

RELATED CORRESPONDENCE

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
SECTION

In the Matter of)
Public Service Co. of New Hampshire,)
et al.)
(Seabrook Station, Units 1 & 2))

Docket No. 50-443
50-444
(Offsite)

RESPONSE OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO
MASSACHUSETTS ATTORNEY GENERAL JAMES M. SHANNON'S OFF-SITE
EMERGENCY PREPAREDNESS INTERROGATORIES AND REQUEST FOR PRODUCTION
OF DOCUMENTS TO FEMA (SET No. 1)

The Federal Emergency Management Agency (FEMA) is not a party to the above-captioned proceeding and it is, for that reason, not obligated to respond to the interrogatories propounded by any intervenors. FEMA voluntarily provides the information supplied below, but reserves the right to object to future discovery requests.

Interrogatory No. 1:

Describe in detail your position with respect to each contention to be litigated by the Attorney General and each subpart of each such contention. Describe in detail the reasons for your position.

Answer No. 1

FEMA has not yet developed positions on any of the contentions admitted in this proceeding. Therefore, we are unable to articulate a basis for a position. However, we note that empirically it seems likely that the numerous documents in which FEMA and the Federal Regional Assistance Committee (RAC) have assessed the acceptability of the radiological plans and preparedness

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of the State of New Hampshire could contain our position on many of the contentions. I understand that these documents, which are listed below have been served on the parties to this proceeding.

- a) FEMA report of the deficiencies observed during the February 26, 1986 Exercise of the state and local plans to protect the public in the event of an accident at Seabrook, together with a cover letter dated April 4, 1986 from Edward A. Thomas to Richard H. Strome transmitting and explaining the report.
- b) Final Draft Report of the exercise of the emergency plans for Seabrook held February 26, 1986, together with a cover letter dated April 30, 1986 from Edward A. Thomas to Richard H. Strome.
- c) Final Report of the exercise of the emergency plans for Seabrook held February 26, 1986, together with a cover letter dated June 6, 1986 from Edward A. Thomas to Richard H. Strome.
- d) Final review by FEMA and the Regional Assistance Committee (RAC) of the state and local plans submitted by New Hampshire in December 1985, together with a cover letter dated April 30, 1986 from Edward A. Thomas to Richard H. Strome.
- e) Draft FEMA and RAC Review of the state and local plans submitted by New Hampshire in February 1986, together with a cover letter dated April 30, 1986 from Edward A. Thomas to Richard H. Strome.

- f) Final FEMA/RAC Review of the state and local plans submitted by New Hampshire in February 1986 together with a cover letter dated April 30, 1986 from Edward A. Thomas to Richard H. Strome.
- g) Draft FEMA/RAC Review of the New Hampshire submission of April 16, 1986, together with a cover letter dated June 2, 1986 from Edward A. Thomas to Richard H. Strome.
- h) Final FEMA/RAC Review of the New Hampshire submission on April 16, 1986, together with a cover letter dated August 8, 1986 from Edward A. Thomas to Richard H. Strome.
- i) Final FEMA/RAC Review of the state and local plans submitted by New Hampshire September 8, 1986 together with a cover letter from Edward A. Thomas to Richard H. Strome dated December 12, 1986.

Interrogatory No. 2

Identify and produce all documents which you have relied, do rely, or will rely to support your position on each of these contentions. Identify the information in each document on which you have relied, do rely, or will rely and the specific subpart of each contention which that information concerns.

Answer No. 2

Since FEMA has not yet developed a position on the contentions admitted with respect to this proceeding, we are unable to articulate which documents may be used in support of such a position beyond our statement in our answer to Interrogatory 1 supra.

Interrogatory No. 3

State whether you have relied, do rely, or will rely on any study, cal-

calculation, or analysis to support your position on each of these contentions, if so, please:

(a) Describe the nature of the study, calculation or analysis and identify any documents that discuss or describe the study, calculation or analysis;

(b) Identify the persons who performed the study, calculation or analysis;

(c) State when and where the study, calculation or analysis was performed;

(d) Describe in detail the information or data that was studied, calculated or analyzed;

(e) Describe the results of the study, calculation or analysis;

(f) Explain how such study, calculation, or analysis provides support for your position on each of these contentions.

Answer No. 3

Since FEMA has not yet developed a position on the contentions admitted with respect to this proceeding, we are unable to articulate which documents may be used in support of such a position beyond our statement in our answer to Interrogatory 1 supra.

Interrogatory No. 4

Do you intend to offer the testimony of any expert witness with respect to any contention to be litigated by the Attorney General? If so, please:

(a) Identify each expert witness who you intend to present with respect to each subpart of each such contention;

(b) State the substance of the facts to which each expert witness is expected to testify;

(c) State the substance of the opinion or opinions to which each expert witness is expected to testify;

(d) Provide a summary of the grounds for each opinion to which each expert witness is expected to testify;

(e) State whether the facts and opinions listed in response to the foregoing are contained in any document;

(f) State whether the opinion of any expert witness is based in whole or in part on any scientific rule or principle, and, if so, set forth such rule or principle;

(g) State whether the opinion of any expert witness is based in whole or in part on any code or regulation, governmental or otherwise, and, if so, identify each such code or regulation and the specific section or portion thereof relied upon; and

(h) State whether the opinion of any expert witness is based in whole or in part upon any scientific or engineering book or other publication, and, if so, identify the book or publication.

Answer No. 4

a) FEMA has not yet identified the witnesses it intends to have testify with respect to any of the contentions admitted in this proceeding and can therefore neither describe the substance of their testimony nor describe any document which such witnesses may rely upon beyond the documents referenced in response to Interrogatory 1 supra.

Interrogatory No. 5

Do you intend to offer the testimony of any non-expert witness with respect to any contention to be litigated by the Attorney General? If so, please:

(a) Identify each non-expert witness who you intend to present with respect to each subpart of each such contention;

(b) State the substance of the facts to which each non-expert witness is expected to testify; and

(c) State whether the facts listed in response to the foregoing are contained in any document, and produce the same.

Answer No. 5

a) FEMA has not yet identified the witnesses it intends to have testify with respect to any of the contentions admitted in this proceeding and can therefore neither describe the substance of their testimony nor describe any document which such witnesses may rely upon beyond the documents referenced in response to Interrogatory 1 supra.

Interrogatory No. 6

Identify and produce all documents in which your or any agent on your behalf have assessed the adequacy of state and local emergency plans with respect to any contention to be litigated by the Attorney General. Include in your response any documents concerning steps which have been taken or will be taken by the State of New Hampshire or the Applicants to address inadequacies in any past or current local plans.

Answer No. 6

All publicly available documents in which FEMA or an agent on our behalf has assessed the adequacy of state and local plans with respect to the New Hampshire Radiological Emergency Response plans are listed in response to Interrogatory 1 supra. FEMA and its agents have not specifically assessed the adequacy of the state and local emergency plans with respect to any contentions.

FEMA has no documents concerning the steps which have been taken will be taken by the State of New Hampshire or the Applicants to address the inadequacies uncovered in the current local New Hampshire RERP, other than the progress reports served on the parties by the New Hampshire Attorney General.

Objection to Massachusetts Interrogatory 6

FEMA objects to this Interrogatory as irrelevant and unduly burdensome to the extent that this Interrogatory requests documents in the possession of FEMA which concerns steps which have been taken by the State of New Hampshire or the Applicant to address inadequacies in any past local plans. The information requested is irrelevant since previous plans are not in contention in this licensing hearing. It would be unduly burdensome for FEMA to assemble the information since these documents may well date back to 1981 and are not the type which FEMA regularly maintains. Assembling this information would require extra search of FEMA's records and possibly records of other Federal agencies to produce the information requested.

Interrogatory No. 7

Are peak summer day evacuation time estimates for the populations within two miles, five miles and ten miles of the Seabrook Plant longer than the average two-mile, five-mile, and ten-mile EPZ evacuation time estimates for nuclear power plants in this country?

Answer No. 7

FEMA objects to this Interrogatory as irrelevant and unduly burdensome. The information requested is irrelevant since the licensing criteria imposed by regulations of the NRC do not require that emergency response plans at

any plant be better than those at any other plant, but rather that they provide reasonable assurance that appropriate action will be taken to protect the public. It would be unduly burdensome for FEMA to assemble the information requested since it is not the type which FEMA regularly maintains and because it requires extra search of FEMA's records and records of other Federal agencies to produce the information requested.

Interrogatory No. 8

Please provide the names of all nuclear power plants that have longer evacuation time estimates for populations located within two miles, five miles and ten miles of those plants than does the Seabrook reactor. Include those respective time estimates for each plant.

Answer No. 8

FEMA objects to this Interrogatory as irrelevant and unduly burdensome. The information requested is irrelevant since the licensing criteria imposed by regulations of the NRC do not require that emergency response plans at any plant be better than those at any other plant, but rather that they provide reasonable assurance that appropriate action will be taken to protect the public. It would be unduly burdensome for FEMA to assemble the information requested since it is not the type which FEMA regularly maintains and because it requires extra search of FEMA's records and records of other Federal agencies to produce the information requested.

Interrogatory No. 9

Is population density greater for the areas within two miles, five miles, and ten miles of the Seabrook Plant than the average population densities for areas within two miles, five miles and ten miles of all other nuclear reactors in this country?

Answer No. 9

FEMA objects to this Interrogatory as irrelevant and unduly burdensome. The information requested is irrelevant since the licensing criteria imposed by regulations of the NRC do not require that emergency response plans at any plant be better than those at any other plant, but rather that they provide reasonable assurance that appropriate action will be taken to protect the public. It would be unduly burdensome for FEMA to assemble the information requested since it is not the type which FEMA regularly maintains and because it requires extra search of FEMA's records and records of other Federal agencies to produce the information requested.

Interrogatory No. 10

Please provide the names of all nuclear power plants in this county that have higher population densities in the areas within two miles, five miles and ten miles of the plants than does the Seabrook reactor.

Answer No. 10

FEMA objects to this Interrogatory as irrelevant and unduly burdensome. The information requested is irrelevant since the licensing criteria imposed by regulations of the NRC do not require that emergency response plans at any plant be better than those at any other plant, but rather that they provide reasonable assurance that appropriate action will be taken to protect the public. It would be unduly burdensome for FEMA to assemble the information requested since it is not the type which FEMA regularly maintains and because it requires extra search of FEMA's records and records of other Federal agencies to produce the information requested.

Interrogatory No. 11

Is there a larger summer transient population with two miles, five miles or ten miles of the Seabrook plant than there is within two miles, five miles, or ten miles of all other operating reactors in this country?

Answer No. 11

FEMA objects to this Interrogatory as irrelevant and unduly burdensome. The information requested is irrelevant since the licensing criteria imposed by regulations of the NRC do not require that emergency response plans at any plant be better than those at any other plant, but rather that they provide reasonable assurance that appropriate action will be taken to protect the public. It would be unduly burdensome for FEMA to assemble the information requested since it is not the type which FEMA regularly maintains and because it requires extra search of FEMA's records and records of other Federal agencies to produce the information requested.

Interrogatory No. 12

Please identify all nuclear power plants in this country that have a larger summer transient population than does the Seabrook Plant for the areas located within two miles, five miles, or ten miles of the plant, and for each of those reactors indicate what provisions, if any, have been made to shelter the transient population; where such population is situated with respect to that reactor; the average dose reduction factor of shelters used for that population; evacuation time estimates for that population if it were to be evacuated; the location with respect to the transient population of any sheltering they will be expected to use; whether that population is predominantly a beach population; whether suf-

ficient sheltering capacity exists to shelter the entire transient population; and if sufficient capacity does not exist to enable the sheltering of the entire population, state for what percentage of the population sufficient sheltering capacity exists.

Answer No. 12

FEMA objects to this Interrogatory as irrelevant and unduly burdensome. The information requested is irrelevant since the licensing criteria imposed by regulations of the NRC do not require that emergency response plans at any plant be better than those at any other plant, but rather that they provide reasonable assurance that appropriate action will be taken to protect the public. It would be unduly burdensome for FEMA to assemble the information requested since it is not the type which FEMA regularly maintains and because it requires extra search of FEMA's records and records of other Federal agencies to produce the information requested.

Interrogatory No. 13

Will emergency planning for the area within ten miles of the Seabrook Plant effectuate less "dose reduction" than the average dose reduction for all other nuclear plants in this country, assuming comparable radiological releases in the event of an accident?

Answer No. 13

FEMA objects to this Interrogatory as irrelevant and unduly burdensome. The information requested is irrelevant since the licensing criteria imposed by regulations of the NRC do not require that emergency response plans at any plant be better than those at any other plant, but rather that they provide reasonable assurance that appropriate action will be taken to protect the public. It would be unduly burdensome for FEMA to assemble the infor-

mation requested since it is not the type which FEMA regularly maintains and because it requires extra search of FEMA's records and records of other Federal agencies to produce the information requested.

Interrogatory No. 14

Compare the average dose reduction expected to be effectuated for the summer transient beach population within ten miles of the Seabrook Plant to the average dose reduction expected to be effectuated for persons within ten miles of all other reactors in this country, assuming comparable radiological releases in the event of an accident.

Answer No. 14

FEMA objects to this Interrogatory as irrelevant and unduly burdensome. The information requested is irrelevant since the licensing criteria imposed by regulations of the NRC do not require that emergency response plans at any plant be better than those at any other plant, but rather that they provide reasonable assurance that appropriate action will be taken to protect the public. It would be unduly burdensome for FEMA to assemble the information requested since it is not the type which FEMA regularly maintains and because it requires extra search of FEMA's records and records of other federal agencies to produce the information requested.

Interrogatory No. 15

Please provide the basis for your response to interrogatories 13-14 and any documents relevant to your responses.

Answer No. 15

FEMA objects to this Interrogatory as irrelevant and unduly burdensome.

The information requested is irrelevant since the licensing criteria imposed by regulations of the NRC do not require that emergency response plans at any plant be better than those at any other plant, but rather that they provide reasonable assurance that appropriate action will be taken to protect the public. It would be unduly burdensome for FEMA to assemble the information requested since it is not the type which FEMA regularly maintains and because it requires extra search of FEMA's records and records of other Federal agencies to produce the information requested.

Interrogatory No. 16

Do homes within the Seabrook ten-mile EPZ have on the average a lower dose reduction factor than do homes around all other nuclear reactors in this country.

Answer No. 16

FEMA objects to this Interrogatory as irrelevant and unduly burdensome. The information requested is irrelevant since the licensing criteria imposed by regulations of the NRC do not require that emergency response plans at any plant be better than those at any other plant, but rather that they provide reasonable assurance that appropriate action will be taken to protect the public. It would be unduly burdensome for FEMA to assemble the information requested since it is not the type which FEMA regularly maintains and because it requires extra search of FEMA's records and records of other Federal agencies to produce the information requested.

Interrogatory No. 17

Compare the average dose reduction factor of homes within the Seabrook

ten-mile EPZ beach area to average cose reduction factors of homes around other reactors.

Answer No. 17

FEMA objects to this Interrogatory as irrelevant and unduly burdensome. The information requested is irrelevant since the licensing criteria imposed by regulations of the NRC do not require that emergency response plans at any plant be better than those at any other plant, but rather that they provide reasonable assurance that appropriate action will be taken to protect the public. It would be unduly burdensome for FEMA to assemble the information requested since it is not the type which FEMA regularly maintains and because it requires extra search of FEMA's records and records of other Federal agencies to produce the information requested.

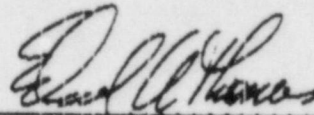
Interrogatory No. 18

Please provide the basis for your responses to interrogatories 16-17 and any documents relevant to your responses.

Answer No. 18

FEMA objects to this Interrogatory as irrelevant and unduly burdensome. The information requested is irrelevant since the licensing criteria imposed by regulations of the NRC do not require that emergency response plans at any plant be better than those at any other plant, but rather that they provide reasonable assurance that appropriate action will be taken to protect the public. It would be unduly burdensome for FEMA to assemble the information requested since it is not the type which FEMA regularly maintains and because it requires extra search of FEMA's records and records of other Federal agencies to produce the information requested.

I declare, under penalty of perjury, that the foregoing responses to the Massachusetts Attorney General's Interrogatories and Request for Production of Documents are true.



Edward A. Thomas, Division Chief
Natural & Technological Hazards
Region I
Federal Emergency Management Agency

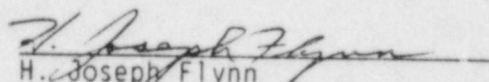
Dated March 18, 1987
Boston, Massachusetts

OBJECTION

The Federal Emergency Management Agency (FEMA) objects generally to the foregoing interrogatories to the extent that they call for the production or disclosure of the contents of draft or privileged documents, except to the extent that such documents have already been identified or disclosed in the foregoing answers. See 10 C.F.R. § 2.740(b)(1); cf. 10 C.F.R. § 2.790(a).

In addition, FEMA objects to interrogatories 6 through 18 for the reasons set forth above.

Respectfully submitted,


H. Joseph Flynn
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'87 MAR 23 P3:14

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
ADMINISTRATIVE & SERVICE
BRANCH

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

CERTIFICATE OF SERVICE

I hereby certify that copies of THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) RESPONSES TO INTERROGATORIES FILED BY (1) THE TOWN OF HAMPTON, (2) SAPI, (3) NECNP, AND (4) THE MASSACHUSETTS ATTORNEY GENERAL in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or (*) through by deposit in the Nuclear Regulatory Commission's internal mail system, or (**) overnight delivery this 18th day of March, 1987:

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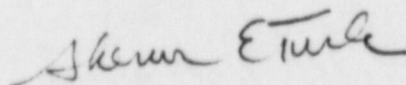
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