

ORIGINAL

NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

SOUTHERN CALIFORNIA EDISON COMPANY  
ET AL.,  
(SAN ONOFRE NUCLEAR GENERATING  
STATION, UNITS 2 AND 3

)  
) DOCKET NOS. 50-361, OL  
) and 50-362 OL  
)  
)

DATE: September 26, 1981

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AT: Anaheim, California

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ALDERSON *AR* REPORTING

400 Virginia Ave., S.W. Washington, D. C. 20024

Telephone: (202) 554-2345

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1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

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5 In the Matter of: :

6 SOUTHERN CALIFORNIA EDISON COMPANY, et al. : Docket Numbers

7 (San Onofre Nuclear Generating Station, : 50-361 OL

8 Units 2 and 3) : 50-362 OL

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10 Los Angeles Room

11 Marriott Hotel

12 700 West Convention Way

13 Anaheim, California

14 Saturday,

15 September 26, 1981

16 Evidentiary hearing in the above-entitled matter

17 was resumed, pursuant to adjournment, at 9:00 a.m.,

18 BEFORE:

19 JAMES L. KELLEY, Chairman

20 Atomic Safety and Licensing Board

21 DR. CADET H. HAND, JR., Member

22 MRS. ELIZABETH B. JOHNSON, Member

23

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## 1 APPEARANCES:

2 On behalf of the Applicants, Southern California  
3 Edison, et al:

4 DAVID R. PIGOTT, Esq.  
5 EDWARD B. ROGIN, Esq.  
6 SAMUEL B. CASEY, Esq.  
7 Orrick, Herrington, & Sutcliffe  
8 600 Montgomery Street  
9 San Francisco, California 94111

10 JAMES BEOLETTO, Esq.  
11 General Counsel  
12 Southern California Edison Company

13 On behalf of the Intervenors, GUARD, Carstens, et al:

14 PHYLLIS M. GALLAGHER, Esq.  
15 1695 West Crescent Street, Suite 222  
16 Anaheim, California 92801

17 CHARLES E. MC CLUNG, JR., Esq.  
18 Fleming, Anderson, McClung & Finch, Inc.  
19 23521 Paseo de Valencia, Suite 308A  
20 Laguna Hills, California 92653

21 On behalf of the Nuclear Regulatory Commission Staff:

22 RICHARD J. HOEFLING, Esq.  
23 DONALD HASSELL, Esq.  
24 Office of the Executive Legal Director  
25 U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

SPENCE PERRY, Esq.  
Assistant General Counsel  
Federal Emergency Management Agency.  
Washington, D.C.

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C O N T E N T S

10,533

WITNESSES

DIRECT

CROSS

Kenneth W. Nauman, Jr.  
By Mr. McClung  
(Resumed)

10,534

EXHIBITS

(None)

P R O C E E D I N G S

(9:15 a.m.)

JUDGE KELLEY: Back on the record.

We'll resume Mr. McClung's cross-examination of Mr. Nauman.

Whereupon,

KENNETH W. NAUMAN, JR.

was recalled as a witness, and having been previously duly sworn, was further examined and testified as follows:

## CROSS-EXAMINATION (Resumed)

BY MR. McCLUNG:

Q Good morning, Mr. Nauman.

A Good morning.

Q I'd like to turn back to your testimony having to do with Contentions 1 and 2. Yesterday afternoon we'd reached page 7, I believe. I'd like to turn back to page 7. And in Question No. 14 at the bottom of the page, you discuss that you've examined the means established by off-site response organizations for notice, notification and instruction to the populace within the plume exposure pathway EPZ. And then in your answer, part of your answer to that question, you state that, "These means include", and then you give a list of various means. What do you mean by that sentence, that "these means include"?

A Simply that they -- the jurisdictions have

1 offered a number of different alternatives to meeting the  
2 criteria, as indicated in the response to the question.

3 Q So that statement means that the plans contained,  
4 or the plans include these means?

5 A That's correct.

6 Q It's not a general statement about the various  
7 potential types of notification procedures?

8 A That's correct. I understand the question to ask  
9 what -- what means are being used.

10 Q Okay. Turning then to page 8, Question No. 15,  
11 which asks you to describe whether or not these means meet the  
12 planning standards in 10 CFR Section 50.47(b)(5), and then  
13 you answer, "Yes, to the extent that they are addressed in  
14 planning and were -- by the informal plan review referred  
15 to in the answer to Question 10." What do you mean by the  
16 qualification to the extent that they were addressed in  
17 planning?

18 A It addresses two problems; one, the fact that  
19 you're dealing with multiple plans. In other words, there  
20 are a number of different jurisdictions and they all didn't  
21 handle the problem exactly the same way. And secondly, that  
22 additional actions were pending. For example the installa-  
23 tion of sirens; that has been completed by the Applicant  
24 as of August 8, 1981. To the extent that the sirens have  
25 been installed, they are contemplating testing of that system

1 in the very near future. I would submit -- I think that  
2 they are contemplating doing that in early November. Those  
3 would be examined by FEMA or its designee under the terms  
4 of Appendix 3 of the 0654 document as well as Guidance  
5 Memorandum 18, which is simply a further elaboration of  
6 alternatives to -- for examination of that activity or  
7 procedure.

8 Q At this time have you -- or at the time you  
9 wrote this testimony, had you made such a review or compari-  
10 son of the siren system against the standards in the  
11 Appendix?

12 A Sirens had not been installed at that time.

13 Q So your answer "yes" is qualified --

14 A Let me --

15 Q -- that you would have to make that comparison  
16 to the Appendix?

17 A Yeah. I think I have to correct that statement.  
18 The sirens had been installed, but I was not aware of it at  
19 that time. Sirens were installed, as I indicated, on  
20 August 8th. This document was dated August 24th. It was  
21 made on the road. I had been out of the office and had not  
22 received confirmation that the sirens had been installed.  
23 So that should clarify that.

24 Q I'm just trying to get a -- I just want to make  
25 sure that I understand the nature of your response. Your

1 "yes" answer then does not contain within it a statement or  
2 affirmation that the siren system meets the requirements in  
3 the Appendix to NUREG 0654?

4 A The preliminary examination of the standards  
5 under which the sirens were installed, from a siren output  
6 and positioning standpoint, meets the criteria. We have to --  
7 "we" the region have to have our operation support division  
8 communication section examine the detailed plans when they're  
9 submitted by the Applicant, to confirm the technical criteria,  
10 if you will, as well as observe or have observed the --  
11 under the 0654 criteria, the testing of the sirens.

12 Q So is it correct that you will be participating  
13 in the testing program of the sirens?

14 A I contemplate doing that, yes.

15 Q And the acoustical testing part of that as well?

16 A I or a representative of the region with a  
17 greater degree of technical ability and knowledge in that  
18 area would be doing that, yes.

19 Q And is that future evaluation and participation  
20 in those tests what you mean by your final statement in the  
21 answer that future evaluation of the demonstrated implemen-  
22 tation will validate the capability to meet the standard  
23 from an implementation standpoint"?

24 A It is, as well as possibly a -- no, I'll -- it  
25 is, yes.

1 Q Is there something else that will be required  
2 to be reviewed from --

3 A Only that we would observe it again on a recur-  
4 ring basis in accordance with the criteria of 0654. The  
5 point is that there is an ongoing requirement of 0654 to  
6 continue and update to assure them standards are maintained.

7 Q Are you aware of any SOPs in existence for  
8 coordination of the utilization of the sirens in public  
9 notification?

10 A I'm not sure what you mean by "coordination".  
11 There are SOPs and documents in print. The SOPs I believe  
12 are in draft -- that relate to instructions to the public,  
13 public information. I don't recall whether the SOPs that  
14 I received specifically talk to SOPs for handling the sirens.  
15 I think those are still pending, but I could be wrong.

16 Q Well, is it your personal opinion as an emergency  
17 planner that it would impair the implementation of the public  
18 notification if there were not SOPs for coordination of the  
19 notification between the various sirens?

20 A Could you explain what you mean by that? It's  
21 confusing.

22 Q Okay. I'm sorry. Isn't it true that there --  
23 the sirens are activated at various locations throughout the  
24 emergency planning zone?

25 A Yes, it is. There are multiple controls and there

1 is an SOP under development that talks to the requirement  
2 or need for coordinated use of those sirens. And I do not  
3 feel that there is a problem with that at this point. I  
4 think that the actions that have been taken by the inter-  
5 jurisdictional planning committee, the SOPs that are under  
6 development, will address that adequately.

7 Q I hope they will, but what I -- I just want to  
8 ask you from your own personal opinion as an emergency  
9 planner whether you think that that particular SOP for the  
10 coordination of the sirens is an important one that must be  
11 done in order that they may adequately be used.

12 A All of the SOPs are important. I don't want  
13 to attribute any great degree of importance to one or the  
14 other. I don't think it would be appropriate.  
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1           Q       Okay. I'd like to now turn to your Question 17  
2 in which the question is put to you whether or not the public  
3 information program essentially for notification of the  
4 public, for what to do in the event of an emergency, meets  
5 the planning standards set forth in 10 CFR 50.47(b)(7).  
6 And you state at the top of page 9, "Yes. Jurisdictions  
7 have included procedures to the extent identified in the  
8 formal plan review cited in Question 10." My question is,  
9 do you believe in your own personal opinion as an emergency  
10 planner that there should be a means for confirming whether  
11 the public has actually received or has knowledge of what  
12 to do in the event of an emergency?

13           A       Yes, I think there is a need to do that, and I  
14 think that need is demonstrated or carried out, if you will,  
15 in the form of feedback to the utility, which I think has  
16 been established, as well as general public reaction to the  
17 documents that were mailed out. For example, in the distri-  
18 bution of the public information packets that was made in the  
19 last couple of months, there contained postcards that related  
20 to people who were infirmed or were incapable of self-  
21 evacuation; lack of transportation or some type of infirmity  
22 that required, or nonambulatory status that required assis-  
23 tance.

24                         Response was received in all of the jurisdictions  
25 relating to that.

1 Q Do you believe in your personal opinion as an  
2 emergency planner that it might be useful to have community  
3 meetings with respect to this issue?

4 A It depends, Mr. McClung, on what you mean by  
5 "community meetings". I think that to some extent that is  
6 already being done, contemplated, especially with the  
7 Intervenor activity. The public meetings that we are required  
8 to hold, the media coverage that has taken place in both --  
9 at both this site and in the majority of the other nuclear  
10 power plant sites.

11 Q In your personal opinion as an emergency planner,  
12 do you think it might be useful to take a sampling or a  
13 poll of the population within the EPZ to test their know-  
14 ledge of the emergency response plan?

15 A I don't know that a requirement exists to do  
16 that. I don't also feel that it would hurt, doing that. But  
17 the validity of such a test I think is highly speculative.  
18 First, people don't, with the priorities that we live under  
19 today, I don't know that they would respond back to it, which  
20 could create a -- a question of -- you know, in the nature  
21 of the response that you might get back.

22 In other words, if 50 percent of the population  
23 responds and 50 doesn't, it could conceivably cause you to  
24 reach fallacious conclusions as to the value of the public  
25 information -- not because they didn't receive it but

1 because they didn't respond back.

2 Q Well, isn't it true that perhaps people might  
3 not respond back with the information card that you mentioned  
4 earlier?

5 A That's a slightly different situation. There  
6 they are looking out for their own personal interest. Those  
7 that have a need to -- and are dependent upon some other  
8 organization or person, your incentive increases materially  
9 when you get into that position.

10 Q Did you, in your review and in your answer at  
11 the top of Question 9, have as part of the materials you  
12 reviewed the information packet which is submitted in here  
13 as the flyer that was mailed out to the various people  
14 within the EP?

15 A I did, as well as, I had the public information  
16 officer of our region review the document. It was also sent  
17 to the national office, public information officers --

18 Q And did -- did you or your public information  
19 officer make an evaluation as to whether or not the evacua-  
20 tion routes were adequately indicated on that document?

21 A We did, and we felt that they were adequate when  
22 you consider the additional factor that you're going to  
23 have public information at the time, or what we call emergency  
24 information, disseminated at the time of the event, to fur-  
25 ther clarify the issue, as well as the existence of law

1 enforcement personnel, and what other support personnel,  
2 such as Caltrans or Highway, Department of Public Works,  
3 to assist in the evacuation itself.

4 Q But you did find that the evacuation routing  
5 was potentially confusing?

6 A No, that was a conclusion reached on your part.  
7 We found that it met the criteria.

8 Q Okay. Now, in Question No. 18, also on the top  
9 of page 9, you've turned your attention to the arrangements  
10 by off-site response organizations for medical services for  
11 contaminated and injured individuals. Is it your under-  
12 standing of the NUREG standards in Standard L that these  
13 medical services must be available in the time of emergency  
14 for people in the general public?

15 A Criterion 0654, Subparagraph II,L(1), says,  
16 "Each organization shall arrange for local backup hospital  
17 and medical services having the capability for evaluation of  
18 radiation exposure and uptake, including assurance that per-  
19 sons providing these services are adequately prepared to  
20 handle contaminated individuals", end quote.

21 Q Do you believe that that particular provision  
22 which you've quoted means that there should -- that the local  
23 jurisdictions should provide in their planning arrangements  
24 for medical services and backup hospital for members of the  
25 general public that may be injured or contaminated?

1           A        They should provide for it to the extent that  
2 a capability exists within the area and the area would be  
3 the rough geographical area included in the jurisdictional  
4 boundaries of the jurisdictions involved.

5           Q        Well, you state in your answer to Question 19,  
6 which asks you whether medical services arrangements exist --  
7 meaning the planning standards of 10 CFR 50.47(b)(12) -- you  
8 state in your answer that the standards are met to a limited  
9 extent. Could you explain the basis of your qualification?

10          A        Yes. The criteria, as reflected in 0654, shows  
11 the applicability and cross-reference to plans for all three  
12 levels of organization, the Licensee, the State and the local.  
13 To that extent, not every plan of each jurisdiction addressed  
14 specific medical facilities available. So while a capability  
15 exists because of cooperative action on the part of the  
16 jurisdictions and the Applicant, they did not literally  
17 meet the criteria as was opined by the RAC, but I think that  
18 the capability -- personally, I think that the capability  
19 does exist because procedures have been developed, and  
20 agreements, letters of agreements, contractual agreements  
21 between the hospital and the Applicant, local hospitals and  
22 the Applicant, and training has been conducted, as has been  
23 reflected in previous testimony, and it was -- as was  
24 reviewed in the exercise evaluation.

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T3, 1g

1 Q Okay, I would like to turn to your question  
2 number 20, and 21, in which you are talking about the  
3 capability with respect to transportation and communications  
4 equipment, and in question 21, asks you whether or not --  
5 strike that.

6 No, okay, question number 21 asks whether the  
7 emergency operations centers established by the principal  
8 offsite response organizations and their transportation or  
9 communications equipment described in your response to  
10 question 20 meet the planning standard of 10 CFR 50.47(b)(8),  
11 and in your answer, you say yes, and you allude to Orange  
12 and San Diego Counties, and their EOC's and communication.

13 What is the reason for your qualification of that  
14 answer to Orange and San Diego County?

15 A I wouldn't say it is necessarily a qualification.  
16 It is an elaboration of the most capable organizations'  
17 demonstrated capability. Obviously the counties have a much  
18 more expanded capability to respond to the -- or a much  
19 more elaborate, I guess would be more accurate, capability  
20 to respond to such contingencies, and it was simply to  
21 provide some further elaboration to the question.

22 Q So can I take it, then, that you don't find any  
23 problems with the San Juan Capistrano EOC?

24 A No, I don't think you can.

25 Q Do you think the EOC that you reviewed in San

1 Juan Capistrano meets the planning standards set forth in

2 NUREG 0654?

3 A I have already responded to the fact that we felt  
4 that the review of the San Juan Capistrano capability was  
5 very limited in regards to 0654 criteria, that responsibility  
6 for meeting the demands of 0654 as they related to San Juan  
7 Capistrano were somewhat inappropriate, in light of the fact  
8 that they have a very limited response capability, the fact  
9 that they contract with Orange County to provide law  
10 enforcement and fire support, the fact that they do not have  
11 the manning to meet many of the requirements. They just are  
12 not capable of meeting the requirements of 0654. Further,  
13 those requirements relate to organizations in a fashion that  
14 reflects that generally it is looking to County capability,  
15 or major city capability.

16 If you talk about San Clemente, they have put  
17 major emphasis and have the capability to meet more or less  
18 the demands of 0654. San Juan Capistrano does not.

19 Q Thank you. Could you tell me whether or not you  
20 think the EOC of the state parks meets the planning standard?

21 A State parks suffer some of the same frustrations  
22 that were identified in San Juan Capistrano. They have a  
23 small force that are trying very hard to meet the requirements  
24 of 0654 and the demands of emergency response. In many  
25 regards they meet them, but to put them -- to task them

1       against 0654 criteria I believe is unreasonable. That is to  
2       say, they have an emergency response capability, but not in  
3       the terms of 0654, because of the simple size of the  
4       organization. What we have recommended, and what I heartily  
5       support, politics notwithstanding, is that they integrate  
6       with some other jurisdictional plan to provide that capability.  
7       I mean, let us use the assets if they are there, but let us  
8       not fault them if they are not.

9                You have got two very healthy counties out there  
10       with the capability to respond, and a lot of experience.

11           Q       Staying with your point, I think it is well taken  
12       as well -- there was a suggestion in earlier testimony of  
13       Ms. Ferguson, I believe, from the City of San Juan  
14       Capistrano, who testified that it was her understanding that  
15       they were working towards this type of an arrangement. Do  
16       you feel then, it would be -- this is, I guess, your personal  
17       opinion, that it would be -- it would increase the capability,  
18       or it would improve the capability to respond in case of an  
19       emergency if the City of San Juan Capistrano would coordinate  
20       or become part of the County's plan, so to speak, Orange  
21       County plan?

22           A       I think it will more efficiently facilitate  
23       response, yes.

24           Q       Do you have a recommendation for how the state  
25       parks could integrate into one of the other plans?

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A That is difficult to answer. I guess my comment would be that I think that the state parks should -- to meet the criteria, if they were to subject themselves to it, that it would be best that they integrate their planning as a standing operating procedure, or an attachment or a subpart of another plan, whether that is the state parks plan for the state level, whether it is part of the California state emergency response plan, or the nuclear power plant plan, as they call it, or whether they make it an attachment or a supplement, which might be the correct term, to the county plan or the City of San Clemente plan. I think that is the more appropriate way to handle it.

That absolves them of the responsibility to meet 0654 criteria, and yet gives them an instruction, an operating instruction to carry out their responsibilities and integrates them into the total response capability, which is really what we are ultimately after.

Q Okay, skipping a few of these contentions that we have already discussed and talked about in a little bit of detail yesterday, I would like to turn to page 13 in the testimony, where you are responding to question number 28, which refers to the physical design in the communications equipment, and the operating procedure for the interim emergency operations facility, you note that in your review, in your answer to question number 28, in the plan

5 1 review which we are talking about, and in the exercise  
2 review, that they indicated shortfall from the NUREG 0654  
3 requirements. Is that correct?

4 A I believe so.

5 Q Could you explain briefly what the most  
6 significant shortfalls were?

7 A As a result of what?

8 Q Your answer -- I am just asking you to elucidate  
9 your answer to number A.

10 A To elaborate? Okay.

11 Q Yeah.

12 A One thing I have noted here, I think it should be  
13 entered into the record, is the fact that the answer has an  
14 incorrect reference in the third sentence, it should read,  
15 "San Clemente EOC," as opposed to EOF. Our observations were  
16 that the combined EOC EOF into one room that is as small as  
17 the room that they had there was not appropriate to  
18 efficient operation. The functions identified under the  
19 NUREG, I think it is 0757, dealing with EOS, is that  
20 correct, Mr. Hoefling?

21 Q 0696, I believe, isn't it?

22 A Could be. I have forgotten the reference. I  
23 didn't bring the document.

24 MR. PIGOTT: 0696.

25 WITNESS NAUMAN: 0696, thank you.

1 BY MR. MC CLUNG:

2 Q 0696.

3 A Outlined very specific standards for EOF  
4 operation, and they do not distinguish alternatives that  
5 would relate to an interim facility. Irrespective of that,  
6 they still have just a pure practical application of, you  
7 know, common sense, that says how can you conduct operation  
8 of two completely different functions under one roof, or in  
9 one room? I guess the latter would be more accurate, since  
10 they are still operating under one roof, but they have  
11 corrected some of the problems, which I will get to in a  
12 moment.

13 Despite the fact that there were a number of  
14 FEMA evaluators in the EOC/EOF during the exercise, I  
15 felt that the total number of participants as distinguished  
16 from evaluators impeded efficient operation and a clear  
17 understanding of functions and responsibilities. There were  
18 also a number of shortfalls that existed in communications  
19 and in just general operations.

20 It should be noted that those have, in my  
21 opinion, been corrected. We would like to see a further  
22 demonstration of that to confirm it, but the Applicants and  
23 the jurisdictions have submitted draft SOPs to me, which I  
24 received last week or the week before, that reflect movement  
25 of the EOF portion downstairs in the San Clemente fire

1 department, which was our recommendation, thereby separating  
2 the facilities and yet allowing a very timely interaction  
3 between the EOC and the EOF. That EOC is in fact, and we  
4 concur with the opinion that it is, the primary EOC because  
5 of its proximity to the site.

6 They also have a closed-circuit television, which  
7 allows a very efficient transmission of events. If you want  
8 to see what is going on upstairs, you simply watch the thing,  
9 watch the monitor, rather.

10 And it would appear to us that the new communica-  
11 tions added to the revised location of the EOF would lend  
12 themselves to a much more efficient operation, and I  
13 believe will correct all of the concerns we had in regards  
14 to EOF.

15 The only problem that still remains, in my mind,  
16 is the separation of EOF functions by the utility, but that  
17 is a function of the NRC, and so I cannot comment on it. It  
18 is the NRC's jurisdiction to cover the utility responsibilities  
19 within the EOF. The only time, as I understand it, that  
20 FEMA gets involved, is where the EOF functions relate to  
21 offsite jurisdictions. There are a multiplicity of  
22 responsibilities that fall under EOF.

23 Q So, I don't want to put you under any pressure  
24 about that, but I just wanted to ask you to clarify for my  
25 own thinking, you don't feel you can respond to the adequacy

1 of the EOF, as regards the 0696 NUREG?

2 A No, I didn't say that. It is not my prerogative  
3 to respond to problems that relate to NRC responsibility any  
4 more than it is theirs to respond to offsite emergency  
5 responsibilities that fall under FEMA's purview.

6 Q Could you elucidate for me briefly what you mean  
7 by the last sentence on that page, which refers -- page 13 --  
8 which says that upon completion of these actions, a  
9 demonstration should be conducted to allow for verification  
10 of facilities and capabilities?

11 A In our negotiations with the Applicant, subsequent  
12 to the exercise and the findings and determinations statement,  
13 we agreed that some demonstration of a revised or updated  
14 capability was necessary to assure that the developed SOP's  
15 and the corrective action that was taken reflects a  
16 capability to implement, if you will.

17 Q Do you have a copy of the exhibit number 146,  
18 which is the letter from Brian -- from Robert Jaske to Brian  
19 Grimes, relating to -- it was discussed yesterday, and  
20 relates to the -- FEMA's understanding of what should be  
21 done by the Applicants, to correct some of the deficiencies  
22 that were found in the June 3rd --

23 A I do.

24 Q -- exercise? Now, could I refer you to the --  
25 there is three paragraphs towards the bottom of that page,

1 and the middle paragraph --

2 A Would you hold for a minute so I can find that, or  
3 provide --

4 Q Of course.

5 A -- a copy to me, please?

6 MR. PIGOTT: It is the memo of July 14.

7 WITNESS NAUMAN: Yeah, I know what you are talking  
8 about. It is a matter of finding it.

9 All right, thank you. I am prepared to respond  
10 to it.

11 BY MR. MC CLUNG:

12 Q Okay. Refer, please, if you will, to the middle  
13 paragraph. At the bottom of the page, there is three  
14 paragraphs, the middle paragraph -- now, in that paragraph,  
15 there is a statement made that this report will include  
16 requirements for, and the results of any test drills or  
17 mini-exercise. Our current assessment is that another  
18 complete exercise will not be necessary, but rather several  
19 limited ones that test specific systems or procedures.

20 Does that statement reflect, or is that similar  
21 to the statement that you just told me that certain tests  
22 will be made of specific procedures, to demonstrate the  
23 implementation capability of the various things that are being  
24 done?

25 A I believe, yes, that is a general representation

1 of what we feel is necessary, within the region.

2 Q That was interesting. Did you mean that on  
3 purpose, when you said within the region?

4 A It is -- okay, it is to the extent that he has made  
5 a statement that was written before it was coordinated with  
6 us, and the statement, several limited ones, in the last  
7 sentence, as well as the reference to mini exercises, I have  
8 some concern over as far as clarification. We do not feel  
9 that a full blown exercise is necessary to demonstrate  
10 corrected ability, and the term "several limited ones" could  
11 be construed in a variety of ways. I happen to think that  
12 a limited number of drills, maybe even one if it was  
13 developed properly, would be sufficient, and I would not want  
14 to be held to the literal statement here, and I am making a  
15 technical qualification just to make sure that everybody  
16 understands where we are coming from on this.

17 If you look at this in a general nature, it is --  
18 I concur in it.

19 I think it also needs to be reflected here, since  
20 we are on this particular subject of corrective action, that  
21 we feel it is the responsibility of the Applicant to  
22 demonstrate in a fashion presented by the Applicant to the  
23 Region, or to the agency, that corrective action has been  
24 completed.

25 The particular format is up to them. If they

1 offer a product to us, we would obviously have some comment  
2 as to its appropriateness, but we expect them to provide a  
3 corrective action, and I had reflections both in the initial  
4 corrective action agreement, as well as subsequent  
5 conversations with members of the Applicants' staff that  
6 reflected they intend to do that.

7 Q All right. I would like to leave that, your  
8 testimony, for the moment, that particular memorandum, and I  
9 would like to ask you a few general questions about the  
10 organization you work for.

11 Could you describe briefly the formal structure  
12 of the Federal Emergency Management Agency?

13 A FEMA is an agency organization that reports  
14 directly to the President. It is composed of a national  
15 office and ten Regions. Those Regions are located in what  
16 is termed the Federal Regional Cities, of which Region IX is  
17 located in San Francisco.

18 Our structure is the result of the consolidation  
19 of a number of civil defense agencies. The three  
20 predominant ones are the Federal Preparedness Agency, which  
21 was responsible for federal civil defense coordination in  
22 government and industry, or the commercial -- I am sorry, the  
23 private industry; the Federal Disaster Assistance  
24 Administration, whose responsibility was to provide disaster  
25 assistance, compensation in a variety of forms for natural

1 disasters, and the Defense Civil preparedness agency, whose  
2 responsibility was for planning and nuclear warfare defense.

3 There were a number of smaller agencies, the  
4 Flood Insurance Administration, and some other ones, including  
5 the Fire Administration, that were integrated into the  
6 organization now defined as the Federal Emergency Management  
7 Agency.

8 Q Would it be fair to say that you have a role in  
9 both the planning for emergencies and the coping with  
10 emergencies, should they arise?

11 A I think that is probably accurate.

12 Q In the planning-for category of emergency, how  
13 is the activities broken between the regional office and the  
14 national office?

15 MR. HOEFLING: Are you speaking now, planning for  
16 FEMA's planning to respond to an emergency, or -- I am not  
17 clear as to what you are referring to.

18 MR. MC CLUNG: Oh. Well, he has testified that  
19 they -- one of the things that FEMA does is aid in various  
20 jurisdictions in creating planning.

21 MR. HOEFLING: Right.

22 MR. MC CLUNG: And I am referring to that process.  
23 And I would like to know how the functions are divided between  
24 the region and the national.

25 WITNESS NAUMAN: The region has the responsibility

1 of working with each of the states, and ultimately the local  
2 jurisdictions through the state offices of emergency  
3 services, or equivalent organizations in other states, to  
4 effect the necessary planning and implementation or capability  
5 to implement emergency response.

6 We have certain flexibility in determining  
7 program application. We have input and comment to policy  
8 development on the part of the national office, but for  
9 purposes of standardized and unified approach to the  
10 responsibilities that FEMA has, obviously the national office  
11 is the one that determines the general policy as a result of  
12 coordination with the regions, and we implement that policy.

13 Our responsibilities are varied, and run into a  
14 number of different approaches, procedures, techniques for  
15 implementing the tasking assigned by the national office.

16 It can vary with states because of the various  
17 state applications, political problems, techniques, what have  
18 you, but generally the national office tries to keep things in  
19 a somewhat standardized fashion.

20 BY MR. MC CLUNG:

21 Q What -- can you explain briefly what the structure  
22 of the national office is?

23 MR. HOEFLING: I am going to object to that,  
24 unless there is some indication of what the relevance of the  
25 structure of the national office is to what we are here to

1 discuss.

2 MR. PERRY: Mr. Chairman, I would like to point  
3 out, I am not sure if the Board is -- would find a general  
4 briefing on the entire FEMA program and FEMA's operation as an  
5 agency useful, we can certainly provide that, and probably in  
6 a form more condensed than this. There are many programs in  
7 FEMA.

8 It would seem to me that it would be appropriate,  
9 for example, for the cross examiner to limit his questions as  
10 to FEMA's structure or its organizational patterns, with those  
11 say having to do with emergency planning. I mean, we can get  
12 into a whole array of agency programs.

13 JUDGE KELLEY: That seems reasonable.

14 MR. MC CLUNG: I agree with that, and I thought I  
15 was doing that, and if I was being more general than that, I  
16 will try to tie it down.

17 JUDGE KELLEY: Why don't we just construe the  
18 questions as limited to emergency planning?

19 MR. HOEFLING: Could we further limit the question  
20 to radiological emergency planning?

21 JUDGE KELLEY: Fair enough.

22 MR. MC CLUNG: Could we further limit the question  
23 to nuclear --

24 JUDGE KELLEY: You can make them as narrow as  
25 you want.

1 (Laughter)

2 WITNESS NAUMAN: I await your question.

3 MR. MC CLUNG: Okay.

4 BY MR. MC CLUNG:

5 Q We were on the subject of the -- briefly explain  
6 to me the structure of the national office as it relates to  
7 nuclear emergency planning.

8 A Well, there is a plans and preparedness division  
9 of the national office or of the agency that is composed of a  
10 number of branches and subdivisions that deal with planning  
11 and preparedness, one of which is the radiological emergency  
12 preparedness section that relates to nuclear power plant  
13 planning.

14 It is a little difficult to elaborate beyond that,  
15 for lack of an organizational structure.

16 Q Which part of that structure that you have --  
17 the limited structure that you have elaborated -- would  
18 formulate a view of the national office with respect to  
19 emergency planning?

20 A The radiological emergency preparedness division,  
21 which is under Mr. Jaske's direction.

22 Q Would it be fair to say, then, that Mr. Jaske --  
23 the views of Mr. Jaske represent the views of the national  
24 office with respect to radiological emergency planning?

25 MR. PIGOTT: I am going to object to this. I think

1 we went through this round of questions as the first thing  
2 yesterday, determining who speaks for what portion of the  
3 office, and now to ask whether Mr. Jaske may or may not  
4 speak for the national office is, I don't think either a  
5 relevant or a probative question at this time.

6 MR. PIGOTT: Mr. Chairman?

7 JUDGE KELLEY: Yes.

8 MR. PERRY: I might be able to be of some  
9 assistance here. Mr. Jaske obviously has a person he reports  
10 to, and he in turn has someone he reports to, and it finally  
11 winds up with the director of the agency.

12 I think -- I said yesterday that Mr. Nauman is  
13 FEMA's witness in this matter. He is FEMA's witness in this  
14 matter very much as So Cal Edison's witnesses are So Cal  
15 Edison's witnesses in this matter.

16 You know, we can't usefully go through and say  
17 did the board clear everybody's testimony, or did the  
18 chairman look at it, or did the vice-president look at it.

19 I indicated yesterday that this gentleman speaks  
20 for our agency, and his testimony was developed, cleared,  
21 and reviewed by the agency. If -- if -- if --

22 JUDGE KELLEY: I think we got that pretty clearly  
23 established. Now, I may have been wrong. I was under the  
24 impression that Mr. McClung was heading towards something a  
25 little bit different this morning. I may be wrong. Mr.

1 McClung, could you tell me where you want to go with this line  
2 of questioning this morning?

3 MR. MC CLUNG: Well, I believe yesterday we did  
4 establish that he was authorized, and his testimony was  
5 approved, and I don't mean to try to get around that  
6 particular fact.

7 JUDGE KELLEY: Yeah.

8 MR. MC CLUNG: But what I am trying to do is  
9 establish the foundation for the particular piece of testimony  
10 which purports to contain the view of the national office,  
11 and I think it is appropriate to --

12 JUDGE KELLEY: Which testimony are you referring  
13 to? I mean, which are you referring to now?

14 MR. MC CLUNG: I am referring to the testimony  
15 which is denoted the additional testimony of Kenneth Nauman,  
16 Jr.

17 JUDGE KELLEY: Oh, we are back to that document.  
18 All right, just a minute.

19 MR. MC CLUNG: Yes. Dated September 24, 1981.  
20 I wasn't -- I didn't mean to come back to it at this point,  
21 but I was trying to lay some foundational questions, and I  
22 would have come back to it later.

23 MR. HOEFLING: What is the purpose --

24 JUDGE KELLEY: Foundation for what?

25 MR. MC CLUNG: For a motion to strike.

T5 1  
1 JUDGE KELLEY: Well, when I first saw this  
2 yesterday, I -- I was a little mystified by just what its  
3 purpose was. And you objected, and I deferred ruling. Now,  
4 let me ask you this. Are you through with your questioning,  
5 except for this motion to strike part? We have other things  
6 to go over, or are you through with cross, except for this?

7 MR. McCLUNG: Sir, I'm not through with cross.  
8 I am actually through with this particular part of -- I --  
9 the way I have set forth my cross-examination plan, at this  
10 point in the plan, I want to discuss some of the background  
11 of FEMA as regards this thing, the motion to strike, which  
12 will take place at the conclusion of my presentation.  
13 Also, the background of FEMA will be relevant for some  
14 other questions on another line that I will pursue directly  
15 from this discussion. I'm almost done with this line of  
16 questioning. I think, in fact, with the comments that were  
17 made by Mr. Perry, we may be through with this particular  
18 line of questioning, as far as the national office goes, at  
19 this point.

20 JUDGE KELLEY: Apart from questioning that speak  
21 to a motion to strike this document, what is the other  
22 purpose of this line of questioning I believe you referred to?

23 MR. McCLUNG: The other purpose of this line  
24 of questioning -- well, there may be some confusion or  
25 misunderstanding between myself and you on this. I don't

2  
1 mean as regards the national office, I mean as regards the  
2 structure of FEMA. I'm now going to -- I would now leave  
3 the national office and talk a little bit more about the  
4 regional office, and the reason for that would be to get  
5 into how the RAC review was prepared a little bit. It's  
6 an exhibit that's in evidence, and I'd like to have him  
7 explain how the exercise review was prepared a little bit.

8 JUDGE KELLEY: Does that go to the weight to be  
9 given the RAC review, for example?

10 MR. McCLUNG: Yes, and for the Board to be able  
11 to understand what the RAC review is.

12 JUDGE KELLEY: Go ahead. But I'd like to defer --

13 MR. McCLUNG: And we will defer that.

14 JUDGE KELLEY: -- discussion of this until the  
15 very end.

16 MR. McCLUNG: Yes, sir.

17 BY MR. McCLUNG:

18 Q Mr. Nauman, let's turn from the national office  
19 back to the regional office. And let's take up the subject  
20 of the RAC review process. Could you explain briefly what  
21 the RAC review process is with respect to the radiological  
22 response plans of the local jurisdictions?

23 A FEMA has established that the expertise that  
24 can be gained from a coordinated federal view, which is our  
25 ultimate -- or one of our responsibilities under our charter --

3  
1 is best served by representatives of these various federal  
2 agencies that serve on the RAC, to be brought together to  
3 provide input, assistance and ultimately review under the  
4 350 process.

5 The radiological assistance committee was  
6 developed a year or so ago and has responsibility of provid-  
7 ing assistance, as I've already indicated, in review at the  
8 call of FEMA. It should be noted that the effort on the  
9 part of these agencies is directed and yet is directed in a  
10 voluntary capacity, which is to say that we try to task them  
11 as little as possible because of other responsibilities.  
12 This is basically an additional duty for those agencies.

13 They come together with a chairman from the  
14 Federal Emergency Management Agency regional office and have  
15 provided input to the San Onofre project through an informal  
16 plan review in the form of assistance, which is undefined  
17 beyond that term, and on April 27th completed the document  
18 and distributed the document with that date in the form of  
19 a plan -- informal plan review.

20 And that document is in evidence, and it is the  
21 intervenor's Exhibit 13.

22 Q Could you explain briefly what was done in that  
23 document without making -- you don't need to make specific  
24 reference to the document itself.

25 MR. PIGOTT: Could we perhaps get Mr. Nauman's

4  
1 participation in the creation of this document, as a  
2 predicate?

3 JUDGE KELLEY: Yes.

4 BY MR. McCLUNG:

5 Q Mr. Nauman?

6 A I served as the project officer representative  
7 to the RAC for the purposes of the development of the RAC  
8 review, and in that capacity, provided direct assistance to  
9 the development of the final end product, which is to say  
10 that I consolidated the individual opinions of all of the  
11 RAC members into a final end product.

12 MR. PIGOTT: Does that mean you wrote it, just  
13 to be clear? Did you write Exhibit 13?

14 THE WITNESS: Well, I developed the final end  
15 product. If you want to call it writing it -- the input,  
16 the specific comments were generated by -- okay. The process  
17 that was used was that each individual RAC member was given  
18 copies of the plans, of each plan, and they were tasked under  
19 a specific format to develop their responses as to whether  
20 or not the 0654 criteria were or were not met. We then met  
21 in a round table form and went through each individual issue  
22 and discussed it as to the individual members' comments,  
23 also allowing them the opportunity of cross-tell, so that  
24 if you had one reflection from an area of expertise that  
25 could be gained by any of the other RAC members, further

5  
1 allowing them a broader background and knowledge of the  
2 types of problems that could result -- I think the appli-  
3 cations of meteorology is a -- is a good example of that  
4 type of situation. So we gained an education in the process  
5 of putting this document together.

6 We then tasked the RAC members to go out and  
7 give us their final feedback after considering all of the  
8 ramifications to each one of the inputs. I took those  
9 pieces of information and consolidated them, standardized  
10 them, if you will, into something that looked like a final  
11 end product, and I believe wrote the cover letter on it for  
12 the RAC chairman's signature. And it was the final document.

13 Q Do you have a copy of it with you today?

14 A Yes, I do.

15 Q Could you briefly describe what was done in the  
16 document?

17 JUDGE KELLEY: Should we have a cup of coffee  
18 before we launch into this one?

19 MR. McCLUNG: Sure.

20 JUDGE KELLEY: A short break.

21 THE WITNESS: Could I ask for a point of clari-  
22 fication?

23 JUDGE KELLEY: Sure.

24 THE WITNESS: I don't understand what more you  
25 want than what I've already described, short of going

6  
1 through each item, item by item. And if that's what you  
2 want, or some description, I need to prepare that during the  
3 break.

4 MR. McCLUNG: No, it's just going to be in a  
5 general term, Mr. Nauman. I'll talk to you about it during  
6 the break.

7 JUDGE KELLEY: Okay. Ten minutes.

8 (Brief recess.)

9 JUDGE KELLEY: Back on the record.

10 MR. McCLUNG: I don't know if we had a pending  
11 question or not, so I'll start anew.

12 BY MR. McCLUNG:

13 Q We were referring to the Exhibit 13, which I  
14 called the RAC review of the plans, all the various local  
15 jurisdictions' plans. And what I wanted you to do, Mr.  
16 Nauman, if you could, was make reference to the plan and  
17 describe what was done in the -- not the plan. Make reference  
18 to the RAC review and describe what was done there.

19 A The RAC, in addition to -- or the final end pro-  
20 duct that was generated as a result of the process I des-  
21 cribed before the break, is depicted in the April 27th  
22 document. It consists of a reference on the left-hand side  
23 of each of the pages to specific NUREG 0654 criteria, and  
24 on the right-hand side a comment, if a comment was deemed  
25 necessary. The final product was broken down on a

7  
1 jurisdictional basis so that, for example, Orange County  
2 would receive a set of comments in the form of an informal  
3 review of the plan that they wrote. If there was no  
4 reference to a specific criteria, it was considered that  
5 criteria was met.

6           The document should not be construed as being  
7 overly critical because there were no positive comments. Our  
8 task was to respond to those items that were not in our  
9 opinion either addressed or adequately addressed or that we  
10 had some suggestion for change. So it should be looked  
11 at in that regard.

12           Q       Thank you, that's helpful. Could you explain  
13 the -- what you have -- I note after the -- you go through  
14 the NUREG 0654 criteria for many of the various jurisdictions,  
15 you have general comments which follow thereupon. Could you  
16 describe what those comments are?

17           A       Yes. There were a number of us that felt that  
18 there were some concerns that we had that exceeded the  
19 criteria, the formal 0654 review. And those items were  
20 identified in the post-comments that were simply numerically  
21 ordered. I don't think I can elaborate any more generally  
22 on those, but they were general planning comments or theories  
23 that we felt were necessary to be addressed.

24           Q       And could you explain the difference in treatment  
25 that was accorded to -- I think you've already gone into

8  
1 this, but could you explain a little bit now in this  
2 context how certain agencies were treated differently --

3 A Yes.

4 Q -- in your review?

5 A Thank you. That's a good point. We reviewed --  
6 we attempted to review in our initial introduction to the  
7 task -- each of the jurisdictional documents that we  
8 received in accordance with 0654 criteria, in the format I  
9 described. It was evident at our first meeting that that  
10 was not possible, or would result in an extensive amount of  
11 work that had little value, I think, to anyone involved.  
12 That is to say that some of the jurisdictions have the capa-  
13 bility, as I've already indicated, to respond and meet the  
14 criteria, and there are those jurisdictions that do not have  
15 that capability, specifically State Parks and San Juan  
16 Capistrano.

17 So we concluded in the process of a discussion  
18 at our round table meeting that we would make general com-  
19 ments as opposed to specific item-by-item criteria comments  
20 for those two jurisdictions, and that the Marine Corps plan,  
21 the two county documents and the San Clemente documents,  
22 would be reviewed in accordance with 0654.

23 Q And what about the IAEP plan?

24 A Give me a moment here, please.

25 Q Sure.

9  
1           A       The nature of the IAEP, being a -- as we inter-  
2           preted it, a support document to each one of the other  
3           documents, was also considered to be so significantly not  
4           oriented to 0654 application that it was also discussed in  
5           a general fashion.

6           Q       You've described for us briefly the review pro-  
7           cess that went into the production of the RAC review in  
8           this informal review that is Exhibit 13. Could you describe  
9           when this review process took place, in a time frame?

10          A       The time frame was from roughly February, March  
11          and early April of 1981. When we received copies of the plans  
12          from the Applicant we tasked each of the RAC representatives  
13          to review the plans to the extent that they felt was neces-  
14          sary to adequately prepare themselves to review the docu-  
15          ments, as well as going over 0654, and had some preliminary  
16          meetings as to approach, recommendations that we might  
17          have as professional planners in the emergency field.  
18          And then they went to work.

19                   As I've already indicated, we had subsequently  
20          meetings thereafter that dealt with preliminary and final  
21          analysis of the documents.

22          Q       And what documents formed the basis for this  
23          review?

24          A       0654.

25          Q       That was an unclear question. What documents

10

1 were reviewed?

2 A Each of the plans that I've referenced, each  
3 of -- each of the jurisdictional plans that were submitted  
4 by the Applicant as representing the jurisdictional plans  
5 that were in being at that time. Original copies had been  
6 routed up through the State of California, but they were  
7 sent in, I must admit, an informal capacity, in other words  
8 a non-350 process. And there was some concern over the --  
9 the way they were challenged. But under the circumstances  
10 of being under time constraints, and the -- the draft nature  
11 of the documents, we felt that in light of the fact we were  
12 doing a formal review that, you know, we'd go ahead and  
13 conduct the review.

14 The fact that the Applicant provided us addi-  
15 tional copies was a courtesy on their part.

16 Q And were there any other support documents, like  
17 SOPs, that were submitted with the documents?

18 A To the best of my knowledge, there were not.  
19 I believe that the development of those SOPs was subsequent  
20 to that, or that if they were in being, they were not pro-  
21 vided. It should also be noted that we had some difficulty  
22 in addressing a number of the 0654 criteria because of the  
23 nature of emergency planning in this state.

24 The general theory is to create what is called  
25 the basic emergency plan, and this is -- it has been

11

1 referred to as an administrative document. I frankly don't  
2 concur in that terminology. I think that what it is is a  
3 basic operational plan, as opposed to a further detailed  
4 subsection.

5 My interpretation of planning starts with an OPS  
6 plan, an operational plan that talks to basic responsibili-  
7 ties, the concept of operations, the reason for the plan.  
8 Attachments to that can come in the form of annexes,  
9 appendices, tabs, the enclosures or attachments in descend-  
10 ing order. Each of those addresses in a little bit more  
11 detail, as necessary, the basic operational concept.

12 The State of California addresses the planning,  
13 I think, in a form of that type of format. In the develop-  
14 ment of their basic emergency plan, they have created one  
15 plan that talks to how they will, generally speaking,  
16 attack a particular problem, in this case a disaster.  
17 Then their -- what may be termed as SOPs or attachments or  
18 enclosures, however you want to look at it or describe it --  
19 address the specific idiosyncracies of a type of disaster  
20 or problem that they're dealing with. You can have a flood  
21 subsection, forest fire subsection, one dealing with radio-  
22 logical emergency problems, nuclear attack. But each  
23 jurisdiction, because of its political authority, is  
24 privileged to develop their plan in any fashion that they  
25 want. That is to say --

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MR. McCLUNG: Can we go off the record?

JUDGE KELLEY: Yes.

(Brief recess.)

T6,1

1           Each jurisdiction, because it's a separate  
2 political entity, has the opportunity to develop the plan and  
3 the format that they so choose. As a result, there is a  
4 nonstandard nature to the plans. They generally meet a basic  
5 format, as I say, basic emergency plan, and then some sort of  
6 an attachment.

7           I've forgotten where we were going with this,  
8 now, in all honesty, with the PA system. Could you ask me  
9 the question again, and I'll come back on the track?

10           MR. McCLUNG: Could we ask the reporter to  
11 repeat the question?

12           THE REPORTER: It's on another tape.

13           JUDGE KELLEY: Why don't you have a stab at it?  
14 It takes five minutes to find it.

15           (Whereupon, the record was played back by the  
16 reporter.)

17           THE WITNESS: With the nature that I've described  
18 of the planning process, the support documents could have  
19 come in a variety of forms, but our observation of the plan  
20 review was that the basic operations plan was provided;  
21 the support documents, if they were in being, were not  
22 provided.

23           Additionally, as I started to describe, the  
24 basic emergency plan was not provided to us. The radiologi-  
25 cal plans that were provided -- to clarify my statement here --

2

1 the basic radiologic emergency plan was more or less a  
2 supplement or an attachment to the basic emergency plan.  
3 That was what was provided. In order to answer all of the  
4 0654 criteria, we needed the basic emergency plan. They  
5 don't run multiple copies of that document. There's  
6 usually about two of them in being, and yet the letters of  
7 agreement for contractual services, the mutual aid agreements,  
8 the various legal paper work that is attached to that basic  
9 emergency plan, was not provided, and as a result we had  
10 difficulty in responding to some of the 0654 criteria.

11 That is not to say that it did not exist, but it  
12 was not provided to us for RAC review. And a request was  
13 subsequently made, once we determined that those were not  
14 forthcoming, to provide those.

15 Now, it should also be noted by the Board and  
16 the other participants here in this hearing that they weren't  
17 necessarily required until we requested them because we were  
18 dealing with an informal review. The 350 process would  
19 then put us in a position of having the prerogative of say-  
20 ing, if we don't have it, we can't really critique it  
21 formally. It's a minor distinction, but I have to give --  
22 I think it's important to make that clear.

23 The informal review could be considered to  
24 only include those radiological emergency plans or annexes  
25 to the basic emergency plan.

3  
1 Q So it's your understanding that -- you mentioned  
2 general plan to which radiological emergency plan might be  
3 attached, and you did so in kind of a general way. Could  
4 you clarify that a little bit?

5 A Yeah, it was getting confusing, with the PA  
6 problems. The general emergency plan equates to the basic  
7 emergency plan that these jurisdictions have. It is a very  
8 large cumbersome document that, as I say, is not normally  
9 copied for distribution. The attachments thereto, which  
10 equate to the plans that were delivered to us, are the ones  
11 that are put into use in a particular emergency.

12 Q Now, is it your understanding that from -- at  
13 that time and subsequently, that there were SOPs that weren't  
14 sent to you?

15 A I can only say that there may have been. I have  
16 been told by a few people that we were wrong in saying that  
17 there were no SOPs. But the fact is that at the time of the  
18 plan review we were given the basic radiological documents  
19 from each jurisdiction but no SOPs attached thereto. And  
20 as a result we had to conclude they had not been developed.  
21 They may have been in draft, they may have been in some  
22 other state, but we were not served. And as such, you  
23 know, cannot reach any formal opinion on that.

24 Now, subsequent to the June 3rd period, we have  
25 knowledge and have had delivery of drafts of SOPs that have

4  
1 been developed and are aware through both the Applicant's  
2 comment in and out of the hearing as well as the inter-  
3 jurisdictional planning committee minutes that SOPs are  
4 under development. I have received some drafts and pre-  
5 liminarily reviewed those.

6 Q A couple of further comments on the RAC review  
7 comments. Could you clarify a little bit who the members of  
8 the committee were that made the review at San Onofre?  
9 You don't have to give the specific names, but perhaps some  
10 of the agencies would be helpful.

11 A RAC is composed of members of the Department of  
12 Transportation, the Environmental Protection Agency, the  
13 Nuclear Regulatory Commission, the Department of Commerce,  
14 through the National Weather Service, the Department of  
15 Agriculture, obviously FEMA. The Department of Defense has  
16 subsequently become a member, but was not a participant in  
17 the review of this -- of these documents.

18 Q Would it be fair to state that the members that  
19 participated in the San Onofre review were experts in their  
20 fields, various fields?

21 A Yes, most assuredly, as well as the fact that  
22 HHS also -- Health and Human Services was represented as well.  
23 I knew there was one I'd left out.

24 Q Okay. I'd like to turn from the RAC review now  
25 and discuss a little bit the exercise that was conducted on

5

1 May 13th. Could you please tell me briefly what FEMA's  
2 role was in that exercise?

3 A FEMA's responsibility under 0654 and specifi-  
4 cally Guidance Memorandum 17, as an internal operating  
5 procedure in suggested form, guidance form, tasks us to  
6 evaluate an exercise that has been developed by the utility  
7 and the State, and it should be noted that 0654 refers to --  
8 and much of the legal information, tasking instructions that  
9 we receive, talk to -- in terms of the State, as including  
10 State and local jurisdictions.

11 And one must interpret that sometimes. It can  
12 get a little confusing. But essentially it was the respon-  
13 sibility of the State, the locals and the utility to generate  
14 a scenario that was submitted to us for approval, FEMA.  
15 That approval consists of our concurrence in the fact that  
16 the scenario offers a reasonable representation of activities  
17 to be evaluated. It does not require evaluation of all  
18 aspects in any one exercise.

19 The requirement for the exercise was generated  
20 through the tasking, memorandum of understanding, the informal  
21 process, if you will, to come up with a finding and deter-  
22 mination. The utility, the State and locals generated a  
23 scenario. It was subsequently concurred in by FEMA, Region  
24 9, to -- for purposes of the exercise, we met with the  
25 jurisdictions and the utility to discuss our concern over the

6  
1 time frame that was involved in putting together the  
2 exercise; whether the plan review would be factored into it,  
3 whether the jurisdictions were in fact ready without prior  
4 exercise, for all intents and purposes, to -- to conduct a  
5 full-blown exercise to be evaluated by FEMA.

6 The local jurisdictions and the Applicant  
7 concurred in the position that they felt they were ready and  
8 were willing to conduct an exercise. Further negotiation  
9 resulted in -- this is all described in the introductory  
10 remarks of the 13 May document, the evaluation critique.

11 Q That's Intervenor's Exhibit No. 14.

12 A Intervenor's Exhibit No. 14. And as a result  
13 of the discussion over the time frame, a 30-day delay was  
14 placed on the -- and scheduling of the exercise was then  
15 moved to May 13th. The -- at that time I took action to  
16 put together an exercise evaluation team which was composed  
17 of representatives from the FEMA regional office, the  
18 national office, Region 10 in Seattle, and Region 8 in  
19 Denver, as well as RAC members and additional representatives  
20 of a technical nature from the Department of Energy and  
21 related organizations.

22 That 45-man team was provided pre-exercise  
23 training and indoctrination as well as copies of the plans  
24 for purposes of preparing themselves to evaluate the exercise.  
25 A number of us participated in other licensing exercises

7  
1 prior to that time for cross-coordination. We -- I devel-  
2 oped an exercise evaluation critique outline, if you will,  
3 to give some guidance as to how the critique should be  
4 handled, what types of issues to be looked at, gave specific  
5 assignments in a pyramidal fashion to determine team leaders,  
6 one at each of the sites, and then assign team members.  
7 The assignments were based upon technical expertise, in all  
8 honesty, some degree, personality, to assure an objective  
9 analysis would be conducted.

10 The individuals were again briefed the day before  
11 the exercise in a pre-meeting. They then broke into groups  
12 the night prior to the exercise for team leader assignments  
13 of their team members and further discussion of techniques  
14 and applications of the evaluation process.

15 The 13th of May, the better part of the day was  
16 composed of the exercise. The control portion of that  
17 exercise was conducted by the utility or Applicant in this  
18 particular instance. I think it needs to be distinguished  
19 that FEMA's function was solely one of evaluation. The  
20 controller portion of the exercise was conducted by the  
21 utility. Controller functions consist of starting and  
22 stopping the exercise and making any changes to the program  
23 as necessary to effect the most comprehensive conduct of  
24 the exercise without any major glitches.

25 Subsequent to the end of the exercise -- and it

8

1 ran approximately from 6:00 in the morning until 2:00 or  
2 3:00 in the afternoon, the team, evaluation team met in toto  
3 at 6:30 or 7:00 o'clock that evening and through the next  
4 three or four hours went through a process of cross-tell,  
5 general discussion and analysis of the events, including  
6 the development of a time oriented summary to assess when  
7 messages were initiated, when they were received, in what  
8 format they were recieved, how thorough they were, how  
9 timely.

10 We formed a time chart that I believe is in --  
11 as a section of the end product, we developed a matrix that  
12 reflects the approximate time of receipt, and it did  
13 reflect that most of the messages that were handled were  
14 handled in a timely fashion, as far as getting the informa-  
15 tion out over the various communications networks.

16 Q The witness is referring to -- are you referring  
17 to the chart that's on page I-9 --

18 A That's correct.

19 Q -- and I-10 of Intervenor's Exhibit 14?

20 A That's correct.

21 Q Subsequent -- well, in the process of that general  
22 discussion of all of the members, which also, by the way,  
23 included the NRC's evaluation team, I and my two deputies  
24 were able to formulate some general, overall opinions which  
25 allowed us to start preliminary development of a finding.

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The following morning the responsibility of the team leaders was to take all of the findings that were generated by the team members, to develop some organization and structure to those, and to provide summary comments as well as the -- each team member's comments, back to the team leader, and the two deputies involved.

1 One of those deputies was a general FEMA planner  
2 type that was intimately involved in radiological emergency  
3 planning. The other individual was from the EPA and was a  
4 technically oriented person, a health physicist, and capable  
5 of providing input in regards to the technical analysis.

T7, 1g 6 In the late morning and early afternoon we went  
7 through an individual team by team assessment and reporting  
8 procedure to consolidate findings to give me a position of  
9 major items they were concerned with, to try to attempt  
10 within the very limited 24-hour period that we had, or 22  
11 hours, actually, to come up with a preliminary informal  
12 assessment of the nature of the exercise evaluation.

13 At 4:00 o'clock that afternoon, subsequent to a  
14 brief meeting with the NRC to coordinate in the final  
15 presentation, we held an informal critique with the  
16 jurisdictions involved, as well as the Applicant and the NRC,  
17 as well as the State, of course, and discuss our observations.

18 Those observations were generally -- are  
19 generally reflected in the executive summary, which is the  
20 initial part of the exercise finding document, as previously  
21 mentioned.

22 Some five or six FEMA personnel subsequent to  
23 that began then a process of writing the formal findings.  
24 The various jurisdictional sites were divided up amongst  
25 that staff to handle the final development of the product,

2 Over the next two or three days, we put that  
3 document together, at which time I took all of the material  
4 that was provided by the 45 evaluators and began the final  
5 development of the product to again, as I indicated in the  
6 plan review, to standardize the document, and to give it some  
7 objectivity as far as any extreme or heavily biased issues  
8 that might have occurred.

9 You do need to have to standardize the document  
10 somewhat, although I must admit that that issue was not --  
11 was almost not addressed at all. The evaluators were very  
12 objective in the way they approached the thing, even though  
13 some of the reflections that have arisen subsequent to that  
14 by the various jurisdictions might present some argument to  
15 that.

16 I believe the following Monday or Tuesday, or  
17 shortly thereafter, I put together the final document,  
18 submitted it to the Region, Regional Director for approval,  
19 and copies were provided to various jurisdictions, and a  
20 copy sent up to the national office, and at the same time,  
21 because of the time constraints imposed on FEMA by the  
22 hearing dates, by the MOU application that was sent by NRC,  
23 we also produced the input for the final development by the  
24 national office of the findings and determinations statement.

25 Q Thank you, Mr. Nauman. That was helpful and

3 1 explicative of the process that produced the evaluation  
2 findings.

3           Could you explain briefly what is contained within,  
4 or outline what is contained within the document itself?

5           MR. PIGOTT: Oh, I am going to object as calling  
6 for, I think, probably an extremely long narrative, but  
7 the document overall speaks for itself. I would think it  
8 appropriate if there are particular sections that need  
9 questioning, that that is the appropriate way to do it, and  
10 not call for a descriptive narrative of the whole document.

11           MR. HOEFLING: I think that is right. We have  
12 the document in evidence, and if we want to discuss specific  
13 portions of it, fine, but it speaks for itself, really, in  
14 terms of what it says.

15           JUDGE KELLEY: I will sustain that objection.  
16 Could you focus on particular parts?

17           BY MR. MC CLUNG:

18           Q       Okay, Mr. Nauman, could -- part one of the  
19 document contains an executive summary, as you have  
20 described, is that correct?

21           A       It is.

22           Q       And it is followed by a table of contents with  
23 list the rest of the things that follow. (Sic).

24                    In part two of the document, there is a exercise  
25 evaluation findings and recommendations. Could you explain

1 basically what those mean? Not individually, but what is the <sup>10,586</sup> the  
2 purpose and what is the intent behind those findings and  
3 recommendations?

4 A FEMA's responsibility is to generate a product  
5 that would be beneficial to the use of the local jurisdictions  
6 in making any corrective action they deemed necessary. These  
7 findings and recommendations are observations of the FEMA  
8 evaluation group. The recommendations are the FEMA  
9 evaluation team's suggested corrective action. Any time you  
10 run an evaluation, you owe an obligation to the jurisdiction  
11 to provide them some suggestion rather than just straight  
12 criticism, if it is construed in that form, or comment, if  
13 you will.

14 It is up to the jurisdiction to accept or reject  
15 or modify however they see fit the responses that we provide.

16 Q Did the findings that were generated from the  
17 exercise relate in any way to the NUREG 0654 requirements?

18 A As is indicated in the introductory comments of  
19 the document, the criteria that were used for evaluation  
20 were those of 0654, analytical application of personal  
21 knowledge and common sense, and the objectives of the  
22 exercise as were developed by the local jurisdictions and the  
23 utility.

24 Q One other question I would like to ask, briefly,  
25 while we are on the subject of the exercises. Did the FEMA

5  
1 evaluators believe that there were any limitations to the  
2 exercise scenario itself, with respect to evaluating the  
3 capability of the response organization?

4 A That is difficult to respond to as a question. To  
5 the extent that the scenario did not address all of the  
6 issues that were identified in 0654. They did address those  
7 issues that were established as being objectives of the  
8 exercise. There has to be a distinguishment made there, and  
9 I am not sure that in my final development of the  
10 evaluation findings, that that was clearly distinguished,  
11 which was an error on my part.

12 Q Well, I would like you -- thank you. Could you  
13 make that distinction now for me, please?

14 A Well, simply that the development of a scenario  
15 in the first place for this type of problem is extremely  
16 difficult, because you are time compressing unless you hold  
17 the exercise over a period of a week.

18 You want to put emphasis especially in the  
19 first exercise on those things that are most critical to  
20 assessing the capability to respond, and try to eliminate  
21 those items that may not be quite as critical or significant  
22 as far as the capability to respond, and could be addressed  
23 at some subsequent time.

24 It is also to be noted that it is the responsi-  
25 bility of the jurisdictions and the Applicant to determine

1 what they want as a scenario and as objectives, and while the  
 2 development of this particular exercise I think was a -- as  
 3 much an exercise -- or as much a learning process as it was  
 4 an exercise, I think that has to be noted, so we -- you know,  
 5 the objectives were met as far as the conduct of the  
 6 exercise, but there were additional things that -- additional  
 7 items that needed to be addressed at some future time.

8 Q Thank you. That is very helpful. I would like  
 9 to turn now to a different subject, and ask you whether or  
 10 not you are familiar with the testimony in this proceeding of  
 11 the Applicants' witness, Mr. Ernest L. Murri?

12 A I have reviewed Mr. Murri's comments.

13 Q Did you bring a copy of that testimony with you  
 14 today?

15 A I did.

16 Q First, I would like to ask you -- I would like to  
 17 quote from you at page eighty-six of Mr. Murri's direct  
 18 testimony. It is not contained in the -- it is not in the  
 19 Exhibit there which you are looking at.

20 Mr. Murri states in the answer to the question,  
 21 of why his opinion as to the findings differs from the FEMA  
 22 interim findings, he states that in his professional  
 23 opinion, it appeared that the FEMA reviewers did not have  
 24 sufficient time or information given their limited staffing  
 25 and limited direct contact with the primary response

7  
1 organizations, to fully acquaint themselves with existing  
2 SOP's and the overall implementation capabilities of these  
3 organizations prior to issuing the FEMA findings.

4 JUDGE KELLEY: I am sorry, Mr. McClung, did you  
5 give us a reference for the record? Is that prepared or --  
6 prepared testimony?

7 MR. MC CLUNG: Prepared testimony at page 86.

8 JUDGE KELLEY: Okay, thank you.

9 BY MR. MC CLUNG:

10 Q Do you have an opinion with respect to that  
11 remark?

12 A Definitely. First, Mr. Murri's comment that  
13 the reviewers did not have sufficient time to prepare, I  
14 believe is erroneous.

15 While the activities that were involved around  
16 the preparation for all of these -- the plan review and  
17 the exercise -- was somewhat time compressed, it was a very  
18 short period of time, the evaluators were thoroughly  
19 briefed, had sufficient analytical ability, and were  
20 thoroughly prepared to take on the responsibilities of  
21 evaluating the exercise.

22 The majority of those individuals were hand-  
23 picked, were recommended, and had an effective thorough  
24 analytical ability, which is one of the major prerequisites  
25 for conducting an exercise.

1                    Secondly, Mr. Murri made an accusation in 10,590  
2 that comment that there was limited staffing on the part of  
3 the FEMA team. I went to great extents, with great  
4 difficulty, to assure that there were sufficient members to  
5 represent a thorough coverage of the evaluation, much to the  
6 chagrin of some of the people having to pay the bills.

7                    45 evaluators were approximately two evaluators  
8 too many to cover those functions, which I figure was a  
9 pretty good end result, when you get that close.

10                   The staffing was not limited -- as I recall, there  
11 was a comment in the testimony someplace that reflected that  
12 we had to -- that there weren't enough people within FEMA to  
13 handle it, and that is also erroneous. The selection of the  
14 people to cover the responsibilities of that evaluation was  
15 very definitely a matter of choice.

16                   The staffing in FEMA is reduced by -- with no  
17 question, but the sources were available to provide qualified  
18 personnel, and I did have some option of selection. For  
19 example, DOE provided no less than ten individuals to  
20 support our mission, all of which, or at least eight at least,  
21 if not all ten, were health physicists.

22                   The EPA provided a health physicist. DOE  
23 provided one from their own staff. I brought in multiple  
24 PIOs that were qualified individuals in that particular  
25 function to cover the PIO function. All of the individuals

1 that served on the team had some background knowledge in  
2 evacuation, in dealing with emergency management, and in the  
3 analysis of disaster response. So I have to question his  
4 comment of limited staffing.

5 The third issue, the acquaintance with SOP's,  
6 while in and of itself is true, if you don't provide the SOP,  
7 we can hardly be acquainted with it.

8 Q And do you feel with respect to the SOP question  
9 that it is necessary that you were provided with the SOPs  
10 to make an adequate evaluation of the exercise itself?

11 A It should be noted that you cannot -- the answer  
12 is no, but it also should be noted that you do not review  
13 SOPs in the course of an exercise evaluation. You review  
14 SOPs in the course of a plan review. The fact that those  
15 SOPs, 45 people did not see anywhere through the course of --  
16 well, it is my opinion that none of the individuals brought  
17 to light that SOPs were being used in the course of any of  
18 the exercises.

19 It is possible it could have been an oversight,  
20 but I doubt seriously because nobody has provided us at that  
21 time with SOPs, and they were requested.

22 It is not necessary to review the SOPs in the  
23 course of an exercise evaluation, but you should at least see  
24 that the people are using them. It is the same as using a  
25 checklist in some technical function. Regardless of whether

1 or not you have memorized the particular activities, you still  
2 are required in many respects with checklists to have them  
3 available to refer to them, to assure that your memory does  
4 not lapse.

5 Q I would like to read another statement that is on  
6 page 87 of the prepared direct testimony of Mr. Murri.

7 Most if not all of the adverse FEMA findings are  
8 attributable to artifacts contributed by the exercise  
9 scenario, or observer misunderstanding, not a lack of adequate  
10 implementation capability by the primary emergency response  
11 organizations.

12 Do you have an opinion with respect to that  
13 statement?

14 A Could you read the beginning of that again,  
15 please?

16 MR. MC CLUNG: I will provide it to the witness.

17 WITNESS NAUMAN: If you could just read it to me,  
18 that is fine.

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T8,1

1 THE WITNESS: It's interesting to note that  
2 Mr. Murri's statement is most, if not all, of the adverse  
3 FEMA findings that are attributed to artifacts. I believe  
4 he's generally stating that the team lacked the ability to  
5 provide any kind of credible response, and I hardly think  
6 that the professionals that are being paid at the grade  
7 they're being paid in the Federal Government can be deemed  
8 incompetent or unable to reach a response or a logical  
9 conclusion as the result of an exercise.

10 The reference to artifacts contributed by the  
11 exercise scenario can only be defended to the extent that the  
12 utility and the locals or jurisdictions develop the scenario.  
13 If they cannot provide a scenario that lacks artifacts that  
14 could impede the evaluation process, they would have a  
15 very difficult time in demonstrating the ability of the  
16 jurisdictions to carry out emergency response.

17 JUDGE KELLEY: What do you consider the word  
18 "artifacts" to mean? Because I don't know what it means.

19 THE WITNESS: I -- I'm not sure that I -- I know.  
20 I'm taking it in a general sense that --

21 JUDGE KELLEY: All right.

22 THE WITNESS: -- the way it was offered. Your  
23 point is well taken. I frankly think that you cannot argue  
24 the fact that there may have been some misunderstanding.  
25 That's possible at any time. But I can't, again, believe

2  
1 that 45 people misunderstood everything that occurred in that  
2 exercise.

3 I guess it should also be entered that it's my  
4 opinion that one individual's assessemnt of our capability  
5 as opposed to 45, at least quasi-experts, at the minimum,  
6 leaves some degree of debate to the conclusions, regarding  
7 the conclusions.

8 BY MR. McCLUNG:

9 Q Now, are you familiar with the exhibits that  
10 were submitted along with the testimony of Mr. Murri  
11 in this proceeding?

12 A I have Mr. Murri's Exhibits 1 through 9 in front  
13 of me.

14 Q And have you reviewed the exhibit which is his  
15 Exhibit No. 9, ELM-9, which is also Exhibit No. 113 in this  
16 proceeding?

17 A I have.

18 Q This exhibit contains the -- essentially the  
19 RAC review comments condensed with a response by the NUS  
20 organization to each of those comments. Is that correct?

21 A Their comments on our comments. That's correct.

22 Q Do you have an opinion with respect to the  
23 comments, in a general sense, that were made to your comments?

24 A I do.

25 Q Could you tell us what that is?

3  
1           A       Generally speaking, I believe they are prejudiced  
2 opinions. It's difficult for me to understand how an  
3 evaluation conducted by FEMA and the RAC, consisting of  
4 seven or eight individuals in the profession of emergency  
5 planning, with the expertise that the RAC agencies provide,  
6 can be contrasted by a critique of our critique done by the  
7 individual that originally wrote the plan. I think there's  
8 some prejudice built in there.

9           I also do not concur in the somewhat free inter-  
10 pretation that some of our findings were irrelevant or  
11 immaterial. That isn't the exact word, I believe, that Mr.  
12 Murri used, but I have to take issue with that. I think  
13 all of them are relevant. They wouldn't have been entered  
14 if they weren't. They are understood to be opinions on our  
15 part, but they were provided for the benefit of the juris-  
16 dictions to use in their re-evaluation of their planning  
17 effort.

18           They were conscientiously provided and they were  
19 provided by people who spent a lot of time and have a lot of  
20 experience behind them to input.

21           Q       I don't want to, obviously, go through each and  
22 every one of these, and I won't attempt to do so, but I'd  
23 like to ask you about a couple of them, or perhaps you could  
24 respond to the responses of the NUS organization. I'd like  
25 you to turn to page 3, if you would, of this exhibit. And

4  
1 I'd like you to refer to your -- the RAC review comment, E-7,  
2 which states, "It is not clear in the plan when and how the  
3 prepared messages will be aired, e.g., during alert. Also  
4 there was no sheltering information relating to potassium  
5 iodide." And I want you to refer to the last two sentences  
6 of the response to your comments which state that, "The  
7 provision should be made, however, to administer KI to  
8 emergency workers on an as-needed basis. This can be  
9 accomplished by development of an SOP and minimal training  
10 of the responsible individuals. This SOP can be developed  
11 in one day; less than one hour of training is adequate."

12 Do you have an opinion with respect to the SOP  
13 and the training statements that are made there?

14 A Well, I do. I -- I must admit I'm not sure what  
15 the foundation for this conclusion was. Mr. Murri -- I'm  
16 not familiar with his planning development experience. It  
17 may not be a similar foundation to mine, which is not to  
18 discredit either one of them. There are a variety of differ-  
19 ent ways of handling things.

20 There was, however, no foundation that I could  
21 find to establish a basis for the statements that these  
22 things could be developed in one day or X number of hours, or  
23 anything like that, to -- to put a perspective to the  
24 nature of the comment. I also have to wonder, as I did when  
25 I read this testimony last week, if it's that easy to put

5  
1 together, where is it? Why wasn't it developed early on?  
2 I haven't found in my planning experience that you can  
3 develop these things in one day, or that you can get much  
4 done in an hour's worth of training. It goes by awfully  
5 fast, and I've done a reasonable amount of training, and I --  
6 I must admit it's difficult to get a lot of good information  
7 through in an hour.

8           It also depends on how much -- you know, the  
9 nature of the knowledge and what you're trying to do. It --  
10 it's certainly possible that what he's saying could be done.  
11 And if it is, we'll -- we anticipate early delivery of formal  
12 SOPs that are completed and ready to go, which will  
13 accelerate and certainly benefit the end product of this  
14 whole goal, purpose here.

15           And I'd also add, just in passing, that I do not  
16 take issue with everything that was reflected in these  
17 reviews, but there were some specific concerns which I've  
18 elaborated on.

19           Q       I'd like to turn your attention to page 5. For  
20 another illustration, I'd like to get your comments, without  
21 being too redundant, to I.7, where the FEMA comment was,  
22 "Although reference is made to the development of an off-site  
23 monitoring capability, resources for such field monitoring  
24 within the plume exposure zone are not identified."

25           And the response to that is, "The necessary

6  
1 resources for field monitoring within the plume exposure  
2 EPZ can be identified in about one day." Do you have an  
3 opinion with respect to that comment?

4 MR. PIGOTT: Could we have a basis for this  
5 gentleman's opinion on that? I know he's been chartered by --  
6 hired by FEM. to do certain types of evaluations here, but  
7 I think we're getting into rather specific questions con-  
8 cerning radiological monitoring, and I'm not sure that the  
9 qualifications go that far.

10 JUDGE KELLEY: Why don't you first repeat the  
11 question, and then the witness can comment on his background  
12 to respond to it. Okay?

13 MR. McCLUNG: It was kind of a long question.  
14 Could we have the reporter repeat it?

15 JUDGE KELLEY: That takes five minutes. Can't  
16 you have a go? You know in general what you want to find  
17 out, don't you?

18 MR. McCLUNG: I think I can address it --

19 THE WITNESS: I can tell you what it was.

20 MR. McCLUNG: -- without reiteration of the  
21 question, if you --

22 JUDGE KELLEY: All right, fine. Go ahead.

23 THE WITNESS: The basis for the ability to  
24 respond to the question, I guess, is best certified with the  
25 fact that I am a qualified disaster preparedness officer,

7  
1 which translates to a radiological officer in the United  
2 States Air Force with a number of academic courses completed  
3 in that area. I have had some physics background in under-  
4 graduate training. I have attended a number, if not all, of  
5 the FEMA courses dealing with radiological response, be it  
6 wartime or nuclear power plant. I am also a certified  
7 instructor in -- radiological defense officer in instructor  
8 workshop courses. I've conducted at least five or six of  
9 those in the last two years for personnel within our region  
10 to, say, state personnel and local personnel.

11 JUDGE KELLEY: I think that's a sufficient  
12 basis to respond to the question.

13 THE WITNESS: And I have no problem with the  
14 response that's been provided. It is possible that the  
15 resources could be identified within one day. It's simply --  
16 a number of these issues were simply a matter of the fact  
17 that they were not identified. We're not saying they don't  
18 exist, we're simply saying they were not identified.

19 And the criteria in 0654 says, you will provide  
20 an explanation or an identification. So in this case I have  
21 no problem with Mr. Murri's comment.

22 MR. McCLUNG: Thank you very much.

23 JUDGE KELLEY: Why don't we take another 10  
24 minute break or so, come back, and go on till around 1:00,  
25 and then quit for the day.

(Brief recess.)

1 JUDGE KELLEY: Back on the record.

2 Resuming cross-examination.

3 BY MR. MC CLUNG:

4 Q I would like to turn to a different subject. I  
5 want to back to one of the pieces of testimony. There is a  
6 few -- several different pieces of testimony, and I want to  
7 turn to the testimony that is labeled the testimony of Mr.  
8 Kenneth W. Nauman, Jr., and it substantially (sic) refers to the  
9 emergency planning zone, and the considerations that went into  
10 that, and it is attached to the affidavit as the first page.

11 JUDGE KELLEY: Okay. Okay.

12 BY MR. MC CLUNG:

13 Q Do you have that, Mr. Nauman?

14 A I do.

15 Q Referring to the first sentence of that, you say  
16 that the criteria of NUREG 0654 relating to the criteria for  
17 a determination of the plume exposure pathway, emergency  
18 planning zone, were addressed in the San Onofre review of the  
19 offsite emergency plans. Could you explain to me what you  
20 meant by were addressed?

21 A Yes, in the process of the plan review, the RAC  
22 considered the development of the ten-mile EPZ, through an  
23 analysis of the referenced criteria under 50.47. To the  
24 extent that we looked at the nature of the EPZ boundary,  
25 dealing with such issues as is it an easily identified

1 boundary, does it bisect any major metropolitan areas, does  
2 it -- do we consider the reflections of topography and land  
3 characteristics and the other issues that were addressed  
4 within the criteria?

5 The result was that we concurred in the position  
6 of the jurisdictions and the establishment of the 10-mile --  
7 the rough 10-mile boundary to encompass the jurisdictions of  
8 Dana Point, San Juan Capistrano, to not encompass the small  
9 area of Riverside County that is essentially considered to be  
10 remote.

11 I think in the same vein as the state's extended  
12 planning zone not taking in the small northwesterly portion  
13 of Oceanside, and as a result, we found no fault, if you  
14 will, with the establishment of the EPZ boundary to include the  
15 Dana Point San Juan Cap total city, as opposed to the river  
16 boundary -- I mean the -- the storm drain or whatever they  
17 call it channel that runs roughly in the 10-mile area.

18 MR. PIGOTT: San Juan Creek.

19 WITNESS NAUMAN: Thank you. San Juan Creek.

20 The planning has been done to encompass both of  
21 those jurisdictions.

22 BY MR. MC CLUNG:

23 Q And to the best of your knowledge, then, from the  
24 RAC review of the local response plans, did the response  
25 plans take into consideration the access routes?

1           A        To the extent that we reviewed the evacuation  
2 planning as it was identified in the plans, the planning was  
3 done for both of those entities -- those cities, jurisdictions.  
4 There are obviously limited opportunities. You have got  
5 highway 1, and you have got Interstate 5, but we did look at  
6 that, yes.

7           Q        Thank you. Could you outline for me the meetings  
8 that you personally have had, any meetings that you personally  
9 have attended since the May 13 exercise with the Applicants,  
10 with regard to improving the response capability of the local  
11 jurisdiction?

12           A        There have been, I think, to the best of my  
13 knowledge, three meetings that I attended, that dealt with  
14 those issues. They have been addressed in testimony during  
15 this hearing. One of them, I believe, was June 16. One of  
16 them was held June 17, and one of them was held June 19, if  
17 my recollection is accurate. Those meetings consisted of  
18 discussions between FEMA and the Applicant, a number of  
19 members of the Applicants' staff, to establish just exactly  
20 what corrective action was considered to be necessary. The  
21 end result was that the Applicants developed the corrective  
22 action plan that has been identified in testimony, and I  
23 believe has been entered into evidence.

24           Q        Was there any discussion at those -- in those  
25 meetings of this pending licensing hearing?

1 A I don't recall.

2 Q Do you know if there was any discussion, either  
3 before or during those meetings as to whether or not the  
4 intervenors might be invited to them?

5 MR. PIGOTT: What is the relevance of this  
6 particular question?

7 JUDGE KELLEY: Mr. McClung has a pending request,  
8 I believe, that I haven't ruled on yet, relating to was it  
9 minutes of meetings, or just the fact you didn't get invited?

10 MR. MC CLUNG: Yes.

11 JUDGE KELLEY: Go ahead.

12 MR. PIGOTT: I will stipulate he wasn't invited.

13 WITNESS NAUMAN: Frankly, Mr. McClung, I do not  
14 recall who initiated the request for the meeting. I know that  
15 our orientation, FEMA's orientation was to meet the request  
16 for a development under the time constraints we were under of  
17 a -- some kind of a game plan of corrective action, and  
18 frankly, whether -- I don't recall and I don't think that  
19 there was any address affirmation or denial of the intervenors  
20 participation.

21 BY MR. MC CLUNG:

22 Q Was the question of a -- what would be necessary  
23 to obtain a FEMA finding of adequacy for the plan discussed at  
24 those meetings?

25 A Only to the extent that it was addressed generally

1 or inherent to the nature of the corrective action. I would  
2 assume that corrective action would produce an environment  
3 reflecting an ability to respond, which is what we are concern-  
4 ed with.

5 Q Are you aware of any meetings which the Applicant  
6 may have had with members of your national office since the  
7 May 13 exercise?

8 MR. PIGOTT: Meetings that he attended, or  
9 meetings that he is aware of?

10 MR. MC CLUNG: I asked whether he was aware of  
11 any, Mr. Pigott.

12 MR. PIGOTT: Okay.

13 WITNESS NAUMAN: I believe there may have been  
14 one meeting to discuss the nature or presentation of the  
15 corrective action, but I am not certain of that. I think  
16 there was at least one, and I am not qualifying it to be  
17 evasive. I am saying I think there was only one that I know  
18 of.

19 BY MR. MC CLUNG:

20 Q And that particular meeting that you are  
21 referring to, do you have any idea who attended that meeting?

22 A I do not.

23 Q Do you have any idea whether the -- or do you  
24 know whether the subject of these hearings were discussed in  
25 that meeting?

1 A I do not.

2 Q Do you know whether the subject of the -- what  
3 would be necessary to obtain a finding of adequacy from the  
4 FEMA body national office was discussed at that meeting?

5 MR. PIGOTT: I believe it is asked and answered.  
6 He said he doesn't know what went on at the meeting, or even  
7 who was there.

8 JUDGE KELLEY: In any event, can't we assume that  
9 that was the subject? I mean, is there some sinister  
10 significance in these meetings? They are trying to get a  
11 license and they are trying to comply, and they are trying to  
12 satisfy FEMA.

13 MR. MC CLUNG: No, I am not -- I am not trying to  
14 say that there is anything sinister going on here.

15 JUDGE KELLEY: Sinister may be a bad -- poor  
16 choice of words on my part, but I am a little unclear the  
17 purpose of the questioning, given the Board's assumption that  
18 Applicants meet with FEMA about emergency plans.

19 MR. MC CLUNG: I will withdraw the last question.  
20  
21  
22  
23  
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25

T10,1

1 BY MR. McCLUNG:

2 Q Okay. I'd like to turn back to the testimony,  
3 I'd like you to refer to the direct testimony of Mr. Kenneth  
4 W. Nauman, Jr., which refers to corrective actions that need  
5 to be taken to ensure adequate protective response, which is  
6 the second page attached to the Affidavit of Kenneth W.  
7 Nauman, Jr. And I'd like you to refer to the final paragraph  
8 in that statement, which says, "We will be prepared to  
9 render an updated opinion on the corrective action subsequent  
10 to that time. If all the deficiencies are corrected, FEMA  
11 will be able to render a finding of adequacy."

12 First, I would like to ask you whether you are  
13 talking about the national office of FEMA or the regional  
14 office of FEMA, when you mentioned the word "FEMA" there.

15 A The only office of authority to render such an  
16 opinion is the national office. And that would be relayed  
17 over to the Nuclear Regulatory Commission, through the  
18 steering committee, and they would do with it as they see  
19 fit.

20 Q I'd like to refer you to -- in that last sentence,  
21 you say that, "If all the deficiencies are corrected, FEMA  
22 will be able to render a finding of adequacy."

23 MR. HOEFLING: Mr. Chairman, I see some confu-  
24 sion here. I think Mr. Nauman's response was related to the  
25 ultimate FEMA finding. And the question seems to be related

2  
1 to the words on this page, in terms of who -- whether we  
2 have a national view here. At leas' that's my perception  
3 of it.

4 JUDGE KELLEY: One, we've got a national view  
5 on this, right?

6 MR. HOEFLING: Right.

7 JUDGE KELLEY: Two, you know, the more I look at  
8 this sentence, and it does relate -- similar, in some ways,  
9 to the sentence on the other piece of paper, and I don't  
10 mean to be critical or sarcastic, but Mr. Nauman, I don't  
11 think the last sentence really says anything, in the sense  
12 that, all it says is, if they meet FEMA's standards, FEMA  
13 will say okay. Isn't that really what it says?

14 THE WITNESS: That's probably accurate, yes, sir.

15 JUDGE KELLEY: It seems pretty innocuous to me,  
16 reall.

17 MR. McCLUNG: If -- taken with that answer, I  
18 will cease questioning on it.

19 JUDGE KELLEY: Okay.

20 MR. McCLUNG: That's all I wanted to elicit.

21 JUDGE KELLEY: Right.

22 BY MR. McCLUNG:

23 Q Now, I'd like to refer you to the Additional  
24 Testimony of Kenneth Nauman, Jr., which is the -- in the  
25 first sentence of that first question, the word "national

3  
1 office views", or the words "national office views" appear.  
2 Is that a typo, or should the word "view" be capitalized?

3 A No, it should not.

4 JUDGE KELLEY: When they speak, it's at least  
5 initial cap.

6 BY MR. McCLUNG:

7 Q I'd like to ask you whether you prepared this  
8 testimony of yourself.

9 A I did not prepare it myself. I attested to it,  
10 in the fact that it is additional testimony.

11 Q Do you know who prepared this testimony?

12 A I do not.

13 Q Was it prepared at the national office?

14 A I cannot say for sure that -- that it was. I was  
15 advised that it was, and I was -- I have no problem with the  
16 testimony. In other words, I have attributed in the -- in  
17 attesting to it, that it is the view of the national office  
18 and that it is -- that I have no problem with it.

19 MR. PERRY: Mr. Chairman, perhaps I can be of  
20 some assistance here. The view expressed in the second  
21 question and answer pairing is a view that was communicated  
22 to me by Mr. Jaske and in turn communicated to Mr. Nauman  
23 as the national view on Tuesday of this week. This view  
24 has also been communicated to the NRC and to the steering  
25 committee. And this is the current national FEMA view of

4  
1 events as they are developing. All Mr. Kauman is being  
2 asked to do is to relay his knowledge of that view, which he  
3 has done.

4 JUDGE KELLEY: Let me ask for a further statement  
5 of Counsel. Looking at the words, "provided the needed  
6 corrective actions are completed" --

7 MR. PERRY: Yes, sir.

8 JUDGE KELLEY: -- given that phrase, doesn't  
9 this sentence say in substance the same thing as the sentence  
10 we were just looking at?

11 MR. PERRY: Well, I think it -- it -- this  
12 probably says a little more, to the extent that -- that the  
13 national office is aware of the actions that's being taken.  
14 It's aware of the process, and it tells you that not only,  
15 in -- you know, in terms of the regional view, as reflected  
16 by Mr. Nauman but the national view is also that as these  
17 things are moved forward and are completed in train,  
18 national is of the view that these are the relevant correc-  
19 tive actions and they are awaiting their completion.

20 MR. PIGOTT: If I might comment --

21 JUDGE KELLEY: Sure, in a minute, but just let  
22 me make sure I understand what Counsel -- it is appropriate  
23 that we maybe do this, or part of it, by colloquy.

24 That does it seems to me, add something, what  
25 you just said. It adds an identification of what the

5  
1 problem areas are. And it says, if you fix those, then  
2 we think there will be a reasonable assurance; whereas, the  
3 earlier statement from Mr. Nauman's direct was, if all the  
4 deficiencies are corrected, FEMA will render a favorable  
5 view. That's a somewhat more general statement, and in my  
6 personal view, doesn't say much. This says a little bit  
7 more.

8 MR. PERRY: Yes, sir.

9 JUDGE KELLEY: Okay.

10 Mr. Pigott, you wanted to speak?

11 MR. PIGOTT: Yes. I would like to speak. I  
12 think that the sentence that you alluded -- or that was  
13 discussed earlier, which was a part of the testimony sub-  
14 mitted under the Affidavit of the September 16th -- the last  
15 sentence was tautological, or whatever the word -- it really --  
16 rhetorical, had no meaning to it, really. This sentence in  
17 this testimony, however, I don't think is in that same  
18 category. I think that the introductory phrase, "Given the  
19 commitment of Southern California Edison", has a definite  
20 meaning in the context of this proceeding. And it's  
21 reflected in Exhibit No. 144, which is the letter of June  
22 26, 1981, to Brian Grimes of the NRC Staff from Mr. Baskin  
23 of Southern California Edison, setting forth the table, two  
24 tables actually, enclosures describing the corrective actions  
25 to be taken to address the FEMA determinations of June 3,

6  
1 1981. That letter reflects that it was an agreed-upon set  
2 of corrective steps between Edison and FEMA. And you will  
3 note in the carbon copies that a copy of that document went  
4 to Mr. Dickey of FEMA. So I would say that a proper reading  
5 perhaps, without being critical of whoever wrote it, that --

6 MR. McCLUNG: Intervenors would object to  
7 Counsel's characterization of the --

8 MR. PIGOTT: The first phrase -- the first phrase  
9 may have perhaps been more specific. But I think that the  
10 first phrase, "Given the commitment of Southern California  
11 Edison Company", has a specific meaning in the context of  
12 these proceedings when everything is taken together. It does  
13 make sense and it does have value.

14 JUDGE KELLEY: Well, we're engaged in a somewhat  
15 unusual process of us all deciding what Mr. Nauman has said.  
16 But this is a peculiar beast we're working with, so we've  
17 all had a sort of a run at it.

18 Would you comment on what three lawyers think you  
19 said --

20 THE WITNESS: Thank you, sir. Yes. In light of  
21 the fact that I have attested to this. From a purely non-  
22 legal standpoint, I feel some comment is necessary. The time  
23 constraints under which we've been under for the last week  
24 and a half to develop testimony without a great deal of  
25 clarification as to the nature of the purpose of that

7  
1 testimony has created the problem, I think, that's at hand,  
2 as well as such things as the titles under which these were  
3 provided. They become somewhat amusing when you put them  
4 all together, and I apologize for that. Now that I know how  
5 the structure works, they will be a heck of a lot more  
6 enlightening, clear and concise.

7           But the problem is that we do not want to be put  
8 in a position of attesting to the simple fact that any  
9 corrective action is sufficient for us to render a finding of  
10 adequacy. The responsibility, as we interpret it, is that  
11 the Applicants and the jurisdictions must submit to us a  
12 demonstration in whatever format they choose to do so at some  
13 future date that will depict the status of events at that  
14 time. Someone must request that we generate an opinion.  
15 At that time we will look at that, as we have in the past,  
16 specifically June 3rd, end product, and render a finding of  
17 adequacy or inadequacy.

18           It is generally construed that if they meet the  
19 criteria -- I'm sorry. If they meet the corrective action  
20 that we have jointly agreed upon, and has been indicated  
21 in the previous testimony, that that should be sufficient  
22 to give us the opportunity to render a favorable finding.

23           But you enter the subjective interpretation,  
24 the professional judgment factor, into this thing, and we  
25 can't say "yes" or "no" in a clear, concise fashion. I hope

8

1 that helps. I'm not sure it does.

2 JUDGE KELLEY: Okay. Let me just be clear. I  
3 think I understand. Mr. Pigott referred to a specific letter  
4 from the company enumerating certain corrective actions to  
5 be taken. And this I believe was an outgrowth of discussions  
6 between FEMA and the company. In your statement here, "Given  
7 the commitment of Southern California Edison", are you  
8 referring to that commitment, the one he described?

9 THE WITNESS: I believe so, yes, sir. There --  
10 we have jointly agreed upon, in the -- in the --

11 MR. PIGOTT: Let him check the exhibit, just to  
12 be sure. This is an important point.

13 THE WITNESS: Yes, that is the correct document.  
14 Thank you, Mr. Pigott.

15 JUDGE KELLEY: So that would you concur with the  
16 discussion between me and Mr. Perry that one difference at  
17 least between this statement and the statement of -- let  
18 me see the date. The Direct Testimony Statement, the last  
19 paragraph -- is that this statement is intended to identify  
20 particular deficiencies, the correction of which will  
21 probably lead to FEMA approval?

22 THE WITNESS: Yes, sir.

23 JUDGE KELLEY: Mr. McClung, go ahead. We're  
24 all interpreting the language. You want to comment on it,  
25 question on it? I jumped in because --

9  
1 MR. McCLUNG: No, that's all right, I appreciate  
2 it.

3 JUDGE KELLEY: -- now that we've got motions  
4 coming, and we're trying to clarify what's been said --

5 MR. McCLUNG: Well, we're a lot clearer, I think,  
6 about what his testimony is meant to say at this point.  
7 And I just might add, that was what I thought it was -- it  
8 was either a tautology on the one hand, in which case I don't  
9 mind it, you know, in the same as the other statement was,  
10 or it's meant to incorporate these letters and somehow say  
11 that if the commitment is met in these -- basically in these  
12 letters, and there's a probability of a favorable FEMA  
13 finding, and if that's what it's taken to mean, that was the  
14 subject of my motion to strike, on other legal grounds,  
15 which I think I agree with you would have to be briefed  
16 properly for the Board to make an adequate decision on it.

17 JUDGE KELLEY: I'm not sure, now that we've been  
18 through all this, that we still feel the need for briefing.

19 MR. McCLUNG: Oh, okay. Perhaps not.

20 JUDGE KELLEY: But maybe, maybe not.

21 MR. McCLUNG: That's all right.

22 JUDGE KELLEY: I said that at the beginning.  
23 It seemed to me to raise a legal question, for example, of  
24 whether this was a subsequent report that would supersede the  
25 prior report that would be rebuttably presumed, and all of

10

1 that business. And I gather we're not into that at all.  
2 That's not what this is about. So I don't know that we need  
3 a brief, one way or the other.

4 MR. McCLUNG: Okay.

5 JUDGE KELLEY: Maybe Mr. Pigott wants to write  
6 a brief.

7 MR. PIGOTT: I haven't written one for so long.  
8 No, I don't think I want to write a brief.

9 JUDGE KELLEY: Okay. Well, I think we've sort  
10 of --

11 MR. PIGOTT: Let's see if we can get out of here  
12 today.

13 JUDGE KELLEY: -- jumped into your part of the --

14 MR. McCLUNG: Let me ask a few questions to try  
15 to clarify what you were just saying about what this state-  
16 ment is.

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1 BY MR. MC CLUNG:

2 Q The statement is not in any way an interim  
3 finding of the FEMA national office?

4 A Not in the least. It was an attempt, as best I  
5 can determine, to clarify the status of actions that are  
6 necessary to get an update on what is happening, a formal  
7 update on what has happened, to give FEMA's opinion on the  
8 status or adequacy of emergency response capability at some  
9 future date. It was nothing more than an attempt to give the  
10 Board a position of where FEMA was at, as to how they would  
11 render the next opinion.

12 Q And you have testified that you believe that  
13 commitment, in the answer to the second question, the  
14 commitment of Southern California Edison and local  
15 jurisdictions to the correction of the deficiencies noted  
16 in the FEMA interim findings of June 3, 1981, that that  
17 commitment specifically refers to the letter which you have  
18 identified as going from the Edison Company to Brian Grimes?

19 A That is correct.

20 Q Are there any other commitments that are  
21 referred to in that statement?

22 MR. HOEFLING: I think that question has been  
23 answered at least four times, what that statement means.

24 MR. MC CLUNG: The witness could probably  
25 answer the question. It is a yes or no question.

1           WITNESS NAUMAN: I think it is explained in the  
2 statement. They talk about one commitment, and that -- we  
3 have already questioned and answered. Further, the sentence  
4 says, and their continuing efforts to correct the  
5 deficiencies, and that has been reflected in my testimony as  
6 to receipt of SOP's, to the correspondence of future schedules  
7 and dates to be established. It is reflected in correspondence  
8 that I have with me that reflects ongoing scheduling of  
9 training activities, and the proposal that I attested to in  
10 the quote "direct testimony," end quote, that deals with the  
11 October 15 rough delivery date of a total assessment of the  
12 status of things.

13           I think the only thing that needs to be  
14 highlighted in addition is that that November 1st reference  
15 that Mr. Jaske made in our -- in the regional opinion, is  
16 subject to a certain amount of flexibility. In other words,  
17 we are not automatically at this point going to render a  
18 1 November finding. We are going to -- or opinion. It will  
19 be whenever it is -- it is possible to do so. In other  
20 words, we have got enough material to update it, and you  
21 know, make it credible, otherwise we are just going through  
22 the motions, and that serves no purpose or value to anyone.

23           BY MR. MC CLUNG:

24           Q       Can we assume, then, that if the corrective  
25 measures that are contained in the letter, which you have

1 referred to, and which is Exhibit Number 144 in this  
2 proceeding, those corrective measures are not taken, that the  
3 FEMA will not be in a position to issue a finding of adequacy.

4 A No, it doesn't. Under the MOU, we were -- we are  
5 responsible to render a -- the agency is responsible to  
6 render a finding and determination anytime it is requested from  
7 the NRC. So, I would say no, the answer is no to your question.

8 Q Let me try to ask it again. I am trying to --  
9 what I am trying to get at is there are certain commitments  
10 that are expressed in the letter we are referring to, about  
11 corrective actions that must be taken in order for the FEMA  
12 to be able to render a favorable finding, and my question is,  
13 if they don't correct some of those items that are contained  
14 in the letter, will FEMA be able to render a finding of  
15 adequacy?

16 A I don't believe I can answer that. It is too  
17 general, too subjective. There are too many factors that come  
18 to play in that. If they, you know, in our opinion do not  
19 meet certain of the corrective action standards, it -- it  
20 depends upon how they fail to meet them.

21 Q Okay.

22 A For example, you have had an extension on the  
23 siren due date that supersedes the criteria of 0654. The  
24 reflection of that could have a reflection on the findings,  
25 in other words, they may not have met the corrective action

1 that was demonstrated in -- or submitted as what they were  
2 going to attempt to do, and it may have been superseded. It  
3 may not be relevant, so it is impossible to answer your  
4 question.

5 Q Do you have the letter in front of you, number 144?

6 A I have it here somewhere. You are referring to  
7 the corrective action letter that was just shown me, or the  
8 Jaske letter?

9 Q The corrective action letter.

10 MR. HOEFLING: Applicants' Exhibit 144?

11 MR. MC CLUNG: That is correct.

12 WITNESS NAUMAN: Yes, I have it.

13 BY MR. MC CLUNG:

14 Q Could you refer to enclosure number one?

15 Under number one, there is something labeled  
16 most critical concern, and it states, the assessment and  
17 monitoring of actual offsite radiological consequences of a  
18 radiological emergency condition through method systems and  
19 equipment is considered to be weak and in need of improvement  
20 to meet minimum criteria.

21 In your opinion, or in the national view, must  
22 that most important concern be met in order for them to render  
23 a finding of adequacy?

24 A In the first place, the term "most critical  
25 concern", as is in quotes, is a product of the Applicants'

1 development. While it was extracted from the findings and  
2 determinations statement, it could but does not necessarily  
3 reflect a prioritization, if you will. It was taken out of  
4 context. I only need -- I only wish to note that. In regard  
5 to your question, I think that the final opinion that is  
6 rendered by the Region that results in a finding and  
7 determination by the Agency is one that could be based upon  
8 an aggregate assessment and could be, as I have indicated in  
9 the last response, subject to professional judgment, and the  
10 aggregate assessment, which is by the way supported by previous  
11 testimony provided by FEMA in other licensing board hearings,  
12 specifically in July, is a procedure to which we are attesting  
13 and we don't feel that additional comment in that regard is  
14 necessary.

15 Q This document was prepared by the Applicant, is  
16 that correct?

17 A That is correct.

18 Q Is there any corrections or revisions that the  
19 FEMA national office would like to make to this particular  
20 document?

21 A There is not.

22 Q So, because of the subjective nature of the  
23 evaluation process, it is possible that some of these  
24 corrective measures could not be taken, and a finding of  
25 adequacy could be rendered.

1 A It is possible.

2 Q And it is --

3 A I will note that it is highly improbable, but it  
4 is possible.

5 Q Could you clarify what you mean by highly  
6 improbable?

7 A Mr. McClung, I don't know that -- well, it is  
8 not my capacity to comment on it, so I will stop that statement,  
9 but no, I can't expand upon it. I think that I have stated  
10 the position of the agency is a matter that we will assess the  
11 total capability at the time that it is presented to us, and  
12 we are requested to produce a finding and determination. At  
13 that time, we will make an assessment of the overall capability.  
14 If it is considered to be adequate, we will render a finding  
15 of adequacy. It serves to purpose for the utility to fail to  
16 accomplish the items that are in question here, so it is  
17 highly unlikely they are going to do that.

18 JUDGE KELLEY: Let me ask, Mr. McClung, can you  
19 give the Board an estimate of when you will be through with  
20 this witness?

21 MR. MC CLUNG: I should be through with the  
22 witness before the one o'clock time that you set, or do you  
23 need a better estimate than that?

24 JUDGE KELLEY: That is good enough, but I do think  
25 that you had all yesterday afternoon and all this morning, and

1 I think you are starting to get a little repetitive, so I  
2 think you had better plan on wrapping up by one o'clock.

3 MR. MC CLUNG: I appreciate the admonition of the  
4 Board, and I will attempt to do that. I do want to ask a  
5 couple more questions in this light, because Intervenors feel  
6 that this particular piece of testimony --

7 JUDGE KELLEY: I think with the understanding  
8 that you can finish up in the next half hour --

9 MR. MC CLUNG: Yes.

10 JUDGE KELLEY: -- you can spend your time as you  
11 wish. Right.

12 MR. MC CLUNG: I appreciate the problem, and, Mr.  
13 Nauman, I will try to formulate the question, which you can  
14 respond to in this regard. What I am trying to do is make  
15 precise for myself this sentence in -- you know, the two  
16 sentences in this particular piece of testimony. I would like  
17 to ask you a couple more questions on it. Would it be a fair --

18 MR. HOEFLING: Excuse me, which sentences and  
19 which piece of testimony are we on now?

20 MR. MC CLUNG: We are referring to the additional  
21 testimony of Kenneth Nauman, Jr., dated September 24, 1981.

22 BY MR. MC CLUNG:

23 Q Would it be a fair statement of the national view  
24 to state that if the corrective measures contained in the  
25 letter, which is Exhibit 144, are met, that FEMA will

1 probably issue a finding of adequacy?

2 A Yes.

3 Q And is it a correct statement, or is it a fair  
4 statement of the national view that if the findings -- I mean,  
5 if the corrective actions outlined in Exhibit 144, any of them  
6 are not met, that FEMA will probably not issue a finding of  
7 adequacy?

8 JUDGE KELLEY: If the lawyers don't want to  
9 object, I guess I won't, but I am sure that has been asked  
10 and answered.

11 MR. PIGOTT: He can use his half hour any way  
12 he wants.

13 JUDGE KELLEY: All right.

14 MR. PIGOTT: As far as we are concerned.

15 WITNESS NAUMAN: No, I don't think it is.  
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1 BY MR. McCLUNG:

2 Q Well, the reason I asked you, again, on that  
3 particular question is, you said that it would be improbable  
4 that they would issue a finding of adequacy if one of these  
5 concerns wasn't met.

6 MR. PERRY: I don't believe the witness did say  
7 that, Mr. Chairman.

8 MR. McCLUNG: Okay. I mean, I'll drop the  
9 subject at the present time.

10 MR. PIGOTT: And the record, of course, will  
11 ultimately be the -- what is spoken here. But I think on  
12 this question it might be worthwhile getting the witness to  
13 repeat what he said in that regard, for clarity --

14 JUDGE KELLEY: Very well.

15 MR. PIGOTT: -- because there may be a misunder-  
16 standing between his counsel and himself.

17 JUDGE KELLEY: Could you do that?

18 THE WITNESS: Okay. I may have misunderstood the  
19 question. Mr. Perry, were you cognizant of what I said?  
20 Was I contradicting myself?

21 Why don't you repeat the question, Mr. McClung.  
22 It might be better.

23 BY MR. McCLUNG:

24 Q The question was, in approximate form, would it  
25 be a fair statement of the FEMA national view that if any

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1 one of the corrective actions contained in the Exhibit 144  
2 were not complied with that it would be improbable that a  
3 finding of adequacy could be issued by FEMA?

4 A It's possible a finding could be -- of adequacy  
5 could be found, and it's also possible it may not be found.

6 Q At this point you can't render a probability --

7 A No, I can't, because it depends upon -- on what  
8 the end result is. We've got to take an assessment of the  
9 situation when the demand for the finding and determination  
10 is rendered. And until that time, I can't say that the  
11 particular situation is going to be such that we would be able  
12 to find one way or the other. I've already indicated that the  
13 aggregate product is what would determine whether or not a  
14 finding of adequacy would exist.

15 Q I appreciate that, but the thing that's  
16 confusing me is that you have stated, have you not, that if  
17 these various things are addressed, that FEMA will be able  
18 to issue a finding of adequacy. So you've given me a proba-  
19 bility on the other side of the coin. And that's what I'm  
20 trying to clarify for myself.

21 A I don't know that I said "will be". I think I  
22 said "could be".

23 Q Okay. Let me try to --

24 A The point is that the minimum necessary has been  
25 depicted in the Applicant's Exhibit 144. If they meet that,

3  
1 you then have to assess the nature of meeting it, to determine  
2 whether it is adequate or not. It certainly, I think, could  
3 be construed that if they meet that in a professional manner  
4 that it is going to be sufficient for us to render a finding  
5 of adequacy.

6 But I am not going to be put in a position of  
7 having to categorically state "yes" or "no" whether the  
8 admission or the addition of one or more of those items is  
9 going to be a -- a criterion to determine adequacy.

10 Q So what you're saying now is that if they meet  
11 all the requirements in No. 144 adequately then FEMA will  
12 issue a finding of adequacy?

13 A I'll go along with that.

14 MR. McCLUNG: At this point, Intervenors would  
15 conclude their cross-examination of this witness, and we  
16 would like to renew our motion to strike the additional  
17 testimony of Kenneth Nauman, Jr., September 24, 1981. And  
18 the Intervenors submit that --

19 JUDGE KELLEY: It's not directed to that last  
20 sentence of the direct testimony but only to the September 24 --

21 MR. McCLUNG: No, I've removed my objection  
22 to that, given the response --

23 JUDGE KELLEY: Okay. I thought that was right,  
24 I just wanted it clarified.

25 MR. McCLUNG: Thank you.

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1 JUDGE KELLEY: It's only directed to the  
2 additional testimony dated September 24. Okay. We've had a  
3 lot of discussion of this. If you could just summarize, take  
4 what time you want, but state your legal basis for the motion.

5 MR. McCLUNG: The Intervenors submit that this  
6 particular piece of testimony purports to be a statement by  
7 FEMA on the ultimate issue in this case, which is the issue  
8 of adequacy of emergency response. It is admittedly not a  
9 finding, but an attempt to create a derogation or a downplay  
10 of the June 3rd findings.

11 The Applicants and the NRC Staff have elected  
12 to proceed in these hearings before obtaining a favorable  
13 FEMA finding. It is their burden in this proceeding to rebut  
14 the FEMA finding of June 3rd. They have elected to go  
15 forward. They should provide their case. FEMA cannot, in  
16 this circumstance, without issuing another finding, come in  
17 and derogate their own finding. Intervenors feel that that  
18 is in violation of 10 CFR 50.47(a)(1) and (2).

19 It is clear to the Intervenors at this point that  
20 this is the intent of this particular piece of testimony, or  
21 the force of this particular testimony, as it has been  
22 suggested, that it connects somehow the Exhibit No. 144 of  
23 the Applicant to the Exhibit No. 146 of the Applicant, and  
24 somehow creates a statement of probability of a favorable  
25 finding at some point in the future.

5  
1           The witness has testified in this hearing that  
2 he cannot express the national view with respect to the  
3 RAC review comments and with respect to the exercise review  
4 which are Intervenor's Exhibits 13 and 14, upon which he has  
5 testified that the June 3rd findings were based. The  
6 statement, it has been put in the record, was transferred  
7 from someone in the national office through someone to Mr.  
8 Perry, and from Mr. Perry to the witness, and therefore it is  
9 hearsay on the ultimate issue in this proceeding, which is  
10 whether or not the current state of the off-site emergency  
11 preparedness is adequate and capable of being implemented.

12           And basically, for those two reasons, Intervenor  
13 would move to strike at this time to avoid additional cross-  
14 examination on this particular question and to take it out of  
15 the record.

16           JUDGE KELLEY: What are you saying is hearsay?  
17 I'm not clear.

18           MR. McCLUNG: The statement in the additional  
19 testimony of Kenneth Nauman was not prepared by the witness.  
20 He has indicated that in the testimony. And it was -- states  
21 a view of someone in the national office which was trans-  
22 ferred to Mr. Perry, which was then transferred to the witness.  
23 It's a form of about quadruple hearsay, as to what the view  
24 is and what the views are.

25           And this witness is not competent to adequately

6  
1 address questions of what the views are.

2 JUDGE KELLEY: I thought he was being held out  
3 as a witness for the national office, unless otherwise noted.  
4 I thought specifically he's being held out as a witness for  
5 national with respect to this additional testimony of  
6 September 24th.

7 Isn't that correct, Mr. Perry?

8 MR. PERRY: That is correct, sir.

9 JUDGE KELLEY: Thank you.

10 All right, I'll hear from other counsel on the  
11 motion.

12 Mr. Pigott?

13 MR. HOEFLING: Could I respond to that?

14 MR. PIGOTT: I was going to say, essentially,  
15 since it's the defense of NRC of its testimony, perhaps they  
16 should --

17 JUDGE KELLEY: Whatever sequence you gentlemen  
18 want to go in is okay with us.

19 MR. HOEFLING: I'll be brief in my comments.  
20 First of all, with the reference Mr. McClung made that this  
21 witness is not competent to sponsor the testimony and to  
22 explain it, I find that incredible. Mr. Nauman is here.  
23 He represents the national view. He's represented that he's  
24 been delegated to speak to that view. He's been undergoing  
25 long cross-examination with respect to it, and I don't find

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1 anything in this record to suggest any incompetence with  
2 respect to the presentation of those views. That's -- moving  
3 on, hearsay, again, I don't understand that objection. Mr.  
4 Nauman has been delegated to represent the national view.  
5 He's here to stand cross and to explain it, and that's what  
6 he's done.

7           With respect to these other comments, which  
8 appeared to be some type of an objection based around the  
9 rebuttable presumption or an impeachment of FEMA's interim  
10 findings, we have FEMA's interim findings of June 3, but  
11 we're litigating reality here, we're not litigating June 3.  
12 We're in September of 1981. We're not freezing the clock  
13 and looking at what happened four or five months ago. We're  
14 looking at where we are today.

15           And Mr. Nauman's purpose is to come before this  
16 Board and to explain what FEMA has done, explain the current  
17 status as FEMA sees it, and articulate that view to the Board.  
18 And that's what Mr. Nauman has done. I just fail to see what  
19 the substance of Mr. McClung's objection is on that point.

20           That's all we have, Mr. Chairman.  
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JUDGE KELLEY: Mr. Pigott?

MR. PIGOTT: I would support the Staff's statements. I have nothing further to add, beyond Mr. Hoefling's statement.

JUDGE KELLEY: Mr. Perry?

MR. PERRY: No, sir, I think Mr. Hoefling has adequately reflected my views.

JUDGE KELLEY: Okay. Well, I think we'll take a couple of minutes here so the Board can confer on the matter and then we'll go back on the record and give you a ruling. Literally a couple of minutes.

(Brief recess.)

JUDGE KELLEY: Back on the record.

The pending matter is the motion by the Intervenors, GUARD, to strike the additional testimony of Kenneth Nauman, Jr., dated September 24, 1981. We've considered the arguments of counsel and we particularly have considered the discussion of this document, and the course of Mr. Nauman's testimony, as to what it means and what its purpose is.

We are denying the motion to strike. On the other hand our reasons for doing so, I believe, should allay some of the concerns of the Intervenors about the significance of this document. We do not read this document as a statement on the ultimate issues of adequacy of the

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1 plants. And we don't read it that way because of Mr.  
2 Nauman's explanation, primarily, to the effect that it's  
3 really more of a status report than anything else. It's not  
4 a conclusion on ultimate issues. It's also not a new  
5 finding or determination within the meaning of the regula-  
6 tion, which of course has attached to it a rebuttable  
7 presumption. This document does not supersede the interim  
8 findings of last June.

9           Let me add, we're not breaching the question  
10 whether rebuttable presumptions attach to the June findings  
11 or not. We're simply saying that this document doesn't  
12 effect that question, because it certainly doesn't do that,  
13 itself. What we have here is subsequent evidence and indi-  
14 cation of the kind of review that's going on. It does have  
15 one aspect of substantive significance if you will, that it  
16 is intended to incorporate as explained by Mr. Nauman the  
17 correspondence earlier this summer between the Applicants  
18 and the NRC outlining the various steps that they propose  
19 to take.

20           And this statement does say that if those  
21 particular problem areas are cured, then -- I won't para-  
22 phrase -- provided the needed corrective actions are taken,  
23 are completed -- and that means the actions outlined in the  
24 letter -- there is a reasonable assurance that adequate  
25 protective measures can and will be taken, and so forth.

3  
1 So it narrows the scope of the Applicant's problem areas, or  
2 at least identifies them. But beyond that, it doesn't reach  
3 conclusions, as we read it, on the merits.

4 We also don't view it as objectionable hearsay  
5 in the sense that we've excluded a lot of articles and  
6 related similar matter in the course of this proceeding.  
7 Mr. Nauman is speaking, Mr. Nauman is here. Mr. Nauman is  
8 here as a spokesman for the national office. And we think  
9 that's about as good as you can get in terms of having the  
10 viewpoint of any government agency. I suppose if the  
11 argument were otherwise, I don't see how the Attorney  
12 General could speak for the Department of Justice. There  
13 has to be some point where you don't bring in everybody  
14 involved in a process to speak to something. So we don't  
15 think that there is any objectionable hearsay aspect to this  
16 testimony.

17 And that is our ruling on this motion.

18 Now, had you finished cross, Mr. McClung?

19 MR. McCLUNG: Yes, sir.

20 JUDGE KELLEY: Okay, fine. It's 1:00 o'clock.  
21 We indicated that we would stop at this point. Is there  
22 anything else that counsel want to raise before we adjourn  
23 for the weekend?

24 MR. HOEFLING: I would just like to indicate for  
25 the Board that with respect to our witnesses next week, Mr.

4  
1 Brian Grimes, the director of the office of the division of  
2 emergency preparedness, will be with us next week and will  
3 be co-sponsoring the testimony of Mr. Sears on low power,  
4 just for the information of the Board and the parties.

5 JUDGE KELLEY: Just on low power?

6 MR. HOEFLING: That's correct.

7 JUDGE KELLEY: Okay. Fine.

8 MR. HOEFLING: He's been earlier identified as  
9 a potential witness.

10 JUDGE KELLEY: Okay. And Monday morning, 9:00  
11 o'clock, are we going to Mr. Sears?

12 MR. HOEFLING: Yes.

13 JUDGE KELLEY: Fine. Okay.

14 MR. HOEFLING: I would propose that we would  
15 go completely through Mr. Sears and then resume with Mr.  
16 Nauman. Is that acceptable? Rather than chop it up --

17 MR. PIGOTT: It's fine with me.

18 MR. McCLUNG: I just wanted to point out, we do  
19 have Mr. Carvalho to -- he'll be squeezed in there at some  
20 point.

21 JUDGE KELLEY: Okay. We'll work that out.  
22 Anything else?

23 MR. PIGOTT: Nothing from Applicants.

24 JUDGE KELLEY: Okay. Well, then we'll adjourn  
25 until 9:00 o'clock.

(Whereupon, the hearing was recessed until 9:00  
a.m., Monday, September 28, 1981.)

NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the  
NUCLEAR REGULATORY COMMISSION

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in the matter of: Southern California Edison Company, et al (San Onofre  
Nuclear Generating Stations, Units 2 and 3)

Date of Proceeding: September 26, 1981

Docket Number: 50-361 OL, 50-362-OL

Place of Proceeding: Anaheim, California

were held as herein appears, and that this is the original transcript  
thereof for the file of the Commission.

Tom Parker

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Official Reporter (Typed)



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Official Reporter (Signature)