

April 8, 1997

Mr. Thomas F. Brosnan
Attorney for
Granite State Transmission, Inc.
LeBoff, Lamb, Greene and MacRae
1875, Connecticut Ave, NW, Suite 1200,
Washington, D.C. 20009

Dear Mr. Brosnan:

This is in response to your letter of November 26, 1996, in which you requested interpretations of 49 CFR §§ 193.2071 and 193.2509 as they apply to Granite States' proposed LNG storage facility in Rockingham County, New Hampshire.

One of the alternate sites being considered for location of this proposed LNG facility is within 10 miles of the Seabrooke Nuclear Power Plant. You state that the Nuclear Regulatory Commission's (NRC) regulation NUREG-0396 recommends shelter and/or evacuation actions for the general public within the Emergency Planning Zone, a radius of 10 miles from the nuclear plant.

Section 193.2071(b) of the pipeline safety regulations states that, "*An LNG facility must not be located where present or projected offsite activities would be reasonably expected to: (1) Adversely affect the operation of any of its safety control systems; (2) Cause failure of the facility; or (3) Cause the facility not to meet the requirements of this part.*"

Sections 193.2503 and 193.2509 specify operating procedures for the LNG facility that require operating personnel to be present at the plant at all times, except in the case of an emergency event at the plant requiring the evacuation of personnel. Sections 193.2439, 193.2441, and 193.2443 require that the plant operator install emergency shutdown control systems, that are operable at the control center, to provide fail-safe condition of the plant during shutdown.

Assuming that Granite State designs its plant to be managed and operated during emergencies from a remote location, RSPA still believes having an LNG plant near a nuclear facility is not a prudent decision. Even a small scale nuclear accident may result in evacuation and shutdown in a fail-safe mode of the LNG plant for an uncertain period of time. This raises the possibility of additional risk to public safety. There is also the risk of potential radioactive contamination of the LNG facility. Therefore, RSPA considers that the location of the proposed LNG plant, within a 10 mile radius of a nuclear plant does not meet the intent of Part 193.

However, a waiver process does exist. A waiver request should show how safety would not be compromised at the site, even if some of the requirements of Part 193 are not met.

If we can be of further assistance in this matter, please contact me or Mr. Mike Israni of my staff at (202)366-4046.

Sincerely,

Richard B. Felder
Associate Administrator
for Pipeline Safety