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USNRC

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

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

In the Matter of	)	Docket Nos. 50-443-OL-1
	)	50-444-OL-1
PUBLIC SERVICE COMPANY	)	(Off-Site EP)
OF NEW HAMPSHIRE, ET AL.	)	
	)	
(Seabrook Station, Units 1 and 2	)	October 4, 1988

MASSACHUSETTS ATTORNEY GENERAL'S FIRST  
REQUEST FOR THE PRODUCTION OF DOCUMENTS TO  
THE APPLICANTS REGARDING THE SEABROOK PLAN  
FOR MASSACHUSETTS COMMUNITIES

Pursuant to 10 C.F.R. § 2.741, James M. Shannon, the Massachusetts Attorney General ("MAG"), hereby requests that the Applicants produce for inspection and copying at the offices of the Attorney General, One Ashburton Place, Boston, Massachusetts, at 10:00 a.m. on November 4, 1988, the following documents in their possession or under their control.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, the term "NHY" shall mean the Public Service Company of New Hampshire's New Hampshire Yankee Division, any of its representatives, officers, employees, agents, servants, affiliates, or subsidiaries. The term "ORO" shall mean NHY's Offsite Response Organization for

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Massachusetts. The "SPMC" means the Seabrook Plan for Massachusetts Communities, and all appendices, amendments, and attachments thereto. The "Massachusetts EPZ" means the Massachusetts portion of the Emergency Planning Zone for Seabrook Station.

B. Each document request shall be deemed continuing, and Applicants are requested to supplement responses with additional documents in accordance with §2.704(e) of the NRC's Rules of Practice.

C. As used herein, the term "person" shall mean any natural person, corporation, partnership, firm, trust, group, association or other organization and, where appropriate, the use of the singular includes the plural and the use of the plural includes the singular.

D. As used herein, the term "document" shall mean the original, and any and all copies which differ in any way from the original, of any notes, correspondence, memoranda (including written memoranda of telephone conversations, other communications, discussions, agreements and any other acts, transactions or activities), time sheets, contracts, agreements, pamphlets, receipts, order forms, records, bonds, requisitions, bills, plans, blueprints, layouts, drawings, specifications, sound recordings, minutes, diaries, by-laws, notebooks, logs, bulletins, circulars, brochures, forms, statements, journals, letters, telegrams, notices, interoffice and intraoffice communications, photostats, microfilms, studies, reports, analyses, messages, comparisons, graphs, charts, summaries, films, photographs, tapes, transcripts,

advertisements and any other written matter of any kind including, but without limitation, any marginal comments appearing on any documents or any other writing.

E. As used herein, the term "communication" shall mean any oral or written transmittal of information, or request for information, made from one person to another person, whether made in person, by telephone or by any other means and includes any documents made only for the purpose of recording a communication, idea, statement, opinion or belief.

F. Wherever appropriate, the masculine form of a word shall be interpreted as feminine, and vice versa, so as to bring within the scope of these document requests any information that might otherwise be construed to be outside their scope.

F. Please produce each document in the form and condition in which it exists on the date of service of this request, including all comments, notes, remarks, and other material that may have been added to the document after its initial preparation.

G. If the plaintiff should withhold any document otherwise responsive to the requests set forth below on the ground of privilege or for any other reason, each such document should be listed and fully identified in writing with sufficient particularity to enable a court a rule on the validity of the ground on which it is withheld, and the ground for withholding it should be fully set forth, except that the substance of such withheld document need not be described to the extent it is claimed to be privileged. To "identify" a

document means to provide a description sufficient to identify that document for purposes of a subpoena duces tecum and is further to state:

- (1) the date on which the document was prepared;
- (2) the author or authors of the document;
- (3) the addressee(s) of the document, if any;
- (4) the title of the document, if any;
- (5) the number of pages; and
- (6) the substance thereof to the extent not privileged.

H. For any document or part of a document that was at one time, but is no longer, in Applicants' possession, custody or control, or which is no longer in existence, or which cannot be located or produced, identify the document, state where and how it passed out of existence or why it can no longer be located and reasons therefor, and identify each person having knowledge concerning such disposition or loss and the contents of the document, and identify each document evidencing its prior existence and/or any fact concerning its nonexistence or loss.

I. All requests for documents which are stated in the conjunctive are to be read as if also stated in the disjunctive, and vice versa.

J. All documents produced shall be segregated by the request number to which they are responsive.

K. "Concerns," "concerning" or any other derivative thereof, includes referring to, responding to, relating to, pertaining to, in connection with, comprising, memorializing, commenting on, regarding, discussing, showing, describing,

reflecting, analyzing, supporting, contradicting, and constituting.

#### REQUESTS

1. Any and all reports, surveys, studies or analyses done in the preparation of or for and/or in support of the SPMC, including but not limited to the following general issues: Evacuation Process, Personnel and Training, PAR Generation, Communications/Notification, Legal Issues, Protective Actions For Particular Populations, Evacuation Equipment and Facilities, and Coordination of Governmental Resources and Response.

2. Any and all documents generated or received by NHY concerning the adequacy of the SPMC, including but not limited to internal and external communications.

3. Any and all documents reflecting or constituting communications since January 1, 1987, between NHY and outside potential or actual contractors or service providers, including but not limited to bus companies, ambulance companies, tow truck companies, hospitals, the American Red Cross, radio stations, and equipment vendors, for services or equipment needed to implement the SPMC, whether or not such contacts resulted in an agreement.

4. Any and all existing contracts or letters of agreement with outside contractors who are currently being relied upon to supply services or equipment to implement the SPMC.

5. All NHY ORO recruitment forms and other application forms completed and submitted by individuals to NHY either directly or through their own employers.

6. All documents, hand-outs, memoranda, and other materials used in recruiting PSNH's and NHY's own employees to participate in NHY's ORO.

7. All documents, hand-outs, memoranda, and other materials used in recruiting for NHY's ORO at the Yankee Atomic Electric Company, the New England Electric System, and anywhere else where recruiting was carried out.

8. Any and all listings, rosters and directories of the persons comprising NHY's ORO on or about each of the following dates: December 1, 1987; March 1, 1988; May 1, 1988; June 28, 1988; September 1, 1988; November 1, 1988. The lists, rosters and directories produced shall contain as much of the following information as is available on each ORO member: the ORO position assigned, the person's day-to-day job title or position at their regular place of employment, the name of their regular employer, their work address and telephone number, their home address and telephone number, and their rates of pay for ORO duties. If such information is not available on lists, rosters, or directories, produce the documents which contain this information, or, if the information is listed only in a computer-readable format, produce a copy of the computer files which contain this information.

9. All resumes, job histories, and records of the educational backgrounds of each ORO member on each of the dates listed in the previous request.

10. All documents which set forth or describe the criteria, method and manner in which ORO's applicants are evaluated, selected, and assigned to ORO positions.

11. Any and all documents which reflect or constitute the terms and conditions of the relationship each ORO member has with NHY's ORO, including but not limited to employment contracts, letters of agreement, memoranda, or provisions of a personnel manual.

12. All documents which reflect whether participation in NHY's ORO is or is not a condition of the employment relationship with PSNH or NHY, or the Yankee Atomic Electric Company, or the New England Electric System.

13. Any and all union contracts or agreements, or correspondence with unions, their agents and representatives which mention or refer to the participation by union members in NHY's ORO.

14. Any and all documents which reflect or constitute grievances filed by personnel considered as part of the ORO with their employer and/or unions and which grievances concern in any fashion the employees' participation in NHY's ORO.

15. Any and all letters or memoranda of resignation received from ORO personnel as well as notices of termination of personnel considered as part of the ORO.

16. All correspondence and other records of communications made after January 1, 1987, and which refer to, pertain to or



contain information relevant to emergency response planning for a radiological emergency at Seabrook, or the refusal to engage in such planning, or the assessment of response capability, between New Hampshire Yankee (and/or NHY ORO) and each of the following:

- a. the six Massachusetts communities, and any of their current or former officials and employees;
- b. the public schools in the Massachusetts EPZ, and any of their current or former officials, administrators, or teachers;
- c. the private schools and day care centers in the Massachusetts portion of the EPZ, and any of their current or former officials, administrators, or teachers;
- d. the nursing homes in the Massachusetts portion of the EPZ, and any of their current or former officials, administrators, and staff;
- e. the hospitals in the Massachusetts portion of the EPZ, and any of their current or former officials, administrators, or staff;
- f. other special facilities (not listed above) in the Massachusetts portion of the EPZ, and any of their current or former officials, administrators, or staff;
- g. agencies, departments, and branches of the Commonwealth of Massachusetts, and any of their current or former officials, administrators, or employees;



- h. agencies, departments, or branches of the State of New Hampshire, and any of their current or former officials, administrators, or employees;
- i. individuals in the Massachusetts EPZ who are transit dependent persons or who may be in need of transportation assistance in the event of a radiological emergency at Seabrook Station;
- j. individuals in the Massachusetts EPZ who have or may have sensory impairments, movement impairments, or mental/emotional impairments, and organizations and individuals who assist such persons.

17. Any and all documents constituting or reflecting communications between NHY (and/or NHY ORO) and (1) FEMA and (2) the NRC since January 1, 1987, pertaining to (a) the need for a utility-generated plan for the Massachusetts EPZ and how it should be designed and staffed; (b) the SPMC itself and its review by FEMA and the NRC; (c) the RAC review process, including comments, suggestions, recommendations, and concerns of the RAC and responses thereto; (d) requests for further information and responses thereto; (e) changes to the regulations of the NRC and FEMA; (f) and changes to the FEMA/NRC guidance documents, including NUREG-0654.

18. Any and all communications, including attachments thereto, between NHY and any Federal agency, other than FEMA and the NRC, concerning the SPMC or radiological emergency planning for the Massachusetts portion of the Seabrook EPZ, including but not limited to communications with the White

House and the Executive Branch, EPA, DOE, DOI, DOT, FAA, FDA, NOAA, the Defense Department and the U.S. Coast Guard.

19. Any and all documents generated or received by ORO/NHY concerning the Long Island Lighting Company and the Shoreham Nuclear Power Station, other than pleadings and decisions generated in the adjudicatory licensing proceedings before the NRC.

20. Any and all documents concerning a proposed Presidential Executive Order which would instruct FEMA to generate and develop emergency plans for nuclear power plants where states refuse to participate in planning.

21. Any and all documents which are: (a) fully or partially completed NHY ORO Training Instructor Qualification Forms (Attachment 1 to Appendix K); (b) fully or partially completed NHY ORO Required Reading Memos (Attachment 2 to Appendix K); (c) fully or partially completed Training Class Exemption Request Forms (Attachment 3 to Appendix K); (d) Instructor Guide Materials; (e) NHY ORO Training and Drill Program Attendance Sheets (Attachment 8 to Appendix K); (f) fully or partially completed NHY ORO Training Program Feedback Forms (Attachment 9 to Appendix K); (g) fully or partially completed Scenario Formats (Attachment 10 to Appendix K with all exhibits) and h) fully or partially completed Emergency Drill/Exercise Improvement Item Tracking Forms (Attachment 11 to Appendix K).

22. Any and all documents reflecting or constituting an evaluation, assessment, or review of the training materials utilized by ORO.

23. Any and all documents which analyze or evaluate in any way any of the training sessions, drills, or exercises NHY has conducted for any part of NHY's ORO since December 1, 1987,

24. Any and all documents which analyze, evaluate, or review in any way the adequacy of the SPMC or NHY ORO's state of preparedness in the event of a radiological emergency at Seabrook Station, other than the FEMA draft and final reports on the June 1988 Exercise.

25. The report prepared by the New Hampshire Yankee Emergency Planning Advisory Panel.

26. Any and all documents generated or received by NHY since April 1, 1987, which set forth, describe, or assess resources (including personnel) available to the Commonwealth and/or the six Massachusetts EPZ towns in the event of a Seabrook radiological emergency.

27. Any and all documents, generated or received by NHY (and/or NHY ORO) since April 1, 1987 that reflect in any fashion the efforts and steps taken, or to be taken, by NHY ORO to identify the resources (including personnel) available to the Commonwealth and/or the six Massachusetts EPZ towns in the event of a Seabrook radiological emergency.

28. Any and all documents which NHY ORO has accumulated, assembled or gathered pursuant to NUREG 0654, FEMA-REP-1, Rev. 1, Supp. 1, under Planning Standards and Evaluation Criteria A (2)(b) which states: "The offsite plan shall contain where applicable (by reference to specific acts, codes or statutes) the legal basis for such authorities including those that reserve functions to State and local governments."

29. Implementing procedures 2.5 of the SPMC list a number of "references," including the "Seabrook Station Evacuation Time Study, August 12, 1986, KLD Associates, Inc." If the evacuation time study referenced is any different from that contained in Volume 6 of the NUREG, please produce a copy with all changes, amendments, additions, and deletions thereto.

30. Any and all documents, including all correspondence from KLD Associates, which evaluate or discuss the adequacy, reliability, or accuracy of KLD's ETE study when used to determine the Emergency Planning Zone (EPZ) under the Massachusetts EPZ under the SPMC. If any documents which pertain were the SPMC to be produced.

31. Produce readable listings of all input files and data runs used to produce: (a) the IDYNEV runs which generated the ETEs set forth on Attachment 4 to Implementing Procedure 2.5 of the SPMC; and (b) any other runs conducted to test the sensitivity of, refine, supplement, update, correct, or revise the ETEs set forth on Attachment 4 to Implementing Procedure 2.5 of the SPMC.

32. Produce paper copies of the IDYNEV outputs produced in the runs specified in the previous request.

33. Any and all reports, analyses, surveys, and studies done since the SPMC was first published which concern issues raised in the contentions admitted in the SPMC litigation.

34. Please identify and provide copies of all surveys, studies, or compilations performed or relied upon to identify, calculate, or determine any of the SPMC's population figures, including but not limited to, the populations of towns,

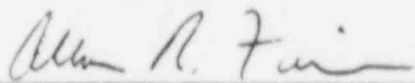
schools, day care centers, special facilities, hospitals, transit dependent persons, and figures for the beach area population (Salisbury Beach and Plum Island).

35. All current versions of the pre-emergency information which NHY is currently distributing or intends in the future to distribute within the Massachusetts EPZ.

36. A copy of the Institute of Nuclear Power Operation (INPO) Good Practice EP-804, Emergency Preparedness Training.

Respectfully submitted,

JAMES M. SHANNON  
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DATED: October 4, 1988

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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PUBLIC SERVICE COMPANY OF )  
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(Seabrook Station, Units 1 and 2) )  
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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Docket No.(s)  
50-443/444-OL  
(Off-site EP)

CERTIFICATE OF SERVICE

I, Allan R. Fierce, hereby certify that I made service of the within MASSACHUSETTS ATTORNEY GENERAL'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS TO THE APPLICANTS REGARDING THE SEABROOK PLAN FOR MASSACHUSETTS COMMUNITIES by First Class Mail, by Federal Express as indicated by [\*], on October 5, 1988 and by hand as indicated by [\*\*] on October 4, 1988 to the following parties:

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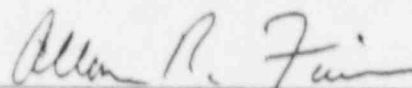
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DATED: October 4, 1988