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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, Units 1 & 2)

Docket Nos. 50-443
50-444

APPLICANTS' RESPONSE TO
NECNP CONTENTIONS ON
NEW HAMPSHIRE LOCAL PLANS

NHLP-1

"The local emergency plans are based upon inaccurate or misleading information and thus cannot assure that the public will be protected in the event of a radiological emergency."

The contention as framed is so lacking in specificity as to fail to give fair notice of the thrust of the contention. It should be excluded.

NHLP-2

"The local emergency response plans for New Hampshire communities within the plume exposure emergency planning zone do not assure that each principal response organization has staff to respond and to augment its initial response on a

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continuous basis,' 10 C.F.R. § 50.47(b)(1), in the following respects:

a. The police forces for the towns surrounding Seabrook do not have sufficient personnel or resources to carry out their responsibilities under the plans.

b. There is no assurance that necessary police and fire department personnel will be reachable or capable of responding promptly in the event of a radiological emergency.

c. There is no assurance that emergency response personnel will respond according to the plan, rather than acting first to protect their families and then responding late or not at all.

d. The plans contain no demonstration that private companies or individuals who will be depended on to assist in an emergency will actually be willing to perform those functions.

e. All members of each emergency response organization should be surveyed to determine whether they intend to stay in the EPZ to implement the plan during an emergency.

f. Under the local plans, the highway departments are responsible for assuring a successful, smooth evacuation by clearing roads of snow, stalled cars, and accidents and otherwise assuring that the roadways remain open for evacuation. The local highway departments do not have sufficient personnel or resources to fulfill these responsibilities, and the common arrangements for ad hoc assistance by private contractors are insufficient to assure that these responsibilities will be met.

g. Under the plans, the local fire departments are responsible for such tasks as assisting in monitoring the evacuation, for decontamination of affected individuals, operating and maintaining the EOC or the public alert system (PAS), and assessing emergency transportation needs. The local fire departments do not have sufficient personnel or resources to fulfill these responsibilities.

h. There is no assurance that local emergency response personnel will be reachable or that they

will be able to respond soon enough to assure protection of the public health and safety.

h. The local plans do not provide for adequate backups or alternates for important positions in the event that assigned personnel are not available.

i. Many of the posts crucial to effective emergency response have not yet been filled.

j. The emergency response personnel, both professional and volunteer, cannot be relied upon to respond to a radiological emergency at Seabrook."

Applicants do not object to admission of parts a, f, g, h(2). The Applicants do object to admission of the remaining parts of the contention. Parts c, d, e and j all raise issues as to whether individuals charged with responsibility under the plan will do their duties. This should not be a litigable issue. All this agency and the applicant can do is plan for emergency response. The willingness of individuals to do their duty must be left to the electoral or appointive process. See also Applicants Response to the Contentions of Kensington at South Hampton. Parts b and b(2) are not litigable because there is and can be no assumption that any individual is always reachable. The solution is a back up. Part i is a matter of implementation and not litigable on these proceedings under the recent Waterford decision. Louisiana Power and Light Co. (Waterford Steam Electric Station, Unit No. 3), ALAB-732, 17 NRC ____ (June 29, 1983).

NHLP-3

"The local emergency response plans for the New Hampshire towns surrounding Seabrook do not adequately provide for 'notification, by the licensee, of State and local response organizations and for notification of emergency response personnel by all organizations, as required by 10 C.F.R. 50.47(b)(5), in the following respects:

a. Provision for notification and communication by Public Service Co. with the town emergency response organizations is inadequate in that it depends upon notification through the county dispatch and does not assure that the contact person will be available or can be reached in the event of a nuclear emergency. In each instance, there must be direct contact between the site and the town, and there must be a dedicated telephone line to a location where an individual will always be on duty to receive the communication and take further action.

b. The means for notification of local governments that an emergency has occurred is unreliable because it calls for action by plant operators. Notification of any plant malfunction should be mechanically communicated to an offsite entity.

b. Provision for notification of the town emergency response organizations and emergency response personnel is inadequate in that it does not assure that key personnel can be reached since in most cases key personnel are contacted by telephone, which will be unreliable in the event of an accident. Back-up provisions for radio contact are also insufficient because they cannot assure that the personnel can be reached. In each instance, there must be a dedicated telephone line from the initial contact point to locations where the relevant key personnel will definitely be available."

No objection is made to the admission of this contention.

NHLP-4

"Procedures to provide early notification and clear instruction to the populace within the plume exposure pathway EPZ, 10 C.F.R. 50.47(b)(5), are inadequate in that:

a. The primary means of notifying the public, the public alert system (PAS), which is to consist of sirens, mobile public address systems, and tone activated radios, has not yet been designed, so that it cannot possibly support a finding of compliance with this requirement. Among other things, it is impossible to determine the range or effectiveness of the equipment that will be employed, to determine whether the sirens will be installed in appropriate locations or provide adequate coverage under all conditions, including adverse weather. It is not even possible to determine whether the system will be properly activated since the activation procedures remain "To Be Added."

b. Sirens are ineffective in the winter or when the wind is wrong, and they do not cover enough of the area. (See Voorhees Report at 11.)

c. There has been no attempt by any of the emergency response organizations to determine or establish the time required for notifying and providing prompt instructions to the public within the plume exposure pathway EPZ. NUREG-0654 at 45.

d. The plans for East Kingston, Exeter, and New Castle do not include prepared draft messages for public instruction meeting the requirements of NUREG-0654 at 46.

e. The plans do not provide for bilingual messages for the large numbers of French-speaking individuals who are often in the area in large numbers."

Part a is not litigable as it involves implementation; part e is not based on any regulatory requirement. Admission of the balance of the contention is not objected to.

NHLP-5

"The local plans do not adequately assure protection of the public health and safety in that they make no provision for dealing with the serious language barrier faced by the large numbers of non-English speaking people often in the area and the difficulties that arise from that language barrier. The language barrier creates behavior problems that would seriously hamper the emergency response, rendering an orderly and safe evacuation impossible.

At a minimum, all relevant communications and informational material must be in both English and French. Emergency response personnel who may have to deal with non-English speaking people must be fluent in French, and all such personnel must be trained in handling the behavioral difficulties that may arise as a result of the language barrier."

This contention is objected to as having no regulatory basis.

NHLP-6

"The local plans fail to demonstrate the existence of adequate provisions for 'prompt communications among principal response organizations to emergency personnel and to the public,' 10 C.F.R. § 50.47(b)(6), in that

1. The emergency communications development plan is not yet complete in Rye, Seabrook, Brentwood, Newton, Kensington, and Hampton.
2. Nondedicated telephone links relied upon for communication are inadequate.
3. Plans do not include adequate provisions for communication with non-English speaking people who may be in the area."

No objection is made to parts 1 and 2; part 3 is repetitive of No. 5 and objected to for the same reasons.

NHLP-7

"The local emergency plans do not provide for an adequate range of protective actions, 10 C.F.R. § 50.47(b)(10), because they contain no means of relocation or other protection for those with special needs, those without private transportation, school children, or persons confined to institutions or elsewhere for health or other reasons. Moreover, the resources not available to the towns for these purposes are inadequate to provide a reasonable assurance that the public will be protected in the event of an accident."

No objection is made to the admission of this contention.

NHLP-8

"The plans do not contain adequate guidelines for the choice of protective actions or information on which the choice of protective actions could be based in the event of an emergency. 10 C.F.R. § 50.47(b)(10)."

No such requirement exists for these local plans. See NUREG-0654 Rev. 1 § II.J.m.

NHLP-9

"The local plans fail to meet the requirements of 10 C.F.R. § 50.47(b)(10) in that:

a. With the exception of Greenland, they contain no maps of evacuation routes, predictions of the time required for evacuation, location of relocation centers or shelter areas, all of which are essential for an adequate emergency plan.

b. They do not make adequate provision for notifying and providing follow-up information to those segments of the population that are in recreation areas or otherwise without easy access to television or radio.

c. There has been no attempt to estimate or project traffic capacities for different routes for evacuation under various conditions and in various seasons.

d. Except for Greenland's, the plans fail to designate any traffic or access points for traffic control. Thus, it is not possible to determine either whether the traffic control plan is sufficient, and it is not possible to determine the number of personnel needed to implement the plan.

e. The plans do not adequately provide for registering or monitoring of evacuees."

No objection is made to the admission of this contention.

NHLP-10

"The local plans do not adequately provide for requesting and effectively using assistance resources, including private resources as well as the resources of other governmental entities, to make up for the deficiencies in their own resources. 10 C.F.R. § 50.47(b)(3)."

No objection is made to the admission of this contention.

NHLP-11

"The local plans do not fulfill the requirements of 10 C.F.R. § 50.47(b)(7) in that some do not identify 'the principal points of contact with the news media for dissemination of information during an emergency,' including the physical location or locations for such contact."

No objection is made to the admission of this contention.

NHLP-12

"The current state of emergency planning and preparedness do not permit a finding of reasonable assurance that if an evacuation is necessary it can be carried out in a manner that will assure protection of the public health and safety in that:

a. The consequences of an accident at Seabrook are such that evacuation must be completed promptly in order to avoid unacceptable damage to the public health and safety.

b. Both local conditions and aspects of the emergency plans will result in families being scattered in various areas. The families will clog the evacuation routes and disrupt the evacuation by attempting to reunite before proceeding to evacuate.

c. There is no assurance that those responsible for driving the various busses and other forms of mass transportation will actually do so, rather than first assuring the safety of their own families or leaving the area altogether.

d. Many of the primary potential evacuation routes are prone to serious flooding, which has not been taken into account in the local plans or in the evacuation time estimates contained within those plans.

e. The local plans do not adequately account for the crowds at the Seabrook dog track.

f. Many of the evacuation routes are narrow and would be blocked by an accident or a stalled car, and those roads and the available traffic control personnel cannot handle both the traffic that will come from surrounding towns as well as the traffic generated by the town itself.

g. Gasoline supplies and availability are limited such that many of the vehicles that run low can be expected to run out, thereby clogging the narrow evacuation routes and hindering the evacuation.

h. In order to assure a safe, prompt, and orderly evacuation in case one is ultimately called for, the emergency plans must provide for notification of all emergency response personnel and implementation of traffic control measures before or coincident with any public announcement of an event at the reactor that falls into any of the emergency action levels.

i. With one exception, none of the towns have host communities, so that evacuees will have no idea where to go, no assurance that they will be able to rendezvous with their families and loved ones, and the evacuation will be chaotic.

j. The emergency plans do not adequately account for poor driver behavior, which can be expected to hamper a safe and orderly evacuation."

Part a is objectionable as it is premised on the concept that the plan must guarantee feasible evacuation with no deaths or injury in all circumstances and this simply is not so. Part c is objected to as again raising the issue of whether people will do their duty under the plan. Parts b, d, e, f, g and j are objected to as having been litigated in Phase one of the hearings. Parts h and i are not objected to.

NHLP-13

"Contrary to 10 C.F.R. § 50.47(b)(8), the towns do not have adequate equipment to support an emergency response."

No objection is made to the admission of this contention.

NHLP-14

"Emergency response personnel have not been adequately trained to fulfill their responsibilities, and there is no assurance that they will be adequately trained before either reactor goes into operation."

This is an implementation issue not litigable under the Waterford decision. ALAB-732, supra.

NHLP-15

"The local plans do not contain adequate arrangements for medical services for contaminated injured individuals. 10 C.F.R. § 50.47(b)(12) in that:

1. In many instances the towns rely on hospitals that are either within the plume exposure emergency planning zone or in Boston."

No objection is made to this contention being admitted.

NHLP-16 - NHLP-18

"The lack of any assured source of funding or support prevents effective emergency planning because the local officials, aware that they could not effectively implement a plan without such support, are frustrated and cannot take the planning process seriously.

Local officials are unable to focus upon, take seriously, or participate seriously in the emergency planning process in the absence of information such as detailed designation of evacuation routes and reception centers and operational procedures that speak to their interests in the process. Until this information is provided and the local officials are able to participate fully and effectively, there can be no assurances that the emergency planning and preparedness will be adequate to protect the public health and safety in the event of an accident.

Local officials are frustrated and unable to plan effectively in the absence of guidance as to the routes that will be chosen for an evacuation, and establishment of reception centers. Until those planning elements are established, the planning will be inadequate."

Each of these contentions are irrelevant to any litigable issue in this proceeding. The plans will either be found adequate or not. The frustrations of local officials who made or contributed to them or failed to do so are not a subject for consideration by this Board.

NHLP-19

"The New Hampshire local plans fail to take into consideration the effects of loss of offsite power on the ability of local governments to take adequate protective measures in the event of an emergency."

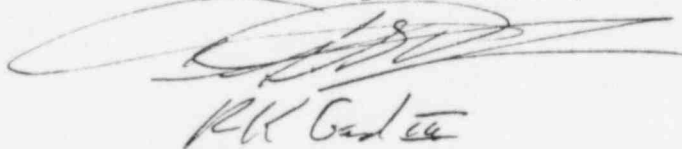
The cited basis for the contention was excluded for lack of expertise of the source. The contention also should be excluded.

NHLP-20

"With the exceptions of Greenland and Portsmouth, none of the New Hampshire local plans contain a cross-reference to the elements of NUREG-0654, as required by NUREG-0654, § II.P.8."

No objection is made to the admission of this contention.

Respectfully submitted,

A large, stylized handwritten signature in dark ink, appearing to read 'T. G. Dignan, Jr.', is written over a horizontal line.

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CERTIFICATE OF SERVICE

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