

2. Please identify all analyses, surveys, studies and reports known or believed by Mass AG to exist including, but not limited to, all possessed by The Commonwealth) as to how Teachers employed in the Massachusetts EPZ would respond in the event of a radiological emergency at Seabrook station, and produce all such documents within the possession or control of Mass. AG.

Response:

Interviews conducted by Katherine Barnicle, Investigator, Department of the Attorney General, One Ashburton Place, Boston, MA 02108 during the winter of 1989; Affidavit of Stephen Cole dated November 2, 1990.

3. Please identify all analyses, surveys, studies and reports known or believed by Mass AG to exist (including, but not limited to, all possessed by The Commonwealth) as to how Teachers employed in the Massachusetts EPZ would respond to an emergency requiring evacuation of their School, and produce all such documents within the possession or control of Mass AG other than those produced in response to the foregoing request.

Reponse:

None other than the above.

4. Please identify all analyses, surveys, studies and reports known or believed by Mass AG to exist (including, but not limited to, all possessed by The Commonwealth) as to how Massachusetts Teachers would respond to a radiological emergency, and produce all such documents within the

possession or control of Mass AG other than those produced in response to the foregoing requests.

Response:

None other than the above.

5. Please identify all analyses, surveys, studies and reports known or believed by Mass AG to exist (including, but not limited to, all possessed by The Commonwealth) as to how Massachusetts Teachers would respond to an emergency requiring evacuation of their school, and produce all such documents within the possession or control of Mass AG other than those produced in response to the foregoing requests.

Response: None other than the above.

6. Please identify all analyses, surveys, studies and reports known or believed by Mass AG to exist (including, but not limited to, all possessed by The Commonwealth) as to how Teachers have responded to radiological emergencies, and produce all such documents within the possession or control of Mass AG other than those produced in response to the foregoing requests.

Response: None other than the above.

7. Please identify all analyses, surveys, studies and reports known or believed by Mass AG to exist (including, but not limited to, all possessed by The Commonwealth) as to how Teachers would respond to a radiological emergency, and produce all such documents within the possession or

control of Mass AG other than those produced in response to the foregoing requests.

Response:

The testimony on teachers in the New Hampshire EPZ produced in the licensing hearings on the NHRERP in addition to the answers above.

8. Please identify all analyses, surveys studies and reports possessed known or believed by Mass AG to exist (including, but not limited to, all by The Commonwealth) as to how Teachers have responded to emergencies requiring evacuation of their School, and produce all such documents within the possession or control of Mass AG other than those produced in response to the foregoing requests.

Response:

None other than the above.

9. Please identify all analyses, surveys, studies and reports possessed known or believed by Mass AG to exist (including, but not limited to, all by The Commonwealth) as to how Teachers would respond to an emergency requiring evacuation of their School, and produce all such documents within the possession or control of Mass AG than those produced in response to the foregoing requests.

Response:

None other than the above.

10. Please identify and produce the most recent SARA plans for Amesbury, Merrimac, Newbury, Newburyport, Salisbury, Newbury.

Response:

Only the City of Newburyport has adopted a SARA plan. That plan was previously produced in connection with this licensing proceeding.

11. Does the Mass AG contend that any municipality located in the Massachusetts EPZ is not in compliance with the requirements of SARA as they relate to emergency planning for Schools and school children? If your answer is anything other than an unqualified negative, then please identify each such municipality which Mass AG contends is not or may not be in compliance, and:
- (a) State each fact on which your answer is based.
 - (b) Identify and produce each document which you contend reflects or supports your answer.
 - (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

The Mass AG objects to this interrogatory on the basis of form and because it calls for a legal opinion as to what constitutes compliance with a law. Without waiving those objections, the Mass AG states that the only municipality of the six in the Massachusetts EPZ that has adopted a

SARA plan is the City of Newburyport. Under that plan the only references to schools indicate that they may be available as shelter in the event of a toxic release.

12. Does the Mass AG contend that any School located in the Massachusetts EPZ is not in compliance with the responsibilities assigned to it by local SARA plans? If your answer is anything other than an unqualified negative, then please identify each such School which Mass AG contends is not or may not be in compliance, and:
- (a) State each fact on which your answer is based.
 - (b) Identify and produce each document which you contend reflects or supports your answer.
 - (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

The Mass AG objects to Interrogatory No. 12 on the basis of form in that it assumes a fact that has not been established, i.e. that responsibilities are assigned to schools by local SARA plans. Furthermore, the Mass AG objects to the interrogatory on the basis that it calls for a legal opinion as to what constitutes compliance with a law. Without waiving those objections, the Mass AG

states that the schools and daycare centers in the other five towns have no responsibilities assigned to them by local SARA plans. Furthermore, under the Newburyport SARA plan the only responsibility that appears to be assigned to schools is to be available for shelter in the event of a toxic release. School personnel, and teachers in particular, do not appear to have any assigned evacuation roles.

13. Does the Mass AG contend that any School located in the Massachusetts EPZ would not, in the event of an emergency requiring evacuation of the School, comply with the responsibilities assigned to it and its personnel by local SARA plans? If your answer is anything other than an unqualified negative, then please identify each such School which Mass AG contends would not or may not comply, and:

- (a) State each fact on which your answer is based.
- (b) Identify and produce each document which you contend reflects or supports your answer.
- (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

The Mass AG makes the same objection and answer as in response to Interrogatory No. 12.

14. Please identify and produce all emergency plans for Massachusetts EPZ Schools.

Response:

To the extent that the Mass AG has such plans within its custody or control, those plans have previously been identified and produced in connection with this licensing hearing.

15. Please identify and produce all regulations, executive orders, policy statements, guidelines, and other standards established by the Commonwealth which reflect or relate to the responsibilities of Teachers in the event of a radiological emergency.

Response:

The Mass AG objects to this interrogatory on the basis that it calls for attorney mental impressions, legal theories and opinions that constitute nondiscoverable work product. Without waiving that objection the Mass AG states that to the extent that such regulations, executive orders, policy statements, guidelines or other standards exist they have previously been provided to the Applicants in connection with this licensing proceeding.

16. Please identify all regulations, executive orders, policy statements, guidelines, and other standards guidelines, and other standards established by The Commonwealth which

reflect or relate to the responsibilities of Teachers in the event of an emergency at their School, and produce all such documents other than those produced in response to the foregoing request.

Response:

The Mass AG makes the same objection and answer as in response as to Interrogatory No. 15.

17. Does the Mass AG contend that any day care facility within the Massachusetts EPZ would not, in the event of a radiological emergency at Seabrook Station, comply with requirements of 102 CMR § 7.06(29)(b)? If your answer is anything other than an unqualified negative, then please identify each such facility which Mass AG contends would not or may not comply, and:

- (a) State each fact on which your answer is based.
- (b) Identify and produce each document which you contend reflects or supports your answer.
- (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

The Mass AG objects to this interrogatory on the basis that it calls for a legal opinion as to what constitutes compliance with a regulation is irrelevant and unlikely to lead to the discovery of relevant material. Without waiving those objections, the Mass AG states that while daycare personnel might remain with children while they are in their charge at a licensed facility, it is foreseeable that many, if not all, daycare facilities have personnel who will not accompany children in an evacuation situation. See Affidavit of Stephen Cole dated November 2, 1990 referred to above. The Mass AG further notes that the vast majority of daycare centers in the Massachusetts EPZ are home daycare centers and are not covered by 102 CMR § 7.06(29)(b).

18. Does the Mass AG contend that any day care facility within the Massachusetts EPZ is not in compliance with the requirements of 102 CMR § 7.07(16)(d)? If your answer is anything other than an unqualified negative, then please identify each such facility which Mass AG contends is not or may not be in compliance, and:
- (a) State each fact on which your answer is based.
 - (b) Identify and produce each document which you contend reflects or supports your answer.

(c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

The Mass AG objects to this interrogatory on the basis that it calls for a legal opinion as to what constitutes compliance with a regulation, is irrelevant and unlikely to lead to the discovery of relevant material. Without waiving those objections, the Mass AG states that while group daycare centers in the Massachusetts EPZ have procedures to get infants and toddlers out the door in the event of a fire, that is the limit of their evacuation procedures. The procedures do not include provisions for transporting the children halfway across the state and caring for them indefinitely until their parents ultimately arrive. Furthermore, the Mass AG notes that the vast majority of daycare centers in the Massachusetts EPZ are home day care centers and are not covered by 102 CMR § 7.07(16)(d).

19. Does the Mass AG contend that any day care facility within the Massachusetts EPZ is not in compliance with the requirements of 102 CMR § 7.11(8)? If your answer is anything other than an unqualified negative, then please identify each such facility which Mass AG contends is not or may not be in compliance, and:
- (a) State each fact on which your answer is based.
 - (b) Identify and produce each document which you contend reflects or supports your answer.
 - (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

The Mass AG objects to this interrogatory on the basis that it calls for a legal opinion as to what constitutes compliance with a regulation, is irrelevant and unlikely to lead to the discovery of relevant material. Without waiving that objections, the Mass AG states that that regulation does not require any plans for transportation of children in an emergency. It only requires that if a licensee has such plans, they be in writing. The Mass AG also notes that the vast majority of day care centers in the EPZ are home day care centers are not covered by 102 CMR 37.11(8).

20. Does the Mass AG contend that any day care facility within the Massachusetts EPZ is not in compliance with the requirements of 102 CMR § 8.08(21)? If your answer is anything other than an unqualified negative, then please identify each such facility which Mass AG contends is not or may not be in compliance, and:
- (a) State each fact on which your answer is based.
 - (b) Identify and produce each document which you contend reflects or supports your answer.
 - (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

The Mass AG objects to this interrogatory on the basis that it calls for a legal opinion as to what constitutes compliance with a regulation, is irrelevant, and is unlikely to lead to the discovery relevant material. Without waiving that objection, the Mass AG states that the regulation only requires daycare facilities have procedures for how to get children out of the door in the event of a fire or other similiar emergency. Under that regulation, there is no requirement that there be any evacuation from the facility site itself.

21. Does the Mass AG contend that any day care facility within the Massachusetts EPZ would not, in the event of a radiological emergency at Seabrook Station, comply with the requirements of 102 CMR § 8.10? If your answer is anything other than an unqualified negative, then please identify each such facility which Mass AG contends would not or may not comply, and:
- (a) State each fact on which your answer is based.
 - (b) Identify and produce each document which you contend reflects or supports your answer.
 - (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

The Mass AG objects to this interrogatory on the basis that it calls for a legal opinion as to what constitutes compliance with a regulation, is irrelevant, and unlikely to lead to relevant material. The Mass AG also objects to this interrogatory on the basis of form since it assumes that the requirements of 102 CMR § 8.10 would be applicable in the event of a radiological emergency at Seabrook Station. Without waiving that objection, the Mass AG states that that regulation simply requires

supervision at the facility site. It is not required that daycare personnel accompany children in an evacuation due to a radiological emergency.

22. Does the Mass AG contend that any day care facility within the Massachusetts EPZ is not in compliance with the requirements of 102 CMR § 7.07(18)(i)? If your answer is anything other than an unqualified negative, then please identify each such facility which Mass AG contends is not or may not be in compliance, and:
- (a) State each fact on which your answer is based.
 - (b) Identify and produce each document which you contends reflects or supports your answer.
 - (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

The Mass AG makes the same objection and answer as in response to Interrogatory 18.

23. Does Mass AG agree that it is the policy or position of the Massachusetts Civil Defense Agency and/or the Massachusetts Executive Office of Public Safety, with respect to radiological emergencies, that "[i]n the event of an evacuation, it is the responsibility of teachers,

other school personnel, and day-care providers to accompany children to reception centers, until they can be discharged to their parents or guardians"? If your answer to anything other than an unqualified affirmative, then please describe in detail what Mass AG contends the policy or position of the Massachusetts Civil Defense Agency and the Massachusetts Executive Office of Public Safety to be with respect to the responsibilities of Teachers in the event of a radiological emergency, and:

- (a) State each fact on which your answer is based.
- (b) Identify and produce each document which you contend reflects or supports your answer.
- (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

The Mass AG objects to this interrogatory in that it contains quoted language without providing a reference for the quote. The Mass AG further objects to the form of the question in that it assumes that the Massachusetts Civil Defense Agency and/or the Massachusetts Executive Office of Public Safety has adopted any generic policy or position with respect to radiological emergencies other

than that no segment of the population, including special needs, shall be excluded from planning provisions. Without waiving those objections the Mass AG states that the Massachusetts Civil Defense Aging and/or the Executive Office for Public Safety have not adopted or promulgated official policies concerning teachers a day care personnel with respect to radiological emergencies. Under certain radiological plans some teachers and day care personnel have specific roles with implementing procedures and receive training on those roles. They are not assigned to stay with the children indefinitely until they are discharged to their parents.

24. Does Mass AG contend that, in the event of a radiological emergency at Seabrook Station, Teachers employed in the Massachusetts EPZ would not meet their "responsibility . . . to accompany children to reception centers, until they can be discharged to their parents or guardians"? If your answer is anything other than an unqualified negative, then please:
- (a) Describe in detail each reason for your answer.
 - (b) State what percentage of Teachers Mass AG contends would thus fail to meet their state-imposed responsibility to accompany the children.
 - (c) State each fact upon which your answers to sub-parts (a) and (b) above are based.

- (d) Identify and produce each document which you contends supports your answers to sub-parts (a) through (b) above.
- (e) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answers, or state that Mass AG does not rely upon the expertise of any person for the answers.

Response:

The Mass AG objects to this interrogatory in that it contains quoted language without providing a reference for the quote. The Mass AG also objects to the form of the question in that it assumes that teachers have a responsibility to accompany and stay with children. Without waiving those objections the Mass AG states that a substantial number of teachers would not accompany children for the reasons set forth in response to Interrogatory 30.

25. Does Mass AG agree that the Memorandum of Charles V. Barry to Robert J. Boulay, April 24, 1989, Attachment B to the October 19, 1990 Affidavit of Anthony M. Callendrello, correctly states the present policy or position of the Massachusetts Civil Defense Agency and the Massachusetts Executive Office of Public Safety? If your answer is

anything other than an unqualified affirmative, then please describe in detail what Mass AG contends the policy or position of the Massachusetts Civil Defense Agency and the Massachusetts Executive Office of Public Safety to be with respect to orders from the Governor to Teachers in the event of a radiological emergency, and:

- (a) State each fact upon which your answer is based.
- (b) Identify and produce each document which you contend supports your answer.
- (c) Provide the technical qualifications (education, employment history, licenses and certificates, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG does not relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

The Mass AG objects to the form of the question in that it assumes a fact that has not been established, i.e. that the memorandum dated April 24, 1989 is a statement of policy or position by the Executive Office of Public Safety. On its face the memorandum simply states that Stanley Adelman has reviewed correspondence and agrees with a legal opinion of a Town Counsel. Without waiving that objection the Mass AG states that Stanley Adelman still agrees with that legal opinion. Obviously, that

opinion is inapplicable to private school teachers and private day care personnel.

The Massachusetts Civil Defense Agency has not adopted or promulgated an official statement of policy or position with respect to orders from the Governor to Teachers in the event of a radiological emergency, however, teachers are assigned specific roles under the implementing procedures of certain radiological plans and receive training on those roles.

26. Does Mass AG contend that, in the event of a radiological emergency at Seabrook Station, Teachers employed in the Massachusetts EPZ would disobey an order from the Governor or his delegatee that they accompany the children to reception centers until relieved? If your answer is anything other than an unqualified negative, then please:
- (a) Describe in detail each reason for your answer.
 - (b) State what percentage of Teachers Mass AG contends would thus disobey the Governor's emergency order.
 - (c) State each fact upon which your answers to sub-parts (a) and (b) above are based.
 - (d) Identify and produce each document which you contend supports your answers to sub-parts (a) through (c) above.

(e) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answers, or state that Mass AG does not rely upon the expertise of any person for the answers.

Response:

The Mass AG objects to this Interrogatory because it calls for a legal opinion as to compliance with the Massachusetts Civil Defense Act. Without waiving that objection the Mass AG states: 1) it is foreseeable that a certain percentage of teachers will either not know of such an order or will not give such an order credence; 2) it is foreseeable that a substantial number of teachers will refuse to obey the order because of role conflict -- see the affidavit and qualifications of Stephen Cole previously provided.

27. Please describe in detail, and identify and produce all documents that constitute, reflect or refer to, all communications, concerning the response of Teachers employed in the Massachusetts EPZ in the event of a radiological emergency at Seabrook Station, between the Mass AG (as defined) and:

(a) the office for Children;

- (b) other Massachusetts governmental officials and entities, including, but not limited to city, town and school district officials;
- (c) Teachers;
- (d) Schools and administrators thereof;
- (e) Teachers' unions and officials thereof; and
- (f) all other persons and entities.

Response:

The Mass AG objects to revealing the content of communications with other state agencies as protected attorney-client communications. Without waiving that objection the Mass AG states that: 1) during the weeks of October 8 and December 17, 1990 the Mass AG had telephone discussions with personnel at the Office for Children concerning the standards of care for children, regulations concerning such standards and studies about emergencies; 2) during the weeks of October 22, and December 17 and December 24, 1990 the Mass AG had telephone conversations with personnel at the Massachusetts Civil Defense Agency concerning emergency planning and the role of teachers; 3) during the week of December 24, 1990, the Mass AG had telephone conversations with personnel at the Executive Office of Public Safety; 4) during the week of November 26 and December 17, 1990 the Mass AG had telephone conversation with personnel of the Department of Education concerning standards of care for children, regulations, concerning such standards and studies about emergencies.

During the week of October 22, 1990 the Mass AG had a telephone conversation with the representative of the Massachusetts Teachers Association (MTA) concerning who was the appropriate person(s) to contact to learn about the current position of teachers in the Massachusetts EPZ concerning radiological emergency planning. During the week of October 29, 1990 the Mass AG had a telephone conversation with teacher union representatives from the region of the Massachusetts EPZ and inquired as to the teachers' position(s) on radiological emergency planning. In addition to those telephone calls the Mass AG received a letter dated November 1, 1990 from Everett Lahey of the MTA addressing the same subject.

28. Please describe in detail, and identify and produce all documents that constitute, reflect or refer to, all communications, concerning School emergency planning in connection with Seabrook Station, between Massachusetts governmental officials and entities (including, but not limited to, the Mass AG as defined) and:
- (a) the Office for Children;
 - (b) other Massachusetts governmental officials and entities, including, but not limited to city, town and school district officials;
 - (c) Teachers;
 - (d) Schools and administrators thereof;
 - (e) Teachers' unions and officials thereof; and
 - (f) all other persons and entities.

Response:

The Mass AG objects to the interrogatory as redundant and burdensome and on the basis that all responsive documents were previously produced in this licensing proceeding. Without waiving this objection Mass AG state that all subject documents have previously been identified and/or produced.

29. Please describe in detail, and identify and produce all documents that constitute, reflect or refer to, all communications, concerning the response of Teachers employed in the Massachusetts EPZ in the event of a radiological emergency at Seabrook Station, between Massachusetts governmental officials and entities other than the Mass AG (as defined) and:
- (a) the office for Children;
 - (b) other Massachusetts governmental officials and entities, including, but not limited to city, town and school district officials;
 - (c) Teachers;
 - (d) Schools and administrators thereof;
 - (e) Teachers' unions and officials thereof; and
 - (f) all other persons and entities.

Response

The Mass AG objects to the interrogatory as redundant and burdensome and on the basis that all responsive documents were previously produced in this licensing proceeding. Without waiving this objection Mass AG state that all subject documents have previously been identified and/or produced.

30. Does Mass AG contend that there is not "reasonable assurance that, in the event of a radiological emergency at Seabrook necessitating an evacuation of 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"? If your answer is anything other than an unqualified negative, then please:

- (a) State each fact on which your answer is based.
- (b) Identify and produce each document (including, but limited to, each analysis, survey, study and report) which you contend supports your answer.
- (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.
- (d) Identify each witness whom Mass AG intends to call to testify in support of Mass AG's position.

Response:

The Mass AG objects to this interrogatory on the basis that it contains quoted language without providing a reference for the quote and is redundant and burdensome. Without waiving these objections, the Mass AG states:

- 1) there are no letters of agreement with teachers and day care personnel.
- 2) there are no procedures or training for teachers and day care personnel with the SPMC.
- 3) a substantial number of teachers and day care personnel will not report because of role conflict. See the previously identified surveys, analysis, studies, testimony, and opinions identified above.

The Mass AG relies on Stephen Cole as an expert witness. His opinion and qualifications have previously been provided.

31. Does Mass AG contend that Licensees have not "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"? If your answer is anything other than an unqualified negative, then please:
- (a) State each fact on which your answer is based.
 - (b) Identify and produce each document (including, but limited to, each analysis, survey, study and report) which you contend supports your answer.

- (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.
- (d) Identify each witness whom Mass AG intends to call to testify in support of Mass AG's position.

Response:

The Mass AG objects to this interrogatory on the basis that it contains quoted language without providing a reference for the quote and on the basis of form in that it assumes the existent of primary and alternative arrangements. Without waiving those objections the Mass AG states:

- 1) there are no ORO personnel or letters of agreement with other personnel to provide for the care and supervision of children;
- 2) there are no procedures or training for ORO personnel or other contracted personnel under the SPMC for the care and supervision of children;
- 3) reliance on evacuation specific personnel such as route guides and bus drivers to care for children at Holy Cross is inappropriate because those are single shift positions. Caring for children at Holy Cross could extend their shifts well beyond 12 hours.

The Mass AG relies upon the expertise of Michael Sinclair as a witness. His opinion and qualifications has been previously provided.

32. Please describe in detail each action which Mass AG contends must be taken in order to provide "reasonable assurance that, in the event of a radiological emergency at Seabrook necessitating an evacuation of 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", Please also:
- (a) State each fact on which your answer is based.
 - (b) Identify and produce each document which you contend supports your answer.
 - (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

The Mass AG objects to this interrogatory in that it calls for the Mass AG to engage in emergency planning and contains quoted language without a reference for the quote. Without waiving those objections the Mass AG states:

- 1) if teachers and day care personnel to be relied on, letters of agreement with them should exist;
- 2) procedures and training for them should exist;
- 3) there should be provisions for second shift staffing and the material needs of the children;
- 4) an assessment should be made as to how many teachers and day care personnel will be needed per shift.

NUREG 0654 and the affidavits of Stephen Cole and Michael Sinclair attached to the response to the Licensees motion for summary judgment support this answer. The qualifications of Sinclair and Cole have been previously provided in the proceeding.

33. Please describe in detail each action which Mass AG contends must be taken in order that Licensees will have "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"? If Mass AG contends that changes would be required to the SPMC, the Holy Cross Ops Plan, and/or the School Host Facility Plan, please describe in detail each such change. Please also:
- (a) State each fact on which your answer is based.
 - (b) Identify and produce each document which you contend supports your answer.

- (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

The Mass AG objects to this interrogatory in that it calls for the Mass AG to engage in emergency planning and contains quoted language without a reference for the quote. The Mass AG also objects to the form of the question in that it assumes primary and alternative arrangements. Without waiving those objections the Mass AG states:

- 1) if other non-ORO personnel are to be relied on, letters of agreement with them should exist;
- 2) procedures and training for them should exist;
- 3) there should be provisions for second shift staffing and the material needs of the children;
- 4) an assessment should be made as to how many other personnel will be needed per shift.

NUREG 0654 and the affidavits of Stephen Cole and Michael Sinclair attached to the response to the Licensees motion for summary judgment support this answer. The qualifications of Sinclair and Cole have been previously provided in the proceeding.

34. Does Mass AG contend that Teachers are not generally relied upon to accompany evacuating children (i) from the emergency planning zones around other nuclear power plants, (ii) from the areas around facilities containing hazardous materials, and (iii) in other situations where evacuation of Schools is required? If your answer is anything other than an unqualified negative, then please:
- (a) State each fact on which your answer is based.
 - (b) Identify and produce each document (including, limited to, each analysis, survey, study and report) which you contend supports your answer.
 - (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

Mass AG objects to this interrogatory on the basis that the Mass AG does not know nor is the office in a position to know what reliance is placed on teachers generally throughout country at nuclear plants, facilities containing hazardous materials and other situations where the evacuations of schools is required. Nor, does the Mass AG know the basis of that reliance if it exists. The Mass AG also objects to this interrogatory on the basis of

relevance since the provisions of other emergency plans, to the extent they exist, are irrelevant to this proceeding. Furthermore, the Mass AG objects to the interrogatory on the basis of form in that it is unclear what is meant by the phrase "generally relied upon" and/or who is doing the relying.

35. Does Mass AG contend that the reliance on Teachers to accompany evacuating children (i) from the emergency planning zones around other nuclear power plants, (ii) from the areas around facilities containing hazardous materials, and (iii) in other situations where evacuation of Schools is required, does not provide "reasonable assurance that adequate protective measures can and will be taken" for the supervision of the evacuating children? If your answer is anything other than an unqualified negative, then please:
- (a) State each fact on which your answer is based.
 - (b) Identify and produce each document (including, but limited to, each analysis, survey, study and report) which you contend supports your answer.
 - (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

Mass AG objects to this interrogatory on the basis that the Mass AG does not know nor is the office in a position to know what reliance is placed on teachers generally throughout country at nuclear plants, facilities containing hazardous materials and other situations where the evacuations of schools is required. Nor, does the Mass AG know the basis of that reliance if it exists. The Mass AG also objects to this interrogatory on the basis of relevance since the provisions of other emergency plans, to the extent they exist, are irrelevant to the proceeding. Furthermore, the Mass AG objects to the interrogatory on the basis of form in that it is unclear what is meant by the term "reliance" and/or who is doing the relying. Additionally, since the Mass AG does not know what reliance, if any, is "generally" placed on teachers nor the basis, if any, of that reliance, the Mass AG is not in a position to answer whether adequate protective measures can and will be taken for evacuating school children. Also, it is not clear what standards are applicable to non-nuclear facilities plans.

36. Does Mass AG contend that reliance upon Teachers to accompany evacuating children does provide "reasonable assurance that adequate protective measures can and will be taken" for the supervision of the evacuating children (i) from the emergency planning zones around other nuclear power plants, (ii) from the areas around facilities

containing hazardous materials, including and (iii) in other situations where evacuation of Schools is required, but such reliance does not provide "reasonable assurance" with respect to the Massachusetts EPZ? Please state each reason for your answer, and, separately for each reason, please also:

- (a) State each fact on which your answer is based.
- (b) Identify and produce each document (including, but limited to, each analysis, survey, study and report) which you contend supports your answer.
- (c) Provide the technical qualifications (education, employment history, licenses and certificates, experience, or other information that Mass AG contends establishes the qualifications of the person) of any person on whose expertise Mass AG relies for the answer, or state that Mass AG does not rely upon the expertise of any person for the answer.

Response:

Mass AG objects to this interrogatory on the basis that the Mass AG does not know nor is the office in a position to know what reliance is placed on teachers generally throughout country at nuclear plants, facilities containing hazardous materials and other situations where the evacuations of schools is required. Nor, does the Mass AG know the basis of that reliance if it exists. The Mass AG also objects to this interrogatory on the basis of relevance since the provisions of other emergency plans,

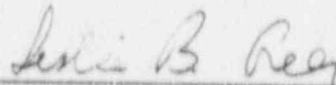
to the extent they exist, are irrelevant to the proceeding. Furthermore, the Mass AG objects to the interrogatory on the basis of form in that it is unclear what is meant by the term "reliance" and/or who is doing the relying.

The Mass AG objects to the definitions used in this set of interrogatories as overly broad and vague. The Mass AG objects to all interrogatories calling for the attorney work product and attorney-client communications.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS

JAMES M. SHANNON
ATTORNEY GENERAL



Leslie Greer
Assistant Attorney General
Department of the Attorney General
One Ashburton Place
Boston, MA 02108-1698
(617) 727-2200

DATED: December 26, 1990

1962n

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'90 DEC 27 P3:52

Before the Administrative Judges:

Ivan W. Smith, Chairman
Dr. Richard F. Cole
Kenneth A. McCollom

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

) December 26, 1990

CERTIFICATE OF SERVICE

I, Leslie Greer, hereby certify that on December 26, 1990, I made service of the within MASSACHUSETTS ATTORNEY GENERAL'S RESPONSE TO LICENSEES' FIRST SET OF INTERROGATORIES REGARDING REMANDED MASSACHUSETTS TEACHER ISSUES by Federal Express as indicated by (*), by hand as indicated by (**), and by first class mail to:

*Ivan W. Smith, Chairman
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory
Commission
East West Towers Building
4350 East West Highway
Bethesda, MD 20814

*Kenneth A. McCollom
1107 W. Knapp St.
Stillwater, OK 74075

*Docketing and Service
U.S. Nuclear Regulatory
Commission
11555 Rockville Pike
Rockville, MD 20852

*Dr. Richard F. Cole
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
East West Towers Building
4350 East West Highway
Bethesda, MD 20814

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

Robert R. Pierce, Esq.
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
East West Towers Building
4350 East West Highway
Bethesda, MD 20814

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

Atomic Safety & Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

Judith H. Mizner, Esq.
79 State Street
2nd Floor
Newburyport, MA 01950

Diane Curran, Esq.
Harmon, Curran, & Towsley
Suite 430
2001 S Street, N.W.
Washington, DC 20008

Senator Gordon J. Humphrey
U.S. Senate
Washington, DC 20510
(Attn: Tom Burack)

**Thomas G. Dignan, Jr. /
Katherine Selleck, Esq.
Ropes & Gray
One International Place
Boston, MA 02110

*Mitzi A. Young, Esq.
Edwin J. Reis, Esq.
U.S. Nuclear Regulatory
Commission
Office of the General Counsel
15th Floor
11555 Rockville Pike
Rockville, MD 20852

Robert A. Backus, Esq.
Backus, Meyer & Solomon
116 Lowell Street
P.O. Box 516
Manchester, NH 03106

Jane Doughty
Seacoast Anti-Pollution League
5 Market Street
Portsmouth, NH 03801

Barbara St. Andre, Esq.
Kopelman & Paige, P.C.
77 Franklin Street
Boston, MA 02110

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

Ashod N. Amirian, Esq.
145 South Main Street
P.O. Box 38
Bradford, MA 01835

Senator Gordon J. Humphrey
One Eagle Square, Suite 507
Concord, NH 03301
(Attn: Herb Boynton)

✓ Hand delivery was made on December 27, 1990 by 10:00am

John P. Arnold, Attorney General
Office of the Attorney General
25 Capitol Street
Concord, NH 03301

Phillip Ahrens, Esq.
Assistant Attorney General
Department of the Attorney
General
Augusta, ME 04333

Jack Dolan
Federal Emergency Management
Agency
Region 1
J.W. McCormack Post Office &
Courthouse Building, Room 442
Boston, MA 02109

George Iverson, Director
N.H. Office of Emergency
Management
State House Office Park South
107 Pleasant Street
Concord, NH 03301

COMMONWEALTH OF MASSACHUSETTS

JAMES M. SHANNON
ATTORNEY GENERAL

Leslie B. Greer

Leslie Greer
Assistant Attorney General
Department of the Attorney General
One Ashburton Place
Boston, MA. (2108-1698
(617) 727-2200

DATED: December 26, 1990