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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:
Helen F. Hoyt, Chairperson
Emmeth A. Luebke
Jerry Harbour

In the Matter of)	
PUBLIC SERVICE COMPANY OF)	Docket Nos. 50-443-OL
NEW HAMPSHIRE, <u>et al.</u>)	50-444-OL
(Seabrook Station, Units 1 and 2))	February 20, 1986

CONTENTIONS OF TOWN OF RYE
RELATIVE TO EMERGENCY PLANNING
FOR NEW HAMPSHIRE AND TOW. OF RYE

CONTENTION 1: The Draft Radiological Emergency Response Plan for the Town of Rye does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at the Seabrook Station, as required by 19 C.F.R. §50.47(a)(1), because in the event of an accident that would release a radioactive plume on Rye, the plan fails to reasonably recognize or provide for typical situations of increased transient population and traffic conditions in Rye between May 1 and September 1 every year, when Rye's beach and shore roads are jammed with people and traffic that frequently moves at a snail's pace; and because the plan fails to reasonably recognize or provide for typical situations of hazardous driving conditions in and all around Rye between December 1 and April 15 every year, when the width of roadways are narrowed by snow, icy conditions can occur instantaneously, fog can reduce visibility to inches, and traffic predictably moves at a snail's pace.

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BASIS

NUREG 0654 II J.10K mandates that the Emergency Response Plan proposed for Rye contain provisions to implement protective measures for the plume exposure pathway and specifically to contain identification of and means of dealing with potential impediments (e.g., seasonal impassability of roads) and use of contingency evacuation routes.

NUREG 0654 APPENDIX 4, Evacuation Time Estimates Within the Plume Exposure Pathway II B requires estimates of transient population shall be developed using local data such as peak tourist volume and the employment data for large factories. Automobile occupancy factors would vary for different transient groups. Tourists might have automobile occupancy factors in the range of three to four while a factory would probably have a factor of less than 1.5 persons per vehicle. This population segment along with the permanent populations sub group using automobiles constitute the general population group for which an evacuation time estimate shall be made.

NUREG 0654 FEMA - REP-1, mandates that the Emergency Response Plan, must provide the Town of Rye with the capability for a rapid and coordinated response to any possible emergency at the Seabrook Station Nuclear Power Plant.

NUREG 0654 APPENDIX 4, III Traffic Capacity, requires that analyses shall be made of travel times and potential locations for serious congestion in potential corridors. ...care shall be taken to avoid depending only on high capacity interstate and similar type routes ... evacuation shall be based on general radial dispersion."

The Emergency Response Plan proposed for Rye fails to meet these requirements and/or establishes requirements on the Town contrary to these provisions, all of which denies the Town of Rye any realistic capability for a rapid and coordinated response to any possible emergency at the Seabrook Station Nuclear Power Plant, which is the founding premise on which the entire emergency plan rests. The Town of Rye is prepared to testify to the proposed plan's utter disregard of the impassability and congestion at the General Sullivan Bridge which is Rye's only means of access to it's Host Community, the lack of radial dispersion of traffic, illogical routing of traffic, erroneous non-auto owning population estimates, lack of fundamental knowledge of Rye's transient population and congested corridors, and failure to provide contingency routing measures.

CONTENTION 2: The proposed Radiological Emergency Response Plan for Rye is unworkable because of the lack of provisions for any means of protecting the safety of Rye's special needs populations. Rye has at least four (4) major special needs groups, not including special needs people living at home, for which no provisions are made in the plan; and, while the plan attempts to make provision for Rye's special needs facilities (5 schools), nevertheless, those provisions are inadequate particularly with regard to transportation and sheltering.

BASIS

RERP II-30 states "there is no known special needs population in Rye". Among Rye's special needs populations are, the Isles of Shoals,

Rannie Webster nursing and elderly home, commercial fishing industry, and transient pleasure boaters.

NUREG 0654 II J.10K & L require time estimates for evacuation of various sectors and the identification of and means of dealing with impediments to evacuation.

Transportation and sheltering provisions for all of Rye's school children are unconscionable, and unacceptable.

NUREG 0654 II C.4 mandates the identification of facilities, organizations and individuals upon whom Rye must rely for evacuation assistance and such assistance must be supported by "letters of agreement". Rye has no letters of agreement from school bus drivers or teachers, and even if such were provided, the Town of Rye will not risk the safety of it's school children or teachers on what in reality would be nothing more than a piece of paper.

CONTENTION 3. The proposed plan for Rye violates the most basic state and federal constitutional rights of all its citizens and was prepared contrary to the State of New Hampshire's enabling statutes.

Selectmen sworn to the duties of their offices are required to uphold the constitution of his State and that of this great country of America. One half of the first twelve articles of New Hampshire's constitution speak in one fashion or another to every member of a communities right to be protected by it, in the enjoyment of his life, liberty, and property. Those constitutional "rights" are not considered to have been "bestowed" by those provisions, but rather are recognized as "among the natural and inherent rights of all humankind". Furthermore, New Hampshire's enabling

Legislation requires that emergency response plans be prepared in cooperation with the local communities knowledgeable participation - and even if that had been done, such legislation is subsequent and and subordinate to constitutional rights and is rightfully limited thereby. For these reasons the entire emergency response plan proposed for Rye is invalid and should be declared void and of no effect.

BASIS

A. The Constitution of New Hampshire, First Part Bill of Rights

Article 1st. ... All men are born equally free and independent; Therefore, all government, of right, originates from the people, is founded in consent, and instituted for the general good.

Article 2nd. ... All men have certain natural, essential, and inherent rights - among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness. ...

Article 3rd. ... in order to ensure the protection of others ...

Article 8th. ... All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them.

Art. 10th. ... Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

Article 12th. ... the community has a right to be protected by it, in the enjoyment of his life, liberty and property...

New Hampshire Revised Statutes

B. 107:1 ... It is further declared to be the purpose of this chapter and the policy of the state that all civil defense functions of this state be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

107:6 ... The governor shall have general direction and control ... in the event of disaster beyond local control ... II. To prepare a comprehensive plan ... and to coordinate the preparation of plans and programs for civil defense by the political subdivisions of this state, such plans to be integrated into and coordinated with the civil defense plan and program of this state to the greatest possible extent. ...

107-B:1 Nuclear Emergency Response Plan. I. The civil defense agency shall, in cooperation with affected local units of government, initiate and carry out a nuclear emergency response plan as specified in the licensing regulations of each nuclear electrical generating plant. The chairman of the public utilities commission shall assess a fee from the utility, as necessary, to pay for the cost of preparing the plan and providing equipment and materials to implement it.

The emergency response plan proposed for Rye was prepared without the cooperation of its governing body and as prepared deprives the citizens of Rye their many constitutional rights that strike at the core of the protection and safety of their lives and property, not to mention their enjoyment of same.

CONTENTION 4. The emergency response plan proposed for Rye makes no provisions for adequate protective measures that would reasonably assure the health, welfare and safety of all Rye citizens who may be exposed to radioactive releases emanating from the Seabrook Station in situations not regarded as major disasters requiring evacuation, or in situations of major disaster where evacuation procedures are activated but which for any reasons are either not sufficiently implemented or are prevented from expected completion. Rye has no hospitalization or decontamination facilities and is served solely by a small, voluntary ambulance corp which does not have sufficient equipment or medical aid supplies that would be necessary to render emergency medical treatment to any more than a handful of people.

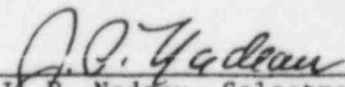
BASIS

NUREG 0654 II J.10e mandates that the emergency response plan proposed for Rye contain specific provisions for the implementation of protective measures for the plume exposure pathway and particularly for the use of radioprotective drugs in sufficient quantity with adequate means of storage and distribution. There are no provisions within the proposed plan for the Town of Rye that meet this criteria. Furthermore Rye does not have the manpower to administer such either physically or technically.

Dated: February 20, 1986

Respectfully submitted

TOWN OF RYE



J. P. Nadeau, Selectman
For the Full Board

Town of Rye, New Hampshire
Board of Selectmen
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the matter of)
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PUBLIC SERVICE COMPANY OF)
NEW HAMPSHIRE, et al.)
)
(Seabrook Station, Units 1 and 2))

Docket Nos. 50-448 GFE/E
50-444 OL BRANCH DOCKETING SERVICE

CERTIFICATE OF SERVICE

I hereby certify that copies of "Town of Rye, N.H. -- Contentions"
in the above-captioned proceedings have been served on the following
by deposit in the United State Mail, first class, or as indicated by
asterik, by USPO Express Mail Service, this 20th day of February,
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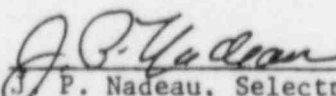
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TOWN OF RYE

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For the Full Board