

September 16 1988  
DOCKETED  
USNR

UNITED STATES OF AMERICA

'88 SEP 19 P3:38

NUCLEAR REGULATORY COMMISSION

before the

ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

CITY OF HAVERHILL 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 City of Haverhill (COH) 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

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

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 COH to inspect any relevant documents of COH, provided, however, that said inspection is conducted during the discovery period, during normal business hours, at a mutually agreeable time, following reasonable notice to COH.

### INTERROGATORIES

#### QUESTION:

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

#### ANSWER:

Ashod N. Amirian, Esquire, Assistant City Solicitor  
for the City of Haverhill

#### 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 COH 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. 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 COH 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. COH 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 COH have taken whatever actions deemed appropriate and necessary to protect the health and safety of their citizens. The intimation in the interrogatory that COH'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 COH or COH's officials for purposes of litigation. COH-- further objects to this interrogatory on grounds that, to the best of COA'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. COA is not in possession of any planning documents, within the scope of the request, generated since that date. COA 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 COH may choose to litigate is wholly premature and speculative. In addition, any responses Applicants may make to COH discovery requests may impact on COA'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. COH asserts that "the facts underlying each assertion contained in the contention" are stated with reasonable specificity in the basis for each contention proffered by COA. Absent a reasonably specific request by Applicants for particular information, COH 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.

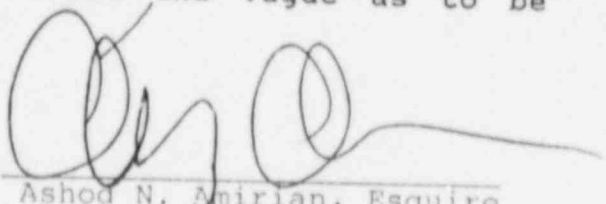
c. See answer to Interrogatory 5 and 6a. By way of further answer, COH has not yet identified any experts who will testify on behalf of COH.

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 COH 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 16, 1988

BY:



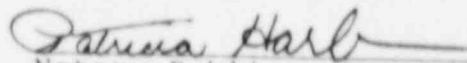
Ashod N. Amirian, Esquire  
Assistant City Solicitor  
for City of Haverhill

COMMONWEALTH OF MASSACHUSETTS  
ESSEX, SS.

September 16, 1988

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

Before me,



Notary Public: Patricia Harb  
My commission expires: Oct. 27, 1989

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