

September 19, 1988

DOCKETED  
USNRC

UNITED STATES OF AMERICA

'88 SEP 20 P3:08

NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

|                                   |   |                      |
|-----------------------------------|---|----------------------|
| In the Matter of                  | ) |                      |
|                                   | ) | Docket No. 50-443-OL |
| PUBLIC SERVICE COMPANY OF         | ) | Docket No. 50-444-OL |
| NEW HAMPSHIRE, <u>et al.</u>      | ) | (Off-site EP)        |
| (Seabrook Station, Units 1 and 2) | ) |                      |

TOWN OF WEST NEWBURY'S 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

The Town of West Newbury (TOWN) files the following answers to the 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.

1. Thomas E. Pulkkinen, Chairman of the West Newbury Board of Selectmen, Town Office Building, 381 Main Street, West Newbury, Massachusetts 01985 is providing the answers to these interrogatories on behalf of TOWN.

2. TOWN objects to interrogatory 2 on grounds that it is overbroad and so vague that a responsive answer relevant to these proceedings cannot be provided. TOWN further objects to this interrogatory on grounds of attorney-client and work product privileges. Without waiving these objections, TOWN further states that actions an official would not, could not, or might

not take in the event of a radiological emergency at Seabrook Station are not only incapable of definition and cannot, therefore, be answered, but are irrelevant. In terms of what actions an official would, could, or might take, again the interrogatory is overbroad and vague, seeking mere speculation, since the nature, scope and extent of the emergency at Seabrook Station posited in the interrogatory has not been defined. Moreover, TOWN has asserted that any response would be on an ad hoc basis, dependent on the personnel and resources available at the time of any emergency.

3. TOWN objects to interrogatory 3 on grounds that it is overbroad, vague, and argumentative. TOWN further objects to this interrogatory on grounds of attorney-client and work product privileges. Without waiving any of the above-stated objections, respondent states that TOWN has never undertaken any action merely to "block, hinder or delay the licensing of Seabrook Station". Any actions taken by officials of TOWN have been actions deemed necessary and appropriate to protect the health and safety of TOWN's citizens and/or actions required by law. TOWN objects to any suggestion by the applicants that TOWN has acted solely for obstructionist purposes.

4. TOWN has no documents reflecting or referring to any emergency planning for a radiological emergency other than drafts of evacuation plans provided to the TOWN by the applicants which are in the possession of the applicants. TOWN does have a

"Severe Storms Emergency Response Plan for the Town of West Newbury", prepared by the Office of Preparedness, West Newbury Civil Defense, November, 1986 and approved by the Board of Selectmen on May 18, 1987.

5. TOWN has not made a final decision as to which admitted SPMC contentions it will, or will not, participate in litigating, particularly since the Commonwealth of Massachusetts, the intervening towns in the Massachusetts EPZ, the applicants and the NRC staff are in the process of consolidating and streamlining the admitted contentions for submission as "joint intervenor" contentions. When that process is complete, TOWN will review the contentions and make its final decisions as to which contentions it will or will not participate in litigating.

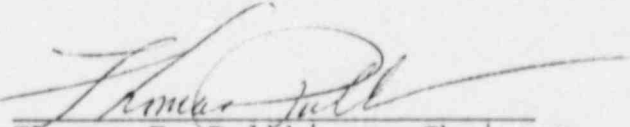
6. See answer to interrogatory 5. TOWN objects to interrogatory 6 a,b, and e as overbroad and vague. Without waiving those objections, TOWN further answers that the facts underlying each assertion in the contentions submitted by TOWN are contained in the contentions and bases filed by TOWN and admitted for litigation by the ASLB in this proceeding. TOWN further answers that no expert or non-expert witnesses have yet been chosen.

TOWN objects to applicants' request that the production of any documents take place at the offices of applicants' attorneys in Boston, Massachusetts as unduly burdensome. Applicants may inspect any relevant documents in TOWN during the discovery

period, during normal business hours, at a mutually agreeable time, following reasonable notice to TOWN.

Dated: September 18, 1988

By:

  
Thomas E. Pulkkinen, Chairman  
West Newbury Board of Selectmen

CERTIFICATE OF SERVICE

I, Judith H. Mizner, Counsel for the Town of West 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.

DOCKETED  
USNRD

SEP 20 P3:08

OFFICE OF THE ATTORNEY GENERAL  
DOCKETING & SERVICE  
BRANCH

\*Admin. Judge Ivan W. Smith  
Chairman, Atomic Safety and  
Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

\*Judge Gustave A. Linenberger, Jr.  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

\*Dr. Jerry Harbour  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

\*Docketing and Service  
U.S. Nuclear Regulatory Commission  
1717 H Street  
Washington, D.C. 20555

\*Thomas G. Dignan, Esq.  
Ropes and Gray  
225 Franklin Street  
Boston, MA 02110

A.S.L.A.B. Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Diane Curran, Esq.  
Harmon & Weiss  
Suite 430  
Washington, D.C. 20009

Stephen B. Merrill, Esq.  
Attorney General  
Office of the Attorney General  
Concord, NH 03301

Sherwin E. Turk, Esq.  
Office of General Counsel NRC  
15th Floor, 1 White Flint North  
Rockville, MD 20852

Robert A. Backus, Esq.  
116 Lowell Street  
P.C. Box 516  
Manchester, NH 03105

Philip Ahrens, Esq.  
Asst. Attorney General  
Office of the Attorney General  
Augusta, ME 04333

Paul McEachern, Esq.  
Shaines & McEachern  
25 Maplewood Avenue  
Portsmouth, NH 03801

Mrs. Sandra Guvutis  
Chairman  
Board of Selectmen  
Kensington, NH 03827

The Honorable Gordon J. Humphrey  
United States Senate  
Washington, D.C. 20510

Mr. Thomas Powers  
Town Manager  
Town of Exeter  
Exeter, NH 03833

H. Joseph Flynn, Esq.  
Office of General Counsel  
Federal Emergency Management Agency  
Washington, D.C. 20472

Gary Holmes, Esq.  
Holmes & Ells  
47 Winnacunnet Road  
Hampton, NH 03841

Mr. Calvin A. Canney  
City Manager  
City Hall  
Portsmouth, NH 03801

Barbara Saint Andre, Esq.  
Kopelman & Paige  
77 Franklin Street  
Boston, MA 02110

Brentwood Board of Selectmen  
RFD Dalton Road  
Brentwood, NH 03833

Mr. Robert Carrig, Chairman  
Board of Selectmen  
Town Office  
North Hampton, NH 03862

Robert R. Pierce, Esq.  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Comm.  
Washington, D.C. 20555

Stephen Jonas, Esq.  
Assistant Attorney General  
Office of the Attorney General  
Boston, MA 02108

Charles P. Graham, Esq.  
Murphy and Graham  
33 Low Street  
Newburyport, MA 01950


Mr. William Lord  
Selectman  
Board of Selectmen  
Amesbury, MA 01913

Richard A. Hampe, Esq.  
Hampe & McNicholas  
35 Pleasant Street  
Concord, NH 03301

R. Scott Hill-Whilton, Esq.  
Lagoulis, Clark, Hill-Whilton  
& McGuire  
79 State Street  
Newburyport, MA 01950

Mr. Richard R. Donovan  
Federal Emergency Management Agency  
Federal Regional Center  
130 228th Street, S.W.  
Bothell, Washington 98021-9796

Signed under seal this 19<sup>th</sup> day of September, 1988.

  
\_\_\_\_\_  
Judith H. Mizner