

August 31, 1982

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 and 2))
_____)

) Docket Nos. 50-443 OL
) 50-444 OL

NECNP'S RESPONSE TO APPLICANTS' REPLY
TO NECNP'S SUPPLEMENTAL FILING ON
EMERGENCY PLANNING CONTENTIONS

On July 23, 1982, NECNP submitted to the Board a Supplemental Filing on Emergency Planning Contentions, to which the Applicants replied on August 2, 1982. This Reply was the first substantive response by the Applicants to any of NECNP's emergency planning contentions. NECNP responds here to the Applicants' objections. For brevity's sake, we have limited our response to those issues raised by the Applicants which were not already dealt with in our July 23 filing. We refer the Board and the parties to both our filings for the full documentation of our contentions.

Contention 1. Applicants argue that NUREG-0654 does not have the force of regulation, and that therefore NECNP may not argue for compliance with its criteria. They are incorrect. 10 CFR 50.47(b) incorporates the criteria of NUREG-0654. Under that regulation, the "standards" for onsite and offsite emergency response plans for nuclear power reactors "are addressed by specific criteria in NUREG-0654." 10 CFR 50.47(b), fn 1.

Contention 2. Applicants do not object to this contention.

Contention 3. Applicants assert that a recently published rule, which states that emergency preparedness exercises need not be completed before licensing, eliminates the requirement of training for unit shift supervisors alleged by NECNP. See 47 F.R. 30232, July 13, 1982. However, the preamble to the new rule states that it is intended to affect only the requirement for a successful exercise before licensing, and not "the substantive emergency planning issues now being litigated in license hearings." 47 F.R. at 30233. The requirement of 50.47(b)(15) that radiological emergency response training be provided to "those who may be called on to assist in an emergency" is one of those substantive requirements which "are unchanged by the rule changes and do not, in themselves, require a successful exercise." 47 F.R. at 30233. NECNP's contention does not cite the Applicants for failure to conduct emergency response drills, but for failure to provide for training such supervisors to respond to the special decisionmaking demands of emergencies. Although training might include drills, it has many other elements which may be litigated in this licensing proceeding. Moreover, any drills that are needed for training but that do not constitute full emergency preparedness exercises are unaffected by the rule change and may be litigated.

Contention 4. NECNP's contention regarding the bounds of the Emergency Planning Zone and our position on the requirements of the regulations are thoroughly supported and briefed in our Supplemental Filing on Emergency Planning Contentions of July 23, 1982. Applicants' arguments ignore the requirements of the regulations and do not require response.

Contention 5. The Applicants misconstrue NECNP's fifth contention, that beyond design basis accidents must be considered in the emergency plan, as a challenge to the suitability of the Seabrook site. The challenge is rather to the failure of the emergency plan itself to reflect any consideration of beyond design basis events, either in the delineation of the Emergency Planning Zone or the institution of measures to respond to such a massive accident. Further, the Applicants' references to the "low population zone" and 25 rem doses are inapposite. Part 100 relates to reactor siting, not compliance with the emergency planning requirements of Part 50. The Commission acknowledged the significance of serious "beyond design basis" accidents by taking them into account in developing the 10 and 50 mile EPZ starting points. Accordingly, such accidents must be considered in determining the precise size and shape of such EPZs.

Contention 6. Applicants do not object to this contention.

Contention 7. The Applicants object to NECNP's assertion of Applicants' apparent nonconformance with a Regulatory Guide as a basis for its contention that Applicants' accident

monitoring equipment does not meet the emergency planning regulations. As we have stated before, Regulatory Guides, although not enforceable as regulations, establish acceptable means for complying with NRC regulations. Therefore, failure to meet Regulatory Guide provisions provides factual basis for a contention that the regulations which they implement have not been complied with. See the introduction to NECNP's Reply to the Responses by the Applicants and the NRC Staff to NECNP's Contentions, filed June 17, 1982.

Contention 8. Contrary to the Applicants' objection, NECNP has provided a thorough and detailed basis for this contention. This basis supports NECNP's assertion that automatic systems to monitor and plot radiological effects are the minimum measures necessary to provide "adequate methods, systems and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition." 10 CFR 50.47(b)(9). NECNP is not barred, as Applicants argue, from asserting its own judgment regarding what constitutes "adequate" monitoring capacity, just as Applicants added no impermissible legal significance to 50.47(b)(9) in exercising their own judgment on what to present in the FSAR as satisfaction of the regulation. Doubtless, Applicants would agree with our legal position that "adequate" means that monitoring methods and equipment must reliably provide accurate information for all potentially affected areas surrounding the plant in all reasonably foreseeable weather conditions.

Contention 9. Applicants make the same objection to Contention 9 as to Contention 8, i.e., that NECNP improperly asserts a legal position as to what NRC regulations require. NECNP is certainly asserting a legal requirement when it states that the Applicants must submit and justify a dose assessment model. This requirement is found in NUREG-0654 at Appendix 2, pages 2-4 - 2-5, and supported by 10 CFR 50.47(b)(9) and Appendix E to Part 50. NECNP's other "legal assertions" are also based in the regulations, and in fact. According to NUREG-0654, the model designed to produce refined estimates for the duration of the release must consider "variations in time and space of the parameters affecting transport and diffusion. . . ." NECNP asserts that as a matter of fact, heated releases constitute one of the variables affecting transport and diffusion of radioactivity which must be considered in order to satisfy 10 CFR 50.47(b)(9)'s requirement of "adequate" radiological monitoring capability. As stated in the basis of this contention, NECNP's argument that the computer used for making dose assessments should have an independent backup power source to be "adequate" under 50.47(b)(9) is grounded in the fact that otherwise, a loss of power would require tedious and unreliable manual calculations.

Contention 10. Applicants contend that NECNP has not stated sufficient basis for its contention that the emergency plan does not provide for early notification and clear instructions to the local populace, as required by 10 CFR 50.47(b)(5). Applicants also fault NECNP for not indicating how the Applicants' proposal is inadequate under the regulations. The inadequacy

is plainly documented in the Applicants' Radiological Emergency Plan, which states that notification systems for the areas around Seabrook Station have yet to be "investigated." Emergency Plan at 11.2. The Applicants have failed to take even the first steps to satisfy the regulation. This alone constitutes sufficient basis for the contention.

Contentions 11 and 12. Applicants do not object to these contentions.

Contention 13. Applicants attempt to dismiss NECNP's contention, which calls for consideration in the evacuation time estimates of adverse weather conditions that could develop on a busy summer weekend, by noting that beachgoers will have left the beach by the time the weather becomes a hazard to evacuation. In our experience, however, sudden summer thunder-showers often catch beachgoers on the beach; and in any event, adverse weather conditions could certainly arise in the three or four hours evacuation time estimated by the Applicants. Furthermore, even if the beaches themselves are emptied because of inclement weather, the evacuation of beachside hotels and summer cottages will nevertheless be hampered by adverse weather conditions.

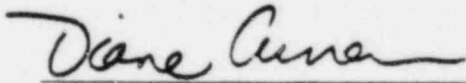
Contention 14. Applicants object to this contention on the ground that it assumes "some set limit on the amount of radiation exposure that any individual may receive under any set of circumstances." NECNP makes no such assumption. Rather, the contention challenges the plan's failure to in any way meet "the overall objective of emergency response plans,"

which is "to provide dose savings (and in some cases immediate life saving) for a spectrum of accidents that could produce offsite doses in excess of Protective Action Guides." NUREG-0654 at 5. Ultimately, the Board must judge what exposure levels can be tolerated in light of the requirement that the emergency plan provide "reasonable assurance that adequate protective measures can and will be taken in the event of an emergency." It is NECNP's position that the Applicants' emergency plan cannot provide such an assurance, given the risk of massive and severe contamination following a radiation release.

Contention 15. Applicants object that this contention is without basis, and that in order to obtain "baseline data" for monitoring of radiation effects, it would have to "give everyone in the EPZ a physical examination." This assertion is absurd. Any number of health surveys could be used, and data may be readily available from local health officials, hospitals, and physicians. In any event, the means for obtaining the data are irrelevant to whether the contention should be admitted. The basis for this contention is sufficiently stated, both in our July 23 filing and in our filing of April 21.

Respectfully submitted,


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Dated: August 31, 1982

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CERTIFICATE OF SERVICE

I hereby certify that copies of the MOTION BY NECNP FOR LEAVE TO FILE RESPONSE TO APPLICANTS' REPLY TO NECNP'S SUPPLEMENTAL FILING ON EMERGENCY PLANNING and NECNP'S RESPONSE TO APPLICANTS' REPLY TO NECNP'S SUPPLEMENTAL FILING ON EMERGENCY PLANNING CONTENTIONS in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, this 31st day of August, 1982:

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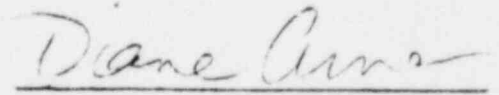
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