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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the matter of:

PUBLIC SERVICE COMPANY OF
NEW HAMPSHIRE, et al

Docket Nos.

50-443 OL
50-444 OL

(Seabrook Station, Units 1 and 2)

SAPL'S REPLY TO APPLICANT'S RESPONSE TO SAPL'S
SUPPLEMENTAL PETITION FOR LEAVE TO INTERVENE

The following constitutes SAPL's reply to objections raised by Applicants concerning SAPL's local emergency planning contentions.
SAPL LP-2

The Applicants object to this contention of the basis that it "assumes the need" for notifying the public through the use of mobile public address units. SAPL makes no such assumption. The plans state flatly that

"The Public Alerting System (consisting of sirens, tone-activated radios, and mobile public-address units) will be used to initiate Public Notification." (emphasis added.)

Since the plans expressly include the use of mobile P-A units as a means of achieving public notification, it is essential that they indicate who will be responsible for operation of the equipment. (See Basis, SAPL LP-2.)

SAPL LP-4

SAPL's contention LP-4 is phrased as follows:

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The plans are insufficient to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency as required by 10 C.F.R. §50.47 (a) (1) in that the plans are incomplete. Specifically, the plans make no provisions for an evacuation of persons institutionally confined.

Applicants attack the contention on the basis that it "assumes that evacuation is always necessary for persons institutionally confined". It suggests substitution of the word "protection" for the word "evacuation" in the second sentence.

SAPL stands on the contention as submitted. The contention makes no such assumption. Regardless of whether an evacuation is "always" necessary, it may in fact be necessary "to provide reasonable assurance that adequate protective means can and will be taken in the event of a radiological emergency". 10 C.F.R. §50.47 (a) (1). Therefore, Applicants have as much of a responsibility to provide for the timely evacuation of institutionalized persons as it does for other members of the general public. (Note: If, in the event this Board rejects SAPL's position on this wording, SAPL is willing to accept the Applicant's phrasing alternative. The safety of institutionalized persons is too important to be dismissed merely due to wording discrepancies in the contention.)

SAPL LP-6

The Applicants point out that NUREG-0654 Rev. 1, J.12. only requires monitoring of evacuees "within about a twelve hour period".

SAPL is willing to amend the second sentence of the contention to read as follows:

SAPL LP-6

Specifically, the plans should include a description of the equipment and personnel required to monitor within about a twelve hour period all residents and transients in the plume EPZ arriving at relocation centers.

SAPL LP-11

Applicants object to this contention solely on what they perceive as the lack of a legal basis.

"There is no regulatory requirement that the plans themselves discuss or analyze behavioral variations among members of the public." (See Applicant's Response, pg. 5.)

SAPL mistakenly omitted reference to the requirements found at NUREG-0654, Rev. 1, App. IV B (pgs. 4-10). We attempted to cure that omission in our statement of Errata filed September 15th. Clearly, NUREG-0654 requires discussion of behavioral variation, particularly in regard to peak populations.

Regardless of the scope or extent of NUREG-0654, however, SAPL believes that some examination concerning behavior is essential if this Board is to make the requisite "adequacy" findings under 10 C.F.R. §50.47 (a) (1). As stated in the Basis (See SAPL's Local Plan Contentions, pgs. 11 et seq.), the available literature demonstrates the appropriate nature of behavioral variation as a proper subject for contentions in these proceedings. Moreover, this issue is of great importance to SAPL, and it is prepared to submit direct testimony on the impact of behavioral variation on protective response. We therefore urge the Board to allow the contention as worded.

SAPL LP-12

For the same reasons as those set forth above, SAPL stands on LP-12 as submitted. The Applicants' sole objection here states that "public officials will do their duty".

First, this argument is inappropriate for determining the admissibility of the contention, but rather more suitable for summary disposition. Second, even if the "presumption" exists in this instance, it is irrelevant to this contention. The wording concerns "emergency personnel", which will include many volunteer and contractor employees, none of which can be deemed to be "public officials" since they are not elected by the public. Examples are volunteer firemen and ambulance drivers. Therefore, the Applicants objection to this contention should be rejected.

SAPL LP-14

SAPL stands on this contention along with its accompanying statement of basis as submitted.

SAPL LP-15

Again, the Applicants objection to this contention is untimely since it questions the factual assertions made by the contention. Further, the Applicant seems to be suggesting that the contention is improper because it makes an assertion of fact. This objection makes no sense at all since virtually all contentions make assertions of fact. If there were no assertions of fact, there would be nothing to adjudicate in these proceedings.

Finally, the Applicant suggests the contention should be rejected because there is no express regulatory requirement for

bilingual notification and communication. The absence of an express requirement on this matter does not preclude the admissibility of the contention. Under the regulations, the Applicant bears the burden of proving capability to establish prompt, effective notification of the public in the event of a radiological emergency. It is SAPL's position that a considerably large segment of that public will be unable to comprehend English notification. The merits of this assertion are irrelevant to the admissibility of the contention at this time.

SAPL LP-16

SAPL stands on this contention and its accompanying basis as originally submitted.

SAPL LP-17

The Applicant objects to SAPL LP-17 to the extent that it repeats concerns articulated in SAPL LP-5. Therefore, SAPL amends the contention as follows:

SAPL LP-17

The plans are inadequate because they do not sufficiently calculate the time required for evacuation, the impact of inclement weather during evacuation procedures, or the need for alternative routes.

As the Applicant has not objected to these concerns, it should have no problem with this rewording.

SAPL LP-19

Applicants object to this contention on the basis that there is no regulatory requirement for an examination of flooding in local emergency plans. Applicants objection here is misplaced, since there

is a clear regulatory requirement that the plans discuss the impact of inclement weather during evacuation procedures. Flooding is a direct result of inclement weather, and SAPL LP-19 is merely focusing on a specific aspect of inclement weather which is known to be of particular importance to the seacoast area. Consequently, the contention should be admitted.

SAPL LP-20

The Applicants imply that the issue of insufficient fuel supplies for private auto evacuation is somehow res judicata from Phase I of these proceedings. This is not the case. No direct testimony was received on this point, and only limited cross-examination was conducted in this general area. Consequently, the issue was an extremely collateral one, and has not been foreclosed as the proper basis for a contention at this time.

SAPL LP-21

Applicants object to the contention because it is "argumentative and wordy". Therefore, SAPL is willing to amend the contention to read as follows:

"SAPL LP-21

SAPL contends that all local plans should require that emergency response personnel be notified of any emergency in advance of news releases to the public. Failure to allow for lead time will result in non-dedicated telephone lines to county dispatchers, fire, and police departments being tied up with public inquiries concerning the incident."

SAPL LP-23

The Applicants are under the impression that the issue of time estimates for the local plans is somehow res judicata due to litigation

conducted in Phase I of these hearings. This is not the case. Phase I of these proceedings concerned evacuation time estimates included in the Applicants' FSAR, not the estimates which will be used in conjunction with the evacuation plans at the State and local level.

The "Final Draft of Appendix E Emergency Planning Zone Evacuation Time Study--Seabrook Nuclear Power Station, Seabrook, New Hampshire" was submitted by FEMA to the NRC on September 7, 1983. This is not the study subject to litigation at the hearings in August, but rather is the document which provides the required evacuation time estimates for the State and local emergency preparedness plans. Therefore, the Applicants' objection is without merit, and the contention should be admitted.

Respectfully submitted,
Seacoast Anti-Pollution League
By its attorneys,
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