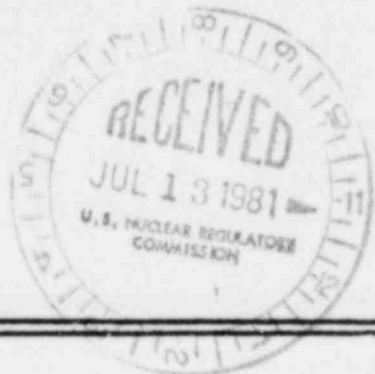


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NUCLEAR REGULATORY COMMISSION

ORIGINAL



In the Matter of: :

METROPOLITAN EDISON COMPANY : DOCKET NO. 50-289

(Three Mile Island Unit 1) : (Restart)

DATE: July 9, 1981 PAGES: 22,959 - 23,115

AT: Harrisburg, Pennsylvania

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

25 North Court Street,
Harrisburg, Pennsylvania

Thursday, July 9, 1981

Evidentiary hearing in the above-entitled
matter was resumed, pursuant to adjournment, at 9:02 a.m.

BEFORE:

IVAN W. SMITH, Esq., Chairman,
Atomic Safety and Licensing Board

DR. WALTER H. JORDAN, Member

DR. LINDA W. LITTLE, Member

Also present on behalf of the Board:

MS. DORIS MORAN,
Clerk to the Board

LAWRENCE BRENNER, Esq.
Legal Advisor to the Board

1 APPEARANCES:

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

4 ERNEST BLAKE, Esq.
5 ROBERT ZAHLER, Esq.
6 DELISSA A. RIDGWAY, Esq.
7 Shaw, Pittman, Potts and Trowbridge,
8 1800 M Street, N.W.,
9 Washington, D. C.

10 On behalf of the Commonwealth of Pennsylvania:

11 ROBERT ADLER, Esq.
12 MICHELE STRAUBE, Esq.
13 Assistant Attorney General,
14 505 Executive House,
15 Harrisburg, Pennsylvania
16 WILLIAM DORNSIFE,
17 Nuclear Engineer

18 On behalf of Anti-Nuclear Group
19 Representing York:

20 GAIL BRADFORD

21 On behalf of Three Mile Island Alert:

22 LOUISE BRADFORD

23 On behalf of the Regulatory Staff:

24 JAMES TOURTELLOTT, Esq.
25 Office of Executive Legal Director,
United States Nuclear Regulatory Commission,
Washington, D. C.

C O N T E N T S

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WITNESS: DIRECT CROSS REDIRECT RECROSS BOARD CROSS ON BOARD

Steven Chesnut (Resumed)
By Dr. Little 22,968
By Chairman Smith 22,969
By Dr. Little 22,969
By Chairman Smith 22,970
By Mr. Adler 22,973

William Dornsife
and
Robert E. Rogan (Recalled)
By Mr. Adler 23,010
By Mr. Zahler 23,017
By Mr. Adler 23,039

AFTERNOON SESSION .. page 23,045

Steven Chesnut,
Robert E. Rogan
and
William Dornsife (Resumed)
By Mr. Tourtellotte 23,045
By Chairman Smith 23,050
By Mr. Adler 23,053
By Chairman Smith 23,054
By Mr. Tourtellotte 23,056
By Chairman Smith 23,065
By Dr. Jordan 23,070
By Chairman Smith 23,075
By Dr. Little 23,078
By Mr. Zahler 23,079
By Mr. Adler 23,083
By Mr. Zahler 23,105

E X H I B I T S

<u>NUMBER</u>	<u>IDENTIFIED</u>	<u>IN EVIDENCE</u>	<u>REJECTED</u>
Board #13	22,995	22,996	
TMIA #49	22,999		23,000
TMIA #50	23,000		23,002
Licensee's #59	23,003	23,003	

Biographic Information, William P. Dornsife.....page 23,011

P R O C E E D I N G S

1
2 CHAIRMAN SMITH: May we proceed now with arguments
3 on Three Mile Island Alert's motion to require further
4 development of the record, which requests that the Board
5 receive into evidence the report of the majority staff of
6 the Committee on Interior and Insular Affairs, which we
7 referred to as the Udall Committee Report.

8 Mr. Blake?

9 MR. BLAKE: Mr. Smith, Licensee opposes TMIA's
10 request. The first document referred to by TMIA, which is
11 characterized as the Udall Committee Report, as the Board
12 has pointed out, is in actuality a report by the majority
13 staff of Mr. Udall's House Interior and Insular Affairs
14 Committee, is now a new and recently discovered report. It
15 has been publicly available for some six months. It was
16 specifically referred to in this hearing in February, some
17 five months ago. Its conclusion was read into the record on
18 May 1. TMIA asked that it be officially noticed by the
19 Board, and it is the same report that TMIA seeks again to
20 have admitted.

21 How TMIA would have this document admitted under
22 any legitimate rules of evidence is unclear from their
23 motion. They ask simply "that the Board order the Udall
24 Report into evidence." The document cannot be admitted by
25 stipulation. Licensee, as an interested party, opposes its

1 admission. Official notice is inappropriate. The document
2 is not of the type allowed to be given official notice by
3 the Commission's regulations in 2.743. It includes a
4 mixture of asserted facts, judgments and conclusions.

5 And finally, there is no sponsoring witness who
6 has been identified, nor is there any indication that one is
7 proffered.

8 Why it is timely is also entirely unclear. When
9 the Board denied TMIA's May 1 oral request to take official
10 notice of this report, it provided TMIA an opportunity to
11 make the motion in writing if TMIA wished to do so. But the
12 Board stressed even at that time that timeliness was a
13 consideration, and that it would increasingly become a
14 consideration.

15 TMIA's July 2 request, submitted some two months
16 after the Board's observations on timeliness in early May,
17 is now untimely in every sense of the word, and their
18 request should be rejected on this basis alone.

19 Licensee also opposes the introduction of the
20 second document which is attached to the TMIA motion. At
21 the outset it should be observed that this document is not,
22 as TMIA cites it, an ACRS report. ACRS reports are
23 documents issued by the Advisory Committee on Reactor
24 Safeguards to the Commission. This document on its face
25 indicates that it was prepared by one individual, not

1 himself even a member of ACRS, and was prepared as an
2 internal memorandum for ACRS consideration and use. I do
3 not know how TMIA obtained the document. The report has
4 already been the subject of ACRS consideration. It was
5 discussed at the TMI 1 ACRS Subcommittee meeting on June 25,
6 and it may be the subject of further ACRS consideration.
7 Whether ACRS will ever issue any report on this subject is
8 not known, but in no sense should TMIA's attachment be
9 characterized as an ACRS report.

10 My objection to its admission is based on grounds
11 similar to those that I have on the Udall report. Licensee
12 opposes any stipulation to admit it. It is inappropriate
13 for official notice, and no sponsoring witness has been
14 proffered to stand cross examination on this document, a
15 basic ingredient of due process in these proceedings.

16 Additionally, I should note that this document is
17 not limited to the subject matter of communications for
18 which it is offered. The author, in some dozen pages,
19 offers his views on a number of subjects which we have spent
20 months of hearing time considering, adequacy of procedures,
21 emergency planning, technical specifications, plant limits
22 and precautions.

23 Finally, Mr. Smith, the lawyer in me just cannot
24 accept without comment the citation to the two Court of
25 Appeals cases which are cited in TMIA's motion, Scenic

1 Hudson and Church of Christ. Neither case is in point
2 here. In the Church of Christ case, which was an FCC case
3 to consider the renewal of a license application for a
4 broadcasting station, the Court of Appeals rejected an FCC
5 determination to renew that license, and did so on the
6 grounds that inadequate and inappropriate weight had been
7 given to some evidence in the proceeding. Indeed, it was on
8 that basis and not on the rejection of evidence, and
9 therefore it does not stand for the proffer, nor support the
10 need for the Board to accept these documents into evidence
11 in this proceeding.

12 In Scenic Hudson, which was an FTC proceeding to
13 consider the licensing of a pumped storage energy plant in
14 New York, the Court of Appeals in that case did indeed
15 remand, reject FPC determination and remand because a
16 document or because a piece of evidence had been in the
17 Court's opinion improperly rejected by an administrative
18 body, but in that case the piece of evidence which was
19 rejected was a piece of testimony proffered by an identified
20 witness with over 30 years of experience in the field and
21 with expertise which the Court recognized on the subject.

22 Here we have an entirely different affair, merely
23 a request to order a document into evidence without any
24 evidentiary opportunity for Licensee to examine on the
25 subject.

1 CHAIRMAN SMITH: Mr. Tourtellotte?

2 MR. TOURTEILLOTTE: Mr. Chairman, the staff
3 recognizes that it has the right to interpose an objection
4 if it wishes. The staff will not interpose an objection to
5 the motion. If for some reason the Board should decide,
6 however, to admit this evidence into the record, it would
7 seem appropriate to make the record more complete in this
8 regard to also include the copy of the report by the Rogovin
9 Committee on the same subject matter, which I believe Mr.
10 Blake distributed earlier, but which has not been given any
11 evidentiary value either. That is our position.

12 CHAIRMAN SMITH: Do you have any response?

13 Although the rules don't normally provide for
14 response to an answer to a motion, since you are hear, it is
15 an easy opportunity to hear from you. We will hear a
16 response if you have any.

17 MS. LOUISE BRADFORD: Mr. Smith, I just want to
18 stress that our reasoning for this request is that we feel
19 that although the conclusion of the Udall Report which we
20 are requesting be placed on the record, although that
21 conclusion is on the record, we feel that the document
22 itself would give the Board the opportunity to give that
23 conclusion added weight or whatever weight the Board wishes
24 to give. We are not asking that the Board not consider the
25 Stella report, which is also part of the record now. We are

1 merely asking that the Udall report be added so that the
2 Board can refer to that report.

3 The ACRS document which is appended to our motion,
4 Mr. Blake is correct, it is not an ACRS report. It is a
5 report of an ACRS Fellow. The reason I feel that this would
6 give the -- the fact that this report has been asked for
7 that this Fellow, the ACRS Fellow has been given this
8 assignment gives us some reason to think that the ACRS is
9 reviewing this topic, and that the conclusions that Mr.
10 Abbott has reached in his report give us some feeling that
11 the Board should again reconsider the Udall report.

12 CHAIRMAN SMITH: Anything further?

13 Commonwealth has no position as I understand.

14 MR. ADLER: That is correct.

15 CHAIRMAN SMITH: All right. We will rule after
16 the morning recess.

17 MR. BLAKE: Mr. Smith, I wonder if now we might
18 take up my letter to Mr. Adler before we go on to the
19 Witness.

20 Would that be all right with the Board?

21 CHAIRMAN SMITH: That is the two and two letter?

22 MR. BLAKE: The July 7 letter to Mr. Adler which
23 has in it the additional commitments of Licensee on the two
24 plus two, the staffing of the control room.

25 If the Board would prefer to wait, I can.

1 CHAIRMAN SMITH: I don't know that the Board is
2 ready for it.

3 MR. BLAKE: All right.

4 (Pause)

5 CHAIRMAN SMITH: I think we had better defer it
6 until after the recess. We were not quite prepared to ask
7 our questions, and it would be better because we have
8 questions on it.

9 If there is a particular reason why you want to do
10 it now, we can take a recess for this purpose and clean up
11 all of the matters.

12 MR. BLAKE: No, my only reason was why Mr. Adler
13 was here I thought we might do it, and also, quite frankly,
14 I don't know what the Board's questions are, but if the
15 Board has a question which I am incapable of responding to,
16 I might have to go away and get an answer, and if that were
17 the last order of business, I didn't want to hold up the
18 process for that reason. That was all my thinking.

19 CHAIRMAN SMITH: Are you waiting here just for
20 that matter?

21 MR. ADLER: No, I will be here all morning.

22 CHAIRMAN SMITH: We will take an early recess and
23 go over both these pending matters. It is just that we
24 don't know what our questions are yet.

25 CHAIRMAN SMITH: You seem to have arrived at a

1 logical point in your cross examination of Mr. Chesnut to
2 interpose some Board questions.

3 DR. LITTLE: This would probably be best done if
4 we had a stage and we could have people up there moving back
5 and forth from one place to another to clarify it, but let's
6 make some assumptions and see what would happen with the
7 staff's view of how the EOF should be occupied and how the
8 Licensee feels it should be occupied.
9 Whereupon,

10 STEVEN CHESNUT,
11 the witness on the stand at the time of recess, resumed the
12 stand, was further examined and testified as follows:

13 BOARD EXAMINATION

14 BY DR. LITTLE:

15 Q First of all, assume that the person that the
16 Licensee has chosen to be the emergency support director,
17 Mr. Arnold or Mr. Clark, cannot get to the EOF in less than
18 approximately four to six hours.

19 Now, in that situation, Mr. Chesnut, would you
20 prefer that the Licensee designate an individual and maybe
21 an alternate living in the TMI area to be the interim
22 support director who would be reporting to the EOF within
23 one hour? Suppose Mr. Arnold cannot get there and Mr. Clark
24 cannot get there, who would the staff prefer to be in the
25 EOF within that one hour until Clark or Arnold could come?

1 A (WITNESS CHESNUT) The staff does not have in mind
2 a particular person. Our criteria has indicated it should
3 be a senior management official. It could be either a
4 corporate manager or an on-site manager, and it would be
5 quite suitable to have, as long as someone who is trained to
6 perform emergency support director functions, to have
7 someone local to staff the Emergency Operations Facility.

8 BY CHAIRMAN SMITH:

9 Q Someone who?

10 A (WITNESS CHESNUT) Who is from the local area, in
11 other words, a senior on-site management person who is
12 familiar with the organization and resources as well as what
13 is necessary to make a protective action decision in an
14 accident.

15 BY DR. LITTLE: (Resuming)

16 Q Okay. Suppose Mr. Hukill stays in the control
17 room? Would it be acceptable to the staff to have someone
18 who has a somewhat lower rank than Mr. Hukill, but who is
19 locally available, to report to the EOF within that first
20 hour?

21 A (WITNESS CHESNUT) Yes, ma'am, that would be
22 acceptable. We have no specified rank sequence. There
23 could be a different emergency organization of
24 responsibility We have that at various plants. At some
25 plants the individuals located in the EOF are senior to the

1 emergency director who is in the control room. In other
2 cases the reverse is true.

3 Q If that route were taken, you would assume then
4 whoever the person on site was who would report within an
5 hour, should it not be Tom Arnold, would be identified well
6 in advance and trained to assume that role.

7 A (WITNESS CHESNUT) Yes, ma'am.

8 Q It would not be an ad hoc arrangement in other
9 words.

10 A (WITNESS CHESNUT) That is correct.

11 BY CHAIRMAN SMITH: (Resuming)

12 Q How about the officials named by Mr. Zahler in his
13 letter to Mr. Gray of July 8, one of those persons? Could
14 the Licensee satisfy your requirements by training and
15 designating one of those persons as the EOF, the emergency
16 support director?

17 (The witness inspects the document.)

18 WITNESS CHESNUT: That would be possible. It
19 would really depend on the qualifications of each one of
20 those individuals. This letter does not describe the
21 qualifications, just more the function title.

22 BY CHAIRMAN SMITH: (Resuming)

23 Q I see. That question is not very helpful because
24 it is essentially broad categories.

25 Well, does the staff insist that the corporation

1 decisionmaking authority repose in the emergency support
2 director? That is what is not clear to me.

3 A (WITNESS CHESNUT) The staff's criteria is, as a
4 result of the TMI 2 accident, has been there is really an
5 expressed need to have a separate individual responsible for
6 making protective action recommendations and performing some
7 of those non-plant related functions, and that he should be
8 removed from the control room to eliminate some of the
9 confusion that exists, that could exist in the control room,
10 and for that reason, the staff came up with the concept of
11 the EOF and what those functions in the EOF should be.

12 Q So you see it as parallel responsibilities and not
13 a hierarchy of responsibilities, not a command chain of
14 responsibility.

15 A (WITNESS CHESNUT) Generally they could be a
16 parallel responsibility. We have seen both concepts
17 provided by various plants. There needs to be the necessary
18 communication between those two groups, and obviously
19 consultation, but it should be clear what the separate
20 functions of the two individuals are, the emergency director
21 and emergency support director. And we have no criteria
22 indicating that the emergency support director must be the
23 senior person and directly in charge of the emergency
24 director.

25 MR. ZAHLER: Mr. Chairman, if it would be

1 appropriate, could I interject something here?

2 CHAIRMAN SMITH: Anything by anyone who can shed
3 light on this.

4 MR. ZAHLER: There is an absolute requirement that
5 protective action recommendations be made by a single
6 designated official. Only one person can make those
7 recommendations to the state. To the extent that Mr.
8 Chesnut just said that there would be parallel authority
9 between two people, that may be true for a whole host of
10 responsibilities, but it cannot be true under the staff's
11 requirements for making protective action recommendations.

12 CHAIRMAN SMITH: Mr. Chesnut is nodding his head
13 in agreement with your statement.

14 WITNESS CHESNUT: Yes, sir, that is correct.

15 MR. ZAHLER: Therefore, one of those two people
16 has to make those recommendations.

17 Moreover, it is my understanding that the staff's
18 position is that the person making those recommendations
19 after one hour has to be located in the EOF. That is the
20 position that they are presenting today.

21 Therefore, if we follow through on Dr. Little's
22 scenario, we have got the odd or awkward circumstance of
23 having the more senior corporate manager in the control room
24 unable to make the protective action recommendations to the
25 state, and the more junior person in the EOF required to

1 make those actions.

2 Quite frankly, I don't think that is a feasible
3 situation for working. The person in the EOF who would be
4 making those recommendations, I would be very surprised if
5 he didn't have every "i" and every "t" reviewed by Mr.
6 Hukill in the control room. Essentially what you have done
7 is inserted a phone talker in that path between Mr. Hukill
8 and the state. He isn't serving any function. If the
9 staff's goal were for someone to serve a useful function in
10 the EOF, I don't see how it is that the staff can find it
11 acceptable that a more junior person to the emergency
12 director stand in the EOF. It just does not work as a
13 matter of personal interface and organizational structure.

14 MR. ADLER: Mr. Chairman, I am not sure that Mr.
15 Zahler's comments -- I believe they might be slightly
16 misleading, and I would like to interject a couple of
17 questions for Mr. Chesnut at this point if it would be
18 helpful.

19 CROSS EXAMINATION -- Resumed

20 BY MR. ADLER:

21 Q Mr. Chesnut, in your answer to Dr. Little, you
22 stated that it would be acceptable to the staff for the
23 Licensee to have a local high official become an interim
24 emergency support director, and I would like to suggest a
25 few people to you.

1 All of the personnel assigned to the duty rosters
2 as emergency director, and that would include Mr. Hukill,
3 Mr. Toole, and Mr. Potts, is that correct?

4 A (WITNESS CHESNUT) Yes.

5 Q And wouldn't all of those individuals be qualified
6 to serve as an interim emergency support director?

7 A (WITNESS CHESNUT) I would say initially yes.
8 There may be some additional training to mobilize resources
9 and communicate with the state.

10 Q But given additional training that could be
11 provided prior to restart?

12 A (WITNESS CHESNUT) Yes.

13 Q Now, as I understand Licensee's duty roster, there
14 is a 33 percent chance that each of those three individuals
15 will be designated emergency director on any given day, and
16 based on that assumption, the other two emergency directors
17 would be available to serve as an interim emergency support
18 director, isn't that correct?

19 A (WITNESS CHESNUT) Yes, assuming they were all in
20 town at a given time like that, I think that would be
21 definitely a possibility.

22 Q And it is not necessarily true that Mr. Hukill
23 will necessarily be the emergency director designated on
24 that day, but maybe Mr. Toole, isn't that correct?

25 A (WITNESS CHESNUT) That is possible. I believe

1 Mr. Hukill is given the primary, first choice to be in the
2 control room, but it could be, for instance, he is out of
3 town and Mr. Toole or Potts, you know, would be the first
4 one to arrive and assume the responsibilities as emergency
5 director.

6 Q Is it necessarily true that the emergency director
7 will be senior to the proposed interim emergency support
8 director?

9 A (WITNESS CHESNUT) Normally that would be true
10 because if Mr. Hukill was available, I believe he would be
11 the one who would go to the control room according to the
12 present scheme.

13 Q In any case, the training and qualifications of
14 these individuals to become either an emergency director or
15 an emergency support director is adequate to serve in those
16 functions, isn't that correct?

17 A (WITNESS CHESNUT) Yes.

18 MR. TOURTELLOTTE: Mr. Chairman.

19 CHAIRMAN SMITH: Mr. Tourtellottee?

20 MR. TOURTELLOTTE: Ordinarily I would wait until
21 redirect, but Mr. Zahler, I think, in making his comments,
22 was also making arguments which I think might in some way
23 influence the direction of the questioning either by the
24 Board or by other parties, so I would like briefly to
25 respond to what he has said. And I take exception to the

1 fact that the real problem is whether there is parallel or
2 whether there is hierarchy between the two areas, the
3 control room and the EOF. The real basis for this split of
4 this kind of a set-up is that it is a separation of
5 functions, and while it may be from a standpoint of
6 corporate politics a difficult problem to have someone in
7 the control room who is senior to the person who is the EOF,
8 and the person in the EOF speaking for the company, it does
9 not seem to be an unacceptable situation insofar as public
10 health and safety goes. They are performing two separate
11 functions. Both of those functions are very important. One
12 is the function of seeing that the control room is operated
13 in a safe manner, is probably of prime importance in the
14 overall consideration, and perhaps the argument could be
15 made that the senior man should be there.

16 Nevertheless, the concept of separation of
17 functions does not preclude a man who is perhaps more junior
18 to the emergency director in the control room being the
19 emergency support director and speaking for the company if
20 he is properly trained and if he can perform that function
21 in a capable manner. And when we are speaking about the
22 personalities here, these personalities in the future are
23 going to come and go, and it may be these particular
24 individuals, it may be other individuals. Mr. Hukill may be
25 there, and next year he may not be there. We do not know.

1 The important thing is that the staff has
2 perceived -- and I think this witness has testified to this
3 already -- through the actual occurrence of the TMI 2
4 incident, that there was a problem resulting from the
5 confusion in the control room. One of the ways to solve
6 that problem is to remove the person who has the function of
7 the emergency support director from the control room so that
8 there is no diversion of his attention to the separate
9 function that he is supposed to be performing.

10 CHAIRMAN SMITH: Well, Mr. Tourtellotte, I don't
11 want to seize upon the phrase that you use and give it undue
12 emphasis, but you do refer to the emergency support director
13 as speaking for the company, and the thing that is
14 concerning the Board is that it is going beyond that. The
15 staff is asking this Board to take away from the company the
16 right to assign judgment, decisionmaking authority from the
17 official that they believe that they wish to repose that
18 confidence in. It is not just a question of speaking.

19 But I don't read your remarks as being that
20 simple. I understand that you understand that you are
21 talking about the decisionmaking authority.

22 MR. TOURTELLOTTE: The decisionmaking authority.

23 What I am saying is that there is a separation of
24 function between the types of decisions that are made, and
25 you cannot say that the decisions that are made in the

1 control room are particularly insignificant decisions, but
2 they are important. They are important decisions. They are
3 decisions that are to be made for the safe operation of the
4 control room. The emergency support director is going to
5 make decisions that concern protective action. Those are
6 separate kinds of decisions. There is no reason why those
7 two people performing those separate functions have to be in
8 a hierarchy or in parallel or one is junior to the other.
9 It is not really that significant.

10 CHAIRMAN SMITH: One of the things that concerns
11 me is that the staff's approach seems to view the
12 decisionmakers as being fungible, interchangeable, one is as
13 good as another, when they are properly trained. And if we
14 were to accept the staff's decision and force it in a given
15 emergency situation, the Licensee would be prohibited from
16 investing the authority in the particular individual it
17 believed was most competent, based upon all of the factors,
18 to make the decision, and that is what concerns me about it,
19 how we can safely take away the flexibility of the company
20 from recognizing that their officials are not exactly the
21 same, are not fungible, are not all equal incompetency, and
22 bind them to a system where they cannot, if they wanted to,
23 select the most competent person to make a decision.

24 I am speaking for myself, but this is the line of
25 questioning that I have in mind this morning.

1 MR. TOURTELLOTTE: Well, I am not sure that I
2 could see where that conclusion could be reached, but it is
3 also quite, it seems to me, just as reasonable to assume
4 that the company can -- is going to have to make a choice.
5 What happened at TMI 2 was that an individual was trying to
6 do too many things at once, and basically all the staff has
7 done is to say we believe that no person should be put in a
8 position of trying to make all of the decisions again
9 because they simply cannot do that. We believe that there
10 should be two separate jobs. There's two separate functions
11 here, and each of them deserves a great deal of attention.

12 Now, the company is going to have to decide
13 whether the person who is the most, if there is in fact a
14 person who is the most capable of making a decision in the
15 company, they are going to have to decide whether he is
16 going to be in the emergency support or in the EOF or
17 whether he is going to be in the control room. But it is my
18 understanding from the testimony of this witness so far, and
19 the understanding that I have of the staff's position that
20 there is a necessity to divide that part of the
21 responsibility. And if you are going to reduce it to the
22 fact that the company has a right to select, if indeed they
23 have the right to select, one person who is going to make
24 the single decision, then the concept of splitting up the
25 emergency support director and the emergency director of the

1 control room is not the idea at all. We should go back to
2 the same organizational set-up that we had during the TMI 2
3 accident.

4 CHAIRMAN SMITH: I am not suggesting that there
5 should not be a division in the analysis authority, that
6 there should not be enough people to divide the
7 responsibilities for analyzing problems, for making
8 recommendations, but I would like to know if the staff has
9 any precedent from any other type of organization that it
10 knows about, military, civilian or any type of organization
11 that you know about with important decisions which affect
12 the health and safety of people that are irrevocably, firmly
13 divided so that there is no place a single commander.

14 And I have been in the military, I have observed
15 the military, I have observed corporations, fire
16 departments, police departments, every organization I know
17 about will place in one individual the command authority
18 somewhere along the line, not two, one. And this is the
19 bias that I am bringing to the analysis. And I would like
20 to know what --

21 MR. TOURTELLOTTE: In my view, in an emergency
22 situation, that sort of authority is frequently divided, and
23 no single commander really has the authority to control in
24 an emergency situation.

25 CHAIRMAN SMITH: That is the precedents I am

1 looking for.

2 MR. TOURTELLOTTE: I think you can analogize it in
3 a lot of ways, the single commander, in an emergency -- and
4 Mr. Chesnut has been on submarines. Maybe he has an analogy
5 in the submarines, but in a submarine, whenever you are in
6 an emergency, there are different people who have different
7 jobs, in a sense --

8 CHAIRMAN SMITH: Which they can do without
9 consultation.

10 MR. TOURTELLOTTE: Which not only they can do but
11 they have an SOP to follow, a standard operating procedure
12 to follow, and the commander doesn't tell them what to do.
13 The commander expects them to follow that standard operating
14 procedure.

15 CHAIRMAN SMITH: Mr. Tourtellotte, he may,
16 however, if he wishes -- certainly organizations have
17 operating procedures where the members of the organization
18 do their assigned tasks without consultation, without
19 specific orders, without perhaps even the knowledge of other
20 components of the organization or of the commander of the
21 organization, but you are still talking about placing a
22 restriction upon the company where they cannot have the
23 person that they trust the most making the decision that has
24 to be made.

25 MR. TOURTELLOTTE: Well, I am not sure that they

1 can put whoever they want in the emergency support, in the
2 EOF. I mean, who is it the company trusts the most? In my
3 view, if the company -- all it is, it is a matter of
4 organization, and if the company as a matter of organization
5 decides to man the EOF with the man they trust the most to
6 make protective action decisions, and put the man in the
7 control room they trust the most to make control room
8 decisions, then they have done what they have to do.

9 MR. ADLER: Mr. Chairman, if I may interject the
10 state's perspective here, I think an important point that is
11 being missed is that the Licensee does not make protective
12 action decisions. The Licensee makes protective action
13 recommendations. The ultimate protective action decision is
14 made by the Governor, and from the state's perspective the
15 key is the manner in which Licensee's recommendations are
16 transmitted to the state. So the adequacy of that interface
17 is one of the most important considerations from the
18 Commonwealth's perspective.

19 In our view, the most important function of the
20 emergency support director is the ability of him to transmit
21 his judgment, his recommendations to the state. We will try
22 to establish by cross examination that the Commonwealth has
23 now made the decision to dispatch its nuclear engineer to
24 the EOF as early as possible in the accident because of his
25 judgment that he can best get the operational information

1 and the Licensee's judgments through a face-to-face contact
2 with the emergency support director. That to us is the
3 critical issue.

4 We agree with the staff that the flexibility for
5 the Licensee to vest that responsibility in the person that
6 they believe is most qualified should be granted to the
7 Licensee. The place is the key, and not the individual.

8 CHAIRMAN SMITH: Can any party identify any
9 motivation on the part of the Licensee for not acquiescing
10 to the staff's recommendation other than its own judgment
11 that the best way to run the emergency situation is their
12 design? Can we point to anything that is inconsistent with
13 the Licensee exercising judgment in the best interests of
14 the public health and safety? This is what escapes me. Is
15 there a reason we are not seeing why the Licensee does not
16 wish to do what the staff wants them to do?

17 MR. TOURTELLOTTE: Mr. Chairman, it may be helpful
18 to state what at least I perceive the situation to be so
19 that we can reduce the problem to what I think is probably a
20 common assessment, and that is it boils down, the bottom
21 line, the judgment of the Licensee as to how to solve the
22 problem which I believe that we all perceive existed at TMI
23 2 against the judgment of the staff as to how that same
24 problem is solved. It is a judgment call. It isn't a
25 matter of, you know, Mr. Zahler went through a long series

1 of questions yesterday about is this requirement in 0654, is
2 it here, is it there, is it there? The same questions can
3 be asked if the witness were from the Licensee, and the
4 answers would be identical. It is no in every instance
5 because in the final analysis, in the final analysis -- and
6 I don't believe that Mr. Zahler would disagree with this --
7 the differences between the staff and the Licensee are
8 quantitatively two differences, and that is the location of
9 the emergency support director, whether he is in the EOF or
10 whether he is in the control room. The other one is whether
11 he comes in in one hour or he comes in in four hours. Those
12 quantitatively are the only differences.

13 Qualitatively, the differences are what we are
14 arguing about, and Mr. Zahler believes that qualitatively, I
15 will say -- I will let him correct me if I am wrong, and he
16 can certainly speak his own piece -- but qualitatively Mr.
17 Zahler believes that those differences are not particularly
18 significant. In fact, he believes, the Licensee believes
19 that the advantages of having the emergency support director
20 in the control room outweigh the advantages of having him
21 separate in the EOF.

22 Now, we believe, on the other hand, the staff
23 believes that qualitatively the advantages and disadvantages
24 are the other way.

25 I am going to concede on the part of the staff

1 that there are advantages and disadvantages to having him
2 either place, and when you get down to that sort of a
3 situation, it seems to me you are simply relying upon the
4 judgment.

5 And the position that the Board has been placed in
6 is are you going to accept the judgment of the staff on this
7 matter or are you going to accept the judgment of the
8 Licensee? And, of course, as counsel for the staff, I am
9 going to urge you that our advantages are greater, our
10 advantages/disadvantages cost/benefitwise are greater, and I
11 am sure Mr. Zahler is going to argue the opposite direction.

12 DR. JORDAN: May I just point out what I think is
13 correct, and I want your concurrence, we are not talking
14 about what is going to happen between one hours and three
15 hours. After four hours -- it is three hours that we are
16 talking about. It is 1:00 o'clock after and 4:00 o'clock
17 after the accident. At four hours, apparently, or sometime
18 earlier, the Licensee agrees that the emergency support
19 director should be at the EOF. The only matter we are
20 talking about is when does he go there? Does he go there
21 immediately or does he go to the control room immediately,
22 and is that not the situation that after four hours there is
23 no disagreement?

24 MR. ZAHLER: That is correct, Dr. Jordan.

25 MR. TOURTELLOTTE: That is correct, and insofar as

1 the questions asked by Dr. Little, I think there is probably
2 at least one area that we can agree on, and that is insofar
3 as the staff is concerned, if they can come up with a local
4 individual with whom they would invest that authority for
5 the limited amount of time between the first hour and the
6 fourth hour when somebody else gets there, to take whatever
7 protective actions are necessary in the ECF, that would be
8 acceptable to the staff.

9 CHAIRMAN SMITH: Well, it seems that out of the
10 various candidates or the various designated people for the
11 emergency director, those four men, that the Licensee would
12 have enough people locally to do what the staff wants them
13 to do, and for reasons which they have explained, they feel
14 that the better management is to keep the emergency director
15 and the emergency coordinator there.

16 But this is what sticks out in my mind, that the
17 people are there, isn't that true? I mean, you have the
18 body count to do what the staff wishes.

19 MR. ZAHLER: Yes, Mr. Chairman. In fact, one of
20 the purposes of yesterday's examination was to make clear
21 that it is not a resource limitation that separates the
22 Licensee. We have got more people than the staff would ever
23 want. There is a big philosophical difference, and I think
24 the Chairman has identified part of it. I know of no
25 instance where the NRC has so intruded into the personal

1 management decision of its Licensee in a very important
2 area, where the company has considered this at the highest
3 levels. We have been discussing it with the staff for
4 months. The difference between us goes to a concept of
5 operations that the company has worked on very carefully
6 with lots of people. I would suggest, in fact, that the
7 micro-engineering of moving people from here to here, from
8 one place to another and seeing if we can be forced into a
9 mold acceptable to the staff in fact has implications -- it
10 upsets the concept of operations and the training that the
11 company has gone through. It is not easily done. The
12 company spent a lot of time thinking about how it would be
13 arranged.

14 Mr. Tourtellotte talked a lot about separation of
15 functions. I don't think that is the issue between the
16 staff and the Licensee. The Licensee has enough people
17 under the emergency director so that there has been a
18 separation of functions. The person in the control room
19 that we designate as the emergency director is not being
20 split among all, between operating the plant and making
21 protective action recommendations as might have been true
22 during the Unit 2 accident. He has lieutenants to do that
23 decision for him. We have already solved the separation of
24 functions question in our mind.

25 There is another side of the equation, that is,

1 another lesson learned from the Unit 2 accident that the
2 staff keeps ignoring, and that is the transfer of data and
3 information off-site, and whether, in fact, in the early
4 hours of an accident, you can manage an emergency from
5 someplace other than the control room without the risk that
6 there is going to be a misunderstanding as to data or
7 information.

8 I would suggest to you in the very strongest terms
9 that one of the other lessons learned from the Unit 2
10 accident was that that type of misunderstanding, regardless
11 of the data links and the communication phones that you put
12 in, can occur. That is one of the reasons why the Licensee
13 would like, in the early hours of the accident, for someone
14 to stay in the control room.

15 Mr. Chairman, I have got a suggestion at this
16 point on procedure, and it is a little different, though I
17 believe there is a precedent for it in this proceeding.

18 We have heard a lot back and forth as to the staff
19 position. I would suggest, if it is okay with everyone,
20 that Mr. Rogan join Mr. Chesnut on a panel, and I would like
21 as an evidentiary basis for the company, I just have one
22 question to Mr. Rogan to set forth why it is that it feels
23 its approach is appropriate rather than doing it negatively
24 through my cross examination of the staff, and then both of
25 them could be examined on it.

1 MR. ADLER: The Commonwealth does not object to
2 that approach. We would suggest that Mr. Dornsife be added
3 to the panel to give the Commonwealth's perspective.

4 CHAIRMAN SMITH: I think that the roundtable
5 approach is a very good way to approach this. It is a
6 complicated problem, and questions and answers don't quite
7 get it done. So let's follow that.

8 In any event, no matter which way we go, everyone
9 will have a say on it, you can be assured of that.

10 So why don't you just stay where you are.

11 MR. ZAHLER: If I could at this point, my one
12 point to Mr. Rogan is to explain the company's basis for its
13 position, and I suggest that he present it to the Board at
14 this point.

15 CHAIRMAN SMITH: All right, that's fine.

16 WITNESS CHESNUT: Mr. Chairman, I wonder if it is
17 possible to take a short break, two minutes.

18 CHAIRMAN SMITH: Well, as a matter of fact, let's
19 take our midmorning break now, which will be early. We will
20 come back and rule on the pending matters.

21 (A brief recess was taken.)

22 CHAIRMAN SMITH: The Board denies TMIA's motion
23 with respect to the Udall Committee report. The motion is
24 fatally defective on almost every ground that Mr. Blake
25 argued. Its major defect, of course, is it has no

1 sponsoring witness. It would be received in evidence with
2 no opportunity whatsoever for the parties affected by it to
3 address the conclusions and the underlying data to it. It
4 is certainly not timely. We made it clear to the parties
5 when Mr. Mosely was here, when the matter first came up back
6 in February, that we were receptive to evidence along that
7 line, but we would take the evidence as it is presented and
8 we would not sua sponte pursue it. We have already ruled
9 that it is not acceptable as official notice. There is no
10 need to rule on that again. That, I believe, was on May 1,
11 that discussion beginning at 21,011 and going for the next
12 few pages. That was May 1.

13 The motion itself as far as timeliness is
14 concerned was filed at a time when the responses aren't even
15 due until after the evidentiary hearing was scheduled to be
16 closed.

17 The ACRS letter, or the letter from the Senior
18 Fellow to the ACRS, suffers from the same defects. There is
19 no sponsoring witness. It is not timely. It is not a
20 deficient document. It is the views of an individual who is
21 not a witness here, who cannot be confronted with his
22 views. And as Mr. Blake points out, some of the information
23 his comments is not even relevant to the issue that TMIA
24 would have the report received for.

25 So we deny the motion

1 However, we want to make it clear to TMIA and all
2 the parties that we simply have not just walked away from
3 the committee report. We looked at it and as I mentioned,
4 we made it clear very early, very timely in this proceeding,
5 that if parties to this proceeding wished to present
6 evidence according to the rules of the proceeding on the
7 subject matter of the Udall Committee Report, we would be
8 receptive to it. We analyzed it ourselves to see if it
9 raised issues which would require the Board on its own to
10 pursue the bases for the staff conclusions, and we
11 determined that considering two factors, one that our own
12 resources are such that it is unlikely that we could conduct
13 an adjudicative hearing, an inquiry which was likely to
14 better the investigations already made was very remote. And
15 of course, the other consideration is that absent very, very
16 compelling reasons affecting the health and safety, the
17 Board has no charter in this proceeding or in the
18 traditional role of adjudicating officers to serve as
19 investigators. The Commission made it clear that we are
20 judges in this case and we are not investigators. That, of
21 course, is the condition of our employment.

22 I would also observe that the Commissioners
23 themselves have already addressed the report that you wish
24 us to take into evidence and have not given us any guidance
25 on how this should be handled. We have looked at the

1 purposes for which we infer that TMIA would have the report
2 received, and we do not see that the proposed exhibit
3 mandates the conclusions that TMIA would have us draw from
4 it, all of which we will discuss in our decision more
5 carefully than spontaneous remarks.

6 We will also observe that the staff's report,
7 which we did receive into evidence, was presented here with
8 a sponsoring witness, and the reason I am talking about the
9 staff's report is that you are using it as a parallel, as a
10 comparison. It was received here without objection by any
11 party with a sponsoring staff witness, Mr. Mosely. We note
12 that the Udall Committee report could have been used by any
13 party as a basis for cross examination of Mr. Mosely, and it
14 was not. Even though we received the I&E report into
15 evidence, as I indicated earlier in my remarks, those are
16 not the only conclusions which we have looked at. We have
17 looked at everything available to us to see if there is
18 evidence that is so compelling that the Board would be
19 derelict in its duty if it did not conduct its own
20 independent inquiry into it, and we have just not found that
21 to be the case.

22 So for those reasons, individually and
23 collectively, we deny the motion.

24 The report, of course, can be marked as an
25 exhibit, Ms. Bradford, and will go in the rejected exhibit

1 file as we do other offered exhibits. We are prepared to
2 proceed.

3 MR. ADLER: Mr. Chairman, Ms. Straube has no
4 reason to be here other than putting the municipal plans in
5 the record. That should take a minute or two.

6 Could we just do that now?

7 CHAIRMAN SMITH: Sure.

8 MS. STRAUBE: Thank you.

9 I have given the reporter the necessary three
10 copies, and I have distributed amongst the parties today the
11 copies for them. The others I have served by mail.

12 If I could just read what municipalities with
13 which county and then ask that they all be entered as one
14 exhibit.

15 CHAIRMAN SMITH: I thought for a minute those tiny
16 pieces of paper in your hand were them.

17 MR. ZAHLER: Ms. Straube, I did not pay
18 attention. I did not realize we were actually going to put
19 this stuff into evidence. I thought -- is what we are
20 proposing to put this stack of documents into evidence now?

21 MS. STRAUBE: Yes.

22 CHAIRMAN SMITH: Wait a minute. Are you back on
23 Ms. Bradford's motion?

24 MR. ZAHLER: Gail Bradford.

25 CHAIRMAN SMITH: Oh, Gail Bradford, okay.

1 MS. STRAUBE: Yes. Fr. Zahler -- well, number
2 one, let me explain what they are.

3 What these municipal plans are are all of the
4 municipal plans which were submitted to FEMA by PEMA, which
5 are Annex U or V, I don't remember which number, of each
6 respective county plan, and the copies of the county plans
7 that I had previously put on the record did not have these
8 municipal plans attached.

9 Ms. Braiford has now asked that we do attach
10 those, and so I am just suggesting that as an exhibit in and
11 of themselves they be put on the record, the municipal plans.

12 CHAIRMAN SMITH: All right, now, excuse me. Don't
13 forget, you have some unfinished business if you want that
14 report marked as a rejected exhibit. I forgot to take care
15 of that. We will come back to that.

16 MS. LOUISE BRADFORD: Yes, sir.

17 CHAIRMAN SMITH: I was directing my remarks to Ms.
18 Louise Bradford.

19 MS. STRAUBE: So, Chairman Smith, for the record
20 maybe I should just read what municipalities go with what
21 county, and then you can just possibly take them as an
22 exhibit.

23 CHAIRMAN SMITH: This will be Commonwealth Exhibit
24 8.

25 MS. STRAUBE: I would prefer that it was a Board

1 xhibit since all the other plans were a Board exhibit.

2 CHAIRMAN SMITH: It would be a single exhibit do
3 you think?

4 MS. STRAUBE: As far as I am concerned, it would
5 probably be the most efficient.

6 CHAIRMAN SMITH: All right, this will be Board
7 Exhibit No. 13.

8 (The document referred to was
9 marked Board Exhibit No. 13
10 for identification.)

11 MS. STRAUBE: All right, for Dauphin County it
12 includes the City of Harrisburg, High Spire Borough,
13 Londonderry Township, Lower Paxton Township, Lower Swatara
14 Township, Middletown Borough, Paxton Borough, Foyalton
15 Borough --

16 CHAIRMAN SMITH: Wait a minute. All right, I have
17 Middletown and Paxton, got it.

18 MS. STRAUBE: Royalton Borough, South Hanover
19 Township, Susquehanna Township, and Swatara Township.

20 For Lancaster County is Conway Township, West
21 Donegal Township, East Donegal Township --

22 CHAIRMAN SMITH: Wait a minute.

23 I had Conway Township. Then we went to
24 Elizabethtown, West Donegal --

25 MS. STRAUBE: East Donegal Township, Mt. Joy

1 Township, and Elizabethtown Borough.

2 CHAIRMAN SMITH: All right, I have all of those.

3 MS. STRAUBE: Lebanon County has one municipality,
4 the South Londonderry Township.

5 CHAIRMAN SMITH: Okay.

6 MS. STRAUBE: York County has Dover Township,
7 Goldborough Borough, Lewisberry Borough, Manchester
8 Township, Newberry Township, and York Haven Borough.

9 And Cumberland County has New Cumberland Borough
10 and Lower Allen Township, and those have been stapled
11 together, even though they shouldn't have been.

12 I guess I should repeat, to make it clear on the
13 record, that these municipal plans are all the municipal
14 plans that were submitted by PEMA for review with the
15 respective county plans.

16 CHAIRMAN SMITH: All right.

17 I will receive Board Exhibit 13 as you have
18 described it.

19 (The document referred to,
20 previously marked for identi-
21 fication as Board Exhibit No.
22 13, was received in evidence.)

23 MS. STRAUBE: Thank you very much.

24 MR. ZAHLER: Can I ask, Ms. Straube, whether there
25 are other municipal plans that have not yet been submitted

1 to FEMA?

2 MS. STRAUBE: Not that I am aware of, but I
3 wouldn't want to swear to it.

4 CHAIRMAN SMITH: Now we are ready to consider your
5 letter of July 7.

6 MS. LOUISE BRADFORD: Mr. Smith?

7 CHAIRMAN SMITH: Yes, Ms. Bradford, what is your
8 pleasure?

9 MS. LOUISE BRADFORD: Before we get to that, I
10 would like to make one remark, that as far as sponsoring
11 witnesses, I had contacted both Mr. Abbott and Mr. Meyers
12 who is the principal author of the Udall Committee report,
13 and both of them indicated to me that they would come upon
14 the request of this Board. I am not familiar enough with
15 the procedure here to know how I was to present that.

16 CHAIRMAN SMITH: Well, more timely than indeed
17 would have been the case.

18 You have the authors of the case, authors or
19 people who are willing to defend the report.

20 MS. LOUISE BRADFORD: Yes.

21 CHAIRMAN SMITH: And who are those persons?

22 MS. LOUISE BRADFORD: Mr. Abbott, who is a senior
23 fellow of the ACRS who produced the report which is
24 appended to our motion and marked Attachment A, and also Mr.
25 Henry Meyers who was one of the principal authors of the

1 Udall Committee report, and both of these people indicated
2 that upon request, in the case of Mr. Abbott, from this
3 Board that they would appear and defend that document. In
4 the case of Mr. Henry Meyers, he indicated that he would
5 come in response to a subpoena from the Board.

6 As I said, I did not know how to present that.

7 CHAIRMAN SMITH: Well, it is possible, if the
8 request had been timely made and you could have presented a
9 plan or an approach or an outline of expected testimony from
10 the author of the report, we would have received them as
11 your witnesses or perhaps even a Board sponsored witness.
12 But our ruling was independently made on the basis of
13 timeliness, too.

14 I mean, timeliness alone is sufficient grounds for
15 denying your motion. You are asking in the last few hours
16 of this evidentiary hearing to reopen the record on an issue
17 which has been closed and bring in a witness, and it is just
18 simply too late, taking everything into consideration,
19 taking what we read into the report ourselves, so the motion
20 continues to be denied, and the same reasoning applies to
21 the ACRS gentleman. His conclusions, I might say, on this
22 issue are of no particular value to the Board. We have to
23 make our own decision, and we don't need the decision of
24 somebody else, the conclusions of somebody else. This is
25 what we are here for. We are here to hear evidence and

1 decide what the evidence says and not have somebody else
2 come and tell us what conclusions we should draw from the
3 evidence, and that is basically all that he would be
4 presented for.

5 Now, what you have to do is prepare a package, if
6 you wish, to offer into evidence and have us formally reject
7 so that you can argue that we erred in these rulings and
8 point to what you would have offered into evidence. But you
9 will have that opportunity and we will cooperate with you in
10 getting that into the rejected exhibit file.

11 So if you want to do that this morning, that's
12 fine.

13 I don't suppose you have enough copies of the
14 Udall Report, do you?

15 MS. LOUISE BRADFORD: Yes, we do.

16 CHAIRMAN SMITH: All right, so let's mark -- do
17 you have extra copie of the exerpts?

18 MS. LOUISE BRADFORD: No, I do not.

19 CHAIRMAN SMITH: We are ready for TMIA Exhibit
20 49. Let's mark the report of the Majority of the Committee
21 as Exhibit 49.

22 (The document referred to was
23 marked TMIA Exhibit No. 49
24 for identification.)

25 CHAIRMAN SMITH: Now, this is a report prepared by

1 the Majority Staff of the Committee on Interior and Insular
2 Affairs of the House of Representatives. It is dated March
3 1981 and it is entitled "Reporting of Information Concerning
4 the Accident at Three Mile Island."

5 Now, you have given three copies. These are, I
6 assume, you intend to be the official exhibits.

7 MS. LOUISE BRADFORD: Yes, sir.

8 CHAIRMAN SMITH: And you are offering them into
9 evidence?

10 MS. LOUISE BRADFORD: Yes, I am.

11 CHAIRMAN SMITH: And the Licensee, Mr. Blake, is
12 objecting, and for the reasons we discussed we sustain the
13 objection, and the documents marked for identification, TMIA
14 Exhibit 49, are rejected.

15 (The document referred to,
16 previously marked for identi-
17 fication as TMIA Exhibit No.
18 49, was rejected.)

19 CHAIRMAN SMITH: Now, the other package which I
20 don't have with me -- I suggest for convenience we mark,
21 since it tends to be a descriptive document, I suggest for
22 convenience we mark your entire motion with attachments as
23 TMIA Exhibit 50.

24 (The document referred to was
25 marked TMIA Exhibit No. 50

1 for identification.)

2 CHAIRMAN SMITH: And you say you have no extra
3 copies of that?

4 MS. LOUISE BRADFORD: No, I don't.

5 CHAIRMAN SMITH: None at all.

6 All right, we will make due with one official copy.

7 (Pause)

8 CHAIRMAN SMITH: Wait a minute. I don't know if
9 the Board wants to be a party -- well, this has already been
10 served in this case. Whatever privilege the ACRS had in
11 exempting this from the Freedom of Information Act and from
12 publication has been somehow destroyed, either appropriately
13 or inappropriately, but it has been, and I see no further
14 damage, if any, from the Board accepting it as an exhibit in
15 the case.

16 MS. GAIL BRADFORD: Sir, may I make a comment on
17 that? I was able to get that particular document from the
18 PDR room at 1717 H Street without any problem. So they
19 didn't seem to have any objection to making it publicly
20 available.

21 CHAIRMAN SMITH: I am not making any comment which
22 suggests criticism, nor do we now, nor is it our concern to
23 inquire. I just don't want to be a part of any mechanism
24 which would destroy their privilege, but since whatever
25 privilege, if it ever existed, has already been destroyed,

1 we are not.

2 There will only be two official copies of TMIA
3 Exhibit 50.

4 (The document referred to,
5 previously marked for identi-
6 fication as TMIA Exhibit No.
7 50, was rejected.)

8 CHAIRMAN SMITH: All right, let's pick up the
9 operating room manning letter now.

10 MR. BLAKE: Mr. Smith, Exhibit 50 was the Abbott
11 report, and you included along with it TMIA's pleading as a
12 descriptive document for the review with the record.

13 Is that a fair characterization?

14 CHAIRMAN SMITH: That is correct, all of which was
15 offered and -- well, it was offered, and you objected, and
16 we sustained your objection, and it is rejected and received
17 into the rejected exhibit file.

18 DR. LITTLE: We don't want just a copy. We want
19 the copy we have been working with.

20 CHAIRMAN SMITH: Mr. Blake?

21 MR. BLAKE: Mr. Smith, I would like marked for
22 identification, and I would move for submission into
23 evidence a letter dated July 7, 1981 to Mr. Robert Adler,
24 Esq., and signed by me as Counsel for Licensee, consisting
25 of four pages which includes Licensee commitments on the

1 staffing of operations personnel at TMI 1.

2 I would like this document identified and admitted
3 as Licensee's Exhibit 59.

4 (The document referred to was
5 marked Licensee's Exhibit No.
6 59 for identification.)

7 CHAIRMAN SMITH: Are there any objections?

8 The exhibit is received.

9 (The document referred to,
10 previously marked for identi-
11 fication as Licensee's
12 Exhibit No. 59, was received
13 in evidence.)

14 CHAIRMAN SMITH: Are you available for questions
15 on it now?

16 MR. BLAKE: Yes, sir.

17 DR. LITTLE: We have gone through and enumerated
18 what we see as the situation in each of the categories A
19 through F, and we want to be sure that we are understanding
20 first of all what is involved there.

21 We understand that A indicates that there will be
22 a two-two situation, there will be at least one SRO, there
23 will be at least one person who is trained as an SRO but not
24 necessarily yet licensed as an SRO. In addition to that,
25 there will be two ROs.

1 MR. BLAKE: That is correct. The intent there was
2 to reflect a minimum staffing of four licensed individuals
3 on each shift.

4 DR. LITTLE: All right. And then B --

5 MR. BLAKE: And the way you have characterized it
6 is correct.

7 DR. LITTLE: Okay.

8 So there will be at least two people in there with
9 SRO training, one of whom will be licensed as an SRO, at
10 least one of whom will be licensed as an SRO.

11 MR. BLAKE: There will be at least two per shift,
12 not necessarily in there, if you meant the control room, at
13 all times, that is correct.

14 CHAIRMAN SMITH: The training that you are
15 referring to is the training sufficient for the management
16 to certify eligibility to sit for the exam.

17 MR. BLAKE: That is my understanding.

18 DR. LITTLE: Then moving down to B, B deals with
19 the anticipated six-shift rotation, six shifts of two-two.

20 MR. BLAKE: Six shifts, each of which would be
21 manned by the caliber of people identified in A.

22 DR. LITTLE: All right.

23 And then C deals with what would happen if there
24 were not enough people to go six shifts, so you would go
25 into five shifts of two and two meeting the qualifications

1 in A.

2 MR. BLAKE: That is correct. Again, it would be
3 five shifts with the characteristics identified in A.

4 DR. LITTLE: All right.

5 Then when we get to D, this would be in the event
6 there is something less than five shifts of two and two, the
7 two and two being those who would ordinarily be on those
8 shifts, and you state then that people will come in who do
9 not ordinarily stand shift watches.

10 Now, will these people meet the qualifications
11 described in A?

12 MR. BLAKE: D is intended, Dr. Little, to continue
13 with five shifts, each of which would be manned with people
14 of the characteristics identified in A but we would be
15 employing in this instance, if we did not have enough people
16 otherwise to do it, individuals like the instructors, who
17 have taken and are qualified and licensed SROs, in order to
18 continue with a five shift rotation, or for example, Mr.
19 Shipman, Mr. Ross's engineering assistance, who similarly is
20 licensed and holds an NRC license, and must stand periodic
21 watches in order to maintain that license. That is what we
22 would next try to do in order to stay on a five shift
23 rotation.

24 DR. LITTLE: That is what we were trying to find
25 out exactly.

1 MR. BLAKE: That is what is intended.

2 CHAIRMAN SMITH: I think for myself I understood
3 that, but we also wish, and I think you have already
4 answered, but just so it is definite, there is nothing in D
5 which remove the commitment of A.

6 MR. BLAKE: No, that is correct. There is nothing
7 in D to remove that each shift would be manned with the
8 characteristics identified in A.

9 DR. JORDAN: A is not modified by any of the
10 others as I understand it.

11 MR. BLAKE: A is not modified by any of the others
12 unless we arrived at E. But certainly not by B or C or D on
13 terms of the characteristics of the four. It was very
14 important to the Commonwealth that these four individual
15 shifts, and that was our intention all the way through A, B,
16 C, D.

17 MR. ADLER: May I have just a second to confer
18 with Mr. Blake?

19 (Pause)

20 MR. BLAKE: I want to state clearly that while we
21 have not arrived at E, but when I get to E I will also state
22 that it is not intended that we would operate with less than
23 four people per shift, even when we get to the flexibility
24 allowed under E.

25 DR. LITTLE: All right, this is what we want to

1 clarify.

2 MR. BLAKE: A, as Dr. Jordan indicated, is meant
3 to apply.

4 DR. LITTLE: A applies all the way through D, and
5 what is your answer when you get to E?

6 MR. BLAKE: A also applies. We would have four
7 people per shift.

8 DR. LITTLE: You have got four people. One of
9 them is an SRO, one of them is trained to be an SRO.

10 MR. BLAKE: That is correct.

11 DR. LITTLE: And two of them are ROs.

12 MR. BLAKE: That is correct.

13 DR. LITTLE: Now, what about F? Does that take
14 away anything from A at all?

15 MR. BLAKE: No, it is not intended to take away
16 anything from A.

17 DR. LITTLE: And F essentially indicates that at
18 all times there will be in the control room or close by the
19 control room one person who is an SRO.

20 MR. BLAKE: That is correct, and that would not be
21 satisfied alone by the individual who merely had the
22 training. This is intended to mean the licensed SRO.

23 DR. LITTLE: And there are four people at all
24 times of some sort, there are always at least four people in
25 there, at least one of whom is a licensed SRO.

1 MR. BLAKE: It is not true that there would always
2 be four people in the control room at all times. And with
3 respect to the individual who holds the SRO license and
4 whether or not he is in the control room was intended to
5 cover that by F, that he would either be in the control room
6 or if he were not in the control room or in the adjoining
7 shift supervisor's office, and he were outside, at all times
8 he would be in a position to access the control room within
9 five minutes, and during those periods we would also have
10 the other enumerated people in there.

11 CHAIRMAN SMITH: Anything further?

12 What is now the staff's position?

13 MR. TOURTELLOTTE: We have no objection.

14 CHAIRMAN SMITH: What is the Commonwealth's
15 position?

16 MR. ADLER: Our position is that we have accepted
17 these commitments with the understanding stated in the last
18 paragraph in the letter that Licensee will not object to the
19 implementation of these commitments as license conditions.

20 Procedurally, what I recommend is that I move to
21 be allowed to amend further the Licensee's reply findings
22 merely for the purpose of proposing these as license
23 conditions for the restart of Unit 1.

24 CHAIRMAN SMITH: Are there any objections to that
25 approach?

1 MR. BLAKE: I take it what he wants to do is to
2 amend his own reply findings to include these as proposed
3 conditions, and I have no objection to that, not our
4 findings but his.

5 MR. ADLER: I am sorry if I misspoke.

6 CHAIRMAN SMITH: Mr. Tourtellotte, I guess there
7 is one remaining open item. Although you say the staff has
8 no objections, is the staff prepared to assume the
9 responsibilities implicit in E and that is cooperate with
10 Licensee in counseling with them under those circumstances
11 set forth in E? It does suggest some reaction from the
12 staff.

13 MR. TOURTELLOTTE: I am not sure I can give you an
14 answer that is an affirmative answer.

15 CHAIRMAN SMITH: Well, certainly if it is a
16 condition, the staff would, unless they appeal it, but I am
17 just wondering if your agreement to the conditions went so
18 far as to recognize that it would require some actions on
19 the part of the staff.

20 MR. TOURTELLOTTE: Yes.

21 CHAIRMAN SMITH: Okay.

22 We have nothing further unless somebody else does.
23 Anybody else?

24 It has been offered and received as an exhibit.

25 Mr. Dornsife, have you testified before? I think

1 you did on a spontaneous matter.

2 MR. DORNSIFE: I did, but I was never sworn.

3 CHAIRMAN SMITH: Do you usually carry your
4 biographic information around with you?

5 MR. ADLER: This was a contingency plan.

6 CHAIRMAN SMITH: All right, Mr. Dornsife, may I
7 swear you, please?

8 MR. ADLER: May I take care of my procedural
9 matters here? I distributed to the Board and to the
10 parties, and three copies to the reporter, a document
11 entitled "Biographic Information, William P. Dornsife, P.E.
12 Whereupon,

13 WILLIAM DORNSIFE,
14 called as a witness by counsel for the Commonwealth of
15 Pennsylvania, having been duly sworn by the Chairman, was
16 examined and testified as follows:
17 and Whereupon,

18 ROBERT E. ROGAN,
19 recalled as a witness, having previously been duly sworn by
20 the Chairman, was further examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. ADLER:

23 Q Mr. Dornsife, was this document prepared by you?

24 A (WITNESS DORNSIFE) Yes, it was.

25 Q Is it true and accurate to the best of your

1 knowledge and belief?

2 A (WITNESS DORNSIFE) Yes, it is.

3 MR. ADLER: Mr. Chairman, I ask that this be
4 received into evidence and bound into the transcript at this
5 point.

6 CHAIRMAN SMITH: If there are no objections, the
7 biographic information is received.

8 (The document, "Biographic Information, William P.
9 Dornsife," follows:)

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BIOGRAPHIC INFORMATION

William P. Dornsife, P.E.
Department of Environmental Resources
Bureau of Radiation Protection
Box 2063, Fulton Building
Harrisburg, Pennsylvania 17120

Born: April 20, 1944 at Gordon, Pennsylvania

Education:

B.S. Chemistry, U.S. Naval Academy, Annapolis, MD, 1966
Graduate of the U.S. Naval Nuclear Power School, Bainbridge, MD, 1967
Qualified at the U.S. Naval Prototype, DIG, West Milton, NY, 1967
M.S. Nuclear Engineering, Ohio State University, Columbus, OH, 1972

Employment:

1966-71	U.S. Navy, Nuclear Trained Engineering Officer
1972-76	Burns & Roe, Inc., Nuclear Engineer
1976-81	Pennsylvania Department of Environmental Resources, Bureau of Radiation Protection, Nuclear Engineer
1977-Present	Capital Campus of the Pennsylvania State University Part-Time Lecturer
1981-Present	Pennsylvania Department of Environmental Resources, Bureau of Radiation Protection, Supervising Nuclear Engineer

Nuclear Experience:

1966-71	U.S. Navy, Participated in the construction, startup, and operation of a submarine nuclear power plant.
1972-76	Burns & Roe, Performed licensing and nuclear engineering work in support of the design of the Forked River and Three Mile Island Unit 2 Nuclear Station. Performed engineering liaison and coordination at the Three Mile Island Unit 2 site.
1976-Present	Technical review and evaluation of the design, construction, operation, and decommissioning of nuclear facilities in Pennsylvania to assure maximum safety to citizens of Pennsylvania from the commercial nuclear power program.

Professional Organizations:

Member, American Nuclear Society
Registered Professional Engineer in the State of New York
Registered Professional Engineer in the Commonwealth of Pennsylvania
Member, National Society of Professional Engineers
Associate Member, Radiation Control Program Directors
Member, Radiation Control Program Directors Task Force on Radioactive Waste Management, 1978 - Present
Member, Task Force on Development of a National Strategy for the Management of Low Level Radwaste, USDOE, 1980 - Present

Publications:

Low Level Radioactive Waste Disposal in Pennsylvania: Recommendations on Procedures and Assessment. (Co-Autho.), Report for the Ford Foundation, November, 1978

"A Perspective on the Relative Hazard of Low Level Radioactive Waste Disposal," Low Level Radioactive Waste Management - Proceedings of Health Physics Society Twelfth Midyear Topical Symposium, February, 1979, W. P. Dornsife.

"Evaluating the Hazards of Disposing of Wastes from Energy Production," A Technical Assessment of Nuclear Power and the Alternatives - ANS Topical Meeting, February, 1980, W. P. Dornsife.

"The Three Mile Island Accident, What Really Caused the Crisis?", ANS Transactions Vol. 34, June 1980, W. P. Dornsife..

1 MR. ADLER: Now, Mr. Chairman, the staff's and the
2 Licensee's position I think are adequately in the record. I
3 don't believe the Commonwealth's is. What I would propose
4 is that in the interest of efficiency, I attempt to elicit
5 Mr. Dornsife's position through a few direct questions.

6 MR. TOURTELLOTTE: Mr. Chairman, I would note for
7 the record that in most circumstances we would do voir dire
8 prior to direct. I don't have any particular voir dire. I
9 am sort of interested in the naval prototype that he
10 mentions in his education, but I will talk to him about that
11 after the proceeding.

12 CHAIRMAN SMITH: Proceed.

13 BY MR. ADLER: (Resuming)

14 Q Mr. Dornsife, could you briefly describe your
15 responsibilities under the Commonwealth's Emergency Response
16 Plan?

17 A (WITNESS DORNSIFE) As the Bureau's nuclear
18 engineer, I am the one who is responsible for communicating
19 with the Licensee to determine what the operational status
20 of the facility is in order to provide insight into
21 protective action recommendations which would be based on
22 the operational status, and I am initially, as far as our
23 plan states, to go to the state headquarters in Harrisburg,
24 and when the EOF is manned, I will transfer my
25 responsibility to the EOF.

1 Q Are you the person with the primary responsibility
2 to initially transmit Licensee's protective action
3 recommendations to the state?

4 A (WITNESS DORNSIFE) Not in those direct terms. My
5 function is to give some background information on the
6 reasoning that is going on for Licensee protective action
7 recommendations and actually physically get on the phone
8 with the person, the emergency support director who is
9 making the protective action recommendations and have a
10 consultation while those protective action recommendations
11 are being made to the BRP headquarters.

12 Q So your judgment is essential in that regard.

13 A (WITNESS DORNSIFE) Yes.

14 Q As I understand it, you originally planned to stay
15 at BRP headquarters, is that correct?

16 A (WITNESS DORNSIFE) That is correct. We felt that
17 having the direct line at the BRP headquarters would
18 initially satisfy our needs for operational information.
19 However, based on some of the early drills we had in
20 preparation for the TMI exercise, we found that because the
21 radiological line was located on the other side of the
22 control room physically from the emergency director, it was
23 difficult to get the kind of operational information we
24 needed through that line, and the Licensee recognized this
25 deficiency and offered instead that we consider manning the

1 EOF as soon as possible to get the operational information
2 we needed for that purpose.

3 I should maybe also point out that based on our
4 experience with drills that have occurred not only at TMI
5 but at other plants, in fact, our experience with the real
6 thing at the TMI 2 accident, we recognize that probably the
7 majority of times, maybe even all the times, our protective
8 action recommendations will be based at least somewhat if
9 not totally on operational information. So we recognize
10 this to be an important contribution to our recommendation.

11 Q So to summarize your view, to support the staff's
12 position that the EOF should be functional within an hour
13 from declaration of site emergency, complete with the
14 staffing of the emergency support director, is based not
15 only on your judgment but on your actual experience with
16 exercises and drills.

17 A (WITNESS DORNSIFE) That is correct, and let me
18 just elaborate a little bit.

19 In the drills that led up to the exercise, and
20 also the exercise itself, I noted that in many cases the
21 status boards and the other technical information,
22 radiological information that was available for the EOF was
23 in many cases behind real time. It was more of a
24 retrospective view of what had happened, and in many cases
25 the actual information that was being used to make or

1 potentially make protective action recommendations was made
2 by a direct line from the emergency director to the
3 emergency support director. And one of my concerns is not
4 seeing how it worked without the emergency support director,
5 but whether this type of information on the exact immediate
6 status of the plant would be available in the EOF without
7 that position being manned.

8 Q Let's go briefly to the June 2 exercise.

9 When did you arrive at Licensee's EOF
10 approximately?

11 A (WITNESS DORNSIFE) Approximately half an hour
12 after declaration of site emergency.

13 Q And what was the status of the EOF when you
14 arrived?

15 A (WITNESS DORNSIFE) It was fully manned, including
16 the emergency support director.

17 Q Would you have gone to the EOF rather than staying
18 at BRP headquarters if it was not fully manned as you
19 described?

20 A (WITNESS DORNSIFE) Without seeing that the
21 information would indeed be there, it would be a very
22 difficult decision to make. We would still have the rad
23 line available. I am not sure without the emergency support
24 director whether we could get any additional operational
25 information without that particular function being manned.

1 Q In your judgment, how important is face-to-face
2 contact between you and Licensee's emergency support
3 director in terms of transmitting protective action
4 recommendations to the state?

5 A (WITNESS DORNSIFE) I think at least in the
6 exercise and the drills that led up to the exercise, it
7 proved to be very important not only for us directly
8 understanding what the protective action considerations
9 were, but for us being able to provide our input into that
10 protective action recommendation prior to it being made by
11 the Licensee.

12 Q In your view, does the emergency support director
13 at the initial stages of the emergency need to be Mr.
14 Arnold, Mr. Herbein or Mr. Clark?

15 A (WITNESS DORNSIFE) No, not necessarily.

16 MR. ADLER: Those are all my direct questions.

17 I have to apologize, but I need a two minute
18 break.

19 CHAIRMAN SMITH: Okay.

20 (A brief recess was taken.)

21 MR. ADLER: I had completed my direct examination.

22 MR. ZAHLER: I have some questions for Mr.
23 Dornsife.

24 CHAIRMAN SMITH: All right.

25 CROSS EXAMINATION

1 BY MR. ZAHLER:

2 Q Mr. Dornsife, is the Commonwealth committing to
3 send its nuclear engineer to the EOF within one hour after
4 declaration of a site area emergency?

5 A (WITNESS DORNSIFE) That is our present
6 intention. We have not committed to that in the emergency
7 plan, to our knowledge. We have not stated that in the
8 emergency plan, but based on our experience, that is our
9 present intention.

10 Q Will you in fact modify the Commonwealth's
11 emergency plan to reflect that commitment?

12 A (WITNESS DORNSIFE) We have not discussed whether
13 that is necessary.

14 Q Don't you think before you present testimony and
15 support a position that would require the Licensee to make
16 certain commitments with respect to the staff, so that you
17 could interface with that person --

18 MR. ADLER: Mr. Chairman?

19 MR. ZAHLER: Could I finish my question, Mr. Adler?

20 BY MR. ZAHLER: (Resuming)

21 Q -- that you would reach a decision as to whether
22 in fact you would commit to be present at that facility for
23 that purpose?

24 MR. ADLER: Mr. Chairman, I object to the somewhat
25 misleading nature of the question. Mr. Dornsife has

1 testified that his commitment or his intention to go to the
2 EOF is contingent upon Licensee's EOF being manned and
3 operational, and therefore he could not possibly make that
4 firm commitment until Licensee makes that similar commitment.

5 MR. ZAHLER: Mr. Adler, do I understand, then,
6 that if the Licensee commits it or the Board orders that the
7 emergency support director be there in one hour, that the
8 state will modify its emergency plan to send its nuclear
9 engineer to the EOF within one hour?

10 MR. ADLER: I will leave that to Mr. Dornsife as
11 modified in the question.

12 I withdraw my objection.

13 BY MR. ZAHLER: (Resuming)

14 Q Mr. Dornsife, can you answer my last question?

15 A (WITNESS DORNSIFE) We have discussed this
16 particular problem with the decisionmaking people in BRP and
17 we feel it is in fact extremely desirable, if not totally
18 necessary, to have the EOF manned early, based on our
19 experiences. However, we have not reached a decision on
20 whether that will require a change in our emergency plan to
21 reflect a true commitment to do that.

22 Q So correct me if I am wrong, your testimony is at
23 this point BRP has not committed to revise the emergency
24 plan to reflect that it will send its nuclear engineer to
25 the EOF within one hour in a declaration of a site area

1 emergency.

2 A (WITNESS DORNSIFE) That is correct. We will
3 consider that when Licensee has made a commitment to fully
4 man within an hour.

5 Q Mr. Dornsife, does BRP have any nuclear engineers
6 besides you?

7 A (WITNESS DORNSIFE) Yes, we do. We just hired one
8 about two weeks ago.

9 Q Would the commitment include 24-hour coverage,
10 seven days a week?

11 A (WITNESS DORNSIFE) No, it would not. At this
12 point it would not.

13 Q Do you carry a beeper or other means by which you
14 could be contacted if you were outside of the office
15 24-hours a day, seven days a week?

16 A (WITNESS DORNSIFE) No, I do not, and that is the
17 reason we cannot make a commitment at this point.

18 Q You realize that those people on Licensee's
19 emergency duty roster in fact do shoulder that
20 responsibility when they have an obligation to show up
21 within an hour.

22 A (WITNESS DORNSIFE) We are aware of that.

23 Q Is the BRP telephone link manned 24 hours a day,
24 that is, the link between Licensee and BRP?

25 A (WITNESS DORNSIFE) The direct radiological line

1 is not, but a person from BRP does have a beeper system with
2 which PEMA can contact the person who is designated as the
3 duty officer.

4 Q Licensee mans its end of the radiological line 24
5 hours a day, seven days a week, is that correct?

6 A (WITNESS DORNSIFE) Yes, they do.

7 Q Is BRP willing to commit to man its end of the
8 radiological line 24 hours a day, seven days a week?

9 A (WITNESS DORNSIFE) No, we are not, but as I
10 stated, we found the radiological line was not sufficient to
11 give us the operatinal information we felt was necessary.

12 Q But the radiological line would also be a means of
13 informing BRP of the declaration of a site area emergency so
14 as to initiate the time within which its nuclear engineer
15 would report to the EOF, isn't that correct?

16 A (WITNESS DORNSIFE) That is correct, but the
17 Licensee would also notify PEMA, who in turn would notify
18 the person who has 24 hour duty responsibility of that
19 decision.

20 Q Mr. Dornsife, have you taken any educational
21 courses in organizational theory?

22 A (WITNESS DORNSIFE) Other than as it related to
23 the naval organization at the Naval Academy, not industrial
24 type of organization theory.

25 Q Have you had any practical experience in overall

1 management of an industrial organization?

2 A (WITNESS DORNSIFE) No, I have not.

3 Q With respect to information that is listed at the
4 EOF, am I correct that during a drill or an exercise it is
5 necessary to simulate information that would otherwise
6 appear on the real time CRT terminal?

7 A (WITNESS DORNSIFE) That is correct, and that
8 could have been some of the potential problems with the
9 technical functions people being behind the real time
10 happenings.

11 Q There is a logistical problem in a drill of
12 someone hand carrying or telephoning the simulated plant
13 information to a facility off-site, is that correct?

14 A (WITNESS DORNSIFE) That is correct.

15 Q And those problems, or that lag would not be true
16 in the case of an actual emergency.

17 A (WITNESS DORNSIFE) Until I would see that in fact
18 the technical functions people and radiological people could
19 indeed keep up with that information in a real simulated
20 exercise with that data available which was not, as you are
21 aware, during the exercise, I could not make that
22 determination.

23 Q I am confused.

24 Is there any way that one can actually simulate
25 that data over a CRT during the exercise?

1 A (WITNESS DORNSIFE) There was talk about when the
2 CRT is available, of programming things into it to provide
3 real time information.

4 Q Have you reviewed the design of Licensee's CRT
5 terminal in the EOF?

6 A (WITNESS DORNSIFE) No, I have not.

7 Q Do you have any reason to believe that it will not
8 be able to interrogate real time plant information?

9 A (WITNESS DORNSIFE) No, I do not. But there are
10 other operational things besides what is available in the
11 CRT that may lead to protective action recommendations, like
12 indeed happened during the exercise.

13 Q For example?

14 A (WITNESS DORNSIFE) For example, the failure --
15 the fire in the circ water pumps which caused the loss of
16 condenser vacuum.

17 Q And how did the existence of the emergency support
18 director aid you in finding out that there was a fire in the
19 circ water pumps?

20 A (WITNESS DORNSIFE) The emergency director called
21 him on the direct line and told him this particular
22 circumstance.

23 Q And if the emergency support director was not
24 present but the EOF was operational, as indicated in
25 Licensee's letter of July 8, marked as Licensee Exhibit 58,

1 is there any reason why the emergency director could not
2 also call the people at the EOF and relay that information?

3 A (WITNESS DORNSIFE) No, there is no reason, but
4 his priority may not be to call this person who has the
5 responsibility for protective action recommendations in a
6 timely manner.

7 Q Do you know if that is the case, or are you just
8 guessing?

9 A No, I don't. I would have to see it happen in an
10 exercise to see whether it would really happen.

11 Q Is there a drop of the operational line in the EOF?

12 A (WITNESS DORNSIFE) Yes, there is.

13 DR. JORDAN: Is there a what?

14 MR. ZAHLER: A drop of the operational line.

15 WITNESS DORNSIFE: Yes, there is.

16 BY MR. ZAHLER: (Resuming)

17 Q That is the conference telephone that links
18 together the control room, the technical support center, and
19 the EOF?

20 A (WITNESS DORNSIFE) That is correct.

21 Q Did the information about the fire in the circ
22 water pumps come over the operational line during the
23 exercise?

24 A (WITNESS DORNSIFE) I don't recall. I believe it
25 did eventually, but I don't think it was the first method

1 that we learned of the potential problem.

2 Let me just add, there was another consideration
3 into whether or not to make a protective action
4 recommendation at an early time, and that involved the
5 feasibility of in fact correcting the problems that existed
6 with the reactor building purge line and the power supply to
7 the PORV block valve which would not have been available on
8 that line, and in fact, the status of that particular entry
9 into the containment building to correct those deficiencies
10 was only being maintained by the direct line between the
11 emergency support director and emergency director.

12 Q Does it have to be that way?

13 A (WITNESS DORNSIFE) No, it doesn't, but that
14 seemed to work very well during the exercise.

15 Q But the question is, during the exercise there was
16 an emergency support director, so it made sense that that
17 communication took place that way.

18 Are you testifying that it is your belief that in
19 the absence of emergency support director, that an EOF
20 staffed in the manner as committed by the Licensee in the
21 letter of July 8, that that information would not be
22 transmitted to the EOF?

23 A (WITNESS DORNSIFE) I don't know whether that is
24 the case because I have not seen it happen in that
25 particular circumstance, but my gut feeling is that if the

1 emergency support director were not there, maybe that
2 information would not be transmitted. There would be other
3 priorities in deciphering the information and determining in
4 the control room what the appropriate protective action
5 recommendation might be without the foresight or the insight
6 into what was going into that protective action
7 recommendation.

8 Q Mr. Dornsife, do you have a copy of Licensee's
9 Exhibit 58, which is the July 8 letter?

10 A (WITNESS DORNSIFE) Yes I have a copy.

11 Q Would you look at the second to last paragraph,
12 the last sentence, which states, "In addition, it," meaning
13 the commitments described in the letter, "provides a
14 functional facility to which federal and local emergency
15 response representatives may report to perform liaison and
16 emergency management tasks."

17 Do you understand that to be a commitment by
18 Licensee that that will discharge those liaison functions
19 through the EOF as staffed in the manner committed in the
20 July 8 letter?

21 A (WITNESS DORNSIFE) Let me just try to clarify
22 what I said there.

23 Was state left out, or does local include state?

24 Q Local was intended to include state, federal and
25 everyone else.

1 A (WITNESS DORNSIFE) Thank you.

2 I read what is said there but not having any input
3 into the criteria that is necessary for us to assume that
4 liaison, I don't know whether it would in fact be adequate.

5 Q But looking up at the top paragraph on page 2
6 there, where it lists staffing from representatives of the
7 various departments, are those the people that you talked
8 with to find out operational information when you were at
9 the EOF?

10 A (WITNESS DORNSIFE) Yes, they are the types of
11 people, but again, like I said, during the exercise, it was
12 primarily my face to face discussions with the emergency
13 support director that led to our communications with the BRP
14 headquarters concerning protective action recommendations.

15 Q If the emergency support director was not present,
16 are you testifying that you could not get the information
17 you need from the people listed on the top of page 2?

18 A (WITNESS DORNSIFE) Well, I think the information
19 we need is a relative term. In the worst case, where I am
20 not available or an engineer is not available, we would have
21 to either send someone without my qualifications or try to
22 get this information from our headquartes, our ERP
23 headquartes office in Harrisburg. To us that is not the
24 most desirable way to deal with it, nor does it provide in
25 our opinion the best protection of public health and

1 safety. It is a matter of defense in depth, as NPC has
2 often used in this hearing.

3 Q I am not sure you understood my question because
4 the answer wasn't responsive.

5 The question was if you went to the EOF and the
6 people listed at the top of page 2 were there, but the
7 emergency support director was not there, are you testifying
8 that you would not be able to get the necessary information
9 from those people?

10 A (WITNESS DORNSIFE) If the same scenario -- let's
11 assume the same scenario as occurred in the June 2 exercise
12 -- were to be repeated without the emergency support
13 director, I believe I would have had a hard time keeping up
14 with what was the current status of the plant and being able
15 to input into the protective action recommendation.

16 Q And what is the basis for that view?

17 A (WITNESS DORNSIFE) My attendance at the June 2
18 exercise and participation in it.

19 Q I am confused. I understood your attendance at
20 the June 2 exercise, you got the information from the
21 emergency support director. That is what the procedures
22 provided.

23 Now I am asking you whether you have any reason to
24 believe that if the emergency support director was not
25 there, that the people who were there and were getting

1 information, including information over real time systems
2 and the communication links, you would not be able to get
3 that information from those people?

4 A (WITNESS DORNSIFE) Again, having the emergency
5 support director there did not make that totally necessary,
6 and my gut feeling right now is that no, I could not have
7 gotten the same degree of timely information from those
8 other people if the emergency support director were not
9 there.

10 Q And what is the basis for that gut feeling?

11 A (WITNESS DORNSIFE) What happened during the
12 exercise.

13 I don't know how else to answer it because that is
14 the basis of the concern.

15 Q I take it when you got the information from the
16 emergency support director that showed that the information
17 could be transmitted out of the plant to an off-site
18 facility, is that correct?

19 A (WITNESS DORNSIFE) That is correct.

20 Q What I don't understand is why is it that the
21 emergency support director is the crucial link for
22 transmitting that information to you? Couldn't someone else
23 have done it?

24 A I believe I answered that question.

25 MR. ADLER: Excuse me, Mr. Chairman, the question

1 has been answered over and over again, and I believe the
2 witness has answered to the best of his ability.

3 CHAIRMAN SMITH: We are going to allow the
4 question to be asked as often as Mr. Zahler -- this is a
5 special circumstance, and as often as he feels he has to ask
6 it. If they are not communicating on the question and
7 answer, it will have to be asked again until the
8 communication is achieved.

9 This is a departure from normal rules of cross
10 examination. Otherwise your objection would be well taken.

11 MR. ADLER: I understand. I think your point is
12 that there is a lack of communication. I don't believe that
13 to be the case. I believe the answer was communicated and
14 understood. Mr. Zahler simply wasn't satisfied with the
15 answer. He wants to get a different answer.

16 CHAIRMAN SMITH: Well, if he can get a different
17 answer by putting the question somewhat differently, then we
18 will learn something different.

19 I don't think that Mr. Dornsife will be
20 intimidated by Mr. Zahler and change his opinion by the
21 repetition.

22 MR. ADLER: I don't think so, either.

23 BY MR. ZAHLER: (Resuming)

24 Q Do you remember the question, Mr. Dornsife?

25 A (WITNESS DORNSIFE) Unfortunately no.

1 Q Let me try it a different way.

2 Did you actually speak with people during the June
3 2 exercise who were not the emergency support director?

4 A (WITNESS DORNSIFE) Yes, I did.

5 Q Who? Give me their titles if you can.

6 A (WITNESS DORNSIFE) The director of the technical
7 function, support people, whatever the title is. I'm not
8 sure that is correct. I spoke with people who were manning
9 the radiological line. I spoke with the NRC representatives
10 who were there. I spoke with some of the people who were
11 working on the technical functions staff. I spoke with some
12 of the people on the radiological staff, but again, when it
13 came to emergency protective recommendations, my primary
14 communication was with Mr. Arnold who was the emergency
15 support director.

16 Q And if Mr. Arnold was not there and the person
17 making protective action recommendations was the emergency
18 director in the control room, could you have spoken to that
19 gentleman from your location in the EOF?

20 A (WITNESS DORNSIFE) Would you please repeat that?

21 Q If Mr. Arnold was not at the EOF and the person
22 making protective action recommendations was the emergency
23 director in the control room, could you have spoken to that
24 gentleman?

25 A (WITNESS DORNSIFE) Are you inferring -- I hate to

1 ask the question, but are you inferring that I could have
2 picked up the direct line and talked to him on the direct
3 line?

4 Q Could he have picked up the direct line and talked
5 to you on the direct line as a state representative in the
6 EOF?

7 A (WITNESS DORNSIFE) I suppose he could have.

8 Q And you could have had a conference with the other
9 people back at the BRP headquarters over the radiological
10 line, as well as the people in the control room, is that
11 correct?

12 A Well, we were primarily not using the radiological
13 lines for those types of communications. That was being
14 used as a back-up. We were using an open commercial line.

15 Q But you could have communicated over the
16 radiological line.

17 A (WITNESS DORNSIFE) Yes.

18 MR. ZAHLER: One second.

19 (Pause)

20 BY MR. ZAHLER: (Resuming)

21 Q Mr. Dornsife, are your views with respect to the
22 need to have face to face communications with the senior
23 corporate manager so strong that you would require that at
24 all the other plant sites in Pennsylvania also?

25 A (WITNESS DORNSIFE) As you are probably aware,

1 some of the other plant sites are more remote to the state
2 capital than Harrisburg is, but our intention, assuming we
3 can get proper transportation facilities such as a state
4 police helicopter, would be to send a nuclear engineer to
5 the site as quickly as possible after declaration of a site
6 emergency. We may have physical limitations on doing that.

7 Q And what will you do during the time in which you
8 have physical limitations?

9 A (WITNESS DORNSIFE) The information that flows to
10 the BRP headquarters would have to be sufficient, but that
11 is certainly not desirable.

12 Q Is it sufficient in your view to protect the
13 public health and safety?

14 A (WITNESS DORNSIFE) Yes.

15 Q Is BRP committing to use all due diligence and
16 reasonable actions to arrive at all of these other plant
17 sites as soon as possible after the declaration of a site
18 area emergency?

19 A (WITNESS DORNSIFE) Those plants have not yet
20 developed their emergency plan, nor have we developed our
21 emergency plans for them in a final form, so we have not
22 determined whether we can meet those commitments for those
23 plants. But it will be a very important consideration in
24 our communications, and on our general tack of operations
25 concerning their emergency plans.

1 Q Let me ask you one thing about consulting with
2 Licensee before Licensee makes its protective action
3 recommendations to the state. I guess I don't understand
4 that process. It seems to me somewhat backwards. I thought
5 it is that Licensee would make its protective action
6 recommendations and that you would discuss with them the
7 basis for those recommendations.

8 Why is it that the state would want input into
9 Licensee's recommendations back to the state?

10 A (WITNESS DORNSIFE) Maybe I slightly misspoke. In
11 some cases it was partial input in what was our state of
12 readiness. The emergency support director was interested in
13 our state of readiness, that our thoughts were on
14 appropriate protective actions, but I think the most
15 important consideration is what are the actual underlying
16 reasons, understanding those reasons, for the protective
17 action recommendation because as you are probably aware, I
18 am currently the only person who speaks truly a technical
19 language and understands a lot of the operational things.
20 So I have to rely my concerns and my considerations in
21 somewhat layman's terms back to the people who are in BRP
22 headquarters who are making the final decision.

23 Q I understand that and appreciate that.

24 Am I correct that your testimony was meant to
25 indicate that you need to discuss with Licensee's

1 representatives the bases for the protective action
2 recommendations they are making but that you are not
3 necessarily attempting to influence those recommendations
4 before they make them to you.

5 A (WITNESS DORNSIFE) That is correct. If we are
6 asked for information concerning our readiness or our
7 concerns, we will certainly provide that input, but not
8 routinely.

9 Q And in discussing the bases for the protective
10 action recommendations, is there anything added by face to
11 face communication versus communication over a dedicated
12 telephone line? I am not talking about the sources of
13 information now. Let's assume they are there in the EOF and
14 you can go and look at them. I am talking about just with
15 respect to the bases of the protective action recommendation
16 that a single individual makes? Does a face to face
17 encounter with that person add anything over just a
18 discussion with him on a dedicated telephone line?

19 A (WITNESS DORNSIFE) I think there is more free
20 play in a face to face communication, but that is certainly
21 not a critical concern, and in fact, the emergency support
22 director gets his information from a line. So in a sense he
23 is just relaying what the emergency director thinks about
24 the operation status. But I think it certainly is a
25 consideration that in a face to face communication there is

1 less chance for error. And certainly there is more free
2 play in the discussion.

3 CHAIRMAN SMITH: Can I interpose?

4 Is that factor so important in your view that you
5 would require the Licensee to withdraw from the plant an
6 official that in its judgment they would prefer to have in
7 the plant so that you can have face to face communication
8 with him? Would you override the Licensee's judgment to
9 keep a person working in the plant for that purpose?

10 WITNESS DORNSIFE: Let me just give you some
11 background, if I may, sir, on why we went the route of going
12 to the EOF like I said.

13 Our original intent was to try to remain in BRP
14 headquarters and try to get the operational information at
15 BRP headquarters. When we found there were some physical
16 limitations on the radiological line, in fact the Licensee
17 made an offer to allow us to talk with the emergency
18 director on a required basis, but he indicated there may be
19 some time delay if the emergency director was doing
20 something different, then he couldn't talk to us immediately
21 to try to get some of the operational information.

22 His preferable alternative was to have us go to
23 the EOF and acquire this particular information. And the
24 concern is not that the person be there for face to face
25 communications, necessarily, but that the EOF does not

1 become an orphan, so to speak, if the emergency support
2 director is not there.

3 CHAIRMAN SMITH: I am going to come to that. I
4 was trying to limit it to this one particular point. The
5 value of talking with someone face to face is a common
6 experience that we all share, and very often many of us
7 prefer it. I am trying to weight that to see just how
8 important that is, and I understand your idea and I want to
9 ask about that, but simply the value of talking face to face
10 versus telephone, that in itself would not lead you, would
11 it, to override the judgment of the Licensee to keep a man
12 in the plant?

13 WITNESS DORNSIFE: No, sir, it would not.

14 CHAIRMAN SMITH: All right, I do want to ask about
15 your other point when it is appropriate.

16 DR. JORDAN: I will have some questions later,
17 too, but I want to clear up one thing which I suspect the
18 other board members already do know, but it is more than
19 just a matter of the location of the emergency support
20 director. Isn't it also the Licensee's position that there
21 not be an emergency support director during this period from
22 one hour -- or inside of the four hours, that as long as the
23 emergency director is at the control room, there will not
24 be, and that it is his job to do both functions. Is that
25 not the Licensee's position?

1 MR. ZAHLER: Not precisely. The Licensee's
2 position is that we would prefer to have Mr. Arnold or Mr.
3 Clark as the emergency support director initially, and that
4 short of being able to get those two gentlemen into the
5 emergency support director's position, we think that we
6 provided enough staff to the emergency director and have
7 chosen the emergency director, the person who is going to
8 fill that job, so that we would like those recommendations
9 to originate from the emergency director in the control
10 room. We are unwilling to accept the second best
11 alternative of putting someone in the emergency operations
12 facility to be the primary interface with the state in the
13 early hours of an accident just to get someone there.

14 Quite frankly, we have enough confidence in Mr.
15 Arnold and Mr. Potts, that we think they can perform that
16 function admirably, and I think that was the NRC's view also
17 during the drill exercise, and therefore what we have done
18 is we have tried to set up a system so that those people can
19 come to a facility that is fully functional and discharge
20 their duties during the drill. And right now at the
21 immediate time with one of those two people on site
22 sometimes, it is not difficult for those people to get to
23 that facility in a short timeframe. But that is not what is
24 going to happen all of the time, and it is unrealistic to
25 expect their very, very senior managers. Their primary

1 location is going to be at Parsippany.

2 CHAIRMAN SMITH: Well, that is not the issue. We
3 realize that you are going to get them there. But that is
4 not the issue. That does not preclude in itself emergency
5 support director in the interim.

6 MR. ZAHLER: We could put someone in who can serve
7 that function, that is true.

8 CHAIRMAN SMITH: This is where I think the inquiry
9 should focus, not the advantages of those people. I think
10 that is probably not in dispute.

11 MR. ZAHLER: And in their absence, the company's
12 view is that Mr. Hukill is the person to discharge that
13 responsibility primarily, and below Mr. Hukille, Mr. Toole,
14 and that there are some unique advantages of those people
15 who have plant specific information. It makes sense to put
16 a Mr. Hukill and a Mr. Toole in the plant. They are
17 familiar with the plant. It makes less sense to put Mr.
18 Arnold and Mr. Clark in the plant. They have some
19 advantages from being in the plant, and if we provide them
20 enough support so that they are not distracted by the
21 concerns that the staff has, we think that they can
22 discharge those functions in the control room.

23 CHAIRMAN SMITH: Okay, we understand. That is
24 where we are inquiring. But I don't see it as an either/or.

25 MR. ADLER: Mr. Chairman? I'm sorry, Mr. Zahler.

1 In an attempt to clarify this, may I ask one question of Mr.
2 Rogan?

3 CHAIRMAN SMITH: Okay, go ahead.

4 BY MR. ADLER:

5 Q If Mr. Arnold and Mr. Clark were not available to
6 arrive at TMI in time as an emergency support director, how
7 would Licensee manage the emergency?

8 A (WITNESS ROGAN) I'm sorry, could you ask that
9 question again?

10 Q If both Mr. Arnold and Mr. Clark were not
11 available as stated by Mr. Zahler as the preferred emergency
12 support directors, how would Licensee manage the emergency?
13 Who would become the emergency support director, and who
14 would be in the control room?

15 A (WITNESS ROGAN) If they were not available at
16 all, is that your question?

17 Q Yes, sir.

18 A (WITNESS ROGAN) First, I would have to challenge
19 the hypothesis because I can't envision within our
20 procedures that both Mr. Clark and Mr. Arnold would be
21 completely out of the net at the same time. But given that
22 that sort of a hypothesis were true, then there are
23 provisions for two other people who can serve as the, if you
24 will, third and fourth choice, and that is Mr. Hovey and Mr.
25 Herbein.

1 CHAIRMAN SMITH: You have reversed the order that
2 you testified, though. Your earlier testimony was Arnold,
3 Clark, Herbein and Hovey in that sequence.

4 WITNESS ROGAN: I am sorry, sir, it is Arnold,
5 Clark, Herbein and Hovey appear in parallel.

6 CHAIRMAN SMITH: That was your intended testimony,
7 that they be alternate or equal?

8 WITNESS ROGAN: Yes, sir.

9 BY MR. ADLER: (Resuming)

10 Q Isn't Mr. Hovey based at TMI?

11 A (WITNESS ROGAN) Yes, he is.

12 Q In Licensee's opinion would he be an acceptable
13 interim emergency support director?

14 A (WITNESS ROGAN) That is certainly the intent of
15 the present roster. However, let me extend that a bit and
16 say that it is clearly our view that Mr. Hovey would be, if
17 you will, almost -- and I hesitate to use the word. It does
18 not reflect on his professional competence -- last choice,
19 because he is also director of Unit 2, and our plans call
20 for certain responses on the part of both units if either
21 unit is affected. So we would really prefer to call upon
22 Mr. Hovey only if it was absolutely necessary. And I think
23 within the context of our discussion here, it is our
24 approach and our concept that during the timeframe that we
25 are talking about, and with the staff that we have provided,

1 that that would not be necessary and absolute within the
2 first four hours. We could still manage very effectively
3 the incident, and if you will, if it were a Unit 1 incident
4 which we are discussing here, Mr. Hovey would still be free
5 to go to Unit 2 and see that his personnel are properly
6 responding and to assess the impact on Unit 2 and take
7 whatever necessary actions are required there.

8 So, clearly Mr. Hovey's identification and
9 training is something that we have done again, as in so many
10 other cases, to give us that additional reinforcement. But
11 we would certainly hope that we would not have to call upon
12 him except in an extraordinary circumstance.

13 MR. TOURTELLOTTE: Mr. Chairman, could I ask a
14 question or two?

15 CHAIRMAN SMITH: Yes. It is five to 12:00. Do
16 you want to continue now?

17 MR. TOURTELLOTTE: We can do that after lunch.

18 CHAIRMAN SMITH: All right. The Board also has
19 questions on this very line. I am sure we all do. So we
20 will explore it.

21 We have a -- I want to take up another matter.
22 Then we will break for lunch and we will go back to Mr.
23 Tourtellotte on this issue.

24 Mrs. Aamodt telephoned and would like the
25 following statement read into the record today. "It should

1 be noted that today is expected to be the last day of the
2 hearing, and the latest agreement between the Licensee and
3 the Commonwealth has not been delivered to me. Chairman
4 Smith noted yesterday that I had refused the Licensee's
5 offer to deliver a copy of the agreement by messenger. That
6 offer was made by the Commonwealth Counsel at 8:30 yesterday
7 morning. I was totally surprised at this new development.
8 I also understood that the hearing would end that day. At
9 that time there appeared to be no advantage to hand
10 delivery. Two hours later, Chairman Smith agreed to
11 continue the hearing until the following day to allow my
12 questioning on the meaning of the commitment. I then
13 requested a copy of the agreement. Licensee refused.
14 Chairman Smith explained that Licensee had mailed a copy the
15 day before.

16 "Chairman Smith required me to decide within one
17 hour whether I would appear the following day. My mail had
18 not arrived. Therefore, my statement read into the record
19 yesterday was appropriate and not misleading."

20 Signed Marjorie Aamodt.

21 I wish to state that Mrs. Aamodt has misstated the
22 conversation. Licensee, Mr. Blake, came into the office at
23 my request while I was talking to Mrs. Aamodt, and the
24 Licensee at that time did not refuse to hand deliver the
25 commitment. As a matter of fact, at that time it was

1 reaffirmed. The discussion she may have been referred to
2 was the possibility that the mail version would be received
3 by her before the hand delivered. But to my own knowledge,
4 Mr. Blake at that time offered to get the commitment to her
5 for her study in the event she wanted to come over the next
6 day and ask questions about it.

7 Mr. Blake?

8 MR. BLAKE: I have had no conversations with Mrs.
9 Aamodt, and I know of no basis.

10 CHAIRMAN SMITH: This was discussed in sufficient
11 detail that I don't believe that a reasonable person could
12 draw the inference that Mrs. Aamodt has drawn from that
13 conversation. It was stated quite clearly.

14 MR. ADLER: I just want to clear up two other
15 apparent inconsistencies. Mrs. Aamodt was not contacted
16 until 8:30 yesterday morning because she was not able to be
17 reached the previous evening. She was en route to and from
18 Kennedy Airport and did not return home until 1:00 or 2:00
19 in the morning.

20 Secondly, my offer on the behalf of Licensee to
21 deliver by messenger the letter yesterday morning was
22 completely unqualified.

23 CHAIRMAN SMITH: All right, let's break until 1:00
24 o'clock.

25 (Whereupon, at 11:58 o'clock a.m., the hearing in

1 the above-entitled matter recessed, to reconvene at 1:00
2 o'clock p.m. the same day.)

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AFTERNOON SESSION

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1:04 p.m.

3 MR. ADLER: There was a press conference this
4 morning at Three Mile Island at which Governor Thornberg
5 issued a policy statement on TMI. I will receive a direct
6 copy of that statement this afternoon or tomorrow and I will
7 identify the portions that may be relevant to this
8 proceeding and serve them for the interest of the Board and
9 the parties.

10 CHAIRMAN SMITH: Could you tell us what the
11 subject matter of it was?

12 MR. ADLER: I do not have a copy of the complete
13 text. My understanding is that part of the statement
14 relates to financial issues. It is consistent with the
15 Commonwealth findings previously filed.

16 CHAIRMAN SMITH: Mr. Tourtellotte?
17 Whereupon.

18 STEVEN CHESNUT, ROBERT E. ROGAN AND WILLIAM DORNSIFE,
19 the witnesses on the stand at the time of recess, having
20 been previously duly sworn, were further examined and
21 testified as follows:

22 CROSS EXAMINATION

23 BY MR. TOURTELLOTTE:

24 Q The question I wanted to ask is, I guess, of Mr.
25 Rogan, is whether -- well, Met Ed is not suggesting that --

1 or GPU is not suggesting that they are establishing plans
2 to man the control room and the operations center on the
3 basis of personalities, are they?

4 I mean, the thing that bothers me, let me explain
5 what I mean by the question. They keep talking about Mr.
6 Clark and Mr. Arnold and the other parties who might appear
7 or not appear by name. And in fact aren't we really taking
8 about a plan? Are we talking about a plan that is based
9 solely on personalities, or are we talking about a plan that
10 is designed to handle situations without regard to
11 personalities?

12 A (WITNESS ROGAN) I think it has been useful for
13 the purposes of this hearing to refer to some people by name
14 because it is a common denominator which everyone is
15 familiar. But in point of fact what we are really saying
16 is, and I could use the terms that under the present
17 structure we would want the individual we consider to be the
18 most competent and knowledgeable in the plant to manage the
19 plant problem and in that sense to serve as the emergency
20 director.

21 And we would want the person who will ultimately
22 be identified in the terms of senior corporate spokesman in
23 the longer term to be that person which we consider most
24 appropriate to serve in that particular capacity.

25 To that end we have identified on our own rosters,

1 by name, in order to predesignate those people whom we have
2 selected and who we believe can best do the job and we have
3 even gone so far as to attempt to prioritize those, not
4 necessarily assuming availability but assuming that the one
5 who is indicated number one is the man we would most like to
6 have to do the job.

7 Now when one tries to organize to take best
8 advantage of the skills that exist in the corporation you
9 can hardly eliminate considerations of particular
10 personalities and their experience and their skills and so
11 forth. So to that end, yes. Our present plan calls for
12 certain people to do certain jobs and, in fact, if one of
13 those people were to be replaced in his particular position
14 -- let's say the Vice President of TMI-1 were to be promoted
15 to some other job and a new person was designated -- we
16 would have to evaluate whether or not in fact the Vice
17 President of TMI-1 is still considered to be the number one
18 person to be emergency director for TMI-1. And it might
19 turn out in that case that we might chose that Mr. Tool
20 would in effect be our number one choice, at least in the
21 term while the Vice President is learning about the
22 plant and learning about the corporate response plan and
23 procedures and that sort of thing.

24 But given all of that I think the point I want to
25 leave the Board with is that our selections and our

1 structure is based on putting the most qualified person in
2 each of the key slots to manage the particular emergency
3 response and then to equip him with a staff that permits
4 him, within the consistent parameters of reasonable span of
5 control, to manage the responsibilities we assign to him.
6 That really is the basis of our emergency response
7 organizations.

8 Q In each case of making a designation like that you
9 are going to have to have some backup appointees as well,
10 isn't that true?

11 A (WITNESS ROGAN) No question about it. I think we
12 have in previous testimony indicated that in all of our key
13 slots that we call upon to be responsive within a certain
14 limited time frame we have, as a general rule, three or more.

15 Q Is there any reason why physically you cannot take
16 at least one of those backup people and have them located in
17 the EOF while the person who is primarily responsible for
18 directing the control room goes to the control room? Is
19 there any physical reason why that cannot be done?

20 A (WITNESS ROGAN) I think one could postulate a
21 scenario where that could not be done and maybe that is part
22 of the issue. We have indicated our preferences with regard
23 to who should man the action at Three Mile Island 1 and who
24 should be the person to be the senior corporate
25 representative and best manage the program overall and our

1 concept provides for that.

2 I could hypothesize a situation just based on our
3 present organizational structure where on a given day,
4 although not likely, it is conceivable that those people
5 that are designated to be the emergency support director,
6 all of whom are either vice presidents or senior vice
7 president or president of the company, could for some reason
8 be in Parsippany at a Board meeting or something, and on a
9 given day might, as Mr. Zahler indicated, take two or three
10 hours to recover.

11 And again, although I find that to be somewhat
12 unlikely, the situation could occur and, therefore, we have
13 structured ourselves so that we do not feel that to properly
14 manage the accident and to properly provide for the safety
15 and wellbeing of the public at large surrounding TMI that it
16 is necessary to have an emergency support director in the
17 facility within one hour.

18 We do acknowledge the advantages of an emergency
19 operation facility and it is our intent, based on that
20 letter and indicated by that letter, to begin staffing as
21 soon after notification as possible to reach a minimum
22 staffing level within one hour and to begin to put the
23 operation in such a state of readiness that at whatever time
24 the emergency support director should arrive data will be
25 available and he will be able to bring himself quickly on

1 board and assume his responsibilities and his role as
2 emergency support director.

3 But in the concept that we follow we do not see
4 the requirement to have to do that.

5 CHAIRMAN SMITH: All right, have you concluded
6 your line with Mr. Dornsife?

7 MR. ZAHLER: Yes. I have no further questions of
8 Mr. Dornsife.

9 CHAIRMAN SMITH: We have a few questions along
10 this line.

11 BOARD EXAMINATION

12 BY CHAIRMAN SMITH:

13 Q Mr. Dornsife, as I see it from your viewpoint,
14 yours seems to be somewhat different from that of Mr.
15 Chesnut. You don't seem to be particularly concerned that
16 the protective action recommendations originate in the mind
17 of a particular person at a particular physical location,
18 but that you wish to be assured that you have reliably all
19 of the information you need to perform your duties. It is a
20 question of information.

21 A (WITNESS DORNSIFE) Yes, sir. Let me just say
22 that our major concern in this area is knowing in detail the
23 basis and all the considerations that go into the decision
24 to recommend protective action.

25 Q And from your observations you seem to sense that

1 while the six representatives of the various departments may
2 be present at the EOF from one hour on without the presence
3 of, as you stated, someone with authority or clout, that
4 might not be a reliable source of information.

5 A (WITNESS DORNSIFE) Sir I can see the same
6 circumstance occurring at the EOF that occurred in our
7 headquarters, that the rad line may be the only way to reach
8 the control room and it may be physically separate from the
9 emergency director. It may be difficult to get operational
10 information concerning protective action recommendations and
11 the bases for those.

12 Q Your observation about --

13 A (WITNESS DORNSIFE) In other words, our desire to
14 be at the EOF to get that information may not be as
15 desirable if the support director is not in fact there and
16 has that responsibility.

17 Q I am trying to bridge the gap between what I see
18 to be an unnecessary void the way the evidence stands right
19 now. Licensee seems to want nothing except the best
20 available to them as the emergency support director. And if
21 it means waiting to have that that is what they want.

22 You and Mr. Chesnut seem to want the best
23 available at that emergency EOF immediately. Mr. Chesnut
24 has different reasons and I am trying to see if we can
25 understand what yours are, separate from his. Does it

1 necessarily have to be a person bearing the title emergency
2 support director who provides you with reliable information
3 promptly that you need?

4 A (WITNESS DORNSIFE) I think in that title of
5 emergency support director and recognizing there are many
6 people who could potentially fill that role, especially in
7 the early hours of an accident, when the only responsibility
8 that is being transferred to that person is for protective
9 action recommendations, that the responsibility that Mr.
10 Rogan is pointing out may come later when press conferences
11 are required. And at that time conceivably a senior
12 management representative could be at the EOF.

13 But in the early hours the only responsibility
14 this person could be assuming is that for protective action
15 recommendations. And all of these people have previously
16 testified that they are capable of being emergency directors
17 and have the training and the experience to make these
18 recommendations.

19 Q Yes, but it is the either/or type of thinking that
20 I think is causing frustration here. Licensee says we want
21 nothing except emergency support director among the four
22 designated and they, of course, cannot be committed to be
23 there.

24 And you, of course, are saying well, you want a
25 person known as the emergency support director. And I don't

1 understand the need for that. All I understand from your
2 description is that you need information. You need
3 information.

4 A (WITNESS DORNSIFE) I think with the title
5 emergency support director would come the responsibility for
6 making protective action recommendations when that person
7 has come up to speed and assumed the responsibility. That
8 is the function that we feel is critical, where we get our
9 input from that person who has that responsibility directly.

10 Q This is in addition to your previous testimony,
11 then, because your previous testimony was limited to a
12 reliable, prompt source of information. Now you are going
13 over into the area where you want to see the decisionmaking
14 authority repose in that person who is there at the support
15 center. So that's new.

16 That is in addition.

17 A (WITNESS DORNSIFE) I believe that is the whole
18 purpose of the EOF.

19 MR. ADLER: Can I just ask one clarifying question
20 of Mr. Dornsife?

21 DIRECT EXAMINATION - Resumed

22 BY MR. ADLER:

23 Q As I understand your position, Mr. Dornsife, it is
24 not the specific title emergency support director but rather
25 someone with the training and qualifications necessary to

1 make protective action recommendations, is that correct?

2 A (WITNESS DORNSIFE) No, I think it would go beyond
3 that and the function of making protective action
4 recommendations should be vested with the person who is in
5 the EOF and has whatever title they want to give him. But
6 it is the function, not necessarily the title of the guy.

7 BOARD EXAMINATION - Resumed

8 BY CHAIRMAN SMITH:

9 Q So you actually take the position, as the staff
10 does, that for some reasons that are entailed, and perhaps
11 even others, that the source of the thought processes has to
12 be physically controlled? I mean, you have to have that
13 decision originated in the mind of the person who is
14 physically at the EOF?

15 You have gone beyond the need for information and
16 you are now trying to control where the judgments are made
17 and who makes them.

18 A (WITNESS DORNSIFE) But for a different reason
19 than the staff. Ours is that we want to know what the basis
20 in detail and what the process that went into that
21 protective action recommendation is. And the staff's
22 position seemed more to be using the responsibility of the
23 emergency director with that particular function.

24 Ours is one of coordination and understanding so
25 we can responsibly make a protective action recommendation

1 to the Governor based on that recommendation.

2 Q Which goes back to information.

3 A (WITNESS DORNSIFE) But the concern was that the
4 emergency support director is not in the EOF. That
5 information flow may not be as adequate as it would be.

6 Q This is where I am trying to explore. The only
7 way that I know how to approach it is to divide up your
8 various concerns, identify them, and then add them up and
9 see what the bases are. And I am trying now to distinguish
10 between your need for information and what seems to be your
11 desire to control the Licensee's managing, which is to
12 require a decision to be made by a particular person at a
13 particular place. That is what you seem to want as a
14 management device, not as an information device.

15 I think there is too distinct to purchase here and
16 until I brought it up you had not referred to your
17 management requirements.

18 A (WITNESS DORNSIFE) I thought I had and I thought
19 maybe you misunderstood. Let me try to explain it
20 differently.

21 If our need was only for operational information
22 then the information available at the EOF may be entirely
23 appropriate. I don't know that because I have not seen a
24 fully-functioning EOF. For example, the computer was not
25 available and we relied strictly on force-feed information.

1 A safety parameter display panel could make the big
2 difference for information purposes which may in fact be
3 available in the future.

4 But the real concern here is that there are many
5 types of considerations that go into making protective
6 action recommendations -- operational status of equipment or
7 systems. Now system information may only be a portion. And
8 the emergency support director, when he has the function of
9 making protective action recommendations, is the focus for
10 all of this information. And to be where that information
11 is being focused and being privy to all of that information
12 is very important for us to fully understand the basis of
13 the recommendation.

14 And I am not sure whether that function were not
15 transferred to the EOF whether we would be as fully aware of
16 the considerations that went into that protective action
17 recommendation.

18 Q The point --

19 MR. TOURTELLOTTE: Mr. Chairman, could I ask a few
20 questions at this point that might help make the point, or
21 maybe I'm missing the point and we'll see.

22 CROSS EXAMINATION - Resumed

23 BY MR. TOURTELLOTTE:

24 Q Mr. Dornsife, during the accident at TMI-2 who
25 made the decisions on taking protective action?

1 A (WITNESS DORNSIFE) The Governor did, based on the
2 recommendation of the Nuclear Regulatory Commission.

3 Q But within the company who was it that rendered
4 the advice to the Governor?

5 A (WITNESS DORNSIFE) There was no recommendation
6 from the company to take protective actions.

7 Q Who was it that was running the control room --
8 I'm sorry. Isn't it true that the information that was
9 coming from the plant at that time was basically coming from
10 the control room?

11 A (WITNESS DORNSIFE) That is correct, to our
12 location in BRP, yes.

13 Q Now wouldn't you agree that if the senior member
14 of the company was the emergency support director and he
15 were in the control room as the senior member of the company
16 and some junior member were the emergency director that it
17 is certainly a good possibility that the emergency support
18 director would become involved in the operations of the
19 control room rather than in doing the job of the emergency
20 support director, as he should? Isn't that a possibility?

21 MR. ZAHLER: Objection. This witness has
22 absolutely no basis to answer that question. He has never
23 operated a commercial nuclear power plant. He's not
24 familiar with Licensee's procedures in this area. I don't
25 understand why it is we are asking the State what happened

1 to the Licensee's operating personnel.

2 MR. TOURTELLOTTE: The question is almost a common
3 sense question. You don't have to be an expert to answer
4 that. The level of expertise that Mr. Dornsife has in
5 nuclear power and in the direction of people in the nuclear
6 business certainly entitles him to have an opinion about
7 this. That is really -- if we break away from it for a
8 moment that is really the point.

9 The point is not that -- I mean, I can understand
10 the company's desire to have a senior member of their staff
11 in the control room, but, similarly, you have to understand
12 that there is a basic problem. If the senior member who is
13 the emergency support director is in the control room and
14 something is going on in the control room, it is going to be
15 very difficult psychologically for him to put all of those
16 things aside and direct his attention to what he is supposed
17 to be directing his attention to.

18 And I think that is where one of the key problems
19 is. If he is not in the control room he can't be there
20 telling that control room director what he is supposed to be
21 doing to run the control room. He is going to be in the EOF
22 doing what he is supposed to be doing in the EOF.

23 And if he is in the control room he is going to
24 have a very strong inclination as the senior member of the
25 staff to be directing the control room. And we get back to

1 the point which I mentioned earlier and tried to make clear
2 in the position of the staff. We have a separation of
3 functions problem and one of the ways that we can help
4 ensure the separation of functions problem is to have those
5 two people in separate and distinct locations.

6 Now the problem that we face in the early hours, I
7 mean, that is not a problem after four hours, because under
8 the Licensee's plan they're going to have people in the
9 right places anyway. But up to that four hours we
10 nevertheless have to have someone who will no be diverted in
11 any way from the duties they have as emergency support
12 director.

13 CHAIRMAN SMITH: Even if in Licensee's judgment
14 that diversion is desirable. That's the thing that hangs me
15 up, why you would prohibit the Licensee from making that
16 judgment. Because that is not necessarily, it seems to me,
17 proven to be a bad thing.

18 MR. TOURTELLOTTE: Well, I understand what you are
19 saying and certainly there are advantages to having the kind
20 of flexibility. But understand also that what we are
21 talking about is a recommendation for an organizational
22 structure and my best guess is that the bottom line of this
23 thing is that the staff is recommending a given structure
24 and recommending that that structure be imposed on the
25 operation of TMI-1.

1 And the people at Met Ed are saying that no, they
2 don't want that structure. They want something else. That
3 finally boils down to a matter of judgment as to whether we
4 have an adequate basis for that or they have an adequate
5 basis for theirs.

6 DR. JORDAN: There was one thing you said that
7 worries me, but the assumption might be wrong. You said
8 that the emergency support director, the senior official,
9 would be in the control room along with the emergency
10 director, and I didn't believe that that was the Licensee's
11 plan at all.

12 MR. TOURTELLOTTE: Well, my understanding of what
13 the Licensee's plan is that the emergency director of the
14 control room for the early time is going to assume those
15 same responsibilities.

16 DR. JORDAN: That's right.

17 MR. TOURTELLOTTE: So the problem I discussed a
18 while ago is going to come up. And that is, can one person
19 do both of those functions and which functions are going to
20 come out as being the most important functions? If that
21 reactor is getting into a super-critical configuration and
22 if there are very difficult safety problems arising, then
23 the most important thing is going to be trying to control it
24 so that the reactor won't run away.

25 And the business about taking protective actions

1 has to be of secondary importance to that same individual.
2 If you have two individuals -- two separate individuals --
3 doing two separate jobs and separate functions, then the
4 emergency director can go ahead and continue to maintain his
5 interest in keeping the reactor from running away and the
6 other one can do the job he is supposed to do. But you
7 cannot do it with one person.

8 DR. JORDAN: Well, the Licensee proposes that the
9 emergency director will have a very senior person but be
10 under him in the control room who will be performing those
11 functions, communicating and deciding what to do in the
12 nature of emergency planning.

13 MR. TOURTELLOTTE: But you can turn the logic
14 right around. So what difference does it make whether that
15 junior person is over in the EOF or he is right there in the
16 control room? What difference does that make except for the
17 fact that he is over in the EOF and he is not distracted nor
18 is he in the middle of the confusion that is perhaps going
19 on in the control room?

20 CHAIRMAN SMITH: It is difficult to weigh and
21 balance these things. Every time you talk about not
22 distracting someone you have a necessary component to it,
23 and that is that you isolate him from being helpful. The
24 two are constant compromises as you go along.

25 MR. TOURTELLOTTE: Precisely. And that is why I

1 tried to indicate earlier on that we concede, the staff will
2 concede, that there are advantages and disadvantages both
3 ways. The staff comes out on a judgment basis that the
4 greatest advantages are in having two separate people in two
5 separate places to do two separate functions.

6 The Licensee comes out that they are going to have
7 two separate people but they are going to have them in the
8 same place. And presumably I would think they would still
9 want to say at least that they are going to do the two
10 separate functions that way.

11 We just believe, for certain reasons -- Mr.
12 Dornsife indicated the experience that they had during the
13 exercise. Frankly, I could ask Mr. Chesnut whether he
14 agrees or disagrees with Mr. Dornsife's observations on
15 experience.

16 Would you agree with that general observation?

17 WITNESS CHESNUT: Yes, I would.

18 MR. TOURTELLOTTE: So we have on the one side the
19 staff of the state who say not only on the basis of their
20 judgment but on the basis of the experience of the exercise
21 they have reinforced that judgment with their experience in
22 the exercise.

23 On the other side we have the Licensee, who, for
24 reasons of flexibility and other reasons which I don't
25 completely discount their reasons as being good reasons, but

1 it is just a matter of how you are going to weigh them. And
2 we come out in a different direction.

3 MR. APLER: I'd like to add, Mr. Chairman, I think
4 Mr. Tourtellotte's analysis is correct, essentially that the
5 differences -- the difference is the location of that second
6 function of the emergency support director. And I would
7 like to reiterate that our view is the primary function
8 there is the formulation and transmittal of protective
9 action recommendations.

10 So in determining what the proper location is, it
11 seems to the Commonwealth that the overriding factor should
12 be the interface between the Licensee and the Commonwealth
13 in terms of making those recommendations. And that is the
14 very function. The very function is getting to the Governor
15 with the most understanding and the most information -- the
16 most reliable information -- Licensee's protective action
17 recommendation.

18 CHAIRMAN SMITH: Let's go back to Dr. Little's
19 approach to it. Necessarily you are going to be faced with
20 a conflicting judgment to take a person that is decided by
21 the Licensee to be the best equipped to be emergency
22 director. You are going to have to take him out and make
23 him the emergency support director, and which place you're
24 going to put after the first hour. And your option will be
25 to either let him stay or not -- in or out.

1 Let's say that you -- well, in the first place, am
2 I confused in assuming that the skills required to be the
3 emergency support director are comparable to the skills
4 required to be the emergency director?

5 MR. ADLER: Not necessarily, and I don't believe
6 that was Mr. Dornsife's position.

7 CHAIRMAN SMITH: But is that an issue here? Has
8 this been analyzed and discussed in evidence? In my view I
9 don't think it has been.

10 MR. ADLER: The training in terms of making
11 protective action recommendations are the same. The
12 training in terms of operational control of the plant is not
13 necessarily the same.

14 CHAIRMAN SMITH: So that more people can be the
15 emergency support director than can be the emergency
16 director?

17 MR. ADLER: I don't know if that is true in terms
18 of numbers. In theory that is correct. In terms of making
19 protective action recommendations that is correct. I
20 believe it is supported by testimony on the record, which
21 Licensee and the staff has testified that there are a number
22 of people -- quite a number of people -- in Licensee's
23 organization who are trained in making protective action
24 recommendations.

25 Licensee's testimony is that during the early

1 hours of an accident the shift supervisor or even the shift
2 foreman is trained in making protective action
3 recommendations. We think there are many people on
4 Licensee's staff who could serve as an interim emergency
5 support director for the purpose of making those
6 recommendations without pulling out of the control room the
7 best person from the operational standpoint.

8 CHAIRMAN SMITH: Okay. All right.

9 So that's exactly where I was going to. So we're
10 going to have -- most like you're going to have the senior
11 corporate official present is going to be the emergency
12 director in the control room, I mean in the plant.

13 MR. ADLER: I wouldn't say that. I would say it
14 is Licensee's judgment as to who the best operational person
15 to remain in the control room, and we don't want to touch
16 that judgment, as long as there's someone who's qualified to
17 make protective action recommendations in the EOF.

18 BOARD EXAMINATION - Resumed

19 BY CHAIRMAN SMITH:

20 BY MS. GAIL BRADFORD: (Resuming)

21 Q Right. So Licensee, however, will give priority
22 to the emergency support director and put their person
23 there, or keep him as emergency director and we would
24 probably assume that it would be Mr. Hukill as they have it,
25 if he's available, who will be the emergency director. And

1 it is likely that the emergency -- if you did have an
2 interim emergency support director he would be somebody
3 junior to Mr. Hukill in the hierarchy of the plant
4 management. That's the way it looks.

5 Now that emergency support director is going to
6 depend very heavily upon his consultation with the emergency
7 director on making his recommendations. There will have to
8 be consultation. Now what I am missing is, he's going to
9 have to make his decisions based upon information in
10 addition to the emergency director that he receives from
11 other sources.

12 And this seems to me to be the focus of the
13 problem right there. Is that why you believe that the
14 emergency director cannot perform the dual function during
15 the early hours?

16 A (WITNESS DORNSIFE) We're not saying he can't
17 because in fact he does for the first hour. But it is when
18 the shift supervisor -- the protective action recommendation
19 is required during the first hour, the shift supervisor,
20 prior to management people arriving on site, has the
21 responsibility for making that recommendation.

22 What we are saying is that the information that is
23 available at the EOF, that is the center for radiological
24 information, the coordination center for radiological
25 information, it has a drop from the operational line.

1 There's operational information available there. There's
2 also the communications with the emergency director.

3 So it is in a sense the focus of not only off-site
4 but on-site organizations. And the coordination of that
5 information is what goes into making a protective action
6 recommendation.

7 MR. ZAHLER: Mr. Smith?

8 DR. LITTLE: Is the crux of the matter -- and this
9 is for everybody -- is the crux of the matter who has the
10 authority to speak? Isn't that what it is, not training
11 qualifications or rank or anything else? Well, it is rank
12 in a sense, but who has the authority to speak?

13 MR. ZAHLER: It is who that's seeing the voice.
14 You remember the NRC comment is that there's one person. So
15 it's either going to be the person in the control room or
16 the person in the EOF.

17 It can't be both.

18 CHAIRMAN SMITH: But the parties have gone beyond
19 the single voice. That is what is causing me trouble. The
20 single voice I tried to get at that, and we slip over to not
21 a single voice but the decisionmaking. And this is where
22 the Commonwealth and the staff are entering the management
23 of the plant. And they are trying to tell you where and who
24 makes a particular decision.

25 Now single voice, I think we could get to that.

1 MR. ZAHLER: You are actually correct, Mr.
2 Chairman. That's just a placeholder for the word. The
3 difference is that both Mr. Adler and Mr. Tourtellotte, I
4 think, have a slight simply view of how divisible the
5 responsibilities are for operating the plant and a
6 protective action decision.

7 Mr. Dornsife has already testified that from the
8 State's point of view probably the most important
9 information is the operational information of the plant. If
10 you had someone in the EOF making the decision during the
11 early hours of the accident, the protective actions
12 decisions, he is going to be on the telephone to the
13 emergency director getting plant information.

14 By definition that is going to distract the
15 emergency director as much as if the emergency director
16 himself was making that decisionmaking process. And to some
17 extent the notion that they are parallel decisionmaking here
18 distracts also the responsibilities of the parties and
19 they've added an extra communication link there.

20 Now in later hours of the emergency there's more
21 staff around. There are additional people to assist both
22 the emergency director and the emergency support director.
23 And just as a matter of organization it is feasible to
24 divide up some of the responsibilities because you now have
25 a larger organization to manage.

1 But the question is, in the first hours of the
2 accident, whether you accomplish anything by dividing those
3 two responsibilities as easily as the staff and the
4 Commonwealth propose. Licensee's management decision is
5 that that is not the way they want to go. That is not the
6 way they want to manage the accident. That is not the way
7 they want to manage the plant.

8 They are sympathetic to the concerns that the
9 staff has and we have taken steps to ensure that the
10 emergency director is not distracted unnecessarily by
11 operational details.

12 I keep hearing that the emergency director is
13 going to be distracted by operational details. That is
14 based on a staff analysis of the Unit 2 accidents and takes
15 into account in not any way Licensee's unique staffing
16 organization. Mr. Chesnut has testified that is the generic
17 analysis of 0696 based on the minimum staffing on Table
18 B-1.

19 Licensee is wavy on that staffing. Licensee has a
20 different situation than the one that the staff analyzed and
21 as far as I can find, the staff refuses to analyze the
22 capabilities of the organization that Licensee is presenting
23 and just sticks to its preordained form and is trying to
24 force that organization into that form.

25 BOARD EXAMINATION - Resumed

1 BY DR. JORDAN:

2 Q Mr. Chesnut, I have just a few questions for you
3 that are almost beside the point but nevertheless I would
4 like to clear up in my mind.

5 Is the staff's position about manning an EOF
6 within one hour completely, is that a position that has been
7 put down in writing somewhere? Is that an 0737 item or
8 something of that nature?

9 A (WITNESS CHESNUT) The only place it comes out in
10 writing is in NUREG-0696, Functional Criteria for Emergency
11 Response Facility. And there's a statement in there which
12 indicates that the Licensee's operations facility should be
13 fully functional within one hour.

14 It goes on to explain what the functions of the
15 emergency operations facility are.

16 Q All right. Is that a requirement, then, or a
17 strong suggestion that the staff is applying to all nuclear
18 plants?

19 A (WITNESS CHESNUT) All the recommendations in 0696
20 are in the form of criteria guidance and not a regulation or
21 requirement.

22 Q I see. So it is more like a Reg Guide?

23 A (WITNESS CHESNUT) Yes. I will characterize it
24 more along a Reg Guide. Generally we consider 0654,
25 Emergency Planning Reg Guide 0656 gives more implementation

1 and guidance to the positions than 0654.

2 Q All right. Now the staff is requiring of
3 operating licensees that there be an off-site facility, is
4 that right?

5 A (WITNESS CHESNUT) Yes, sir, that is in the
6 regulations.

7 Q All right, but the four-hour is not a regulation
8 and neither is it being necessarily uniformly applied across
9 the board, is that correct?

10 A (WITNESS CHESNUT) Did you say four-hour or
11 one-hour?

12 Q The one-hour. I am sorry.

13 A (WITNESS CHESNUT) The staff has maintained that
14 one position uniformly with all of the plants, to have that
15 emergency operations facility functional within about one
16 hour.

17 Q Are they getting as much static from other
18 licensees as they are from this one?

19 A (WITNESS CHESNUT) There are other licensees who
20 are having equal difficulty. There are also an equal number
21 of licensees who agree with that concept.

22 Q All right. Thank you.

23 Now to Mr. Dornsife. If the Licensee prevails,
24 and again I emphasize we are only talking now about a brief
25 period of a few hours, if the Licensee prevails in having

1 the emergency support director continue for the first
2 four-hour period in the control room, would that the place
3 that, given your choice, you would like to be, namely in the
4 control room, or in the plant?

5 A (WITNESS DORNSIFE) I would think certainly the
6 information would be available there, but I don't think it
7 would be as readily available as it would be in the EOF.
8 And another consideration of getting into the control room
9 would be possible security problems, getting quickly into
10 the control room, as would be the fact with the EOF.

11 Q Then would you go ahead and tell me a little bit
12 here, and you did say it before, but do you feel that there
13 is actually a better information for making a protective
14 action in the EOF -- the information is better obtained at
15 that spot than it is in the control room?

16 A (WITNESS DORNSIFE) Yes, sir. I feel that way and
17 maybe if I give you some insight into what went into making
18 the protective action recommendation to the June 2 exercise
19 to give you an example.

20 Okay, the scenario had a steam generator tube
21 rupture which was complicated by a failure of the purge
22 valve in the containment to isolation. So the only way to
23 remove decay heat was through the steam generator. And you
24 couldn't go back on feed and bleed. So they were forcing
25 the release directly to the environment through the

1 condenser vacuum.

2 What really turned the tide as far as protective
3 action recommendations was the fact that the condenser
4 vacuum was lost because of a fire in the circ water
5 pump house. So, therefore, the atmospheric dump valve had to
6 be opened and we lost that partition factor for iodine that
7 was available in the condenser. So it was perceived that
8 the iodine release rate would go up very quickly.

9 And the information -- the off-site information
10 was available in the EOF. There was also information there
11 on projected -- not only projected dosage, when you would
12 exceed protective action guidelines, but also information
13 from the corporate headquarters on how quickly some of the
14 things might be repaired.

15 All of the insights seemed to be focused into the
16 EOF and a lot of that information was in turn passed on to
17 the control room and the emergency director.

18 Q But in that case it may well be because the
19 support director was indeed at the EOF.

20 A (WITNESS DORNSIFE) That is a possibility, but I
21 am saying that the EOF does contain that information. I
22 think it is better displayed in the EOF than it would be in
23 the control room, because the emergency director, the way I
24 understand it, is basically on one side of the control room
25 and the radiological information comes from the other side.

1 Q All right. Now a question for the Licensee.

2 Let's assume that Mr. Hukill has arrived in the
3 control room and has taken over the position of emergency
4 control director and he has with him other people who are
5 making, looking at the meteorology, the amount of
6 radioactivity to be given off and so forth, therefore making
7 plots and plans as to what the doses would be. And he,
8 therefore, is acting in a sense, or is acting as the
9 emergency support director.

10 Now if there was a requirement at the end of one
11 hour that the emergency -- the off-site emergency be manned
12 that would surely not be Mr. Hukill. The Licensee would not
13 choose to send Mr. Hukill there, isn't that true?

14 A (WITNESS ROGAN) That is correct. We would want
15 him to remain in the control room as emergency director.

16 Q And so if Mr. Arnold or Mr. Clark had not been
17 able to arrive, and this is what I presume you hope will
18 happen, indeed, is that Mr. Arnold, Mr. Clark or someone
19 will arrive at the off-site facility during this one hour or
20 shortly thereafter. If that fails under this requirement
21 they would have to send someone else over to the off-site
22 facility to serve as the emergency support director.

23 A (WITNESS ROGAN) That is correct. And, as a point
24 of clarification, your first observation is absolutely
25 correct. Under no circumstances would we want to project

1 anything other than the idea and the concept that once
2 activation is called for it has always been our intent to
3 maneuver fully and as rapidly as we can.

4 And it is just a matter of getting the people in
5 and you are aware of the problems with regard to Mr. Arnold
6 and Mr. Clark. The problem, again, was very properly
7 addressed by Chairman Smith. And that is the managerial
8 hierarchy of the plant. If we have Mr. Hukill in the
9 control room, where we genuinely believe he should be, and
10 the other people we designated as emergency support
11 directors are not readily available, then we are forced into
12 a position where we are being asked to take someone junior
13 to the emergency director to the EOF apparently to make a
14 very important decision concerning protective action
15 recommendations.

16 And we feel that that decision should be made by
17 the senior and most qualified person we have available and
18 that clearly is the emergency director in the control room.

19 BY CHAIRMAN SMITH: (resuming)

20 Q Now if you prevail on that view don't you,
21 however, recognize the desirability of having a single
22 corporation spokesman with the training, the experience and
23 the competence to gather information and to disseminate it,
24 including information on protective action recommendations,
25 regardless of where that information arises, where the

1 decision are made or who was the source of the protective
2 action recommendations?

3 It seems to me that there is merit to part of Mr.
4 Dornsife's concern and that is, six autonomous
5 representatives at the off-site facility doesn't, it seems
6 to me, seem to be a good source for information. It seems
7 to me that a single competent, informed, corporate spokesman
8 would be desirable there.

9 * (WITNESS ROGAN) And I think if I recall our
10 procedures correctly and certainly in practice I know what
11 our procedure is, and that is first it was never our intent
12 that the minimum staffing of the EOF represent in six bodies
13 or sixteen the corporate spokesman. They would be there to
14 begin to put the facility into operation and to post and to
15 assemble and to analyze data and to be prepared to receive
16 the emergency support director when he arrived.

17 And among those people, incidentally, would be the
18 public relations representative, who would be charged with
19 developing press releases. However, absent the emergency
20 support director, the emergency director is the corporate
21 spokesman. And any releases, any official representations
22 of the corporation which were made before the arrival of the
23 emergency support director would be made by an emergency
24 director. He is the company spokesman until the emergency
25 support director arrives and announces himself. But there

1 is still only one, and the question is where is he.

2 And our view is, until our designated emergency
3 support director arrives at the EOF he will remain the
4 emergency director. If it is an issue of communicating with
5 the state he would be expected to do that if it was an issue
6 of public press releases. We would follow a procedure very
7 similar to the one we used for Mr. Arnold, and that is based
8 on the data our communications department would prepare, a
9 release which would then be very carefully reviewed by the
10 company spokesman before it was released. In this case it
11 would be the emergency director, Mr. Hukill.

12 I just have to observe that I sense that one of
13 the concerns at least of the staff is somehow a conclusion
14 that the emergency director cannot do these things, that he
15 cannot make a protective action recommendation and manage
16 the plant at the same time. And a very important part of
17 our concept is that we have in fact given him a very
18 substantial staff of very highly qualified people to manage
19 for him the four specific areas of concern within the plant
20 and to feed to him information and to make recommendations
21 to him with regard not only to the plant management and
22 mitigation of the accident but also to protective action
23 recommendations, press releases, and all those things that a
24 senior manager would be expected to do.

25 And we believe it is very much within his

1 capabilities and his span of control to both manage the
2 plant and coincidentally be aware of the implications of the
3 plant status on the public at large and, therefore, to make
4 the recommendations to the state with regard to what ought
5 to be done, if anything, in terms of protective action.

6 And that, really, I think is the basis of our
7 concept.

8 BY DR. LITTLE:

9 Q Mr. Chesnut, is there anything in common among
10 those licensees who've agreed to this concept and those who
11 have fought it? What seems to be the reason for some
12 licensees agreeing and others disagreeing?

13 A (WITNESS CHESNUT) Well, the most often heard
14 reason that the staff receives with regard to not stationing
15 the EOF fully within about one hour is that those particular
16 licensees feel that the initial actions should be
17 concentrated on the in-plant desire to mitigate the accident
18 and prevent the release rather than to divide various
19 resources out -- one part of the resources mitigating the
20 plan and the other preparing the public and informing the
21 public of the releases and the potential consequences.

22 It is more efficient just to concentrate more
23 entirely on the in-plant actions and so our waiting usually
24 till a corporate staff comes up from a distant location.
25 The staff, EOF, and performs some of the information

1 dissemination interface function.

2 The total numbers of people at these various
3 plants is often the same. In other words, I've reviewed
4 some plans where within an hour there are 30-35 people on
5 station. Some of those people place five or ten people in
6 the EOF and some stations maintain that they're going to
7 have them all in the on-site proper.

8 The NRC staff has continued to press and maintain,
9 though, that those functions, you know, as I stated before,
10 should be separated and that concentration should be made
11 for both the in-plant mitigation as well as informing the
12 state and local officials and the public of what is going on.

13 CROSS EXAMINATION

14 BY MR. ZAHLER:

15 Q Mr. Chesnut, is there any additional information
16 with respect to TVA? When we talked about this last time it
17 was my understanding that the staff had approved TVA's
18 proposal that did not provide for a decisionmaking authority
19 in the EOF at any time during the accident.

20 A (WITNESS CHESNUT) I'm not thoroughly aware of all
21 of the provisions of the TVA EOF staffing question..

22 Q You have nothing to add, then, to the testimony
23 that primarily Mr. Grimes gave at an earlier date?

24 A (WITNESS CHESNUT) No, I have not.

25 MR. TOURTELLOTTE: Dr. Little, I would point out

1 at this juncture that the very reason of complaining about
2 using this plan, that is all the resources should be devoted
3 to mitigating the accident, goes directly to the statement
4 that I made earlier, which is if everybody is in the control
5 room, that is what the central focus is going to be.

6 And this is one of the reasons why we believe it
7 was important to separate the functions and separate the
8 people geographically.

9 MR. ZAHLER: Just so the record is clear, this
10 Licensee has never offered that as a reason.

11 DR. JORDAN: There is, however, a limitation on
12 the number of people in the control room, isn't that true?

13 MR. ZAHLER: A limitation on the number?

14 DR. JORDAN: Yes, is there no limit?

15 MR. ZAHLER: No, not that I know of.

16 MR. TOURTELLOTTE: I wouldn't suggest that this
17 Licensee had done that. What I was simply stating was to
18 demonstrate the psychological factors involved in handling
19 an accident. And the strongest tendency is to try and
20 mitigate the accident.

21 There are two very important functions and we
22 don't for a moment suggest that mitigating the accident is
23 not important, but also taking protective actions is
24 important and we don't want a situation to occur where
25 someone has to make the choice as to where they devote their

1 attention. We want them to devote attention to mitigating
2 the accident here and we want them to devote their attention
3 to protective actions over here.

4 Let me say one other thing, and I don't know that
5 we're getting close to the end of this or not, but this is a
6 very, very close question and it really is one that is quite
7 judgmental. There are advantages and disadvantages on
8 either side. And I only hope that we have been as
9 forthright as we can be and as candid and open as we can be
10 to help the Board make this very difficult decision.

11 CHAIRMAN SMITH: I think that your comment is
12 really appreciated by the Board and it is helpful.

13 DR. LITTLE: Mr. Zahler, how did you arrive at the
14 time of four hours as being the time for fully staffing the
15 EOF?

16 MR. ZAHLER: May I just say the only difference
17 between one hour and four hours is essentially the emergency
18 support director. I don't think there's any dispute between
19 the staff that the people we would have there in one hour
20 but for the emergency support director constitutes full
21 staffing.

22 DR. LITTLE: And how did you wind up with a
23 four-hour time?

24 WITNESS ROGAN: Dr. Little, it was really a
25 practical matter of the possibility of having designated

1 support directors in, for instance, Parsippany or Oyster
2 Creek, somewhere within the geography of the corporate
3 responsibility. And just ensuring that we could in fact
4 make them available within the time frame that we committed
5 to do so.

6 DR. LITTLE: And that is a conservative value.
7 What would you realistically expect the average time for
8 getting there would be?

9 WITNESS ROGAN: I think four hours probably comes
10 up fairly realistic. And the reason for that is clearly if
11 it is a quick-developing accident with almost no
12 notification you are into a site emergency. We would
13 certainly depend on helicopter transport for Parsippany
14 where by the time we got an aircraft and flew to Harrisburg
15 it could well be close to four hours.

16 The other side of the house is that it is a slowly
17 developing incident where we have previous notification in
18 which case I can't even envision that our senior management
19 wouldn't already be on site. But given the worst possible
20 case, four hours is probably a very realistic time, one that
21 we could make sure we could guarantee to the Board and
22 everyone that we could in fact have that person here.

23 CHAIRMAN SMITH: Is there anything further?

24 MR. ZAHLER: I have one question to Mr. Chesnut
25 that has nothing to do with the EOF related to his other

1 questions.

2 MR. ADLER: I have questions for all three
3 witnesses on this area, whatever you prefer.

4 CHAIRMAN SMITH: Well, let's complete the
5 examination in this area.

6 MR. ADLER: First I have one line of redirect for
7 Mr. Dornsife.

8 REDIRECT EXAMINATION

9 BY MR. ADLER:

10 Q Is your judgment -- is your position based on your
11 judgment as to how you will best function once you have been
12 notified of an accident?

13 A (WITNESS DORNSIFE) Yes, it is based on the
14 nuclear engineer and myself being at the EOF where we feel
15 the information is available and unless the emergency
16 support director is there and may not be totally complete.

17 Q So you don't think there's any relevance to the
18 fact that there is not 24-hour-a-day manning by BPP?

19 A (WITNESS DORNSIFE) Let me, if I may add to that
20 point, our eventual plan is to have a nuclear engineer for
21 each reactor site in Pennsylvania and hopefully when we get
22 fully manned we would have a backup for each particular site
23 so we could indeed have 24-hour coverage for each site at
24 that point.

25 Again, that is not available now. We expect it to

1 be in the future.

2 Q So what you're looking for now is the best
3 possible situation from the Commonwealth's perspective given
4 the current manning?

5 A (WITNESS DORNSIFE) That is correct. The type of
6 coverage we feel or the type of information where we feel it
7 would be the most adequate to protect the public health and
8 safety.

9 Q Next, for Mr. Rogan, on page 2 of the July 8
10 letter to Mr. Gray from Mr. Zahler the first paragraph said
11 Licensee intends to activate the EOF, et cetera. The second
12 paragraph, last sentence, said, "It is anticipated that this
13 will occur within four hours," et cetera. I am interested
14 in what the status of these commitments are. Do you intend
15 to modify Licensee's emergency procedures and emergency plan
16 to make these commitments prior to restart?

17 A (WITNESS ROGAN) Yes, I do. I believe if you
18 refer to the last paragraph we have committed to do
19 precisely that.

20 Q So the word "intends" and "anticipated" really do
21 not reflect uncertainty, is that what your testimony is?

22 A (WITNESS ROGAN) I'm not sure I understand the
23 intent of your question. Could you ask it again please?

24 Q The word "intends" and the word "anticipated" do
25 not reflect any lack of firm commitment to make these

1 procedural changes?

2 A (WITNESS ROGAN) No, not at all, not as I
3 understand t) commitment.

4 Q In your opinion, is Mr. Hukill Licensee's most
5 qualified official to coordinate plant operational data and
6 to direct the operation of the plant?

7 A (WITNESS ROGAN) In my view he is and will be even
8 more so when we start, based on a rather extensive training
9 program that he is undergoing right now.

10 Q I want you to understand that we are not trying to
11 -- the Commonwealth is not trying to question that
12 judgment. We are trying to understand the basis for it.
13 Isn't it true that there are officials who have far more
14 experience and knowledge of the operations of TMI-1?

15 A (WITNESS ROGAN) I am afraid you are about to
16 enter into a region where I may not be the most qualified to
17 answer. I would say it is my understanding that based on
18 Mr. Hukill's overall experience in nuclear matters, both
19 before he arrived at GPU and since taking over directorship
20 of TMI-1, and his present state of familiarity with the
21 plant and his projected level of expertise as he completes
22 this training program, that on balance he is in my view
23 unquestionably that management person who is most qualified
24 to conduct the overall management business of the plant,
25 both routinely and in an emergency situation. And I would

1 say that in the general sense of management of all of the
2 major areas of functional responsibility within the plant.

3 Q Have you run any drills without the EOF activated
4 that have gone through to making protective action
5 recommendations to the state?

6 A (WITNESS ROGAN) I'll have to answer that in two
7 parts. We have run a number of drills which did not involve
8 activation of the EOF. I cannot off the top of my head
9 recall a specific drill in which we did in fact make a
10 protective action recommendation as part of the exercise
11 scenario in which the EOF was not activated.

12 Q Let's hypothesize that you choose the most senior
13 and the best management person available to make protective
14 action recommendation and that he is stationed in the
15 control room. Can you tell me what good that decision is,
16 assuming it is the best possible decision that can be made
17 if that decision and all its bases are not accurately
18 communicated to the state and understood by the state?

19 A (WITNESS ROGAN) Certainly under the hypothesis
20 and under the restrictions you have imposed there would be
21 less of a value to the recommendation in terms, at least, of
22 the state's understanding of the basis for that
23 recommendation than there would be if it had been properly
24 communicated.

25 However, I need to respond. The only thing I can

1 say, I can conceive of no particular situation or
2 circumstance in which the basis for that decision could not
3 be made as readily and as accurately from the control room
4 as it could be from EOF. The communications are certainly
5 available to do that.

6 Q Do you agree, then, it is an extremely important
7 consideration in determining whether to take protective
8 action recommendations?

9 A (WITNESS ROGAN) I think it would be difficult for
10 us to make a recommendation to the state if we couldn't
11 communicate it. The mechanical process of communicating is
12 an essential element of making the recommendation to the
13 state. In terms of communicating the basis for that
14 recommendation certainly the more information that was made
15 available to the state the more of an appreciation they
16 would have of the Licensee's reasons for making the
17 recommendations and, therefore, I presume, would be in a
18 better posture to determine whether to accept or reject that
19 recommendation.

20 Q When the Licensee made its policy decision on this
21 issue, did Licensee in fact weigh and consider the aspect of
22 communications of protective action recommendations to the
23 state?

24 A (WITNESS ROGAN) I think there's no question about
25 that. And in fact the whole matter of protective action

1 recommendations, both formulation of the information
2 required to arrive at such a recommendation, the bases upon
3 which such recommendations should be made, and the process
4 by which it should be passed to the state have all been very
5 much an important part of our consideration of the
6 development of the concept for operations for the emergency
7 and a part of the training for all of those personnel who
8 might be put in a position of having to do that sort of
9 thing.

10 Q Are you aware of the perceived deficiencies in the
11 radiological line stated earlier by Mr. Dornsife as
12 experienced during the drills that occurred prior to the
13 June 2 exercise?

14 A (WITNESS ROGAN) Yes, I do recall that during the
15 very early exercises, and I might add really I think in the
16 first one or two, in which the Commonwealth opted to
17 participate with us, there was a perceived overburdening of
18 that communications link because there were some demands
19 early in the game for operational data which had not been
20 anticipated and until some procedures were worked out there
21 was a perception that perhaps that particular line had been
22 overtaxed.

23 Q Would you agree, at least, to the extent that
24 those deficiencies weigh in favor of having a person
25 responsible for protective action recommendations in EOF?

1 A (WITNESS ROGAN) If those deficiencies or
2 perceived deficiencies were to continue without resolution
3 and, well, the only course to resolve them would be to make
4 those decisions at that location. Certainly it would tend
5 to minimize communications problems. However, there are
6 many more solutions to the problem than that, not the least
7 of which is additional communications links.

8 So I don't feel that either that early-on
9 perceived deficiency in the earlier exercises, while we were
10 all hunting down our procedures or the simple need to
11 communicate -- and I don't mean simple in the sense of
12 importance, but the mechanics of communicating the
13 recommendation to the state -- of and by themselves would
14 warrant such a major change in the concept of operations.

15 Q You mentioned other solutions, other
16 communications improvements. What other communications
17 improvements have been made since those drills in addition
18 to the radiological line?

19 A (WITNESS ROGAN) Well, on at least one occasion
20 formally and on one occasion informally a proposal has been
21 made for the addition of a separate dedicated line to the
22 Commonwealth which could either terminate in PEMA and then
23 be patched through to BRP or a possible second direct line
24 to BRP specifically to handle operational data, so that we
25 could have the radiologically-oriented people talking on

1 their communications link and have an operational link
2 between those people who are primarily concerned with the
3 operational data and plant status.

4 Q Has that line been installed?

5 A (WITNESS ROGAN) I have not received the response
6 from the Commonwealth on that recommendation. The last
7 indication I had is they were considering our proposal.

8 Q Wasn't Licensee's recommendation to the
9 Commonwealth that the best solution would be to dispatch a
10 nuclear engineer to the EOF?

11 A (WITNESS ROGAN) I do not recall the Licensee ever
12 couching the recommendation in those terms. I know that we
13 tried very hard to encourage the Commonwealth to send their
14 engineering representative to the EOF, because we felt it
15 was in our common best interest to facilitate communications
16 which clearly it does when he is available, and because we
17 felt it would enhance both the state's understanding and
18 ours of the situation and the processes that were ongoing.

19 Q Just one more line for you, Mr. Rogan. You have
20 tried to explain the disadvantages of having an interim
21 emergency support director in the EOF as responsible for
22 protective action recommendations in the early hours of an
23 accident.

24 But frankly we're not quite sure we understand it
25 and I would like you to try to enumerate the disadvantages.

1 A (WITNESS ROGAN) Well, I think you've asked
2 several questions and one of them -- let me take them as I
3 understand them. Our first position has been that during
4 the early hours of an event when all of our people may in
5 fact not be immediately available but where our emergency
6 response organization is properly functioning and we're
7 meeting those commitments of our plant, that we want the
8 most qualified manager available in the plant in the control
9 room where he has immediate and direct access to the four
10 principal functional operations of the plant.

11 It is the basic operation of the plant, the
12 radiological assessment, technical assessment, and
13 engineering support and then the operations support function
14 with maintenance and firefighting and rescue and so forth.

15 And clearly the location where that senior manager
16 can readily effectively and most efficiently influence those
17 functions is in the control room. So we believe that he
18 should be there, because of the managerial hierarchy of our
19 organization, which in itself has been well thought out, we
20 believe. The options for putting a decisionmaker and a
21 corporate spokesman in the EOF in the early hours forces us
22 into one of two alternatives.

23 The first is to take the person we felt should be
24 in the control room and remove him from the control room and
25 place him in the EOF. And we feel the disadvantages of that

1 course of action are that we remove him from that location
2 where he can best influence the course of actions of the
3 overall management of the plant and the activities within
4 the plant.

5 And we separate him from the most readily
6 accessible source of the most accurate data and clearly, in
7 the lessons learned from TMI, while one of them was to try
8 and minimize confusion and put the manager in a position of
9 standing back and being able to overview the entire
10 situation and not just caught up in the operation of a
11 plant. The other lesson was that you needed to be aware of
12 what the best and most timely information was.

13 So our feeling was to give the emergency director
14 the proper staff so that he could manage the principal
15 functions but also put him in a place where he had the best
16 information available and could best influence the course of
17 events. So by moving him to EOF in the course of action
18 then we deprive him of what we think are two very important
19 advantages of him being in the control room.

20 Q Before you go to the second one let me just ask a
21 question on the first. When Mr. Arnold or Mr. Clark arrives
22 on site and when they assume the emergency support director
23 role, don't they go to the EOF and, if so, what is the
24 difference between the early hours of the accident and the
25 later hours which make it more desirable for them to be at

1 the EOF rather than in the control room?

2 A (WITNESS ROGAN) Can I finish the first question
3 and then I'll pick up with the second.

4 The second course of action during that time when
5 the emergency director is the corporate spokesman is that
6 someone junior to the emergency director be placed in the
7 EOF, purportedly to make decisions and speak for the
8 company. And it is clearly our view -- very, very well
9 thought out, we believe, and with much consultation among
10 senior management of the company -- that the person who
11 makes the decisions for the company and the person who
12 speaks for the company should and must be the senior person
13 available. And that must be the senior person and he is the
14 one who is charged with the authority to make these
15 decisions and to speak for the company.

16 And, in fact, in our plan he has certain
17 responsibilities which are not to be delegated.

18 With regards to your second question we are in
19 fact comparing apples and oranges as an emergency grows both
20 in size and duration. The purpose of the emergency director
21 and the emergency support director, while they overlap in
22 many areas, begin to separate with regard to certain
23 responsibilities.

24 As it becomes apparent that we have an event which
25 is of sufficient severity to suggest that we may go to site

1 emergency or in fact a site emergency has been declared and
2 the EOF is activated, we can begin to forecast and project
3 requirements well beyond those which would normally be best
4 managed from the control room. That has not been the case
5 to that particular point in the event.

6 It is not clear that we need a senior corporate
7 manager who can address such things as assembling and
8 focusing the total corporate resource to the accident. He
9 begins to become involved in logistics. He begins to become
10 involved in a variety of procurement and maintenance and
11 other problems, perhaps requesting assistance from other
12 utilities. Indeed, and we have a need for a position who
13 focused on the truly corporate-wide management requirement
14 and not that of mitigation and management of an accident at
15 a single site.

16 So we believe that when we reach that level of
17 severity and when we can project those kinds of managerial
18 requirements we need someone who can take off the shoulders
19 of the emergency director any of those requirements and
20 indeed provide support to him so that he can go about the
21 business of managing the major functions of the plant and
22 not have to worry about many of the other support
23 requirements that will clearly come to pass over time.

24 It also makes sense that once this individual is
25 available and once he has a staff and once he has a

1 functional facility off-site that he can also take over
2 certain other responsibilities that the emergency director
3 has to this point managed. And among those are the
4 development of and the making of protective action
5 recommendations and the serving as the senior corporate
6 spokesman, because in fact he is. When he arrives on-site,
7 mans the EOF, he has become the senior corporate management
8 representative at the site.

9 So in fact what we see is not that one person
10 assumes the duties from the other and the duties are the
11 same and the locations are difference because that is not
12 true at all. We have a progressively building requirement
13 for management. As the severity of the accident increases
14 the requirements to manage that accident and to support the
15 management of that accident increases and expands
16 considerably.

17 The requirements for communications with off-site
18 agencies, with the Federal Government, with a host of other
19 contacts -- the media and so on -- expand well beyond the
20 early hours, and so it is appropriate to have a facility
21 off-site which can accommodate and manage all of these
22 affairs.

23 At that point, indeed, the emergency director is
24 concerned principally with the plan and in fact is in
25 consultation on it on a frequent basis with the emergency

1 support director and they are sharing information back and
2 forth. But at that point we also think it is a very useful
3 thing to relieve the emergency director of any of those
4 responsibilities which can now be assumed by other people
5 and should be assumed by other people and which he has to
6 this point managed.

7 Q Your answer assumes the assumption by the
8 emergency support director of a very broad range of
9 management functions. Our question is simply this. What is
10 the disadvantage of delegating to an interim person in the
11 emergency operations facility only the function of making
12 protective action recommendations to the state during the
13 early hours of the accident?

14 A (WITNESS ROGAN) Well, I must say what I thought I
15 said earlier, and it is purely a judgmental call, a position
16 call on the part of the company. The company considers that
17 arriving at the decision to classify accidents and to indeed
18 make protective action recommendations where appropriate are
19 so significant, so important to the management in the course
20 of events of the accident, that they should reside only with
21 the most senior and most qualified person available.

22 And it is just from a management point of view
23 inconceivable to us that we would charge someone of a lesser
24 office than a senior man with responsibility for making
25 those decisions.

1 Q That is the only reason, is that correct?

2 A (WITNESS ROGAN) For --

3 Q For your response to my last question.

4 A (WITNESS ROGAN) With respect to protective
5 action, yes.

6 CHAIRMAN SMITH: In that management decision were
7 there any financial considerations? I'm trying to eliminate
8 or identify what the management considerations were. Were
9 they solely health and safety considerations? Were there
10 any financial considerations?

11 WITNESS ROGAN: In arriving at our approach I know
12 of none. I am not sure I understand the question, financial.

13 CHAIRMAN SMITH: Well, a utility makes many
14 judgments about many things -- power supply judgments,
15 financial judgments, political judgments, public relations
16 judgments. And I want to know what elements of management
17 judgments there were in arriving at your decision to keep
18 the spokesman in the plant.

19 If they were solely operational judgments and
20 health and safety judgments, that is a simple, short,
21 adequate answer.

22 WITNESS ROGAN: Yes. My understanding of those
23 deliberations in which I took part or had privy to, it was
24 solely an operational issue and a concern for putting the
25 best man at the right place to make those kinds of calls.

1 BY MR. ADLER: (Resuming)

2 Q Mr. Rogan, you said in making that judgment you
3 considered the aspect of the communications link of the
4 interface between the Commonwealth and the Licensee. Now my
5 question is, in terms of best protecting the public health
6 and safety in your judgment, is your decision to vest that
7 responsibility in the senior management in the control room
8 more important than the need to adequately and clearly
9 communicate the bases for Licensee's protective action
10 recommendations to the Commonwealth's representative.

11 MR. ZAHLER: Objection. Those are not the only
12 two alternatives.

13 MR. ADLER: I think the testimony is that
14 Licensee's judgment was based solely on the factor of
15 vesting in the senior management official in the control
16 room the responsibility for making protective action
17 recommendations. We also have testimony that they did in
18 fact consider the aspect of communications links to the
19 Commonwealth.

20 My question is simply which is more important.

21 MR. ZAHLER: That wasn't the question that was
22 posed.

23 CHAIRMAN SMITH: I agree. The original question
24 should have been sustained. The second question -- the
25 second one I don't think could be objected to.

1 MR. ADLER: I apologize.

2 MR. ZAHLER: Mr. Rogan, do you understand that?

3 WITNESS ROGAN: no.

4 MR. ZAHLER: Mr. Adler, could you rephrase that
5 for the witness?

6 BY MR. ADLER: (resuming)

7 Q You have testified that your judgment not to vest
8 in a Licensee official in the EOF the responsibility to make
9 protective action recommendations was based on your judgment
10 that it is preferable to vest that function in the senior
11 Licensee management official in the control room during the
12 early hours of the accident.

13 You have also testified that in the process of
14 making that judgment you did consider the aspect of the
15 interface between the Licensee and the Commonwealth in terms
16 of communicating protective action recommendations. In your
17 judgment, in terms of the adequacy of ultimate protective
18 actions to the public, for the public, which factor is more
19 important?

20 A (WITNESS ROGAN) At the risk of perhaps being
21 unresponsive I am not sure that there is a straightforward
22 answer to that question and in fact am not sure that either
23 stands alone as a separate consideration or a most important
24 one.

25 Clearly the decision with regard or the judgment

1 and decision with regards to putting "the senior" person or
2 vesting that person with the responsibilities for arriving
3 at and making protective action recommendations was not made
4 solely on the basis of seniority in terms of time on the job
5 but rather in terms of a genuine belief that that was the
6 person most qualified to make that call.

7 And to -- it seems to me that our position is that
8 to vest that responsibility in anyone less than the person
9 most qualified to make that judgment is to indeed to a
10 disservice to the public at large, because we have failed to
11 provide them our best judgment.

12 With regard to the communications, unquestionably
13 even the best recommendation is not worth anything if it
14 cannot be communicated to the people who need to know it.
15 Our belief is, as I hope I have conveyed at this point, we
16 want the best qualified person to make that judgment so that
17 we have the confidence that we have the best judgment we can
18 provide or the best recommendation we can provide to assure
19 the safety and wellbeing of the public.

20 We believe that we have provided the
21 communications necessary to ensure that that recommendation
22 can be properly communicated to the Commonwealth, and I
23 believe that is the case with regard to the mechanical means
24 of communications, whether it is the control room or the EOF.

25 Q Mr. Chesnut, do you remember the question that I

1 just posed to Mr. Rogan and do you understand it?

2 A (WITNESS CHESNUT) Would you please repeat it? I
3 think I know what you are talking about, but I would prefer
4 that you repeat it.

5 Q In your judgment, is it more important for the
6 Licensee to have a better understanding of the bases for and
7 the nature of -- I'm sorry. Let me restate that.

8 Is it more important for the Commonwealth to have
9 a better understanding of the bases and the reasons for
10 Licensee's protective action recommendation than it is for
11 that recommendation to be made by the most senior Licensee
12 personnel in the control room?

13 A (WITNESS CHESNUT) Those aren't the only two
14 alternatives I see. I do realize that one is extremely
15 important, that the Commonwealth get true, valid, current
16 information. But I also recognize that it is important that
17 the proper recommendation arrive or be delivered to the
18 Commonwealth.

19 As I stated before, I believe that can best be
20 effected, however, by having an emergency support director
21 in the EOF. Both can be performed in the staff's opinion
22 best from the EOF.

23 Q Is the Commonwealth preference in this regard a
24 factor that might distinguish TMI-1 from any other operating
25 reactor?

1 A (WITNESS CHESNUT) The Commonwealth's position is
2 one that is consistent with that of the majority of the
3 states. And one of the reasons that the NRC chose the EOF
4 concept was the desire that was seen at the TMI-2 accident
5 to have an interface with the off-site authority and in fact
6 that is one of the reasons for the criteria of NUREG-0654,
7 that the Licensee should make specific provisions for state
8 and local government to receive current information on a
9 developing accident at the EOF.

10 Q You said that the majority of states preferred
11 such a direct face-to-face contact in the EOF?

12 A (WITNESS CHESNUT) That is my understanding in the
13 development of the guidance in NUREG-0654, that that was a
14 common desire. And in most of the plans that I have
15 discussed with other members of the NRC, states and local
16 agencies do intend to send representatives to the Licensee's
17 emergency operations facility.

18 MR. ADLER: I have no further questions. Thank
19 you, gentlemen.

20 DR. LITTLE: Mr. Zahler, the letter of July 8, is
21 there within that letter a commitment in the sense that we
22 use the word commitment to have the emergency support
23 director at the EOF within four hours after declaration of a
24 site emergency?

25 MR. ZAHLER: Yes.

1 DR. LITTLE: It is not specifically worded that
2 way but we can interpret it to be that way?

3 MR. ZAHLER: As pointed out, the use of the word
4 "anticipate" there is unfortunate. It was not intended to
5 mean a slippery commitment. It is a commitment that the
6 plan will reflect that the emergency support director will
7 be at the EOF within four hours after the declaration of a
8 site area emergency.

9 DR. LITTLE: Okay.

10 MR. ZAHLER: Mr. Chairman, in light of the last
11 question to Mr. Chesnut, I really do feel compelled to make
12 a statement to the Board.

13 If the Board remembers, at an earlier date when
14 this matter was discussed, the examination of the
15 Commonwealth in respect to Mr. Grimes and Mr. Chesnut was,
16 in Licensee's view, supportive of Licensee's position.
17 Moreover, at the time that Miss Riley testified in this
18 proceeding I asked her questions that indicated that we had
19 communicated among ourselves and Licensee's proposal was
20 acceptable to the State.

21 Now I can recognize that the state has changed
22 their position. But I think I should inform the Board that
23 until we walked into this hearing room today and heard this
24 examination the state had never once mentioned their change
25 of position to the Licensee.

1 Moreover, it is my belief that the position of the
2 staff as formulated in their SER, their supplements, Mr.
3 Chesnut's initial testimony and the testimony -- the one
4 page position that was submitted by Mr. Chesnut today -- was
5 formulated prior to the time that the staff knew that the
6 state had changed their position.

7 A constant frustration of the Licensee, too, in
8 this proceeding has been state failure to identify its
9 positions with respect to emergency planning other than in
10 this proceeding. And I would have thought that if the state
11 had as sincere a concern as they expressed today they would
12 have met with Licensee at an earlier time and discussed this
13 matter.

14 Those discussions have never taken place.

15 MR. ADLER: I can understand Mr. Zahler's
16 concerns. As I understand it, Mr. Dornsife did communicate
17 after the initial drill his difficulty in obtaining adequate
18 information from the radiological line. His discussions led
19 to the mutual understanding that it would be preference for
20 the State's nuclear engineer to go to the EOF as early as
21 possible during the accident.

22 Mr. Dornsife has told me that he cannot honestly
23 state that he pinpointed the need for an emergency support
24 director. That is correct. Mr. Dornsife did communicate
25 his change of position to Mr. Chesnut.

1 CHAIRMAN SMITH: Is there anything further?

2 MR. ZAHLER: I do have that one question of Mr.
3 Chesnut.

4 CHAIRMAN SMITH: Go ahead.

5 CROSS EXAMINATION - Resumed

6 BY MR. ZAHLER:

7 Q Mr. Chesnut, in your earlier testimony, which
8 appears at the bottom of page 22,921 to 22,922, you were
9 asked a question as to the time within which Licensee
10 committed to incorporate the revised containment leak rate
11 assumptions in EPIP 1004.7. At that time you indicated that
12 you would need to review Licensee's submittal letter.

13 Have you subsequently reviewed that letter and
14 based on that review do you understand that Licensee has
15 committed to make that revision prior to restart?

16 A (WITNESS CHESNUT) Yes, I reviewed the letter and
17 I understand the commitment to be that the Licensee will
18 make those changes prior to restart.

19 MR. ZAHLER: I have no further questions.

20 CHAIRMAN SMITH: Any further questions of any of
21 the witnesses on this issue?

22 All right, then you are excused.

23 (The witnesses were excused.)

24 (Pause.)

25 CHAIRMAN SMITH: We have some open matters. Ellen

1 Weiss had a conversation with Mr. Brenner. There is a
2 continuing disagreement between the Union of Concerned
3 Scientists and the staff and the Licensee on the Union of
4 Concerned Scientists' proposed Exhibit 39. They have been
5 able to agree on some but not all of the pages and they have
6 worked out, however, a compromise -- a procedural compromise.

7 And I wonder if you can help me with that, Mr.
8 Brenner. I can't read it.

9 (Pause.)

10 CHAIRMAN SMITH: I guess they have worked it out
11 to their mutual satisfaction, which is that they will
12 address the problem in writing and will agree upon that
13 which can be agreed upon and that which cannot be agreed
14 upon. They agree to argue in writing or address in proposed
15 findings.

16 We have the problem now of setting the schedule
17 for the findings on the emergency plan, and that has already
18 been set in sequence, but the dates should be identified
19 according to the order, which adopted the schedule
20 recommended by Mr. Zahler -- that 21 days from the close of
21 the hearing would be July 30. That would be the proposed
22 findings by the Licensee, staff. That's Licensee, staff,
23 and Commonwealth.

24 Intervenors would be required to file proposed
25 findings on the 28th day, which would be August 6. And all

1 replies by all parties would be due on August 20, which is
2 42 day from the close of the hearing.

3 Are there any other matters before we adjourn?

4 MR. BLAKE: Mr. Smith, as I indicated, my letter
5 dealing with the two-plus-two question and shift staffing
6 was intended and timed to meet the Board's earlier expressed
7 concerns about getting along with a partial initial decision
8 on management and the fact that this question had been split
9 and may be an artificial way between emergency planning and
10 management.

11 In my view, this may well satisfy whatever the
12 Board felt the needs were, but there still is the fact that
13 response to emergencies involves staffings and numbers of
14 people in the control room. So I expect that this subject
15 will still be covered ultimately in emergency planning
16 findings.

17 If the Board still desires to carve that subject
18 out for licensee, we will commit to provide that portion of
19 the emergency planning findings more promptly than the
20 schedule which the Board has just set. I don't think it is
21 necessary, but to the extent it is, or to the extent that
22 Mrs. Aamodt, for example, is going to be responding on this
23 subject in a two-week timeframe, I would say that all
24 parties ought to be required to provide their thoughts on
25 emergency planning component of the shift manning on the

1 two-plus-two within that same two-week timeframe.

2 There aren't that many parties that are showing
3 interest, quite frankly, in this question. It has only been
4 the Licensee, the staff, the Commonwealth and Mrs. Aamodt.
5 Nobody else has put in any findings on two-plus-two. Nobody
6 else has even done any questioning on two-plus-two other
7 than those parties.

8 So I am not sure that when I talked about
9 expedited schedule if the Board wants one on just that
10 element of emergency planning that I am talking about,
11 receiving it from anything more than those parties. I just
12 don't think anybody else has expressed even an interest.

13 I'm afraid that was a loose end here.

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1 CHAIRMAN SMITH: Yes. We would like to address
2 the issue in the context of the management and the
3 organizational findings. It seems they logically belong
4 there. I think your observations are correct. The parties
5 that have been active in that have been very few, and it is
6 quite severable; and I think that it would be appropriate to
7 require responses to those commitments.

8 MR. BLAKE: I had talked with Mr. Tourtellotte and
9 with Mr. Adler as well about whether or not they would be
10 willing to expedite emergency planning findings on this
11 shift manning or the two plus two element, insofar as they
12 were going to address it, emergency planning findings, could
13 we have that portion in a more expedited schedule, and they
14 had indicated a willingness to do so. We had not talked
15 about a specific date.

16 CHAIRMAN SMITH: Well, what is your pleasure on
17 it, gentlemen? It doesn't seem to be much of a problem
18 because you each have indicated you are satisfied.

19 MR. ADLER: In light of Licensee's commitments we
20 plan no findings in this area. In my reply findings that I
21 referred to earlier I will merely state that the
22 Commonwealth's concerns are adequately addressed by
23 Licensee's commitments with respect to both management and
24 emergency planning.

25 CHAIRMAN SMITH: Mr. Tourtellotte, it would be

1 helpful to the Board if we could have the position of the
2 parties, whatever they're going to file on it, earlier than
3 the normal course of emergency proposed findings.

4 MR. TOURTELLOTTE: If you would like something in
5 writing, we can give that to you, you know, as Mr. Blake
6 indicated, in a couple of weeks if that's when you want it.
7 The Staff's position, I know, ultimately will come out much
8 as Mr. Adler just stated. It seems that one cannot
9 participate in that sort of an agreement and later on come
10 out with some finding, proposed finding that is radically
11 different from all that we agreed to.

12 CHAIRMAN SMITH: I would imagine that certainly
13 that is the case. The problem is, however, there are now
14 present proposed findings by the staff which are
15 inconsistent with the state of the record.

16 MR. TOURTELLOTTE: We can amend those findings if
17 you'd like in a couple of weeks.

18 CHAIRMAN SMITH: That would be very helpful.

19 MR. TOURTELLOTTE: If that is the time frame that
20 you need. Then I would point out that the emergency
21 planning schedule is a rather tight schedule as it is, and
22 of course if we're going to address two plus two, we have to
23 do it sometime. We could do that within the next couple of
24 weeks if you like.

25 (Pause.)

1 CHAIRMAN SMITH: Mr. Blake.

2 MR. BLAKE: I would propose that any party who
3 plans to file emergency planning proposed findings who in
4 those findings would address the adequacy of shift manning,
5 in particular the two plus two questions, should file his
6 findings by the 16th or by the 23rd of July, which is a
7 two-week time frame. And I include in that Mrs. Aamodt who
8 is not here today.

9 CHAIRMAN SMITH: You mean the 23rd.

10 MR. BLAKE: Yes. I misspoke initially the 16th.
11 I meant the 23rd.

12 CHAIRMAN SMITH: Yes. Mrs. Aamodt was given those
13 directions yesterday on the telephone.

14 MR. BLAKE: Then we would have it all in one fell
15 swoop, and then I guess we have a question of whether or not
16 the reply findings need be filed on this question of
17 emergency planning on two plus two.

18 CHAIRMAN SMITH: I didn't hear your last statement.

19 MR. BLAKE: We then have the problem of whether or
20 not there are reply findings on this two plus two, because
21 somebody chooses to put in emergency planning, proposed
22 findings on two plus two, and somebody else then wants to
23 reply.

24 To the extent there are any replies on this one
25 itty-bitty issue, I would set no longer than one week, by

1 the 30th, and I would have the parties alert the Board after
2 receipt of findings on the 23rd if you plan to file any.

3 CHAIRMAN SMITH: I don't see any need for reply
4 findings.

5 MR. BLAKE: The Licensee will waive reply findings
6 on this.

7 CHAIRMAN SMITH: I don't see any need. Mrs.
8 Aamodt has been approaching the commitments as if it is new
9 evidentiary material, and it is not new evidentiary
10 material. It is in the form of relief and relief which
11 could be argued from the evidentiary record as it exists
12 now. So I see no need for reply findings, and the entire
13 record is here, and it can be addressed.

14 So our ruling will be that findings on the shift
15 manning issue and the commitments by the Licensee shall be
16 served on or before July 23rd.

17 Now, we indicated before that we want tables of
18 contents with the proposed findings, and I want to remind
19 the parties that it is very, very difficult to take just a
20 flowing narrative discussion of the whole case and try to
21 pinpoint without some guidance in the table of contents.
22 Moreover, it might be helpful if this is possible, and Ms.
23 Bradford brought it up before she left, if there could be an
24 agreed upon organizational framework, that is, the same
25 subject headings among the parties on emergency preparedness

1 findings.

2 Ms. Bradford was wondering if perhaps you, Mr.
3 Zahler, might make available to her your outline, if you
4 already have in mind an outline of how you're going to
5 propose your finding, and I can tell you it would be very
6 helpful to the Board. Everyone has their own idea, and we
7 have to master so many --

8 MR. ZAHLER: Mr. Chairman, that is already done.
9 In fact, Ms. Bradford came over at lunchtime and inquired
10 about that. I handed her a document that unfortunately is
11 about so thick (Indicating) that reproduces every
12 contention, and they are divided up because some contentions
13 have multiple issues, and has an outline structure of the
14 outline that Licensee was going to use for proposed findings
15 in each of the contentions that will be addressed therein.

16 I had previously provided that to Mr. Gray. I
17 will provide it to the members of the Board and to the
18 state. I must tell you, though, Licensee is really not
19 interested, given the tight schedule, in spending much time
20 moving this around here and there.

21 It's got subject headings, it makes sense to
22 Licensee, and I will share it with everyone.

23 CHAIRMAN SMITH: I would expect, considering the
24 allocation of the burdens in this proceeding, that the
25 Licensee by sharing their outline has done all that we can

1 ask them to do. But we do advise the parties that if we
2 have an understandable with which we are familiar, we can
3 find your findings much easier. There's less opportunity
4 that they will be overlooked.

5 Okay. That's good. I'm glad you arranged that.

6 I wonder now if Licensee could provide an update
7 on the list of exhibits and the list of testimony.

8 MR. ZAHLER: Mr. Chairman, we will serve that on
9 Wednesday I am told.

10 CHAIRMAN SMITH: Those have been very helpful to
11 us. That's fine. We would like to have that.

12 Okay. Is there anything further? Any other
13 miscellaneous business?

14 It looks like at last we've arrived at this
15 moment. I didn't know that we ever would. I thought
16 there'd be enough new matters to keep this hearing going on
17 perpetually.

18 Of course, while we're pleased the hearing is
19 over, we also have had a lot of professional satisfaction
20 from this hearing, and we do want to thank the participants
21 and the parties for their professional courtesies and their
22 personal kindnesses to us.

23 Even though it was a very long hearing, it could
24 have been much longer. The hearing as long as it was, I
25 believe, was occupied very sufficiently with substantive

1 considerations and proportionately a very small amount on
2 procedural bickering and procedural problems. And the
3 courtesies that the parties have shown to each other and to
4 the Board has made what could have been a very difficult
5 job, has made it a reasonable job and a satisfying job.

6 So to those of you who are still here and those
7 who struggle all the way through the transcript to this
8 point, we thank you for it.

9 The hearing is adjourned.

10 (Whereupon, at 3:00 p.m., the hearing was
11 adjourned.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the

in the matter of: METROPOLITAN EDISON COMPANY (TMI Unit 1)

Date of Proceeding: July 9, 1981

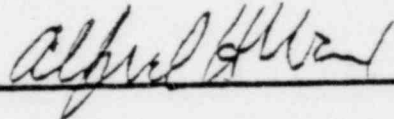
Docket Number: 50-289 (Restart)

Place of Proceeding: Harrisburg, Pa.

were held as herein appears, and that this is the original transcript thereof for the file of the Commission.

Alfred H. Ward

Official Reporter (Typed)



Official Reporter (Signature)