

Graystone

Emergency Management Associates

April 12, 1991

Ivan W. Smith, Esq., Chairman
Administrative Law Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

In the Matter of PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, et al.
(Seabrook Stations Units 1 and 2)
Docket Nos 50-443, 50-444 Offsite Emergency Planning

Dear Judge Smith:

Thank you for your response to my letter of March 25, 1991, and for advising me regarding the rulings of ALAB-941 and LBP-89-32, 30 NRC 375 (1989) with respect to the school participation issue. I did not have access to a copy of ALAB-941 when I directed my concerns to the Licensing Board. I did so based on the fact that Mr. Kwiatkowski's March 1, 1991 was forwarded to the Licensing Board by the NRC staff. You are correct that I question whether the December 1990 exercise adequately demonstrated a level of school participation sufficient to address the Appeal Board's concerns.

In retrospect, perhaps I should have addressed my concerns to the Appeal Board which issued ALAB-941 since you point out that it was the Appeal Board which directed that the failure to elicit sufficient school participation in the June 1988 exercise "be corrected in a subsequent exercise." Having done so, I find it alarming that the Appeal Board failed to ensure that the response to its directive would be reviewed by the NRC.

Equally confusing and disturbing to me at this point is the appearance that a determination of whether the Appeal Board's directive was properly implemented was left up to FEMA. From an emergency management perspective, clearly there is a contradiction between what the pre-exercise agreement called for, the FEMA exercise review methodology (Objective #19), and what FEMA observed during the exercise itself.

As I indicated to you in my March 25, 1991, correspondence, the pre-exercise agreements called for full participation by those special facilities which agreed to take part in the exercise. However, Mr. Kwiatkowski concludes that based on the number of facilities which were contacted during and after the exercise "confirm(s) FEMA's judgement that the sample used in the 1990 Seabrook exercise was adequate to provide a reliable test of the provisions of the NHRERP relating to notification of public and private schools and day care centers."

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April 12, 1991

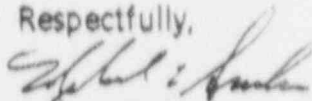
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FEMA's conclusion, in my opinion, should not be interpreted as fully addressing either the intent of the Appeal Board's directive nor that of its own Exercise Evaluation Methodology is, in fact, those participating special facilities did not fully implement the emergency response procedures written for them as part of the NHRERP. The issue here is not how many more special facilities participated in 1990 than did so in 1988, but rather whether those that did participate understood their role and responsibilities under the NHRERP. (You may recall that the NHRERP makes compensatory provisions for non-compliant facilities using so-called "default" values, and notwithstanding the Appeal Board's finding, the state could, if necessary, implement the plan's evacuation process with zero participation by affected special facilities.)

The Appeal Board and the NRC should withhold a determination on whether the directive in ALAB-941 was complied with in the December, 1990 exercise until there is documented evidence that the vast majority of those participating special facilities did adequately demonstrate the ability to effect their NHRERP implementing procedures.

Since the Licensing Board no longer has jurisdiction in this issue, I apologize for intruding on your time. You need not respond to this follow-up letter, but I would appreciate it if your staff would see that it and the previous correspondence are forwarded to the appropriate Appeal Board panel for its consideration.

Respectfully,



Michael C. Sinclair

MCS/hs

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

PUBLIC SERVICE COMPANY OF NEW
HAMPSHIRE, ET AL.
(Seabrook Station, Units 1 and 2)

Docket No.(s) 50-443/444-OL

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMO, SINCLAIR LTR DTD 4/12 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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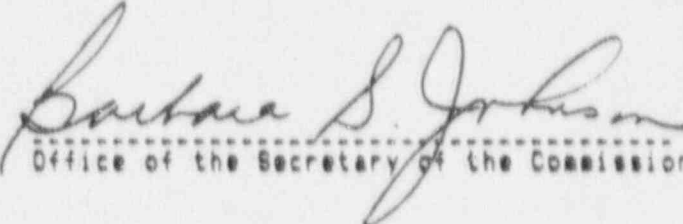
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Dated at Rockville, Md. this
17 day of April 1991


Office of the Secretary of the Commission