

7212

DOCKET NUMBER 50-443/444-OL
PROD. & UTIL. FAC.

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'88 OCT -4 P5:11

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	Docket Nos. 50-443 OL-01
PUBLIC SERVICE COMPANY OF)	50-444 OL-01
NEW HAMPSHIRE, <u>et al</u> .)	Off-site Emergency Planning
)	and Safety Issues
(Seabrook Station, Units 1 and 2))	

NRC STAFF RESPONSE TO MOTIONS FOR PROTECTIVE ORDERS
FILED BY SEACOAST ANTI-POLLUTION LEAGUE (SAPL),
THE TOWNS OF HAVERHILL, MERRIMAC, AMESBURY,
WEST NEWBURY, AND NEWBURY, AND THE CITY OF NEWBURYPORT

In response to a discovery request filed by the Applicants on August 31, 1988, ^{1/} numerous motions for protective orders have now been filed by the Seacoast Anti-Pollution League (SAPL), the Towns of Haverhill, Merrimac, Amesbury, West Newbury, and Newbury, and the City of Newburyport. The NRC Staff opposes the Intervenors' Motions and recommends that they be denied.

As a preliminary matter, the Staff notes that it does not usually involve itself in discovery disputes between other parties, in which the Staff is not directly involved. In this instance, however, several factors exist which require the Staff to respond to the Intervenors' Motions. In particular, the Staff considers that the discovery sought by

^{1/} "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" ("Applicants' Request"), dated August 31, 1988.

BB10060098 BB0930
PDR ADOCK 05000443
G PDR

D507

the Applicants is of fundamental importance to the overall conduct of this proceeding and that a failure by the Intervenors to file proper responses thereto could preclude or appreciably delay a proper resolution of this proceeding. There is simply no merit to the Intervenors' vague, overly broad and unsupported objections and assertions of privilege. Further, the Staff has sought and intends to seek further discovery from the Intervenors on matters similar to the discovery sought by the Applicants in their initial discovery request; a proper ruling on the instant motions seeking protection from that discovery is important for the proper resolution of any similar motions which the Intervenors may file in response to this and any further discovery.

The Staff has received copies of two motions to compel proper discovery responses, filed by the Applicants against SAPL and three of these municipalities on September 26 and 27, 1988. ^{2/} In addition, the Staff understands that the remaining three municipalities have agreed to supplement their responses to Applicants' discovery, obviating a need for motions to compel directed against them. Rather than address in detail

^{2/} "Applicants' Motion to Compel Answers to Interrogatories and Production of Documents by Amesbury, Haverhill, and Merrimac", dated September 26, 1988; "Applicants' Motion to Compel Answers to Interrogatories and Production of Documents by SAPL", dated September 27, 1988.

here all of the deficiencies in the Intervenors' objections to discovery and motions for protective order, the Staff will set forth its views on these matters in its response to Applicants' pending motions to compel.

Respectfully submitted,

Stephen A. Bergquist

Stephen A. Bergquist
Counsel for NRC Staff

Dated at Rockville, Maryland
the 30th day of September, 1988

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD '88 OCT -4 P5:11

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO MOTIONS FOR PROTECTIVE ORDERS FILED BY SEACOAST ANTI-POLLUTION LEAGUE (SAPL), THE TOWNS OF HAVERHILL, MERRIMAC, AMESBURY, WEST NEWBURY, AND NEWBURY, AND THE CITY OF NEWBURYPORT" 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, by deposit in the Nuclear Regulatory Commission's internal mail system, this 30th day of September 1988.

Ivan W. Smith, Chairman *
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing
Board Panel (1)*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

Docketing and Service Section*
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Jerry Harbour*
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Thomas G. Dignan, Jr., Esq.
Robert K. Gad, III, Esq.
Kopes & Gray
225 Franklin Street
Boston, MA 02110

Atomic Safety and Licensing
Appeal Panel (5)*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

H. J. Flynn, Esq.
Assistant General Counsel
Federal Emergency Management Agency
500 C Street, S.W.
Washington, DC 20472

Philip Ahren, Esq.
Assistant Attorney General
Office of the Attorney General
State House Station
Augusta, ME 04333

Carol S. Sneider, Esq.
Assistant Attorney General
Office of the Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

George Dana Bisbee, Esq.
Assistant Attorney General
Office of the Attorney General
25 Capitol Street
Concord, NH 03301

Ellyn R. Weiss, Esq.
Diane Curran, Esq.
Harmon & Weiss
2001 S Street, NW
Suite 430
Washington, DC 20009

Robert A. Backus, Esq.
Backus, Meyer & Solomon
116 Lowell Street
Manchester, NH 03106

Paul McEachern, Esq.
Matthew T. Brock, Esq.
Shaines & McEachern
25 Maplewood Avenue
P.O. Box 360
Portsmouth, NH 03801

Charles P. Graham, Esq.
McKay, Murphy & Graham
100 Main Street
Amesbury, MA 01913

Sandra Gavutis, Chairman
Board of Selectmen
RFD #1, Box 1154
Kensington, NH 03827

Calvin A. Canney
City Hall
126 Daniel Street
Portsmouth, NH 03801

Mr. Angie Machiros, Chairman
Board of Selectmen
25 High Road
Newbury, MA 09150

Allen Lampert
Civil Defense Director
Town of Brentwood
20 Franklin
Exeter, NH 03833

William Armstrong
Civil Defense Director
Town of Exeter
10 Front Street
Exeter, NH 03833

Gary W. Holmes, Esq.
Holmes & Ellis
47 Winnacunnet Road
Hampton, NH 03842

J. P. Nadeau
Board of Selectmen
10 Central Street
Rye, NH 03870

Judith H. Mizner, Esq.,
Silverglate, Gertner, Baker,
Fine, & Good
88 Board Street
Boston, MA 02110

Robert Carrigg, Chairman
Board of Selectmen
Town Office
Atlantic Avenue
North Hampton, NH 03870

William S. Lord
Board of Selectmen
Town Hall - Friend Street
Amesbury, MA 01913

Mrs. Anne E. Goodman, Chairman
Board of Selectmen
13-15 Newmarket Road
Durham, NH 03824

Hon. Gordon J. Humphrey
United States Senate
531 Hart Senate Office Building
Washington, DC 20510

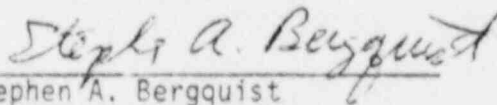
Richard R. Donovan
Federal Emergency Management Agency
Federal Regional Center
130 228th Street, S.W.
Bothell, Washington 98021-9796

Peter J. Matthews, Mayor
City Hall
Newburyport, MN 09150

Michael Santosuosso, Chairman
Board of Selectmen
South Hampton, NH 03827

Ashod N. Amirian, Esq.
Town Counsel for Merrimac
376 Main Street
Haverhill, MA 08130

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


Stephen A. Bergquist
Counsel for NRC Staff