

NUCLEAR REGULATORY COMMISSION

ORIGINAL



In the Matter of:

SOUTH CAROLINA ELECTRIC & GAS COMPANY )

Summer Nuclear Station, Unit 1 )

DOCKET NO. 50-395-OL )

DATE: June 30, 1981

PAGES: 1687 thru 1966

AT: Columbia, South Carolina

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UNITED STATES OF AMERICA

BEFORE THE  
NUCLEAR REGULATORY COMMISSION

In the Matter of: )  
 )  
SOUTH CAROLINA ELECTRIC & GAS ) Docket No. 50-395-OL  
COMPANY )  
 )  
Summer Nuclear Station, Unit 1 )

Assembly Room I  
Carolina Inn  
Columbia, South Carolina  
  
Tuesday, June 30, 1981

PURSUANT TO ADJOURNMENT, the above-entitled matter  
came on for further hearing, at 9:00 a.m.

APPEARANCES:

Board Members:

HERBERT GROSSMAN, Esq., Chairman  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

GUSTAVE A. LINENBERGER:  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

FRANK HOOPER  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

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1 APPEARANCES (continued):

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4 U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

5 and

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12 and

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16 For the State of South Carolina:

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20 and

21 DR. SAMUEL L. FINKLES, III, Ph.D.  
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and Environmental Control  
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24 For the Intervenors:

25 BRETT ALLEN BURSEY  
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PW

I N D E X

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2	<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	Robert McMillan and Rudolph Mitchell	1773	--	--	--
4	William H. Funchess	1802	--	--	--
5	Charles Howard Coleman, Jr.	1821	--	--	--
6	Robert S. Jackson and Heyward Shealy	1830	--	--	--
8	J. T. Hance	1845	1850	1855	1855
9	Charlton Bowers	1856	--	--	--
10	Harvey Scurry	1862	--	--	--
11	Robert Gifford	1870	1884	--	--
12	Colonel Philip Meek	1885	1895	--	--
13	Leon Gasque and Benjamin Franklin Thomas, III	1900 1903	--	--	--
14	William S. Comer	1912	1918	--	--
15	Robert R. Hill	1921	--	--	--
16	Judith P. Turnipseed and Gaines O. Boone	1935	1957	--	--
18	<u>EXHIBITS:</u>	<u>FOR IDENTIFICATION</u>		<u>IN EVIDENCE</u>	
19	<u>Intervenor's:</u>				
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P R O C E E D I N G S

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2 JUDGE GROSSMAN: The sixth day of hearing is now in  
3 session. The first order of business relates to concerning the  
4 admission of prefiled testimony of Drs. Caldicott and Kaku. I  
5 take it, Mr. Bursey, you are prepared to argue that matter  
6 before me?

7 MR. BURSEY: Yes, sir, to the extent that I'm able  
8 without benefit of the presence of those whose testimony is  
9 sought to be struck.

10 JUDGE GROSSMAN: The Board has considered the problem  
11 and does have some inclination as to where it might be heading,  
12 at least the Chairman does, and we might as well indicate  
13 what that is and have the arguments in that context.

14 With regard to Dr. Kaku, it does at this point appear  
15 to us as though he may--he is qualified with regard to the emer-  
16 gency planning testimony, that most of that seems to be a question  
17 of nuclear physics and he does have extensive credentials with  
18 regard to that broad area and apparently has done some specific  
19 investigation into the particular area within that general area  
20 of nuclear physics which does appear to have some qualifications.

21 The testimony with regard to health effects seems  
22 primarily a repetition of the testimony that was already given  
23 by Dr. Morgan. We do not think that it is necessary to make  
24 a determination as to whether he is fully qualified to give  
25 that testimony in light of the fact that the Board is empowered

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1 to exclude repetitious testimony and we would hesitate to make  
 2 a ruling if not necessary for this proceedings that might serve  
 3 as a precedent with regard to any testimony that Dr. Kaku might  
 4 be called upon to make in another proceedings in which there  
 5 isn't a qualified expert in that particular area and there's  
 6 just no point in our going that far here when there's no need  
 7 to stretch in order to see that the parties are able to proffer  
 8 testimony with regard to all the issues.

9           With regard to Dr. Caldicott, it does appear to  
 10 at this point that she does have the requisite qualifications  
 11 for that testimony. She does have a medical background and  
 12 has taken it on herself to specialize in the particular area  
 13 with regard to these proceedings and has apparently done extensive  
 14 research in that area which, combined with her medical qualifica-  
 15 tions, seems to confer the requisite credentials on her.

16           With regard to relevancy, the bulk of her testimony  
 17 does appear to be within the contentions. Of course there isn't  
 18 any issue in here regarding fast breeder reactors or reprocessing  
 19 or nuclear weapons and those items definitely ought to be excluded  
 20 from the testimony.

21           We haven't, by the way, made that final determination  
 22 on relevancy of any of the matters discussed now. There is  
 23 a third issue, and that is the impact of her testimony on the  
 24 regulations or the matters that might not be able to be discussed  
 25 or testified to because of a conflict with the regulations and

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1 in particular with the tables of values that are contained as  
2 appendices to the regulations, so we would like to have the  
3 argumentation with that as a background.

4 Mr. Goldberg or Ms. Young?

5 MR. GOLDBERG: Yes, Judge, just as a preliminary matter,  
6 may I ask, does the Board regard its June 19th ruling on summary  
7 disposition as in any way narrowing the contentions that were  
8 the subject of summary disposition motion?

9 JUDGE GROSSMAN: What do you see as being narrowed  
10 by that order?

11 MR. GOLDBERG: My particular regard, although it's  
12 not the subject of our June 25th motion to strike, in the area  
13 of financial qualifications it seems that the Board has indicated  
14 that it sees a material issue regarding the reasonableness of  
15 the applicant's financing plan, and perhaps the other parameters  
16 to the issue have been addressed to the Board's satisfaction  
17 in summary disposition papers.

18 With regard to Health Effect Contention 10, the Board de-  
19 lined those areas in controversy between the staff and appli-  
20 cant papers and the intervenor papers as being primarily two  
21 areas, one that re-evaluation of the BEIR results in terms of  
22 the population samples used in the health effects studies being  
23 allegedly biased, two, the recently-reported study of the atomic  
24 bomb radiation which I believe is the May Science article. If  
25 those in fact are the areas which the Board regards as being

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1 in genuine dispute, it seems to me that testimony ought to  
 2 be centered on those issues, and not on the broader topics which  
 3 are addressed in much of the prefiled testimony of necessity  
 4 because it preceded the Board's summary disposition ruling.

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(Brief pause.)

JUDGE GROSSMAN: We did, in that Order, indicate two issues that could not be resolved on Motion for Summary Disposition. We did not, however, go as far as to resolve all the other matters within those contentions on summary disposition, although perhaps it's implied that we could have gone further and made such a determination on the basis of the application submitted, but nevertheless we didn't, and it would seem as though we ought to accept the testimony with regard to those issues now and make our determination on a full record rather than say that we could go back and make a determination just on the affidavits. We pointed out two areas where we could not make any such determination, but we didn't actually make a determination on the other areas and I think that we ought to accept testimony with regard to those other areas and make that determination on a full record.

I don't actually see how, at this point, we ought to -- we would be able to exclude the testimony and say we'll go back and decide the issue on the affidavits.

MR. COLDBERG: Well I guess I just wanted a point of clarification to understand whether or not that ruling narrowed the issue as it had previously been advanced. This has some relevance for our outstanding motion to strike the anticipated testimony of Dr. Ruoff on financial qualifications, which we're not going to address today, but I just basically wanted to understand if by that Board's ruling it was narrowing the previously

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1 admitted contention or deciding that only portions of that  
 2 contention remain in controversy. My understanding is that  
 3 your ruling is that it did not.

4           Essentially the staff will rely on its written motion  
 5 of June 25, but there are a few points that I think we wish to  
 6 highlight. First with regard to Dr. Kaku's testimony on  
 7 emergency planning. The emergency planning issue, Contention  
 8 Number 8, is very specific. It alleges essentially that the  
 9 Applicant has made inadequate preparations for the implementation  
 10 of its emergency plan in those areas where the assistance and  
 11 cooperation of state and local agencies are required. As I  
 12 point out in our motion, our objection to Dr. Kaku's testimony on  
 13 this issue is primarily three-fold. One, that it is irrelevant.  
 14 Two, that it is a challenge to the Commission's Emergency  
 15 Planning Regulations and three, that there is no evidence that  
 16 Dr. Kaku is competent to testify on the subject matter of the  
 17 Contention.

18           First with regard to relevancy, the Board apparently  
 19 is of the preliminary view that Dr. Kaku's testimony does bear  
 20 some relevance on the precise issue, but in actuality, Dr. Kaku's  
 21 testimony contains an exposition of his position on the consequences  
 22 of Class 9 accidents. It contains no site specific references  
 23 to any of the emergency plans that are at issue, displays no  
 24 familiarity with any of the local conditions, responsibility  
 25 of any of the local emergency planning offices and in effect

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1 constitutes a challenge to the Commission's Regulation that a  
2 ten-mile plume exposure emergency planning zone is required to  
3 take protective action, including evacuation.

4 We had a bit of a discussion last week on the subject  
5 of relevancy and I would note, because I recalled this over the  
6 weekend, that there was a case that I was on by the name of Zion,  
7 in which we were successful in a motion to strike proffered  
8 testimony on emergency planning on the grounds of relevancy,  
9 which the Appeal Board upheld indicating that the Board was  
10 not only authorized but expected to keep out unrelated evidence.  
11 That is ALAB 616, 12 NRC 419, pages 426-427, and they cited the  
12 Commission's Regulations at Section 2.757, which give the  
13 Board the authority to strike, among other things, irrelevant  
14 evidence. So there certainly is adequate precedent within the  
15 Agency not to admit irrelevant testimony, particularly irrelevant  
16 testimony on emergency planning issues.

17 I've basically addressed I guess both the first and  
18 second ground; namely, the relevancy and the challenge to the  
19 Regulation, which we feel this testimony in actuality comprises.

20 With regard to Dr. Kaku's qualifications, again I  
21 think that we would differ with the Board's preliminary indication  
22 that perhaps his background in nuclear physics qualifies him to  
23 offer an expert opinion. in matters not of a generic interest  
24 perhaps, but matters of particular bearing on the emergency plans  
25 that are the subject of this proceeding, which are nowhere mentioned

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1 or even referenced. However, we do believe we can establish  
2 further, if the Board wishes, on voir dire, the absence of any  
3 qualifications on Dr. Kaku's part to testify as an expert on  
4 Contention 8.

5 So in sum, we believe that his testimony in its  
6 entirety should be struck on any one of three independent  
7 grounds.

8 We agree with the Board's judgment that Dr. Kaku's  
9 proposed testimony on Contention 10 is indeed a repetition of  
10 that given by Dr. Morgan last week and that would provide a  
11 ground under Section 2.757 to strike it from the proceeding.  
12 However, we also believe, as we indicated, that Dr. Kaku lacks  
13 the expert qualifications to offer testimony on the long term  
14 health effects of low level radiation. Dr. Kaku, it appears, is  
15 a theoretical physicist with no particular expertise in health  
16 physics, radiation biology, epidemiology, nor is there any  
17 indication he's knowledgeable about effects of radiation on  
18 people.

19 Again, if the Board would reconsider its decision to  
20 strike this testimony on the grounds of repetition, we believe we  
21 can establish on voir dire, Dr. Kaku's lack of qualifications.  
22 We also share the Board's interest in not allowing someone to  
23 testify in this proceeding as an expert and thereby establish a  
24 precedent for their future participation in NRC proceedings on  
25 the strength of their expert testimony in this proceeding, which

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1 we feel is a genuine risk with respect to accepting Dr. Kaku's  
2 testimony on Contention 10.

3 In addition, as we discussed in our June 25 Motion, his  
4 testimony is also irrelevant to the precise issue before us, which  
5 is whether or not the Applicant and Staff have underestimated the  
6 health effects in striking the cost benefit balance. That is  
7 nowhere addressed in his testimony and we would also note that  
8 as the Board indicates, that constitutes an implied if not  
9 expressed challenge to the values in the regulations which are  
10 the subject of Contention 10.

11 So we believe, again, that Dr. Kaku's testimony on  
12 Contention 10 is objectionable on the same three grounds as  
13 his testimony was on Contention 8.

14 With regard to Dr. Caldicott's testimony on Contention  
15 10, again we believe the three grounds for objection attain. We  
16 do not believe, like the Board, that she has the expert qualifi-  
17 cations to offer an expert opinion on the long term health effects  
18 of low level radiation. She is a medical doctor, though without  
19 any apparent training, education or experience in health physics,  
20 radiation biology or epidemiology and if the Board were to deny  
21 our motion to strike, we believe we can more properly develop on  
22 voir dire her lack of expert qualifications in this area.

23 Secondly, we believe that almost in its entirety her  
24 testimony is irrelevant to Contention 10. We indicate in Footnote  
25 12 that we have been able to discern some passages which bear some

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1 arguable relationship to the Contention, but it is so interwoven  
2 with the balance of her proposed testimony that it becomes even  
3 difficult to devine any relevance, certainly any materiality in  
4 those portions and we believe that it would add very little to the  
5 record and indeed, it would be embarking on highly unrelated topics  
6 which the Board indicated are addressed in her testimony.

7           And thirdly, like the others, Dr. Caldicott also attacks  
8 on page 5 of her prefiled testimony the Federal Guidelines governing  
9 radiation levels and thereby presents an impermissible attack on  
10 the Commission's Regulations, which were expressly accepted as  
11 the starting point for the discussion of health effects in  
12 Contention 10. So again, we feel on any one of three separate  
13 grounds, Dr. Caldicott's testimony should be stricken.

14           JUDGE GROSSMAN: First with regard to the Board's  
15 discussion of relevance or exclusion of irrelevant testimony, I  
16 did not intend to say that we could not exclude irrelevant  
17 testimony when it's clearly irrelevant, but when it's a very close  
18 question and it appears as though we could interpret the matter  
19 as possibly being relevant, that we would be well advised to reserve  
20 that decision for a later time rather than have to make that hasty  
21 decision during the hearing. When the material is clearly  
22 irrelevant, certainly we ought to exclude it so as, for one, we  
23 would not force the adversary parties to present unnecessary  
24 testimony and thereby prolong the hearing and require additional  
25 expenditures on their part.

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1 With regard to site specific, the lack of site  
2 specific references in Dr. Kaku's testimony with regard to the  
3 emergency planning issue, what he has offered is an exposition of  
4 the radiological releases which in conjunction with the specific  
5 testimony on emergency planning puts that entire area within the  
6 site specific context that you referred to. We don't see any  
7 requirement that Dr. Kaku offer the full testimony within this  
8 area. He can supply a part of the testimony that his attorney  
9 can connect up with other testimony. If he supplies background  
10 showing the nature of radiological releases, it does appear as  
11 though the initial testimony with regard to the emergency planning  
12 can indicate the adequacies or inadequacies of the emergency  
13 planning as to those radiological releases. So it isn't just a  
14 generic kind of testimony.

15 Mr. Goldberg?

16 MR. GOLDBERG: I guess I disagree that it isn't generic  
17 kind of testimony. I'm also not aware of any companion testimony  
18 to which it would bear any relationship on Mr. Bursey's behalf  
19 in terms of radiological releases. And I think that reading it  
20 fairly, it constitutes a challenge to the ten mile emergency  
21 planning zone concept and I think that the position espoused by  
22 Dr. Kaku is not a novel one, it's not one perhaps that he holds  
23 along. We would note that the Commission has changed its  
24 practice of considering Class 9 accidents and in fact this is  
25 one of the first cases to contain a discussion of the effects of

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1 Class 9 accidents in our final statement. However, I really see  
 2 no bearing and no probative value to this testimony in judging  
 3 whether or not the specific emergency plans of the Applicant or  
 4 the state and local governments are satisfactory to carry out the  
 5 mandate of the Commission's Regulations. And I would hope that  
 6 the Board will hold any party to the same standard of proof. I  
 7 can't imagine the Board accepting staff testimony on this issue  
 8 which resembles that proffered by Dr. Kaku. I would think that  
 9 it would have to be specifically addressed to the issue and have  
 10 some probative value.

11           And I think perhaps more clearly than any of the other  
 12 examples of prefiled testimony, this testimony is I think entirely  
 13 irrelevant to the issue at bar.

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1 JUDGE GROSSMAN: Are you saying that within the  
2 regulations with regard to the 10-mile and 50-mile zones is a  
3 complete exposition of the nature of the radiological releases  
4 within those zones? Because I don't read it that way nor do I  
5 even see a firm determination with regard to those 10 and 50-  
6 mile zones, but just general statements with regard to  
7 approximate zones; but it appears to me that what Dr. Kaku's  
8 testimony supplies is basically the nature of the releases that  
9 could be expected within those zones and something that should  
10 be taken into account in the emergency planning if, of course,  
11 that testimony is accurate with regard to the releases.

12 MR. GOLDBERG: Well, first, Judge, I would disagree.  
13 I think that the Commission's regulations are rather clear on the  
14 designation of the 10 and 50-mile emergency planning zones,  
15 and barring what is identified in section 50.47 C.2, as any  
16 unique local emergency needs such as demography, topography,  
17 land characteristics, access routes, jurisdictional boundaries,  
18 there is no requirement to take protective action to include  
19 evacuation beyond the 10-mile zone.

20 On the very first page of Dr. Kaku's pre-filed testi-  
21 mony, he indicates that on the basis of his study, a nuclear  
22 accident would require evacuation of the population beyond 10  
23 miles.

24 While I would hope that this is a matter that he  
25 brought to the Commission's attention in the formulation of the

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1 regulations, though I have no way of knowing, but I will say  
 2 that those requirements were formulated at their proposed  
 3 rule making an opportunity for public input and I think that  
 4 we have to accept both the wisdom and propriety of those  
 5 regulations for purposes of this proceeding. Those are  
 6 Commission regulations and Dr. Kaku's views, notwithstanding,  
 7 I think that we have clear guidance as to what we should  
 8 adjudge the adequacy of these emergency plans against.

9           What I meant to say before was that in arriving  
 10 at the Commission's emergency planning regulations, some of  
 11 the underpinnings for that, is, of course, a document called  
 12 NUREG 0654, criteria for preparation and evaluation of  
 13 radiological emergency response plan of preparedness in support  
 14 of the nuclear power plants, and it is my understanding that  
 15 as a part of the development of these regulations in that  
 16 criteria, consideration was given to the effects of Class 9  
 17 accidents. I would also notice that the discussion here is  
 18 it is a generic one and it is not even confined to an effect  
 19 of a Class 9 accident at the Summer site taking into account  
 20 perhaps some of the fact that the population is a rural, not  
 21 an urban one, which would seem to apply to the scenario that  
 22 Dr. Kaku develops at the end of his testimony.

23           But, what I think we are really--and we have to look  
 24 very far to find anything of any relevance--what I am saying is  
 25 there is absolutely nothing of a site specific, of a contention

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1 specific nature other than I think a fall challenge on the  
2 adequacy of the Commission's regulations, which we cannot  
3 entertain in this proceeding.

4 JUDGE GROSSMAN: Well, your discussion with regard  
5 to an attack on the regulations finds a much more favorable  
6 response from the Board than the suggestion that the matters  
7 discussed are irrelevant or that they can't be connected up  
8 with site specific requirements, or with site specific  
9 situations and that's what we would like the discussion on  
10 primarily as to what is an attack on regulations.

11 Now, with regard to the underlying NUREG, are you  
12 saying that the Board could not entertain testimony that  
13 conflicts with that NUREG, or that you hold to the position  
14 that the Board can or cannot entertain testimony that conflicts  
15 directly with the regulation?

16 MR. GOLDBERG: I think the regulation is certainly  
17 the subject against which there cannot be an attack. I would  
18 say that as relevant to our discussion here, the designation of  
19 two emergency planning zones, one with a 10 and one with a  
20 50 mile radius, is a subject of regulation. I am only saying  
21 that it was arrived at after considering the comments on the  
22 rule making process on the strength of the criteria contained  
23 in this joint NRC FEMA document. Also, the criteria contained  
24 in that NUREG document in effect became a part of the regulation  
25 when they were accepted--if you will bear with me for a moment.

(Brief pause.)

JUDGE GROSSMAN: Well, while you are looking for that, let me ask you--let's assume that there is some testimony offered that describes the nature of the radiological releases and indicates that the zone that would be affected is 20 miles, and according to your position that would conflict with the regulation in that for that type of release it would suggest an approximate zone of 10 miles. Couldn't the Board accept the testimony as to the nature of the releases, as to the 10-mile zone, so as to test the emergency planning with regard to those releases and ignore or exclude the testimony with regard to the remainder of that area? In other words, the 20-mile zone, the difference between 10 and 20 miles?

MR. GOLDBERG: I am not sure I understand the situation you have outlined.

JUDGE GROSSMAN: Well, assume that the testimony describes the nature of radiological releases and indicates that it would extend up to a 20-mile radius, rather than a 10-mile radius; couldn't the Board entertain that testimony for the description of the radiological releases but merely apply it to the 10-mile zone rather than the remainder of the area described in the testimony, so as to test the emergency planning against that context of radiological releases? Do you follow my question now?

MR. GOLDBERG: I think so but I think what we have

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1 got to recognize is the distinction between the 10-mile plume  
2 exposure pathway and the 50-mile ingestion exposure pathway.

3 We are not saying that the responsibility for emergency  
4 planning ceases at 10-miles but there is no obligation to  
5 evacuate the population beyond 10 miles absent some showing that  
6 certain local conditions which are specifically defined in  
7 section 50.47 C-2 obtain. We don't believe we have got that  
8 kind of testimony here. We have got sort of a generalized  
9 assertion that Class 9 accidents can have radiological consequences  
10 outside of 10-miles. I am not sure anyone is prepared to rebut  
11 that but the point is there are specific emergency planning  
12 actions that have to be taken in the 50-mile radius, but the  
13 regulations would serve so far as to require evacuation beyond  
14 the 10-mile zone absent some local conditions

15 JUDGE GROSSMAN: Well, let's exclude that 50-mile  
16 zone now and talk about the plume exposure zone of 10 miles  
17 and accept my hypothetical with regard to that zone and what I  
18 am suggesting is what if the testimony were to describe the  
19 nature of the radiological releases that would occur within  
20 that 10-mile zone but also suggest that it would extend up to  
21 a 20-mile radius. What I am asking is couldn't the Board  
22 entertain that testimony only to the extent that it describes  
23 the nature of the radiological releases within approximately  
24 10 mile, the approximate 10-mile zone and exclude the remainder  
25 of that testimony because it conflicts with the regulations

1 but nevertheless tests the emergency planning against the  
2 radiological releases described within the 10-mile zone.

3 Is there anything improper about the Board doing  
4 that?

5 MR. GOLDBERG: I don't think I would be prepared to  
6 say that that would be improper.

7 As long as the kinds of responsive activities which  
8 the Board requires be taken in the event of emergency, or those  
9 which the regulations would require be taken within the 10 and  
10 50 mile radii and not something beyond what the regulations  
11 require, and before we started this discussion, I just wanted  
12 to say that the emergency planning criteria in the NUREG  
13 document did form the basis for the sixteen emergency planning  
14 criteria in the regulations, so in that regard there is a  
15 direct relationship between the NUREG and the Regulations but  
16 we don't intend to rely on anything other than the express  
17 requirements of the regulations.

18 JUDGE GROSSMAN: Now with regard to the site specific  
19 question, in the context of Dr. Caldicott's proposed testimony,  
20 is it necessary to connect up the testimony to the specific site  
21 as to the health costs in the equation or couldn't the site  
22 specific matter be related to the lack of--the alleged lack of  
23 benefits in the Summer plant operating?

24 In other words, couldn't Dr. Caldicott supply basically  
25 a generic description of the health costs to having the plant

1 in operation and Mr. Bursley make his case by then showing that  
2 specifically with regard to the Summers site there is a lack of  
3 benefit that would overshadow the costs?

4 Do you follow my question?

5 MR. GOLDBERG: I think so, Judge, but I think Contention  
6 10, the costs here is the cost--the costs in Contention 10 is  
7 the alleged long-term effects of low-level radiation due to  
8 normal operation in the uranium fuel cycle.

9 JUDGE GROSSMAN: Well not just low level, is it?  
10 Doesn't it include all levels of radiation?

11 MR. GOLDBERG: I am sorry. I am perhaps importing  
12 the term "low level" to describe the authorized releases and I  
13 don't mean to imply that.

14 It questions the costs of permissible levels of  
15 releases on a long-term basis. The obligation to do a cost  
16 after balance rests with the agency and perhaps in that way the  
17 contention might then somewhat enforced my grip because it's really  
18 the agency's responsibility, not the applicant, to prepare a  
19 cost analysis balance in keeping with its obligations under  
20 the National Environmental Policy Act, but the costs I think we  
21 are talking about here are the health effects from, given  
22 compliance with the Commission's regulations governing routine  
23 releases and the uranium fuel cycle. Those have been estimated  
24 in a specific document here, the staff Final Environmental  
25 Statement, and I think that we have at best in Dr. Caldicott's

1 testimony is a general discussion of the risk as she sees it from  
2 nuclear power, nuclear proliferation, other forms of nuclear  
3 generation and nothing specific to the contention at issue,  
4 so I don't really see that we accept the costs of nuclear  
5 proliferation, if you will; the costs perhaps of decommissioning,  
6 the costs of reprocessing, the costs of reactor melt down, the  
7 costs of atomic weaponry as being the costs that we should factor  
8 into the costs benefit balance for purposes of dealing with  
9 contention 10. That is what she is suggesting that the costs  
10 that lies in these areas. The costs does not lie in the health  
11 effects that will attach to routine operations or to conformance  
12 with the fuel cycle values.

13 JUDGE GROSSMAN: Well, if I understand her testimony,  
14 it does relate to the costs that are necessitated by the  
15 operation of the nuclear plant except for a few items that are  
16 included in her testimony, such as atomic weapons, fast breeders,  
17 but basically what is being attempted, I understand in the  
18 testimony, is to connect up all the steps in the processing of  
19 fuel and in the operation the reactor and determine the costs  
20 with regard to each of these steps.

21 Now, my question really is, is it necessary that she  
22 make site specific determinations with regard to the costs?  
23 Isn't it sufficient that she provide the costs either on site  
24 specific or generic basis and that Mr. Bursey connect it all up  
25



1 to the site specific situation with regard to the benefits?

2 In other words, what if she does give costs on a  
3 generic basis and says that it applies as well to the Summer  
4 plant as to any other plant and Mr. Bursey goes further and  
5 says, but the benefit with regard to the Summer plant is  
6 zero, so taking these costs into account and applying it to the  
7 site specific situation, we have a negative benefit.

8 Now, isn't that sufficient? Does he also, Mr. Bursey,  
9 have to connect up the costs to the site specific situation?

10 Do you follow the question?

11 MR. GOLDBERG: I think so, Judge, and I would say that  
12 both the costs and benefits for purposes of the decision that we  
13 have to make on this individual License Application have to be  
14 site specific. That is, we cannot take advantage of some  
15 generic benefit and attain from nuclear power only whether or not  
16 there is a benefit that will obtain from licensing this particular  
17 reactor and, similarly, I think the costs have to be put in  
18 plant specific context and I don't believe a nexus has been  
19 drawn--perhaps a nexus can be drawn to her more generalized  
20 opinions about what the costs for nuclear power are, then maybe  
21 we have something that could be litigable here but I think that  
22 both the costs and the benefits have to be plant specific so  
23 that we can--because our decision here is or'ly on this individual  
24 action and is not really on the pros or cons of nuclear power  
25 generation.

1 JUDGE GROSSMAN: I am not suggesting that what she  
2 says on the generic basis wouldn't also apply to the Summer  
3 plant. What I am saying is that why is it necessary that she  
4 say specifically these costs apply to Summer even though they  
5 don't apply to another plant. Why can't she say these costs  
6 apply to all plants including Summer and Mr. Bursey indicate  
7 that while both costs do apply to all plants including Summer,  
8 there are no benefits from the operation of the Summer plant  
9 and, therefore, he has satisfied his contention that there is  
10 a negative balance.

11 Now that's aside from the question of whether giving  
12 the costs on a generic basis and saying that it applies, that  
13 they apply to Summer as well as any other plan, that there may  
14 not be a conflict with the regulation to the extent that values  
15 may be prescribed by the regulations, we certainly don't intend  
16 to permit a conflict, and, so, we would like to get definite  
17 statements from you as to whether there is a conflict or whether  
18 any values that are given somewhere must necessarily be accepted  
19 and we must necessarily reject any testimony that conflicts  
20 with these values.

21 MR. GOLDBERG: Well, the values that we have to accept  
22 are forming underpinning for the contention itself and that is  
23 the release value given in Appendix I to 10 CFR Part 50 regarding  
24 the permissible levels of routine releases and the release values  
25 in Table S-3, which, covering the uranium fuel cycle affluent,

C11

1 10 CFR Part 51, as I indicate on my written motion, the last  
 2 sentence on page 5 of Dr. Caldicott's testimony challenges  
 3 what she refers to "the federal guidelines" for allowable  
 4 radiation levels.

5 Now, I suppose without exploring it further, we don't  
 6 know that those guidelines--I am assuming now those federal  
 7 guidelines include Commission guidelines as well, which would  
 8 bring them into conflict with the requirements of the regulations  
 9 that I just alluded to.

10 JUDGE GROSSMAN: Well, that apparently is an attack  
 11 on the health and safety guidelines and to that extent, we  
 12 wouldn't entertain those statements except that we don't have  
 13 involved in this proceeding the question of those health or  
 14 safety guidelines but merely the values to be plugged into the  
 15 cost benefit formula as far as I recall.

16 MR. GOLDBERG: I guess I fail to see the distinction,  
 17 Judge. I think what we have is the rules and regulations of  
 18 the Commission which govern the allowable releases and establish  
 19 release values for the uranium fuel cycle and whether it is  
 20 health or safety or environmental, the subject of health effects  
 21 must take as given the fact that the plant will operate within  
 22 the permissible guidelines and that the values for the uranium  
 23 fuel cycle effluents are as given in Table S-3. I guess I don't  
 24 see the distinction for purposes of performing this cost benefit  
 25 balance we have to assume that the Commission regulations are

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1 observed at the value assigned for the fuel cycle affluence have  
2 been established.

3 JUDGE GROSSMAN: Well, that is what I want to pin  
4 you down on.

5 MR. GOLDBERG: Yes.

6 JUDGE GROSSMAN: I am saying that the testimony is  
7 a direct conflict with the values given in Table S-3 and that  
8 the Board therefore can't entertain this testimony but must  
9 accept the values given in Table S-3 with the possible exception  
10 of the Radon release values. Is that your position?

11 MR. GOLDBERG: I think that the testimony in its  
12 entirety isn't firm on a number of grounds which I have indicated.

13 JUDGE GROSSMAN: Well, I don't want to discuss--

14 MR. GOLDBERG: No, but with respect to this question,  
15 I must confess that it remains unclear whether or not Dr.  
16 Caldicott is challenging the Commission's regulations because  
17 the testimony is so unspecific. All there is any reference to  
18 is to "federal guidelines" which she regards are inadequate.  
19 If those federal guidelines are the guidelines in Appendix I  
20 and Table S-3, yes, I would say it is an equivocal challenge.  
21 I cannot say that it is unequivocal because the references is  
22 unspecific and Dr. Caldicott is not here to explain what was  
23 intended by that statement.

24 JUDGE GROSSMAN: Well, let's say we exclude that  
25 statement as being a permissible attack and all we have left are

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1 her descriptions of the releases in the various steps of the  
2 fuel cycle. Does that constitute a direct challenge to the  
3 values given in Table S-3?

4 MR. GOLDBERG: I would have to go through it and find  
5 out every place that she gives a release value and compare that  
6 with the values in the regulations, but I think the more important  
7 thing is the--the contention is not about release values, the  
8 contention is about health effects, and with the exception of  
9 the few passages I indicated in footnote 12, there is nothing  
10 about health effects, there is everything about doses. I would  
11 have to go back I suppose page by page and see whether or not  
12 the values, the release values she is talking about, or the  
13 doses she is talking about are those which conform to the  
14 regulations, or which did not, but my objection in that area  
15 was on the grounds of relevancy.

16 We also may have an objection on the values but I  
17 would suppose I would have to have my expert witness go through  
18 it with that in mind to see whether or not any of these values  
19 assume higher values than are allowed, which I would be prepared  
20 to do if the Board wishes.

21 JUDGE GROSSMAN: Okay, could we hear now from the  
22 other parties with regard to this matter? Mr. Knotts?

23 MR. KNOTTS: Yes, Judge Grossman, am I being heard  
24 over this microphone?

25 JUDGE GROSSMAN: Yes.

1 MR. KNOTTS: First, I will say that we subscribe  
2 to the written version of the staff's motion and in addition,  
3 to the points that Mr. Goldberg has made thus far.

4 In order to be brief, I will elaborate only on two  
5 points. We, in particular, agree that what Dr. Kaku seems to  
6 be doing in his pre-filed testimony on Contention 8 is taking  
7 on, if you will, the 10 mile plume exposure pathway emergency  
8 planning zone as specified in the regulations rather than  
9 addressing the question of whether there are local conditions  
10 which would call for a larger or smaller emergency planning  
11 zone.

12 I certainly do not disagree that Mr. Bursey couldn't  
13 connect up some general testimony if in fact, if we had notice  
14 of such testimony but we are aware of no such testimony.

15 In the absence of such testimony, it seems clear that  
16 Dr. Kaku's stated purpose of the testimony is in fact the  
17 purpose of the testimony and that then raises the question what  
18 procedure is to be followed? If it is to be entertained, it  
19 gives the appearance at least that one is entertaining the  
20 challenge of the 10-mile generic guideline and if that is  
21 what is taking place rather than adjusting the zone as contemplated  
22 by 10 CFR 50.47 C2, then we are under section 2.758 of the  
23 Commission's regulations, that is to say it is a generic fact,  
24 and, of course, as we all recognize that contemplates that no  
25 challenges will be entertained in the Commission's regulations

1 except in special circumstances with respect to the subject  
2 matter of the particular proceeding, such that the application  
3 of the rule, or whatever regulation would not serve the purpose,  
4 and certain procedural steps follow from that determination.

5 I guess the point that I wish to make is that if  
6 Dr. Kaku's testimony in that regard is to be entertained, then  
7 it should be clear at the outset whether or not that particular  
8 testimony is being entertained as a challenge to the rule or  
9 merely as a foundation for some other testimony.

10 JUDGE GROSSMAN: Mr. Bursey?

11 MR. BURSEY: Judge Grossman, after that long exposition  
12 by Mr. Goldberg, I believe that I am able to look at this I think  
13 as the Board has with an element of common sense and I trust  
14 that the Board is able to give her, or to listen to the testimony  
15 that I am offering from Dr. Caldicott and to be able to take what's  
16 relevant and leave the rest at a time when it is offered. I  
17 have not at any point said that I was arguing against the rules  
18 as the Commission outlines them for radiation releases, I am  
19 not taking issue with the general applicability of the 10-mile  
20 zone and I believe that listening to the testimony of the two  
21 experts that were offered, whether this particular expert or  
22 not thinks that radiation hazards are going to go for 10 miles  
23 or 20 miles or 30 miles, I believe the Board is going to be  
24 able to listen to the testimony and in my summary I will be able  
25 to take what they have stated and apply it directly to the

1 relevant guidelines of the proceeding.

2 And, if there is a problem within a 20-mile zone,  
3 there is clearly a problem within the 10-mile zone and I think  
4 that there is an element of common sense in the applicability  
5 of the evidence that is being offered that just seems to be  
6 being overlooked for technical legalities that are a bit beyond  
7 me.

8 As far as the expert qualifications of the witnesses  
9 go, I am not going to spend a whole lot of time on that. I  
10 don't have any doubt that Dr. Kaku's understanding of the--  
11 what happens in the case of an accident so far goes beyond mine  
12 or anyone else that I have personally encountered as to say that  
13 he is clearly an expert on the issue, his degree is in theoretical  
14 physics. He was just--has been, is a young man and has been  
15 outstanding in the field of physics. He was graduated cum laude  
16 and went through Harvard and Berkeley as one of the top in his  
17 class and has since his graduation been involved in investigating  
18 accidents and I am sure that we are going to be able to learn a  
19 great deal from it, his extrapolation of an accident is something  
20 that we can clearly apply to the V. C. Summer plant as we listen  
21 to the other witnesses and as I connect it together in summary.

22 Dr. Caldicott, as you have pointed out, is an expert  
23 in the health effects field as the problem of radiation effects  
24 relates to the health effects and her testimony, I believe, is  
25 going to be able to be clearly linked up with the releases that



1 are allowable within the Commission guidelines and I really  
2 don't need to go on further than that, other than to say that I  
3 feel the Board has the good judgment to be able to listen to  
4 what's applicable and to rule on what is not applicable at  
5 the time it is offered.

6 JUDGE GROSSMAN: Yes, Mr. Knotts.

7 MR. KNOTTS: Judge Grossman, I had not quite completed  
8 what I was going to say.

9 I do want to address in particular the Board's question  
10 regarding how we should be approaching the matter of the fuel  
11 site.

12 It is my understanding that the values set forth in  
13 Table S-3 are values related to exposure and not values related  
14 to health effects and in every proceeding where the matter is  
15 put in issue, health effects of the releases throughout the  
16 uranium fuel cycle can be properly joined and properly considered  
17 in the proceeding.

18 As to Radon 222, both the release estimates and the  
19 associated health effects, unlike the other isotopes released  
20 in the fuel cycle, as the Radon 222, both the release values  
21 and the health effects can be considered, so, so far as that goes  
22 one must examine Dr. Caldicott's pre-filed testimony looking at  
23 the contention and looking at the release values, Table S-3, and  
24 consider whether Dr. Calditott is or is not accepting the release  
25 values.

1 I must say I think if we approach it that way, there  
2 may be need for some voir dire and for cross examination to  
3 bring these points out fully.

4 One forms the overall impression that Dr. Caldicott  
5 is by no means accepting the release values given in Table S-3,  
6 but rather is arguing that they should be lowered although by  
7 initial controls or regulations at different points in the  
8 fuel cycles, which does not seem to be the issue before the  
9 Board.

10 As to Dr. Caldicott's qualifications to testify, as  
11 the Board points out, she is a physician, she is a medical  
12 school graduate and the matter of her particular training,  
13 education or experience is perhaps best developed on voir dire.

14 It is not evident to us from her statement of  
15 qualifications but I would not want to "get the cart before  
16 the horse" as it were and address that question until we have  
17 some answers on voir dire.

18 JUDGE GROSSMAN: Now referring to Dr. Kaku's pre-  
19 filed testimony on emergency procedures, let's assume, looking  
20 at page 1, that item 1 is a direct challenge to the 10-mile  
21 radius and could not be--and the testimony with regard to that  
22 could not be entertained by the Board.

23 Let's look at section 2, also beginning on page 1  
24 that does not appear to be at all involved in this. Is there  
25 any reason why we couldn't entertain that testimony? That relates

1 to the condition 4 accident which Dr. Kaku suggests was not  
2 adequately treated in the FSAR. Mr. Goldberg, do you want to--

3 MR. GOLDBERG: Yes, Judge Grossman, I think that we  
4 have got to go back and see what the contention is. The conten-  
5 tion is whether the applicant has made adequate preparation to  
6 implement his emergency plan where the assistance and cooperation  
7 of state and local agencies are required.

8 Essentially, what we are talking about here is the  
9 interface between the applicant station plans and the state and  
10 local plans. I don't see any possible bearing it would have  
11 whether or not in the estimation of one author to the discussion  
12 of an accident in the FSAR is not, you know, correctly described.  
13 It has nothing to do with the ability to successfully implement  
14 the emergency plan.

15 We are not talking here about accidents. We are talking  
16 really here I think about the interface between the station and  
17 also the plants.

18 JUDGE GROSSMAN: Mr. Bursey.

19 MR. BURSEY: Mr. Goldberg defines things so narrowly  
20 I don't see that I would be able to discuss anything. The  
21 intent of my original concern was obviously the adequacy of the  
22 protection of the public. This contention as it is drafted was re-  
23 written by the staff and as Mr. Goldberg has clearly evidenced  
24 here this morning, his utilization of legal terms just leaves  
25 me baffled and I can't see how anyone could separate accident

1 impacts from being adequately prepared to deal with them.

2 In my simple mind, I have never separated those two  
3 and would continue to assert that they have to be both  
4 considered.

5 JUDGE GROSSMAN: Mr. Goldberg, let me ask you a  
6 question with regard to the 10-mile and 50-mile zones. Do those  
7 apply to what was referred to as Class 9 accidents or is there  
8 some other standard that one accepts for emergency planning with  
9 regard to that type of accident?

10 MR. GOLDBERG: It is my understanding that part of  
11 the planning basis for the development of these zones was  
12 consideration given to a Class 9 accident which is a local,  
13 by the way, Class 9 accident and that is explained in the  
14 NUREG document 0654 so they do take into account the effects  
15 of the Class 9 accident.

16 Obviously, you know reasonable minds might differ on  
17 what the effects of such an accident are, but that has all been  
18 taken into account in the formulation of the regulations and  
19 just to kind of put Mr. Bursey's point about the statement of  
20 the contention in perspective, I refer to the Board's pre-  
21 hearing conference order in which the issue was admitted and I  
22 believe that is an August 1978 order at page 9 and the Board  
23 specifically describes the basis for its admission and indicates  
24 that -- quoting in part from page 9 -- discussion during the  
25 pre-hearing conference and referring there to the special pre-

1 hearing conference, elicited from the intervenor his intent  
2 to challenge the adequacy of preparations for implementing the  
3 plan rather than the adequacy of the plan itself. We admit  
4 this contention.

5 We stated as follows, we stated by the Board by the  
6 way and not the staff, in order to clarify our understanding  
7 of this intent, so I think if you read the history in the record  
8 it is pretty clear what all parties understood to be the bounds  
9 of the issue.

10 JUDGE GROSSMAN: I just want to make certain that you  
11 are contending that the 10-mile zone applies equally to a loca  
12 as opposed to any other--

13 MR. GOLDBERG: My answer is yes, Judge.

14 JUDGE GROSSMAN: Pardon?

15 MR. GOLDBERG: My answer to that is yes.

16 MR. KNOTTS: May I add to that, Judge Grossman?

17 JUDGE GROSSMAN: Yes.

18 MR. KNOTTS: It is my understanding that the 10-mile  
19 planning zone is the zone for which preparations have been made  
20 and information submitted to the Nuclear Regulatory Commission  
21 and to FEMA also, and it is not limitation in any way on what  
22 would actually take place in the event of an emergency, it is  
23 only the area within which preparations have to be made and  
24 reviewed by the federal government. It is by no means a limit  
25 on the area where the Governor of the state might order evacuation

1 or other suitable protective action.

2 JUDGE GROSSMAN: Mr. Goldberg.

3 MR. GOLDBERG: Yes, Judge, I do have some clarification.  
4 If one looks at the NUREG document 0654, particularly at page 7,  
5 one finds the statement that, in the middle of the first paragraph,  
6 "although the selective planning basis is independent of specific  
7 action sequences, a number of accident descriptions were considered  
8 in development of the guidance including the core-melt accident  
9 release category of the reactor safety studies", namely the  
10 Class 9 accidents, which Dr. Kaku directs his testimony.

11 MR. KNOTTS: If I may say one additional matter, Judge  
12 Grossman, regarding Dr. Kaku's testimony, it is, I think, not a  
13 fair reading of the contention to say that because emergency  
14 plans are designed to cope with accidents that that makes  
15 the accident analyses in the FSAR, or for that matter the  
16 Environmental Report, relevant to the emergency planning issue,  
17 particularly given the wording of the contention. I think it  
18 would be a very, very strange reading indeed to open up ECCS  
19 performance, emergency core cooling system performance to  
20 examination because failure of ECCS might be the event that  
21 triggered actuation of the emergency plan, which seems to be  
22 what Mr. Bursey is arguing and what Dr. Kaku is addressing in  
23 the first several pages of his testimony.

24 JUDGE GROSSMAN: Well, I just want to make sure now  
25 that if we were to exclude testimony with regard to a sentence

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which might lead to a core melt and suggest that perhaps in that  
circumstance there should be greater emergency planning outside  
the 10-mile zone, I want to make sure that we don't get reversed  
on the position that the 10-mile zone planning only applied to  
accidents other than a core melt and that the Board should have  
considered or prepared this with regard to core melt accidents  
also and failed to do so and so I think if your position is not  
as certain as you appear to give now that you really ought to  
take pains to make sure that that is a correct position in your  
estimation, Mr. Goldberg; otherwise, we run a real risk if we  
were to exclude that testimony of having to do it all over again.

Mr. Knotts.

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Enclosure C

1 MR. KNOTTS: Judge Grossman, I am confident, and I  
2 double, triple-check to be sure, but I am confident as I sit  
3 here at this moment that the emergency planning basis assumes  
4 a whole range of accidents up to and including very substantial  
5 core melt, which would be a Class 9 accident.

6 And earlier in this proceeding there was some mention  
7 which may have led to confusion of the matter of whether we  
8 adressed Class 9 accidents, or the Class 9 accidents discussion  
9 in the supplement to the Draft Environmental Statement in our  
10 emergency planning. I believe that came out of the VACRS and  
11 there was some mention of that made earlier in the prehearing  
12 conference.

13 I think an examination of Mr. Beale's prefiled testimony  
14 will indicate that the intent of that response was our : rgency  
15 planning was done before that supplement came out and obviously  
16 we couldn't consider it, but it remains true that the equivalent  
17 accident, that is to say, a very large core-melt accident, is  
18 included in the range of what was considered for emergency planning.

19 JUDGE GROSSMAN: I also want to make sure, Mr. Goldberg,  
20 that all types of Class 9 accidents, all types of accidents  
21 leading to a core melt are covered in that ten-mile zone planning  
22 and that some variation in the scenario doesn't also change  
23 the situation with regard to hearing testimony in the case.

24 MR. GOLDBERG: Well, Judge, I don't want to profess  
25 to be familiar with the entire record that was assembled during



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1 the rulemaking. I think that the passage that I refer to from  
2 the criterion in Nureg 654 would indicate that accidents discussed  
3 in the reactor safety study were taken into account.

4 Obviously someone perhaps could design a mechanism  
5 for the Class 9 accident that might differ from those in the  
6 reactor safety study, but I'm not sure that would be consequential,  
7 given the fact that the regulations were developed after full  
8 and fair opportunity to consider the range of accidents and  
9 their effects.

10 The only thing in my mind that would alter the presump-  
11 tive validity of the ten- and fifty-mile emergency planning  
12 zone would be the local emergency needs and capabilities as  
13 defined in Section 50.47(c) (2) with the stress on local.

14 If there are some unique local conditions or exigencies  
15 that we are unaware of perhaps the best opportunity to explore  
16 those would be to hear from these state and local officials,  
17 that that might suggest that the ten-mile zone should be modified  
18 to some degree, but I don't believe--the NRC staff does not  
19 believe that conditions attain here and I'll leave it to the  
20 other parties to state their positions on whether such conditions  
21 attain.

22 JUDGE GROSSMAN: Mr. Bursey?

23 MR. BURSEY: Well, I think the Board certainly should  
24 be concerned with the premises that were used to develop 0654  
25 and Nureg 0396. There was discretion as to Class 9 accidents

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1 and the possibility was raised of the fatalities up to twenty-  
2 five miles and this is the bases for 0654. They dismissed it  
3 on the basis of probability using Rasmussen as a probability  
4 setting.

5 Now, we're not going to argue that the ten-mile zone  
6 is not what--give or take, you know, a small distance according  
7 to local considerations; it's not the first-line defense. But  
8 there's nothing in any of the regulations that the Board has  
9 to consider that precludes the accident from going--the impact  
10 from going beyond ten miles, and I don't think that we have  
11 to have such a narrow definition of--

12 JUDGE GROSSMAN: Excuse me for a second. We seem  
13 to be having some trouble with the microphones. [Brief pause.]  
14 Okay. Continue, Mr. Bursey, or have you finished?

15 MR. BURSEY: Well, to me it's just such a common sense  
16 thing that I don't understand how Mr. Goldberg is able to go  
17 on so long about it. We are not taking issue with the ten-  
18 mile limit. That does not preclude discussions of effects beyond  
19 that. It's the Board's responsibility to see that the state  
20 has an adequate emergency response plan for all contingencies.

21 I don't think that one of those thoughts necessarily  
22 precludes the other from being valid, and we are prepared to  
23 develop the record in such as fashion as to admit that.

24 JUDGE GROSSMAN: Any response to that, Mr. Goldberg?

25 MR. GOLDBERG: I think I've pretty fully explained

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1 our position and I just want to reiterate, as I indicated, we  
 2 are not saying that every conceivable accident that someone  
 3 might want to hypothesize has been considered as an underpinning  
 4 for the regulations, but indeed categories of accident including  
 5 Class 9 have. And I don't think we can question the wisdom  
 6 of the Commission in deciding that satisfactory protection of  
 7 the public health and safety is provided by the emergency plan  
 8 requirements which go far beyond any that existed prior to TMI  
 9 and were arrived at after opportunity for comment and discussion  
 10 and deliberaion. And I'm sure views such as those held by  
 11 Dr. Kaku were among those expressed.

JUDGE GROSSMAN: We'll take a ten-minute recess.

[Brief recess.]

JUDGE GROSSMAN: Mr. Wilson, we may have neglected you. Did you have anything to add to these discussions?

MR. WILSON: I think the subject is pretty well exhausted, Mr. Chairman, and of course you're well aware the state has not taken positions on any kind of motion as far as admission of evidence. We neither join nor oppose the motion.

JUDGE GROSSMAN: The Board is prepared to rule now and we will agree with the motion to strike Dr. Kaku's prefiled testimony or to exclude that testimony, one, on the health effects because it's repetitious, and with regard to the emergency planning, because it directly conflicts with the regulations.

We deny the motion to strike Dr. Caldicott's testimony

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but we certainly have no intention of denying voir dire which may disclose some problems with accepting all or parts of her testimony. We can state right now that with regard to matters not involved in this proceeding that are apparent in her testimony, such as nuclear proliferation, fast breeder reactors, that we would not entertain that testimony. Mr. Bursey?

MR. BURSEY: Do I understand you to say that you're striking Dr. Kaku's testimony in its entirety on the accident impact?

JUDGE GROSSMAN: It doesn't appear to us as though there is anything in his testimony that relates to emergency planning within the zones required by the regulations, and the fact of some sequence other than what might have been expected in the FSAR does not seem to affect the emergency planning with regard to the resultant accidents. Unless we've missed something, it doesn't seem to us as though there's---that the sequence, a difference sequence of accidents require different emergency planning within the particular zones that are determined under the regulations.

MR. BURSEY: Well, sir, it seems to me that--and I believe that Dr. Kaku indicated in his testimony--that the possibility and probability of significant accidents certainly affect the adequacy of emergency planning. I believe that the Commission in the preparation of 0654 did indeed rely on probability and possibility to determine the development of 0654. And it seems

1 that we are reasonably allowed to raise questions as to the  
2 possibility and probability of significant accident as they  
3 affect the adequacy of planning within the zone.

4 And it seems that Dr. Kaku is really the witness that  
5 I would use to be able to raise these question which I think  
6 go directly to the state's ability to be adequately prepared  
7 in the event of any contingency within the zones.

8 JUDGE HOOPER: Mr. Bursey, can you point to anything  
9 specifically in his testimony that says that he would propose  
10 anything different than the tenmile zone that the staff has?  
11 I can see nothing in there that has anything to do with accident  
12 sequences in the ten-mile zone that have to do with planning.  
13 I can't see anything that the staff hasn't taken into account,  
14 and if you could point to something which is in his accident  
15 sequence that is related to the specific conditions within the  
16 ten-mile zone and to this site, then I think it would be useful.

17 MR. BURSEY: Well, I think that it's certainly explicit  
18 in my understanding of the staff's position, as indicated by  
19 0654, that the probability of significant accidents is drawn  
20 from certain studies, and if I question the probability factor  
21 that the staff is relying on--

22 JUDGE HOOPER: What does the probability of accidents  
23 have to do with the emergency planning within the ten-mile zone?

24 MR. BURSEY: Well, I believe that if I was allowed  
25 to present a direct case on the matter that would be come clear.

1 If the state agencies have been instructed or educated or led  
2 to believe by the applicant and by the Nuclear Regulatory Com-  
3 mission that the changes of a significant accident happening  
4 are so remote that ht should not even consider them, then I  
5 would certainly assert that that goes to the heart of the effi-  
6 ciency and capability of state agencies to be able to deal with  
7 these accidents.

8 JUDGE GROSSMAN: Well, I don't see how probability  
9 has any effect on emergency planning. If it is assumed that  
10 a core melt could occur and that the emergency plan must take  
11 that into account, why should the probability of a core melt  
12 occurring have any effect on the emergency plan, Mr. Bursey?

13 MR. BURSEY: I'm not sure that I should feel comfortable  
14 having the staff present my direct case on the question of impact  
15 if you're saying that Dr. Kaku isn't taking issue with the staff's  
16 position, that that's sufficient reason to rule that I can't  
17 present a witness on that case, that's going to help me in develop-  
18 ing the record to show that inadequcy on the part of state agencies  
19 to deal with emergencies.

20 Dr. Kaku is going to be providing for me a summary  
21 after we have listened to the development of the record by the  
22 state agency to help me determine the adequacy of these plans.

23 JUDGE GROSSMAN: Well, I think we're getting off the  
24 point now. I understand that the staff and applicant are going  
25 to accept the fact that a core-melt accident could occur and

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1 that emergency plan should take that into account within the  
2 framework of the regulations which prescribe ten- and fifty-  
3 mile zones. And it does not appear as though it's necessary  
4 to use any testimony of Dr. Kaku to establish that framework,  
5 that is, the possibility of a core-melt accident occurring,  
6 so that it appears that you can go ahead and put on your emergency  
7 planning testimony, assuming that a core-melt could occur.  
8 Is that correct, Mr. Goldberg, just to make that certain for  
9 the record?

10 MR. GOLDBERG: We have no objection to that ruling  
11 and if Mr. Bursey wishes, we don't have any objection to Dr.  
12 Kaku assisting Mr. Bursey perhaps in cross-examining the direct  
13 testimony of the parties.

14 MR. BURSEY: Judge Grossman, could we have a couple  
15 of minutes, because I feel that I'm--I feel that Dr. Kaku's  
16 testimony is very important, and I want to be able to articulate  
17 that clearly so the Board can appreciate my concern. And if  
18 I could have just a couple of minutes to collect my thought  
19 on it, I'd appreciate that.

20 JUDGE GROSSMAN: Well, you may, but I think you ought  
21 to bear in mind that we're talking about the testimony that you've  
22 submitted, and not any other testimony. How many minutes do  
23 you want--five minutes?

24 MR. BURSEY: Two minutes.

25 MR. KNOTTS: May I mention a couple of preliminary

1 matters at this time, Mr. Chairman, which may not have any bearing  
2 on anything but I feel obliged to mention them at some point  
3 and since we have to take a break maybe Mr. Bursey will have  
4 some comment.

5 We are running into schedule problems with our financial  
6 witness, Mr Wooten. It appears that he might be available this  
7 week or the first day of next week. He has scheduled a business  
8 trip out of the country in connection with fund-raising, beginning  
9 July 14th, as I understand it. So perhaps during recess we  
10 can discuss some accommodation on that. I wanted to report  
11 that problem to the Board.

12 We have a potential problem with Mr. Woods who was  
13 on the QA/QC panel which also begins with the 14th and he has  
14 to leave town on the 14th. And, finally, mindful of our obliga-  
15 tions to advise the Board of the state of the record and new  
16 development, we have some preliminary information which indicates  
17 that the exhibits we had designated in the emergency planning  
18 area, some of them will need to be updated with information  
19 which I don't yet have but which may or may not be available  
20 and has become available since those exhibits were filed.

21 JUDGE GROSSMAN: Fine. We'll then take a five-minute  
22 recess.

23 [Brief recess.]

24 JUDGE GROSSMAN: Mr. Bursey, you may proceed.

25 MR. BURSEY: Judge Grossman, I strongly assert that



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1 the foundation of my entire case rests on Dr. Kaku summarizing  
 2 the presentations that we're going to hear in the next few days  
 3 by local officials addressing specifically, as my contention  
 4 raises, the adequacy of the state's official capability of dealing  
 5 with all contingencies to the V. C. Summer plant.

6           On page twelve of Dr. Kaku's prefiled testimony,  
 7 number fourteen, Section 15 of the FASR, the utility gives a  
 8 rough estimates of damage caused by a loss-of-coolant accident  
 9 with a minimal escape of fissure products into the environment.  
 10 And I have no way of raising issue with Section 15 of the FSAR  
 11 in what would be a reasonable estimate of fissure products that  
 12 would escape into the environment, what would be the radionuclide  
 13 inventory in an accident.

14           How am I going to be able to tell if the local hospital  
 15 and the office of Emergency Preparedness are adequately prepared  
 16 to deal with the radionuclide inventory that is released in  
 17 the event of an accident without having my nuclear physicist  
 18 being able to postulate what these accidents could be.

19           Forcing me to rely on the applicant's estimates or  
 20 that or the staff's estimates of that, I think really necess-  
 21 arily ties my hands at being able to lay out, in a coherent  
 22 fashion the state's ability as in my questions of their ability  
 23 and my summarizing whether that's adequate and your reaching  
 24 some determination as to are the cards all on the table for  
 25 the state's emergency people to be able to deal with?

d11da :           And the 0396, Nureq 0396 assumed--used Rasmussen as  
2 the basis of probability. And I believe a January 19, 1979  
3 Commission ruling says that licensing considerations should  
4 not rely solely on Rasmussen. I have no other way of putting  
5 anything into the record other than with Dr. Kaku.

6           The hospital capability is addressed by Dr. Kaku in  
7 his prefiled testimony. One of the witnesses if from the main  
8 hospital in the four-county area, the Richland Memorial Hospital.  
9 They will testify as to their understanding of a maximum credible  
10 accident, and their understanding of radionuclide inventory in  
11 an accident. And I'm not going to be able to pile all that  
12 up as to a coherent presentation without the benefit of having  
13 Dr. Kaku present my summary.

14           I just can't underestimate the significant that I  
15 place on his presence in these hearings.

16           JUDGE GROSSMAN: Well, Mr. Goldberg, up until six  
17 o'clock in this sequence, I see things happening within the  
18 ten-mile zone. Do you accept the sequence as postulated by  
19 Dr. Kaku as part of the consideration with regard to emergency  
20 planning?

21           MR. GOLDBERG: Well, you know, I don't want to testify,  
22 Judge. I would say that what he has postulated is among the  
23 accidents for which emergency plans have to be eventuated. But  
24 I think that I would be testifying beyond my--giving testimony  
25 to suggest that that is in fact what happened in the event of--

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1 let me try to give you the best answer I can.

2 I am advised by my experts that while this kind of  
3 scenario is conceivable, there's a serious question of probabilit-  
4 ity, one that I would imagine we may not have any agreement  
5 on. With regard to whatever the timing of emergency activities,  
6 I am advised that it mistakenly describes where and when those  
7 would take place under this kind of hypothetical accident situation.  
8 I don't know if that helps the Board.

9 MR. BURSEY: Judge, the question of probability seems  
10 to me to be very important. In the industry, the utility, prior  
11 to Three-Maile Island and a review of the Rasmussen report,  
12 the probability of a loss-of--coolant accident was equated to  
13 being struck by a meteorite while you were talking down the  
14 street. Those probability factors have gone out the window,  
15 but the state agencies, as I've been speaking with them and  
16 have been interviewing them and talking with them, evidence  
17 an absolute lack of any understanding as to the potentiality,  
18 the new potentiality that has been raised.

19 And I'm sure that we could have an honest, earnest  
20 debate as to is this going to happen, another Three Mile Island  
21 type event. One in the next seven years is certainly going  
22 to flunce the state's ability to extend resources. We've got  
23 to be able to raise a reasonable concern--and reasonable is  
24 just what I'm working for.

25 JUDGE GROSSMAN: Okay. Mr. Bursey, the Board's ruling

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dl3da 1 stands now, you may bring in Dr. Kaku and request reconsideration  
 2 of the Board's ruling after your emergency planning witnesses  
 3 are on, but we would expect a summary from you as to what Dr.  
 4 Kaku would be testifying about at that time, and we will at  
 5 that point reconsider our ruling to the extent that Dr. Kaku's--  
 6 the summary that you give us indicates that there is no conflict  
 7 with the regulations. I think that disposes of that at the  
 8 moment and I think we can now go on to emergency planning.

9 And I first do want to discuss the scheduling matters  
 10 that were raised by Mr. Knotts. We understand that a number  
 11 of witnesses have been subpoenaed to appear today and tomorrow  
 12 by Mr. Bursey. We do not want to interfere with their being  
 13 heard. If there's any flexibility in the schedule it will be  
 14 on Thursday where the applicant and staff are to put on their  
 15 own emergency planning and where Dr. Kaku had been scheduled  
 16 to testify. I'm not sure; I believe he might have been scheduled  
 17 for Thursday afternoon.

18 But that is the only place where I see some flexibility  
 19 and the Board doesn't have any objection to having you move  
 20 up your case to the next week of hearing, the week of the 13th,  
 21 so I will hear from Mr. Bursey whether he has any objection  
 22 to that.

23 MR. BURSEY: Any objections to the applicant's putting  
 24 on their case, their financial case the week of the 13th, is  
 25 that the question?

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1 MR. KNOTTS: The day of the 13th, along with finishing  
 2 our QA/QC or Contention A9, I guess it would be more accurately  
 3 describe, panel which was on last week when we moved to other  
 4 things. My own estimate, Judge Grossman, is that the likeli-  
 5 hood is that we will not be able to get these witnesses in this  
 6 week. I merely mentioned that for completeness. My proposal  
 7 is, if it's agreeable, that we call these witness on the 13th,  
 8 Monday, the 13th.

9 MR. BURSEY: OH, I would concur. I think the schedule  
 10 had Dr. Kaku testifying Wednesday afternoon on emergency and  
 11 Thursday morning on health, but I believe that Thursday with  
 12 Drs. Morgan and Caldicott and the applicant and the staff health  
 13 position is a very full day as it is.

14 MR. KNOTTS: Not to mention our affirmative case on  
 15 emergency planning which is scheduled for Thursday.

16 JUDGE GROSSMAN: Well, as I understand it, you want  
 17 to make sure that the Board schedules the 13th as a hearing  
 18 day and then take those witnesses who would otherwise be unavail-  
 19 able after the 13th. If there's no objection by any of the  
 20 parties, as it appears there isn't, then we'll pursue it in  
 21 that order.

22 MR. KNOTTS: Thank you all very much.

23 JUDGE GROSSMAN: The next item then is emergency planning  
 24 and I believe there are spokesmen for state and local agencies  
 25 who wish to be heard with regard to quashing subpoenas or

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1 perhaps honoring them and ascertaining the positions. And so  
2 whoever is here representing any of those subpoenas can speak  
3 up now giving your name and indicating what officer you represent.

4 MR. WILSON: Judge, Grossman, my name is John P. Wilson,  
5 I'm a Senior Assistant Attorney General with the State of South  
6 Carolina. I am primarily assigned to assist the South Carolina  
7 Emergency Preparedness Division on a day to day basis, but as  
8 a result of a number of subpoenas that have been issued to numerous  
9 state agencies, a number have contacted me and asked for my  
10 assistance and representation.

11 It's my understanding that subpoenas either have been  
12 or will be issued for some twenty or more state agencies including  
13 the State Forestry Commission, the South Carolina Educational  
14 Television Network, the State Fire Marshal, the South Carolina  
15 Wildlife Resources and Marine Resources Department, the Public  
16 Service Commission, the South Carolina Highway Patrol, the State  
17 Law Enforcement Division, the Department of Education, the Depart-  
18 ment of Social Services, the Governor's Division of Public Safety,  
19 Public Extension Service, the Adjutant General of South Carolina,  
20 the South Carolina Emergency Preparedness Division and the South  
21 Carolina Department of Health and Environmental Control.

22 And, as I say, I understand that subpoenas either have  
23 been or will be issued to the heads of each of those agencies,  
24 some of whom are popularly-elected officials and some of whom  
25 are appointed officials.

1 I have been contacted by approximately half of those  
2 agencies involved and, at this time, would move that the subpoenas  
3 issued to each of those heads be quashed. Each of the agencies  
4 involved are administrative agencies in the Executive Branch  
5 of the State of South Carolina. And it seems to me that the  
6 indiscriminate, wholesale issue of subpoenas for such a large  
7 portion of the State government is contrary to the established  
8 principles of comity and runs counter to what should be respect  
9 for state/federal relations.

10 It's my understanding that these subpoenas were issued  
11 upon the rest of the intervenor, Mr. Brett Bursey, despite his  
12 obvious noncompliance with the NRC's new regulations for the  
13 prefiling of testimony. Presumably, this application has been  
14 on file for some years and, presumably, Mr. Bursey has enjoyed  
15 the intervenor status for some lengthy period of time, and was  
16 informed of the requirement to provide the prefiled testimony  
17 or a synopsis.

18 And presumably he is well aware of the deadline which  
19 I understand this panel established of May 28, 1981, to submit  
20 such. I am advised to no contact or request was made with respect  
21 to any state agency or any head of any agency with regard to  
22 their involvement in the plan or any indicia that they might  
23 be requested to come and testify until a letter--form letter,  
24 I might add--was issued under the date of May 18, 1981, from Mr.  
25 Bursey, simply saying that he intended to call representatives

dl17da 1 to testify in regard to the agency's responsibility for emergency  
2 planning formulation and implementation in the event of a major  
3 accident at the V. C. Summer station.

4 That letter was received, I think almost uniformly,  
5 by the agencies some two days later on the 20th of May 1981.  
6 And in that letter Mr. Burseley advised them that he had to have  
7 the information by May 26th, which was a period of some three  
8 working days because of the intervening weekend.

9 Now, to my knowledge, every agency has been available  
10 and willing to provide and cooperate fully the information  
11 throughout this period of time. It's my understanding that  
12 either Mr. Burseley or representatives of his cause have been  
13 to some of the agencies and have been provided with information,  
14 allowed to copy documents and review plans consistent with the  
15 South Carolina Freedom of Information Act.

16 But there has been no effort to obtain this informa-  
17 tion and to formulate prefiled testimony until the very, very  
18 last moment, and now, perhaps under the guise of a want of coopera-  
19 tion, requesting subpoenas to be issued to each of these agency  
20 heads to come here, away from their official responsibilities  
21 in the State government and to give testimony on matters which  
22 I understand--of course the plan itself is a matter of public  
23 record.

24 But it seems to me that the testimony or the areas  
25 of testimony that were identified in the subpoenas themselves



1 are irrelevant to any of the issues that have been posed by  
2 the intervenor. The information I have been provided is that  
3 the only contention that remotely touches on the area of State  
4 planning is Contention A8, which I read--and I'm advised has  
5 not been amended--to read that the applicant had made inadequate  
6 preparation for the implementation of his emergency plan in  
7 those areas where the assistance and cooperation of State and  
8 local agencies are required.

9 I have not been involved in this throughout and perhaps  
10 am not fully aware of the Board's scope or direction of inquiry,  
11 but it seems to me that the contention--and if that's the only  
12 contention raised by Mr. Bursey--does not reach the issue with  
13 respect to the appropriateness or the sufficiency of State emer-  
14 gency plans nor the adequacy of the State's possible response.

15 The Federal Emergency Management Agency, FEMA, as  
16 I understand it, is the federal agency that has been established  
17 to assist, coordinate and monitor state and local planning.  
18 And, as I understand, it provides a little bit of input and  
19 assistance to this agency and Commission in whether to license  
20 or not license. I'm told that representatives of FEMA are in  
21 fact being called by your staff to present testimony during the  
22 course of this process.

23 It's my understanding that FEMA has reviewed the State  
24 Operational Radiological Emergency Response Plan, has approved  
25 it, that they have reviewed and observed the conduct of an

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1 exercise held at the Summer plant. recently and have reviewed  
 2 and commented upon that, and are prepared to testify with respect  
 3 to that, and that perhaps some minor suggestions were made and  
 4 that those are being corrected or have already been corrected.

5           And it seems to me that for this Board to allow Mr.  
 6 Bursey to wholesale call on a state agency that might have  
 7 some involvement in response in the state of an emergency and  
 8 to rely upon an individual in that agency to verbalize his under-  
 9 standing of that agency's role and then substitute that fishing  
 10 expedition, as I will call it, for, or at least to supplement  
 11 the informed decisions of the federal agency charged with that  
 12 responsibility by law, who has observed both the exercise and  
 13 the plan and will testify, just seems to me to be at cross purposes  
 14 with the federal regulatory scheme, a severe waste of judicial  
 15 manpower as well as the time of the parties involved, and to  
 16 be little if any substantive benefit.

17           For all of those reasons we would move to quash the  
 18 subpoenas issued to the State Forester on behalf of the State  
 19 Forestry Commission, the State Fire Marshal, the Director of  
 20 the South Carolina Wildlife and Marine Resources Division, the  
 21 Chief of the State Law Enforcement Division, the Superintendent  
 22 of the South Carolina Department of Education, who is a constitu-  
 23 tional officer I might point out under the laws of South Carolina,  
 24 the Director or representative of Governor's Division of Public  
 25 Safety, the Adjutant General of South Carolina, who is also

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1 a constitutional officer of this state, and the Director of  
2 the South Carolina Emergency Preparedness Division, and the  
3 Chief Commissioner of the South Carolina Department of Health  
4 and Environmental Control.

5 I am advised that there are other attorneys representing  
6 some of the other agencies who wish to join in this motion,  
7 and perhaps we should simply say that the motion to quash be  
8 directed as to all subpoenas issued to all agency heads.

9 JUDGE GROSSMAN: Mr. Bursey?

10 MR. BURSEY: Judge Grossman, I'm a little overwhelmed  
11 at the State's reluctance to appear. In the Nuclear Regulatory  
12 Commission's 10 CFR Parts 50 and 70 on emergency planning, it  
13 clearly states that the Nuclear Regulatory Commission will base  
14 its finding in regards to radiological emergency on a review  
15 of FMEA as to whether state and local plans are adequate and  
16 capable of being implemented.

17 And it further goes on to say these issues may be  
18 raised in NRC operating license hearings. And that the FEMA  
19 findings will constitute rebuttal, that we're not to rely solely  
20 on FEMA's work. Mr. Wilson's offering that I've been involved  
21 in this proceedings for some time and that state agencies have  
22 been available has to be weighed against the fact that it wasn't  
23 until April 17th of this year that final plans were filed.

24 There were many trips that made to the Office of  
25 Emergency Preparedness seeking documents listed the specific

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1 delegated responsibilities, to be told that it wasn't final yet.  
 2 I'm willing to give the state the benefit of the doubt that  
 3 their plans still aren't final. In looking at them, it has  
 4 just been in preparation for this proceedings that these things  
 5 have been printed.

6 I don't think that it's far afield at all to subpoena  
 7 in compliance with the Board's request to evidence the willingness  
 8 and tell Mr. Wilson that on a case by case basis, should the  
 9 director of a certain agency have a conflict that I would entertain  
 10 sending someone else as, for example, the Department of Education  
 11 has a minor role, and accept someone else. The Department of  
 12 Social Services is a large agency and I have accepted the offer  
 13 of someone other than the director.

14 But, for example, the Department of Social Services  
 15 is responsible for the Emergency Welfare System. They're re-  
 16 sponsible for setting up relocation facilities. The question  
 17 of who does decontamination and the extensive nature of decon-  
 18 tamination in the event of a maximum accident is totally an  
 19 unfamiliar item to the members of the Emergency Welfare System.

20 To the people that I called to testify from the other  
 21 agency, I think we'll see in the testimony perhaps a mechanical  
 22 understanding of a very narrow outline of their role and a great  
 23 lack of understanding in the maximum credible event what they  
 24 need to be prepared for. I've evidenced a willness to work  
 25 with the departments, to accept someone in the department that

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1 is not the director and not otherwise obligated, and I don't  
 2 believe that we can present an affirmative case so that the  
 3 Board can reach a conclusion as is mandated by this 10 CFR as  
 4 to the adequacy of state and local plans without hearing from  
 5 these people.

6 JUDGE GROSSMAN: Mr. Wilson, I think that there is  
 7 one misconception under which you're laboring, and that is that  
 8 the prefiled testimony in this case is used in place of having  
 9 the witness appear, or that we use documents instead of the  
 10 witness, and that is just not the case.

11 We require the prefiled testimony but we also required  
 12 the presence of the witness; I think it's unfortunate that  
 13 Mr. Bursey did not give the agencies more warning than when  
 14 we did, and that's certainly bad public relations on his part,  
 15 and possibly affected the availability of some of the people  
 16 and I think he should have given more notice than that, but  
 17 he's certainly entitled to have the lived witnesses appear  
 18 and have them testify. With regard to the arrangements made  
 19 with the applicant, I don't think that we could require that  
 20 Mr. Bursey accept the position of FEMA with regard to the adequacy  
 21 of the plans. He's entitled to go behind the findings of FEMA  
 22 and actually have the people available who have direct knowledge  
 23 of the arrangements with the applicant and that's basically  
 24 what the contention is about.

25 It really isn't directed towards the State but towards

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1 the adequacy of the applicant's arrangements with the State  
2 and local officials. And he doesn't have to accept the version  
3 that may be offered by FEMA or the NRC people as to the adequacy  
4 and is really entitled to go behind that.

5 MR. WILSON: Well, Judge, presuming that this Board  
6 wanted to inquire further as to the sufficiency of the plan  
7 and adequacy of response, and from what you've said, the relationship  
8 with the application, the planning in connection with the applicant,  
9 then I would suggest and submit that perhaps the only appropriate  
10 agencies to be heard from would be the South Carolina Emergency  
11 Preparedness Division which is the planner and coordinator itself  
12 and the four local coordination Emergency Preparedness Directors.

13 The other agencies that may have some role in response  
14 to an emergency under the state plan and in the event of an  
15 emergency declared by the government, simply have no, to my  
16 understandings, dealings with the applicant, no involvement  
17 with the applicant but are involved with the State response  
18 pursuant to the Governor's order and to be coordinated by and  
19 directed by the Governor through the Division of Emergency Pre-  
20 paredness.

21 And I think to go into all of these other agencies  
22 is irrelevant and a waste of time. Now, certainly, the State  
23 is not trying to hide anything. The State and all of these  
24 officials were available to any of the parties, be it the staff  
25 counsel, be it the applicant itself or Mr. Bursey, to provide

1 any information, and I'm sure did so. As I told Mr. Bursey,  
2 ceratinly individuals are available on stand-by to present testi-  
3 mony that the Board feels is appropriate and relevant, but I--  
4 for instance, it was implied by Mr Bursey that he intedned to  
5 inquire at length about each agency's role in the development  
6 of the plan. I don't see the relevancy of that. The plan speaks  
7 for itself.

8 Whether the agency can implement the plan, have the  
9 capability and adequacy of carrying it out, perhaps might be  
10 an area of concern but certainly not how the plan was formulated.

11 JUDGE GROSSMAN: Mr. Bursey?

12 MR. BURSEY: Yes, I would just again point out that  
13 this Board has a resonsibility of determining whether state and  
14 local emergency plans are adequate and capable of being imple-  
15 mented. And it's been my experience in looking at the matter  
16 that I have concerns about that and I want to be able to raise  
17 them before the Board and the way to do that is by calling someone  
18 from the agencies that have a responsibility for implementing  
19 the plan.

20 And I would further want to go on the record as saying  
21 my notice of my intention of calling someone from these agencies  
22 was given to the agencies a month in advance, the letter that  
23 is dated May 18th that I sent out requesting prefiled testimony,  
24 that prefiled testimony request was only a portion of that letter.  
25 The initial paragraph of that letter mentioned that we were

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1 intending to call someone from their agency to do exactly as  
 2 we're saying, to testify to the agency's role in the development  
 3 and implementation of the plan. And it's my first-hand experience  
 4 in talking with any of these agencies that there are some problems  
 5 that the Board should be aware of.

JUDGE GROSSMAN: Mr. Knotts?

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JUDGE GROSSMAN: Mr. Knotts?

MR. KNOTTS: Judge Grossman, I simply want to address what I believe may be a misconception of Mr. Bursey's part as to the role and responsibility of the Board. Unlike a construction permit proceeding, where the Licensing Board is called upon to make all of the findings required by the Commission's Regulation, the Licensing Board in an operating license case is of course required only to make findings on the issues raised in the contentions by the parties and not summarily dismissed, or by the issues raised by the Board itself. It is not required to make findings on the ultimate issues unless the entire ultimate issue is implicated. We would submit that the Board is called upon to make a finding on Mr. Bursey's contention regarding emergency planning, but is not called upon to make the finding which he just read into the record, which is the ultimate finding on emergency planning, only that much of the ultimate finding which is implicated by the contentions. Other than that, I think you have enough views before you that you do not need cumulative argument.

JUDGE GROSSMAN: Mr. Goldberg, do you have something?

MR. GOLDBERG: I think we share that position on the scope of the contention and would refer again back to the Board's Order admitting the issue for a limitation of the intended scope. We interpose no objection to the State's motion.

JUDGE GROSSMAN: The contention of course still has to

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1 be taken into context. The role of the State and local agencies  
 2 has been considerably enlarged since the contention was first  
 3 offered and so to that extent there could possibly be inferred  
 4 some broadening of the contention, but I fail to see how we could  
 5 hold Mr. Burseay to merely questioning Applicant or the federal  
 6 agencies with regard to the arrangements with the Applicant and  
 7 deprive him of direct information on the part of the local and  
 8 state agencies that are involved, and again, Mr. Wilson, I  
 9 point out to you that the information that the agencies might  
 10 have been willing to give to Mr. Burseay is not competent evidence  
 11 here. It has got to be disclosed at the hearing by competent  
 12 witnesses and it appears as though the state and local officials  
 13 are the competent witnesses. Now we have required that Mr.  
 14 Burseay contact the state and local agencies, to the extent that  
 15 they are unhappy that the heads of the agencies might have been  
 16 subpoenaed and are willing to offer the person with the most  
 17 knowledge, who may not be the heads of those agencies, and he  
 18 has indicated his willingness to have an appropriate substitution  
 19 for the named person on the subpoena. But we would require that  
 20 it be the person most knowledgeable and most involved in the  
 21 arrangements with the emergency plan and not just someone sent  
 22 who is basically a clerk in the office.

23 Now we understand and certainly would be willing to  
 24 listen to any motion to quash that's based on the fact that it  
 25 named someone who was not the proper person and whose duties required

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1 that he not be present here in the place of a person who is  
2 most knowledgeable, but it's my understanding that Mr. Bursey  
3 has committed himself to making reasonable attempts at getting  
4 the appropriate person from each agency, and so we would certainly  
5 listen to motions to quash on an individual basis, primarily  
6 on those grounds, but I don't think we could base our findings  
7 on just having, by depriving Mr. Bursey of having those firsthand  
8 witnesses.

9           So as far as the application to quash on a wholesale  
10 basis, we would have to deny that, but we would certainly listen  
11 if, after arrangements or discussions have been had with Mr.  
12 Bursey, we would certainly listen to individual motions to quash.  
13 Does that sound agreeable to you, Mr. Wilson?

14           MR. WILSON: Well as I said, Your Honor, certainly the  
15 State stands ready and willing to provide whatever information  
16 this panel feels that it should have to consider, but I just see  
17 perhaps the danger of where do you draw the line, do you go from  
18 the agency head then down to the individual patrolman who is  
19 going to man the roadblock to make sure he understands? How far  
20 do you go in determining the adequacy of the response in the plan?  
21 And I just think that that's a side issue to get into each of these  
22 agencies when they don't have any direct dealings with the Applicant.  
23 As I said, certainly to have the Director of the South Carolina  
24 Emergency Preparedness Division here to answer any and all  
25 concerns or questions as well as the county directors, those

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1 individuals who, if you will, are at the helm in the event of  
2 any emergency, seem to me to be the most knowledgeable from the  
3 State or local standpoint. And to go beyond that is an exercise  
4 in a waste of time.

5 JUDGE GROSSMAN: My understanding though is Mr. Bursey  
6 has not subpoenaed more than one person from each of the agencies  
7 and we would be depriving him of his rights here to make a prima  
8 facie determination that he can't, without having anything to  
9 go on, that he can't call these witnesses to indicate what the  
10 situation is with regard to their participation in the emergency  
11 planning. And so again, what we are going to do is deny the  
12 motion en masse but permit particular individual motions to be  
13 made, but looking to the fact that we'd like to preclude as much  
14 as possible our prejudging Mr. Bursey's case and permit him to  
15 put on the full extent of his case. So that's going to have to  
16 be the Board's ruling.

17 MR. WILSON: Do I understand, Mr. Chairman, that the  
18 panel has determined that Contention A-8 is perhaps to be rewritten  
19 to include an attack upon the adequacy or sufficiency of the  
20 planning at the state and local levels and the adequacy of  
21 response?

22 JUDGE GROSSMAN: Well I don't think we do have to rewrite  
23 the contention, even though it is directed at the Applicant, and  
24 after all it is the Applicant's plant that's involved here, but  
25 -- and it relates to the adequacy of the plans that were formulated

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1 by the Applicant in conjunction with the state and local officials,  
2 and I don't think anyone here is going to be making a judgment  
3 as to the state and local officials. The whole point of this  
4 proceeding is to make a judgment as to the Summer plant and these  
5 are witnesses, not defendants, that are going to be heard here  
6 with a view towards determining whether the application satisfies  
7 the requirements for the grant of an operating license.

8 And I suggest that you tell that to the agencies that  
9 you are representing, that we are not here to judge them. We are  
10 here to judge whether the operating license ought to be granted  
11 and one of the issues that must be determined is whether there  
12 is adequate emergency planning so as to grant the Applicant's  
13 application.

14 MR. WILSON: May I, for the record, and so that I might  
15 be able to counsel with my agencies as to that individual most  
16 knowledgeable in the areas of inquiry and concern, may I ask that  
17 the Board obtain from Mr. Bursey now an identification of the  
18 limitation of the areas of inquiry he seeks with respect to each  
19 of these agencies?

20 JUDGE GROSSMAN: Mr. Bursey, do you have anything to  
21 say with regard to that?

22 MR. BURSEY: Yes, sir. The subpoena clearly reflects,  
23 as stated, "You will be called to testify as to your agency's role  
24 in development and implementation of radiological emergency  
25 response plans for Applicant at the V. C. Summer plant." Each

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1 agency has, each agency that we've called to appear, has a  
 2 delegated role. I'm not going to presume at this point to tell them  
 3 what that role is, I trust they are very aware of that. And if  
 4 I could just add that in my willingness to accept and to work  
 5 with the agencies to get the best person, I told Mr. Wilson and  
 6 I'd like to reiterate and I would appreciate the Board's guidance  
 7 on that, that is a case-by-case basis. There are some agencies  
 8 that the head, I would contend that the head of the agency is  
 9 necessary, but I would like to at least deal with that again on  
 10 a case-by-case basis and I have evidenced a willingness to, for  
 11 instance in the Adjutant General's office, for them to appear with  
 12 a panel. I am not putting any limitations at all on the agency  
 13 presenting their best case, I want their best case.

14 JUDGE GROSSMAN: Mr. Wilson, my understanding, by the  
 15 way, about the development of the plan is that Mr. Bursey is  
 16 seeking to get the person most knowledgeable about the plan and  
 17 use and development of the plan, in the subpoena so as to get  
 18 the person, I assume that he presumed that the person that  
 19 developed the plan is probably the most knowledgeable about the  
 20 plan. I don't see any issue here as to how the plan developed,  
 21 but merely whether the plan, as entered into with the Applicant  
 22 is adequate. So I would assume that was the context. Is that  
 23 correct, Mr. Bursey?

24 MR. BURSEY: Yes, sir, I think the adequacy, certainly  
 25 if the agency wasn't consulted in the development of the plan, the

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1 adequacy might come into question.

2 MR. KNOTTS: Judge Grossman, there may be something  
3 that I should bring out at this point regarding arrangements with  
4 agencies. The Applicant has arrangements with the Emergency  
5 Preparedness Division of the Adjutant General's Office, with the  
6 Department of Health and Environmental Control and with the four  
7 affected counties. Those are the agencies with whom the Applicant  
8 has arrangements. Now those agencies may in turn have arrangements  
9 with other departments and I don't presume to be able to answer  
10 the question until we hear what the agency representative has to  
11 say as to whether he has anything relevant to say. But I did  
12 want the record to be clear that the people we have, or the  
13 agencies with whom the Applicant has arrangements are the ones  
14 that I have enumerated. Those are the ones we feel we are  
15 called upon to have arrangements with and that's the basis as  
16 we understand it for the approval obtained.

17 Further, I agree with what the Board said about if  
18 FEMA's findings create a rebuttable presumption that Mr. Bursley's  
19 contention on emergency planning is not well taken, then he  
20 certainly has the right to rebut, to adduce evidence in rebuttal  
21 to that finding, to rebut that presumption, that's what a  
22 rebuttable presumption is.

23 JUDGE GROSSMAN: And Mr. Wilson, you may be sure that  
24 the witnesses, that we'll do everything we can to prevent them  
25 from being harrassed, if that is part of their consideration in the

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1 matter. And again, they are not on trial. It is the Applicant's  
2 arrangements with regard to emergency planning that is in question  
3 here.

4 MR. WILSON: All right, Mr. Chairman, may I simply  
5 reiterate for the record an amended version of my motion to quash  
6 all agency heads other than the four that were mentioned as having  
7 direct arrangements or relationships with the Applicant, so as  
8 to exclude those, but to quash the subpoenas of all other than  
9 the Director of the Emergency Preparedness Division, the South  
10 Carolina Department of Health and Environmental Control and  
11 of course, I do not represent the four counties affected, but  
12 other than those two.

13 JUDGE GROSSMAN: Again, I think we would be subject  
14 to reversal if we didn't permit Mr. Bursey to present whatever  
15 evidence he feels is competent with regard to this, within of  
16 course the broad determination of the Board that it appears that  
17 these witnesses will have some, there is a great likelihood that  
18 they would have some competent evidence to bring before us.

19 MR. WILSON: Thank you

20 In order to attempt to expedite the matter for the panel  
21 and all parties involved, I had contacted Mr. Bursey with respect  
22 to his anticipated order of calling these people and getting a  
23 commitment that we could have whatever knowledgeable individual in  
24 the agency on a telephone standby, so as to not simply have to  
25 hang around for hours on end. And if I might again at this time

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1 go through these to insure that there has been no change in Mr.  
2 Bursey's order of calling so that at least one or two can be  
3 available.

4 JUDGE GROSSMAN: Fine.

5 MR. WILSON: It's my understanding that the State  
6 Forestry Commission was to be first and the designated contact  
7 for the State Forestry is a Mr. J. T. Hance, H-a-n-c-e.

8 JUDGE GROSSMAN: Is that fine, Mr. Bursey?

9 MR. BURSEY: Yes.

10 MR. WILSON: And, I will move to quash the subpoena  
11 for the State Forestry.

12 JUDGE GROSSMAN: Oh, I'm sorry, you're, you mean on  
13 an individual basis? What is the basis of that?

14 MR. WILSON: Yes, Your Honor. In light of the fact  
15 that we would prepare to offer on a voluntary basis the testimony  
16 of Mr. Hance, who is the designated contact.

17 JUDGE GROSSMAN: Oh, I see, rather than the head of  
18 the agency.

19 MR. WILSON: Rather than the head of the agency.

20 JUDGE GROSSMAN: Oh, I see. Mr. Bursey, is Mr. Hance  
21 acceptable to you?

22 MR. BURSEY: Who is Mr. Hance?

23 MR. HANCE: I'm Mr. Hance, I'm with the State Commission  
24 of Forestry.

25 JUDGE GROSSMAN: Okay let me say this, Mr. Wilson, we

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1 will accept substitutions, and I assume Mr. Bursey would too,  
2 however even if we accept substitutions and it becomes apparent  
3 that the witness is not the one who is most knowledgeable, we  
4 would expect then that subpoena would be complied with and that  
5 the original person named for the office then be the person who  
6 appears in order to supply the competent testimony.

7 MR. WILSON: All right, sir. If I may then simply go  
8 through these and get at least a preliminary determination that  
9 the designated head of the agency is not necessary?

10 JUDGE GROSSMAN: Well let me ask you whether you  
11 and Mr. Bursey couldn't get together, we'll take a short recess,  
12 and then come back on the record with the agreements, rather than  
13 have you mention a name and then have a discussion on the record  
14 here. So why don't we take a --

15 MR. BURSEY: Judge Grossman, if I could ask for some  
16 guidance from the Board in regards to lead time. I want to  
17 accomodate the State and I told Mr. Wilson that I would give him  
18 a list and he says 30 minutes notice, but Mr. Wilson is more  
19 concerned with accomodating, reasonably so, the State agencies  
20 than I am at this point in accomodating the Board. So if you  
21 could give me some guidance as to how to -- I don't want to  
22 inconvenience people and as Mr. Wilson said have them sitting here  
23 for a couple of hours, but if we get to a point where someone is  
24 not available, I don't want it to be my fault.

25 JUDGE GROSSMAN: Okay, I think we're getting close to

Ellpw 1 the lunch break and I think that would accomodate. If you and --  
2 if Mr. Burseley and Mr. Wilson can get together and if they disagree  
3 on certain names, let's drop them out of order and come before  
4 the Board with regard to those, but it would seem to me as though  
5 you will have available at 1:30 at least the first few witnesses  
6 and then at 1:30 we could have a discussio with regard to possible  
7 disputes on other witnesses and clear that up and then have  
8 everyone available to appear in order after that. So why don't  
9 we recess until 1:30, at which time I would expect you would  
10 have perhaps the first ten names at least agreed to and maybe  
11 the whole list, with of course the proviso that if a witness  
12 proves to be unsatisfactory, that we then reinstate the original  
13 requirement of the subpoena.

14 Yes, Mr. Knotts?

15 MR. KNOTTS: Maybe I could clarify something I said  
16 a moment ago, Judge Grossman. I don't want to mislead anyone.  
17 I spoke a moment ago about the state and local agencies with  
18 whom we have agreements. I meant to confine my remarks to  
19 governmental agencies, lest there be any misapprehension. We do  
20 of course have agreements with certain private organizations or  
21 quasi-public organizations like hospitals. I was speaking  
22 strictly of governmental agencies and the main ones that we have  
23 agreements with.

24 JUDGE GROSSMAN: Thank you. Is there any problem with  
25 that arrangement, Mr. Wilson?

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MR. WILSON: No, Your Honor. How late would the panel propose to run this afternoon, so that I might just have some idea.

JUDGE GROSSMAN: We usually run until about five, but we might go a little later, we're running a little behind due to all the matters we've had to clarify. So perhaps have them, 5:30 will be the time to mention to the witnesses.

Okay, fine, so then we'll recess then until 1:30 at which time we'll have further discussion and then call the witnesses.

(Whereupon, a luncheon recess was taken at 11:55 a.m., the hearing to resume at 1:30 p.m. the same day.)

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AFTERNOON SESSION

1:25 p.m.

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JUDGE GROSSMAN: We're back in session. Sir, did you have some business to bring before the Board?

MR. FUSCO: Thank you very much. If it please the Board, my name is Arthur Fusco. I am the attorney for the South Carolina Public Service Commission, one of the agencies subject to a subpoena in this case by the Intervenor. It was my interpretation of the Board's ruling prior to the luncheon recess that the lawyers for the Attorney General's Office and the State agencies get together with the Intervenor and discuss the appropriate person from the agency which should testify in regard to the agency's role.

Approximately on May 18, 1981, the Public Service Commission received a letter in regard to the Commission's role and requested the names of the personnel in the agency who would coordinate our efforts in any such occasion. On May 22, 1981, the Chairman of the Commission wrote Mr. Bursey a letter back and with the Board's indulgence I would read that letter.

"Dear Mr. Bursey: This is in response to your letter concerning the Commission's role in the event of an accident necessitating evacuation of the V. C. Summer Nuclear Station. The Public Service Commission is one of many local, state and federal agencies involved in the event of an emergency at any of the nuclear power plants in South Carolina. The particulars of our

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1 role are outlined in the South Carolina Comprehensive Disaster  
 2 Preparedness Plan as prepared and issued by the Emergency  
 3 Preparedness Division of the Adjutant General's office. General  
 4 George R. Wise of the Adjutant General's Office is our contact  
 5 person for information and direction in the program. At the  
 6 Commission, the person who coordinates our efforts in this program  
 7 is Robert McMillan." Signed, "Yours very truly, Rudolph Mitchell,  
 8 Chairman."

9           Since that letter, we have had no contact at all with  
 10 the Intervenor in this case until 4:30 yesterday afternoon. At  
 11 4:30 yesterday afternoon, Mr. Mitchell, who is the Chairman of  
 12 the Commission, was served with a subpoena which is signed by  
 13 Your Honor and dated June 18, 1981. The subpoena purported to  
 14 require the Chairman's attendance at the hearing at the Carolina  
 15 Inn before the Board to be called to testify as to the agency's  
 16 role in the development and implementation of radiological  
 17 emergency response plans for accidents at the V. C. Summer Nuclear  
 18 Station. It said that the time and place of this event should be  
 19 July 1, 1981 at 9:30. In my presence, the person serving these  
 20 documents called someone on the telephone, reported to me that  
 21 they were talking to Mr. Bursey, and then penned in the date  
 22 30th day of June, 1981 at 11:00.

23           Mr. Mitchell, the Chairman of the Commission, was  
 24 present in the hearing room at 11:00 today, as required by the  
 25 subpoena. The Public Service Commission, for the Board's information

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1 is made up of seven Commissioners from various districts throughout  
2 the state. One of the primary roles of the Commission is regulation  
3 of utilities including certain aspects of regulation of the  
4 utility which is the Applicant in this case. The Commissioners  
5 are elected by the members of the legislature of our state after  
6 going through various screening processes and so forth. During  
7 the normal course of business at the Commission, the Chairman is  
8 elected for two years. Mr. Mitchell is presently in the middle  
9 of his term as Chairman. Being Chairman gives you additional  
10 responsibilities such as presiding over the hearings, presiding  
11 at Commission meetings and so forth.

12 This morning, for example, at 11:00 we had a railroad  
13 matter scheduled for a Commission hearing. This afternoon the  
14 Commission has a regularly scheduled public weekly meeting at 2:30  
15 in which the Commission takes up any and all matters which have  
16 been posted 24-hours ahead of time and to take a public vote on  
17 these matters and discuss any other type of business. This is  
18 a regular meeting the Commission has every week. The Commission  
19 engages in full scale hearings lasting 15 to 20 minutes in  
20 duration to as much as 13 weeks in the case of the last rate  
21 application of the Applicant in this proceeding. The Commission's  
22 calendar at the present time is loaded with hearings and so forth  
23 virtually through the first quarter of 1982.

24 The Commission, because the Commissioners are from all  
25 over the State, the Commission tries to schedule the hearings on

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1 Tuesdays, Wednesdays and Thursdays. Due to the statutory time  
2 limits that we must meet in hearing elective cases, telephone  
3 cases, water cases, sewer cases and other matters, it has now  
4 been necessary for the Commission to literally meet Monday  
5 through Friday and I know of one occasion pending right now  
6 where we have two hearings going on simultaneously and we will  
7 have in the future. These matters are scheduled months ahead of  
8 time, much as this Board operates. The testimony is prefiled in  
9 an administrative manner and so forth.

10 When I talked with Mr. Bursey yesterday afternoon after  
11 receiving the subpoena, he assured me that any questions he had  
12 for the Chairman of the Commission would be brief and in fact  
13 said he would not possibly keep him over an hour. Well, Mr. Mitchell  
14 has now, you know, been here since 11:30, has already missed a  
15 good part of the day, the regularly scheduled Commission meeting  
16 is at 2:30.

17 I wanted to make the Board aware of the responsibilities  
18 of the Chairman of the Commission as well as the other six members  
19 of the Commission. I would like to point out, which I believe is  
20 in accordance with the Board's ruling, that the appropriate person  
21 to testify on behalf of the Public Service Commission in this  
22 matter is Robert McMillan. He is the Assistant Director of the  
23 Transportation Division. All of our role in the is coordina-  
24 tion of transportation activities. Mr. McMillan has been involved  
25 with the implementation of the plan throughout the entire process

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El17pw 1 and has attended the various drills and exercises. I might add  
2 he has attended drills and exercises for other utilities as well,  
3 not just the Applicant here today.

4 During the luncheon break, as per the -- Your Honor's  
5 direction, I contacted Mr. Bursey and said, "Mr. Bursey, we wish  
6 to substitute the name of Robert McMillan," who is now present  
7 in the hearing room at our request, I called him during the lunch  
8 break, "he is the one that really should testify, he can answer  
9 your specific questions regarding what is taking place in the  
10 emergency preparedness plan." To that, Mr. Bursey, "Well I'm  
11 going to work with all the other agencies and allow them to  
12 substitute witnesses, but every agency that is to testify, but  
13 in your case I want a Commissioner to testify."

14 Your Honor, we would move at this time to substitute  
15 as a witness on behalf of the Commission, we're certainly pleased  
16 to testify if the Board wants to hear our testimony, and that  
17 Robert McMillan should be the witness from the Public Service  
18 Commission to testify.

19 JUDGE GROSSMAN: Is he also present here?

20 MR. FUSCO: Yes, sir, he is here.

21 JUDGE GROSSMAN: Mr. Bursey?

22 MR. BURSEY: Judge Grossman, I feel, as I told Counsel  
23 earlier, that this is the one agency that is on the list today  
24 that I feel that we need a director of. This agency is the sole  
25 agency that's responsible for any additional costs that would be

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1 incurred in the event of implementing an emergency plan and there  
2 are some aspects in the plan where some of the letters of  
3 memorandum mention cost. There are some clear inferences to  
4 additional costs in regard to training a number of emergency  
5 related personnel and I feel that it's a Commission level  
6 decision, at least the mechanical implementation of a decision of  
7 adjudicating who is responsible for cost, is something that a  
8 Commissioner himself needs to speak to.

9 JUDGE GROSSMAN: Mr. Bursey, are you prepared to examine  
10 right at this moment?

11 MR. BURSEY: Yes, sir, I would certainly be willing to  
12 move right into the Public Service Commission right now.

13 JUDGE GROSSMAN: Well let me ask you, why aren't you  
14 willing to examine Mr. McMillan and in the event he is unable  
15 to answer the questions, then proceed to examine Mr. Mitchell?

16 MR. BURSEY: If we could proceed now, I think we could  
17 get through with Mr. Mitchell before his next date, and if not,  
18 I'm prepared to accept that suggestion, if we get to a point  
19 where Mr. McMillan can't answer, it's going to probably inconvenience  
20 Commissioner Mitchell more than staying for the next 30 minutes.

21 JUDGE GROSSMAN: Well now, Mr. Fusco, would you have any  
22 objection to proceeding with Mr. McMillan and having Mr. Mitchell  
23 in the audience for awhile to see whether his presence would also  
24 be needed?

25 MR. FUSCO: Your Honor, we would have no problem with that,

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1 but we would certainly point out that the Chairman of the  
2 Commission does not have the authority to speak for a Commission  
3 level decision. As your Board must decide issues, the Public  
4 Service Commission must decide issues, Mr. Mitchell only has one  
5 vote.

6 JUDGE GROSSMAN: I understand that. I think the best  
7 way to proceed is to take Mr. McMillan first and if there is a  
8 problem, then we might have to resort to Mr. Mitchell. Is there  
9 any objection to that procedure? Mr. Knotts?

10 MR. KNOTTS: No objection, Mr. Chairman, but I would  
11 observe and I will raise the objection at the appropriate time,  
12 that this is the first I've heard of costs being involved in the  
13 emergency planning area.

14 JUDGE GROSSMAN: Mr. Goldberg, any objection to that  
15 procedure?

16 MR. GOLDBERG: Nothing to add.

17 JUDGE GROSSMAN: Mr. Wilson?

18 MR. R. WILSON: We have no objection to the procedure,  
19 Mr. Chairman. I would note now though that we have a similar  
20 type problem with the Department of Health and Environmental  
21 Control down the road as well, where the Commissioner of that  
22 Department has been notified to be here and he is not the  
23 individual in the agency who is responsible, yet Mr. Bursey  
24 insists upon his attendance nonetheless. His opportunity to be  
25 here, however, in accordance with our earlier discussions last

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1 week about the dates on the subpoenas, his time has been set  
2 aside today, he's not available tomorrow, thanks to an earlier  
3 snafu with the dates. So I hope that we'll be able to accomodate  
4 the Commissioner, if he must be here, that we at least give him  
5 the opportunity to do so today as had been originally intended.

6 JUDGE GROSSMAN: Is he in attendance now?

7 MR. R. WILSON: Not right now, we can have him in half  
8 an hour.

9 MR. BURSEY: Judge Grossman, I have never been confused  
10 as to the date that we were seeking Commissioner Jackson, that is  
11 tomorrow. That subpoena was for July 1 and on my schedule it has  
12 always been July 1. Commissioner Jackson, of all the state  
13 agencies, is the one man that the plan specifically stipulates he  
14 has command level decisions over very important things, personally.  
15 And I think his presence is very important.

16 JUDGE GROSSMAN: I take it there's no objection to his  
17 presence, it's only a question of the timing, is that right, Mr.  
18 Wilson?

19 MR. R. WILSON: Well as I understand it there is a  
20 question as to his necessity of attendance but he is not objecting  
21 at this point. He will appear and cooperate with the panel as best  
22 he can. It's just that his opportunity to do so is today, is  
23 limited to today. So if we could accomodate his schedule that  
24 that extent, it would be most helpful.

25 JUDGE GROSSMAN: Can you accomodate that schedule, Mr.

E21pw 1 Bursey?

2 MR. BURSEY: Yes, sir.

3 JUDGE GROSSMAN: Mr. McMillan, would you come forward  
4 please?

5 Whereupon,

6 ROBERT MCMILLAN

7 was called as a witness by and on behalf of the Intervenor Bursey,  
8 and having been first duly sworn, was examined and testified as  
9 follows:

10 JUDGE GROSSMAN: Could you state your full name?

11 THE WITNESS: My name is Robert McMillan.

12 JUDGE GROSSMAN: And where do you reside, Mr. McMillan?

13 THE WITNESS: Columbia.

14 JUDGE GROSSMAN: Mr. Bursey, do you want to examine?

15 MR. KNOTTS: May we have some voir dire of the witness,  
16 Judge Grossman?

17 JUDGE GROSSMAN: Certainly.

18 MR. BURSEY: Are you going to do it for me?

19 MR. KNOTTS: (Nodding head affirmatively.)

20 MR. BURSEY: I'll let them go first. I intended to  
21 voir dire, but if they're ready, let them go.

22 JUDGE GROSSMAN: I think Mr. Bursey can ask preliminary  
23 questions if he wants first.

24 MR. KNOTTS: Fine, very well.

25 JUDGE GROSSMAN: Do you wish to examine, Mr. Bursey?

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1 MR. BURSEY: I do, but I'm certainly willing to let the  
2 Applicant go first if they're so anxious.

3 JUDGE GROSSMAN: Mr. Knotts?

4 MR. KNOTTS: Mr. Mahan.

5 VOIR DIRE EXAMINATION

6 BY MR. MAHAN:

7 Q Mr. McMillan, my name is Randy Mahan. I am an attorney  
8 with South Carolina Electric & Gas Company, the Applicant in this  
9 proceeding. Mr. McMillan, are you aware of the Nuclear Regulatory  
10 Commission Emergency Plans as contained in Part 50, Section 50.47  
11 and Appendix E of the Commission's Regulations?

12 A No, sir, I'm not.

13 Q You have not specifically read those regulations?

14 A No, sir, I haven't.

15 Q Are you aware that the NRC regulations do require  
16 emergency planning for a nuclear facility?

17 A That is my understanding, yes, sir.

18 Q All right, sir. Are you aware of the guidance and  
19 acceptance criteria for emergency plans contained in NUREG 0654?  
20 And I have a copy of that document which -- are you familiar with  
21 that white book with red lettering?

22 A No, sir.

23 Q Mr. McMillan, do you know whether your agency might be  
24 called upon to take some action in the event of radiological  
25 emergency involving the V. C. Summer Nuclear Station and involving

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1 evacuation or other protective actions?

2 A. Yes, sir, we'd be called.

3 Q. And do you know whether your agency has made any plans

4 looking toward that eventuality?

5 A. Our only plans are in coordination with the Emergency

6 Preparedness Office.

7 Q. That is the Emergency Preparedness Office under General

8 Wise?

9 A. Yes, sir.

10 Q. Are you familiar with those plans and the actions they

11 would call for?

12 A. I'm familiar with the plans insofar as the Commission

13 is concerned, yes.

14 Q. How did you gain this familiarity?

15 A. Over the years. I've been involved with this thing off

16 and on around seven years I guess.

17 Q. You were involved in the preparation of your agency's

18 input into those plans?

19 A. Yes.

20 Q. Do you know whether or not there was a drill of the

21 V. C. Summer Nuclear Station Emergency Plan in coordination with

22 state and local plans on May 1 of this year?

23 A. Yes, sir.

24 Q. Did your agency participate?

25 A. Yes, sir.

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1 Q Were you that agency's representative in this  
2 participation?

3 A Yes, sir.

4 Q Are you aware of the results of that emergency drill?

5 A No, sir, I'm not.

6 Q What, if any, role did you personally have in planning  
7 for emergencies and in implementing those plans in the emergency  
8 drill on May 1?

9 A Involved with the preparation of the plan, you're talking  
10 about?

11 Q Yes, sir. That's a two-part question. First, what role  
12 did you have in the preparation of the plan?

13 A Well, the Emergency Preparedness Office prepared the  
14 plans for it and sent it to the Commission for our review of it.  
15 We had no objection to the plan as submitted to us and returned  
16 it to them.

17 Q Did you make any --

18 A They prepared the plan.

19 Q What about the implementation of those plans, do you  
20 have a function to serve in the implementation of those plans in  
21 the event of an emergency?

22 A Yes, sir.

23 Q What is that function?

24 A More or less transportation coordinator with the  
25 Emergency Preparedness Office, when there is a request for



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1 transportation for an evacuation, they would turn to me for that.

2 MR. MAHAN: I have no further questions.

3 DIRECT EXAMINATION

4 BY MR. BURSEY:

5 Q Mr. McMillan, what is your specific duty at the Public  
6 Service Commission?

7 A Assistant Director, Transportation Division.

8 Q And a little more about your history and the involvement  
9 of the emergency plans?

10 A I was with what was called the Disaster Preparedness  
11 Agency and was involved somewhat with the formulation of plans  
12 for emergency evacuation for natural disasters as well as what  
13 you might call man-made disasters. We have reviewed their  
14 proposal for the plans and approved them. I have had this program  
15 for, say off and on, about seven years. There was a period of  
16 time of about three years when another gentleman at the Commission  
17 had it and when he left I got it back.

18 Q And can you briefly give me a summary of your  
19 responsibilities or the agency, the Public Service Commission's  
20 responsibilities for providing transportation coordination in the  
21 event of a significant accident at the V. C. Summer plant.

22 A I can give you what's in the plan.

23 Q Well how about --

24 A As far as what our role is.

25 Q A summary.

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1 A. A summary would be, as I understand it, the plan would  
2 work in the case of an evacuation of a site, we would go first  
3 to local sources. The county involved would be responsible for  
4 the evacuation. When it got beyond their capacity to fill, we  
5 would then turn to the Emergency Preparedness Agency and request  
6 them to provide transportation for evacuation of people or movement  
7 of say machinery or equipment. At that time, they would turn to me  
8 and ask me to try to get some transportation into a certain area.  
9 For example, in the A. C. Robinson plant exercise, I was asked to  
10 provide transportation for the evacuation of a thousand girls at  
11 Coker College. My function would be to turn to three associated  
12 agencies with the Commission; the Adjutant General's Office, the  
13 Aeronautics Commission and the Department of Education, to try to  
14 use public resources for those purposes. When we exhaust those  
15 or those are not available, then we would turn to the private  
16 sector.

17 Q. And your experience from the May 1 drill, did that  
18 include a hypothetical evacuation of any schools that were in the  
19 area of the V. C. Summer plant?

20 A. In the May 1 exercise at the V. C. Summer plant, I was  
21 not written in the program at that time. I was there for the whole  
22 exercise but was not called on.

23 Q. Your agency was not written into the program, was not  
24 involved in the drill of May 1.

25 A. My understanding of the program as it went on that day

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1 was that local agencies were able to take care of evacuation and  
2 there was no need to turn to the transportation coordinator in  
3 the plan here for additional assistance.

4 Q So we haven't had a hypothetical exercise necessitating  
5 your agency trying to mobilize sufficient transportation to  
6 evacuate a school or hospital or rest home in the V. C. Summer  
7 area?

8 A Not at V. C. Summer, no, sir.

9 Q What's your assessment of your agency's ability to be  
10 able to evacuate, let's take an example, the Lowman Home, with  
11 around -- well between 100 and 200 elderly patients, within the  
12 240 minute time stipulation as given in the emergency plan?

13 A Two hundred forty minutes? My feeling is we could do it,  
14 we would turn to public resources and/or private sector.

15 Q And how would you do it?

16 A There are two or three other people with me in the  
17 plan, in the facility, either McCord Emergency Operations Center  
18 or the state operation emergency center. I would turn to them  
19 and ask them for assistance in moving the school buses in to  
20 evacuate the people, or whatever agency may have some vehicles  
21 to move people with. I would ask the Adjutant General's office  
22 for say machinery to move something with. Then we would of course  
23 turn to the private sector.

24 Q Well I'm sure you considered the possibility of looking  
25 at a map, Chapin sits right on the edge of the ten-mile zone. My

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1 daughter goes to Chapin Elementary School. The school buses you  
2 just suggested using at the Lowman Home which is about five miles  
3 from Chapin, are parked at the high school in Chapin. Now how  
4 are you going to get the children from the elementary school on  
5 the buses that are at the high school and the students at the  
6 high school in the buses that you just sent to the Lowman Home?

7 A. Mr. Bursey, I'm the coordinator for the transportation.  
8 If we've got a problem with evacuation of Chapin Elementary School,  
9 I'm going to turn to the Department of Education and say can you  
10 get school buses in there and they would contact their school  
11 bus people through their two-way radio system to have buses moved  
12 in there. I would not myself be calling the buses and have them  
13 moved around. I'm the coordinator, I would turn to them and get  
14 them to do it.

15 Q. Do you have a beforehand estimate, an estimate now of  
16 the number of individuals that would require moving in the area  
17 around the V. C. Summer plant, the ten-mile zone, the number of  
18 schools, the number of available buses, we're relying on school  
19 buses, has there been an estimate of the capability of the  
20 school bus system to transport everyone?

21 A. Are you asking how many people are in that area?

22 Q. Yes.

23 A. To my knowledge would these buses move that many people?

24 Q. Yes, sir.

25 A. I understand there's about 10,000 people in the particular

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1 area. One thing I understand would be done is they would go through  
 2 the neighborhoods with the radios and announce to everyone,  
 3 speakers, that they were to evacuate. A great deal can evacuate  
 4 in their own vehicles and the ones that couldn't move in their  
 5 own vehicles, the school buses would be brought in, or we could  
 6 bring in private sector buses.

7 Q Let's assume the school buses are inadequate for safely  
 8 evacuating schools and institutions. What other means do you  
 9 turn to in the privat sector?

10 A I would turn then to known bus companies I would know  
 11 about, the bus companies I would know about would be the for hire  
 12 bus companies such as Greyhound, Trailways, Welburn, Southeastern  
 13 Stages, bus companies like that.

14 Q Do you have pre-arranged contracts with these private  
 15 companies to use their buses in such an instance?

16 A No, sir, I don't.

17 Q Do you think you could arrange those within the 240  
 18 minute time period and get them to the location where they're  
 19 needed?

20 A It's my feeling that I could, yes.

21 Q Are the school buses more or less a first line of  
 22 defense for transportation needs?

23 A I would think so, there's more of these buses out in a  
 24 more spread out area. Greyhound, those type buses, Trailways,  
 25 are more in a central location, Florence, places like that. There

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1 are school buses in all counties.

2 Q You're aware of the fact that most, if not all, school  
3 buses are driven by high school students?

4 A That's correct.

5 Q Has there been any discussion in your department as  
6 to a 16 or 17 year old bus driver being fully trustworthy in the  
7 event of a high pressure situation like an evacuation?

8 A Teenage driver bus going into a radioactive area maybe  
9 would not be my concern insofar as the program is set up. I'm  
10 going to turn to the Department of Education and ask them to  
11 provide buses. It's their decision who drives the buses.

12 Q The Department of Education?

13 A Yes, sir.

14 Q Has your agency given any consideration to the diffi-  
15 culty of schools not having their own buses, like the for instance  
16 I gave of the Chapin area, the buses are not at the elementary  
17 school, they're at the high school and students are carried in  
18 different shifts?

19 A Well we have the buses available in the Chapin area  
20 plus buses in the Newberry area, Prosperity, Pomaria, buses all  
21 around this area. We wouldn't necessarily call strictly on the  
22 Chapin buses.

23 Q But there hasn't been an actual drill to see if the  
24 buses could be brought into an area in a sufficient amount of time  
25 to be able to safely evacuate the institutions and schools?

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E31pw 1 A Sir, insofar as I know, since I've been involved in  
2 it, there has been no actual movement of people except in the  
3 Hartsville plant, they did move some school children to the  
4 Darlington Race Track I think, one small segment of children.

5 Q Has your department been contacted about the possibility  
6 of evacuating people without vehicles or infirm or handicapped  
7 people?

8 A You mean handicapped people?

9 Q Yes, sir.

10 A No, sir.

11 Q So that there are no plans --

12 A See, I'm going to be turning to the other agencies to  
13 help out, the Department of Education, see what they may have,  
14 see how many buses we do have, or the Adjutant General's office.  
15 If push comes to shove the Aeronautics Division can fly someone  
16 in an emergency.

17 Q Addressing another item, your department is the agency  
18 of the state that's responsible for oversight of expenses that  
19 are incurred by a utility that would be passed on to the ratepayer?

20 MR. FUSCC: I'm going to object to that question, Your  
21 Honor, on many grounds. Anything involving a question of the  
22 ratepayer is a matter of much litigation in the circuit courts of  
23 this state and in the Supreme Court of this state and every  
24 major utility in this state now has a rate case pending before the  
25 Commission

E32pw

1 JUDGE GROSSMAN: I haven't heard the question yet.

2 BY MR. BURSEY:

3 Q Dealing directly with the efficacy of the plan, the  
4 implementability of it, the adequacy of training. There are  
5 letter of memorandum in the Applicant's Radiological Emergency  
6 Plan, that call for money, money for services or money for  
7 training. Has that question come up before the Commission, has  
8 the Commission made any type of ruling or had before it for  
9 consideration the question of expenses incurred by agencies in  
10 the event of an emergency at the V. C. Summer plant?

11 A It hasn't been before our Commission, the expenses  
12 involved in implementing the plan. I have been told by the  
13 Emergency Preparedness Office that the expenses involved in this  
14 would be paid by the utility company involved. At the V. C.  
15 Summer plant any cost involved in transportation by the public  
16 or private sector will be borne by the utility company.

17 Q Now you're saying that any expenses involved in the  
18 implementation of the plan or the development of the plan or  
19 training for the plan would be borne by the Applicant, is that  
20 what you're saying?

21 A No, sir, I'm saying if there's any expense involved for  
22 transportation, if we have to use the private sector, use 25  
23 Trailway buses, if Trailway wanted to be reimbursed for it, then  
24 the utility company involved, to my understanding, would pay that  
25 cost.

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1 Q Are you aware of any kind of contractual arrangement  
2 between the Applicant and the state that would assure us of that?

3 A No, sir, I'm not.

4 Q Is there any other state agency that would be considering,  
5 have before it for consideration the questions of who pays for  
6 implementation or development of the plan?

7 A Not to my knowledge.

8 Q The Public Service Commission would be the appropriate  
9 agency for that to be raised in?

10 A The cost of the program?

11 Q Yes, sir.

12 A No, sir, I don't think so. The cost of implementing the  
13 plan?

14 Q Yes, sir.

15 A Would not be the PSC's responsibility. This would be  
16 the Emergency Preparedness Office's plan. The cost involved in  
17 training or putting the plan into effect, I'm assuming would be  
18 their responsibility. Otherwise I don't know. The Public Service  
19 Commission bears no expenses in this except maybe my expenses  
20 for travel to and from these exercises or whatever would be  
21 involved.

22 Q Is it your understanding as far as the delegated  
23 responsibility of the Public Service Commission, that it is not  
24 within their purview to consider expenses incurred by a utility  
25 company?

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1           A     That I don't know, sir. I'm not involved in the  
2 utility ratemaking part of the Commission, what goes into rate-  
3 making Commission decisions, I'm not aware of.

4           Q     Perhaps Mr. Mitchell could help us on this point in  
5 terms of whose responsibility it is, what state agency would  
6 oversee the question of additional expenses incurred due to  
7 training or implementation of the plan.

8                     Judge Grossman, could we ask if Commissioner Mitchell  
9 has any light to shed on this point?

10                    JUDGE GROSSMAN: Mr. Fusco, could you consult with  
11 your client?

12                    MR. FUSCO: Fusco, Your Honor, I'll be glad to give  
13 an immediate response. The witness is testifying as to the agency's  
14 role in development and implementation of a radiological emergency  
15 response plan for accidents at the V. C. Summer Nuclear Station.  
16 I think he answered that question. This is the man responsible  
17 for it. There are matters which are relevant before the Public  
18 Service Commission, there are matters which are relevant before  
19 this Board. Mr. Bursey has asked about the cost involved in  
20 preparing this plan or anything. It's our opinion that these  
21 matters are relevant here and would not be relevant before the  
22 Public Service Commission, it's for your determination.

23                    JUDGE GROSSMAN: Mr. Fusco, I'm not sure that I under-  
24 stand your position. Are you saying that the cost of implementing  
25 the plan has nothing to do with implementing the plan?

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1 MR. FUSCO: No, sir, I'm saying that would not be a  
2 relevant part of the Public Service Commissioners job at the  
3 Public Service Commission.

4 MR. BURSEY: Judge Grossman, I'm sure that the  
5 Commissioner must have some better perception than myself and  
6 Mr. McMillan of the Public Service Commission's role in making  
7 these decisions, whether they make it or not or whether there's  
8 been a move for it be made is another question.

9 MR. KNOTTS: Judge Grossman, is the issue that is  
10 involved here whether the Public Service Commission is going to  
11 allow the company to recover, through its rates to its customers,  
12 the costs?

13 MR. BURSEY: That could be a question that might be  
14 reasonably asked down the line somewhere. If I could give an  
15 example, in the plan it calls for the stockpiling of potassium  
16 iodide tablets, a large number of them all over the place. Now  
17 I'm wondering if it's been agreed, I heard Mr. McMillan say  
18 that it was his understanding that the Applicant has agreed to  
19 pay for something. I've never seen any arrangement that assures  
20 me that this is going to be paid for in order to help our state  
21 and our state agencies in this time of austerity to be able to  
22 implement an effective plan.

23 JUDGE GROSSMAN: We're just dealing now with the cost  
24 of implementing that emergency plan.

25 MR. KNOTTS: Not who pays ultimately?

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1 JUDGE GROSSMAN: Not to reimburse I guess, no, I  
2 don't think that has been touched on, and I guess what Mr. Pursey  
3 wants is an authoritative answer saying that the Public Service  
4 Commission has not considered or is not involved in the determina-  
5 tion of who pays the cost which I believe, Mr. Fusco, you've  
6 indicated; however, unfortunately you're not a witness and the  
7 witness isn't prepared to state that the Public Service Commission  
8 is not involved in the decision of who pays the cost of  
9 implementing the plan.

10 MR. FUSCO: Your Honor, I believe the witness answered  
11 that question. I thought he stated that in his conferences with  
12 the Disaster Preparedness Agency, they advised him that the  
13 utility would be responsible for bearing the cost. I believe  
14 that was his testimony.

15 JUDGE GROSSMAN: Well Mr. McMillan, have you given us  
16 an authoritative answer with regard to your agency's role in  
17 the costs of implementing a plan? Can you state what your  
18 agency's role would be in regard to costs?

19 THE WITNESS: The Public Service Commission would not  
20 be involved in the costs, we wouldn't be responsible for the  
21 costs in implementing the plan or paying for services rendered  
22 under the plan. It would not be the Public Service Commission's  
23 responsibility. The Emergency Preparedness Agency advised me  
24 that the costs of the plan would be borne by the utility company  
25 involved in the site emergency.

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E37pw 1 MR. BURSEY: Judge Grossman, I think Mr. McMillan, in  
2 identifying his role at the Commission, said that he was in the  
3 Transportation Division and not in the Financial. I'm not in  
4 either one, but I would seek greater clarification before I felt  
5 that the Applicant was going to be forced to pay the cost by  
6 virtue of the decision made in the Office of Emergency Preparedness  
7 and not the Public Service Commission. It's the Public Service  
8 Commission's statutory role to determine who pays what.

9 MR. FUSCO: Your Honor, I would object to any characteri-  
10 zation by Intervenor --

11 JUDGE GROSSMAN: Mr. Fusco, could you pick up a  
12 microphone when you begin so we can all hear you?

13 MR. FUSCO: Pardon me, Your Honor. I will object to  
14 any characterization by the Intervenor of the legal role of the  
15 Public Service Commission in the State of South Carolina. The  
16 witness has testified authoritatively as to his understanding as  
17 to the cost of the plan. The next question from the Intervenor  
18 would be to ask the Disaster Preparedness Agency about the costs  
19 of the plan.

20 JUDGE GROSSMAN: Well the problem is the witness has  
21 testified definitively with regard to his understanding, but he  
22 hasn't with regard to the agency and the question really is does  
23 the agency have any role in the, relating to the costs of  
24 implementing the emergency plan, and if so, what that role is.  
25 And apparently the witness is only in the transportation area and

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1 is not at all involved with costs and to the extent that he has  
2 mentioned costs it had to do with school buses I believe in which  
3 there are no costs. So if you could, Mr. Fusco, perhaps short-  
4 circuit the thing somewhat and consult with Mr. Mitchell and find  
5 out if the agency does have any role and whether Mr. Mitchell  
6 can just indicate in a few minutes what that role is, perhaps we  
7 can dispose of that entire issue.

8 MR. FUSCO: Without waiving any rights as to his  
9 appearance, I'll do that, Your Honor.

10 (Brief pause.)

11 MR. FUSCO: Your Honor, it is the position of the  
12 South Carolina Public Service Commission that any such costs,  
13 should they be in fact incurred, would be addressed at a public  
14 and open hearing before the South Carolina Public Service Commission.

15 JUDGE GROSSMAN: You mean after the fact, is that  
16 what you're saying?

17 MR. FUSCO: Yes, sir, with respect to the question, you  
18 know, of who bears the cost, but who is actually going to write  
19 the check that day, I think the witness has answered that.

20 MR. BURSEY: I'm not sure if that fully addresses the  
21 question of implementing a plan without an accident. I have  
22 questions about the development and implementation of a plan  
23 without an accident. Now were there an accident I can appreciate  
24 the tremendous amount of expenses that would be entailed might  
25 necessitate some type of adjudicatory process, but we're talking

E39pw

1 about a plan that is in process of unfolding now and I'm  
2 wondering who is going to help the various agencies involved in  
3 that pay for the training of learning how to deal with radiological  
4 emergencies.

5 JUDGE GROSSMAN: Mr. Fusco, I think it would simplify  
6 matters if we did have Mr. Mitchell take a seat at the witness  
7 panel along with Mr. McMillan, and any questions that Mr. McMillan  
8 is not prepared to answer can be directed to Mr. Mitchell and he  
9 could determine whether he has knowledge. If not, we'll just  
10 have to do without the testimony, but that I think would simplify  
11 things and would shorten Mr. Mitchell's wait here in the  
12 hearing room and I think it would be the preferable procedure.

13 MR. FUSCO: Your Honor, we would appreciate, in  
14 respect to your ruling, we would call the attention of the  
15 questioner that in earlier statement that the witnesses here are  
16 not on trial and that the Board will prevent harrassment, if that  
17 is the intention of the questioner.

18 JUDGE GROSSMAN: Yes, we certainly will.

19 Mr. Mitchell, could you come forward please?

20 MR. KNOTTS: Judge Grossman, is the Board clear on  
21 what the pending question is? I fear that I am not.

22 Whereupon,

23 RUDOLPH MITCHELL

24 was called as a witness by and on behalf of Intervenor Bursey, and  
25 having been first duly sworn, was examined and testified as

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1 follows:

2 JUDGE GROSSMAN: Please be seated. Mr. Knotts, I  
3 understand the question -- Mr. Bursey can direct a further  
4 question now. Mr. Bursey, the procedure is that you will direct  
5 your questions to Mr. McMillan and if Mr. McMillan cannot answer  
6 the questions, you can then direct them to Mr. Mitchell.

7 MR. BURSEY: Thank you, sir.

8 BY MR. BURSEY:

9 Q I previously asked, in looking at the expenses that  
10 are going to be incurred by the multitude of state agencies and  
11 semi-state agencies, such as emergency response teams of the  
12 counties and unincorporated areas around the plant, there is an  
13 expense in developing an adequate plan. Has the question of  
14 those expenses been raised before the Public Service Commission?

15 A No, sir, they have not.

16 MR. BURSEY: And has the Public Service Commission  
17 considered making -- have they considered taking into account  
18 these additional expenses without there being an interveniton on  
19 the part of the public?

20 MR. FUSCO: The witness has already testified "no, sir,  
21 they have not." That answers that question.

22 MR. BURSEY: I'm asking an additional question that is  
23 asking if the Public Service Commission is on their own going to  
24 consider that. I know that they haven't considered it. Now my  
25 next question is are they going to consider it without being moved

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1 to by a third party.

2 JUDGE GROSSMAN: Mr. McMillan?

3 MR. MCMILLAN: Mr. Bursey, I don't think I can testify  
4 to what the Commission will do. That's beyond me.

5 MR. MITCHELL: I cannot testify what the other six  
6 members will do, Mr. Bursey, but this in my own opinion would  
7 be an operating expense of the company and we would consider it  
8 in a full fledged rate case. I don't know more clear we can be  
9 on that.

10 JUDGE GROSSMAN: Mr. Knotts?

11 MR. KNOTTS: I'm worrying about how the record is  
12 going to read and whether it's going to be intelligible to a  
13 reader of the record, Judge Grossman. And I'm not sure that I  
14 still understand the question.

15 Is the question expenses incurred by state agencies -

16 MR. BURSEY: That had been the question, yes.

17 MR. KNOTTS: -- in developing the plans? So it would  
18 not be an expenditure made in the first instance by the company.

19 JUDGE GROSSMAN: Did the witnesses understand the  
20 question in that light?

21 MR. MCMILLAN: You mean the cost to develop the plan  
22 of the Public Service Commission?

23 MR. BURSEY: Take an example, the Chapin Fire Department  
24 has to be trained in the, in dealing with radiological emergencies.  
25 The mayor of Chapin, who unfortunately just passed away, was

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1 concerned that they didn't have adequate capability to deal with  
 2 a radiological emergency, that they didn't have the right  
 3 equipment, they didn't know how to administer the potassium iodide.  
 4 In seeking the right equipment, the town of Chapin is going to  
 5 incur an expense. That's my question, who helps state agencies  
 6 and municipalities and the unincorporated fire departments and  
 7 emergency response units adequately prepare to be able to deal  
 8 with a radiological emergency?

9 MR. MCMILLAN: What kind of costs Chapin would incur  
 10 and how they pay for it, we can't say. We aren't involved with  
 11 the town of Chapin and I can't say how they're going to pay for  
 12 anything.

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1 MR. BURSEY: Mr. McMillan, you said a minute ago that  
2 the applicant had agreed to pay the transportation costs, can  
3 you tell me how that agreement was made and how the applicant  
4 is bound to that agreement?

5 MR. MCMILLAN: Mr. Bursey, I have been advised by  
6 the Emergency Preparedness Office that any costs involved in  
7 operation in an emergency evacuation in the V. C. Summer plant  
8 area would be incurred by the utility company, and I was also  
9 advised that they had insurance to cover that, that SCE&G or  
10 Duke Power or CP&L would have adequate insurance to cover any  
11 emergency. At least I was advised that by the Emergency  
12 Preparedness Office.

13 MR. BURSEY: There have been no arrangement or  
14 contractual obligation that has passed through the Public Service  
15 Commission on this point?

16 MR. MCMILLAN: Not to my knowledge, no, sir.

17 MR. BURSEY: Are you aware, of your own personal  
18 knowledge, of any contractual arrangement that obligates the  
19 applicant to pay these costs?

20 MR. MCMILLAN: No, I am not.

21 JUDGE GROSSMAN: Mr. Mitchell, by the way, we are  
22 allowing the questions to go to Mr. McMillan and to the extent  
23 that he answers it, no questions will be directed to you.  
24 However, if he does err in answering a question, we would  
25 appreciate it if you would set the record straight.

1 MR. MITCHELL; Thank you.

2 MR. BURSEY: So if I could summarize it, it is the  
3 Public Service Commission's position that any expenses incurred  
4 by state agencies or municipalities or other unincorporated  
5 fire departments in small communities, those expenses are  
6 theirs solely to bear?

7 MR. MCMILLAN: Yes, sir.

8 MR. BURSEY: Now getting into expenses that would be  
9 incurred in the event of an accident, has there been any  
10 discussion at the Public Service Commission as to how the costs  
11 of administering the implementation of a plan would be handled?

12 MR. MCMILLAN: How do you mean administering the  
13 plan?

14 MR. BURSEY: If for instance there was an evacuation  
15 and people had to be removed from their homes that they would  
16 have to be housed and fed, that there would be the possibility  
17 of crop seizures and destructions, there would be numerous  
18 expenses that might be quite large that would be associated  
19 with an accident. Have there been any discussions at the  
20 Commission as to how the financial liability of an accident would  
21 be handled?

22 MR. MCMILLAN: We haven't discussed that, no, sir, but  
23 it is my assumption that it would be settled in court. The  
24 litigation, if the site emergency was the V. C. Summer plant  
25 it would be borne by the utility company again as I mentioned

1 awhile ago.

2 MR. BURSEY: Now, could you again run that through for  
3 me, what you mentioned awhile ago about how something would come  
4 up for Commission consideration?

5 MR. MITCHELL: Are we going to have to keep repeating  
6 ourselves, Judge? I have an important meeting at 2:30 and it is  
7 the state's business we are transacting. I need to be at this  
8 meeting and here we go repeating ourselves.

9 JUDGE GROSSMAN: Well, that is correct. My recollection  
10 is that the testimony was that subsequently it might be taken  
11 into account in the rate proceedings. Is that basically the  
12 testimony?

13 MR. MCMILLAN: That is correct, sir.

14 MR. BURSEY: I see. Let me ask if what I heard at  
15 that point was that they were operational costs and if--I really  
16 don't want to belabor any points and I don't think I am being  
17 redundant and I don't think I quite, at least in my own mind,  
18 clearly understand what legitimate costs can be raised before  
19 the Public Service Commission. I think if they could take  
20 another five minutes with us, we can get through this line of  
21 questioning.

22 You said previously operational costs would be valid  
23 consideration for a rate hike, is that correct?

24 MR. MITCHELL: Certainly, we always consider operational  
25 costs. We consider that in a rate hearing. If the company proves

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to the seven commissioners that it is an operational cost, we will have to go in a rate case above the line.

MR. BURSEY: If the costs were not--we are dealing with these costs that we have never seen before in terms of operational costs.

MR. MITCHELL: That would be determined by the seven members of the Commission when proper testimony was sworn to and given before the Commission. I cannot speak for what they will do.

MR. FUSCO: Your Honor, at this point I might add that we have on appeal in the Circuit Court and the State Court in this state every major utility rate case we have pending before the Commission at the present time, every major utility has a rate case and I think if he is asking for admission or just a personal opinion about any of these type things, it would be prohibited by the pending matter.

MR. BURSEY: I feel the arguments coming out they aren't quite what I am thinking or saying and it seems to be a way to avoid the question. I am asking simple mechanical questions about what the Public Service Commission can consider; operation costs, if there is costs outside the standard operation of the plant, how does that enter into the rate question?

JUDGE GROSSMAN: As I understand it, he is not asking what your decision would be. He is just asking what kind of

1 costs would be taken into account that would be brought before--

2 MR. MITCHELL: Judge, I thought I had really--seriously  
3 I thought I had answered that twice, certainly, if it is an  
4 operational cost, and Mr. Bursey asked me that question, "will  
5 this operation of cost be considered" and I have told him twice.  
6 Certainly it will be considered.

7 MR. LINENBERGER: Excuse me, but there is still some  
8 confusion on the part of this Board. There are operational  
9 costs such as for emergency food kitchens, or additional  
10 ambulance service, or a whole host of things that the utility  
11 is not directly involved in. Now, the utility unless I  
12 misunderstand how this thing operates, I doubt that the utility  
13 is going to come to you and ask for reimbursement for some  
14 ambulance operation somewhere so, that ambulance cost is not  
15 going to come to you as an operating cost of the utility, how  
16 will you oversee it? That's what the Board is having trouble  
17 understanding.

18 MR. MITCHELL: Well, Your Honor, I don't know if I  
19 can answer that.

20 MR. LINENBERGER: Okay, thank you.

21 MR. KNOTTS: Judge Linenberger, perhaps I can help  
22 although I don't want to intrude in Mr. Bursey's questioning;  
23 but I think what must be in the back of Mr. Bursey's mind is  
24 the situation where the company has volunteered to reimburse  
25

1 a governmental agency and then looking to the Public Service  
2 Commission for approval of that expenditure. Otherwise, as  
3 you correctly point out I assume the Public Service Commission  
4 has not pass on expenditures by its sister agencies.

5 MR. LINENBERGER: Well, there is evidently some  
6 background here that has not been foundationally laid somehow.

7 JUDGE GROSSMAN: I don't know that we are having a  
8 profitable exchange here.

9 Apparently if a cost is borne by the utility it will  
10 be taken into consideration by the Public Service Commission  
11 when the utility brings it before the Commission. If the cost is  
12 not borne by the company, I don't see how it gets to the Public  
13 Service Commission with regard to that company, so I just don't  
14 see what we are discussing here. If the cost does not get re-  
15 imursed by the applicant, I don't see how it can get to the  
16 Public Service Commission, and so we are just speculating about  
17 something that these gentlemen don't have any knowledge of.

18 Now, what I understand was definitive was that if the  
19 cost is brought before the commission, the commission will  
20 consider it, but now how it will decide on that cost I don't  
21 think Mr. Mitchell can say in advance. Is that basically what  
22 your testimony is?

23 MR. MITCHELL: That is true, yes.

24 MR. BURSEY: Yes, I understood that, I was trying  
25 to delineate as to what the operational costs were and I think



1 we have gone into that far enough.

2 If I can summarize any costs that would be outside  
3 the standard procedures by the utility company by the emergency  
4 service; those costs right now, whether it is implementation or  
5 development of the plan, the Public Service Commission has no  
6 knowledge as to how those costs will be borne?

7 MR. MITCHELL: Unless there is, as the Judge stated,  
8 Mr. Bursey, unless the utility brings that cost before us where  
9 they have expended these funds.

10 MR. BURSEY: I think that is all I have for the  
11 Public Service Commission. I appreciate your coming, Mr.  
12 Mitchell.

13 MR. MITCHELL: Thank you.

14 JUDGE GROSSMAN: Thank you very much, gentlemen.

15 MR. FUSCO: Thank you very much.

16 JUDGE GROSSMAN: I am sorry, could you wait just a  
17 second.

18 Were there any further questions, Mr. Knotts?

19 MR. KNOTTS: May we have just a moment?

20 (Bried pause.)

21 MR. KNOTTS: We have no questions for these gentlemen.  
22 We will reserve until a later time the corrections of the  
23 representations that may have been to the witnesses in question.

24 JUDGE GROSSMAN: Mr. Goldberg?

25 MR. GOLDBERG: No questions.

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JUDGE GROSSMAN: Mr. Wilson?

MR. WILSON: No questions, Mr. Chairman.

JUDGE GROSSMAN: All right, thank you very much.

(Witnesses excused.)

JUDGE GROSSMAN: Mr. Wilson?

MR. J. WILSON: Prior to the break, Mr. Bursey and I, up to the break and prior to reconvening, Mr. Bursey and I met to go over the list of the schedule order and I think to agree upon a designated representative to appear. It seems to me that with respect to those agencies that I am involved with, Mr. Bursey is agreeable to the designated contact with the exception of one and that is the State Fire Marshal. I believe he indicated that he felt the State Fire Marshal had to be the personal spokesman as opposed to a designee. Other than that I believe the other agencies, with the exception of DHEC which has already been mentioned by Mr. Richard Wilson, he was agreeable to.

Do you still press to have the State Fire Marshal?

MR. BURSEY: I wanted to know more about his office for I am not sure I know enough about the State Fire Marshal's office to know whether his designated delegate would know what it is we want to know.

JUDGE GROSSMAN: Well, if I understand the procedure we agreed on that you would bring in the delegate and we would have

1 him undergo some questioning, it might suffice to have him here  
2 but on the other hand, Mr. Bursey is reserving the right to  
3 insist on the Fire Marshal if the witness cannot answer the  
4 questions.

5 MR. J. WILSON: Well, I have had telephone  
6 communication with that office and asked the individual, Mr.  
7 Scurry, who had been identified to me as the contact to come  
8 over this afternoon and I was advised by the State Fire  
9 Marshal some time after my initial conversation with Mr.  
10 Bursey that he had received the subpoena and that it was for  
11 tomorrow which as I understand was in error. Nevertheless,  
12 the State Fire Marshal had a commitment out of Columbia today  
13 and would not be available until tomorrow, so in the event that  
14 you actually need him, we would ask that he be postponed until  
15 tomorrow.

16 JUDGE GROSSMAN: That is fine, but Mr. Scurry I take  
17 it can come in today.

18 MR. J. WILSON: I had called and asked his office to  
19 have him come over here this afternoon and he may already be  
20 here, but that agency was the third one down of the schedule  
21 Mr. Bursey had given to me so--

22 JUDGE GROSSMAN: Fine, why don't we proceed then with  
23 the first witness? How many, by the way, do we have so far  
24 notified to be here?

25 MR. J. WILSON: If I may just go through for the record,

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Your Honor, the State Forestry Commission, Mr. J. T. Hance would be first as I understand Mr. Bursey's desires.

Secondly was to the Educational Television agency which I am not involved with but I believe they do have a representative here.

The third was the State Fire Marshal.

Fourth was the South Carolina Wildlife Resources Commission, Mr. Bobby Gifford, who is here or will be. I left a message for that.

Followed by the--let's see, we have already had the Public Service Commission, then the South Carolina Highway Patrol which I have no involvement with and I don't know if Mr. Bursey had made contact with them or not.

Following the Highway Patrol was the State Law Enforcement Division and I notified Captain Gasque who is the designated contact and agent Ben Thomas to be here at 3 o'clock, presuming it would take at least that long to get through it, followed by the Department of Education, Mr. Robert Hill as the designated contact and I suggested to him 4 o'clock would be sufficient, and it may still be far later than that.

Then the Department of Social Services which I have no involvement with and I presume that they have been notified by Mr. Bursey and then the tenth organization would be the Governor's Division of Public Safety, Mr. Gaines BOONE and I have been in touch with him to be here at 5 o'clock this

11

1 afternoon and then the last one Mr. Bursey said today would be  
2 the Clemson Extension Service with which I am not involved  
3 either.

4 MR. BURSEY: Mr. Funchess from Clemson is he here yet?

5 JUDGE GROSSMAN: Well, if that is the last one, he is  
6 going to have some wait I understand.

7 MR. BURSEY: If I could, in that he is the only one  
8 I know of that is from out of town and I have a kind of  
9 concurred witness to put on that is also from out of town,  
10 the farmer, Mr. Coleman, if we could begin with them?

11 JUDGE GROSSMAN: Fine, why don't you call the witnesses  
12 then, call the first witness you intend to put on?

13 MR. BURSEY: We would like to call Mr. Funchess  
14 from Clemson.

15 JUDGE GROSSMAN: Mr. Wilson?

16 MR. J. WILSON: Mr. Chairman, Mr. Bursey assured me  
17 that he was going to proceed through all eleven agencies today  
18 that he initially scheduled and you had already indicated that  
19 the panel would proceed late into the evening if necessary. May  
20 I still presume that that is the course of action because I  
21 would hate for our agency representatives to wait around two or  
22 three hours and then find out that--

23 JUDGE GROSSMAN: All right, I don't recall saying we  
24 were going late into the evening but I am prepared, if we have  
25 to, we will do that then so let's have Mr. Funchess first.

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Sir, would you raise your right hand?

Whereupon,

WILLIAM H. FUNCHESS

was called as a witness by and on behalf of the Intervenor and, having been first duly sworn, was examined and testified as follows:

JUDGE GROSSMAN: Please be seated, sir, and could you state and spell your name?

THE WITNESS: My name is William H. Funchess, spelled (Spelling) F-u-n-c-h-e-s-s.

DIRECT EXAMINATION

BY MR. BURSEY:

Q Mr. Funchess, is that correct?

A Yes, sir.

Q Mr. Funchess, can you tell me what your job is at Clemson?

A I am one of the three extension leaders. I am responsible for the off-campus educational programs in agriculture, economics, youth development, 4-H in fourteen counties in South Carolina.

Q And have you had some role in development or in the potential implementation of emergency plans as they relate to your agency?

A Yes, sir, I have been involved in those plans.

Q Can you give us a summary of what your agency is responsible for, has been responsible for in the past in terms

1 of developing a plan and what role your agency would play in the  
2 implementation of a plan in the event of a major accident at the  
3 V. C. Summer plant?

4 A. The role of the Cooperative Extension Service is one  
5 of education. We teach, we advise, we provide information  
6 primarily to farmers, home owners who may be affected by the  
7 nuclear disaster.

8 If you would like, I will be glad to read to you the  
9 instructions I mailed to the four Clemson representatives, our  
10 County Extension Agents in four counties adjacent to the V. C.  
11 Summer Nuclear Plant just prior to this exercise, which I  
12 think very adequately describes the Extension's role in the  
13 event of a nuclear disaster.

14 Q. Is that a long letter, Mr. Funchess?

15 A. Perhaps three or four minutes.

16 Q. Three or four?

17 A. Yes, three or four minutes.

18 Q. Please proceed.

19 A. All right. On March 30, 1981, I wrote the county  
20 agents in Fairfield County, Richland, Lexington and Newberry  
21 County about the nuclear exercise. I listed to them some of  
22 our responsibilities and more specifically some of their  
23 responsibilities in the event they were involved; advising  
24 the location of possible acreage of edible crops, berries, fruits,  
25 etc. in the contaminated area; advising the location and size

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1 of dairies in contaminated areas; advising of the location  
 2 and number of livestock and poultry in the contaminated area;  
 3 advising of on-farm storage of grain and edible agricultural  
 4 products in the contaminated area; advising of available shelter  
 5 for livestock in the contaminated area; advising of wholesale  
 6 distribution courses for agricultural products in the contaminated  
 7 area; advising of available stored grain, other feed and silage  
 8 for animals in the contaminated area; to furnish information  
 9 and inspectors for assessing damage to farms; provide guidance  
 10 and assistance to agencies responsible for evacuation and care  
 11 of livestock; coordinate identification and establishment of  
 12 evacuation reception areas for livestock, and effect return of  
 13 such animals to the owners; assist in the decontamination or  
 14 disposal of livestock feed--of livestock, feed, milk and other  
 15 contaminated farm products; assist in the control of livestock  
 16 and agricultural products exposed to radiation or contamination;  
 17 provide informational, educational material to farmers, ranchers  
 18 and others on protection measures for themselves and their  
 19 property against hazards associated with disasters; and, finally,  
 20 provide advice on cleanup of damaged property, sanitation  
 21 precautions, insect controls, food preparation in a disaster  
 22 and advice for recovering actions of damaged farms and renovation  
 23 of damaged equipment and property.

24 Q I am sorry, sir, that last sentence would you repeat  
 25 that?



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1 A. Yes, sir. Provide advice on cleanup of damaged  
2 property, sanitation precautions, insect controls, food  
3 preparation due to disaster and advice for recovering actions  
4 for damaged farms and renovation of damaged equipment and  
5 property.

6 Q. Thank you, sir, and is it--are you the lead  
7 individual responsible for the Clemson--Clemson's involvement  
8 in the emergency plan?

9 A. No, sir, I am not. I would think that would be  
10 the responsibility of Dr. Darell Roberts who is Extension  
11 Specialist dealing with farms and agricultural safety.

12 The reason that I am representing Dr. Odell is because  
13 the V. C. Summer Preparedness Exercise took place in the  
14 geographic district of which I am a supervisor.

15 Q. Were you involved in the development of the plan  
16 where it mentions Clemson, were you?

17 A. I was not involved in the development of the plan  
18 at all.

19 Q. Was Dr. Roberts involved?

20 A. No, sir.

21 Q. So we assume that your agency was just delegated  
22 a duty? You were told what to do?

23 A. To the best of my knowledge, the information was  
24 delegated to us.

25 Q. And does that letter reflect--it is your understanding

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1 that there is a four county area of responsibility?

2 A. Only for this particular exercise.

3 We have headquarters in all forty-six counties and  
4 in all forty-six counties, we do have people that would have  
5 Summer responsibilities if an accident were to occur in any of  
6 these counties.

7 Q. Are you aware that Clemson is the agency that is  
8 supposed to list in the Emergency Plan the area farms and the  
9 agricultural producers and the water sources in a--let me  
10 see, it is a list of counties, I believe it is a fourteen  
11 county area; Cherokee, York, Lancaster, Union, Kershaw,  
12 Laurens, Greenwood, Saluda, Aiken, Edgefield, Calhoun,  
13 Kershaw, Sumter, Spartanburg, Lee, McCormick and Orangeburg  
14 and a small portion of Union County, North Carolina?

15 JUDGE GROSSMAN: Mr. Bursey, we have a reporter  
16 taking notes.

17 MR. BURSEY: I am sorry.

18 THE REPORTER: Please repeat.

19 MR. BURSEY: I will.

20 BY MR. BURSEY:

21 Q. Are you aware that Clemson is responsible for listing  
22 dairy producers, agricultural producers and water resources  
23 in the following counties: Cherokee, York, Lancaster, Union,  
24 Kershaw, Laurens, Greenwood, Saluda, Aiken, Edgefield, Calhoun,  
25 Kershaw, Sumter, Spartanburg, Lee, McCormick and Orangeburg

1 Counties in South Carolina and the small portion of Union county  
2 in North Carolina?

3 A. I am aware of that in all fourteen counties except  
4 I don't know if Clemson has any responsibility across the state  
5 line in North Carolina. We can do that, I might add, Mr. Bursey,  
6 for all 46 counties of South Carolina.

7 Q. For the record, that is 18 counties.

8 Have you assembled such a list?

9 A. I have assembled such a list for the four counties  
10 nearest to the V. C. Summer Nuclear Plant.

11 Q. Have you been asked to assemble a list for the other  
12 18 counties?

13 A. No, sir.

14 MR. LINENBERGER: Mr. Funchess, excuse me, sir, but  
15 when you were initially describing the responsibilities here,  
16 I don't believe you included in your listing as represented in  
17 that letter water sources. At least I don't remember hearing you  
18 mention it from the letter and yet I believe in response to Mr.  
19 Bursey, you indicated water in your response?

20 THE WITNESS: I was really referring to farm ponds, or  
21 farm water supplies.

22 MR. LINENBERGER: Okay, that is what I wanted  
23 clarification on. This is farm supplies, including wells?

24 THE WITNESS: Yes, sir.

25 MR. LINENBERGER: But no municipal supplies?

1 THE WITNESS: No, sir.

2 MR. LINENBERGER: Okay, thank you very much.

3 BY MR. BURSEY:

4 Q You have not been asked to assemble such a list by  
5 anyone?

6 A No, sir.

7 Q Are you familiar with the term ingestion zone?

8 A No, I am not.

9 Q Do you have any knowledge right now as to the extent  
10 of such a list that we are referring to of a 50-mile radius  
11 of the plant, the extent of the inclusion of agricultural and  
12 dairy products; is that a lengthy list?

13 A It would be extremely lengthy, yes, sir. It would be  
14 compiled by the county extension staff within these counties  
15 and to our knowledge of the situation within the counties, they  
16 could compile them within each county upon short notice.

17 Q I believe there is 25,000 acres of soybeans under  
18 cultivation in Richland County alone, could you hazard a guess  
19 as to how many acres there are under cultivation in that 50-mile  
20 zone?

21 A Perhaps a quarter million.

22 Q Now you mentioned briefly, if we can focus on the  
23 four counties that you have been dealing with, you mentioned  
24 briefly compiling a list; is that list compiled for those four  
25 counties?

1 A. Yes, sir.

2 Q. And have you contacted the dairy producers that live  
3 within ten miles of the V. C. Summer plant?

4 A. No, sir.

5 Q. Do you understand that that's your responsibility  
6 to contact them?

7 A. No, sir.

8 Q. You mentioned that you would assist in the decontamina-  
9 tion or disposal of contaminated crops or milk, who would you  
10 assist?

11 A. I would assist the farmers who own contaminated milk,  
12 contaminated food stuffs.

13 Q. What state agencies would you assist?

14 A. Perhaps health departments, perhaps the South Carolina  
15 Department of Agriculture, probably the United States Department  
16 of Agriculture.

17 Q. And when we say "you" assist, what we mean in terms  
18 of Clemson who would be responsible for doing that for your  
19 agency?

20 A. The county staff and our extension specialists or the  
21 Cooperative Extension Service of Clemson University.

22 Q. Is it your understanding that you would actually be  
23 responsible for the actual work of decontaminating crops or  
24 disposing of milk?

25 A. Our responsibility is one of education, providing

1 information. We would advise or teach the farmer, the owner  
2 how to dispose of it.

3 We would work with other agencies in relaying or  
4 teaching them how to dispose of it.

5 Q Now to your knowledge has that educational work gone  
6 on in the area immediately around the plant?

7 A From time to time 46 counties--the USDA agencies in  
8 the 46 counties will have disaster exercises. Of course, I am  
9 sure those four counties would have been included in these  
10 disaster exercises that the USDA agencies have from time to  
11 time.

12 Q Have you been asked by any state agency for cost  
13 estimates for the implementation of your role, your part of  
14 the plan?

15 A No, sir.

16 Q Have you been asked by any state agencies for cost  
17 estimates as to the actual seizure and destruction of crops  
18 and/or milk?

19 A No, now I need to make one thing clear, we do not  
20 deal with finances or money. Our services are strictly  
21 educational or informational. Any costs incurred would be  
22 incurred by the owner of contaminated food products or  
23 contaminated animals.

24 Q And to your knowledge, the area immediately around  
25 the plant, that four county area that is within about 10 miles

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1 of the plant, the farmers in that area, there is a list of  
2 them, is that right?

3 A. The ASCS office in each county has a listing of all  
4 farmers, yes, sir.

5 Q. And to your knowledge, has that--the farmers in that  
6 area, have they been contacted by any state agency?

7 A. They have not been contacted by the Cooperative  
8 Extension Service.

9 Q. And in the possible seizure and decontamination of  
10 crops or milk, has Clemson developed a procedure for doing that?

11 A. I am not aware of any procedures that has been  
12 developed and the information disseminated out to the counties.  
13 I think the answer to your question would be, to my knowledge,  
14 no.

15 Q. Now, has there been any procedure that you are aware  
16 of for actually evacuating livestock? You mentioned that in  
17 the letter. Has that letter come closer to reality?

18 A. The letter has not come any closer to reality. I  
19 think if we had to evacuate livestock, it would be done on an  
20 individual community or area basis.

21 Q. But as of now you don't know who's vehicles you would  
22 use or where you would take them?

23 A. We would use the owner's vehicle. The farmer's vehicle  
24 or perhaps vehicles provided through the cooperation of livestock  
25 associations.

1 Q And as far as stored feed, the plan mentions that  
2 farmers need to be prepared to feed their livestock for hours  
3 up to weeks, possibly months. Does your plan address the  
4 availability and the costs of stored feed?

5 A It does not discuss the costs. However, all farms  
6 have certain facilities for storing feed such as silos, barns,  
7 shelters, etc. The cost would be borne by the farmer.

8 Q Has there been any discussion between your agency  
9 and any other state agency about the re-entry into contaminated  
10 areas for the purpose of maintaining livestock?

11 A In the exercises which the counties hold from time  
12 to time, Soil Conservation Service of the USDA agency does have  
13 certain monitoring equipment and there has been communication  
14 contact between the Extension Service, Soil Conservation  
15 Service as far as re-entry into contaminated areas.

16 Q Has that communication included training for your  
17 personnel at Clemson?

18 A At the county level.

19 Q At the county level. Did the county extension agents  
20 have, have they undergone radiological training?

21 A They have gone through radiological exercises.

22 Q And--

23 A More or less table top exercises.

24 Q Are there more exercises scheduled for the future?

25 A I don't know but I feel sure there would be.



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Q Do you know how many cows there are that are milking in the 10-mile zone around the plant?

A I have got it here (indicating), yes, sir.

I can't tell you but I have the information from these four county agencies.

Q Perhaps after you get finished you can look it up and let us know later.

A Sure.

JUDGE GROSSMAN: If the answer is important, I suppose he can look it up now and give you the answer. Do you want an answer to that question?

MR. BURSEY: Yes, sir.

THE WITNESS: This letter is from Mr. Cunningham, the county agent of Fairfield County and he just listed it as cows and does not designate dairy cows or beef cows. In zone A 1 to use the map, 100 cows. A 2, 787 cows. Zone B 1, 205 cows. B 2, 57 cows. Zone C 1, 89 cows. Zone C2, 1,359 cows.

BY MR. BURSEY:

Q That is a lot of cows.

A Lexington county, do you want to proceed?

Q That was just Fairfield county what you just gave us?

A That was.

Q You don't have the totals for the other counties?

A Lexington county, 100 beef cattle, apparently no

1 dairy cows. From Newberry County, rather than having a number  
2 of cows broken down, Mr. Eason provided to me dairies within  
3 a 3-mile radius--this must be cattle--300. 250 within a five  
4 mile radius plus 150 plus 200. Beef cattle, 50 plus 1200  
5 plus 3,000.

6 For Richland County, Mr. Bill Rideler, Mr. Rideler  
7 stated involved are approximately 15 square miles of Richland  
8 County territory included are approximately 50 dairy cows,  
9 500 beef cows.

10 I believe that is four counties.

11 Q Okay, thank you, sir.

12 Then, in summary, Mr. Funchess, your department has  
13 only an educational role, is that correct?

14 A Educational, advisory; however, the manual does  
15 advise in one location that we may be required to provide  
16 livestock inspectors and we are able to do that because many of  
17 our graduates are animal science graduates.

18 Many of our employees are animal science graduates.

19 Q Do you feel that the agricultural contingency plans  
20 are well enough developed at this point for farmers in the 10-  
21 mile zone or the 50-mile zone around the plant to feel  
22 comfortable?

23 A I feel that the plan is well enough developed, we have  
24 the mechanism to get the information immediately out to the  
25 farmers whenever it is needed.

1 Q When is your estimation of when that information needs  
2 to get out to the farmers?

3 A We would probably get a message from the Governor  
4 of the state.

5 Q So you would wait until there was an emergency to  
6 clear before you contacted the farmers about dealing with the  
7 radiological agricultural--

8 A If there was imminent danger, we would advise the  
9 farmers accordingly.

10 Q But you don't intend to, as a matter of course,  
11 educate the farmers in the 10-mile or the 50-mile zone that  
12 this is something that they need to prepare for and consider?

13 A We will no doubt alert farmers, advise farmers,  
14 provide information for their use which they can accept or  
15 reject. We will provide for educational information I am sure.  
16 We will not create any situation to cause panic among the  
17 farmers until the time arises.

18 Q You have confused me now. You said a moment ago that  
19 you would wait until there was an emergency and then you said  
20 that you are going to educate the farmers, and then you just  
21 concluded by saying you don't want to cause a panic until the  
22 time arises. Can you tell me is there a definite plan on the  
23 part of your agency to educate farmers in advance of their  
24 being an emergency as to exactly what they can expect in such  
25 an emergency?

1           A.     Our educational responsibilities are a very informal  
2 type of education. We don't have a school bus to assemble people  
3 or any classroom.

4                     We distribute publications originated at either  
5 Clemson or some other land grant institution from USDA. We put  
6 out news releases from time to time from Clemson.

7           MR. BURSEY: Thank you. I can't say that I am  
8 comfortable that all of my questions are answered but I think  
9 that I have explored the role that Clemson has been delegated  
10 and their response to that and would pass the witness on to the  
11 other parties.

12           JUDGE GROSSMAN: Mr. Knotts?

13           MR. KNOTTS: I have no questions for the witness at  
14 this time.

15           JUDGE GROSSMAN: Mr. Goldberg?

16           MR. GOLDBERG: No questions.

17           JUDGE GROSSMAN: Mr. Wilson?

18           MR. WILSON: No questions.

19 BY JUDGE LINENBERGER:

20           Q.     Mr. Funchess, as you view the overall workings of this  
21 plan and of other contexts than just Clemson's involvement, who  
22 is it, sofar as your understanding goes, that has the responsi-  
23 bility for assessing a field of soybeans or a herd of cattle  
24 and making a determination that that crop or that stock is not  
25 safe for human consumption and then advising the farmer, who has

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that responsibility for making a determination of the crop or stock being unsafe for consumption?

A. The Soil Conservation Service in the counties and no doubt at the state level does have monitoring equipment. The Cooperative Extension Service does not.

Q. So you are saying it is the Soil Conservation people who will make this determination?

A. Soil Conservation would be at least one agency which makes the determination. There may be other agencies.

Q. Will they make it for both crops as well as livestock?

A. Make it primarily for crops. Crops and soil.

Q. Who would make it primarily for livestock?

A. I don't know, sir.

Q. And is somebody going to tell the farmer who is responsible for this so that if somebody comes to his farm and says you have to do something about those cattle, they can't be slaughtered and sent to the packing house, he will know they are speaking with authority?

In other words, how does the farmer get the word?

A. I would think the Health Department would be involved in a matter where animal products are contaminated.

JUDGE LINENBERGER: All right, sir. Thank you.

THE WITNESS: May I clarify one point, sir?

MR. LINENBERGER: Sure.

THE WITNESS: Before I close? In reference to your

1 question about educating the farmers, each county extension  
2 staff has one of these Preparedness Handbooks and they have  
3 the exercises and I think we are educating our county staff  
4 in emergency preparedness procedures. They can turn to their  
5 circular letters, in the news media, radio talks touch on,  
6 you know, agricultural emergency clearance. But each county  
7 does have a handbook and each county is knowledgeable of the  
8 handbook.

9  
10 JUDGE GROSSMAN: Mr. Bursey, any redirect?

11 MR. BURSEY: I believe I have covered it and I  
12 believe if I can summarize what I heard about the educational  
13 program just to make sure that I understand, is that you have  
14 no, at this point, organized educational program to go out and  
15 contact each producer of milk or row crops about what to do in  
16 the event of a future emergency, you don't plan to alarm the  
17 farmers unnecessarily?

18 THE WITNESS: I think you are correct in stating we  
19 do not have an organized plan.

20 MR. BURSEY: That is all I have for this witness.

21 JUDGE GROSSMAN: Thank you, Mr. Funchess.

22 MR. BURSEY: Thank you, Mr. Funchess, I appreciate  
23 your coming down.

24 (Witness excused.)

25 JUDGE GROSSMAN: Mr. John Wilson, did you have anything

1 to get us up to date? Has anything occurred since we spoke last  
2 with regard to the witness schedule? I have seen some activity  
3 there and I thought perhaps there was something you wanted to  
4 notify the Board of, but if not, that's fine.

5 MR. J. WILSON: No, sir, other than the fact that we  
6 have taken two out of order from what I had expected it to be.  
7 Can I foresee that the Forestry Commission is in fact going to  
8 be next?

9 MR. BURSEY: No, sir, I would like to call quickly  
10 as the next witness Mr. Coleman.

11 JUDGE GROSSMAN: Mr. Coleman is also an out of town  
12 witness I understand.

13 MR. WILSON: Mr. Chairman, earlier today--is this the  
14 witness?

15 JUDGE GROSSMAN: Yes.

16 MR. R. WILSON: Earlier we mentioned the availability  
17 of the Commissioner of the Department of Health and Environmental  
18 Control and he's here now and if we would like to take advantage  
19 of the opportunity to examine him, I think this might be a good  
20 opportunity now.

21 MR. BURSEY: I would very much like to dispose of it  
22 in a timely fashion. Mr. Coleman's testimony is very directly  
23 relevant to the testimony we discerned from Mr. Funchness and  
24 Mr. Coleman is--

25 JUDGE GROSSMAN: Mr. Coleman has some pre-filed

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1 testimony I believe, is that correct?

2 MR. BURSEY: That is correct.

3 JUDGE GROSSMAN: That should--how long do you  
4 anticipate?

5 MR. BURSEY: Less than 10 minutes.

6 JUDGE GROSSMAN: Why don't we--

7 MR. R. WILSON: I just would let you know again that,  
8 of course, Dr. Jackson has made arrangements to be available  
9 today and he is cooling his heels with the rest of us here now  
10 and he may or may not have some relevant testimony. We don't  
11 know at this point. Mr. Coleman we believe to have pre-filed  
12 testimony and know what the subject of his testimony will be,  
13 but Dr. Jackson could take five minutes. We don't know at this  
14 point.

15 JUDGE GROSSMAN: Let's take Mr. Coleman and let him  
16 go back out of town after this and--

17 MR. J. WILSON: Mr. Chairman, do I understand that there  
18 is to be continued deviations from the schedule that I thought we  
19 had agreed upon?

20 JUDGE GROSSMAN: I understand that there are two out of  
21 town witnesses. One has already been disposed of and Mr. Coleman  
22 should take ten minutes and that will conclude the out of town  
23 witnesses and we can let them go back out of town.

24 MR. BURSEY: That is correct.

25 JUDGE GROSSMAN: Mr. Coleman, would you raise your right



1 hand?

2 Whereupon,

3 CHARLES HOWARD COLEMAN

4 was called as a witness by and on behalf of the Intervenor and,  
5 having been first duly sworn, was examined and testified as  
6 follows:

7 JUDGE GROSSMAN: Please be seated, state your full  
8 name, please, and spell it for the court reporter.

9 THE WITNESS: Charles Howard Coleman, (Spelling)  
10 C-o-l-e-m-a-n.

11 DIRECT EXAMINATION

12 BY MR. BURSEY:

13 Q Mr. Coleman, I am going to ask you some questions  
14 that will follow along the lines of your pre-filed testimony,  
15 where you do live, Mr. Coleman?

16 A I live 30 miles above Salem Cross Road, Fairfield  
17 County.

18 Q About how far is that from the V. C. Summer Nuclear  
19 Station?

20 A Approximately 10 miles.

21 Q And what do you do, Mr. Coleman?

22 A Dairy farmer.

23 Q How long have you been a dairy farmer?

24 A Since '44.

25 Q And how many cows do you presently milk?

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2 A. We are milking 125 in the barn now.

3 Q. And you have other cows?

4 A. Yes.

5 Q. How many do you have altogether?

6 A. Approximately 300 in beef and all.

7 Q. And do you raise any agricultural products?

8 A. Raise all but the grain for the feed.

9 Q. Has anyone from South Carolina Electric & Gas or  
10 any state agency such as Clemson ever talked with you about  
11 what to do with your livestock, your milk or your agricultural  
12 products in the event of an accident at the V. C. Summer plant?

13 A. No, sir.

14 Q. Are you aware of the fact that your crops and your  
15 milk may have to be seized and destroyed in the event of an  
16 accident?

17 A. I am now since hearing of the one up north but I  
18 hadn't thought about it before.

19 Q. Hearing of the one up north, what do you mean?

20 A. Well, the last one was Three-Mile Island, I believe it  
21 was.

22 Q. You have heard some testimony today by representative  
23 from Clemson that it may be necessary for you to feed your  
24 cattle on stored feed for an extended period of time and  
25 possibly dump your milk out. How would that affect your business?

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1           A.     Well, it would be according to what time the accident  
2 was, the time of year.  If we were feeding solids, we use a  
3 pit, - we do not have silos upright and we use pit silos and now  
4 whether we would be able to use pits that were open , I don't  
5 know, but that is our main feed source, silage and hay.

6           The hay is in round bales out in the field, no cover  
7 and we do not have enough storage barns to pay to put hay in or  
8 to cover silage in order to feed cattle to keep them in storage  
9 all the time under a shed.

10          Q.     How long could you feed your livestock off your feed  
11 that you have the capability to store?

12          A.     We try to put enough up for at least eight months at  
13 the time.  We keep replenishing it throughout the year.

14          Q.     Do you have the capabilities of sheltering your  
15 livestock, getting them all inside a shelter with walls and a  
16 roof?

17          A.     The five sheds we have are called open.  It is just  
18 a roof over loping shed.  We do not have them enclosed at all.  
19 We have them in pens, not enclosed on cement.

20          Q.     Now have you considered the possibility of, since  
21 you heard about Three Mile Island and some of these other things  
22 have been brought to your attention, have you considered what  
23 type of financial burden that might be placed on you?

24          A.     I don't want to think about that because it would just  
25 clean us out if we had to go for a long time and don't milk.

1 Q Do you have any information or what is your opinion  
2 on who should be responsible for that financial burden?

3 A I haven't thought too much on it but I would think  
4 that the South Carolina Electric nuclear place should be  
5 responsible and also the state for making provisions for this.

6 Q Do you have some way to transport your cows if you  
7 had to evacuate them?

8 A Not except to move five or six at the time, in trucks.

9 Q Your cows drink from what type of water source?

10 A When they are out of the holding pens, they use farm  
11 streams. The other is out of the well.

12 Q Now, did I understand you correctly to say that you  
13 could feed your cattle for eight months on stored feed on feed  
14 that would be covered up and not exposed to any radioactive  
15 contamination?

16 A We try to keep that much on hand. At the present,  
17 since it was so dry last year, we are out of silage now and it  
18 will be August, the first of August, before we go to cutting more.  
19 We are just feeding hay and grain now, and all of that is in  
20 the open, except the grain is in the grain bin and it comes  
21 every two weeks.

22 Q You heard the gentleman from Clemson say that he  
23 didn't have an organized educational plan to educate agricultural  
24 producers like yourself about the potential liabilities you might  
25 face in the event of an accident. Do you agree with it?

1 A. I don't follow you there.

2 Q. Do you agree that farmers should not be educated  
3 before an accident as to what they should do after an accident?

4 A. No, sir, I can't agree with that. No use to shutting  
5 the door after the bull is out and gone.

6 Q. Are any of the other farmers or agricultural producers  
7 in your area, have they evidenced any awareness in their  
8 conversations with you about what they would have to do and the  
9 liabilities they would bear?

10 A. Nothing except joking, saying "well, if it goes off  
11 we won't know it anyway, so what is the use to worry".

12 Q. Do you have any--as you are getting more familiar  
13 with this, do you have any suggestions for the development of a  
14 good plan to deal with problems that would impact on farmers?  
15 Do you have any suggestions that the government should listen to?

16 A. No, sir, not right offhand. The one that I have thought  
17 a little on is there ought to be some way set up for us to be  
18 able to go back in there and tend to the cattle. What is going  
19 to become of them while we are out if we have to leave? The  
20 milk cows, the dairy cows have to milked twice a day and tended  
21 to and what the outcome is going to be of that if we have to stay  
22 out of there say three days or two days, they are gone. When I  
23 say gone, the production will drop so over a period of time,  
24 they will lose their bags to water and can't be milked from it.  
25 Completely dry 'em up.

1 Q Let me ask you the same question I asked the gentleman  
2 from Clemson, are you comfortable with the development of the  
3 plan now as it addresses agricultural products and farmers  
4 like yourself?

5 A Well, I don't know enough about it to answer that.  
6 Today is the most I have heard of that plan.

7 Q Do you need more information?

8 A Yes, sir and I'd like to have more.

9 Q Would it be fair to say that you think farmers should  
10 be appraised in advance of potential liabilities they may face?

11 A Yes, sir. It needs to be a record of what they own,  
12 but the way things are changing so fast, you couldn't put a  
13 dollar value on it today and expect it to be the same tomorrow.

14 MR. BURSEY: That is all I have for you right now,  
15 Mr. Coleman. If you would answer the questions that any other  
16 party might have for you?

17 JUDGE GROSSMAN: Mr. Knotts?

18 MR. KNOTTS: May I have a moment?

19 (Brief pause.)

20 MR. KNOTTS: We have nothing for the witness, Mr.  
21 Chairman.

22 JUDGE GROSSMAN: Mr. Goldberg?

23 MR. GOLDBERG: No questions, Judge Grossman.

24 JUDGE GROSSMAN: Mr. Richard Wilson?

25 MR. R. WILSON: No questions.

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JUDGE GROSSMAN: Thank you very much, Mr. Coleman.

MR. BURSEY: Thank you, Mr. Coleman.

(Witness excused.)

JUDGE GROSSMAN: Mr. John Wilson, I think we are up to your list now. Mr. Bursey?

MR. BURSEY: Yes, sir, we would like--

MR. R. WILSON: May I interrupt again and restate again the fact that Dr. Jackson is here and--

JUDGE GROSSMAN: Oh, I am sorry, I thought he was on Mr. John Wilson's list. I am sorry, why don't we--Mr. John Wilson, I take it you have no objection to having him called?

MR. J. WILSON: What is the priority? We have five or six agency representatives who all have very heavy responsibilities that are sitting around waiting for Mr. Bursey to get to them all. I can't make a judgment which is more important than the others.

JUDGE GROSSMAN: Yes I am sorry I put you on the spot. Mr. Bursey, the next time you make arrangements, please see that they are satisfactory to the parties and not have everyone sitting around waiting. I don't think you mentioned the two out of towners to Mr. Richard Wilson or Mr. John Wilson. Why don't you call your next witness?

MR. BURSEY: Yes, sir, I would just observe that there is no way I could make everybody happy.

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MR. KNOTTS: Before we leave Mr. Coleman, may I inquire if it was your intention to introduce Mr. Coleman's affidavit, his pre-filed testimony and make it a part of the record?

MR. BURSEY: Yes, sir, it was. Thank you.

JUDGE GROSSMAN: Well, without having to recall Mr. Coleman, is there any objection?

MR. KNOTTS: No.

JUDGE GROSSMAN: Okay. Are you offering that?

MR. BURSEY: Yes, sir, I would like to offer Mr. Coleman's pre-filed testimony as a part of the record.

JUDGE GROSSMAN: Admitted.

[Insert.]



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

In the Matter of" )  
SOUTH CAROLINA ELECTRIC & )  
GAS COMPANY, et al. )  
(Virgil C. Summer Nuclear )  
Station, Unit 1) )

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Docket Number: 50-395-0L

AFFIDAVIT OF C.H. COLEMAN  
IN SUPPORT OF CONTENTION 8

- Q. State your name, address and occupation.
- A. My name is C.H. Coleman; Route 1 Box 207; Blair, S.C. I'm a self employed dairy farmer with my two sons.
- Q. How many cows do you milk?
- A. Approximately one hundred twenty-five.
- Q. Do you raise any agricultural products?
- A. Yes, corn, hay and silage (dairy feed). I buy the grain and of course I have a garden.
- Q. Are there any more dairy farmers in this area?
- A. Two more within a mile and a half radius.
- Q. How close are your dairy cows to the V.C. Summer plant?
- A. Where the cows are is here on the home place where we are now. Approximately ten miles or a little less.
- Q. Has any one from S.C.E. & G. or any state agency ever come and talked with you about what to do with your livestock, your milk or your agricultural products in case of an accident at the V.C. Summer plant?
- A. Not to my knowledge. I don't believe anyone talked to my sons either, if they did I'm unaware of it.

- Q. So you are unaware of any of the federal regulations about the potential destruction of agricultural products or milk or the necessity to feed livestock on stored feed?
- A. I didn't know it officially, but I figured if anything happened the milk would have to be dumped, but I didn't know about the feed.
- Q. The federal regulation calls for you to be able to feed your cattle on stored feed for possibly months. Could you afford to do that for a month?
- A. No, sir, I couldn't. It takes the milk to buy the grain and the other bills what goes along with farming. It takes a constant flow of money to operate on.
- Q. If there was a significant accident and you had to plow under your silage, dump your milk and feed your livestock on stored feed, would that put you out of business?
- A. Yes, there wouldn't be any way to make it. There wouldn't be any way for us to house the cattle, we are not set up that way. We have open sheds for feeding and when the weather is bad.
- Q. What do you think should be done to feed the cows, and who should pay for it in the event of a major accident?
- A. I haven't thought much about it, whoever the plant belongs to or whoever is backing them. Whoever does the licensing should have the authority to tie that (ie., the cost of emergency feed) to the license.
- Q. Have you ever been told by S.C.E & G. that you are in the ten mile radius of the emergency zone?
- A. No.
- Q. So you don't know officially whether or not you are in the zone?
- A. I have to look at a map and guess at where it's located.
- Q. Are you aware that S.C.E. & G. says that there are less than 12 dairy cattle within a ten mile radius of the plant?
- A. I've never heard that before.

Q. Can you think of anything else?

A. There needs to be provisions if things get bad and we have to leave for some one to come and feed the cows and milk them twice a day. If its going to last for a good while a provision ought to be made to move them out to where they can be tended to at the company's expense. We should be reimbursed for our losses and damages.

Q. Would water be a problem?

A. When they are out they drink from ponds and branches. Somebody would have to wire them in.

Q. Do you think the government should take an active role to see these provisions are responsibly delt with by the company?

A. Yes sir, I think it ought to be in writing.

Q. Do you believe agreements between agricultural producers and the company should be reached before the plant operates.

A. I believe these responsibilities should be a condition of the license. Whether a farmer is in the ten mile zone or not, if they are hurt they should be paid. This is a big investment, it's not like when we started in 1944.

I hereby certify that the foregoing information is true and correct to the best of my knowledge and belief.

BA Burrey (Notary Public)

C.H. Coleman  
C.H. Coleman

Subscribed and sworn to before me  
this 28th day of May, 1981

my commission expires 12/14/82

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1 MR. BURSEY: I would like to call the next witness,  
2 Commissioner Jackson of the Department of Health and Environmental  
3 Control.

4 MR. WILSON: Mr. Chairman, also with Dr. Jackson is  
5 Mr. Shealy who I understand was scheduled to testify tomorrow  
6 I believe and he is available then whereas Dr. Jackson will be  
7 out of town. It may be helpful for Mr. Shealy to assist Dr.  
8 Jackson as a panel at this point without getting into Dr.  
9 Shealy's testimony until tomorrow which Mr. Bursey hasn't--

10 MR. BURSEY: I would like to keep Mr. Shealy in the  
11 order that I have him. If he wants to sit with Dr. Johnson,  
12 I have no problems with that.

13 MR. R. WILSON: That is all I am proposing.

14 JUDGE GROSSMAN: Fine. Will both of you please raise  
15 your right hand?

16 Whereupon,

17 ROBERT S. JACKSON  
18 HEYWARD SHEALY

19 were called as a panel on behalf of the Intervenor and, having  
20 been first duly sworn, was examined and testified as follows:

21 JUDGE GROSSMAN: Please be seated. Dr. Jackson,  
22 could you please state your full name, sir?

23 MR. JACKSON: Yes, sir, I am Dr. Robert S. Jackson,  
24 Commissioner of the State Department of Health and Environmental  
25 Control.

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JUDGE GROSSMAN: And, sir, could you please state your full name? Spell it, please, sir.

MR. SHEALY: Yes, my name is Heyward Shealy, Chief of the Bureau of Radialogical Health, Department of Health and Environmental Control. My name is (Spelling) H-e-y-w-a-r-d S-h-e-a-l-y.

DIRECT EXAMINATION

BY MR. BURSEY: (Witness Jackson)

Q Dr. Jackson, I will be as brief as I can today and reserve most of the questions I have about specific responses for Mr. Shealy tomorrow in his capacity as a director of the Bureau of Radialogical Health, but it appears in my reading of the documents that you have, as the director, some significant responsibilities as regards potential radialogical accidents. Can you give us a summary of the decisions that you, as Commissioner, may be called upon in the event of a radialogical emergency?

A As with most of my administrative responsibilities, largely the specifics of the answer to your question is something I designate to another individual to be responsible for and to advise me on. The only specifics from my own reading of the plan that I can recall is the determination as to when potassium iodide would be used and our policy as it currently is it would be used primarily for workers who were forced to be continuously exposed, and not to the general public.

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Q That is your first policy line decision for workers but I understand that it is your decision to make about the giving of the drug to civilian population that is exposed. Are you saying now that that decision has already been made that it will not be given to civilians?

A No, I am saying that that is the one thing I recall being my responsibility specifically laid out in the plan. It is unclear how; for example, the plan dictates that we will procure a large supply of potassium iodide. As you probably know, we operate under a budget that's approved by the Legislature and to my knowledge, they have never budgeted any funds for us to procure so we are working towards taking steps in the plan.

Q Yes, sir, I hope by going over as thoroughly as possible all of the things that have laid at your doorstep we can help you receive the necessary funds to adequately and safely implement a plan.

You are saying that there is a decision that you might face about the administration of potassium iodide to the public?

A That is correct.

Q And you have no insight into the potential concern surrounding that decision at this point?

A No, I am not sure how to answer your question. I have a briefing document in my file prepared by staff on that subject which I would turn to in the event that the question

1 came up I would go to refresh my mind on the subject.

2 Q And does that document have specific radiation levels  
3 and certain radionuclides that would necessitate the use of the  
4 drug?

5 A I cannot recall. It has been some time since I have  
6 seen that particular report, perhaps Mr. Shealy has it.

7 MR. SHEALY: Yes, that does define the isotopes, the  
8 particular isotopes you would be interested in, yes.

9 BY MR. BURSEY: (Witness Jackson)

10 Q Along the lines of this questioning, I believe there  
11 is a decision that you may be called upon to make to allow  
12 emergency workers to receive more than a certain level of  
13 exposure, are you familiar with that decision?

14 A That is correct.

15 Q Can you expound on that briefly?

16 What level, what workers, the nature of the decision  
17 coming to you to be made?

18 A Most standards that have been set up to protect  
19 individuals from radiation are based upon either work place  
20 exposure or some other kind of long term accumulated...under  
21 an emergency situation where you have a limited number of  
22 trained people and you are anticipating doing it for only a  
23 short period of time. It might well be appropriate and safe  
24 to authorize the people for a period of time, short period of  
25 time to exceed what would ordinarily be under the routine,

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you know, I have never had any first hand experience with a nuclear emergency and I feel sure that we would all learn a lot of things very quickly but those are the kinds of things that you really keep the technical information as to specific amounts, exposure, what have you until you have to deal with a real situation. It is written down and we have it but I don't have it in my head.

MR. BURSEY: Mr. Shealy, do you know what that level is where Mr. Jackson is going to be called upon to make a decision about continued exposure?

MR. SHEALY: Yes, we certainly would consider past radiation exposure history of the individual.

We would go in the 50 rems, on up to as much as 125 rems for emergency work.

MR. BURSEY: And at 50 rems, Dr. Jackson would have to decide whether to allow the worker to continue to be exposed or is it 125?

MR. SHEALY: These are certain guides and you have to work with them as guides and you would have certainly consider the individual that you would be allowing to receive in excess of the limits that we have based on workers, but Dr. Jackson would certainly be informed and consulted of what we were doing, if we were allowing this and I also point out that the plan says that the governor's office would also be informed with respect to emergency workers receiving the standards guide.



1 MR. BURSEY: Dr. Jackson, is it your understanding  
2 you would be asked to rule on a case by case basis on this?

3 DR. JACKSON: No, that is not my understanding. I  
4 suppose it could be.

5 MR. BURSEY: But Mr. Shealy, would it be more  
6 reasonable to infer that Dr. Jackson would give a carte blanche  
7 under given circumstances?

8 MR. SHEALY: Under extreme circumstances, I am certain  
9 that would be an acceptable way to respond to a situation like  
10 that.

11 MR. BURSEY: Dr. Jackson, what in the chain of command,  
12 what questions come to you in regards to the designation of  
13 certain emergencies?

14 At the site or off site?

15 DR. JACKSON: I am not sure I understand your  
16 question.

17 MR. J. WILSON: Excuse me, have we at this point  
18 determined who designates an emergency at the site, is that  
19 what your question is getting at?

20 MR. BURSEY: I am asking Dr. Jackson if he has any  
21 input into designation of certain emergencies?

22 MR. J. WILSON: I heard that clearly that time.

23 DR. JACKSON: I am still not hearing your question.  
24 Are you asking me if I am the one that determines whether an  
25 emergency exists?

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MR. BURSEY: During certain points in the radiological emergency guides, where it refers to DHEC, the DHEC input is that you?

DR. JACKSON: I am the head of DHEC but I am not its entirety. I assume that those references are references to our providing technical guidance and technical assistance to the people coordinating and handling the emergency which advises overall responsibility.

Our role is primarily technical and in the process of monitoring.

MR. BURSEY: Have you had discussions with the other state agencies involved in the mechanical decision to call for an evacuation?

DR. JACKSON: I have not personally done so but my staff has participated in those kinds of sessions where the plans were discussed.

MR. BURSEY: Would you be involved yourself personally in such decisions to evacuate a certain area?

DR. JACKSON: I suspect so, yes.

MR. BURSEY: But mechanically it is not clear at this point of whether you would or not?

MR. BURSEY: No, you asked me whether I had participated with other agencies in such discussions and I indicated to you I had not but members of my staff had.

MR. BURSEY: And then I asked did you have a delegated role in the decision to evacuate?

1 DR. JACKSON: I really don't know the answer to the  
2 question.

3 (Brief pause.)

4 JUDGE GROSSMAN: Mr. Shealy, if you could answer that  
5 question, please answer that for us.

6 MR. SHEALY: Would you please ask that question again,  
7 I would like to have it repeated.

8 MR. BURSEY: Does Dr. Jackson have any delegated role  
9 in deciding to evacuate a given area as a result of a radiological  
10 emergency?

11 MR. SHEALY: The decision to evacuate a particular  
12 area around a nuclear facility, that decision would be made at  
13 the forward emergency operation center, and that decision would be  
14 made with the Emergency Preparedness Division, with General  
15 Wise who represents the Governor's office and myself. Dr. Jackson  
16 would be informed of the action that we would take. That is  
17 perhaps your inquiry. He would not be at the forward EOC  
18 I do not think at this time but he would be kept well informed  
19 of what was transpiring and what decisions were being made.

20 MR. BURSEY: Dr. Jackson, I am going to save most of  
21 my questions about DHEC's many different functions for Mr. Shealy  
22 tomorrow but I have one further question for you about the ability  
23 of your agency given financial limitations and personnel limitations  
24 to be able to cope with a maximum credible accident of the V. C.  
25 Summer plant.

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Let me ask first, do you know what is meant by the term "maximum credible accident"?

DR. JACKSON: I have a vague idea but I--

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1 MR. BURSEY: Can you give me some indication of what  
2 that means in terms of lives lost immediately?

3 DR. JACKSON: No.

4 MR. BURSEY: Are you familiar with the Rasmussen report?

5 DR. JACKSON: No.

6 MR. BURSEY: Would you be surprised to know that con-  
7 servative government figures postulate thousands of immediate  
8 deaths?

9 MR. GOLDBERG: Judge, I'm going to interrupt this.  
10 These are not our witnesses, but it seems that Mr. Bursey's  
11 close to testifying, close to assuming facts that aren't in  
12 the record, and I wonder if maybe we could have some showing  
13 beforehand of what relationship this has to the purpose for  
14 which these gentlemen were called?

15 JUDGE GROSSMAN: Are you objecting to that last question?

16 MR. GOLDBERG: Yes.

17 JUDGE GROSSMAN: Rephrase the question, Mr. Bursey.

18 MR. BURSEY: There is a government document called  
19 Wash 740 and I'll quote from it: "The lethal exposures could  
20 range from none to a calculated maximum of three thousand, four  
21 hundred. Under the assumed accident conditions the number of  
22 persons that could be injured could range from none to a maximum  
23 of forty-three thousand."

24 And, again, I'll say these have been criticized by  
25 many as being conservative. Does that number of thirty-four

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1 thousand [sic] fatalities, does that surprise you? Your planning  
2 has taken into account then that magnitude of an accident?

3 MR. GOLDBERG: Judge Grossman, I think we had testimony  
4 earlier that there are only ten thousand residents within the  
5 entire ten-mile zone exposure of the planning zone. So I think  
6 that some of those generic figures don't have any immediate  
7 application to the site specific emergency planning conditions.

8 MR. BURSEY: I would take issue with that, Judge Grossman.  
9 Wash 740 doesn't stop at ten miles nor is there any postulated  
10 accident that's going to stop at ten miles. There are certain  
11 parts of this procedure that do stop at ten miles; this is not  
12 one of them.

13 JUDGE GROSSMAN: Now, what is your pending question,  
14 Mr. Bursey?

15 MR. BURSEY: Simply does his plan, the plans of his  
16 agency take into account that level, that magnitude of an accident.  
17 I'm not pinning him down to a body count.

18 JUDGE GROSSMAN: Are you asking him whether his plans  
19 take into account thirty-four thousand fatalities?

20 MR. BURSEY: Yes, sir.

21 JUDGE GROSSMAN: You can answer that question.

22 DR. JACKSON: I do not believe that the plan that  
23 we have was based on that extensive an estimate of injuries.

24 MR. BURSEY: My next concern is the financial ability  
25 of your agency resource limitation to respond adequately in

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1 the event of a maximum credible accident.

2 DR. JACKSON: We do not have on our staff all of the  
3 technical help that would have to be called upon in that kind  
4 of emergenchn, but we do have available to us inthe from of tech-  
5 nical assistance from Savannah River plant and other industrial  
6 members of the State family, and would I'm sure be able to  
7 borrow, if you will, from adjacent states and from the federal  
8 government if that became necessary.

9 We're not--we do not staff in anticipation, in other  
10 words, and consequently any disaster of the type postulated  
11 would drain our resources aubstantially. We have what we feel  
12 is sufficient staff for our monitoring, our regulatory responsi-  
13 bilities now. Certainly, we would be stretching if a major  
14 emergency occurred. I think all agencies would.

15 MR. BURSEY: Do you feel that the budget cuts that  
16 were hitting your agency this year and anticipated continuing,  
17 is that going to limit your ability to meet basic monitoring/  
18 training needs? Do you need more money?

19 DR. JACKSON: Agencies always need more money. One  
20 of the areas that we have not had much in the way of cuts has  
21 been in our radiological health area. We have had some cuts  
22 there, but not as much as we've had elsewhere.

23 My primary concern is not with the capability of our  
24 technical people and our radiological units. It would be with  
25 the kind of injuries, in other words, the ability of the medical

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1 community as a whole to respond to that kind of an influx of  
2 injured patients in a capable way. Our facilities, our hospitals  
3 are not well set up for that kind of sudden influx.

4 MR. BURSEY: Thank you, Dr. Jackson. That's all I  
5 have for you right now. If you could answer any questions that  
6 the other parties might have, I'd appreciate it.

7 JUDGE GROSSMAN: Mr. Knotts?

8 MR. KNOTTS: I just have one question for the record.  
9 When you referred to a certain exposure level, to emergency  
10 teamwork, were you referring to exposure levels as set forth  
11 in what I believe is called the Technical Radiological Emergency  
12 Response Plan of the State of South Carolina?

13 DR. JACKSON: That is correct.

14 MR. KNOTTS: And may I show you a page, please? Mr.  
15 Mahan will show you a page which is numbered I-1, and I will  
16 represent to you that that is a page which we have just taken  
17 out of the xerox or other electrostatic copier.

18 And I will ask you if the numbers at the bottom of  
19 the page, referring to twenty-five rem whole body and seventy-  
20 five rem whole body and one hundred and twenty-five rem to the  
21 thyroid are the numbers you were referring to from memory earlier?

22 DR. JACKSON: That is correct.

23 MR. KNOTTS: Thank you.

24 JUDGE GROSSMAN: Mr. Goldberg?

25 MR. GOLDBERG: Dr. Jackson, Mr. Bursey in questioning



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1 referred to a term that he called maximum credible accident.  
2 Apart from the description of an event or instance that he related  
3 to you, do you have any independent knowledge of what that term  
4 means or implies?

5 DR. JACKSON: Just from the words themselves, I would  
6 make the assumption that I knew what it meant.

7 MR. GOLDBERG: Well, from the words themselves, what  
8 assumption do you draw from the words themselves?

9 DR. JACKSON: The way I interpret maximum credible  
10 is the largest expected or accident that could be expected under  
11 a set of statistical probability. As I say, it's a guess.

12 MR. GOLDBERG: I have no further questions.

13 JUDGE GROSSMAN: Mr. Richard Wilson?

14 MR. RICHARD WILSON: No questions, Mr. Chairman.

15 JUDGE LINENBERGER: Dr. Jackson, first off, are you  
16 a Ph.D. or an M.D.?

17 DR. JACKSON: I'm a physician.

18 JUDGE LINENBERGER: You are a physician. Secondly,  
19 how does your department receive notification that a radiological  
20 emergency exists?

21 DR. JACKSON: Directly from the operator, the utility.

22 JUDGE LINENBERGER: From the power plant?

23 DR. JACKSON: They would advise us in the event of  
24 an accident.

25 JUDGE LINENBERGER: Is this then something that you

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1 seek confirmation of from any part of the State organization,  
 2 such as the Governor's office or somebody?

3 JR. JACKSON: Confirmation of the fact that something  
 4 has happened or--

5 JUDGE LINENBERGER: That a state of emergency exists  
 6 such that you are empowered to start acting consistent with  
 7 the plans that you're supposed to operate under.

8 DR. JACKSON: Well, the call would come in, I believe  
 9 to Mr. Shealy directly and then he would notify me and I would  
 10 in turn be in communication with the Governor's Office immediately  
 11 to make sure that what what we were doing and what the Governor  
 12 would have us do were consistent with each other.

13 JUDGE LINENBERGER: All right. Thank you.

14 JUDGE GROSSMAN: Thank you very much, gentlemen. We'll  
 15 take a ten-minute break.

16 [Brief recess.]

17 JUDGE GROSSMAN: Mr. Bursey, call your next witness,  
 18 please?

19 MR. BURSEY: Yes, sir. I'd like to call Colonel Meek  
 20 of the Highway Patrol. That's again, out of order. The Colonel  
 21 has meeting in Chester at six o'clock and we have prefiled  
 22 testimony.

23 JUDGE GROSSMAN: Well, Mr. Bursey, you made some repre-  
 24 sentations to Mr. Wilson and I think you really ought to uphold  
 25 those commitments and my list shows that the Forestry Service

1 is the first one you should call.

2 MR. BURSEY: If that's the way you wish it, sir. I  
3 told Colonel Meek I would make the request. Then, I would call--

4 MR. JOHN WILSON: Mr. Chairman, for the record if  
5 I may, the hour is now nearly four o'clock in the afternoon.  
6 We have had representatives from these fifteen states agencies  
7 hanging around since nine-thirty this morning. Despite the  
8 assurances that have been given by Mr. Bursey, we've continued  
9 to sidetrack, call other witnesses that he had subpoenaed.

10 Now, I cannot make the determination which of the  
11 public officials of the State of South Carolina has greater  
12 priority in their duties. All have equal responsibility to  
13 the public, but I would venture to say that no court, no State  
14 court in South Carolina would purport to treat officials of  
15 the public, of federal agencies in a similar manner as these  
16 gentlemen are being called upon today, and I bo st to it strenuously  
17 and I don't have any particular concern in what order these  
18 men are called except for the fact that we had attempted to  
19 minimize their inconvenience and we have set an order in order  
20 to expedite matters, but continuously Mr. Bursey has taken things  
21 out of order.

22 Now, I'm sure Colonel Meeks has responsibility as does  
23 Captain Gasque, as does everyone else who has been subpoenaed.  
24 And I'm not at liberty to sat who should go first. But that's  
25 a problem when you wholesale subpoena officials of state

1 agencies.

2 MR. BURSEY: Judge Grossman, I feel compelled to respond.  
3 Every time Mr. Wilson makes his plea, I point out to him that  
4 he has had the floor for a good while today. Now, I don't want  
5 to be responsible for the necessity of subpoenaing state agencies  
6 that have a role in this plan. I think that it's part of their  
7 duty and I have been, I think, more than cooperative in letting--  
8 in taking delegated representatives and I don't--I feel at this  
9 point his objections are kind of pro forma objections to case  
10 some type of aspersions on me.

11 JUDGE GROSSMAN: Well, let's not prolong this. There  
12 are always scheduling problems when you have a court or board  
13 hearing and we're doing the best we can. So just call the witness  
14 and let's go as quickly as we can.

15 MR. BURSEY: We'll call Mr. Hance of Enforcement.  
16 Whereupon,

17 J. T. HANCE,  
18 was called as a witness on behalf of the intervenor and, having  
19 been first duly sworn, was examined and testified as follows:

20 JUDGE GROSSMAN: Please be seated. Please state your  
21 full name and please spell it for the court reporter.

22 MR. HANCE: J. T. Hance, H-a-n-c-e.

23 DIRECT EXAMINATION

24 BY MR. BURSEY:

25 Q Mr. Hance, can you tell me what your involvement

1 in the development of the emergency plan is that interfaces  
2 with the Forestry Commission?

3 A Yes, sir. I am a staff forester in the central office  
4 of the Forestry Commission and usually I work with the Disaster  
5 Preparedness Agency in our cooperations with them.

6 Q You've worked with the Disaster Preparedness Agency?

7 A When they call on the Forestry Commission for assistance  
8 I would work with them.

9 Q Can you tell us the role of the Forestry Commissio  
10 in a possible accident, radiological release at the V. C. Summer  
11 plant, what the Forestry Commission would be called onto do?

12 A Yes, sir. The Forestry Commission would provide back-  
13 up communication with its two-way radio net between Forward  
14 Emergency Operations Center and the State Emergency Operations  
15 Center.

16 We also provide a decisionmaker in both centers for  
17 the Forestry Commission.

18 Q I'm sorry. I couldn't hear that. You provide a--?

19 A A person with the Forestry Commission that could make  
20 a decision for the Forestry Commission.

21 Q And so you outline your role then as a back-up communi-  
22 cations link. Is there anything else that you've been delegated  
23 to do?

24 A We would also, if called upon by DHEC provide--we  
25 have ground tankers that we use in forest fire suppression work.

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And if DHEC had need for these tankers and called for them in decontamination, we would certainly work with them in this capacity.

Q Are there any other roles?

A We maintain contact with the Forestry people in the counties on a day to day basis with the forestry interests in the counties.

Q My reading of the emergency plan indicated that the Forestry Commission had a responsibility for assisting with fire and rescue. Can you tell us anything about your rescue responsibilities?

A If we were called on to assist in rescue, it would be to assist the Wildlife Resources Department. I believe they have the major responsibility for this. We have some four-wheel drive vehicles that we could make available for search and rescue.

Q Has there been any training for members of your agency in regards to dealing with potential radiological emergencies?

A We have participated in the exercises at the H. B. Robinson plant and at the V. C. Summer Plant.

Q And what were your roles at the V. C. Summer drill?

A At the V. C. Summer drill our role was to provide back-up communications on our radio net between Forward Emergency Operations and the State Emergency Operations Center. We also had a decisionmaker located at each of these facilities during

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1 these exercises. We also maintained operations at our State  
2 headquarters.

3 Q. Has there been any actual training sessions for forestry  
4 personnel as to what would be entailed in a rescue mission in  
5 a radiological hazard zone?

6 A. No, sir.

7 Q. Are such training sessions planned?

8 A. Not at this time, no, sir.

9 Q. Do you feel that they would be necessary in order  
10 for you to fulfill your responsibility to the plan and protect  
11 the members of your agency?

12 A. No, sir, I did not. I think we would depend on Ener-  
13 gency Preparedness and the Forward Emergency Operations Center  
14 to let us know and we could check with the DHEC people there.  
15 That's the reason we'd have a decisionmaker there, to determine  
16 how long our people could stay in an area like that.

17 Q. So essentially then you would be relying on decisions  
18 that would be made at the Forward Command Center to protect  
19 forestry personnel from radiation?

20 A. Yes, sir.

21 Q. How many forestry personnel participated in the V.  
22 C. Summer drill?

23 A. I believe it was about six or eight.

24 Q. And what number of personnel has ever been raised  
25 in terms of the ability for your department to contribute x

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1 number of personnel in the event of a radiological emergency?

2 A. I don't understand your question.

3 Q. What's the maximum number of personnel that you could  
4 be called upon to supply?

5 A. We would supply any number of personnel that we might  
6 have available if Emergency Preparedness called for us and needed  
7 us.

8 Q. But it would be the Forestry Commission's position  
9 that those personnel should be kept out of radiological hazard  
10 areas?

11 A. We certainly feel that Emergency Preparedness and  
12 DHEC would not send us into an area that we couldn't go in,  
13 and keep us there. And if we had to go in an area we would  
14 only let our people go for so long and then let them come back  
15 out. And we'd base this decision on the information tht we got  
16 from the people who would be knowledgeable of what that amount  
17 of time would be.

18 Q. But at this point there are no plans to have--to educ-  
19 ate your personnel about radiological exposures and how many  
20 rems they could be exposed to and how to read a dosimeter?

21 A. We were given instructions on how to read a dosimeter  
22 at the OC site.

23 MR. BURSEY: That's all the questions I have right  
24 now for you, sir. If you would answer the questions that any  
25 of the other parties would have.

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1 JUDGE GROSSMAN: Mr. Knotts?

2 MR. KNOTTS: Yes, Judge Grossman.

3 CROSS-EXAMINATION

4 BY MR. KNOTTS:

5 Q Mr. Hance, when you used the term Emergency Preparedness,  
6 were you referring to the Emergency Preparedness Division?

7 A Yes.

8 Q Does it fall to your agency or to some other agency,  
9 Mr. Hance, to locate hunters or backpackers or campers who may  
10 be in forested areas and need to be notified and evacuated in  
11 the event of a postulated emergency?

12 A No, sir, that does not fall within our agency, to  
13 my knowledge.

14 Q thank you. Insofar as other emergency situations  
15 not involving nuclear power plants, not involving radiological  
16 hazards, are there other emergency conditions toward which your  
17 agency plans or makes preparations or has a potential role?

18 A Yes, sir.

19 Q Can you give us an illustration or two?

20 A Well we offer a statewide ofrest fire protection program  
21 for all of the forestlands of the state, and of course we are  
22 the major agency responsible for this purpose. This is the  
23 standard operating procedure which we would we through which  
24 we go every day. That's the responsibility of the Commission  
25 of Forestry, and we have the same responsibility when we have

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1 an emergency forest fire situation.

2 MR. KNOTTS: Thank you very much, Mr. Hance. I don't  
3 have any further questions.

4 JUDGE GROSSMAN: Mr. Goldberg?

5 MR. GOLDBERG: No questions.

6 JUDGE GROSSMAN: Mr. Richard Wilson?

7 MR. RICHARD WILSON: No questions.

8 JUDGE LINENBERGER: Mr. Hance, I thought I heard you  
9 refer to an organization called Disaster Preparedness Agency  
10 and an organization which I believe Mr. Knotts referred to as  
11 Emergency Preparedness Division. Now, are these two separate  
12 organizations?

13 MR. HANCE: To my knowledge, this is the one and the  
14 same agency. It used to be known as Disaster Preparedness and  
15 the agency's name was changed to Emergency.

16 JUDGE LINENBERGER: All right, sir. You indicated  
17 that, at least so far as planning goes, you await a request  
18 from the Emergency Preparedness Division before you would be  
19 involved in any kind of emergency planning, do I understand  
20 that correctly?

21 MR. HANCE: From a planning standpoint we would instruct  
22 our people but from the six nuclear facilities incident, we would  
23 wait for Disaster Preparedness to give us a call. We have our  
24 people instructed as to their responsibilities as far as relaying  
25 radio messages through the two-way radio net. This is something

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1 that they do daily through our two-way radio network.

2 JUDGE LINENBERGER: I believe you also indicated that  
3 you provided assistance to the Wildlife Resources Department  
4 with respect to certain rescue efforts, but that the primary  
5 responsibility for rescue efforts lay with the Wildlife Resources  
6 Department, is that correct?

7 MR. HANCE: I can't speak for Wildlife Resource Depart-  
8 ment, but my recollection of the Disaster Preparedness plan  
9 is that Wildlife Resources does have the primary responsibility  
10 for search and rescue and we are the agency that supports them,  
11 being a forestry agency and having people out in the woods.

12 JUDGE LINENBERGER: Well, now, this responsibility  
13 of the Wildlife Resources Department, does that apply only to  
14 forestlands or is that in general rural communities or what--  
15 is there any kind of geographical or functional breakdown where  
16 they do have rescue responsibility that you know about?

17 MR. HANCE: Well, I believe both we and Wildlife Resources  
18 are statewide agencies so it would be anywhere in the State.

19 JUDGE LINENBERGER: And what--how is the division of  
20 responsibility between you and them established such that you're  
21 not duplicating each other's efforts?

22 MR. HANCE: Well, we would wait for them to call us  
23 for assistance. We have agents in the field and they do too,  
24 and they work together daily on lots of different things. If  
25 they called us at the central office and wanted us to provide

1 assistance to them for rescue mission, we would certainly do every-  
2 thing we could to assist them.

3 JUDGE LINENBERGER: I see. And, as you understand  
4 it, how would they learn of the need for rescue efforts some-  
5 where? Who would tell them that this effort was needed?

6 MR. HANCE: I would not know how they would learn.  
7 I would assume that they may learn about their own knowledge  
8 or they may be advised by the Forward Emergency Operations Center  
9 if it was an emergency and they had the Forward Center set up  
10 and there was a need for rescue in a certain area.

11 JUDGE LINENBERGER: You stressed that you always had  
12 a certain number of decisionmakers available as needed. This  
13 is with respect to what kind of decisions?

14 MR. HANCE: That would be for the involvement of the  
15 Forestry Commission personnel and equipment in an exercise,  
16 to let them know what we had available or could supply if they  
17 had a request. This person would be knowledgeable of our organiza-  
18 tion, an experienced person who's familiar with what we can  
19 do and what we can't do and the equipment that we have.

20 JUDGE LINENBERGER: What kinds of things would you  
21 be looking to the Department of Health and Environmental Control  
22 for as opposed to the kinds of things you would be looking to  
23 Emergency Preparedness Division for, with respect to instructions  
24 or information or whatever? How do these two agencies breakdown  
25 with respect to your support of them?

1 MR. HANCE: Well, they would all be at the Forward  
2 Emergency Operations Center so they would be in close proximity--  
3 they would be all there together so I think we could--certainly  
4 our decisionmaker could talk with Emergency Preparedness people  
5 as well the the radiological people at the Forward Center.

6 JUDGE LINENBERGER: But do you have certain policies  
7 or procedural plans that say you will provide one type of assist-  
8 ance to one of those agencies and another type of assistance  
9 to another, or does one have priority over the other with respect  
10 to your resources? How is this anticipated in advance of an  
11 emergency?

12 MR. HANCE: No, sir. We would look at it this way.  
13 If the Governor declared an emergency, our being a state agency,  
14 whatever we had that we could make available, then we would  
15 make it available to for the emergency.

16 JUDGE LINENBERGER: So there's no priority of agencies  
17 that you serve here. Anybody that asks, you respond in case  
18 of emergency, is that correct?

19 MR. HANCE: Well, not just anybody. I would think  
20 it would be up to the people in charge at the Forward Emergency  
21 Operations Center who were directing the efforts to determine  
22 where the needs are the most.

23 JUDGE LINENBERGER: Thank you, sir.

24 JUDGE GROSSMAN: Redirect, Mr. Bursey?

25 MR. BURSEY: Just one question.

1  
2 REDIRECT EXAMINATION

3 BY MR. BURSEY:

4 Q Mr. Hance, do you have--know specific chain of command  
5 in the Emergency Response Plan as to who directly you receive  
6 orders from at the Forward Emergency Operations Center?7 A We would follow the emergency plan that Emergency  
8 Preparedness Division has furnished us. And our decisionmaker  
9 would be someone from our organization there that they would  
10 contact. And if he had further need for contact, then he would  
11 contact our central office.

12 MR. BURSEY: That's all.

13 JUDGE GROSSMAN: Mr. Knotts?

14 MR. KNOTTS: I have one follow-up on Judge Linenberger's  
15 question, Mr. Hance.

## 16 RECROSS-EXAMINATION

17 BY MR. KNOTTS:

18 Q Would you agree with the proposition generally that  
19 DHEC, the Department of Health and Environmental Control, is--  
20 generally functions as the technical advisor and inputting agency  
21 in the State and that the Division of Emergency Preparedness  
22 provides overall operational direction?

23 A Yes, sir.

24 JUDGE GROSSMAN: Mr. Goldberg?

25 MR. GOLDBERG: No questions.

JUDGE GROSSMAN: Mr. Wilson?

1 MR. RICHARD WILSON: No questions.

2 JUDGE GROSSMAN: Thank you very much, Mr. Hance.

3 Mr. Bursey, call your next witness, please?

4 MR. BURSEY: I'd like to call the delegated representa-  
5 tive from Educational Television.

6 Whereupon,

7 CHARLTON BOWERS,

8 was called as a witness on behalf of the intervenor and having  
9 been first duly sworn, was examined as testified as follows:

10 JUDGE GROSSMAN: Be seated. Would you state your  
11 full name and spell it for the court reporter, please?

12 MR. BOWERS: My name is Charlton Bowers, B-o-w-e-r-s.

13 DIRECT EXAMINATION

14 BY MR. BURSEY:

15 Q. Mr. Bowers, what's your job at E-TV?

16 A. I'm Director of Engineering.

17 Q. Does that include television and radio?

18 A. Yes, with some exceptions.

19 Q. And have you been involved in E-TV's role in the develop-  
20 ment and the implementation of emergency plans that we have  
21 been discussing?

22 A. Yes, sir.

23 Q. Can you give us a summary of E-TV's role in the event  
24 of a major nuclear accident at the V. C. Summer plant and what  
25 your agency would be called upon to do, either television or

1 radio?

2 A. Our role is to provide the direct communication channel  
3 to the public from the State Emergency Operations Center. This  
4 would be a visual communications channel consisting of on-camera  
5 information originating in the State Emergency Operations Center  
6 that would be carried over our network or any portion of our  
7 network, radio or television. This would be live from the Operations  
8 Center.

9 Q From the Forward Operations Center?

10 A. From the State Operations Center. It's in the basement  
11 of the Rutledge Building.

12 Q So your role would be then to take telecasting or  
13 radio broadcasting to the Rutledge Building and set up to be  
14 able to broadcast emergency notices to the public?

15 A. Not exactly. We have a set of equipment and a circuit  
16 that is permanent in the basement of the Rutledge Building. We  
17 simply have to turn it on.

18 Q Who notifies you of the necessity of your doing that?

19 A. There is a list of persons who are authorized to alert  
20 us, but it's the Office of the Governor or their representative.

21 Q Were you involved in the formulation or wording of  
22 the emergency notices that would go out over the air?

23 A. We do not write the messages, that is, E-TV does not  
24 write the messages. The Public Information official in the  
25 plan formulates the wording of the messages.



1 Q I'm sorry. The public official?

2 A The Public Information Specialist in the Operations  
3 Center, the person designated to formulate the wording, he's  
4 a representative of the Governor's Office again.

5 Q So the messages that are in the plan that call for  
6 people living in zone blank to evacuate their homes or businesses  
7 and an estimate of the quantities of nobile gases, those statements  
8 that are in the plan were written by the Governor's Office?

9 A I don't know who wrote the ones in the plan. The news  
10 messages that are broadcast are formulated from those documents  
11 and specific information. They're formulated by the representa-  
12 tives of the Governor's Office. It is--as I understand it,  
13 the Governor is the only one that has the authority to order  
14 evacuation and it comes through his office.

15 Q Do you have any control factor, any guidelines that  
16 you go by to determine the authenticity of messages that are  
17 going out over the air?

18 A We have a representative in the State Emergency Opera-  
19 tions Center on duty who is under control of the Disaster, rather  
20 Emergency Preparedness representatives there and we are author-  
21 ized to broadcast the messages that are directed by the Governor.  
22 And, again, these are representatives from the Governor's office  
23 who we know and we know that they're speaking for the Governor.

24 Q So then the chain of command would be that you would  
25 not broadcast something unless you were told to broadcast it

1 by the representative from the Governor's Office that you recog-  
2 nized?

3 A. That's correct.

4 Q. Now, did you have an active role in the V. C. Summer  
5 drill that happened May 1st?

6 A. Yes.

7 Q. Can you explain what you did and how it went?

8 A. I was stationed in the State Emergency Operations  
9 Center after being alerted, after being notified. We manned  
10 the equipment there and made it ready and waited--had it available  
11 as needed to broadcast messages over the network.

12 Q. Did you broadcast?

13 A. Yes, sir.

14 Q. And how long after notification of a general emergency  
15 did you broadcast?

16 A. Could you define degrees? There's degrees that occurred.  
17 Which one are you speaking about?

18 Q. Well, general emergency, the highest.

19 A. Well, from the point of receiving an alert, we manned  
20 the equipment and made it ready. From then on, it's practically  
21 instantaneous to put it on the air.

22 Q. So you responded when you were told to and your message  
23 went out immediately?

24 A. Right.

25 Q. There was no time lag in your ability to fulfill your

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1 role?

2 A. Not more than a minute or so, just a matter of throwing  
3 the switches and putting it on the air.

4 Q. And did you broadcast on the radio also?

5 A. In this particular exercise, we did not.

6 Q. Are you familiar with the role of any of the commercial  
7 television and radio stations?

8 A. Only indirectly as stated in the plan.

9 Q. Could you expand on that?

10 A. Well, as I understand it, the commercial radio stations  
11 are to be the first notification or a problem or emergency or  
12 whatever, and E-TV's role is more in-depth reporting of specific  
13 information, evacuation type information, detailed information  
14 after the initial notification.

15 Q. You would concur that what you just stated means that  
16 E-TV is the primary means for follow-up of emergency public  
17 information in the ten-mile zone?

18 A. That's correct. That's exactly as stated in the plan,  
19 I believe.

20 Q. And other than you following commercial stations with  
21 follow-up information, you have no delegated authority to inter-  
22 face with commercial broadcasting systems?

23 A. That is not in our plan, but any station is authorized  
24 to rebroadcast or use the material that appear on our network  
25 in emergency situations.

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1 Q Would a for instance of that be if the Governor came  
2 to the basement of the Rutledge Building to announce evacuation,  
3 you would videotape it and broadcast it and give the tape to  
4 other commercial stations?

5 A If requested, we could, but in the normal circumstances  
6 he would go on the air live with the announcement. But we could  
7 record it and rebroadcast it later or from tape which we have  
8 done in other exercises.

9 Q And you have not--that did not come up? You've not  
10 been asked to do that?

11 A I say we have done that in some of the exercises.

12 Q Some of the other exercises, other than V. C. Summer?

13 A In the case of the V. C. Summer, we were asked to  
14 record some of the messages. One of the messages was a simulated  
15 emergency message that was not for broadcast. We were asked  
16 to record it, I suppose to see that it was done right. And  
17 we furnished copies of that tape to the Governor's Office.

18 Q As a professional broadcaster, do you have any opinion  
19 on the clarity of the wording of the messages that you were asked  
20 to broadcast?

21 A In my professional role as technician, I really did  
22 not pay that much attention to the content, so I don't believe  
23 I could answer that. I was concerned with it getting on correctly,  
24 getting on the air and I was not too concerned with what they  
25 were saying. So I really couldn't say.

1 MR. BURSEY: Thank you, sir. If you'd answer any  
2 questions that the other parties might have.

3 JUDGE GROSSMAN: Mr. Knotts?

4 MR. KNOTTS: No questions.

5 JUDGE GROSSMAN: Mr. Goldberg?

6 MR. GOLDBERG: No questions.

7 JUDGE GROSSMAN: Mr. Wilson?

8 MR. RICHARD WILSON: No questions.

9 JUDGE GROSSMAN: Thank you very much, Mr. Bowers.  
10 Call your next witness, please.

11 MR. BURSEY: Is Mr. Scurry in the room?

12 MR. SCURRY: Yes.

13 Whereupon,

14 HARVEY SCURRY,

15 was called as a witness on behalf of the intervenor and, having  
16 been first duly sworn, was examined and testified as follows:

17 DIRECT EXAMINATION

18 JUDGE GROSSMAN: Please be seated. Would you state  
19 your full name and spell it for the court reporter?

20 MR. SCURRY: Harvey Scurry, S-c-u-r-r-y.

21 BY MR. BURSEY:

22 Q. Mr. Scurry, what's your job?

23 A. I'm Assistant State Fire Marshal.

24 Q. And what is your agency's responsibility in the develop-  
25 ment of the Emergency Response Plan?

1 MR. JOHN WILSON: Mr. Chairman, I object to the rele-  
2 vancy of the question. I fail to understand how it would be  
3 relevant to any issue as to each agency's involvement in the  
4 development of the plan. The plan speaks for itself. And it  
5 seems to me that the critical issue is whether or not they are  
6 capable of carrying it out in an adequate manner, not how it  
7 was formed.

8 JUDGE GROSSMAN: It's just a preliminary question,  
9 Mr. Wilson. Allow some leeway there. Please proceed, Mr. Bursey.  
10 Oh, I'm sorry. You may answer the question.

11 MR. SCURRY: To my knowledge, the State Fire Marshal's  
12 Office has no input into the development of the plan. I was  
13 only pulled into the State Fire Marshal's Office on April 10th  
14 as assistant. So I cannot answer that question.

15 BY MR. BURSEY:

16 Q Can you tell us what the State Fire Marshal's role  
17 in the Emergency Plan is?

18 A I have--only what I have been given to me most recently  
19 from the Office of Emergency Preparedness, and they have basically  
20 outlined three things that we probably will be called upon to  
21 assist with. Would you list me to list those?

22 Q Yes, sir, please?

23 A First is to assist in decontamination along with DHEC.  
24 Number two is to participate in drills that may be conducted  
25 in the future, and three is to train our agency and personnel

1 in the use of equipment for radiation protection, et cetera.

2 Q Can you tell me a little bit about how the State Fire  
3 Marshal's office works? You have your staff and how does it  
4 interface with other fire departments?

5 A The State Fire Marshal's Office is the top fire agency  
6 in the State of South Carolina. We are based here in Columbia  
7 with nine territories across the State, each staffed with a  
8 Deputy State Fire Marshal. We basically perform the duties  
9 assigned to us under State statute of inspecting all buildings  
10 periodically and we work with every organized department across  
11 the State of South Carolina and we are in close contact with  
12 these.

13 Q So then if the New Ballatine Fire Department was called  
14 into duty, we can anticipate that they would have received their  
15 training as to what to do in a radiological emergency from your  
16 office?

17 A Not necessarily so. There are several phases of train-  
18 ing from the State level as far as firemen are concerned. Basic  
19 training comes under the State Fire Academy, which is another  
20 agency under the Technical Education Division, I believe.

21 Q But as far as your role goes, you do have some dele-  
22 gated responsibility for training your member agencies? You  
23 mentioned three things--decontamination?

24 Q That is my understanding that as the plan was drawn  
25 up, this was what they put us into the program for. I'm not

1 that involved with it. I have not been up to this point. As  
2 to how involved we would be, I don't know.

3 Q How many people are in your agency, Mr. Scurry?

4 A Thirty.

5 Q And is there someone in your agency that has received  
6 the training necessary to train the member agencies in decontamina-  
7 tion and emergency responses?

8 A Not more than maybe a local level. As I say, we have  
9 people involved in other orgnaizations. Some are members of  
10 their local fire departments and areas of this nature, but from  
11 our divisional standpoint, no.

12 Q Are you going to get someone in your agency that that's  
13 their task?

14 A I think the State Fire Marshal would have to answer  
15 that.

16 MR. JOHN WILSON: Mr. Chairman, I hate to interrupt  
17 but I believe under the plan--of course it speaks for itself--  
18 the State Fire Marshal has no resonsibility with respect to  
19 training separate fire departments within a geographical area  
20 as to radiological response. That is a responsibility that's  
21 given at the county level to deal with county agencies within  
22 those jurisdictions.

23 They train their own in-house personnel. I don't believe  
24 they have the resonsibility. Mr. Burse's presuming something  
25 that not a fact.



1 MR. BURSEY: Judge Grossman, I'm basing my assumption  
2 on what Mr. Wilson's witness just told me. Now--

3 MR. JOHN WILSON: Correction. He's not my witness.  
4 Mr. Bursey's subpoenaed the State Fire Marshal, and this gentleman  
5 appears as his representative.

6 MR. BURSEY: At Mr. Wilson's urging I accepted Mr.  
7 Scurry with the provision that if Mr. Scurry didn't have the  
8 answers, we were going to have to get the State fire Marshal.  
9 Now, it would seem to be that Mr. Wilson may be coaching the  
10 witness as to what he knows and doesn't know and I would appre-  
11 ciate some guidance from the Board as to how to proceed from  
12 here.

13 If Mr. Scurry's going to say something and Mr. Wilson's  
14 going to contradict him, maybe we should put Mr. Wilson on the  
15 stand.

16 MR. SCURRY: May I reread the third thing I read out?

17 JUDGE GROSSMAN: Well, Mr. Scurry, you should be testi-  
18 fying from your own knowledge. Mr. Wilson did say something  
19 that may have refreshed your recollection, but we don't expect  
20 you to be testifying as to what Mr. Wilson tells you. Now,  
21 if you know from your own knowledge the matters that were being  
22 discussed, if you can give us a definitive statement based  
23 on your own knowledge of the matters that were just discussed?

24 Or, if you don't have knowledge, say so and the record  
25 will speak for itself.

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1 MR. SCURRY: If I may read as I was given our part  
2 in the program from the EP--train our agency. That's all I  
3 said.

4 JUDGE GROSSMAN: You may explore the area further,  
5 Mr. Bursey.

6 BY MR. BURSEY:

7 Q Mr. Scurry, please understand that I am in no way  
8 taking issue with the State Fire Marshal and my role here today  
9 is just to explore the adequacy of the plans as they exist.  
10 And if you feel the plans are inadequate and your understanding  
11 of them is inadequate, please feel free to say so. I urge you  
12 just to feel comfortable in your testimony.

13 Let me ask again, for clarification, just who your  
14 agency would train?

15 A As I understand it, only our field men. We are not  
16 in the training business.

17 Q Train your field men? And what is the responsibility  
18 of your field men once they're trained?

19 A I can't answer that as far as this viewpoint.

20 Q You mentioned one of your responsibilities that the  
21 Office of Emergency Preparedness is placing on you is decontam-  
22 ination. What would you decontaminate?

23 Q As I say I'm not familiar with the plan. It was drawn  
24 up by our office. I don't have anything to do with drawing  
25 up the plan and I don't know what--really, a fire would be after

1 the fact. And it would be almost too late. If you have a fire,  
2 that's our thing, but I am assuming that it would be to work  
3 with DHEC's request if it was an area that we would help them  
4 with.

5 JUDGE GROSSMAN: Sir, is the Fire Marshal familiar  
6 with the plan?

7 MR. SCURRY: I do not believe he is. He only came  
8 on board the first day of January. We're a new agency and  
9 new people. I have been in the business twenty years, but not  
10 here in this capacity.

11 BY MR. BURSEY:

12 Q When was your agency created, sir?

13 A As it exists now? Last July 1st.

14 Q And prior to the reorganization?

15 A Oh, 1940's.

16 Q The role that the Office of Emergency Preparedness  
17 has handed to you, when did you become aware of that?

18 A This morning.

19 Q I see.

20 MR. BURSEY: Well, I think we should defer further  
21 questions until the State Fire Marshal came be here.

22 JUDGE GROSSMAN: Mr. Scurry, is there anyone else  
23 in your office who is familiar with the plan?

24 MR. SCURRY: I don't believe so.

25 JUDGE GROSSMAN: Well, Mr. Wilson, it appears as

1 though the Fire Marshal is the person most knowledgable in the  
2 office and so we would like to have him here. It does not--  
3 as you are aware, the questioning has not been extensive of  
4 any of the witnesses and it shouldn't pose that big a problem  
5 for the Fire Marhsal to come here for a few minutes.

6 And I suggest, Mr. Bursey, that you make firm arrange-  
7 ments as to when you expect to call the Fire Marshal. Mr. Wilson?

8 MR. JOHN WILSON: May we have a commitment at this  
9 time as to when you would like the Fire Marshal, please, in  
10 light of the fact that you plan to call the four country directors  
11 and the Adjutant General and the Director of--

12 MR. BURSEY: Mr. Wilson, I'm overly aware of the burden  
13 of the schedule that we're facing here and I would think that  
14 if the Fire Marshal's here at nine o'clock in the morning, we  
15 could--his subpoena was for nine-thirty tomorrow and I think  
16 we can deal with it in a timely fashion.

17 JUDGE GROSSMAN: Is that satisfactory, Mr. Scurry?

18 MR. SCURRY: I feel sure. He had nine-thirty in the  
19 morning. And he's out of town today so that's one reason why  
20 I come in.

21 MR. BURSEY: And I appreciate your coming, Mr. Scurry,  
22 thank you.

23 JUDGE GROSSMAN: Fine. We'll make every effort to  
24 call him as soon as he appears, Mr. Wilson. Thank you very  
25 much, Mr. Scurry. Excuse me, sir, for a second. Does anyone

g32da 1

have requests of Mr. Scurry?

2

MR. KNOTTS: We'll hold our questioning until the Fire Marshal is here.

4

JUDGE GROSSMAN: Mr. Goldberg?

5

MR. GOLDBERG: No questions.

6

JUDGE GROSSMAN: Thank you very much, sir.

7

MR. BURSEY: I'd like to call Mr. Gifford of the Wildlife Department as the next witness.

9

Whereupon,

10

ROBERT GIFFORD,

11

was called as a witness on behalf of the intervenor and, having been first duly sworn, was examined and testified as follows:

13

DIRECT EXAMINATION

14

JUDGE GROSSMAN: Please be seated, sir. Would you state your full name and spell it for the reporter?

16

MR. GIFFORD: Okay. It's Robert Gifford, G-i-f-f-o-r-d.

17

BY MR. BURSEY:

18

Q Mr. Gifford, what do you do with the Wildlife Department?

19

A I'm the Assistant Chief, Law Enforcement for the Wildlife Department.

21

Q And what is your understanding of the Wildlife Department's role in development and future implementation of emergency responses that might be necessitated by accident at the V.

23

C. Summer plant?

24

25

A Well, our participation in the development of the

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1 plan was based upon the Emergency Preparedness Division, based  
2 upon our capabilities through our resources that we have, such  
3 as equipment and personnel, and our role--do you want the role  
4 that we play in this?

5 Q Yes.

6 A Okay. We're responsible for communication, not all  
7 communications, partial communications, search and rescue and,  
8 in the case of the Summer plant as well as most of the other  
9 facilities, the containment of the water areas surrounding  
10 the plant, notification of people that might be on these lakes,  
11 notification of people that might be in the hunting units of  
12 the areas surrounding from the game management area lands and  
13 through various facilities that we have such as aircraft, boats,  
14 vehicles and such. Does that answer your question?

15 Q Yes, sir. Did I hear you say aircraft?

16 A Right. We have a helicopter. We have several aircraft,  
17 but we have a helicopter equipped with a PA system that we would  
18 use in the event that we needed to notify people in remote places,  
19 such as on the lakes or in our hunts units. We've done this  
20 successfully, not just in these exercises or something like that  
21 but in actual search and rescue on people that were lost and  
22 guide them out with it.

23 Q Are you familiar with the environs of the V. C. Summer  
24 plant?

25 A Pretty much.

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Q. It's a pretty rural area that serves the immediate portions of the plant? You feel that you're familiar with it?

A. Right. Basically I am, yes. I've been on the area and around the area and I know what we have there.

end take

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Hlpw 1 Q And do you feel that your agency could take responsi-  
2 bility for notification of civilians within that ten-mile zone  
3 and wooded area?

4 A I think so. We have a lot of paper company land and  
5 what have you, that we have under management agreement and we  
6 have people there that are very familiar with it. I think we  
7 could handle that situation, yes.

8 Q Now is that all of your delegated responsibilities? I  
9 think you mentioned communications --

10 A Communications, right, communication is one of them.

11 Q I was going to list them here, let's see if we've got  
12 them; communications, search and rescue and the water, security  
13 of the lake and the river, notifying people in the woods. Are  
14 there any more?

15 A Yeah, under SLED now we would provide security at the  
16 Forward Emergency Operations Center, state emergency operations  
17 center if necessary and if the situation called for it and we  
18 had personnel that could be available under law enforcement  
19 duties under the guidance and direction of the State Law  
20 Enforcement Division.

21 Q What's the training of the Wildlife personnel in  
22 regards to radiological emergencies?

23 A We have sent some four people to a school that  
24 Emergency Preparedness put on in order to be able to read and  
25 be familiar with some of these monitoring devices. We have sent



H2pw

1 a number of people to training sessions that the Highway  
2 Department has put on about monitoring devices and the dosimeter  
3 readings. We haven't sent all of our people to that, we will in  
4 the near future as time and classes are available to do this.

5 Q That is your intention now, that all of your personnel  
6 will receive training in the use of radiation monitoring equip-  
7 ment?

8 A Right, yes, so that the little pockets of --

9 Q Personal devices, what about the hand-held radiation  
10 detection devices?

11 A We have four people trained in that and are hoping maybe  
12 in the future to expand on that somewhat.

13 Q Now is it your understanding that any of your rescue  
14 missions could be in an area that is irradiated?

15 A Certainly could be, yes.

16 Q And at that time those personnel would be trained?

17 A I would hope that we could have adequate number of  
18 people trained in this by that time. Of course we would take  
19 information that DHEC had available as to the amount of radiation  
20 in an area, how long an individual or how long an operation could  
21 go on in that area and not endanger our personnel, and we would  
22 take it from that angle.

23 Q Would you be in a position yourself to exercise the  
24 authority to say we've only got four men that are trained or ten  
25 men that are trained and we can't do a certain job?

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H3pw

1           A.     The people that we have trained to read these monitoring  
2 devices, those people would not necessarily be the people that  
3 we would send in in a rescue mission. The people that we send in  
4 we would rely on the people that are trained and the information  
5 that we get and through radio contact with these people know  
6 how long to leave them in an area before bringing them out.  
7 We're not going to leave them in there, we're not going to send  
8 them in and say we guess you can stay an hour and a half, we're  
9 going to find out from these people with the expertise in this  
10 matter how long they can stay, how much radiation they're  
11 receiving and we'll leave them in there that length of time and  
12 then bring them out.

13           Q.     Have you heard today mention of the term "maximum  
14 credible accident"?

15           MR. GOLDBERG: Judge, I'm going to object again. I  
16 think the use of this term, first of all, I don't think there's  
17 an adequate foundation established for that term. That is a  
18 term that was popular in NRC parlance a number of years ago, it  
19 no longer has any bearing on NRC rules and regulations and  
20 particularly as they apply to emergency planning. Now what I  
21 see emerging is something of repetition of the discussion we had  
22 this morning when we were talking about Dr. Kaku's testimony, and  
23 I think the Judge's ruling was a sound one on that. I think  
24 we've got to get back at some point to Contention 8 and the issue  
25 in the proceeding, which already I think has been generously

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H4pw

1 interpreted to embrace, it seems, the adequacy of various state  
 2 and local emergency preparedness. But I don't think that we  
 3 should allow any more questions on that basis, particularly  
 4 to people whose role is not in accident management and estimation  
 5 but merely trying to fulfill the responsibility that they have  
 6 within the state organization Emergency Planning Office. I'm  
 7 going to object to this and in all likelihood, future questions  
 8 about that.

9 JUDGE GROSSMAN: Well Mr. Goldberg, my understanding  
 10 is that Mr. Bursey is asking what the agencies would do in the  
 11 event of a major accident with the Summer plant. If you have  
 12 a more appropriate phrase that you prefer to use, what do you  
 13 suggest?

14 MR. GOLDBERG: I don't mind the use of the words "major  
 15 accident" but I don't want the importation here that there is  
 16 some regulatory requirement or criteria to, that we need concern  
 17 ourselves here with, that stems as I say from some documentation  
 18 that are no longer part of the NRC practice, procedure and  
 19 regulatory format. Major accident perhaps is as good a terminology  
 20 as any.

21 JUDGE GROSSMAN: Mr. Bursey?

22 MR. BURSEY: Judge Grossman, I am impressed by Mr.  
 23 Goldberg's legalese but my concern for myself and my family is  
 24 that the people that work for Mr. Gifford, if I can use an  
 25 analogy, if we took someone from the south Pacific and they were a

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H5pw

1 firefighter in the south Pacific putting out grass huts, and we  
 2 asked them to go up to the 80th floor of a skyscraper that's on  
 3 fire with all kinds of wind tunnels and windows blowing out,  
 4 their understanding of a maximum credible accident or whatever  
 5 you want to call it that's possible in a skyscraper I think is  
 6 pretty important for those people you're sending into that  
 7 skyscraper. You're asking this man to send his people into the  
 8 fields within several hundred meters of the plant quite possibly,  
 9 and I think it's very important that this agency and this man  
 10 and the people that work for him have a full understanding of  
 11 a maximum credible accident, whatever you call it.

12 MR. GOLDBERG: I'm not so sure that I share that, but  
 13 that's not really the main issue of my objection. I think that  
 14 this gentleman has offered testimony about what his role and  
 15 responsibility would be in the event that he had to send people  
 16 into a radiologically contaminated area. The mechanism for  
 17 the release of radiation, whether it's maximum credible event,  
 18 which Mr. Bursey seems to be infatuated with, or some other  
 19 radiological release, I think it is not really that germane. The  
 20 point is we're dealing here with radiological emergencies and  
 21 these people have a chain of command with some understanding of  
 22 what they are. I don't think that they have to be adept in  
 23 nuclear physics and radiology to be able to appreciate what that  
 24 role is.

25 JUDGE GROSSMAN: Mr. Bursey, see if you can rephrase that

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1 question so that you use some other term that doesn't have --  
2 that wasn't used as a term of art.

3 MR. BURSEY: Sure. Thank you, sir. Excuse me.

4 BY MR. BURSEY:

5 Q Mr. Gifford, do you understand the worst thing that  
6 could happen at the V. C. Summer plant? Can you discuss that  
7 in training with the Office of Emergency Preparedness in your  
8 discussions with them?

9 A It has been discussed, yeah. The, I don't know if I  
10 know exactly what you mean by the worst thing that could happen.  
11 I know that we have discussed degrees of situations that could  
12 develop and be of primary concern to a person's health if they  
13 were in the area.

14 JUDGE GROSSMAN: Mr. Gifford, what do you understand  
15 to be the worst accident that could occur at the Summer Nuclear  
16 plant?

17 MR. GIFFORD: Well, a release of some type material or  
18 something that would make it impossible for a person to be in  
19 close proximity or within a two-mile area or close proximity  
20 to the plant until it was cleared up by some means. That's about  
21 my knowledge of that.

22 MR. BURSEY: Judge Grossman, maybe I'm being too simple,  
23 but I'm trying to get at the ability of state agencies to respond  
24 adequately to an emergency that has been mystified. I have --

25 JUDGE GROSSMAN: An emergency that has been --

H7pw

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1 MR. BURSEY: Has been mystified. Mr. Goldberg's attempt  
 2 to constrain me from talking about maximum credible events or  
 3 whatever you want to call them seems to me to be a further  
 4 avoidance of talking about what could happen at the V. C. Summer  
 5 plant in the event of a terrible accident.

6 JUDGE LINENBERGER: Mr. Burse, you could make this  
 7 all so simple if you'd just talk about the same kind of things  
 8 that the plan you're trying to investigate talks about. Why  
 9 don't you stick with what the plan talks about and what the  
 10 plan wants these people to do and, instead of pulling things in  
 11 that are maybe extraneous completely to the plan. The plan talks  
 12 about a nuclear event of some sort, does it not?

13 MR. BURSEY: Yes, sir, it does not describe the impacts.

14 JUDGE LINENBERGER: Why can't you talk about that? Why  
 15 do you have to bring in terms that go back in history or maybe  
 16 only appear in the Code of Federal Regulations or something like  
 17 that? Stick to what the plan is and, there's plenty of room for  
 18 pay dirt there, I think you've dug up quite a bit of it so far,  
 19 so you're doing fine, but just keep going.

20 MR. BURSEY: I get frustrated about the thing I'm  
 21 trying to say being so clear to me and seeming so obscure to  
 22 other people.

23 BY MR. BURSEY:

24 Q The major classification of an accident in the State  
 25 Radiological Emergency Plan is a general emergency. Now that

H8pw

1 discussion you had about general emergencies --

2 A. Right, yea, okay, I can --

3 Q. Do you know what can happen to your workers, the  
4 people in Wildlife, or to the civilian populations that are  
5 within say a two-mile radius of the plant in the event of a  
6 general emergency in a large release of radioactivity?

7 A. It could be very detrimental to their health I would  
8 imagine.

9 Q. Have you been briefed thoroughly by the Office of  
10 Emergency Preparedness?

11 A. As to every aspect of what a person could expect in  
12 a situation like that?

13 Q. Well I don't think I asked for every aspect. Have you  
14 been briefed rudimentarily as to the physiologic impacts of a  
15 major accident within the general emergency catagorization?

16 A. Probably not in that respect but we have been briefed  
17 on that we could only leave people in the area for a certain  
18 amount of time, depending upon the amount of radiation or what-  
19 have-you in the area. So that would be a primary concern that  
20 we would have, is that we did not leave our people in too long,  
21 that we got them out within time. As far as all the different  
22 things that might affect their health or something, you know,  
23 I'm sorry I can't answer that.

24 JUDGE LINENBERGER: Mr. Gifford, would you say the kinds  
25 of briefing and the depch of briefing you've had, has it been

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H9pw

1 adequate as far as you're concerned for you and your people to do  
2 their jobs or would you like to know more than you've been told so  
3 far to do your job properly?

4 MR. GIFFORD: I feel that it's adequate, I feel safe  
5 with it based on not just the knowledge that our people have with  
6 it, but with the knowledge and the expertise that these other  
7 people like DHEC has, so that -- and the information that they  
8 can give to us in order that our people would not be in the area  
9 as an extended, or over a period of time that they should stay  
10 there.

11 JUDGE LINENBERGER: Thank you.

12 BY MR. BURSEY:

13 Q So in your estimation the training of the people in  
14 the Wildlife Department to be able to respond to a general  
15 emergency has been adequate.

16 A I think so but we're going to continue to upgrade our  
17 training. We're not going to just stop right here.

18 Q Have you given any thought to the negative impact on  
19 your emergency response capability should occasion arise where  
20 the situation that you're dealing with is much worse than your  
21 personnel had been led to believe?

22 A Say that again please, I didn't follow your question.

23 Q Should you go into a situation and it developed to be  
24 just worse than people thought it could be, would that negatively,  
25 wouldn't that negatively impact your capability to safely and

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H10pw

1 adequately implement the plan?

2 A. Probably would, yes, in a situation like that, if that  
3 happened.

4 MR. BURSEY: I think that's all for this witness.

5 JUDGE GROSSMAN: Mr. Knotts?

6 MR. KNOTTS: No questions, Judge Grossman.

7 JUDGE GROSSMAN: Mr. Goldberg?

8 MR. GOLDBERG: No questions.

9 JUDGE GROSSMAN: Mr. Wilson?

10 MR. R. WILSON: No questions.

11 JUDGE LINENBERGER: Mr. Gifford, Mr. Hance earlier,  
12 of the Forestry Commission, indicated that a portion of their  
13 responsibility was to assist the Wildlife Resources Department  
14 in its search and rescue missions and the discharging of that  
15 responsibility. Are you part of the Wildlife Resources Department?

16 MR. GIFFORD: That's correct, yes, sir.

17 JUDGE LINENBERGER: And do you people have a formal  
18 arrangement with the State Forestry Commission to call for  
19 assistance from them in search and rescue work?

20 MR. GIFFORD: We don't have anything written down except  
21 in the plan, that they support us in it, and if the need should  
22 arise and we would need their people, their equipment, what-have-you,  
23 it would just be a matter of contacting Forestry and asking them  
24 for their assistance. There would be no problem there.

25 JUDGE LINENBERGER: I see, so it's kind of a working

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Hllpw

1 agreement between the two agencies and you have only to communi-  
2 cate with them to ask for it and they will provide it, is that  
3 correct?

4 MR. GIFFORD: That's correct, sir. Now it's written  
5 down in the plan that they support us in search and rescue, and  
6 we would use whatever equipment they had or they would use  
7 heavy equipment to move trees out of the roadway and so forth.

8 JUDGE LINENBERGER: Well what sorts of personnel  
9 situations does search and rescue involve? Is it people out  
10 hiking somewhere that don't get the word? Is it people in rural  
11 communities that need to be evacuated? What does search and  
12 rescue comprise as you view it?

13 MR. GIFFORD: It could be someone backpacking, hiking,  
14 someone in the area with a broken down vehicle that couldn't  
15 get down, something -- couldn't get out, someone on the lake with  
16 a boat that malfunctioned or some, maybe an injured hunter or  
17 a lost hunter that's turned around and can't find his way back  
18 to the -- which we have a lot of that. Any situation like that.  
19 Forestry would come into it in the fact that they have a lot of  
20 heavy equipment if there was some roads that needed opening to  
21 make access to an area, they could handle that for us.

22 JUDGE LINENBERGER: In this context, search and rescue  
23 does not involve the routine -- or I won't say routine, but the  
24 evacuation of large numbers of people because of a radiological  
25 emergency that is maybe moving toward them?

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MR. GIFFORD: No, sir.

2

JUDGE LINENBERGER: Okay, fine. Thank you very much, sir.

3

JUDGE GROSSMAN: Mr. Bursey, any redirect?

4

MR. BURSEY: No, sir, thank you.

5

MR. KNOTTS: Judge Linenberger's questions did suggest  
6 one further question if I can.

7

JUDGE GROSSMAN: Certainly.

8

## CROSS EXAMINATION

9

BY MR. KNOTTS:

10

Q. Could you briefly mention for us as a follow up to  
11 Judge Linenberger's question, could you briefly describe for  
12 us, if you know, how the notifications that you might perform  
13 using a helicopter and a PA system would relate to notification  
14 by any siren system that might be in place or notification by  
15 county officials? Would it be a backup relationship, would it  
16 be a first line relationship, how would that work?

17

A. We would use it say to evacuate Lake Monticello. We would  
18 use it as a primary system and in addition to having the boat and  
19 the officer on the lake to personally contact these people,  
20 fishermen or boaters that might be out there, we could use that  
21 system to do this a lot -- to expedite it, do it a lot quicker,  
22 and tell them to move toward the landing or just whatever the  
23 case might be, whatever we wanted them to do.

24

MR. KNOTTS: Thank you, sir.

25

JUDGE GROSSMAN: Mr. Goldberg?

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MR. GOLDBERG: No questions.

JUDGE GROSSMAN: Mr. Wilson?

MR. R. WILSON: No questions.

JUDGE GROSSMAN: Thank you. The witness is excused.

(Witness excused.)

MR. BURSEY: I'd like to call Colonel Meek, the  
Commander of the Highway Patrol, please.

Whereupon,

COLONEL PHILIP MEEK

was called as a witness by and on behalf of Intervenor Bursey,  
and having been first duly sworn, was examined and testified as  
follows:

JUDGE GROSSMAN: State your full name and spell it  
for the court reporter, please.

COL. MEEK: My name is Colonel Meek, spelled M-e-e-k.

JUDGE GROSSMAN: Mr. Bursey?

DIRECT EXAMINATION

BY MR. BURSEY:

Q Colonel Meek, what is your job with the Highway  
Patrol?

A I'm Director of the Highway Patrol.

Q And how long have you been the Director?

A One year.

Q What is the Highway Patrol's role in developing  
emergency plans?

H14pw 1 A If you might allow me, I've prepared a little statement  
2 that might --

3 Q You want to give a summary of the Highway Patrol's  
4 responsibilities?

5 A That's right.

6 Q That's fine with me.

7 A The South Carolina Highway Patrol and the Department of  
8 Highways and Public Transportation has been assigned specific  
9 duties in the emergency response plan in the event of a nuclear  
10 attack -- excuse me, a nuclear accident, at a fixed plant such  
11 as the V. C. Summer Plant in Fairfield County. In the event an  
12 alert is issued at the plant, key personnel in the Highway Patrol  
13 headquarters staff will be notified by the State Emergency  
14 Preparedness Office. This personnel is available 24 hours a day,  
15 seven days a week. The staff personnel will immediately report  
16 to the State Emergency Operations Center for a briefing of the  
17 situation.

18 Patrol personnel throughout the state and in the affected  
19 area will then be alerted in case an emergency situation is  
20 declared. If an emergency is declared, Patrol personnel previously  
21 trained and assigned to tasks in the area, will respond and  
22 perform their assigned tasks. The Highway Department's maintenance  
23 personnel would be notified to transport road barricades and  
24 detour signs to the appropriate pre-established locations. The  
25 Highway Patrol has trained sufficient personnel to immediately

H15pw

1 block off the two-mile sector and control entry or exit 24 hours  
2 a day, if necessary.

3 If it becomes necessary to block off other sectors,  
4 each officer has a map showing the individual sector. All have  
5 been on-site and know their duties. Attached you will find a  
6 two-mile sector road block plan showing traffic control points.

7 Highway Patrol officers in the state have received  
8 radiological monitoring training, and of course attached is a list  
9 of officers trained who will respond to the V. C. Summer area  
10 on personal notification of an alert. Each Highway Patrol  
11 District has a well trained, riot control squad to control civil  
12 disorders. We are attaching a list of those people.

13 On March 4, 1981, the V. C. Summer plant conducted a  
14 course in emergency training for local law enforcement. Attached  
15 is a list of Highway Patrol supervisors who were in attendance.

16 The Highway Patrol statewide radio and communications  
17 network is a part of the emergency plan and we have operators,  
18 both civilian and uniformed officers trained and assigned duties  
19 if an emergency arises. These operators have participated in two  
20 practice alerts as of this date.

21 As stated in the primary duties of the Highway Patrol  
22 at the V. C. Summer plant in case of an emergency there will be  
23 traffic and population control and security of the affected area.  
24 We are well trained, prepared and will perform our duties in an  
25 efficient manner if the occasion arises.

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H16pw

1 Q Thank you, Colonel Meek. You mentioned that the  
2 Highway Patrol officers were trained to respond to radiological  
3 emergencies, is that right?

4 A Yes.

5 Q Are all your officers presently trained?

6 A Right.

7 Q What does that training include?

8 A Well they've been trained to use the dosimeter and  
9 they've had numerous courses in radiological training. I don't  
10 know that I can explain to you exactly what kind of training they've  
11 had. My staff and the people are probably better trained than I  
12 am.

13 Q Did you take the training course?

14 A No, I haven't taken it.

15 Q Now you said that the officers were previously trained.

16 A Right.

17 Q Do you mean they have also been instructed as to what  
18 to do at this facility?

19 A That's right. They have been on-site, they've been  
20 through the plant and they know the area. Each man is assigned  
21 to a particular area, he knows where to go as soon as he gets the  
22 word. We also have our maintenance crews, we have the roadblocks,  
23 the barricades, we have them all stored, they're numbered, we  
24 know where to go, the truck driver knows where to take them under  
25 the supervision of a Highway Patrol Officer.

H17pw

1 Q Did you determine, did the Highway Patrol, Highway  
2 Department, determine where to put the road blocks?

3 A Yes, our people along with other people in the Office  
4 of Emergency Preparedness.

5 Q And would you be surprised to learn that there were  
6 maybe conflicting evacuation routes?

7 A Well we'll have to adjust for that I'm sure. We don't  
8 know which way the wind's going to blow, and we may have to go  
9 another way, but we are prepared for that. We've had practice  
10 alerts on our own, we put these roadblocks up just as a practice.  
11 Each month our poeple in this particular area, we have a  
12 training session to improve on it.

13 Q Do you feel your agency is the lead agency in evacuation  
14 traffic control?

15 A Yeah, we are the traffic people.

16 Q And your determination of the route that is the safest  
17 for my family to take, should I listen to you?

18 A Well I'm sure you'll have to listen to somebody that's  
19 knowledgeable in what's happening and what's taking place.

20 Q What if somebody doesn't want to go the way you want  
21 them to go?

22 A I don't believe anybody will want to do that.

23 Q Well just for the sake of argument --

24 A Under normal conditions, we don't run into this kind  
25 of thing. You know, we have people at football games that want to

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H18pw

1 go this way or that way, but we always direct them.

2 Q You generally get them to go the way you want them to?

3 A We generally do.

4 Q Have you been instructed, what about people that you  
5 may encounter in the area that don't want to leave their homes  
6 if there has been an evacuation order?

7 A I think maybe that's kind of -- of course, we will be  
8 involved with that, but I think -- and that may happen, we'll  
9 just have to take each situation as it comes up, Mr. Burse. If  
10 a man didn't want to leave, if they had some place they didn't  
11 want to leave, well if they don't want to leave, I don't guess  
12 you can make them leave.

13 Q Have you been requested or instructed to have any  
14 role in public notification, telling people that it's time to go?

15 A No, that's not our function. Of course, we will assist.  
16 And of course you know, we work under the direction of the  
17 Governor's Office and if the Governor wants us to do that --  
18 whatever he directs us to do other than traffic control, we'll  
19 certainly do whatever is necessary.

20 Q Have your personnel been advised in their training  
21 courses of what to expect in a bad accident at the V. C. Summer  
22 plant?

23 A We've advised them to expect the worst, whatever --

24 Q Do you have a notion yourself of what the worst amounts  
25 to?

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H19pw

1 A Really I don't, I've never been involved, I can imagine  
2 it would be a terrible thing.

3 Q Colonel Meek, I would certainly concur with that and  
4 there is no one in our country that has been involved in this and we  
5 hope that never arises, but wouldn't you think that your men and  
6 women should be -- should understand --

7 A I think of course they do understand the danger. That  
8 has been brought out in all of our sessions, and they can expect  
9 people to be killed or whatever. And you know, I'm a Highway  
10 Patrolmen and all my people are Highway Patrolmen and you know  
11 we don't look at danger -- you know, when I put this uniform on,  
12 you know, I accept it and we'll do whatever is -- of course we  
13 wouldn't put our people into something knowing that they were  
14 going to be injured but I guess we would go a little further than  
15 the ordinary person.

16 Q So you feel though you don't know what the worst case  
17 is, you feel that in the training, your personnel are better  
18 familiar with it than yourself?

19 A Right. I'm not planning on being on the scene myself.  
20 I have another assignment. These people have had a lot more  
21 training than I have. I'm going to be over at the Rutgers  
22 Building I hope.

23 Q Well can you tell me for a fact that their training  
24 includes what figures that the government uses in terms of  
25 measuring a bad accident?

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H20pw

1 A. Yes, sir, I can tell you that.

2 Q. That they could expect so many thousands of people to  
3 die and there would be a tremendous amount of social chaos and  
4 upheaval?

5 A. I'm sure there would be.

6 Q. But they have been told that in their training courses?

7 A. I would think so.

8 Q. But you're not sure?

9 A. I'm not sure, I wasn't there. We have had a lot of  
10 situations that I've been involved with, hurricanes and things  
11 of that nature, when people were in chaos and we handled that  
12 very well.

13 Q. You have indicated to me in previous discussions that  
14 there may be some situations that come up that -- let's see,  
15 "the extreme extreme" was the term you used, that simply that  
16 no one is adequately prepared to deal with.

17 A. I think there would be cases like that.

18 Q. Have you reviewed the evacuation routes as they  
19 presently exist now?

20 A. Yes.

21 Q. Are they the ones that you're familiar with?

22 A. Right.

23 Q. And you concur with that route that has me leaving my  
24 house and crossing the river and going back up towards the plant?

25 A. Right.

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H21pw

1 MR. BURSEY: I have no more questions. Thank you,  
2 Colonel Meek. If you'd answer the questions of the other parties,  
3 I'd appreciate it.

4 JUDGE GROSSMAN: Mr. Knotts?

5 MR. J. WILSON: Mr. Chairman, with respect to Mr.  
6 Burse's last question, he has on several occasions referred to  
7 an evacuation route and I believe the witness has presumed, as have  
8 I, that he's talking about those routes that have been established  
9 by state authorities as opposed to those that are established by  
10 county or local officials. -And there is a difference under the  
11 plan. Presumably he's been asking Colonel Meek about state  
12 evacuation routes, which are established by the Highway Patrol  
13 and his answers of course have been to that effect.

14 JUDGE GROSSMAN: Mr. Burse, do you want to clarify  
15 that by asking a few more questions?

16 BY MR. BURSEY:

17 Q. Let's do clarify that. Colonel Meek, are you familiar  
18 with this brochure that has an evacuation route on it for me to  
19 follow to go down I-26 --

20 A. I haven't had access to that I don't believe.

21 Q. If you looked at this could you recognize this as a  
22 state or county or SCE&G route and are there indeed three separate  
23 evacuation plans?

24 A. I believe so, I'm not too familiar, my staff would be  
25 more familiar. You've got me off balance here today, you

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H22pw

1 subpoenaed me for tomorrow and the man that was coming today, I  
2 mean was coming -- I would have had somebody else here tomorrow  
3 that knows more about it than I do.

4 Q I'm certainly willing to defer this portion of the  
5 testimony until tomorrow until we can get someone who can speak  
6 authoritatively to the existence of multiple evacuation routes.

7 A I have the plan that we have prepared.

8 JUDGE GROSSMAN: Colonel Meek, is there someone who is  
9 knowledgeable about the training and about the emergency plans  
10 in your office that you do have available for tomorrow?

11 COL. MEEK: I'll tell you, I ran into the Major that  
12 has been handling this, he's has open heard surgery and he retired  
13 in the last day or two and we have a Captain that's been in charge  
14 of each one of the plants in the state to handle evacuation routes  
15 and everything and I could probably have somebody here that knows  
16 more about it, you know, be more knowledgeable.

17 JUDGE GROSSMAN: Would Captain McSwain or Captain --

18 COL. MEEK: He's been involved in it. I think Captain  
19 McSwain could clarify a lot of it for you. I apologize for not  
20 knowing all about it.

21 JUDGE GROSSMAN: Well we only ask you to testify as  
22 to what you know, so that's fine, but we certainly would  
23 appreciate it if you could have Captain McSwain here in the  
24 morning.

25 COL. MEEK: All right. What time would you like him?

H23pw

1 MR. BURSEY: Nine o'clock?

2 JUDGE GROSSMAN: I don't want to schedule everyone for  
3 nine o'clock now.

4 MR. BURSEY: The only other entity scheduled for nine  
5 is the State Fire Marshal that is in addition to our previously  
6 scheduled 9:30 subpoenas. We have a 30 minute jump on our  
7 subpoenas tomorrow.

8 JUDGE GROSSMAN: Fine. If you could ask him to be here  
9 at 9:15, we would appreciate that, sir.

10 MR. BURSEY: And if I could, Colonel Meek, could you  
11 ask Captain McSwain -- is he more familiar with the training  
12 procedures?

13 COL. MEEK: He's the training officer.

14 MR. BURSEY: So he should be able to answer that  
15 question.

16 COL. MEEK: Yes, sir. He wasn't available today.

17 JUDGE GROSSMAN: Before you leave, Colonel Meek, I  
18 think maybe Mr. Knotts or someone else might have some questions  
19 for you.

20 MR. KNOTTS: Yes, Colonel, I have one question.

21 CROSS EXAMINATION

22 BY MR. KNOTTS:

23 Q. You've read a summary when you began your testimony,  
24 sir and you made reference during that summary to several  
25 attachments.

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H24pw

1 A. Yes, sir.

2 Q. Was it your thought that these be made available for  
3 the record?

4 A. I have several copies, that's right.

5 MR. BURSEY: I'm sure all parties would like an oppor-  
6 tunity to examine them. I don't know what's the standard  
7 procedure for a witness to submit --

8 COL. MEEK: It's maps and the personnel -- even names  
9 of people that we'll be using.

10 MR. BURSEY: Joe, are you moving that these be  
11 entered into the record?

12 MR. KNOTTS: I'm just trying to imagine what somebody  
13 reading the record is going to wonder about where the attachments  
14 are that the gentleman referred to. And I have a further  
15 procedural question. What is considered to be the status of that  
16 much of the prefiled testimony which is Colonel Meek's?

17 JUDGE GROSSMAN: I don't believe that prefiled testimony  
18 has been offered.

19 MR. KNOTTS: No, sir, it has not.

20 JUDGE GROSSMAN: And it was taken of three persons. I,  
21 having read it, I don't think that there is very much in there,  
22 so I assume Mr. Bursey is not offering it, is that correct?

23 MR. BURSEY: That's correct, sir. If you have some  
24 proposal to deal with Colonel Meek's attachments, I would  
25 certainly --

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JUDGE GROSSMAN: I suggest that if you have -- how many copies do you have, sir?

COL. MEEK: I have three.

JUDGE GROSSMAN: You could distribute them to Mr. Bursey, Mr. Knotts and Mr. Goldberg. Mr. Wilson, will you take a buy on that? I think you can take a look at Mr. Goldberg's copy after we conclude this evening and then perhaps in the morning you gentlemen would have some agreement on what ought to be done or ought not to be done with that.

Mr. John Wilson, did you have something you wanted to bring up to the Board now?

MR. J. WILSON: No, sir, I have nothing.

JUDGE GROSSMAN: I just don't want to -- it looked as though you might have.

MR. J. WILSON: As I understand it, I will have Captain McSwain and the Fire Marshall and the four county directors and the Adjutant General and the Director of South Carolina Emergency Prepared ness tomorrow?

JUDGE GROSSMAN: Along with your suggestion, I was going to continue along with the four officers that you just mentioned, but I'm amenable to suggestions. I still have for today the State Department of Education, the Director of the Governor's Division of Public Service, is it?

MR. J. WILSON: Public Safety.

JUDGE GROSSMAN: Public Safety. The Adjutant's office,



H26pw

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1 South Carolina Emergency Preparedness and Health and Environ-  
2 mental -- Division of Health and Environmental Control. Are  
3 these ones that you prefer to have tomorrow?

4 MR. J. WILSON: No, sir. The only ones that remain  
5 on the schedule that Mr. Bursey had given us earlier for today's  
6 testimony was the State Law Enforcement Division, Department of  
7 Education, Department of Social Services and the Governor's  
8 Division of Public Safety. The remainder, which included the  
9 Adjutant General and the South Carolina Emergency Preparedness  
10 Division, had been scheduled purposely by Mr. Bursey for  
11 tomorrow.

12 JUDGE GROSSMAN: Okay, that's fine, but they're not  
13 scheduled for nine o'clock. The only ones we have for nine  
14 o'clock are the --

15 MR. J. WILSON: I think they were scheduled for 9:30.

16 JUDGE GROSSMAN: Okay, right. We have the Fire  
17 Marshall at 9 and Captain McSwain for 9:15 and then we will  
18 proceed down the list. Isn't that so?

19 MR. BURSEY: Yes, sir.

20 JUDGE GROSSMAN: Okay, any further questions for  
21 Colonel Meek?

22 (No response.)

23 JUDGE GROSSMAN: Thank you very much.

24 (Witness excused.)

25 JUDGE GROSSMAN: You want to take a five minute break?

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MR. BURSEY: Yes, sir, if it appears that we are going to be going into the July 13 week.

JUDGE GROSSMAN: The Board -- I don't have any problems with staying this evening if there's someone here that has a significant problem staying, but rather than alienate myself from an entire agency of State government, I would excuse them until the week of the 13th.

JUDGE GROSSMAN: Well why don't we take a five minute recess now, Mr. Wilson, and could you check on the preferences of the witnesses? We'll stay as long as necessary now.

MR. BURSEY: Judge Grossman, can I make such offers to state agencies? Do I have your permission to do that, to excuse them until the week of the 13th or shall we wait till we get back on record to do that.

(Brief pause.)

JUDGE GROSSMAN: We haven't recessed yet, and you just hold on for a minute and we'll decide what the Board preferences are with regard to the witnesses.

(Brief pause.)

JUDGE GROSSMAN: The Board would prefer to keep going tonight with the witnesses that we have.

MR. J. WILSON: Our witnesses concur.

JUDGE GROSSMAN: That's fine. So we'll take a five minute recess now.

(A short recess was taken.)

End of H

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JUDGE GROSSMAN: Mr. Bursey, call your next witness.

MR. BURSEY: Leon Gasque of the State Law Enforcement Division.

Whereupon,

J. LEON GASQUE

was called as a witness by and on behalf of the Intervenor and, having been first duly sworn, was examined and testified as follows:

JUDGE GROSSMAN: Please be seated, would you state your full name and spell it for the court reporter, please?

THE WITNESS: Initial "J", middle name is Leon, (spelling) L-e-o-n, Gasque (Spelling) G-a-s-q-u-e.

DIRECT EXAMINATION

BY MR. BURSEY:

Q Mr. Gasque, have you been involved in the development of SLED's responsibility in the Emergency Plan?

A I have.

Q Can you briefly summarize that responsibility in the event of a nuclear accident at the V. C. Summer plant?

JUDGE GROSSMAN: Sir, you are using--Mr. Bursey, you are using an acronym here that is not familiar to us.

THE WITNESS: SLED is the South Carolina Law Enforcement Division, commonly called SLED. It is the investigative arm of the Governor of the state.

JUDGE GROSSMAN: Thank you.

I 2

1 BY MR. BURSEY:

2 Q Again, Captain Gasque, your question was will you  
3 summarize the role of your agency in the event of a nuclear  
4 emergency?

5 A I can but I would like the court to realize that  
6 some of our mission would be confidential in the way of  
7 numbers of some specific questions I might have to try to  
8 answer would be glad to answer to the court in privacy but  
9 not for public consumption.

10 JUDGE GROSSMAN: Thank you, we will keep that in  
11 mind, sir.

12 Did you ask a question that was proprietary or was  
13 that just a forewarning, foreboding of what might occur.

14 THE WITNESS: Mr. Bursey and I have been adversaries  
15 in the past and I wanted to get on the record, sir.

16 MR. BURSEY: I thought we had always been friends  
17 but we will proceed.

18 THE WITNESS: The South Carolina Law Enforcement's  
19 primary mission in the case of a nuclear accident is to sweep  
20 and secure the EOC and follow the EOC and to be able to do  
21 the same things in either of those places to be relocated for  
22 any purpose at all. The secondary mission is to seek out,  
23 find, massage and disseminate intelligence information. Thirdly,  
24 it is to act of react with regard to such violations of the law  
25 as pilfering looting, snipers, clandestine operations, etc.

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BY MR. BURSEY:

Q What type of training have your agents received in radiological response to emergency?

A They have had the training provided by the DHEC department of this state with regard to personal hygiene and health, protective clothing, what they should do and should not do with regard to the safety as much as possible of their own lives. We are not responsible for the protection or training of other participants in such an accident.

Q Your agents then are trained in the use of personal dosimeters?

A That is correct, sir. Two of our chemists and there will be two more are called in for reading and monitoring of these. They would be stationed at our command post.

Our clothing changes and our car washes would be provided by another agent.

Q Are your agents, are you equipped independently in your radiological response capability of any other agency?

A No, sir, we would attach ourselves, since our command post would be at the outer limits, whatever it might be, we would be dependent on the Highway Patrol with regard to the washing of cars, the cleaning up of other types of equipment, etc.

JUDGE GROSSMAN: Excuse me, sir, I notice you have someone sitting with you, is he an attorney or--

1 MR. GASQUE: No, sir. Mr. Thomas is a special agent.  
2 He is commonly referred to in this mission as our scribe. He  
3 writes all the notes, writes the plans after they have been  
4 developed, writes the orders out for the mission, the after  
5 orders, after exercise plans are to be written. I guess the  
6 best way you describe him is he is our scribe.

7 He is the operations officer for the agency.

8 JUDGE GROSSMAN: Mr. Bursey, do you intend to ask him  
9 any questions?

10 MR. BURSEY: If there is something Mr. Gasque can't  
11 answer that Mr. Thomas feels competent, more adequately prepared  
12 to deal with, I have no problem with Mr. Thomas answering.

13 JUDGE GROSSMAN: Why don't we swear you then, sir,  
14 would you please stand?  
15 Whereupon,

16 BENJAMIN FRANKLIN THOMAS, III  
17 was called as a panel member on behalf of the Intervenor and,  
18 having been first duly sworn, was examined and testified as  
19 follows:

20 DIRECT EXAMINATION

21 BY JUDGE GROSSMAN:

22 Q. Could you give your full name to the court reporter,  
23 please?

24 A. Benjamin Franklin Thomas, III, (Spelling) T-h-o-m-a-s.  
25

- - - -

1 BY MR. BURSEY (Witness Gasque)

2 Q Captain Gasque, you mentioned that your initial  
3 mission is to sweep and secure the forward emergency operation  
4 center?

5 A The EOC and the forward EOC.

6 Q Simultaneously?

7 A Yes, sir.

8 Q What has been your agency's directives with regards  
9 to the possibility of encountering contamination, contaminated  
10 individuals in your sweeping of the forward operations?

11 A That would be turned over to DHEC.

12 Q And you encountered an individual that might be  
13 lying there on the ground, you would--

14 A We would secure that person and call for DHEC.

15 Q What does secure that person entail?

16 A It is according to what he was doing or what he was  
17 trying to do or what sort of physical condition he was in.

18 Q Does your agency have a delegated role in regard  
19 to determining if an incident, a nuclear incident has been  
20 caused by sabotage?

21 A That is correct, sir. Or if there is reason to  
22 believe that sabotage might be forthcoming.

23 Q Does your agency have the expertise to determine what  
24 types of events could constitute sabotage of a nature that would  
25 cause a radiological release?

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1 A. No, sir, but we have the expertise to find it.

2 Q. Where does that expertise exist, Captain?

3 A. The private sector and from the governmental sectors.

4 Q. You have contracts with private sectors with regard  
5 to this expertise?

6 A. The South Carolina Law Enforcement Division does not  
7 enter into contracts themselves. We know the people to call  
8 that could give us that information, Mr. Bursey, or people to  
9 contact and we would be in contact with them.

10 If you are talking about expertise as to what's  
11 coming out of what hole, that would certainly not be something  
12 that a police officer could determine but that would be furnished  
13 to us. If it was a matter of law, Mr. Wilson, would be or one  
14 of his staff would be attached to us and is attached to us  
15 to make whatever legal determination needed to be made. The  
16 problem of who caused it would be an investigatory problem that  
17 we would undertake. If the person was spotted or known, the  
18 apprehension would be our responsibility.

19 Q. Now this apprehension, could that possibly be hot  
20 pursuit? I don't mean to make a pun out of that but pursuit  
21 into an area after a suspect where that area itself might be  
22 radioactive?

23 A. It very well could be.

24 Q. Has your agency been trained in that instance?

25 A. I don't think we have anybody that is going to



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specifically commit suicide, Mr. Bursey, but I think we would take it as far as reasonable.

Q As far as reasonable would be up to who?

A. It would be up to the ranking SLED agent that was on the scene, be a lieutenant or above.

Q And that lieutenant would make the determination as to what the calculations of--

A. He would have the full authority of the director of the agency, before he was ever put on site.

Mr. Bursey, there are degrees that I stated at the outset that we are a part of the Governor's office and as you know, there are degrees of an emergency that the Governor can declare in the state. The degree that was enforced at that time would determine our action or reaction.

Q And of course the added consideration of potential for sabotage?

A. That's correct, sir.

Q Which is a separate consideration to any of the plans that--as they exist at face value?

A. That is correct, sir.

Q How is that decision made?

A. I don't understand your question.

Q The consideration that the event or pending event is induced?

A. Well, it would depend on some sort of intelligence

I-8

1 whether it be a mere trespass or an attempt to do an act of  
2 sabotage, the equipment the people had, the place they were at,  
3 the time they were at, whether they challenged the officers when  
4 they were approached, whether they left after they were told that  
5 they shouldn't be there and were unarmed and appeared to be just  
6 lost or misplaced or misdirected. I don't know, you have to  
7 ask me a specific hypothetical situation before I could respond.

8 Q. Your intelligence mission, does that mission begin  
9 at the onset of the specific classification of accident?

10 A. The intelligence is going on now, Mr. Bursey, and it  
11 goes on continuously. Now that is an area that you know that I  
12 will not go any further into.

13 Q. You mentioned looting and pilfering, is that in the--  
14 where are you concerned about pilfering and looting?

15 A. Any where in the state of South Carolina.

16 Q. In regards specifically to an emergency or general  
17 emergency of the V. C. Summer plant, where we have an evacuation?  
18

19 A. Primarily the concern would be in those areas that have  
20 been restricted and people have been removed and do not have the  
21 ability to protect themselves or their property. That would be  
22 our primary concern.

23 Q. In your intelligence gathering mission, is that  
24 delegated to you by the governor?

25 A. The enforcement of the laws of the state of South  
Carolina are by statute given to us and by direction given to

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19 1 to the governor who by Constitution in this state is the chief  
2 magistrate.

3 Q And as your intelligence gathering is an ongoing  
4 function, is it presently underway?

5 Do you determine on your own individuals that might  
6 pose a threat to the security of the plant?

7 MR. J. WILSON: Mr. Chairman, I have to object to this  
8 entire line of questioning. Now I fail to see the relevance  
9 when the issue purportedly is the adequacy of the State  
10 Emergency Response Plan, not the intelligence activities of  
11 the State Law Enforcement Division, and Mr. Bursey is going  
12 far afield and it seems to me that it is time to call a halt  
13 to it.

14 MR. BURSEY: I might add the witness brought this up.

15 THE WITNESS: I have no, I had hoped, Your Honor,  
16 that we didn't have to get into this but in order to protect  
17 the agency, Mr. Bursey knows that we have penetrated his  
18 organization before. As a result of that, he was caught in an  
19 unlawful act and carried before the courts and that is what he  
20 is trying to get into and I don't mind admitting it, I had  
21 hoped not to.

22 JUDGE GROSSMAN: Well, I really don't think any of  
23 that has a place on this record and I would hope that you are  
24 not going to be delving into any intelligence matters for no  
25 purpose, Mr. Bursey, and I think that we are just going to have

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2 a very difficult time here if it is not in your main line of  
3 direction as far as the contentions go, I think we ought to  
4 drop the intelligence activity. If it is critical to your  
5 issue, then you might have to pursue it, but I doubt it. It  
6 doesn't seem that apparent to me from the contention, so why  
7 don't we try to go along with what the contention has.

8 MR. BURSEY: Yes, sir, like I said, I didn't bring  
9 it up. As a matter of fact, I hadn't even considered the  
10 possibility of an emergency situation being brought about on  
11 purpose by someone. It is obviously a consideration of this  
12 agency in their fulfilling their role, I was interested in  
13 some of those mechanisms. I would have just one further  
14 question to ask, Captain, and it is this; is your concern  
15 with intelligence, is that domestic intelligence or is your  
16 intelligence limited to South Carolinians?

17 THE WITNESS: Our intelligence would be on a personal  
18 nature in that we would be concerned with anyone that would  
19 attempt to cause a nuclear accident.

20 After we determined that that might be a fact, then  
21 the response to that or the responsibility for following that up  
22 would be given to that agency, be it federal or state, that has  
23 the primary responsibility.

24 If it happened within the state and it was the  
25 primary responsibility of the federal agency, we have unwritten  
agreements and have over the years to assist federal agencies.

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1 I think Mr. Wilson has told us in the past there is  
2 nothing that says that state officers can enforce federal  
3 statutes.

4 BY MR. BURSEY:

5 Q Is there some threshold level that you have pre-  
6 determined that brings someone under your intelligence  
7 considerations?

8 MR. J. WILLIAMS: Mr. Chairman, I have to reiterate  
9 my objection. We are just going--Mr. Bursey professes not to  
10 want to know anything about this area but persists in asking  
11 questions about it and I just have to object.

12 JUDGE GROSSMAN: It seems to me as though that is the  
13 case, Mr. Bursey, I will sustain that objection.

14 MR. BURSEY: I have no further questions.

15 JUDGE GROSSMAN: Mr. Knotts?

16 MR. KNOTTS: We have no questions.

17 JUDGE GROSSMAN: Mr. Goldberg?

18 MR. GOLDBERG: No questions.

19 JUDGE GROSSMAN: Mr. Wilson?

20 MR. R. WILSON: No questions.

21 JUDGE GROSSMAN: Judge Linenberger.

22 BY JUDGE LINENBERGER:

23 Q Just one point I want to make sure I understood  
24 correctly from you, Mr. Gasque, and that is that your personnel  
25 so far as radiological matters are concerned are trained primarily

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for their self-protection in order to enable them to do their assigned job, but they are not trained to assist others with things such as radiological contamination and that sort of thing, just to sustain themselves as needed to do their job, is that correct?

A. That is correct, sir.

MR. LINENBERGER: Thank you.

JUDGE GROSSMAN: Thank you, Captain Gasque, you are excused.

THE WITNESS: Thank you, sir.

(Witness excused.)

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End Take

EVENING SESSION

6:00 p.m.

MR. BURSEY: I'd like to call Mr. Bill Comer of the Department of Social Services as our next witness.

Whereupon,

WILLIAM SMITH COMER,

was called as a witness on behalf of the intervenor and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

JUDGE GROSSMAN: Please be seated. Would you state your full name and spell it for the court reporter?

MR. COMER: My name is William Smith Comer, C-o-m-e-r.

BY MR. BURSEY:

Q. Mr. Comer, who do you work for?

A. I work for the South Carolina Department of Social Services.

Q. And what is your department's role in the event of a radiological emergency at the V. C. Summer plant?

A. Our role in those kinds of situation, as it is in any other emergency situation, is to serve as coordinator of the State Emergency Welfare Services.

A. Can you tell us what the Emergency Welfare Service, or the EWS, does or would be in the event of an accident of the magnitude that would necessitate evacuation?

A. As in any other emergency, Emergency Welfare Service

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1 is responsible for ministering to the basic needs of individuals  
2 affected, that is, so far as food, clothing and shelter are  
3 concerned. Unlike some of the other organizations involved,  
4 our department does not operate alone in our Emergency Welfare  
5 Service. The Emergency Welfare Service is composed of not only  
6 the Department of Social Services but the Department of Education,  
7 and two private organizations.

8 Q And what are those private organizations, Mr. Comer?

9 A The Salvation Army and the America Red Cross.

10 Q Where would you perform your services?

11 A Where would we perform our services?

12 Q Yes, sir.

13 A Well, I would hope that we would perform our services  
14 outside the danger area and that, I think, is very clear in the  
15 plans which have been written.

16 Q Well, can you give us an example of where you would  
17 set up your Emergency Welfare Service?

18 A Unlike some other emergency situations, the one little  
19 strange animal that crept up in our plan for radiological emer-  
20 gencies, that being what has been called Reception Centers, which  
21 is an assembly point, an assembly ground, central point of  
22 assembly for those people who are evacuated.

23 In such an emergency that's where our activities  
24 would begin. At that point we have been asked to perform a  
25 preregistration of people, that is, simply finding out who



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1 the individuals are who pass through that point, taking their  
2 names, the names of those in their families, any particular  
3 health or impairments that individuals might have, and from  
4 that point directing them to shelters which usually are outside  
5 the affected county.

6 Now, when I say we--let me get ahead of you a little  
7 bit. When I say we, I'm talking about our county counterparts.  
8 The whole business of protection or ministering to the welfare,  
9 ministering to the needs of people who have been affected rests  
10 with our county EWS groups, which means that our State EWS  
11 component simply serves as a support or back-up to those county  
12 counterparts.

13 Q So if a Reception Center were established, let's  
14 say, for instance, at the Columbia Bible College, that staff  
15 would be drawn from the Richland County Department of Social  
16 Services?

17 A It might be Department of Social Services personnel  
18 who would be there. We might also get personnel to accomplish  
19 what has to be accomplished at that point from other organizations.

20 Q Now, at the Reception Center, after registration,  
21 what does is your delegated duty?

22 A To shelter people, to feed them and provide clothing  
23 for those who need it.

24 Q Is there any plan where it is determined whether  
25 or not these individuals are contaminated?

1 A. It's my understanding that that particular activity  
2 takes place at the Reception Center. As a matter of fact were  
3 you talking with me in terms of the H. B. Robinson Nuclear  
4 plant area, I could describe for you the arrangement there.  
5 Unfortunately, I cannot do that in relation to the Summer  
6 plant.

7 Q. Is it not similar to the State outline?

8 A. It should be similar. Our whole intent has been  
9 to develop and suggest to counties an Emergency Welfare Service  
10 Plan which can be applied not only to radiological accidents,  
11 but to any type emergency situation that might occur, be it  
12 tornado, hurricane, whatever.

13 Q. Who is responsible for determining if the influx  
14 of people are or are not contaminated?

15 A. It isn't us. My understanding is that that is the  
16 responsibility of DHEC, Department of Health and Environmental  
17 Control.

18 Q. Do you have, as part of your shelter responsibility,  
19 the responsibility of setting up the Reception Area in such  
20 a way as to facilitate decontamination of personnel?

21 A. The county Emergency Welfare Services shares that  
22 responsibility with the Department of Health and Environmental  
23 Control, yes.

24 Q. To take that a step further, if someone comes in  
25 and someone checks them for exposure, and if it's determined

1 they're exposed, then what happens to them?

2 A I'm not your best authority on that. I can't answer  
3 that.

4 Q How long--

5 A Excuse me. Do you mean into the Reception Center?

6 Q Yes, sir.

7 A Then my answer stands.

8 Q How long has it been postulated that any of these  
9 facilities may have to operate?

10 A So long as the situation might apply. That depends  
11 on a number of people. If you're talking about the Reception  
12 Center of course, that depends on the number of people who are  
13 evacuated and the number of people who flow through that Recep-  
14 tion Center.

15 Q Now, is the Department of Social Services' sole re-  
16 sponsibility in the event of radiological emergency this role  
17 that you've outlined of establishing a place for people to  
18 go, your basic food, warmth and shelter on an emergency level?

19 A I'm sorry.?

20 Q Is your role food, warmth and shelter on an emergency  
21 level?

22 A Is our provision of food, shelter and clothing on  
23 an emergency level?

24 Q Is that the limitations of the Department of Social  
25 Services' responsibility?

1           A.     I understand. I believe that in the State Emergency  
2 Plan, our assistance may also be required by the Department  
3 of Mental Health. We have some staff trained in counseling  
4 and those people may need to assist the Department of Mental  
5 Health, if such need arises.

6           Q.     To assist them in individual counseling?

7           A.     Individual or group. For example, in a shelter,  
8 you have a number of people who--well, let's begin with the  
9 Reception Center. You have a number of people who may be there  
10 that are very upset and that kind of thing and simply need  
11 to be calmed down. It's my understanding that the Department  
12 of Mental Health has the responsibility for handling those  
13 kinds of problems with our assistance, if necessary.

14          Q.     So you don't have any radiological involvement?

15          A.     None that I'm aware of. If you want to be a little  
16 more definitive, I--

17          Q.     Well, is your agency supposed to handle any geiger  
18 counters?

19          A.     Not that I know of. I've never handled one.

20          Q.     Do any checking of personnel to see if they're radiated?

21          A.     No. No.

22          Q.     Dispose of contaminated clothing?

23          A.     That's a gray area, but my best answer is no. I  
24 said it's a gray area because in our organization the Salvation  
25 Army has agreed to provide replacement clothing for those

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1 individuals who lose their clothing because of contamination.

2 Q As you understand it, your agency is not involved  
3 with the loss of their clothing?

4 A I hope not. No.

5 Q Is your agency well enough funded to be able to absorb  
6 the cost of setting up and operating a facility?

7 A We have thus far.

8 Q Well, in the event of a major nuclear accident, would  
9 you be able to accommodate thousands of people?

10 A We're all State employees, those of us in DSS, and  
11 we have considered this as a part of our required responsibilities.

12 MR. BURSEY: I think that's all that I have for you,  
13 Mr. Comer. If you would answer any questions the other parties  
14 might have for you.

15 JUDGE GROSSMAN: Mr. Knotts?

16 CROSS-EXAMINATION

17 BY MR. KNOTTS:

18 Q There was one area, Mr. Comer, and that was I didn't  
19 quite catch what you said about if this were H. B. Robinson,  
20 you would answer as to the county plans, but for V. C. Summer,  
21 you could not. Could you elaborate on that question?

22 A Yes, sir, Very simply stated, I personally have  
23 not had the involvement with the counties involved as far  
24 as V. C. Summer plant as I did with H. B. Robinson plant.

25 Q So you are not saying that the counties in this

1 instance have not done whatever it is that the countries did  
2 at H. B. Robinson, you were quite rightly pointing out what  
3 the limitations in your own first-hand knowledge were?

4 A I'm simply stating that I do not know because I have  
5 not seen the plans.

6 Q Very well, sir.

7 MR. KNOTTS: I have no further questions.

8 JUDGE GROSSMAN: Mr. Goldberg?

9 MR. GOLDBERG: No questions.

10 JUDGE GROSSMAN: Mr. Wilson?

11 MR. RICHARD WILSON: I just had one briefly.

12 BY MR. WILSON:

13 Q Mr. Comer, it w5s indicated earlier that the Emergency  
14 Welfare System might have had experience in other than these  
15 practice exercises, and I just ask you outright, have y'all had  
16 experiences in the past in dealing with large numbers of displaced  
17 persons such as during hurricanes and providing the necessary  
18 food, shelter and clothing for those persons?

19 A It's new to me but as far as counties, it is not.  
20 They've had past experience.

21 Q All right. Thank you.

22 MR. RICHARD WILSON: That's all. Thank you, Mr.  
23 Chairman.

24 JUDGE LINENBERGER: Mr. Comer, one small point of  
25 clarification. You mentioned the Reception Centers and the

1 shelters. Are they--taken in that order, the Reception Centers,  
2 are they manned by people from your state level organization  
3 or from the local county organizations?

4 MR. COMER: Primarily by our county representatives.

5 JUDGE LINENBERGER: And what about the shelters--  
6 likewise?

7 MR. COMER: Likewise.

8 JUDGE LINENBERGER: It would sound then as though  
9 with a relatively small statewide staff, you could coordinate  
10 a fairly sizable number of Reception Centers and shelters since  
11 they're mostly manned, not by your organization but by the  
12 local county personnel, is that correct?

13 MR. COMER: Yes, sir, we have a Department of Social  
14 Services offices in every one of forty-six counties. We have  
15 several hundreds of staff in those counties. I don't mean  
16 in each one, but statewide. And we are prepared to call, if  
17 necessary, to this part of the State from the upper end of  
18 the State, our staff.

19 JUDGE LINENBERGER: So you have the ability to shift  
20 people around where the need arises?

21 MR. COMER: That's right.

22 JUDGE LINENBERGER: Thank you very much.

23 JUDGE GROSSMAN: Any redirect, Mr. Bursey?

24 MR. BURSEY: No, sir.

25 JUDGE GROSSMAN: Thank you very much, sir. You're

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1 excused, Do we have any more witnesses?

2 MR. BURSEY: Yes, we do. We have the Department  
3 of Education and the Governor's Office of Public Safety, and  
4 we have Richland Memorial Hospital--three more.

5 JUDGE GROSSMAN: Three more. Call your next witness,  
6 please, from the Department of Education.

7 Whereupon,

8 ROBERT RAYMOND HILL,  
9 was called as a witness on behalf of the intervenor and, having  
10 been first duly sworn, was examined and testified as follows:

11 DIRECT EXAMINATION

12 JUDGE GROSSMAN: Please be seated, sir. Would you  
13 give your full name and spell it for the court reporter?

14 MR. HILL: My name is Robert Raymond Hill, H-i-l-l.

15 BY MR. BURSEY:

16 Q Mr. Hill, what do you do professionally, sir?

17 A I'm the Deputy State Superintendent of Education  
18 for Administrative and Planning.

19 Q And are you familiar with the Emergency Preparedness  
20 Plan that we've been discussing here today?

21 A Yes, I am.

22 Q Can you tell us what your agency's role is in that  
23 Plan?

24 A We have four support roles, transportation, shelter,  
25 feeding and communications.



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1 Q Can you expand a little bit on each of those?  
2 The transportation, we heard earlier was under the office of  
3 the Public Service Commission, can you tell us what your role  
4 is in transportation?

5 A That's why I used the term support role. We have  
6 within the department some six thousand plus school buses and  
7 other vehicles that support the school bus transportation system.  
8 These vehicles would be available for use in a coordinated  
9 fashion in the event of a disaster.

10 Q Do you or, let's say, the principal of a given school,  
11 does someone in your agency get to determine the use of your  
12 vehicles?

13 A The vehicles are under the general control of county  
14 transportation supervisors. They are employees of the State  
15 Department of Education. Their routing is a mutual, coordinated  
16 effort with the local school administrators.

17 Q I'm sorry, the last part of your sentence?

18 A The routing, actual routing of the buses to transport  
19 youngsters is a cooperative effort between the county transporta-  
20 tion supervisor and local school administrators.

21 Q In the event of a nuclear emergency--

22 A No, that's--no, not in the event of a nuclear emer-  
23 gency. I didn't understand your question to be that specific,  
24 but I was clarifying the fact that there is a--the buses are  
25 under the general control of the county transportation supervisor.

1 Q And in the event of a nuclear emergency, who would  
2 the buses be under the control of?

3 A My understanding is that the Public Service Commission  
4 has that role as a primary responsibility.

5 Q Has there been any discussions in regard to the schools  
6 that surround V. C. Summer plant as to the utilization of the  
7 buses on a prioritized basis?

8 A By whom?

9 Q That's my question--by whom? Well, by your agency,  
10 do you have any prioritized list of who gets to use the buses?

11 A I am not--I have not seen a county plan for counties  
12 that might surround the area. I have not seen a plan for the  
13 utilization of vehicles.

14 Q I raised earlier a specific concern that I have and  
15 used as an example, my daughter goes to Chapin Elementary School  
16 right at the edge of the ten-mile zone. There are no buses  
17 at the Chapin Elementary School. Those buses are at the high  
18 school.

19 Were an event to occur during school hours that would  
20 necessitate the evacuation of students, what could I as a con-  
21 cerned parent expect is going to happen to my daughter?

22 A I could answer that. The school buses are only  
23 one of the vehicle resources, as I understand it, and those  
24 are the ones that we are concerned with, but I believe other  
25 vehicles are involved in the Plan or are available for utilization

1 by the coordinator.

2 Q. So the Department of Education is in essence giving  
3 up first-line utilization of the school buses to the Public  
4 Service Commission?

5 A. That is correct.

6 Q. Have you been involved in discussions to this point  
7 before with the Public Service Commission?

8 A. I personally have not been.

9 Q. Do you know if someone in your agency has?

10 A. I am not sure.

11 Q. Can you assure us that at this point adequate trans-  
12 portation for all school children has been handled in an expedited  
13 fashion?

14 A. There hasn't been a nuclear disaster that I'm aware  
15 of.

16 Q. Well, one of the purposes of our presence here is  
17 to see that there is a very good functional plan in place before  
18 this plant operates so that in the event of the unlikely accident,  
19 there can be--

20 A. Perhaps I didn't understand your question. I thought  
21 you asked me could I assure you that all the children would  
22 be transported in a timely fashion or something like that.

23 Q. Yes, sir, that was my question.

24 A. And you're asking me can I assure they would be in  
25 the event of?

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1 Q Yes, sir.

2 MR. JOHN WILSON: Mr. Chairman, I have to object  
3 to this question. I think it first is calling for a conclusion  
4 from this witness. Whether he can assure or whether he's assured  
5 is no consequence. Under the law of the State, the Governor  
6 has the ultimate responsibility for safety and security and  
7 welfare of the people, and has the ultimate control upon the  
8 declaration of emergency as to the utilization of State personnel,  
9 equipment and resources.

10 It would be for the Governor to determine, under  
11 any set of given facts, which priorities take first preference.  
12 And that's the law in this State and that's built into our  
13 Plan.

14 MR. BURSEY: I'm not asking this gentleman to second  
15 guess any other agency, but to give us his direct knowledge  
16 as to whether, after all is said and done, he feels comfortable  
17 that every one's taken care of.

18 JUDGE GROSSMAN: I think there's a little problem  
19 with the word assure. I believe Mr. Bursey was just asking  
20 whether the witness was satisfied from the Plan that the children  
21 would be taken care of, not whether he had within his responsibility  
22 the power to assure that they would be.

23 Would you please rephrase your question, Mr Bursey?

24 BY MR. BURSEY:

25 Q In the stage of development of the Emergency Plan

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1 that we presently find ourselves in, are all the children that  
2 are in schools in the area around the V. C. Summer plant, do  
3 they have transportation already allocated to them?

4 A. I am not aware of any plan that specifies exactly  
5 how many youngsters would be transported and on what priority  
6 basis.

7 Q. Has there been discussion within your department  
8 of the difficulty that might arise upon notice of evacuation  
9 in the immediate area of the facility, the problem that might  
10 result in people going to get their children?

11 A. There have been some--are you generally talking about  
12 confusion that could exist there?

13 Q. Yes.

14 A. There have been discussions on that with some staff  
15 of the Emergency Preparedness Division regarding this.

16 Q. Was there any mechanism reached to prevent a distraught  
17 mother from trying to stop the school bus once it finally gets  
18 loaded to get her child off?

19 A. My role in this, Mr. Bursey, is at the state level  
20 and dealing with it from that. That would be a county responsi-  
21 bility to work out the intricacies of moving youngsters from  
22 schools within a particular subdivision.

23 Q. So you're saying that that concern would be a county  
24 responsibility?

25 A. The number of youngsters and the number of vehicles

1 available would vary from county to county and school district  
2 to school district, certainly.

3 Q As well as the security of the bus itself getting  
4 down the road?

5 A I don't understand what you mean by the security  
6 of the bus.

7 Q The question of the distraught mother stopping to  
8 school bus to get her child off is a scenario that could be  
9 repeated so many times in the space of a hundred yards as to  
10 prevent the bus from ever leaving the school. What's being  
11 done to prevent that from happening.

12 A I am not aware of that being--that is not addressed  
13 in the State Plan that I am aware of.

14 Q Do you know where the children would be carried once  
15 they were on the buses?

16 A No, I do not.

17 Q Now, you mentioned that you had also a responsibility  
18 for shelter?

19 A That's correct.

20 Q Can you tell me a little more about that?

21 A Under the Emergency Welfare System, which was just  
22 described, the school facilities are designated as potential  
23 shelter, and my responsibility as an agency would be to work  
24 with DSS in identifying facilities and geographically pinpointing  
25 where they are.

1 Q Would you then offer Department of Education personnel  
2 to assist in staffing the school as it became an EMW facility?

3 A The county plans generally attempt to name the school  
4 principal as a shelter manager.

5 Q Are there roles for other Department of Education  
6 personnel?

7 A I think you'd have to understand the make-up of these  
8 particular situations and the governance of them. Local school  
9 personnel are not employees of the State Department of Education  
10 and that's why it is essentially that they be worked out through  
11 county plans for working with local school district personnel.

12 So when you say other Department of Education personnel,  
13 there are no other Department of Education personnel usually  
14 located there.

15 Q I'm sorry. I didn't--what about school teachers,  
16 are they part of the EWS?

17 A No.

18 Q You mentioned feeding, can you elaborate on that?

19 A As a part of the shelter, a number if not most of  
20 your school facilities would have a cafeteria. And it would  
21 seem logical that you would feed in the same place that you  
22 would shelter, and that's one one of our responsibilities,  
23 would be to enumerate whether or not every shelter had a feeding  
24 capability or not.

25 In addition to that the EWS has a working agreement

1 with the federal commodities program to be able to utilize  
2 those commodities that would be available in the particular  
3 cafeteria.

4 Q And the fourth task you mentioned was communication?

5 A Yes. We have a communications network with all of  
6 the county transportation shops with other mobile units in  
7 their vehicles. As I understand, the plan would be--this would  
8 simply be a back-up communications capability to be utilized,  
9 if necessary.

10 Q Now, your school buses in the counties that we are  
11 immediately dealing with now, Richland, Lexington, Fairfield  
12 and Newberry, is it county procedure to let those buses go  
13 home with the drivers in the evening?

14 A It can vary. Some of the vehicles may be parked  
15 on school grounds as opposed to being driven home in the evening.  
16 I would estimate the majority are driven home to the residence  
17 of the drivers.

18 Q What is the minimum age of your bus drivers?

19 A Minimum--sixteen.

20 Q Should the buses be in the homes of the individual  
21 bus drivers in the event of an accident that necessitated your  
22 use, what arrangements have been made to appraise the drivers  
23 of this possibility and to get them where they're supposed  
24 to be?

25 A As I said earlier, our support role is to provide



1 the vehicles.

2 I have not been involved in any type of plan that  
3 establishes who will man the vehicles.

4 Q Do you know of any such plan that can appriase the  
5 drivers of their role in the Emergency Plan?

6 A No, I am not. I do not--I am not aware.

7 Q Have the bus drivers received any radiological training?

8 A Not to my knowledge.

9 Q Is the Department of Education planning to absorb  
10 costs that would be incurred from the involvement of the depart-  
11 ment in an accident?

12 A An accident being vehicle accident or an accident  
13 being an occurrence at the V. C. Summer plant?

14 Q The latter.

15 A I don't think--we do not have a budget, a line item  
16 budget for that.

17 Q Who would pay for it?

18 A I understand that in past disaster situations there  
19 is, believe, something called the Governor's Emergency Welfare  
20 Fund or something to that effect.

21 Q Does the Department of Education have any role in  
22 educating students or the general public about accident impacts  
23 or the necessary steps to take to avoid, to mitigate the impacts?

24 A That's such a broad area. I assume you're beyond  
25 the V. C. Summer plant now?

1 Q No, sir, let's be specific and certain and ask if  
2 theris any curriculum that's been developed dealing specifically  
3 with the radiological emergencies that might impact the students?

4 A. There is not state-mandated curriculum.

5 A. I remember hding under my desk in the fifth grade  
6 from potential Russian nuclear bombs. There's no drill? The  
7 teachers, the students aren't educated about the possibility  
8 of this happening?

9 A. I would imagine that it might be a--it could be a  
10 part of some schools' curriculum, but there is not a statewide  
11 curriculum in any such, and therefore it would be up to the  
12 local board of trustees to make a determination to include a  
13 unit of this nature.

14 Q. Do you think it would be advisable for the Board  
15 to issue such a directive to schools in the zones that may  
16 very well be affected by a nuclear emergency, that the students  
17 and the teachers become versed with what it is they're supposed  
18 to do?

19 A. I would not want to endorse that concept without  
20 being privileged to knowing what the materials might be submitted  
21 to youngsters.

22 Q. But given that right of review, you would feel that  
23 the youngsters and the teachers should be brought up to date  
24 with understanding their role in an evacuation in an Emergency  
25 Plan?

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A. I'm not sure. It would seem--it certainly would seem reasonable that you would--I'd separate the education of the dangers, the potential dangers from radiation from an evacuation plan and I'm not sure--I'm unable to separate that in the question that you've asked me.

If you're asking me should the school have an appropriate evacuation plan, they have plans for--they have fire drills. Whether or not it's essential to have an evacuation plan and/or a drill for the nuclear, until we can determine the real dangers there, I would have to say I don't understand enough about the concept at this point in time.

Klpw

1 Q You just mentioned that until we can understand the  
2 real dangers, is that "we" the Department of Education, understand  
3 the real dangers of a nuclear accident?

4 A I was trying to place myself in the role of a Board  
5 member as you had suggested earlier, that should the Board --

6 Q Has there been any attempt on the part of the state  
7 agencies to educate the Department of Education about the real  
8 dangers?

9 A Several years ago, I don't remember exactly when, there  
10 was a grant, a grant had been approved within the Department of  
11 Education to provide this type of assistance. Since that time  
12 there have been publications produced by the Emergency Prepared-  
13 ness Division which have been utilized in a number of the  
14 schools, but I do not know which ones have utilized it and it  
15 is not part of any mandated curriculum.

16 Q So at this point you can't give a department position  
17 on the advisability of an educational program about nuclear  
18 preparedness?

19 A I do not have that capability to provide a department  
20 position.

21 Q And that decision would rest with?

22 A I would think it would rest with the State Board of  
23 Education.

24 Q This material that was passed out earlier, who was it  
25 passed out to?

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K2pw

1 A. It was disseminated to local school districts. I  
2 believe through county disaster preparedness volunteers or  
3 employees, I'm not sure.

4 Q Was it given to the teachers or to students?

5 A. It was provided to the schools and I do not know at  
6 that point how the local school administrators chose to utilize  
7 it. I don't know if it was given to students, whether it was  
8 simply placed in the library or whether it was given to one  
9 particular grade, I'm not sure.

10 Q Do you know who compiled this information, composed it?

11 A. I do not know the author.

12 MR. BURSEY: That's all the questions I have for you,  
13 sir. If you would answer the questions any other parties might  
14 have for you, I'd appreciate ir.

15 JUDGE GROSSMAN: Mr. Knotts?

16 MR. KNOTTS: No questions, Judge Grossman.

17 JUDGE GROSSMAN: Mr. Goldberg?

18 MR. GOLDBERG: No questions.

19 JUDGE GROSSMAN: Mr. Wilson?

20 MR. R. WILSON: No questions.

21 JUDGE GROSSMAN: Thank you very much, sir.

22 (Witness excused.)

23 JUDGE GROSSMAN: Call your next witness please.

24 MR. BURSEY: Yes, we would call the -- is the Governor's  
25 Office of Public Safety here?

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K3pw

1 Whereupon,

2 JUDITH P. TURNIPSEED  
3 GAINES O. BOONE

4 were called as witnesses by and on behalf of Intervenor Bursey,  
5 and having been first duly sworn, was examined and testified  
6 as follow-

7 JUDGE GROSSMAN: Please be seated and would you in  
8 turn give your full name and spell them for the court reporter.

9 MS. TURNIPSEED: Judith P. Turnipseed, T-u-r-n-i-p-s-e-e-d.

10 MR. BOONE: My name is Gaines, G-a-i-n-e-s, initial O.  
11 Boone, B-o-o-n-e.

12 DIRECT EXAMINATION

13 BY MR. BURSEY (Witness Boone)

14 Q Mr. Boone could you tell us what you do?

15 A My position in the Governor's Office is Administrative  
16 Assistant for Comprehensive Emergency Management. That's  
17 Administrative Assistant for Comprehensive Emergency Management.

18 MR. BURSEY: Ms. Turnipseed, what is your job?

19 MS. TURNIPSEED: I am Public Information Specialist  
20 for the Division of Public Safety in the Governor's Office.

21 BY MR. BURSEY (Witness Boone)

22 Q The Governor's Office has a lot of different responsi-  
23 bilities. Mr. Boone, if you could first describe the levels of  
24 responsibility, starting let's say with command decisions that  
25 may have to be made by the Governor's Office, and you list the

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K4pw

1 ones you're familiar with and Ms. Turnipseed list the ones she's  
2 familiar with, we can proceed with just a summary as you see  
3 your responsibilities.

4 A. As I see my responsibilities in connection with the fixed  
5 nuclear facility?

6 Q. Yes, sir.

7 A. Okay. The responsibility of the Governor's Office,  
8 of course, as far as my position is to provide state direction  
9 and control and guidance in the event of a nuclear accident.  
10 In that connection, of course, we have made, through the  
11 Governor's advice and consultation, we see that declarations  
12 are declared of emergency. We would operate as operational  
13 persons from the Forward Emergency Post and from the State  
14 Emergency Center. We also, in the Governor's Office, would be  
15 responsible for public information, we would disseminate the  
16 public information.

17 Q. Now are there, let's say command level decisions that  
18 your office would make in certain instances gradiating the  
19 classes of emergencies?

20 A. We would certainly make command decisions in consulta-  
21 tion with the other primary actors in the event of a nuclear  
22 accident. In other words, the command structure at the Forward  
23 Emergency Center would be the Director of the Public Safety  
24 Division, would be a General with the South Carolina National  
25 Guard, and would be the Head of the Emergency Preparedness

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K5pw

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1 Division. And any decisions would be made in consultation with  
2 those persons and if necessary, upon contact with the Governor  
3 himself.

4 Q And in the event of the consideration of evacuation,  
5 does the Governor's Office have a role in that?

6 A It does. In the event there is an evacuation, the  
7 Governor is the person in South Carolina that has the power to  
8 order an evacuation and the position of the -- of our section  
9 would be to furnish the Governor the information that's available  
10 and to solicit his guidance in ordering an evacuation or getting  
11 his authority to do it.

12 Q Okay, is it his guidance or his authority?

13 A His authority, and of course we would also appreciate  
14 his guidance.

15 Q But the decision for evacuation rests with the Governor?

16 A The decision for evacuation, the final authority  
17 rests with the Governor. However, based on information available  
18 to him, no request would be made to the Governor unless evacuation  
19 were considered necessary and based on the best information that  
20 was available from most persons at the facility and in a position  
21 to give information upon which to make that decision.

22 Q Are you familiar with any other actions that would  
23 necessitate the Governor's input?

24 A Not specifically at this moment. You may have something  
25 you'd like to bring to my attention, but --



K6pw

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1 Q What about the decision chain for authorizing emergency  
2 workers to greater exposures?

3 A This would be something I'm sure we would not mind  
4 discussing with the Governor; however, the, I think these  
5 decisions would have to be made based on information that's  
6 available and with the best minds that are present to make those  
7 decisions. If there were time to do it, we do not hesitate to  
8 call the Governor. The Governor is available to us and there's  
9 no lack on his part to receive calls from us.

10 Q Then it was an affirmative that the Governor makes the  
11 decision about worker exposures being above levels?

12 A We would rely upon the best information that's  
13 available as to what the situation was and we would certainly not  
14 mind consulting the Governor under those circumstances.

15 Q So in this instance it's consultation and not  
16 authorization?

17 A The Governor is in the same position that we are. He  
18 is going to accept the best information that's available at the  
19 scene, whether they be state, federal, EPA or what have you, with  
20 which to make the decision.

21 JUDGE GROSSMAN: I think the question was whether the  
22 Governor would be the one to authorize anything like that.

23 MR. BOONE: I think we'd have to get back to this  
24 conclusion. I think we'd have to get to the situation where we  
25 know as to what situation we're in, what the risks are, what the

K7pw

1 circumstances are, before we would ultimately make a decision of  
2 that sort.

3 BY MR. BURSEY:

4 Q Then you're saying that the Governor does not necessarily  
5 need to be consulted about that decision?

6 A I would not say that the Governor does not necessarily  
7 have to be consulted.

8 Q Do you know whether the plan mandates for the Governor's  
9 authorization for workers to be exposed above levels that are  
10 set out in the general public protection guides?

11 A There is, to my knowledge, no specific requirement on  
12 the Governor to make that decision. However, in the plan, any  
13 decision of that nature would certainly have to be made, as I  
14 say, based on the best information that's available and that's  
15 what the Governor would get.

16 Q There's been some discussion today about who pays for  
17 the development of an adequate plan, bringing agencies up to full  
18 force capability understanding to meet a radiological emergency.  
19 Can you speak to the Governor's office in regards to financial  
20 responsibility of bringing agencies up to force?

21 A The Governor's position in supporting agencies and  
22 supporting the development of the capability to react to nuclear  
23 accidents is well known. He has enthusiastically supported every  
24 incident in which we could assist, both from the standpoint of  
25 lending personal assistance and acting in their behalf, and of

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K8pw  
1 course all agencies are subject to the Budget Control Board,  
2 state legislature, but the Governor has always supported the  
3 development of an adequate fixed nuclear plant, response plant.

4 Q Does the Governor have any discretionary powers to  
5 create funding in the event of an emergency to help defray the  
6 cost that are the results of a nuclear emergency?

7 A There is an emergency fund, I'm not sure of the amount,  
8 but we have used it in connection with other instances. When we  
9 had Hurricane David, some of the state agencies that had incurred  
10 expenses were given reimbursement for those expenses that were  
11 beyond the ones that they would have ordinarily incurred in their  
12 everyday activities.

13 Q Is that the Governor's Emergency Welfare Fund?

14 A Yes, it is a Governor's Emergency Fund, yes.

15 Q Do you have any idea at all how much money's in that  
16 fund?

17 A I do not.

18 Q Would it be less than 17 billion dollars?

19 A I think we could safely say that. I don't think we  
20 need to worry about that.

21 Q That's a figure that the government has used in estimating  
22 the maximum damage as a result of an accident.

23 MR GOLDBERG: I'm going to object if that's a question.

24 JUDGE GROSSMAN: It wasn't, it was a statement by Mr.  
25 Burse and your objection is sustained.

K9pw

1 BY MR. BURSEY:

2 Q Mr. Boone, for your information and for the sake of  
3 the record, "The Governor's Office authorizes emergency workers  
4 to incur exposures in excess of the general public protection  
5 action guidelines." What does that mean, "Governor's Office"?

6 A In this case it would mean the Governor.

7 BY MR. BURSEY (Witness Turnipseed)

8 Q Ms. Turnipseed, did you work in the preparation of  
9 the public notices that were used in the SCORERP?

10 A No, sir, I didn't help develop those. I used them in  
11 some exercises and done some modification but I have not helped  
12 develop them.

13 Q You made some modifications?

14 A Minor modifications, filled in some blanks of course  
15 but for the sake of exercises we modified some of the wording  
16 to add such words as "simulated" and if it were a real accident  
17 and in order that in addition to an introductory statement and  
18 an ending statement, that it was an exercise to insure that  
19 anybody tuned in to the message in the middle, they would also  
20 find some words in the middle that would assure them that it was  
21 an exercise.

22 Q Do you know who wrote these statements?

23 A No, sir, I don't.

24 Q Were they composed by the Governor's Office of Public  
25 Safety?

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K10pw

1 A. No, I would guess that they were developed in the  
 2 Emergency Preparedness Division but I'm not positive of that.  
 3 They were already in existence when I started working with them.

4 Q. You're familiar with the one that announces the condition  
 5 of a general emergency and calls for people to evacuate?

6 A. Fairly familiar.

7 Q. Did you yourself actually personally participate in  
 8 announcing these messages during the Hartsville plan?

9 A. All right, now I didn't understand quite what that  
 10 meant.

11 Q. Let me ask it in pieces. You were in Hartsville during  
 12 the emergency exercise?

13 A. Yes.

14 Q. Were you in Winnsboro during the V. C. Summer exercise?

15 Yes.

16 Q. At either one of those exercises were there simulated  
 17 emergency broadcasts together?

18 A. Yes.

19 Q. Did you give those?

20 A. No, I didn't specifically give them, I was present when  
 21 we disseminated those.

22 Q. Did you hear them?

23 A. Yes -- oh, no, I didn't hear them over the radio, no, I  
 24 did not. I heard our public information people calling them in  
 25 to various emergency broadcasting system -- members of the emergency

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Kllpw

1 broadcast system and so forth.

2 Q Did they give the part of the emergency notice that says  
3 an estimate of the quantities of nobile gases, iodides and  
4 particulates released is blank?

5 A No.

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1 Q Did they give the part that says, estimate of the  
2 concentration of nobile gases, iodides and particulates  
3 released as blank?

4 A No.

5 Q Did they give anything that stated the amount of  
6 rem's for periods of radiation that was released?

7 A I don't think so. I am not as positive of that  
8 statement as I am the others though.

9 In an attempt to keep the message short and specific  
10 as to what the listening audience should do, it was determined  
11 that we would cut down the length of the message and gear it  
12 more towards the specifics of what the people were to do as  
13 far as evacuation and protection was concerned.

14 Q Was it determined at that time to make the message  
15 more comprehensible not to get into nobile gases and particulate  
16 releases?

17 A Well, for instance, we also during that exercise  
18 determined that to talk about sectors is well and good but it  
19 is also more comprehensible to talk about particular areas  
20 rather than a sector in case somebody doesn't know what  
21 sector they live in, and talk about community--the following  
22 communities, so --

23 Q Do you think there needs to be further modification  
24 to the proposed statements in order to make the points to the  
25 public?

1 A. There might be.

2 I don't think that any plan is written in concrete  
3 and I think as you work with them and so forth, modifications  
4 are possible.

5 Q. Do you think it is an important inclusion in the  
6 public information that people be told what is going to happen  
7 to you if you don't do what we have just asked you to do?

8 A. It could be.

9 Q. And would you agree that the best way to impress  
10 upon people that they may suffer damages is not to use the  
11 terms nobile gas, iodines, particulate matter; but to speak  
12 in simpler terms?

13 A. You have to repeat the question, I don't know what--

14 Q. Would the public be better informed as to potential  
15 impact on them by using simpler terminology?

16 A. I would think most of the public would not be familiar  
17 with those terms.

18 Q. Have you participated in any other public information  
19 outreach on the part of either SCE&G or any state agency?

20 A. Yes.

21 Q. Can you tell me what that was?

22 A. On several occasions I have been present at public  
23 hearings in the vicinity of the plant, have either set up--well,  
24 not actually participated, but have helped organize some talk  
25 show appearances, that kind of thing.



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Q For who?

A For who, do you mean who?

Q Yes, who?

A Well, some examples would be talk show programs, radio talk show programs. Emergency Preparedness Division personnel, people from the plant.

Q Do you feel that there needs to be more public education as to the potential impacts of an accident in order for the public to take these evacuation plans seriously?

A I would say, make a general statement that there needs to be more public information, public education to differentiate.

There always needs to be more public education and we are just beginning to educate the public around the V. C. Summer plant about the plan and what they are, their role would be in an emergency. We can always improve and we attempt to.

Q Are you familiar with this brochure (indicating)?

A Yes.

Q You have read it thoroughly enough to be able to critique it?

A I have read it fairly thoroughly.

Q Would you like to look at it before I ask you a couple of questions about it?

A Well, ask me first and then I will see if I need to

1 know.

2 JUDGE GROSSMAN: Could you identify that for the  
3 record, sir?

4 MR. BURSEY: This is the applicant's brochure to  
5 educate the public about emergency plans and about the hazards  
6 of radiation.

7 JUDGE GROSSMAN: Is that an exhibit that you intend  
8 to introduce?

9 MR. BURSEY: Mr. Knotss, excuse me, is this in the  
10 record, sir?

11 MR. KNOTTS: I don't believe so.

12 MR. J. WILSON: Mr. Chairman, if I may, I don't  
13 believe that document was prepared either the Governor's  
14 Division of Public Safety or any other state agency, and I  
15 do not understand the relevancy in asking any member of the  
16 state agencies their opinion as to sufficiency or insufficiency  
17 of that particular document.

18 JUDGE GROSSMAN: I don't know what the question is.  
19 Of course the question hasn't yet been asked. While he has  
20 asked the witness whether she is familiar with the document  
21 and they are awaiting the questions, you may well have a valid  
22 objection.

23 MR. BURSEY: Judge Grossman, if this is not a part  
24 of the record, I will offer it as such. It is in my pre-filed  
25 testimony on Emergency contention if it hasn't come into the

1 record.

2 MR. KNOTTS: Mr. Bursey distributed a Xerox copy of  
3 the brochure at one of the pre-hearing conferences. The  
4 brochure was the subject of some interrogatories by Mr.  
5 Bursey which we agreed to answer and the subject of our  
6 answers; and also it is expected to be the subject of his  
7 interrogation of three or four of our witnesses I believe on  
8 tomorrow if I am not mistaken.

9 So, my suggestion would be that it be marked now  
10 and it be put in for, you know, whatever purpose, tomorrow.

11 JUDGE GROSSMAN: Fine, why don't we do that? I don't  
12 have any recollection at the moment of any prior exhibits that  
13 you have marked, Mr. Bursey.

14 Could you tell us what we are up to if you have?

15 MR. BURSEY: I am sure Mr. Goldberg knows the answer  
16 to that, sir.

17 MR. GOLDBERG: I believe that Mr. Bursey offered  
18 some pre-hearing deposition transcripts into the record and  
19 perhaps the ACRS and subcommittee transcripts were his exhibits  
20 as well. I don't have a recollection whether, maybe they were  
21 the Board's exhibits but, I am sorry, also the Inspection  
22 Report done by the Office of INSpection Enforcement. My  
23 recollection is that that report, that Office of Inspection  
24 Enforcement report and two depositions of Mr. Whissenant and  
25 Mr. Forte are Mr. Bursey's documentary exhibits and I believe  
the transcripts were those.

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JUDGE GROSSMAN: Do you know what we are up to?

THE REPORTER: I think I remember because I said, "why were they labelled Bursey's when they should have been Intervenors, and they were entered into the record as Bursey's exhibits so and so rather than Intervenors and the way I can envision it is that there were three and the next one would be 4.

JUDGE GROSSMAN: Okay, let's have this marked as Intervenor's Exhibit 4.

MR. BURSEY: I will make a note of that, Judge Grossman.

(Intervenor's Exhibit No. 4 was marked for identification.)

JUDGE GROSSMAN: Would you identify what that is?

MR. BURSEY: This is the applicant's brochure to the public telling them about the Emergency Plan, the sections around the plant where they might live and what to do in the event of an accident, and what is radiation, how does radiation affect you.

JUDGE GROSSMAN: Okay, that is sufficient to identify the document.

Mr. Knotts, I take it we are going to have a stipulation on this, that is I take it there is no question as to what the exhibit is.

MR. KNOTTS: There is no question as to the exhibit.

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1 We will be delighted to provide copies and we will  
2 address it in evidentiary fashion when the panel appears to be  
3 interrogated about that exhibit tomorrow.

4 JUDGE GROSSMAN: Fine. I take it you have no objection  
5 to Mr. Bursey asking questions with regard to the exhibit as  
6 though it were already introduced into evidence?

7 MR. KNOTTS: No, we can connect it up.

8 JUDGE GROSSMAN: Thank you. Proceed, Mr. Bursey.

9 BY MR BURSEY:

10 2 Ms. Turnipseed, I was simply going to ask you if you  
11 have read this document and if you have any critique of it,  
12 if you saw any shortcomings and that you felt should be remedied  
13 in order to better educate the public and bring them up to some  
14 objective assessment of the dangers of nuclear power and what  
15 they should do in the event of a nuclear emergency?

16 If I might for your information read to you, if I  
17 read this, does that mean I am going to have to go through all  
18 of that again?

19 JUDGE GROSSMAN: Pardon?

20 MR. BURSEY: If I read something, do we have to enter  
21 it into the record, it is from FEMA.

22 JUDGE GROSSMAN: Something that is not already in?

23 MR. BURSEY: No, it is not in.

24 JUDGE GROSSMAN: Well, why don't you identify? Is it  
25 something that is going to be put in by the staff as part of its

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case?

MR. J. WILSON: Mr. Chairman, if I may, these witnesses who are employees of the state were subpoenaed for a limited purpose as I understand to discuss the state's emergency response plan capability.

Now, Mr. Bursey would seem to attempt now to transform some of the state witnesses on that point to perhaps expert witnesses with respect to public information and the sufficiency of the applicant's brochure. If they want to volunteer that information, that is fine but it is certainly not within the scope of the subpoena.

MR. BURSEY: Judge Grossman, I understand Ms. Turnipseed to be the public information officer to the lead agency of the state and if they have any hesitancy, reservations, observations or accolades about this document, I think it is very relevant.

JUDGE GROSSMAN: Well, it appears to the Board to be relevant but to the extent that the witnesses can respond, they should. If they can't, it is up to them to indicate.

Now you were about--I don't believe you--oh, you have asked for a critique--in fifty words or less or--

MR. BURSEY: Yes, sir, in fifty words or less, Ms. Turnipseed, what do you think of this document?

THE WITNESS: There are some changes I would make. The public information person at the plant and I have discussed.

1 I think we would on the map, we would include more area outside so  
2 that you could orient yourself a little bit better. We feel the  
3 need of putting more community names in the map, so community  
4 names.

5 BY MR. BURSEY:

6 Q Actually on the map more detail?

7 A Right, so there, you know, it is not a public  
8 document. Those are some of the things I have spoken to her  
9 about.

10 Q Ms. McSwain?

11 A Yes, specifically.

12 Q And did you have concerns or have cause to discuss  
13 with anyone the portion in here about radiation, what is  
14 radiation, how does it affect you?

15 A I haven't discussed that with anyone simply because  
16 I am not an expert.

17 Q You don't have any opinions as to the completeness  
18 of this document in regards to the radiation section?

19 A No. As I said, I am not an expert on radiation and  
20 I think this particular document is for the purpose of--  
21 primary purpose of informing the public what they would do in  
22 an accident and I might, if it were a different kind of  
23 document, maybe, I don't know but I think as it addresses that  
24 particular problem, what the evacuation routes are and what to  
25 do and where to tune in to find more information and what to do

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2 when you leave your car and --

3 Q Do you agree that there is a need for more public  
4 education? Do you have any suggestions as to what that should  
5 be and who should do it?

6 A I think that as much public education as can be done  
7 around the plant should be. Primarily on the county level and  
8 in cooperation with the Civil Defense directors and the plant  
9 personnel, I think there should be public education in the  
10 schools. The same kind of education that is now in place as  
11 far as hurricanes and tornadoes and so forth are concerned. I  
12 think that at every opportunity Civil Defense directors, people  
13 from the plant should appear at the civic clubs. We should do  
14 public service announcements. We should be available and indeed  
15 seek out opportunities to appear on radio or television talk  
16 shows and talk about the evacuation plans and what kind of  
17 actions the public should take in the event of an emergency.

18 MR. BURSEY: Do you have anything to add to that,  
19 Mr. Boone?

20 MR. BOONE: No, she has covered it.

21 BY MR. BURSEY:

22 Q Mr. Turnipseed, have you noticed a reluctance on the  
23 part of state agencies to go on to talk shows and talk about  
24 evacuation?

25 A No, on the occasions when we have had an inquiry from  
somebody as to whether we could have somebody available or

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in some cases where I have set it up myself, most of the time they have been willing to go on them and have done so.

Q Would it be fair to say there hasn't been an organized effort on the part of your office to aggressively do a public education campaign?

A Not yet. There is in the workings now some plans for that specific purpose. Until now we have been working primarily in the emergency information aspect, organizing or working with the Emergency Broadcast System and educational television, but we are looking at developing plans to aggressively go back into it.

Q When will that be?

A We are looking, talking in the neighborhood of three months.

You know, it is ongoing now. For instance, we have been involved in seminars with the Emergency Preparedness Division directors and talking to them about how they could more actively be involved with media in their respective areas and various means to address the public, interviews with the press and talk shows and so forth. We have also been involved in meetings with the Emergency Broadcasting System's participants in various areas around the plant and around other areas.

Q Do either one of you have any other observations that you would like to share with the Board at this time

1 about any points where we need to strengthen the state plan or  
2 any any of the agencies interface with each other or the  
3 willingness of the applicant to interface--

4 MR. BOONE: I would like to make a statement.

5 In general, I think that in the first place, we have  
6 had very close cooperation with most of the state agencies and  
7 the local agencies. We have had very close cooperation with  
8 the facilities. I don't think that there is another state  
9 around where the individual agencies it has would go to the  
10 extent that ours has in assisting in the exercises and of  
11 course in the planning.

12 MR. BURSEY: Were you a state employee in 1968,  
13 Mr. Boone?

14 MR. BOONE: I was not.

15 MR. BURSEY: Are you familiar with State Law 223?

16 MR. BOONE: Not specifically.

17 MR. BURSEY: Would you be surprised to learn that  
18 there was a state law actually passed by the state legislature  
19 of South Carolina that mandated state employees to work for  
20 the growth and development of the nuclear industry in South  
21 Carolina?

22 MR. BOONE: I was not aware of that.

23 MR. BURSEY: That might have something to do with  
24 our first report.

25 I don't have any other questions for you and if you

1 would answer any questions any of the other parties might have  
2 for you, I would--

3 MR. J. WILSON: Could we have that last comment?  
4 I am sure that that was not...I wish someone else had made  
5 that reference but I, for one, representing the state don't  
6 appreciate that type of commentary coming out of --

7 MR. BURSEY: I am sorry. I certainly will make that  
8 on the record. In 1968 there was a law passed, it was State  
9 Law 223 that mandated...

10 MR. J. WILSON: Was there a title for that, Mr.  
11 Bursey?

12 MR. BURSEY: I am sure there was and I will provide  
13 it for you tomorrow, that mandated state employees--

14 JUDGE GROSSMAN: I believe you have already stated  
15 it on the record and I believe that the witness responded by  
16 saying that he wasn't aware of that and I think that--

17 MR. J. WILSON: My objection went to his comments  
18 following that, the editorializing.

19 JUDGE GROSSMAN: That is well taken. I think that  
20 will be stricken from the record, Mr. Bursey, it wasn't a  
21 question, it was your own commentary.

22 MR. BURSEY: It was a response to this witness's  
23 direct statement, judge.

24 JUDGE GROSSMAN: The witness is supposed to respond  
25 to your questions.

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MR. BOONE: I answered the question as I heard it, sir.

2

3

JUDGE GROSSMAN: Pardon?

4

MR. BOONE: I answered the question as I heard it, addressed to me.

5

6

MR. BURSEY: If I might respond, I don't want to be argumentative but this gentleman said that he sees, in South Carolina a closer relationship with our state agencies and the nuclear industry than any of the surrounding states. I think that clearly sets the stage for me to comment did you know that--

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JUDGE GROSSMAN: And the witness answered the question and said, no, he did not know that and I think that disposes of that area.

12

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MR. BURSEY: Thank you, sir.

15

16

JUDGE GROSSMAN: Any further questions, Mr. Knotts?

CROSS EXAMINATION

17

BY MR. KNOTTS:

18

Q. Ms. Turnipseed or Mrs. Turnipseed?

19

A. Mrs.

20

Q. Mrs. Turnipseed, when you were being asked by Mr.

21

Bursey about the information on nobile gases and particulates not being put out in a public announcement, is it your understanding whether that information regarding nobile gases was ever intended to be a part of the public announcements, do you know?

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1  
2 A. I don't know where he got that that he read out, but  
3 I would say no.

4 Q. All right.

5 A. That was not intended to be, that information.

6 Q. Would it be closer to your impression that it would  
7 be information that would be provided by the company to DHEC?

8 A. That's correct.

9 Q. But not necessarily incorporated in a public  
10 announcement?

11 A. That is correct.

12 MR. KNOTTS: Thank you. No further questions.

13 JUDGE GROSSMAN: Mr. Goldberg?

14 MR. GOLDBERG: No questions.

15 JUDGE GROSSMAN: Mr. Wilson?

16 MR. R. WILSON: Yes, Judge Grossman, I--

17 MR. BOONE: Appreciate the opportunity to appear  
18 this group.

19 MR. WILSON: Mr. Boone, I am going to give you a little  
20 bit more of an opportunity.

21 Just one question, if you could explain, clarify  
22 a little bit the relationship between you, as the Governor's  
23 representative, and the kind of decisions you can make at the  
24 forward operations emergency center versus the governor back  
25 at the governor's mansion, can you clarify where the decisional

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2 line is drawn as far as what you may do and what you have to  
3 seek the governor's personal involvement in?

4 MR. BOONE: We can make general decisions regarding  
5 operational matters at the forward emergency center. If it  
6 came down to declaring an emergency or ordering an evacuation,  
7 we could not do that from the emergency center. We would have  
8 to call the governor.

9 MR. R. WILSON: You would have to have a personal  
10 order?

11 MR. BOONE: Yes, sir.

12 MR. R. WILSON: All right, sir. Thank you. That is  
13 all I have, Mr. Chairman.

14 JUDGE GROSSMAN: Mr. Boone, thank you, sir, and  
15 Mrs. Turnipseed.

16 Will you call your last witness, Mr. Bursey?

17 (Witness excused.)

18 MR. BURSEY: Dr. Campbell. Mr. Campbell is employed  
19 with the Richland Memorial Hospital.

20 Is he present? He was here earlier. Is Mr.  
21 Campbell in the hallway?

22 (Brief pause.)

23 MR. J. WILSON: Your Honor, while we are waiting  
24 perhaps on the arrival of Mr. Bursey's witness, can we verify  
25 the schedule for tomorrow so that I might notify the state

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1 ag encies. I understand that the State Fire Marshal is going to  
2 be at 9, and that Captain McSwain will be at 9:15, but from  
3 there on it is somewhat of a puzzle to me.

4 Mr. Bursey had previously said that each of the four  
5 county Emergency Preparedness Directors would be first called  
6 at 9:30. Is that still his intended order, then to followed  
7 by the Adjutant General and the Director of the South Carolina  
8 Emergency--

9 MR. BURSEY: I would be glad to go over the schedule  
10 as it has developed. Without the assistance of Mr. Wilson--not  
11 saying that snidely--perhaps we would have had a fuller more  
12 developed schedule but to this point, Mr. Wilson, not due to  
13 any fault of mine, we have not assigned specific hours, time  
14 slots to the witnesses because we don't know how long it is  
15 going to take in examining and cross examining them. In the  
16 interest of expediting the proceeding, I informed the county  
17 people that we would go over their testimony in the morning and  
18 if you would, at this time, like to--if you are representing them  
19 and if you are not--are you representing them?

20 MR. J. WILSON: I am not involved with the county  
21 but that is why I asked whether to have the state, the remaining  
22 state officials, that is the Adjutant General and the South  
23 Carolina Emergency Preparedness Division and I suppose Heyward  
24 Shealy to be available in the afternoon and not before?

25 JUDGE GROSSMAN: Mr. Knotts.

1 MR. KNOTTS: I have a suggestion and it is only  
2 that, Judge Grossman, and the suggestion is that it may be  
3 helpful since our impression at least is that the principal  
4 agencies involved in emergency planning with respect to V. C.  
5 Summer are, as I mentioned earlier, to be --the Emergency  
6 Preparedness Division, DHEC and the four counties, it might  
7 be useful but I don't want to tell Mr. Bursey how to put on  
8 his case, to put them on as a panel it might save time and it  
9 might get the answers out to the questions quicker and it  
10 might develop the record better, but that is just a suggestion.

11 MR. BURSEY: I am not sure that we can get to the  
12 responsibility the different agencies have by having them on  
13 as a panel. If you have three people from one agency, I could  
14 see the efficacy of that track but in that these are different  
15 agencies, different counties, --

16 JUDGE GROSSMAN: The choice is yours, Mr. Bursey.

17 MR. BURSEY: I choose not to do that, sir.

18 JUDGE GROSSMAN: The question then that Mr. Wilson  
19 asked was should he notify the state people that they ought  
20 to be here for the afternoon session or do you contemplate  
21 getting to them before noon?

22 MR. BURSEY: No, sir, as the schedule that I have  
23 before me, it has been before the parties in this proceeding  
24 for several weeks now, the county people will be called in the  
25 morning and after lunch we will begin with the Adjutant General,



1 Office of Emergency Preparedness, DHEC and Heyward Shealy.

2 If we are able to move quicker than that, as I am  
3 desirous of doing, we could perhaps ask that the Adjutant  
4 General's office or one of the other--maybe the office of  
5 Emergency Preparedness be prepared to come in with an hour's  
6 notice and we could give them 10:30, or 10:00 o'clock in the  
7 proceeding. We could call the Office of the Adjutant General  
8 at 10 o'clock and tell him that we could get to him at 11.

9 MR. J. WILSON: If I understood Mr. Bursey, he  
10 said it had been set for some number of weeks that the state  
11 officials would not be reached until the afternoon. If that's  
12 the case, why in the world would they be needed here at 9:30  
13 in the morning?

14 JUDGE GROSSMAN: Well, I am not going to answer for  
15 Mr. Bursey but rather than get into prelimics now, why don't  
16 we just determine what the best schedule is?

17 Would it be agreeable to you, Mr. Wilson, to see if  
18 one of those four could be available at an hour's notice in  
19 case we need them around 11:30 or so, or would you just prefer  
20 to have all of them available at one o'clock?

21 MR. J. WILSON: Well, my real preference quite  
22 frankly, Mr. Chairman would be to take all of the state officials  
23 the first thing out of the box in the morning and the reason I  
24 say that is I have other commitments elsewhere for the state  
25 that I need to proceed to. If it is just as well with Mr. Bursey

1 to take the county officials in the afternoon, that is fine  
2 and do the state officials all in the morning?

3 MR. BURSEY: It is not fine with me. It is not the  
4 way I have prepared my case. I am not sure--can I ask who Mr.  
5 Wilson is representing because I thought that I had a fairly  
6 good rapport with the people in being able to tell them what  
7 time of day to come and it is very difficult, Mr. Wilson,  
8 these proceedings are draining or inconveniencing people and  
9 I am sorry to inconvenience anyone you represent.

10 JUDGE GROSSMAN: My understanding is--let's not go  
11 any further, and Mr. Wilson, you are not representing--those  
12 people haven't asked for your assistance actually, though you  
13 are the state representative I assume.

14 MR. J. WILSON: The county has not asked but  
15 the Adjutant General has as well as the Director of the South  
16 Carolina Emergency Preparedness Division and DHEC.

17 JUDGE GROSSMAN: Okay, I thought we were very close  
18 to agreement before and we seem to be going further and further  
19 away from it. Mr. Bursey has scheduled his examination for the  
20 county people in the morning and the question was whether the  
21 state people would be here in the afternoon or whether one of  
22 them might be available a little sooner and that is a choice you  
23 have overnight and I think we will assume that the Fire Marshal  
24 and, I've forgotten by now.

25 MR. BURSEY: Captain McSwain.

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JUDGE GROSSMAN: Right, will be here at 9 or 9:15 and the county people would then go right after that and that we would get to the state people either one of them before noon or all of them after the lunch break and I think that is the best agreement we can get at this hour when everybody is a little testy.

MR. KNOTTS: If we could--I beg your pardon--were you through, Judge Grossman?

JUDGE GROSSMAN: Yes.

End Take

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MR. KNOTTS: Would it be possible for us to produce the panel of witnesses that Mr. Bursey has subpoenaed plus anybody else that we need to answer questions about the brochure on some kind of notice? You let us know when you're going to get those and we'll call them up and have them come over, would that be agreeable?

MR. BURSEY: That's fine with me. I think we'll be able to have several hours notice.

MR. KNOTTS: We could fill in that way or put them at the end.

JUDGE GROSSMAN: That's fine. Is there any further-- yes?

MR. JOHN WILSON: I believe--did I understand, as long as there's one State witness available for the morning, if you need us to fill in a schedule, that's agreeable. The rest will be called in the afternoon.

JUDGE GROSSMAN: That's my understanding.

MR. JOHN WILSON: Given that, I'm assured from Mr. Rich Wilson that Mr. Heyward Shealy would be available on short notice from DHEDC to conclude his testimony so if I might then simply have the Adjutant General and the Director of the Emergency Preparedness Division available after lunch, then we won't have them hanging around.

JUDGE GROSSMAN: Okay. That's fine and--

MR. BURSEY: That's not fine, sir. Excuse me.

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1 Heyward Shealy was my last witness because Heyward Shealy has  
2 the lead role of the lead agency in terms of radiological protec-  
3 tion in the State and I wanted to close with him.

4 JUDGE GROSSMAN: Well, okay. That's fine. Why don't  
5 we just have the State people in the afternoon and let's make  
6 that at one-fifteen approximately. You can't be sure when  
7 the luncheon break will conclude. Mr. Knotts?

8 MR. KNOTTS: I was going tin inquire as to whether  
9 we'll be able to take up the matter of Mr. Campbell and Ms.  
10 Doucette, the Richland County Hospital people?

11 JUDGE GROSSMAN: Yes, I think Mr. Campbell just has  
12 not shown up--has been here but has left and I assume he'll  
13 be available tomorrow and perhaps we can arrange to have him  
14 here at eleven.

15 MR. BURSEY: Yes, sir, if the schedule is cramped  
16 tomorrow, and the ruling of the Board has been that we're going  
17 to go into the week of July 13th,, at some point that is con-  
18 venient, we'll work in Mr. Campbell.

19 MR. KNOTTS: I was going to make an offer to expedite  
20 the proceedings, but we'll do that off the record.

21 JUDGE GROSSMAN: Why don't we adjourn now until tomor-  
22 row morning at nine o'clock.

23 [Whereupon, the above-entitled proceedings was adjourned  
24 at 7:25 o'clock, p.m., to reconvene at nine o'clock, a.m.,  
25 the following day in the same place.]

