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October 21, 1983

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support thereof Attorney General Bellotti states, as more fully set forth below, that the Applicants' Answers to Interrogatories Nos. 2, 3, 7, 8, 9, 15 and 16 are evasive, nonresponsive and incomplete.

Interrogatory No. 2

Question

Please identify and produce all documents within the Applicants' possession, custody, or control which refer to the emergency response needs or resources of the State of New Hampshire or means for satisfying the State's resource requirements, or upon which the Applicants rely in support of the State's capability to satisfy its resource requirements, in any of the following areas:

- a. emergency transportation for people in the beach areas without private transportation;
- b. emergency medical transportation;
- c. medical treatment for contaminated injured individuals;
- d. radiological monitoring and assessment equipment;
- e. dosimeters and respiratory equipment for emergency workers;
- f. manpower for traffic management and access control;
- g. manpower for emergency transportation and security operations;
- h. manpower for emergency maintenance for evacuation routes and response to abandoned vehicles, traffic accidents, and other obstructions to evacuating traffic flow;
- i. manpower for staffing of emergency response facilities.

Answer

Except as is stated herein and in response to the prior interrogatory, this interrogatory is objected to on the ground that, as phrased, it is too broad to be susceptible of any meaningful answer. For example, documents which "refer to the emergency response needs or resources of the State of New Hampshire" could include various statements of contentions made in this proceeding. Furthermore, we do not understand what is meant by documents "upon which the Applicants rely in support of the State's capability."

ARGUMENT IN SUPPORT OF MOTION

The Attorney General will concede that the first part of this interrogatory requesting all documents which refer to the State's emergency response needs or resources may place an unnecessary burden on this party since the State is the primary source of such documents. However, the Attorney General is at a loss to appreciate Applicants' assertion that they are unable to understand what is meant by the phrase requesting all documents "upon which the Applicants rely in support of the State's capability." In response to Interrogatory No. 3 [see below] the Applicants have stated their belief "that the services and resources required by the State either are presently or can when desired be within the capability of the State." Interrogatory No. 2 is simply asking the Applicants to identify and produce all documents upon which the Applicants rely in support of their conclusion that the State has that capability to satisfy its resource requirements. We move for an order compelling a response.

Interrogatory No. 3

Question

In the opinion of the Applicants, does the State of New Hampshire currently have adequate resources within the State in each of the areas identified in subparagraphs 2a - 2i above to implement its emergency plan? State the bases for your answer in detail, including your bases for determining what constitutes an adequate quantity or level of each such resource, and identify and produce all documents upon which you rely in support of your answers.

Answer

The Applicants believe that the New Hampshire emergency plans, while they are presently in draft versions and while there obviously remain details to be worked out, demonstrate the State's commitment to provide and to support adequate emergency response activities related to the operation of Seabrook Station. The Applicants believe that the services and resources required by the State either are presently or can when desired be within the capability of the State. In the Applicants' view, the State has demonstrated the capability to perform adequately during exercises of emergency preparedness in connection with the Vermont Yankee Nuclear Power Station.

ARGUMENT IN SUPPORT OF MOTION

The Applicants have not provided a complete answer to this interrogatory in that they have failed to include in their answer their "bases for determining what constitutes an adequate quantity or level of each such resource" or to identify the documents upon which they rely for that determination. We move the Board to compel a response.

Interrogatory No. 7

Question

In the opinion of the Applicants, what percentage of the emergency response officials and personnel identified in the RERP will, in fact, report to their emergency posts and fulfill their designated responsibilities in the event of a radiological emergency at Seabrook Station? What percentage of such emergency response officials and personnel will first ensure that their families are being taken care of before reporting to duty and what will be the length of the delay in assumption of emergency responsibilities resulting therefrom? State the bases for your answers in detail and identify and produce any documents upon which you rely.

Answer

The interrogatory is objected to. There is no requirement in the regulations that the psyche of every individual who may have responsibilities and [sic] the emergency plan be explored. Without waiving this objection, it is the Applicants' view that the vast majority, if not all, elected and appointed officials will do their duty as assumed by the law. Our basis for this opinion is that society at large has been able to rely on public officials in times of emergency in the past and we see no reason to assume otherwise in the future. This view is supported by Evacuation Risks - An Evaluation EPA-520/6-74-002 (1974).

ARGUMENT IN SUPPORT OF MOTION:

The Applicants have not responded to the questions, "What percentage of such emergency response officials and personnel will first ensure that their families are being taken care of before reporting to duty and what will be the length of the delay in assumption of emergency responsibilities resulting therefrom?" The Commission's regulations require that "each principal response organization ha[ve] staff to respond and to

augment its initial response on a continuous bases." 10 C.F.R. §50.47(b)(1). The answer to this question is not only relevant, but vital, to a determination of whether the emergency response can and will be timely activated and staffed, and thus the requirements of the Commission's emergency planning regulations satisfied. The Applicants' objection to this interrogatory is, therefore, unfounded and a response should be required.

Interrogatory No. 8

Question

In the opinion of the Applicants, will there be adequate personnel available on a timely basis to replace the local emergency workers removed from the emergency zone if workers are removed due to releases of radionuclides other than I-131 in amounts requiring protection? [See RERP, at 2.7-3] State the bases for your answer in detail, identifying the source and numbers of replacement workers and specifying the bases for assurance they will be available in a timely fashion. Identify and produce all documents upon which you rely in support of your answers.

Answer

There is no need to plan for emergency worker replacements on the basis of potential exposure to particulate radionuclides other than I-131, because such material would not be released in an accident condition at Seabrook Station in quantities that required consideration for emergency worker protection. This opinion is based on the analysis of the behavior of particulate radioactive material at Three Mile Island following the accident that has been reported in the literature and on the identification of the natural processes that are available for the removal of such material from that available for release to the environment that has also been reported in the literature.



ARGUMENT IN SUPPORT OF MOTION

The Applicants' answer to this interrogatory is incomplete in that they have failed to identify the "literature" which provides the basis for their response. We request that the Board order provision of that additional information.

Interrogatory No. 9

Question

In the opinion of the Applicants, has the State of New Hampshire established an emergency action level scheme consistent with that established by the Applicants? State the bases for your response in detail and identify and produce any documents upon which you rely in support of your answer.

Answer

Both the Applicants and the State of New Hampshire have adopted the same four-level emergency classification system; i.e. Unusual Event, Alert, Site Area Emergency and General Emergency. This is shown by comparing Section 5 of the Applicants' Radiological Emergency Plan with Section 1.5 of the State of New Hampshire Radiological Emergency Response Plan. Not only are the systems consistent - they are identical.

ARGUMENT IN SUPPORT OF MOTION:

The Applicants' Answer is not responsive to the question, which refers to an "emergency action level scheme." Applicants have responded that it has an "emergency classification system" identical to that of the State, but has not said anything at all about an emergency action level scheme. The two terms do not (as Applicants well know) have the same meaning and they have, therefore, not answered the question.

Interrogatory No. 15

Question

In Applicants' opinion, can sheltering be relied upon as a protective option for the transient beach populations in the coastal New Hampshire communities? for the seasonal population in those communities? State the bases for your answer in detail and identify and produce any documents upon which you rely.

Answer

The interrogatory is objected to. All sheltering provides some protection; the protection afforded by any sheltering is relative (both to the protection afforded by other forms of sheltering and to the protection afforded by other protective actions). Without a particular scenario having been specified, no one can opine upon what amounts to the best choice of protective measures to be utilized.

ARGUMENT IN SUPPORT OF MOTION

The Applicants have not responded to the question. The interrogatory does not ask whether sheltering would be the best protective measure to be utilized in an emergency, but whether it would ever be feasible to rely upon sheltering as a protective option for the transient beach or seasonal populations. In other words, the interrogatory is asking, first, whether sufficient sheltering exists in those communities to accommodate these populations and, second, whether (and how much of) that sheltering could be expected to provide sufficient protection from radiological exposure. As such, there can be no bases for the Applicants' objection to the interrogatory.



Interrogatory No. 16

Question

Identify each person whom Applicants expect to call as a witness on any of the admitted contentions relative to the PERP, state his or her qualifications, and describe the subject matter on which he or she is expected to testify.

Answer

The applicants have not selected any witnesses with respect to these matters as yet. Without limitation the applicants can say that they may call the following individuals with respect to one or all of the contentions:

Robert J. Merlino  
James A. MacDonald  
Peter S. Littlefield

In addition, others may also be called.

ARGUMENT IN SUPPORT OF MOTION

The Applicants have not completely answered this interrogatory. They have failed to state the qualifications of the three witnesses they have listed and have not described the subject matter on which each is expected to testify.

Respectfully submitted,

FRANCIS X. BELLOTTI  
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CERTIFICATE OF SERVICE

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USNRC

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I, Carol S. Sneider, Esquire, counsel for Massachusetts Attorney General Francis X. Bellotti, hereby certify that on October 21, 1983, I made service of the within Attorney General Bellotti's Motion To Compel Answers To "Attorney General Bellotti's Interrogatories and Requests For Documents To Applicants On Emergency Planning For the State of New Hampshire" by mailing copies thereof, postage prepaid, to the parties named below:

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Signed under the pains and penalties of perjury, this 21st day of  
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\*\*By Hand Delivery on 10/24/83