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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF PUBLIC AFFAIRS
DOCKETING & SERVICE
BRANCH

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

SERVED OCT 18 1988

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
(ASLBP No. 82-471-02-OL)
(Offsite Emergency
Planning)

October 17, 1988

MEMORANDUM AND ORDER
(Directing Haverhill and Merrimac
to Respond to Discovery Requests)

On August 31, 1988 Applicants served their first set of interrogatories and first request for documents upon all parties and participating local governments including the Town of Merrimac and the City of Haverhill. Merrimac and Haverhill are represented by the same legal counsel, Ashod N. Amirian, Esq. On September 16, Mr. Amirian, in separate but virtually identical pleadings, responded on behalf of both municipalities. He answered none of the substantive interrogatories and produced no documents. His pleadings were produced by duplicating the discovery response of the Town of Amesbury, substituting designations for Merrimac and

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Haverhill at the appropriate places. Mr. Amirian also requested protective orders for both municipalities.

In general Merrimac and Haverhill object to the discovery requests on the grounds of burden and the privileges of attorney/client and work product. Since Mr. Amirian copied verbatim the identical objections by the Town of Amesbury, the Board has little confidence that Mr. Amirian, who answered for his clients, carefully measured the potential burdens. Nor is it apparent that he carefully analyzed the legal questions of attorney/client and work-product privilege as they pertain to his clients.

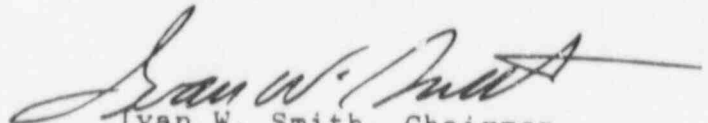
On September 26 Applicants filed their motion to compel answers to interrogatories and production of documents by Merrimac, Haverhill and Amesbury pursuant to 10 CFR 2.740(f). Amesbury answered the motion and is consulting with Applicants in an effort to resolve the matter. However, Merrimac and Haverhill have not answered the motion to compel.

The Board has reviewed Applicants' August 31 discovery requests. They seem reasonably designed to lead to the discovery of information relevant to the subject matter of this proceeding as authorized by 10 CFR 2.740(b). Merrimac and Haverhill have not explained why the answers to the interrogatories and the production of the requested documents would be burdensome, nor can we discern any undue burden involved in the requests. The claims of

attorney/client and work-product privilege are simply summary statements to that effect, totally without support.

Therefore the Board directs the Town of Merrimac and the City of Haverhill to respond to Applicants' August 31, 1988 discovery requests on or before October 25, 1988. Counsel for Haverhill and Merrimac is reminded of the provisions of 10 CFR 2.707 respecting default in responding to any discovery order entered by the presiding officer. A copy of this order is being sent today by the Board to Mr. Amirian by express mail.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Ivan W. Smith, Chairman
ADMINISTRATIVE LAW JUDGE

Bethesda, Maryland

October 17, 1988