

September 14, 1988

DOCKETED
USNRC

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

SEP 15 12:02

before the

ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

PUBLIC SERVICE COMPANY OF)
NEW HAMPSHIRE, et al.)

(Seabrook Station, Units 1 and 2))

) Docket Nos. 50-443-OL
) 50-444-OL
) Off-site Emergency
) Planning Issues

TOWN OF AMESBURY ANSWERS TO APPLICANTS'
FIRST SET OF INTERROGATORIES AND FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS TO ALL PARTIES AND
PARTICIPATING LOCAL GOVERNMENTS REGARDING CONTENTIONS
ON THE SEABROOK PLAN FOR MASSACHUSETTS COMMUNITIES

NOW COMES the Town of Amesbury (TOA) and hereby answers
APPLICANTS' FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS TO ALL PARTIES AND PARTICIPATING LOCAL
GOVERNMENTS REGARDING CONTENTIONS ON THE SEABROOK PLAN FOR
MASSACHUSETTS COMMUNITIES dated August 31, 1988 as follows:

OBJECTION TO PRODUCTION OF DOCUMENTS

TOA objects to Applicants' request that any documents to be
produced by TOA must be provided at the offices of Applicants'
attorneys in Boston, Massachusetts. The request is unduly
burdensome and costly to TOA, is disruptive of recordkeeping
maintained by the Town, and could unreasonably compel TOA to

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transfer documents outside the EPZ. Consistent with Applicants' past practice of making its own documents available for inspection to Intervenors at Seabrook Station, Applicants may similarly assume the burden of coming to TOA to inspect any relevant documents of TOA, provided, however, that said inspection is conducted during the discovery period, during normal business hours, at a mutually agreeable time, following reasonable notice to TOA.

INTERROGATORIES

QUESTION:

1. Please identify the person(s) answering or substantially contributing to the answer to each of the following interrogatories.

ANSWER:

William Lord, Chairman, Town of Amesbury Board of Selectmen.

QUESTION:

2. Please identify and produce all documents, and describe in detail all conversations not otherwise reflected in such documents, which reflect or refer to what actions any Massachusetts state or local government entity or official would, could, might, would not, could not, or might not take in the event of an actual radiological emergency at Seabrook Station.

ANSWER:

This interrogatory is objected to on grounds of attorney-client privilege and work product. This interrogatory is further objected to on grounds that it is so overly broad and vague as to be incomprehensible. Whatever actions a TOA official *might not take in the event of an actual radiological emergency at Seabrook Station* could include a decision to postpone a

luncheon engagement. Obviously the interrogatory is defective for inquiring into wholly irrelevant matters. Without waiving any of the foregoing objections, to the extent this interrogatory presents an attempt to determine the response of TOA officials to an emergency at Seabrook Station, TOA has already identified numerous impediments to a planned and organized response. See TOA Contentions 2, 3, and 4, with bases. Among other issues, these contentions assert that the response by TOA officials to an emergency at Seabrook would be ad hoc, and would rely upon whatever personnel or other resources happen to be available at the particular day and time the emergency occurs. For example, since each of the five members of the Town of Amesbury Board of Selectmen hold full time jobs unrelated to their duties as elected town officials, and most are required to travel out of town on some regular basis, it is likely that many, if not all, Selectmen would not be available to provide leadership during an emergency. In addition, as referenced in TOA Contention 4(B), on weekdays during the summer, the TOA Police Department typically has only approximately 7 police officers on duty. In an actual emergency, these officers would be directed by the police chief to take whatever actions he deemed most appropriate and essential given the limited and inadequate resources of the Department to meet a Seabrook emergency. These duties could include traffic management, security, or rescue. Since this interrogatory is so vague, however, and wholly fails to specify the nature, scope, or

extent of the particular "emergency" at Seabrook Station contemplated by the question, necessarily TOA cannot respond more specifically to this question.

QUESTION:

3. Please identify and produce all documents, and describe in detail all conversations not otherwise reflected in such documents, which reflect, refer to, or relate in any way to any action by any Massachusetts state or local government official or entity to block, hinder or delay the licensing of Seabrook Station.

ANSWER:

This interrogatory is objected to on grounds it is vague, overly broad, argumentative, and, even if more properly drafted, appears to seek communications and documents not subject to discovery by reason of the attorney-client privilege or work product. TOA has never undertaken any actions with the fundamental goal merely to "block, hinder or delay the licensing of Seabrook Station". At all times governing officials of TOA have taken whatever actions deemed appropriate and necessary to protect the health and safety of their citizens. The intimation in the interrogatory that TOA's motives or methods have been purely obstructionist is highly objectionable.

QUESTION:

4. Please identify and produce all documents generated after January 1, 1980 that reflect or refer to any emergency planning (other than that engaged in by Applicants) conducted or contemplated for the Massachusetts EPZ or any portion thereof, including but not limited to emergency planning required pursuant to the Emergency Planning Act. Such documents should include, but not be limited to, documents that reflect or refer to whether the SPMC or any other plan for dealing with a radiological emergency at Seabrook Station has or has not been, or will or will not be, used in planning for emergency situations other than those involving Seabrook Station.

ANSWER:

This interrogatory is objectionable to the extent it seeks to invade the attorney-client privilege or to obtain work product prepared by or on behalf of counsel for TOA or TOA officials for purposes of litigation. TOA further objects to this interrogatory on grounds that, to the best of TOA's knowledge and belief, Applicants are already in possession of all planning documents for the Seabrook EPZ, and further that Applicants "engaged in", or were involved with, generating these documents prior to decisions by the Commonwealth and Massachusetts EPZ communities that emergency planning for Seabrook is not feasible. TOA is not in possession of any planning documents, within the scope of the request, generated since that date. TOA acknowledges, however, its responsibilities to the extent required under the Emergency Planning Act, although no such planning document has been approved by the Town.

QUESTION:

5. Please list every admitted SPMC contention which you do not intend to participate in litigating, i.e., concerning which you will not take discovery, present evidence, make arguments, conduct cross-examination, or submit proposed findings.

ANSWER:

As Applicants should be aware, this interrogatory is premature. Presently, the Commonwealth, EPZ Towns in Massachusetts, and Applicants, are engaged in streamlining and consolidating the numerous admitted contentions for submission as "joint intervenor" contentions. As of the date of these answers, that process has not been completed. Identification of

contentions that TOA may choose to litigate is wholly premature and speculative. In addition, any responses Applicants may make to TOA discovery requests may impact on TOA's decision whether to proceed with further litigation of particular contentions.

QUESTION:

6. For every admitted SPMC contention that you submitted and do not hereby withdraw, and for every other admitted SPMC contention that you did not list in response to Interrogatory 5 above, individually for each such contention, please:

a. State in detail all the facts underlying each assertion contained in the contention;

b. State the source of each such fact. If the source is the personal knowledge of one or more persons, identify the person(s). If the source is one or more documents, identify and produce the document(s);

c. Identify any expert witness who is to testify concerning the contention, and state the substance of the facts, opinions, and grounds for opinions to which the expert is expected to testify;

d. Identify any non-expert witness who is to testify concerning the contention, and state the substance of the facts to which the witness is expected to testify; and

e. Identify and produce any documents which reflect or refer to any type of study, calculation or analysis bearing upon the substance of the contentions.

ANSWER:

a. See Answer to Interrogatory 5. By way of further objection, this interrogatory is objected to as vague and unduly burdensome. TOA asserts that "the facts underlying each assertion contained in the contention" are stated with reasonable specificity in the basis for each contention proffered by TOA. Absent a reasonably specific request by Applicants for particular information, TOA objects to Applicants' fishing expedition for

"all the facts" which may possibly pertain to any particular contention.

b. See answer to Interrogatory 5 and 6a.

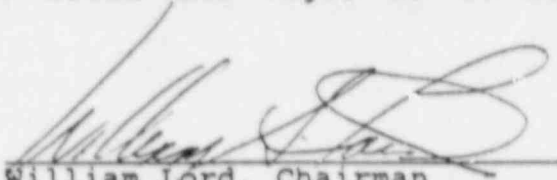
c. See answer to Interrogatory 5 and 6a. By way of further answer, TOA has not yet identified any experts who will testify on behalf of TOA.

d. See answer to Interrogatory 5 and 6a. By way of further answer, this interrogatory is objected to as outside the scope of permissible discovery, as premature, and as constituting a fishing expedition intended to intrude into the litigation strategies, and mental impressions of TOA counsel and officials.

e. See answers to Interrogatories 5, 6a, and 6d. By way of further objection, this interrogatory, which seeks any document "bearing upon" a contention, is so broad and vague as to be incomprehensible.

DATED: September 14, 1988

By:

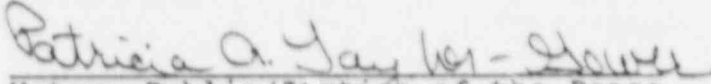

William Lord, Chairman
TOWN OF AMESBURY
Board of Selectmen

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

9/14, 1988

Personally appeared the above-named William Lord and swore to the truthfulness of the foregoing statements based upon personal knowledge, information and belief.

Before me,


Patricia A. Taylor-House
Notary Public/~~Justice of the Peace~~

My Commission Expires: 8/29/89

CERTIFICATE OF SERVICE

29 SEP 15 12:02

I, Matthew T. Brock, one of the attorneys for the Town of Hampton herein, hereby certify that on September 14, 1988, I made service of the foregoing documents, ANSWERS TO APPLICANTS' FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO ALL PARTIES AND PARTICIPATING LOCAL GOVERNMENTS REGARDING CONTENTIONS ON THE SEABROOK PLAN FOR MASSACHUSETTS COMMUNITIES and MOTION FOR PROTECTIVE ORDER 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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*UPS Next Day Air