

November 1, 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.
(Seabrook Station, Units 1 and 2)

Docket Nos. 50-443-OL-1
50-444-OL-1
(Off-site Emergency
Planning and Safety Issues)

AFFIDAVIT OF MICHAEL C. SINCLAIR

I, Michael C. Sinclair, being on oath, depose and say as follows:

1. I am a self-employed emergency planning consultant d/b/a Graystone Emergency Management Associates, Hillsboro, NH, and have been recognized as a qualified professional in the field of offsite radiological emergency response planning during testimony before the Atomic Safety and Licensing Board in the above-referenced case in 1988 and 1989. My professional qualifications are a matter of record in this proceeding.
2. On the occasions of my testimony with respect to certain aspects of the New Hampshire Radiological Emergency Response Plan (NH RERP) and the utility-sponsored Seabrook Plan for Massachusetts Communities (SPMC), I testified as a consultant under the employ of and on behalf of the Licensee, New Hampshire Yankee, and asserted that within the context of the issues raised that the plans were adequate at the time the testimony was offered.
3. The purpose of this affidavit is to respond to the questions posed by the Appeals Board in ALAB-937 with respect to whether the SPMC provides for the adequate supervision and care of children evacuated to the School Host Facility at Holy Cross College.

4. The basic premise of any emergency preparedness planning effort is to define those elements of an emergency situation which can be evaluated and addressed in advance either through mitigation or by developing a practical and functional response mechanism. With respect to school and day care/nursery facility evacuations, the response methodology is relatively straightforward and uncomplicated. Crucial to the function are three primary considerations: (1) the immediate availability of sufficient transportation resources to evacuate the impacted institutions; (2) an appropriate host facility or facilities to which evacuees can be taken; and (3) the capability to exercise adequate supervision and provide custodial care for the children. Given the experience planners have had over the past decade with NUREG-0654 standards and existing FEMA guidelines on school protective actions, there is no reason why any element of a school or child care facility evacuation procedure should have to rely on an ad hoc response.
5. From an emergency planner's perspective, "realism" and "best effort" should come into play only with respect to those unforeseen circumstances which might arise during an emergency and therefore might require an ad hoc response. The role of teachers and child care staff and the capability to supervise and care for children during an evacuation are easily definable as a pre-emergency planning basis under the SPMC.
6. There are some apparent contradictions and inconsistency with respect to how these issues were addressed within the SPMC and the management philosophy at NHY. For example, FEMA RAC Chairman Richard Donovan, in his affidavit dated July 3, 1990, accompanying NRC staff response to the Appeal Board' June 22, 1990, Memorandum and Order, states in paragraph 8: "The SPMC does not specify a role for the teachers of these organizations." ("These organizations" being schools and day care centers.) Mr. Donovan accurately states that he can find no description of the role of teachers and day care staff in the SPMC.
7. However, in his affidavit dated October 19, 1990, NHY EP Licensing Manager Anthony M. Callendrello, in paragraph 4, cites Applicants Rebuttal Testimony No. 6, ff Tr. 21049, to the effect that the SPMC planning basis does rely upon school teachers and day care center staff to accompany children during an evacuation and to continue to

supervise the children until they are released to the custody of parents or guardians. During my tenure as a planning consultant at Seabrook, it was the position of the Licensee that it had a legal right under the realism and "best effort" doctrines to rely upon the teachers and day care staff and therefore was not obligated to make compensatory arrangements to ensure adequate student supervision if teachers could not or would not cooperate.

8. In the Spring of 1989, I was a principal author engaged in preparing pre-filed Applicant's Rebuttal Testimony No. 6. At the time, I voiced concern to emergency planning supervisors at New Hampshire Yankee that there was an insufficient number of people available to make the School Host Facility at Holy Cross College viable. I recommended that Holy Cross College be approached about entering into an agreement to provide faculty, staff personnel or student volunteers to assist in supervision of the School Host Facility operations. I was given verbal assurances by NHY representatives that such an effort would be made, and it was that assurance which led to my response in direct testimony (Tr 21330) to the effect that such additional staffing was being explored. I had also recommended that NHY ORO personnel be assigned to the College to manage the registration and parent-child reunification process since the SPMC at that time made no provision for staff to carry out those functions at the School Host Facility. I further suggested that language be added to SPMC procedures that would facilitate the reassignment of available ORO personnel to Reception, Host, and Congregate Care facilities as needed when their original assignments were completed. It appears the negotiations with Holy Cross to supplement ORO personnel were unfruitful in the context in which they were intended, leaving the problem of inadequate School Host Facility staffing unresolved.
9. It is noteworthy that Mr. Callendrello, in his October 19, 1990 affidavit, and Dr. Mileti, in his October 18, 1990 affidavit, state categorically that there will be sufficient school and ORO personnel to care for and supervise evacuated children at Holy Cross College, neither affiant offers opinion or methodology to support the actual number of adults required for such care and supervision. Apparently, the planning basis was that however many teachers and ORO personnel were available would be sufficient.
10. In ALAB-937, the Appeal Board seems to be clearly concerned about the care and

supervision of the evacuated youngsters brought to Holy Cross College as distinguished from the ability of the ORO to set up and operate the School Host Facility. Mr. Callendrello cites the availability of ORO and other personnel to assist in operating the facility, but carefully avoids any reference to these personnel being called upon to directly supervise and care for the needs of the evacuated children. The Holy Cross Host Facility Activation and Operation Procedure, SP HFS 1, as attached to the Callendrello affidavit, makes no reference to using ORO or Holy Cross staff to assist with the supervision and care of evacuees. The procedure specifically assigns duties which relate to registration, traffic control, parking, communications, coordination, building assignments, providing directions to parents, filling out forms, etc., (Sec 3.2.2.b.3, Pages 13-15), but makes no reference to assisting teachers or day care center staff with the care and supervision of evacuees. This is consistent with the Applicant's emergency planning philosophy that NHY ORO will not take responsibility for the care and supervision of children during an evacuation and is not required to assume such responsibility as long as it can rely upon the availability, real or hypothesized, of teachers or day care center personnel. SP HFS 1 clearly establishes the distinction the Licensee makes between providing on the one hand a "facility" where parents and children may be reunited and, on the other hand, providing care and supervision until that reunification takes place.

11. This "hands off" approach is further illustrated in SP HFS 1 by the boxed instruction note at the top of Page 12. In the event any children are not reunited with parents after some indeterminate period of time, the Host Facility Supervisor must arrange for the transfer of the children to a Congregate Care Center operated by the American Red Cross. As the boxed information on Page 12 notes, however, it remains the responsibility of the supervising school teacher or school/ day care center administrator to effect the transfer. Under current SPMC procedures, ORO and Holy Cross staff will not get involved. So in practice, perhaps 12 hours or more after the evacuation was initiated, a teacher or day care center staffer who accompanied the evacuated children might then by default be required to reboard a bus with one or more remaining youngsters and ride with them to an assigned Congregate Care Center to transfer guardianship to the American Red Cross before that individual could be considered relieved of duty and responsibility. Given the amount of time which would have elapsed at the point at which transfer to a Congregate Center Center

would occur and the demands that would have been made on the teacher's stamina and patience prior to that time, it would seem to be appropriate and not unreasonable to expect that some relief in the form of staff support be provided from ORO or some other source to effect such a transfer.

12. There are some discrepancies between the staffing requirements referenced in the facility activation plan and those referred to by Mr. Callendrello. Children are assigned to a dozen different locations within six different facilities on the Holy Cross campus. (SP HFS 1, Figure 5). Mr. Callendrello states, in paragraph 10, that NHY has assigned 32 people from a pool of 43 available ORO personnel to staff evacuee registration or so-called internal functions at Holy Cross. Next in paragraph 11, he implies that Holy Cross personnel are responsible for all other functions. But in the Host Facility Activation Plan, SP HFS 1, the responsibilities of the ORO staff assigned to the College include the provision of support at the eight traffic control and access points on the campus (Sec. 3.2.1.g, Page 10, and Form SP HFS 1C). Thus it requires the availability of 41 of the 43 individuals in the pool to meet the minimum functional Host Facility staffing requirements. (Form SP HFS 1C suggests that facility staffing is done in two stages, i.e., "Initial Staffing" requiring 18 individuals and "Minimum Staff" which requires 41. The Host Facility Activation Procedure itself makes no reference as to when staffing should be increased from the "initial" to "minimum" levels.)
13. Section 3.1.1.a of the procedure references use of a staff notification call tree as represented by Form SP HFS 1B which is provided as a "sample", giving no indication who the staff is or where to contact them.
14. Mr. Callendrello supports his contention of adequate staffing by suggesting that supervisory help and child care can be provided by bus route guides and bus drivers arriving with the evacuated children. In addition, he suggests that additional ORO Route Guides can be made available to supplement School Host Facility staff if needed. The proposition has several flaws. Under SP HFS 1, route guides may be requested by the Host Facility Supervisor as soon as it is determined through an initial notification call out of the Host Facility Staff that there is not sufficient staff to meet the minimum facility staffing requirements at Holy Cross of 41 people (Sec. 3.1.1.b and Form SP HFS 1C). As referenced, the request for additional personnel is made to

meet the operational staffing of the School Host Facility, not to provide supervision and care of evacuees. Since the facility activation occurs at the ALERT emergency classification (Sec. 1.0), it is difficult to see how the ORO could determine at that point in the emergency which Route Guides were "surplus" and could be reassigned to Holy Cross. Once an evacuation is underway, all but a handful of the 205 designated SPMC route guides have pre-assigned responsibilities. It would be several hours before pre-assigned duties were completed and these personnel were available for reassignment to Holy Cross. With respect to using bus drivers as supplemental Host Facility staff, I assume that NHY considers that an ad hoc response since that eventuality is not envisioned in the Host Facility Activation Plan, SP HFS 1. The SPMC lacks implementing procedures that address the logistics for the reassignment of personnel. In particular, the implementing procedures and Letters of Agreement for bus drivers don't reference their intended use as evacuee custodians at Holy Cross.

15. Dr. Mileti and Mr. Callendrello rely upon the therapeutic community thesis with regard to the provision of supplemental staffing at Holy Cross College once evacuees begin to arrive there. It is not necessary to challenge the thesis to point out some obvious obstacles to the functional use of volunteers at the School Host Facility. First there is no provision within the Host Facility implementing procedure to accommodate the recruitment, screening, or coordination of outside volunteers by the ORO. Secondly, it would appear that the security provisions in SP HFS 1, specifically traffic and access control coordinated by campus security and municipal police, are aimed at discouraging non-authorized personnel from entering the campus. Thirdly, since it was suggested in the Spring of 1989 that Holy Cross be approached about augmenting ORO staff and no agreement was forthcoming, it is assumed that Holy Cross rejected the use of staff and students in such a role.
16. If the ORO is serious about the use of outside organizations or individuals to augment supervisory responsibilities of teachers at Holy Cross, prudent planning would dictate that such arrangements can and should be made in advance to access potential pools of volunteers as may exist within the community surrounding the College. The accepted method for ensuring the availability of such resources is to enter into a Letter of Agreement defining the roles and responsibilities of the responding organization or individuals.

17. Emergency planners are required to take the facts of a given situation on face value and adjust their work product accordingly. In that context, when pre-planning for an evacuation of school children under circumstances where the availability of reliable supervision and custodial care is questionable, a prudent planner would seek to build in a compensatory resource for this purpose. This is exactly the approach taken in the NH RERP where the stated opposition of certain town officials and school administrators to the RERP and their refusal to participate in the planning process led to the development of a compensatory capability to implement the plan in those communities. The State of New Hampshire did so without relinquishing the position that the non-compliant community officials would respond during a real emergency. It should be further noted here that currently in the Town of Seabrook, NH, a school administrator has undertaken the recruitment of adults from within the community to serve as substitute student escort personnel to ride the buses with evacuated students. This action was taken in response to a declaration by teachers in the district that they would not assume student supervisory responsibility during an evacuation under the RERP and should not be relied upon to do so.
18. Thus, with respect to the Appeal Board's concerns regarding a reasonable assurance that teachers and day care center personnel would respond, given the circumstances, it is not prudent planning to rely upon an ad hoc response when the potential problem can be easily addressed through adequate pre-planning. Simply stated, if there is any reason to suspect during the pre-planning process that a needed resource might be unavailable, a planner would devise an alternative or substitute resource. This is a commonly accepted approach with respect to vehicles and other equipment and the same rationale should apply with respect to personnel.
19. Dr. Mileti may be correct in his assumptions regarding role certainty for teachers. However, his thesis supports an argument for an ad hoc response rather than a pre-planned response as called for under the NUREG requirements.
20. Contrary to Licensee's position in the Motion for Summary Disposition that there is no genuine issue as to any material fact, it is my opinion that the issues remanded by the Appeal Board belie an assurance that the Licensees have adequately evaluated the requirement for supervising and caring for the needs of children relocated from

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before the Administrative Judges:

Ivan W. Smith, Chairman
Dr. Richard F. Cole
Kenneth A. McCollom

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PUBLIC SERVICE COMPANY)	
OF NEW HAMPSHIRE, <u>ET AL.</u>)	
(Seabrook Station, Units 1 and 2))	November 2, 1990

CERTIFICATE OF SERVICE

I, Leslie Greer, hereby certify that on November 2, 1990, I made service of the within INTERVENORS' OPPOSITION TO LICENSEE'S MOTION FOR SUMMARY DISPOSITION OF ISSUES REMANDED IN ALAB-937" by Federal Express as indicated by (*), by hand as indicated by (**), and by first class mail to:

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