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NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY LICENSING BOARD
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	Docket No. 50-443-OL-1
PUBLIC SERVICE COMPANY OF)	Docket No. 50-444-OL-1
NEW HAMPSHIRE, <u>et al.</u>)	(Off-site EP)
(Seabrook Station, Units 1 and 2))	

CONTENTIONS OF THE TOWN OF WEST NEWBURY CONCERNING THE SEABROOK
PLAN FOR MASSACHUSETTS COMMUNITIES

The Town of West Newbury files the following contentions concerning the Seabrook Plan for Massachusetts Communities (hereinafter referred to as the "plan").

Contention 1: The plan fails to provide a reasonable basis for a finding of reasonable assurance that adequate protective measures can and will be taken as required by 10 C.F.R. sec. 50.47(a) and fails to meet the planning standards of 10 C.F.R. sec. 50.47(b) and NUREG-0654 FEMA REP-1 Rev.1 Supp.1 (hereinafter referred to as "NUREG-0654").

Basis: Local officials in overall command and control of emergency response functions in West Newbury have no intention of implementing or following the plan in the event of a radiological emergency at Seabrook Station, a plan which they believe to be inadequate to protect the health and safety of the people of West Newbury. While these officials will respond to any such emergency with their best efforts at the time, in light of then

available resources, personnel and expertise, any response will be on an ad hoc basis; no prior planning for such a radiological emergency will be undertaken.

Contention 2: The permissive presumption of 10 C.F.R. sec. 50.47(c)(iii), providing that "it may be presumed that in the event of an actual radiological emergency state and local officials would generally follow the utility plan" should not be applied to the plan submitted by the applicant. Accordingly, there is no support for the findings of adequacy required by 10 C.F.R. sec. 50.47(a), (b), or (c)(1).

Basis: There is no rational basis for applying this presumption. As set forth above, contention 1, local officials will not implement or follow the plan, a plan which they believe to be inadequate. Moreover, West Newbury has inadequate resources, personnel and equipment to implement the plan, even if officials wished to do so. Officials have not participated in any training for the execution of the plan, nor will they participate in any such training.

Contention 3: The plan fails to adequately meet the requirements of 10 CFR sec.50.47(b)(5) requiring procedures for notification of local response organizations, NUREG-0654 II.E.8 requiring provisions for coordinating emergency response messages with participating and non-participating local governments, and NUREG-0654 II.F.1.b requiring provisions for communications with local governments within the Emergency Planning Zone.

Basis: According to Table 2.2-2 of the Plan, the Board of Selectmen are in overall command and control of emergency response functions in West Newbury. Section 2.1.1 of the plan requires that the NHY Offsite Response Director communicate with local municipal authorities regarding the recommended precautionary actions and protective actions. The Board of Selectmen in West Newbury consists of part time officials who are not necessarily in West Newbury during the day and who may not be physically available to receive communications, coordinate messages or assume the necessary command and control within the time parameters necessitated by an emergency at Seabrook Station. Moreover, communications with local governments rely essentially on the use of commercial telephone service and do not provide for adequate backup in the event of the failure of commercial telephone service. Accordingly there is no reasonable assurance that timely notification and local response can be made in the event of an emergency at Seabrook Station.

Contention 4: The assumption of NUREG-0654 I.D.1.c. is erroneous as applied to the Town of West Newbury. Accordingly, there is no support for the findings of adequacy required by 10 C.F.R. sec. 50.47(a), (b), or (c)(1).

Basis: NUREG-0654 I.D.1.c. assumes that local officials will "have the resources sufficient to implement those portions of the utility offsite plan where...local response is necessary." That assumption is erroneous as applied to the Town of West Newbury.

The plan makes no provision for New Hampshire Yankee Offsite Response Organization involvement in snow removal from roads should such action be necessary to effectuate an evacuation during or after a snow storm. Accordingly, snow removal is left to the local authorities. The Town of West Newbury does not have adequate resources, equipment or personnel to clear the roadways in a timely fashion in the event that immediate evacuation during or after a major snow storm becomes necessary. Nor is there any reasonable assurance that all of the Town equipment would be operable at the time of an emergency. At present the Town relies on private contractors to provide equipment and personnel to assist Town personnel in snow removal on a regular basis. Such additional private equipment and personnel cannot be required to participate, or be assumed to be available to participate, in snow removal during a radiological emergency.

The plan assumes that emergency response vehicles and equipment resources such as police and fire department vehicles and traffic and access control equipment are available in each of the local EPZ communities (plan, section 2.2.6). The Town of West Newbury has inadequate resources to effectively implement, oversee, or adequately participate in a safe and effective evacuation of the town pursuant to the plan.

Contention 5: The plan fails to adequately comply with the requirements of NUREG-0654 FEMA-REP-1 Rev.1, II.J.8. and NUREG-0654 II.J.10.1.

Basis: NUREG-0654 FEMA-REP-1 Rev.1, II J.8 requires that "each licensee's plan shall contain time estimates for evacuation within the plume exposure EPZ". NUREG-0654 II.j.10.1 provides that the offsite response organization's plans to implement protective measures for the plume exposure pathway shall include "[t]ime estimates for evacuation of various sectors and distances based on a dynamic analysis...for the plume exposure pathway emergency planning zone." The evacuation time estimates (ETEs) are based on inaccurate data concerning the population and automobile figures for West Newbury. Table 2-1 (p.2-9 of the Seabrook Station Evacuation Time Study) estimates the projected population of West Newbury for 1986 as 3,296. The population is 3,485. The same table estimates the number of vehicles in West Newbury for 1986 to be 1,268. At present, there are 2,844 vehicles in West Newbury according to current partial figures.

The Seabrook Station Evacuation Time Study contains no analysis of the ETE for Transit-Dependent Persons within West Newbury (Table 11-8A, p.11-23).

Contention 6: The plan fails to provide a reasonable basis for a finding of reasonable assurance that adequate protective measures can and will be taken as required by 10 C.F.R. sec. 50.47(a) and fails to meet the planning standards of 10 C.F.R. sec. 50.47(b)(5) and (6) in that procedures to provide early notification and clear instruction to the populace within the

plume exposure pathway EPZ, and provisions for prompt communications among principle response organizations to the public, as required by 10 CFR sec. 50.47(b)(5) and (6), and NUREG-0654 II.E.6 and II.J.9 and 10 are inadequate.

Basis: The warning sirens previously erected in West Newbury to provide early notification have been totally dismantled and removed. There are no alternative methods for early notification and clear instruction to the people in West Newbury currently in place. The plan fails to identify the location of the VANS staging area (plan, sec. 5.2.5) to permit a determination that the VANS could assume positions to provide early notification. The plan fails to provide the locations, numbers or sound ratings of the VANS for the broadcast of early notification and clear instruction to the population of West Newbury (see, Table 3.2-3), or any evidence that any locations, numbers or sound ratings will be available, feasible and adequate to provide the required notification to the population of West Newbury. The plan further fails to provide any evidence that the VANS have the technical capability to provide the required notification or adequate evidence of sufficient personnel to implement notification via the VANS system. There are no provisions for additional or alternative measures to compensate for inclement weather or road conditions that would preclude the placement of VANS in the necessary locations, even assuming that

such locations were otherwise available, feasible and adequate. There are no additional or alternative measures to compensate for inclement weather conditions that might adversely affect the technical ability of the system to provide the required notification.

Contention 7: The plan fails to provide a reasonable basis for a finding of reasonable assurance that adequate protective measures can and will be taken as required by 10 C.F.R. sec. 50.47(a) and fails to meet the planning standards of 10 C.F.R. sec. 50.47(b)(8) and (10) and NUREG-0654 II.J.10.d and II.J.10.g in that the plan does not provide for an adequate range of protective actions and contains inadequate means of relocation or means for protecting those with special needs, those without private transportation, schoolchildren, or persons confined to institutions or elsewhere for health or other reasons. Moreover, the resources available to the towns for those purposes are inadequate to provide a reasonable assurance that the public will be protected in the event of an accident.

Basis: 1. Appendix J, Amendment 3, NHY Offsite Response Traffic Management Manual, is "specifically designed for use by New Hampshire Yankee Offsite Response Traffic Guides and Traffic Control and Access Control Points in and around the Massachusetts plume exposure pathway Emergency Planning Zone", and purportedly contains, inter alia, a "[t]own map showing the location of all

Traffic Control or Access Control Points...[d]etailed sketch map of each Traffic Control or Access Control Point within the community...and [m]aps showing individual bus evacuation routes in the municipality." (App. J, p. iv). The section for the Town of West Newbury contains none of these items. However, section 3.6.5 of the plan provides that traffic guides will be issued copies of Appendix J "for directions on setting up cones for traffic direction at specific locations and for performing access control procedures." The plan, as presently constituted, is patently and facially inadequate to comply with the planning standards or to provide reasonable assurance that adequate protective measures can and will be taken in the event evacuation is necessary.

2. Appendix J, Amendment 2, the prior version now replaced by the applicant, did contain the town map, sketch maps and bus evacuation routes described above. That version was also inadequate to comply with the planning standards or to provide reasonable assurance that adequate protective measures can and will be taken in the event evacuation is necessary for the following reasons:

A. Appendix J, Amendment 2, p. WN 9-11 consisted of evacuation bus routes in West Newbury. There are no street signs at a number of the intersections at which bus drivers were required to turn in order to follow the routes. Parts of River

Road (Route #1) are subject to flooding, rendering segments of the road impassable at certain times of the year. A part of Ash Street (Route #2) is a dirt road which is regularly underwater during portions of the year and is closed to traffic during portions of the year.

B. The transfer site for the bus routes, located at Stewart Street, is inadequate. It consists of a 26 foot by 29 foot paved area which is inadequate for a bus turn around. Nor is there any area for people to congregate in the area while awaiting transfer or for emergency personnel vehicle parking. There are no sidewalks in that area of Stewart Street, and the sides of the road fall off into gullies which are often wet. There was no provision for traffic guides to assist and facilitate bus movement at the transfer site.

C. Appendix J, Amendment 2, p.WN-1 consisted of a map delineating traffic control points in West Newbury. There were no provisions for traffic controls at critical intersections at which significant traffic congestion can reasonably be assumed should evacuation be required, including intersections along the main evacuation route for the northern part of the Town of West Newbury.

D. Appendix J, Amendment 2, p.WN-3-8 consisted of sketch maps of traffic control points in West Newbury. The control point at Crane Neck Street and Georgetown Road provided for

traffic cones blocking the turn north on to Georgetown Road -- a turn used on prior bus route #2. The control point at Church Street and Main Street provided for cones blocking the turn from Main Street to Church Street -- a turn used on prior bus route #1.

3. Appendix M, Amendment 3 fails to accurately reflect the number of day care providers and children being cared for by those providers in West Newbury. Appendix M, Amendment 3 also fails to accurately reflect the number of students and staff at the schools in West Newbury.

Contention 8: The plan fails to provide a reasonable basis for a finding of reasonable assurance that adequate protective measures can and will be taken as required by 10 C.F.R. sec. 50.47(a) and fails to meet the planning standards of 10 C.F.R. sec. 50.47(b)(1) (8) and (10) and NUREG-0654 II.J.10.g and II.J.10.k in that the plan does not provide for an adequate range of protective actions and contains inadequate means of relocation and identification of and means for dealing with potential impediments to use of evacuation routes and contingency measures.

Basis: 1. Parts of various streets in West Newbury are subject to flooding and may be closed during part of the year. Snow and ice may render use of regular vehicles inadequate on certain streets at certain times of the year. The plan does not adequately address the seasonable impassability of the roads as

required by NUREG-0654 J.10.k or provide a reasonable assurance that adequate means exist to deal with seasonal impassability of roads due to flooding or snow and ice. Nor does it identify contingency measures to deal with such impediments.

2. The plan fails to identify an adequate means of dealing with disabled vehicles or those which are inoperable due to fuel exhaustion or accidents. It simply provides for tow facilities at some unidentified site in Groveland with access to Route 113.

3. The plan fails to provide for coordinated and effective response in critical traffic areas of West Newbury.

4. The plan fails to provide for sufficient traffic guides, tow crews, equipment or other mechanisms for adequate traffic control and management along roads in West Newbury in the event evacuation is required.

5. The plan fails to provide for traffic control at critical points and intersections in West Newbury.

6. The plan fails to provide for emergency personnel vehicle parking at traffic sensitive areas where parked cars would impede traffic and cause unacceptable delay in an evacuation process.

7. The plan fails to provide for traffic guides to assist in the management of evacuation bus routes.

8. The plan fails to provide a reasonable basis from which it can reasonably be assumed that support organizations

under agreement with NHY ORO will be able to provide the contracted for resources in sufficient quantity and in adequate time to effectuate the plan in a manner that provides adequate protection to the public.

9. The plan fails to provide adequate measures to protect the public in the event of a snowstorm during or shortly before an evacuation. It fails to identify or make provisions for the resources necessary for expedited snow removal or for additional buses to compensate for snow bound passenger cars. Nor does the Town of West Newbury have the equipment or personnel to adequately deal with such snow removal.

10. The plan fails to provide for notification of the time of arrival of buses along any bus routes to bus dependent persons, thereby providing the potential for increased exposure to radiation for people waiting outside or walking to bus routes. Table 11-7 of the Seabrook Station Evacuation Time Study provides for three bus routes in West Newbury with one bus trip per route. However, the calendar which the applicant proposes distributing to the public advises that if a bus is full, people should simply wait because another bus will be along. This conflicting information -- which suggests that bus routes will be maintained until all persons requiring such transportation have been picked up -- not only provides the potential for increased exposure to radiation for people who may be waiting for a bus that is not, in

fact, scheduled to arrive, but also increases the possibility that people will not be left behind without means to evacuate. The plan contains no compensatory measures or resources to adequately address this problem.

11. The plan assumes that emergency response vehicles and equipment resources such as police and fire department vehicles and traffic and access control equipment are available in each of the local EPZ communities (plan, section 2.2.6). The Town of West Newbury has inadequate resources to effectively implement, oversee, or adequately participate in a safe and effective evacuation of the town pursuant to the plan.

12. The plan fails to provide for adequate equipment inventory at the staging area, particularly blinking light cones.

Contention 9: The plan fails to provide reasonable assurance of adequate public protection because an adequate number of emergency vehicles are not provided for in the plans. Nor is there any assurance that effective use of these vehicles will be possible in view of a potential outgoing flow of evacuating traffic and a significant lack of drivers. Therefore, these plans do not meet the requirements of 10 CFR sec. 50.47(a)(1), 50.47(b)(3), (8) and (10) and NUREG-0654 II.J.10.d, II.J.10.g, and II.J.10.k.

Basis: 1. The plan provides for tow trucks to be located at a staging area somewhere in Groveland. The plan does not

specify the number of tow trucks or provide any basis for a finding that the number will be adequate to respond to disabled vehicles. Nor is there any reasonable assurance that the trucks would be able to effectively reach disabled vehicles in West Newbury in a timely manner since they would be entering West Newbury against the flow of outgoing evacuating traffic.

2. The plan assumes that emergency response vehicles such as police and fire department vehicles are available in each of the local EPZ communities (plan, section 2.2.6). The Town of West Newbury has inadequate resources to effectively implement, oversee, or adequately participate in a safe and effective evacuation of the town pursuant to the plan.

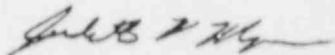
3. The plan fails to provide an adequate basis for a finding that the number of ambulances and other emergency vehicles for the transportation of persons with special needs, or personnel to man those vehicles, are sufficient to reasonably assure the safety of persons in West Newbury requiring such transportation. Nor does the plan provide an adequate basis for a finding that such vehicles would be able to reach persons in West Newbury requiring such assistance in a timely manner.

Contention 10: The plan fails to provide for adequate dissemination of information to the public regarding how they will be notified and what their actions should be in an emergency as required by 10 CFR sec. 50.47(b)(7) and NUREG-0654 FEMA REP 1, Rev. 1, II.G.1 and 2.

Basis: The Plan provides that "[c]alendars will be mailed to households and commercial establishments in the Plume Exposure EPZ using billing lists from the Utility." Plan, sec. 7.5.1.A. However, use of such billing lists will not ensure that residents of the Town of West Newbury will receive such information since they do not receive bills from "the Utility".

Respectfully submitted,
Town of West Newbury,

By its attorney,



Judith H. Mizner

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Dated: April 13, 1988

I, Judith H. Mizner, Counsel for the Town of West 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, and by Federal Express, postage prepaid, mail to those names which have been marked with an asterisk.

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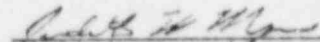
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Signed under seal this 13th day of April, 1988.



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