

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Helen F. Hoyt, Chairperson

Emmeth A. Luebke

Jerry Harbour

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

April 7, 1983

CONTENTIONS OF ATTORNEY GENERAL
FRANCIS X. BELLOTTI RELATIVE TO
EMERGENCY PLANNING FOR THE
CITY OF NEWBURYPORT

CONTENTION I: There is no reasonable assurance, as required by 10 C.F.R. §50.47(a)(1), that adequate protective measures can and will be taken to protect persons residing or present in the City of Newburyport, Massachusetts in the event of a radiological emergency at the Seabrook Station. There has been no radiological emergency response plan of the City of Newburyport submitted to the NRC, as required by 10 C.F.R. §50.33(g). There has been no FEMA finding with respect to any emergency plan of the City of Newburyport, as required by 10 C.F.R. §50.47(a)(2). The draft planning document

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submitted to the NRC which purports to relate to the City of Newburyport is inadequate and incapable of being implemented and fails to satisfy the standards for off-site emergency response plans set forth in 10 C.F.R. §50.47(b) because there is no assurance that it accurately reflects the actual emergency response needs or capabilities of the City of Newburyport, that any emergency planning has actually taken place in the City, or that any provision of the document accurately reflects what will in fact transpire in the City in the event of a radiological emergency requiring its response.

BASES:

10 C.F.R. §50.47(a)(1) requires, as a precondition to the licensing of any plant, that there be submitted to the NRC "radiological emergency response plans of State and local government entities in the United States that are wholly or partially within the plume exposure pathway Emergency Planning Zone," [Emphasis supplied] which zone is generally to consist of an area about 10 miles in radius. The Commission's regulations, at 10 C.F.R. § 50.47(b), and the criteria of NUREG-0654 incorporated into that regulation then set forth numerous standards and criteria which must be met by each state and local governmental entity within the EPZ in its plan. In particular, the regulations and criteria require that each state and local governmental entity must accomplish the following planning tasks and memorialize the arrangements made in its plan:

1. Each state and local governmental body must assign primary responsibilities for emergency response, establish the emergency responsibilities of supporting organizations and make arrangements to assure that each principal response organization has staff to respond and to augment its initial response on a continuous basis. (10.C.F.R. §50.47(b)(1)).
2. Each organization and suborganization having an operational role must specify its concept of operations, and its relationship to the total effort. (NUREG-0654, II.A.1.b)
3. Each organization must specify the functions and responsibilities for major elements and key individuals by title, of emergency response. (NUREG-0654, II.A.2.a.)
4. Each plan must include written agreements referring to the concept of operations developed between federal, state, and local agencies and other support organizations, which agreements must identify the emergency measures to be provided and the "mutually acceptable" criteria for their implementation. (NUREG-0654, II.A.3.)
5. Each state and local organization must establish an emergency classification and action level scheme consistent with that established by the facility licensee. (10 C.F.R. §50.47(2)(b)(4) and NUREG-0654, II.D.3.)

6. Each state and local organization must have procedures in place to provide for emergency actions to be taken which are consistent with the emergency actions recommended by the nuclear facility licensee. (NUREG-0654, II.D.4.)
7. Each organization must establish procedures for notification and mobilization of emergency personnel and for promptly disseminating to the public information obtained from the licensee and instructions relative to protective action. (10 C.F.R. §50.47(b)(5) and NUREG-0654, II.E.1,2,5,6).
8. Each organization must establish reliable primary and back-up means of communication among principal response organizations to emergency personnel and the public. (10 C.F.R §50.47(b)(6) and NUREG-0654, II.F.1.)
9. Each organization must provide and maintain adequate emergency facilities and equipment to support the emergency response and provide for timely activation and staffing of the emergency facilities. (10 C.F.R. §50.47(b)(8) and NUREG-0654, II.H.3. and 4.)
10. Each organization must assess and describe its capability and resources for field monitoring and must assure that adequate methods and equipment for monitoring and assessing actual or potential consequences of a radiological emergency condition are in use. (10 C.F.R. §50.47(b)(9) and NUREG-0654, II.I.7. and 8).

11. Each organization must establish guidelines for the choice of protective actions during an emergency consistent with Federal guidance. (10 C.F.R. §50.47(b)(10))
12. Each organization must make provision for 24-hour per day capability to determine the doses received by emergency personnel and must establish means for controlling radiological exposures in an emergency. (10 C.F.R. §50.47(b)(11) and NUREG-0654, II.K.3.a.)
13. Each organization must develop general plans and procedures for reentry and recovery and describe the means by which decisions to relax protective measures (e.g., allow reentry into an evacuated area) will be reached. (10 C.F.R. §50.47(b)(13) and NUREG-0654, II.M.1.)
14. Each off-site response organization must participate in and receive training. (10 C.F.R. §50.47(b)(15) and NUREG-0654, II.M.1.)

There is no evidence that any of these planning tasks have been accomplished in the case of the City of Newburyport. The planning document submitted to the Board which purports to relate to the City of Newburyport does not provide such evidence because it was prepared by third parties not under contract to the City, has not been accepted by any City officials, in whole or in part, and in fact is just now being reviewed by City officials for the first time. See Letter to the Board from Mayor Sullivan of the City of Newburyport, attached hereto as Exhibit A.

Absent the review and acceptance of those Newburyport officials who are knowledgeable as to the emergency response needs and capabilities of the City and who will be called upon to direct emergency response activities in the event of an emergency, there can be no assurance that the document before the Board has any relevance whatsoever to emergency planning for the City of Newburyport.

As Mayor Sullivan of Newburyport has advised the Board, the planning document submitted to it does not constitute any kind of an emergency plan, draft or otherwise, of the City of Newburyport. See Exhibit A. Since Newburyport is located within the EPZ, no license may be granted until such a plan is submitted. See 10 C.F.R. §50.33(g).

CONTENTION II: The draft emergency planning document submitted to the NRC which purports to relate to the City of Newburyport, Massachusetts, does not satisfy the requirements of 10 C.F.R. §50.47(b)(1), (3), (8), (9), or (12), because there has been no assessment of the City's emergency response needs and resources or satisfaction of its resource requirements in the following areas: overall emergency transportation requirements; transportation requirements for special facilities, schools, and people with special needs or without private transportation; emergency medical transportation requirements; radiological monitoring and assessment equipment; and manpower requirements for traffic management, emergency

transportation and security operations, emergency maintenance of evacuation routes and response to abandoned vehicles, traffic accidents, and other obstructions to evacuating traffic flow.

BASES:

The Commission's emergency planning regulations require that local emergency response plans demonstrate that critical manpower and resource assessment has taken place and all necessary resources assured. Specifically, the regulations require that "each principal response organization ha[ve] staff to respond and to augment its initial response on a continuous basis," 10 C.F.R. §50.47(b)(1), that "[a]rrangements for requesting and effectively using assistance resources have been made ... and other organizations capable of augmenting the planned response have been identified," 10 C.F.R. §50.47 (b)(3), that "[a]dequate emergency facilities and equipment to support the emergency response are provided and maintained," 10 C.F.R. §50.47(b)(8), that "[a]dequate methods, systems, and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition are in use," 10 C.F.R. §50.47(b)(9), and that "[a]rrangements are made for medical services for contaminated injured individuals," 10 C.F.R. §50.47(b)(12). None of these requirements have been satisfied in the case of Newburyport because, as the draft planning document before the Board clearly reflects, there has been no assessment of the emergency response needs or capabilities of the City and no provisions have been made for satisfaction of these needs. The following statements in the draft planning document before the Board confirm that this is the case:

1. The plan provides, at p.I-15, that the City's Resource and Supply Director "will" at some indefinite time in the future "[a]ssess the overall transportation and resource requirements for Newburyport."
2. The plan provides, at p.I-16 - I-17, that the City's Public Works Director "will" at some indefinite time in the future "[a]ssist the Resource and Supply Director in assessing special facilities' transportation requirements and those of people without transportation or with special needs (i.e., hearing impaired, mobility impaired, etc.)."
3. The plan provides, (at page II-8) that, as part of a public education program to take place at some indefinite time in the future, "local contacts with key officials will be provided so that individuals with special needs may be included in the preplanning of the resources required for all protective responses."
4. The plan provides, at pages II-11 - II-12, that the City's needs with respect to radiological monitoring equipment, overall transportation requirements, transportation requirements for special facilities, public schools and persons without automobiles or with special needs, and medical transportation needs will all be assessed at some indefinite time in the future. In the meantime, "Newburyport Department heads will use available resources to the extent possible."
5. The plan provides, at p. III-3, that the City's Civil Defense Director will, at some indefinite time in the future, seek to "obtain support agreements with bus companies and drivers."
6. The plan provides, at page III-10, that the City Marshall should, at some indefinite time in the future, "[r]eview manpower requirements for traffic management, emergency security operations, and public alerting in Newburyport."

7. The plan provides, at page III-11, that the City's Public Works Director will, at some indefinite time in the future, "[d]evelop internal procedures for handling requests for transportation from people without automobiles, and from people with special needs (i.e., hearing impaired, mobility impaired, etc.)... [r]eview these procedures . . . and assess any deficiencies."
8. The plan provides, at page III-14, that the City's Emergency Medical Services Director will, at some indefinite time in the future, "[a]ssess and update emergency medical transportation needs and availability in Newburyport."
9. The plan provides, at page IV-9, that the City's Civil Defense Director will await a Site Area Emergency before he will "review available resources with the Resource and Supply Director[,] [a]ssess deficiencies in manpower and/or equipment and report findings to the Mayor[, and] [c]ontact MCDA, Area I and determine if these deficiencies can be augmented with State resources."
10. The plan provides, at pages IV-14 and IV-16, that the City's Resource and Supply Director will be assessing deficiencies in transportation, manpower, and equipment during Site Area and General Emergencies.
11. The plan provides, at page IV-61, that the City's School Superintendent will be assessing bus requirements during Site Area and General Emergencies.
12. Appendix C to the plan, at pages C-1 - C-4, clearly demonstrates that there has not yet been a complete inventory of the City's personnel, equipment, and transportation resources and that the City has far too few vehicles to support an emergency response.

CONTENTION III: The draft emergency planning document submitted to the NRC which purports to relate to the City of Newburyport, Massachusetts, does not satisfy the requirements of 10 C.F.R. §50.47(b)(4) and (10) because there is no emergency action level scheme for an emergency at the Seabrook Station and because there are no guidelines in place for the choice of protective actions during an emergency. In the absence of an adequate emergency action level scheme and protective action guidelines there is no "reasonable assurance that adequate protective measures can and will be taken" to protect those residing or present in the City of Newburyport in the event of a radiological emergency at the Seabrook Station as required by 10 C.F.R. §50.47(a)(1)."

BASES:

The Commission's regulations, at 10 C.F.R. §50.47(b)(4), require that there be in place a "standard emergency classification and action level scheme, the bases of which include facility system and effluent parameters." The criteria of NUREG-0654 specifically incorporated into the Commission's regulations at 10 C.F.R. §50.47(b), n.l, clarify that each state and local governmental body within the plume exposure pathway EPZ "shall establish an emergency classification and emergency action level scheme consistent with that established by the facility licensee." NUREG-0654, III.D.3. In this case, there is no emergency action level scheme in place for Seabrook

Station, either in the Applicants' Radiological Emergency Plan or in the draft planning document for the City of Newburyport. Without an existing, mutually acceptable scheme for declaring various classes of emergencies, there is no assurance, as required by 10 C.F.R. §50.47(b)(4), that the City of Newburyport will rely on information provided by the licensee for "determinations of minimum initial offsite response measures."

The Commission's regulations further require, at 10 C.F.R. §50.47(b)(10), that "[g]uidelines for the choice of protective actions during an emergency, consistent with Federal guidance, [be] developed and in place... ". Various criteria in NUREG-0654 give further meaning to this requirement. Thus, NUREG-0654, Criterion II.A.3 requires that every local plan include "written agreements referring to the concept of operations developed between Federal, State, and local agencies and other support organizations having an emergency response role ... [which] agreements shall identify the emergency measures to be provided and the mutually acceptable criteria for their implementation." NUREG-0654, Criterion II.D.4. requires that every local government within the plume exposure EPZ "should have procedures in place to provide for emergency actions to be taken which are consistent with the emergency actions recommended by the nuclear facility licensee, taking into account local offsite conditions that exist at the time of

the emergency." Neither the standards of 10 C.F.R. §50.47(b)(10) nor the criteria of NUREG-0654 have been satisfied here. The draft planning document for Newburyport which is before the Board contains no guidelines for the choice of protective actions during an emergency, no letters of agreement, and no procedures or guidelines for evaluating the effect of offsite conditions at the time of an accident on protective action recommendations. Rather it simply provides, at page II-14, that the Massachusetts Department of Public Health will, at the time of an accident, "assess potential off-site health hazards ... and make appropriate recommendations to MCDA ... [which] will relay pertinent accident assessment data to Newburyport."

CONTENTION IV: The draft emergency planning document submitted to the NRC which purports to relate to the City of Newburyport, Massachusetts, does not satisfy the requirements of 10 C.F.R. §50.47(b)(5) and (6) because procedures have not been established for notification of emergency personnel by the response organizations in the City, the content of initial and followup messages to response organizations and the public has not been established, and there is no demonstration that provisions exist for prompt communications among principal response organizations, to emergency personnel, or to the public. Until these requirements have been satisfied there is

no "reasonable assurance that adequate protective measures can and will be taken" to protect those present or residing in the City of Newburyport in the event of a radiological emergency at the Seabrook Station, as required by 10 C.F.R. §50.47(a)(1).

BASES:

Chapter B of the draft emergency planning document before the Board relating to Emergency Communications does not establish procedures for notification of emergency personnel by Newburyport response organizations, as required by 10 C.F.R. §50.47(b)(5) and NUREG-0654, Criteria II.E.2, and II.F.1.e, and, therefore, provides no demonstration that such notification could be effected promptly, as required by 10 C.F.R. §50.47(b)(6). The plan further fails to supply the content of initial and followup messages to response organizations and the public as required by 10 C.F.R. §50.47(b)(5) and NUREG-0654, Criterion II.E.7., and it fails to assure that provisions exist for prompt communications among principal response organizations as required by 10 C.F.R. §50.47(b)(6), because it fails to provide reliable and efficient back-up means for communication with City officials. See NUREG-0654, Criterion II.F.1. Thus, the plan provides, in Table 2, that notification of City officials will be by telephone "or any available means" and, at pages IV-6, IV-48, and IV-51, that "runners" are considered an appropriate means for communication. While there are some references throughout

the plan to pagers, no assurance is given that any or all City officials heading emergency response activities will be equipped with such pagers. The plan further reflects inadequate provision for prompt communication among principal response organizations, as required by 10 C.F.R. §50.47(b)(6), because no provision has been made for a communications link other than telephone contact between the Newburyport EOC and each of the School Department, the Town Hall, and Anna Jaques Hospital. See Plan, at page II-6.

The planning document before the Board further fails to demonstrate, as required by 10 C.F.R. §50.47(b)(5) and NUREG-0654, Criterion II.E.6 and App.3, that the means have been established to provide early notification to the public in Newburyport. The plan describes various different methods of public notification [See Table 2--"emergency sirens, weather radios, EBS radio, door-to-door notification, etc."; page II-3 -- "sirens, tone-activated radios, and mobile public-address units"; page IV-37 -- City Marshall will "dispatch patrols to warn people outside to take shelter"], but provides no comprehensive notification plan or analysis thereof. There is no evidence that any of the various methods of public notification discussed in the plan meet the design objectives or criteria of NUREG-0654, App. 3, or otherwise assure prompt public notification. The plan does not document the design concept and expected performance of the sirens

proposed for use, as required by NUREG-0654, App.3. And, finally, the plan indicates (at pages C-12 and C-13) that there are no proposed or existing notification systems whatsoever for special facilities.

CONTENTION V: The draft emergency planning document submitted to the Board which purports to relate to the City of Newburyport, Massachusetts, does not satisfy the requirements of 10 C.F.R. §50.47(b)(10) and (11) because a range of protective actions have not yet been developed for emergency workers and the public. The protective option of evacuation has not been developed in that no evacuation routes or traffic access or control points have been established, no estimates of evacuation time or evacuation traffic route capacities have been prepared or accepted, no plans have been developed for registering and monitoring evacuees at a reception center, no plans have been established for evacuation of special institutions (including schools) or people with special needs or dependent on public transportation, and no means have been established for notifying the transient population of the need for evacuation. The protective option of sheltering has not been developed because no plans have been established for the sheltering of the summer beach population or those seasonal residents whose homes provide inadequate shielding from radionuclides. Furthermore, adequate provisions have not been

made for controlling radiological exposures of Newburyport emergency response personnel.

BASES:

The Commission's regulations require, at 10 C.F.R. §50.47(b)(10) that "[a] range of protective actions [be] developed for the plume exposure pathway EPZ for emergency workers and the public." The criteria of NUREG-0654, at II.J.10 and 12, specifically incorporated into the Commission's regulations at 10 C.F.R. §50.47(b), n.1, clarify that this requirement is not met unless a local emergency plan includes the following items, none of which is included in the draft plan before the Board:

10. a. Maps showing evacuation routes, evacuation areas, preselected radiological sampling and monitoring points, relocation centers in host areas, and shelter areas...
 . . .
- c. Means for notifying all segments of the transient...population;
- d. Means for protecting those persons whose mobility may be impaired due to such factors as institutional or other confinement;
 . . .
- i. Projected traffic capacities of evacuation routes under emergency conditions;
 . . .
- k. Identification of and means for dealing with potential impediments (e.g., seasonal impassability of roads) to use of evacuation routes, and contingency measures;

1. Time estimates for evacuation of various sectors and distances based on a dynamic analysis (time - motion study under various conditions) for the plume exposure pathway emergency planning zone . . .
11. Each organization shall describe the means for registering and monitoring of evacuees at relocation centers in host areas. The personnel and equipment available should be capable of monitoring within about a 12-hour period all residents and transients in the plume exposure EPZ arriving at relocation centers.

NUREG-0654, Criteria II.J.10. and 12.

The potential protective action of evacuation is also insufficiently developed in the draft plan before the Board in that no plans have been set forth therein for evacuation of special facilities, including schools. Brief reference is made, at page II-15, to "individual facility plans," but no such plans have been made available. Furthermore, the plan contains no procedures for accommodating parental pick-up of children at schools prior to evacuation. The plan clearly contemplates instead that all parents will agree to evacuate independently of their children and meet them at the reception centers (See Plan, at II-18), a factual premise which finds no support in the plan.

NUREG-0654 further indicates that the requirements of 10 C.F.R. §50.47(b)(10) have not been satisfied unless the licensee's emergency plan describes "[t]he bases for the choice of recommended protective actions from the plume exposure pathway during emergency conditions...[including] expected

local protection afforded in residential units or other shelter for direct and inhalation exposure...". This requirement is of critical importance in the case of Newburyport because of the transient beach population and summer homes on Plum Island. It is estimated by the Essex County Planners' Office that there are 224 seasonal housing units on Plum Island. It is further estimated by that office that the year-round Newburyport population of 16,000 is doubled to approximately 32,000 by the peak beach population on Plum Island. Automobiles provide no protection against most radionuclides; summer homes having wood frames, no insulation, and no basements provide very little. The Applicants not having conducted the required examination of the available sheltering for the beach population in Newburyport and the adequacy of the sheltering provided by Newburyport homes, there is insufficient basis for (and has not been) any development of sheltering as a potential protective action.

The critical need for development of the protective action of sheltering in the vicinity of this site was confirmed by FEMA in its report, FEMA-REP-3, "Dynamic Evacuation Analyses: Independent Assessments of Evacuation Times from the Plume Exposure Pathway Emergency Planning Zones of Twelve Nuclear Power Stations," February, 1981. That report states, at page 7, that

...if there is an accident with a relatively fast release, the guidance suggests that the time from the initiating event through travel time to the 10-mile EPZ boundary may be as short as two hours. ...Within this two-hour time frame, [the Seabrook EPZ] can only be partially evacuated. For an accident under these conditions, sheltering could be a viable protective action.

Although needed, then, in the event of a fast-developing accident, the protective action of sheltering is not yet a viable option for those citizens present or residing on Plum Island.

10 C.F.R. §50.47(b)(11) and NUREG-0654, Criterion II. J.10.e., further require that means be established for controlling radiological exposures to emergency workers and, specifically, that local plans include provisions for the use of radioprotective drugs by emergency workers and institutionalized persons, including provisions for the storage and distribution of such drugs. The draft planning document before the Board specifically states, at page II-19, that no radioprotective drugs will be disseminated to emergency workers, in violation of these requirements. The draft plan further fails to meet the criterion set forth at NUREG-0654, II.K.3.a., for there is no provision for "24-hour-per-day capability to determine the doses received by emergency workers...including volunteers." As was discussed previously, there has been no assessment of the numbers of personnel who

will be involved in emergency response activities. There can, therefore, be no assurance that a sufficient number of dosimeters is available.

CONTENTION VI: The draft emergency planning document submitted to the Board which purports to relate to the City of Newburyport, Massachusetts, does not satisfy the requirements of 10 C.F.R. §50.47(b)(12) because there has been no analysis of the extent of medical services needed for contaminated injured individuals or the capacity of the Anna Jacques or Brigham and Women's Hospitals to meet those needs, and because no arrangements have been made ensuring the availability of the medical services of those facilities.

BASES:

10 C.F.R. §50.47(b)(2) provides that a local emergency plan must demonstrate that arrangements have been made for medical services for contaminated injured individuals. NUREG-0654 provides, in Criterion II.C.1., that the local government must "arrange for local and backup hospital and medical services having the capability for evaluation of radiation exposure and uptake, including assurance that persons providing these services are adequately prepared to handle contaminated individuals."

The draft emergency plan before the Board contains no letters of agreement with Anna Jacques or Brigham & Women's Hospitals or other evidence that those hospitals have the capacity to handle contaminated individuals and to evaluate radiation exposure and uptake or that they have agreed to provide those services. (See Plan, at II-24). Moreover, the plan contains no assessment of the numbers of persons who may require such services or assurance that those numbers can be accommodated by either or both of these hospitals.

CONTENTION VII: The draft emergency planning document submitted to the NRC which purports to relate to the City of Newburyport, Massachusetts, does not satisfy the requirements of 10 C.F.R. §50.47(b)(5) and (7) because no procedures have been established for periodically informing the transient population within the City limits as to how they will be notified of an emergency and what their initial actions should be or for instructing the transient population of needed protective actions in an emergency. In the absence of such procedures, there is no "reasonable assurance," as required by 10 C.F.R. §50.47(a)(1), that "adequate protective measures can and will be taken" to protect the transient population in the City in the event of a radiological emergency at the Seabrook Station.

BASES:

The Commission's regulations require, at 10 C.F.R. §50.47(b)(5) and (7), that local emergency plans demonstrate that means have been established for providing "early notification and clear instruction" to all persons within the EPZ and that information will be made available to the public on a periodic basis as to how they will be notified and what their initial actions should be. NUREG-0654, Criterion II.J.10.c. provides that the means must be in place for notifying "all segments of the transient and resident population" [emphasis supplied] of the need for and instructions for carrying out protective actions. These requirements are not satisfied by the draft planning document which is before the Board, for it contains no procedures for periodically informing the large transient beach population on Plum Island as to how they will be notified of an emergency or for instructing that beach population as to necessary protective actions.

CONTENTION VIII: The draft emergency planning document submitted to the NRC which purports to relate to the City of Newburyport, Massachusetts, does not satisfy the requirements of 10 C.F.R. §50.47(b)(13) because it contains no plans for recovery following a radiological emergency at the Seabrook Station.

BASES:

Chapter I. of the draft emergency planning document before the Board relative to "Recovery and Reentry" in fact contains no plans or procedures for decontamination or other recovery operations. The document simply states, without explanation, that "[t]he Mayor will ensure that all essential public services and utilities in Newburyport are operational."

The draft planning document does not, therefore, satisfy the requirement of 10 C.F.R. §50.47(b)(13) that "[g]eneral plans for recovery . . . [be] developed" or the requirement of NUREG-0654, Criterion II.M.1., which reads in part that "[e]ach organization . . . shall develop general plans and procedures for reentry and recovery . . .".

CONTENTION IX: The draft emergency planning document submitted to the NRC which purports to relate to the City of Newburyport, Massachusetts, fails to satisfy the requirements of 10 C.F.R. §50.47(b)(15) because it contains no identification of the emergency response personnel for the City who are in need of training, no discussion of the training needed, and no provisions for assuring that all necessary training is received on a timely basis. In the absence of provisions for the timely training of all emergency response personnel or assurance that all personnel have previously received all necessary training,

the plan provides no assurance, as required by 10 C.F.R. §50.47(a)(1) and (b)(2) that "adequate protective measures can and will be taken in the event of a radiological emergency" or that the plan before the Board is "capable of being implemented."

BASES:

The Commission's regulations require, at 10 C.F.R. §50.47(b)(15), that local emergency plans must assure that "[r]adiological emergency response training is provided to those who may be called on to assist in an emergency." NUREG-0654, Criterion II.0.5., clarifies that this requirement includes both "initial" training, and "annual retraining" of personnel with emergency responsibilities.

While acknowledging (at p.II-27) that "[t]raining is necessary to ensure that emergency response personnel in Newburyport are familiar with their responsibilities and proficient in their ability to carry out their detailed procedures which might involve specific technical knowledge," the draft planning document before the Board contains no assessment of the needs of City personnel for training, no description of the training to be provided, and no provisions assuring that all necessary training will be provided before there is a need for implementation of the plan. Thus, the plan simply states, at p.II-27, that "a comprehensive training program" will at some point be conducted.

In the absence of data as to the training requirements of Newburyport response officials and the proposed training programs, there is no assurance that the "comprehensive training program" will, in fact, address the needs of the City such that the plan will be capable of implementation. And without assurance that all necessary initial training will take place before the plant operates, there is no assurance that the plan will be capable of implementation or that the public will be protected during the period of operation which precedes that training.

CONTENTION X: There is no reasonable assurance, as required by 10 C.F.R. §50.47(a)(1), that adequate protective measures can be taken to protect those persons residing or present in the City of Newburyport, Massachusetts in the event of a radiological emergency at the Seabrook Station because the FSAR, ER-OL, SER, FES, and draft emergency planning document before the Board contain insufficient data as to the effectiveness of the protective actions of evacuation and/or sheltering in mitigating adverse consequences to human health (early fatalities, early injuries, delayed fatalities, delayed injuries, and genetic and developmental defects) in the event of an accident requiring such off-site protective action. Those filings contain no calculations as to the mean numbers of

these specified health effects associated with PWR-1 to PWR-9 accidental releases or SST 1, SST 2, or SST 3 accidents at the Seabrook Station. In the absence of such calculations, based on realistic evacuation time estimates and/or shielding factors, reflecting the peak transient population in the City of Newburyport, and accounting for population growth over the lifetime of the plant, there is no basis for assessing the effectiveness of evacuation or sheltering in minimizing radiological exposures. There is, therefore, no basis at this time for determining that "adequate" protective measures can be taken to protect those present in Newburyport at the time of an accident as required by 10 C.F.R. §50.47(a)(1), or that the planned protective actions for Newburyport are "adequate" and "capable of being implemented," as required by 10 C.F.R. §50.47(a)(2).

BASES:

The draft emergency planning document submitted to the NRC which purports to relate to the City of Newburyport, states, at page II-15, that the protective actions which may be ordered in the event of a serious accident at the Seabrook Station include sheltering and evacuation. The plan defines "protective actions," at page I-4, as "[a] variety of emergency measures which may be taken by the public to mitigate the consequences of an accident by minimizing the radiological exposures that would likely occur if such actions were not undertaken."

However, neither the draft emergency plan nor the Applicants' and NRC Staff's filings in this proceeding provide any basis for concluding that evacuation or sheltering will, in fact, "minimize" radiological exposures to persons present in the City of Newburyport in the event of a severe accident at the Seabrook Station.

None of the documents on file in this proceeding contain calculations as to the mean numbers of early fatalities, early injuries, latent cancer fatalities, and other adverse health effects associated with the PWR-1 to PWR-9 accidental releases described in the Reactor Safety Study (WASH-1400) or with the Commission's "rebaselined" SST 1, SST 2, and SST 3 accident scenarios (NUREG-0715). In the absence of such calculations, based on realistic evacuation time estimates and shielding factors, there is no measure of the effectiveness of evacuation or sheltering as protective actions for this site and no basis for the premise underlying the draft Newburyport plan that those actions can "minimize" radiological exposures to those present in the City of Newburyport at the time of such an accident. These calculations must be performed for a peak transient population scenario to account for the doubling of Newburyport's population by seasonal residents and the beach population on Plum Island. See discussion, supra, at 18. And calculations must be performed so as to reflect expected

permanent and transient population growth in Newburyport over the expected life of the plant if there is to be any assurance that evacuation and sheltering will constitute viable protective actions throughout the plant's term of operation.

While, as we have noted, the Applicants' and NRC Staff's filings in this proceeding provide no evidence of the extent to which evacuation can minimize the adverse health consequences to those present in Newburyport at the time of a serious accident, the FSAR does contain evidence that evacuation cannot eliminate such adverse consequences. Thus, the evacuation time estimates contained in Appendix C to the Applicants' Radiological Emergency Response Plan exceed the time period during which early fatalities and injuries will result from exposure to radionuclides in the event of an atmospheric "Class 9" accident, according to NUREG-0396. See NUREG-0396, Figures I-17, and I-18. We are, therefore, confronted with evidence that (even accepting the Applicants' evacuation times) early fatalities and injuries will result from a severe accident at Seabrook. However, we are given no data as to the numbers of fatalities and injuries which will result from any accident.

Moreover, the Applicants' evacuation time estimates grossly underestimate the time which will actually be required to evacuate the population in the vicinity of the Seabrook site for the following reasons:

1. They fail to account for notification, preparation and mobilization time;
2. They fail to account for simultaneous evacuation of the peak summer population on the beach areas lying from NE to SSE of the site;
3. They do not employ a reasonable estimate of the number of automobiles being evacuated;
4. They do not account for evacuation of schools, hospitals, and other institutions;
5. They do not account for the public transportation - dependent population;
6. They do not include major employers in the estimates of summer automobile demand;
7. They do not account for voluntary evacuation beyond the EPZ;
8. They do not account properly for population density and distribution in the Seabrook vicinity or population growth over the life of the plant;
9. They do not account properly for the effect on evacuation times of adverse weather conditions;
10. They do not account for other than home-based evacuation traffic;
11. They do not use either realistic assumptions with respect to the information available to evacuees when choosing evacuation routes or evacuation routes set by state and local officials; and

12. They do not account for any of the following possibilities:

- a. Vehicles breaking down or running out of fuel;
- b. Traffic accidents;
- c. Abandoned vehicles;
- d. Disregard of traffic control devices; and
- e. Evacuees using inbound traffic lanes for outbound travel.

The necessary calculations of the consequences to human health of an accident at this site must employ evacuation time estimates which properly account for these factors if we are to have a realistic assessment of the effectiveness of evacuation in mitigating those consequences.



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RICHARD EMMET SULLIVAN
Mayor

March 14, 1983

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RE: Public Service Company / et al
Seabrook Station, Units I II
Dockets: 50-443-O.L.
50-444-O.L.

Dear Committee:

It has come to my attention that a document which appears to be a draft of the Emergency Plan for the City of Newburyport was submitted to you on or about February 28, 1983. I am writing to inform you that officials of the City of Newburyport have not yet reviewed the document and have not at this time accepted it as the City's plan in principle or detail.

Indeed, many of the Department Heads who will be called upon to perform emergency functions in the event of a accident at the Seabrook Station first received copies of the document on March 11, 1983, nearly two (2) weeks after you were presented with it.

The officials of the City of Newburyport are currently reviewing the document submitted to you and will undoubtedly revise it in whole or in part to reflect the needs and capacities of this community.

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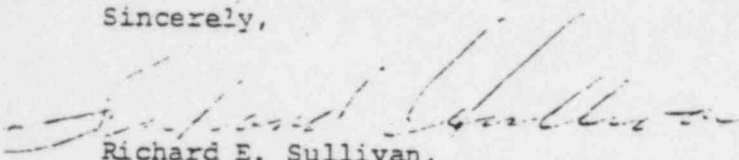
U.S. Nuclear Regulatory Commission

March 14, 1983

At such time as the City has in place a Plan, which at least in major detail does accurately reflect our situation in Newburyport we will so advise the Board.

Until that time, I must strenuously object to any treatment of the document provided to you as constituting any kind of Emergency Plan, draft, or otherwise of the City of Newburyport, Ma.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard E. Sullivan".

Richard E. Sullivan,
Mayor

CERTIFICATE OF SERVICE

I, Jo Ann Shotwell, Esquire, counsel for Massachusetts Attorney General Francis X. Bellotti, hereby certify that on April 7, 1983, I made service of the within Contentions, by mailing copies thereof, postage prepaid, to:

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