

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

before the
ATOMIC SAFETY AND LICENSING BOARD



In the Matter of
PUBLIC SERVICE COMPANY
OF NEW HAMPSHIRE, et al.
(Seabrook Station,
Unites 1 and 2)

Docket Nos. 50-443 CL
50-444 OL

July 15, 1983

CONTENTION OF ATTORNEY GENERAL
FRANCIS X. BELLOTTI RELATIVE
TO APPLICANTS' EVACUATION TIME
ESTIMATES FOR BEACH AREAS

In its Memorandum and Order dated June 30, 1983, the Board limited the allowable testimony on NECNP Contentions III.12 and 13, relative to the Applicants' evacuation time estimates, to two issues which it set forth in a rewritten contention reading as follows:

The evacuation time estimates provided by Applicants in Appendix C of the Radiological Emergency Plan are deficient in failing to include an estimate of:

1. the times for evacuation during adverse weather conditions developing on a busy summer weekend; and
2. the times for simultaneous evacuation of beach areas lying NE to SSE of the Seabrook site.

Read literally, this restated contention no longer presents a litigable issue once the Applicants amend their FSAR to provide estimates -- any estimates, no matter how erroneous or unfounded the assumptions and calculations giving rise to them -- for evacuating the beach areas and for evacuating all areas within the EPZ during adverse summer weather conditions. We suggest that such an interpretation of the restated contention would be illogical and inconsistent with the Commission's emergency planning requirements and would unlawfully restrict the testimony relevant to NECNP's original contentions. However, Attorney General Bellotti submits this new contention to protect his interests in the unlikely event that the restated contention is so interpreted such that testimony which until this point was clearly within the scope of NECNP's original contentions is deemed outside the scope of the restated contention and, hence, inadmissible.

Applicants have not, to the knowledge of Attorney General Bellotti, performed any calculations of evacuation times under summer adverse weather conditions. They have not, in any event, included any such estimates in any submissions to this

Board. Nor have the Applicants included in their FSAR or otherwise submitted to the Board any estimates for simultaneous evacuation of the beach areas lying NE to SSE of this site. However, Applicants have performed calculations, the results which have never been submitted to the Board, as to the time required for 360° evacuations within two miles and five miles, respectively, on both peak summer weekends and peak summer weekdays, assuming normal weather conditions. See Testimony of Philip B. Herr filed on even date herewith, at 7. While these estimates do purport to reflect simultaneous evacuation of the beach areas from NE to SSE of this site there are, in the opinion of our expert, serious problems with the assumptions and methodology used by the Applicants in performing these calculations, which deficiencies render the estimates useless for emergency planning and management purposes. See Testimony of Philip B. Herr, at 7-12.

Because, as was stated above, we believe that the restated contention properly interpreted must allow for testimony on the utility of any evacuation time estimates for the specified factors which Applicants might provide, we have submitted pre-filed testimony addressing the utility of these estimates by the Applicants. In the unlikely event that the Board interprets the restated evacuation time contention as precluding such testimony, we ask that it accept the following

contention for litigation, which contention raises the same deficiencies with the Applicants' beach area estimates as are addressed by Mr. Herr in his testimony:

The Applicants' evacuation time estimates for 360° evacuations within two and five miles of the site are inadequate and lack utility for emergency planning and management because they are based on erroneous assumptions and faulty methodology. The estimates suffer from the following specific deficiencies:

- (1) The demand forecast from transient population is understated by a margin so wide as to render the estimates unreliable;
- (2) The characteristics of the road network in the beach area makes movement singularly vulnerable to the consequences of accidents and breakdowns, yet no analysis of the time effects of such incidents has been made;
- (3) The estimates fail to reflect the travel impedance in the beach area resulting from non-evacuating traffic, such as persons returning to homes within the EPZ, milling about, or passing through the area;
- (4) There is inadequate analysis of the time demands for evacuating the transit-dependent population, including beach visitors; and
- (5) There is no analysis of the effect of adverse weather on beach evacuation.

In addition, the wide variances in the evacuation time estimates for these areas developed by the Applicants and by others demonstrate that the predictive ability of the Applicants' simulations is too poor for them to be relied upon as a planning or management aid.

The bases for this contention are as stated in Mr. Herr's testimony at 7-12. Attorney General Bellotti submits that

there is good cause for admission of this contention at this time since the facts supporting it were, until the Board's order of June 23, 1983, clearly admissible testimony under previously-accepted contentions.

Respectfully submitted,

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