



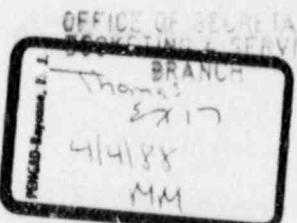
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

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H. Joseph Flynn, Esquire
Assistant General Counsel
Federal Emergency Management Agency
500 C Street, S.W.
Washington, D.C. 20472



In the Matter of
Public Service Company of New Hampshire, et al.
(Seabrook Station, Units 1 and 2)
Docket Nos. 50-443, 50-444 (Offsite Emergency Planning)

Dear Mr. Flynn:

This is to confirm the NRC Staff's understanding of the "Supplemental Testimony of Dave McLoughlin, Edward A. Thomas, and William R. Cumming on Behalf of the Federal Emergency Management Agency on Sheltering/Beach Population Issues," filed on January 25, 1988. As I indicated in the Licensing Board's telephone conference call held on January 27, 1988, the Staff views the testimony as indicating, in essence, that FEMA takes the following position:

FEMA cannot conclude that the NHRERP is adequate with respect to [the] beach population until it is clear that the State of New Hampshire has considered the use of sheltering for the transient beach population and explains what use, if any, it intends to make of sheltering. This latter point should not be interpreted to mean that FEMA has imposed a requirement that sheltering be available. If the State of New Hampshire intends not to employ sheltering for the transient beach population (which is not presently clear from the NHRERP), then FEMA expects the State to develop the rationale for such a choice and provide it to FEMA for review.

(Tr. 9054-55, quoting from page 2 of the Supplemental Testimony). As I further stated, "in essence, the Staff reads FEMA's testimony as being an interim position in which they are anticipating that further work could be done by the State along the lines suggested in this testimony, and after that work is done, that it would be submitted to FEMA for review and a determination" (Tr. 9055). I note that you have agreed with my characterization of FEMA's testimony (Tr. 9057).

As you know, the NRC Staff has not yet taken a formal position in the hearings with respect to the adequacy of measures in the NHRERP for protection of the seasonal beach populations. The Staff is in the process

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NUCLEAR REGULATORY COMMISSION

Subject No. 50 443/4616-Official Exh. No. 39

In the matter of 226100

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of determining whether to take a position on this matter independent of FEMA. Any decision made by the Staff in this regard will be based upon our reading of FEMA's position, as set forth above, which we understand governs any other statements in the Supplemental Testimony (such as in Sections III and IV thereof), which may be susceptible to a different interpretation.

I wish to note certain additional matters in connection with the Supplemental Testimony. First, the testimony, at page 4, states that FEMA is persuaded "that the NRC interprets its own regulations not to require sheltering for all segments of the EPZ." As you know, authoritative interpretations of NRC regulations may be rendered only by the Commission or its General Counsel. However, I wish to confirm that the NRC Staff interprets the regulations in the manner you have stated -- i.e., that the NRC's emergency planning regulations do not require that sheltering be provided for all accidents, at all times and at all locations within the plume exposure pathway emergency planning zone (EPZ). Stated differently, the Staff views the regulations as not requiring that there be a range of protective actions that includes both sheltering and evacuation options, for all accidents at all times and at all locations within the EPZ. This interpretation is consistent with established Federal practice in approving emergency plans for other commercial nuclear power plants, and may be relied upon by FEMA in its evaluation of the NHREPP.

Second, the Supplemental Testimony appears to describe somewhat inaccurately the position expressed by Dr. Bores at the January 1988 RAC meeting. The testimony, at page 5, indicates that Dr. Bores expressed the view that the guidance of NUREG-0654 "applies to the entire spectrum of accidents, to the entire population of the EPZ, all of the time," and that the NRC believed "FEMA's position on the summer beach population was too narrowly focused." I have been informed by Dr. Bores that he expressed his position somewhat differently, as follows: that the guidance of NUREG-0654 applies generally to the entire spectrum of accidents and the entire population all of the time, but that emergency plans need not include a range of protective measures that includes both sheltering and evacuation for every postulated accident scenario and every segment of the population, all of the time.

Very truly yours,

Sherwin E. Turk
Sherwin E. Turk
Senior Supervisory
Trial Attorney

cc: Service List