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RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the
ATOMIC SAFETY AND LICENSING BOARD

'88 OCT 11 P4:47

In the Matter of)	October <u>6</u> , 1988
)	
PUBLIC SERVICE COMPANY OF)	Docket Nos. 50-443-OL
NEW HAMPSHIRE, et al,)	50-444-OL
)	
(Seabrook Station, Units 1 and 2))	Off-Site Emergency Planning

TOWN OF AMESBURY INTERROGATORIES AND REQUEST FOR THE
PRODUCTION OF DOCUMENTS TO THE FEDERAL EMERGENCY MANAGEMENT
AGENCY ON THE SEABROOK PLAN FOR MASSACHUSETTS COMMUNITIES (SPMC)

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 CFR 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 off-site 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

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raised in this litigation and the basis for its position, including documents and experts it relies on, is essential to meaningful participation by the Town of Amesbury (TOA) in this case. Therefore, TOA directs these interrogatories 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. We remind you of your obligation to supplement answers to interrogatories, under 10 C.F.R. §2.740(e)(1) and (2).

All documents identified in answer to these interrogatories shall be produced within thirty(30) days after service of this Request at the offices of SHAINES & McEACHERN, 25 Maplewood Avenue, Portsmouth, New Hampshire 03801. Alternatively, production of documents may be made within thirty (30) days after service of this Request by forwarding copies to the offices of SHAINES & McEACHERN, P.A., 25 Maplewood Avenue, Portsmouth, NH 03801.

The following definitions shall apply to these interrogatories:

1. "Document" shall mean any written or graphic matter or 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; to identify any document recording or documenting such action or conduct.

4. "Identify" when used in reference to a natural person means to set forth the following:

- (1) his name;
- (2) his last known residential address;
- (3) his last known business address;
- (4) his last employer;
- (5) his title or position;
- (6) his area of responsibility;
- (7) his business or profession;
- (8) the nature of his association with FEMA; and

(9) if any of the above information is changed subsequent to the time period referenced in a particular interrogatory, set forth in the answer, and label appropriately, current information as well as the information applicable to the time period referenced in the interrogatory.

5. "Identify" when used in reference to a corporation or other entity that is not a natural person shall mean to set forth the following:

(1) the full name of such person, including its legal name and any assumed or trade names under which it transacts or has transacted business;

(2) the nature or form of such a person, if known;

(3) the address of its principal place of business or the principal place where such person is to be found;

(4) whether FEMA has or has had any relationship or affiliation with such person, its affiliates or subsidiaries, and, if so, a description of such relationship; and

(5) if any of the above information has changed subsequent to the time period referenced in a particular interrogatory, set forth in the answer, and label appropriately, current information as well as the information applicable to the time referenced in the interrogatory.

6. If FEMA objects to or claims a privilege (attorney-client, work product, or other) with respect to any interrogatory or document request, in whole or in part, or seeks to withhold documents or information because of the alleged proprietary nature of the data, please set forth all reasons and the underlying factual basis for the

objection or claim of privilege in sufficient detail to permit the Licensing Board to determine the validity or the objection or claim of privilege. This description by NRC should include with respect to any document: (1) author, addressor, addressee, recipients of indicated and "blind" copies together with their job title; (2) date of preparation; (3) subject matter; (4) purpose of which the document was prepared; (5) all persons to whom distributed, shown, or explained; (6) present custodian; (7) all persons believed to have a copy of the document; and (8) the nature of the privilege or objection asserted. If an objection to any portion of an interrogatory or document request is made, the remaining portion, not deemed objectionable, shall be fully answered.

INTERROGATORIES

1. With respect to each contention and basis admitted by the Licensing Board regarding the SPMC, please provide the following information:

a. What is FEMA's position with respect to each contention and basis? For each, identify the reasons for your position.

b. If FEMA has not yet taken a position on any contention or basis, identify the information which must be provided, and/or the conditions or contingencies which must be satisfied, before FEMA may take a position.

c. Identify all of FEMA's findings and determinations, as referenced in 10 C.F.R. §50.47(a)(2), as to whether the SPMC is adequate and whether there is reasonable assurance that the SPMC can

be implemented. Identify the reasons for each finding and determination.

d. If FEMA has not yet made a finding or determination concerning the SPMC and/or any contention or basis, identify the information which must be provided, and/or the conditions or contingencies which must be satisfied, before FEMA may make a finding or determination.

e. Identify all persons you may call as witnesses; the particular contention or basis on which each will testify; the subject matter on which each witness will testify; the substance of each witness' testimony; the grounds for each opinion or testimony; and identify and produce any documents, indicating the relevant portion and citation, that each witness will rely upon to support his testimony, and any documents FEMA will offer into evidence through each witness.

f. Identify all persons on whose factual knowledge, opinions, or technical expertise you rely for your position on each contention and basis. For each person, state the substance of the knowledge, opinions, or technical expertise that FEMA relies on.

g. Identify all persons on whose factual knowledge, opinions, or technical expertise you rely for each finding and determination, as referenced in 10 C.F.R. §50.47(a)(2) as to whether the SPMC is adequate and whether there is reasonable assurance that the SPMC can be implemented. For each person, state the substance of the knowledge, opinions, or technical expertise that FEMA relies on.

2. Identify any relevant portions of the SPMC that, to FEMA's knowledge, are under revision or are expected to be revised in the future. Identify the reasons for, and substance of, each revision.

3. Please identify and produce all documents that FEMA, or its agents or contractors, has authored or compiled, and that discuss the adequacy or inadequacy of the SPMC, or any of the contentions or bases admitted for litigation by the Licensing Board on the SPMC.

4. Identify any deficiencies in the SPMC for which Applicants have not yet undertaken adequate corrective action. For each, identify the corrective action which, in FEMA's opinion, should be undertaken.

5. As referenced in 10 C.F.R. §50.47(c)(1)(iii)(B), identify the "best efforts" that, in FEMA's opinion, TOA will make in the event of a severe, fast-release radiological emergency. Identify and produce all documents, and state all facts and opinions, upon which FEMA relies to support this answer.

6. Identify and produce all documents (1) on which you rely to answer these interrogatories or (2) which you intend to offer as exhibits in this proceeding for any purpose.

Respectfully submitted,

TOWN OF AMESBURY
By Its Attorneys
SHAINES & MCEACHERN
Professional Association

DATED: 10/6/88

By 

Matthew T. Brock
25 Maplewood Avenue
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(603) 436-3110

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10-11-88

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CERTIFICATE OF SERVICE

I, Matthew T. Brock, one of the attorneys for the Town of Amesbury herein, hereby certify that on October 6, 1988, I made service of the foregoing document, TOWN OF AMESBURY'S INTERROGATORIES AND REQUEST FOR THE PRODUCTION OF DOCUMENTS TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON THE SEABROOK PLAN FOR MASSACHUSETTS COMMUNITIES (SPMC), by depositing copies thereof in the United States Mail, first class postage prepaid for delivery (or, where indicated, by Express Mail, prepaid) addressed to:

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U.S. Nuclear Regulatory Commission
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U.S. Nuclear Regulatory Comm.
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Adjudicatory File
Atomic Safety & Licensing Board
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