March 5, 1987

UNITED STATES NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	
Public Service Company of New Hampshire, et al.	Docket Nos. 50-443 OL 50-444 OL
(Seabrook Station, Units 1 & 2)	OFFSITE EMERGENCY PLANNING ISSUES

NEW ENGLAND COALITION ON NUCLEAR POLLUTION'S FIRST SET OF INTERROGATORIES AND REQUEST FOR THE PRODUCTION OF DOCUMENTS TO FEMA ON REVISION 2 TO THE NEW HAMPSHIRE RADIOLOGICAL EMERGENCY RESPONSE PLAN

Introduction

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 ("NRC" or "Commission") 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 assess state and local emergency plans for adequacy." 45 Fed. Reg. 82,713 (December 16, 1980). The Memorandum of Understanding also provides that FEMA will make expert witnesses available in NRC proceedings, including discovery proceedings. Id.

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In light of FEMA's central role in the litigation of emergency planning at Seabrookk, 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. We remind you of your obligation to supplement answers to interrogatories, under 10 C.F.R. § 2.740(e).

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: the document's title, its date, the author of the document, the person to whom to 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; and 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; and the existence and location of any and all documents relating to such action or matter.

5) "Identify" with respect to an individual shall mean state the individual's name, address, employer, occupation, and title.

INTERROGATORIES

1) In accordance with 10 C.F.R. § 2.740(e), please supplement your answers to NECNP's First Set of Interrogatories and Requests for the Production of Documents to the Federal Emergency Management Agency, filed April 30, 1986.

2) What is FEMA' s position on each each of the contentions that have been admitted in this proceeding with respect to Revision 2 of the New Hampshire Radiological Emergency Response Plan? What is the basis for your position?

3) Please identify and produce at the offices of Harmon & Weiss, on or before March 19, 1987, all documents on which you rely or intend to rely during this proceeding to support your position on each of the contentions that have been admitted in this proceeding with respect to Revision 2 of the New Hampshire Radiological Emergency Response Plan. This includes but is not limited to all documents used in answers to these interrogatories, summary disposition motions, testimony, and cross-examination of witnesses during hearings.

4) Please identify and produce at the office of Harmon & Weiss on or before March 19, 1987, copies of all documents in which FEMA or its contractors has assessed the adequacy of the New Hampshire RERP with respect to any of the issues admitted for litigation by the Licensing Board's order of February 18, 1987.

5) Please identify all persons on whose factual knowledge, opinions, or technical expertise you rely or intend to rely for your position on each of the contentions that have been admitted in this proceeding with respect to Revision 2 of the New Hampshire Radiological Emergency Response Plan.

6) Please identify all FEMA personnel or contractors who may testify as witnesses on each of the contentions that have been admitted in this proceeding with respect to Revision 2 of the New Hampshire Radiological Emergency Response Plan. Please describe the substance of their testimony; and identify and describe any documents and the portions thereof that they may rely on for their testimony.

Respectfully submitted,

Diane Curran
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March 5, 1987

I certify that on March 5, 1987, copies of the foregoing interrogatories were served by Federal Express or by hand on FEMA, the NRC Staff, the Executive Director for Operations, the Licensing Board, the State of New Hampshire, and Applicants; and by first-class mail on all other parties listed on the attached service list.

Diane Curran