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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

Docket Nos.

50-443 OL
50-444 OL

(Seabrook Station, Units 1 and 2)

SAPL'S OBJECTION TO THE APPLICANTS' TWENTY-FIRST MOTION FOR
SUMMARY DISPOSITION (CONTENTIONS NECNP III.12 AND III.13)

Pursuant to 10 C.F.R. §2.749, the Seacoast Anti-Pollution League ("SAPL") hereby objects to the Applicants' Twenty-First Motion for Summary Disposition filed February 14, 1983.

Under applicable NRC rules and decisions, the burden is upon the Applicants in this case to demonstrate the absence of any genuine issue of material fact with respect to specific contentions. Accordingly, the record should be reviewed by the Board in the light most favorable to parties opposing the Motion. See Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 and 2), ALAB-443, 6 NRC 741, 753-54 (1977). In this case, the Statement of Material Facts attached to the Applicants' Motion, along with the affidavit of James A. MacDonald, does not meet this burden as a matter of law.

In his attached affidavit, Mr. MacDonald notes that:

"Both the overall evacuation time estimates and the statistical results which the model reports on perimeters such as capacity, flow, queues, current and total volumes, speeds, network occupancy, and cumulative link departures form an information base that serves as useful assistance to detail Seabrook Station Emergency Planning Zone (EPZ) Emergency Planning Development generally, and evacuation management planning in particular."

Whether or not the Applicants' evacuation time estimates are "useful" with respect to emergency planning is irrelevant to the accuracy of those estimates. Therefore, such comments do not indicate any absence of triable, factual issues.

Mr. MacDonald also attaches and makes reference to NUREG CR-2903, appended to the Applicants' Motion as Attachment D. It is interesting to note that Attachment D¹, using the CLEAR MODEL, reports evacuation time estimates which are approximately 60% and 84% greater, respectively, than the estimates provided by PSNH for a simultaneous evacuation of the entire EPZ under peak conditions. (See Attachment D, pg. iii). Furthermore, the Abstract of that report notes that "the results of this study reveal the importance of the assumptions used for calculating evacuation times. Id. It is precisely these "assumptions" that constitute the legitimate and triable issues of fact associated with the NEPNC contentions. Specific facts indicating the falsity of many assumptions used by the Applicants in their calculations are hereby incorporated by reference to SAPL's Supplemental Answers to Applicants' Interrogatories and Request for the Production of Documents, filed March 10, 1983.

1. (See An Independent Assessment of Evacuation Time Estimates for a Peak Population Scenario in the Emergency Planning Zone of the Seabrook Nuclear Power Station, NUREG/CR-2903, PNL-4290.

In further support of the Applicants' Motion, Mr. MacDonald states that

"The conclusion from all these evacuation estimate analyses is that the Applicant has indeed provided an accurate assessment of population distributions and the dynamics of evacuation routings for pertinent cases and, therefore, has generated a useful base of information from which detailed evacuation management plans can be developed. It must be realized that the numerical values of evacuation estimates are not the sole quantity of interest. In fact, even more important than the estimates themselves are the statistical data on the dynamics of the road network operation in and evacuation mode. It is this information that forms the basis for evacuation management plan development. As described above, the Applicants' simulation model reduces the statistical information base."

Again, Mr. MacDonald's comments in this regard are largely irrelevant to NEPNC contentions III.12 and III.13. Those contentions call into question the accuracy of the Applicants' time estimates. Mr. MacDonald's downplaying of the significance of those estimates within the context of the total evacuation picture has nothing to do with their accuracy.

Mr. MacDonald also notes that

In anticipation of a tropical storm (demoted from hurricane) in August of 1976, some residents and vacationers from low lying areas in Hampton Beach were evacuated during the evening to four shelters for a few hours as a precautionary measure. Conditions surrounding this evacuation were notably different from an evacuation for which the Applicants have estimated. It does not provide a useful gauge of evacuation time estimates provided by the Applicants."

Mr. MacDonald's comments in this regard merely offer the Applicants' view of the usefulness of past evacuation experiences in gauging the accuracy of evacuation time estimates and refers to a legitimate issue of fact to be tried and decided by this Board.

The affidavit contains similar arguments with respect to the intervenors' position on "evacuee directional bias". Mr. MacDonald states that

"The issue of "evacuee directional bias" is handled by the implementation of an evacuation traffic management plan."

Whether or not "evacuee directional bias" would be "handled" by the Applicants' evacuation traffic management plan is an extremely significant issue. Merely stating that this dangerous problem is "handled" in the Applicants' calculations hardly demonstrates the absence of any triable issue of fact. In support of its position on this issue, SAPL hereby incorporates the facts alleged in its Supplemental Answers to Applicants' Interrogatories and Request for the Production of Documents, particularly those responses to the Applicants' Interrogatory XXXII-2. (Filed March 10, 1983).

Finally, Mr. MacDonald summarizes that

"In summary, each of the issues raised by NECNP have been taken into account in the analysis report in Appendix C of the Radiological Emergency Plan..."

The Applicants' allegation that all these issues have been "taken into account" in its evacuation time estimate calculations is again, irrelevant to the accuracy of those estimates. The phrase "taken into account" necessarily involves numerous assumptions which can have significant effect upon the outcome of time estimate analysis. SAPL contends that it is precisely these assumptions which are at issue in this proceeding, and that the Applicant has failed to meet its burden with respect to conclusively demonstrating the absence of any triable issue of fact. Therefore, SAPL respectfully requests

that the Applicants' Motion for Summary Disposition of NECNP
Contentions XXX.12 and XXX.13 be denied.

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