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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
before the
ATOMIC SAFETY AND LICENSING BOARD

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

**LICENSEES' MOTION TO COMPEL FURTHER ANSWERS
BY MASS AG TO LICENSEES' INTERROGATORIES
REGARDING THE REMANDED TEACHER ISSUES**

Pursuant to 10 C.F.R. § 2.740(f), Licensees hereby move that the Attorney General for The Commonwealth of Massachusetts ("Mass AG") be compelled to answer certain of the interrogatories propounded to Mass AG by Licensees on December 10, 1990.

BACKGROUND

In ALAB-937, the Appeal Board remanded, for consideration by this Licensing Board, two specific questions concerning evacuation of school children pursuant to the Seabrook Plan for Massachusetts Communities ("SPMC"):

1. Is there 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

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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 applicants 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?

Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-937, _ NRC _ (Sept. 18, 1990), slip op. at 32-33.

On October 22, 1990, Licensees moved for summary disposition as to both issues.¹ Mass AG filed his opposition to that motion on November 2, 1990.² In that filing, Mass AG contended that an attached "Affidavit of Dr. Stephen Cole" (Nov. 2, 1990) ["Cole Affidavit"] established that material issues of fact existed as to the first of the two remanded issues.

The Licensing Board denied Licensee's summary disposition motion, holding that, inter alia, the Cole Affidavit did raise material issues of fact.³ The Board also opened those issues to discovery.⁴ Thereafter Licensees filed, and served on Mass AG, "Licensees' First Set of Interrogatories and First Request for

¹ See "Licensees' Motion for Summary Disposition of Issues Remanded in ALAB-937" (Oct 22, 1990), and accompanying affidavits.

² See "Intervenors [sic] Opposition to Licensees [sic] Motion for Summary Disposition of Issues Remanded in ALAB-937" (Nov. 2, 1990).

³ Memorandum and Order (Denying Licensee's Motion for Summary Disposition of Issues Remanded in ALAB-937) at 4 (Nov. 7, 1990).

⁴ Id. at 5-6.

Production of Documents to the Mass AG Regarding Remanded Massachusetts Teachers Issues" (Dec. 10, 1990) [hereinafter "Interrogatories"]. Mass AG filed a response to the Interrogatories,⁵ styled "Massachusetts Attorney General's Response to Licensees' First Set of Interrogatories Regarding Remanded Massachusetts Teacher Issues" (Dec. 26, 1990) [hereinafter "Responses"].

ARGUMENT

Mass AG's responses to twenty-two of Licensees' interrogatories -- Nos. 2-9, 14-16, 23-26, 28-31, and 34-36 -- are evasive and incomplete, and further responses should be required pursuant to 10 C.F.R. § 2.740(f). The responses are discussed in detail below, grouped into categories by question-type and/or common problem. For ease of reference, the full texts of all the Interrogatories and the Responses are appended hereto as Attachments A and B, respectively.

A. Requests for Analyses, Surveys, Studies and Reports Known to Mass AG: Interrogatories Nos. 2-9

In Interrogatories Nos. 2-9, Licensees called upon Mass AG to identify (and later produce) all analyses, surveys, studies and reports "known or believed by Mass AG to exist" bearing on the question of what teachers would do in the event of an emergency evacuation of their school. Since the entire first

⁵ Licensees have been advised by Mass AG that a second response, addressing the requests for production contained in the December 10 filing, will shortly be forthcoming from Mass AG.

remand issue essentially amounts to an attempt to predict what teachers would do in an emergency, it obviously is both necessary and proper for Licensees to be able to learn what basis (if any) there is for Mass AG's purported prediction of teachers' wholesale abandonment of the children entrusted to them.

Mass AG made no objection to any of these interrogatories. Rather, he responded to Nos. 2-6 by identifying one specific document -- the Cole Affidavit -- and referencing "[i]nterviews conducted by Katherine Barnicle";⁶ as to Interrogatories Nos. 7-9, Mass AG adds one more source, the teacher testimony during the NHRERP hearings.

Mass AG's answers are obviously incomplete. In the Cole Affidavit filed less than two months earlier, Mass AG based his argument, that evidence existed of possible widespread teacher abandonment, on "studies" and "much recent research." Cole Affidavit at ¶ 10; see also id. at ¶ 7. If Mass AG is now repudiating that affidavit, then this Board should reconsider its prior ruling, and enter summary disposition in Licensees' favor, since without the Cole Affidavit there is no evidence of a dispute of material fact as to the first remand issue. If this is not the case, then Mass AG should be required to identify the underlying documentation that he cited in order to avoid summary disposition in the first instance, and all other responsive

⁶ Mass AG has advised Licensees that these interviews are included within the documents which constitute App. Ex. 64, plus the rejected Barnicle testimony taken from those documents.

materials known to Mass AG and his experts, as the interrogatories clearly require.

B. Claims of Prior Production by Mass AG: Interrogatories Nos. 14, 28, 29

In Interrogatory No. 14, Licensees asked Mass AG to identify (and later produce) emergency plans for Massachusetts EPZ schools. In Nos. 28 and 29, Mass AG was called upon to identify (and then produce) various governmental communications relating to teacher emergency response and Seabrook planning for schools. Mass AG responded to each of these interrogatories by simply claiming that, to the extent he has any such documents, they have already been identified and produced by Mass AG.⁷

There are at least three problems with Mass AG's responses. First, he fails to specify when, and/or in response to what prior

⁷ Mass AG also claims that Nos. 28 and 29 are "redundant and burdensome." As to burden, Mass AG offers no reason to believe that the governmental communications sought by these interrogatories are so numerous, or so difficult to find, as to justify a claim of undue burdensomeness. Moreover, given Mass AG's prior argument as to what kind of evidentiary showing Licensees would be required to make pursuant to 10 C.F.R. § 50.47(c)(1) -- see, e.g., "Massachusetts Attorney General James M. Shannon's Proposed Findings of Fact, Rulings of Law, and Conclusions with Respect to the Seabrook Plan for Massachusetts Communities and the Exercise Contentions" (Aug. 14, 1989) at ¶ 1.15.B.2 -- Mass AG simply cannot, as a matter of fairness, be allowed to withhold evidence of interference by the Massachusetts government with Licensees' attempts to engage in planning with Massachusetts EPZ schools.

As for the claim of redundancy, Mass AG nowhere indicates what prior interrogatories Nos. 28 and 29 supposedly are redundant with. Moreover, given that the remanded issues were not previously admitted for litigation, it is difficult to see how these questions could have been asked before.

discovery request(s), these documents were already purportedly identified and produced. But given that Mass AG presumably has a list of the documents he previously produced, in order to advance a claim of prior production the most appropriate (as well as the easiest) response would be for Mass AG to identify those responsive documents already produced, as called for by the interrogatories.

Second, discovery against Mass AG closed in mid-December, 1988. It seems difficult to believe that, in the more than two years since, the Office for Children, the Department of Education, the Massachusetts Civil Defense Agency and other governmental agencies have had no communications with schools and/or teachers concerning emergency plans and emergency response.

Third, the answer is demonstrably untrue. Responses at 22. Previously, Mass AG did not produce any documents from either the Office for Children or the Department of Education See, e.g. "Massachusetts Attorney General's Response to Applicants' Second Request for Production of Documents" (Nov. 15, 1988) at 3 (listing agencies whose documents Mass AG has examined and would produce). Now, however, Mass AG claims an attorney-client relationship with those two agencies. Responses at 22. Such a claim does not excuse non-production of responsive documents (other than attorney-client communications); to the contrary, it requires it. As Attachment C hereto demonstrates, one or both of

those agencies have in their files evidence of attempts by Massachusetts officials to impede emergency planning with Massachusetts EPZ schools and day care facilities. Accordingly, Mass AG should be compelled to identify (and then produce) all such responsive documents.

C. Requests for Emergency Response Regulations, Guidelines, Interrogatories Nos. 15 and 16

In Interrogatories Nos. 15 and 16, Mass AG was asked to identify and produce "all regulations, executive orders, policy statements, guidelines, and other standards established by The Commonwealth" concerning the responsibilities of teachers in radiological and non-radiological emergencies. Mass AG objected to both questions on the grounds of attorney work product, and also claimed that such documents as exist have already been produced. The first claim is legally incorrect, and the second demonstrably false as a factual matter.

Mass AG's claim that the existence of state guidelines and standards for teacher emergency response constitutes "attorney mental impressions, legal theories and opinions," Responses at 8, is patently frivolous, and seems but a variation on Mass AG's prior misclaims of that privilege. See, e.g., Tr. 19651-52. Whether such state standards exist is a question of fact, as the Appeal Board itself observed in remanding these issues. ALAB-937, slip op. at 28-29. Mass AG -- having claimed attorney-client privilege with the state agencies who would be responsible

for such standards -- both can and should answer that factual question.

As for the claim that all such standards have already been produced, it is simply untrue. Mass AG did not produce to Licensees, for example, the February 23, 1987 MCDA memorandum to the selectmen of Duxbury, MA, (the "MCDA Duxbury Memorandum") in which MCDA took the position 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."⁸ Likewise Mass AG did not produce to Licensees the April 24, 1989, memorandum from Charles V. Barry, Secretary of Public Safety (the "Barry Memorandum"), concurring that in the event of a radiological emergency, "to the extent cooperation is requested by the Governor or the Director of Civil Defense, all Town employees, including school teachers, are required to cooperate."⁹ In light of this clear evidence that all responsive documents have not previously been produced, Mass AG should now be compelled to re-examine the agencies' files and identify (and then produce) all documents called for by the two interrogatories.

⁸ See Attachment A to "Affidavit of Anthony M. Callendrello" (Oct. 19, 1990).

⁹ See Attachment B to "Affidavit of Anthony M. Callendrello" (Oct. 19, 1990).

D. Questions as to Specific MCDA Policies: Interrogatories Nos. 23 and 25

In Interrogatory No. 23, Licensees called upon Mass AG to either confirm that the MCDA Duxbury Memorandum quoted above was still the operative MCDA policy or, if not, to identify all facts and documents indicating that it was not. In No. 25, Licensees made the same request with respect to the Barry Memorandum also referenced above. Mass AG responded by raising various objections as to form, and then denying -- in an unsworn statement by counsel rather than a first-hand answer, under oath, by the cognizant state official(s) as required by 10 C.F.R. 2.740b(b)¹⁰ -- that MCDA or the Executive Office of Public Safety had any general policies as to teacher roles in a radiological emergency.

Mass AG's objections of form with respect to these interrogatories are quickly disposed of. The quote in Interrogatory No. 23 was obviously from the MCDA Duxbury Memorandum, which MCDA presumably has, and a copy of which was served on Mass AG as Attachment A to the Callendrello Affidavit just a few weeks earlier. Nor do either Nos. 23 and 25 assume that any particular policy exist -- rather, they expressly ask for a response, under oath, as to whether or not it does.

¹⁰ Indeed, Mass AG notes that the one MCDA/OEP official whom Mass AG consulted does affirm the Barry memorandum, Responses at 19, thus calling into question the accuracy of Mass AG's unsworn answer, as well as illuminating the impropriety of having attorneys "answer" questions of fact in lieu of witnesses.

As for Mass AG's substantive response to the queries of fact, they are (at best) incomplete. Having denied the existence of any policy, Mass AG -- especially when confronted with these two express policy statements that would therefore have to have been repudiated or countermanded -- was required by the terms of the two interrogatories to state all the facts and identify all the documents supporting his denial. These answers, moreover, should be ordered from the state official(s) responsible for emergency planning, and be given by them under oath pursuant to 10 C.F.R. § 2.70b(b), so that there will be no further obfuscation as to the status of the MCDA Duxbury Memorandum and the Barry Memorandum.

E. Questions as to Teacher Obedience to State Policy:
Interrogatories Nos. 24 and 26

As is clear from our prior filings on this issue, Licensees believe, based on the MCDA Duxbury Memorandum and the Barry Memorandum, that the Commonwealth would require teachers and day care providers to accompany their students in the event of a radiological emergency, and that this remand litigation is therefore an exercise in shadow-boxing by Mass AG. In Interrogatories Nos. 24 and 26, Licensees called upon Mass AG to state, with full factual and documentary support, the number of teachers he may claim would abandon their charges in the face of such a state requirement.

In his answers, Mass AG again makes various objections of form, which are invalid for the reasons discussed in Part D

above. He then goes on to assert that "a substantial number of teachers" would refuse to obey and would abandon the children entrusted to them. This answer is, at best, incomplete. Mass AG does not state the percentage of teachers he contends would so act, as requested in Nos. 24(b) and 26(b). Nor does he state the facts and identify the documents underlying his claims, as requested in Nos. 24(c)-(d) and 26(c)-(d). Accordingly, further specific responses to those subparts of the interrogatories should be compelled.

F. Questions Specifically Quoting the Remanded Issues: Interrogatories Nos. 30 and 31.

In Interrogatories Nos. 30 and 31, Licensees quote the two issues remanded by the Appeal Board in ALAB-937, and then (similar to the interrogatories posed during the SPMC litigation) asked Mass AG to identify his case as to those issues. Mass AG's objection, to the effect that he does not recognize the source of the quotes, is fatuous -- they are, word for word, the exact issues supposedly being litigated here. Likewise his objection to No. 31 "on the basis of form in that it assumes the existent [sic] of primary and alternative arrangements," Responses at 27, is frivolous, since the quoted language is precisely the "either, or" structure mandated by the Appeal Board itself.

As for Mass AG's substantive responses, they are again incomplete. Although Mass AG does seem to state the facts and identify the experts upon which he relies, he neither identifies any underlying documents (as called for in Nos. 30(b) and 31(b))

nor identifies his witnesses (as called for in Nos. 30(d) and 31(d)). Further responses to those specific queries should be compelled.

G. Expected Teacher Responses at Other Facilities:
Interrogatories Nos. 34-36

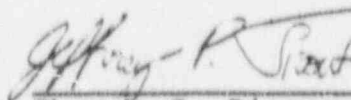
In the last three of their interrogatories, Licensees ask a series of questions focusing on the expected role of teachers with respect to other nuclear and non-nuclear facilities. Mass AG, however, objected to all three questions, claiming as one basis for objection that "the Mass AG does not know nor is the office in a position to know what reliance is placed on teachers generally throughout [sic] country at nuclear plants, facilities containing hazardous materials and other situations where the evacuations of schools is [sic] required." Responses at 31.

Ignorance is a substantive answer to a question; it is not grounds for an objection. If Mass AG and his experts genuinely do not know what is done with respect to other plants and facilities, then he and they should be bound by that factual response. Otherwise Mass AG should be compelled to state what he and his experts do know, and the basis for that purported knowledge, as the interrogatories request.

CONCLUSION

For the reasons stated above, the Board should compel Mass AG to respond to Interrogatories Nos. 2, 3, 4, 5, 6, 7, 8, 9, 14, 15, 16, 23, 24(b)-(d), 25, 26(b)-(d), 28, 29, 30(b) and (d), 31(b) and (d), 34, 35, and 36.

Respectfully submitted,



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Filed: December 10, 1990

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
before the
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-OL
) Off-site Emergency
) Planning Issues
)
)

LICENSEES' FIRST SET OF INTERROGATORIES
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO THE
MASS AG REGARDING REMANDED MASSACHUSETTS TEACHER ISSUES

Pursuant to 10 C.F.R. §§ 2.740b and 2.741, Licensees hereby request that the Attorney General for The Commonwealth of Massachusetts respond to the following interrogatories and produce for inspection and copying the documents requested below. The production of the documents requested herein shall take place at the offices of Ropes & Gray, One International Place, Boston, Massachusetts at 10 a.m. on Friday, January 11, 1991.

DEFINITIONS AND INSTRUCTIONS

1. The term "document" is defined to be synonymous in meaning and equal in scope to the usage of the term "documents and tangible things" in Federal Rule of Civil

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Procedure 34(a), and therefore shall include, without limitation, any written or otherwise recorded information.

2. To "identify" a document means to state its author, date, title, addressee(s), and subject matter.
3. To "identify" a person other than an expert witness means to state the person's full name, title, business address, affiliation, and professional qualifications (if any). To "identify" an expert witness means to state, in addition to the foregoing:
 - a. the profession or occupation and field(s) of expertise of the person;
 - b. the educational and specialized training history of the person, including date and granting institution of all degrees earned;
 - c. a list of publications by the person in the area(s) of expertise; and
 - d. the age of the person and the amount of time the person has worked in the field of expertise.
4. If any of the interrogatories or document production requests contained herein are claimed to be objectionable, then please identify the portion(s) to which objection is made and the portion(s) to which answer or production is made.

5. If it is claimed that any document responsive to any request is privileged, then please describe in detail the nature of and basis for the asserted privilege, and identify each allegedly privileged document.
6. If any document required to be identified or produced in these answers has been destroyed, please identify the document, state the date of its destruction, identify the person responsible for ordering destruction, state the purpose of destruction, and (if applicable) produce any document retention policy that governed or should have governed the retention or destruction of the document.
7. For the purposes of those interrogatories and requests:
 - a. "SPMC" means the most current version of the Seabrook Plan for Massachusetts Communities, and all appendices and attachments thereto;
 - b. "NHY-ORO" means the New Hampshire Yankee Off-site Response Organization;
 - c. "Massachusetts EPZ" refers to that portion of the Emergency Planning Zone for Seabrook Station which lies within the Commonwealth of Massachusetts;
 - d. "Holy Cross Ops Plan" means the Holy Cross Host Facility Activation and Operation plan, dated 12/26/89, Attachment C to the October 19, 1990 Affidavit of Anthony M. Callendrello;

- e. "School Host Facility Plan" means the Massachusetts School Host Facility Plan, College of the Holy Cross, Worcester, Massachusetts, dated 10/2/89, Attachment D to the October 19, 1990 Affidavit of Anthony M. Callendrello;
- f. "Mass AG" refers to the Attorney General for The Commonwealth of Massachusetts, all assistants to and employees and agents thereof, all witnesses offered or to be offered thereby in these proceedings, and all individuals and entities with respect to which the Attorney General for The Commonwealth of Massachusetts claims an attorney-client privilege with respect to litigation of the issues remanded in ALAB-937;
- g. "Teachers" means all public school personnel, private school personnel, and day care providers;
- h. "Schools" means all public schools, private schools, and day care facilities;
- i. "The Commonwealth" means the Commonwealth of Massachusetts and all officials, agencies, employees, agents, and political subdivisions thereof; and
- j. "SARA" means the Emergency Planning and Community Right to Know Act of 1986, 42 U.S.C. §§ 11001 et seq., and all federal, state, and local regulations, orders, and guidelines promulgated pursuant thereto.

INTERROGATORIES AND DOCUMENT REQUESTS

1. Please identify the person(s) answering or substantially contributing to the answer of each of the following interrogatories, and produce a copy of each person's most recent resumé.
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.
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.
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.

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.
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.
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.

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.
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 other than those produced in response to the foregoing requests.
10. Please identify and produce the most recent SARA plans for Amesbury, Merrimac, Newbury, Newburyport, Salisbury, and West Newbury.
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.

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.
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.

14. Please identify and produce all emergency plans for Massachusetts EPZ Schools.
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.
16. Please identify 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 an emergency at their School, and produce all such documents other than those produced in response to the foregoing request.
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 the 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.
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.

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.
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.

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.

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 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.
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.

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 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.

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, 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.

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.
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.

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.

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.

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.

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.
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.
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.

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, 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.
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.

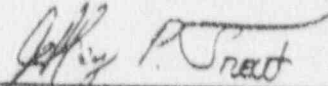
36. Does Mass AG contend that reliance upon Teachers to accompany evacuating children does provide "reasonable assurance that adequate protective measures can and will be taken" for the supervision of the evacuating children
- (i) from the emergency planning zones around other

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.

By their attorneys,



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CERTIFICATE OF SERVICE

I, Jeffrey P. Trout, one of the attorneys for the Licensees herein, hereby certify that on December 10, 1990, I made service of the within document by depositing copies thereof with Federal Express, prepaid, for delivery to (or, where indicated, by depositing in the United States mail, first class postage paid, addressed to):

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U.S. Nuclear Regulatory
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Bethesda, MD 20814

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107 Pleasant Street
Concord, NH 03301

Jeffrey P. Trout

Jeffrey P. Trout

(*=Ordinary U.S. First Class Mail)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD
Before the Administrative Judges:

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

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

MASSACHUSETTS ATTORNEY GENERAL'S RESPONSE TO
LICENSEES' FIRST SET OF INTERROGATORIES
REGARDING REMANDED MASSACHUSETTS TEACHER ISSUES

INTERROGATORIES AND DOCUMENT REQUESTS

1. Please identify the person(s) answering or substantially contributing to the answer of each of the following interrogatories, and produce a copy of each person's most resume.

Response:

Unless otherwise indicated the interrogatories below were answered by Leslie Greer, Department of the Attorney General, One Ashburton Place, Boston, MA 02108.

9101030237

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 Amebury, 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 personal 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 divers 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 convends 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 B. Greer

Leslie Greer
Assistant Attorney General
Department of the Attorney General
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DATED: December 26, 1990

1962n

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before the Administrative Judges:

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

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:

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U.S. Nuclear Regulatory
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Bethesda, MD 20814

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

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George Iverson, Director
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COMMONWEALTH OF MASSACHUSETTS

JAMES M. SHANNON
ATTORNEY GENERAL

Leslie B. Greer

Leslie Greer
Assistant Attorney General
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DATED: December 26, 1990



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133

BARBARA A. HILDT
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AMESBURY, MA 01813
TEL. (617) 288-3647

January 20, 1988

Committees on
Human Services and Elderly Affairs
Vice Chair
Education
Special Commission on Children in
Need of Service, House Chair
Special Commission on
Violence Against Children
ROOM 22, STATE HOUSE
TEL. 722-2140

Dear Child Care Provider

We are writing to you and to your colleagues who operate child care centers or who offer family child care in the six communities that lie within the Emergency Planning Zone of the Seabrook reactor. By this time you have probably been approached by consultants to New Hampshire Yankee or Public Service Company of New Hampshire who are offering to assist you in the development of emergency plans. We urge you to exercise extreme caution in dealing with these consultants, as their objectives may not be consistent with those of your community or with the objectives of the state.

There are four points we wish to emphasize:

1. There is no state or federal law or regulation that requires you to develop an emergency plan because of your proximity to Seabrook station.

These consultants have apparently told some providers that the law requires their participation in emergency planning, implying that their license to operate a child care facility may be in jeopardy. This is absolutely untrue, and we have asked the Office for Children to issue you a letter clarifying their requirements for licensure.

2. Participation in emergency planning with these consultants may undermine legal arguments of the Massachusetts attorney General, who is representing the state in licensing proceedings before the Nuclear Regulatory Commission. (N.R.C.)

If you accept any equipment or lend your name to the Seabrook emergency plan, your name is likely to appear on license documents submitted by the utilities to the N.R.C., and you may be called upon to testify before the Commission or by the courts on the nature of your participation.

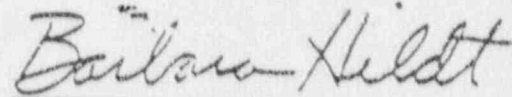
3. Documents supplied by these consultants will direct you to work with local civil defense directors or representatives of New Hampshire Yankee.

All six communities lying within the Emergency Planning Zone of Seabrook Station have expressly forbidden their civil defense director from working with Seabrook's representatives on emergency plans.

If you are confused or uncertain about your responsibilities, please call our office, or speak to your local O.F.C. liaison. We are here to assist you in any way possible.

Thank you for your consideration of this matter.

Sincerely,



Rep. Thomas Palumbo

Sen. Nicholas Costello

Rep. Barbara Hildt

cc: Mary Kay Leonard, O.F.C.

'91 JAN -8 P2:50

CERTIFICATE OF SERVICE

OFFICE OF SECRETARY

I, Jeffrey P. Trout, one of the attorneys for the Licensees herein, hereby certify that on January 7, 1991, I made service of the within document by depositing copies thereof with Federal Express, prepaid, for delivery to (or, where indicated, by depositing in the United States mail, first class postage paid, addressed to):

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Chairman, Atomic Safety and
Licensing Board
U.S. Nuclear Regulatory
Commission
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Administrative Judge Richard F. Cole
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