

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Docket Nos. 50-443 OL  
50-444 OL

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PDR ADCK 05000443  
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Board pursuant to requests by certain parties (not including HBCCNH), for an extension of the discovery period. Prior to this extension, the last date for filing discovery requests had previously been December 13, 1982.<sup>3/</sup>

On January 17, 1983, HBCCNH, without explanation for its lateness, has filed twenty-one interrogatories directed to the Staff and Applicant. Interrogatories IA-D are virtually identical<sup>4/</sup> and in essence state that

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3/ "Memorandum and Order," September 15, 1982.

4/ "I. Interrogatories

- A. HBACCNH Contention 4. Accident Classification and Notification.

The HBACCNH, at the direction of the Licensing Board Memorandum and Order September 13, 1982 to coordinate efforts with the State of New Hampshire, submits all the Interrogatories which the State has submitted to date for Contention NH-20. The HBACCNH reserves the right to amend or submit additional interrogatories if desired or if new evidence arises.

- B. HBACCNH Contention 5. On-Site Protective Measures

The HBACCNH submits all interrogatories which the State of New Hampshire has submitted to date for Contention NH-21. The HBACCNH reserves the right to amend or submit additional interrogatories if desired or if new evidence arises.

- C. HBACCNH Contention 7. Radioactive Monitoring

The HBACCNH submits all interrogatories which the State of New Hampshire has submitted to date for Contention NH-9. The HBACCNH reserves the right to amend or submit additional interrogatories if desired or if new evidence arises.

- D. HBACCNH Contention 8. Control Room Design

The HBACCNH, at the direction of the Licensing Board Memorandum and Order September 13, 1982 to join with the State of New Hampshire on NH-10, submits all interrogatories which the State has submitted to date for NH-20. The HBACCNH reserves the right to amend or submit additional interrogatories if desired or if new evidence arises."

HBCCNH "submits all interrogatories which the State of New Hampshire has submitted to date" on the particular contention. The Staff has already responded to New Hampshire's discovery requests but will include, as an attachment hereto to its response to HBCCNH the following documents:

NRC Staff Response To First Set Of Interrogatories And  
Request For Production Of Documents Of The State Of New  
Hampshire (November 30, 1982)

NRC Staff Response To . . . New Hampshire's Second Set of  
Interrogatories . . . .

NRC Staff Response To New Hampshire's Third Set Of  
Interrogatories . . . .

Secondly, CCCNH has propounded twenty-one interrogatories to the Staff and Applicant. Those interrogatories are attached hereto as an Appendix. The Staff objects to these interrogatories for the following reasons. First, the interrogatories and document requests have been filed beyond the close of the Board-extended discovery period. The interrogatories are particularly late inasmuch as HBCCNH failed to participate in the discovery period allotted by the Board, and declined to answer interrogatories and document requests propounded by other parties although directed to do so.<sup>5/</sup> Second, the interrogatories and document requests violate 10 C.F.R. § 2.740(b)(1) of the Commission's Rules of Practice in that the attempted discovery does not relate to admitted contentions. 10 C.F.R. § 2.740(b)(1) expressly provides,

In a proceeding on an application for . . . an operating  
license . . . , discovery . . . shall relate only to those  
matters in controversy which have been identified by the

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<sup>5/</sup> This point is developed in greater detail in "Motion Of The NRC Staff To Compel Answers To Interrogatories By Coastal Chamber Of Commerce Of New Hampshire Or In The Alternative, Motion To Dismiss CCCNH Contentions 4, 5, And 7." (February 4, 1983).

. . . presiding officer in the prehearing order entered at the conclusion of . . . [the 2.751a] that prehearing conference.

Indeed, the subject matter of these interrogatories, the "Effects Operating (sic) the Seabrook Station in the Local Economy," relate to no admitted contention but rather, most closely relate to the rejected SAPL-3 contention, concerning the alleged negative impact of the closure of Seabrook on the economic well-being of the local tourist area.<sup>6/</sup>

Third, controlling Commission precedent regarding discovery against the Staff has been clearly set forth in Pennsylvania Power and Light Company (Susquehanna Steam Electric Station, Units 1 and 2), ALAB-613, 12 NRC 317, 323. (footnote omitted):

Discovery against the Staff is on a different footing. With limited exceptions, Commission regulations make Staff documents that are relevant to licensing proceedings routinely available in the NRC Public Document Room. 10 C.F.R. 2.790(a). The contemplation [sic] is that these "should reasonably disclose the basis for the Staff's position," thereby reducing any need for formal discovery. Reflective of that policy, the Rules of Practice limit documentary discovery against the Staff to items not reasonably obtainable from other sources, 10 C.F.R. 2.744; require a showing of "exceptional circumstances" to depose Staff personnel, 10 C.F.R. 2.720(h) and 2.740a(j); and allow interrogatories addressed to the Staff only "where the information is necessary to a proper decision in the case and not obtainable elsewhere." See 10 C.F.R. 2.720(h)(2)(ii). In addition, the licensing board's advance permission is needed to depose Staff members or to require the Staff to answer written interrogatories. Ibid.

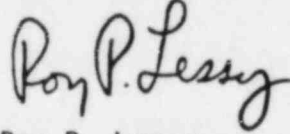
Therefore, the Staff also objects to these interrogatories and document requests in that HBCCNH has violated 10 C.F.R. § (h)(2)(ii), since it has not demonstrated that the answers to its questions are necessary to a

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<sup>6/</sup> See "Memorandum and Order" p. 95 (September 13, 1982).

proper decision in this proceeding. Since the subject matter of the interrogatories does not relate to admitted contentions it will be difficult, if not impossible for HBCCNH to demonstrate that the answers are necessary or essential to a proper decision.

Respectfully submitted,

A handwritten signature in cursive script, reading "Roy P. Lessy". The signature is written in dark ink and is positioned above the printed name and title.

Roy P. Lessy  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 4th day of February, 1983

### Section 5.8.3 Effects Operating the Seabrook Station on the Local Economy

1. Please state the complete citation for Bykoski, L. M., et al, listed in section 5.8.3 and 5.14. What is the ASLB case name and number?
2. Please identify the government officials and business people interviewed at each of the 10 locations indicated in Table 5.3 (Section 5.8.3) for each year: 1976, 1978 and 1981.
3. What criteria or standards did the Staff use to evaluate negative or positive impacts on the local economies in the Bykoski study.
4. What is the Staff's position as to the relevancy of the Bykoski study to the Seabrook area? Please state the reasons for the Staff's position.
5. Please identify those Staff members conducting the Bykoski study.
6. Please identify those Staff members preparing Section 5.8.3 and including the Bykoski study.
7. Has the Staff conducted a similar interview at the Seabrook location? If so, please state the date(s) of the interviews, locations and names, and addresses and occupations of the interviewees.
8. Section 5.8.3, page 5-15, last paragraph states: "In addition to the Staff's study, research was undertaken to estimate tourist avoidance in the vicinity of offshore floating nuclear power plants." NUREG 0-39 provides the basis of the research. Please list all off-shore floating nuclear power plants studied in NUREG 0394 and citations to relevant NUGEG - 0394 sections.
9. Explain the reasons why the Staff chose to include the NUREG 0394 research in Section 5.8.3.
10. Explain the relevance of offshore floating nuclear power plants to the proposed Seabrook Units.
11. Please provide the following data concerning the offshore floating nuclear power plants studied in NUREG 0394 and relied on in Section 5.8.3 including but not limited to: type of plant, operational capacity, distance from beach, permanent and seasonal population figures, and distance to nearest population center.
12. Please list the names, addresses of "those interviewed" at the beaches studied in NUREG 0394. Please include the date and location of the interview.
13. Please identify the Staff who conducted the interviews.
14. Please list or provide a separate copy of the questions posed to the interviewees.
15. Please explain the criteria or standards which the Staff used to evaluate beach-user avoidance.



16. Please explain how "avoidance potential" is determined (Section 5.8.3, page 5-16, last paragraph).
17. Explain the reasons why the staff applied the avoidance potential to the incremental increase in potential beach users overtime? Please provide the data used and calculations.
18. Explain the reasons why the Staff chose to apply the calculations above to the beaches of Seabrook.
19. Please provide all data collected and calculations made concerning the beach-user avoidance at Seabrook.
20. Please explain the reasons why the Staff chose to rely on the Hecock study cited in Section 5.8.3, pages 5-17, and in Section 5.14 on pages 5-77. Please produce, pursuant to 10 CFR 2.741 the Hecock and McConnell studies relevant to the conclusion in Section 5.8.3.
21. Please cite all sections of the Hecock/McConnell studies which address behavior patterns or beach use relative to nuclear power plants.

#### CERTIFICATE OF SERVICE

I, Beverly Hollingsworth, do hereby certify that a copy of the foregoing Hampton Beach Chamber of Commerce Interrogatories and Request for Production of Documents to the Nuclear Regulatory Commission Staff has been mailed this \_\_\_\_\_, by first class mail, postage prepaid, to:

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UNITED STATES OF AMERICA  
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 and 2) )

CERTIFICATE OF SERVICE

I hereby certify that copies of "ANSWER AND OBJECTIONS OF THE NRC STAFF TO 'THE HAMPTON BEACH AREA CHAMBER OF COMMERCE OF NEW HAMPSHIRE'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS TO THE . . . STAFF AND APPLICANT'" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 4th day of February, 1983:

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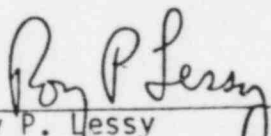
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