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

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

(Off-Site EP)

APPLICANTS' RESPONSE TO OFF-SITE EP CONTENTIONS
SUBMITTED BY TOWN OF KENSINGTON
(New Hampshire State and Local Plans)

Introduction

Pursuant to this Board's order of January 17, 1986,
the Applicants submit this response to the proposed
contentions relating to the New Hampshire state and
local offsite emergency plans submitted by Town of
Kensington (Kensington). Before turning to the
contention proffered by Kensington, however, we set
forth some general principles governing the admission

and litigation of contentions relating to offsite emergency planning that we believe may be of assistance to the Board.

General Principles

The function of emergency planning is to effect, under the circumstances that may be presented, aggregate dose savings to the affected population. The emergency planning requirements are not intended to impose new performance or siting criteria on nuclear power plants, and they do not require, as a condition of licensure, a demonstration of absolute assurance of perfect safety. The purpose of emergency planning is to have in place means and methods of coping with emergencies in order to keep offsite effects to as low a level as is reasonably possible given the facilities at hand. Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), CLI-83-10, 17 NRC 528, 533 (1983).

The proposition that emergency plans will be judged for adequacy against a certain type of accident, and in particular one involving a prompt offsite release of radioactive effluent, is likewise contrary both to established law and to the fundamental precepts on

which emergency planning is based. The theory upon which the regulations were based is that the planners should consider a spectrum of accidents; the key requirement is that emergency plans be flexible and capable of accomplishing a reduction of adverse effects to the greatest extent reasonably practicable given existing resources. As the Commission has stated:

"Since a range of accidents with widely differing offsite consequences can be postulated, the regulation does not depend on the assumption that a particular type of accident may or will occur. In fact, no specific accident sequences should be specified because each accident could have different consequences both in nature and degree. Although the emergency planning basis is independent of specific accident sequences, a number of accident descriptions were considered in development of the Commission's regulations including the core melt accident release categories of the Ractor Safety Study (WASH-1400)."

San Onofre, supra, 17 NRC at 533.

A corollary is that there is no requirement that emergency plans either directly focus on anyone's notion of the "worst case" accident, or that they demonstrate that, in the event of the "worst case," no member of the public will be affected. "NUREG-0654 does not require an adequate response for the 'worst possible accident' at [a nuclear power plant.] It provides that the worst possible accident be taken into

consideration in the planning basis for the provisions of NUREG-0654." Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-85-12, 21 NRC 644, 888 (1985). See also Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), LBP-85-14, 21 NRC 1219, 1243-44, aff'd, ALAB-819, 22 NRC 681 (1985). Neither is it either required or appropriate for evacuation time estimates to be based upon the worst possible combination of events. Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), CLI-85-15, 22 NRC 184, 188 (1985) (immediate effectiveness ruling); Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), LBP-85-14, 21 NRC 1219, 1244 (1985), aff'd, ALAB-819, 22 NRC 681 (1985). Worst case scenarios in evacuation time estimates are of no usefulness to decisionmakers, Limerick, LBP-85-14, supra, 21 NRC at 1244, and overly conservative estimates are counterproductive, id. at 1243.¹

¹NUREG-0654 calls for the calculation of evacuation time estimates for at least two scenarios: normal and adverse weather. It is neither required nor feasible

A concomitant principle is that evacuation time estimates are not required to be prepared with absolute precision or to demonstrate that evacuation can be completed within any given period of time. Cincinnati Gas & Electric Co. (Wm. H. Zimmer Nuclear Power Station, Unit No. 1), ALAB-727, 17 NRC 760, 770 (1983); Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit No. 2), ALAB-730, 17 NRC 1057, 1069 n.13 (1983). NRC regulations do not require that "evacuation could always be one step ahead of the plume." Carolina Power & Light Co. (Shearon Harris Nuclear Power Plant, Units 1 and 2), LBP-84-29B, 20 NRC 389, 394 (1984). Thus, any contention that NRC regulations require evacuation of the Seabrook plume EPZ or some portion thereof to be completed within some certain time is not a subject for litigation in ASLB proceedings.

to calculate estimates for every possible permutation of conditions. In selecting the adverse scenario for calculation, two criteria are intended: the scenario must be severe enough to give an indication of the sensitivity of the time estimate to adverse conditions, on the one hand, while still of a nature that occurs sufficiently frequently in the area in question to be of usefulness to decisionmakers, on the other. Carolina Power and Light Co. (Shearon Harris Nuclear Power Plant), LBP-85-27A, 22 NRC 207, 225-26 (1985).

The Commission's emergency planning regulations were not intended to require the adoption of extraordinary measures to deal with perceived inadequacies of local facilities. To quote the Commission again:

"It was never the intent of the regulation to require directly or indirectly that a state and local governments adopt extraordinary measures, such as the construction of additional hospitals or recruitment of substantial additional medical personnel, just to deal with nuclear plant accidents. The emphasis is on prudent risk reduction measures. The regulation does not require dedication of resources to handle every possible accident that can be imagined. The concept of the regulation is that there should be core planning with sufficient planning flexibility to develop a reasonable ad hoc response to those very serious low probability accidents which could affect the general public."

San Onofre, supra, 17 NRC at 533.

The regulatory standards that govern the acceptability of state and local emergency plans are contained in 10 C.F.R. § 50.47 and Part 50, Appendix E. Additional guidance is contained in the emergency planning guidance published by the Staff and FEMA, NUREG-0654. NUREG-0654, however, is not a regulation and does not impose regulatory standards; while the criteria contained therein, if adhered to, will demonstrate compliance with the regulations, emergency planners are free to comply with the regulations by

utilizing methods, means and approaches other than those found in NUREG-0654. Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit No. 1), ALAB-698, 16 NRC 1290, 1298-99 (1982); Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), ALAB-819, 22 NRC 681, 709-10, aff'g LBP-85-14, 21 NRC 1219, 1228 (1985).

Findings in the emergency planning area are intended to be predictive in nature. The governing regulation, 10 CFR § 50.47(a)(1), does not require that emergency plans be "final" or have been formally "adopted" so long as the planning process is sufficiently advanced as to permit the Board to have reasonable assurance that there are no barriers to emergency planning implementation or to a satisfactory state of emergency preparedness that cannot feasibly be removed. Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), CLI-85-13, 22 NRC 1 (1985) (immediate effectiveness ruling); Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-781, 20 NRC 819, 834-35 & n.58 (1984); Louisiana Power and Light Co. (Waterford Steam Electric Station, Unit 3), ALAB-732, 17 NRC 1076, 1103-04

(1983); Cincinnati Gas & Electric Co. (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-717, 17 NRC 346, 380 (1983); Cleveland Electric Illuminating Co. (Perry Nuclear Power Plant, Units 1 and 2), LBP-84-28, 20 NRC 129, 131-32 (1984); Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), LBP-84-18, 19 NRC 1020, 1028 (1984); s.c., LBP-85-14, 21 NRC 1219, 1230 (1985). Neither is there any requirement of awaiting FEMA findings before hearings are held or findings made. Duke Power Co. (Catawba Nuclear Station, Units 1 and 2), ALAB-813, 22 NRC 59, 79 (1985); Limerick, LBP-85-14, supra, 21 NRC at 1232.

It is well established, both in the records of history and the decisions of this agency, that people tend to behave rationally and to follow instructions during a real emergency. "Documented history of disaster responses shows that evacuations are generally orderly. The historic record indicates that evacuating individuals ordinarily obey traffic officers at traffic control points and traffic access control points. It would be useless to make any other planning assumption." Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), LBP-85-14, 21 NRC

1219, 1254, aff'd, ALAB-819, 22 NRC 681 (1985). Similar historic records show that in a real emergency, public officials and emergency workers tend to do their duties. E.g., Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), LBP-85-14, 21 NRC 1219, 1273-74, 1290, 1292-95, aff'd, ALAB-819, 22 NRC 681 (1985); Carolina Power & Light Co. (Shearon Harris Nuclear Power Plant, Units 1 and 2), LBP-25-27A, 22 NRC 207, 230 (1985). In light of this record, any proffered contention to the effect that public officials or emergency workers will not perform their assigned duties must, in order to raise a litigable issue, be supported by a particularized basis for asserting that the normal experience doesn't apply in this particular case for some reason particular to Seabrook. Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), LBP-84-18, 19 NRC 1020, 1048 (1984). See also Philadelphia Electric Co. (Limerick Generation Station, Units 1 and 2), CLI-85-15, 22 NRC 184, 187 (1985) (immediate effectiveness review).

In short, the standard by which any emergency plan is to be judged is whether or not it represents the

best efforts of knowledgeable people through the use of reasonably available facilities to reduce to the maximum extent reasonably possible the adverse effects on the public health and safety which will result from offsite releases resulting from a spectrum of accident scenarios. The guiding principles, as recently summarized by a Licensing Board, are thus:

"The purpose of emergency planning is to achieve dose savings to the general public in the event that radioactive material is accidentally released off site. There is no minimum standard of public radiation dose which must be met in emergency planning.

"Absolute protection of the public against all radiation doses cannot be guaranteed and is not required for all possible accident scenarios.

"The emergency response plan should not be developed for any specific preconceived accident sequence. It should instead be framed to cope with a spectrum of accident possibilities including the worst accidents.

"There is no standard time required to be met for evacuation in a radiological emergency. Estimates are necessary to determine accurately the actual time required for evacuation. These estimates are needed to aid in protective action decisionmaking.

"No massive investment of resources (stockpiling of supplies or construction of hospitals) are required for emergency planning. We will apply a practical standard of efficiency of utilization of existing resources (such as roadways

and manpower) in evaluating the acceptability of the evacuation plan."

Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-85-12, 2 NRC 644, 782 (1985).

Response to Specific Contentions

Kensington has filed 15 contentions with respect to the Kensington local plan, plus an incorporation by reference of certain of the proposed contentions proffered by SAPL.

Contention 1

The proposed contention reads as follows:

"The December, 1985 draft radiological emergency response plan for the Town of Kensington does not assure that 'each principal response organization has staff to respond and to augment its initial response on a continuous basis,' as required by 10 C.F.R. 50.47(b)(1), because there are not alternates in several of the key emergency response positions and other departments are inadequately staffed to respond to an emergency as outlined in the plan."

The proffered basis offers the follows concerns:

(i) there are no alternates for the positions of Civil Defense Director, fire Chief, and RADEF officer; (ii) there is no designated transportation officer; (iii) the Kensington fire department is volunteer, with members who work out of town; (iv) the Kensington highway agent does not have resources that are town-owned to keep the roadways clear and "the common arrangements for ad hoc assistance by private contractors are insufficient to assure that these

responsibilities will be met;" and (v) the Police Chief does not reside in the town. The first proffered basis is inadequate to require litigation. The power to designate alternates resides, at least in the first instance, in the Selectmen of Kensington. Certainly the plans cannot be said to be deficient because of something that the Selectmen have the power to cure any time they wish. The same thing is true of the office of transportation coordinator. The mere fact that the Kensington fire department is a volunteer organization, without a standing contingent of people stationed at the firehouse, is not a planning deficiency. Under the Kensington local plan, the fire department has minimal duties in an emergency, the most immediate one of which is receipt and dispatch of notification. See Kensington local plan at II.9; compare id. at II-30 through -32. Kensington has already taken provisions to ensure that, despite its minimal fire contingent, emergency dispatches to the fire department do not go unanswered. "Kensington maintains 24-hour Fire coverage with its red phone system, which can be answered at any of five locations throughout the Town. The Fire Dispatcher or a Fire Department member is

always either on duty at the Fire Station or on Call nearby one of the red phones." Kensington local plan, p. II-4. In addition, the Fire Chief has mobile and portable two-way radio communications, one of the frequencies of which (154.190 MHz) permits him to communicate directly with Rockingham County Dispatch Center. See Kensington local plan, p. C-7. That same frequency also permits him to communicate directly with other town's EOC's. See Kensington local plan, p. C-8. Finally, other town officials are equipped with radio paging devices, see Kensington local plan, p. C-7, and "[s]imultaneous direct notification from Rockingham County Dispatch will also be given to the Kensington Selectmen and Civil Defense Director via pocket voice pager. This will serve as a redundant notification path to the town." Kensington local plan, p. II-4. Given these intricate provisions for communications, and the extent to which Kensington's specific situation has been taken into account in the plans, a simple assertion of inadequacy, without more, is insufficient to raise a litigable issue.

With respect to the Road Agent, the plans again recognize that Kensington's limited municipal

capability may not be sufficient, by itself, to get the job done. For the reason, the plan does not place ultimate reliance upon the Road Agent: "Should the Town's highway resources be insufficient, the Road Agent may rely on support from the State for maintenance of evacuation routes. A representative of the New Hampshire Department of Public Works and Highways will be available at both the IFO/EOF in Newington and at the State EOC in Concord. The highway maintenance support available from the State is described in Section 2.6.5 and in Appendix C of the NHRERP." Kensington local plan, p. II-30. Given the content of the plan itself, therefore, Kensington's simple recitation of limited highway resources fails to raise a litigable issue about the capacity to maintain evacuation roadways.

Finally, Kensington's unadorned assertion that the Police Chief lives out of town does not raise a litigable issue. There are no traffic control points in Kensington, Kensington local plan, p. II-30, so the police department's functions during an emergency will be little different that what they are otherwise. In addition, the New Hampshire state plan provides for

State Police assistance if required. NHRERP at pp.
1.3-20& -21.

In sum, therefore, Kensington's proposed Contention 1 lacks basis. It is supported only by a litany of respects in which Kensington has determined to minimize expense in connection with municipal services generally, no doubt because the town fathers have determined over the years that little more is required to meet the town's needs. The Kensington plan takes these limited resources into account; Kensington's bare recitation leaves one with no inkling of how the plans are supposed to have failed to take its limited resources into account. The contention therefore fails for lack of the required specificity and basis.

Contention 2

The proposed contention reads as follows:

"The Kensington emergency response plan does not provide for adequate 'notification, by the licensee, of State and local response organizations and for notification of emergency response personnel by organizations['], as required by 10 C.F.R. 50.47(b)(5). Provision for notification of the town emergency response organization is inadequate in that it depends upon notification through the Rockingham County dispatch and does not assure that the contact person will be available or can be reached in the event of a nuclear emergency. In each instance, there must be direct contact between the site and the town, and there must be a

dedicated telephone line to a location where an individual will always be on duty to receive the communication and then take action."

This proposed contention repeats the assertions of inadequacy of Kensington's fire department contained in the proffered basis for proposed Contention 1. In all respects save one, our response to that proposed contention deals with this one; in particular, proffered basis provides no foundation for the claim that a "dedicated telephone line" is required (nor, indeed, does it even explain how a dedicated telephone line would address the asserted problem, which is personnel dispersion -- a problem that is answered by the plan's provisions for redundancy of means of communications (radios and pagers) and people with whom to communicate). The one respect in which Kensington may have a point is that, given this redundancy, training in the communications procedures should not be limited to the Fire Chief, but should extend to the other members of the fire department who might receive the initial notification. However, this point does not require hearings; having called it to the state's attention, the Board may properly assume either that the state will amend the plans or that the Fire Chief

himself will, in the ordinary course, see to it that the personnel he assigns to a task know the procedures applicable to the task. Proposed contention 2, therefore, does not raise a litigable issue.

Contention 3

The proposed contention reads as follows:

"The December, 1985 draft radiological emergency response plan for the Town of Kensington does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at Seabrook Station, as required by 10 C.F.R. 50.47(a)(1), because there is no provision for alternative evacuation routes."

This proposed contention should be excluded for two reasons. First, the proffered regulatory basis, NUREG-0654 J.10.a says nothing about alternative evacuation routes being required. Second, it has been held that alternative routes are not required by the Commission's regulations in any event. Kansas Gas & Electric Co. (Wolf Creek Generating Station, Unit 1), LBP-84-26, 20 NRC 53, 65 (1984). The proposed contention should be excluded.

Contention 4

The proposed contention reads as follows:

"The December, 1985 draft radiological emergency response plan for the Town of Kensington does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at Seabrook Station, as required by 10 C.F.R. 50.47(a)(1), because there are no maps showing adequate shelter areas, and some existing structures which are proposed shelters provide inadequate radiological protection."

This proposed contention, which mixes two discrete concepts, should be excluded. It has been held that the Commission's regulations do not require shelter surveys or maps. Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), LBP-85-14, 21 NRC 1219, 1303 (1985). The proffered basis for asserting that the elementary school is inadequate for shelter purposes is itself inadequate, for basements and interior rooms are not required of buildings used for shelter; what is important is the air exchange preclusion ability. Id. Finally, even if the school buildings were for some valid reason inadequate, authorization of an operating license could not be conditioned upon the renovation of the school or construction of another one. Southern California

Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), CLI-83-10, 17 NRC 528, 533 (1983).

Contention 5

The proposed contention reads as follows:

"The December, 1985 draft radiological emergency response plan for the Town of Kensington does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at Seabrook Station, as required by 10 C.F.R. 50.47(a)(1), because principal organizations (State and Local) involved in emergency response for the site have not seen or reviewed the Evacuation Time Estimates within the Plume Exposure Pathway."

For the reasons set forth in response to NECNP proposed contention RERP 9, relitigation of Evacuation Time Estimates is not required in connection with the offsite emergency plans. The proposed contention, therefore, should be excluded.

Contention 6

The proposed contention reads as follows:

"The December, 1985 draft radiological emergency response plan for the Town of Kensington does not provide adequate arrangements for effectively using assistance and resources as required by 10 C.F.R. 50.47(b)(3), because there are not appropriate letters of agreement to identify and support organizations and other facilities which are to provide assistance."

Most of the entities in the list of organizations for which Kensington "is not aware of" letters

agreement are governmental employees or organizations. Letters of agreement are not required of or contemplated in the case of governmental organizations. See Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), LBP-85-14, 21 NRC 1219, 1366 (1985). With respect to bus companies, the state plan reflects that some letters of agreement have been obtained and that the process is on-going with respect to the balance. See NHRERP, App. I. Since Kensington does not set forth what organizations upon which reliance is placed in the Kensington local plans for which it has concern, there is no basis for concluding that a litigable issue with respect to a planning "obstacle" has been raised. Finally, nothing in the Commission's regulations or the Staff's guidance documents requires or contemplates a letter of agreement with the Applicants; that is what the on-site emergency plans are for and the adequacy of those plans is no longer open for litigation. For lack of basis, therefore, the proposed contention should be excluded.

Contention 7

The proposed contention reads as follows:

"The December, 1985 draft radiological emergency response plan for the Town of Kensington does not provide reasonable assurance that adequate protective actions have been developed for emergency workers and the public, as required by 10 C.F.R. 50.47(b)(10), because there are no provisions for the use of radioprotective drugs or respiratory equipment for emergency workers or other persons within the plume exposure [EPZ]."

This proposed contention should be excluded for two reasons. First, contrary to Kensington's blanket and unsupported assertion, the New Hampshire emergency plans are not devoid of any discussion regarding radioprotective drugs (KI). NHRERP § 2.7.3. Second, the decision with respect to the deployment of KI is a matter for the state to decide, and is not a matter for litigation in an operating license proceeding. Union Electric Co. (Callaway Plant, Unit 3), ALAB-754, 18 NRC 1333 (1983); Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), LBP-84-18, 19 NRC 1020, 1032 (1984); Louisiana Power & Light Co. (Waterford Steam Electric Station, Unit 3), LBP-82-100, 16 NRC 1550, 1567-68 (1982).

Contention 8

The proposed contention reads as follows:

"The December, 1985 draft radiological emergency response plan for the Town of Kensington does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at Seabrook Station, as required by 10 C.F.R. 50.47(a)(1), because evacuation time estimates are based on mean peak populations as opposed to peak populations."

This proposed contention should be excluded for two independently sufficient reasons. First, as stated earlier, ETEs are not open for relitigation. Second, the proposed contention flies in the face of the Commission's general guidance that no specific scenarios are required to be planned for and that "worst cases" are not the planning model. The proposed contention should be excluded.

Contention 9

The proposed contention reads as follows:

"The December, 1985 draft radiological emergency response plan for the Town of Kensington does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at Seabrook Station, as required by 10 C.F.R. 50.47(a)(1), because notifications sirens are set a[t] such a high level they will cause potential damage to the hearing of those closest to them."

The Applicants believe that this proposed contention should be excluded for the following reasons. Sound levels produced by any source diminish with distance. For this reason, a rating in decibels of something like a siren must always be associated with a distance. The guidance reference cited by Kensington, NUREG-0654, App. 3, § C(3), therefore properly does not specify a siren rating; what it says is that "[t]he maximum sound levels received by any member of the public should be lower than 123 dB." Id. Kensington's proffered basis is inadequate to show any litigable issue with respect to this standard (and, while the NHRERF does not contain the rating distance for the sirens, taking into account the height of the pole and the distance of the poles from residences, public buildings and the like, it is an improbable conclusion that members of the public would be regularly exposed to the rating sound level as an a priori matter), and the contention should therefore be excluded.

Contention 10

The proposed contention reads as follows:

"The December, 1985 draft radiological emergency response plan for the Town of Kensington does not provide for communications with contiguous state/local governments within the plume exposure pathway EPZ as required by 10 C.F.R. 50.47 App. E, E.(9)(a), because provisions for communications with the state government are inadequate."

This proposed contention should be excluded. The Kensington local plans provides for communications capability between the Kensington EOC and Rockingham Dispatch Center (as well as other town's EOC's by two-way radio), over a number of frequencies presently in use for police, fire and Civil Defense purposes. Kensington's focus on the telephone system (used for initial notification because of its ability to be answered in many locations) is irrelevant; the proffered basis does not contradict the assertion that Kensington has these radio communications capabilities. Moreover, the issue at this stage is the adequacy of the plans; even if some of the radio equipment were yet to be installed, that would not be a basis for concluding that the plans were inadequate. For lack of basis, therefore, the contention should be excluded.

Contention 11

The proposed contention reads as follows:

"The December, 1985 draft radiological emergency response plan for the Town of Kensington does not provide for communications with the Federal emergency response organizations as required by 10 C.F.R. 50.47 App.E,E,(9)(b), because there are no provisions for communications with Federal emergency response organizations."

This contention should be excluded for lack of regulatory basis. Kensington's apparent basis for the assertion that Kensington must have the ability to communicate with federal agencies directly actually provides as follows: "Where consistent with the function of the governmental agency, these arrangements will include . . . Provision for communications with Federal emergency response organizations." 10 C.F.R., Part 50, App. E, following § IV(E)(9). The New Hampshire plans assign Kensington no function that would entail communications between Kensington and federal agencies and, therefore, the Commission's regulation requires no communications capability of that sort.

Contention 12

The proposed contention reads as follows:

"The December, 1985 draft radiological emergency response plan for the Town of Kensington does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at Seabrook Station, as required by 10 C.F.R. 50.47(a)(1), because there is no description of means for registering and monitoring of evacuees at relocation centers in host areas."

This contention should be excluded for two reasons.

First, the matters referred to in the proposed contention and its accompanying basis are not matters required to be in the Kensington local plan; Kensington has not been designated a host community for anyone and Kensington has no responsibility for the registration, monitoring or sheltering of evacuees. Moreover, "[t]he operation of the Reception Centers, and the co-located decontamination centers is a State responsibility." Kensington local plan, p. II-32. Second, the items the lack of which is lamented by Kensington are contained in the proper place, namely the New Hampshire plan for Manchester, the designated host community. The Manchester local plan addresses each of the topics in question, in more detail than is required for plans (and more than would be litigable under a properly

drawn contention in any event). Manchester local plan, pp. II-12 through -16. The contention that this information must be "discussed in the Kensington [local] plan," Kensington contentions p. 11, should be excluded.

Contention 13

The proposed contention reads as follows:

"The December, 1985 draft radiological emergency response plan for the Town of Kensington does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at Seabrook Station, as required by 10 C.F.R. 50.47(a)(1), because there are inadequate provisions for notifying and locating all segments of the transient and resident populations."

This contention is premised on NUREG-0654, J.10.c, which requires that plans contain "[m]eans for notifying all segments of the transient and resident population." The New Hampshire plans call for initial notification of the population, including transients, via the alert and notification system (principally, the sirens), and thereafter via the Emergency Radio Broadcast System and the public address functions of the sirens. Activation of both is at the state level (via the Rockingham County Dispatch Center), though for redundancy (and to make the sirens useful for purposes

unrelated to radiological emergencies) each local town also has activation capacity with respect to that portion of the alert and notification system within its borders. However, "[p]rovision of emergency instructions [is a] State responsibility," not one of the town. Kensington local plan, p. II-30.

The proffered basis for this contention simply bears no relationship to the plans. The plans neither state nor contemplate that "the [local Kensington] Civil Defense Director [is to] maintain[] a running log of all transients within the town borders at any given moment." The plans neither state nor contemplate that "the [local Kensington] Civil Defense Director [is to] 'round up' all the transient in the town." The matter of maintaining information on those residents (not transients) who might require assistance in evacuating has nothing to do with notification. Given the basis offered in support of it, therefore, this proposed contention should be excluded.

Contention 14

The proposed contention reads as follows:

"The December, 1985 draft radiological emergency response plan for the Town of Kensington does not provide arrangements for requesting and

effectively using assistance resources regarding the transportation of contaminated victims to medical support facilities as required by 10 C.F.R. [§ 50.47](b)(3)."

One searches section 50.47(b)(3) in vain for any reference to "the transportation of contaminated victims to medical support facilities" that is supposedly required thereby.

In its proffered basis for this proposed contention, Kensington quotes the sentence "The contaminated person and his possessions will be sent to a State decontamination facility located at the Receptions Centers," and then complains that inadequate details on how Kensington is to do the transporting. Kensington omitted any page reference for the quote, but the sentence can be found at Kensington local plan, p. II-37. So can the context: "If the Kensington emergency workers determine that the level of radioactivity on an individual or on surfaces of vehicles, equipment or other possessions exceeds 100 CPM above background levels, State DPHS will be contacted for instructions. The contaminated person and his possessions will be sent to a State decontamination facility located at the Reception

Centers." Id. Under the Kensington local plan, therefore, the details the omission of which forms the basis for the contention are not required. The contention thus lacks a factual basis in the plans as well as a regulatory basis in the cited regulation. It should be excluded.

Contention 15

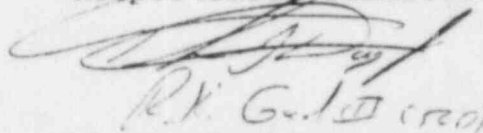
The proposed contention reads as follows:

"The December, 1985 draft radiological emergency response plan for the Town of Kensington does not contain accurate or adequate emergency equipment to support the emergency response as required by 10 C.F.R. 50.47(b)(8)."

This contention should be excluded for two reasons. First, insofar as the contention asserts the lack of adequate equipment for communicating instructions to the public, that is not under the New Hampshire plans a function that has been made a local responsibility. Second, while the contention begins (as it must) with an assertion that the plans are deficient, it changes in mid-sentence into an accusation that the equipment described in the plans is not in place. The latter is not a litigable challenge to the plans. If Kensington is actually (despite the wording of the contention's basis) challenging the adequacy of what has been

planned for, the contention fails for lack of
specificity. Neither it nor the basis affords even an
inkling of what equipment is inadequate or what
equipment should be added to achieve adequacy. As
proffered, there is nothing to litigate and the
contention should therefore be excluded.

Respectfully submitted,



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Dated: March 5, 1986

CERTIFICATE OF SERVICE

DOCKETED
USNRC

I, Thomas G. Dignan, Jr., one of the attorneys for the Applicants herein, hereby certify that on March 6, 1986, I made service of the within "Applicants' Response to Off-Site EP Contentions Submitted by Town of Kensington (New Hampshire State and Local Plans) depositing copies thereof with Federal Express, prepaid, for delivery to (or, where indicated, by depositing in the United States mail, first class postage paid, addressed to):

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