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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
Ivan W. Smith, Chairman  
Gustave A. Linenberger, Jr.  
Dr. Jerry Harbour

In the Matter of	)	Docket Nos. 50-443-OL
	)	50-444-OL
PUBLIC SERVICE COMPANY	)	(ASLBP No. 82-471-02-OL)
OF NEW HAMPSHIRE, et al)	)	(Offsite Emergency Planning)
	)	
(Seabrook Station,	)	
Units 1 and 2)	)	April 11, 1988

SEACOAST ANTI-POLLUTION LEAGUE'S CONTENTIONS  
ON THE SEABROOK PLAN FOR MASSACHUSETTS COMMUNITIES

Now comes the Seacoast Anti-Pollution League and submits 9 contentions on the Seabrook Plan for Massachusetts Communities ("SPMC"). Additionally, SAPL joins in and adopts the contentions filed by the Commonwealth of Massachusetts and the Town of Amesbury on the SPMC.

Contention 1

Contrary to the requirements of 10 CFR §50.47(a)(1), 10 CFR Part 50 Appendix E, Sections IV.A.8. and IV.D.3. and NUREG - 0654, Rev. 1, Supp. 1, II.A.2.a. and b., II.A.3, II.E.1. and 3. and NUREG - 0654, Rev. 1 I.E., the responsibilities, authorities and concept of operations between the NHY-ORO, State of New Hampshire and the Commonwealth of Massachusetts in ordering any protective action have not been sufficiently defined nor set forth in advance in any written agreement to ensure a prompt and adequate emergency

response. Further, the Implementing Procedures for coordination of response are inefficient and inadequate.

Basis:

There are two governors in the Seabrook EPZ in whom reside the authority to order protective actions for their respective states. There is no clearly established framework in the SPMC whereby questions over the exercise of legal authority can promptly be resolved. For example, should each governor wish to retain that legal authority and should there be a disagreement over the appropriate protective order to issue in the circumstances of a Seabrook Station emergency, there must be some clearly articulated prior arrangement for promptly resolving such differences or there is the strong likelihood of a delayed, uncoordinated, chaotic response with confusing and inconsistent public information being issued which would not serve reasonably to assure the health and safety of the public in either state. A prompt coordinated response is not just "desirable" as stated in the introduction of the SPMC, it is required by regulation. Further, the implementing procedures for notification (see IP 2.14) contribute to delay since the first NHY-ORO contact is with the Massachusetts Department of Public Health (MDPH) rather than the Massachusetts Governor's office. (IP 2.14 at 4-6) This needlessly adds a layer of communication that will serve only to add to the time necessary to assess the status of the NHY-ORO's legal authority to carry out certain actions under the SPMC.

There is no reasonable assurance that governmental agencies will all be notified within the 15 minute interval required by regulation. 10 CFR Part 50, Appendix E at IV.D.3. Further, it is highly unlikely that the public would be notified within about 15 minutes of the time state and local governmental officials are notified. Id.

#### Contention 2

The SPMC fails to provide reasonable assurance of an adequate protective response because the staging area in Haverhill (see Figure 5.2-3) for buses designated in the plans will not be available for use. Therefore, there is no available location designated in the SPMC at which buses can be coordinated and staged to pick up transit dependent, special needs and special facilities populations in the 6 Massachusetts communities. Effective use of assistance resources is therefore not reasonably assured and the SPMC therefore fails to meet the requirements of 10 CFR §50.47(a)(1), §50.47(b)(3), §50.47(b)(10) and NUREG - 0654, Rev. 1, Supp. 1, II.J.10.g and II.J.10.k.

#### Basis:

The SPMC states that the NHY Offsite Response Staging Area is located at 145 Water Street in Haverhill, Massachusetts (see 5.2.2.). The city of Haverhill issued a cease and desist order to Public Service Company of New Hampshire and Mass Electric on February 26, 1988 to prevent the use of the facility for an emergency drill. The Assistant City Solicitor for the City of

Haverhill stated that a restraining order was obtained from Superior Court to stop a subsequent drill that was to go forward on March 31, 1988. That drill was called off. The City of Haverhill has no intention of allowing that area to be used as a staging area for implementation of the SPMC.

### Contention 3

The SPMC fails to provide reasonable assurance that adequate personnel, equipment and facilities for radiological monitoring and decontamination of general public evacuees, emergency workers and special facility evacuees (e.g. nursing home residents) have been established. Furthermore, the definition of "contamination" is 600 cpm above normal background radiation in the SPMC, which allows a greater level of contamination of Massachusetts residents to remain unaddressed while New Hampshire residents are decontaminated at 100 cpm under the NHRERP. Therefore, the requirements of 10 CFR §50.47(a)(1), §50.47(b)(8), §50.47(b)(10), §50.47(b)(11) and NUREG - 0654, Rev. 1, Supp. 1 II.H.4, II.J.10.d, II.J.12, II, K.5.a and K.5.b. have not been met.

### Basis:

The SPMC fails to provide even a reasonably complete description of the facilities, personnel and equipment for monitoring and decontaminating general public evacuees, emergency workers and special facility evacuees. Mention is made of two dedicated Monitoring Trailers for general public evacuees which are to be positioned at or dispatched to Reception Centers in

██████████ and in ██████████, Massachusetts. The plan does not describe how the trailers will be dispatched to those areas and from where they would be dispatched should that be necessary. Though a diagram is provided, the plan does not describe the total size of the trailers, so it is impossible to get a true picture of the practicability of monitoring a claimed 8,300 evacuees within a 12-hour period at each trailer. There are 14 monitoring stations and 2 showers in each trailer. That would work out to approximately 1.2 minutes to get each evacuee passed through a monitoring station, which is not possible in the real world. At 10 minutes per shower, (the time given by Applicants for the NHRERP decontamination procedures), only 6 people could be decontaminated per shower per hour, which would mean that there would only be the capability of decontaminating 144 people in a 12-hour period in each of the trailers, or a total of 288 people from the entire Massachusetts portion of the EP2 (which is less than .4% of the population). Even adding the capacity of the Emergency Worker Facility (EWF) which is unlikely to be available for use by anyone other than emergency workers, the decontamination capability under the SPMC remains woefully inadequate. Further, there is no description provided as to how the decontamination personnel alleged to be available are deployed. It is not clear in Appendix I that there are a sufficient quantity of survey meters available.

The plan for monitoring and decontamination of emergency workers suffers the same deficiencies in regard to questions about the size of the facility and the availability of survey meters. Furthermore, the EWF trailer is supposed to be located at the state staging area in Haverhill, Mass. which is not going to be available for use (see Contention 2). Therefore, there are no suitable facilities and no location for emergency worker decontamination identified in the plans.

Finally, there is no specific provision in the letters of agreement with receiving hospitals [REDACTED] for the monitoring and decontamination of special facility populations from nursing homes, hospitals and other facilities or for monitoring and decontaminating special needs residents who are evacuated from out in the communities. It is likely that many of these individuals could not be handled in the trailers at the reception centers. There are no letters of agreement of any description in the SPMC for [REDACTED] and the LOA's with [REDACTED] and [REDACTED] make no explicit mention of receiving and treating special facility evacuees.

The definition of contamination which is to be addressed by decontamination procedures under the SPMC is 600 cpm above normal background radiation, while in New Hampshire the level of

contamination requiring action under the NHRERP is 100 cpm. This provides an inequitable level of protection for Massachusetts residents as compared to New Hampshire residents.

#### Contention 4

The SPMC fails to provide adequate means for the handling and disposal of contaminated waste water and contaminated materials, contrary to the requirements of 10 CFR §50.47(a)(1), §50.47(b)(9) §50.47(b)(11) and NUREG - 0654 II.1.8 and k.5.b.

#### Basis:

Implementing Procedure 2.9 states at 5.2.10 that a storage area outside the trailer for monitoring and decontamination is to be identified for contaminated articles belonging to evacuees and one person is to be designated to guard the articles. The waste is supposed to be double bagged, labeled and set aside in this area. (IP 2.9 at 5.8.4) Adequate personnel to perform this task are not designated. What then happens to the waste material is not described. A radwaste disposal letter of agreement with [REDACTED], provided in Appendix C, was only a 2 year contract which began on July 1, 1986 and will expire in July of this year. No other waste disposal agreements exist in the SPMC. Therefore, there are no adequate procedures and personnel yet identified for handling waste materials.

The trailers used for decontamination at the reception centers and EWF trailer each only have 1200 gallon collection tanks for contaminated waste water. The average 10-minute shower



uses 3-5 gallons per minute and results in 30-50 gallons of waste water. Therefore, the impoundment capability of the storage tanks will only be good for approximately 40 showers at best. Unless procedures are made for pumping out or replacing storage tanks and adequate personnel are assigned to those duties, contaminated water will be released to the environment whether it is diluted to acceptable levels or not.

#### Contention 5

The SPMC fails to meet the requirements of 10 CFR §50.47(a)(1), §50.47(b)(12) and NUREG - 0654, Rev. 1, Supp. 1, II L.1, 3 and 4 because the hospitals identified in the SPMC are not sufficient to evaluate radiation exposure and uptake, are not adequately prepared to handle contaminated individuals and are not adequately prepared to handle contaminated injured persons. Further, there are not adequate arrangements in the SPMC for transporting victims of radiological accidents to medical support facilities.

#### Basis:

There are only 4 hospitals identified in the SPMC from which letters have been obtained having anything to do with a radiological emergency at Seabrook Station. The letter from [REDACTED], dated Sept. 10, 1987 states that the hospital has agreed to work with New Hampshire Yankee only to the extent "to assess feasibility and appropriateness" of the hospital providing services as a host facility. There is no agreement or



even mention that [REDACTED] might provide any monitoring or decontamination services for evacuees from hospitals in the EPZ. The letter of agreement with [REDACTED] commits that facility only to the provision of acute care beds for nursing home patients and states specifically that [REDACTED] "would not be utilized for evaluation and treatment of 'contaminated injured' members of the public." The letter of agreement with [REDACTED], dated 8/31/87, requires only that the hospital have a minimum of one physician and one nurse on call within 2 hours capable of supervising, evaluating and treating radiologically contaminated injured members of the general public. No estimate of the number of evacuees [REDACTED] could treat is provided. The letter of agreement with [REDACTED] has only to do with the hospital's acceptance of hospital patients. No mention whatsoever is made of monitoring or decontamination capability. The letter of agreement with [REDACTED] does not specify the extent of services to be provided. Further, the arrangements for transporting victims or radiological accidents to medical facilities are inadequate. The SPMC states at 2.4-3 that the NHY-ORO maintains letters of agreement and/or contracts with ambulance companies capable of transporting non-ambulatory and contaminated and/or injured individuals as listed in Appendix M. However, the Ambulance letters of Agreement in Appendix C only support a total of 42 ambulances, at least 4 of which will not be available since

~~XXXXXXXXXX~~ has gone out of business. Furthermore, these same ambulances are to be drawn upon to transport special facilities populations to host facilities. According to Appendix M, all 42 of the ambulances from Appendix C are needed for evacuation of the listed special facilities, leaving none for the functions stated at 2.4-3.

#### Contention 6

The SPMC fails to meet the requirements of 10 CFR \$50.47(a)(1), \$50.47(b)(3), \$50.47(b)(10) and NUREG - 0654 Rev. 1 Supp. 1. II.J.10.C and J.10 g. because the method of picking up evacuees along predesignated bus routes, transporting them to transfer points and then busing them to reception centers as described in the SPMC is not a practicable means of providing adequate public protection.

#### Basis:

There are no time factors provided in the SPMC for the traversing of the bus routes in the 6 Massachusetts communities. Amendment 3 of the SPMC no longer includes even any route maps for the 6 Massachusetts communities. People who are older and young children cannot be expected to stand along the side of the road awaiting buses, especially in inclement weather and at night. There is further the potential for plume passage overhead which would directly contaminate these transport dependent people. Further, the use of Transfer Points adds to the total evacuation time. Additionally, use of some of the Transport Points is

contrary to local ordinances. For example, the use of a Transfer Point on [REDACTED] in Amesbury violates the Town of Amesbury's zoning by-laws and the Transfer Point at [REDACTED] in Newbury is not permitted by applicable zoning laws.

#### Contention 7

The SPMC fails to provide reasonable assurance of adequate public protection because there are no plans and no specific designations of host facilities to which each special facility is to evacuate and no personnel specified to effect the appropriate protective actions for those facilities. Further, the lack of plans for the Amesbury schools affects students from So. Hampton, N.H. who attend Amesbury High School. Therefore, the requirements of 10 CFR §50.47(a)(1), §50.47(b)(10) and NUREG - 0654 II J.10.d and Article XIV of the U.S. Constitution are not met.

#### Basis:

There are no plans of any description and no specifically designated host facilities for the hospitals, nursing homes, day care centers, schools or other special facilities listed in Appendix M of the plan, though there is now reference to "generic" plans for these facilities in Amendment 3 to Appendix F. Appendix M's Index identifies [REDACTED] as the sole listing under "Host School Facilities" and under "Host Special Facilities." The description of the facility in the letter of agreement is that it consists of an auditorium and wings totalling

approximately 125,000 sq. ft. This does not assure an adequate facility for receipt of special facility residents or clients. Further, [REDACTED] is used for circuses, rodeos and the like and may not be available should such an event be in progress at the time of an emergency. [REDACTED] is to take some nursing home residents, though there is no specification of the number that can be taken. The same is true of the letters of agreements with [REDACTED] and [REDACTED] hospitals regarding the number of hospital patients that can be received and cared for. There is therefore no reasonable assurance of adequate host facility services being provided under the SPMC.

Furthermore, there are no teachers or health care facility workers designated in the SPMC to provide services such as supervising children and assisting the elderly and infirm to board evacuation vehicles. Neither are there any NHY-ORO personnel designated to provide such services. Therefore, there is no reasonable assurance of adequate personnel to carry out the protective action responses for special facilities. The lack of plan protection for South Hampton students who attend school in Amesbury, MA results in those students not having equal protection under the law, contrary to the requirements of Article XIV of the U. S. Constitution.

#### Contention 8

The area of planning of the plume exposure Emergency Planning Zone (EPZ) under the SPMC is not of sufficient extent to provide

reasonable assurance of adequate public protection because it excludes the City of Haverhill, Massachusetts which is a significant population center through which a major evacuation route, I 495, traverses. Therefore, the requirements of 10 CFR §50.47(a)(1) and §50.47(c)(2) have not been met.

Basis:

The City of Haverhill, MA is a major urban population center of roughly 50,000 people. The 10-mile radial circle around Seabrook Station cuts through the City of Haverhill at its northeastern boundary. A major evacuation route, I 495, cuts across the City of Haverhill and, as a result, Haverhill is going to have a major involvement in controlling evacuating traffic and controlling access to the EPZ. Evacuees from Amesbury, Merrimac and West Newbury will progress on I 495 through the City of Haverhill enroute to the reception center in ██████████ MA. The situation of the City of Haverhill is analogous to the situation of a smaller city, the City of Portsmouth, N. H. Like Haverhill, a major evacuation route, I-95 cuts through Portsmouth and the city is a population center. Though only a small portion of Portsmouth is cut through by the 10-mile EPZ radial boundary, it is included in the EPZ.

The City of Haverhill has numerous schools, nursing homes, a hospital and other special facilities. The residents of the city could not receive adequate protection on an ad hoc basis. There

was no reasoned basis for the exclusion of Haverhill from the group of municipalities included in the EPZ.

#### Contention 9

The SPMC fails to provide reasonable assurance of adequate public alerting and notification because there are no longer fixed sirens in the Massachusetts portion of the EPZ, the Vehicular Alert and Notification System (VANS) for the Massachusetts portion of the EPZ is impractical in certain weather and accident scenarios, and it will not provide the required public alerting within a 15 minute time span. Further, the means by which transients in the Parker River National Wildlife Refuge on Plum Island are to be notified by the U.S. Dept. of Interior are not specified. Therefore, the requirements of 10 CFR §50.47(a)(1), §50.47(b)(5) and 10 CFR Part 50 Appendix E, Section IV D.3 and NUREG - 0654 Rev. 1, Supp. 1, II, E.6 have not been met.

#### Basis:

Amendment 3 of the SPMC references a Vehicular Alert and Notification System (VANS) for the Massachusetts portion of the EPZ which consists of truck borne Whelen sirens which are to be raised with some sort of lifting device. (SPMC at 3.2-13) These trucks are supposed to be located throughout or near the Massachusetts Plume Exposure EPZ at staging areas, which are as of yet unspecified. Further, they are to be manned on a 24 hour (continuous) basis by personnel who have not been identified. The VANS are to be dispatched to certain locations which have not been

identified in the plan (SPMC at Table 3.2-3). There were 43 sirens listed for the Massachusetts portion of the EPZ but there is no indication that there will be an equal number of VANS trucks. There is supposed to be the back up of a helicopter mounted PA system, but the plan fails to specify how many helicopters are available and where they are to be staged from. Though there is a LOA with [REDACTED] for up to 5 helicopters, it simply expresses an intent to enter into a contract for provision of the helicopters. That contract has not yet been provided.

There is no reasonable assurance that the VANS system provides adequate public alerting and notification capability because the continuous manning of the VANS has not been documented, the time to get the VANS to proper locations has not been demonstrated to be within or even near 15 minutes. The appropriate sound coverage of the Massachusetts portion of the EPZ by the VANS has not been shown and the total reliability of the system in times of adverse weather with the potential for icy and/or flooded roadways is not likely. Adverse weather conditions could also impair or obviate the use of the back up helicopter mounted PA system. Even in good weather, the proper coordination of the siren system in New Hampshire with that in Massachusetts is very unlikely. Getting the legal authorization to sound the sirens will take up time in Massachusetts and the time for the



VANS to get to their proper locations will also take time. Undue delay and lack of coordinated siren sounding is almost certain.

The specifics by which personnel from the Dept. of Interior are to get to the Parker River Wildlife Refuge on Plum Island are not set forth in the plan and are not, therefore, shown to be within the reasonable time requirements.

#### Contention 10

The SPMC fails to provide reasonable assurance of adequate public protection because the SPMC does not address the situation where evacuees in the beach areas will be trapped in traffic for hours without an option to take shelter or implement any other realistic measures to protect themselves. The SPMC therefore does not meet the requirements of 10 CFR §50.47(a)(1), §50.47(b)(10) and NUREG - 0654 Rev. 1 Supp. 1 at J.9 and II J. 10 d., g, k and m.

#### Basis:

Under the SPMC, the NHY-ORO will not recommend any precautionary actions until a Site Area Emergency or General Emergency is declared. The traffic in the beach areas is sufficiently heavy that there may be passage of a plume overhead while evacuees are confined (entrapped) in traffic for hours. The SPMC makes no specific mention of and includes no implementing procedures for a sheltering option for beach goers. The plan does

not, therefore, make any provision for those evacuees whose mobility is impaired due to confinement as a result of heavy traffic, as NUREG - 0654 Rev. 1 Supp. 1 requires at II.J.10.d.

Dated: April 11, 1988

Respectfully submitted,


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I hereby certify that copies of the within Contentions containing protected material have been furnished by first class mail to the Board and counsel for active parties (asterisked on the service list) and redacted contentions have been served by first class mail on all other parties on the within service list.

  
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