

DUCKETT
USNRCUNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'91 JAN 14 P4:18

BEFORE THE ATOMIC SAFETY AND LICENSING BOARDOFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of

PUBLIC SERVICE COMPANY OF
NEW HAMPSHIRE, et al.(Seabrook Station,
Units 1 and 2)Docket Nos. 50-443 OL
50-444 OL

Emergency Planning

NRC STAFF VIEWS ON MATTERS
REFERRED IN ALAB-939INTRODUCTION

In a Memorandum and Order, dated November 14, 1990 (unpublished), the Licensing Board asked the parties to submit memoranda setting forth their views with respect to the Appeal Board's direction in ALAB-939, 30 NRC 165, 179-80 (1990), that matters related to the "shelter-in-place" protective action for the summer beach population under condition (1) be clarified. Order at 2-3. The NRC Staff hereby provides its views.

DISCUSSION

The NHRERP, approved by FEMA, provides for evacuation, and not shelter-in-place, as a protective action for ERPA A in a General Emergency. See Notice of Filing [FEMA February 1990 Report on NHRERP], dated February 9, 1990; Memorandum of the State of New Hampshire on ALAB-939, January 10, 1991 ("New Hampshire Memorandum"). At the very most, the shelter-in-place concept for the beach population is merely an unplanned, *ad hoc* option available to the State of New Hampshire. See Comments of the State of New Hampshire Regarding NHRERP Sheltering and

LBP-90-12, May 28, 1990, at 2-3. In LBP-90-12, 31 NRC 427 (1990), the Board stated that "so long as the potential remains for a later evacuation, the State of New Hampshire states that it will not ever recommend shelter-in-place." 31 NRC at 449; *see also id.* at 452.

Condition (1) is the unlikely event in which (1) there is a puff release (non-particulate) of radioactivity that is of short duration which is predicted to arrive at the beach within a relatively short period of time, (2) the evacuation time would be significantly longer than the exposure duration, (3) no earlier order for beach closing or evacuation was issued, and (4) there is no possibility that the accident will get worse. Callendrello, Tr. 10719-20; Bond, Tr. 10720; LBP-90-12, 31 NRC at 440-41. The occurrence of the combination of circumstances in the Condition 1 scenario (including strong confidence in the fact that the elements that call for shelter will remain constant), is so unlikely as to be, for emergency planning purposes, a null set. *See* Keller (FEMA), Tr. 14241 (there is "no way to reasonably project what is likely to occur in the future"); LBP-88-32, 28 NRC at 768; *see also* Memorandum of the Federal Emergency Management Agency Regarding LBP-90-12, dated May 30, 1990, at 2.

The record establishes that the implementation of immediate evacuation is, in all credibly conceivable situations, the most effective dose reduction strategy for ERPA A at the General Emergency level, and is the only strategy provided in the NHRERP. *See* Keller, Tr. 14244; Strome, Tr. 10721. The "shelter-in-place" option for ERPA A at the General Emergency level, is not a protective action set forth in the NHRERP. *See* LBP-88-32, 28 NRC at 768; New Hampshire Memorandum at 1-2. Thus, as there will be no beachgoers who will be directed to shelter under the plan, it is not necessary to

distinguish between those in buildings and those directed to go to their cars and evacuate, the first question posed by the Appeal Board in ALAB-939.

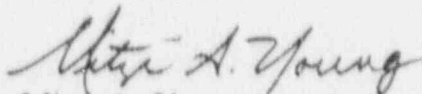
The second matter to be clarified is whether it is necessary to distinguish "between suitable and unsuitable shelter" for the "shelter-in-place" option. The "shelter-in-place" option for condition (1), as we have explained, is a null set and, thus no measures are necessary to distinguish between suitable and unsuitable shelters.

Finally, as the NHRERP does not provide for "shelter-in-place" in ERPA A at the General Emergency level and since "shelter-in-place" would not be a recommended protective action for condition (1), an EBS/beach population public address message is unnecessary.

CONCLUSION

The Staff believes that the record and post-remand filings clarify the shelter-in-place concept (see ALAB-939, 32 NRC at 178-79), show that there is no need to develop a further record on the matters identified in ALAB-939 and indicate that the current NHRERP is adequate.

Respectfully submitted,



Mitzel A. Young
Senior Supervisory Trial Attorney

Dated at Rockville, Maryland
this 11th day of January, 1991

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF VIEWS ON MATTERS REFERRED IN ALAB-939" 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, and as indicated by double asterisks, by facsimile transmission, and as indicated by triple asterisk, by express mail, this 11th day of January 1991:

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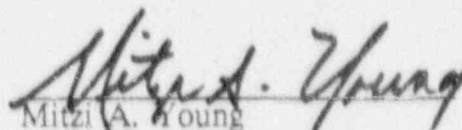
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