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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

before the

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

ATOMIC SAFETY AND LICENSING BOARD

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-OJ

(Offsite Emergency
Planning Issues)

LICENSEES' MOTION FOR SUMMARY DISPOSITION
OF ISSUES REMANDED IN ALAB-937

Licensees, pursuant to 10 C.F.R. § 2.734, on the basis of the Affidavits of Dennis S. Mileti (Mileti Affidavit) and Anthony M. Callendrello (Callendrello Affidavit) attached hereto, and for the reasons set forth below, move the Licensing Board to enter an order granting summary disposition in favor of the Licensees with respect to the issues remanded by the Appeal Board to this Licensing Board in the decision denominated ALAB-937.¹

In ALAB-937, the Appeal Board remanded to this Licensing Board two issues for further consideration. These issues are:

- "1. Is there reasonable assurance that, in the event of a radiological emergency at Seabrook necessitating an evacuation of

¹Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-937, 32 NRC ____ (Sept. 18, 1990).

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children in schools and day-care centers within the Massachusetts EPZ, a sufficient number of teachers and day-care center personnel will escort the children to the School Host Facility at Holy Cross College and remain with those children until relieved of that assignment?

"2. If such reasonable assurance does not exist, have the [licensees] made satisfactory alternative arrangements for the care and supervision of the children both on the bus trip to Worcester and during their stay at the School Host Facility?"²

The Mileti Affidavit establishes that there is reasonable assurance that sufficient school personnel will, in fact, accompany the children to the School Host Facility and remain there to provide care.³ Even if one does not accept the views expressed in the Mileti Affidavit, the Callendrello Affidavit establishes that there exist sufficient ORO personnel to care for the children at the School Host Facility even if the teachers are assumed to abandon their responsibilities. With respect to the care and supervision of children on the bus, children ride school buses all the time with no "supervision and care" beyond that supplied by the adult bus driver.⁴

In short, there remains no genuine issue as to any material

²ALAB-937, Slip op. at 32-33.

³Mileti Aff., passim.

⁴Callendrello Aff., ¶ 18.

fact with respect to the matters remanded in ALAB-937, and, therefore, the Licensees are entitled to judgment as a matter of law.

Respectfully submitted,



Thomas G. Digman, Jr.
George H. Lewald
Kathryn Selleck Shea
Jeffrey P. Trout
Ropes & Gray
One International Place
Boston, MA 02110-2624
(617) 951-7000

Counsel for Licensees

**Material Facts as to Which There
Is No Genuine Issue to Be Heard**

1. Persons in roles of responsibility for others before an emergency begins have role certainty about being responsible for their charges during an emergency independent of planning and training. Mileti Aff., ¶¶ 7-8.

2. There is reasonable assurance that sufficient school personnel will respond to care for and supervise school children and day-care center children being evacuated as a result of a radiological emergency at Seabrook Station. Mileti Aff., passim.

3. There are sufficient ORO personnel assigned to care for the children at the School Host Facility, even if teachers should abandon their charges and refuse to accompany or care for them in a radiological emergency at Seabrook Station. Callendrello Aff., passim.