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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

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In the Matter of:

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

No. 50-443  
50-444

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

JOHN F. DOHERTY'S SECOND PETITION FOR LEAVE TO INTERVENE

John F. Doherty, of 318 Summit Ave. Suite #3, Brighton, Massachusetts. 02135, (617) 232-3853 now files this Petition for Leave to Intervene under 10 CFR 2.714 of the NRC Rules of Practice. This Petitioner (Hereafter: Petitioner) filed a first Petition for Leave to Intervene in these proceedings on September 6, 1983, which included a "Contention 1".

Standing

Petitioner resides approximately 40 miles from the site of the Seabrook Station. Petitioner is within the zone of effects of pathways of radiation exposure as expressed in Sec. 5.9.3.1, (Pg. 5-22) of the Final Environmental Impact Statement for this facility, and thus will be injured in fact by operation of the Seabrook Station. Moreover, Petitioner has used the Seabrook and Hampton Beach areas for recreational purposes and will continue this recreational activity. Petitioner frequently travels on Route 95 to Maine where two family members frequently reside and expects this travel to continue.

In his residence, travel, and recreation, Petitioner is effected by radioactive emissions and effluents from the subject power plant as listed in Table D.1, page D-4, and Table D-4, page D-8, of the December 1982 Final Environmental Impact Statement, NUREG-0895.

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In the event of serious accidents, exposure to radioactivity from the Seabrook Station in his residence or closer to the site will be greater for Petitioner, which is an additional way Petitioner will be effected by the the Licensing Board's decision, whether to authorize the Nuclear Regulatory Commission to issue an operating license.

For the above reasons, Petitioner has standing to intervene in this matter, and desires to participate as a party.

It should be noted the Staff in this Proceeding concluded in its September 26, 1983, filing "NRC Staff Response Opposing 'John F. Doherty's Petition for Leave to Intervene'"(page 4), f.n. 1, "Petitioner has stated that he resides approximately 40 miles from the Seabrook site. On this basis, the Staff does not challenge Petitioner's standing to intervene."

## Contention 2

Petitioner contends his health and safety interests will not be protected against accidental radioactive releases from the Seabrook Station because the NRC Emergency Notification System (ENS) is inadequate. Specifically, the ENS did not respond in a timely or correct manner to a recent event at a PWR when notified a large rate of release of radioactive iodine was taking place. The release rate, according to N.R.C. Inspection & Enforcement Notice 84-15 (Date March 2, 1984; received March 13, 1984) was 180 curies/20 minutes. This rate should have initiated licensee, state, and local actions, as well as NRC emergency response actions, but did not. (Radio-iodine is a significant gas among those released from nuclear plants, because it enters the ingestion pathway to humans in milk where it concentrates in the thyroid gland and induces tumours.) The Staff should

be required to present testimony as to how this inadequacy occurred at the ENS, including what background the personnel involved had in nuclear and health physics, what requirements it had for such personnel to qualify for their positions, what upgrading in requirements for this position at ENS the NRC now has if any and different from prior to the incident described in I & E Notice 84-15 as "Event 2", how it will prevent such incidents in the future and what the procedures and division of responsibilities were between licensees and the NRC ENS when the incident occurred, and how any changes with regard to procedures and division of responsibility between licensees and ENS will prevent such incidents in the future. The Applicant should be required to explain through testimony how it will assure it is competent during operation of Seabrook Station to make correct on site calculations which would be required to determine whether to notify the NRC of emergencies as mandated in 10 CFR 50.72(a) (2), (5), and (8); 10 CFR 20.403(a)(2) and 10 CFR 20.403(b)(2).

Justification for late filing of this Petition

As this OL proceeding has been noticed to the public several years ago, justification for a late intervention petition is required pursuant to 10 CFR 2.714 (a) (i)-(v).

(i) Good cause, if any, for failure to file on time

Word of the incident forming the basis of the Contention was not received by this person until March 13, 1984. The I & E Notice omits any date or place of the incident. That information is evidently with the NRC and the utility involved. At no time prior to the incident has there been a basis to raise this issue. Therefore, there is good cause for failure to file this contention prior to today.

(ii) The availability of other means whereby the Petitioner's Interest will be protected

No other forum offers the opportunity to hear the Staff and Applicant on their current plans with regard to how they will prevent recurrence of the aforementioned incident and how the Seabrook Station will be staffed and operated in such a way to assure notifications to

the NRC ENS are properly given. Hence, this factor favors Petitioner in balancing the five factors of 10 CFR 2.714 (a).

(iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.

In Houston Lighting & Power Co., (Allens Creek Nuclear Generating Station, Unit 1), ALAB 671, 15 NRC 508, 513 (1982) the Appeal Board stated, "[I]t is the ability to contribute sound evidence. . . that is of significance in considering a late-filed petition to intervene." This statement places emphasis on sound evidence in the determination of whether a Board should authorize the NRC to issue an operating license. Thus, the Appeal Board sees that a contention is evidence in a larger authorization decision, and that this should be "sound evidence". This leads to the conclusion the various contentions are "evidence". Since a contention is evidence to succeed in part (iii) of 10 CFR 2.714(a) Petitioner must show it is "sound".

The contention is not mere rumour. The NRC described the incident in one of its regular publications. If "sound" means substantial, then this Petitioner would argue the contention is substantial since any question, reasonably based as is this one, on the Applicant's or NRC's ability to know if the plant is endangering the public health with radiation releases, is relevant to determining if the license should be authorized, since the finding must be based on a finding that operation is not inimical to the public health and safety.

At the moment, Petitioner cannot participate unless the contention is admitted. Petitioner would point out he had experience in cross examining witness before an NRC licensing Board in the construction permit proceedings



for the now cancelled Allens Creek Nuclear Generating Station. Much evidence toward the Board's conclusion on Seabrook Station can be adduced through cross examination, as was done in Allens Creek. Thus, through his personal participation, and the evidence inherent in Board's examination of the proposed contention, admission of Petitioner will assist in making a sound record, and this factor weighs in favor of Petitioner.

(iv) The extent to which the Petitioner's interest will be represented by existing parties.

Petitioner knows of no party in this proceeding that has raised this issue, but of course, is not on the service list. Although the issue is novel, it is also a serious issue of public safety and how proper emergency readiness on the part of Applicant and the NRC, when the Seabrook Station is operational, may generate sensible emergency response, or prevent needless disruption for false alarm. Therefore, in balancing the five factors of 10 CFR 2.714(a) this factor favors Petitioner.

(v) The extent to which the Petitioner's participation will broaden the issues or delay the proceeding.

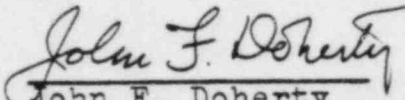
The proceeding will not be delayed in any negative sense because the issue proposed is clearly relevant to public safety. Since, if the NRC and Applicant cannot determine if a harmful amount of radiation has been released, no amount of emergency planning or preparation will be effective, an examination of how the ENS and Applicant will function in event of radiation releases is a reasonable part of said proceeding. Since it is the business of the proceeding to insure the Seabrook Station can be run without undue risk to the public, consideration of this issue is not delaying but doing the business of the proceeding.

Consideration of any new issue broadens a proceeding. However, consideration of this issue is of greater value than alleviating any inconvenience caused by the broadening imposed.

Hence, this factor favors Petitioner in balancing the factors of 10 CFR 2.714(a).

On consideration of the five factors of the relevant Commission rule, this Contention should be admitted into controversy in this Proceeding. In view of the fact the incident forming the basis for the Contention did not occur until "recently", and was at a PWR, there is particular strength in the argument for good cause for failure to file at a prior time. (10 CFR 2.714(a)(i))

Respectfully,

  
John F. Doherty

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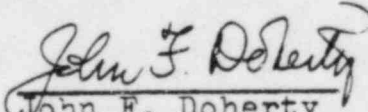
CERTIFICATE OF SERVICE

I certify that copies of the above, "JOHN F. DOHERTY'S SECOND PETITION FOR LEAVE TO INTERVENE" were served on the persons below this 22 of March, 1984, via First Class U. S. Postal Service, from Boston, Massachusetts.

Helen Hoyt, Esq. Administrative Judge, U. S. N. R. C. \*/  
Dr. Jerry Harbour, Administrative Judge, U. S. N. R. C. \*/  
Dr. Emmeth A. Luebke, Administrative Judge, U. S. N. R. C. \*/  
Carole F. Kagan, Esq. Clerk to the Board \*/  
Thomas Dignan, Esq. Applicant Counsel, Robes & Gray, 225  
Franklin St., Boston, Mass. 02110

Roy Lessey, Esq., Staff Counsel, U. S. N. R. C., Washington  
D. C. 20555

Atomic Safety Licensing & Appeal Board \*/  
Docketing & Service Branch  
Brian Cassidy, Esq. F.E.M.A. Regional Office, Boston 02110  
Seacoast Anti-Pollution League  
Commonwealth of Massachusetts, Environmental Protection Div.  
New England Coalition Against Nuclear Pollution

  
John F. Doherty

\*/Served at Atomic Safety & Licensing Board Panel, U. S.  
Nuclear Regulatory Commission, Washington D. C. 20555

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF INSPECTION AND ENFORCEMENT  
WASHINGTON, D.C. 20555

March 2, 1984

IE INFORMATION NOTICE NO. 84-15: REPORTING OF RADIOLOGICAL RELEASES

Addressees:

All nuclear power reactor facilities holding an operating license (OL) or construction permit (CP).

Purpose:

This information notice is issued to alert licensees of two recent events involving radioactive gaseous releases. In both events, the offsite radiological dose consequences were negligible. However, the incomplete or anomalous initial reporting and the lack of aggressive licensee followup for these events clearly demonstrate that (1) more attention could be given to better screening of initial reports to the NRC, and (2) more effort could be made to actively follow up and provide timely closure for radiological events.

On a somewhat related matter, recent random checks with licensees reveal that some facilities do not have the correct backup phone numbers for contacting the NRC Operations Center in the event of a failure to the Emergency Notification System (ENS). On June 1, 1982, the commercial telephone number of the Operations Center was changed to 202-951-0550. The new number was disseminated via IE Information Notice No. 82-15 dated May 28, 1982. In addition, Attachment 1 to this notice provides three additional telephone numbers for use in the event of an ENS failure. As IE Information Notice No. 82-15 pointed out, changes to licensee procedures may be necessary to accommodate the new numbers.

No specific licensee action or response is required.

Description of Circumstances:

Event 1

Recently, during a weekend, a pressurized water reactor (PWR) experienced a short-duration, unplanned, radioactive gaseous release followed by a 3-hour release 1.25 hours later. The second event caused the plant vent stack to alarm. These releases were not reported to the NRC Operations Center until 5.5 hours after the start of the 3-hour release. At that time the licensee did not know whether the plant's technical specifications (TS) limit for radioactive gaseous release rate had been exceeded.

The NRC Headquarters Operations Officer (HOO) asked the licensee to call back when the releases could be quantified. Given the release duration and the receipt of the vent stack alarm, the licensee should have initiated timely followup action to quantify the releases and to determine if a TS violation had occurred. Not until two days later were the releases quantified and shown to be approximately 33% of TS instantaneous release rate limit. The 3-hour sustained release occurred while condensation was being drained from the vent line of the volume control tank (VCT) to the waste gas decay tank. The plant's reactor coolant activity was equal to about 50% of the TS limit for specific activity.

## Event 2

Another PWR experienced an unplanned gaseous release lasting 15-20 minutes. The licensee notified the NRC HOO about 1 hour later and reported radioactive effluent release rates of approximately  $6 \times 10^{-4}$  Ci/s (noble gas) and  $1.5 \times 10^{-1}$  Ci/s (iodine). The source of the release was reported to originate from the VCT vapor space. In accordance with emergency implementing procedures, the licensee had declared a notification of unusual event (NOUE) upon receipt of effluent monitor alarm. The NOUE was terminated about 40 minutes after the release had stopped. An iodine release of this magnitude (180 curies) would have presented a significant offsite dose potential, dictating prompt initiation of licensee, state, and local actions, as well as NRC emergency response actions. At the time of the initial report, neither the licensee nor the NRC HOO recognized the offsite dose potential for the reported iodine release. The HOO asked the licensee for a callback/update when dose calculations were completed.

Early the following morning the relieving NRC HOO questioned the improbable noble gas-to-iodine release rate ratio, given the source of the release was the VCT vapor space. The HOO called the licensee for possible clarification and validation of release data. The licensee could not provide further clarification, but did suspect (but could not confirm) that the iodine release number may have been erroneous. Not until later in the morning did the licensee provide closure by reporting that the iodine release rate originally reported was incorrect and the actual release consequences were negligible.

## Discussion:

Both events demonstrate the need for licensees to focus more attention on the reporting requirements of 10 CFR 50.72. A more thorough technical review of initial reporting data, followed by aggressive followup to resolve potential anomalous/incomplete data can help provide timely resolution of reported events. For example, licensees should normally have sufficient information to rapidly bound the magnitude of a gaseous release--noble gas effluent monitor reading can be directly related to the TS instantaneous release rate.

The NRC has initiated a program to upgrade and broaden the HOO's level of knowledge in the radiological area. The initial training for HOO's covered radioactive gaseous and liquid releases, focusing on recognition of release magnituded, rates, and potential offsite dose consequences.

(Parties may wish to obtain the complete document)