

R. Scott Hill-Whilton, Esq.
Lagoulis, Clark, Hill-Whilton
& McGuire
79 State Street
Newburyport, MA 01950

Allen Lampert
Civil Defense Director
Town of Brentwood
20 Franklin
Exeter, NH 03833

William Armstrong
Civil Defense Director
Town of Exeter
10 Front Street
Exeter, NH 03833

Gary W. Holmes, Esq.
Holmes & Ellis
47 Winnacunnet Road
Hampton, NH 03842

Barbara J. Saint Andre, Esq.
Kopelman and Paige, P.C.
77 Franklin Street
Boston, MA 02110

Judith H. Mizner, Esq.
79 State Street
Newburyport, MA 01950

Robert Carrigg, Chairman
Board of Selectmen
Town Office
Atlantic Avenue
North Hampton, NH 03862

William S. Lord
Board of Selectmen
Town Hall - Friend Street
Amesbury, MA 01913

Mrs. Anne E. Goodman, Chairman
Board of Selectmen
13-15 Newmarket Road
Durham, NH 03824

Hon. Gordon J. Humphrey
United States Senate
531 Hart Senate Office Building
Washington, DC 20510

Richard R. Donovan
Federal Emergency Management
Agency
Federal Regional Center
130 228th Street, S.W.
Bethesda, Washington 98021-9796

Peter J. Matthews, Mayor
City Hall
Newburyport, MA 01950

Michael Santosuosso, Chairman
Board of Selectmen
South Hampton, NH 03827

Ashod N. Amirian, Esq.
Town Counsel for Merrimac
145 South Main Street
P.O. Box 38
Bradford, MA 01835

Robert A. Backus, Esq.**
Backus, Meyer & Solomon
116 Lowell Street
Manchester, NH 03106

Ms. Suzanne Breiseth
Board of Selectmen
Town of Hampton Falls
Drinkwater Road
Hampton Falls, NH 03844

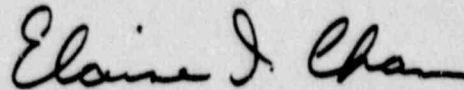
Robert R. Pierce, Esq.*
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing
Appeal Panel (6)*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

J. P. Nadeau
Board of Selectmen
10 Central Street
Rye, NH 03870

Atomic Safety and Licensing
Board Panel (1)*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Office of the Secretary(2)*
U.S. Nuclear Regulatory Commission
Washington, DC 20555
Attn: Docketing and Service Section



Elaine I. Chan
Counsel for NRC Staff