

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Ivan W. Smith, Chairman
Gustave A. Linenberger, Jr.
Dr. Jerry Harbour

'88 SEP 20 P3:07

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of) Docket Nos. 50-443-OL
) 50-444-OL
PUBLIC SERVICE COMPANY)
OF NEW HAMPSHIRE, et al) (Offsite Emergency
) Planning)
)
(Seabrook Station,)
Units 1 and 2) September 14, 1988)

TOWN OF NEWBURY'S ("TON") ANSWERS TO APPLICANT'S FIRST
SET OF INTERROGATORIES REGARDING
THE CONTENTIONS ON THE SPMC

INTERROGATORY:

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

ANSWER:

Angelo Machiros, Selectmen of TON, is providing the answers to these interrogatories on behalf of TON. TON's business address is 25 High Road, Newbury, Massachusetts, 01951.

INTERROGATORY:

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:

Interrogatory 2 is objected to as being irrelevant, overly broad, not reasonably calculated to lead to the

discovery of admissible evidence and so vague as to preclude a responsive answer relevant to these proceedings. The interrogatory is further objected to on the grounds of attorney-client privilege and work product. The interrogatory seeks to have TON identify in detail every action it would take to meet an emergency at Seabrook Station without specifying in any manner the nature, extent or scope of such an emergency. TON has maintained that it will use its best efforts to protect its inhabitants and others within its boundaries. TON will take whatever actions are deemed most appropriate to meet that goal given the resources available at such a time. TON is unable to more completely answer the interrogatory without knowing the nature of the "emergency" the interrogatory is intended to refer to.

TON incorporates herein the objections and observations of the Massachusetts Attorney General and the town of Amesbury to this interrogatory.

INTERROGATORY:

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:

Interrogatory 3 is objected to as being irrelevant and not reasonably calculated to lead to the discovery

of admissible evidence, vague, overly broad and argumentative. Moreover, the interrogatory appears to seek information protected by the attorney-client privilege or work product doctrine. Without waiving these objections, TON has done nothing to "block, hinder or delay the licensing of Seabrook Station" unless Applicant concludes that following the law and applicable legal procedures may be so characterized.

INTERROGATORY:

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:

The interrogatory is objected to on the grounds of attorney-client privilege and because it seeks work product. Without waiving said objections, TON is in possession of no documents responsive to Interrogatory 4 except for drafts of evacuation plans involving Seabrook Station which were provided to TON by the Applicants and are in the Applicants' possession.

INTERROGATORY

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:

No definite decision has been made by TON as to which admitted contention it will not participate in litigating. TON currently intends to participate in litigating JI 4, 5, 7, 18, 21, 34, 49, 50, 55, 60, 62 and 63. TON may participate in litigating additional contentions or may not participate in litigating those identified herein after discovery is more complete.

INTERROGATORY

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 persons(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:

See answer to interrogatory 5. The interrogatory is objected to on the grounds of attorney-client

privilege and work product, is vague and unduly burdensome. Without waiving said objections, TON answers as follows:

(a) Insofar as TON knows, the facts underlying each assertion are contained in the contentions and bases filed by TON and admitted for litigation by the Atomic Safety Licensing Board in this proceeding.

(b) TON's answer to Interrogatory 6(b) is limited to the sources of the facts in the contentions drafted by TON. Those facts were drawn from information contained in the SPMC or discovered through investigation by TON's counsel in this proceeding, the only exception being that the source of the fact that Downfall Road is a "paper street" was the individual signing these answers to interrogatories.

(c) TON has not chosen any expert witnesses.

(d) TON has not chosen its non-expert witnesses.

(e) TON has no documents which reflect or refer to any type of study, calculation or analysis bearing upon the substance of the contention.

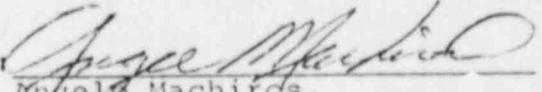
TON agrees to seasonably supplement its answer to these interrogatories during discovery as additional facts may become known and as witnesses may become identified.

TON objects to Applicant's request that any documents TON may produce must be produced at the

Boston office of Applicant's counsel for the reasons set forth in TOA's answers to interrogatories dated September 14, 1988.

Respectfully submitted,
TOWN OF NEWBURY

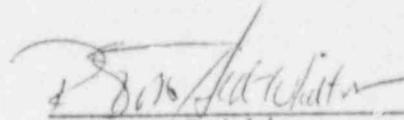
Dated: Sept. 19, 1988-----

By: 
Angelo Machiros,
Board of Selectmen Chairman

COMMONWEALTH OF MASSACHUSETTS
ESSEX COUNTY

Then personally appeared the above-named Angelo Machiros and acknowledged that the foregoing statements by him subscribed are true and correct to the best of his knowledge and belief.

Before me,


Notary Public

My Commission Expires:
August 7, 1992

LACOURIS, CLARK,

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CERTIFICATE OF SERVICE

DOCKETED
USNRC

I, R. Scott Hill-Whilton, Counsel for the Town of Newbury in the above-entitled action, hereby certify that I have caused copies of the enclosed documents to be served upon the persons at the addresses listed below, by first class, postage prepaid, mail and by Federal Express, postage prepaid, mail to those names which have been marked with an asterisk.

'88 SEP 20 P3:07

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day of

[Handwritten signature]
R. Scott Hill-Whilton

ed on Monday, September 19, 1988
d on Monday, September 19, 1988

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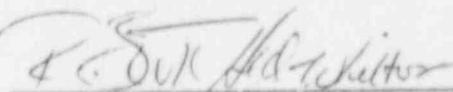
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Signed under seal this 19 day of Sept, 1988.



R. Scott Hill-Whilton

- * Federal Expressed on Monday, September 19, 1988
- ** Delivered by hand on Monday, September 19, 1988