

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

24 1983

Before the
ATOMIC SAFETY AND LICENSING BOARD

_____)
In the matter of:)
)
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE) Docket Nos.: 50-443
ET AL.) and
) 50-444
(Seabrook Station, Units 1 and 2))
_____) March 23, 1983

THE STATE OF NEW HAMPSHIRE'S ANSWER IN OPPOSITION TO THE
APPLICANT'S NINETEENTH MOTION FOR SUMMARY DISPOSITION
(CONTENTION SAPL SUPP. III)

Pursuant to 10 C.F.R. §2.749, the State of New Hampshire hereby answers the Applicant's Motion for Summary Disposition on Contention SAPL Supp. III, and opposes such motion. As grounds therefore New Hampshire states that there remain genuine issues of fact in dispute and that, as a matter of law, the Applicant is not entitled to summary disposition on this contention.

Contention SAPL Supp. III asserts broadly that the requirements of the NRC June 13, 1980 Policy Statement (45 Fed. Reg. 40101) have not been met. SAPL maintains, inter alia, that the Final Environmental Statement (FES) does not include a proper accident

consequence analysis, the Staff used invalid assumptions, and that the FES does not adequately consider the uncertainty bounds of the risk analysis and certain potential internal causes of accidents.

Through discovery on this contention, New Hampshire has focused on another requirement of the June 13, 1980 Policy Statement which the Staff has not properly considered. In the Policy Statement, the Nuclear Regulatory Commission specifically expressed its intent that the Staff identify

cases that might warrant early consideration of either additional features or other actions which would prevent or mitigate the consequences of serious accidents. 45 Fed. Reg. at 40103.

The Staff in §5.9 of the FES did not adequately consider any additional features or actions which might mitigate the consequences of a release to the liquid pathway or the air, despite its own assertions relative to the uncertainty factor in assessing accident probabilities and the known consequences of a serious accident.

The Staff assumes that measures to interdict the transport of radioactive contaminants through air or liquid pathways can be developed when the need arises. New Hampshire maintains, however, that the effectiveness of any such mitigation schemes will be enhanced by studying how the possible measures that could be taken before, or at the time of, a serious accident.

Because the staff has not yet complied with this requirement of

the NRC Policy Statement of June 13, 1980, Applicant's Nineteenth Motion for Summary Disposition must be denied.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

GREGORY H. SMITH
ATTORNEY GENERAL

By: 

George Dana Bisbee
Attorney
Environmental Protection Division
Office of Attorney General
State House Annex
Concord, New Hampshire 03301
603-271-3678

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STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS DISPUTE

1. In light of the uncertainty bounds on the quantitative assessment of environmental and health impact ranging from a factor of 10 to 100 and given the potential consequences of a Class 9 accident, possible measures to interdict the transport of radioactive contaminants through air or liquid pathways should be studied now, and not after an accident occurs.
2. Until the Staff has properly considered this issue and identified "additional features or other actions which would prevent or mitigate" the consequences of a serious accident, it will not have fully complied with the June 13, 1980 NRC Policy Statement, 45 Fed. Reg. at 40103.