

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



In the matter of:

PUBLIC SERVICE COMPANY OF
 NEW HAMPSHIRE

Docket Nos. : 50-443 OL
 and
 50-444 OL

(Seabrook Station, Units 1 and 2)

MEMORANDUM ON 10 CFR §2.714 (a)(1)
 AND REVISED CONTENTION III OF THE TOWN OF HAMPTON
 TO EVACUATION TIME ESTIMATE REPORT BY KLD ASSOCIATES, INC.

INTRODUCTION

The Town of Hampton submits that the Hampton Revised Contention III on the KLD Evacuation Time Estimate (ETE) Study filed herewith should not be deemed "late filed." See NRC Staff Response to Hampton Contention III. In anticipation of Applicant's objection on this issue, however, the Town addresses the late filed requirements of 10 CFR §2.714 (a)(1).

TOWN OF HAMPTON MEMORANDUM
 IN SUPPORT OF "LATE FILED" REVISED CONTENTION III

Good Cause. On or about February 22, 1986, the Town of Hampton filed with this Board Contentions of the Town of Hampton to Radiological Emergency Response Plan for the Town of Hampton, New Hampshire, November 1985. Town of Hampton Contention III enumerated certain deficiencies in the Evacuation Time Estimate (ETE) Study prepared by C.E. Maguire, Inc., which then constituted a portion of the

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State RERP. At the prehearing conference on March 25 and 26, 1986, however, the State confirmed its intention to delete the Maguire report from the State RERP and to substitute the ETE prepared by KLD Associates, Inc. The State further represented that the KLD ETE would be completed on or about May 1, 1986.

Apparently, based upon these representations by the State, this Board, by Order dated April 29, 1986, held "that any consideration of the admissibility of Hampton Contention III is premature."

On or about April 28, 1986, the State provided the Town of Hampton with KLD Progress Report #7 which apparently represents the last report of the KLD ETE. See May 5, 1986 letter of New Hampshire Attorney General. KLD Progress Reports #1 - #6 were previously provided to the Town. It is therefore undisputed that the State of New Hampshire, through its late filing of major revisions to the State RERP, plainly prevented the Town of Hampton from filing contentions on the State ETE within the time frame originally established by this Board. The Town therefore has good cause for "late filing" Hampton Revised Contention III.

Other Means to Protect Petitioners' Interest. A substantial portion of the KLD ETE is directed toward the problems posed by evacuation of the beach population. Since the Town of Hampton has the largest peak summer population of any town within the EPZ, the KLD ETE raises substantial safety questions and concerns for Hampton officials, who are uniquely qualified to assess the deficiencies in the ETE. Other participants to this proceeding, without knowledge of local

conditions, equipment, and personnel in Hampton, therefore cannot be expected to fully and adequately protect the Town's interest in this case.

Extent To Which Petitioners Can Contribute to Development of a Record. At the summer hearing, the Town will present testimony by Gary Eastman, Chairman, Hampton Board of Selectmen; Dona Janetos, Vice Chairman, Hampton Board of Selectmen; Robert Mark, Hampton Police Chief; Philip Richards, Hampton Town Manager; and other Hampton officials on traffic and road conditions within the Town, lack of adequate and/or trained personnel to carry out assigned duties under the KLD ETE, lack of sheltering for Town residents and transients, and other issues as set forth in the Basis to Revised Hampton Contention III. The Town believes this evidence is essential to this Board to determine whether the State RERP cannot provide reasonable assurance of adequate protection to the Hampton population, and to transients within the Town, in the event of radiological emergency.

The Extent To Which Other Parties Will Present Petitioners' Interest. This factor is "closely related" to the second factor set forth in §2.714 (a)(1). In the matter of Commonwealth Edison Company (Braidwood Station Units 1 and 2), Docket Nos. 50-456, 50-457, 42486 at p.4, and the Town of Hampton therefore believes it has fully and adequately addressed this factor as set forth above.

The Extent to Which the Petitioners' Participation Will Broaden the Issues or Delay the Proceeding. The Town of Hampton's Revised Contention III should not delay these proceedings. The Town has

already provided detailed objections to the State's original ETE prepared by the Maguire Corporation within the filing deadline established by the Board. Since these issues have now been rendered moot by the State's substitution of the KLD ETE, Hampton's Revised Contention III, which addresses substantially identical deficiencies within the KLD ETE, should not delay these proceedings beyond the time required to address Hampton's original, and timely filed, contentions on the State ETE.

HAMPTON REVISED CONTENTION III

The Evacuation Time Estimate Study (ETE) prepared by KLD Associates, Inc., and incorporated into the State of New Hampshire Radiological Emergency Response Plan (RERP), is based upon inaccurate factual data and unreasonable or misleading assumptions and thereby fails to provide reasonable assurance that adequate protective measures can be implemented, or that adequate facilities, equipment, or personnel will be provided to the Town of Hampton in the event of radiological emergency. 10 CFR §50.47 (a) (1), 50.47 (b) (1) (10).

BASIS: The KLD ETE is based upon the following inaccurate, unreasonable, or misleading facts or assumptions:

1. The KLD ETE unreasonably estimates vehicle counts within the EPZ, including beach areas, utilizing data obtained on only two weekends, and the intervening work week, in August, 1985. KLD Progress Report #1 (hereinafter KLD #1) Appendix E-13. KLD relies upon these limited vehicle counts as part of "the basis for computer analysis of

an Evacuation Plan and computation of ETE." KLD #1, pp.5,6. KLD concedes, however, that this traffic data was gathered during a period of "occasional rain," KLD #1, p.7, "this period of time was not particularly appealing to beachgoers," KLD #1, Appendix E-13, "the data will not reflect peak conditions"... and there is "some uncertainty" on the accuracy of the data. On its face, therefore, the KLD ETE admits to an inadequate factual base to provide reasonable projections for traffic counts and movements during an evacuation within the EPZ, and particularly the beach areas. Additionally, since even this limited data was obtained by KLD during poor beach weather, it must be assumed that KLD's vehicle counts, and therefore ETE projections, are unreasonably low.

2. The KLD ETE unreasonably relies upon a telephone survey to estimate the time required for notification of an emergency, elapsed times to commence evacuation trips, and the total population to be evacuated from the EPZ. KLD #1, p.7, KLD #2, p.9. Those persons surveyed constitute less than one percent of the individuals residing within the EPZ, KLD #1, Appendix F-6, there is absolutely no showing by KLD that this minimal percentage of residents is in any way representative of the EPZ population as a whole, and therefore the telephone survey represents an inadequate factual base from which to make these ETE projections. For example, while KLD concedes that "we know of no survey which has accumulated empirical information describing the rate at which notification information is received," KLD #2, p.7, it nevertheless baldly claims that the telephone survey

can provide "a reasonable estimate of a notification time frame." KLD #2, p.7. The Town suggests, however, that limited information obtained by telephone from an apparently nonrepresentative segment of the EPZ population is wholly inadequate to make these significant ETE projections. Based upon the admitted deficiencies in its data base, therefore, the KLD ETE necessarily fails to provide reasonable assurance on the accuracy of these ETE estimates.

3. The KLD ETE computes the number of vehicles to be evacuated from the beach areas merely by counting parking spaces and parking capacity. KLD #1, p.15, 20. The KLD ETE therefore fails to account for the virtual bumper to bumper traffic that routinely, and continually, travels through the beach areas during the summer. These vehicles in transit represent not only a significant additional number of vehicles to be evacuated, but also present a substantial impediment to all parked vehicles attempting to leave the EPZ. See also KLD #1, Appendix E-4, 5; KLD #2, p.9.

4. The KLD ETE erroneously assumes that local officials, including police and fire department personnel, will be available to implement the State evacuation plan. KLD #2, p.40. Since the Town of Hampton has stated it does not intend to provide this assistance or implement the State RERP, the KLD ETE fails to provide reasonable assurance that adequate personnel are available to implement the evacuation plan. Additionally, even assuming that the State could timely provide an equivalent number of State personnel to fulfill these local functions, the KLD ETE recognizes that local personnel are

uniquely qualified to determine potential traffic problems and bottlenecks, which may not be readily apparent to State personnel unfamiliar with the local area. KLD #2, p.40.

5. The KLD ETE unreasonably assumes that 151 "traffic guides" will be available to implement traffic control procedures during an evacuation, including 25 for the Town of Hampton. KLD #4, p.11. The KLD ETE wholly fails, however, to demonstrate the availability of these substantial number of trained traffic personnel. Additionally, since State Police Troop A has only 31 troopers available for evacuation traffic control throughout the entire EPZ, it is unreasonable to expect that the State can adequately and promptly supplement these personnel deficiencies, particularly in view of the substantial additional duties imposed on Troop A for overall traffic surveillance, KLD #7, p.28, and as specified in the State Compensatory Plan. See Compensatory Plan, Troop A New Hampshire State Police, Emergency Response Procedures, p.2. The KLD ETE further unreasonably assumes the availability of an additional 27 New Hampshire "traffic guides" to regulate access control posts on the perimeter of the EPZ to restrict traffic entrance into the EPZ during an evacuation. KLD #6, p.13. As set forth above, there is no showing that in fact these trained personnel will be available to perform these specified duties.

6. The KLD ETE unreasonably assumes that adequate equipment and personnel will be available to plow roads and driveways, and to assure that evacuation routes remain passable, if evacuation is required during a snowstorm. KLD #2, p.19, 24. For example, KLD incorrectly

assumes that the time to plow the driveways during an evacuation is identical to the time required for snow clearance under non-emergency conditions. The ETE therefore unreasonably fails to account for evacuation traffic congestion which must impede or prohibit a plow truck from reaching certain homes on roads, and unreasonably fails to consider that a substantial number of those private individuals performing snowplow services may elect to promptly evacuate the EPZ rather than complete their routes.

7. The KLD ETE unreasonably assumes that buses will encounter "little impedance" when entering the EPZ to evacuate schools and those without private vehicles. KLD #7, p.17. This assumption is unsupportable. For example, the State RERP provides that the Timberlane Bus Company of Salem, New Hampshire shall provide 35 buses to evacuate the Town of Hampton during a radiological emergency. These Timberlane buses, however, would be required to maneuver through thousands of evacuating vehicles headed for the "host" communities of Manchester and Salem. KLD #4, Appendix J. It can only be reasonably anticipated that a substantial number of these buses would be greatly delayed, if not prohibited, from reaching the EPZ against the evacuation traffic flow. The KLD ETE further unreasonably assumes that evacuation buses traveling to the EPZ could travel 40 miles per hour on "at-grade primary highways," such as Route 1, and 50 miles per hour on access controlled roads. KLD #7, p.17. Anyone familiar with the routine bumper to bumper traffic on Route 1 during the year, and particularly the summer months, however, would recognize these

estimates as wholly unrealistic. While recognizing that buses and vans evacuating special facilities "will be embedded within the overall traffic streams evacuating the EPZ," KLD #7, p.19, the ETE further unreasonably fails to account for the additional and substantial impact of these emergency vehicles, often traveling against the flow of traffic, in delaying the overall evacuation of vehicles from the EPZ. KLD #2, p.9. Further, the KLD ETE unreasonably calculates the time within which buses may travel evacuation routes to pick up passengers by assuming that all buses will travel with the flow of evacuating traffic. KLD #7, p.18. It must be assumed, however, that many of these buses will be required, albeit unsuccessfully, to travel against the flow of traffic to reach designated pickup locations. The ETE's calculations that buses may therefore be expected to travel through evacuation traffic and to reach and load passengers at special facilities within 40 minutes is plainly unrealistic. KLD #7, p.18.

8. The KLD ETE unreasonably relies upon inadequate data to compute the number of persons to be evacuated from the EPZ in the event of radiological emergency. First, KLD computes overall population figures based upon a "compromise estimate" of 2.8 persons per vehicle, although KLD concedes that it lacks "definitive data" on this issue. KLD #2, p.9. Second, as previously discussed, KLD relies upon a telephone survey of less than one percent of EPZ residents, without any determination that this sample is representative, to compute the number of residents and transients without private transportation. Third, KLD concedes that it has made no computations with respect to populations

of special facilities or private citizens with medical needs located within the EPZ. KLD #7, p.1. Fourth, KLD fails to include within its population estimates the substantial number of individuals traveling through the EPZ, including the beach areas, at the time notification of an emergency may be given. KLD #2, p.9. Accordingly, on its face, the KLD ETE lacks adequate data to compute the number of individuals or vehicles to be evacuated from the EPZ during an emergency. Without such reasonably adequate data, therefore, KLD's computations regarding time estimates to complete evacuation must seriously be called into question.

For reasons set forth above, the KLD ETE fails to provide reasonable assurance that adequate protective measures can or will be implemented in the event of radiological emergency.

Dated: May 23, 1986

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of Memorandum on 10 CFR §2.714 (a)(1) and Revised Contention III of the Town of Hampton to Evacuation Time Estimate Report by ELD Associates, Inc. in the above-captioned proceeding have been served on the following by deposit in the United States mail on this 23rd day of May, 1986.

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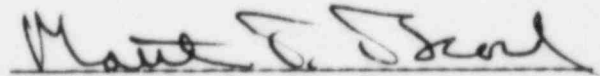
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