

NUCLEAR REGULATORY COMMISSION

ORIGINAL

In the Matter of:

METROPOLITAN EDISON COMPANY)

(Three Mile Island Unit 1)

) DOCKET NO. 50-289

(RESTART)

DATE: July 1, 1981

PAGES: 22,345 - 22,495

AT: Harrisburg, Pennsylvania

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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In the matter of: :
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METROPOLITAN EDISON COMPANY :
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(Three Mile Island Unit 1) :
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Docket No. 50-289
(Restart)

25 North Court Street,
Harrisburg, Pennsylvania

Wednesday, July 1, 1981

Evidentiary hearing in the above-entitled
matter was resumed, pursuant to adjournment, at 9:00 a.m.

BEFORE:

- IVAN W. SMITH, Esq., Chairman,
Atomic Safety and Licensing Board
- DR. WALTER H. JORDAN, Member
- DR. LINDA W. LITTLE, Member

Also present on behalf of the Board:

- LAWRENCE BRENNER, Esq.
Legal Advisor to the Board

1 APPEARANCES:

2 On behalf of the Licensee, Metropolitan Edison
3 Company:

4 DELISSA A. RIDGWAY, Esq.
5 THOMAS A. BAXTER, Esq.
6 ROBERT ZAHLER, Esq.
Shaw, Pittman, Potts and Trowbridge,
1800 M Street, N.W.,
Washington, D. C.

7 On behalf of the Commonwealth of Pennsylvania:

8 ROBERT ADLER, Esq.
9 MICHELE STRAUBE, Esq.
Assistant Attorney General,
505 Executive House,
10 Harrisburg, Pennsylvania
11 WILLIAM DORNSIFE,
Nuclear Engineer

12 On behalf of Anti-Nuclear Group
13 Representing York:

14 GAIL BRADFORD

15 JORDAN D. CUNNINGHAM, Esq.
16 Fox, Farr & Cunningham
2320 North Second Street
Harrisburg, Pennsylvania 17110

17 On behalf of the Regulatory Staff:

18 J. TOURTELLOTTE, Esq.
19 Office of Executive Legal Director,
United States Nuclear Regulatory Commission,
20 Washington, D. C.

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C O N T E N T S

						CROSS
<u>WITNESS:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>BOARD</u>	<u>ON BOARD</u>
Frederick J. Bath						
By Mr. Tourtellotte	22,349					
By Ms. Straube				22,351		
By Ms. Gail Bradford				22,419		
	AFTERNOON SESSION ..					page 22,438
Frederick J. Bath (Resumed)						
By Ms. Gail Bradford				22,438		
By Mr. Cunningham				22,467		
By Mr. Zahler				22,487		

E X H I B I T S

<u>NUMBER</u>	<u>IDENTIFIED</u>	<u>IN EVIDENCE</u>
UCS 37		22,347

Attachment 3 to FEMA's interim findings and
determinations, dated June 16, 1981.....page 22,350.

P R O C E E D I N G S

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(9:02 a.m.)

3

CHAIRMAN SMITH: We have one preliminary
4 matter. Mr. Baxter pointed out that, although at transcript
5 page 22,040 to 22,041 we discussed the fact that there were
6 no objections to UCS Exhibit 37, I failed to note that it
7 was received into evidence. So we have now received UCS
8 Exhibit 37 into evidence.

9

(The document referred to,
10 previously marked for identi-
11 fication as UCS Exhibit No.
12 37 for identification, was
13 received in evidence.)

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DR. LITTLE: Mr. Zahler, I went back and
15 tracked through all the testimony at various points to look
16 at the availability of the personnel in the control room,
17 and it is my understanding now that essentially almost
18 instantaneously a radiological control foreman could be in
19 the room and have one assistant very shortly.

20

MR. ZAHLER: That is correct, Dr. Little.

21

DR. LITTLE: So after July 1st, 1982, there
22 will be four people in the control room, two of whom will be
23 SRC's, and there will also be available almost -- there will
24 be available almost immediately a radiological control
25 foreman, who will be primarily responsible for dose

1 assessment.

2 MR. ZAHLER: That is correct, but with one
3 caveat, which is that the July 1, '82, date is extended for
4 other licensees consistent with 0737. Licensee's position
5 is, with respect to the staffing of the two SRO's, that it
6 should be similarly extended for TMI-1 also, which I believe
7 is a consistent position with respect to all of the 0737
8 items.

9 DR. LITTLE: This means then it is your
10 expectation that in regard to the two SRO's TMI-1 will be
11 treated as an operating reactor and will be treated as all
12 other operating reactors.

13 MR. ZAHLER: That is Licensee's position, that
14 is correct.

15 CHAIRMAN SMITH: Mr. Tourtellotte, why don't
16 you proceed with preparing your witness for testifying.

17 (Pause.)

18 CHAIRMAN SMITH: Are you ready to proceed?
19 Ms. Bradford is present now. Are we ready to proceed?

20 MR. TOURTELLOTTE: This witness has been
21 sworn, Mr. Chairman.

22 Whereupon,

23 FREDERICK J. BATH
24 called as a witness by counsel for the Regulatory Staff,
25 having previously been duly sworn by the Chairman, was

1 examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MR. TOURTELLOTTE:

4 Q Would you state your name, address and
5 occupation, please?

6 A My name is Frederick J. Bath. I'm an
7 emergency management specialist for FEMA, the Federal
8 Emergency Management Agency, Region III, Philadelphia.

9 Q Did you prepare attachment 3 to FEMA's interim
10 findings and determinations of June 16, 1981?

11 A I did.

12 Q And I noted that this is -- that this is a
13 nine-page document with references attached, and you have
14 made certain corrections on the testimony itself. Are there
15 any additional corrections or deletions that you wish to
16 make to that testimony at this time?

17 A No, sir.

18 Q Is it true and correct to the best of your
19 knowledge?

20 A Yes, sir.

21 MR. TOURTELLOTTE: I ask that attachment 3 to
22 FEMA's interim findings and determinations for June 16,
23 1981, be incorporated into the record as if read.

24 CHAIRMAN SMITH: As if it is Mr. Bath's
25 testimony?

1 MP. TOURTELLOTTE: Yes.

2 CHAIRMAN SMITH: We will receive it.

3 (The document referred to, attachment 3 to
4 FEMA's interim findings and determinations, dated June 16,
5 1981, follows:)

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ATTACHMENT 3

TO FEMA'S INTERIM
FINDINGS AND DETERMINATIONS
OF JUNE 16, 1981

CHANGES IN PREPAREDNESS ON
ISSUES BEFORE THE BOARD -
UNRESOLVED MATTER BASED ON
FILED TESTIMONY OF FEMA'S
BATH/ADLER AND FEMA'S BATH/NRC CHESTNUT

Changes in Preparedness
On Issues Before the Board
Unresolved Matter Based on Filed Testimony of
FEMA's BATH/ADLER and FEMA's BATH/NRC CHESTNUT

- #1. (BATH/ADLER, 2/23 Testimony, P. 39); The York County Plan is not consistent with the state plan with regard to the distribution of thyroid blocking agents.

The revised York County Plan, Annex R, Appendix 8 is now completely consistent with the state plan and the other four risk county plans on the distribution of KI. KI is to be predistributed to the lower organizational level in the amounts specified in the state and county plans. The decision to distribute and administer KI to emergency workers and institutionalized persons and not to the general public is unchanged.

KI has not been secured yet but the state has every intention of doing so. During the June 2, 1981 exercise, because Pennsylvania did not have a supply on hand and distributed, the state Department of Health made arrangements to have a sufficient supply flown in from Illinois. It is reasoned that such emergency distribution would require from four to six hours from Illinois to the individual who is to use it.

- #2 (BATH/ADLER, 3/16, Testimony, P. 6); The York County Plan is deficient in its failure to include transient and work force in its population calculations.

Pennsylvania Emergency Management Agency is in progress of utilizing the Parsons Brinkerhoff, Quade and Douglas Study (P,B,Q&D). York County has been provided a copy of this Study for use as resource documents and to upgrade its planning. This study does provide for York County a breakout of the estimated transient and work force population. Formal modification of York County Evacuation planning may result; however, in the interim FEMA believes the presence and use of the

7.

P,B,Q&D Study adequately satisfies NUREG-0654 considerations for the York County Plan review.

#3 (BATH/ADLER, 3/16 Testimony, P. 12); There are no provisions made in the York County Emergency Plan for posting emergency protection information, including evacuation routes.

York County does not plan to post information but plans to provide such information in Brochures and information sheets to all residents, motels, hotels, employers, park managers, etc. Motel, hotel, park managers and employers are to make such transient and work force within their charge aware of emergency protection information including evacuation routes at the time of need. The sole drawback to this measure is that it cannot be shown by the distribution method used or the material distributed that such managers are fully knowledgeable of their responsibility. Mr. Curry, EM Coordinator of York County was to have addressed the York County Chamber of Commerce and enlist their assistance in making this responsibility known and assuring a complete distribution to such establishments.

#4 (BATH/ADLER, 3/16 Testimony, PP. 22, 29-30, 35-36); Letters of Agreements between York County and the Red Cross, Amateur Radio Civil Emergency Service, RACES), School Districts, the York County Chamber of Commerce, the York Area Transit Authority, and Adams County.

At present, York County Letters of Agreement have been signed with the Red Cross, ^{two} School Districts, ^{with mass care responsibilities} the York County Chamber of Commerce, the York Area Transit Authority. FEMA has queried Adams County and ascertained that Adams County is aware of the host responsibility as specified in the York County Plan and is willing to provide this support.

York County RACES Inc. is a bonifide organization and an operations plan is on file and has continually demonstrated its willingness to serve in an emergency as has

Mr. Curry in his testimony before the Board.
 Letters of agreement should be provided for the following school districts with mass care responsibilities: Southern, Southwestern, Hanover, Red Lion and Dallas town.
 Although these ~~letters~~ letters of Agreement are still deficient, FEMA is

reasonably assured that these organizations do have full knowledge of their roles and responsibilities as set out in the York County plan and do plan to provide such services if needed.

#5 (BATH/ADLER, 3/16 Testimony, PP. 27-28); The York County Emergency Plan is deficient because it lacks provisions for local, hospital and medical services for persons exposed to radiation.

York County updated plan now adequately provides in Annex J, provision for local, hospitals and medical services for persons exposed to radiation. As per the state plan and testimony of Mrs. Julia Cox of the State Department of Health, this list of hospitals was prepared by the State Department of Health for use and inclusion in the risk counties plans.

#6 (BATH/ADLER, 3/16 Testimony, PP. 30-~~32~~); The York County Emergency Plan is deficient in its failure to list homebound and invalids and provide for their care in an emergency. (BATH/ADLER, 3/16 Testimony, PP. ~~44~~, ~~53~~); There is no evidence that municipalities in York County upon whom responsibility is placed for evacuation of homebound and invalids, are capable of meeting their responsibilities.

In each of the six municipal plans; Dover Township, Goldsboro Borough, Lewisberry Borough, Manchester Township, ^{Newberrytown} and North Haven Borough clear recognition of the responsibility of such homebound and invalids is shown. These plans either have the list of such person within the plan or direction as to where the list is maintained. At present eight other municipal plans are still being developed. It can, however, be shown by present planning that municipalities are knowledgeable of this requirement and are planning to discharge this responsibility in a reasonable manner. FEMA will continue to monitor

York County planning to insure that the plans of the other eight municipalities do cover this area as adequately as do the first six. Reasonable progress has been met and there is every reason to believe that the remaining municipalities will affect similar plans.

#7 (BATH/ADLER, 3/16 Testimony, PP. ~~30~~³¹); The York County Emergency Plan fails to reference and provide for monitoring equipment relied upon for fire, mass care and decontamination operations.

York County updated Plans Appendix 6, Radiological Equipment Resource Inventory now provides what equipment is on hand and what equipment is needed. Subsequent to this inventory, York County has received and distributed according to county plans 90 CD700 and 90 self reading dosimeters. Although this reduces the county shortfall of dosimeter and ~~eliminates~~^{eliminates} it shortfall in detection equipment, It does not fully comply with standards until permanent record dosimetry and more self reading dosimeters are secured and likewise distributed.

#8 BATH/ADLER, 3/16 Testimony, PP. 34-35); The York County Emergency Plan should provide a system to utilize transportation resources in an evacuation.

Procedures to provide supplementary transportation of general population without a means of self transportation appears to be the only remaining area not fully covered by the updated York County plan. The York County Letter of Agreement with the York County Area Transportation Authority clearly states that the direction and coordination of these resources will come under the control of York County Commissioner through the designated Emergency Staff Transportation Coordinator. York County also maintains a Resource Manual

with telephone listings of many other transportation resources which it can call upon if necessary. It is reasoned that the bases for transportation coordination does exist in York County and that reasonable progress has been made towards preparation to affect such coordination in a fixed nuclear facility incident. However, to be fully adequate, York County should develop a meaningful plan related to the pick up points established by the municipalities' and demonstration how-where sufficient vehicles are to be applied. It is FEMA's opinion that York County can utilize its , its Resource Manual, supporting municipal plans and the PBQ and D Study to effectively evacuate persons without transportation even with the present transportation plan, Annex K. FEMA will continue to monitor York County's progress on this matter and provide assistance where possible.

#9 (BATH/ADLER, 3/16 Testimony, PP 56-57); York County Plans should be revised to include a listing of school evacuation plans and such evacuation plans and bus re-routing plans should be completed.

Although York County did not participate, the exercise demonstrated both the Department of Education and the individual risk counties have responsibility to insure designated ^{school District Superintendants} ~~schools~~ are advised of the situation during an incident.

York County has developed a county master plan to evacuate schools, predetermining their relocation to insure coordination, and provide evacuation routes. These plans have been coordinated with the school district ^{superintendants.} ~~_____~~

~~_____~~ ^{Some} progress has been demonstrated although ~~_____~~ ^{district} school plans are still not available. York County ^{has CONTACTED} ~~_____~~ ^{district superintendants to coordinate} school ~~_____~~ ^{the operational procedures implementing the county master plan.} ~~_____~~ FEMA feels that the lack of individual school plans is an outstanding deficiency which should be corrected eventually.

6.

#10 (BATH/ADLER, 3/16 Testimony, PP. 60); The Dauphin County Emergency Plan should assign the responsibility to the county transportation officer for notification and activation of planned transportation resources for Dauphin County.

Dauphin County Plan as updated reflect in Annex G, Transportation, under Responsibility "The county emergency management coordinator is responsible for providing for transportation support to persons in risk areas of Dauphin County in the event of an evacuation associated with an incident at TMI. A transportation coordinator with supporting staff has been appointed to develop and coordinate transportation procedures and requirements in the event of an evacuation."

This section of the plan clearly provides that the responsibility for this task has been assigned.

#11 (BATH/ADLER, 3/16 Testimony, PP. 57-58, 60); Dauphin County school evacuation planning should provide for early notification of bus drivers by school officials and should be revised with regard to bussing students during an alert.

Dauphin County plan, Annex L - Concept of Operations, has been revised to delete any suggestion that students will be returned to home during early stages of an incident. Present plans call for the relocation of students to pre-selected host area locations on routes with prescribed evacuation route to facilitate rejoining parents and students outside of the EPZ. The June 2 exercise demonstrated the rejection of early closure of schools to return students to homes. The Governor recommended just 20 minutes prior to evacuation of the general public, the closure of schools, relocating the students to host areas. Notification of bus drivers in Dauphin County was adequately demonstrated in the exercise. Alerting procedures were demonstrated in the other ~~two~~ ^{three} risk counties participating in the June 2, 1981 exercise and found adequate.

#12 (BATH/ADLER, 3/16 Testimony, P. 49); All county emergency plans should provide for backup or substitute emergency management coordinators.

County level plans with municipal plans attached now provide sufficient alternate methods and persons to demonstrate that municipal contact and coordination is not dependent solely upon the local emergency management coordinator. In York County contact will be made through the local Fire personnel as well as the local EMA Coordinator. This is to be done by existing plectron encoder system.

#13 (JOINT CHESTNUT/BATH Testimony, P. 6); Adequate evacuation time estimates should be factored into the state and licensee emergency plans before restart.

PEMA has provided FEMA with a letter stating that it shall use the upper limits of the Parsons Brinkerhoff Study for decision making using the evacuation time estimates.

The same letter provides that future adjustments to county evacuation plans can be expected to incorporate useful and helpful material of the Parsons Brinkerhoff study. It is recognized by FEMA that the present evacuation plans of PEMA and the five counties are implementable. The Parsons Brinkerhoff study provides information that alternate routing and some different traffic control points would improve the evacuation time. ^{PEMA and the} State Police are in the process of ^{enhancing} ~~a~~ ^{developing an} a traffic control plan and ^{access control plan} (part of which was demonstrated adequately in the June 2 exercise) which ^{addresses the information provided in} ~~the~~ ^{and findings from the June 2 exercise.} the Parsons, Brinkerhoff study.

#14 (BATH/ADLER, 3/16 Testimony, PP. 62-6³); Unique groups within the plume EPZ requiring special provisions for protective actions (e.g., Old Order Amish) should be identified and special provisions for their protection made.

Notification of the Mennonite Disaster Service was accomplished by PEMA during the exercise. Although it was simulated, in an actual emergency a representative of this service would have responded to the state EOC. One role that the Disaster Service is prepared to perform is to alert the Old Order Amish in Lancaster County.

Another role the Mennonite Disaster Service has stated it shall provide is the evacuation and care of this special group of people within the services own auspices.

All other known special groups such as institutions, business, or residents groups are to be provided alerting by an outdoor warning system and NOAA Weather Radio followed by instructions on county EBS. Schools, hospitals and prisons have a redundancy in that special provisions for alternate means of warning are provided by county and ^{respective State agencies (e.g. Health, Education, State} ~~Police)~~ ^{Police}.

~~_____~~

#15 (JOINT CHESTNUT/BATH Testimony, P. 16); Development of training programs for non-licensee personnel should be completed and initial training of such persons completed before restart.

The exercise served as a training tool to inform participants of new provisions and assignments in the updated plans. Attached is a list of preparatory events leading to the exercise. It shows that considerable training was accomplished. The exercise revealed that further training on plans would enhance operations.

It was recognized that the majority of state and county plans are developed upon the strength and abilities already existing within the government structures. The June 2 exercise demonstrated this.

Unique training such as personnel monitoring and dealing with consequences of a nuclear incident is now an ongoing process. Hersey ^h _A Medical Center demonstrated its ability to handle contaminated individuals as Harrisburg Hospital

demonstrated the system by which hospitals prepare to evacuate.

PRE-EXERCISE TRAINING

March 25, 1981. Refresher course on air sampling. Four BRP personnel involved. 3 hours.

March 31, 1981. PEMA staff training exercise concerning operational procedures. Thirty-six PEMA personnel involved. 2 1/2 hours.

April 14, 1981. PEMA and Response Team training exercise concerning operational procedures. Fifty-seven state employees involved. 1 1/2 hours.

April 28 and 29, 1981. PEMA visit to risk/host counties to brief on exercise methodology. Four PEMA and twelve county personnel. Approximate total time expenditure - 40 hours.

April 29, 1981. Reactor accident drill using the BRP Assessment Center. BRP/TMI. 2 hours.

May 6, 1981. Reactor accident drill using the BRP Assessment Center. The BRP nuclear engineer did the assessment and the Emergency Planning Chief went to the TMI control room as an observer. BRP/TMI. Five hours.

May 6, 1981. Dauphin County briefs emergency support staff on exercise methodology and activities. Eight personnel. 16 total hours.

May 12, 1981. Lt. Governor and State agency heads briefing on exercise methodology. Forty personnel. 1 hour.

May 14, 1981. PEMA meets with and updates county coordinators. Twelve personnel. 2 1/2 hours.

May 14, 1981. Dauphin County Emergency Management Agency meets with Red Cross. Three personnel. 4 hours.

May 15, 1981. Reactor accident drill using the BRP Assessment Center. BRP/TMI. 7 1/2 hours.

May 18, 1981. Communications drill. BRP field teams practiced using the radio in their cars to communicate with BRP-HQ. They checked sampling locations on the West Shore of the Susquehanna River opposite TMI. BRP only. 2 hours.

May 19, 1981. Lancaster radiological and record keeping training. Sixteen personnel. 2 hours.

- May 20, 1981. PEMA and Response Team training. Forty-five personnel.
2 hours.
- May 20, 1981. Reactor accident drill. TMI/BRP. 3 hours.
- May 21, 1981. Dauphin County briefs Harrisburg Hospital. Four personnel.
2 hours.
- May 21, 1981. Dauphin County radiological and record keeping training.
Sixteen personnel. 3 hours.
- May 21, 1981. BRP staff attended formal training session concerning TMI
emergency plan at TMI. BRP/TMI. 5 hours.
- May 22, 1981. Dauphin County briefs Londonderry Township. Three personnel.
2 hours.
- May 27, 1981. Reactor drill. BRP/TMI. 4 hours.
- May 27, 1981. State controller training. Sixteen personnel. 14 hours.
- May 28, 1981. Union County radiological and record keeping training.
Eight personnel. Estimate 3 hours.
- May 28, 1981. Lancaster County Emergency Management Agency combines staff
and local training session. Forty-eight personnel. Estimate 3 hours.
- June 1, 1981. PEMA/NRC briefing.
- June 2, 1981. Exercise.
- June 4, 1981. Critique.

1 MR. TOURTELLOTTE: The witness may be
2 cross-examined.

3 CHAIRMAN SMITH: Is there a preference between the
4 Commonwealth and ANGRY on proceeding? Do you have a
5 cross-examination plan?

6 (Pause.)

7 CHAIRMAN SMITH: Why don't you proceed, Ms.
8 Straube?

9 CROSS-EXAMINATION

10 BY MS. STRAUBE:

11 Q Mr. Bath, who prepared the testimony that has been
12 inserted in the record?

13 A I beg your pardon?

14 Q Who prepared the testimony that's been included in
15 the record?

16 A This document here I prepared.

17 Q And is this testimony based on the newest version
18 of the five county plans and the state plans?

19 A That is correct.

20 Q And is it also based on the exercise, the June 2nd
21 exercise?

22 A I made references, based on my observations and
23 other observations that I felt were pertinent to these
24 matters from the exercise, yes.

25 Q Okay. So this testimony was prepared after you

1 had participated in the exercise and it reflects your
2 opinions from the exercise; is that correct?

3 A That is correct.

4 Q Was the purpose of this testimony to address all
5 of the open issues from your previous testimony?

6 A The purpose is to address a collection which we
7 determined were open issues. I say "we" meaning the NRC and
8 FEMA. And these were recommended to me as open issues that
9 I should address, and therefore I did.

10 It is not necessarily a complete reflection of all
11 open issues and I cannot assure that. But it appears to be
12 a good collection of any open issues from previous
13 testimony.

14 Q Okay. I'm just going to go topic by topic through
15 them. So number one comes first.

16 You state that the York County plan is for
17 predistribution of the pill form of potassium iodide; is
18 that correct?

19 A No, I do not mention pill in the testimony.

20 Q The York County plan now provides for
21 predistribution of potassium iodide; is that correct?

22 A That is correct. Their plan is now consistent
23 with the state plan.

24 Q And it doesn't mention what particular form of
25 potassium iodide is going to be used?

1 A That is correct.

2 Q Okay. Are you aware that Lugal is no longer being
3 considered as a form of potassium iodide to be distributed?

4 A No.

5 Q You are not aware of that?

6 A No, ma'am.

7 Q Do you know whether Lugal has been approved by the
8 FDA for use as a thyroid blocking agent?

9 A No, ma'am.

10 Q Do you know whether there is any potassium iodide
11 available in the United States which has an expiration date
12 later than December 1981?

13 A I would not know, no, ma'am.

14 Q Okay. The supply that was gotten during the
15 exercise from Illinois, do you know what the expiration date
16 of that was?

17 A No, ma'am.

18 Q In your answer to number one, the last sentence,
19 you say: "It is reasoned that such emergency distribution
20 would require from four to six hours from Illinois to the
21 individual who is to use it." What do you base that number
22 four to six hours on?

23 A That was based on discussion with state officials
24 and a federal observer who made that estimation, and it
25 seemed reasonable to me.

1 Q Do you know whether during the exercise the
2 distribution of potassium iodide was actually played out to
3 the emergency workers? Do you understand the question?

4 A Yes, I understand the question. I was under the
5 impression that that was a simulation within the exercise.
6 In other words, it was not played out.

7 Q How was it simulated that it would get to the
8 emergency workers?

9 A The statement was that as dosimetry was
10 distributed, so would KI. So there was some dosimetry
11 distribution and predistribution, but there was not KI.

12 Now, I may be wrong in that there may have been
13 simulation among the team from BRP which does the
14 monitoring. But as far as the emergency workers or
15 counties, no, I do not believe there was simulation of KI
16 distribution.

17 CHAIRMAN SMITH: It seems like we're being
18 introduced now to the concept of a simulated simulation, and
19 I just wonder if there is a term of art that you are using
20 for that. You use "played out" as also a simulation.

21 THE WITNESS: I guess I'm confusing the issue
22 rather than clearing it. It was recognized that there was
23 no KI available at the start of the exercise in order to
24 predistribute or to distribute to the players. However,
25 during the exercise the State Department of Health sought to

1 find a source of KI and did secure one and an arrangement,
2 although there was no agreement reached that that would
3 always be available to them.

4 They then made arrangements to have it flown by
5 helicopter to a pad out at the Indian Town Gap, with the
6 concept that it would then be distributed to counties. It
7 was then decided by participants in the exercise as to how
8 it would then be distributed to the counties and that the
9 counties should distribute it from there on down to the
10 emergency workers.

11 But there were no fake pills or piece of paper
12 saying, this is KI and we will carry it on down and we will
13 actually simulate that we are distributing it. The process
14 by which they would have done it was played out, if that can
15 give an explanation.

16 BY MS. STRAUBE: (Resuming)

17 Q If we can follow the scenario from the exercise.
18 Did a plane actually leave from Illinois and go to Indian
19 Town Gap?

20 A No.

21 Q And you assumed -- am I correct in stating you
22 assumed the amount of time it would take for that plane to
23 get to Indian Town Gap?

24 A That is correct.

25 Q Did you then also assume the amount of time that

1 it would take for a helicopter, I guess, to get from Indian
2 Town Gap to the three pickup points in the counties?

3 A That is correct.

4 Q Okay. Were there any plans made during the
5 exercise of how the pills would then be distributed from
6 those three points by the counties to their emergency
7 workers?

8 A No, not that I know of, not to my knowledge.

9 Q Okay. Then what basis is there for assuming that
10 it would take four to six hours to get the pills to the
11 individuals themselves?

12 A It was based on a state player who said, we figure
13 at least two hours after it gets there for the last county
14 to have distributed it.

15 Q So it is essentially a guess?

16 MR. TOURTELLOTTE: I object to the question, Mr.
17 Chairman.

18 CHAIRMAN SMITH: What is the basis for your
19 objection?

20 MR. TOURTELLOTTE: She is characterizing the
21 statement of a state official. This witness has already
22 testified and he has testified twice. The question has been
23 asked twice, the question's been answered twice, what did he
24 base his statement on, that is the statement that it takes
25 from four to six hours to get this stuff from Illinois to

1 the individuals who use it. And he stated twice that this
2 was on the basis of his consulting with other people and
3 their statements. It is their judgments and he is relying
4 in part upon their judgments.

5 You can characterize it as a guess, you can
6 characterize it as a judgment. You can characterize it as a
7 lot of things, but it is not going to help this record at
8 all.

9 MS. STRAUBE: Mr. Chairman, I will withdraw the
10 question. It's not worth arguing about.

11 BY MS. STRAUBE: (Resuming)

12 Q Mr. Bath, did FEMA do an independent assessment of
13 how much time it would have taken during the exercise to
14 distribute the potassium iodide to the individual workers?

15 A Was that PEMA or FEMA?

16 Q Federal.

17 A No.

18 Q Okay. Which individuals during the exercise were
19 supposed to receive potassium iodide?

20 A Based on my knowledge of the state plan, emergency
21 workers were to receive it, these being persons who had an
22 assignment which may require them to evacuate with the
23 general population and therefore have a possibility or a
24 projection of having a dose greater than the general
25 population.

1 Q Would bus drivers be considered in that category?

2 A I do not believe they are planned as emergency
3 workers, nor are they planned to have a greater exposure
4 than the general population.

5 Q What about the Pennsylvania State Police?

6 A They would be characterized, those that are
7 positioned at traffic control points and those that are
8 providing access control, would be characterized as the type
9 of people to have KI.

10 Q And what about the route alerters for the various
11 municipalities?

12 A The what?

13 Q The route alerters.

14 A There is a supply of KI planned to be at county
15 level, government, for the determination that if route
16 alerters were to be doing this in a harsh environment that
17 they could be provided this. But it is not preplanned for
18 route alerters to have KI to my knowledge.

19 Q I'm sorry, just one more question on potassium
20 iodide. If the state is not able to get potassium iodide,
21 what assistance will FEMA provide us in getting potassium
22 iodide?

23 A I would prefer -- I would like to defer that
24 question to Mr. Dickey or Mr. Adler, who will be testifying
25 later. I am privileged to know that there is some

1 consideration for stockpiling certain items which may assist
2 the state in this, in the KI arena. However, the plan which
3 is presently being developed by the state in my opinion
4 would have its own supply available and it would be
5 predistributed to organizational level. It would not depend
6 upon a central stockpile provided by FEMA or any other
7 service.

8 Q Okay. I guess I'll ask Mr. Adler when he comes
9 up.

10 Now moving on to question two or item two --

11 MR. ZAHLER: Ms. Straube, can I interrupt for a
12 second? Mr. Chairman, to the extent that the witness'
13 answer to the question about guessing as to the basis for
14 potassium iodide distribution is reflected in the record, I
15 would request that it be stricken. It wasn't clear to me
16 what is in the record and what isn't on the record.

17 MS. STRAUBE: I don't understand.

18 CHAIRMAN SMITH: I don't recall the answer.

19 MS. GAIL BRADFORD: She withdrew the question.

20 MR. ZAHLER: That's right. But concurrent with
21 Mr. Tourtellotte's objection there was a response by the
22 witness. I don't know whether the court reporter got it or
23 not. But regardless, if it is on the record I would request
24 that it be stricken.

25 CHAIRMAN SMITH: I didn't pick up the answer.

1 That is why I'm uncertain about it. But if there was an
2 answer, due to the fact the question was withdrawn the
3 answer is stricken.

4 MS. STRAUBE: Is it all right to continue?

5 BY MS. STRAUBE: (Resuming)

6 Q All right. Now, on number two, the first sentence
7 is: "PEMA, Pennsylvania Emergency Management Agency, is in
8 the progress of utilizing the Parsons-Brinkerhoff study."

9 What do you mean, "in the process of utilizing"?

10 A In discussing with state officials, I found they
11 had taken the 1980 census figures and had compared them
12 against Parsons-Brinkerhoff estimates in their processes and
13 found that it was reasonably adequate and did not require
14 upgrading. They had also reviewed -- they had also reviewed
15 the egress plans, measuring it up against -- and were in
16 fact considering some recommendations to the counties that
17 they in fact were relatively satisfied with the population
18 breakout by sectors.

19 They were not planning to do a separate breakout
20 of populations by sectors. The bulk or the bulwark of this
21 statement is based on two letters which have been provided
22 to FEMA by PEMA, one which was from a planner directing FEMA
23 to recognize that the state is now considering -- or let me
24 use their language -- based on their statement that PEMA
25 would now use the upper bounds of the Parsons-Brinkerhoff

1 study, and that the Parsons-Brinkerhoff study is an
2 excellent adjunct to our planning effort and well
3 accomplished in its stated purpose.

4 Another letter which the state provided, and which
5 it is from the Director of FEMA to the Governor, advising
6 him of the fact that the upper bounds of Parsons-Brinkerhoff
7 related to Three Mile Island would be utilized in the
8 exercise as a standard or as a methodology for determining
9 evacuation.

10 So that is the basis of my belief that the state
11 has in fact -- the state is in fact utilizing the
12 Parsons-Brinkerhoff study.

13 Q Okay. So if I can break it up into two parts, I
14 think -- are you saying that the state has accepted the
15 upper numbers -- and I'll get back to that in a minute --
16 the upper numbers in terms of using them for their
17 protective action decisions; is that correct?

18 A That is correct.

19 Q And the second part is that they're using the rest
20 of the study to enhance their planning; is that correct?

21 A Using the rest of the study as a planning
22 document, as a supporting document in consideration of
23 modifications which may be borne out from that study, that
24 is correct.

25 Q Okay. By the upper limits which the state has

1 adopted, am I correct in stating that that means the three
2 numbers that are on page 77 of the Parsons-Brinkerhoff
3 study? And I will tell you what they are: the best
4 estimate time of 8 hours and 30 minutes, the typical weekday
5 time of 8 hours and 30 minutes, and an adverse weather time
6 of 11 hours and 30 minutes. Are those the upper limits that
7 have been incorporated by the state into its protective
8 action decisionmaking process?

9 A That is my understanding.

10 Q And those are the only three upper bound numbers
11 that have been incorporated; is that correct?

12 A That is my understanding.

13 Q Are these numbers adequate evacuation time
14 estimates under NUREG-0654?

15 A I am not aware that NUREG-0654 sets up an adequate
16 time frame. What is necessary is for the state to recognize
17 the amount of time that it would take to evacuate the
18 population in order to effect its decision for protective
19 action. And we feel that this study, as well as the state's
20 planning for evacuation, provides them the adequate basis
21 for determining protective action.

22 Q Okay. What you previously stated is that these
23 three numbers is the only part of the study that the state
24 is using in terms of making protective action decisions; is
25 that correct?

1 A No. The state uses those numbers as a worst case
2 and would in fact evaluate the situation as it develops, and
3 they would not want to be hidebound to any figures that, as
4 mobilization takes place, that they feel they could make a
5 judgment call and could reduce the hours it would take to
6 evacuate depending on the time that they have had to
7 mobilize.

8 So I believe that the state has looked at more of
9 what is available in the Parsons-Brinkerhoff study than just
10 the top three figures.

11 Q But not in the case of an emergency when they are
12 making a protective action decision?

13 A I think I'm talking about an emergency where they
14 would have to make a protective action decision. If there
15 was not time for mobilization and a protective action
16 decision to evacuate is necessary almost immediately, they
17 would use those figures as an assessment as to how long it
18 would take the population to leave the EPZ, that is
19 correct.

20 Q Have the counties adopted any evacuation time
21 estimates into their plans?

22 A I don't know that. The evacuation planning and
23 the protective action decisions are by the Commonwealth
24 planning -- is the responsible area of the state, PEMA, PRP,
25 and the Governor. And it does not -- although it depends on

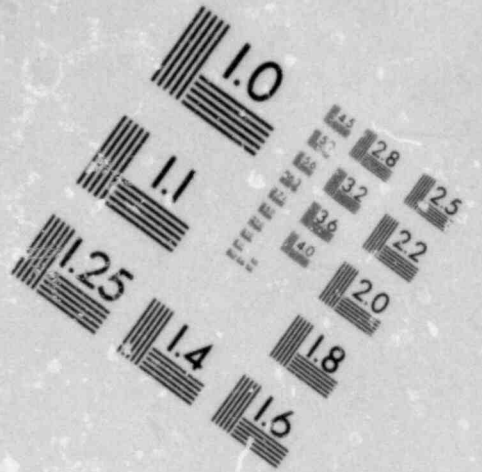
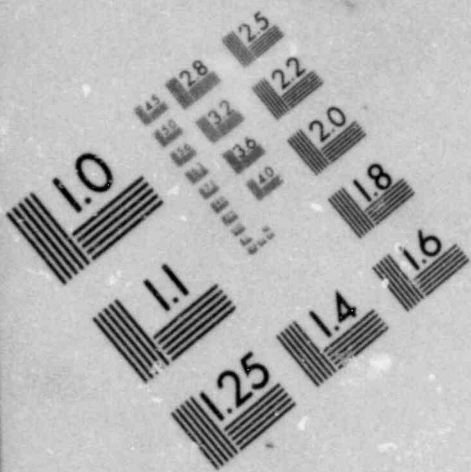
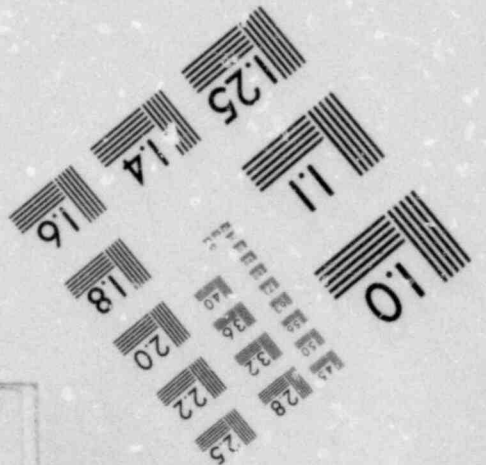
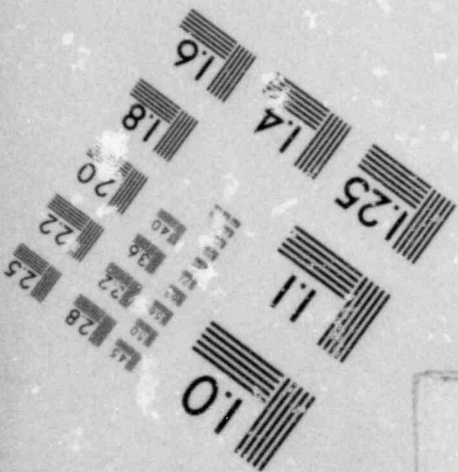
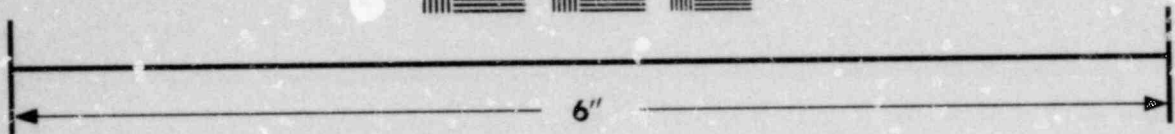
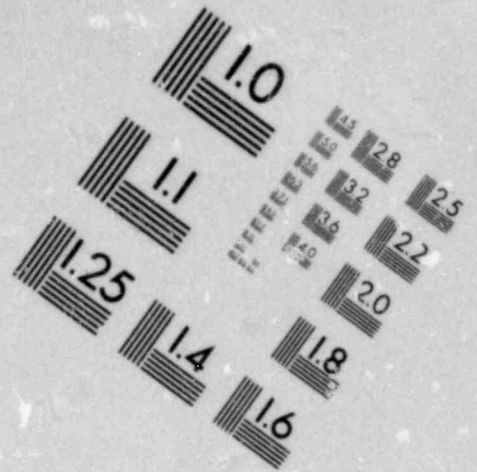
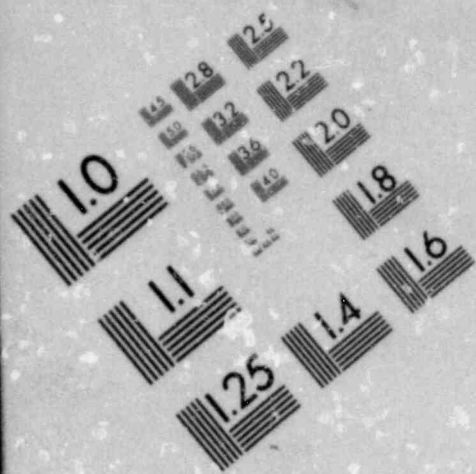
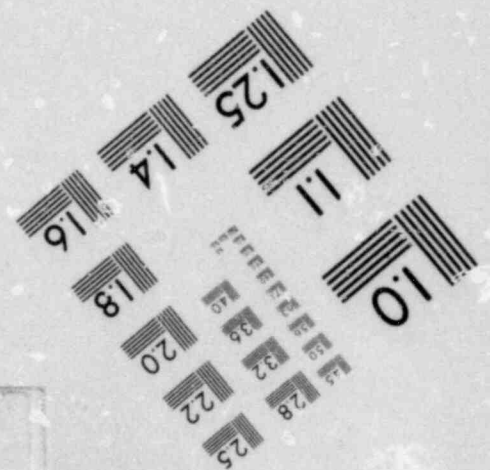
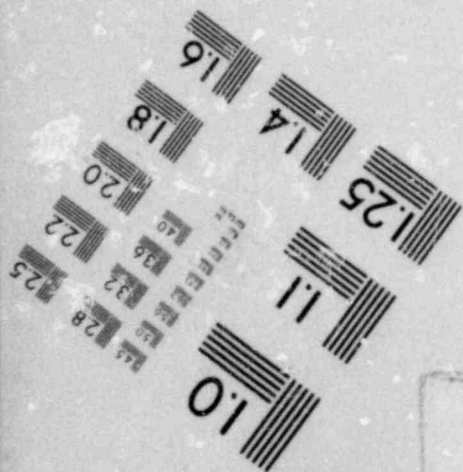
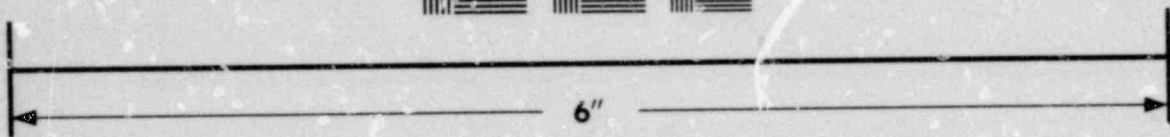
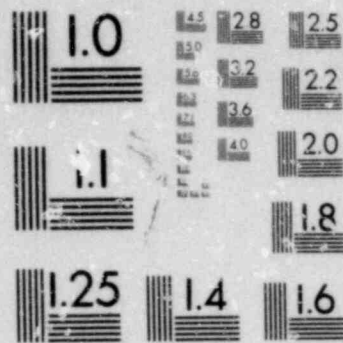


IMAGE EVALUATION
TEST TARGET (MT-3)





**IMAGE EVALUATION
TEST TARGET (MT-3)**



1 the county to feed back information on status to the state,
2 the counties are not part of the decision process of
3 protective action.

4 But I do not know that counties have adopted the
5 upper levels of the Parsons-Brinkerhoff study.

6 Q Am I correct in stating that the counties could,
7 if they wanted to, make a different protective action
8 recommendation than PEMA had advised them, that their
9 present planning allows for that?

10 A My understanding of state planning is that PEMA is
11 to advise the counties. There appears to be a very careful
12 wording of the state plan so as to not preclude the
13 authority and the capability of counties to effect whatever
14 actions are necessary for them to protect the health and
15 safety of their people. However, there is considerable
16 planning in work to ensure that there is a coordinated
17 protective action. As such, the counties are expected to
18 follow the lead of the Governor and through the Pennsylvania
19 Emergency Management channel communications.

20 Q Okay, but they don't absolutely have to?

21 A No, it is never stated in there that they
22 absolutely have to.

23 Q Is adoption of evacuation time estimates into
24 county plans required by 0654?

25 A In our review, we determined that it was a planned

1 state function and therefore we reviewed it at state level
2 for the decision to affect protective action and not at
3 county level.

4 Q And is that FEMA's interpretation of 0654 or is
5 that what is provided in 0654?

6 A It is provided in 0654 in several elements that a
7 criteria might be done by Licensee, state and local, local
8 being defined by the state as preparing the plans. In this
9 case it is county level. And whereas the state has
10 recognized that it has the responsibility to do a function
11 and that the county has not, and that the county plans state
12 that they are going to rely on the state for those decision
13 processes then, and we accept that and we would not look at
14 the county level to duplicate the capability that the state
15 is preparing.

16 (Pause.)

17 Q So am I correct in stating, going back to what you
18 stated in your answer to number 2, that the York County plan
19 has not changed with respect to including population
20 calculations for transient and work force?

21 A York County's planning has changed in that York
22 County's planning now includes a Parsons-Brinkerhoff study.
23 The plans that may be signed by the county commissioners may
24 never incorporate the Parsons-Brinkerhoff study, but the
25 planner who is affected by studies which have been provided

1 to him has at his disposal the Parsons-Brinkerhoff study and
2 it has the lead by the state, which says that there is
3 affected material within it.

4 So therefore we feel that York County's planning
5 authority does have and is utilizing the Parsons-Brinkerhoff
6 study in its planning and in its plans.

7 Q Okay. But the actual written plans do not contain
8 the Parsons-Brinkerhoff study, is that right, or do not
9 incorporate the Parsons-Brinkerhoff study, is that right?

10 A No, it incorporates a statement that the
11 Parsons-Brinkerhoff study is under consideration.

12 Q Okay. And the York County plan as a written
13 document also does not include transient and work force
14 calculations, is that right?

15 A That is correct.

16 Q How do you know that York County has incorporated
17 the Parsons-Brinkerhoff study into its study?

18 A In discussions with the York County emergency
19 management coordinator, he was aware that he had the
20 document, he was aware of what the document contained, and
21 he felt confident in that he could utilize the
22 Parsons-Brinkerhoff document.

23 Q How exactly was he going to utilize it? In time
24 of an emergency?

25 A As a planning supportive document.

1 Q What does that mean, a planning supportive
2 document?

3 A If he needed to know the transient work force in a
4 given sector while he was working on plans, he could turn to
5 the page and find that material is provided. I am not so
6 sure that the Parsons-Brinkerhoff is an emergency document.
7 I would not characterize it as an emergency document.

8 Q So essentially what Randy Curry told you is that
9 he intends to use the Parsons-Brinkerhoff study at some
10 future time to make additions to the York County plan, the
11 written document?

12 A I am not so sure that additions are called for.
13 He will use it as a planning study and document to compare
14 against the York County plan. For example, if developing a
15 transportation plan he wants to know how many transients are
16 expected in a given sector, he now has a document that
17 provides him an estimate of that transient population and he
18 is aware of that and he recognizes it as a bona fide
19 document and a usable document.

20 Q Okay. Has there been any determination by FEMA,
21 federal, whether the size of the transient and work force
22 group requires special measures to evacuate or shelter with
23 respect to York County?

24 A No, not that I know of.

25 Q You mean no determination has been made?

1 A No, no determination has been made.

2 Q What is the basis for your conclusion that FEMA
3 believes the presence and use of the Parsons-Brinkerhoff
4 study adequately satisfies NUREG-0654 considerations?

5 A Because it provides those documents and that
6 material which is sought for under Appendix 4 of
7 NUREG-0654.

8 Q Has FEMA made an independent determination of the
9 validity of the assumptions in the Parsons-Brinkerhoff
10 study?

11 A No.

12 (Pause.)

13 Q What do you mean by use of the study in that
14 sentence where you reach your conclusion of adequacy with
15 0654?

16 A As I understand the use of the Parsons-Brinkerhoff
17 study and as I understand the direction or the guidelines
18 within 0654, including Appendix 4, is that FEMA sought to
19 ensure that there was detailed consideration in the
20 development of evacuation plans and consideration for the
21 movement of population. It also sought to have certain
22 documents available for the determination of population
23 exposure. And in order to do this, certain figures had to
24 be placed on paper in advance of an incident.

25 The Parsons-Brinkerhoff study plus work done by

1 PEMA provides sufficient documentation to meet that
2 criteria.

3 Q Do you have 0654 with you?

4 A Yes, ma'am.

5 Q Would you turn to page 61.

6 (Pause.)

7 Q Criteria numbers 9 and 10. Number 9 states:
8 "Each state and local organization shall establish a
9 capability for implementing protective measures." Okay.
10 Number 10 says: "The organization's plans to
11 implement protective measure for the plume exposure pathway
12 shall include," and we go down to page 63, number (1), "time
13 estimates for evacuation of various sectors and distances
14 bases on a dynamic analysis."

15 My first question is, do you agree that the word
16 organization in number 10 means state and local
17 organizations as referred to in number 9?

18 A Would you repeat the last part of that question?

19 Q Would you agree that the word "organization" in
20 number 10 refers to state and local organizations as in
21 number 9?

22 A Yes. I would read that 0654 provides that
23 Licensee, state and local organizations. But in PEMA we are
24 discussing by "local organizations" county and local
25 government.

1 Q Okay.

2 A That there should be consideration in their
3 planning for this criteria.

4 Q And it states the organization's plans shall
5 include, turning to the next page, "time estimates for
6 evacuation of various sectors."

7 A That is correct, and I have already answered this
8 question, in that the state is, by state planning, to
9 provide the recommendations of protective action, which this
10 evacuation time estimate would be pertinent to, and that
11 county plans state that they shall rely on BRP for accident
12 assessment and recommendations of protective action.

13 (Pause.)

14 Q Moving on to number 3 --

15 MR. TOURTELLOTTE: Mr. Chairman, I think it is
16 important to make something clear on the record at this time
17 or, if I'm wrong, perhaps for someone to straighten me out.
18 The series of questions that were asked of Mr. Bath, I
19 assume that we are only taking as his personal reading of
20 what 0654 is and not an official interpretation of what 0654
21 in fact means, number one.

22 And number two is, I think it is also well to note
23 in the record at this point that that NUREG, as other
24 NUREG's, is only guidance and is not an ironclad rule.

25 CHAIRMAN SMITH: I would think that Mr. Bath's

1 reading of NUREG would fall somewhere between the two
2 options that you discussed, as something more than his
3 personal viewpoint, but it is also not a binding
4 interpretation upon anybody. However, it should represent
5 the manner in which in actual practice I would assume FEMA
6 regards the language.

7 Is that correct?

8 THE WITNESS: Yes, sir.

9 CHAIRMAN SMITH: So regardless of what it means,
10 what they deem it to mean is what his testimony is, I
11 believe.

12 MS. STRAUBE: So his testimony does reflect FEMA's
13 position on whatever it is that I ask; is that correct?

14 THE WITNESS: Sir, I would like to characterize it
15 as it represents the application of FEMA Region III, namely
16 myself and my colleagues, as pertinent to the Pennsylvania
17 planning site-specific to TMI.

18 MR. TOURTELLOTTE: I think the point here is that
19 Mr. Bath is really not in a position to speak for FEMA as a
20 national organization, but only can speak for his own
21 officer and himself.

22 CHAIRMAN SMITH: I think he has made that clear.

23 MS. STRAUBE: Can I ask who it is that would be
24 able to speak for FEMA as a national organization?

25 MR. TOURTELLOTTE: Mr. Dickey, who will be here

1 next week.

2 CHAIRMAN SMITH: Mister who?

3 MR. TOURTELLOTTE: Dickey.

4 BY MS. STRAUBE: (Resuming)

5 Q Okay. For number 3, where you are talking about
6 providing information to transients and work force; is that
7 correct?

8 A Yes.

9 Q Okay. The fifth line down, you say that, "Motel,
10 hotel, park managers and employers are to make such
11 transient and work force within their charge aware of
12 emergency protection information, including evacuation
13 plans, at the time of need."

14 What does that mean, "at the time of need"?

15 A I would say when the sirens are sounding.

16 Q Is that the only measure to providing this
17 information to transients and work force?

18 A No, ma'am.

19 Q What other measures are available?

20 A The state plans to utilize the NOAA weather radio
21 system. They also plan -- the counties plan to use the
22 emergency broadcast system radio network, as well as the
23 outdoor warnings.

24 Q All right. That's all during the time of
25 emergency. Are there provisions in the plans for

1 predistribution of evacuation routes to the transient and
2 work force population?

3 A Yes, there is stated within the county plans that
4 there shall be predistribution of public information and
5 public education on emergency information to the residents
6 within an EPZ, which would include businesses and industries
7 within the EPZ.

8 Q Would it also include motels, hotels and parks?

9 A It is my understanding, yes, that when you mail it
10 to residents that motels, hotels and park managers would
11 receive those documents. It is for general distribution.

12 Q After this predistribution has been done, is FEMA
13 going to take any measures to ensure that the motel or hotel
14 manager, for example, just didn't stick it in his drawer,
15 that it has in fact been effectively predistributed?

16 A This measure that is discussed in item 3 is really
17 unique and was brought about through York County's planning
18 in my testimony, and it is in lieu of public posting of
19 property. In discussion with Mr. Curry yesterday, he met
20 with the York County Chamber of Commerce with a letter which
21 he read to me over the telephone, which is enlisting their
22 help in providing that letter via their newsletter to the
23 many businesses and industries to ensure that they are
24 recognizing some responsibility in maintaining these
25 brochures and providing the information to their employees.

1 Q So did I understand --

2 A And the transients.

3 Q I'm sorry. Continue. Were you done?

4 A Yes.

5 Q Am I understanding you correctly to say that,
6 instead of posting the information, that when the sirens
7 sound or at the time of an emergency, the hotel, motel, park
8 managers and employers will then distribute, I guess, to the
9 appropriate people the information that they already have in
10 their possession?

11 A That is essentially what is the plan.

12 Q Do these motel, hotel, park managers and employers
13 receive any training?

14 A This particular letter speaks to that. They
15 should have some kind of, and I use the word, "plan," not
16 necessarily a written plan but a methodology described
17 beforehand or planned in advance in order to do this. It
18 would depend on the facility's capability. Some facilities
19 may have an innate capability to do this through a PA
20 system. Others may have to do it by walking down the hall,
21 door to door, or whatever. But there should be some
22 capability to do it.

23 Having it available -- and I'm just describing my
24 own concept here -- but having it available at a hotel desk
25 at the time that the sirens went off would allow the desk

1 clerk to be able to answer to any guest as to what they
2 should do. And basically the instruction they should be
3 provided is to turn on the radio or TV which is in their
4 motel, which would provide them the information that that
5 county is putting out to the residents as well as the
6 transient population.

7 This would be posting the same information in
8 public places --

9 Q Are these plans or methodologies for the various
10 hotels and motels, parks and employers, presently in place?

11 A Not that I know of.

12 Q Does FEMA intend to at some point assure that
13 those plans are in place?

14 A FEMA at some time would like to know that York
15 County has taken this measure to ensure that York County has
16 ensured that these measures were taken.

17 Q Are these measures unique to York County? Are
18 they going to be used in all of the five counties?

19 A I would say that it would appear to have to expand
20 to all five counties, unless all five counties are going to
21 post in public places that persons hearing the sirens should
22 do certain things.

23 Q And what does your review of the five county plans
24 lead you to believe they say?

25 A I'm sorry, I'm not aware of that. In other words,

1 I don't have that information here.

2 Q Is Gifford Pinchot State Park within the ten-mile
3 EPZ in York County? Is that correct?

4 A I can't confirm that. I don't know.

5 Q Assuming that Gifford Pinchot State Park is within
6 the ten-mile EPZ in York County, am I correct in stating
7 that the park manager would have to be on the premises
8 whenever an emergency occurs, so that he can go around and
9 tell the people in the park what it is they are supposed to
10 do?

11 A I don't know that that would be required. What is
12 being sought by this is that the responsibility to alert
13 transients or guests at a particular location like a state
14 park cannot necessarily be done by a centralized government,
15 which should be dispersed down to a lower level. And if in
16 the case of the park it had the ability to do it, then in
17 fact they should do it, rather than the county having to
18 come up with some measure in order to notify these
19 transients.

20 Q When is it going to be determined whether these
21 hotels, motels, parks and employers have the capability to
22 do what they are being expected?

23 A I don't know that yet.

24 Q And it has not been done yet? That determination
25 has not been made?

1 A No, ma'am.

2 Q Are the motel, hotel, park managers and employers
3 considered emergency workers?

4 A No, ma'am.

5 Q Would their responsibility be -- well, would they
6 have the responsibility to see that each person under their
7 control essentially, so each guest in a motel or each guest
8 at the park, was actually notified?

9 A No, ma'am.

10 I don't know how to follow this any further. I
11 feel that the state, or at least this county, is going in a
12 direction which would develop a compensation or a
13 methodology in lieu of posting of the park or the motel or
14 the restaurant or a place of business. It is recognized by
15 me that a sign which directs somebody to do something may
16 not be read, so therefore as I see this methodology it
17 appears to be one which would in fact enhance the chance of
18 a transient receiving the information at the time of need.
19 Therefore, in my opinion, I have recommended that York
20 County pursue this in lieu of posting.

21 Q Okay. What assurance do you have that the
22 transients will be accessible to get this information at the
23 time of need?

24 A I have no assurance.

25 Q And what assurance do you have that proper

1 notification will be accomplished?

2 A By reason that hotels and motels are able to
3 notify their guests when there is a fire, persons in
4 theatres are better able to be notified by the projectionist
5 or by the PA system than they could by an outside warning or
6 radio system, which they may not have a radio on, and by
7 persons in a park who may be without radios. It would be
8 best to have someone who is in authority or who is
9 recognized as an official direct them to where they can get
10 better information.

11 It is by reason only or common sense.

12 Q What was it in the emergency planning rule or in
13 NUREG-0654 which caused you to give your previous answer on
14 March 16th, which you have now summarized in number 3? In
15 other words, what is the requirement in the emergency
16 planning rule or in 0654 which caused you to make that
17 statement in the first place?

18 MR. TOURTELLOTTE: Excuse me, Mr. Chairman. What
19 statement are we talking about?

20 CHAIRMAN SMITH: As I understand it, it is the
21 summary.

22 MS. STRAUBE: Yes. But number 3, which says
23 "Bath/Adler, 3/16 testimony, page 12," right there.

24 CHAIRMAN SMITH: The statement represented by the
25 summary?

1 MR. TOURTELLOTTE: The whole paragraph?

2 MS. STRAUBE: No, just that statement from 3/16,
3 the sentence beginning, "There are no provisions."

4 (Pause.)

5 CHAIRMAN SMITH: Do you see the single spaced,
6 indented language?

7 MR. TOURTELLOTTE: Oh, yeah.

8 CHAIRMAN SMITH: There's no objection, so
9 proceed.

10 THE WITNESS: I'm sorry, I'm having trouble
11 locating the specific criterion which speaks on posting.

12 MR. ZAHLER: Might I suggest you look to criterion
13 G-2 on page 50.

14 THE WITNESS: Thank you.

15 That's correct, that reference.

16 BY MS. STRAUBE: (Resuming)

17 Q That is the criteria? Thank you.

18 Going to number 4, I see you've made some changes
19 today, so I might get a little confused.

20 CHAIRMAN SMITH: May I interrupt a moment? When
21 will we have an opportunity to learn about the significance
22 of the failure of York County to participate in the exercise
23 of June 2nd? Is Mr. Bath the best witness for this or will
24 there be better witnesses?

25 MR. TOURTELLOTTE: I think witnesses Dickey and

1 Adler, who will be here next week, will be the better
2 witnesses to ask.

3 CHAIRMAN SMITH: You may proceed, Ms. Straube.

4 MS. STRAUBE: I'm sorry.

5 BY MS. STRAUBE: (Resuming)

6 Q Okay. So the letters of agreement, number 4, that
7 York County has from school districts are from two school
8 districts with mass care responsibilities; is that correct?

9 A That is correct.

10 Q How many other school districts are there within
11 the ten-mile EPZ of York County?

12 A This does not speak to the ones within the EPZ of
13 York County. The letters of agreement are for ones without
14 the EPZ of York County which will provide the mass care
15 responsibility.

16 Q So the ones that you have inserted then on the
17 next page, they being Southern, Southwestern, Hanover, Red
18 Lion, and Dallastown, are also outside of the EPZ?

19 A That was my understanding.

20 Q On what do you base your statement that you are
21 reasonably assured that these organizations do have full
22 knowledge of their roles and responsibilities and do plan to
23 provide services?

24 A Based on my discussion with the York County
25 emergency management coordinator and his repeated telephone

1 contacts in meeting with these persons and in discussion
2 with the emergency response team member of the Department of
3 Education and their process which they demonstrated in the
4 exercise. And they felt confident that upon contacting the
5 district schools, the district schools would comply with
6 instructions.

7 Q During the exercise did the Department of
8 Education actually contact each of the school districts that
9 you have listed?

10 A It was so stated, yes.

11 Q Even though York County was not part of the
12 exercise?

13 A I am sorry, I should have excluded York County
14 because York County did not play in the exercise. This is
15 based on the statement that I was relating to the exercises
16 based on the Department of Education's participation in the
17 exercise and not on York County's participation in the
18 exercise.

19 Q Okay. So my question is, during the exercise,
20 even though York County was not part of it, the Department
21 of Education did contact each of the school districts; is
22 that correct?

23 A No. I cannot say that. I was not assured of
24 that, no.

25 Q Do you know whether that would, contacting these

1 school districts -- well, whether contacting these school
2 districts would be part of a future exercise which did
3 include York County?

4 A I think it should be.

5 MR. ZAHLER: Ms. Straube, can I interrupt for a
6 second.

7 Is it your testimony that they did not contact the
8 school districts during the exercise or you don't know
9 whether they contacted them?

10 THE WITNESS: It was characterized that those
11 school districts which would be contacted by the Department
12 of Education were contacted by telephone simulating that
13 during an actual emergency they would have used telex, but
14 in fact the contact of school districts -- I did not get a
15 list of school districts that were contacted, so I cannot
16 give assurance that York County school districts were
17 contacted or were not contacted.

18 BY MS. STRAUBE: (Resuming)

19 Q Okay. So what assurance can you give that those
20 particular school districts have knowledge of their roles
21 and responsibilities and do plan to provide the services?

22 A It is solely on the basis that the York County
23 emergency management coordinator has stated that he has
24 discussed -- and I will call it the school master plan --
25 with the district superintendents by telephone and in some

1 cases by face to face meetings with these, that they are in
2 process of developing school district plans.

3 Q Okay, we can skip number 5 and go to number 6.

4 Has FEMA reviewed whether the six municipalities
5 which do have plans actually maintain a list of homebounds
6 and invalids?

7 A We have reviewed those plans. This was a rather
8 carefully worded statement in that some of the municipal
9 plans do not have within the written document an attachment
10 with a list on them. However, it provides direction as to
11 who is responsible and that in fact a plan, a list, does
12 exist at the municipality level.

13 Q Okay. For those municipalities where it directed
14 you to the appropriate place, did FEMA actually look to see
15 whether the list was present at that place?

16 A No, ma'am.

17 Q Where is it that you were directed to look for the
18 lists?

19 A Without those plans being available, I could not
20 tell you. What it would state is -- and I am going to
21 generalize because I can't remember specifically -- that the
22 particular ambulance company or another organization at the
23 municipal level was maintaining a list of homebound invalids
24 or homebound personnel, people.

25 Q What is your basis for the statement that it can

1 be shown by present planning that municipalities are
2 knowledgeable of this requirement?

3 A It is clearly stated in the York County that
4 municipalities shall effect such a list and shall maintain
5 it. Of the six plans which have been so far developed and
6 are part of the York County plan, it clearly shows that they
7 are affecting such a list. And on the basis of the fact
8 that they are being directed to and are complying with at
9 least six of the 14, then I make the statement that it can
10 be clearly shown that they recognize this responsibility.

11 Q Well, let me start with this. Are there then
12 eight municipalities within York County which do not have
13 plans yet; is that correct?

14 A There are eight municipalities which have not
15 provided written plans to the York County director to place
16 in his plan, that is correct.

17 Q What assurance do you have that those eight
18 municipalities will complete their planning to include lists
19 of those municipalities?

20 A I have absolutely no assurance of that.

21 Q How could the municipalities or how would the
22 municipalities go about identifying homebounds and invalids
23 during an emergency without a list?

24 A It is my understanding that such lists already
25 exist, that fire departments normally maintain lists of

1 persons who are encumbered or handicapped and so forth.
2 Also, that there is a brochure which is to be circulated by
3 -- how would they do it during an emergency? It would be
4 very difficult during an emergency, and therefore such lists
5 should exist in advance.

6 Q Going on to number 7, can you estimate the number
7 of monitoring equipment, like the quantity of monitoring
8 equipment which is still required for York County?

9 A York County's inventory, if I remember correctly,
10 is seeking some 1,000 dosimeters or is identifying -- I use
11 the word emergency worker, but a stockpile of sufficient
12 dosimeters to deal with 1,000 emergency workers.

13 Q And what you are saying is that that dosimetry is
14 not presently predistributed at York County; is that
15 correct?

16 A It is predistributed in that -- since that some
17 equipment has been moved from the Indian Town Gap, which is
18 PEMA's stockpile, to York County, there is some
19 predistribution. There is not further predistribution --
20 excuse me, I would like to retract that.

21 There is distribution of some of this equipment at
22 York County. There is some which is being held at the York
23 County EOC for distribution during an emergency.

24 Q I guess my question is, as of right now does York
25 County have all of the dosimetry and detection equipment in

1 its possession that needs to be predistributed before an
2 emergency?

3 A It is my understanding -- I would have to separate
4 the two: no for dosimetry, yes for detection.

5 Q And is it permanently -- is the equipment that
6 York County has permanently in its possession?

7 A During the exercise there appeared to be a
8 division in the sense that persons at state level were
9 assured that that equipment that had been distributed was to
10 be permanently remaining there, at county level there was
11 some question as to whether they were going to permanently
12 have this.

13 In discussion with members of PEMA, they are
14 presently establishing a predistribution list for leaving
15 this equipment at county level permanently.

16 Q So the equipment that York County has right now --
17 or can we generalize for all counties? Would it be true for
18 all counties that the equipment that they presently have,
19 the dosimetry and detection equipment, was given to them for
20 purposes of the exercise?

21 A I believe it was given to them for purposes of the
22 exercise, but with the decision based on FEMA's comments
23 that it would remain predistributed to that level.

24 Q And has that decision already been made, that it
25 would remain predistributed?

1 A I would say generally yes. However, it is not
2 written, nor can I absolutely assure you that some of that
3 dosimetry would not go back to stockpile. They are
4 presently going over the requirements and determining and
5 assuring that the actual number that are needed are there
6 and will be provided there.

7 Q And that is true for all counties, all five
8 counties?

9 A Yes, and that is of the equipment that they have
10 on hand, I should qualify that.

11 Q To your knowledge, is there dosimetry available,
12 enough dosimetry available to predistribute amongst all the
13 five counties the amount that is required? Do you
14 understand the question?

15 A Yes. There appears to be sufficient, and I will
16 use the acronym, CDV-730 dosimeters, which was the shortfall
17 shown in the inventory in all five counties, to
18 predistribute at all five counties. There is sufficient
19 on-hand equipment in all five counties if CDV-742's, which
20 are also self-reading dosimeters, already shown in the
21 inventory of the five counties and available for
22 predistribution.

23 The shortfall appears to be in, what do they call
24 it, permanent record dosimetry, such as film badges or
25 TLE's.

1 Q What plans does FEMA have to provide the necessary
2 dosimetry if the state cannot get enough of them to
3 predistribute?

4 A FEMA has been in process of developing a dosimeter
5 which will read from zero to 20 roentgens. It has not
6 manufactured or caused these to be manufactured yet. Any
7 commitment by the agency to provide or to have a stockpile
8 of such equipment I feel should come from someone who's
9 higher up in the agency than I am.

10 Q So in other words you are deferring to somebody
11 next week?

12 A Yes.

13 Q Can the county plans be implemented without
14 predistribution of the total number of monitoring equipment
15 and dosimetry -- excuse me, let me change that.

16 Can the county plans be fully implemented without
17 predistribution of the total number of monitoring equipment
18 and dosimetry?

19 A Yes, they can be implemented.

20 Q Are you assuming, then, that workers will be sent
21 out into the field without dosimeters?

22 A No, I would not recommend that they be
23 implemented. But yes, a county plan can be implemented
24 without the total predistribution of dosimetry.

25 Q But your answer then that it can be implemented

1 assumes that workers would have to be sent out without
2 dosimetry; is that correct?

3 A Yes, that's right.

4 Q What is your basis for assuming that those workers
5 will go out to do their emergency tasks without the
6 dosimetry?

7 CHAIRMAN SMITH: We're not going to go very far
8 into this. We have litigated this concept hour after hour.
9 We're not going to do it now.

10 But go ahead and answer the question.

11 THE WITNESS: I don't really have an answer to
12 that. I think my answer was based on, can someone implement
13 a plan. Yes, I think someone can implement a plan. And I
14 wouldn't want to qualify on whether or not that plan can
15 adequately meet the problems without sufficient equipment.
16 But I would suggest that the plan certainly could be
17 implemented even though they don't have the dosimetry.

18 CHAIRMAN SMITH: That really wasn't an answer. I
19 am not encouraging the line of questioning, but I also want
20 to observe that he didn't answer the question. The question
21 was -- well, are you satisfied with the answer?

22 MS. STRAUBE: Feel free to go on with it.

23 CHAIRMAN SMITH: Not on my own, by no means.
24 Never mind, I'm sorry I intruded.

25 BY MS. STRAUBE: (Resuming)

1 Q Going on to number 8 --

2 CHAIRMAN SMITH: Do you understand where we are?
3 You are allowed to ask that question and answer, although I
4 am admonishing that we will not allow very much testimony on
5 this area. I observed that he did not answer your
6 question. I hope that my remarks have not been taken that
7 you cannot get that answer to the question.

8 All right, I will take the question through to an
9 answer. The question was, what basis do you have to believe
10 that workers will in fact go out without dosimetry. Is that
11 your recollection of the question?

12 THE WITNESS: I have a personal belief, as well as
13 through experience, have had experience both with real
14 disasters and in the case of reading histories of other
15 disasters, arrived at the opinion that emergency workers
16 will take risks in order to perform their emergency
17 function.

18 CHAIRMAN SMITH: For reasons similar to reasons
19 that you've given to similar questions along this line?

20 THE WITNESS: Yes.

21 MS. STRAUBE: Chairman Smith, I just wanted to
22 make one point. I think in all of the discussions that
23 we've had on this type of issue, I don't know that it ever
24 has been addressed.

25 CHAIRMAN SMITH: Exactly that question, I agree.

1 MS. STRAUBE: That they would go without
2 dosimetry.

3 CHAIRMAN SMITH: But the concept has been
4 addressed.

5 MS. STRAUBE: I just wanted to point that out to
6 the Board.

7 CHAIRMAN SMITH: Yes.

8 BY MS. STRAUBE: (Resuming)

9 Q Let's move on to issue number 8. Have the pickup
10 points for people without transportation within your county
11 been established?

12 A In the six municipal plans that have been
13 developed, yes. In the others, I cannot say.

14 Q Does the York County plan contain implementing
15 procedures for transportation from those pickup points which
16 have been established?

17 A The York County plan, in that the York County plan
18 incorporates the five municipal plans, there are some
19 transportation arrangements or considerations and procedures
20 at the municipal level for dealing with those pickup points,
21 yes.

22 Q Is York County then relying on the municipalities
23 to provide transportation for people without
24 transportation?

25 A Especially those persons who are homebound, yes,

1 and for persons at pickup points who have no
2 transportation.

3 Q What assurance do you have that in the
4 municipalities which do not have plans yet that the people
5 without transportation will be transported during an
6 emergency?

7 A I have no assurance.

8 Q What assurance do you have that the resources are
9 available to transport the people without transportation?

10 A I have a recognition, as in this statement, that
11 the York County has adequate planning documents and
12 commitments by the York County transit authority to appear
13 to have sufficient resources to accomplish this. However, I
14 feel that there is a shortfall and that there is not a
15 specific transportation plan setting out the requirements
16 and matching resources to those requirements.

17 Q Is this something that is required by the
18 emergency planning rule?

19 A I have problems with the word "requirement." The
20 guidelines of 0654 to recommend -- I cannot cite
21 specifically, but it is in the protective response section
22 that there be demonstrated in the planning a capability to
23 effect the protective actions, one of which is evacuation.
24 And on that basis we would seek to have planning
25 demonstrating the capability to transport persons without

1 transportation.

2 Q Okay. Later on in your answer to number 8, you
3 refer again to the Parsons-Brinkerhoff study. I wonder, how
4 does the Parsons-Brinkerhoff study impact or have any effect
5 upon transportation of these people without transportation?

6 A The Parsons-Brinkerhoff study provides by sector
7 the amount of transient persons who may be in that area,
8 thereby giving and providing certain information to the
9 planner that he could then make arrangements to provide
10 buses. If he does not have any better data, it provides him
11 population distribution information.

12 Q Are you anticipating, then, that that information
13 would be used during an emergency?

14 A Hopefully not, that he will have adequate
15 communications with his municipalities and be able to assess
16 the transportation requirements on an ad hoc basis, if in
17 fact he has not done it in advance, which is what we are
18 seeking.

19 Q Would I be correct in stating that the lack of
20 preplanning for people without transportation would have an
21 effect on the length of time it would take to evacuate?

22 A I could say that would be a reasonable
23 assumption. But I cannot say that that would not fall
24 within the time span already planned for in the upper
25 limits.

1 Q Is testing York County -- or is testing the
2 planning within York County for transportation of people
3 without transportation going to be part of a drill or an
4 exercise which would include York County?

5 A In a requirement to move people, no, I would not
6 expect it to be part of the exercise. I would feel that it
7 would be reasonable to have an observer at municipalities
8 and that those observers should in fact be provided a list
9 of pickup points and be demonstrated by that municipality
10 which is planning how it will effect transportation or how
11 it will call upon the county to effect transportation to
12 service those pickup points.

13 CHAIRMAN SMITH: Should I infer from your question
14 that there is an exercise planned which would demonstrate?

15 MS. STRAUBE: Mr. Tourtellotte can interrupt me if
16 he wants. The knowledge I have is that I believe some time
17 this week there was to be a meeting between various people,
18 including York County, to see whether and when a drill
19 involving York County could be arranged. The meeting
20 apparently is going on right now. That is the extent of
21 what I know.

22 BY MS. STRAUBE: (Resuming)

23 Q Going on to number 9. Has FEMA reviewed the York
24 County master plan to evacuate schools?

25 A Yes, we have.

1 Q Essentially what are the contents of the master
2 plan? What is their game plan?

3 A I believe I have summarized it in here, in that
4 within the master plan -- by the way, "master plan" is my
5 title -- it should reflect that the county has a plan and
6 that such plans which are developed subsequent to it should
7 be enfolded or therefore meet the county plan.

8 The county plan presently provides where certain
9 schools shall be relocated to. It also provides for
10 consideration of the amount of students that would be
11 relocated and provides an adequate mass care facility for
12 the holding of those students.

13 Q Is this master plan part of the York County plan
14 which was presented here as evidence?

15 A Yes. It is referred to as the school annex or the
16 school plan of York County.

17 Q Does it rely on the schools to implement the
18 plan?

19 A I cannot remember, I'm sorry.

20 Q Well, does the county plan provide for the county
21 to send people in to evacuate each school or does it rely on
22 the individual schools to evacuate themselves?

23 A It, as I recollect, it requires the schools to do
24 the alerting of its bus drivers, and therefore to, I guess,
25 load the buses. But it also specifies that the county shall

1 be in communication with the school to effect it.

2 Q Do each of the schools within the York County
3 ten-mile EPZ have a plan at this point in time?

4 A No.

5 Q Do any of the schools within the ten-mile EPZ have
6 a plan, ten-mile EPZ of York County have a plan?

7 A No, not to my knowledge.

8 Q Are there implementation procedures in place for
9 each school on how to implement the master plan?

10 A Not to my knowledge.

11 Q Are there lease agreements or letters of agreement
12 available between the school districts and bus companies
13 which will be relied upon in the event of an evacuation?

14 A Not to my knowledge.

15 Q What assurance do you have that the individual
16 schools will be evacuated according to the plan?

17 A My assurance, although it is not absolute
18 assurance, is that the plan which is provided within York
19 County, clearly shows that York County in fact will instruct
20 or advise the schools that they should evacuate based on a
21 recommendation by state level government, either the
22 Governor or PEMA, and that the State Department of
23 Education, in concert and in coordination with PEMA, will
24 provide direction to the school districts via the Department
25 of Education channels.

1 Q What you are telling us is that you have an
2 assurance that the school will be notified of what it is
3 they are to do; is that correct?

4 A Will be notified and certainly has the channels --
5 the channels of communication are set up to provide also
6 direction.

7 Q Okay. What assurance do you have that the
8 individual schools can evacuate as they are told to?

9 A I have no personal assurance.

10 Q What is your basis for saying that there has been
11 reasonable progress, even though the individual school plans
12 are not available?

13 A The basis is on discussion with the emergency
14 management coordinator of York County, in that he has
15 interfaced through communications with the district
16 supervisors; also in discussions with the Department of
17 Education personnel; and that there has been significant
18 work done on the development of a guide for schools to
19 develop planning, and in the recognition by certain persons
20 of state officials in the Department of Education that
21 numerous capabilities already exist at schools, both for
22 notifying parents when they are going to close, and that
23 history has shown that schools have been able to release
24 their children early and to bring buses and to return the
25 students at an unscheduled time.

1 Q Okay. It has just been pointed out to me that in
2 your corrections for today the "reasonable progress" has
3 actually been changed to "some progress."

4 A Yes, that is correct.

5 Q Are individual school plans required for
6 compliance with the emergency school planning rule?

7 A I am sorry, I did not hear that.

8 Q Are individual school plans required for
9 compliance with the emergency planning rule?

10 A I have problems with the word "required." You
11 know, requirement -- there is no requirement.

12 Q Okay. Are they required by 0654? You again have
13 that problem with the word "required"?

14 MR. TOURTELLOTTE: Mr. Chairman, I think we have
15 indicated before that 0654 is only guidance and the witness
16 has indicated he has trouble with the word "required"
17 because 0654 is only guidance.

18 MS. STRAUBE: Chairman Smith, I'm going to try to
19 think of a different word than "required."

20 But I would also like to respond to Mr.
21 Tourtellotte's consistent comments on 0654. I think they're
22 legal arguments and I think the witness is more than able to
23 testify what FEMA thinks 0654 says and what should be done
24 to comply with the guidance of 0654.

25 CHAIRMAN SMITH: I think you should proceed as you

1 have, Ms. Straube. Whatever 0654 -- the Board is capable of
2 determining and asking our own questions at any time,
3 exactly what it is, from the parties. So we have been
4 advised very well on the two.

5 MR. TOURTELLOTTE: Mr. Chairman, I am not making a
6 formal objection. But I was trying to bring to the Board's
7 attention and perhaps counsel, through the Board, that this
8 is really the problem that the counsel is having with this
9 witness and with this question and in particular with that
10 word. And if we are going to progress and get a meaningful
11 answer from this witness, a different word than "required"
12 has to be used.

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1 CHAIRMAN SMITH: Okay. I think we are spending
2 too much time. We have the same use of words in other
3 contexts too. In the SERs we hear frequently the staff will
4 require and the Licensee will be required. And really it's
5 -- the Board, when it comes within the scope of other
6 hearing, it has the initial authority to require anything.

7 I think we know what the arguments are in 0654.
8 If he says 0654 requires something, we understand the point
9 he is making. Miss Staube, maybe you can find a better word.

10 MS. STRAUBE: Well, if necessary I'll try to find
11 a better word, but I would also like to point out to the
12 Board that this joint statement that was signed by the
13 Commonwealth, Licensee and the NRC staff, number one is that
14 prior to restart at TMI-1 Licensee's emergency plans and
15 state and local emergency response plans must comply with
16 the requirements of 10 CFR, and then it gives cites to the
17 rule -- to the emergency planning rule.

18 MR. TOURTELLOTTE: That is the rule.

19 MS. STRAUBE: What I am trying to find out is what
20 the federal agencies involved -- NRC and FEMA -- feel is
21 required to comply with the rule.

22 CHAIRMAN SMITH: That's right. That's fine. That
23 is the sense that I have listened to you use the word and
24 that is the sense that I have taken the answers and that is
25 the correct sense of it.

1 MS. STRAUBE: Am I permitted to continue to use
2 the word "required"?

3 CHAIRMAN SMITH: We're talking about a functional,
4 factv requirement in their view that is required to comply
5 with the rule.

6 MS. STRAUBE: Let me ask the question again.

7 CHAIRMAN SMITH: Maybe we should be confused, but
8 we're not.

9 BY MS. STRAUBE: (Resuming)

10 Q Are the individual school plans required for
11 compliance with the emergency planning rule?

12 A No.

13 Q Did you answer me? No? Was that the answer?

14 A Yes.

15 Q .I'm sorry. I wasn't paying attention.

16 What is your time frame for eventually that this
17 deficiency must be corrected, eventually?

18 A I think I am attempting to recognize that through
19 the methodology of planning which is presently in York
20 County and to ensure continuity in maintenance of the
21 recognition of the responsibilities that are set out in York
22 County that such plans should be executed and that they
23 should be maintained.

24 And this is the best way to ensure compliance and
25 to ensure continuity. And on that basis I feel that those

1 plans should be executed and should be done. I am using the
2 word "eventually" because I do not feel that it is in my
3 power to determine that it should be done within X number of
4 days.

5 Q Does the county master plan for your county cover
6 private schools?

7 A I do not think it speaks of it.

8 Q Excuse me?

9 A I do not believe it speaks of it. I am not sure.

10 Q Does it make provisions for children in the
11 schools outside of the EPZ but who live within the EPZ?

12 A I cannot recall.

13 Q Do you know whether those two school populations
14 are addressed in the county plan at all?

15 A I cannot recall.

16 MS. STRAUBE: Chairman Smith, do you want me to
17 keep going or shall we take a break?

18 CHAIRMAN SMITH: Well, I think we should shorten
19 our morning break here. Your cross examination is running
20 longer than we had hoped for, so let's take a ten-minute
21 morning break now.

22 MS. STRAUBE: Thank you.

23 (A brief recess was taken.)

24 CHAIRMAN SMITH: Mr. Tourtellotte, we are
25 concerned that we will not be able to conclude with Mr. Bath

1 today, looking at the cross examination plans and the
2 extraordinary detail of the Commonwealth's cross examination
3 and when I see Miss Bradford's. As I understand, Mr. Bath
4 may have trouble returning.

5 MR. TOURTELLOTTE: He is going to be gone for
6 three weeks.

7 CHAIRMAN SMITH: And we will not go late tonight.
8 I am going to ask you to sharply accelerate your pace, just
9 to speed the questions. Every one of your questions is
10 written out and when I look at the importance of the
11 individual questions they don't require the slow pace which
12 is developing here.

13 It is an extraordinary situation. I mean, I never
14 would have expected to see the Commonwealth of Pennsylvania
15 inquiring in so much detail of a federal officer about local
16 plans. I still have never been able to understand that.

17 MS. STRAUBE: Chairman Smith, we are very
18 concerned that the local plans --

19 CHAIRMAN SMITH: I know. We're very much
20 concerned and we're very much concerned about the
21 Commonwealth's conduct.

22 MR. CUNNINGHAM: Mr. Smith, is it possible that
23 the Board could give me some advice as to the scope of Mr.
24 Bath's testimony today? Part of my cross examination plan
25 involves the June 2 exercise of which Mr. Bath may or may

1 not be prepared to testify today, and I want to know because
2 I will not go into that on my cross examination if he is not
3 prepared to testify as to those particular issues.

4 MR. TOURTELLOTTE: Was the question of the Board
5 or of me? I find it an incredible question in the first
6 place for an attorney to ask.

7 CHAIRMAN SMITH: I would like the answer to it.
8 He's talking about the exercise itself.

9 MR. TOURTELLOTTE: Well, the testimony speaks for
10 itself. What Mr. Bath has done, and perhaps he is better to
11 speak to this than I, but there were a number of items that
12 were unresolved matters in testimony that was presented
13 either on February 23 or March 16 by Mr. Bath and Mr.
14 Adler. And there were certain items there that were
15 unresolved and all that Mr. Bath is doing today is to update
16 those pieces of his testimony that reflected certain
17 unresolved matters.

18 Now, insofar as the June 2 exercise is concerned,
19 Mr. Bath is not the appropriate witness to ask, insofar as
20 general questions or insofar as specific questions about the
21 overall exercise. All he is doing is using what limited
22 information applied to the unresolved matters and has
23 applied that information from, perhaps, the June 2 exercise
24 and from other information to try and update for the Board
25 the resolution of those matters that he discussed in his

1 testimony of February 23 and March 16.

2 CHAIRMAN SMITH: I can read attachment 3 as well
3 as we all can, but I don't recall. It's possible that we
4 received them in the profusion of papers that came in that
5 described what his testimony would be limited to. But I
6 have not read it. I can see attachment 3, yes. I don't
7 know what else he's going to testify to. We don't even know
8 for sure what your plans are on this session.

9 MR. TOURTELLOTTE: I'll be happy to go over those
10 plans, but the testimony states rather clearly what it is.
11 I will be happy to tell you that on --

12 CHAIRMAN SMITH: I think you have answered to our
13 satisfaction or Mr. Cunningham's satisfaction.

14 MR. TOURTELLOTTE: Mr. Dickey and Jaske and Adler,
15 Thomas Hardy and Swerin and Mr. Chesnut will be here next
16 week and they will be here primarily for the purpose of
17 addressing the June 2 exercise.

18 MR. CUNNINGHAM: That's fine. Thank you.

19 CHAIRMAN SMITH: Now, we have a problem and the
20 Commonwealth can share in the solution to the problem. At
21 the pace you're going, the extraordinary detail that you are
22 inquiring into, we cannot complete this witness today.

23 MS. STRAUBE: I'm going to do my best to go much
24 faster.

25 CHAIRMAN SMITH: But that may not be good enough.

1 We may have to give you a time limit, but let's see how you
2 proceed.

3 Mr. Adler, do you have an objection to that? I
4 would prefer, when you have objections, that you state them
5 verbally and not by facial expression.

6 MR. ADLER: Miss Straube has stated that she will
7 do as much as possible to speed up. I don't quite
8 understand the concept of a time limit, but I don't think it
9 will be necessary.

10 CHAIRMAN SMITH: I hope not, but the time limit
11 can be imposed when I evaluate the detail of the questions
12 -- like what do the bus drivers in York County know and that
13 sort of thing -- compared to the other problems we have.
14 There has to be a balancing. There has to be a balancing of
15 the Commission's needs, of FEMA's needs, our needs and to
16 postpone this proceeding for three weeks to get this man
17 back while she asks about what the bus drivers in York
18 County know requires the Board to make some judgments.

19 MR. ADLER: We understand.

20 BY MS. STRAUBE: (Resuming)

21 Q Have the transportation procedures and
22 requirements for Dauphin County been developed? We are
23 number 10.

24 A I cannot say.

25 Q What assurance do you have that adequate

1 transportation will be available in Dauphin County in the
2 event of an emergency?

3 A In Item 10 I am specifically referring to
4 something that was brought up in Contention earlier and in
5 testimony that a responsibility had not been assigned. The
6 new Dauphin County plan clearly assigns that responsibility
7 and that is the degree to which I am updating this testimony.

8 Q Okay, on number 11 for Dauphin County, are the
9 school evacuation plans available?

10 A There is a county plan similar to York County
11 which provides how schools will be evacuated and where they
12 will be evacuated to.

13 Q My question is, does each individual school have a
14 plan?

15 A Not to my knowledge.

16 Q Are there implementation procedures in place for
17 each school?

18 A Not to my knowledge.

19 Q Are the lease agreements or letters of agreement
20 available between the school districts and bus companies?

21 A I cannot speak to that.

22 Q Excuse me?

23 A I did not review it for this answer.

24 CHAIRMAN SMITH: You don't know.

25 THE WITNESS: I don't know.

1 CHAIRMAN SMITH: Thank you.

2 BY MS. STRAUBE: (Resuming)

3 Q What is your basis for concluding that
4 notification will be adequate?

5 A It was based on observation during the exercise by
6 a federal official other than myself.

7 Q Did the bus drivers know of the exercise
8 beforehand?

9 A I do not know.

10 Q Let's go on to number 12. Do the county plans for
11 back-up county-level emergency management coordinators?

12 A I have some problem with that. This came out of
13 testimony in which I recommended that there be some back-up
14 to effecting an emergency management organization at
15 municipal levels. Since a local emergency management
16 coordinator is operating under the authority of the local
17 official, certainly that local official does provide back-up
18 for any person within his line of authority.

19 Subsequent to that it has been demonstrated in
20 municipal plans that there is a sizeable staff in most
21 municipalities which will be alerted during an emergency.
22 The concern in this issue is how shall it be notified? The
23 original notification process was to call one person, the
24 local emergency management coordinator.

25 However, now York County plan has been effected

1 and the change has been effected which, in fact, now
2 demonstrates that they will use a plectron fire
3 communications system to notify the local fire companies,
4 who will have procedures to then notify the emergency
5 management staff of that particular county, to include the
6 local emergency management coordinator, and that the county
7 will effect, through telephone, alerting the local emergency
8 management coordinator.

9 And I feel that this adequately meets the concern
10 that I had.

11 Q Okay. Your answer to number 13 discussed that
12 part of the traffic control plan and part of the access
13 control plan was adequately demonstrated during the
14 exercise. Could you describe what was adequately
15 demonstrated?

16 A In my recollection, my position was at the State
17 EOC. In my recollection there were state police personnel
18 who were provided in each of the four counties to
19 demonstrate that the State Police could, in fact, dispatch
20 personnel and utilize them for these purposes. These
21 personnel were provided with dosemetry.

22 These persons did have a predetermined location to
23 go to. And access control, as far as access control to the
24 plant, there were state police personnel positioned along, I
25 believe, the state road 441 and they did demonstrate that.

1 That is the extent to my knowledge that it was demonstrated.

2 There is an element which I don't want to speak to
3 but later witnesses will speak to, that we found a
4 deficiency in access control as a result of the exercise.
5 And that is why I say it is in part. The portion that I
6 would consider adequate is a representative demonstration of
7 how traffic control would be effected.

8 Q Okay, and that is based on what you heard from
9 other observers, is that correct?

10 A That is correct.

11 Q Number 14, are there any implementing procedures
12 for the Mennonite Disaster Service functions, specifically
13 alerting and evacuation?

14 A In the exercise it was demonstrated that we are
15 talking about the population group within Lancaster County,
16 that a vehicle would be dispatched to provide information
17 through route alerting, to include the Mennonite area.

18 Also, during the exercise I was privy to the
19 action taken by the state which alerted the Mennonite
20 Disaster Service, which, by letter, has agreed to notify the
21 old order Amish group which is in Lancaster County as to
22 specific written procedures of the Mennonite Service. I do
23 not have any knowledge that they have a written procedure to
24 carry out that function.

25 Q Am I correct in stating that there is a letter of

1 agreement between the Mennonite Disaster Service and PEMA?

2 A There is a letter between the Mennonite Disaster
3 Service and PEMA offering to accept such responsibility and,
4 as demonstrated within the exercise, a member of the
5 Disaster Mennonite Service, if it had been an actual
6 emergency, would have been dispatched to the State EOC to
7 help provide that function.

8 They demonstrated the notification of that service
9 through telephone. However, that individual did not come to
10 the State EOC.

11 Q Do you know what the time necessary was to
12 accomplish route alerting for that population?

13 A No, I do not.

14 Q What assurance do you have that the Service is
15 able to evacuate the old order Amish?

16 A I have no absolute assurance of that.

17 Q Okay, I think there's a wrong word you put in here
18 on 14 in your last sentence. You have "special provisions
19 for alternate means of warning." Do you mean additional
20 means of warning?

21 A Yes. Thank you.

22 Q On number 15, have training programs for state and
23 local emergency response personnel been fully developed?

24 A Have they been fully developed?

25 Q Yes, that's the question.

1 A I do not know.

2 Q Is your testimony, is not a change of opinion --
3 would I be correct in stating that your testimony for number
4 15 is not a change of opinion concerning the requirement of
5 training before restart?

6 A I would like not to prejudice or prejudge the
7 court's decision as to what is required before restart. My
8 assessment here is to assess what I feel the level of
9 training is presently in the State of Pennsylvania and among
10 the counties. And that was the intent of this testimony.

11 In joint testimony with the NRC and which the NRC
12 helped to prepare, the statement was made that such a
13 training level or the initiation of this training program
14 should take place before restart.

15 MS. STRAUBE: Okay, I have no further questions.

16 CHAIRMAN SMITH: Miss Straube, when I made the
17 comments about accelerating your cross examination you were
18 just beginning page three of four pages of cross
19 examination. I hope that my comments didn't cause you to
20 eliminate. You were just about halfway down and now you
21 finished in just a few minutes. Are you satisfied that you
22 had a full opportunity to cross examine?

23 MS. STRAUBE: Yes, sir. Part of it on the last
24 page, page three, I had already done at the beginning,
25 because it just fit in there and also several of the

1 questions Mr. Bath didn't now, so I couldn't go into it very
2 deeply.

3 CHAIRMAN SMITH: All right. Miss Bradford?

4 MS. GAIL BRADFORD: Sir, the witness's last
5 statement was that he didn't wish to prejudice the court or
6 something on which requirements would be before restart.
7 And I'm wondering if the staff is going to give us it's
8 position on which items in local and state emergency plans
9 should be completed before restart. Will we get that
10 information from the witness or from another FEMA witness,
11 or will the staff not take a position?

12 CHAIRMAN SMITH: Mr. Tourtellotte, can you be
13 helpful?

14 MR. TOURTELLOTTE: The adequacy of the overall
15 emergency plan will be addressed by the witnesses next week,
16 not by this witness.

17 MS. GAIL BRADFORD: Which witnesses next week?

18 MR. TOURTELLOTTE: The witnesses which I named
19 earlier. Dickey, Jaske, Adler, Hardy, Swerin and Chesnut.

20 MS. GAIL BRADFORD: All of them? Also Mr. Grimes?

21 MR. TOURTELLOTTE: And Grimes, yes.

22 CHAIRMAN SMITH: Is he going to be here too?

23 MR. TOURTELLOTTE: Yes, Grimes will be here.

24 CHAIRMAN SMITH: Mr. Tourtellotte, could you
25 direct me to the source of your information? Are we

1 supposed to have this information?

2 MR. TOURTELLOTTE: I would be happy. As I
3 indicated earlier, I can tell the Board or actually I have
4 it typed out and I can Xerox it and I can give everybody a
5 copy of it. I had prepared an evidentiary presentation and
6 sequence of witnesses for emergency planning hearing session
7 commencing 6/30 and it goes on to 7/7. And I'll be happy to
8 give that to you and to the parties. It does not have any
9 confidential or work information.

10 CHAIRMAN SMITH: All we have so far is the letter
11 of June 16 from Mr. Gray which encloses the seven items, but
12 we don't really have a good guide to what's --

13 MR. TOURTELLOTTE: Well, let me say briefly, on
14 the seventh of July Dickey and, I believe, Jaske will
15 testify on FEMA's findings and determination. The first
16 item of evidence we will introduce is Interim Findings and
17 Determinations Relating to the Status of State and Local --

18 CHAIRMAN SMITH: Are you reading from a prepared
19 list?

20 MR. TOURTELLOTTE: Yes.

21 CHAIRMAN SMITH: It would be helpful if we could
22 have that.

23 MS. GAIL BRADFORD: Mr. Tourtellotte, is your
24 problem that you've written on yours? Do you want my copy?
25 Do you want the copy back that you gave me to Xerox from?

1 MR. TOURTELLOTTE: I've got it.

2 CHAIRMAN SMITH: We won't have the transcript to
3 read from.

4 MR. ADLER: Could copies be provided?

5 CHAIRMAN SMITH: Mr. Brenner is running some off
6 now.

7 MR. TOURTELLOTTE: It is a list which I ordinarily
8 prepare to make sure that we follow everything and get all
9 the evidence in. I also have copies of all that testimony.
10 I was under the impression it had been sent out, but I would
11 be happy to give you copies here today.

12 DR. LITTLE: What we have, we have a lot of items
13 and the items are identified, but the persons who are going
14 to be involved are not. It just says a FEMA witness or a
15 panel of FEMA witnesses, and we don't know who from FEMA is
16 in which role.

17 MR. TOURTELLOTTE: Well, I can give you a pretty
18 strong indication of who's going to be on those panels,
19 although Mr. Jaske is not that firm. But he's the only one
20 I know of who is not that firm.

21 Mr. Dickey will definitely be here.

22 MS. GAIL BRADFORD: I guess I still don't
23 understand if there is someplace in the written, pre-filed
24 testimony of any or all of these witnesses where there is a
25 list of what FEMA or the staff considers needs to be

1 corrected in the county and state plans and school plans
2 before restart or what the requirements are.

3 MR. TOURTELLOTTE: I don't believe that -- I am
4 just not certain as to whether such a list exists. The real
5 question is, given what deficiencies there are, is there a
6 reasonable assurance of the public health and safety, that
7 the emergency plans are adequate. And that is the question
8 that Mr. Dickey will address.

9 I think it is fairly clear from Mr. Bath's
10 testimony today that there are some deficiencies,
11 particularly in York County, but the question is not so much
12 as to whether there is a deficiency here and a deficiency
13 there. The question is whether those deficiencies are so
14 significant that they render the balance of emergency --
15 that is, that they render the emergency planning, in toto,
16 as not being fully an assurance of the full public health
17 and safety.

18 DR. LITTLE: I guess -- let me pursue this just a
19 minute. On page two of the letter from Jaske to Grimes
20 dated June 16, 1981, the language is, the summary language
21 is, "Our interim finding is that Pennsylvania state and
22 local government radiological emergency response plans
23 site-specific to TMI are adequate." Then it goes on.

24 "The exercise demonstrated that certain changes
25 are needed in the plan so that the recommendations based on

1 the May 14 RAC review must still be accomplished. The
2 exercise provided a demonstration of adequate state and
3 local preparedness capability. It did, however, reveal
4 deficiencies which could be regarded as relatively minor and
5 correctable." And it goes on to say how it could be done.

6 But it says there's things to be accomplished, but
7 there's no date tied into that, like before restart, or
8 anything of that sort.

9 MR. TOURTELLOTTE: Well, without trying to
10 prejudice the overall presentation, I can tell you that my
11 understanding of what the presentation will be right now is
12 that there are deficiencies, but these deficiencies are not
13 significant in terms of the overall adequacy of the
14 emergency plans or of assurance of public health and safety.

15 And the precise time as to when one deficiency or
16 another will be addressed, I am not certain whether the
17 witnesses will be prepared to do that. I will certainly
18 alert them to that, but if the bottom line is that the
19 deficiencies, in their opinion, are -- do not materially
20 affect the adequacy of the emergency plans and that the
21 public health and safety can be assured, it really is not of
22 any particular significance when those deficiencies are to
23 be corrected, insofar as restart is concerned.

24 MS. STRAUBE: Chairman Smith, I would point out
25 that the emergency planning rule says that the FEMA and the

1 NRC -- I believe also the NRC finding has to be that the
2 plans are adequate and can be implemented. And I think for
3 the second half it is very important that some of those
4 things might have dates attached to them.

5 MR. TOURTELLOTTE: But, you see, we're mincing
6 over words here, because adequate -- the word adequate does
7 not mean that there are absolutely no deficiencies.

8 CHAIRMAN SMITH: Okay.

9 Ms Bradford?

10 MR. TOURTELLOTTE: Did you want to go through this
11 list of presentations, or is it just sufficient that I just
12 present it to the Board?

13 CHAIRMAN SMITH: I'm sorry. I didn't hear the
14 introduction to your statement.

15 MR. TOURTELLOTTE: Did you want me to go on and go
16 through the list of evidentiary presentation for next week,
17 or is it enough that everybody has the list?

18 CHAIRMAN SMITH: I think that the list satisfies
19 it. It's very good. But this is the first we really knew
20 of what the scheme of your presentation was going to be.

21 MR. TOURTELLOTTE: I would note that there is a
22 change in the Exhibit numbers, because of the exhibit that
23 Mr. Cutchin moved in on us, so that those should be exhibit
24 numbers 17, 18 and on, rather than 16 and on.

25 CHAIRMAN SMITH: All right. This is fine.

1 Ms. Bradford?

2 CROSS EXAMINATION

3 BY MS. GAIL BRADFORD:

4 Q Mr. Bath, do the copies of the county plans that
5 FEMA has and has reviewed also include municipal plans?

6 A Yes, those that have been accomplished, to our
7 knowledge.

8 MS. GAIL BRADFORD: Mr. Chairman, I would like to
9 point out that the Board exhibits, which are the county
10 plans, do not have municipal plans included, and they were
11 represented as being exact copies of what was submitted to
12 FEMA. So there are no municipal plans in the record and yet
13 they were submitted to FEMA.

14 CHAIRMAN SMITH: Conclude your observation. What
15 would you have the Board do?

16 MS. GAIL BRADFORD: I think it would be better for
17 the record if the municipal plans were included. I would
18 request that.

19 CHAIRMAN SMITH: Miss Straube?

20 MS. STRAUBE: Chairman Smith, when Mr. Hippert
21 comes after lunch I'm going to ask him if we can get copies
22 of the municipal plans that are available and provide them
23 to the Board as exhibits. I don't know yet whether we can
24 or not.

25 MS. GAIL BRADFORD: I would like to get copies of

1 the municipal plans that FEMA has and that they have
2 reviewed on the record.

3 BY MS. GAIL BRADFORD: (Resuming)

4 Q Mr. Bath, in the copies of the county plans that
5 you reviewed or that FEMA has reviewed, have the amounts of
6 potassium iodide needed been filled in in the blanks on the
7 county plans?

8 A The State Department of Health plan has listings
9 of the units necessary, but they were not all complete in
10 the document that we have. The document is essentially the
11 same document, I believe -- I don't know the exhibit number
12 -- that is before the Board. And it is incomplete at this
13 time. However, we have been advised that that is now
14 completed.

15 Q It is completed at the state level?

16 A Well, the state was gathering that information.
17 It was a tool of the state. It was not really a tool of the
18 counties. The counties were filling out a document
19 answering that and were sending it to the state, so it would
20 be compiled at state level.

21 At the time that we received the document it was
22 partially complete. We have been advised that it is now
23 complete and they do now have the requirements, as specified
24 by the county.

25 Q Are the county plans complete so that, for

1 example, the county would know how many doses to send to
2 each fire hall or whatever they need to know to distribute
3 the data -- the potassium iodide?

4 A I have been advised that the counties have
5 retained a copy of the document that they forwarded to the
6 state that shows where they are to predistribute the KI. I
7 do not have a copy of that document.

8 Q Do you know whether those documents are complete
9 in the plan? There are numerous blanks.

10 A I have been advised that the state has received
11 the figures necessary to complete the list. I am assuming
12 that in order to do that the counties completed theirs. I
13 have not received an updated copy of that list.

14 Q Is it your interpretation that institutionalized
15 persons, as you used in your answer to the first question on
16 your testimony, means both staff and patients or residents
17 of an institution?

18 A I don't know that I considered that. I'll try now.

19 Q If you were distributing potassium iodide to a
20 prison would you just give it to the guards, or would you
21 give it to the inmates also?

22 A I would recommend that sufficient quantity for all
23 persons who had to remain there during the period, so,
24 therefore, I would say that the guards may be called the
25 emergency workers or institutionalized personnel as well.

1 Yes, I would then have sufficient quantity.

2 Q And hospitals?

3 A Certain members of the hospitals would not be
4 required to have KI available, because it would not be
5 reasonable for them to remain. In the state plan hospitals
6 are to be evacuated, so I don't really expect that such
7 persons will be -- that they would be exposed to a harsh
8 environment where KI would be required. However, I would
9 think that it would be prudent in any person expected to
10 remain with those patients would also have sufficient KI
11 planned for them.

12 CHAIRMAN SMITH: How does it happen that this
13 question is being asked, if it is, for the first time at
14 this stage of the hearing? Wasn't there an opportunity to
15 inquire into that?

16 MS. GAIL BRADFORD: Well, I always understood
17 earlier that institutionalized persons would be patients and
18 during the exercise it came up that at Dauphin County they
19 determined that hospital patients were not to received
20 potassium iodide and it was not theoretically simulated to
21 be distributed to the patients, just to the hospital staff,
22 according to the FEMA notes that I went over.

23 And I was really surprised at their confusion and
24 I was noticing that earlier Mr. Bath testified that it was
25 just emergency workers who were to received potassium

1 iodide. I didn't know whether he had forgotten
2 institutionalized persons or whether he just meant the staff
3 at institutions. It frankly doesn't make any sense to me to
4 give --

5 CHAIRMAN SMITH: You've answered the question.

6 MS. GAIL BRADFORD: Potassium iodide just to the
7 persons that accompany the patients, but that is what he
8 just said.

9 BY MS. GAIL BRADFORD: (Resuming)

10 Q What interpretation of institutionalized persons
11 was used by Dauphin County during the June 2 exercise?

12 A I am unaware.

13 MR. ZAHLER: Objection. We have already indicated
14 that we are going to have testimony on the exercise. I
15 don't know that that goes to Mr. Bath's testimony at this
16 stage.

17 CHAIRMAN SMITH: I was trying to find it but I
18 couldn't.

19 MS. GAIL BRADFORD: I take you to the last portion
20 of his testimony.

21 CHAIRMAN SMITH: The question has already been
22 answered, hasn't it?

23 MS. GAIL BRADFORD: I didn't answer it. He
24 answered it.

25 CHAIRMAN SMITH: He said he didn't know.

1 MS. GAIL BRADFORD: He said he didn't know. He
2 has and it's right beside him, I would just point out.

3 CHAIRMAN SMITH: Well, I guess we're going to have
4 to make a decision now. To what extent -- well, go ahead.
5 We will address the problem in the context of a specific
6 question and answer.

7 (Pause.)

8 BY MS. GAIL BRADFORD: (Resuming)

9 Q You stated that the Parsons-Brinkerhoff study
10 gives estimates by sector of the transient populations.
11 Does it also give specifics about where workers or other
12 transients are located?

13 A I don't know. Maybe -- would you rephrase or
14 restate the question so I could hear it, please?

15 Q You stated that the Parsons-Brinkerhoff study
16 gives estimates of transients by sector. Does it also give
17 specifics about where workers or other transients are
18 located?

19 A I can't remember.

20 Q Wouldn't that information be necessary in order to
21 distribute information or to arrange pickup points?

22 A I would say that a county could consider such
23 information important, but in Appendix 4 I looked at it
24 specifically as to the need to distribute or to provide
25 information as to what transients are within sectors. And

1 that information is provided by Parsons-Brinkerhoff, and
2 that is the extent of my testimony.

3 Q In your answer to question 3 in your testimony you
4 refer to information sheets. What are those information
5 sheets? Have they been developed?

6 A Question 13?

7 Q Question 3. It says York County does not plan to
8 post information but plans to provide such information in
9 brochures and information sheets.

10 A York County, as I best recall -- in York County,
11 as I best recall, municipalities are to provide an
12 additional information sheet which should be incorporated in
13 the county brochure that provides specific information.
14 Some, as I recall, some municipalities have developed these
15 information sheets; some have not.

16 Q Is it your expectation that all these
17 municipalities will develop information sheets?

18 A Unless York County changes its concept and
19 incorporates that kind of information into the York County
20 brochure.

21 Q Are the information sheets necessary in order for
22 the brochures to provide complete and adequate information?

23 A It has been demonstrated in the other counties
24 that pickup points are a relative, essential bit of
25 information. York County's emergency brochure at county

1 level does not contain that information and it is dependent
2 upon the municipality's fly sheets to have that
3 information. With that situation I would say that the fly
4 sheets provided by the municipalities would be an essential
5 ingredient of the public education process or the public
6 information process.

7 Q Would the PEMA pamphlet, Commonwealth Exhibit 3,
8 also have to be included with the brochures and information
9 sheets in order for the public information to be adequate?

10 A It was testified that we, FEMA, feel that both
11 documents -- the county and the state documents -- are
12 necessary in order to cover the full spectrum of the
13 criteria that we are seeking in 0654.

14 As to the specific distribution means, I don't
15 believe we have. We have stated that they have to be
16 distributed together, but that would be one methodology to
17 ensure that residents received both documents.

18 Q Have you seen whether York County has listed
19 summer camps for children? I notice it is not included in
20 the plan, and that information I was not able to obtain from
21 the York County Chamber of Commerce.

22 A No, I don't have any information on that or I
23 don't recall it.

24 MS. GAIL BRADFORD: Do you want us to incorporate
25 our together or can we do it sequen'ially?

1 CHAIRMAN SMITH: Use your own judgment. I have
2 not seen any problem between you and Mr. Cunningham's in
3 your approach.

4 BY MS. GAIL BRADFORD: (Resuming)

5 Q On item number 6 in your testimony, first of all,
6 I would just like to note a correction which I think should
7 be made which is that North Haven borough should be York
8 Haven borough. I don't know of any North Haven.

9 CHAIRMAN SMITH: What is the difference?

10 MS. GAIL BRADFORD: York -- York Haven borough.
11 There is not a North Haven.

12 CHAIRMAN SMITH: Oh, York.

13 BY MS. GAIL BRADFORD: (Resuming)

14 Q Do you have figures on what the shortfall of
15 dosemetry is?

16 A Of dosemetry?

17 Q Yes.

18 A I have an inventory which is part of the plan of
19 what York County estimates to be its requirements.

20 Q For all counties what is the shortfall in
21 dosemetry?

22 A For York Co nty?

23 Q For all counties.

24 A I do not have a total.

25 Q Were you not an observer at the state EOC?

1 A I was informed that there appeared to be
2 sufficient dosimeters of the CDV-730, which was the ones
3 that the counties reflected as a shortfall -- the
4 self-rating dosimeters -- that there were over 5,000 at
5 Indiantown Gap.

6 Q Are those the ones that read from zero to 200 rads?

7 A No, those are the ones that read from zero to 20.
8 The ones that read from zero to 200 are CDV-742s, which are
9 in the shelter kits, of which the counties have access to
10 and have sufficient numbers.

11 Q So what is there a shortfall of?

12 A CDV-730s, based on the documents provided by the
13 county or the county plans. However, subsequent to those
14 inventories there was predistribution done by the state.
15 The adequacy of that predistribution or the adequacy of that
16 dosimetry was the subject of the exercise report and I think
17 the discussion as to whether that was adequate would be best
18 handled by the witnesses that are coming up -- Mr. Hardy or
19 Mr. Swerin.

20 Q Were you not the team leader in the EOC?

21 A At the state EOC, yes.

22 Q Was that not where the information was collected?

23 A The predistribution affected the county level
24 preparedness, so it was at the county level that there would
25 be a recognition of whether there was sufficient dosimeters

1 out there for county emergency workers or state level
2 emergency workers. It would not be at the state EOC.

3 If there was a requirement submitted by the county
4 to the state level then I should have been in a position to
5 recognize that.

6 Q Were there requests from the county level to the
7 state for additional dosemetry?

8 A Not to my knowledge.

9 Q Or by any of the other organizations, for instance
10 the state police or the National Guard?

11 A I am not privy to, nor did I notice a request by
12 any other state players for additional dosemeters.

13 Q So you did not read any notes that indicated
14 that? You're not aware of that information at all?

15 A I am aware, by general knowledge and discussion,
16 that there were some problems, in meeting with other
17 colleagues on the exercise, with the distribution of
18 dosemetry. But as a result of the exercises messages which
19 were circulated back and forth over the dedicated telephone
20 lines I do not recall at this time a specific message of a
21 county requesting additional dosemeters, or a state agency.

22 Q In number 8 it says procedures to provide
23 supplementary transportation of general population without a
24 means of self-transportation appears to be the only
25 remaining area not fully covered by the updated York County

1 plan. Now do you mean that sentence to refer to
2 transportation only or is that really the only area not
3 fully covered?

4 A I am essentially referring to transportation only.

5 Q Has the plan made school bus allotments?

6 A The plan generally recognizes that schools have
7 the capacity to evacuate their school population. There is
8 also provision that if they do not, in fact, if they have
9 shortfall and cannot get the provisions, for them to call
10 the county and the resources will be provided to cover any
11 additional requirements.

12 Q I notice -- I didn't have the corrections to your
13 testimony before, but do you now mean your testimony to
14 indicate that there are no letters of agreement with the
15 school superintendents or school boards that are within the
16 ten-mile EPZ in York County?

17 A Yes, I do mean my testimony to state that.
18 Further, we would not expect a letter of agreement because
19 what we are expecting and what we are essentially seeking is
20 a school district plan, which would certainly be in lieu of
21 or even better than a letter of agreement.

22 Q Have even agreements been reached with the school
23 boards or school districts as to which schools will be
24 evacuated and which additional -- which schools need
25 additional buses?

1 A I am not aware of the development of the school
2 plans at this time. I am aware that they are in the process
3 and I am aware that they are thoroughly briefed on the
4 requirements in the county level. I will call it master
5 plan.

6 Q Is it your understanding that the local
7 municipality, the county or the department of education
8 would be the backup for the school to go to if the school
9 needed more buses or bus drivers?

10 A It is fairly clear that the county is the
11 responsible resource agent to provide additional resources,
12 not only to the school's but other affected areas, and that
13 if the county has insufficient resources that it should go
14 to PEMA for its unmet requirements, and that PEMA would
15 coordinate if there is need to coordinate with the
16 Department of Education.

17 Q Do you know if any schools have prepared advanced
18 public information material to send to parents or to give to
19 teachers?

20 A I am not aware of the development level of school
21 plans.

22 Q Have you reviewed the so-called canned public
23 information or EVS material in the plans to see whether it
24 would need to be adjusted or changed depending on how the
25 school plans are written?

1 A I have reviewed those in the past. I am also
2 privy that some exercise critique speaks specifically to
3 some adjustment of the canned material and the assurance of
4 the flexibility of including information based on situations
5 which are at hand.

6 As to providing specific information to parents,
7 it is a normal process for school personnel to announce
8 through radio when they are going to have a closing, and I
9 don't think that the emergency plans preclude this.

10 Q Would you not think it would be preferable at
11 least for the schools to send advance notice out to parents,
12 if there is a declared emergency your child will be sent
13 some place or other?

14 A Yes, and the provisions are for doing that. And
15 the provisions are there for the county to enter into the
16 BBS and make whatever necessary announcements are necessary
17 to the public within a county by BBS.

18 Q Okay, I'm asking about advance information rather
19 than at the time of an emergency.

20 A I thought you were talking about canned
21 information which was prepared in advance. The canned
22 information is basically those which are necessary to
23 implement protective actions and to advise the people of the
24 status of the incident.

25 Those canned informations does not preclude the

1 announcement or any other announcements, such as you suggest
2 -- that they would have a school closing early and they
3 would want to announce to the individuals, to the parents,
4 that they are closing the schools and are transporting their
5 children.

6 Q Would that be advisable?

7 A Yes, it would be advisable.

8 MR. ZAHLER: Could I get clarification what the
9 "it" is at this point in response to the question? What did
10 you testify was advisable?

11 THE WITNESS: It is advisable that the counties
12 should be aware that there may be a need to announce to the
13 public that a school is being closed and that they should be
14 alerted through some understanding of the procedures or the
15 procedures that such an announcement could be called upon.

16 BY MS. GAIL BRADFORD: (Resuming)

17 Q I'm asking about public information given out to
18 parents of schoolchildren well in advance of any nuclear
19 emergency, prepared public information, just general
20 information given to parents which would tell them where
21 their children would be sent or whether the parents should
22 come to the school to pick them up or all that sort of
23 school-related information.

24 Do you think that kind of material should be
25 prepared in advance and sent out and distributed to parents

1 or teachers?

2 A I think that is reasonable.

3 Q Do you think it should be?

4 A The school plans which are presently developed do
5 imply that certain pre-information or pre-emergency
6 information should be provided to the parents and that the
7 county brochure which is being developed also speaks to
8 giving information to the residents as to what the schools
9 will be doing.

10 There is consideration, although I cannot give you
11 assurance that it will be done at this time, that such
12 information will be clearly provided to the parents.

13 Q Do you think it should be provided to parents in
14 advance?

15 A Yes, I would say so.

16 DR. LITTLE: Before you leave that one, I think
17 this may be a place where FEMA has stated in its testimony
18 that something is an outstanding deficiency and there is no
19 time scale for correction. And that is one of those items
20 that may need to be clarified.

21 The last sentence in your answer to 9 is, "FEMA
22 feels that the lack of individual school plans is an
23 outstanding deficiency which should be corrected eventually."

24 THE WITNESS: We are in the process now of
25 advising the state through the exercise as well as our

1 review of recommendations that the state should consider in
2 its final revisions of the state plans for submitting to
3 FEMA -- for a formal submission to FEMA. Now our
4 recommendation to the state is that this should be
5 considered.

6 Therefore, I would say that if we were to review
7 the plans we would recognize now, with no change to those
8 plans, that there is an outstanding deficiency and that
9 there should be school district plans effected. And that is
10 basically what I am trying to state in this.

11 As to the time requirement, I realize that the
12 Board has constraints and that it would like to know what
13 FEMA would like to provide or will assure or seek to have or
14 recommend before restart. And I am not the best witness to
15 provide that.

16 MR. TOURTELLOTTE: Dr. Little, I am not sure
17 whether the word "outstanding" concerns you or not, but
18 perhaps it is well to clarify at this point whether the
19 witness means by "outstanding" the severity of it or simply
20 something that is yet to be resolved.

21 DR. LITTLE: That's right. I was puzzled with the
22 first reading and I must mean that it was significant or
23 substantial rather than not done yet.

24 THE WITNESS: I would rather, if we can, just go
25 ahead and correct the testimony and strike the word

1 "outstanding". It is a deficiency which we recognize. And
2 by use of that word what I'm trying to say is that it would
3 be also a deficiency that I would feel important based on my
4 review, to have it called to the state's attention as having
5 early compliance or remedial action in order to reach
6 district school plans.

7 And so I inserted the word and used the word
8 "outstanding", but basically it is a deficiency and maybe
9 "outstanding" could be struck, if there is confusion.

10 DR. LITTLE: You are not using deficiency in the
11 same way an auditor uses deficiency, are you?

12 THE WITNESS: No, ma'am.

13 DR. LITTLE: Finding a deficiency. That is a
14 comment or obversation?

15 THE WITNESS: It is a comment that within my
16 comment I feel that it should be accomplished and I feel
17 that there is sufficient weight given within the protective
18 action response guidelines in 0654 that would cause us to
19 seek at least school district plans in order to demonstrate
20 that there is an adequate capability of evacuating school
21 children in accompaniment with county plans.

22 DR. LITTLE: All right.

23 MS. GAIL BRADFORD: Did you want to break for
24 lunch?

25 CHAIRMAN SMITH: This would be a good time. We

1 will return at 1:00.

2 (Whereupon, at 11:59 o'clock p.m., the hearing was
3 recessed, to reconvene at 1:00 o'clock p.m., Wednesday, July
4 1, 1981.)

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1 AFTERNOON SESSION

2 (1:00 p.m.)

3 CHAIRMAN SMITH: Ms. Bradford?

4 Whereupon,

5 FREDERICK J. BATH

6 the witness on the stand at the time of recess, resumed the
7 stand and, having been previously duly sworn, was examined
8 and testified further as follows:

9 CROSS-EXAMINATION -- RESUMED

10 BY MS. GAIL BRADFORD:

11 Q In answer to questions 10 and 11 on your
12 testimony, there are statements about the transportation
13 arrangement for Dauphin County. Can you tell us whether the
14 transportation coordinator and his supporting staff showed
15 up to attend the June 2nd exercise or were they among the 40
16 percent of the staff that did not show up at the Dauphin
17 County EOC?

18 A I believe Mr. Swearin was the leader of the
19 federal team which evaluated Dauphin County and he will be
20 available to provide testimony on that.

21 Q What did you use for a basis in making statements
22 in questions 10 and 11?

23 A The updated Dauphin County plan.

24 Q And not your observation of the June 2nd
25 exercise?

1 A That is correct.

2 Q What is the basis of the statement that
3 "Notification of bus drivers in Dauphin County was
4 adequately demonstrated in the exercise"?

5 A This was based on the statement by Mr. Swearin to
6 me that he had adequately -- that he and other observers had
7 adjudged it as adequate.

8 Q How was notification done? Were actual bus
9 drivers called?

10 A I feel once again Mr. Swearin would be the best
11 witness for that.

12 Q So you don't personally have any basis for making
13 that statement?

14 A A statement by a colleague of mine which said that
15 it was adequate is my basis.

16 MS. GAIL BRADFORD: Could we ask that we strike
17 that statement from the testimony? If Mr. Swearin is able
18 to support it, we can have him support it.

19 CHAIRMAN SMITH: Would you point to the actual
20 statement?

21 MS. GAIL BRADFORD: It's the bottom of the page,
22 numbers 10 and 11, three lines up from the bottom. It
23 says: "Notification of bus drivers in Dauphin County was
24 adequately demonstrated in the exercise."

25 CHAIRMAN SMITH: And this was a report given to

1 you by Mr. Swearin?

2 THE WITNESS: Yes, sir. After the conduct of the
3 exercise -- and I believe this will come out in the briefing
4 by Mr. Hardy and Mr. Swearin -- we had a debriefing in this
5 very room and numerous things were discussed. And one of
6 the issues that was discussed was the adequacy of
7 notification. Mr. Swearin provided that.

8 CHAIRMAN SMITH: And that was the report provided
9 by him in the normal course of his duties?

10 THE WITNESS: Yes.

11 CHAIRMAN SMITH: And it was in the normal course
12 of your duties to accept that report?

13 THE WITNESS: Yes, sir.

14 CHAIRMAN SMITH: We will not strike it, but you
15 should address the problem again, if you wish, when the
16 witness comes. And if it should develop that that statement
17 is not supported by Mr. Swearin, you can address it.

18 BY MS. GAIL BRADFORD: (Resuming)

19 Q So you have no additional information other than
20 that Mr. Swearin gave you that impression?

21 A That is correct.

22 Q Can you tell us how many access control points or
23 traffic control points were demonstrated during the June 2nd
24 exercise?

25 A No, ma'am.

1 Q You testified earlier that it was a sufficient
2 number. Can you tell us how you arrived at that judgment?

3 A My statement was based on the same process that we
4 just discussed, of Mr. Swearin providing me that
5 information. It was one of the areas that was discussed
6 subsequent to the exercise. In the normal course of my
7 business I received that information.

8 Q What information did you receive?

9 A That there was representative numbers of traffic
10 control points demonstrated in the exercise, which resulted
11 in a sufficient evaluation; that there was a sufficient
12 number in order to arrive at an evaluation of traffic
13 control points.

14 Q How was that information given to you?

15 A It was in the course of my normal business and it
16 was on the basis of discussion within this room in the
17 process of debriefing the exercise participants.

18 Q Did you read it in notes or did you get it
19 verbally, orally?

20 A Roughly, orally. And it was a general
21 perception.

22 Q Did you inquire whether there were any problems
23 demonstrated with access control points or traffic control
24 points?

25 A I was aware that there were problems with traffic

1 control points and access control points.

2 Q Can you tell us what those problems were?

3 A No, not offhand.

4 CHAIRMAN SMITH: Would you repeat your last
5 answer?

6 THE WITNESS: No, sir, I cannot tell you what are
7 the specific points offhand. I believe that the exercise
8 report clearly states our concerns on those issues, and that
9 is subject to testimony later on in this hearing.

10 BY MS. GAIL BRADFORD: (Resuming)

11 Q Can you tell us how alerting procedures were
12 demonstrated in the other three risk counties participating
13 in the June 2nd exercise and found adequate?

14 A You are talking about general alerting
15 procedures. It is part of the exercise report which is
16 going to be presented later on in the hearing. Generally,
17 if you want me to prelim some of that, the outdoor warning
18 systems were simulated. They did not sound sirens. There
19 was some route alerting. There was considerable
20 notification via telephone, is the general process. There
21 was also the use of the different Plectron or emergency
22 workers communications systems or emergency services
23 communications systems for the process of alerting, as a
24 general representation of the type of alerting that was
25 done.

1 Q Can you tell us whether in the phone alerting,
2 whether people were actually contacted or whether a
3 simulation was made of dialing so many numbers in so much
4 time? Were there actual conversations with the people
5 contacted?

6 A The portion I observed, actual contact was made,
7 and in most cases mobilization resulted. In other words, at
8 state level the emergency response teams were in fact
9 contacted and emergency response teams did in fact report to
10 the state EOC as a result of those telephone notifications.

11 Q So you are just talking about alerting of
12 emergency workers. You are not talking about alerting of
13 the public?

14 A When I am talking of notification, yes. I was
15 talking about emergency workers and so forth. The alerting
16 per se of the emergency workers, of the public, is generally
17 a function of county-level government, and I gave you a
18 general description of the process used on that. I cannot
19 go any further on that.

20 Q How can you substantiate the statement that
21 alerting procedures were demonstrated in the other three
22 risk counties participating in the June 2nd exercise and
23 found adequate?

24 A On the basis of the debriefing of the federal
25 observers who were at those levels of government.

1 Q All you have told us so far is that they did not
2 sound the sirens. I presume they didn't simulate calling
3 all of the people by phone. That wouldn't apply to this.

4 What did they do to simulate alerting procedures?

5 A I felt that in my general description that I just
6 provided that there was in fact some route-running, meaning
7 that there were emergency services that ran routes in order
8 to demonstrate how they would supplement the siren system or
9 use this methodology where a siren may not be adequate; that
10 there was some telephone alerting, and there was access to
11 the EBS demonstrated as to how they would demonstrate the
12 EBS.

13 And at state level there was access to the EBS and
14 the NOAA system also demonstrated.

15 Q Isn't the point of alerting to alert people to
16 turn on the EBS? Isn't that separate from using the EBS
17 system?

18 A We would feel that a means of people -- of telling
19 the people to turn on the radio is an essential part of
20 their EBS announcement and it should take place prior to --
21 yes, you are correct.

22 Q How is that done?

23 MR. ZAHLER: Mr. Chairman, I would object. We've
24 gone over this three times now. The witness' testimony was
25 they simulated doing the sirens, there was running of the

1 alerting routes, what was called the Paul Revere method in
2 some instances, and that there was then follow-through
3 simulation of the EBS.

4 I don't know what it is that Ms. Bradford is
5 seeking.

6 MS. GAIL BRADFORD: He hasn't answered the
7 question.

8 CHAIRMAN SMITH: Well, go ahead and explain your
9 quest here.

10 BY MS. GAIL BRADFORD: (Resuming)

11 Q They did not simulate sounding sirens; is that
12 correct?

13 A That is correct -- excuse me. I spoke too soon.
14 They did simulate in a sense. The sirens were not sounded,
15 but they simulated, we would sound the sirens.

16 DR. JORDAN: Do you think that is a good
17 demonstration of alerting procedure. By "alerting" now, I
18 am sure Ms. Bradford is talking about alerting the public.

19 THE WITNESS: I am bothered by the interpretation
20 that is being given to my statement. Maybe I made too broad
21 of a statement that Ms. Bradford is having confusion on
22 here. I did not mean by this statement to mean that there
23 is adequate capability of notifying the public at present.
24 It was generally recognized before the exercise and after
25 the exercise that enhancement of the siren warning system

1 would be necessary and that had sirens been sounded that the
2 finding would still be the same, because there was adequate
3 -- there is inadequate coverage of that siren system.

4 So if you're objecting to my statement to imply
5 that there is in place a sufficient outdoor warning system,
6 I would strike it for that purpose.

7 MR. ZAHLER: Mr. Bath, just so the record's clear,
8 you're talking about the existing warning system and not the
9 one the Licensee is in the process of installing; is that
10 correct?

11 THE WITNESS: That is correct.

12 BY MS. GAIL BRADFORD: (Resuming)

13 Q So what you're saying is you simulated sounding
14 the existing warning system, which does not cover all of the
15 ten-mile EPZ adequately?

16 A Let me characterize this to say what we are
17 essentially saying is that the alerting process of notifying
18 emergency workers, et cetera, was adequately demonstrated.
19 What I am willing to say is that the outdoor siren systems
20 were simulated and it is generally recognized to be
21 inadequate in its present configuration.

22 Q What in addition was done beyond simulating
23 sounding the existing siren system?

24 A I already went over that. I said the notification
25 of the emergency workers.

1 Q That is not part of it.?

2 A Pardon?

3 Q That is not part of what I am asking. That does
4 not alert the public.?

5 A I agree. The only thing that was simulated for
6 the public alerting was the access to the EBS, the
7 recognition of the county that they would need to have a
8 siren sounded, and that there were routes run which were
9 planned by municipalities which in fact would either
10 supplement the siren system when it is installed or, if
11 necessary, would be to cover areas where sirens are
12 inadequate.

13 Q Are presently inadequate?

14 A Are presently inadequate, and may be inadequate
15 based on the distribution of the sirens.

16 MR. TOURTELLOTT: Mr. Chairman, I want Ms.
17 Bradford to be able to ask the questions that are important,
18 but I don't understand the importance of this. Because
19 whether they simulate the siren system that is presently in
20 place as inadequate or they simulate a fully adequate siren
21 system doesn't make any difference. It makes exactly the
22 same sound.

23 The real question is during the exercise did they
24 perform those functions that were necessary to perform, that
25 would in some way reflect that the public was going to

1 receive the proper notification. And all the exploration,
2 all the comments about whether the present system is
3 adequate or inadequate, really is of no particular
4 consequence in the final analysis.

5 MS. GAIL BRADFORD: Are you objecting?

6 MR. TOURTELLOTTE: I am objecting to the fact that
7 a whole lot of questions are being asked, and I'm permitting
8 the witness to answer them because I would like to see that
9 the record is fully developed. But it really isn't going
10 anywhere. It really has no reliable or probative value in
11 the ultimate outcome.

12 MS. GAIL BRADFORD: I don't think he has any basis
13 for making the statement that he makes at the bottom of this
14 page.

15 CHAIRMAN SMITH: That the alerting procedures were
16 demonstrated, is that what you are saying?

17 MS. GAIL BRADFORD: And found adequate.

18 MR. TOURTELLOTTE: Well, what I'm arguing is that
19 the line of questions that are being asked aren't really
20 proving that point. They're really not directed to that
21 point. They are really irrelevant to that point.

22 CHAIRMAN SMITH: I think you've asked everything
23 that you need to produce the information you need to argue
24 this point, haven't you?

25 MS. GAIL BRADFORD: He still hasn't described what

1 he means by the route alerting system. Is this the system
2 that is supposed to go with the new sirens or the old
3 sirens, how many routes were demonstrated? How can he make
4 this statement? Does the combination of the route alerting
5 system that they exercised and the old sirens equal adequate
6 coverage; is that what the statement means?

7 Does this alerting procedure that they tested have
8 any bearing on the procedures that they will be using when
9 the new sirens are ready?

10 CHAIRMAN SMITH: That's too many questions. Let's
11 take the last one.

12 THE WITNESS: It is conceivable that in the new
13 siren system, although it is not intended, based on the
14 design functions of the licensee, that there may be an area
15 in which insufficient siren coverage exists after the
16 installation of this system, which would require route
17 alerting. That is not expected to occur.

18 The demonstration of route alerting which took
19 place demonstrated that there were sufficient procedures,
20 adequate procedures. This testimony is not based on
21 resources and the exercise per se, but it is based on the
22 status of the plans, if that gives any understanding.

23 I am trying to say that the written procedures for
24 implementing this are adequate. However, other places in my
25 testimony as well as today I have stated that the timing

1 under the present system does not adequately provide for the
2 notification of public. However, the written procedures for
3 sounding the sirens, accessing the EBS and route alerting
4 appear adequately developed.

5 Once the new siren system is installed, we expect
6 to see a great reduction of the need for route alerting, if
7 not it all being reduced to the level of supplemental or
8 secondary to the siren system.

9 What I mean to make in this statement -- or to
10 make the statement, which is not apparently as you mean,
11 because I meant it only in the context of the plan, is that
12 the procedures that are set out for certain individuals to
13 do certain things appear to be understood, and they appear
14 to recognize their responsibility in doing it and so
15 demonstrated it.

16 And if that adds enough clarity on it, that's
17 fine. If it doesn't, I have no objections to you striking
18 the statement, because I don't really think it adds to the
19 question that I've listed here and it's probably extraneous
20 to the issue.

21 DR. LITTLE: Well, in other words, that statement
22 is limited exactly as it says, to demonstration of
23 procedures, not implementation, not their implementation.

24 THE WITNESS: That is correct. The adequacy of
25 the exercise to demonstrate the notification of public is

1 part of the exercise report, which this was to accompany
2 that and did not mean to expand on the exercise report. The
3 exercise report addresses the adequacy of the notification
4 procedures.

5 (Pause.)

6 BY MS. GAIL BRADFORD: (Resuming)

7 Q Can you tell us what -- the state police are
8 developing a traffic control plan and access control plan.
9 Is there a target date for furnishing it? Can you give us a
10 percentage completion estimate or any judgment on that?

11 A This whole document that we're looking at here was
12 provided to the state for comment and the state did call me
13 back on it and provided some additional information, which
14 resulted in my correction or additions to my statement. The
15 corrections that you see on that particular document are in
16 fact provided to me by the state.

17 PEMA, the state police -- and what I had excluded
18 from that statement because I didn't think it added anything
19 was that the National Guard and other agencies affected are
20 in process of enhancing the traffic control plan and
21 developing an access control plan, et cetera, as stated.

22 It is on the basis of the state's concurring in
23 that statement and in adding to that statement that I feel
24 confident that that statement can be made.

25 Q How far along are they in the process?

1 A The traffic control plan is a part of the state
2 plan now and they are enhancing it based on information that
3 is provided in the Parsons-Brinkerhoff, any information
4 which they may have learned in the June 2nd exercise.

5 The access control plan is a basic outline plan
6 which I saw that Mr. George Evans -- I don't know his
7 official title -- of the state police was working with, and
8 that it is going to require considerable development.

9 (Pause.)

10 Q Is it your testimony that the shortfall of
11 dosimetry in York County and the other risk counties leaves
12 emergency planning adequate and capable of being
13 implemented?

14 CHAIRMAN SMITH: Wasn't that or a virtually
15 identical question asked by Ms. Straube?

16 MS. GAIL BRADFORD: She just says adequate, which
17 I find a really hard word to deal with.

18 CHAIRMAN SMITH: And she pursued it -- well, can
19 you answer?

20 THE WITNESS: I believe my answer was that I felt
21 the plans could be implemented with the shortfall of
22 dosimetry. I think it ought to be drawn to the Board's
23 attention that this answer is in fact addressed to York
24 County and that as a result of the predistribution, although
25 I cannot confirm it, other counties may in fact be better

1 prepared with much less shortfall of dosimetry than York
2 County has, because the state attempted to prepare those
3 counties that were going to exercise, and since York County
4 did not exercise it may not have received as much equipment
5 as it would in preparation to exercise.

6 BY MS. GAIL BRADFORD: (Resuming)

7 Q Can you tell us whether it is FEMA's position that
8 letters of agreement must be obtained between bus companies
9 and local school districts in order for the York or Dauphin
10 County plans to be demonstrated to be adequate and capable
11 of being implemented?

12 MR. TOURTELLOTT: Mr. Chairman, I assume that
13 question is asked from the standpoint of what Mr. Bath's
14 opinion is as a member of the Region III force and not a
15 question of overall FEMA policy, because as we have
16 explained earlier Mr. Bath is not presented here today to
17 discuss FEMA's overall policy.

18 MS. GAIL BRADFORD: I think it is specific to York
19 and Dauphin County.

20 MR. TOURTELLOTT: I'm not talking about specific
21 to York and Dauphin County. I'm talking about whether we
22 are talking about FEMA as a national organization or Mr.
23 Bath's opinion as a member of the Region III office.

24 CHAIRMAN SMITH: Go ahead and answer the
25 question.

1 THE WITNESS: In York County as a result of
2 contention certain of the agreement letters were
3 highlighted. FEMA worked with the county and the county,
4 being aware of it, has made certain progress toward getting
5 those letters of agreement.

6 It has not been brought to my attention that there
7 is a requirement for a letter of agreement, nor has it been
8 demonstrated in the planning that there is any reason to
9 believe that the schools cannot effect the use of the school
10 buses which normally service them during a fixed nuclear
11 facility emergency. There has been nothing brought to my
12 attention that would preclude such planning and preclude me
13 from accepting such planning as being implementable.

14 To more directly answer your question, if it had
15 been brought to my attention that school buses organizations
16 are not willing to comply and are not willing to respond to
17 the school requesting them to respond, then FEMA would then
18 have highlighted it and would then recommend assurance by
19 letters of agreement.

20 (Pause.)

21 CHAIRMAN SMITH: We seem to be working from a
22 different cross-examination plan. Are you working from Mr.
23 Cunningham's plan?

24 MS. GAIL BRADFORD: Yes, sir. I'm sorting through
25 questions back and forth to see what hasn't been asked.

1 BY MS. GAIL BRADFORD: (Resuming)

2 Q When you were at the state EOC during the June 2nd
3 exercise, did you notice any anticipation, people doing
4 things before they might have been triggered to do it,
5 because they knew there was an exercise going on, among the
6 participants in the June 2nd exercise?

7 MR. ZAHLER: Objection, Mr. Chairman. I do not
8 object to this question so long as it is just this
9 question. This isn't really covered by Mr. Bath's testimony
10 in any respect, and if we go further into it I would object
11 to it, because it is not within the scope of the direct
12 testimony.

13 MS. GAIL BRADFORD: The other witnesses we had did
14 not witness the exercise from the state vantage point and
15 it's not in his testimony.

16 CHAIRMAN SMITH: It's what?

17 MS. GAIL BRADFORD: It is not in this testimony he
18 is supporting today, and there won't be any other witnesses
19 who had that experience that he has.

20 CHAIRMAN SMITH: I don't understand that. I
21 thought there indeed would be other witnesses.

22 There is no present objection.

23 MR. ZAHLER: That's correct. I don't want my
24 silence on this question to be viewed as a waiver of my
25 right to object if the examination continues in this area.

1 CHAIRMAN SMITH: All right, why don't you answer.
2 Go ahead.

3 THE WITNESS: I believe Ms. Bradford is drawing
4 attention to the fact that during the exercise I recognized
5 some confusion resulting in an announcement -- or resulting
6 from an announcement that the Governor had declared a state
7 of emergency. Upon that announcement, certain state
8 response officials interpreted that announcement, which was
9 made over the state PA system, to mean that a general
10 emergency condition at the plant had been reached, and as a
11 result moved to implement certain items within their plans
12 that they would implement at that time.

13 This was in fact my observation. About 20 minutes
14 later, the emergency classification was reached and was
15 announced and that cleared up the issue. It was brought to
16 the state personnel's attention that there needs to be
17 assurance that there is clarity between such statements as
18 the Governor declaring a state of emergency and the general
19 emergency classification label.

20 BY MS. GAIL BRADFORD: (Resuming)

21 Q Can you tell us at what time the Governor declared
22 a general evacuation?

23 MR. ZAHLER: Objection.

24 MS. GAIL BRADFORD: Does the staff intend to
25 produce any other witnesses who are better qualified to

1 answer this?

2 CHAIRMAN SMITH: Dr. Little and I were conferring
3 when the question was asked, so I don't know what the
4 question is that is being objected. Have you withdrawn it?

5 MR. ZAHLER: No, sir, she hasn't.

6 CHAIRMAN SMITH: What was the question?

7 MR. ZAHLER: The question was at what time was a
8 general emergency declared.

9 MS. GAIL BRADFORD: A general evacuation.

10 CHAIRMAN SMITH: At what time was a general
11 evacuation declared.

12 MS. STRAUBE: Chairman Smith, I also believe that
13 in anticipation the witness answered he didn't know.

14 CHAIRMAN SMITH: You've already answered that?

15 THE WITNESS: I did not answer the timing of
16 that.

17 CHAIRMAN SMITH: Well, I don't understand the
18 purpose of the question or the basis of the objection or
19 anything about it. What line are you going into?

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1 MR. TOURTELLOTTE: The objection is that it is
2 beyond the scope. Mr. Zahler can speak for himself, but I
3 would object likewise because it is beyond the scope of the
4 testimony presented.

5 DR. JORDAN: But there was a question to you: Are
6 there going to be other witnesses that can answer the
7 question, or is this just going to be an area that no one is
8 going to address at all?

9 MR. SWANSON: Well, we have witnesses who were
10 present and who are going to testify. But the overall June
11 2 exercise -- I am not going to sit here and guess as to
12 whether they will or will not be able to answer questions
13 that are being asked. I might be able to tell you "Yes" in
14 some cases, and I might be wrong in other cases. I would
15 rather not guess.

16 They will be able to address the overall June 2
17 exercise, and I think that is what this is what this
18 question gets into.

19 MR. ZAHLER: Mr. Chairman, it is not beyond the
20 scope of direct in this instance. I do not know what the
21 relevance is of whether a general evacuation was ordered on
22 June 2. I do not know what Contention it relates to, what
23 argument it relates to.

24 CHAIRMAN SMITH: I can see the many relevance if
25 we understood the general relevant plan of cross examination

1 that is beginning here, but I do not. So before we know
2 that --

3 MS. GAIL BRADFORD: Are you on pages 3 and 4 of
4 Mr. Cunningham's cross-examination plan? What I am getting
5 to is the question labeled there "15," which starts at the
6 bottom of 3. I asked the question labeled "17," which he
7 did not answer; he assumed I meant something else. I am
8 trying to get to the answer to my question 17, which Mr.
9 Zahler did not object to, which the witness did not answer.

10 CHAIRMAN SMITH: The witness explained question 17.

11 MS. GAIL BRADFORD: What he thought I was asking.

12 CHAIRMAN SMITH: What?

13 MS. GAIL BRADFORD: He said, "I think Mrs.
14 Bradford is getting to," and then he went on about something
15 else.

16 CHAIRMAN SMITH: Question 17 is: "Did you notice
17 any anticipation among participants in the June 2, 1981,
18 exercise that a general evacuation would be included in the
19 scenario?" And his description was events that precisely
20 answered that question, that what Governor Hughes termed
21 "emergency" was assumed to be a general emergency and 20
22 minutes later the actual could be correctly classified
23 emergency was declared. And there we are. How could that be
24 answered better?

25 MS. GAIL BRADFORD: Because some three minutes

1 after they declared the evacuation then BRP advised them
2 to. That is what I was getting to. It was not the county's
3 reactions, but that the Governor declared it before he was
4 advised by BRP.

5 CHAIRMAN SMITH: Well, how does this witness know
6 that?

7 MS. GAIL BRADFORD: Because he was the team leader
8 observing the EOC at PEMA, and he is the only one we have
9 scheduled who observed it at PEMA.

10 CHAIRMAN SMITH: So you would ask then that you be
11 allowed to examine him in this area because as far as we
12 know he is the only person who will be available to answer
13 questions on this point, notwithstanding the fact it is
14 outside the scope of his testimony. And I can see that the
15 questions you have will be quite limited, so you let us
16 allow him to do it, because you do have the opportunity.
17 But they should be very limited.

18 MS. GAIL BRADFORD: Do you want the questions?

19 CHAIRMAN SMITH: Are you going to take it a point
20 at a time, what time did he do this, what time did they do
21 that? Now we understand what you are trying to get at. Let
22 us go at it directly.

23 THE WITNESS: I would like to answer this: that I
24 am not prepared to answer to my observations of the
25 exercise, and I cannot recall specific timing of specific

1 events during that exercise at this time. I was prepared to
2 answer the testimony, which I have been trying to do.

3 DR. LITTLE: Can you recall sequence of events,
4 whether or not the Governor called for evacuation before he
5 was advised to? That is the point, not the actual minute
6 that something was done, but the sequence of events.

7 THE WITNESS: It is that specific issue that gives
8 me problems, because I cannot remember that there was a
9 problem with that. And I would have to refer to my personal
10 notes, plus I would also have to talk to other observers, in
11 a sense, and the best record of our recollection of that
12 exercise is the exercise report which we published.

13 MS. GAIL BRADFORD: Can I take a few minutes?

14 CHAIRMAN SMITH: Yes.

15 (Pause.)

16 BY MS. GAIL BRADFORD: (Resuming)

17 Q I was wondering when you talked to Mr. Curry about
18 York County's use of the Parsons, Brinkerhoff study?

19 A I am trying to think of the date. It was recent.
20 It was, I would say, late last week. It was either Thursday
21 or Friday in preparation for coming here.

22 Q I cannot hear you very well.

23 A It was late last week. It was prior to coming
24 here, in preparation of coming here. I called him and asked
25 him if he had a copy, had he been working with it, did he

1 understand and could he use it. He said "Yes."

2 Q Was that the extent of the conversation?

3 A I beg your pardon?

4 Q Was that the extent of the conversation?

5 A No. We discussed most of the issues that I have
6 in this document.

7 Q But that was the extent of the conversation on the
8 Parsons, Brinkerhoff?

9 A That is the -- brief, yes, yes, ma'am.

10 Q Did he have any reservations about using
11 information in it?

12 A He did not express any.

13 Q Did he use the words that he recognizes it as a
14 "reliable and usable document," or were those your words?

15 A I phrased my discussion with Mr. Curry so as to
16 determine whether he considered these documents usable and
17 that he had them, and he did not indicate that they were on
18 the shelf and he would not use them, and he did not indicate
19 that they were of no use to him. And he did indicate that
20 he was aware of their contents. And on that basis -- and he
21 was aware of a new status or an improved status that the
22 State in fact was satisfied with elements of it.

23 Q Do you have any information about the quantity of
24 pamphlets which could be sent to businesses and places where
25 transients would be?

1 A No.

2 Q Would you expect that that motel on there would
3 receive one copy or multiple copies?

4 A I have no knowledge.

5 CHAIRMAN SMITH: Now, we are talking about how
6 many counties where the hotels -- we are not going to
7 litigate down to that fine a detail in this proceeding.

8 (Pause.)

9 CHAIRMAN SMITH: You may proffer the answer, if
10 you like. I am just making a general rule.

11 MS. GAIL BRADFORD: What?

12 CHAIRMAN SMITH: I am just making a general rule
13 as to the degree of detail that the Board is going to listen
14 to. If you think the answer is going to be important to
15 you, you can proffer it. My ruling is a general one.

16 MS. GAIL BRADFORD: My question was whether he
17 knew, and he did answer that that he did not know.

18 CHAIRMAN SMITH: I did not hear the answer.

19 MS. GAIL BRADFORD: I just forgot the question I
20 was about to ask.

21 BY MS. GAIL BRADFORD: (Resuming)

22 Q Do you feel it is also -- or is it FEMA's position
23 that it is also essential for private schools to develop
24 plans, private schools located within the ten-mile EPZ, in
25 addition to the school districts?

1 A I am afraid I have not considered that question.
2 In other words, it has been my assumption that school
3 planning that has been effected so far has in fact
4 incorporated the relocation of all students to mass care
5 centers.

6 Q Who would be doing that?

7 A The basic plan which is now developed -- or is the
8 county master plan.

9 Q So you would expect, for example, Mr. Curry to be
10 developing plans for private schools?

11 A Mr. Curry is the best source of information
12 whether there is a given private school within that
13 community and to its ability to relocate the students
14 according to county planning.

15 It has not been brought to my attention nor in my
16 review that there was a problem with a private school within
17 that area and its ability to relocate a student population
18 or whether it would have the parents pick them up or what
19 have you. I am not aware of a current problem in that
20 planning area.

21 Q Would you not think that the private schools would
22 also need school plans?

23 A It would be reasonable, yes, that private schools
24 should have a school plan. The size of the school plan or
25 the detail of the school plan would depend on the

1 populations of that particular school and its resources
2 brought to bear on it.

3 Q Do you know whether the school districts which the
4 private schools are in are taking care of that for the
5 private schools?

6 A No, I am not aware of the development, the status
7 of the development or the development of the school district
8 plans.

9 MR. CUNNINGHAM: Mr. Baath, before I begin the
10 cross examination, for the record I am basing and premising
11 this cross examination upon Mr. Tourtellotte's presentation
12 that next week there will be an individual or individuals
13 present who can testify as to the June 2, 1981, exercise and
14 its impact upon emergency planning.

15 And the only questions I will direct to Mr. Baath
16 in that area are those which he has highlighted either in his
17 testimony submitted in direct or that is directly related
18 one way or another to his testimony as stated. So I will
19 begin with that statement.

20 CHAIRMAN SMITH: However, do not forget Mr.
21 Tourtellotte's qualification, the qualification to his
22 statement that we have allowed Ms. Bradford to examine,
23 where this witness and only this witness had the opportunity
24 to observe the particular point. Mr. Tourtellotte does not
25 guarantee that the witnesses next week will have all the

1 answers.

2 MR. CUNNINGHAM: Okay.

3 MR. ZAHLER: Mr. Chairman, I am going to object to
4 Mr. Cunningham cross examining at this point.

5 CHAIRMAN SMITH: Overruled.

6 MR. ZAHLER: May I just state the reason for the
7 record?

8 CHAIRMAN SMITH: Yes.

9 MR. ZAHLER: One, he was not present during all of
10 the cross examination. The Board has previously ruled that
11 when people want to cross examine on related topics in the
12 emergency planning area where there was an order to
13 coordinate, that they should be present, too. Ms. Bradford
14 started on his cross examination plan. So it is not clear
15 to me what it is he is examining with respect to.

16 CHAIRMAN SMITH: Normally, your observation would
17 not be necessary, because the Board on its own has enforced
18 that comment on him. However, they have consulted; they
19 have been working together. And you will have your
20 opportunity to object if it is repetitive and improper cross
21 examination.

22 From my own observation, Mr. Cunningham has been a
23 very efficient cross examiner, and I know that he has
24 consulted.

25

CROSS EXAMINATION

1 BY MR. CUNNINGHAM:

2 Q Mr. Baath, if you will turn to your answer to
3 Number 4. This is the answer you said that there were
4 certain missing letters of agreement, I believe, between
5 agencies in York County.

6 My only question to you is whether you feel that
7 the York County plan is, one, adequate without those
8 documents as it presently exists; two, is it capable, is the
9 plan capable, of being implemented without those letters
10 being secured?

11 A I don't think that the adequacy of York County
12 plan hinges on the existence of letters of agreements. That
13 appears what you are asking me to call a judgment on. And
14 to that specific letters of agreement tend to formalize
15 which might be very capable and effective verbal
16 understandings and agreements. And there may be history to
17 show that such capabilities exist.

18 And so I would not say that a plan is inadequate
19 solely because it does not have letters of agreement.

20 Q Am I not correct in stating that a plan -- what I
21 gather from your testimony today -- a plan might be
22 implemented even though parts of it are missing?

23 A That is true.

24 Q Then my next question refers to your answer to
25 Number 6, where you state that there are six municipal plans

1 in York County out of 14 being required. My question then
2 again is: Is the plan adequate without those missing
3 municipal plans?

4 A I -- in review of those plans, I would say that
5 there is a deficiency as a result of those municipal plans
6 because of the specific responsibilities assigned within the
7 York County plan to those municipalities.

8 Q What functions of the York County plan cannot be
9 done because of that deficiency?

10 A I am not sure that York County could not, on an ad
11 hoc basis, perform all of the functions that it has assigned
12 or the responsibilities that it has assigned to the
13 municipalities.

14 However, I believe that York County is recognizing
15 the independence and the resources to best apply that at the
16 municipal level. And therefore, the best planning would be
17 that those municipalities have plans to implement those
18 functions.

19 Q Without those plans, does it not indicate there
20 would be a lack of coordination in, say, for example, the
21 direct question you addressed, transportation for people
22 without vehicles?

23 A That is a reasonable statement and, therefore,
24 that is why I would make a finding that I would recommend
25 that such municipal plans be executed.

1 Q Prior to your recommendation for restart?

2 A Prior to my recommendation that York County plans
3 are fully adequate in this measure.

4 Q Adequate in the sense --

5 A Adequate in meeting its responsibilities.

6 Q My question is: Would it be adequate in the sense
7 of the planning standard?

8 A The planning standard is relatively general and
9 talks about the capability of effecting a range of
10 protective actions and does not go into the kinds of
11 specificity that you have led me in testimony down to a
12 specific set of municipal plans on a rather limited ranges
13 of responsibilities, which in fact I have testified that I
14 feel that the county may, ad hoc, provide on.

15 I have agreed to the difficulty in saying that
16 because one county -- which may be the case -- one county
17 has certain municipal plans, that the whole planning unit is
18 on that. However, there would be a finding.

19 Q But that is what I am trying to do. I am trying
20 to get you down to at least a specific point, "Yes" or
21 "No." Would the lack of those plans -- the York, the
22 municipal plans and the York County plans -- be such a
23 deficiency as would require you under the planning standards
24 to say that the plan was not adequate?

25 A No, not necessarily.

1 Q Thank you. Now, my next question is in Dauphin
2 County. The Dauphin County plan, as I understand it, also
3 bases reliance on municipal plans, correct?

4 A Yes, there is responsibility to municipalities in
5 Dauphin County, as I recall.

6 Q And my recollection is the same kind of
7 responsibilities are found in the York County plan; is that
8 correct?

9 A I am not sure.

10 Q Although you mention in your direct testimony
11 there are 14 municipalities within the ten-mile EPZ in York
12 County, how many municipalities are there within the
13 ten-mile EPZ, say in Dauphin County, if you know?

14 A I don't know, sitting here.

15 Q Do you know whether each one of those
16 municipalities have drafted their local municipal plans?

17 A No, sir, and I did not research it for this
18 testimony.

19 Q To the best of your knowledge, the municipalities
20 that were chosen in the June 2nd, 1981, exercise, those
21 municipalities did have a plan; is that not correct?

22 A I am not aware of that distinction in the
23 selection of them.

24 Q Do you know who made the selection of those
25 communities?

1 A No, sir, I do not.

2 Q Do you know whether each one of those -- do you
3 know whether any of the communities chosen in that exercise
4 did not have a municipal plan?

5 A No, sir, I do not. And I can provide an
6 explanation. During the exercise development between FEMA
7 and PEMA, I was at a course out in Nevada on the
8 radiological emergency response planning.

9 Q I guess the general question is, and maybe you
10 cannot answer it, but representing Region III, when does a
11 deficiency become so inadequate as to not meet the standard
12 of the regulation.

13 CHAIRMAN SMITH: Before you answer, is that the
14 deficiency relating to the lack of municipal plans? Is that
15 inherent in your plans, just generally?

16 MR. CUNNINGHAM: No, it is not. It is just a
17 general question.

18 THE WITNESS: Sir, I think it has been provided
19 before the Board. I will try to provide a restatement. I
20 believe Mr. Cosgrove in a previous time here before the
21 Board provided a regional position in reviewing state and
22 local plans, and that my responsibility in making findings
23 and determinations or making comments and supportive
24 statements which are forwarded to my national office, will
25 result in findings and determinations and determinations of

1 adequacy by those documents.

2 So in answer to you, I would make a finding that
3 such a function had not been accomplished.

4 BY MR. CUNNINGHAM: (Resuming)

5 Q And would your answer remain the same as to the
6 distinction Chairman Smith made, and that is when does a
7 municipal plan become so inadequate as to not meet the
8 planning standard of adequacy? And your response is the
9 same?

10 A Yes, my response would be the same.

11 CHAIRMAN SMITH: What did you understand his
12 response to be? I don't know if I could restate his
13 response.

14 MR. CUNNINGHAM: I thought his response was that
15 it set the standard and that it's set in Philadelphia, and
16 that Mr. Bath's job is to make a finding. And then as to
17 whether that finding meets the planning standard, that is
18 not his decision.

19 BY MR. CUNNINGHAM: (Resuming)

20 Q Isn't that your answer?

21 A Essentially that is correct, sir. We produce a
22 report which we provide to the national office, who makes
23 the overall determination of adequacy to meet the planning
24 standards.

25 CHAIRMAN SMITH: But don't you make an ultimate

1 finding with respect to the counties, for example?

2 THE WITNESS: Our recommendations certainly are
3 those useable documents, and I think I answered earlier that
4 I would not be precluded from saying that a county is
5 adequate or has adequate measures, even if it did not have a
6 municipal plan accomplished. However, I would try to
7 include all such factors in my report to allow the national
8 office the flexibility of overriding such decisions.

9 CHAIRMAN SMITH: I still don't think there is an
10 adequate answer to at least the way we think the question
11 should be put, and that is as far as your function is
12 concerned can you explain to the Board any standards that
13 you use which might say push a county over into the side of
14 being inadequately prepared, or is it just an assessment of
15 all of the things that you've observed and are applying
16 here, your own judgment?

17 If it's judgmental, okay. If there's an objective
18 standard, I think we should know about it.

19 THE WITNESS: Sir, it is generally a judgmental
20 standard and I have not received any guidelines as to where
21 the breakoff would be in being, this is adequate and this is
22 not adequate in these measures.

23 CHAIRMAN SMITH: Okay.

24 BY MR. CUNNINGHAM: (Resuming)

25 Q And if I am correct, that is some of the thread of

1 your testimony when Ms. Straube asked you about dosimetry
2 and would workers go out without dosimetry and you said
3 judgmentally, yes, we can do that; is that correct? We can
4 do that, but that may not be adequate; is that correct?

5 A Yes.

6 Q And so what you are saying is at this point in
7 time there is a two-part test and one part has no objective
8 standards or has no standards at all of adequacy?

9 CHAIRMAN SMITH: I don't think that's a fair --
10 that is a fair question to put to him to confirm or deny,
11 but he doesn't have to accept the premises.

12 MR. CUNNINGHAM: That's understood.

13 CHAIRMAN SMITH: I should not have interrupted. I
14 will allow the question to stand.

15 THE WITNESS: I feel that the preponderance of
16 planning and the preponderance of our review and the
17 exercise provides us an adequate basis of recognizing
18 through application of judgment whether or not there is
19 sufficient planning. It's on that basis.

20 BY MR. CUNNINGHAM: (Resuming)

21 Q I will move to question 7. Question 7 is the
22 question with regard to dosimetry and the numbers of
23 dosimeters that have been distributed. And I just wanted to
24 clear one thing up. I believe in answer to Ms. Straube I
25 think you said that there was a shortfall in detection, but

1 your direct testimony says that has been eliminated.

2 Am I correct to say that detection has been
3 eliminated and there is sufficient, if you will for lack of
4 a better, geiger counters to scan and determine whether
5 there is the presence of radiation? That is what you're
6 saying; is that correct?

7 A Without your use of the explanation of the use of
8 geiger counters, I'm saying, yes, there is a sufficiency of
9 the CVB-700's, which is a geiger meter counter.

10 Q With regard to the second part of your statement,
11 I believe you referred to them as CD-730 dosimeters earlier
12 today?

13 A Yes, that was one of the dosimeters that I
14 referred to.

15 Q If you took the five risk counties, do you know
16 whether, if you take the plans and you add up all the
17 dosimetry that they said they require and then take what you
18 have distributed and what you have at Indian Town Gap, are
19 there enough dosimeters to go around?

20 A I have not conducted that exercise. But I was
21 advised that there were sufficient dosimeters for the TMI
22 site specific area.

23 Q And when you use the word "sufficient" you mean
24 enough dosimeters to meet the requests set forth in the
25 plan?

1 A That is correct, and I'm talking about
2 self-reading dosimeters.

3 Q Now you seem to make a distinction, self-reading
4 and then you talked about another type of dosimeter that
5 creates a record; is that correct?

6 A That is correct, either a TLD or a film badge.

7 Q Are there sufficient numbers of the dosimeters
8 that create a record to meet the needs and requirements of
9 the five county plans?

10 A It is my understanding that there are not.

11 Q My next question then is, is the plan adequate
12 where you have a shortfall such as that with regard to the
13 planning standard?

14 A The criterion in 0654 specifically recommends, or
15 the guideline specifically recommends, that there should be
16 a means for self-rating dosimetry as well as permanent
17 record dosimeter, i.e., a TLD or a film badge. In that the
18 state or the status of resources now does not meet that
19 requirement, I would not say that that criterion has been
20 satisfied.

21 Q And then your answer would be the same: It is up
22 to your office in Philadelphia to determine whether the plan
23 is then adequate and the requirement has been met?

24 A That is correct, and I would say that in this case
25 there would likely be a statement that additional TLD's

1 should be secured and any additional other resources.

2 Q You used the word "should." Must they be
3 obtained?

4 A Somehow, I feel like I am just the wrong witness
5 to answer the complexity of the interrelationship between
6 FEMA and the NRC and who is the regulator and who is the
7 reviewer and so forth. I think I am trying to clearly
8 establish that we at FEMA would adjudge a shortfall of TLD's
9 as a sufficient comment or a strong comment in our report
10 that such TLD's should exist.

11 I used the word "should" because I have no
12 regulatory or any other process in which to use a stronger
13 word.

14 CHAIRMAN SMITH: I think you've established your
15 point or you are establishing your point, and I don't regard
16 this witness as being evasive. I think he's very
17 forthcoming and he's doing his best. He's making the best
18 judgment that he can.

19 MR. CUNNINGHAM: I agree. The real question is, I
20 guess, who makes that decision, and that's, you know, the
21 question.

22 CHAIRMAN SMITH: But you're asking the same
23 question over again from different viewpoints. One is, in
24 view of the lack of municipal plans, do you still believe
25 --

1 MR. CUNNINGHAM: And I can do that in every area.

2 CHAIRMAN SMITH: So I am proposing that you might
3 do it wholesale and retail.

4 BY MR. CUNNINGHAM: (Resuming)

5 Q Mr. Bath, what you're saying is that any criteria
6 that is required, be it planning standard, be it 0654, it is
7 going to be the decision of your office in Region III in
8 Philadelphia to determine whether there is adequacy in the
9 plan, and that decision is not yours. It is going to be in
10 Region III; is that correct?

11 A I have to make a change. Region III will effect a
12 report which will go to our national office, and it is the
13 national office which will provide the report, i.e. Mr.
14 Dickey, to the NRC as to our recommendations on adequacies
15 of measures that have been brought to his attention.

16 Q Thank you. I want to turn your attention to a
17 question again Ms. Straube asked you earlier today, and it
18 was with regard to schools. She asked you whether the
19 individual schools must have a plan. And my question to you
20 is: If the school, each school is within different
21 districts -- and within the York County plan there are at
22 least two or maybe possibly three different school districts
23 -- and those principals answer to agencies other than York
24 County officials, because they are independently elected
25 bodies at the school district level -- I believe your answer

1 to Ms. Straube was that there was no requirement under
2 NUREG-0654 that schools have individualized plans and
3 therefore you didn't feel that the plans were inadequate
4 without their incorporation.

5 But if in fact the schools are not subject to any
6 agency and are independent unto themselves, would your
7 answer be the same?

8 A My answer to Mrs. Straube was predicated on the
9 use of the word "requirement." In my judgment I feel that
10 school district plans should be executed. The State of
11 Pennsylvania is in fact directing its efforts toward school
12 district planning. Therefore, I would expect a school
13 district plan, regardless of where that district resides, if
14 in fact it has an individual school within its EPZ, to have
15 a school district plan that affects it or there should be
16 some other type of compensation plan dealing with that.

17 Q I believe you answered half the question. If the
18 schools are independent unto themselves and responsible
19 first and foremost to the school district, to the board,
20 then are you saying that NUREG-0654 requires each individual
21 school to have a plan in that situation?

22 A This is the same planning standard, which is
23 called the protective response standard, I think it is, J.
24 And it speaks about the capability of providing a wide range
25 of protective actions. I don't believe that school per se

1 is even listed in the criteria.

2 Q But an institution is.

3 A It talks about an institution. So in the sense of
4 can we say that 0654 specifically requires any specific type
5 of school plan, no, it is beyond the scope. But yes, in our
6 review of York County plans and in our review of the
7 implementation of such plans, we feel that the county has a
8 master school plan. We also feel that school district plans
9 should be developed to ensure the implementation and the
10 coordination of that master school plan.

11 And I'm saying school district plans, not just
12 being school districts which are within the EPZ, but if
13 there is a school district outside the EPZ of which there's
14 a local school within the EPZ I would expect the school
15 district outside of the EPZ to have a plan or there should
16 be some kind of a compensatory or substitute method, i.e.,
17 an individual school plan for that particular school.

18 Q If you consider the school to be an independent
19 institution, understanding criterion J, then is there a
20 requirement that there be a plan for the school?

21 A Yes, if it came down to that and it became
22 independent in that it was not under a district, it was not
23 under a district that was providing a plan. And when I say
24 "under a district," which means it would follow -- it would
25 follow the direction where there was some authority and

1 capability to coordinate the action of that school by that
2 district.

3 Q And so you would be referencing parochial schools,
4 et cetera, in that independent schools, such as a Bible
5 school or a Catholic school that is not within one of the
6 enumerated school districts?

7 A I guess conceivably, yes.

8 Q Okay, we'll go to your answer to number 11, which
9 involved Dauphin County. And my only question regarding
10 Dauphin County and notification of school bus drivers: Were
11 you aware during the exercise of June 2nd that there was a
12 request for more buses or drivers from any of the school
13 districts who participated in that exercise?

14 A Not from our vantage point, no.

15 DR. LITTLE: Everybody's missing a word or
16 something. Would you rephrase your question or just repeat
17 it?

18 MR. CUNNINGHAM: Okay. In response to question
19 number 11, Mr. Bath indicated that notification of bus
20 drivers in Dauphin County was adequately demonstrated in the
21 exercise. The question goes on to say: "Please explain
22 what you mean by 'adequately demonstrated.'"

23 And was there any request for more buses or more
24 drivers from any school during the exercise.

25 CHAIRMAN SMITH: From any school? It's "any

1 school" that we missed.

2 MR. CUNNINGHAM: I also think I said any school
3 that participated in the exercise.

4 THE WITNESS: I think that portion of my testimony
5 stands, is that what I am saying is that -- and I provided
6 to Gail Bradford in earlier cross-examination -- that it was
7 provided to me in the course of my duties information that
8 the notifications of bus drivers in Dauphin County was
9 adequately demonstrated in the exercise. If that is the
10 extent to your question, I still concur in that statement.

11 CHAIRMAN SMITH: The answer is what, yes?

12 THE WITNESS: Yes, I concur to that statement.

13 CHAIRMAN SMITH: The answer is yes, you are aware
14 that any school participating called in for more buses and
15 drivers?

16 THE WITNESS: No, sir. The question was a
17 two-part question. I answered the second part. He asked
18 me, as I understand, in the second part, was I aware of any
19 schools calling in for additional buses, and I said, no, not
20 from my vantage point.

21 However, in repeating his question to you I
22 recognized that there was a first part of that question,
23 which was was I aware of the demonstration of the capability
24 of notifying. And I was trying to go back and say -- and to
25 answer that, yes.

1 CHAIRMAN SMITH: All right, fine. You were
2 answering his explanation to us about the original
3 question.

4 Go ahead, Mr. Cunningham.

5 BY MR. CUNNINGHAM: (Resuming)

6 Q In question number 15 you indicated there was some
7 training that preceded the drill, and then you attached to
8 you direct testimony a list of what training was involved.
9 And the only question I had: Does that add up to about 900
10 man-hours worth of involvement of people?

11 A I didn't add it up. I included it to illustrate
12 that in fact there was some training and familiarization of
13 participants in their plans prior to the exercise.

14 Q Just some follow-up questions. Do you know
15 whether the state police were given prior notification of
16 their expected involvement in the exercise?

17 A I am not privy to that. I do not know, I think I
18 provided that I was absent during the general discussion on
19 the preparations. I will point you to Mr. Hardy who is a
20 witness, who in fact was the person who coordinated the
21 exercise.

22 Q I guess my last generalized question is one that
23 Chairman Smith posed earlier today, and if it's been posed
24 in my absence then I will remove the question. But since
25 York County had not participated in the exercise, could you

1 tell us how are you going to be able to determine, or how
2 can they demonstrate, that the plan as now drafted is
3 adequate and capable of being implemented?

4 A In my judgment, York County should in fact
5 participate in an exercise which demonstrates its ability to
6 implement its plans.

7 Q Then the follow-up question is, since you
8 indicated when you draft such a report initially it is
9 judgmental as to whether plans are adequate, are you saying
10 that before you can make that visceral decision, that
11 internal decision, that judgmental call, that you are going
12 to have to be shown through an exercise that they can
13 demonstrate the adequacy and capability?

14 A You have me trying to run back in my mind over how
15 we tried to formulate the reports to the national office.
16 I'm quite certain that we drew to the attention of the
17 national office that York County in fact did not
18 participate. I am missing today because of this testimony a
19 meeting which is being conducted by -- with the state, the
20 Licensee and York County in order to arrive at an exercise
21 date in which York County will participate in an exercise,
22 and also to discuss the extent of such an exercise.

23 I cannot -- I do not want to go and say that Mr.
24 Dickey will come in here and say that an exercise is
25 absolutely required or not, and I think that is the position

1 you put me in. And I would say that I think our report
2 fairly provided the statement to the national office that
3 our findings do not include an exercise by York County.

4 CHAIRMAN SMITH: Could we summarize that perhaps
5 this way, that you believe that participation by York County
6 is the desirable and the expected mean to demonstrate the
7 adequacy of their emergency planning, but you don't preclude
8 a possible alternative showing, but that you don't know what
9 that alternative showing might be?

10 THE WITNESS: That's excellent. Thank you. I
11 would agree with that.

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1 BY MR. CUNNINGHAM: (Resuming)

2 Q As my final question to Mr. Bath, do you
3 personally know whether the Parsons-Brinkerhoff study
4 provided as an assumption to your review of the study that
5 the municipal plans would be in place and that there would
6 be coordination for pickup points as part of their study and
7 making these determinations as to time?

8 A I would not trust my memory. I would rather say
9 no. I consider of my own knowledge that that is true.

10 Q Well, this is my last question, and maybe it's out
11 of place. I remember back in April we were talking about
12 one of the most critical things in the practicality of any
13 plan is coordination -- coordination at each level. And I
14 think we talked about that.

15 Could you tell me how is it that we can have
16 coordination on the municipal and county levels if the
17 municipal plans do not exist, and how does that become
18 adequate under the planning standard?

19 A It seems to me that you are making an argument for
20 not having municipal plans. I would prefer that there be
21 municipal plans. I would prefer that there be developed
22 municipal plans based on the responsibilities assigned by
23 the county.

24 However, I have to recognize that the local
25 emergency management coordinator is part of the same

1 organization as is the county emergency management
2 coordinator, who is also a part of the same organization
3 that the Pennsylvania Emergency Management Agency is -- that
4 they are all established under the same laws and that there
5 is inherent in that law an established organization. These
6 people have worked together consistently in disasters and so
7 forth.

8 So if you were to ask me in my opinion is there a
9 possibility for coordination among these members of the same
10 organization, then I would say it is possible and it is
11 reasonable.

12 CHAIRMAN SMITH: Mr. Zahler?

13 CROSS EXAMINATION

14 BY MR. ZAHLER:

15 Q Earlier this morning Miss Bradford asked you
16 whether you had determined for yourself whether the
17 assumptions used in the Parsons-Brinkerhoff study were
18 valid. Are you aware whether Mr. Urbanic, a consultant to
19 the NRC, has reviewed the Parsons-Brinkerhoff study in terms
20 of the validity of the assumptions used therein?

21 A Yes, sir, I am aware.

22 Q Does FEMA or do you rely upon the NRC's evaluation
23 of the validity of assumptions in this particular study?

24 A Both myself and, I believe, Mr. Adler were both
25 privy to the testimony of Mr. Urbanic and we were both

1 impressed by such testimony and we have not, as a result of
2 that, instituted any independent, exhaustive study of the
3 Parsons-Brinkerhoff and have generally accepted it as being
4 an adequate document to meet 0654 on the basis of Mr.
5 Urbanic's survey.

6 MR. ZAHLER: I have no further questions.

7 CHAIRMAN SMITH: Any further follow-on? Do you
8 have re-direct?

9 You are excused.

10 (The witness was excused.)

11 CHAIRMAN SMITH: Mr. Tourtellotte, the Board, in
12 looking down the road to next week, is somewhat concerned
13 that your plan of presentation might be unduly
14 compartmentalized. The documents do seem to have an
15 intertwining relationship. I wonder if you considered the
16 possibility of presenting your people as a panel -- either
17 that or we're going to have referrals from one witness, much
18 as we've had today, or duplicative questions and general
19 inefficiency.

20 MR. TOURTELLOTTE: We have discussed that to some
21 extent and probably can do that. Mr. Dickey, I think, will
22 only be able to be with us for one day.

23 CHAIRMAN SMITH: We can arrange to give that
24 priority on the questioning.

25 MR. TOURTELLOTTE: I don't have any particular

1 problem with swearing them in as a panel and introducing all
2 of the evidence at once, much the way I did yesterday.

3 CHAIRMAN SMITH: It is just a thought.

4 MR. TOURTELLOTTE: Introducing the evidence. I
5 will have to discuss it, however, with the witnesses
6 themselves and make sure. To the extent that I can do that,
7 I will.

8 MS. STRAUBE: Chairman Smith, I was going to say
9 the cross examination plan that I had prepared assumed that
10 attachments 1 and 2 and supplement 1 would essentially be
11 testified to together, and I have separated out, in my own
12 mind, at least, that Dickey and the -- excuse me, the
13 determination of adequacy would be separate from that. I
14 don't know if that helps.

15 CHAIRMAN SMITH: Mr. Dickey's testimony will be
16 dependent -- depends largely upon the attachments that
17 you're going to have the other witnesses testify on. It
18 seems to me if it could be worked out with your witnesses it
19 could be worked out that, in anticipation of Mr. Dickey
20 having to move on, that even though you have a panel that
21 the questions could be put to him in priority and approach
22 it generally as a panel.

23 I think we could probably use the efficiency and
24 it would not be totally inefficient on the part of the
25 witnesses either, because we are getting these questions

1 which cut across different documents.

2 That's all. Is there anything further before we
3 adjourn? Do you have Mr. Hemple?

4 MS. STRAUBE: Yes. Gail said she only wanted the
5 ones that FEMA had relied upon. We apparently have copies
6 of every municipal plan that is available and we can make
7 enough copies by next week to distribute them to all the
8 parties, if we're told which ones she wants.

9 CHAIRMAN SMITH: What happened to her?

10 MS. STRAUBE: I think she's talking to the person
11 who knows the answer, Mr. Bath.

12 (Pause.)

13 CHAIRMAN SMITH: Is there anything?

14 MR. TOURTELLOTTE: Mr. Chairman, I might ask if
15 everybody has the testimony for next week. If they don't, I
16 have copies with me here.

17 CHAIRMAN SMITH: It's a good thing to review what
18 we should have. We have FEMA's interim findings and
19 determinations. That is the Jaske memo to Grimes. We
20 should have that, because you intend to offer that as Staff
21 Exhibit 19.

22 I'm just going by your outline. Attachment 1 we
23 have, which you have identified as your potential Staff
24 Exhibit 20. Attachment 2 we have, which you have in mind as
25 Staff Exhibit 21. And we have already Supp' t 1 to

1 NUREG-0746. I don't know that I have that.

2 Yes, we do.

3 Oh, yes, and then there's this letter on
4 psychological stress. What are your plans on that? That is
5 the letter dated June 26 from Mr. Gray, I believe. Do you
6 have -- do you plan to do anything with that document?

7 MR. TOURTELLOTTE: Not currently.

8 CHAIRMAN SMITH: Maybe you don't know the letter
9 we have in mind.

10 MS. STRAUBE: Mr. Tourtellotte, it is the extra
11 testimony we handed out when we first came this week.

12 MR. TOURTELLOTTE: Okay.

13 CHAIRMAN SMITH: That is his letter of June 26.

14 MR. TOURTELLOTTE: Actually I may have given you a
15 different outline, but that would actually be introduced as
16 a staff exhibit as well. The witness in support will be
17 Robert Jaske. And I have that coming immediately after Item
18 5. I have it listed as 5-A.

19 CHAIRMAN SMITH: All right. Those are the only
20 documents that I am aware of that, as far as I know, have
21 been identified to the Board as being the subject of
22 testimony next week. Is that all we should have?

23 All right. Let's go back to the question Miss
24 Straube had about the municipal plans.

25 MS. STRAUBE: Chairman Smith, I think we can work

1 it out outside the hearing process and bring it in next week.

2 MS. GAIL BRADFORD: Sir, I have a problem about
3 the testimony we just referred to as the June 26 letter of
4 Mr. Gray's, which is that I may not have adequate time to
5 prepare for that.

6 CHAIRMAN SMITH: Well, then, you're going to
7 object on that basis, because there's not going to be more
8 time.

9 MS. GAIL BRADFORD: Can they bring it up at the
10 end of the week instead of at the beginning of the week?

11 CHAIRMAN SMITH: Well, the sequence in which he
12 has indicated in numbering, I don't know if that can be the
13 sequence in which we can consider it. You have -- Mr.
14 Jaske, you say, will be the sponsoring witness for this?

15 MR. TOURTELLOTTE: Yes.

16 MS. GAIL BRADFORD: Is Mr. Jaske available at the
17 end of the week?

18 MR. TOURTELLOTTE: I have no way of knowing. I am
19 sorry. I missed the first part of her statement.

20 CHAIRMAN SMITH: Well, she requests that that
21 subject matter be put off to the end of the week because
22 she's not had an opportunity to prepare on those answers --
23 on the psychological stress answers.

24 MR. TOURTELLOTTE: She has from now until next
25 Tuesday.

1 MS. GAIL BRADFORD: These are questions that were
2 asked April 16. When I saw Mr. Gray in his office in
3 Washington a week ago he didn't even mention the testimony.
4 It was totally by surprise.

5 MR. TOURTELLOTTE: The simple fact is that today
6 is the first. There's five full days to prepare for that.

7 CHAIRMAN SMITH: Well, we are talking probably
8 about the difference between the eighth or the ninth. That
9 seems to be the debate. If we take the panel on item 5
10 first and 5A second or last, we are talking about the
11 difference of one day, so I think the matter should be
12 addressed when the problem arises.

13 In the meantime, you should do the best to prepare.

14 MS. GAIL BRADFORD: I have another problem, sir.
15 I spoke to you on the phone earlier about a document request
16 from FEMA. And I have one understanding in my agreement
17 with Mr. Cosgrove, and apparently Mr. Tourtellotte and Mr.
18 Bath have a different understanding of it and I would like
19 to get the agreement clarified and some resolution of it
20 before Mr. Bath takes the papers away -- today, right now.

21 CHAIRMAN SMITH: Would you describe the
22 understanding of the agreement? How many of these matters
23 do you have? We learned over lunch that we are going to
24 have very critical scheduling for traveling this afternoon.
25 I just want to make plans.

1 MS. GAIL BRADFORD: That's it.

2 CHAIRMAN SMITH: Okay. Go ahead, Miss Bradford.

3 MS. GAIL BRADFORD: It's my understanding that I
4 am allowed to read these documents and use them as long as
5 there is a federal official "present"; and it's Mr. Bath's
6 understanding that they are entrusted into his care in
7 particular. I am also of the understanding that I am
8 allowed to use these documents during cross examination and
9 I am not clear from Mr. Bath that he intends to see or that
10 he can guarantee that they will be here again next week.

11 And I would just like to ask, and I can tell you
12 it is certainly consistent with my understanding or my
13 agreement with Mr. Cosgrove that you take possession of the
14 documents for safekeeping during the weekends.

15 CHAIRMAN SMITH: I do?

16 MS. GAIL BRADFORD: Yes, sir. I think you're a
17 federal official. You look like one.

18 CHAIRMAN SMITH: I feel very federal. Is that
19 satisfactory or what's the matter with Mr. Tourtellotte?

20 MS. GAIL BRADFORD: I just talked to Mr. Bath and
21 he can't guarantee that the documents will come back next
22 week.

23 MR. TOURTELLOTTE: I will. I will guarantee it.
24 They will be here.

25 CHAIRMAN SMITH: Is that the only problem?

1 MS. GAIL BRADFORD: That's it.

2 DR. LITTLE: Mr. Cosgrove is no longer in the
3 proceeding, is he? I thought we got a notice that he had
4 withdrawn.

5 MS. GAIL BRADFORD: Yes, I fell for that too. It
6 was a different Cosgrove.

7 MR. TOURTELLOTTE: We have a lot of different
8 Cosgroves, Bradfords and Pollards in this proceeding. It's
9 hard to keep up with them.

10 DR. JORDAN: And Smiths.

11 CHAIRMAN SMITH: There are never too many of the
12 latter.

13 Is there anything further?

14 All right. So we will meet again on Tuesday at
15 9:00 a.m.

16 (Whereupon, at 2:42 o'clock p.m., the hearing was
17 recessed, to reconvene at 9:00 o'clock a.m., Tuesday, July
18 7, 1981.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the

in the matter of: METROPOLITAN EDISON COMPANY (TMI Unit 1)

Date of Proceeding: July 1, 1981

Docket Number: 50-289 (Restart)

Place of Proceeding: Harrisburg, Pa.

were held as herein appears, and that this is the original transcript thereof for the file of the Commission.

Alfred H. Ward

Official Reporter (Typed)

Alfred H. Ward

Official Reporter (Signature)