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DOCKET NUMBER

PROD. & UTIL. FAC. 50-443/444-OL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONDOCKETED
USNRCBEFORE THE ATOMIC AND SAFETY LICENSING APPEAL BOARD

'92 FEB 28 AIO:49

JUDGE G. PAUL BOLLWERK, CHAIRMAN
JUDGE ALAN S. ROSENTHAL
JUDGE HOWARD A. WILBEROFFICE OF SECRETARY
LOCATING & SERVICE
BRANCH-----
In the matter of)Public Service Co. of New Hampshire,)
et al.)(Seabrook Station, Units 1 & 2))

May 28, 1990

COMMENTS OF THE STATE OF NEW HAMPSHIRE
REGARDING NHRERP SHELTERING AND LBP-90-12

In ALAB-924, 30 NRC 331 (1989), this Board remanded four issues to the Licensing Board concerning the State of New Hampshire's Radiological Emergency Response Plan (NHRERP). One of those issues, implementing detail of the NHRERP sheltering option, has been the subject of significant discussion and has, most recently, been addressed by the Licensing Board in its Memorandum and Order of May 3, 1990.¹ In that May 3, 1990 Order, the Licensing Board discussed the NHRERP provisions relating to sheltering of the beach population and requested this Board to provide further guidance regarding the necessity to amend the NHRERP to include some type of implementing detail for the shelter-in-place option as it is presently articulated.² As the State of New

¹ LBP-90-12, 31 NRC__ (1990).

² Id. at 53-55.

Hampshire finds its sheltering provisions to be the focal point of significant discussion, it offers the following comments to this Appeal Board for its consideration.

As noted by the Licensing Board, the NHRERP contains no provision calling for "actual sheltering" as a protective action recommendation in any circumstance.³ Rather, the State of New Hampshire has employed the concept of "shelter-in-place" as part of the NHRERP. This concept quite simply envisions that people already in buildings or who may access buildings without delay or direction from emergency management officials will utilize those buildings as shelter, and others will be expected to evacuate. This shelter-in-place concept constitutes a significantly different protective action recommendation than one calling for "actual sheltering" of the population at specific locations as may have been contemplated by this Board in ALAB-924.

Evacuation is the preferred protective action recommendation for the beach population. Though the shelter-in-place option has not been precluded for the Condition 1 ("puff release") scenario, New Hampshire decision-makers would necessarily require advance notice that all the elements comprising a true puff release scenario were present and would remain present throughout the emergency, and that no potential existed for later evacuation, prior to directing the population to shelter-in-place. While the State agrees that it is highly unlikely its decision-makers will possess the full

³ Id. at 25.

complement of necessary information to implement the shelter-in-place option in this condition, it is New Hampshire's position that the NHRERP not preclude implementation of this option so long as appropriate preconditions cannot be categorically ruled out.

The State of New Hampshire respectfully suggests that the Licensing Board's analysis of the Condition 2 (impediments to evacuation) scenario accurately reflects the State's position. We agree with the Licensing Board that the potential that a large beach population will be present on New Hampshire beaches in any of the conditions underlying the physical impediments scenario approaches the absolute "edge of reasonable possibility".⁴ In this vein, New Hampshire retains the shelter-in-place concept as an option not precluded under the Condition 2 scenario so that emergency management officials may have a starting point if faced with an unforeseen need to identify some ad hoc protective response outside the plan. With that said, however, the State reiterates that the NHRERP does not provide for "actual sheltering" as a planned response to Condition 2; nor should emergency planners be required to amend the plan to include such a provision given that the probability for occurrence is but a fleeting glimmer, greater in size in the context of litigation than in reality.

The State of New Hampshire, therefore, respectfully concurs with the Licensing Board's request for further guidance from this

⁴ Id. at 53.

Board regarding implementation of the sheltering provisions which are currently part of the NHRERP. New Hampshire emergency planning officials have exercised their best judgment and expertise to develop a radiological emergency response plan which will afford the greatest possible protection to its citizens. Yet, the State views planning as an ongoing process, and will thus continue to endeavor to improve the NHRERP pursuant to guidance from this Board.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

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Dated: May 28, 1990

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