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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

PUBLIC SERVICE COMPANY OF  
NEW HAMPSHIRE, et al.

(Seabrook Station, Units 1 and 2)

Docket Nos. 50-443 OL  
50-444 OL

NRC STAFF'S RESPONSE TO SAPL'S THIRD  
SUPPLEMENTAL PETITION FOR LEAVE TO INTERVENE

On April 8, 1986, the Seacoast Anti-Pollution League (SAPL) filed its "Third Supplemental Petition for Leave to Intervene," in which it set forth two redrafted and six new contentions concerning portions of the New Hampshire Radiological Emergency Response Plans and certain other emergency planning materials which the Applicants had recently transmitted to the Board and parties. 1/ A response to these contentions

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1/ See Letter from William B. Derrickson to H.R. Denton, dated March 4, 1986; and Letter from Wendell P. Johnson to H.R. Denton, dated March 5, 1986. Among the items transmitted by these letters to the Board and parties were the New Hampshire Compensatory Plan, revised plans for the towns of Hampton and Seabrook, a report on the alert and notification system (volume 7 of the State's plan), current letters of agreement (volume 5 of the State's plan), and draft public information material.

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was filed by the Applicants on April 18, 1986. <sup>2/</sup> The Staff's response to each of SAPL's additional contentions is set forth seriatim in the discussion below.

### DISCUSSION

The Staff's response to each of SAPL's contentions is as follows.

#### SAPL Contention 8A

The New Hampshire Compensatory Plan fails to meet the requirements that there be adequate manpower and 24 hour per day emergency response, including 24 hour per day manning of communications links, as

- 2/ "Applicants' Response to Seacoast Anti-Pollution League's Third Supplemental Petition for Leave to Intervene," dated April 18, 1986. The Applicants' response asserted inter alia, that SAPL had failed to address the standards for late-filed contentions under 10 C.F.R. § 2.714(a)(1); however, the Applicants did not assert that the five factors enumerated in that regulation weighed against admission of the contentions.

Under Commission regulations, intervenors are required to address the five factors set forth in 10 C.F.R. § 2.714(a)(1) upon filing late contentions. See Commonwealth Edison Co. (Braidwood Station, Units 1 and 2), CLI-86-08, 23 NRC (slip op., at 11-12) (April 24, 1986); Boston Edison Co. (Pilgrim Nuclear Power Station), ALAB-816, 22 NRC 461, 466 (1985). In light of the fact that SAPL filed its additional contentions just one month after Applicants had transmitted the subject emergency planning documents to the Board and parties, SAPL may be able to demonstrate good cause for its late filing, and may satisfy its burden to show that its contentions should not be rejected under the late filing criteria of 10 C.F.R. § 2.714(a)(1). Indeed, the Licensing Board has indicated that it might consider such contentions liberally, in light of Applicants' late submission of the subject emergency planning materials. See Tr. 2336-39. Nonetheless, in light of the Commission's Braidwood decision of April 24, 1986, supra -- issued two weeks after SAPL had filed these contentions -- SAPL should be required to address the late-filing criteria, and other parties should be afforded an opportunity to respond to SAPL's discussion of those criteria, prior to the issuance of any ruling on the admissibility of SAPL's contentions.

required by 10 C.F.R. §50.47(a)(1), §50.47(b)(1),  
NUREG-0654 II.A.1.e., II. A.4., and II. F.1.a.

Staff Response

The Staff does not oppose the admission of this contention.

Redrafted SAPL Contention 15

The letters of agreement that have been submitted by the N.H. Civil Defense Agency in Volume 5 of the State plan fail to meet the requirements of 10 C.F.R. §50.47(a)(1), §50.47 (b)(1), §50.47(b)(3), §50.47 (b)(12), Appendix E. II. B. and NUREG-0654 II.A.3., II. C.4., and II. P.4 because they do not demonstrate that adequate arrangements for requesting and effectively using assistance resources have been made, that the emergency responsibilities of the various supporting organizations have been specifically established, that each principal organization has staff to respond or to augment its initial response on a continuous basis, or that agreements are being reviewed and certified to be current on an annual basis as is required.

Staff Response

The Staff does not oppose the admission of this contention, to the extent it relies upon basis items (a), (c), (d) (limited to towing companies and the Rockingham County Dispatch), (e), and (i).

However, the Staff opposes the admission of this contention insofar as it relies on basis items (b), (d) (in all other respects than set forth above), (f), (g) and (h). As to basis item (b), SAPL has asserted only that letters of agreement are missing for "many" key response organizations and governments, but has failed to specify which additional organizations it believes should be covered by letters of agreements. Further, no reason has been provided to support SAPL's apparent belief that letters of agreement with the "local communities" or the "host

communities" are required, nor has it indicated which organizations within each of those communities should be required to sign to any such agreement.

Basis item (d), except as to towing companies and the Rockingham County Dispatch, fails for a variety of reasons. First, under NUREG-0654, § II.C.4., letters of agreement are to be provided for organizations or individuals which can be relied upon to provide assistance in an emergency; no letters of agreement are expected to be provided for day care centers, nursing homes or schools, which are to be recipients, rather than providers, of such assistance. As to teachers and bus drivers, no showing has been made that existing arrangements are inadequate so that a separate letter of agreement with each such individual is required, nor has any basis been provided to support the assertion that agreements are necessary with school administrative units. Finally, SAPL's generalized reference to unnamed "other organizations or individuals" lacks specificity and should be rejected.

Basis item (f), concerning the adequacy of arrangements for medical services for contaminated injured individuals, contravenes the Commission's recent policy statement with respect to 10 C.F.R. §50.47(b)(12) <sup>3/</sup> and, accordingly, should be rejected. See Staff Response to NECNP Contention RERP-11, filed on March 14, 1986. <sup>4/</sup>

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<sup>3/</sup> Statement of Policy, "Emergency Planning," 50 Fed. Reg. 20892 (May 21, 1985).

<sup>4/</sup> "NRC Staff's Response to Contentions filed by Towns of Hampton, Hampton Falls, Kensington, Rye and South Hampton, and by the Massachusetts Attorney General, NECNP and SAPL" ("Staff Response"), dated March 14, 1986.

Basis item (g) refers only generally to "many" letters of agreements, and is overbroad and lacking in specificity. In addition, SAPL's reference to the U.S. Air Force agreement is redundant (see basis item (a)). SAPL's assertion concerning the R.S. Landauer Company lacks basis, in that no reason has been provided to support SAPL's apparent belief that badges will not be provided in a timely manner; and its assertion that the letter of agreement for this company should be updated is redundant (see basis item (c)).

Basis item (h), concerning letters of agreement for bus drivers and the number of drivers who may be available in an emergency, is redundant and should be rejected (see Contention 8A, basis item (b)).

Redrafted SAPL Contention 23

The New Hampshire State and local RERP's and the New Hampshire Compensatory Plan do not meet the requirements of 10 C.F.R. §50.47 (a)(1), §50.47 (b)(7) and NUREG-0654 II.G.1 and its subsections because the samples of draft materials that have been prepared fail to disseminate adequate educational information on radiation hazards from nuclear plants and an adequate description of the protective measures that should be taken, and, in the case of the New Hampshire Compensatory Plan, appropriate contacts for additional information.

Staff Response

The Staff does not oppose the admission of this contention. 5/

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5/ In so stating, we note that we do not necessarily agree with SAPL's views as to the adequacy of the Applicants' informational material; however, our views in this regard will be set forth subsequently, during litigation on the merits of this contention.

SAPL Contention 26

The New Hampshire Compensatory Plan, "Appendix L", fails to meet the requirements of 10 C.F.R. §50.47(a)(1) and §50.47(6)(1) [sic], and NUREG-0654 II.A.1 and its subsections a, b, c, and e and NUREG-F.1.a. and F.1.e in that it fails to set out with sufficient clarity, which State and local organizations are to be part of the overall response effort, the concept of operations for each organization and suborganization and the relationship of each organization to the overall response effort. Interrelationships are not illustrated in block diagrams and an overall 24 hour per day response, including manning of communications links, is not demonstrated.

Staff Response

The Staff opposes the admission of this contention on the grounds that it lacks basis, is speculative, and fails to set forth an appropriate issue for litigation. This contention essentially raises a number of questions which reflect SAPL's lack of understanding of, or familiarity with, the compensatory plan -- but it does not provide a reason to believe that the compensatory plan, itself, is inadequate. While SAPL may not have sufficient familiarity with the compensatory plan, it has provided no reason to believe that the response organizations which might be involved in implementing that plan share that lack of understanding. Thus, no reason has been provided to support a view that those organizations may find "the concept of operations" to be "overly nebulous"; that they will not know where the IFO Local Liaison is to work, or how that individual will learn of a town's failure to respond; or that

they will be confused as to the role and identify of EOC resources personnel. 6/

Additionally, SAPL has provided no reason to support its concerns as to participation by school superintendents, principals and special facility operators, beyond that provided in contention 8A (to which SAPL here refers), and this aspect of the contention accordingly is redundant. Finally, SAPL's concerns as to the bus drivers' ability to respond effectively at night is wholly speculative and lacking in basis.

SAPL Contention 27

The New Hampshire Compensatory Plan fails to meet the requirements of 10 C.F.R. §50.47(a)(1), §50.47(b)(10) and NUREG-0654 J.10.d. because the plan to run buses around preassigned routes will not provide an adequate means for protecting many of those persons whose mobility is impaired due to lack of automobiles and/or lack of physical health.

Staff Response

The Staff opposes the admission of this contention on the grounds that it lacks basis. No reason has been provided to support SAPL's belief that persons who do not own automobiles will be unable to go to local staging areas to meet the buses, even during inclement weather conditions. As to elderly or infirm persons who may require assistance in obtaining transportation, SAPL has not indicated any reason to believe

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6/ SAPL's lack of familiarity with the compensatory plan is reflected in its assertion that it "does not find Attachment II-A [IFO Controller Compensatory Procedures] among the papers served." (Supplemental Petition, at 12.) SAPL incorrectly refers to Attachment 11-A as Attachment "II-A". The subject attachment is located immediately following the "IFO Controller Procedures" Section of the plan, at p. 11-6.



that other provisions made for such "special needs" populations, under which they are to identify themselves in advance of any emergency, are inadequate.

SAPL Contention 28

The New Hampshire Compensatory Plan fails to meet the requirements of 10 C.F.R. §50.47(a)(1), §50.47(b)(3) §50.47 (a)(10) [sic] and NUREG-0654 II. J. 10. a. because it does not contain maps of local staging areas or bus routes for 12 of the 17 EPZ communities, the lack of which could seriously impair or extinguish the capability to implement an evacuation of those communities under the Compensatory Plan's provisions. Further, a number of maps that are provided are unclear and/or inaccurate and would be difficult for drivers unfamiliar with the area to use effectively.

Staff Response

The Staff does not oppose the admission of this contention.

SAPL Contention 29

The revisions of the Seabrook and Hampton RERP's fail to meet the requirements of 10 C.F.R. §50.47 (a)(1), §50.47 (b)(1) and NUREG-0654 II.A.1 and its subsections because each organization and suborganization having an operational role has not specified its relationship to the total effort and each response organization does not have the staff to respond and to augment its initial response on a continuous basis.

Staff Response

The Staff does not oppose the admission of this contention.

SAPL Contention 30

The revisions of the Seabrook and Hampton RERP's fail to meet the requirements of 10 C.F.R. §50.47 (a)(1), §50.47 (b)(10) and NUREG-0654 II.J.9 and II.J.10.m. because the protective action of sheltering



is not being provided for beach area populations and the protective actions contemplated in these plan revisions will not be practicable for the full spectrum of accident conditions that must be planned for according to the regulatory requirements.

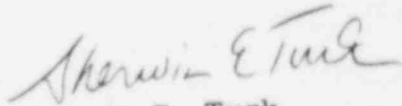
Staff Response

The Staff does not oppose the admission of this contention, to the extent it asserts that adequate plans and provisions for sheltering the coastal beach populations have not been provided. See Staff Response to the Massachusetts Attorney General's Contention, filed March 14, 1986.

CONCLUSION

The Staff submits that the Licensing Board should require SAPL to address the five factors specified in 10 C.F.R. § 2.714(a)(1) and should then afford the other parties an opportunity to respond to that discussion, in light of the Commission's Braidwood decision of April 24, 1986. If SAPL satisfies its burden in this regard, SAPL's contentions of April 8, 1986, should be admitted for litigation to the extent set forth above. In all other respects, the contentions should be rejected.

Respectfully submitted,

  
Sherwin E. Turk  
Deputy Assistant Chief  
Hearing Counsel

Dated at Bethesda, Maryland  
this 28th day of April, 1986.

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.

(Seabrook Station, Units 1 and 2)

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO SAPL'S THIRD SUPPLEMENTAL PETITION FOR LEAVE TO INTERVENE" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 28th day of April, 1986.

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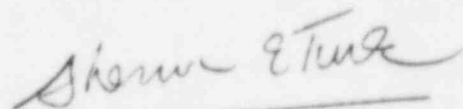
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