

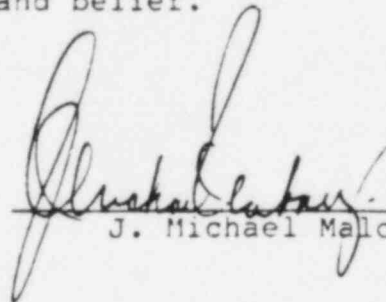
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter of)	
)	
)	
COMMONWEALTH EDISON COMPANY)	Docket Nos. 50-454 OL
)	50-455 OL
)	
(Byron Nuclear Power Station,)	
Units 1 & 2))	

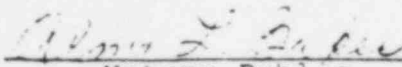
AFFIDAVIT OF J. MICHAEL MALONEY

The attached statements, questions and answers, and exhibits constitute my testimony in the above-captioned proceeding. The testimony is true and accurate to the best of my knowledge, information, and belief.



 J. Michael Maloney

Subscribed and sworn to before me this 17th day of February, 1983.



 Notary Public

Notary Public in and for the State of New York
My Commission Expires Nov. 15, 1983

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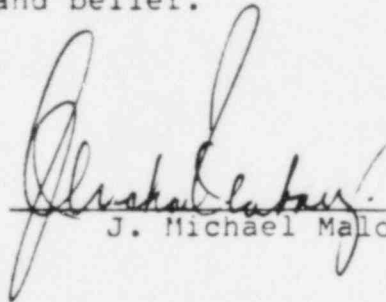
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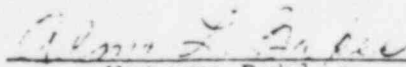
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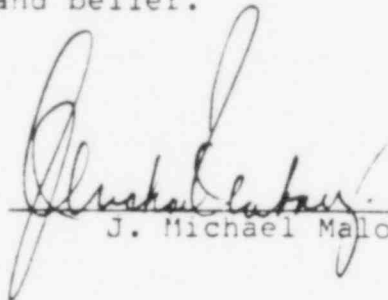
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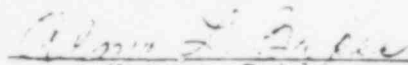
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 J. Michael Maloney

Subscribed and sworn to before me this 17th day of February, 1983.



 Notary Public

My Commission Expires Nov. 10, 1983

TESTIMONY OF J. MICHAEL MALONEY ON EMERGENCY PREPAREDNESS:
DAARE/SAFE CONTENTION 3 - ROCKFORD LWV CONTENTIONS 19 AND 108

Affiant states that he has read and is familiar with the documents attached hereto as Exhibits A, B, C, D, E, and F.

Q. Please state your name, present occupation and present position.

A. My name is J. Michael Maloney. I am the Superintendent of Schools for the Leaf River Community Unit #270 ("Leaf River C. U.").

Q. Briefly state your educational and professional qualifications.

A. I received a Bachelor of Science degree in English and Education from Rockford College and a Master of Science degree in English and Education from Northern Illinois University. I have been employed by the Leaf River C. U. for the last five years and have served as superintendent for the past three years.

Q. To which contention is this testimony addressed?

A. Emergency Preparedness: DeKalb Area Alliance for Responsible Energy/Sinnissippi Alliance for the Environment ("DAARE/SAFE") Contention 3, and Rockford League of Women Voters ("Rockford LWV") Contentions 19 and 108. C.M.

Q. Is the Leaf River C. U. located within the 10-mile plume exposure pathway Emergency Planning Zone ("EPZ") for the Byron Nuclear Generating Station ("Byron Station")?

- A. Yes. Leaf River C. U. is located 6 to 7 miles west-northwest of the Byron Station.
- Q. What preliminary or final emergency plans are you familiar with?
- A. The Illinois Emergency Services and Disaster Agency ("IESDA") sent to me an initial draft of the school superintendent's portions of the Illinois Plan for Radiological Accidents, Volume VI "Byron" ("IPRA-Byron, Draft"). These included an initial notification diagram; flow diagrams for command and coordination, protective actions, and parallel actions; responsibility matrices; and procedures for my role in the emergency plan. The IPRA-Byron, Draft, was dated December 1982 and accompanied by a cover letter dated November 29, 1982, from Mr. David L. Smith, IESDA Chief of Operations, Byron Emergency Plan. The school superintendent's portion of IPRA-Byron, Draft, and cover letter are attached to this affidavit as Exhibit A.

DAARE/SAFE and Rockford LWV provided me with the school superintendent's portions of the Illinois Plan for Radiological Accidents, Volume VI, "Byron," Preliminary Revision O ("IPRA-Byron, Revision O"). The school superintendent's portions of IPRA-Byron, Revision O, are also dated December 1982 and attached to this affidavit as Exhibit B.

I have also examined Commonwealth Edison's document titled "Evacuation Time Estimates Within the Plume Exposure Pathway Emergency Planning Zone for the Byron Nuclear Generating Station" (Evacuation Time Estimates-Byron), which is based on the feasibility and the official execution of these IPRA-Byron, Revision 0, plans and procedures. Section 4.2 titled "Special Facilities Time Estimate Methodology and Assumptions" and Section 6.2 and Table 6.2 titled "Special Facilities Evacuation Times" are attached to this affidavit as Exhibits C and D, respectively.

Q. Did the IESDA solicit any information from you regarding the number of students to be evacuated and the resources available to you in conducting an evacuation? (13)

A. Yes. My limited contact with planners has consisted primarily of fact finding on their part. I responded to a "request for information" from Assistant Ogle County Superintendent of Educational Services, Charles Hayes. A copy of Mr. Hayes' letter dated September 10, 1982, is attached to this affidavit as Exhibit E. Mr. Hayes had asked that I provide him with the number of students and staff at Leaf River C. U., and the number of vehicles to which I have access. I also received a visit from two IESDA representatives during the week of December 6. They asked essentially the same questions as Mr. Hayes. According to these gentlemen and to Mr. Hayes (Id.), these figures were to be used by IESDA and Commonwealth Edison in planning for an emergency at the Byron Station. (13)

Q. Did the IESDA solicit your opinions as to the adequacy of the IPRA-Byron, Draft? (13)

A. Yes. In the cover letter from David L. Smith dated November 29, 1982, was a request for a "timely review" of the IPRA-Byron Draft (Exhibit A). I received the IPRA-Byron, Draft, midweek and was expected to critique the plan by the next week. Though this was not a sufficient length of time for me to formulate a thorough analysis of the IPRA-Byron, Draft, I did offer my preliminary thoughts. But the idea was clearly to assign a role to me rather than design one around my actual capabilities. I raised, for example, questions regarding communications equipment which have yet to receive attention. I have been allowed very little input into Emergency Planning around the Byron Station. (13)

Q. What are your primary concerns regarding the emergency roles for which you are given responsibility in the IPRA-Byron, Revision O? (13)

A. Generally these concerns are: (a) procedures for and modes of carrying on emergency communications; (b) logistical difficulties of transportation plans (e.g. not enough buses, availability of drivers, communications with vehicles); (c) the liability of my school district and its employees for damages caused or injuries sustained by Ogle County citizens (including school district employees) while emergency workers are carrying out or failing to carry out responsibilities as outlined in IPRA-Byron, Revision O; (d) complications involved with the relocation of evacuees, (13)

(e.g. where to go and how to reunite families); (e) the inadequacy of sheltering in place; and (f) the financial burden.

Q. With whom, according to the IPRA-Byron, Revision O, must you maintain communications during an emergency?

A. The Ogle County Superintendent of Educational Services, the Fire Protection District Chief, and school administrators (Exhibit B).

Q. Are there any other communication capabilities which are assumed but not stated directly?

A. Yes, I must be in contact with all field personnel (bus drivers).

Q. What communications systems do you presently have available for such communications?

A. I will personally have only commercial telephone lines for emergency communications. Two of my buses are equipped with two-way radios on the same frequency as the Mt. Morris Educational Coop. I have no base station for these radios.

Q. Will your commercial phone lines be sufficient in an emergency?

A. No. Should an overload of telephone lines occur, I would have no means of receiving or disseminating information. I would not be notified of the progression of the emergency situation. For example, I may be left completely in the dark if an initial order for a protective action, e.g. for sheltering, is changed to an order for an evacuation.

With regard to the dissemination of information, efforts to keep school administrators abreast of the situation or to summon bus drivers by means of telephone will also depend on the integrity of the commercial phone lines.

Q. Do you have the capability to evacuate your entire student population in one trip?

A. Yes, I am the only Ogle County school superintendent with such capabilities. I have seven buses at my disposal with a total capacity of 462. I have 413 students and 37 staff. The proposed additional transportation services for the general public would of course require additional trips.

Q. What other factors determine the availability of transportation?

A. Certainly the ability to mobilize drivers, which is dependent upon their willingness to serve as emergency workers, ~~and their availability. Many bus drivers will be difficult to contact because they are part-time employees and work elsewhere during the day. And notification of drivers, as I pointed out earlier,~~ is dependent upon the ~~telephone system~~ which could be overloaded during an emergency. Once contacted, drivers may, understandably, choose to evacuate with their own families. And it is clearly the case that the number of willing drivers will decline with each successive trip.

Q. Approximately how much time would be required to mobilize personnel sufficient to man all available buses?

- A. At least thirty minutes would be required. This estimate assumes that everyone can be easily contacted which, for reasons stated above, is not the case. At night, on week-ends, during holidays, or over summer recess, hours would be required.
- Q. What are your concerns about the liability of your school district and its employees for damages caused or injuries sustained during the execution of responsibilities assigned to you in IPRA-Byron, Revision O? (13)
- A. The Leaf River C. U. is insured for the transportation it provides to the students of the Leaf River C. U. only. The transportation of students from other districts [IPRA-Byron, Revision O, (VI) (3), pp. 3-4, attached to this affidavit as Exhibit F] and the transportation of the general populace during an evacuation [(VI) (2), page 208, and (VI) (2c), page 20, Exhibit B] are activities for which we are not insured. I, personally, would place myself in legal jeopardy by ordering bus drivers or other staff to assist in emergency activities. Should any Leaf River C. U. employees receive unacceptable internal or external doses of radiation while carrying out my instructions, who is liable? And who is liable for the families of emergency workers whose prompt evacuation would be hindered by the delay in availability of family vehicles? (13)
- Q. Have you made any attempts to clear up this matter via IESDA officials? (13)

A. Yes, I certainly have. Last November I contacted the IESDA Region 2 Office in Dixon to inquire about the liability question. The person to whom I spoke seemed confused but reassured me that all actions I would take during an emergency would be covered by a national insurance policy which covers the entire nuclear industry. I asked him to send me this in writing. He said he would do so, but all I received was another phone call from IESDA. I again listened patiently and again asked for confirmation in writing. I received two more phone calls from IESDA officials (total four) but have not received any written confirmation of coverage. On February 1, I contacted Mr. Paul Sereg, IESDA Coordinator for Region 2 in the Dixon regional office. I asked him for a copy of the December 1982 IPRA Preliminary Plan for Byron (which is now IPRA-Byron, Revision 0). He said it was "hot off the press" and unavailable at this time. I again inquired about liability and informed Mr. Sereg that my district's buses would not be available until these questions were answered. I was told that he would return my call. On February 8 I tried Mr. Sereg once again and became aware that he had clearly not pursued the questions which I posed.

Q. What information have you been given on relocation?

A. None. ~~What plans do exist seem to stop at the border of the ten-mile EPZ. I do not know where the children will be taken, or how they will be reunited with their families.~~

13

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Q. What portions of Commonwealth Edison's Evacuation Time Estimates-Byron have you seen?

A. I am familiar with Section 4.2 "Special Facilities Time Estimate Methodology and Assumptions," pp. 4-6 and 4-7, and Section 6.2 "Special Facilities Evacuation Times," as well as Table 6-2 where these time estimates are found. (See Exhibits C and D, respectively.)

Q. Briefly, what is the methodology used?

A. The total evacuation time for Leaf River C. U. is 50 minutes. The total evacuation time is divided into mobilization time and travel time. Mobilization time is assumed to be 45 minutes (15 to notify me, 30 minutes to mobilize drivers, drive to the schools, and prepare students for departure). The travel time out of the EPZ is then minimal: five minutes.

Q. Did the document state the source of these mobilization and loading times for Leaf River? (13)

A. Yes, in Section 4.2 the authors claim to have obtained these estimates through interviews with facility officials. (13)

Q. Are you the source of these time estimates? (13)

A. No, I am not. (13)

Q. Sheltering is another possible protective measure which may be prescribed in the event of an accident at the Byron Station. Have IESDA officials given you any information on sheltering procedures in response to such as accident? (13)

A. No, they have not. (13)

Q. Are you aware of what is meant by "sheltering," pursuant to IPRA-Byron, Revision 0?

A. As I understand the matter, sheltering will be prescribed for those populations in the affected area who cannot evacuate in an acceptable time period. Sheltering involves staying inside, closing all windows and doors, and going to a basement area or a room where walls are made of cement. Ventilation is to be restricted in any way possible.

Q. Have IESDA officials inquired as to the feasibility of sheltering students in your buildings after radiological release from the plant?

A. No, they have not.

Q. Do your buildings have suitable facilities (basement or windowless areas) for sheltering?

A. No, they do not.

Q. Do you see any further problems with using sheltering as a protective action?

A. Yes. If sheltering is prescribed as a protective action and an evacuation is later advised, I would have only a commercial telephone to receive the message, summon bus drivers and notify school officials. As I established earlier, telephone communications are of limited reliability, at best.

Q. Have IESDA or Commonwealth Edison given you any indication that they will make any efforts to ease the financial burden of acquiring badly needed communications equipment, training or evacuation experience?

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witness is
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(13)

A. No. (3)

Q. On the basis of your education and professional experience, your knowledge of the Leaf River C. U. and its resources and your limited contacts with IESDA, do you consider the IPRA-Byron, Revision O, to be adequate or capable of implementation with regard to your role in the evacuation or sheltering of schoolchildren and the general populace?

A. No. The plan will not be capable of implementation until our questions regarding notification, transportation, communications, and liability are given attention. IESDA officials have been complacent, even evasive, when problem areas have been brought to their attention. IESDA and Commonwealth Edison officials have yet to take the planning initiative necessary to develop a viable preliminary plan.

Affiant incorporates the material contained in Exhibits A, B, C, D, E, and F, attached hereto, as part of his testimony.