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RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'88 MAR 17 P3:49

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, ET AL.)	Docket No.(s) 50-443/444-OL
(Seabrook Station, Units 1 and 2))	(Off-Site EP)
)	March 16, 1988
)	
)	

NOTICE OF TAKING DEPOSITION OF EDWARD A. THOMAS,
DAVID MCLOUGHLIN, DR. JOAN HOCK, JOSEPH H. KELLER,
WILLIAM R. CUMMING, CRAIG WINGO, HENRY VICKERS,
JULIUS W. BECTON, JR., AND GRANT PETERSON

To: FEDERAL EMERGENCY MANAGEMENT AGENCY
c/o H. Joseph Flynn, Esq.
Assistant General Counsel
500 C Street, S.W.
Washington, DC 20472

Please take notice that, pursuant to 10 C.F.R. § 2.740(a), Massachusetts Attorney General James M. Shannon, New England Coalition on Nuclear Pollution, Seacoast Anti-Pollution League and Town of Hampton, will take the depositions upon oral examination of the following persons, at the dates and times set forth, before a notary public or other officer authorized to administer oaths, at the offices of Attorney General James M. Shannon, One Ashburton Place, Room 1902, Boston, MA, or at such other time and place as the parties may mutually agree:

8803210113 880316
PDR ADOCK 05000443
G PDR

J503

<u>Deponent</u>	<u>Date</u>	<u>Time</u>
Edward A. Thomas	March 23, 1988	9:00 a.m.
Dr. Joan Hock	March 23, 1988	2:00 p.m.
Joseph H. Keller	March 23, 1988	3:00 p.m.
William R. Cumming	March 23, 1988	4:00 p.m.
David McLoughlin	March 24, 1988	9:00 a.m.
Craig Wingo	March 24, 1988	2:00 p.m.
Henry Vickers	March 25, 1988	9:00 a.m.
Julius W. Becton, Jr.	March 25, 1988	10:00 a.m.
Grant Peterson	March 25, 1988	2:00 p.m.

The deponents shall bring to the deposition all documents specified in the attached schedule of documents. The deponents will be examined regarding the bases for FEMA's present position on sheltering contentions, including the process whereby FEMA developed that position.

You are invited to attend and cross examine.

Respectfully submitted,

JAMES M. SHANNON
ATTORNEY GENERAL

By: Carol S. Sneider
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Dated: March 16, 1988

SCHEDULE OF DOCUMENTS

As used herein the term "Document" or "Documents" means any written or graphic matter of communication, however produced or reproduced, in the possession, custody, or control of any of FEMA's officials, and is intended to be comprehensive and include without limitation any and all correspondence, letters, telegrams, agreements, notes, contracts, instructions, reports, demands, memoranda, data, schedules, notices, work papers, recordings, whether electronic or by other means, computer data, computer printouts, photographs, microfilm, microfiche, charts, analyses, in'ra-corporate or intra-office communications, notebooks, diaries, sketches, diagrams, forms, manuals, brochures, lists, publications, drafts, telephone minutes, telephone logs, minutes of meetings, statements, calendars, journals, orders, confirmations and all other written or graphic materials of any nature whatsoever.

If any privilege or work product immunity is claimed as a ground for not producing any document, state for each such document its preparation date(s), author(s), addressee(s), recipient(s), custodian(s), title(s), number of pages, and subject matter to the extent not privileged, as well as the basis for withholding it.

- 1) Any and all documents relied upon by FEMA for its determination that the "rationale for the State's choice" . . . is technically supportable." FEMA Testimony at p. 3.
- 2) Copies of all documents pertaining in any way to communications, including all notations, memoranda or other records of communications, occurring between NRC and/or its contractors and FEMA and/or its contractors from December, 1987, through the present and concerning FEMA's or NRC's position on the sheltering contentions and/or the adequacy of protective actions for the beach population.
- 3) Copies of all documents pertaining in any way to communications, including all notations, memoranda or other records of communications occurring between Applicants and FEMA and/or its contractors from December, 1987 through the present and concerning FEMA's or the Applicants' position on the sheltering contentions and/or the adequacy of protective actions for the beach population.
- 4) Copies of all documents pertaining in any way to communications, including all notations, memoranda or other records of communications, occurring between the State of New Hampshire and FEMA and/or its contractors from December, 1987, through the present and concerning FEMA's or the State of New Hampshire's

position on the sheltering contentions and/or the adequacy of protective actions for the beach population.

- 5) Copies of all documents pertaining in any way to communications, including all notations, memoranda or other records of communications, occurring between the RAC and/or individual members thereof and FEMA and/or its contractors from December, 1987 through the present and concerning FEMA's or the RAC's position on the adequacy of protective actions for the beach population.
- 6) Copies of all documents pertaining in any way to communications, including all notations, memoranda, or records of communications, occurring between FEMA and the White House or any person in the Executive Branch who is not employed by FEMA or is not a member of the RAC, from June, 1987, through the present, concerning the Seabrook Nuclear power plant and/or FEMA's position on the sheltering contentions.
- 7) Copies of the minutes of the February 29, 1988 RAC meeting and all other notes or memoranda pertaining to that meeting.
- 8) A list of all documents relevant to the NHRERP's treatment of the beach population that were distributed to the RAC for consideration at its February 29, 1988 meeting and copies of all documents on that list not previously served on the parties.

- 9) Any and all documents relied upon to support FEMA's statement that "unless a release of radioactive material is underway, there is little or no likelihood of having reliable predictive information needed to perform dose projection calculations." FEMA Testimony at p. 9.
- 10) Any and all documents or materials relied upon to support FEMA's statement that "in severe accident sequences the ground-shine component is most likely to be the major contributor to total dose if no protective actions are taken." FEMA Testimony at p. 9.
- 11) Any and all documents relied upon to support FEMA's Statement, at p. 9, that "In those cases, if the dose reduction strategy is sheltering first followed by an evacuation after plume passage, the total dose reduction would not be as great as that for the immediate evacuation strategy."
- 12) Any and all documents relied upon to support FEMA's statement at p. 10 of its Testimony that, "By implementation of the immediate evacuation strategy, dose reduction greater than those to be derived from a 'shelter first-evacuate later' concept can be obtained by movement of the population relatively short distances even in the extremely unlikely case where the plume track and the evacuation routes coincide."

- 13) Any and all documents reviewed by FEMA that are relevant to its position that "there exists a technically appropriate basis for the choice made by the State of New Hampshire not to shelter the summer beach population except in very limited circumstances."
- 14) Any and all documents reviewed by FEMA that are relevant to its position that, "The requirement for a range of protective measures has been satisfied even though the State of New Hampshire has chosen not to shelter the summer beach population except in very limited circumstances." FEMA Testimony at 9.
- 15) Any and all site-specific documents FEMA has reviewed in reaching its position on the sheltering contentions and/or the adequacy of protective actions for the beach population.
- 16) Any and all documents FEMA has reviewed that would in any way alter the factual basis for its conclusion, stated in FEMA's prefiled testimony dated September 11, 1987, at p. 60, that, "using the standard guidance for the initiation and duration of radiological releases, and the current New Hampshire RERP including ETE, it appears that thousands of people could be unable to leave during an accident at Seabrook involving a major release of radioactivity without adequate shelter for as much as the entire duration of that release."

- 17) Any and all documents FEMA relies upon or may rely upon to support a conclusion that the NHRERP "adequately protect[s] the public health and safety by providing reasonable assurance that appropriate protective measures can be taken offsite in the event of a radiological emergency" even though as stated at p. 60 of FEMA's Prefiled Testimony, dated September 11, 1987, "it appears that thousands of people could be unable to leave during an accident at Seabrook involving a major release of radioactivity without adequate shelter for as much as the entire duration of that release."
- 18) Any and all documents relied upon by FEMA to support the statement on p. 3 of its Testimony that, "the Prefiled Testimony dated September 11, 1987, is outdated."
- 19) All telephone logs and appointment calendars of each of the deponents from June, 1987, through the present.
- 20) Any and all documents pertaining to FEMA's decision not to use Edward Thomas as a witness.
- 21) Any and all documents pertaining to FEMA's decision not to use Dave McLoughlin as a witness.
- 22) Any and all documents pertaining to FEMA's decision to use Joseph H. Keller as a witness, including copies of any contracts with Mr. Keller.
- 23) Any and all documents pertaining to FEMA's decision to use Dr. Joan Hock as a witness.

- 24) Any and all documents pertinent to the evolution of FEMA's interim position, set forth in FEMA's Supplemental Testimony, dated January 25, 1988.
- 25) Any and all documents, including memoranda of law, pertaining to FEMA's understanding of its role as lead agency in evaluating off-site emergency plans and interpreting off-site emergency planning criteria.
- 26) Any and all documents, including memoranda of law, pertaining to FEMA's interpretation of the term "range of protective actions."
- 27) Any and all documents which in whole or in part assess, evaluate, describe or consider the dose savings to the beach population attributable to evacuation, assuming a quickly developing accident occurring on a peak summer weekend.
- 28) Any and all documents which in whole or in part assess, evaluate, describe or consider the dose savings to the beach population attributable to early beach closing, assuming a quickly developing accident occurring on a peak summer weekend.
- 29) Any and all documents which in whole or in part assess, evaluate, describe or consider the health consequences associated with a quickly developing accident occurring on a peak summer weekend should an evacuation be ordered, either with or without early beach closing.

- 30) Any and all documents, including all agency guidance, opinions, and memoranda, regarding the roles of FEMA and the NRC in evaluating emergency planning and preparedness for nuclear power plants.
- 31) Any and all documents which relate to, or which FEMA relies upon for, its interpretation of its regulations as set forth at page 7 of FEMA's Supplemental Testimony, wherein it states: "FEMA interprets its regulations to mean that it must determine first whether radiological emergency response plans comply with NUREG 0654/FEMA REP 1, Rev. 1 (44 C.F.R. §350.5(a)) and secondly whether such plans 'adequately protect the public health and safety by providing reasonable assurance that appropriate protective measures can be taken offsite in the event of a radiological emergency' (44 C.F.R. §350.5(b))."

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PUBLIC SERVICE COMPANY OF NEW)
HAMPSHIRE, ET AL.)

(Seabrook Station, Units 1 and 2))
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Docket No.(s) 50-443/444-OL

CERTIFICATE OF SERVICE

I, Carol S. Sneider, hereby certify that on March 16, 1988, I made service of the within Notice of Taking Depositions of Edward A. Thomas, David McLoughlin, Dr. Joan Hock, Joseph H. Keller, William R. Cumming, Craig Wingo, Henry Vickers, Julius W. Becton, Jr. and Grant Peterson, postage prepaid, by first class mail, or as indicated by an asterisk, by Federal Express mail, to:

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Dated: March 16, 1988