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DOCKET NUMBER 50-443/444-02

Dated: July 2, 1987

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USNRC

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

'87 JUL -6 P4:01

before the

OFFICE OF THE CLERK
DOCKETING & SERVICE
BRANCH

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

)

Docket No. 50-433-CL

)

PUBLIC SERVICE COMPANY OF)
NEW HAMPSHIRE, et al)

Off-site Emergency
Planning Issues

)

(Seabrook Station, Unit 1))

SEACCAST ANTI-POLLUTION LEAGUE'S RESPONSE TO APPLICANTS' MOTION FOR SUMMARY DISPOSITION OF SAPL CONTENTION NO. 25

Pursuant to 10 CFR §2.749, on the basis of the facts set forth in the Affidavit of Ann Hutchinson and the Affidavit of Donald J. Ziegler filed heretofore in this proceeding 1/ and for the reasons stated below, SAPL hereby moves the Board to deny Applicants' Motion for Summary Disposition of SAPL Contention No. 25.

REASONS FOR DENYING APPLICANTS' MOTION

SAPL Contention No. 25 reads:

The New Hampshire State and local radiological emergency response plans do not reasonably assure that the public health and safety will adequately be protected because the provisions for protecting those persons whose mobility may be impaired due to such factors as institutional or other confinement are patently lacking. Therefore, the plans do not meet requirements of 10 CFR §50.47(a)(1), §50.47(b)(8) and NUREG-0654 II.J.10.d.

1/ See "Seacoast Anti-Pollution League's Response to Applicants' Motion for Summary Disposition of SAPL Contention No. 25" filed on April 15, 1987.

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Contentions are not limited to the specific examples cited in their statements of basis. Applicants have not stated that the availability of host care facilities with sufficient capacity for all special facilities within the EPZ are arranged for and supported by letters of agreement. Host facility agreements do not appear in the NERERP for Wentworth Douglass Hospital, York Hospital or Parkland Medical Center, the host facilities for Portsmouth Hospital. Further, the Hampstead Hospital can only accept 25 Class I patients while Exeter Hospital has 40-50 such patients. FEMA has stated that it does not yet have assurance, based on the available letters of agreement, that there are adequate provisions for protecting institutionalized persons. 2/

The NPC's regulations do require that letters of agreement be provided to guarantee the availability of reception centers. The fact that the designated reception centers are "public buildings" does not assure that they are available for use in the event of a radiological emergency. If they have indeed been assured to be available, it should not be difficult for the state to obtain letters of agreement. The FAC comment cited by the Applicants in their motion does not address reception centers.

The O'Brien Ambulance Company has sent a letter to SAPL stating categorically that it will not be participating in a radiological emergency response effort (See attached). SAPL has not yet been able to secure an affidavit from O'Brien or other ambulance companies. The Hutchinson Affidavit from Berry

2/ See the June 4, 1987 "Response of the Federal Emergency Management Agency to Massachusetts Attorney General James M.

Transportation, however, establishes that the letters of agreement appearing in the NHRERP by no means assure that the emergency response vehicles will actually be provided because drivers in many instances will refuse to drive. There are no letters of agreement to ensure that emergency medical support personnel intend to participate in a radiological emergency response. Further the Affidavit of Donald J. Ziegler describes the problem of role conflict. During the Three Mile Island nuclear accident, physicians, nurses, technicians and others required to staff medical facilities either delayed their responses or did not perform their duties.

The Applicants now state that "The next revision of the NHRERP will include a revision that, at the Site Area Emergency classification, authorities should determine which patients, who, by virtue of age or medical condition, will require extraordinary assistance in evacuation." There is no showing that such provisions exist. SAPL reserves its right to litigate the adequacy of this revision in the NHRERP.

There are insufficient number of Sheriff's deputies to assure that naps will be provided at the local staging areas to drivers of emergency vehicles going to institutions and individual homes.

Once again, SAPL wishes to preserve its right on the record to appeal the issue of the adequacy of the NHCDA Special Needs Survey and the accuracy of the numbers of people requiring special transportation assistance derived therefrom.

2/ continued: Shannon's Off-site Emergency Preparedness

Interrogatories and Request for Production of Documents to FEMA (Set No. 2)", Appendix A at p. 73

GENUINE ISSUES OF MATERIAL FACT IN DISPUTE (SAPL 25)

1. The Hampstead Hospital can accept 25 Class I patients. The Applicants' "Statement of Material Facts As To Which There Is No Dispute" shows at #4 that there are 40-50 Class I patients at Exeter Hospital that would need to be provided for. Therefore, Hampstead Hospital does not have sufficient capacity for Exeter Hospital's Class I patients. The letters of agreement for Catholic Medical Center and Concord Hospital only state the numbers of Class II and Class III patients they are willing to accept. Up to 25 Exeter Hospital Class I patients may not be provided for. Further, no host facility agreements appear in the NHRERP for the facilities that are to accept Portsmouth Hospital patients. The availability of host facilities with sufficient capacity for all special facilities within the EPZ has not been demonstrated.

2. There is no showing that there are provisions for patients who, by virtue of age or medical condition, will require extraordinary assistance.

3. Letters of agreement with reception centers have not been provided in the plans. There is therefore no reasonable assurance that these facilities will be made available. The FAC comment cited by the Applicants does not address reception centers.

4. The letters of agreement with the ambulance companies do not assure that drivers and staff for the ambulances will be available.

5. There are insufficient numbers of sheriff's deputies at


the local staging areas to assure that maps to institutions and written directions to individual homes will be provided to emergency vehicle drivers.

6. The NHCDA Special Needs Survey has underestimated the number of persons outside of institutions who require special transportation assistance.

7. The plans do not account for the effect of role conflict on those personnel counted upon to assist the mobility impaired during a radiological emergency.

Respectfully submitted,
Seacoast Anti-Pollution League
By its Attorney
BACKUS, MEYER & SOLCMEY

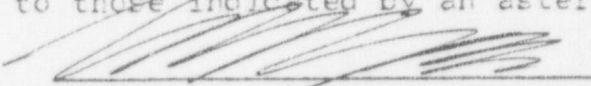
Dated: July 2, 1987



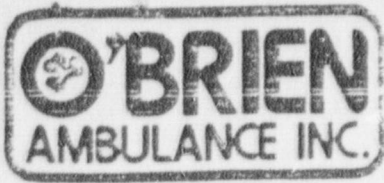
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the within "Seacoast Anti-Pollution Leagues' Motion for Summary Disposition of SAPL Contention No. 25 " has been sent this date, first class mail, postage prepaid, to those listed on the attached service list and has been federal expressed to those indicated by an asterisk.



Robert A. Backus



EDWARD C. CUTLER
VICE PRESIDENT

Jane Doughty
Seacoast Anti-Pollution League
5 Market Street
Portsmouth, New Hampshire 03801

October 27, 1986

Dear Jane:

This letter is to confirm our conversation today on O'Brien Ambulance's ability to respond to the Seabrook area. Since our initial communications from this past summer our firm has closed our Newburyport operation. Therefore, I am sorry to inform you that our company will not be able to participate in any type of response into the Seabrook area.

If you have any questions, please feel free to contact me at 1-800-922-9500.

Sincerely,

A handwritten signature in cursive script that reads "Edward C. Cutler".

Edward C. Cutler,
Vice President

CERTIFICATE OF SERVICE AND SERVICE LIST

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