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June 2, 1994

Mr. Thomas T. Martin,
Director-Region I
U. S. N. R. C.
475 Allendale Road
King of Prussia, PA 19406-1415

Dear Mr. Martin:

As you may recall, I am the attorney representing the Seacoast Anti Pollution League, a New Hampshire based citizen organization that long opposed the licensing of the Seabrook Atomic Reactor. The principal ground of our concern was the fact that the reactor is so situated as to make a workable emergency plan a practical impossibility.

The NRC, as you well know, rejected SAPL's position. It did so on the basis that there is no normative standard for what constitutes an adequate evacuation plan. That is, no plant was ever to be denied a license because the site presented extremely difficult evacuation and/or sheltering problems, as in the case of Seabrook, but every evacuation plan was to be deemed adequate if it met the 16 planning standards found in 10 C.F.R. §50.47(b). The Commission's view on this matter was upheld by the U. S. Court of Appeals in Commonwealth of Massachusetts v. U.S.N.R.C., January of 1991.

One of the 10 C.F.R. §50.47(b) planning standards is that "adequate emergency facilities and equipment to support the emergency response are provided and maintained." This requirement is further spelled out in NUREG 0654, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants."

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Criteria II.J.12. states:

"Each organization shall describe the means for the registering and the monitoring of evacuees at relocation centers in most areas. The personnel and equipment available should be capable of monitoring within about a 12 hour period all residents and transients in the plume exposure EPZ arriving at relocation centers."

At Seabrook, the NRC determined that a FEMA document, known as the Krimm Memorandum, suggesting that a minimum of 20% of the evacuating population should be provided for, was the appropriate guidance figure.

Under the New Hampshire Emergency Response Plan, that 20% of the evacuating population required to be offered decontamination was alleged to be met by the establishment of decontamination centers in four host communities. Those communities were Manchester, Dover, Rochester, and Salem. Utilizing the presumed 20% of evacuees that would attend evacuation centers, it was assumed that 6,416 evacuees would arrive at Salem for decontamination services.

Thus, as one of the four towns hosting a decontamination and reception center, Salem's continuing role as a host community is a critical aspect in establishing that the New Hampshire emergency plan meets minimum requirements under NRC Regulations.

As you may have been informed, the Town of Salem has recently voted to discontinue offering decontamination and host community services as part of the New Hampshire Emergency Response Plan. (see attached) Fortuitously, perhaps, this decision, made by the Salem Board of Selectmen, comes at a time when the Seabrook Plant is not generating power due to a recently extended refueling shutdown, resulting from the need to replace damaged primary heat exchange tubes.

According to the operators of the plant, restart is now set for July 6, 1994. This will of course come at the height of the beach season when many of the seacoast communities are at peak population.

The purpose of this letter is to find out what action the NRC plans to take to insure that an adequate number of decontamination centers and host communities is available to properly implement the New Hampshire plan, in the event that a serious accident at Seabrook should occur prior to plant restart.

In making this request, we are aware that the NRC has recently been found to have a policy of selective nonenforcement of its regulations. We hope that this selective policy of nonenforcement, which I understand is based on a still secret General Counsel's opinion, will not be deemed applicable to this case. Should this be the case, however, we would ask that the NRC provide us with a detailed explanation of why it will take no action if that is its decision, in regard to this matter.

Very truly yours,



Robert A. Backus

RAB/acw

cc: SAPL
Town of Salem