

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

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BEFORE ADMINISTRATIVE JUDGES:

Helen F. Hoyt, Chairman  
Dr. Emmeth A. Luebke  
Dr. Jerry Harbour

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of )

PUBLIC SERVICE COMPANY OF )  
NEW HAMPSHIRE, et al. )

(Seabrook Station, Units 1 and 2) )

Docket Nos.

50-443-OL

50-444-OL

October 7, 1983

MOTION OF ATTORNEY GENERAL BELLOTTI  
FOR SUMMARY DISPOSITION ON MASSACHUSETTS  
CONTENTIONS I, II, III, IV A., and IV. G.,  
SAPL CONTENTION 5 and NECNP CONTENTIONS 3, 4, 5,  
7, 12, and 13 RELATIVE TO EMERGENCY PLANNING  
FOR THE STATE OF NEW HAMPSHIRE

Pursuant to 10 C.F.R. §2.749, Attorney General Francis X. Bellotti hereby moves for summary disposition on the following contentions, each of which was either sponsored by the Attorney General or raises the same issue as a contention which he sponsored: Massachusetts Contentions I, II, III, IV A. and IV. G, SAPL Contention 5, and NECNP Contentions 3, 4, 5, 7, 12 and 13. Each of these contentions challenges the omission from the New Hampshire Radiological Emergency Response Plan ["RERP"] of one or more items clearly required by the Commission's regulations, which omission is clear on the face of the RERP.

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There are, therefore, no material issues of fact remaining for litigation relative to these contentions and the RERP is, as a matter of law, inadequate. See Exhibit A, "Statement of Material Undisputed Facts."

#### Massachusetts Contention I

This contention challenges the failure of the RERP to provide the necessary assessment of the State's emergency response needs and resources and to provide the necessary demonstration that resource requirements have been satisfied in the following areas: emergency transportation; medical treatment for contaminated injured individuals; radiological monitoring and assessment equipment; dosimeters and respiratory equipment for emergency workers; manpower for traffic management and access control; manpower for emergency transportation; manpower for security operations; manpower for emergency maintenance of evacuation routes and response to abandoned vehicles and traffic accidents; and staffing of emergency response facilities. As we explained in detail in the bases provided for this contention at the time of its submission (See Exhibit B hereto, incorporated herein by reference, pages 1-6), the Commission's emergency planning regulations require that state emergency plans demonstrate that critical manpower and resource assessment has taken place and

all necessary resources assured. As we further explained in the bases to the contention, the RERP does not satisfy those Commission regulations because it contains no analysis of the emergency response needs of the State, no inventory of its equipment, vehicles, or personnel, or assessment of its capacity to satisfy its resource requirements, either on its own or through arrangements with other parties. See Exhibit B, at 3-6. Nor does the RERP contain any letters of agreement or other evidence that potential private or outside sources of necessary equipment, vehicles, and personnel will, in fact, supply them and on a timely basis, as required by 10 C.F.R. §50.47(b)(3). See Exhibit B, at 6. Thus, there is at present no basis for the requisite assurance that the State will have the necessary manpower and other resources to implement the RERP at the time of an emergency and summary disposition should be granted for Attorney General Bellotti on Massachusetts Contention I.

The following contentions filed by other parties raise the same challenge to the failure of the RERP to assure adequate resources and should, therefore, be upheld on summary disposition as well: SAPL Contention 5, challenging the plan's failure to demonstrate that 24 hours per day capability exists to determine the doses received by emergency personnel, as required by 10 C.F.R. §50.47(b)(11) and NUREG-0654, Criterion

K.3; NECNP Contention 3, challenging the plan's failure to identify those areas in which the State requires federal assistance or to make arrangements for obtaining that assistance, as required by 10 C.F.R. §50.47(b)(3) and NUREG-0654, Criterion II.C.1.b.; NECNP Contention 12, contesting the plan's failure to demonstrate that adequate equipment and personnel will be available to assess and monitor actual or potential off-site consequences of a radiological emergency, as required by 10 C.F.R. §50.47(b)(9); and NECNP Contention 13, regarding the plan's failure to demonstrate that adequate arrangements have been made for medical services for contaminated injured individuals, as required by 10 C.F.R. §50.47(b)(12). The bases for each of these contentions is incorporated herein by reference.

#### Massachusetts Contention II

As was discussed in the original bases for this contention, see Exhibit B, at 7, the Commission requires that state emergency plans establish an "emergency action level scheme" consistent with that established by the facility licensee. The RERP contains no such emergency action levels at this time and, therefore, fails on its face to comply with this requirement.



Massachusetts Contention III

This contention challenges the failure of the RERP to establish procedures for notification of emergency personnel by the response organizations in the state (III.A) or to demonstrate that provisions exist for prompt communications among principal response organizations to emergency personnel and to the public (III.B.), as required by 10 C.F.R. §50.47(b)(5) and (6). See Exhibit B, at 8-10, incorporated herein by reference. The plan contains no provision whatsoever for notification of emergency personnel by response organizations in the state and explicitly states that the required public notification system has not yet been designed, that there is insufficient communications ability with ambulances outside the EPZ, and that no center for receipt of communications and dispatch of ambulances has yet been established. Moreover, the plan acknowledges that most Emergency Broadcast Stations are not operational on a 24-hour basis, but makes no alternative provision for prompt instruction of the public. And the plan contains no plans for notification of local emergency response organizations. In these respects, therefore, the plan is facially deficient and summary disposition is in order.

In the bases to Contention III we further challenged the adequacy of the plan's provisions for communication between the licensee and state response organizations. That challenge is one which cannot be resolved by summary disposition, for the plan does contain some provisions for such communication and the Commission's regulations are not specific as to the precise requirements in this regard.

With the sole exception, then, of our challenge to the adequacy of the plan's provisions for communication between the licensee and the State encompassed by Section B of Contention III., we move for summary disposition on Massachusetts Contentions III.A. and B. Since NECNP Contentions 4 and 7 raise the same challenges to the plan's failure to provide for notification of emergency personnel and the public, we move for summary disposition on them as well.

#### Massachusetts Contention IV

With this contention, Attorney General Bellotti challenges the failure of the RERP to develop protective actions for emergency workers and the public. See Exhibit B, pages 10-23, incorporated herein by reference. While subsections C, D and E of the contention require interpretation of Commission regulations or simultaneous review of state and local plans and

are not, therefore, proper subjects for summary disposition at this time,<sup>1/</sup> subsections A and G challenge the omission from the RERP of items clearly required by the Commission's regulations to be included therein such that summary disposition is appropriate.

Contention IV.A challenges the failure of the RERP to establish evacuation routes, traffic access and control points, and reception centers, as required by 10 C.F.R. §50.47(b)(10) and NUREG-0654, Criterion II.J.10. See Exhibit B, at 11-13 and 15 for fuller discussion. Contention IV.G and the bases therefor (See Exhibit B, at 22-23) challenge, inter alia, the plan's failure to include provisions for the storage and distribution of radioprotective drugs to emergency workers and predetermined conditions for their use by emergency workers, as required by 10 C.F.R. §50.47(b)(11) and NUREG-0654, Criteria II.J.e. and f. These items, clearly required by Commission regulations, are absent from the RERP and, therefore, summary judgment should be granted for Massachusetts on its Contention IV.A. and Contention IV.G. to the extent it relates to the absence of provisions for the storage, distribution, and use by emergency workers of radioprotective drugs. Summary judgment

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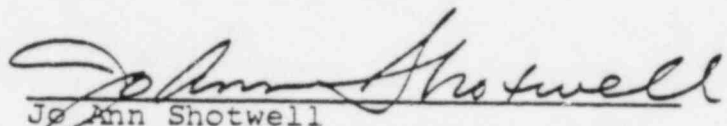
<sup>1/</sup> Subsections B and F were not admitted to the proceeding.

should likewise be granted on NECNP Contention 5, which cites the failure of the RERP to establish relocation centers.

Respectfully submitted,

FRANCIS X. BELLOTTI  
ATTORNEY GENERAL

By:



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EXHIBIT A

STATEMENT OF MATERIAL UNDISPUTED FACTS

1. The New Hampshire Radiological Emergency Response Plan ["RERP"] does not demonstrate that each principal response organization in the State has staff to respond and to augment its initial response on a continuous basis, that adequate emergency facilities and equipment to support the emergency response (including radiological monitoring equipment) have been provided, that adequate arrangements have been made for medical services for contaminated injured individuals, or that arrangements have been made for requesting and effectively using assistance resources.
2. The RERP contains no initiating emergency action level conditions at this time.
3. The State of New Hampshire has not yet established an emergency action level scheme consistent with that established by the Applicants.
4. The RERP does not establish procedures for notification of emergency personnel by state response organizations.
5. The RERP does not establish means to provide early notification of an emergency to the public.

6. There is insufficient communications ability with ambulances outside the Emergency Planning Zone and no center for receipt of communications and dispatch of ambulances has been established.
7. The RERP does not establish means for 24-hour prompt instruction of the public.
8. The RERP does not establish procedures for notification of local emergency response organizations.
9. The RERP does not establish evacuation routes, traffic access or control points, or reception centers.
10. The RERP does not include provisions for the storage of radioprotective drugs or their distribution to emergency workers or predetermined conditions for their use by emergency workers.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
Helen F. Hoyt, Chairperson  
Emmeth A. Luebke  
Jerry Harbour

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In the Matter of

)  
) Docket Nos. 50-443-OL  
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PUBLIC SERVICE COMPANY OF  
NEW HAMPSHIRE, et al.  
(Seabrook Station, Units 1  
and 2)

)  
)  
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)  
) June 23, 1983  
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CONTENTIONS OF ATTORNEY GENERAL  
FRANCIS X. BELLOTTI RELATIVE TO  
EMERGENCY PLANNING FOR THE STATE  
OF NEW HAMPSHIRE

CONTENTION I: The New Hampshire Radiological Emergency Response Plan does not satisfy the requirements of 10 C.F.R. §50.47(b)(1), (8), (9) or (12) because there has been no assessment of the State's emergency response needs and resources or satisfaction of its resource requirements in the following areas: overall emergency transportation; transportation for special facilities, schools, and people with special needs or without private transportation; emergency



medical transportation; medical treatment for contaminated injured individuals; radiological monitoring and assessment equipment; dosimeters and respiratory equipment for emergency workers; and manpower for traffic management and access control, emergency transportation and security operations, emergency maintenance of evacuation routes and response to abandoned vehicles, traffic accidents, and other obstructions to evacuating traffic flow, and staffing of emergency response facilities. In the absence of an assessment and satisfaction of the State's requirements in these areas, there can be no "reasonable assurance that adequate protective measures can and will be taken" to protect persons present in the State of New Hampshire in the event of a radiological emergency at Seabrook Station, as required by 10 C.F.R. §50.47(a)(1).

**BASES:**

The Commission's emergency planning regulations require state emergency response plans to demonstrate that critical manpower and resource assessment has taken place and all necessary resources assured. Specifically, the regulations require that "each principal response organization ha[ve] staff to respond and to augment its initial response on a continuous basis," 10 C.F.R. §50.47(b)(1), that "[a]dequate emergency facilities and

equipment to support the emergency response are provided and maintained," 10 C.F.R. §50.47(b)(8), that "[a]dequate methods, systems, and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition are in use," 10 C.F.R. §50.47(b)(9), and that "[a]rrangements are made for medical services for contaminated injured individuals," 10 C.F.R. §50.47(b)(12). None of these requirements has been satisfied in the draft New Hampshire plan because there has been no analysis of the emergency response needs of the State, no inventory of its equipment and vehicles, and no assessment of available personnel. There is, therefore, no basis for assurance that the personnel, equipment, and transportation requirements of the State will be satisfied in an emergency.

Thus, while the draft plan contains some discussion of the types of emergency equipment and vehicles needed in an emergency and possible sources for them, it contains no assessment of the quantity of any given item of equipment or the numbers of vehicles or personnel needed to support an emergency response. Nor does it contain any assessment of the capacity of the State to satisfy those resource requirements, either on its own or through arrangements with other governmental or private entities.

Specifically, there has been no analysis of the State's needs or capabilities with respect to emergency transportation for schools and other facilities, persons needing medical assistance, persons dependent on public transportation, and the non-ambulatory population. The plan states, at page 1.2-5, that "[W]hen buses are not needed to transport school children they may be used for mass transportation." And yet, there has been no inventory of available buses and there is absolutely no basis for concluding that there will be a sufficient number to accommodate the school children, let alone other persons in need of transportation.

Similarly, there has been no analysis of the number of persons needed to staff the various emergency facilities and perform the various emergency functions and no determination that the necessary personnel will be available. This problem is complicated by the plan's provisions for removing local emergency workers from the emergency zone if releases of radionuclides other than I-131 are projected to occur in amounts that require protection. See New Hampshire Radiological Emergency Response Plan ["Plan"], at 2.7-3. The plan provides no basis for assurance that there will be adequate personnel available to replace those local workers, and on a timely basis.

The draft plan for the State of New Hampshire further fails to assess the hospital and medical services necessary to treat contaminated injured individuals in the event of an emergency or to assure that those needs can be met. NUREG-0654, FEMA-REP-1, Rev.1: "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," (Nov., 1980), which is incorporated into the Commission's regulations at 10 C.F.R. §50.47(b), n.1, provides, in Criterion II.L.1., that the State must "arrange for local and backup hospital and medical services having the capability for evaluation of radiation exposure and uptake, including assurance that persons providing these services are adequately prepared to handle contaminated individuals." However, the draft New Hampshire plan contains no letters of agreement with any medical facilities or other evidence that the hospitals named in the plan, at page 2.8-9, have the capacity to handle contaminated individuals and to evaluate radiation exposure and uptake or that they have agreed to provide those services. Moreover, the plan contains no assessment of the numbers of persons who may require such services or assurance that those numbers can be accommodated by these hospitals.

The plan does grossly misstate the number of hospitals which are identified therein, see Plan at pages 2.8-8 - 2.8-9,

and characterizes two hospitals located within the EPZ as two of the three primary hospitals to be used in an emergency. See Plan, at 2.6-3. Particularly in light of these errors, there is need for a thorough assessment of the extent of services which may be needed in an emergency and the capacity of the State to satisfy those needs.

Finally, the draft plan contains no letters of agreement, as required by NUREG-0654, Item II.C.4, or other evidence that the potential outside sources of necessary equipment, vehicles and personnel mentioned in the plan will, in fact, supply them in an emergency. Thus, there is no assurance that necessary resources will be available in any of the categories of response activities which we have discussed if those of the State itself are inadequate.

CONTENTION II: The New Hampshire Radiological Emergency Response Plan does not satisfy the requirements of 10 C.F.R. §50.47(b) (4) because there is no emergency action level scheme for an emergency at the Seabrook Station. In the absence of an adequate emergency action level scheme there can be no "reasonable assurance that adequate protective measures can and will be taken" to protect persons present in the State of New Hampshire in the event of a radiological emergency at the Seabrook Station, as required by 10 C.F.R. §50.47(a) (1).

BASES:

The Commission's regulations, at 10 C.F.R. §50.47(b)(4), require that there be in place a "standard emergency classification and action level scheme, the bases of which include facility system and effluent parameters." The criteria of NUREG-0654 clarify that each state and local governmental body within the plume exposure pathway EPZ "shall establish an emergency classification and emergency action level scheme consistent with that established by the facility licensee." NUREG-0654, supra, III.D.3. In this case, there is no emergency action level scheme in place for Seabrook Station, either in the Applicants' Radiological Emergency Plan or in the draft New Hampshire plan.

The New Hampshire plan does use the term "emergency action levels" improperly in describing the four standard classes of emergencies. See, e.g., Plan, at 1.4-1. However, it is clear from the absence of any material in Appendix A, entitled "Initiating Emergency Action Level Conditions," that the State recognizes the omission from this draft of the facility system and effluent parameters which will trigger each emergency classification. Without such specific parameters, mutually agreed upon by utility, state, and local officials, there can be no assurance that emergencies will be properly classified and in a timely fashion so as to permit effective response.



CONTENTION III:

The New Hampshire Radiological Emergency Response Plan does not satisfy the requirements of 10 C.F.R. §50.47(b)(5) and (6) because procedures have not been established for notification of emergency personnel by the response organizations in the state and there is no demonstration that provisions exist for prompt communications among principal response organizations, to emergency personnel, or to the public. Until these requirements have been satisfied there is no "reasonable assurance that adequate protective measures can and will be taken" to protect those present in the State of New Hampshire in the event of a radiological emergency at the Seabrook Station, as required by 10 C.F.R. §50.47(a)(1).

BASES:

Part 2 of the draft New Hampshire emergency plan relating to emergency notification and communications does not establish procedures for notification of emergency personnel by state response organizations, as required by 10 C.F.R. §50.47(b)(5) and NUREG-0654, Criteria II.E.2, and II.F.1.e, and, therefore, provides no demonstration that such notification could be effected promptly, as required by 10 C.F.R. §50.47(b)(6). As regards Civil Defense personnel, the plan simply contains a



conclusionary statement that "[a]t the ALERT level, NHCDA will mobilize all of its staff." See Plan, at 2.1.4. And as regards all other emergency personnel, the plan simply provides that NHCDA will notify the other response organizations. See Plan, at 2.1.5. The plan makes no provision whatsoever for "notification of emergency personnel by all [response] organizations," as required by 10 C.F.R. §50.47(b)(5).

The draft planning document before the Board further fails to demonstrate, as required by 10 C.F.R. §50.47(b)(5) and NUREG-0654, Criterion II.E.6 and App.3, that the means have been established to provide early notification and clear instruction to the public in New Hampshire. In fact, the plan clearly demonstrates that no such means have yet been developed, for it specifically states (at page 2.1-9) that the Audible Alert System for the Seabrook area is still being designed. And the plan acknowledges that most Emergency Broadcast System Stations are not operational on a 24-hour basis but makes no alternative provision for rapid instruction of the public. See Plan, at 2.1-11.

The draft New Hampshire plan further fails to demonstrate that provisions exist for prompt communication between the licensee and state response organizations, as required by 10 C.F.R. §50.47(b)(6). Under the draft plan, the licensee need not notify the State Police until fifteen minutes after an

emergency classification and there then has to be notification of the DPE and verification by it before the other response organizations will be contacted. Moreover, the NHCDA will notify all other state response organizations sequentially. See Plan, at 2.1-1 - 2.1-6.<sup>1/</sup> And there are no definite plans for state notification of local emergency response organizations. See Plan, at 1.2-5 - 1.2-6. These procedures do not ensure prompt notification of anyone. The draft plan further specifically acknowledges that there is insufficient communications ability with ambulances outside the EPZ and that no center for receipt of communications and dispatch of ambulances has yet been established. See Plan, at 2.2-13 - 14.

#### CONTENTION IV:

The New Hampshire Radiological Emergency Response Plan does not satisfy the requirements of 10 C.F.R. §50.47(b)(10) and (11) because protective actions for emergency workers and the public have not been sufficiently developed. The protective option of evacuation has not been sufficiently developed in that no evacuation routes, traffic access or control points, or reception centers have been established and the evacuation time

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<sup>1/</sup> Under the current plan it is only after NHCDA notifies all other emergency response organizations that it will activate the siren alert system for the public. See Plan, at 1.3-5. The delegation of all these responsibilities to NHCDA unnecessarily delays public notification.

estimates contained in the plan are inaccurate and fail to provide information needed by protective action decision-makers. Furthermore, no plans have been made for evacuation of special institutions (including schools) or people with special needs or dependent on public transportation or for decontamination of all persons and vehicles exposed to radiation. The protective option of sheltering has not been sufficiently developed because no plans have been made for sheltering the summer beach population or those seasonal residents whose homes provide inadequate shielding from radionuclides. The plan further provides insufficient basis for protective action decision-making, and lacks adequate provisions for controlling the radiological exposure of emergency response personnel. Given these deficiencies in the plan, there is no "reasonable assurance that adequate protective measures can and will be taken" to protect those present in the State of New Hampshire in the event of a radiological emergency at the Seabrook Station, as required by 10 C.F.R. §50.47(a)(1).

**BASIS:**

The Commission's regulations require, at 10 C.F.R. §50.47(b)(10), that "[a] range of protective actions [be] developed for the plume exposure pathway EP2 for emergency workers and the public." The criteria of NUREG-0654, at II.5.10 and 12, incorporated into the Commission's regulations

at 10 C.F.R. §50.47(b), n.1, clarify that this requirement is not met unless a state emergency plan includes the following items:

10. a. Maps showing evacuation routes, evacuation areas, preselected radiological sampling and monitoring points, relocation centers in host areas, and shelter areas...  
    . . .
- d. Means for protecting those persons whose mobility may be impaired due to such factors as institutional or other confinement;
- e. Provisions for the use of radioprotective drugs, particularly for emergency workers and institutionalized persons..., including quantities, storage, and means of distribution;  
    . . .
- h. Relocation centers...;
- i. Control of access to evacuated areas...;  
    . . .
1. Time estimates for evacuation of various sectors and distances based on a dynamic analysis (time - motion study under various conditions) for the plume exposure pathway emergency planning zone . . . ;

- m. The bases for the choice of recommended protective actions from the plume exposure pathway during emergency conditions. This shall include expected local protection afforded in residential units or other shelter for direct and inhalation exposure.

NUREG-0654, supra, Criteria II.J.10 and 12.

None of these requirements is satisfied in the draft New Hampshire plan. While the plan contains a map indicating the principal roadways which will be utilized in an evacuation, see Plan, at 2.6-10, it does not contain an evacuation routing scheme. There is no evidence in the plan that there has been any consideration of the most efficient routing for various segments of the population within the EPZ. And there has clearly been no assignment of routes. Particularly in view of the NRC Staff's determination that the Applicants' evacuation time estimates, incorporated into the New Hampshire plan, are "optimistic" and based on assumptions as to preferred evacuation routing, see NUREG/CR-2903, "An Independent Assessment of Evacuation Time Estimates for a Peak Population Scenario in the Emergency Planning Zone of the Seabrook Nuclear Power Station," (October, 1982), at iv., 1, 20, definitive

evacuation routing is essential. In the absence of either designated routing which conforms to that assumed by the Applicants in their evacuation time study or a new time study based on other designated routes, decision-makers will be using inaccurate time estimates in deciding whether an evacuation can be successfully implemented.

The NRC Staff has further determined that the Applicants' evacuation time estimates, now incorporated into the New Hampshire plan, are lower than those prepared by an NRC contractor largely due to differences in the estimated effectiveness of traffic controls and that the Applicants' estimates will be useful to protective action decision-makers only if the emergency plans reflect the traffic management assumptions developed by the Applicants. See Affidavit of John R. Sears attached to "NRC Staff Response to Applicants' Seventh (Contention NH-21) and Twenty-First (Contentions NECNP III.12 and III.13) Motions for Summary Disposition," filed June 6, 1983, Pars. 11, 12. And yet there are no traffic management plans in the New Hampshire submittal. As an NRC Staff member has attested, therefore, there is at present no basis for use of the evacuation time estimates set forth in the draft New Hampshire plan at the time of an emergency and protective action decision-makers will be without information critical to the choice between evacuation and sheltering. And, as the



Staff's own expert has further indicated, the time needed to complete an evacuation will be considerably greater than if effective traffic controls were in place. There is, therefore, an unnecessary risk of radiological exposure to the evacuating population.

The draft New Hampshire plan further fails to develop the protective option of evacuation in that no traffic access points or reception centers have been established. See Plan, at 2.6-13, 2.6-28. And the plan inappropriately provides that reception centers will not be activated until a General Emergency is declared, see Plan, at 1.3-5, providing no basis for confidence that the centers will be prepared to receive evacuees shortly thereafter.

We have already noted certain respects in which the evacuation time estimates contained in the New Hampshire plan are inaccurate and fail to provide emergency response officials with critical information. Those estimates are further deficient in that they fail to do the following:

1. Account for the time required for protective action decision-making, notification of off-site agencies and the public, preparation and mobilization, and confirmation of evacuation;
2. Account for simultaneous evacuation of the peak summer population on the beach areas lying from NE to



SSE of the site, or even for simultaneous evacuation of Hampton Beach and either of Seabrook Beach or Salisbury State Beach.

3. Provide an estimate for evacuation of the entire plume exposure pathway EPZ, as required by NUREG-0654, App. 4, at 4-4.

4. Employ a reasonable estimate of the number of automobiles being evacuated;

5. Account for evacuation of schools, hospitals and other institutions located within the EPZ;

6. Account for the public transportation-dependent population;

7. Include major employers in the estimates of summer transient automobile demand;

8. Account for voluntary evacuation beyond the EPZ;

9. Account properly for population growth over the life of the plant;

10. Account properly for the effect on evacuation times of adverse weather conditions;

11. Account for other than home-based evacuation traffic;

12. Account for any of the following possibilities:

- a. vehicles breaking down or running out of fuel;

- b. traffic accidents;
- c. abandoned vehicles;
- d. disregard of traffic control devices; and
- e. evacuees using inbound traffic lanes for outbound travel.

The potential protective action of evacuation is also insufficiently developed in the draft plan before the Board in that no plans have been set forth therein for evacuation of special facilities, including schools, or for persons dependent on public transportation or with special needs. The plan simply contains conclusionary statements to the effect that transportation for those without cars will be provided by local emergency planners, that municipalities will have provisions for evacuating the handicapped and others with special needs, that school children will be bused directly to reception centers, and that "the State is prepared to provide emergency transportation to those communities that request it." See Plan, at 2.6-9. The plan contains no arrangements for carrying out any of these matters, no assessment of necessary resources, and no letters of agreement or other evidence that the necessary vehicles and personnel will be available. Furthermore, the plan contains no procedures for accommodating parental pick-up of children at schools prior to evacuation, clearly contemplating instead that all parents will agree to evacuate

independently of their children, a factual premise which finds no support in the plan and which defies credulity.

Finally, as regards evacuation, the draft plan is inadequate in that it allows evacuees exposed to radiation to evacuate directly to the homes of family members or friends without radiological monitoring or decontamination. It is only if exposures are estimated to have reached certain levels that all evacuees will be monitored. See Plan, at 2.7-9. Until those levels are reached, persons who do not evacuate to reception centers, and their families and friends, will continue to be exposed to radiation. Once the specified levels are reached, evacuees will be directed to access control points, where vehicles will be screened for possible decontamination. Since this deviation from traffic routing and screening process may have a significant effect on evacuation times, the time estimates to be used by officials in determining that an evacuation should be ordered must account for this contingency.

The protective option of sheltering has also been insufficiently developed in the draft New Hampshire plan. The plan contains no provisions for sheltering of the summer beach population within the EPZ. While suggesting that transients may "if possible" be asked to "seek directions to a nearby public building from local emergency workers," see Plan, at 2.6-8, the plan makes no provisions for informing transients of

the need to seek directions or for assuring that emergency workers will be present to give directions. And, more importantly, the State has conducted no analysis of available public sheltering or its capacity to accommodate the beach population. There is, therefore, insufficient basis for (and has not been) any development of sheltering as a potential protective action for the beach population.

The same is true for the summer resident population within the EPZ. While acknowledging that "[t]he dose reduction from which an individual benefits by sheltering is a function of how well the structure is sealed..." and the weight and layers of building material providing protection, the State has not analyzed the amount of protection which can be afforded by the uninsulated, wood-frame summer homes in the Seabrook area. There is, therefore, no basis for determining whether in-place sheltering of the summer resident population is a viable option.

The critical need for development of the protective action of sheltering in the vicinity of this site was confirmed by the Federal Emergency Management Agency in its report, FEMA-REP-3, "Dynamic Evacuation Analyses: Exposure Pathway Emergency Planning Zones of Twelve Nuclear Power Stations," February, 1981. That report states, at page 7, that:

...if there is an accident with a relatively fast release, the guidance suggests that the time from the initiating event through travel time to the 10-mile EPZ boundary may be as short as two hours. ... Within this two-hour time frame, [the Seabrook EPZ] can only be partially evacuated. For an accident under these conditions, sheltering could be a viable protective action.

Although needed, then, in the event of a fast-developing accident, the protective action of sheltering is not yet a viable option for the transient and seasonal resident population in the Seabrook vicinity. This leaves a substantial percentage of the population supposedly being served by the New Hampshire plan completely devoid of protection in the event of a fast-developing accident. <sup>2/</sup>

In addition to failing to develop the protective actions of evacuation and sheltering, the draft New Hampshire plan fails to provide sufficient information to guide protective action choices. Thus, the plan indicates that 'predetermined dose

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<sup>2/</sup> According to the Applicants, there is an estimated summer peak population of 84,366 within a five-mile radius of the site. See FSAR, App. C, Table 4.4. And the Licensing Appeal Board has determined that the beach area located just over 1-1/2 miles from the Seabrook Station is the nearest population center to the site, since it will "at times be the most densely populated area in the state." See Public Service Company of New Hampshire, ALAB-422, 6 NRC 33, at 51 (1977). The Board further stated that "there is no doubt that, at peak periods ... in excess of 25,000 people will be found in that densely populated area." Ibid.

reduction factors associated with small structures will be used in choosing between evacuation and sheltering. See Plan, at 2.6-48 - 52. And yet, as we have noted, there are no plans to provide any shelter for the large transient beach population. The assumption that the entire target population will be sheltered in small structures is, therefore, inappropriate in the event of an accident during summer months. The plan provides no alternative basis for protective action decision-making during the summer. Nor is there any basis for application of the dose reduction factor applicable to small, year-round structures in connection with the seasonal residential population. The plan contains no evidence that the factor being used is appropriate for that population and no alternative basis for protective action decision-making with respect to that population. And there is insufficient basis for protective action decision-making throughout the year because no radiological monitoring locations have been selected. See Plan, at 2.5-15.

The plan also fails to provide any information or guidance for emergency response officials as to the hazards of ordering evacuation in vehicles with closed windows and ventilation systems on a hot summer day. The plan indicates that any ordered evacuation will proceed under such instructions, see Plan, at 2.6-8, but fails to analyze the obvious potential



effects on human health and orderly evacuation flow if those instructions are carried out in intense heat or to provide guidance for consideration of those effects in assessing the merits of evacuation.

As we have noted, 10 C.F.R. §50.47(b)(11) and NUREG-0654, Criteria II.J.10.e and f., further require that means be established for controlling radiological exposures to emergency workers and, specifically, that state plans include provisions for the use of radioprotective drugs by emergency workers and institutionalized persons, including provisions for the storage and distribution of such drugs. The draft planning document before the Board provides that radioprotective drugs will not be stored in the state, but will be obtained from the neighboring states or from the federal government if the need arises, see Plan, at 1.3-10, hopefully "early enough to allow sufficient time for [the drugs] to be effectively used." See Plan, at 2.7-3, 2.7-8. In the absence of plans for stockpiling the drug in the Seabrook vicinity or specific plans for and assurance of rapid supply of the drugs by other state or federal officials, the drugs will not necessarily be on hand in time for use by emergency workers. The current plan, therefore, does not satisfy the Commission's requirements.

The draft plan further fails to meet the criterion set forth at NUREG-0654, II.K.3.a., for there is no provision for



"24-hour-per-day capability to determine the doses received by emergency workers...". As was discussed previously, there has been no assessment of the numbers of personnel who will be involved in emergency response activities. There can, therefore, be no assurance that a sufficient number of dosimeters is available. The same is true of respiratory devices. And the plan again inappropriately assumes a slow-developing accident when it provides for storage of the respiratory equipment at the State IFO, rather than the local EOC's. See Plan, at 2.7-1.

CONTENTION V: The FSAR, ER-OL, SER, FES, and New Hampshire Radiological Emergency Response Plan contain insufficient data as to the effectiveness of the protective actions of evacuation and sheltering in mitigating adverse consequences to human health (early fatalities, early injuries, delayed fatalities, delayed injuries, and genetic and developmental defects) in the event of an accident at Seabrook Station requiring off-site protective action. Those filings contain no calculations as to the mean numbers of these specified health effects associated with PWR-1 to PWR-9 accidental releases or SST 1, SST 2, or SST 3 accidents at the Seabrook Station. In the absence of such calculations, based on realistic evacuation time estimates and shielding factors, reflecting the peak transient population

within the EPZ, and accounting for population growth over the lifetime of the plant, there is no basis for assessing the effectiveness of evacuation or sheltering in minimizing radiological exposures. There is, therefore, no basis at this time for determining that "adequate protective measures can and will be taken" to protect those present in New Hampshire at the time of an accident, as required by 10 C.F.R. §50.47(a)(1), or that the planned protective actions are "adequate" and "capable of being implemented," as required by 10 C.F.R. §50.47(a)(2).

BASES:

The draft New Hampshire Radiological Emergency Response Plan states, at page 2.6-6, that the two protective actions which may be ordered in the event of a serious accident at the Seabrook Station are sheltering and evacuation. The plan defines "protective actions," at page 1.7-5, as "emergency measures to be taken by the public to mitigate the consequences of an accident by minimizing the radiological exposures that would likely occur if such actions were not undertaken." However, neither the draft emergency plan nor the Applicants' and NRC Staff's filings in this proceeding provide any basis for concluding that evacuation or sheltering will, in fact, minimize radiological exposures to persons present in the State of New Hampshire in the event of a severe accident at the Seabrook Station, particularly in the summer months.

None of the documents on file in this proceeding contain calculations as to the mean numbers of early fatalities, early injuries, latent cancer fatalities, and other adverse health effects associated with the PWR-1 to PWR-9 accidental releases described in the Reactor Safety Study (WASH-1400) or with the Commission's "rebaselined" SST 1, SST 2, and SST 3 accident scenarios (NUREG-0715). In the absence of such calculations, based on realistic evacuation time estimates and shielding factors, there is no measure of the effectiveness of evacuation or sheltering as protective actions for this site and no basis for the premise underlying the draft plan that those actions can minimize radiological exposures to those present in the state at the time of such an accident. These calculations must be performed for a peak transient population scenario to account for the tremendous seasonal population within the immediate vicinity of the site. See discussion, supra, at page 20, and must assume no sheltering for the beach population since there are at present no plans to shelter those persons. And calculations must be performed so as to reflect expected permanent and transient population growth in the area over the expected life of the plant if there is to be any assurance that evacuation and sheltering will constitute viable protective actions throughout the plant's term of operation.

It has long been recognized that the beaches in the vicinity of the Seabrook site present unusual evacuation constraints. From the beginning of the Seabrook construction permit proceedings, the NRC Staff has maintained that it has the authority to require a demonstration of the feasibility of evacuating persons beyond the Seabrook LPZ because of the proximity of the Station to coastal beaches, the inadequacy of sheltering facilities along the coast, and the limited road networks serving the beaches. See Public Service Company of New Hampshire, ALAB-390, 5 NRC 733, at 735-36 (1977). This position has been supported by the Advisory Committee on Reactor Safeguards. See Letter from the Chairman of the ACRS to the Chairman of the AEC reviewing Seabrook application (December 10, 1974) [relevant language quoted at 5 NRC 751]. While grossly inadequate for all the reasons discussed above, at pages 13 - 17, the Applicants' own evacuation time estimates, now incorporated into the New Hampshire plan, also leave substantial doubt as to the feasibility of evacuation as a protective option for the area surrounding this site during the summer months. Applicants estimate that, on a summer weekend, it will take 4 hours and 20 minutes to evacuate a 180-degree sector to the north of the plant having only a two-mile radius. See Applicants' Emergency Plan, Appendix C., Table 4. That sector includes only one beach area, Hampton

Beach, and accounts for only 5,247 of the 9,177 estimated vehicles associated with that beach population. Id., Table 2. The Applicants provide a similar estimate -- 4 hours and 30 minutes -- for evacuation of the ten-mile 90-degree northeast sector containing Hampton Beach. Id., Table 4.

Even without accounting for such factors as simultaneous evacuation of more than one beach, notification/preparation time, and population growth, then, the Applicants' estimates exceed the time period during which early fatalities and injuries will result from exposure to radionuclides in the event of an "atmospheric" Class 9 accident, according to NUREG-0396. See NUREG-0396, EPA 520/1-78-016: "Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans In Support of Light Water Nuclear Power Plants" (December, 1978), Figures I - 17 and I - 18. That document reveals that, assuming a uniform population density of 100 persons per square mile and evacuation speed of 10 m.p.h., an evacuation time of 4 hours will result in approximately three deaths and twelve early injuries in the 0-5 mile range of the plant and approximately five early injuries in the 5-10 mile range. If evacuation time reaches five hours (with, for example, the addition of notification time), the

results are approximately six deaths and twenty-eight early injuries in the 0-10 mile range.<sup>3/</sup> Of course, NUREG-0396 makes no attempt to estimate the long-term genetic or other health effects associated with such evacuation times.

Thus, even if evacuation can be accomplished within the times currently estimated by the Applicants, there will be a significant number of early injuries and deaths in the event of an atmospheric Class 9 accident at Seabrook. And, given the deficiencies in the Applicants' current evacuation time estimates, it is clear that actual evacuation times will be much longer. It is important to note in this regard that the evacuation time estimates provided by the licensee in its PSAR are significantly higher than its current estimates, even though the earlier estimates relate to 22.5 degree sectors (rather than 90 degree or 180 degree sectors) and cover only a five-mile radius. See Seabrook PSAR, Amendment 23, July, 1974, at S13-7 - S13-16.<sup>4/</sup> In its PSAR, the licensee estimates

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<sup>3/</sup> As we have noted, the population density in the beach area near the Seabrook site is much greater than the 100 persons per square mile assumed in NUREG-0396. As the Licensing Appeal Board has noted, "there is no doubt that, at peak periods . . . in excess of 25,000 people will be found in [that] densely populated area." Public Service Company of New Hampshire, ALAB-422, 6 NRC 33, at 51 (1977). Thus, all of the health and fatality figures contained in NUREG-0396 are understated so far as the Seabrook site is concerned.

<sup>4/</sup> The earlier figures do purport to include notification time.



that it will take eight hours from the occurrence of the accident to clear three of the six beach sectors to the five-mile radius and that the other three sectors will require five and one-half to six hours. See Seabrook PSAR, at S13-16.

A FEMA study estimates that a minimum of six hours and 10 minutes will be needed to evacuate the entire EPZ on a summer Sunday, even if notification is completed within 15 minutes. See FEMA-REP-3: "The Dynamic Evacuation Analyses: Independent Assessment of Evacuation Times from the Plume Exposure Pathway Emergency Planning Zones of Twelve Nuclear Power Stations" (February, 1981), at 46. That study further concludes that

The behavior of drivers who are caught in congestion within direct sight of the Seabrook Station can only be guessed at this time. Any breakdown in orderly evacuation traffic flow will result in evacuation times greater than the ones estimated above. Total evacuation times could range from 10 hours 30 minutes to 14 hours 40 minutes for an evacuation in which traffic control is generally ineffective.

Ibid. FEMA estimates, then, are also considerably higher than the Applicants' current estimates. The early deaths and injuries resulting from a severe accident would, of course, be significantly higher than the figures recited above if the longer times estimated by FEMA or by the Applicants in the 1974 amendment to their PSAR are actually required for evacuation.

Accident consequence data for the Seabrook site prepared by the NRC and released to the public by the Subcommittee on Oversight and Investigations of the Committee on Interior and Insular Affairs of the United States Congress, a copy of which is attached hereto as Exhibit A, appears to confirm that the health effects which will result from a severe accident at Seabrook are much greater than those set forth in NUREG-0396. That data indicates that an "SSTI" release from Seabrook Station may result in 7,000 early fatalities, 27,000 early injuries, and 6,000 cancer deaths. Whether those greater figures are a result of higher assumed evacuation times or, indeed, whether the calculations even assume evacuation or other protective action cannot be known in the absence of discovery.

As regards sheltering, the New Hampshire plan acknowledges that sheltering in the year-round homes in the Seabrook vicinity can provide protection for only two hours. See Plan, at 2.6-7. And, as we have discussed, the protection afforded by the summer homes in the area is even less and there are at present no provisions whatsoever for sheltering the summer beach population.

Thus, while the filings in this proceeding provide no evidence of the extent to which evacuation or sheltering can minimize the adverse health consequences to those present in New Hampshire at the time of a serious accident, they do contain ample evidence that neither evacuation nor sheltering can eliminate such adverse

health effects. And both the documents filed with the Board and other materials suggest that a very significant number of fatalities and injuries may result from a severe accident, particularly one which occurs on a summer weekend, even given current plans for evacuation and sheltering. There must, therefore, be a study of the consequences for human health of a severe accident at this site reflecting peak summer population estimates and realistic assumptions as to evacuation times and available sheltering. In the absence of such data, there is no evidence of the level of protection which can be afforded by off-site protective action in the vicinity of this site and, thus, no basis for the requisite determination that the level of protection which can be provided is "adequate."

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EXHIBIT A

SUBCOMMITTEE ON  
OVERSIGHT & INVESTIGATIONS

12/2/82  
According to Regis  
Blond, NRC, the accident  
figures do not include  
transient populations.

CALCULATION OF REACTOR ACCIDENT CONSEQUENCES (CRAC2)  
FOR U.S. NUCLEAR POWER PLANTS (HEALTH EFFECTS AND COSTS)  
CONDITIONAL ON AN "SST1" RELEASE

	POWER <sup>1</sup> LEVEL (Mwe)	PEAK <sup>2</sup> EARLY FATALITIES <sup>4</sup>	PEAK <sup>2</sup> EARLY INJURIES <sup>5</sup>	PEAK <sup>2</sup> CANCER DEATHS <sup>6</sup>	PEAK <sup>2</sup> FATAL RADIUS <sup>7</sup> (MILES)	PEAK <sup>2</sup> INJURY RADIUS <sup>8</sup> (MILES)	SCALED <sup>3</sup> COSTS (BILLIONS 1980 \$)
ARKANSAS NUCLEAR ONE, Units 1 & 2, Russelville, AR							
NRC Result <sup>9</sup>	1120	2,550	6,010	3,380	17.5	35	-----
#1 Scaled <sup>10</sup>	836	1,900	3,400	2,900	-----	--	68.1
#2 Scaled	912	2,100	4,000	3,000	-----	--	84.9
BEAVER VALLEY, Units 1 & 2, Shippingport, PA							
NRC Result	1120	24,400	271,000	28,600	20	55	-----
#1 Scaled	833	19,000	156,000	24,000	-----	--	122.0
#2 Scaled	833	19,000	156,000	24,000	-----	--	*11
BELLEFONTE, Units 1 & 2, Scotsboro, AL							
NRC Result	1120	3,300	6,900	4,290	20	50	-----
#1 Scaled	1213	3,600	7,700	4,500	-----	--	86.1
#2 Scaled	1213	3,600	7,700	4,500	-----	--	82.7

ROBINSON, Hartsville, SC

NRC Result	1120	3,400	19,600	4,410	20	30	-----
Scaled	665	2,000	8,000	3,000	----	--	42.5

ST. LOUIS, Units 1 & 2, Ft. Pierce, FL

NRC Result	1120	7,510	12,400	4,225	20	70	-----
#1 Scaled	777	5,000	6,000	3,000	----	--	54.3
#2 Scaled	777	5,000	6,000	3,000	----	--	59.1

SALEM, Units 1 & 2, Salem, NJ

NRC Result	1120	102,000	75,700	41,500	20	55	-----
#1 Scaled	1090	100,000	70,000	40,000	----	--	135.0
#2 Scaled	1115	100,000	75,000	40,000	----	--	150.0

SAN ONOFRE, Units 1, 2, & 3, San Clemente, CA

NRC Result	1120	27,800	24,300	19,200	17.5	35	-----
#1 Scaled	436	8,000	6,000	10,000	----	--	58.8
#2 Scaled	1100	27,000	23,000	18,000	----	--	186.0
#3 Scaled	1100	27,000	23,000	18,000	----	--	182.0

SEABROOK, Units 1 & 2, Seabrook, NH

NRC Result	1120	6,880	26,800	6,250	20	65	-----
#1 Scaled <sup>16</sup>	1150	7,000	27,000	6,000	----	--	163.0
#2 Scaled	1150	7,000	27,000	6,000	----	--	150.0

SEBUCYAH, Units 1 & 2, Daisy, TN

NRC Result	1120	29,500	60,600	4,630	20	30	-----
#1 Scaled	1148	29,000	61,000	4,700	----	--	96.8
#2 Scaled	1148	29,000	61,000	4,700	----	--	98.6

CERTIFICATE OF SERVICE

I, Jo Ann Shotwell, Esquire, counsel for Massachusetts Attorney General Francis X. Bellotti, hereby certify that on April 12, 1983, I made service of the within Contentions, by mailing copies thereof, postage prepaid, to:

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Signed under the pains and penalties of perjury, this 23rd day  
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