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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'88 SEP 22 P2:27

Before the

ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF REGULATORY
SERVICE
BRANCH

Before Administration Judges:
Ivan W. Smith, Chairperson
Gustave A. Linenberger, Jr.
Dr. Jerry Harbour

In the Matter of)	September 21, 1988
PUBLIC SERVICE COMPANY OF)	Docket Nos. 50-443-OL
NEW HAMPSHIRE, et al.)	50-444-OL
(Seabrook Station, Units 1 and 2))	Off-Site Emergency
)	Planning Issues

TOWN OF HAMPTON AND NEW ENGLAND COALITION
ON NUCLEAR POLLUTION
EMERGENCY PLANNING CONTENTIONS
ON THE JUNE 28-29, 1988 EXERCISE

NOW COME the TOWN OF HAMPTON (TOH) and NEW ENGLAND COALITION ON NUCLEAR POLLUTION (NECNP) and hereby submit emergency planning contentions on the June 28-29, 1988 Exercise as follows:

TOH/NECNP CONTENTION Ex 1:

The scope of the June 28-29, 1988 Exercise of the New Hampshire Radiological Emergency Response Plan (NHRERP) was so limited that it could not and did not yield valid or meaningful results regarding the capability to implement that plan, as required by 10 CFR §50.47(a)(1) and (a)(2), in that it did not include demonstrations or evaluations of emergency response capabilities of many persons and entities relied upon to implement the NHRERP. In addition, the exclusion of these

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entities from the Exercise precludes a finding that the Exercise evaluated major portions of emergency response capabilities, as required by 10 CFR §50.47(b)(14) and 10 CFR Part 50, Appendix E(F)(1). Other than limited participation by State of New Hampshire personnel, the majority of the organizations, entities, and individuals relied upon in the NHRERP for implementation of that plan did not participate in the Exercise. Thus, the Exercise did not address the willingness, availability, training, equipment, capability, or adequacy of performance of the entities and individuals identified in Bases a to g below, each of which is necessary to implement the portions of the NHRERP referenced therein. Accordingly, the NHRERP is fundamentally flawed.

BASES:

(a) None of the teachers relied upon under the NHRERP to implement protective actions for school children, See e.g. NHRERP Vol. 18A, Appendix F, participated in the Exercise. Necessarily, the Exercise failed to meet a primary objective to demonstrate the ability and resources necessary to adequately protect students in an emergency. Exercise Report, p. 172. Since hundreds of teachers through their representatives, and by petition, have already provided evidence in this proceeding of their intent not to implement the NHRERP, failure to test for the availability and participation of New Hampshire teachers represents a fundamental flaw in the NHRERP.

(b) Since none of the New Hampshire teachers participated in the Exercise, FEMA could not observe any adequate demonstration of the organizational ability or resources necessary to effect an early dismissal, sheltering, or evacuation, of the school children, even though this demonstration was one of the Exercise objectives. Exercise Report, p. 172. Under the NHRERP, early dismissal, sheltering and evacuation are the only protective actions for school children. See (e.g.) NHREPP Vol. 18A, App F. 1-3, F. 1-4. All of these protective actions assume, and rely upon, teachers for implementation. Id. Failure to observe or test necessary personnel or procedures to protect students represents a fundamental flaw in the NHRERP.

(c) During the summer months, Hampton Beach is the most highly and densely populated area in the Seabrook EPZ, and poses unique and extreme obstacles to emergency planning. Under the NHRERP, State Police are required to provide all 17 traffic guides to staff every traffic control post located within Hampton Beach, and to assume responsibility for regulating the bumper to bumper traffic out of the Beach area. See, NHRERP, Vol. 6, App. I; Exhibit 1 to Applicants' Direct Testimony No. 3 (Personnel Resources), Table 3.1-2. The Exercise did not provide for, test, or require even a single State Police officer to staff any of the five traffic control posts located in Hampton Beach, and the Beach, as an area for exercising the Plan, was essentially ignored. Failure to adequately demonstrate the

ability and resources deemed necessary under the NHRERP to evacuate the EPZ's most populated beach area represents a fundamental flaw in the NHRERP.

(d) Although at least 45 traffic control guides are to be provided by the New Hampshire State Police to all Towns under the NHRERP, Id. at Tables 3.1-2, 3.1-3, only two troopers actually assumed that function during the Exercise. See, Exhibit 1, attached. Accordingly, there is no factual basis to support FEMA's finding that State Police could or did properly "handle beach closing," and the time frames for staffing of traffic control points relied on by FEMA are wholly speculative. See, Exercise Report, p. 182. In addition, the NHRERP requires State Police to provide 28 traffic guides to staff access control posts within the New Hampshire EPZ. Volume 6, p. 9-12. Only two troopers were actually deployed to staff ACPs during the Exercise. Exhibit 1. FEMA's conclusion that, by 1530 hours, State Police had adequately shown the capability to deploy all 89 troopers for ACP/TCPs is without foundation. Exercise Report, p. 182. Failure to adequately demonstrate the ability and resources necessary to regulate evacuation traffic and EPZ access represents a fundamental flaw in the NHRERP. Exercise Report, p. 182.

(e) The Exercise did not provide for, test, or require simulation, of even a single accident or other traffic impediment in the Hampton Beach area. Even under non-emergency conditions, traffic accidents and tie-ups, with associated traffic congestion, are routine at Hampton Beach. The Exercise unreasonably assumed, however, that

traffic flow remained smooth throughout the beach during the entire evacuation. Failure to adequately demonstrate road clearance capabilities and traffic management, under anticipated conditions, in the critical pathway along the beach represents a fundamental flaw in the NHRERP.

(f) 15 of 18 (83%) of the bus companies relied upon under the NHRERP for emergency and special needs transportation did not provide any drivers or buses for the Exercise. Even the three companies who did provide resources deployed only 18 regular buses (4%) of the 453 required for implementation of the NHRERP. See, Exhibit 2, Attached; Applicants' Direct Testimony No. 2, p. 13, October 21, 1987. The Exercise also utilized only one of 48 ambulances (2%), and two of 71 special needs buses (3%), deemed necessary for implementation of the Plan. See, Applicants' Direct Testimony No. 2, pp. 13-15, October 21, 1987; Exhibit 2. The adequacy of transportation resources, particularly bus drivers, has been seriously disputed in these proceedings. The failure to demonstrate the availability of any meaningful number of these resources represents a fundamental flaw in the NHRERP.

(g) There is no basis for FEMA's assertion that the State, during the Exercise, adequately demonstrated, or "identified", sufficient manned vehicles to evacuate the entire EPZ. See Exercise Report, p. 165. That identification process apparently consisted only of phone calls to bus companies to restate the number of drivers specified in each company's letter of agreement. Apparently,

no determination of the number of drivers actually available to drive, was provided by the companies or required by the Exercise. The failure to demonstrate the actual availability of necessary transportation resources, including at least 96% (435 of 453) of the drivers required to implement the NHRERP, represents a fundamental flaw in the NHRERP. Exhibit 2.

Respectfully submitted,

TOWN OF HAMPTON
By Its Attorneys
SHAINES & McEACHERN
Professional Association

By:



Paul McEachern
Matthew T. Brock

DATED: September 21, 1988

NEW ENGLAND COALLITION ON
NUCLEAR POLLUTION
By Its Authorized Representative

By:



Matthew T. Brock

DATED: September 21, 1988

SEP 19 1988

EVALUATION WORKSHEET FOR EXTENT OF PLAY

Objective 20Section Number: 3.3.9Title: Traffic and Access Control PointsState Involved: New HampshireResources To Be Evaluated: State Police; Local Police; State DOT; Local Public Works DepartmentTotal Resources Required/Involved: FEMA Evaluators at State EOC and IFO, Local EOC's, State Police Troop A, NHY ControllersSub-category: NH EOC; IFO; Troop A; NHDOT; Local Police; Local Public Works; ACP's; TCP's

EXTENT OF PLAY

Proposed Number Of FEMA Evaluators For This Resource: Included in number of facility evaluators, plus 1 additional.Comments: N/A

Summary:

1. Two Traffic (D-NH-02 and D-HA-01) and two Access (EP-1 and NW-3) Control Points will be staffed by State Police and equipped by State DOT.
2. One Traffic Control Point will be staffed and equipped in each EPZ community with traffic control responsibility subject to availability of personnel resources needed for public safety. The following traffic control points have been selected for local communities; Brentwood, F-BR-02; E. Kingston, F-EK-01; Exeter, F-EX-01; Greenland, G-GR-01; Kingston, F-KI-02; New Castle, G-NC-01; Newfields, F-NF-01; Newton, F-NT-02; Portsmouth, G-PO-01; Seabrook, A-SE-04; and Stratham, G-ST-01. North Hampton is not

* Revised June 1, 1988

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EVALUATION WORKSHEET FOR EXTENT OF PLAY

Objective 18Section Number: 3.3.7Title: N. RERP Transportation ResourcesState Involved: New HampshireResources To Be Evaluated: School Buses, Ambulances, Vans, Wheelchair Vans,Special Needs Buses, Emergency Driver PoolTotal Resources Required/Involved: 17 FEMA Evaluators, 20 buses (18 regularbuses and 2 special needs (conversion bed) buses (must be school buses), 1ambulance, 1 wheelchair van, 21 bus drivers, one ambulance crew (driver andEMT), arrangements with three or more of the 18 bus providers and one of the 16ambulance companies, and 23 members of the Emergency Driver Pool and theirpersonal vehicles.Sub-category: Facilities: State EOC, State IFO, two State TransportationStaging Areas, local Transportation Staging Areas. Personnel: EmergencyDriver Pool.

EXTENT OF PLAY

FEMA Proposed Number Of Evaluations For This Resource: 17Comments: FEMA agreed at the 4/20/88 meeting to allow the contracting of trans-portation resources for use in the exercise to demonstrate the functional capa-bility of the RERP. Routes actually run will be accomplished by use of con-tracted vehicles and by use of the Emergency Driver Pool.Summary: Sufficient contracted resources will be made available duringthe exercise to demonstrate the functional capability of the evacuation trans-portation concept. Actual supply/demand calculations will be made per RERPprocedures.

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CERTIFICATE OF SERVICE

I, Matthew T. Brock, one of the attorneys for the Town of Hampton herein, hereby certify that on September 21, 1988, I made service of the foregoing document, TOWN OF HAMPTON AND NEW ENGLAND COALITION ON NUCLEAR POLLUTION EMERGENCY PLANNING CONTENTIONS ON THE JUNE 28-29, 1988 EXERCISE, by depositing copies thereof in the United States Mail, first class postage prepaid for delivery (or, where indicated, by Express Mail, prepaid) addressed to:

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