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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'89 MAY -1 P 4 :29

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF REGULATORY
INQUIRY & SERVICE
BRANCH

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

NRC STAFF'S PRE-TRIAL BRIEF ON
INTERVENORS' EXERCISE CONTENTIONS

Introduction

This trial brief summarizes the NRC Staff's position and testimony with respect to contentions concerning the Seabrook Station emergency preparedness exercise ("Seabrook Exercise") held on June 28-29, 1988. ^{1/}

I. NRC Staff's Position on Admitted Exercise Contentions

Based on a Memorandum of Understanding between the Federal Emergency Management Agency (FEMA) and the NRC, 50 FR 15485 (April 18, 1985), the Staff generally defers to FEMA's judgment as to the adequacy of offsite emergency planning and preparedness for the Seabrook Station emergency planning zone. The Staff does not take any position on exercise issues that is different from the position taken by FEMA. In this regard, the

^{1/} The Staff has previously submitted a trial brief with respect to contentions on the Seabrook Plan for Massachusetts Communities (SPMC). See "NRC Staff's Pre-Trial Brief on Contentions Concerning the Seabrook Plan for Massachusetts Communities (SPMC)" ("SPMC Pre-Trial Brief"), dated March 7, 1989.

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Staff accepts and relies upon FEMA's Seabrook Exercise Report dated September 1, 1988. In that report, FEMA identified no "Deficiencies", although it did identify a number of "Areas of Required Corrective Action." ^{2/} Based upon the adequacy of emergency planning and preparedness demonstrated during the exercise and FEMA's review and evaluation thereof (as well as the overall adequacy of onsite and offsite emergency plans and preparedness, reviewed by FEMA and the Staff with respect to other issues), pursuant to 10 C.F.R. § 50.47(a) there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at Seabrook Station.

II. NRC Staff Testimony

In accordance with the discussion set forth above, the Staff does not intend to present testimony on offsite emergency preparedness issues. However, one of the admitted contentions, MAG Ex Contention 19, addresses the adequacy of the protective action recommendations (PARs) generated during the Exercise by the Applicants' "onsite" Emergency Response Organization (ERO), and as such falls within the Staff's review responsibilities. With respect to this contention, the Staff intends to present the testimony of Edwin F. Fox, Jr. and Dr. Robert J. Bores. Based on their observations during the Exercise, their knowledge of the Exercise scenario and expected responses, the input of other Exercise evaluators, and their own expertise in this area, these individuals will testify that

^{2/} "Pretrial Brief of the Federal Emergency Management Agency on the June 28-29, 1988 Seabrook Exercise," dated April 17, 1989, at 2.

the protective action recommendations generated by the ERO during the Exercise were timely and appropriate.

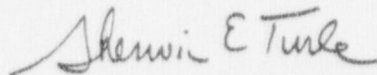
III. Resources Available to the Commonwealth of Massachusetts

The Staff previously stated, in its pretrial brief on SPMC issues, as follows:

The Staff does not presently anticipate introducing evidence as to the resources available to the Commonwealth of Massachusetts in the event of a radiological emergency, in light of certain voluntary statements made by the Massachusetts Attorney General (Mass AG) and prior rulings of the Licensing Board. Nonetheless, the Staff may determine to introduce certain information in this regard provided by the Mass AG in response to discovery requests, should this prove to be necessary and appropriate.

(SPMC Pre-Trial Brief, at 2-3). In accordance with this statement, the Staff may determine during the course of the upcoming hearings to introduce evidence produced by the Mass AG during discovery, concerning the Commonwealth's resources to implement a response in the event of a radiological emergency at Seabrook Station.

Respectfully submitted,



Sherwin E. Turk
Senior Supervisory
Trial Attorney

Dated at Rockville, Maryland
this 28th day of April, 1989

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PUBLIC SERVICE COMPANY OF
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(Seabrook Station, Units 1 and 2)

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S PRE-TRIAL BRIEF ON INTERVENORS' EXERCISE CONTENTIONS" and "NRC STAFF TESTIMONY OF EDWIN F. FOX, JR. AND DR. ROBERT J. BORES CONCERNING MAG EXERCISE CONTENTION 19 (PARs)" 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, or as indicated by double asterisks, by express mail, this 28th day of April 1989:

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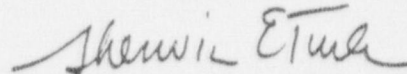
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