

II. DISCUSSION

In proposed Contention 20 OCRE asserts the deficiency of the Perry DES^{1/} for failure to assess the economic and societal disruption which would occur as a result of an accident at PNPP. OCRE characterizes the Staff's analysis in Section 5.9.4.1.4.4 of the DES, which addresses economic and societal impacts of accidents at PNPP, as "only a cursory description of economic impacts of accidents." OCRE asserts that "surely this abbreviated summary in the DES does not meet the standard of the 'detailed statement' required by...[NEPA], especially in light of" what OCRE characterizes as the "more thorough evaluation in NUREG/CR-2591." Motion at 2.

OCRE has failed to state an adequate basis for the asserted deficiency in the DES accident consequence analysis. Although OCRE appears to believe that the analysis is deficient because it is limited to "offsite mitigating actions", OCRE does not indicate in what way the components that went into that analysis

- evacuation costs
- value of crops contaminated and condemned
- value of milk contaminated and condemned
- cost of decontamination of property where practical
- interdiction and mitigation costs of radioactive fallout on the Great Lakes

^{1/} The Perry Final Environmental Statement has been issued (August 1984), but was not available at the time of filing of OCRE's motion. The FES is essentially unchanged from the DES in its treatment of economic and societal impacts of accidents at PNPP. See Section 5.9.4.1.4.4.

- indirect costs due to loss of use of property and incomes derived therefrom

are inadequate. DES, Section 5.9.4.1.4.4. The Staff's evaluation covers a broad spectrum of accident scenarios and weather conditions and includes plots of their corresponding probabilities. See Figure 5.8 (p.5-56) and Section 5.9.4 generally.

As stated in the DES (p.5-32), the assessment of the potential impacts of possible accidents at PNPP on the environment and economy was undertaken in accordance with the Commission's "Statement of Interim Policy: Nuclear Power Plant Accident Considerations Under the National Environmental Policy Act of 1969", 45 Fed. Reg. 40101 (June 13, 1980). The Commission has made clear its intent that the review of the environmental and economic consequences of severe accidents be conducted consistent with the guidance in the Statement of Interim Policy.

Consolidated Edison Company of New York (Indian Point, Unit 2); Power Authority of the State of New York (Indian Point, Unit 3), CLI-81-23, 14 NRC 610, 612 (1981). In the Statement of Interim Policy the Commission has provided the following principal guidance to the Staff in the preparation of its accident consequences analyses:

- "approximately equal attention shall be given to the probability of occurrence of releases and to the probability of occurrences of the environmental consequences of those releases"
- "Events or accident sequences that lead to releases shall include but not be limited to those that can reasonably be expected to occur."

- "Detailed quantitative considerations that form the basis of probabilistic estimates of releases need not be incorporated in the Environmental Impact Statements but shall be referenced therein."
- "Socioeconomic impacts that might be associated with emergency measures during or following an accident should also be discussed."
- "The environmental risks of accidents should also be compared to and contrasted with radiological risks associated with normal and anticipated operational releases."

45 Fed. Reg. 4010, 40103. OCRE does not address any way in which the Staff's evaluation in the DES fails to satisfy this guidance.

OCRE perceives NUREG-CR-2591 to be a "more thorough" evaluation of economic impacts of possible accidents which indicates an inadequacy in the Perry DES analysis. Staff does not agree with OCRE's characterization of NUREG/CR-2591. That document represents the initial results of a research project funded by the NRC for the purpose of refining the economic analyses used by the Staff in its evaluations of accident consequences. The Staff provided BEA with the accident assumptions on which the analysis of consequences for three selected plants (St. Lucie, Perry and Fermi) would be conducted. NUREG/CR-2591, p. 55. The accident scenario chosen by the Staff was SST1, a "worst-case" scenario in which all safety systems fail. Id. The BEA analysis results presented in NUREG/CR-2591 do not include any assessment of the probabilities associated with this accident sequence or the probabilities associated with the economic consequences reported in the study. As part of the

continuing effort under this research project, the Staff is working with BEA to put probabilistic considerations into the BEA model, as well as to refine the set of assumptions required as input in running this model. The Staff plans to use the results of BEA analysis as input to its accident consequences in future environmental impact statements as such refinements become available.

NUREG/CR-2591 therefore constitutes a preliminary report of the results of an ongoing BEA research project and it does not include a consideration of the probabilities associated with the economic consequences resulting from its model runs. Although it is a report of value to the Staff in refining approaches to economic analysis of the consequences of severe reactor accidents, it is not a report which satisfies the Commission's criteria for Staff analysis of accident consequences. In view of the limitations of the BEA study, Staff submits that it cannot be properly viewed as raising any issue as to the adequacy of the analysis of accident consequences in the Perry DES. For this reason, Staff believes that proposed Contention 20 should not be admitted for failure to state a basis.

OCRE must also make a satisfactory showing on the five factors for the admission of late-filed contentions set forth in 10 C.F.R. § 2.714(a)(1).^{2/}

2/ Those factors are:

- (i) Good cause, if any, for failure to file on time.
- (ii) The availability of other means whereby the petitioner's interest will be protected.
- (iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.
- (iv) The extent to which the petitioner's interest will be represented by existing parties.
- (v) The extent to which the petitioner's participation will broaden the issue or delay the proceeding.

OCRE relies entirely upon the fact that it had only recently before the filing of its motion received a copy of NUREG/CR-2591 for its showing of good cause. As argued above, the Staff does not believe that NUREG/CR-2591 has any bearing upon the adequacy of the Perry DES accident consequences analysis and its delayed availability to OCRE cannot, therefore, provide the basis for a showing of good cause for the late filing of proposed Contention 20. OCRE states in its motion that Section 5.9.4.1.4.4 of the DES gives only a " cursory " description of the economic impacts of accidents and that the DES fails to include an assessment of the economic and societal disruption that might result from an accident at PNPP. It would appear to the Staff that such alleged severe deficiencies in the analysis would have been obvious to OCRE upon its review of the DES (issued in March 1982) and that a contention asserting those deficiencies could have been filed long before August 9, 1982.

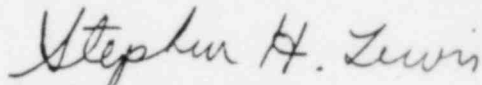
Although OCRE asserts that any delay which might result from the broadening of the hearing by the admission of Contention 20 would not adversely affect any party, that does not appear to reflect the present posture of this proceeding. The Applicants have orally suggested a start of the hearing on December 1, 1982 and the parties have been directed to file their recommendations for a hearing schedule by September 7, 1982. It is not apparent that this contention, should it be admitted, could be considered at that hearing session. While further hearing sessions will apparently be required on certain issues, that fact cannot provide a basis for the admission of a late contention which does not otherwise qualify for admission.

OCRE also asserts that Contention 20 should be admitted because the Board has recognized in the past OCRE's ability to contribute to the development of a sound record. Such a finding must, however, be made with respect to the particulars of each late-filed contention and the Staff does not believe that OCRE's motion discloses any clear ability to contribute to the development of a sound record on this issue. As stated above, the Staff does not believe that NUREG/CR-2591 raises an issue as to the adequacy of the Perry DES accident consequences analysis and does not believe, on the basis of OCRE's motion, that any record needs to be developed on this issue.

III. CONCLUSION

For the reasons stated in this response, the Staff opposes admission of proposed Contention 20.

Respectfully submitted,

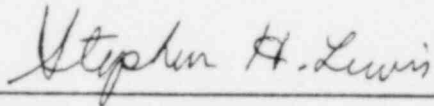

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this 7th day of September 1982

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