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Docket #50-443 -06  
Docket #50-444

1. The Seabrook Plan for Massachusetts Communities ("SPMC") does not meet the requirement that there must be a reasonable means of evacuation and relocation as required by NUREG-0654, Rev. 1, Supp. 1, J.10.g and J.10.i. Therefore, there is no reasonable assurance that adequate protective measures can and will be taken pursuant to 10 C.F.R. 50.47 (a)(1) and (a)(2), (b)(1), (b)(2) and (b)(10).

## Bases

a. The SPMC, Appendix D-5, relies on the Seabrook Station Evacuation Time Estimate Study in projecting the capability of evacuation routes. The time study recognizes that control at critical intersections, to a large extent, determines the capacity of a roadway (Time Study, 3-1). The SPMC provides for the control of one intersection on Plum Island, i.e., Plum Island Turnpike and Sunset Drive. A second major intersection, Plum Island Boulevard and Northern Boulevard, is uncontrolled.

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Approximately 60% of the traffic evacuating Plum Island would converge at that second intersection and would result in a significant bottleneck and impediment to timely evacuation. The SPMC accordingly does not provide a reasonable assurance that adequate protective measures regarding relocating and traffic capabilities exist.

- b. The SPMC does not adequately address the seasonal impassability of roads as required by NUREG-0654, Rev. 1, Supp. 1, J.10.k. The time study (3-1, 3-11) states that rain will reduce flow speeds on evacuation routes by 20% and without adequate bases claims that snowfall will restrict flow speeds by a mere additional 5%. While the time study (4-20) discusses snow removal, it, and the SPMC, fails to provide a reasonable assurance that adequate means exist to deal with seasonal impassability of roads and to identify a contingency measure to deal with such impediments. Moreover, the SPMC fails to identify an adequate means of dealing with disabled vehicles or those which are inoperable due to fuel exhaustion, mechanical difficulties or accidents or access of tow vehicles thereto.
- c. The SPMC unrealistically assumes that vehicles evacuating Plum Island will utilize only one lane of the two-lane roadway which provides the sole means of ingress to and egress from Plum Island. The other lane is assumed by the SPMC (Appendix J, N-6), to be open for evacuation buses or emergency vehicles to travel onto Plum Island to

pick up evacuees and for residents to return home for their families. Similarly, the SPMC (id.) unrealistically asserts that one lane of Old Point Road and of Northern Boulevard (evacuation routes) will likewise be available for ingress to Plum Island evacuation routes. During an emergency evacuation of the island, it is manifestly unrealistic to assume that drivers will utilize only their normal travel lane and such assumptions are based on no empirical or objective studies. The evacuation routes and SPMC identify no means of dealing with outbound traffic flows which utilize inbound lanes even if such use is necessary due to fuel exhaustion, breakdowns or accidents.

d. 1. Appendix J, p. N-6 depicts Newbury Bus Route #1. That route provides for buses to travel onto Plum Island via the Plum Island Turnpike and then turn left (north) on Old Point Road. Following that road to its end, the bus is then to turn 360 degrees and return via Old Point Road.

A. Old Point Road is narrow. It actually is approximately 1-1/2 lanes in width with narrow or no shoulders. The SPMC unrealistically assumes that outflowing traffic will not impede the ingress of vehicles into the evacuation zone. At the terminus of Old Point Road there is insufficient room for the bus to turn around as is provided in the route map.

d. II. The SPMC provides that the evacuation bus, after traveling the length of Old Point Road and returning, will turn left (east) onto Plum Island Turnpike/Boulevard and then left (north) onto Northern Boulevard, following that latter road for approximately one mile.

A. While Northern Blvd. is approximately two lanes in width, it has no shoulders. It is unrealistic to assume, as the SPMC does, that traffic attempting to exit the northern end of Plum Island will merely utilize the southbound lane and permit the northbound lane to be open for travel by a bus. The SPMC further fails to address how impediments to southbound travel will be cleared in a timely fashion so that southbound traffic will not utilize the northbound lane.

d. III. The SPMC calls for the bus to turn right (east) from Northern Boulevard onto 58th Street, follow that street to its end, turn left (north) onto Reservation Terrace and follow that road to its end. There, the bus is to turn around and follow these same roads back to Northern Boulevard.

A. Reservation Terrace is only slightly more than one lane in width and has no shoulder. Any impediment to travel, e.g. disabled vehicles or heavy snowfall, would render this portion

of Bus Route #1 impassable. There is no area at the end of Reservation Terrace which would permit a bus to turn around and reverse its direction.

- d. IV. The SPMC provides that the bus, upon returning to Northern Blvd. will turn right (north) and follow that road to its end, turn around and reverse its course back to Plum Island Turnpike/Boulevard and off Plum Island.

- A. The SPMC fails to provide for bus evacuation of any portion of Plum Island south of Plum Island Turnpike/Boulevard despite the location of numerous streets and dwellings south of that street. The SPMC wholly fails to provide for the evacuation of those residents or transients without transportation on that portion of Plum Island.

- d. V. Once the bus is on Plum Island Turnpike, it follows that road to Rolfe's Lane (aka Ocean Ave.) where it turns left (southeasterly). Rolfe's Lane intersects Route 1A when one has traveled about 3/4 mile.

- A. Route 1A is a major traffic artery for traffic traveling south from Newburyport and a significant traffic problem at that intersection will occur. The SPMC (Appendix J, p. N-4) provides that southbound traffic

from Newburyport will be routed onto Green Street and then Hanover Street where it will merge with traffic following Bus Route #1. The SPMC fails to address how traffic on Route 1A which does not heed the directions of the route guides, and instead continues south on Route 1A, will impact the intersection of that street with Rolfe's Lane.

B. While traffic on Rolfe's Lane apparently has the option of turning left (south) onto Route 1A or of proceeding straight to Hanover Street, the SPMC fails to provide any information as to which route will be chosen by most drivers or what criteria, if any, the drivers should consider in making that choice. Drivers familiar with the area will probably proceed straight to Hanover Street as that road provides relatively straight access to Route 1 and brings one closer to I-95.

C. At the three-way intersection of Route 1A, Parker Street and Green Street (providing egress from Newburyport), traffic is discouraged from turning right onto Parker Street from Route 1A. One traffic guide is located in that area but is sited at Route 1A and Green Street, apparently to encourage drivers to turn onto Green Street instead of

continuing south on Route 1A. Thus, no guide will discourage drivers from turning right from Route 1A onto Parker Street. As Parker Street provides relatively straight and easy access to Route 1, many drivers can be expected to disregard the traffic cones and travel onto Parker Street. The SPMC fails to address this likelihood and its impact on timely evacuation.

D. At the intersection of Rolfe's Lane, Green Street and Hanover Street (Appendix J., p. N-4), traffic from three directions will merge and flow onto Hanover Street. One traffic guide is located at that intersection. As this intersection will be handling evacuation traffic from Plum Island and Newburyport, it is unrealistic to assume that one guide will be able to adequately direct the traffic flow and ensure that opposite travel for emergency vehicles will be possible. Moreover, the merging of these traffic flows will create a significant bottleneck and vast reductions in or the cessation of travel speed.

d. VI. Once on Hanover Street, the evacuation bus is to cross Route 1, travel onto Middle Street, turn right onto Highfield Road and end the route at

the Newbury transfer point.

- A. At the intersection of Hanover Street and Route 1, cones are placed so as to discourage travel in any direction except south on Route 1. The SPMC, if followed, would require the cones to be temporarily moved or for the bus to drive over them. The bus also will have to cross southbound traffic on Route 1. Route 1 is a major southbound evacuation route and the SPMC fails to address the problem of Route 1 southbound drivers who will not permit the bus to cross, an eventuality patently possible in the event of an emergency evacuation. If the bus does somehow cross Route 1, it is likely that automobiles will follow it as their drivers may realistically conclude that the bus is following a preferred or less congested route.
- B. Highfield Road is unmarked and not readily visible.
- C. It is likely that vehicles exiting Newburyport on Scotland Road will, due to traffic congestion, turn onto Highfield Road in the opposite direction to that taken by the evacuation buses in order to gain access to Route 1 south. Highfield Road is merely 1-1/2 lanes in width and drivers attempting to gain

access to Route 1 will render opposing travel impossible. Moreover, traffic impediments will result in the event of breakdowns or accidents.

D. The transfer point is a narrow (approximately 15' wide) driveway which leads from Highfield Road to a Massachusetts Electric transformer which is in a fenced enclosure at the end of the approximately 100' drive. No area is provided for buses to be able to turn around or for vehicles to park. The area around the transfer point is heavily wooded and overgrown with brush. No area is available for use of those evacuees who are dropped off at the transfer point.

e. 1. Newbury Bus Route #2 (Appendix J, p. N-7) commences at the Highfield Road transfer point and follows that road to Middle Road where the driver turns left (north). The bus then follows Middle Road to Route 1 where it turns right (south). The bus follows Route 1 to Elm Street where the driver is to turn right (westerly).

A. The SPMC is defective in that the intersection of Route 1 and Elm Street is marked by no sign indicating the name of the latter street. A driver unfamiliar with the area will be unable to identify the road he/she is expected to

follow when exiting Route 1.

e. II. The bus continues on Elm Street until it reaches School Street where it turns right (northwest). School Street is followed to what is depicted on the SPMC as Orchard Street where the bus turns left (south). The route follows Orchard Street to Elm Street where it turns left (east) until Elm Street intersects again with School Street where the bus turns left (northwesterly). The route again follows School Street to what appears on the SPMC to be Orchard Street where the bus turns right (northerly).

- A. The intersection of School Street and Elm Street is unmarked by any signs identifying either road for drivers traveling in any direction. The SPMC thus fails to provide a reasonable assurance that the bus driver will be able to correctly follow Route #2.
- B. No signs identify Orchard Street where the bus is to turn left (south) from School Street. Indeed, what appears to be Orchard Street at that intersection in fact is Central Street. The SPMC fails to demonstrate that the driver will correctly follow Route #2.
- C. Central Street is narrow, approximately 1-1/2 lanes in width without shoulders. The SPMC fails to provide an adequate assurance that

this portion of Route #2 will remain passable in the event of vehicle breakdowns, accidents or opposing traffic.

e. III. After the bus turns from School Street onto what is correctly Central Street, it follows that latter road north to Orchard Street where it turns right (northeast). Orchard Street is taken to Boston Road where the route turns right (east). The route follows Boston Road across Route 1 to Green Street where it turns left (northerly).

A. Orchard Street is two lanes in width with no shoulders. Drivers familiar with the Newbury area can be expected to utilize Orchard Street to escape the EPZ in the likely event of vehicle congestion on Route 1. No route guides are posted along Orchard Street and it is likely that vehicles exiting the EPZ on that street will use both lanes of Orchard Street, rendering northbound travel impossible.

B. Boston Road intersects with Route 1, a major southbound evacuation route from the entire EPZ south of Seabrook Station. Route 1 will thus be heavily congested. The SPMC calls for no traffic control points at that intersection and it is unlikely that the bus will be able

to cross Route 1, particularly in light of the fact that two lanes of southbound traffic will be encouraged only one mile, more or less, north of that intersection. Moreover, southbound traffic will impede northbound vehicles.

- C. The map of Route #2 (Appendix 7, p. N-7) indicates that Boston Road intersects at a right angle an unidentified road about 1/4 mile east of Route 1 but that the route continues straight on Boston Road. In actuality, that intersection is a "Y" intersection, or fork in the road, with Boston Road bearing to the left and the other road bearing to the right. No sign identifies which of the roads is Boston Road. The SPMC lacks reasonable assurance that the bus drivers will be able to accurately follow Route #2 at this intersection.
- D. Boston Road, particularly after the fork, is about 1-1/2 lanes in width without shoulders. Persons familiar with Newbury can be expected to evacuate the EPZ to the south via Boston Road to Route 1, especially if travel on Hanover Street (see Newbury Bus Route #1, App. J, p. N-6) becomes congested. This portion of Route #2 will accordingly become impassable

for northeastbound traffic and wholly impassable in either direction in the event of breakdowns or accidents.

E. The intersection of Boston Road and Green Street is unmarked. Bus drivers thus will be unable to follow Route #2 in the absence of route guides and/or directional signs.

e. IV. The bus is to follow Green Street to Hanover Street where evacuation Route #2 merges with traffic evacuating Newburyport and Plum Island via Hanover Street to Route 1 (see Traffic Control Post No. E-NB-02, Appendix J, p. N-4).

A. As the Hanover Street intersection area is likely to be a significant bottleneck (see Contention 1.d, V. D., supra), cars leaving the EPZ can be expected to disregard the traffic cones which are intended to discourage travel south on Green Street past Hanover Street. Green Street (southbound) will in all likelihood be recognized by drivers as an alternative route to Route 1 or Route 1A, both of which are major southbound routes. As Green Street is approximately 1-1/2 lanes in width, southbound traffic will render travel to the north on that street impossible.

B. Green Street, as well as other roads on all Newbury bus routes, is subject to flooding and

becoming impassable. The SPMC makes no provision for such an eventuality.

e. V. After merging with Hanover Street evacuation traffic, the bus follows Newbury Bus Route 1 to the transfer point. The bases for the preceding contention regarding the adequacy of this portion of the route are incorporated herein by reference.

f. I. Newbury Bus Route #3 (Appendix J, p. N-8) commences at the Highfield Road transfer point where the bus turns right (southeast) from the transfer point driveway onto Highfield Road. The inadequacies of the transfer point set forth supra are incorporated herein by reference. The bus follows Highfield Road to Middle Road which it follows south until turning left (east) onto Boston Road. Bus Route #3 indicates that the bus then makes a 90 degree turn right (southeasterly) onto Hay Street.

A. The inadequacy of Boston Road for eastbound traffic noted supra 's incorporated herein by reference.

B. The intersection of Boston Road and Hay Street is not a right angle as Route #3 depicts. Rather, it is a "Y" intersection or fork which will cause the driver, if unfamiliar with the area, to become disoriented or lost.

- C. Hay Street is inadequately marked for vehicles traveling northeast on Boston Road.
- D. Hay Street is about 1-1/2 lanes in width and has no shoulders. Opposing traffic to Route 1 via Boston Road, which is called for in Newbury Bus Route #3, will render travel in both directions impossible.
- E. Portions of Hay Street are within a flood plain and are subject to flooding, but the SPMC identifies no means of dealing with the impassability of Hay Street due to flood waters.

f. II. From Hay Street, the route turns right (easterly) onto Newman Road. The route follows that road to Route 1A where the bus is to merge with southbound evacuees, cross the Parker River and turn right (southeasterly) onto Old Rowley Road.

- A. Newman Road is not identified by any sign.
- B. Newman Road is approximately 1-1/2 lanes in width, has no shoulders and crosses about 1/2 mile of marsh. Opposing traffic will render southeasterly travel impossible.
- C. Newman Road is extremely low and, for approximately 1/2 mile, is within a flood plain area. The road is subject to flooding and becoming impassable.
- D. No intersection control is provided by the

SPMC to enable the bus to merge onto Route 1A southbound. As that road is one of few southerly evacuation routes, it will be necessary to provide some form of control if the bus will realistically be able to join the Route 1A traffic.

E. Old Rowley Road is 1-1/2 lanes in width and has no shoulders. It is unpaved, crosses a flood plain area and is subject to flooding and becoming impassable due to flood waters, snow and inoperable vehicles.

f. III. The bus continues on Old Rowley Road to its intersection with Route 1A. There the bus is to turn left (north) and follow Route 1A to Hay Street where it is to turn left (west).

A. To travel north on Route 1A from Old Rowley Road will require southbound evacuees on Route 1A to permit the bus to gain access to a northbound lane. Yet no traffic control or route guide is provided at that intersection. It is thus unlikely that access to a northbound lane will be achieved.

B. Route 1A is a major southbound evacuation route. It is likely that no northbound travel will be possible.

C. Route 1A crosses the Parker River by means of a two-lane bridge which is about 1/4 mile in

length. While Route 1A is a wide two-lane road in relation to virtually every other road in Newbury, utilization of its entire width by southbound evacuees is likely for the entire Mass. EPZ. The bridge will plainly accommodate southbound traffic only and northbound travel will be impossible.

D. Hay Street is inadequately marked.

f. IV. The bus, after turning onto Hay Street, travels southerly past the intersection with Newman Road. Hay Street then curves to the right (easterly then northeasterly) until it intersects Boston Road where the route turns left (southeasterly).

A. Before arriving at its intersection with Newman Road, Hay Street is very low and, indeed, is in a flood plain area. Hay Street is subject to flooding and becoming impassable.

B. After passing Newman Road, evacuation buses on Hay Street will be traveling in opposite directions. The road is of insufficient width to readily permit two-way bus traffic. Moreover, southbound evacuees who have discovered that Boston Road and Route 1 are congested and are familiar with the area or have observed bus use of Hay Street will likely attempt to gain access to Route 1A via

Hay Street and/or Newman Road. Opposing traffic will accordingly foreclose travel to Boston Road via Hay Street.

f. V. After turning onto Boston Road, Newbury Bus Route #3 crosses Route 1 and continues to Middle Road where the bus is to turn right (north), following that latter road to Highfield Road and, from there, gaining access to the transfer point.

A. The impracticability of crossing Route 1, as noted supra, is incorporated herein by reference.

B. Highfield Road is marked by no sign and drivers will likely miss the turn onto this portion of the route.

g. I. Newbury Bus Route #4 (Appendix J, p. N-9) commences at the Highfield transfer point and turns left onto Highfield Road. The bus then turns left (southwesterly) onto Scotland Road and follows that road for approximately four miles to Moody Street where the route turns left (southeast). Scotland Road, before reaching Moody Street is renamed South Street after passing I95 and again renamed Spring Hill Road about one mile further on.

A. In the likely event that traffic is congested on Scotland Road, drivers will realistically attempt to use Highfield Road to gain access

to alternate southbound evacuation routes. As Highfield Road is merely 1-1/2 lanes in width with no shoulders, cars traveling to those alternate routes via Highfield Road will render travel from the transfer point to Scotland Road difficult or impossible.

- B. South Street gradually narrows to two narrow lanes with no shoulders. Vehicles attempting to flee the EPZ from the west of I95 will likely use this road to gain access to that major highway and thus will impede or render impossible westerly travel on South Street. Moreover, vehicles on I95 will likely exit onto South Street if the former is congested while the latter is lightly traveled. Yet no traffic control at that intersection (I95 and Scotland Road/South Street) exists.
- C. The turn the bus driver is to make from Spring Hill to the left (southeast) onto Moody Street is poorly marked and would easily be missed. Indeed, South Street intersects Main Street before intersecting Moody Street and it is likely that incorrect turns onto Main Street will be made as the roads are inadequately marked.

- g. II. From Moody Street, the route turns left (east) onto what appears on the Route #4 map to be Lunt

Street which takes the bus to the left (east) to Church Street. There, the route turns right (southeasterly) and crosses I95 where it is renamed Central Street. The route turns left (northeast) onto Orchard Street approximately one mile after crossing I95.

A. These series of turns are poorly marked and it is likely that drivers will become disoriented or lost in this area.

B. Vehicles traveling south on I95 will likely exit to Church Street/Central Street in the likely event of congestion on I95 and travel west, thereby impeding eastbound travel.

C. The turn onto Orchard Street is unmarked.

D. Vehicles traveling west on Central Street in order to gain access to I95 will likely utilize the entire width of Central Street, rendering westerly travel impossible.

g. III. Orchard Street is renamed Middle Road approximately two miles northeast of Central Street. The route follows Middle Road past Highfield Road and across Route 1 where it becomes Hanover Street. Hanover Street is followed to Green Street where the route turns left (north).

A. Orchard Street and Middle Road consist of two narrow lanes and have no, or very narrow,

shoulders. Vehicles evacuating via Route 1 will likely attempt to utilize Middle Road as an alternate southbound route in order to bypass congestion on Route 1 and either rejoin Route 1 further south or gain access to I95. Traffic south on Middle Road will likely use all portions of that road, thereby rendering this portion of the route impassable.

B. Buses will likely not be able to cross Route 1 without control of evacuees utilizing that major southbound route.

C. Hanover Street, east of Route 1, is a primary route for traffic from Newburyport to Newbury attempting to gain access to Route 1. Those evacuees will likely utilize all travel portions of Hanover Street, rendering eastbound travel impossible.

g. IV. Evacuation Route #4 follows Green Street to Parker Street where it turns left (westerly), crosses State Street in the City of Newburyport and continues east to cross Route 1. After crossing Route 1 in Newburyport, the bus route turns left (southerly) at the intersection of Graf Road. The route follows that road to Highfield Street and the Newbury transfer point.

A. Evacuees from Newburyport and Plum Island will likely impede or obstruct the Green Street

portion of the bus route, especially in the event of congestion on Hanover Street.

- B. Left (easterly) turns from Green Street to Parker Street are discouraged (see Traffic Control Post No. E-NB-02, Appendix J, p. N-4). The bus driver would thus be required to disregard traffic cones located at that turn or be obstructed by inbound traffic on Parker Street. In the improbable event that Parker Street permits freedom of movement by the bus, evacuees who otherwise might observe the traffic guide's activity to discourage entry onto Parker Street will likely disregard the cones and guide's direction.
- C. It is unrealistic to expect that evacuation buses will be permitted by traffic flows to cross State Street and Route 1 in Newburyport as provided by the bus route. State Street will be congested and Route 1 will contain heavy numbers of southbound evacuees. To cross Route 1, the bus will need to cross two northbound and two southbound lanes. In the probable event that southbound evacuees will utilize all four lanes of Route 1, crossing Route 1 will be difficult or impossible. Inadequate traffic control exists at these crossings.

- D. Congestion of Route 1 will result in evacuees turning from that road onto Parker Street and the eventual congestion of traffic there. The bus route will thus likely be impassable.
- E. Graf Road/Scotland Road will in all likelihood be jammed with evacuees attempting to gain access to I95. Timely travel on this portion of the bus route is accordingly unlikely.
- F. Entry onto Highfield Road from Scotland Road will be impeded or blocked by evacuees and buses attempting to reach I95 via Scotland Road from Plum Island, Newbury and Newburyport.
- h. Appendix J., p. N-10, of the SPMC includes a map showing a proposed bus evacuation route. The route depicted in that map includes Downfall Road as one of the streets the evacuation bus is to travel upon. Downfall Road is a "paper" street only and, in actuality, is nonexistent and impassable.
- i. Many of the roads, e.g. Boston Road, Hay Street, Old Rowley Road, constituting bus routes and potential evacuation routes lie in whole or in part within flood plain areas and are subject to periodic flooding. The SPMC fails to provide a reasonable assurance that these routes will be passable during flooding periods. The SPMC fails to identify alternate bus routes in the event that those which have been identified become impassable

due to flooding, other seasonable impediments, vehicle breckdowns or accidents.

- j. The SPMC fails to provide a reasonable assurance that the Newbury evacuation routes (Appendix J, p. N-11) will permit timely evacuation of persons within Newbury and Plum Island.

- j. I. All traffic evacuating Plum Island is expected to follow Rolfe's Lane to Route 1A or continue onto Hanover Street to Route 1. Evacuees from Newburyport are likely to also attempt to gain access to Rolfe's Lane and inadequate controls exist to halt these attempts. Rolfe's Lane will likely become congested and impassable but alternatives for Plum Island evacuees are not identified. Evacuees may accordingly choose to continue on Plum Island Turnpike into Newburyport and contribute to congestion on that municipality's inadequate roadways. Inadequate controls (cones, barricades and route guides) are present at the intersection of Rolfe's Lane and Route 1A and evacuees will likely disregard the controls provided in the SPMC.

- j. II. The SPMC provides that all "inland" evacuees should take the "most convenient road" to Route 1 or I95 south. No routes or alternative routes are identified or suggested. Traffic on any route will be likely to be congested so that no

convenient route will exist. Drivers are expected to choose the best route for them without being provided with any information as to anticipated traffic flows on the possible routes. Inland transients will be unfamiliar with possible routes and may add impediments to traffic by others by traveling in directions which oppose traffic flows.

j. III. Travel to any of the southbound lanes will create congestion which will result in the utilization of inbound travel lanes. Necessary access to evacuated areas will accordingly be restricted or impeded.

j. IV. The SPMC fails to provide traffic control at any location except for three sites. Traffic control will be necessary at other critical areas (e.g. Parker Street at the Newbury Elementary School) within Newbury and along bus and evacuation routes to ensure that roadways remain passable and to provide access by necessary traffic to evacuated areas.

j. V. The SPMC fails to provide for adequate and timely removal of impediments to travel, e.g. disabled vehicles, along bus and evacuation routes.

j. VI. The SPMC fails to state whether evacuation buses will drive their routes on an adequate basis or that the number of buses provided will be

sufficient. Evacuees will be unable to determine when the buses will arrive at locations where the evacuees are waiting.

2. The SPMC fails to adequately identify the emergency equipment available for use in implementing the plan. The SPMC thus fails to provide a reasonable assurance that adequate equipment is provided and maintained as required by NUREG-0654, Rev. 1, Supp. 1, II.H.

Bases

- a. The SPMC provides that nine buses will be available to evacuate Newbury residents and transients. The SPMC fails to provide any empirical data to support the conclusion that this number of buses is sufficient to provide adequate evacuation of transportation dependent persons.
- b. The SPMC fails to identify the equipment available for use in discouraging or encouraging direction of traffic flows. The number and location of cones, barricades and other control devices are not adequately set forth in the SPMC. Their availability for timely use is not described. In the event that devices are to be brought into Newbury, this will be difficult or impossible if an emergency is rapidly developing and evacuation has commenced without traffic controls in place. Thereafter, gaining timely access to control points will be unlikely.
- c. The Town of Newbury lacks adequate personnel and equipment to meet the traffic control requirements of the

SPMC or to provide adequate control at critical areas which are unidentified in the plan.

3. The SPMC does not meet the requirement that there must be a means of protecting those persons whose mobility may be impaired as required by NUREG-0654, Rev. 1, Supp. 1, II.J.10.d.

Basis

The SPMC (I.P. 2.10, p. 19) identifies five schools within Newbury and five special facilities. The SPMC fails to identify what special transportation requirements those facilities may have or provide any reasonable assurance that such requirements can effectively be met. The SPMC fails to identify reasonable routes of access to and departure from the facilities.

4. The SPMC fails to adequately project traffic capabilities of evacuation routes under emergency conditions. The SPMC accordingly fails to conform to the requirements of NUREG-0654, Rev. 1, Supp. 1, II.J.10.i.

Basis

The SPMC fails to identify evacuation routes from inland Newbury except in the vaguest of terms. The SPMC thus wholly fails to project the routes' traffic capabilities as the routes themselves are not identified.

5. The SPMC fails to adequately identify the means of dealing with potential impediments to the use of evacuation routes and thus fails to conform to the requirements of NUREG-0654,

Bases

The SPMC fails to adequately identify how impediments to the use of evacuation routes will realistically be corrected or addressed. Snowfall will cause major disruptions to the use of evacuation routes but snow removal is inadequately addressed. The SPMC does not identify the location or availability of adequate snow removal equipment or personnel to maintain the routes in a passable state. Nor does the SPMC identify adequate contingent measures to be employed in the event of the impassability of evacuation routes due to snow, flooding or other potential impediments to travel. Inadequate snow removal equipment exists within Newbury to maintain the roadways in a passable condition. Persons dependent upon others for snow removal will in all likelihood lack their services due to the unwillingness or inability of those providers to gain access to evacuated areas. Disabled vehicles will likewise constitute continuing impediments as tow vehicles, if available for entry into evacuated areas, will be unable to gain access because of outbound traffic and/or seasonal impediments.

6. The SPMC does not meet the requirement that there be maps showing the population distribution around the facility as required by NUREG-0654, Rev. 1, Supp. 1, II.J.10.b.

Therefore, there is no reasonable assurance that adequate protective measures can and will be taken pursuant to 10

C.F.R. 50.47(a)(1) and (b)(10).

Basis

The SPMC contains no map showing population distribution within the EPZ area of Massachusetts. The only population distribution references contained within the SPMC are Table 1.3-1 and 3.6-1. Those tables merely assert the total population of the effected municipalities. Moreover, the tables are inadequate in that they are not based on adequate empirical data and appear to exclude the transient population of the Parker River National Wildlife Refuge ("Refuge") portion of Plum Island, which is part of no Massachusetts municipality.

7. The SPMC fails to provide a means of notifying all segments of the transient and resident population of Newbury and the Refuge as required by NUREG-0654, Rev. 1, Supp. 1, J.10.c and 10 C.F.R. 50.47(b)(5) and (7).

Bases

- a. The SPMC is virtually devoid of any detailed information concerning how the siren-bearing trucks (VANS) will be used in the event of an emergency. While the SPMC asserts that the trucks will be available on a continuously manned basis, the truck parking sites are not identified. Nor does the SPMC provide any reasonable basis by which to conclude that the truck's sirens will be audible throughout the Massachusetts EPZ. In the event that the trucks are stored at a site other than the sirens' activation site, the SPMC wholly fails to

describe how the trucks would travel to the siren activation sites, the time required to travel to those sites after the onset of an emergency or how seasonable or other impediments to travel (e.g. outbound vehicles) will be cleared to permit access.

- b. The SPMC (Sec. 3.2.5, p. 3.2-12) unrealistically and without adequate bases provides that the transient population within the Parker River National Wildlife Refuge will be notified of an emergency and receive instructions "through the U.S. Department of the Interior" (hereafter referred to as "DOI"). The SPMC fails to suggest how the DOI will notify that population. The Refuge contains multiple vehicle parking areas, miles of beach and countless miles of footpaths. Presumably, the SPMC counts on DOI personnel to provide personal notice of an emergency to Refuge transients but wholly fails to state the number of personnel available to accomplish that, the manner of notification, the training to be provided to the personnel, the time required to complete the notification process after the onset of the emergency or the number of transients and their likely dispersement throughout the Refuge.
- 8. The SPMC's Newbury evacuation bus transfer point is not permitted under applicable zoning laws. Accordingly, the SPMC fails to adequately provide a means of relocation as required by NUREG-0654, Rev. 1, Supp. 1, J.10.g.

Basis

The SPMC provides that nine buses will provide evacuation services for Newbury (I.P. 2.10, p. 16). The evacuation route maps (App. J., N-6, N-7, N-8 and N-9) provide that the Newbury bus transfer point is located at Highland Road which is in the agricultural-residential zone of Newbury. At the transfer point, the transfer point dispatcher is to brief drivers and route guides, dispatch buses, deploy road crews to any identified road impediments and related duties (I.P. 2.10, Sec. 5.4). Such activities, i.e., transportation services, are permissible only in the industrial district of Newbury. Such a use is not permitted in the zoning district in which the transfer point is located in Newbury.

9. The SPMC fails to provide a reasonable assurance that adequate protective measures can and will be taken in the event of an emergency in that it does not provide reasonable assurance that sheltering is an adequate protective measure for Seabrook or provide adequate criteria for the choice between sheltering, evacuation or other protective measures, as required by C.F.R 50.47(b)(10) and NUREG-0654, Rev. 1, Supp. 1, J.10.b. Nor does the SPMC include expected total protection afforded in residences or other shelters as required by NUREG-0654, Rev. 1, Supp. 1, J.10.m.

Basis

The SPMC relies on two protective actions for the public, sheltering and evacuation, but fails to provide anything other than the vaguest of criteria for determining which

protective action should be undertaken in a given emergency. It provides no evaluation of the sheltering capacity of Newbury or the number of public buildings available for such use. Particularly with regard to Plum Island, where thousands of transient people may be situated at the time of an emergency, the SPMC is devoid of any data which provides a reasonable assurance that sheltering is realistic. Moreover, the SPMC provides no means of dealing with the realistic possibility that the owners of buildings normally open to the public will not allow their buildings to be used as shelters or that such potential shelters are constructed of materials which provide a sufficient level of protection.

10. The SPMC fails to adequately provide a means of protecting persons whose mobility may be impaired and, accordingly, does not provide a reasonable assurance that a range of protective actions have been developed for the public as required by 10 C.F.R. 50.47(b)(10).

Basis

The SPMC (Appendix J, p. i) identifies day care/nursery schools in each municipality within the EPZ but omits from that listing the operating day care facilities in the Town of Newbury. The SPMC fails to identify the locations of such facilities, the number of infants and other children enrolled, the number of staff personnel or how any special transportation requirements of the facilities will be met.

11. The SPMC fails to provide that adequate measures can and will be taken to protect the public in the Town of Newbury as the SPMC relies upon the erroneous assumption that the Town of Newbury will, and has adequate sources to, implement the SPMC. The SPMC thus fails to conform to the requirements of NUREG-0654, Rev. 1, Supp. 1, II.J.9 and 10.a.c.d.e.g.i.j. and k. There is accordingly no basis by which to conclude that adequate protective measures can and will be taken as required by 10 C.F.R. 50.47(a) and the SPMC fails to meet the planning standards of 10 C.F.R. 50.47(b).

Basis

- a. The assumption that the SPMC will be implemented by the Town of Newbury is rebutted by the fact that equipment and personnel resources available to the town are inadequate to effectively or reasonably enable it to do so. The Town of Newbury does not have and is unlikely to acquire sufficient equipment or personnel to effectively or reasonably provide for or maintain passable evacuation routes, sheltering areas, a means of population notification or relocation, transportation for mobility impaired persons, evacuated area access control or methods of dealing with evacuation impediments.
- b. Newbury officials will not implement or follow the SPMC in the event of an emergency as they have concluded that no plan can be developed which adequately will protect the health and safety of people within Newbury. Newbury officials in command and control of emergency functions

are unfamiliar with the contents of the SPMC and have no intention of acquiring sufficient knowledge to enable them to implement or follow it. While the town will exert its best efforts to protect people within it, any response by the Town of Newbury will accordingly be developed as the need arises on an ad hoc basis without prior planning, practice or adequate resources.

12. The SPMC fails to adequately meet the requirement of 10 C.F.R. 50.47(b)(5) in that it does not provide adequate procedures for notifying local response organizations. The SPMC also fails to conform to the requirements of NUREG-0654, Rev. 1, Supp. 1, II.E.8 and II.F.1 which, respectively, require provisions for coordinating response messages with local governments and for communicating with local governments within the emergency planning zone.

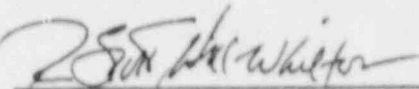
Basis

The SPMC (Table 2.2-2) provides that the Newbury selectmen are in overall command and control of response functions. While the SPMC requires NHY personnel to communicate and coordinate with the Newbury selectmen, it fails to provide reasonable assurances that the selectmen will be able to be contacted or communicated with. The SPMC erroneously, and without adequate basis, assumes that the selectmen will be available for these functions within the time required for an adequate response to an

emergency. The SPMC thus fails to provide that timely notification and local response can be made in the event of an emergency.

Respectfully submitted,  
Town of Newbury,  
By its Attorney:

Dated: April 13, 1988

  
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I, R. Scott Hill-Whilton, Counsel for the Town of Newbury in the above-entitled action, hereby certify that I have caused copies of the enclosed documents to be served upon the persons at the addresses listed below, by first class, postage prepaid, mail and by Federal Express, postage prepaid, mail, to those persons which have been marked with an asterisk.

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Signed under seal this 13th day of April, 1988.

  
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