

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of)

PUBLIC SERVICE COMPANY OF)
NEW HAMPSHIRE, et al.)

(Seabrook Station, Units 1)
and 2))

) Docket Nos. 50-443
) 50-444
)
)
)

NECNP CONTENTIONS VI.1 and VI.2 ON
NEWBURYPORT RADIOLOGICAL EMERGENCY RESPONSE PLAN

Contention VI.1. Unreviewability of Newburyport Plan

The "Radiological Emergency Response Plan, City of Newburyport, Massachusetts," dated January 10, 1983, is not presented in a reviewable form, as required by 10 C.F.R. § 50.47(b) and NUREG-0654. It therefore cannot support a finding that emergency planning for Seabrook is adequate or in compliance with 10 C.F.R. § 50.47(b) or other requirements.

Basis: NRC regulations at 10 C.F.R. § 50.47(b) set sixteen general standards for onsite and offsite emergency plans which "are addressed by specific criteria in NUREG-0654; FEMA-REP-1, 'Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants--For Interim Use and Comment,' January 1980." 10 C.F.R. § 50.47(b), footnote 1. NUREG-0654 states that "it is important that the means by which all criteria are met be

clearly set forth in the plans." In particular, NUREG-0654 requires that:

All plans should contain a table of contents and an index, and the contents should be cross-referenced to the criteria contained in this documents.

NUREG-0654 at 25. NUREG-0654 further requires that plans should be clear, concise, and "understandable by a layman in a single reading." Id.

The January 10 Newburyport plan contains no specific references to the criteria of NUREG-0654. Appendix B, entitled "Cross Reference to NUREG-0654," is a blank page containing only the notation "(to be added)." The reader is given no indication of which criteria are addressed or how they are met.

The format requirements of NUREG-0654 are fundamental to a thorough and meaningful review of emergency plans because they allow the direct comparison of the elements of the plan with the criteria of NUREG-0654.¹ No productive review of a

¹Similarly, the NRC seeks a reviewable format in operating license applicants' Final Safety Analysis Reports. Regulatory Guide 1.70 requests that license applicants present their FSARs in the same format as the Staff's Standard Review Plan, to allow more effective comparison between the FSAR and the SRP. Furthermore, NRC regulations now require that for operating license applications docketed after May 17, 1982, FSARs must specifically address each of the acceptance criteria in the Standard Review Plan and identify all elements of nonconformance. 10 C.F.R. § 50.34(g).

plan can result from speculation by the parties as to what parts of the plan are intended to address each of the specific criteria contained in NUREG-0654.

NECNP has attempted to review the January 10 Newburyport plan for substantive compliance with NUREG-0654, but we are severely hampered because the plan is incapable of meaningful review. For example, the plan contains numerous "checklists" of "emergency procedures" for various officials and offices. The checklists consist of lists of responsibilities, without any indication of how in practice those responsibilities will be carried out, or their relationship to the criteria of NUREG-0654. There is thus no way of judging how the drafters of the plan intended to implement NUREG-0654.

Because the drafters of the plan have not provided the necessary cross-reference to the criteria of NUREG-0654, NECNP or the Board would only be guessing as to how the plan attempts to address those criteria. Therefore, to the extent that Applicants and the NRC Staff rely upon the January 10 Newburyport plan to support findings under 10 C.F.R. § 50.47(a) and (b), the Board must find emergency planning for the city of Newburyport to be inadequate.

Contention VI.2. Implementation of Newburyport Plan

The Licensing Board cannot find that "there is a reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency" at Seabrook because the government of the Town of Newburyport, which is within both the 10 and 50 mile Emergency Planning Zones, has not approved or committed to implement the "Radiological Emergency Response Plan" dated January 10, 1983.

Basis: The emergency response plan for Newburyport, Massachusetts, which was forwarded to the Board by the NRC Staff on February 28, 1983, has neither been reviewed nor approved by the City. Letter from Richard E. Sullivan, Mayor of Newburyport, to Administrative Judges, dated March 14, 1983. The Mayor of Newburyport has objected to the Board's treatment of the January 10 plan as "any kind of Emergency Plan, draft, or otherwise of the City of Newburyport, Ma." Id. Because the City of Newburyport has made no commitment to the implementation of the January 10 plan, the Board cannot make a finding that the plan "can and will be implemented" under 10 C.F.R. § 50.47(a).

The requirement of 10 C.F.R. § 50.47(a) for a showing that emergency plans "can and will" be

implemented establishes two elements of planning that must be demonstrated before a license can issue: the existence of written plans that are adequate and capable of implementation; and preparedness by the license applicant and state and local governments to carry out the plan. The January 10 plan for Newburyport cannot support a finding that either of these elements has been satisfied. The adequacy of the written plan cannot be determined, absent any indication from the City that whatever procedures and responsibilities outlined therein actually bear any relationship to the structure of the city government or to its own intentions for responding to an accident. By the same token, it is impossible for the Board to make a finding of preparedness where the government responsible for implementing the plan has given no indication as to whether it intends to or is capable of implementing the plan.

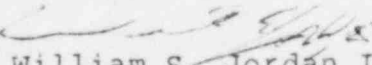
The detailed criteria of NUREG-0654 for assessment of compliance with 10 C.F.R. § 50.47(b) make it clear that offsite plans must be presented by, not imposed on, the governments responsible for implementing them. For example, with regard to notification methods and procedures, NUREG-0654 requires that "each [local response] organization shall establish procedures which describe mutually agreeable bases for notification of

response organizations..." NUREG-0654 at 37. The requirement that responsible local response organizations "establish" facilities or systems for emergency response is pervasive throughout NUREG-0654. Under the January 10 Newburyport plan, the City of Newburyport has "established" absolutely nothing.

Moreover, no other government entity has committed to implement or demonstrate that it can implement an emergency response plan for Newburyport. Thus, there is no basis whatsoever for a finding that reasonable preventive measures can and will be implemented for Newburyport in the event of a radiological emergency. 10 C.F.R. § 50.47(a).

Respectfully Submitted,


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