

February 16, 1990

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
before the
ATOMIC SAFETY AND LICENSING BOARD

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

AFFIDAVIT OF WILLIAM WALLACE

I, WILLIAM T. WALLACE, being on oath, hereby depose and say as follows:

1. I am the Director of the New Hampshire Division of Public Health Services, Department of Health and Human Services.

2. One of my primary responsibilities as defined in the NHRERP is recommendation of protective actions.

3. The underlying principle in a protective action recommendation is to realize the greatest dose savings for the greatest number of people.

4. Where implementation of protective action is deemed appropriate (i.e.- a prognosis of decreasing ability to mitigate the emergency at the plant) evacuation is preferred and generally will be the selected protective action option. See NHRERP Rev. 3 2/90 Vol. 1 p. 2.6-11.

5. The October 1988 amendments to the NHRERP confirmed the procedures underlying this protective action option by eliminating a

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shelter-in-place recommendation for ERPA-A whenever the potential remains for a later evacuation of the beach area.

6. The planned protective action for ERPA-A in the event of declaration of a General Emergency is evacuation. However, the option of recommending shelter-in-place for ERPA-A was not precluded by amendments to the NHRERP in October 1988 or in any subsequent amendments or revisions. The shelter-in-place option remains for the so-called "puff release" scenario, and may also be exercised when physical impediments make evacuation impossible.

7. The shelter-in-place option is affirmed by the provisions of the NHRERP which: (a) permit consideration of a recommendation of shelter-in-place of ERPA-A in the event of a release of radioactive material at the Site Area Emergency (NHRERP Rev. 3, Vol 8, Sec. 7, p. 6.1-7); and (b) allow for recommending shelter-in-place of ERPAs other than ERPA-A at the General Emergency (NHRERP Rev. 3, Vol 8, p. 6.1-8).

8. The shelter-in-place concept, is defined in the NHRERP (NHRERP Rev. 3, Vol. 1, p. 2.6-8).

William T. Wallace
William Wallace

STATE OF NEW HAMPSHIRE
MERRIMACK, SS.

February 16, 1990

The above-subscribed William Wallace appeared before me and made oath that he had read the foregoing affidavit and that the statements set forth therein are true to the best of his knowledge.

Before me,

Barry J. Deane
Notary Public
My Commission Expires:

Notary Public
My Commission Expires:

February 16, 1990

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NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Before Administrative Judges:

G. Paul Bollwerk III, Chairman
Alan S. Rosenthal
Howard A. Wilber

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OF NEW HAMPSHIRE, et al.

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Seabrook Station, Units 1 and 2

RESPONSE OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY
TO EMERGENCY MOTION OF THE INTERVENORS TO REOPEN THE RECORD
AS TO THE NEED FOR SHELTERING IN CERTAIN CIRCUMSTANCES

The Federal Emergency Management Agency (FEMA), through its undersigned counsel, respectfully submits the following response to that portion of the Intervenor's Emergency Motion, dated February 6, 1990, seeking to reopen the record on the New Hampshire Radiological Emergency Response Plan (NHRERP) as to the need for sheltering in certain circumstances.

I. Introduction

FEMA believes that it can assist the Board and the parties by clarifying what the NHRERP provides regarding shelter for the New Hampshire beach population within the Seabrook EPZ. The Intervenor's state, incorrectly, that on February 1, 1990, for the first time, the Applicant disclosed that plan changes in October 1988 eliminated sheltering as an option for the general beach

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population (see Intervenor's Emergency Motion, p. 12). In fact, the "shelter-in-place" concept of NHRERP has since at least February 11, 1988 called for the transient beach population to evacuate and for the people indoors to remain indoors. As will be demonstrated in the following discussion and analysis, the Intervenor's motion inaccurately characterizes the NHRERP, the history of the litigation regarding the NHRERP, and FEMA's review and evaluation of the NHRERP.

II. The Definition of "Shelter-in-Place" in the NHRERP

The concept of "shelter-in-place," which is the only provision regarding shelter in the NHRERP, is precisely defined in the current revision of the NHRERP as follows:

New Hampshire employs the "Shelter-in-Place" concept. This concept provides for sheltering at the location in which the sheltering instruction is received. Those at home are to shelter at home; those at work or school are to be sheltered in the workplace or school building. Transients located indoors or in private homes will be asked to shelter at the locations they are visiting if this is feasible. Transients without access to an indoor location will be advised to evacuate as quickly as possible in their own vehicles (i.e., the vehicles in which they arrived). Departing transients will be advised to close the windows in their vehicles and use recirculating air until they have cleared the area subjected to radiation. The large number of transients present in the beach area within two miles of Seabrook Station during the peak summer months increases the possibility of some transient population without ready access to their own private source of transportation. While it is most likely that this population segment will seek transportation with other individuals departing the beach area, these transportation-dependent transients will be accommodated in temporary public shelters located in the beach area until state-provided transportation resources arrive.

NHRERP, Vol.1/Rev. 3 (2/90), p. 2.6-8 [emphasis added].

This definition of "shelter-in-place" is the same as the

definition in Revision 2 (October 1988) of the NHRERP, which is consistent with the plan in effect at the time of the 1988 hearings before the Atomic Safety and Licensing Board on the NHRERP. The October 1988 plan stated:

New Hampshire employs the "Shelter-in-Place" concept. This concept provides for sheltering at the location in which the sheltering instruction is received. Those at home are to shelter at home; those at work or school are to be sheltered in the workplace or school building. Transients located indoors or in private homes will be asked to shelter at the locations they are visiting if this is feasible. Transients without access to an indoor location will be advised to evacuate as quickly as possible in their own vehicles (i.e., the vehicles in which they arrived). Departing transients will be advised to close the windows in their vehicles and use recirculating air until they have cleared the area subject to radiation. The large number of transients present in the beach area within 2 miles of Seabrook Station during the peak summer months increases the possibility of having some transient population without ready access to their own private source of transportation. While it is most likely that this population segment will seek transportation with other individuals departing the beach area, these transportation-dependent transients will be accommodated in temporary public shelters located in the beach area until State-provided transportation resources arrive.

NHRERP, Rev. 2 (10/88), Vol. 1, p. 2.6-6 [emphasis added].

This same "shelter-in-place" concept was presented to the Atomic Safety and Licensing Board in Applicant's Direct Testimony No. 6, Appendix 1, received into the record of the Atomic Safety and Licensing Board hearing, May 2, 1988, and bound into the record following Transcript, p. 10022. Appendix 1 is a letter dated February 11, 1988, from Richard H. Strome, Director, State of New Hampshire Office of Emergency Management, to FEMA Region I, setting forth the State's "shelter-in-place" concept as follows:

"New Hampshire employs the 'Shelter-in-Place' concept.

This provides for sheltering at the location in which the sheltering instruction is received. Those at home are to shelter at home; those at work or school are to be sheltered in the workplace or school building. Transients located indoors or in private homes will be asked to shelter at the locations they are visiting if this is feasible. Transients without access to an indoor location will be advised to evacuate as quickly as possible in their own vehicles (i.e., the vehicles in which they arrived). Departing transients will be advised to close the windows of their vehicles and use recirculating air until they have cleared the area subject to radiation. If necessary, transients without transportation may seek directions to a nearby public building from local emergency workers. (NHRERP Vol. 1, p. 2.6-6)".

Id., Applicants Direct Testimony No. 6, April 15, 1988, Appendix 1, page 4 [emphasis added].

FEMA in its June 10, 1988 testimony concluded that the shelter-in-place concept described in the February 11, 1988 New Hampshire response was adequate in concept, and that implementing detail would be necessary.¹ The then current plan did not contain any information on which buildings would be used for the temporary sheltering of transients without transportation, nor did it contain an Emergency Broadcast System (EBS) message to inform those transients without transportation to go to the public buildings and await evacuation assistance, as discussed on page 8 of Enclosure 1 of the February 11, 1988 State response, Applicant's Direct Testimony No. 6, April 15, 1988, App. 1, p. 10 of 47.

Revision 2 (10/88) and Revision 3 (2/90) of the NHRERP

¹Amended Testimony of William R. Cumming and Joseph H. Keller on Behalf of the Federal Emergency Management Agency on Sheltering/Beach Population Issues, June 10, 1988, pp. 11-12, admitted into hearing record on June 16, 1988, transcript following p. 13968.

designate the buildings to which the transient beach population without transportation would be directed for temporary shelter while waiting for evacuation busses. These revisions also provide the required EBS messages. FEMA has found both Revision 2 and Revision 3 of the NHRERP to be fully adequate with regard to implementing detail.²

To emphasize the point, other than the "shelter-in-place" concept described above, there has never been provision for shelter in the NHRERP under any circumstances for any segment of the population. When "shelter-in place" is the recommended protective action, transients without access to an indoor location (e.g., a private residence, beach cottage, or hotel room) would be directed to evacuate in their own vehicles. Those transients without transportation would be directed to pre-designated temporary shelter locations while waiting for busses to evacuate them. There is no provision or instruction in the NHRERP for the transient beach population to attempt to find a nearby building and enter it, nor is there any reliance in the NHRERP on the Stone and Webster survey to identify potentially available shelters.³

²FEMA, Review and Evaluation of the State of New Hampshire Radiological Emergency Response Plan for Seabrook Station (12/88), Letter, Peterson to Stello (12/14/88), App. Ex. 43A; FEMA, Review and Evaluation of the State of New Hampshire Radiological Emergency Response Plan for Seabrook Station, February 1990, transmitted to the Nuclear Regulatory Commission on February 9, 1990 and submitted for the record in these proceedings through FEMA's Notice of Filing on February 9, 1990.

³In this respect, FEMA must disagree with the statement to the contrary made in Applicant's submission before the Licensing Board of February 1, 1990, at pp. 11-12. FEMA understands that the Applicant intends to withdraw this statement.

III. Conclusion

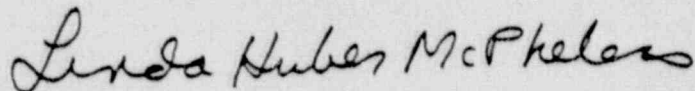
The above analysis of the record demonstrates that the Intervenor's are incorrect in stating that on February 1, 1990, for the first time, the Applicants stated that plan changes in October 1988 eliminated sheltering as an option for the general beach population. In fact, the "shelter-in-place" concept was presented by the Applicants and the State of New Hampshire to the Licensing Board in pre-filed testimony on April 15, 1988, and was a part of the NHRERP at least since February 11, 1988. As noted above, the "shelter-in-place" concept provides for the transient beach population to evacuate and the people indoors to remain indoors.

In light of the record in these proceedings as outlined above, in FEMA's view, there is no justification for reopening of the hearing record on account of newly available evidence.

Respectfully submitted,



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