

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

'86 MAY -5 11:02

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKET  
BRANCH

\_\_\_\_\_  
Public Service Company of New  
Hampshire, et. al.  
(Seabrook Station, Units 1 and 2)  
\_\_\_\_\_

Docket Nos.  
50-443, -444

860430

NEW ENGLAND COALITION ON NUCLEAR POLLUTION'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR THE PRODUCTION OF DOCUMENTS  
TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON  
NEW HAMPSHIRE RADIOLOGICAL EMERGENCY RESPONSE PLANS

Although the Federal Emergency Management Agency ("FEMA") is not technically a party to this proceeding, it plays a major role in the review and litigation of the emergency planning process. The Nuclear Regulatory Commission's ("NRC's" or "Commission's") regulations require it to rely on FEMA for its own findings regarding the adequacy of emergency planning and preparedness. 10 C.F.R. 50.47(a)(2). FEMA's findings constitute "rebuttable presumptions" in NRC proceedings. Id. A 1980 Memorandum of Understanding between FEMA and the NRC further requires FEMA to "take the lead in offsite emergency planning and review and assess State and local emergency plans for adequacy." 45 Fed. Reg. 82713 (December 16, 1980)." Id. The Memorandum of Understanding also provides that FEMA will make expert witnesses available in NRC proceedings, including discovery proceedings. Id.

In light of FEMA's central role in the litigation of emergency planning at Seabrook, discovery of FEMA's position on the issues raised in this litigation and the basis for its position, including documents and experts it relies on, is essential to meaningful participation by the New England Coalition on Nuclear Pollution in this case. Therefore NECNP directs these interrogatories to FEMA. Since the Commission is responsible for presenting FEMA's testimony, the interrogatories are being served on the NRC for referral to FEMA.

INSTRUCTIONS FOR USE

The following interrogatories are to be answered in writing and under oath by an employee, representative or agent of FEMA with personal knowledge of the facts or information requested in each interrogatory.

The following definitions shall apply to these interrogatories:

1. "Document" shall mean any written or graphic matter of communication, however produced or reproduced, 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, intra-corporate or intra-office communications, notebooks, diaries, sketches, diagrams, forms, manuals, brochures, lists, publications, drafts, telephone

minutes, minutes of meetings, statements, calendars, journals, orders, confirmations and all other written or graphic materials of any nature whatsoever.

2. "Identify" with respect to any document shall mean to state the following respecting the document: its title, its date, the author of the document, the person to whom the document was sent, all persons who received or reviewed the document, the substance and nature of the document, and the present custodian of the document and of any and all copies of the document.

3. "Identify" with respect to any action or conduct shall mean state the following regarding any such action or conduct: the person or persons proposing and taking such action; the date such action was proposed and/or taken; all persons with knowledge or information about such action; the purpose or proposed effect of such action; any document recording or documenting such action.

4. "Describe" with respect to any action or matter shall mean state the following regarding such action or matter: the substance or nature of such action or matter; the persons participating in or having knowledge of such action or matter; the current and past business positions and addresses of such persons; the existence and location of any and all documents relating to such action or matter.

1. With respect to each contention and subpart thereof admitted by the Licensing Board's order of April 1, 1986, please provide the following information:

a. What is FEMA's position with respect to each contention and its subparts? Describe in detail the reasons for your position. Identify any relevant portions of the state and local plans that are under revision or which the state expects to change at any time in the future.

b. Identify and provide access to all documents on which you rely during this proceeding to support your position on each of these contentions. This includes all documents used in answers to these interrogatories, summary disposition motions, testimony, and cross-examination of witnesses during hearings.

d. Identify all persons on whose factual knowledge, opinions, or technical expertise you rely for your position on each contention and subpart thereof.

c. Identify all persons you may call as witnesses on each of these contentions during these proceedings; describe the substance of their testimony; and identify and describe any documents and the portions thereof that they may rely on for their testimony.

2. Identify and provide access to all documents in which FEMA or its contractors has assessed the adequacy of the state and local emergency plans with respect to any of the issues admitted for litigation by the Licensing Board's order of April 1, 1986.

Respectfully submitted,



Diane Curran  
HARMON & WEISS  
2001 S Street, N.W.  
Suite 430  
Washington, D.C. 20009  
(202) 328-3500