

NUCLEAR REGULATORY COMMISSION

ORIGINAL

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

Texas Utilities Generating Company :
: DOCKET NO. 50-445
Comanche Peak Steam Electric Station, : 50-446
Units 1 & 2 :
:

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AT: Fort Worth, Texas

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UNITED STATES OF AMERICA

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

TEXAS UTILITIES GENERATING
COMPANY, et al.

(Comanche Peak Steam Electric
Station, Units 1 and 2)

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Docket Nos. 50-445
50-446

Fourth Floor Meeting Room,
Metro Center Hotel,
6th and Commerce Streets,
Fort Worth, Texas.

Friday,
September 17, 1982.

The above-entitled matter came on for further
hearing, pursuant to adjournment, at 8:00 a.m.

BEFORE:

MARSHALL E. MILLER, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

DR. KENNETH A. McCOLLOM, Member
Administrative Judge
Dean, Division of Engineering, Architecture
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Stillwater, Oklahoma 74078

DR. RICHARD F. COLE, Member
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Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

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C O N T E N T S

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>BOARD EXAM.</u>
ALTON B. ARMSTRONG, JR., CLARENCE L. BORN, LARRY J. SKILES, ARTHUR C. TATE (A Panel - Resumed)		5568			
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CASE:

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P R O C E E D I N G S

8:00 a.m.

JUDGE MILLER: Let's come to order, please.
Good morning. The panel is ready for
examination.

Whereupon,

ALTON B. ARMSTRONG, JR.,

CLARENCE L. BORN,

LARRY J. SKILES,

ARTHUR C. TATE

the witnesses on the stand at the time of the afternoon
adjournment, resumed the stand on behalf of the Applicants
and, having been previously duly sworn by the Chairman,
were examined and testified as follows:

CROSS-EXAMINATION (continued)

BY MS. ELLIS:

Q Good morning, gentlemen.

We mentioned yesterday NUREG-0654, which we
will refer to from time to time today. If you have copies
of that, you might want to get them ready because we will
be discussing those.

I think we can probably speed things up a little
bit by just having each one of you -- whoever you feel is
the best one to answer my questions -- you know. If one
of you feels you are more qualified or have the answer,

24-2
1 feel free to speak up.

2 We know, you know, what's in your testimony,
3 so what we're looking for when I ask the questions will
4 be just more specifics about that. We want to get as
5 specific as possible.

6 Is it your understanding -- and each one of
7 you might address this. Is it your understanding that
8 the emergency zone for evacuation is a ten-mile radius
9 from the plant and the ingestion zone is a 50-mile radius
10 from the plant?

11 BY WITNESS SKILES:

12 A. Shall I start?

13 For the purpose of local plans, the ten-mile
14 radius is the evacuation area with a small deviation in
15 that we include the entire city of Granbury, which,
16 technically, would not be ten miles. It's a little
17 beyond ten miles.

18 And a 50-mile EPZ for the ingestion pathway.

19 Q. All right.

20 BY WITNESS BORN:

21 A. Ms. Ellis, if I might point out, this is
22 correct in that it is the planning zone. This does not
23 mean that in implementing that plan, we would stop at
24 any specific distance.

25 THE REPORTER: I'm sorry, Mr. Born, I couldn't

24-3
1 hear you.

2 JUDGE MILLER: You're all going to have to
3 speak a little louder and more directly into the mikes,
4 please.

5 WITNESS BORN: The ten-mile and 50-mile
6 emergency planning zones are just that. They are planning
7 zones. This would not be a limitation on the distance
8 that we would implement that type of procedure. If
9 necessary, we would go out further than ten miles, or
10 further than 50 miles, as identified by our monitoring
11 people.

12 BY MS. ELLIS:

13 Q All right, sir. And just to refresh our
14 memory, is it your understanding that the predominant
15 movement from storm cloud formations in the Dallas/Fort
16 Worth area is from the southwest to the southeast (sic); and
17 has this been taken into account?

18 BY WITNESS TATE:

19 A I think it would depend on the season of the
20 year. The predominant winds are different for winter
21 and summer.

22 Q Yes. And are you familiar with what the
23 situation is in that particular area?

24 BY WITNESS TATE:

25 A I would have to look at the wind rows for a

1 particular season, but ... with the wind rows, yes.

2 Q All right. You're saying it's your understand-
3 ing that that is correct?

4 BY WITNESS TATE:

5 A Yes.

6 Q All right. And --

7 MR. REYNOLDS: Ms. Ellis, that what is
8 correct?

9 MS. ELLIS: That the predominant movement of
10 storm cloud formations in the Dallas/Fort Worth area is
11 from the southwest to the northeast?

12 MR. REYNOLDS: Mr. Chairman, the witness testi-
13 fied that he would have to see the wind rows.

14 MS. ELLIS: Oh, I'm sorry. I misunderstood --

15 WITNESS TATE: I agreed that with the wind
16 rows I would be able to look at the seasonal direction and
17 determine the predominant wind rows.

18 BY MS. ELLIS:

19 Q And has this been done in the case of Comanche
20 Peak? Have you looked at that?

21 BY WITNESS TATE:

22 A Yes, I have.

23 Q And what is your recollection?

24 BY WITNESS TATE:

25 A I would have to look at the wind rows to speak

1 specifically to the direction for -- you know, summer,
2 winter.

3 Q Could you perhaps do that? I would like to
4 pursue that a little further -- perhaps after the break?

5 BY WITNESS TATE:

6 A Yes, I will.

7 Q Thank you.

8 In NUREG-0654 on Pages 6 and 7 -- Do you have
9 that, sir?

10 BY WITNESS BORN:

11 A Yes.

12 Q All right. It states on Pages 6 and 7, "The
13 range" -- This is towards the end of the paragraph, the
14 last paragraph on the page.

15 "The range of possible selection for a planning
16 basis is very large, starting with a zero point of requir-
17 ing no planning at all because significant off-site
18 radiological accident consequences are unlikely to occur,
19 to planning for the worst possible accident, regardless
20 of its extremely low likelihood."

21 And then in talking about the EPZ zones --
22 I believe that's on 10 and 11 -- at the bottom of Page 10,
23 the next-to-last sentence, "EPZ's are defined as the areas
24 for which planning is needed to assure that prompt and
25 effective actions can be taken to protect the public in

1 the event of an accident."

2 And on Page 11, the second -- well, the first
3 full paragraph, "The choice of the size of the emergency
4 planning zones represents a judgment on the extent of
5 detailed planning which must be performed to insure an
6 adequate response base. In a particular emergency,
7 protective actions might well be restricted to a small
8 part of the planning zones. On the other hand, for the
9 worst possible accidents, protective action would need to
10 be taken outside the planning zones."

11 And then at the bottom of the page, it states,
12 "Although the radius for the EPZ implies a circular
13 area, the actual shape would depend upon the characteristics
14 of a particular site."

15 In that regard, gentlemen, has there been an
16 effort made, and is there any sort of a document which
17 would give sort of an outline or identify the particular
18 area which has been identified in this regard for both
19 the evacuation area and the 50-mile ingestion area for
20 Comanche Peak?

21 BY WITNESS BORN:

22 A Ms. Ellis, we've answered that question. Mr.
23 Skiles testified that the ten-mile EPZ was modified to
24 include the entire city of Granbury. And I myself
25 testified that we would not stop at any given limit, either

1 10 or 50 miles, in implementing response.

2 Q All right, sir.

3 And in that regard, what particular measures
4 have been taken in regard to the city of Fort Worth?

5 BY WITNESS BORN:

6 A The measures that were taken in regard to the
7 city of Fort Worth are those covered in the ingestion
8 exposure pathway, the 50-mile EPZ.

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24-2

1 BY MS. ELLIS:

2 Q And what particular measures have been taken,
3 as far as Fort Worth goes -- or the city of Fort Worth --
4 as far as the drinking water supplies for the city of
5 Fort Worth?

6 BY WITNESS BORN:

7 A That was answered yesterday. The Bureau of
8 Environmental Health of the Texas Department of Health is
9 responsible for sampling and monitoring water supplies
10 for any municipal city in the nation -- or correction --
11 in the state, including Fort Worth.

12 Q Yes, sir, I understand that. However, the
13 fact that there are general guidelines on paper does
14 not necessarily mean that in a crisis there would be
15 measures taken to effectively implement that. And this is
16 what I'm concerned with. I'd like to --

17 MR. REYNOLDS: Objection. That's argumenta-
18 tive.

19 JUDGE MILLER: Overruled.

20 BY MS. ELLIS:

21 Q I'd like to know what specific steps have been
22 taken. Who has been contacted? What specific measures
23 have been taken to assure that this will be done?

24 BY WITNESS BORN:

25 A It is done every day by that Bureau of the

24-9
1 Department of Health in sampling water. We have not
2 sampled the radiation contamination in Fort Worth because
3 it hasn't occurred yet.

4 But the other contamination in Fort Worth
5 water supply is checked periodically. And if radiation
6 were to be found present, recommended actions would be
7 identified for the city in response to that.

8 Q All right. And in case of an emergency, what
9 specific measures have been taken for notification of
10 the proper authorities in that regard?

11 BY WITNESS BORN:

12 A This was answered yesterday also, in that we
13 would notify the Emergency Management Coordinator for
14 the City of Fort Worth and for Tarrant County, who would
15 identify to them the protective response that should be
16 taken.

17 Q All right, sir.

18 When you have an emergency on site, who
19 picks up the telephone and contacts -- makes the initial
20 contact; and what measures are in place to assure that as
21 you go down this chain of command, at some point someone
22 isn't going to be tying up a telephone? Have there been
23 dedicated lines set up for this?

24 BY WITNESS SKILES:

25 A Let me speak as far as the local plans are

24-10

1 concerned.

2 Q All right.

3 BY WITNESS SKILES:

4 A It's my understanding -- to answer the first
5 part of your question, which deals with the utility's
6 procedures -- it's my understanding that the individual
7 in the control room or in charge is designated to
8 operate that notification system.

9 At the local level, there will be dedicated
10 lines in the two sheriffs' offices. It's our plan at the
11 moment to have dedicated lines at both sheriffs' offices
12 and at the Department of Public Safety in Waco. This is
13 a so-called ring-down hotline system.

14 When anyone picks up any one receiver, it
15 automatically rings all the others. That line cannot be
16 interrupted, which eliminates the problem of having a
17 busy signal, which is a genuine concern in some areas.

18 Q And what capacity does that have for handling
19 calls? How many calls can it handle?

20 BY WITNESS SKILES:

21 A It's like a -- Once the receiver is picked
22 up, it's an open line. It can be left open all the
23 time. It's -- There's really no capacity involved. We've
24 got a man in the control room talking to a man in each
25 sheriff's office and a man at the DPS, Waco; and it's

24-11

1 one line.

2 Q All right. And is this a line which goes
3 from one point to one other point?

4 BY WITNESS SKILES:

5 A No, ma'am. It goes from -- It's a network
6 of four different phone instruments all tied together,
7 very much like the national warning system, which goes
8 all over the nation.

9 When you pick it up in DPS in Austin, you can
10 talk to every other state in the nation and the federal
11 government.

12 Q So if you had, say, Point A, B, C and D --
13 Point D could talk directly to Point A or to Point B?

14 BY WITNESS SKILES:

15 A Yes, ma'am.

16 Q And --

17 BY WITNESS SKILES:

18 A It's a conference call, in other words.

19 Q I see. All right.

20 Now, from that point how would we reach the
21 people who would be monitoring, say, the water supplies
22 for the City of Fort Worth?

23 BY WITNESS ARMSTRONG:

24 A Okay. The office at Waco -- the Department
25 of Public Safety Office at Waco is one of the stations on

24-12
1 that system.

2 They, as I testified yesterday and in the
3 written -- they would verify that message and then trans-
4 mit it to the Division of Emergency Management, Department
5 of Public Safety in Austin.

6 Q Excuse me just a moment.

7 BY WITNESS ARMSTRONG:

8 A Yes.

9 Q When you say "verify the message," what would
10 they do specifically?

11 BY WITNESS ARMSTRONG:

12 A They would assure that the man on the end
13 that give the message was, in fact -- like a call back --
14 to make sure that the message was an authenticated
15 message, verify that it was not someone just feeding a
16 message into the system.

17 Then they notify our headquarters, Department
18 of Public Safety in Austin; and then we have set procedures
19 for notifying the Health Department or any other agency
20 that's on the list.

21 Q All right. And what specifically would that
22 notification consist of, in what kind of -- Do you have
23 dedicated phone lines for that?

24 BY WITNESS ARMSTRONG:

25 A No, we do not have dedicated phone lines, but

1 we have on-call lists to the agencies, on-call lists
2 of personnel with back-up personnel.

3 We have the capability of either going by
4 telephone -- in many cases by teletype. If not, we have
5 runners, police radio, that we can get people in very
6 quickly.

7 BY WITNESS SKILES:

8 A You might need to be aware that their two
9 offices are about a mile apart. Even if they had to
10 deliver the message by hand, it's no great problem.

11 BY WITNESS TATE:

12 A Using then, Ms. Ellis, the information which
13 was provided by the Division of Emergency Management,
14 the Bureau of Radiation Control would perform an assess-
15 ment of that information and then make the appropriate
16 recommendations to the other bureaus within the Health
17 Department.

18 Q All right.

19 BY WITNESS ARMSTRONG:

20 A Ms. Ellis, it may assist you to know that
21 this system works many, many times on a daily basis. Last
22 year, for instance, we responded to over a thousand
23 emergencies out of this same type of a communication
24 system.

25 Many of those were, in fact, radiation type
emergencies.

1 MS. ELLIS: Just so we will have a reference
2 to go by when we're talking about the areas, we're passing
3 out copies of --

4 Mr. Chairman, the tiems that we are referring
5 to here are the same items that were attached to CASE's
6 answer to the Applicants' Motion for Summary Dispostion.
7 It's CASE Attachment L Pages 1 and 2 and we've
8 identified them for this purpose just as CASE Exhibit 728,
9 L-1 and L-2.

10 (CASE Exhibit No. 728,L-1 and
11 728,L-2 was marked for
12 identification.)

13 BY MS. ELLIS:

14 Q All right.

15 Would you agree, gentlemen, that this is a map
16 of the general area around the Comanche Peak Plant?

17 BY WITNESS BORN:

18 A No, ma'm.

19 This is a map of the standard Metropolitan statis-
20 tical area which lies north of that plant. It is neither
21 a geographic nor a political boundary.

22 Q All right,sir.

23 But you do recognize it as being that specific
24 area?

25

1 BY WITNESS BORN:

2 A. The area that I just described.

3 Q. All right. That's fine.

4 When we're talking, perhaps we can refer to
5 this from time to time and it will be helpful, I believe
6 in our discussions.

7 Referring to the map, could any of you give me
8 a general idea of the fifty-mile or generally referred to
9 as the fifty-mile ingestion pathway area, which will be
10 covered by Emergency Planning procedures?

11 BY WITNESS BORN:

12 A. If you will modify "will be covered" to "has
13 been covered", I'll refer you to Tab 1-6, Nuclear Facility
14 Response, Chapter 1, Attachment 7, on Page 22 of our plan.

15 It includes that map.

16 Let me correct that.

17 Q. You are referring to what has been marked as
18 Applicants' Exhibit 144F, the State of Texas Emergency
19 Plan?

20 BY WITNESS SKILES:

21 A. Yes, ma'am.

22 Q. And what was that reference again?

23 BY WITNESS BORN:

24 A. 144F. It is Tab 1, Chapter 1, Attachment 3
25 on Page 17.

1 This is the fifty-mile emergency planning zone
2 for Comanche Peak.

3 Q I'm sorry. I'm having a little trouble locating
4 that. That's Tab 1 --

5 BY WITNESS BORN:

6 A Chapter 1.

7 Q Chapter 1. Attachment 1.

8 BY WITNESS BORN:

9 A No, ma'am, Attachment 3.

10 Q Oh. Attachment 3.

11 All right. And this is divided into Sectors,
12 apparently, here.

13 BY WITNESS BORN:

14 A That's correct.

15 Q All right.

16 And in regard to these sectors, what specific
17 planning has been done for each of the sectors indicated?

18 Or are the sectors important?

19 BY WITNESS BORN:

20 A The same planning has been done for all of the
21 sectors. The planning is the identification of the State
22 agencies responsible for monitoring possible contamination,
23 for removing contaminated items from the food chain for
24 human consumption.

25 That is identified in Tab 1 to Appendix 7,

1 under the identification responsibilities of other agencies,
2 as well as that of the Bureau of Radiation Control.

3 Q To backtrack just a moment, you mentioned that
4 I believe in regard to the specifics of the telephone
5 network, that the lines will be set up.

6 When is that going to take place?

7 BY WITNESS SKILES:

8 A I don't have a specific date. One of the
9 reasons is that we are in the process of building a new
10 local county emergency operation center in Somervell County
11 and I'm not quite sure what the construction schedule is
12 there.

13 As far as the dedicated line from the plant
14 to Waco, I'd have to ask the utility people. They are
15 handling the scheduling arrangements on it.

16 BY WITNESS TATE:

17 A I think I might clarify this somewhat. I
18 participated in a meeting Monday with the utility and the
19 lines will be in place prior to fueling.

20 Q In regard to the local people, the local, I
21 believe the County Judges in the two counties are the ones
22 who are the main contact people, from what we said
23 yesterday.

24 BY WITNESS SKILES:

25 A That is correct.

1 Q All right.

2 In that regard, what specific training or
3 discussions have taken place with the County Judges?

4 I'd like to take them one at a time. Hood
5 County and Somervell County.

6 BY WITNESS SKILES:

7 A All right.

8 Regarding strictly stationary nuclear
9 facilities?

10 Q Yes.

11 BY WITNESS SKILES:

12 A Both County Judges have attended, I believe
13 I'm correct on this -- Al may know better -- I believe both
14 County Judges have attended the Department of Public Safety
15 Emergency Management Coordinator course.

16 Now, that is not fixed nuclear facilities
17 specifically. It is a general emergency planning course.

18 Both County Judges have been advised of the
19 -- in several meetings and briefings, of the unique nature
20 of this type threat.

21 Both County Judges have been offered -- and I
22 don't know the extent to which they've taken advantage of
23 it -- all the training which is provided by the Federal
24 Emergency Management Administration for the training of
25 emergency managers and preparedness coordinators.

1 And this program in Hood County, Judge Meyers
2 has been involved in this program since about -- in the
3 fixed nuclear facility end of it since about 1973.

4 Judge Crump in Somervell County has been
5 involved in the past two years or so and we've tried to
6 give him as much education as we possibly can and he's
7 been very good about trying to learn all he can about it.

8 Q. All right.

9 Could you tell us what the status is of the
10 various warning devices in the two areas?

11 BY WITNESS SKILES:

12 A. The outdoor warning system?

13 Q. Yes.

14 BY WITNESS SKILES:

15 A. The sirens are now being -- we are in the
16 process of getting those installed. They are pole-mounted
17 devices and we are in the process of getting to the sites
18 in preparation -- I believe the equipment is on-site now.
19 It has been delivered. They are just in the process of
20 installing it.

21 Q. All right.

22 And, specifically, how would it work to set this
23 up? If there were an emergency, what steps would each of
24 the County Judges take to activate these systems?
25

1 BY WITNESS SKILES:

2 A They instruct the County Sheriff to push the
3 button.

4 Q And is there someone at the Sheriff's
5 Department at all times?

6 BY WITNESS SKILES:

7 A Yes, ma'am.

8 Q All right.

9 And have the people at the Sheriff's office
10 been trained as to what to do in case of an emergency?

11 BY WITNESS SKILES:

12 A Yes, ma'am, with the exception that they have
13 not yet seen the devices, no. Remember, they use a
14 similar type siren for fire warning all the time but this
15 is a much larger system.

16 So, in effect, they know how to activate sirens,
17 depending on what's going to happen but they have not seen
18 this actual equipment yet.

19 Q In your discussions with, I believe you said
20 George Crump is the County Judge of Somervell County.

21 Has he indicated any concerns to you regarding
22 the licensing of the plant and the warning systems?

23 BY WITNESS SKILES:

24 A I don't understand. What do you mean by
25 concern?

1 He has certainly indicated an interest in it.

2 I do know that Judge Crump has asked that no
3 license be granted until the warning system is in place.
4 Which certainly is a legitimate concern, I'd say.

5 Q We're handing you a copy of what has been
6 marked as CASE Exhibit 727, which states at the top
7 County of Somervell, Office of County Judge, George R.
8 Crump, County Judge. A letter dated August 12, 1982 to
9 Mr. Victor Gilinsky, Commissioner of the U.S. Nuclear
10 Regulatory Commission and in this document -- have you
11 seen this before, sir?

12 BY WITNESS SKILES:

13 A I am aware that Judge Crump told me he had
14 written at letter.

15 (CASE Exhibit No. 727 was
16 marked for identification.)

17 Q And in this, does he express the same concerns
18 which he voiced to you?

19 BY WITNESS SKILES:

20 A Basically, yes, ma'am.

21 Q All right.

22 Was Judge Crump informed that the hearings were
23 taking place?

24 BY WITNESS SKILES:

25 A Yes, ma'am.

1 As a matter of fact, he asked me about it
2 before. When I went to inform him. He had already heard
3 about it, I suppose, through publicity.

4 Q Yes, and in that regard, was there ever any
5 indication to him that he might possibly come and testify
6 if he desired --

7 MR. REYNOLDS: Objection.

8 JUDGE MILLER: Sustained.

9 BY MS. ELLIS:

10 Q In regard to the Emergency Planning area in
11 the vicinity of the Dallas/Fort Worth area, which you have
12 identified, Mr. Born, as the Dallas/Fort Worth -- I think
13 it's commonly called SMSA --

14 BY WITNESS BORN:

15 A No, ma'am. That is not correct.

16 What I identified was Attachment 3 to Tab 1,
17 Chapter 1 of Appendix 7.

18 Q I'm sorry. I was referring to CASE Exhibit
19 728 L-1.

20 BY WITNESS BORN:

21 A I have also identified that that is not the
22 Emergency Planning zone for Comanche Peak.

23 Q No. I'm talking about the item that is CASE
24 Exhibit 728 L-1, which I believe you stated was the --

25 JUDGE MILLER: No. I think he refused to

1-10

1 associate himself with your map, Mrs. Ellis. You're not
2 going to be able to use that.

3 MS. ELLIS: All right.

4 We'll try to refer to this one.

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1 Q Has there been arrangements made specifically
2 with any hospitals or institutions in the areas, in the
3 zone, to take care of people who may be suffering from
4 psychological problems and stress?

5 I know you mentioned yesterday that the
6 mental health and retardation people are aware of this and
7 have meetings and so forth, but I'm interested in a
8 possible large influx of people in the area.

9 What specifically has been done in that regard?

10 BY WITNESS BORN:

11 A The specific provision is included in the
12 Department of Mental Health and Metal Retardation's Crisis
13 Counseling Program, which addressed some thousands of
14 individuals following Hurricane Allen.

15 If you are looking for more people than this
16 to be affected by the Comanche Peak incident, if one should
17 occur, it would simply require additional crisis counselors.

18 But this is a function of a state agency, not
19 a function of a specific hospital anywhere in this
20 emergency planning zone.

21 BY WITNESS ARMSTRONG:

22 A As I addressed yesterday, Ms. Ellis, that
23 state agency has that mission under the emergency plan,
24 and they have plans of their own, regardless of the numbers.

25 They can expand or decrease as the situation

1 requires, and as Mr. Born said, in Hurricane Allen some
2 twelve actual counties with federal assistance and some
3 twenty-two counties that were affected, the crisis program
4 was active in those counties there in South Texas.

5 In the North Texas floods last October, we
6 had some nineteen counties. Many of those counties are
7 the ones you are looking at in that map, and that program
8 was in those counties, also.

9 Q All right. When people are trained for
10 whatever functions they may be called upon to do in case
11 of emergency at Comanche Peak, what specific assurance is
12 there that these people have been properly trained?

13 Do they take courses and do they get
14 certificates that they have completed certain courses?

15 What specific arrangements have they made?

16 BY WITNESS BORN:

17 A Let me answer that.

18 The training that is provided must be separated
19 into several categories. First of all is the professional
20 competence of the individual for the job for which he is
21 employed.

22 As Mr. Armstrong identified and as Mr. Skiles
23 identified yesterday, we do not assign to an individual in
24 an emergency plan a responsibility that he is not
25 professionally or through employment associated with on a

1 day-to-day basis.

2 So the very fact that they are qualified to
3 hold their job evidences their qualification to perform
4 that same function in an emergency.

5 In our own plan, which is Appendix 7 to Annex L
6 of the Texas Emergency Management Plan, we identify that
7 specific training which is necessary for additional
8 radiological emergency response.

9 Q I see. Was that the item we were just given
10 yesterday?

11 BY WITNESS BORN:

12 A You were given Appendix 7. This specific
13 training is identified in Tab 1 to Appendix 7.

14 Q That's all right. I don't believe we
15 necessarily need to get into it right now. We will later.

16 All right, please continue.

17 BY WITNESS BORN:

18 A That is the conclusion of my response.

19 Q All right. In regard to the Texas Department
20 of Health, where in the plan does it state specifically
21 how they will coordinate everything with the other people
22 involved?

23 BY WITNESS BORN:

24 A The other people being involved being what?

25 Q Whatever other people might be involved with an

1 interaction with them in the case of an emergency.

2 BY WITNESS ARMSTRONG:

3 A Ms. Ellis, while he is looking for that
4 reference, let me, maybe for your information, the
5 Emergency Management Council for the State of Texas in an
6 emergency would meet in our Operations Center.

7 This is in the Emergency Operations Center,
8 Department of Public Safety in Austin.

9 Sitting on that Council around the table is
10 each member of the State Council: Department of Public
11 Safety, my division, Highway Department, any of the
12 agencies that we would need a response to whatever situation
13 develops.

14 Those people, if their expertise is required,
15 it's just a matter of turning to an individual and telling
16 him what it is that we require.

17 Mr. Born can be specific. I'm talking about
18 general function. Parks and Wildlife, Department of
19 Public Safety, Highway Department, Aeronautics Commission,
20 Air Control Board, there's 29 agencies sitting there; and
21 that's the entire resources of the Department of Public
22 Safety and any other agency that we need, we can call on.

23 BY WITNESS BORN:

24 A The answer as concerns the Department of Health
25 is found on Page 6 of Annex L.

1 Q Could you identify that by an exhibit number,
2 sir, for the record?

3 BY WITNESS BORN:

4 A This is part of Exhibit No. 144F.

5 Q This is the State Emergency Plan?

6 BY WITNESS BORN:

7 A That is correct.

8 Q And what was that reference again, sir?

9 BY WITNESS BORN:

10 A Page 6 of Annex L.

11 Q And where on that page, sir?

12 BY WITNESS BORN:

13 A Under "State Emergency Operations Center,"

14 Item No. 2.

15 Q Could you tell us where in that paragraph, sir,
16 it states exactly how everything will be coordinated?

17 BY WITNESS BORN:

18 A It obviously does not state how everything
19 will be coordinated.

20 What it states is the representative will be
21 present in the Emergency Operations Center, along with
22 representatives of the other agencies, and that they will
23 coordinate.

24 Q All right. Are there any procedures set up in
25 writing for this?

1 BY WITNESS BORN:

2 A I'll let Mr. Armstrong answer that.

3 BY WITNESS ARMSTRONG:

4 A Our emergency operation procedures would cover
5 this. Those are published. They are available in the
6 Emergency Operations Center.

7 These procedures are designed to coordinate
8 those state agencies in any emergency.

9 Q Is there anything set up specifically for
10 Comanche Peak in case of an accident in that regard?

11 BY WITNESS ARMSTRONG:

12 A Well, yes, ma'am. Our procedures for
13 Comanche Peak on communication and notification, the way
14 that the messages are transmitted, the way that they flow
15 to and from the plant, and so forth, and the coordination
16 right in that center would be there, yes, ma'am.

17 But I would like to emphasize that the procedures
18 for Comanche Peak are no different from any other
19 emergency that we go through on a day-to-day basis.

20 BY WITNESS BORN:

21 A Ms. Ellis --

22 Q Excuse me. You don't consider a radiological
23 emergency as being different from other emergencies?

24 BY WITNESS ARMSTRONG:

25 A We have radiological emergencies almost every

1 day by transportation accidents. We are notified each time
2 anything is moved through the State of Texas.

3 Q All right. You wanted to say something?

4 BY WITNESS BORN:

5 A To identify a specific citation. The last
6 sentence of Item 2 on Page 6 of Annex L, referring to the
7 Department of Health's representative in the Emergency
8 Operations Center. "He will serve as the official source
9 of information to other members of the State Council
10 concerning Health Department activities, and will represent
11 the Department when activities must be coordinated with
12 other agencies."

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1 Q All right, sir.

2 Perhaps if I state my concern, it will enable
3 you to answer a little bit clearer.

4 It appears that there is a lot of responsibility
5 resting on one person. If something should happen to
6 that one person, who is the source of all this information
7 and so on -- for instance, if he were in an automobile
8 accident going to the Emergency Operations Center -- are
9 there specific procedures in writing, and where are they
10 in the plan here, that someone could turn to and see that
11 this was continued in an effective manner?

12 BY WITNESS BORN:

13 A If he were involved in an automobile accident
14 on his way to the Emergency Operations Center, he would not
15 be responsible at any point for this activity.

16 His replacement would be called. He would be
17 present.

18 There are available in the Bureau of Emergency
19 Management's Disaster Response Program ten individuals
20 who represent that Department in this State Council function.

21 If those were all unavailable, a representative
22 from any other Bureau of the Health Department who was
23 designated by the Commissioner of Health as being his
24 representative to the Council could serve the same function.

25 In addition, in regard to your concern for

1 radiological accident incidents, the Bureau of Radiation
2 Control will itself have a State Emergency Operations Center
3 liaison individual for each shift, each eight-hour shift.

4 There are three individuals in the Bureau
5 assigned that responsibility, as well as three assigned
6 as liaison to the Disaster District Emergency Operations
7 Center in Waco, and to the local government Emergency
8 Operations Center, three more people for that.

9 Q. All right.

10 BY WITNESS BORN:

11 A. So this is not one individual. This is one
12 function that is filled by different individuals as
13 needed and as assigned for shift work.

14 Q. All right. In regard to the Texas Department
15 of Public Safety activities and areas which they might
16 need to be involved in, where in the emergency plan are
17 details of how they will accomplish their functions?

18 BY WITNESS ARMSTRONG:

19 A. Which functions are you addressing specifically,
20 Ms. Ellis?

21 The notification function is addressed, as
22 Mr. Skiles said, in the communications procedures, in our
23 Annex R to the state plan, which is the Department of
24 Public Safety Annex; in Annex AA to the plan, which is
25 our Emergency Management Division's procedures.

1 So you'll have to -- you know, if you'll come
2 up with a specific, I'll be glad to answer.

3 Q What I'm really looking for is more detailed
4 information as to how all this can be accomplished.

5 I understand that there are certain things
6 contained within the plan. What I'm looking for is the
7 specifics of how it's going to be done.

8 BY WITNESS ARMSTRONG:

9 A Which? What are you interested in, notification?
10 Are you interested in monitoring or law enforcement
11 functions or --

12 Q I'm interested in all of it.

13 JUDGE MILLER: You can't just ask a blanket
14 question.

15 MS. ELLIS: All right.

16 BY MS. ELLIS:

17 Q We'll start with the first that you mentioned.

18 BY WITNESS ARMSTRONG:

19 A Yes.

20 Q Mr. Skiles explained --

21 JUDGE MILLER: Hasn't that already been
22 covered?

23 BY MS. ELLIS:

24 Q In the plan itself, could you reference it,
25 please?

1 BY WITNESS ARMSTRONG:

2 A In Annex R, which was submitted in evidence,
3 it's detailed in the Annex R, the way of notification.

4 Q Where specifically in Annex R, the entire
5 annex?

6 BY WITNESS ARMSTRONG:

7 A Well, in the Warning Section of Annex R, which
8 is the Department of Public Safety's annex.

9 BY WITNESS BORN:

10 A That is Appendix 2 to Annex R.

11 Q Appendix 2 to Annex R?

12 BY WITNESS ARMSTRONG:

13 A Yes, ma'am.

14 Q Thank you. Going to the next item you were
15 mentioning.

16 MR. REYNOLDS: Mr. Chairman, may we have
17 specific questions, please?

18 JUDGE MILLER: Yes.

19 MS. ELLIS: All right. We'll check that at
20 the break and get back to this one.

21 BY MS. ELLIS:

22 Q As I understand it, the Public Health Region's
23 functional statement is yet to be developed; is that
24 correct?

25 //

2 1 BY WITNESS BORN:

2 A That is correct.

3 Q And when do you anticipate that would be
4 completed?

5 BY WITNESS BORN:

6 A I would anticipate it would be completed
7 sometime within the next two or three months.

8 Q Within the next two or three months, all right.

9 BY WITNESS BORN:

10 A I might point out that that functional
11 statement is nothing more or less than a paragraph
12 summarizing the responsibilities of the Public Health
13 Regions.

14 Those responsibilities are identified in
15 Annex L, so it does not indicate any missing information;
16 simply a missing page of summary.

17 Q All right. I believe it is also indicated that
18 all Bureau of Radiation Control personnel will receive
19 training. What --

20 BY WITNESS BORN:

21 A No, ma'am. It identifies that all Bureau of
22 Radiation Control personnel with assignments on the
23 emergency response team will receive training.

24 Q What is the level of their training at this
25 time?

3
1 BY WITNESS BORN:

2 A At this time they are approximately 85 percent
3 trained.

4 Q And when is it anticipated that their training
5 will be completed?

6 BY WITNESS BORN:

7 A As identified in the plan, and in our response
8 to the reviewer's comments, training completion is
9 dependent on the availability of training slots and
10 specific courses that the Federal Government offers.

11 Q Do you have any idea of a time frame on those?

12 BY WITNESS BORN:

13 A You will have to ask the FEMA representative
14 who will be on a later panel concerning availability of
15 training positions for the state.

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BY MS. ELLIS:

Q I believe it's indicated that individuals will receive initial and annual retraining applicable to their duties. What specific plans have been made or procedures or -- within the plan to indicate precisely what will be done in this regard and especially with retraining?

BY WITNESS BORN:

A This is Attachment 4 to Tab 1, "Introduction," beginning on Page 15 of Exhibit 144F.

Q 144F. That is the State of Texas Plan and --

BY WITNESS BORN:

A Let me correct that. Of -- No, I am correct. It is 144F, Applicants' Exhibit 144F.

Q All right. And what --

BY WITNESS BORN:

A The specific citation once more is Attachment 4 to Tab 1, "Introduction," beginning on Page 15.

This is, by the way, amplified within the description of each emergency response team in the text of Appendix 7.

Q All right. I'm still having trouble finding this. Could you assist me here? Tab 1, Attachment?

BY WITNESS BORN:

A Four.

Q Four. Of Chapter --

3-2
1 BY WITNESS BORN:

2 A No. Tab 1, "Introduction," Attachment 4 on
3 Page 15.

4 WITNESS BORN: Mr. Horin, there is one.
5 Mr. Skiles, pass one over to him.

6 (Document handed to Ms. Ellis.)

7 MS. ELLIS: All right, thank you.

8 WITNESS BORN: That and the following pages
9 of Attachment 4 identify specifically the training that
10 will be provided.

11 BY MS. ELLIS:

12 Q All right. And this will sound facetious
13 when I say it, but it really is a serious question. Has
14 there been any sort of training initiated on how to use
15 the emergency plan?

16 I'm having a great deal of difficulty myself.

17 BY WITNESS BORN:

18 A One disadvantage you have is that you have a
19 photocopy of the emergency plan, which is bound by these
20 clasps. It doesn't have the dividers. It doesn't have
21 the identifying sections.

22 And also, keep in mind, that an individual
23 responding would not need the entire document. If he's
24 responding for the purposes of the Bureau of Radiation
25 Control, what he needs is a general understanding of the

3-3
1 state plan, plus the specifics of Appendix 7.

2 Q So the documents that the --

3 BY WITNESS BORN:

4 A This is the inclusive submission for all
5 parties.

6 Q All right. So the documents that the people
7 who are actually doing this would have would be a little
8 bit easier to find than possibly what I have here?

9 BY WITNESS BORN:

10 A Absolutely.

11 Q I'm glad to hear it. Thank you.

12 BY WITNESS SKILES:

13 A I might point out, Ms. Ellis, that the local
14 plans -- operational copies also are tabulated. They're
15 easier to get around in than the one that you probably re-
16 ceived.

17 Q Thank you.

18 BY WITNESS BORN:

19 A However, it is identical to the one that you
20 received from us, upon request.

21 Q Except for the tabs and so forth?

22 BY WITNESS BORN:

23 A They were included in your copy also.

24 In response to your request on August 6th
25 for a copy of our submission for RAC review, you received

1 one of these and one of these local plan booklets.

2 Q Is that --

3 BY WITNESS BORN:

4 A That is identical to this attachment --

5 Q That is identical to what we've been supplied
6 by Applicants?

7 BY WITNESS BORN:

8 A Except that it did not include Annex R, which
9 is the Department of Public Safety's annex to the state
10 plan.

11 Q All right. Perhaps at break I should get that
12 one instead of this one.

13 BY WITNESS BORN:

14 A Yes, ma'am.

15 Q Mr. Born, I have already handed you a copy
16 of what has been marked as CASE Exhibit 728A. This is
17 the same information which was attached as Attachment --
18 I should say 728.

19 There are several pages to it. This is Attach-
20 ment A through K of CASE's Answer to the Applicants' Motion
21 for Summary Disposition.

22 We have already given a copy to Mr. Born.

23 Could you identify this for us?

24 BY WITNESS BORN:

25 A Yes, ma'am. This is a portion of the

1 information that was provided to CASE on August 6 in
2 response to a request from CASE on August 6 for a copy of
3 those items submitted for Regional Advisory Committee
4 review and the comments received from the reviewers.

5 This particular portion includes my letter of
6 transmittal to Ms. Ellis of those documents and includes
7 the copies of the reviewer's comments. It does not
8 include the state plan, Annex L, Appendix 7, Tab 1 or
9 the local plans.

10 Nor does it include the cross-reference to
11 0654, which was provided at that time.

12 Q All right.

13 MS. ELLIS: Do we need to identify each of
14 these for the record?

15 JUDGE MILLER: No, not unless you're going
16 into it.

17 MS. ELLIS: All right. We move that CASE
18 Exhibit 728 be admitted into the record.

19 JUDGE MILLER: 728? Isn't that a duplication?

20 MS. ELLIS: Well, no, sir. I don't believe
21 that our Answer to the Motion for Summary Disposition is
22 part of the record.

23 JUDGE MILLER: That's correct. It is not.

24 MR. MIZUNO: Mr. Chairman, may the Staff
25 consult with its technical --

3-6
1 MS. ELLIS: We also would move that Exhibit
2 727, which was the letter from Judge Crump, also be
3 admitted at this time.

4 MR. REYNOLDS: No objection to that one.
5 Let me think about 728 for a minute. I'm having trouble
6 getting my arms around it here.

7 JUDGE MILLER: All right. 727, there being
8 no objection, will be admitted.

9 (CASE Exhibit No. 727 was
10 received in evidence.)

11 MS. ELLIS: If we can go ahead and have
12 728 admitted into the record, I think it will save us many
13 more pages than this in the transcript possibly.

14 WITNESS BORN: Ms. Ellis, I don't have a
15 copy of 728. I have 728A and a number of attachments
16 thereto.

17 MS. ELLIS: Well, each one of them is identi-
18 fied. 728A --

19 WITNESS BORN: Is there a 728?

20 MS. ELLIS: No, there's no 728, just plain.
21 I numbered them the same way to coincide
22 with the attachment numbers that we had.

23 WITNESS BORN: However, 728L-1 is not a
24 portion of what was provided to you.

25 MS. ELLIS: No, sir. 728 -- The only ones

3-7
1 that we're talking about right now are through Attachment
2 K.

3 JUDGE MILLER: Now you're changing your
4 proffer. What is it that you're offering into evidence?

5 MS. ELLIS: CASE 728A through 728K.

6 JUDGE MILLER: A through K?

7 MS. ELLIS: Right.

8 JUDGE MILLER: Any objection, Staff?

9 MR. MIZUNO: The NRC Staff and FEMA do not
10 have an objection.

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1 JUDGE MILLER: Applicant?

2 MR. REYNOLDS: We're not talking about the map
3 of the SMSA; is that correct?

4 MS. ELLIS: That's correct.

5 JUDGE MILLER: A through K.

6 MS. ELLIS: In fact, CASE will have a few more
7 questions about 728L. I don't know if we'll even have
8 it admitted or ask that it be admitted.

9 MR. REYNOLDS: The problem, Mr. Chairman,
10 with 728A is that in large measure it consists of the
11 comments from the RAC Committee on the state of emergency
12 preparedness as of a certain date several months ago.

13 JUDGE MILLER: Are you talking about A,
14 Attachment A?

15 MR. REYNOLDS: A through K.

16 JUDGE MILLER: All right. August 6th --
17 Well, what are you addressing?

18 MR. REYNOLDS: I'm addressing the attachments
19 to that cover letter of Mr. Born.

20 JUDGE MILLER: The cover letter is the one of
21 August 6th?

22 MR. REYNOLDS: Right.

23 JUDGE MILLER: From the Texas Department of
24 Health?

25 MR. REYNOLDS: Yes, sir.

JUDGE MILLER: Okay. What's the objection to that?

MR. REYNOLDS: Nothing. I have no objection to that.

JUDGE MILLER: Well, then what is it that you're objecting to on A through K?

MR. REYNOLDS: Well, first of all, I just learned about this, and it's a 60-page document.

MS. ELLIS: Mr. Chairman, this was part of our answer to the Applicants' Motion for Summary Disposition. The Applicants have had it for some time.

MR. REYNOLDS: That has nothing to do with the proffer of it into evidence in this proceeding.

JUDGE MILLER: Well, it has something to do with whether or not you or somebody has seen it or not. But it's true that it has just now been handed up.

MR. REYNOLDS: These appear to be various letters from the various participants in the RAC Committee.

MS. ELLIS: Mr. Chairman, if I may --

JUDGE MILLER: We only have one handed to the Board. Don't you have enough copies to pass it around?

MS. ELLIS: We will provide those copies. We copied it as fast as we could to get them all together.

8-10
1 MR. REYNOLDS: Mr. Chairman, might this be
2 an appropriate time for a five-minute break?

3 JUDGE MILLER: All right.

4 (A short recess was taken.)

5 JUDGE MILLER: Ms. Ellis.

6 MS. ELLIS: Yes, sir. I believe that we
7 had offered these two exhibits to be accepted.

8 JUDGE MILLER: One had been received.

9 MR. REYNOLDS: No objection --

10 JUDGE MILLER: No objection to A through K?

11 MR. REYNOLDS: That's correct.

12 JUDGE MILLER: It will be received.

13 (CASE Exhibits Nos. 728A - 728K
14 were marked for identification
15 and received in evidence.)

15 BY MS. ELLIS:

16 Q Mr. Born, are you aware of what measures have
17 been taken at this time to take care of the concerns
18 indicated in the exhibit we just had introduced and
19 accepted?

20 BY WITNESS BORN:

21 A Yes, ma'am. I believe Applicant is preparing
22 an exhibit to introduce that consists of our response,
23 so far as we've gotten, to these comments, and also the
24 changes in the state plan that will be made and intro-
25 duced as Change 1 to the plan when that is issued.

3-11 1 Q All right. Did I understand you correctly
2 they're preparing an exhibit to be submitted in these
3 hearings?

4 BY WITNESS BORN:

5 A This is my understanding.

6 Q All right.

7 MS. ELLIS: Mr. Chairman, if it would be
8 possible to take a look at that, I think we could skip
9 most of the other questions.

10 JUDGE MILLER: Look at what?

11 MS. ELLIS: They're preparing a response to
12 the particular documents we've just had introduced
13 which have the concerns of several different agencies
14 and organizations.

15 I believe we could skip a lot of the questions
16 about their specific concerns if we could see the answer.
17 I think we could possibly cut down quite a bit on our
18 cross-examination questions.

19 If we could possibly --

20 MR. REYNOLDS: Not knowing, sir, that this
21 document was going to be proffered, we hadn't prepared
22 enough copies of that exhibit to submit into evidence.
23 We are currently xeroxing them. I don't know how long
24 that will take. I expect it won't take too long.

25 JUDGE MILLER: Do you have any objection --

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Well it's an offer, I suppose, only at this point.

MR. REYNOLDS: Well, what's the offer?

MS. ELLIS: If we could possibly recall the panel later and continue with any cross-examination --

JUDGE MILLER: Recall the panel later?

MR. REYNOLDS: I wouldn't agree to that, sir.

JUDGE MILLER: I won't either.

Let's proceed, and let's proceed expeditiously.

MS. ELLIS: All right.

- - -

1 MR. REYNOLDS: Perhaps it would be most
2 efficient if Ms. Ellis simply asked Mr. Born to summarize
3 what he has done in response to these comments to date.

4 JUDGE MILLER: Well, I can't tell her how to
5 conduct her interrogation.

6 MS. ELLIS: We may ask you to do that in a
7 little bit, but there are some specific things I did want
8 to discuss.

9 BY MS. ELLIS:

10 Q It's stated that the letter of agreement with
11 the Granbury Volunteer Fire Department is being
12 renegotiated and will be added to the plan when it becomes
13 available.

14 Could you tell me what the status of that is at
15 this time?

16 BY WITNESS BORN:

17 A Ms. Ellis, that is a letter of agreement
18 between the utility, the Applicant, and the Volunteer
19 Fire Department, or the Granbury Fire Department.

20 That would have to be addressed to them.

21 Q None of you on the panel know?

22 MR. REYNOLDS: Mr. Chairman --

23 JUDGE MILLER: They wouldn't know a third
24 party agreement, nor would we accept it.

25 Proceed.

1 BY MS. ELLIS:

2 Q I believe that the local firefighting support
3 consists of approximately 50 volunteers and one truck which
4 would be available in approximately 30 minutes; is that
5 your understanding?

6 MR. REYNOLDS: Objection. It relates to
7 onsite emergency preparedness, and that question should have
8 been directed to the previous panel.

9 JUDGE MILLER: Well, we can see if they have
10 any knowledge.

11 Can you answer it?

12 WITNESS SKILES: I'm not certain that I
13 understood the end of the question, ma'am.

14 BY MS. ELLIS:

15 Q I just wanted to ask if that was your
16 understanding.

17 BY WITNESS SKILES:

18 A It is my understanding that they have
19 approximately that. Are you talking about a particular
20 county?

21 Q Well, in the local area. I don't know if
22 there's a particular county involved or not.

23 BY WITNESS SKILES:

24 A Well, in Somervell County, if we're talking
25 about Somervell County, I believe that's an approximately

1 correct number of personnel.

2 They actually have more trucks than that. I
3 believe that the one truck you are referring to is the one
4 that they have offered to commit to assistance at the
5 site, but that's my opinion.

6 I do know that they have more vehicles than
7 that in the county.

8 BY WITNESS TATE:

9 A Excuse me, Ms. Ellis. I have the information
10 that you asked that we have available concerning wind
11 direction. Thank you. Go ahead.

12 Q Thank you. Go ahead. Would you go ahead,
13 please.

14 JUDGE MILLER: What is the question?

15 MR. REYNOLDS: What is the question,
16 Mr. Chairman.

17 BY MS. ELLIS:

18 Q I had asked, I believe if the -- let me see
19 the exact wording here -- if it's your understanding that
20 the predominant movement of storm cloud formations in
21 the Dallas-Fort Worth area is from the southwest to the
22 northeast?

23 BY WITNESS TATE:

24 A Ma'am, reading from the Comanche Peak Steam
25 Electric Station Final Safety Analysis Report, Page 2.3-3,

1 Paragraph 2, "Annually, the prevailing surface winds in
2 the region are from the south to southeast, while the
3 average wind speed is about 12 miles per hour."

4 I believe you said southwest?

5 Q Yes. I wasn't talking about the annual
6 average or the over all. What I was talking about was
7 the predominant movement of storm cloud formations in the
8 area.

9 JUDGE MILLER: Well, don't you have to specify
10 when? Storm clouds don't --

11 MS. ELLIS: Generally it would be in the
12 spring.

13 JUDGE MILLER: Do you have it broken down
14 so you can tell if it's in the spring, or how are your
15 statistics organized?

16 WITNESS TATE: I don't have the spring
17 available, sir. I have the annual average and the winter.

18 The annual average is from the south-southeast
19 to the north-northwest. In the winter there's a secondary
20 wind direction from the north to northwest due to the
21 frequent outbreaks of polar air masses.

22 MS. ELLIS: All right.

23 BY MS. ELLIS:

24 Q Are you familiar with a statement made by the
25 NRC Staff in the NRC Staff's November 20th, 1981, answer

1 supporting Applicants' motion for summary disposition of
2 Contention 9, which states that, "It is correct, as CFUR
3 asserts, that the predominant movement of storm cloud
4 formations in the Dallas-Fort Worth area is from the
5 southwest to the northeast"?

6 BY WITNESS TATE:

7 A. No, ma'am, I'm not familiar with that.

8 Q. All right. Are any of you on the panel
9 familiar with that?

10 BY WITNESS BORN:

11 A. No.

12 BY WITNESS SKILES:

13 A. I saw the comment. I have read the comment.
14 I don't know where NRC -- you know, whether they are
15 correct or not.

16 Q. All right, thank you.

17 Are there specific procedures in place to
18 determine -- for the determination as to who will make
19 the determination as to who has been exposed to
20 radiation in the event of an accident at Comanche Peak,
21 both locally -- in other words, let me give you a little
22 more premise here.

23 If there were an accident and ambulance
24 drivers went to the area where some people had been
25 exposed to radiation, would the ambulance drivers and the

1 people in the general area locally have enough expertise
2 to diagnose or know whether or not people had received
3 radiological injury?

4 BY WITNESS SKILES:

5 A I assume we have to say that this accident
6 would have occurred on site. If that's the case, then
7 the utility's plans cover that investigative effort to
8 determine the amount and extent of radiation.

9 Q If there were a major accident, would there
10 not also be possible radioactive contamination offsite?

11 BY WITNESS SKILES:

12 A Certainly that's possible. At that point,
13 it's not possible that we could have contamination offsite
14 without it first occurring onsite, so that the systems
15 would already have been activated.

16 It would simply be a matter of expanding the
17 system which is operating onsite beyond the site
18 boundary.

19 BY WITNESS BORN:

20 A Ms. Ellis, if I may identify the State's
21 position.

22 The Contamination Control Team, which is part
23 of the Bureau of Radiation Control's response team,
24 establishes a perimeter which includes those portions of
25 the surrounding county or counties that might possibly

1 have been subjected to radiological contamination.

2 Anyone entering that area is advised that they
3 are entering a possibly contaminated area. They are
4 issued personnel dosimetry devices, an exposure record is
5 prepared for them, and they are advised as to how to
6 proceed once they are inside the area.

7 Now, if this includes an ambulance team
8 responding to an injury or an accident within that
9 exclusion area, then they could either be accompanied by
10 a member of the contamination control team or be met by
11 one of our field monitoring teams in the area or one
12 of our medical facility liaison or decontamination
13 assistance team members could accompany the ambulance, if
14 necessary, to monitor the injured party and to determine
15 specifically whether or not he was contaminated, he or
16 she.

17 Q All right, and how long would it take for the
18 people who had that knowledge to be where they are needed
19 in the local area?

20 BY WITNESS BORN:

21 A The response team, the first shift would be
22 in place within approximately four hours after initial
23 notification from the plant of an incident on the site.

24 This notification might arise at the alert
25 stage; therefore we might already be on the ground in the

1 area before any radiation were released from the plant.

2 In the event that this is not the case, that
3 a radioactive release occurs before we can get to the
4 site or to the emergency planning zone, we would still
5 have recommended evacuation of the public in advance of
6 contamination reaching them.

7 So they would, first of all, had to have had
8 not enough warning for us to get our team there; and
9 second, the radioactive release would have had to occur
10 with such rapidity that people didn't have time to
11 evauate before it reached them before you could even have
12 a contaminated injured person.

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1 Q All right, and in that four-hour period, is
2 there anyone available in the local area who would have
3 the expertise to be able to diagnose radioactive
4 contamination?

5 BY WITNESS BORN:

6 A Yes, ma'am. The utility is responsible for
7 covering the field monitoring until the state team
8 arrives. They have offsite monitoring teams dedicated to
9 that purpose, and those teams are qualified, not to
10 diagnose radioactive contamination, but to identify it by
11 its presence as indicated on a monitoring instrument.

12 BY WITNESS SKILES:

13 A You should be aware, too, that there are at
14 all times in place dosimetry instruments scattered around
15 this area which can be read by technicians.

16 They have a continuing record of radiation in
17 the area at all times.

18 Q Are there specific procedures or specific
19 documents which outline who will be doing this, or is it --
20 in other words, I'm a little concerned about it being
21 generalities. Are there specifics --

22 MR. REYNOLDS: Objection. These witnesses
23 testified to the specific aspects of the plan with regard
24 to this matter.

25 JUDGE MILLER: Yes, they have. Sustained.

0
1 BY MS. ELLIS:

2 Q Is it true that Hood County Hospital only has
3 the facilities for handling up to five injured persons at
4 the same time?

5 BY WITNESS BORN:

6 A I could not speak to the capabilities of the
7 Hood County Hospital.

8 BY WITNESS SKILES:

9 A Nor could I.

10 Q Do you know what particular plans are in
11 place as to how the evacuation of Squaw Creek Park would
12 be accomplished?

13 MR. REYNOLDS: Objection. It relates to onsite
14 emergency preparedness, not offsite emergency preparedness.

15 JUDGE MILLER: That doesn't mean that she
16 can't ask it. It could be the panel can't answer it.

17 WITNESS SKILES: Would you repeat the
18 question, please, ma'am?

19 BY MS. ELLIS:

20 Q Is there a specific -- Are there specific
21 documents or procedures as to how Squaw Creek Park would
22 be evacuated? How the park visitors would be accounted
23 for?

24 Who would be doing this, and what liaison
25 there would be between them and the people in the county

1 and the cities?

2 BY WITNESS SKILES:

3 A. Yes, ma'am, there are.

4 Q. And where are those contained?

5 BY WITNESS SKILES:

6 A. In Squaw Creek Park, Incorporated's emergency
7 operations plan.

8 Q. Is that part of the documents we have here?

9 BY WITNESS SKILES:

10 A. No, ma'am, it is not.

11 Q. Is there anything in the documents which we
12 have been provided in these proceedings which has that
13 information?

14 BY WITNESS SKILES:

15 A. The same information which is in those plans?

16 Q. Yes.

17 BY WITNESS SKILES:

18 A. I have not seen all of the information that you
19 have been provided, but I don't know that there is or is
20 not.

21 BY WITNESS BORN:

22 A. There is reference to the Squaw Creek Park
23 evacuation plan in the utility's onsite emergency response
24 plan. I don't know what specifics it goes into.

25 It does identify the persons available and the

1 procedure that would be followed in keeping a record of
2 persons coming into the park, and notifying those persons
3 if it were necessary for them to evacuate.

4 Q To your knowledge, Mr. Born, do you know if
5 written procedures have been worked out and emergency
6 information in written form available for the public in
7 case of an evacuation?

8 BY WITNESS BORN:

9 A Are we still talking about in Squaw Creek
10 Reservoir or Squaw Creek Park?

11 Q Yes, as far as you know?

12 BY WITNESS BORN:

13 A I could only testify to conversation between
14 the utility and the utility's advisors during this
15 preceding week concerning that subject; and this indicated
16 that there was written procedure and that there was also
17 liaison between the utility and the Squaw Creek Park
18 operators.

19 Q And on the local level, or the county level,
20 what specific provisions for the early distribution of
21 personal dosimetry devices from local sources have been
22 developed?

23 BY WITNESS SKILES:

24 A The local jurisdictional plans rely and so
25 state their reliance on the Texas Department of Health for

1 advice and guidance in all radioactive protective measures.

2 In other words, the plans -- the county
3 officials intend to follow the advice of the Health
4 Department, and to receive whatever instrumentation they
5 need from either the Health Department or the utility,
6 including dosimeters.

7 Q Okay, and what provisions has the state made
8 in this regard?

9 BY WITNESS BORN:

10 A This was the subject or one of the subjects
11 of the meeting between ourselves and representatives from
12 the applicants, utility staff, on Monday of this week,
13 where they agreed to provide radiological monitoring
14 training for local personnel.

15 As part of that training, we would also arrange
16 for monitoring instruments and personnel dosimetry devices
17 to be issued to local personnel.

18 BY WITNESS TATE:

19 A I might add, Ms. Ellis, that the training to
20 be provided was only for shelter monitors. The State of
21 Texas will provide, as part of its response team,
22 professional personnel who are very familiar with the use
23 of radiation detection instruments.

24 They do it in the normal course of their daily
25 duties; therefore they would be less likely to make any

1 mistake in their survey of an area.

2 We are using professionals to do any monitoring
3 within the plume exposure pathway.

4 Q All right. You said just shelter monitors;
5 is that correct? In other words --

6 BY WITNESS BORN:

7 A Shelter monitors, but the procedure of them
8 until the time that these professional teams arrive.

9 The procedure is the same for using the
10 instrument whether you are at a shelter or whether you are
11 out in the county.

12 You can turn it on and read the gauge and see
13 whether there is contamination present.

14 Q Yes, sir. What I was concerned about and
15 specifically asking about was personal dosimetry devices.

16 Is there any plan to provide those?

17 BY WITNESS BORN:

18 A As I have answered, yes, that will be part of
19 the equipment that is provided to the counties; and as
20 a matter of fact, large quantities of those personnel
21 dosimetry devices, dosimeters, are already present in the
22 county as part of the Civil Defense monitoring instrument
23 kits that are located there.

24 Q I'm not sure. Did I hear you say "personnel"
25 or "personal"?

1 BY WITNESS BORN:

2 A Personnel.

3 Q Personnel. What I was --

4 BY WITNESS BORN:

5 A This term, just a personnel dosimetry device
6 is a fancy name for a dosimeter.

7 Q But it's one that any individual might wear.

8 BY WITNESS BORN:

9 A It looks like a ballpoint pen. You stick it
10 in your pocket and you hold it up to the light to read it.

11 Q Right. Would these be provided to the local
12 population?

13 BY WITNESS BORN:

14 A Not to the general public. They would be
15 provided to the police and fire and other emergency
16 services personnel of the counties and the cities.

17 Q All right. If someone in the local population
18 were going from one area of -- say from one area of town
19 to the other, how could it be determined how much radiation
20 that particular person had received, if they did not have
21 a personal dosimeter?

22 BY WITNESS SKILES:

23 A Let me answer it. There won't be anybody.
24 The evacuation will have been implemented by that time.

25 Anyone on out into the exclusion area, into the

6
1 evacuated area, will have personal dosimetry, or he won't
2 get past the roadblock.

3 BY WITNESS SKILES:

4 A Let me add something there, also. In part of
5 the plan we discuss population dose estimates.

6 In doing this, we get from the utility the
7 release rate for various types of radioactive materials
8 offsite, the wind conditions and the various parameters
9 required to make a dose estimate in the various sectors.

10 We would, using a computer and various factors
11 that we do have, make estimates of the doses, which would
12 be the high end estimates that a person could receive if
13 he or she were in that area.

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Q Where in the local plans are there provisions for the training of local support personnel?

3 BY WITNESS SKILES:

4 A There are no untrained local support personnel.
5 With the exception of radiological monitors, to which
6 Mr. Born just alluded.

7 But they have trained monitors for nuclear
8 attack conditions. The old Civil Defense conditions.
9 But we are instituting a program to train them to support
10 themselves and in shelter areas for fixed nuclear
11 facilities.

12 Q All right.

13 BY WITNESS SKILES:

14 A Basically the reference is in there where it
15 is set out. I forget the page number but it refers to
16 the fact that the County Judge will secure and maintain
17 training required as recommended by the Health Department.

18 Q In the County plan -- let me backtrack. Not
19 necessarily in the plan.

20 Does the County have any equipment available
21 to measure whole body gamma exposures in airborne radio-
22 iodine concentrations?

23 BY WITNESS SKILES:

24 A Does the County have it?

25 Q Uh-huh.

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5-2
1 BY WITNESS SKILES:

2 A. No, ma'am. They can get it.

3 Q. Would this provided, then, strictly through
4 the State?

5 BY WITNESS TATE:

6 A. I can speak to that.

7 The State of Texas has fifteen high volume
8 air samplers with several Z-like cartridges. In addition,
9 we have on order due for receipt in October or November,
10 a thirty percent intrinsic uranium system capable of
11 detecting and measuring iodine in at least 10 to the minus
12 10 and 10 to the minus 12 microcuries.

13 We are looking at a national level on the
14 order as required by NRC of 10 to the minus 7.

15 Q. All right.

16 In the plans, is there any area which I might
17 have overlooked -- I didn't find this -- is there an area
18 in the plans where cooperative arrangements with people
19 in the area or local agencies details the arrangements for
20 sheltering and decontamination and medical attention and so
21 on?

22 The cooperative arrangements I didn't find. Am
23 I overlooking an area?

24 BY WITNESS SKILES:

25 A. Are you speaking about local government

1 cooperative arrangements between governments?

2 Q Well, between governments or between the site
3 and the local level?

4 I understand this is primarily the utility's
5 responsibility but there needs to be cooperative arrangements
6 made for this, for the sheltering and decontamination
7 and so on.

8 BY WITNESS SKILES:

9 A Of the general public?

10 Q Yes.

11 BY WITNESS SKILES:

12 A Who have been evacuated? Is that what you're
13 saying?

14 Q Well, not necessarily have been evacuated but
15 who--

16 BY WITNESS SKILES:

17 A Each plan has a shelter annex. That shelter
18 annex pertains to emergencies in general. Anytime shelter
19 is needed. It may be tornado shelter or flood shelter,
20 that sort of thing. Each plan does have a shelter
21 procedure.

22 In the event that shelter can be used locally,
23 say in Granbury, the local plans are perfectly well suited
24 to that and there would be no need for cooperative
25 arrangements because if evacuation is not indicated, there

1 is enough shelter space in the town to handle anyone who
2 might be displaced from his home.

3 They wouldn't have to leave their city, in
4 other words.

5 Q In the event of a major accident at the plant,
6 in the areas around, has there been any effort made to
7 make arrangements with local residents, where people might
8 come to their homes for sheltering in case of an emergency?

9 BY WITNESS SKILES:

10 A No, ma'am. In the event that we evacuate the
11 ten-mile EPZ, residents will be advised -- they will be
12 directed to Stephenville on the West and to Cleburne on
13 the East and those two cities have modified their local
14 plans to accomodate that shelter.

15 They already had emergency plans for shelter
16 for natural disaster and we simply have assisted them
17 updating their plans to prepare for the contingency that
18 they might be sheltering residents from the Comanche Peak
19 area.

20 BY WITNESS TATE:

21 A Mrs. Ellis, if I may add to that reponse.
22 Bear in mind that the shelter required, once you have moved
23 this distance from the facility, is not a shelter against
24 radiation. It is a living space congregate care type of
25 facility and, yes, those are in the plans of Johnson and

1 Erath Counties.

2 BY WITNESS SKILES:

3 A. And since those are county governments. It is
4 the feeling of the local officials that they don't need
5 a written agreement from County Judge to County Judge.

6 They just regard it as a normal response to
7 take care of the people.

8 Q All right.

9 And you stated, I believe, that was to the East
10 and to the West.

11 What about if the wind direction were toward
12 the East or the West?

13 BY WITNESS SKILES:

14 A. In that event, everyone would be directed away.
15 There is enough shelter space in either city for all of
16 the residents of the 10-mile EPZ. We've simply split them
17 up to make traffic control easier.

18 There is -- we have shelter available in any
19 direction, East or West, depending on which way we have to
20 move people.

21 Q All right.

22 When Three-Mile Island happened, other people
23 besides the people in the immediate area chose voluntarily
24 to evacuate; is that correct?

25

1 BY WITNESS SKILES:

2 A Yes, ma'am.

3 Q All right.

4 Has there been any recognition of this is any
5 attempt to take care of sheltering for those people in
6 further areas, such as Fort Worth or Arlington or Dallas?
7 Has there been any effort made along that line?

8 BY WITNESS SKILES:

9 A Do you mean people who just hear about it and
10 decide that they need to go to shelter somewhere?

11 Q Yes. Who need to evacuate in some other
12 direction.

13 BY WITNESS SKILES:

14 A And these are people who live in the 10-mile
15 EPZ? Is that your question?

16 Q Not necessarily. People who live outside, even
17 might --

18 BY WITNESS SKILES:

19 A Just somebody who is afraid and takes shelter?

20 Q Yes.

21 BY WITNESS SKILES:

22 A No.

23 Q All right.

24 MR. REYNOLDS: Objection.

25 If the people are outside of the 10-mile EPZ

1 there is no regulatory requirement that evacuation
2 provisions be made for those people.

3 BY MS. ELLIS:

4 Q All right.

5 What specific arrangements have been made with
6 the Federal Government as far as the State and local
7 planning?

8 BY WITNESS SKILES:

9 A Let me start that and they'll finish it.

10 Q All right.

11 BY WITNESS SKILES:

12 A The local officials do not directly request
13 Federal assistance. They always funnel those request
14 through the State.

15 Q All right.

16 BY WITNESS ARMSTRONG:

17 A All requests for Federal assistance within the
18 State of Texas funnels through the Division of Emergency
19 Management at the State and then goes to the Federal
20 Emergency Management Agency at Denton.

21 Q All right.

22 BY WITNESS TATE:

23 A We have within the State of Texas more
24 radiation response capabilities than I'm aware of existing
25 in any other State.

1 We also are a member of the Southern Energy
2 Response Council, which gives us the combined resources
3 and assets of twelve states in the South, without any
4 need for other agreements, except a request from our
5 Governor.

6 Q Are you relying, then, primarily on State or
7 Regional facilities in this regard, rather than with the
8 national level?

9 BY WITNESS TATE:

10 A So long as they are adequate. If they are
11 inadequate, we would, of course, request Federal assistance.

12 Q All right.

13 And what procedures have been set up to do that,
14 should it become necessary.

15 BY WITNESS BORN:

16 A These were identified by Mr. Armstrong in
17 your request for Federal Assistance from local government
18 or from any State agency, is directed through the State
19 Emergency Management Council. The Division of Emergency
20 Management is on that Council and one of its functions are
21 to coordinate all requests for Federal assistance, to
22 transmit those to the Federal Emergency Management Agency
23 in Denton and to provide instructions for funneling any
24 response forthcoming down to the requesting agency.

25 This, by the way, is standard operating procedure

1 in any type of emergency that would arise at any time, day
2 or night, during the year.

3 MS. ELLIS: I believe I have no further
4 questions for you. Thank you, gentlemen.

5 JUDGE MILLER: Thank you.

6 Anything further from this panel?

7 MR. REYNOLDS: Yes, I have a few redirect
8 questions.

9 Two minutes, Mr. Chairman?

10 JUDGE MILLER: Yes.

11 (Short recess.)

12 JUDGE MILLER: All right.

13 We will resume.

14 Mrs. Ellis, did you have a question either
15 about exhibits or about depositions? If so, it might be
16 well to raise it for the record. I don't know exactly what
17 your problem might be but I want to be sure that we have
18 addressed them.

19 MS. ELLIS: Yes, sir. I'm at a little disadvantage.
20 We have not had a chance to look at the transcript yet.
21 However, it is my recollection from the transcript that
22 earlier in the week there was an indication that we would
23 be allowed on some of the depositions, to go back and pull
24 a few pages which we wanted to get into the record, out,
25 and submit just those rather than trying to submit the

1 entire deposition.

2 JUDGE MILLER: No. If so, there was a
3 misunderstanding.

4 The portions of depositions are not in evidence
5 until they are put into evidence in some way. Now, as I
6 have explained to you, I believe then and I certainly am
7 explaining now, you have put in those portions that you
8 wanted by asking that they be read, either by the
9 interrogator reading them and the witness acknowledging
10 that's what he had said or vice versa.

11 Now, that's the extent to which the depositions
12 or any portion of them are in evidence, and that's all.

13 MS. ELLIS: All right, sir.

14 I would like to note for the record that that
15 wasn't my understanding -- however, not having the
16 transcript, I'm unable to point to a specific section at
17 this time regarding it.

18 JUDGE MILLER: Well, we never intended that
19 anyone could just simply float into evidence pages of
20 depositions. They have to be identified and they have to
21 be ruled upon in an evidentiary fashion and that's what
22 we've done so far.

23 You have put into the record those portions
24 you wanted simply by reading them. I think I indicated
25 at one point, too, that you couldn't do both but you

1 never got to that because you didn't offer an entire
2 deposition, with one exception, that was Mr. Doyle's
3 and that was admitted pursuant to stipulation and Board
4 acceptance of it, in lieu of direct testimony.

5 Now, that handles that.

6 But not including the cross but none of the
7 other depositions is in per se, nor very likely would be
8 admitted per se but we don't want to rule in a vacuum,
9 either.

10 MS. ELLIS: Yes, sir.

11 Like I say, it was my understanding and we
12 will have to trace the transcript to verify that.

13 JUDGE MILLER: Well, the use of a deposition
14 has to be made when the witnesses are there on the stand.
15 I told you that, too.

16 I understood that's what you've been doing.
17 You were permitted to do it and you record is, I think,
18 complete in that regard.

19 MS. ELLIS: We did shorten our cross-
20 examination with that understanding. That was our
21 understanding.

22 JUDGE MILLER: You shortened your cross-
23 examination of witnesses because you had a deposition?

24 Let me ask Counsel.

25 Does anybody know of such an agreement as that?

1 MR. REYNOLDS: No, sir.

2 MS. ROTHSCHILD: No.

3 MR. REYNOLDS: I thought your instruction was
4 clear.

5 MS. ROTHSCHILD: Sir, the Staff --

6 JUDGE MILLER: I would be amazed because it
7 would be contrary to the Rules of Evidence, Mrs. Ellis.
8 Staff; yes?

9 MS. ROTHSCHILD: I was just going to say, I agree.

10 JUDGE MILLER: You don't recall it being
11 stated any differently; do you?

12 MS. ROTHSCHILD: No.

13 JUDGE MILLER: If they don't, Mr. Ellis, I
14 would be very surprised because, as I say, it would be
15 contrary to the way in which evidence is normally handled.
16 However, we don't want to take a lot of time.
17 If you have any particular problem, we might
18 address it later, but in the meantime, why don't we go
19 ahead?

20 I take it this panel now set for some redirect
21 examination?

22 MR. REYNOLDS: Yes, sir.

23 MS. ELLIS: Mr. Chairman --

24 JUDGE MILLER: Mrs. Ellis, is there anything
25 else --

1 MS. ELLIS: There is one further thing.

2 I think we will withdraw CASE Exhibit 728 L.

3 JUDGE MILLER: All right.

4 Was that in?

5 MS. ELLIS: I think we had had it identified.

6 We will just withdraw it.

7 JUDGE MC COLLOM: Except you never gave us a
8 copy. We have not had a copy of that.

9 JUDGE MILLER: At any rate, CASE Exhibit 728 L
10 -- I don't know how you're going to withdraw it. It was
11 never in except for identification and, as identified, it
12 can't be withdrawn. It's been identified, so it's no
13 problem.

14 MS. ELLIS: All right.

15 (CASE Exhibit No. 728 L-1 and
16 728 L-2 was withdrawn.)

17 JUDGE MILLER: Now, anything else on the exhibits?

18 MS. ELLIS: There is one further thing, while
19 we're at it, we might mention.

20 We have had considerable problem with both the
21 June and July transcripts, in getting them from the Staff
22 as agreed, at the UTA Library. We would like to request
23 that this be done in a timely fashion. Apparently there
24 has been a problem with communications between the Staff--

25 JUDGE MILLER: Well, we don't want to get

1 involved in it but can the Staff take care of it as
2 promptly as you are able to get the depositions and the
3 location where it was agreed you would place them?

4 MS. ROTHSCHILD: You mean the transcripts?

5 JUDGE MILLER: Yes.

6 MS. ROTHSCHILD: Yes. We will.

7 JUDGE MILLER: Okay. Thank you.

8 All right. You may proceed.

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REDIRECT EXAMINATION

1 BY MR. REYNOLDS:

2 Q Mr. Born, do you have a copy of CASE Exhibit
3 728A before you?
4

5 BY WITNESS BORN:

6 A Could you identify --

7 Q This, sir, is your transmittal letter of
8 several documents to Ms. Ellis.

9 BY WITNESS BORN:

10 A Yes.

11 Q It's a letter dated August 6, 1982.

12 BY WITNESS BORN:

13 A She got it back, but I recall it.

14 Q Let's get you a copy of it.

15 (Document handed to Witness Born.)

16 BY WITNESS BORN:

17 A Yes, I have a copy now.

18 Q Now, the copy I have consists of a cover page
19 and then perhaps an inch -- half-an-inch thick attach-
20 ments to it.

21 BY WITNESS BORN:

22 A Yes.

23 Q Are those attachments attachments which were
24 to your letter when you sent them to CASE?
25 /

6-2
1 BY WITNESS BORN:

2 A Yes.

3 Q And of the items listed in your transmittal
4 letter, which item covers the material that's attached
5 to this exhibit?

6 BY WITNESS BORN:

7 A The last item, copies of the comments of
8 each reviewing agency on the Regional Assistance Com-
9 mittee concerning the contents of the above documents.

10 Q Is the Regional Assistance Committee known as
11 the RAC, R-A-C?

12 BY WITNESS BORN:

13 A Yes.

14 Q Sir, would you describe the process which gave
15 rise to these comments from the RAC?

16 BY WITNESS BORN:

17 A Yes. In accordance with NUREG-0654, the state
18 and local planners developed documents that were submitted
19 for RAC review.

20 The RAC consists -- and correct me if I'm
21 wrong on the number -- of ten federal agencies, give or
22 take one or two, each with areas of assigned responsibility
23 in reviewing state and local emergency response plans
24 for nuclear power plants.

25 A copy of the state submission, being its

5-3
1 plan, the local plan and a cross-reference similar to this
2 one, were submitted to each reviewer. They went through
3 the plan based on the cross-reference and the identified
4 items.

5 Q By "each reviewer," you mean each RAC parti-
6 cipant?

7 BY WITNESS BORN:

8 A Yes. An individual from each of those
9 agencies. Each had a copy of the whole document, the whole
10 plan, the cross-reference and 0654.

11 They were assigned various elements specifically
12 to look for. NRC, for example, might have been assigned
13 to look at Element K-7. If they found an appropriate
14 response, they would perhaps so note in the comment, or
15 perhaps they just wouldn't say anything at all.

16 If they found a deficiency, they would
17 describe the deficiency.

18 These comments consist both of acknowledgement
19 of something being adequate, and in some instances of
20 an apparent deficiency. It might have been that the re-
21 viewer simply didn't feel the information was in great
22 enough detail.

23 It might have been that he just flat over-
24 looked it, which was the case in some instances where he
25 would say "Missing," or "Unable to locate this information,"

6-4
1 despite the fact that it was there in the plan correctly
2 cross-referenced.

3 So any one particular comment doesn't neces-
4 sarily imply something missing in the plan, simply that
5 that reviewer at the time that he made his response
6 felt that something had not been adequately shown to
7 him.

8 Q What is the next step of the process with
9 regard to these RAC comments?

10 BY WITNESS BORN:

11 A The next step is ongoing now, and that is,
12 the state and local planners responding to these comments
13 by, first of all, reading them and studying the plan in
14 relationship to the comment and to 0654.

15 If there is a deficiency, we change the
16 plan. But --

17 Q Have you -- I'm sorry.

18 BY WITNESS BORN:

19 A If there is no deficiency, we describe to the
20 commentor why we do not feel it necessary to change the
21 plan.

22 Q Are you involved in that process?

23 BY WITNESS BORN:

24 A Yes, I am.

25 Q Personally?

6-5
1 BY WITNESS BORN:

2 A Yes.

3 Q Sir, do you have a copy of Applicants' Exhibit
4 152 for identification?

5 BY WITNESS BORN:

6 A Yes.

7 (Applicants' Exhibit No. 152
8 was marked for identification.)

9 BY MR. REYNOLDS:

10 Q What is that document, sir?

11 BY WITNESS BORN:

12 A Can you tell me which one is 152? I have
13 both documents, but no number.

14 Q The larger.

15 BY WITNESS BORN:

16 A Okay. These are our responses to the comments,
17 partial. These are our responses, as we have done them
18 to date.

19 Q And, sir, are these complete responses to the
20 RAC comments?

21 BY WITNESS BORN:

22 A For a particular comment, the response is
23 complete except that some also consist of the change made
24 in the plan.

25 But we haven't responded yet to all of the

5-6
1 comments.

2 Q At what stage are you in your response to the
3 comments?

4 BY WITNESS BORN:

5 A Approximately 75 percent complete insofar as
6 actual number of comments. About 95 percent complete
7 insofar as responding to those that will result in a
8 change to the plan, or there were significant observations
9 about the plan.

10 Q Sir, do you have a copy of Applicants' Exhibit
11 153 for identification?

12 BY WITNESS BORN:

13 A Is that the other one?

14 Q You've got it?

15 BY WITNESS BORN:

16 A I've got it.

17 (Applicants' Exhibit No. 153

18 was marked for identification.)

19 BY MR. REYNOLDS:

20 Q What is that document, sir?

21 BY WITNESS BORN:

22 A These are the actual changes that have been
23 made in response to reviewer's comments and will be dis-
24 tributed as Change 1 to the plan when the whole set of
25 changes is available, after we have determined from

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response by the RAC that these are acceptable and satisfactory to meet those comments.

Q You used the phrase, "actual changes." What do you mean by that?

BY WITNESS BORN:

A In other words, this is the real page that will be substituted in the plan for what is currently there.

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1 MR. REYNOLDS: Mr. Chairman, we move that
2 Applicants' Exhibits 152 and 153 be received into evi-
3 dence.

4 JUDGE MILLER: Any objection?

5 MR. MIZUNO: No objection.

6 MS. ELLIS: No objection.

7 JUDGE MILLER: They'll be received.

8 (Applicants' Exhibits Nos. 152
9 and 153 were received in
10 evidence.)

11 BY MR. REYNOLDS:

12 Q Mr. Born, in your judgment when will you and
13 your agency and the state and local agencies have fully
14 responded to all of the RAC comments?

15 BY WITNESS BORN:

16 A In approximately two weeks we will have sub-
17 mitted to the RAC our response to the comments. Then,
18 assuming adequate time for them to read the response and
19 see whether it does satisfy their reservations, that is
20 beyond our control.

21 Q Sir, does the process contemplate another
22 round of RAC comments on your revisions?

23 BY WITNESS BORN:

24 A Only if I miss responding the first time.

25 MR. REYNOLDS: Pass the panel, Mr. Chairman.

1 JUDGE MILLER: Staff?

2 MR. MIZUNO: The Staff and FEMA have no
3 further recross.

4 JUDGE MILLER: Ms. Ellis?

5 MS. ELLIS: Nothing further.

6 JUDGE MILLER: Thank you. I believe --
7 I'm sorry.

8 JUDGE COLE: I just have one or two questions.

9 BOARD EXAMINATION

10 BY JUDGE COLE:

11 Q Mr. Armstrong, you responded to some questions
12 by Ms. Ellis concerning the responses of the Division of
13 Emergency Management, responses to the emergency system
14 during the past year. You indicated that you had about
15 1000 responses, and indicated that several of those
16 were radiological or radiation-type incidents.

17 What kind of incidents were they, sir?

18 BY WITNESS ARMSTRONG:

19 A Transportation, hauling equipment through
20 the state, the loss of some items or accountability for
21 some items and the Division, sir, is involved in every
22 type of incident from airplane to hurricane.

23 And the reason I used the thousand figure
24 is since this is the end of the fiscal year, we just
25 finished the year and made our programs for the following

1 year, and that's part of the summary in that program.

2 That's where the thousand figure come from.

3 Q All right, sir.

4 I guess it was both Mr. Armstrong and Mr.

5 Born who were talking about the siren system.

6 BY WITNESS BORN:

7 A Mr. Skiles, I believe.

8 Q Okay. Excuse me.

9 You indicated that the siren system, although
10 it hasn't been installed yet, is of a type that people
11 that would be operating it are familiar with.

12 My question, sir, is: How will this system
13 be different than the kinds of systems that the people
14 are used to hearing? How will they be educated to know
15 what to do when they hear this siren?

16 BY WITNESS SKILES:

17 A First of all, the jurisdictions in question --
18 with the exception of the city of Granbury -- do not have
19 outdoor warning devices now. In the Glen Rose area, the
20 sirens that they use are primarily warning to alert
21 volunteer firefighters to come to the fire house.

22 In the city of Granbury they use a city-
23 wide tornado warning device. I don't know how many sirens
24 that is, but it's probably two or three. It's a small
25 town.

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1 The system which will be installed for the
2 Comanche Peak area is similar to the ones that they nor-
3 mally use. It just consists of a button on the dis-
4 patcher's console or some similar device, which he punches
5 when he's given the direction to.

6 As far as educating the public as to what
7 these siren signals mean and what they're supposed to
8 do, they're just primarily a part of the utility's public
9 information package which is currently being developed
10 to provide information to the public as they -- the ones
11 that live there and the ones who may move in later.

12 Q Do you know if that system will be different
13 than the on-site emergency system?

14 BY WITNESS SKILES:

15 A The warning siren system equipment?

16 Q Yes.

17 BY WITNESS SKILES:

18 A I don't know that it's any different from it.
19 It does not serve the site, although it's audible on
20 the site.

21 Q I know. But the in-plant system is a system
22 that has five distinct tones --

23 BY WITNESS SKILES:

24 A Yes, sir.

25 Q And the people will know what's associated

1 with each different kind of tone. Do you know if that's
2 the kind of system that will be --

3 BY WITNESS SKILES:

4 A It won't be that complex. This system, it's
5 my understanding, was designed to provide a distinction
6 between nuclear attack warning, a take-cover warning,
7 and a notice -- attention signal, very much like the
8 Civil Defense sirens that you've heard all your life --
9 a wavering tone, or a steady tone.

10 If I'm incorrect about that, there's
11 someone here who can answer it.

12 Q The siren system that you referred to, is it
13 peculiar to Comanche Peak or will it be used for other
14 kinds of emergencies?

15 BY WITNESS SKILES:

16 A It is a dual -- I mean a multi-purpose
17 system. The local officials intend to use it for any
18 type of emergency warning to the people, which is one
19 reason for its flexibility, why it can be activated in
20 smaller portions than might be necessary for Comanche
21 Peak.

22 Q Which makes education of the public more or
23 less important, sir?

24 BY WITNESS SKILES:

25 A I would say it would make it a little less

6-13
1 hard to accomplish because the people will be accustomed
2 to the sound of the sirens, and they will -- due to the
3 tremendous frequency of weather watches and warnings
4 in the State of Texas, it's entirely possible that those
5 people may hear that siren two or three times a year
6 other than normal tests -- to get their attention to turn
7 on the radio and that sort of thing.

8 I think it will probably help the education
9 effort.

10 Q Mr. Armstrong or Mr. Born, have your agencies
11 or groups participated in any nuclear emergency response
12 tests?

13 BY WITNESS BORN:

14 A As far as tests of the plan as submitted as
15 Applicants' 144F?

16 Q No, anywhere in the state of Texas.

17 BY WITNESS BORN:

18 A Individually, for training purposes, we have
19 attended the Radiological Emergency Response Operation
20 Course. But we have had no emergency of a radiological
21 nature in Texas that posed an eminent threat to life or
22 property where we had to do this type of large-scale
23 response.

24 Q Are we speaking about a test --
25 /

1 BY WITNESS ARMSTRONG:

2 A Are you speaking also, sir, of tests that
3 would practice nuclear war type situations?

4 Q Yes.

5 BY WITNESS ARMSTRONG:

6 A The old Civil Defense type function.

7 Q Have you participated in that kind of
8 emergency response?

9 BY WITNESS ARMSTRONG:

10 A Yes, sir, we work on a yearly training pro-
11 gram designed throughout the state for that type of an
12 emergency -- a national nuclear war emergency.

13 Q All right, sir.

14 How much different would the kinds of
15 responses that you would have for that kind of an emer-
16 gency -- How would that prepare you for a site
17 emergency at a plant like Comanche Peak?

18 BY WITNESS BORN:

19 A Although the levels are different, the termino-
20 logy, exposure rates and dose projections are the
21 same. Also, the same organizations are involved.

22 Now, the difference would be that we would
23 not respond to a particular site away from headquarters
24 in a nuclear emergency drill, whereas for Comanche Peak
25 we would respond to that specific geographic location.

1 BY WITNESS TATE:

2 A Might I also add, sir, that the Bureau of
3 Radiation Control is participating with three other
4 states: Arkansas, Louisiana, and Mississippi, in sending
5 our staff members to observe the drills and exercises
6 at their nuclear facilities.

7 BY WITNESS ARMSTRONG:

8 A We have throughout the state, sir, an ex-
9 tensive radiological defense training program aimed at
10 nuclear war. The principles are basically the same.
11 Those people are in the counties and in the cities
12 throughout the state.

13 Q Thank you.

14 Did any one of you gentlemen have the oc-
15 casion to read the FEMA Staff testimony that we'll be
16 hearing soon?

17 BY WITNESS BORN:

18 A Yes.

19 BY WITNESS SKILES:

20 A Yes.

21 BY WITNESS ARMSTRONG:

22 A Yes.

23 BY WITNESS TATE:

24 A Yes.

25 Q On Page 10 of that testimony at the conclusion

5-16 1 of the FEMA Staff -- the FEMA testimony, they conclude
2 that the state, Hood County and Somervell County emer-
3 gency plan does not adequately address the guidance
4 criteria for the provision of medical facilities and
5 personnel to treat radiologically contaminated individuals.

6 In the latter part of that paragraph, they
7 indicate that there have been some verbal commitments.
8 Did any of you gentlemen participate in those verbal
9 commitments?

10 BY WITNESS BORN:

11 A I made them.

12 Q And what were they, sir?

13 BY WITNESS BORN:

14 A They were to incorporate information con-
15 cerning hospitals in Johnson and Erath Counties and to
16 pursue the possibility of additional hospitals in the Fort
17 Worth/Dallas area.

18 Applicants' Exhibit 144H is a result of that
19 verbal commitment, a letter of agreement between that
20 hospital and that local government to provide this type
21 of service.

22 Q All right, sir. Thank you.

23 You looked as if you were going to say some-
24 thing.

25 /

BY WITNESS ARMSTRONG:

1 A No, I just --

2 BY WITNESS BORN:

3 A If I might add: We identified -- I identi-
4 fied in my prefiled testimony that we had communicated
5 with the hospital in Erath County and the one in Johnson
6 County, which were the two primary host areas.

7 We personally as a state planning organiza-
8 tion have not communicated with the county hospital in
9 Hood County, because it, being a county-owned facility,
10 it is governed and under the jurisdiction of the county
11 judge and his plan.

12 So that doesn't mean it's not available to
13 us. It means it's not necessary for us to have a
14 particular letter of agreement, since it's already in
15 the county resource.

16 Q In your view, there is no question as to its
17 availability; is that what that means --

18 BY WITNESS BORN:

19 A Absolutely. If it's available as a county
20 resource, and state personnel arrive to support county
21 forces, then certainly any medical facility available
22 for county forces would be available for those state
23 persons coming in support of the --
24 /

6-18 1 BY WITNESS SKILES:

2 A By virtue of the fact that it is a county-
3 owned facility, therefore, public property, it is com-
4 mitted by law, as all are -- as are all tax-owned,
5 publicly owned resources.

6 Q And even though it might be easy to get a
7 letter, you don't think they need one?

8 BY WITNESS BORN:

9 A We really think it would confuse the issue.
10 It would be the same as the judge and the county sheriff
11 having a letter between them that they would, in turn,
12 enforce the county codes.

13 BY WITNESS SKILES:

14 A It would be tantamount to their acknowledging
15 their legal responsibilities.

16 Q Okay. Thank you.

17 BOARD EXAMINATION

18 BY JUDGE McCOLLOM:

19 Q Mr. Skiles, when do you anticipate that that
20 emergency warning system will be completed and working?

21 BY WITNESS SKILES:

22 A By November, sir.

23 JUDGE MILLER: Of this year?

24 WITNESS SKILES: Yes, sir.

25 JUDGE MILLER: Very well. I believe now that

6-19

1 does conclude the testimony of the panel.

2 MR. REYNOLDS: Yes. We'd ask that the panel
3 be excused, but not discharged.

4 JUDGE MILLER: All right. Thank you. You
5 are excused, but not discharged.

6 (Witnesses excused.)

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JUDGE MILLER: Next panel?

MR. MIZUNO: The NRC Staff is ready to go forward with its one witness.

JUDGE MILLER: A single witness. Very well. Whereupon,

DAVID M. ROHRER

was called as a witness on behalf of the NRC Staff and, having been first duly sworn by the Administrative Law Judge, was examined and testified as follows:

MR. MIZUNO: To clarify for Ms. Ellis, Mr. Rohrer's testimony relates primarily to onsite planning.

JUDGE MILLER: Onsite?

MR. MIZUNO: Onsite, and FEMA's testimony relates to the state of offsite emergency preparedness.

DIRECT EXAMINATION

BY MR. MIZUNO:

Q Mr. Rohrer, please state your name and please state by whom you are employed and your job title?

A. My name is David Michael Rohrer. I am an emergency preparedness specialist with the Emergency Preparedness Licensing Branch, Division of Emergency Preparedness, Office of Inspection and Enforcement of U. S. Nuclear Regulatory Commission in Bethesda.

Q Do you have before you the NRC Staff Testimony

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1 of David M. Rohrer Regarding Emergency Planning (Contention
2 22)?

3 A. I do.

4 MR. MIZUNO: Mr. Chairman, the Staff would
5 like to identify the NRC Staff testimony of David M. Rohrer
6 as NRC Staff Exhibit 202.

7 JUDGE MILLEP: 202. It will be so marked.

8 (Staff's Exhibit No. 202 was
9 marked for identification.)

10 BY MR. MIZUNO:

11 Q. Mr. Rohrer, have you prepared a statement of
12 professional qualifications?

13 A. I have.

14 Q. And is it attached to your testimony?

15 A. It is.

16 MR. MIZUNO: Mr. Chairman, the statement of
17 professional qualifications for Mr. Rohrer is attached
18 at the end of his testimony, and we would like to have
19 that identified as NRC Staff Exhibit 202A.

20 JUDGE MILLER: It may be so marked.

21 (Staff's Exhibit No. 202A
22 was marked for identification.)

23 BY MR. MIZUNO:

24 Q. Turning to your statement of professional
25 qualifications, Mr. Rohrer, do you have any corrections

1 to make to it at this time?

2 A I do not.

3 Q Do you have any corrections to make to your
4 testimony?

5 A Yes, I do.

6 Q Please go ahead.

7 A On Page 2, the second line from the top,
8 really the first word in the second line from the top,
9 I would like to strike "government" and insert "local."

10 On Page 7 in in Answer No. 8, the second
11 paragraph, second line, the date "1981" should be
12 corrected to "1982."

13 On Page 11, in response to Question 12, in
14 the first line -- this is a rather complex change, and I
15 would just like to allude to the fact that the Applicants
16 yesterday introduced information correcting the
17 emergency plan at Section 1.3.1.4 and in Section 10.1
18 alluding to the present provisions of Radiation Management
19 Corporation to use the Northwest Memorial Hospital in
20 Chicago, Illinois, rather than the facility at the
21 University of Pennsylvania.

22 Q How would you like to amend your answer there?

23 A In the first line between "Plan" and "identifies"
24 at the end of the line in response to Question 12, insert
25 "as corrected by the Applicants."

1 Further, at the fifth line, after "hospital,"
2 strike "at the University of Pennsylvania in Philadelphia,"
3 and insert, "Northwestern Memorial Hospital in Chicago,
4 Illinois."

5 Two lines further, alluding to Section 10.1,
6 between "plan" and "provides" insert "has been amended
7 by the Applicants as Revision 4 to their emergency plan,
8 dated August 20th, 1982, and --"

9 Q Mr. Rohrer, could you repeat that a little
10 slower?

11 A Okay. Between "plan" and "provides," which
12 is in --

13 Q This is in the seventh line of Answer 12?

14 A Seventh line down, right.

15 Insert between "plan" and "provides," so it
16 should read, "The plan has been amended by the Applicants
17 as Revision 4 to their emergency plan, dated August 20th,
18 1982, and..."

19 In the next line down -- did everyone get that --
20 strike "the University of Pennsylvania Hospital," and
21 insert, "Northwestern Memorial Hospital."

22 That's the end of my corrections on that page.

23 On Page 12, the fourth line from the top,
24 strike "the University of Pennsylvania," and insert,
25 "Northwestern Memorial."

1 That's the end of my corrections.

2 Q And as corrected, does this represent your
3 testimony in this proceeding?

4 A It does.

5 Q And is it true and correct?

6 A It is.

7 Q And do you adopt it as your testimony?

8 A I do.

9 MR. MIZUNO: Mr. Chairman, the NRC Staff would
10 move for the introduction of NRC Staff Exhibit 202 and
11 202A.

12 JUDGE MILLER: Subject to cross-examination.
13 Applicants?

14 MR. REYNOLDS: Cross?

15 JUDGE MILLER: Well, semi-cross.

16 MR. REYNOLDS: No questions.

17 JUDGE MILLER: Ms. Ellis?

18 CROSS-EXAMINATION

19 BY MS. ELLIS:

20 Q Mr. Rohrer -- let me get my exhibit.

21 Are you familiar with CASE Exhibit 728?

22 A 728A?

23 Q Well, yes, 728A through K, I believe it is,
24 the entire document.

25 A Yes, I am.

1 Q All right, sir.

2 Have you reviewed that, also, in connection
3 with preparation of your testimony?

4 A I have read it, not in preparation of my
5 testimony, but subsequent to that. This was received
6 after my testimony was prepared.

7 Q I see. Are any of the concerns indicated in
8 there, would they change any of the conclusions in your
9 testimony?

10 A No, they would not.

11 Q On Page -- let me backtrack just a moment.
12 Could you tell us about what specifically you
13 did look at, what documents you did look at, and
14 approximately the amount of time you spent preparing your
15 testimony?

16 A Weeks. This is an ongoing process. As a
17 staff specialist in emergency preparedness, I have a number
18 of plants that I am responsible for -- this is one -- and
19 the licensing aspects.

20 The process involved of development by the
21 Applicants and the state and local authorities of
22 emergency plans and preparedness, and by the review of
23 that information by both myself for the staff and by
24 FEMA and its subsequent -- or precursor, the RAC, takes
25 months of staff effort devoted over a period of multiple

1 years.

2 This is not something that is put together in
3 the period of a few days.

4 I really could not give you an accurate
5 estimate of the number of hours that I have spent, but I
6 have reviewed the Applicants' original submittal of their
7 plan in 1979, the questions that were developed by the
8 staff as identifying deficiencies with that plan, the
9 responses from the Applicant as to those deficiencies, a
10 second set of questions directed by the staff to the
11 Applicant, the Applicants' responses to that set of
12 questions, the Applicants' first revision to their
13 emergency plan, their second revision to their emergency
14 plan, a one-day meeting that was held by myself and the
15 Applicants in Washington to provide the Applicants with
16 information as to the additional depth and scope that
17 I felt was necessary in their plans in order for me to
18 make a safety finding, a review of the Applicants'
19 third revision of their emergency plan, the development --
20 I am in the process of developing a Safety Analysis Report
21 Supplement, and additional phone conversations with the
22 Applicants over a period of months.

23 Q All right.

24 A It is a very long and involved -- and I'm not
25 halfway there yet. For the next 18 months we will be

1 involved with additional reviews and evaluations of the
2 Applicants' plans; a detailed site evaluation, which will
3 encompass between two and three weeks and involve on the
4 order of a thousand manhours of on-station inspection
5 time; the observation of a full-scale exercise by both
6 ourselves from the Applicants' response capabilities, and
7 the Federal Emergency Management Agency, reviewing the
8 adequacy of state and local response capabilities; the
9 holding of state meetings, or meetings in the local
10 counties by FEMA to receive public comments.

11 That's about it.

12 Q All right, and you stated, I believe, that will
13 be over the next 18 months or so?

14 A Between now and the projected date of fuel
15 loading.

16 Q All right.

17 A Let's say a year.

18 JUDGE MILLER: Let's refine that. We've had
19 some estimates.

20 The Applicants say June of '83. The Staff
21 says, "Yeah, that's what they say, but we think it's
22 December of '83."

23 Are you going to go along with those dates or
24 do you have a different notion?

25 THE WITNESS: I will go along with the June

1 date.

2 JUDGE MILLER: Okay, at least for your purpose?

3 THE WITNESS: Yes.

4 BY MS. ELLIS:

5 Q All right. In your review, did you ever
6 review any of the questions and answers to and from the
7 Intervenors in these proceedings?

8 A I have seen your questions as response to the
9 Applicants' motion for summary disposition, and I have seen
10 your interrogatories, those types of things.

11 I do not have a full record of all conversations
12 between yourself and the Applicants. No, I do not.

13 Q No, but you have reviewed the documents that
14 have gone back and forth between the Intervenors and the
15 NRC Staff; is that correct?

16 A Yes.

17 Q Are you familiar, either directly from these
18 proceedings, or perhaps with other proceedings in which
19 you've been involved, with Radiation Management Corporation?

20 A Yes, I am.

21 Q All right, and are they used by owners of many
22 of the plants around the country for assistance in this
23 regard?

24 A Yes, they have a number of contracts with both
25 operating facilities and facilities in licensing.

0
1 Q Are you aware of what -- Are you aware of
2 whether or not there have been any provisions set up to
3 handle more than one radiological emergency from a nuclear
4 plant by Radiation Management Corporation at their Chicago
5 facility?

6 A I don't know personally of any provisions to
7 handle multiple events simultaneously. However, from my
8 understanding of the intended use of the Chicago facilities,
9 the number of projected individuals who could be sent to
10 that facility would be very small, on the order of one
11 or two individuals, from any event.

12 We are not talking about large numbers of
13 individuals. The local hospitals have the capabilities
14 to review and evaluate the radiological aspects of an
15 emergency, of the victim, and to perform decontamination on
16 that individual or individuals to a point where they can
17 be treated as a normal patient.

18 So I don't feel that there is a problem in
19 this area.
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1 Q All right. If there were large numbers of
2 people who were contaminated, how would that be handled?

3 A There are, to my knowledge, no specific plans
4 by RMC for handling large numbers of individuals.

5 However, in reviewing the state plans, the
6 State of Texas has a number of very large and very
7 competent radiation facilities that could handle a large
8 number of individuals.

9 Q All right, so it would be the state rather
10 than RMC that would be relied on in that regard; is that
11 correct?

12 A Yes, I believe it would, but that again would
13 be something you should address to the state.

14 Q All right. It states in your testimony on
15 Page 9, in Answer 10 towards the bottom of the page, the
16 last couple of sentences, you state, "RMC will also
17 provide around-the-clock, seven day per week
18 availability of expert consultation and the services of
19 a Radiation Emergency Medical ('REM') Team. The REM team
20 consists of a licensed physician and a certified health
21 physicist who will respond to an accident victim at
22 Comanche Peak if requested by the Applicants."

23 Do you know if those people are available there
24 on site or would they have to be flown in? Are you
25 familiar with what arrangements have been made in that

1 regard?

2 A. This team would be flown in from off-state by
3 RMC at the request of the Applicant. They can respond
4 either to the site or to the medical facility where the
5 victim has been transported.

6 Q. In your testimony on Page 10, Question and
7 Answer 11, you discuss the transportation of contaminated
8 injured individuals from the site.

9 Has there been consideration, and if so, are
10 you aware of what consideration has been given to the
11 possibility of a major accident, such as perhaps a major
12 fire or a school bus accident, something of that sort,
13 which would possibly take several ambulances out of the
14 area, occurring at the same time an accident at the
15 plant happened?

16 A. The provisions of the Applicant for the
17 transport of an injured contaminated individual from the
18 site include a site emergency vehicle.

19 The offsite ambulance squads, both in Hood
20 County and in Somervell County are in addition to that
21 support.

22 If the ambulances are not available from Hood
23 or Somervell Counties -- well, let me rephrase that.

24 The site vehicle is the primary vehicle that
25 will be used for transport of the individual, not the

1 off-county units.

2 So if an accident were to take place involving
3 a school bus or something like that, the site still has
4 its emergency vehicle of its own.

5 Q And what capacity does that vehicle have, do you
6 know?

7 A I have no viewed that vehicle at this point.

8 Q All right.

9 MS. ELLIS: I believe I have no further
10 questions. Thank you.

11 JUDGE MILLER: Anything further?

12 MR. MIZUNO: One question of redirect?

13 JUDGE MILLER: Yes.

14 REDIRECT EXAMINATION

15 BY MR. MIZUNO:

16 Q Mr. Rohrer.

17 A Yes.

18 Q In response to the last set of questions from --

19 A I am sorry, I cannot hear you.

20 Q Mr. Rohrer, can you hear me now?

21 A Yes.

22 Q Yes. In response to the last questions by
23 the Intervenor, was your answer intended to show that
24 the Applicants have the ability to transport persons who
25 are radiologically contaminated onsite to an offsite medical

1 treatment facility?

2 A Yes, that is correct.

3 Q And was your answer intended to show at all --
4 or intended to address the capabilities of the counties
5 to transport the victims of the ambulance -- I'm sorry,
6 victims of the school bus?

7 A No, it was not.

8 Q And as far as you can tell, that's not within
9 the Applicants' responsibilities?

10 A No, it is not.

11 MR. MIZUNO: Thank you. Staff has no further.

12 JUDGE MILLER: Anything further?

13 MS. ELLIS: I have one question.

14 RE-CROSS-EXAMINATION

15 BY MS. ELLIS:

16 Q I believe you indicated, did you not, that
17 you did not know the capacity of the ambulance on site;
18 is that correct?

19 A That is correct.

20 Q So it could possibly hold as few as one person?

21 A I have no way of answering the question.

22 MS. ELLIS: All right, thank you. No further
23 questions.

24 JUDGE MILLER: I take it there are no further
25 questions by the Board, so --

1 MR. MIZUNO: The Staff would request that
2 the Board excuse Mr. Rohrer, subject to possible recall.

3 JUDGE MILLER: You are excused, sir, subject
4 to recall. Thank you.

5 (The witness was excused.)

6 JUDGE MILLER: The Board will, therefore,
7 admit into evidence the proffered testimony, consisting
8 of Staff Exhibit 202 and, I believe, 202A. Is that
9 correct?

10 MR. MIZUNO: Yes, that is correct, Mr. Chairman.

11 JUDGE MILLER: Admitted.

12 (Staff's Exhibits Nos. 202 and
13 202A were received in evidence,
14 and follow in the transcript.)

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TEXAS UTILITIES GENERATING COMPANY,
et al.

(Comanche Peak Steam Electric Station,
Units 1 and 2)

}
}
}
}

Docket Nos. 50-445
50-446

NRC STAFF TESTIMONY OF DAVID M. ROHRER
REGARDING EMERGENCY PLANNING (CONTENTION 22)

Q.1. Please state your name and occupation.

A.1. My name is David M. Rohrer. I am employed by the U.S. Nuclear Regulatory Commission as an Emergency Preparedness Specialist in the Emergency Preparedness Licensing Branch, Division of Emergency Preparedness, Office of Inspection and Enforcement.

Q.2. Please describe the nature of the responsibilities you have had with respect to nuclear power plant emergency preparedness.

A.2. Since May 1980, I have had responsibility for the review and evaluation of radiological emergency response plans submitted by nuclear power plant license applicants and licensees to assure that the proposed plans meet the regulatory requirements and guidance of the Commission. I also function as a Team Leader and Team Member on Emergency Preparedness Implementation Appraisal Teams engaged in the onsite inspections of the implementation phase of licensee's emergency preparedness programs. I observe nuclear power plant

- 2 -

emergency drills and exercises, including those involving State and ^{local} government response agencies. I also participate in inter-agency critiques of emergency planning.

Q.3. Have you prepared a statement of professional qualifications?

A.3. Yes. A copy is attached to this testimony.

Q.4. Please describe the nature of the responsibilities you have had with respect to the Comanche Peak Steam Electric Station ("CPSES")

A.4. I performed the NRC Staff's ("Staff") review and evaluation of the Comanche Peak Emergency Plan, Revision Three, dated May 21, 1982. Revision Three of the Comanche Peak Emergency Plan resulted from: (1) my review and evaluation of Revision Two of the Comanche Peak Emergency Plan, dated October 26, 1981; and (2) a meeting between myself and the Applicants to identify areas in the Emergency Plan where additional information was needed to improve the Applicants' emergency preparedness program. In order to assist me in understanding Revisions Two and Three of the Applicants' Emergency Plan, I reviewed the previous Staff evaluations of the Applicants' January 31, 1979 Revision to the Emergency Plan, the Staff's questions to Applicants regarding that Revision, and the Applicants' response to the Staff questions.

Q.5. Please describe the division of responsibility between NRC and Federal Emergency Management Agency ("FEMA") for the review and evaluation of the adequacy of emergency preparedness for the licensing of nuclear power plants.

- 3 -

A.5. As part of Commission's final rulemaking on emergency planning, which resulted in changes to 10 C.F.R. Part 50 and 70, the Commission recognized that significant responsibilities were assigned to FEMA by Executive Order 12148 of July 15, 1979, to coordinate the emergency planning functions of executive agencies. Furthermore, on December 7, 1979, the President issued a directive assigning FEMA the lead responsibility for offsite emergency preparedness around nuclear facilities. The NRC and FEMA negotiated a Memorandum of Understanding ("MOU") which became effective on January 14, 1980, and was revised on November 1, 1980.

The MOU sets forth the following FEMA responsibilities with respect to emergency preparedness as they relate to NRC:

1. To make findings and determinations as to whether State and local emergency plans are adequate.
2. To verify that the State and local emergency plans are capable of being implemented (e.g., adequacy and maintenance of procedures, training, resources, staffing levels and qualification, and equipment).
3. To assume responsibility for emergency preparedness training of State and local officials.
4. To develop, issue and update interagency assignments that delineate respective agency capabilities and responsibilities, and define procedures for coordination

- 4 -

and responsibilities, and define procedures for coordination and direction for emergency planning and response.

The NRC responsibilities for emergency preparedness, which are identified in the MOU, are:

1. To assess licensee emergency plans for adequacy.
2. To verify that the licensee emergency plans are adequately implemented (e.g., adequacy and maintenance of procedures, training, resources, staffing levels and qualifications, and equipment).
3. To review the FEMA findings and determinations on the adequacy and capability of implementation of State and local plans.
4. To make decisions with regard to the overall state of emergency preparedness (i.e., integration of the licensee's emergency preparedness and the state/local governments, as determined by FEMA and reviewed by NRC), and the issuance of operating licenses or shutdown of operating reactors.

In addition, FEMA has prepared a proposed rule regarding "Review and Approval of State and Local Radiological Emergency Plans and Preparedness", 45 Fed. Reg. 42341 (June 24, 1980), 47 Fed. Reg. 36386 (August 19, 1982). According to the proposed FEMA rule,

- 5 -

FEMA will approve State and local emergency plans and preparedness, where appropriate, based upon its findings and determinations with respect to the adequacy of State and local plans and the capabilities of State and local governments to effectively implement these plans and preparedness measures. These findings and determinations will be provided to the NRC for use in its licensing process.

Q.6. What is the purpose of this testimony?

A.6. The purpose of this testimony is to respond to those portions of Contention 22 for which the NRC has the responsibility to make findings as regards the adequacy of emergency preparedness of the Applicants.

Those portions of Contention 22 which I will address state:

- 22(a). The FSAR does not identify state or regional authorities responsible for emergency planning or who have special qualifications for dealing with emergencies.
- 22(c). There is no description of the arrangements for services of physicians and other medical personnel qualified to handle radiation emergencies and arrangements for the transportation of injured or contaminated individuals beyond the site boundary.
- 22(e). There is no provision for medical facilities in the immediate vicinity of the site, which includes Glen Rose.

Contention 22(b),(d),and (f), and portions of Contention 22(a),(c) and (e) relate to the adequacy of emergency preparedness by State and local authorities, and therefore fall within the review and evaluation responsibilities of FEMA. FEMA will provide testimony on those issues.

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- Q.7. With respect to Contention 22(a), please describe the Commission's requirements and guidance concerning the identification of State and regional authorities responsible for emergency planning or who have special qualifications for dealing with emergencies.
- A.7. 10 C.F.R. Section 50.47(b)(1), requires in part that the primary responsibilities for emergency response by the nuclear facility licensee and by State and local organizations within the Emergency Planning Zones ("EPZs") be assigned. 10 C.F.R. Part 50, Appendix E, Paragraph IV.A.8 requires that the Applicants' emergency plan describe the organization for coping with radiological emergencies, including the identification of the State and/or local officials responsible for the planning for, ordering, and controlling appropriate protective actions, including evacuations when necessary.

Evaluation criteria contained in Regulatory Guide 1.101, Revision 2 (NUREG-0654, Rev. 1) provide:

- Criterion A.1. Each plan shall identify the State, local, Federal, and private sector organizations that are intended to be part of the overall response organization; and
- Criterion P.2 Each organization shall identify by title the individual with the overall authority and responsibility for radiological emergency response planning.

- Q.8. Describe the provisions made by the Applicants to fulfill these requirements and guidance.

- 7 -

A.8. Section 1.3.1 of the Applicants' Emergency Plan, dated May 21, 1982, identifies the Hood and Somervell County Emergency Organizations as the key emergency planning organizations involved at the local level. These organizations are responsible for planning and implementing protective measures for citizens in the respective counties. Section 1.3.1 of the Applicants' plan also identifies the County Judges for Hood and Somervell Counties as the individuals who are in charge of the respective county emergency organizations and who are responsible for directing their operations.

Section 1.3.2 of the Applicants' Emergency Plan, dated May 21, ~~1981~~¹⁹⁸², identifies the Bureau of Radiation Control of the Texas Department of Health as the lead responsible agency in the State of Texas for response to radiological emergencies. The planning, direction and control for overall emergency response by State agencies and departments is the responsibility of the Director, Division of Emergency Management (Director of the Department of Public Safety) of the State of Texas.

I conclude that the Applicants' Plan adequately identifies the State and local county government organizations or individuals with the responsibility and authority for emergency response planning.

Q.9. With respect to Contention 22(c), please describe the Commisison's requirements and guidance concerning the description of

- 8 -

arrangements made by the Applicants for the service of physicians and other medical personnel qualified to handle radiation emergencies and for the transportation of injured or contaminated individuals beyond the site boundary.

A.9. 10 C.F.R. Section 50.47(b)(12) requires that the Applicants make arrangements for medical services for contaminated injured individuals. 10 C.F.R. Part 50, Appendix E, Paragraph IV.E.5 requires that the Applicants' emergency plan describe the arrangements for the services of physicians and other medical personnel qualified to handle radiation emergencies onsite. 10 C.F.R. Part 50, Appendix E, Paragraph IV.E.6 requires that the Applicants' emergency plan describe the arrangements for the transportation of contaminated injured individuals from the site to specifically identified treatment facilities outside the site boundary. 10 C.F.R. Part 50, Appendix E, Paragraph IV.E.7 requires that the Applicants' emergency plan describe arrangements for treatment of individuals injured in support of on-site licensed activities at treatment facilities outside the site boundary. Evaluation criteria contained in Regulatory Guide 1.101, Revision 2, provide:

Criterion L.1 Each organization shall arrange for local and backup hospital and medical services having the capability for evaluation of radiation exposure and uptake, including assurance that persons providing these services are adequately prepared to handle contaminated individuals.

Criterion L.4 Each organization shall arrange for transporting victims of radiological accidents to medical support facilities.

Q.10. Does the Applicants' Emergency Plan describe the arrangements for services of physicians and other medical personnel qualified to handle radiation emergencies?

A.10 Section 1.3.1.4 of the Applicants' Emergency Plan identifies the Hood General Hospital in Granbury, Texas (approximately 16 road miles from the Comanche Peak site) as the local facility for the receipt and treatment of injured personnel from Comanche Peak who are contaminated with radioactive material or who have received an overexposure to radiation requiring medical evaluation. Section 10.1 of the Applicants' emergency plan also indicates that to ensure that the appropriate members of the staff at Hood General Hospital are adequately trained to handle such individuals and that the facilities of the hospital are adequate to perform such treatment, the Applicants have contracted with the Radiation Management Corporation ("RMC") to provide expertise, facilities, and equipment to assure a comprehensive emergency medical assistance program. RMC will assist in the specification of facilities at the local hospital, training of personnel, and the conduct of appropriate drills. RMC will also provide around-the-clock, seven day per week availability of expert consultation and the services of a Radiation Emergency Medical ("REM") Team. The REM team consists of a licensed physician and a certified health physicist who will respond to an accident victim at Comanche Peak if requested by the Applicants.

- 10 -

Appendix H of the Applicant's Emergency Plan contains letters of agreement between the Applicants and both Hood General Hospital and Radiation Management Corporation.

After reviewing Section 1.3.1.4 of the Applicants' Emergency Plan, I conclude that the Plan adequately identifies the medical personnel and facilities for the treatment of radiologically-contaminated persons.

Q.11. Does the Applicants' Emergency Plan contain provisions describing arrangements made for the transportation of contaminated injured individuals from the site to specifically identified treatment facilities located outside the site boundary?

A.11. Section 10.2 of the Applicants' Emergency Plan indicates that a plant emergency vehicle is available at the Applicants' site to transport injured personnel, including those who may also be radiologically contaminated, to offsite medical facilities (Hood General Hospital for radiologically contaminated individuals).

Section 1.3.1.3 of the Applicants' Emergency Plan states that agreements have been made between the Applicants and both the Glen Rose/Somervell County Volunteer Fire Department Ambulance Service and the Hood General Hospital Ambulance Service to provide back-up ambulance service in support of the Applicants' plant emergency vehicle.

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Appendix H of the Applicants' Emergency Plan contains letters of agreement between the Applicants and both the Hood General Hospital Ambulance Service and Glen Rose/Somervell County Volunteer Fire, Rescue and Ambulance Service.

I conclude that the Applicants' Plan adequately describes the provisions for transportation of injured persons, including persons who are radiologically-contaminated.

Q.12. Does the Applicants' Emergency Plan contain provisions describing the arrangements for both local and backup hospital facilities having the capability for evaluation of radiation exposure and uptake of radioactive contamination?

A.12. Section 1.3.1.4 of the Applicants' Emergency Plan identifies the Hood General Hospital in Granbury, Texas as the local facility to provide evaluation and treatment of radiologically contaminated individuals. That Section also identifies the Radiation Management Corporation and their affiliated hospital ^{at the University of} ~~at the University of~~ ^{Northwestern Memorial} ~~at the University of~~ ^{Hospital in Chicago, Illinois} ~~at the University of~~ ^{Pennsylvania in Philadelphia} ~~at the University of~~ Pennsylvania as the back-up facility. Section 10.1

of the Applicants' emergency plan provides additional details of ^{has been amended by the applicants as revision of} ~~the~~ ^{their emergency} ~~the~~ ^{plan dated} ~~the~~ ^{August 2000,} ~~the~~ ¹⁹⁸² ~~the~~ ^{Northwestern Memorial} ~~the~~ ^{Hospital,} ~~the~~ ^{Hospital,} the medical capabilities of the ~~University of Pennsylvania~~ ^{Hospital,}

~~Hospital,~~ including its capability to perform detailed evaluation of radiation exposure and radioactive contamination uptake.

Section 10.1 of the Applicants' emergency plan also stipulates that the Hood General Hospital will serve as the local support facility for contaminated victims, providing gross decontamination, life

- 12 -

saving activities, and patient stabilization. That Section also states that in the event the victim required more definitive evaluation and treatment, the individual may be sent to the RMC facilities at the ^{Westchester Memorial} ~~University of Pennsylvania~~ Hospital.

Based on my review of this Section of the Applicants' Plan, I conclude that the Plan contains adequate provisions for medical personnel, services and backup medical facilities for the treatment of radiologically-contaminated persons.

Q.13. With respect to Contention 22(e), please describe the Commission's requirements and guidance concerning provisions for medical facilities in the immediate vicinity of the site, which includes Glen Rose.

A.13. The Commission's requirements and guidance concerning the provision of medical facilities were set forth in my response to Question 9. There is no specific requirement that medical facilities must be provided in the Glen Rose area.

Q.14. Have the Applicants, nonetheless, identified any medical facilities in the Glen Rose area?

A.14. Yes.

Q.15. Please describe those facilities.

A.15. Section 1.3.1.4 of the Applicants' Emergency Plan provides that injured personnel whose medical treatment is not complicated by

- 13 -

radiological considerations may be sent to either Hood General Hospital in Granbury, Texas, or to Marks English Hospital in Glen Rose, Texas.

DAVID M. ROHRER

OFFICE OF INSPECTION AND ENFORCEMENT
STATEMENT OF PROFESSIONAL QUALIFICATIONS

From May 1980 to the present, I have been employed as an Emergency Preparedness Analyst in the Emergency Preparedness Licensing Branch, (EPLB) Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission. I have responsibility for the review and evaluation of radiological emergency plans submitted by reactor applicants and licensees to assure that proposed plans meet the regulatory requirements and guidance of the Commission. I also function as a Team Leader and Team Member on Emergency Preparedness Appraisal Teams engaged in the onsite inspection of the implementation phase of license emergency programs. I observe nuclear power plant emergency drills and exercises involving State and local government response agencies and participate in interagency critiques. As a senior member of the EPLB Staff, I routinely act as the NRC representative at numerous meetings with licensees and applicants; State and local emergency planning groups; public meetings with other Federal and industry groups.

From September 1977 to May 1980, I was employed as a Health Physicist and Senior Project Manager with the High-Level and Transuranic Waste Branch (HLTWB) of the Division of Waste Management, Office of Nuclear Material Safety and Safeguards, USNRC. In that capacity, I served as the lead staff technical expert for the development of the technical requirements for the performance of waste forms and packaging for the disposal of high-level wastes in deep geologic repositories (NRC proposed regulation 10 CFR Part 60).

From July 1973 to September 1977 I was employed as a Staff Member in the Special Studies Section of the Radioactive Waste Management Group at the Los Alamos Scientific Laboratory (LASL). LASL is operated by the University of California for the U.S. Department of Energy. While at LASL I was assigned to a number of Health Physics related programs dealing with advanced treatment and disposal technologies for radioactive wastes, especially those contaminated with transuranic radionuclides. I also served as a technical expert and contributing author to both: the NRC S-3 Task Force on the Environmental Impacts of the Fuel Reprocessing and Radioactive Waste Management Positions of the Nuclear Fuel Cycle (NUREG-0116 and 0216); and the DOE Generic Environmental Impact Statement Task Force for the Management of Commercial Radioactive Wastes (DOE/E15-0046, DOE/ET-0028 and 0029).

From November 1972 to May 1973, I was employed as an Environmental Control Analyst with the Newport News Shipbuilding and Dry Dock Company before accepting my position at LASL.

I received a Bachelor of Science degree in Physics in 1971 and a Masters of Science degree in Environmental Engineering in 1972 from the Florida Institute of Technology (FIT). Subsequent to my graduation, I was a member of the Adjunct Faculty at FIT, teaching a masters level course in Health Physics before accepting a position with Newport News Shipbuilding and Dry Dock Company.

I am a full member of the Health Physics Society (both National and Local Chapters), the American Association for the Advancement of Science, and have been a member of the Materials Research Society and the American Ceramic Society (Nuclear Division).

1 JUDGE MILLER: I believe now the next matter
2 is the panel by FEMA, and Counsel has requested that they
3 not be called unless we can complete them.

4 It appears very likely to the Board that we
5 will complete them, because we intend to run until we
6 complete them, subject only to the airplane, which means
7 we may have lunch at 2:30.

8 MR. MIZUNO: Mr. Chairman.

9 JUDGE MILLER: Yes.

10 MR. MIZUNO: Perhaps if Ms. Ellis could
11 indicate whether her extent of cross-examination was the
12 same, or of the same length as the cross-examination of
13 the NRC Staff witness, perhaps we could put on the FEMA
14 panel and get things over.

15 JUDGE MILLER: That's a little hard. Can you
16 make any rough estimate, Ms. Ellis?

17 MS. ELLIS: We may well be able to take lunch
18 at 12:00 o'clock.

19 JUDGE MILLER: That would be nice.

20 MS. ELLIS: If we could take a break now.

21 JUDGE MILLER: Okay, that's fair.

22 (Recess taken.)

23 JUDGE MILLER: All right. Let's resume our
24 places and examine the panel.

25 MR. PERRY: Thank you, Mr. Chairman.

1 JUDGE MILLER: Mr. Perry, Mr. Spence Perry,
2 you've entered your appearance here, I know.

3 MR. PERRY: Yes, sir. I've entered my
4 appearance. I will send copies to the parties.

5 I only brought two with me, but I will make
6 sure those are delivered next week.

7 JUDGE MILLER: No problem.

8 MR. PERRY: And I have with me this morning
9 the two FEMA witnesses, Mr. Albert Lookabaugh and
10 Mr. John Benton.

11 MS. ELLIS: We can't hear you very well down
12 here.

13 Whereupon,

14 ALBERT LOOKABAUGH

15 JOHN BENTON

16 were called as a panel of witnesses on behalf of
17 Counsel for FEMA and were examined and testified as
18 follows:

19 DIRECT EXAMINATION

20 BY MR. PERRY:

21 Q Gentlemen, would you please state your names --

22 MR. PERRY: Oh, that's right. We haven't
23 sworn the witnesses.

24 (The witnesses were sworn.)

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MR. PERRY: I think they feel they've been here so long they have absorbed it by osmosis.

BY MR. PERRY:

Q. Gentlemen, could you please state your names, business addresses and titles for the record, please.

BY WITNESS LOOKABAUGH:

A. My name is Albert Lookabaugh. I'm Supervisor Community Planner of the Natural and Technological Hazards Division, Region VI of the Federal Emergency Management Agency in Denton, Texas.

BY WITNESS BENTON:

A. I'm John Benton, Community Planner, Federal Emergency Management Agency, Natural and Technological Hazards Division, Loop 288, Denton, Texas, 76201.

Q. You gentlemen are both employed by the Federal Emergency Management Agency?

BY WITNESS LOOKABAUGH:

A. Yes, sir.

BY WITNESS BENTON:

A. Yes, sir.

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1 Q Gentlemen, did you prepare and pre-file with
2 this Board, testimony with two attachments entitled:
3 FEMA Staff Testimony Of Albert Lookabaugh and John Benton,
4 Regarding Emergency Planning (Contention 22), consisting
5 of 17 pages and two attachments being the statements of
6 the professional qualifications of Albert Lookabaugh and
7 John Benton.

8 BY WITNESS LOOKABAUGH:

9 A Yes, sir.

10 BY WITNESS BENTON:

11 A Yes.

12 MR. PERRY: Mr. Chairman, I ask that the FEMA
13 Staff testimony of Albert Lookabaught and John Benton,
14 Regarding Emergency Planning (Contention 22) and the two
15 attachments thereto, be identified as Staff Exhibit 203,
16 with the attachments Professional Qualifications of John
17 Benton being labeled 203A and Albert Lookabaugh being
18 labeled 203B.

19 JUDGE MILLER: They may be so identified for
20 the record.

21 (Staff Exhibit Nos. 203, 203A
22 and 203B, respectively, were
23 marked for identification.)

24 BY MR. PERRY:

25 Q Gentlemen, do you have any corrections or

1 additions you wish to make to your testimony at this time?

2 BY WITNESS LOOKABAUGH:

3 A Yes, sir, we do.

4 The first correction would be on Page 7, the
5 last paragraph, next to the last line. It says:

6 "The County Judge's evacuation
7 order is implemented by the County
8 Sheriff, --"

9 We would like to remove "evacuation order and
10 insert, "Recommendation to evacuate".

11 On Page 9, after Criterion L.4, if you'll look
12 at the first paragraph following that where it says:

13 "The Hood County and Somervell County
14 Emergency Operations Plans and the
15 Texas Emergency Management Plan do not
16 adequately address Criteria L.1 to 4 --"

17 We want to change that to say:

18 "Criteria L.1, L.3 and L.4."

19 Q Could you explain the reason for that, sir?

20 BY WITNESS LOOKABAUGH:

21 A Yes, sir.

22 Criterion L.2 is on-site and so we're leaving
23 it out of ours.

24 All right.

25 On Page 10, first paragraph, third line, where

9-3
1 it says:

2 " -- between ambulance services;
3 and the State --"

4 We want you to strike " -- and the State --",
5 so it should read:

6 " -- between the ambulance services
7 and County governments --".

8 JUDGE MILLER: Strike the comma also or --

9 WITNESS LOOKABAUGH: Yes, I believe so.

10 And the last correction would be on Page 17,
11 under Answer 14. It would be the sixth line from the
12 bottom, starting where it says the word "implementation
13 of these actions".

14 Change the word "implementation" to
15 "coordination of these actions, will be --" and then
16 where it says:

17 " -- carried out --", we want "carried out"
18 struck and added "effected by the County Judges."

19 That completes our corrections.

20 BY MR. PERRY:

21 Q. Very well, gentlemen.

22 With the corrections which you have noted, is
23 your testimony as filed true and correct to the best of
24 your knowledge and belief?

25

9-4 1

BY WITNESS LOOKABAUGH:

2 A Yes.

3 BY WITNESS BENTON:

4 A Yes.

5 Q And it is your testimony in this matter?

6 BY WITNESS LOOKABAUGH:

7 A It is.

8 BY WITNESS BENTON:

9 A Yes.

10 MR. PERRY: Your Honor, we would ask that subject
11 to cross-examination, the testimony and attachments thereto
12 identified as Staff Exhibits 203, 203A and 203B be admitted
13 into evidence at this time.

14 JUDGE MILLER: They will be admitted, subject
15 to cross-examination.

16 (Staff Exhibit Nos. 203, 203A
17 and 203B, respectively, were
18 admitted into evidence.)

19 MR. PERRY: Sir, I have just a couple of
20 questions in additional direct that I would like to ask at
21 this time, to clear up some matters that have arisen,
22 primarily in the course of the morning's proceedings.

23 JUDGE MILLER: Yes. You may.

24 BY MR. PERRY:

25 Q Gentlemen, you have heard the State panel refer

1 to some concern about availability of FEMA Emergency
2 Management Training Slots for State and local personnel
3 associated with the Comanche Peak Station.

4 Could you please comment on the availability
5 of those slots?

6 BY WITNESS BENTON:

7 A. I don't recall right offhand the exact number
8 of training slots that have been allocated in the past to
9 the State of Texas.

10 FEMA just received its allocation for the five-
11 state Region for the coming fiscal year, FY-83. There were
12 22 allocations to be made to the five states. We have asked
13 for the States to respond in accordance with their needs
14 and an allocation will be made to the State for the
15 Radiological Emergency Response Operations Course within
16 about three to four weeks and the determination would be
17 made based on the need of the State in terms of fixed
18 nuclear generating facilities and other nuclear accident
19 incidents which might be occurring within a State.

20 This is the only course in which we have
21 restrictions over which there have been in the past some
22 problems in having the numbers of people trained at the time
23 that we need them, since FEMA has had the responsibility
24 for training and education of these sorts of persons.

25 We do not feel, though, with the allocation

6
1 of 22 that this would impose any hardship on the State of
2 Texas, in so much as training requirements are concerned.

3 Q FEMA does give a priority, does it not, to
4 training for people who are involved with fixed nuclear
5 sites?

6 BY WITNESS BENTON:

7 A Yes, we do.

8 Of course, with the first being with those
9 operating facilities which are on-line and which must be
10 brought in line with NUREG-0654 and the requirements
11 therein.

12 Q Sir, you are familiar, are you not, with the
13 Staff Exhibit 728 A through K, the RAC comments that was
14 filed earlier this morning?

15 BY WITNESS BENTON:

16 A Yes, sir, we are.

17 Q And I believe you were present when the State
18 characterized the nature of these comments and described
19 the process of which they are a part?

20 BY WITNESS LOOKABAUGH:

21 A Yes, sir.

22 Q Is it your understanding that the State's
23 description of this process was essentially correct?

24 BY WITNESS LOOKABAUGH:

25 A Essentially correct.

1 However, we would like to add that, of
2 course, what has happened now, we are in the process -- we
3 have sent the RAC comments back to the State and local
4 governments to respond back to the comments.

5 As soon as the State has finished and they
6 did enter into evidence here this morning part of their
7 response -- as soon as we receive it formally back from
8 the State government, we will then look at their response.
9 If the need arises, we will go back to the RAC and ask
10 for additional clarification or does it meet their comments
11 that they had made.

12 Then, we will respond back to the State of
13 Texas, who will go on back to the local government and
14 advise them that it either does meet it or that something
15 additional has to be done.

16 Q Thank you.

17 MR. PERRY: That completes my additional direct
18 examination. The panel is now available for cross-
19 examination and questions from the Board.

20 JUDGE MILLER: Thank you.

21 Applicants?

22 CROSS-EXAMINATION

23 BY MR. REYNOLDS:

24 Q Gentlemen, with regard to your testimony, does
25 the scope of the testimony relate to the state of Emergency

1 Preparedness for on-site matters?

2 BY WITNESS BENTON:

3 A. No.

4 Q. Is it confined to the state of emergency
5 preparedness for off-site matters?

6 BY WITNESS BENTON:

7 A. Right.

8 BY WITNESS LOOKABAUGH:

9 A. Correct.

10 Q. That is the reason you eliminated Criterion L.2
11 in the testimony on Page 9?

12 BY WITNESS LOOKABAUGH:

13 A. That is correct.

14 Q. With regard to your review of the state of
15 emergency preparedness for off-site, are the deficiencies
16 you described on Page 9 and 10, the only deficiencies you
17 found?

18 BY WITNESS LOOKABAUGH:

19 A. In regard to, now, again, to the review of
20 the off-site?

21 Q. Yes.

22 We have established that that is the scope
23 of your testimony; have we not?

24 BY WITNESS LOOKABAUGH:

25 A. Yes.

1 BY WITNESS BENTON:

2 A Yes.

3 BY WITNESS LOOKABAUGH:

4 A Just those with Contention 22, yes. These are
5 the only ones. Is that what you're --

6 Q Yes. That's my question.

7 BY MR. LOOKABAUGH:

8 A Okay.

9 Q So, basically, your conclusion with regard to
10 deficiencies within the scope of this Contention, is that
11 the State, Hood County and Somervell County Emergency
12 Plans do not adequately address the FEMA guidance criteria
13 for provisions of medical facilities and personnel to
14 treat radiologically contaminated individuals?

15 BY WITNESS LOOKABAUGH:

16 A That would be correct.

17 Q What individuals are we talking about?

18 Are we talking about individuals contaminated on-site or
19 off-site?

20 BY WITNESS LOOKABAUGH:

21 A Either one.

22 Q Have you reviewed the Applicants' provisions
23 for medical treatment for individuals contaminated on-site?

24 BY WITNESS LOOKABAUGH:

25 A To some degree. We have reviewed the report, yes.

1 Q What is the basis for your conclusion that
2 those provisions are inadequate?

3 BY WITNESS LOOKABAUGH:

4 A Well, in our comments here, we are referring to
5 the off-site plans. Not the on-site plans, so in this
6 instance, we are not referring to the on-site inadequacy.

7 Q So when you're speaking of radiologically
8 contaminated individuals, you are talking about those
9 individuals who are contaminated off-site?

10 JUDGE MILLER: Are they contaminated off-site
11 or are they off-site individuals who are contaminated
12 on-site or off-site?

13 WITNESS LOOKABAUGH: We are mainly concerned
14 with those contaminated off-site. However, during an
15 exercise, we observed how an on-site person that could be
16 contaminated is taken to a local hospital to see that the
17 facilities and the means are necessary to get that person
18 to a local hospital for the proper care.

19 BY MR. REYNOLDS:

20 Q Well, sir, isn't that the treatment of an
21 individual who is injured on-site?

22 BY WITNESS BENTON:

23 A This could be either one. We're not so much
24 concerned as to whether the individual was on-site or
25 off-site or a licensee personnel or not. We're more

1 concerned with the capability of a local hospital to
2 treat an individual, regardless of where he might have
3 been contaminated or who he belongs to.

4 Q Are you familiar with the Applicants' on-site
5 plans for treatment of people, individuals injured on-site?

6 BY WITNESS BENTON:

7 A No more than as it concerns a local hospital
8 off-site.

9 Q You are not rendering judgment on the adequacy
10 of the Applicants' on-site plans?

11 BY WITNESS BENTON:

12 A That's correct.

13 Q Sir, did you hear Mr. Born's testimony this
14 morning with regard to the fact that the Hood County
15 Hospital is, in fact, a County Hospital?

16 BY WITNESS BENTON:

17 A Yes, sir, we did.

18 Q And that in his opinion, he didn't see a need
19 for a letter from the hospital to the County, because it
20 is, in effect, a municipal function?

21 BY WITNESS BENTON:

22 A Correct.

23 Q Does that change your position with regard to
24 your testimony?

25

9-12
1 BY WITNESS BENTON:

2 A. Not with regard to the testimony, because
3 the testimony was based on the plan. The plan did not
4 indicate that that was a County-owned hospital.

5 Q I see.

6 Does it change your opinion with regard to the
7 adequacy of the plan, now that you know that the County
8 does own the hospital?

9 BY WITNESS BENTON:

10 A. Yes.

11 Q So, then, you would agree that there is no
12 need for a letter from Hood County Hospital to the County?

13 BY WITNESS BENTON:

14 A. Yes.

15 BY WITNESS LOOKABAUGH:

16 A. We would like to see a reference of some kind
17 but as I heard Mr. Born state that that would be just like
18 making it -- if it's a County Judge agreement, so, it
19 wouldn't be necessary.

20 Q. Yes.

21 With regard to your statement about the
22 Johnson County Memorial Hospital and the lack of a letter
23 of agreement from that organization to the County
24 Coordinator for Emergency Preparedness, have you seen
25 Applicants' Exhibit 144H?

1 BY WITNESS LOOKABAUGH:

2 A Is that the one that was passed around earlier
3 this morning?

4 Q Yes, sir.

5 BY WITNESS LOOKABAUGH:

6 A Yes, sir, we did.

7 Q Would you look to see a copy of it now, to
8 refresh your --

9 BY WITNESS LOOKABAUGH:

10 A We don't have one here but I --

11 Q Do you have that, sir?

12 BY WITNESS LOOKABAUGH:

13 A Yes.

14 Q Is this letter sufficient, in your opinion,
15 to indicate that a letter of agreement has been reached
16 between the County and the private hospital in that County?

17 BY WITNESS BENTON:

18 A Yes. Understand that the intent of the
19 criteria which established the requirements on the part of
20 the hospital, and our reviewing these particular elements,
21 was to assure that these hospitals would, in fact,
22 receive and have the capability to treat these patients.

23 We felt that in most cases hospitals are
24 private institutions and they would consider a radiologically
25 contaminated individual an unusual and unique situation

1 and may or may not have that capability.

2 We wanted the State to be assured that the
3 hospital was aware that this sort of thing might happen.
4 As a result, we indicated that we felt a letter of agreement
5 or at least acknowledgement on the part of a hospital which
6 might be a private industry, to accept and to treat such
7 patients.

8 Q Yes. I accept the reason for your position.

9 My question relates to whether or not this
10 satisfied the deficiency which you note in your testimony?

11 BY WITNESS LOOKABAUGH:

12 A Yes.

13 Q And with regard to the hospital in
14 Stephenville, you heard Mr. Born testify this morning, did
15 you not, that he hadn't talked -- didn't he give you an
16 oral committment with regard to that hospital?

17 BY WITNESS LOOKABAUGH:

18 A I believe he has given us an oral committment
19 in regard to all of the hospitals which have been noted.

20 Q What is your understanding of that committment?

21 BY WITNESS LOOKABAUGH:

22 A I understand that the hospitals have agreed to
23 accept and to treat, inasmuch as their capabilities exist,
24 all patients which may be brought in who could be
25 radioactively contaminated.

1 Q Do you intend to press for a letter from the
2 Stephenville hospital, such as we have here from Johnson
3 County Hospital?

4 BY WITNESS BENTON: .

5 A If it is to be used, we would want a tabulated
6 reference someplace in the plan to the effect that that
7 hospital has agreed to accept patients.

8 Q Let me summarize this aspect of your testimony,
9 then, if I may and you tell me if I'm incorrect.

10 Because the Hood County General Hospital is a
11 County Hospital, you believe there is no need for a letter
12 from that hospital?

13 BY WITNESS LOOKABAUGH:

14 A That's correct.

15 Q All right.

16 With regard to the Johnson County Memorial
17 Hospital, you are satisfied with Applicants' Exhibit 144H,
18 as the letter of agreement you sought?

19 BY WITNESS BENTON:

20 A Yes.

21 Q With regard to the hospital in Stephenville,
22 you have received oral representations from the State
23 that there will be appropriate agreements made between
24 that hospital and the County?

1 BY WITNESS BENTON:

2 A. Yes-.

3 Q And when you receive this letter, you will be
4 satisfied on all three counts?

5 BY WITNESS BENTON:

6 A. Yes.

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1 BY MR. REYNOLDS:

2 Q Let me invite your attention to Page 9 of
3 your testimony, at the bottom of the page, where you
4 state that there is insufficient description in the plans
5 of the capability of the hospitals for handling these
6 matters.

7 Which criterion does that violate?

8 BY WITNESS LOOKABAUGH:

9 A Criterion L.1.

10 Q Have you completed your answer?

11 BY WITNESS LOOKABAUGH:

12 A Yes.

13 Q Oh, I'm sorry. I thought you were still
14 reading.

15 BY WITNESS LOOKABAUGH:

16 A No.

17 Q Criterion 1?

18 BY WITNESS LOOKABAUGH:

19 A Criterion 1, yes, or L.1. Criterion L.1.

20 Q In Criterion L.1, what is your interpretation
21 of the word "organization"?

22 BY WITNESS BENTON:

23 A "Organization" refers to one of three:
24 State, local or applicant/licensee.

25 Q And with regard to your conclusion here, you

1 are not addressing the licensee?

2 BY WITNESS LOOKABAUGH:

3 A. Correct.

4 BY WITNESS BENTON:

5 A. Correct.

6 Q. Please look at Criterion 3. Would you agree
7 that Criterion 3 requires the state to list capable
8 organizations?

9 BY WITNESS LOOKABAUGH:

10 A. Yes.

11 Q. What more does the state have to do to fulfill
12 Criterion 1 than list those organizations?

13 Do you understand the question?

14 BY WITNESS BENTON:

15 A. They have to assure us that the hospitals
16 which they list have the capability, in accordance with
17 Criterion L.1, for handling radioactively contaminated
18 persons.

19 Q. Well, if the state has included a hospital
20 on the list for purposes of Criterion 3, needn't they have
21 already made an evaluation as to the capability of the
22 hospital?

23 BY WITNESS BENTON:

24 A. They probably would have. However, that list
25 was not a part of our plan.

10-3

1 Q Are we saying here that in order for the state
2 to list a hospital pursuant to Criterion L.3, they have
3 to make a judgment that it's capable. Would you agree
4 with that?

5 BY WITNESS BENTON:

6 A Yes.

7 Q And the problem here is that that assessment
8 by the state has not been communicated to FEMA?

9 BY WITNESS LOOKABAUGH:

10 A At the time of the review of our plan, we
11 did not have such a list.

12 Q I see. Now do you have the list?

13 BY WITNESS LOOKABAUGH:

14 A We do not have it, but we understand they're
15 in the process of developing one.

16 Q Have you received additional information with
17 regard to the satisfaction of Criterion L.1?

18 BY WITNESS LOOKABAUGH:

19 A Verbal commitments.

20 Q I see. From whom?

21 BY WITNESS LOOKABAUGH:

22 A Mr. Born and -- Well, he's the main one.

23 Q What were the commitments? If you recall.

24 BY WITNESS LOOKABAUGH:

25 A Just that they're going to get additional

1 letters, and that these letters will reflect that they have
2 the -- you know, the capabilities and will take the people
3 on.

4 Q I see.

5 BY WITNESS LOOKABAUGH:

6 A -- and will treat them.

7 Q Will that satisfy you?

8 BY WITNESS LOOKABAUGH:

9 A Yes, that will satisfy us.

10 Q That will satisfy you?

11 BY WITNESS LOOKABAUGH:

12 A Yes.

13 Q With regard to your testimony on Page 10,
14 in the top paragraph where you discuss the need for letters
15 of agreement from ambulance services, do you know whether
16 the counties -- Johnson County Memorial Hospital, Stephen-
17 ville Hospital, Hood County Hospital -- have emergency
18 transportation facilities available to them?

19 BY WITNESS LOOKABAUGH:

20 A I don't know that they do.

21 Q If they did, would you require a separate
22 letter of agreement from the county hospital or the pri-
23 vate hospital relating to the ambulance service?

24 BY WITNESS LOOKABAUGH:

25 A If it was a privately owned ambulance service.

10-5
1 If it's a county-owned ambulance service, then it would
2 be -- The answer would be the same there as it would be
3 back for the hospital.

4 Q Yes. If the ambulance is owned by the
5 hospital itself, be it county or privately owned, would
6 you require a separate letter of agreement; or would a
7 letter from the hospital include the ambulance service?

8 BY WITNESS LOOKABAUGH:

9 A Yes, the letter from the hospital would be
10 sufficient.

11 Q At the bottom of Page 10 you state in the last
12 sentence on the page that your findings will be docu-
13 mented in the preliminary findings for CPSES. What is
14 your current schedule for issuing those findings?

15 BY WITNESS LOOKABAUGH:

16 A The last I heard, which is within the last
17 two or three days, that on the 17th day of this month,
18 our FEMA national office will forward these interim
19 findings to NRC headquarters in Washington, D. C.

20 Q Did you say your FEMA national office?

21 BY WITNESS LOOKABAUGH:

22 A That is correct. We have already forwarded
23 our comments to the national office.

24 JUDGE COLE: That's today?

25 WITNESS LOOKABAUGH: Is that today? Well,

1 okay. That should be happening today then.

2 MR. PERRY: Your Honor, I might be of some
3 assistance here.

4 The Regional Office has forwarded its comments
5 to Washington. They have been reviewed there. It is my
6 understanding from the head of the Radiological Emergency
7 Preparedness Program in Washington that the FEMA interim
8 finding is being forwarded to the NRC this afternoon.

9 JUDGE MILLER: That's pretty prompt. Thank
10 you.

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1 BY MR. REYNOLDS:

2 Q What would be the course of events, once FEMA
3 national headquarters issues its report or findings to
4 the NRC?

5 BY WITNESS LOOKABAUGH:

6 A Well, that is only the interim findings, of
7 course, as you understand. I don't think I could speak
8 to what NRC will do with those.

9 Q Well, I'm speaking with regard to FEMA's
10 next step.

11 BY WITNESS LOOKABAUGH:

12 A All right. Our next --

13 Q These are preliminary findings.

14 BY WITNESS LOOKABAUGH:

15 A All right. Our next step comes back down to
16 us where we await the comments back from the state and
17 local government on our right findings, which is part
18 of the interim findings.

19 And at that time we will respond back to the
20 state what additionally may need to be done, or we will
21 await the corrections that the state is making to their
22 plans.

23 Q Were you here this morning when Mr. Born
24 testified with regard to his draft response to the RAC
25 comments?

0-8 1 BY WITNESS LOOKABAUGH:

2 A. Yes, sir.

3 Q Are they the comments you're talking about
4 receiving?

5 BY WITNESS LOOKABAUGH:

6 A. Those are the comments.

7 Q You'll take them and do what with them?

8 BY WITNESS LOOKABAUGH:

9 A. We will take them, review them -- Of course,
10 in instances, as Mr. Born mentioned, they may disagree
11 with our comments. That's fine.

12 They may say, "Yes, their comments are
13 correct," and make a change, as he stated, in some of the
14 changes to their plan.

15 We will review totally what their comments
16 are. If we still have some discrepancies, we will go back
17 to the particular RAC member who may have this discrepancy
18 and try to resolve the problem.

19 FEMA is the chair of the RAC, so it would be
20 our responsibility to do such.

21 Q When I discuss the testimony of Mr. Born,
22 I'm speaking specifically with regard to Applicants' Exhibit
23 152 that he introduced this morning. Is that the context
24 of your discussion?

25 Are you familiar with that document?

1 BY WITNESS LOOKABAUGH:

2 A That's the one that had about 60 pages?

3 Q Right --

4 BY WITNESS LOOKABAUGH:

5 A -- or a hundred?

6 Q No, it didn't have that many pages.

7 Show --

8 BY WITNESS LOOKABAUGH:

9 A But that is correct. I believe that's the
10 one where you have the letters from the RAC --

11 Q Let us show you a copy.

12 BY WITNESS LOOKABAUGH:

13 A Okay.

14 I see. The comments that you're referring
15 to, A-152 and A-153, is Mr. Born's response to our
16 response.

17 Q Yes.

18 Well, when does this process end? When does
19 FEMA make final findings on the state of off-site
20 emergency preparedness?

21 BY WITNESS LOOKABAUGH:

22 A This is an ongoing process naturally. We --
23 It will go on for several months yet, as I think they
24 mentioned, until we have -- It goes on to the point
25 of revision of the plans. It will go on to the point

1 that we will have an exercise. We will have meetings --
2 state meetings in the state and FEMA meetings -- actually
3 this morning it was mentioned it was a FEMA meeting. It's
4 actually a state and FEMA joint meeting that will be held
5 in the county to explain the plans to the local populace
6 and take any input that they may have that they want to
7 put into it.

8 So it's an ongoing process. After the exer-
9 cise, after all this has been completed, we will forward
10 then at that time the regional comments to the national
11 office for a determination to NRC.

12 MR. PERRY: Your Honor, it might be helpful
13 to reference at this point that this entire process is
14 set out in 44 CFR 350, proposed rulemaking by FEMA.

15 JUDGE MILLER: Thank you.

16 MR. REYNOLDS: Sir, let me invite your --

17 JUDGE MILLER: Proposed rulemaking, is that
18 noted in the FEDERAL REGISTER someplace?

19 MR. PERRY: Yes, sir.

20 JUDGE MILLER: Do you happen to have the
21 citation?

22 MR. PERRY: I can get it for you.

23 JUDGE MILLER: Very good.

24 MR. PERRY: Your Honor, the most recent edi-
25 tion of that rule, which was recently reissued for

0-11 1 comment, is at 47 FEDERAL REGISTER 36386, August 19, 1982.

2 I should note that I'm citing Mr. Rohrer's
3 testimony.

4 JUDGE MILLER: Thank you.

5 BY MR. REYNOLDS:

6 Q Mr. Lookabaugh, what was your involvement
7 personally in the development of this plan?

8 BY WITNESS LOOKABAUGH:

9 A In the development of the plan? Well, this
10 is a state and local -- county government's plan.

11 Q I understand.

12 BY WITNESS LOOKABAUGH:

13 A The only involvement that I would have had
14 is -- I don't know how many months ago it has been -- we
15 initially met with the state in Austin to discuss what
16 the requirements are, what has to be done.

17 From that the state and the local governments
18 developed the plan. So I would not have had any direct
19 involvement in it.

20 Q Yes. What has been your involvement in the
21 review of the plan?

22 BY WITNESS LOOKABAUGH:

23 A Well, I have reviewed it totally.

24 Q Personally?

25 /

1 BY WITNESS LOOKABAUGH:

2 A Yes.

3 Q How about you, Mr. Benton?

4 BY WITNESS BENTON:

5 A Yes, I've reviewed the plan.

6 JUDGE COLE: When you say "the plan," you're
7 referring to both the state and local plans?

8 WITNESS BENTON: Yes.

9 JUDGE COLE: All plans?

10 WITNESS LOOKABAUGH: (Nods head.)

11 BY MR. REYNOLDS:

12 Q Gentlemen, let's assume that Comanche Peak
13 is operating and that the state and local and on-site
14 emergency plans are functioning. What is your understand-
15 ing of the role of FEMA with regard to continuing emer-
16 gency planning for Comanche Peak?

17 Do you understand the question?

18 BY WITNESS LOOKABAUGH:

19 A I'm not sure that I do.

20 BY WITNESS BENTON:

21 A We have a responsibility to assure that that
22 plan is kept up to date with any rules and regulations
23 which might be kept in there, and that in the process of
24 doing this, as the rules now stand, there will be an
25 annual exercise to assure that the capability to implement

1 such plans are in place.

2 Q What is your understanding of the role of
3 the NRC Staff with regard to continued assurance of emer-
4 gency preparedness?

5 BY WITNESS BENTON:

6 A Their responsibility primarily is on-site
7 and with off-site emergenc plans and the interface
8 between on- and off-site plans.

9 Q You say "primarily on-site." When is not
10 on-site?

11 JUDGE MILLER: Slow down just a little.

12 WITNESS BENTON: There are some provisions
13 for the Nuclear Regulatory Commission to make assurance
14 with the utility that warning and notification, which
15 is off-site, is in place.

16 BY MR. REYNOLDS:

17 Q Are there any other off-site aspects with
18 which the NRC will be involved?

19 BY WITNESS BENTON:

20 A General federal agency liaison with
21 appropriate state and local officials.

22 Q So the liaison between FEMA and the NRC
23 will be governed by the memorandum of understanding?

24 BY WITNESS BENTON:

25 A That's correct.

10-14 1 Q -- and the scope of authorities discussed in
2 there?

3 BY WITNESS BENTON:

4 A Yes.

5 Q And your statement is that, to your knowledge,
6 the only off-site function that the NRC Staff should have
7 relates to the quality of -- and status of -- the prompt
8 notification system?

9 BY WITNESS BENTON:

10 A I wouldn't say the "only." That is the major
11 one. I think with the cooperative agreements, such as
12 NRC and FEMA have, the interface may entail other areas
13 of responsibility in which both might have some --

14 Q Please be specific with regard to those other
15 areas.

16 BY WITNESS BENTON:

17 A I don't think I could. I don't know of one
18 that is mentioned specifically, other than warning and noti-
19 fication.

20 Q Give me three more examples.

21 MR. MIZUNO: Mr. Chairman, I would object to
22 this line of questioning --

23 JUDGE MILLER: Yes. We'll sustain that
24 objection.

25 Who was objecting --

1 MR. MIZUNO: This is the NRC Staff objecting.

2 I believe that these questions --

3 JUDGE MILLER: Sustained.

4 MR. REYNOLDS: What is the basis for the
5 objection?

6 MR. MIZUNO: The basis for --

7 MR. REYNOLDS: Just so I know on my cross-
8 examination.

9 MR. MIZUNO: The basis for --

10 JUDGE MILLER: You can probably figure it out.

11 MR. MIZUNO: -- the NRC Staff's objection is
12 that these questions concern the NRC Staff's role in
13 emergency preparedness and their evaluation. These
14 questions should have been better addressed towards the
15 NRC Staff witness and not towards FEMA.

16 I think the FEMA witness and the NRC Staff
17 witness has indicated the division and the responsibilities
18 between on-site and off-site emergency preparedness.

19 MR. REYNOLDS: That helps.

20 JUDGE MILLER: In addition, it's argumentative.
21 He said at this time he can tell you primarily. You're
22 seeking to press him now to matters that he obviously
23 could not reasonably be expected to --

24 MR. REYNOLDS: Yes, I understand.

25 /

1 MR. REYNOLDS: No further cross.

2 JUDGE MILLER: Ms. Ellis.

3 CROSS-EXAMINATION

4 BY MS. ELLIS:

5 Q You mentioned that the FEMA interim findings
6 were being sent to the NRC. Is it your understanding
7 that they will be sent, also, to the Intervenors in these
8 proceedings?

9 BY WITNESS LOOKABAUGH:

10 A I would not think so, Ms. Ellis.

11 MR. PERRY: Your Honor, if I might clarify
12 here, it might be helpful.

13 The findings are furnished to the NRC at
14 its request under the memorandum of understanding. The
15 NRC Staff then makes the determination as to distribution,
16 utilization and so forth.

17 JUDGE MILLER: Yes.

18 BY MS. ELLIS:

19 Q There's been quite a bit of discussion regarding
20 the duties of specific agencies and so forth. Is it
21 your understanding that the intent of NUREG-0654, one of
22 the primary concerns addressed in there is the fact that
23 this should be an integrated emergency response plan,
24 and that all of the agencies and organization involved
25 should work together in this; is that correct?

1 BY WITNESS LOOKABAUGH:

2 A Yes, ma'am.

3 Q In your review of the information which led to
4 your testimony, could you tell us what specific documents
5 you have looked at?

6 We know some of them already from what you've
7 said, but are there others that you have looked at?

8 BY WITNESS LOOKABAUGH:

9 A Primarily, it would be NUREG-0654. We use
10 this in our review analysis.

11 Q Yes. Have you reviewed or seen copies of any
12 of the questions and answers back and forth between the
13 NRC Staff and the Intervenors in the proceedings?

14 BY WITNESS LOOKABAUGH:

15 A Not the NRC Staff.

16 Q Have you seen any of the documents filed, for
17 instance, by CASE?

18 BY WITNESS LOOKABAUGH:

19 A Yes, we have. Your motion for --

20 Q The answer to our motion -- the Applicants'
21 motion for summary disposition?

22 BY WITNESS LOOKABAUGH:

23 A Yes, we've seen that and reviewed it.

24 Q All right. In your analysis of this, do you
25 believe that there has been a truly integrated approach to

1 this, to the emergency planning at Comanche Peak?

2 MR. PERRY: Your Honor, could we have a little
3 clearer definition of "analysis of this"? Are we referring
4 to the plans? If so, are we talking about the state plan
5 and the annexes?

6 JUDGE MILLER: Yes. Perhaps you could rephrase
7 it to sharpen the question.

8 MS. ELLIS: All right.

9 BY MS. ELLIS:

10 Q Well, let me just ask. Is it your understanding
11 that there has been an integrated approach taken to
12 Comanche Peak emergency plan?

13 BY WITNESS LOOKABAUGH:

14 A That would be my understanding.

15 JUDGE COLE: I don't understand what that
16 means to you. In your opinion, are they using an
17 integrated approach?

18 WITNESS LOOKABAUGH: Yes, sir, in my opinion.

19 JUDGE COLE: Okay.

20 JUDGE MILLER: You still haven't indicated what
21 is integrated with what. Somebody, I think, had better
22 get a little clarity to this.

23 WITNESS LOOKABAUGH: My interpretation of
24 integrated would be that the state and the county officials
25 that are in the process of writing this are in communication

1 with each other and working together in developing the
2 plan, so that it does interface correctly.

3 BY MS. ELLIS:

4 Q Would that include an interrelationship with
5 the Applicants as well?

6 BY WITNESS LOOKABAUGH:

7 A I would think so, yes, ma'am.

8 Q And have you analyzed that aspect of it in
9 coming to that conclusion?

10 BY WITNESS LOOKABAUGH:

11 A I believe that would probably be better
12 directed to NRC.

13 Q All right. You have not really analyzed that
14 aspect; is that correct?

15 BY WITNESS LOOKABAUGH:

16 A Well, if you --

17 MR. REYNOLDS: Mr. Chairman, I object to the
18 question. The witnesses have already testified that the
19 scope of their testimony relates to offsite emergency
20 preparedness, and not onsite.

21 JUDGE MILLER: That's true, but I wouldn't
22 totally exclude the question, but I think maybe we are
23 getting non-productive.

24 BY MS. ELLIS:

25 Q Is it your understanding that the predominant

1 movement of storm cloud formations in the Dallas-Fort Worth
2 area, especially in the spring, is from the southwest to
3 the northeast?

4 MR. PERRY: Your Honor, I'll object. The
5 witnesses have offered no testimony or other evidence
6 that relates to weather reports or weather forecasting.

7 This is not part of their expertise, and I --

8 JUDGE MILLER: You are not offering them for
9 any evidence as to which directions the winds blow in
10 Texas?

11 MR. PERRY: No, sir.

12 JUDGE MILLER: Very well. We'll sustain the
13 objection.

14 BY MS. ELLIS:

15 Q In NUREG-0654, Appendix 4, Item Roman Numeral
16 II, Capital Letter D on Page 4-4, about a little more than
17 halfway down, it states, "Where meteorological conditions
18 such as dominant wind directions warrant special
19 consideration, an additional sub-area may need to be
20 defined and a separate estimate made for this case."

21 Would you agree that that is something which
22 should be considered in any emergency plan?

23 BY WITNESS LOOKABAUGH:

24 A Well, I would agree to the fact that
25 meteorological data is considered. That's why we have

1 360-degree sectors, you know. They are divided into
2 different sectors so that they would know at what direction
3 the wind may be blowing, so that after the analysis is
4 made, either by the utility, or in this case, by the
5 Texas Bureau of RAD Health, they could put out a correct
6 warning as to which direction the plume possibly could go.

7 Q To your knowledge, has there been any
8 consideration given to the movement of storm cloud
9 formations toward the major metropolitan areas in this
10 particular plan in regard to this particular sentence I
11 just read?

12 BY WITNESS LOOKABAUGH:

13 A Not to my knowledge, but I'll answer that,
14 Ms. Ellis, not to my knowledge one way or the other, you
15 know.

16 Q Right. In your testimony on Page 11, in the
17 bottom paragraph, it's discussing the annual exercises and
18 scenarios.

19 It states that, "Scenarios for annual exercises
20 will be developed," and it states that, "Other participants
21 will be included."

22 Do you have any sort of an idea about when this
23 will be done?

24 BY WITNESS LOOKABAUGH:

25 A An annual exercise will have to be committed --

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1 or have to be conducted before, it is our understanding
2 now, full fuel load.

3 They can go up to five percent now without
4 having an annual exercise, the new rule change; but
5 before full fuel load, there will have to be an annual
6 exercise held.

7 We will at that time evaluate totally all of
8 the offsite response.

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1 Q You went through briefly the procedures that
2 are set up whereby you will review all of the information.

3 Based on your past experience, could you give
4 us an idea of what time frame we are talking about as to
5 the time the emergency plan might be fully operational and
6 approved by FEMA?

7 I realize that's a little difficult but just
8 in the ballpark.

9 BY WITNESS LOOKABAUGH:

10 A It would be because that would probably be
11 left up to the state.

12 Of course, I heard Mr. Born this morning
13 mention that probably within two weeks he would forward
14 his official comments, and two or three weeks after that
15 we would probably respond back to him; but then there
16 would still be required that the state then would have
17 additional work to do.

18 I don't believe I could answer it. I think it
19 would be a better question for the state to answer.

20 Q It's a little difficult.

21 BY WITNESS LOOKABAUGH:

22 A Yes.

23 Q Thank you. In any event, as far as you know
24 at this time, there's been nothing in these proceedings
25 which would change your conclusion at the bottom of the

1 page that the scenarios for the annual exercise -- scenario
2 development has not been done at this time; is that correct?

3 BY WITNESS LOOKABAUGH:

4 A As far as I know, it probably has not been done
5 at this time. There may be some beginning work on them,
6 but as far as I know, it has not been completed.

7 Q All right. In your testimony on Page 15, the
8 first full paragraph, you stated that, "On the basis of
9 our review of the state and the two county plans, we conclude
10 that there are adequate provisions in those plans for
11 periodic drills and exercises."

12 Have you had -- Do you have a copy there of
13 CASE Exhibit 727? Let me give you a copy.

14 BY WITNESS LOOKABAUGH:

15 A I don't believe we do.

16 Q Have you ever seen a copy of this letter?

17 BY WITNESS LOOKABAUGH:

18 A No, ma'am.

19 Q All right. To your knowledge, has Judge Crump
20 indicated to FEMA in any manner his concerns as outlined
21 in this letter?

22 BY WITNESS LOOABAUGH:

23 A Not to me.

24 BY WITNESS BENTON:

25 A Not specifically regarding the warning, no.

1 Q Has he indicated concerns about the emergency
2 planning in other regards?

3 BY WITNESS BENTON:

4 A Yes.

5 Q Could you tell us what those were?

6 BY WITNESS BENTON:

7 A Concerned that he didn't know what the plan
8 was when he first came into office, I believe, or didn't
9 know that he even had a plan, and wanted to know if he
10 could get a copy of it.

11 Q When was this, sir, approximately?

12 BY WITNESS BENTON:

13 A I believe it was about a year ago, in
14 January or February, about eighteen months ago.

15 Q All right, and has he indicated that his
16 concerns have been satisfied to you since that time?

17 BY WITNESS BENTON:

18 A No. We have had no further correspondence. I
19 indicated the proper procedure for acquiring a plan, and
20 referred him to the correct state individual, and assumed
21 that his needs were satisfied since I heard no further
22 from him.

23 Q All right, thank you.

24 //

25 //

1 Q In your testimony on Page 17, at Answer 14,
2 about a third of the way into the answer, it's stated
3 that, "The primary concern is preventing public ingestion
4 of radioactive contamination from agricultural products
5 produced within the 50-mile EPZ."

6 Does that concern include the water as well?

7 BY WITNESS BENTON:

8 A Yes.

9 Q It just wasn't specifically mentioned. I
10 figured it was. All right.

11 In regard to the water, you have reviewed the
12 plans, I understand, as you have indicated.

13 Has the assessment of the water supply in
14 case of an accident at Comanche Peak, especially for the
15 City of Fort Worth, been adequately considered?

16 BY WITNESS BENTON:

17 A NUREG-0654 in the FEMA guidance does not
18 require that the water supply necessarily be considered.
19 What we are concerned about here, of course, would be
20 surface water and contamination of surface water; and
21 just to the extent that NUREG-0654 requires FEMA to address
22 this is the only way that we have looked at it within the
23 ingestion pathway.

24 Q Is part of the responsibility of FEMA to help
25 provide training to local citizens to prepare for local

1 radiological emergencies?

2 BY WITNESS BENTON:

3 A To make the training available and to make them
4 aware of what training is available through the state
5 office, yes, ma'am.

6 Q All right, and has that been done in the case
7 of the Comanche Peak plant?

8 BY WITNESS BENTON:

9 A Yes, the state is aware of the FEMA training
10 courses that are available to them.

11 Q All right. So as far as contacting the public
12 about participation in these, FEMA would not contact the
13 public directly. That would be through the state; is
14 that correct?

15 BY WITNESS BENTON:

16 A That's correct.

17 MS. ELLIS: I believe I have no further
18 questions. Thank you.

19 JUDGE MILLER: Anything further from Counsel?

20 MR. PERRY: Could we have just a couple of
21 minutes?

22 JUDGE MILLER: Sure.

23 (Discussion off the record.)

24 JUDGE MILLER: On the record.

25 Have you had a chance to confer, Counsel?

1 Has Counsel had an opportunity to confer?

2 MR. PERRY: We have, Your Honor. FEMA has --

3 JUDGE MILLER: Have you done anything fruitful
4 as a result thereof?

5 MR. PERRY: Only to the extent that FEMA has
6 determined that it has no further matters to raise with
7 this panel.

8 JUDGE MILLER: That's very good.

9 Staff?

10 MR. MIZUNO: The NRC Staff has no further
11 questions.

12 MR. REYNOLDS: Nothing, sir, even if I had the
13 chance.

14 JUDGE MILLER: Very well.

15 JUDGE COLE: Just one, possibly two, questions.

16 BOARD EXAMINATION

17 BY JUDGE COLE:

18 Q On Page 7, the second line from the bottom,
19 you read into the record a change in that you said
20 delete the words "evacuation order," and insert
21 "recommendations to evacuate."

22 In the sentence immediately preceding the
23 sentence where that appears, it's stated that the decision
24 to evacuate is a decision that's made by the County Judge,
25 and your insert indicates that he makes a recommendation.

1 to evacuate.

2 To whom does he make the recommendation, and
3 how do you reconcile that with the sentence immediately
4 preceding that?

5 BY WITNESS LOOKABAUGH:

6 A I believe we could explain it this way. He
7 would make the recommendation, of course, to the people
8 through his Civil Defense staff or someone else, but as
9 we understand Texas law, you cannot order someone off their
10 land.

11 So he would make the recommendation to do it.

12 Q It is his decision to recommend evacuation?

13 BY WITNESS LOOKABAUGH:

14 A That's right.

15 Q Okay, thank you.

16 A little point of clarification, sir, with
17 respect to the requirement to complete an emergency plan
18 exercise prior to a certain level of plant operation.

19 I believe you stated before full fuel load,
20 and you meant before full power operation, did you not?

21 BY WITNESS LOOKABAUGH:

22 A That is correct, yes.

23 JUDGE COLE: Thank you.

24 JUDGE MILLER: There appears to be nothing
25 further, then, from this panel. I suppose they may be

5
1 excused?

2 MR. PERRY: Thank you, sir.

3 JUDGE MILLER: You are excused, gentlemen.

4 (The witnesses were excused.)

5 JUDGE MILLER: Anything further with reference
6 now to the Contention 22, the emergency planning matter?

7 (No response.)

8 JUDGE MILLER: If not, is there any reason --
9 oh, yes.

10 The testimony, I think, was admitted subject
11 to cross-examination. Those exhibits, which are 203, 203A
12 and 203B, are admitted into evidence.

13 (Staff's Exhibits Nos. 203,
14 203A and 203B were received in
15 evidence, and follow in the
16 transcript.)

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TEXAS UTILITIES GENERATING COMPANY,
ET AL.

(Comanche Peak Steam Electric Station,
Units 1 and 2)

)
)
)
)
)
)

Docket Nos. 50-445
50-446

FEMA STAFF TESTIMONY OF ALBERT LOOKABAUGH AND JOHN BENTON
REGARDING EMERGENCY PLANNING (CONTENTION 22)

Q.1. Mr. Lookabaugh, please state your name and occupation.

A.1 My name is Albert L. Lookabaugh. I am the Supervisor, Community Planner, Natural and Technological Hazards ("NTH") Division, Region VI, of the Federal Emergency Management Agency ("FEMA") in Denton, Texas.

Q.2. Mr. Benton, please state your name and occupation.

A.2. My name is John W. Benton, Community Planner, NTH Division, Region VI, of FEMA.

Q.3. Please describe the nature of the responsibilities you have had regarding nuclear power plant emergency preparedness.

A.3. We are responsible for the review and evaluation of all off-site Radiological Emergency Preparedness Plans ("REPs") for fixed nuclear generating facilities within FEMA's Region VI.

- 2 -

Q.4. Have you prepared a statement of your professional qualifications?

A.4. Yes. A statement of our professional qualifications is attached to this testimony.

Q.5. Please describe the nature of the responsibilities you have had with respect to Comanche Peak Steam Electric Station ("CPSES").

A.5. We reviewed and evaluated the off-site REP plans for CPSES.

Q.6. What is the purpose of this testimony?

A.6. This testimony addresses Contention 22 which states:

Applicants have failed to comply with 10 C.F.R. Part 50, Appendix E, regarding emergency planning, for the following reasons:

- a. The FSAR does not identify state or regional authorities responsible for emergency planning or who have special qualifications for dealing with emergencies.
- b. No agreements have been reached with local and state officials and agencies for the early warning and evacuation of the public, including the identification of the principal officials by titles and agencies.
- c. There is no description of the arrangements for services of physicians and other medical personnel qualified to handle radiation emergencies and arrangements for the transportation of injured or contaminated individuals beyond the site boundary.
- d. There are no adequate plans for testing by periodic drills of emergency plans and provisions for participation in the drills by persons whose assistance may be needed, other than employees of the Applicant.
- e. There is no provision for medical facilities in the immediate vicinity of the site, which includes Glen Rose.
- f. There is no provision for emergency planning for Glen Rose or the Dallas/Ft. Worth metroplex.

- 3 -

In particular, we will be addressing the adequacy of off-site emergency preparedness for CPSES.

Q.7. How does FEMA accomplish its review and evaluation of nuclear power plant off-site emergency preparedness?

A.7. FEMA is responsible for reviewing off-site plans for emergency preparedness for nuclear power plants. This review results in FEMA's determination as to the adequacy of State and local plans for off-site emergency preparedness as they relate to the 10 and 50 mile emergency planning zones ("EPZs") around the site of a nuclear power plant. Criteria used in these evaluations are contained in NUREG 0654/FEMA-REP-1, Revision 1. FEMA does not review the Applicants' Final Safety Analysis Report ("FSAR") for criteria evaluation purposes.

Q.8. With respect to Contention 22(a), what provisions does the Applicants' emergency plan contain identifying the state and regional authorities responsible for emergency planning or who have special qualifications for dealing with emergencies?

A.8. Evaluation criteria with regard to identification of State and local authorities responsible for emergency planning, are contained in Section II, Parts A and P of NUREG-0654/FEMA-REP-1, Revision 1. The criteria provide:

Criterion A.1. Each plan shall identify the State, local, Federal, and private sector organizations that are intended to be part of the overall response organization; and

Criterion P.2 Each organization shall identify by title the individual with the overall authority and responsibility for radiological emergency response planning.

Tab 1, "Fixed Nuclear Facility Accidents", of Appendix 7, "Radiological Emergency Response", to Annex L "Texas Department of Health", Texas Emergency Management Plan ("State Plan"), states: "Tab 1 amplifies the assignment of essential emergency functions identified in Appendix 7; focusing on their application to fixed coordination of multi-jurisdictional incident response by identifying a framework of relationships among the State of Texas, the Hood and Somervell county governments which are located within the Emergency Planning Zones (EPZ's), the Applicants, and agencies of the United States Government having response or regulatory assignments under Federal plans or regulations."

Our evaluations of the State and local plans indicate that they adequately identify the appropriate State and county officials responsible for emergency planning. This will be documented in FEMA's Preliminary Findings regarding the off-site planning for CPSES, which will be published in the near future.

Q.9. With respect to Contention 22(b), describe the agreements which have been reached between the Applicants and State and local officials and agencies for the early warning and evacuation of the public, including the identification of the principal officials by titles and agencies.

A.9. FEMA's evaluation criteria with regard to emergency notification and evacuation of the public are contained in Section II, Part E of NUREG-0654, Revision 1. The criteria provide:

Criterion E.5. State and local government organizations shall establish a system for disseminating to the public appropriate information contained in initial and followup messages received from the licensee including the appropriate notification to appropriate broadcast media, e.g., the Emergency Broadcast System (EBS).

Criterion E.6. Each organization shall establish administrative and physical means, and the time required for notifying and providing prompt instructions to the public within the plume exposure pathway Emergency Planning Zone. (See Appendix 3.) It shall be the licensee's responsibility to demonstrate that such means exist, regardless of who implements this requirement. It shall be the responsibility of the State and local governments to activate such a system.

The Emergency Operations Plan for both Hood and Somervell Counties state in Annex A, "Warning", Paragraph V.C., "Fixed Nuclear Facility Incident", that "... in the event of an incident at the Comanche Peak Steam Electric Station, the County will receive notification from officials of the plant, or from officials of the Texas Department of Public Safety ("DPS"). All emergency activities relating to Comanche Peak are detailed in Annex F of this Emergency Operations Plan, and its attachments. These documents are contained in the manual of Emergency Procedures."

Attachments F, "Standing Operating Procedures for Public Warning", to the Hood County and Somervell County Emergency Operations Plans state: "The public will be given warning based upon protective

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actions recommended to the cities and the county by the Texas Department of Health. Generally, the public will be advised to seek shelter where they are (in-place), or to evacuate (relocate)."

Notification that an incident has occurred at CPSES will be sent by the Texas Department of Health, the Texas Department of Public Safety, and/or Texas Utilities Generating Company to the County Judges for Hood and Somervell Counties. Applicants will notify the Department of Public Safety District Office in Waco, which will in turn notify the Sheriff's Office of the appropriate Emergency Action Levels ("EALs"), by DPS radio or the Texas Law Enforcement Teletype System ("TLETS"). Commercial telephone will be used if necessary. Attachments D, page 161, Hood County Emergency Operations Plan, page 150; Somervell County Emergency Operations Plan.

Once the decision to warn the public has been made, the Warning Officer (Dispatcher or other designated personnel) will activate outdoor pole-mounted sirens in the threatened area(s) and dispatch mobile public address ("PA") systems mounted in vehicles.

An outdoor siren notification system must be completely installed prior to full power operation of CPSES. The system is designed to provide coverage of the entire 10 mile EPZ, including urban, rural,

- 7 -

and recreational areas. The system will be operated and controlled by the local officials of Hood and Somervell Counties.

Warning must be followed by information. The primary method for providing information to the public, once the sirens have alerted them, is the Emergency Broadcast System ("EBS"). The County Judge will activate this system by contacting WBAP radio/TV in Fort Worth and instructing them to initiate the EBS procedures.

Simultaneously, the National Weather Service's Weather Radio System may be contacted and asked to transmit information to the public. In the event that EBS cannot be utilized, and as a complement to that system, the County's mobile PA units will be dispatched to provide information to the public. (See Attachment F to the Hood and Somervell Counties' Emergency Operations Plans).

FEMA will withhold final approval on warning systems until all the systems are installed, tested, and evaluated in accordance with FEMA rules and regulations.

Attachment G to both the Hood County and Somervell County Emergency Operations Plans, entitled, "Standing Operating Procedures for Evacuation", sets forth how evacuation is to be accomplished should the need arise. The decision to evacuate any or all parties of a county will be made by the County Judge for that County. The County Judge's ^{recommendation to evacuate} ~~evacuation order~~ is implemented by the County Sheriff, who will be located at the County Jail. The Sheriff will

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receive advice and guidance from the Texas Department of Health and/or Applicants regarding which parts of the area should be evacuated. To accomplish evacuation from designated areas, the Sheriff will establish roadblocks, notify the residents of the designated areas to evacuate, and assist in relocation of evacuees.

The State and county plans contain adequate provisions for the notification and evacuation of the public in the 10 mile EPZ. This conclusion will be documented in FEMA's Preliminary Findings regarding off-site planning for CPSES.

- Q.10. With regard to Contention 22(c), describe the State and local emergency plans' provisions for the services of physicians and other qualified medical personnel for handling radiation emergencies, and the transportation of injured or contaminated individuals beyond the site boundary.
- A.10. FEMA's evaluation criteria regarding physicians, medical facilities and transportation of injured and radiological contaminated individuals are contained in Section II, Part L of NUREG-0654/FEMA-REP-1, Revision 1. The criteria provide:
- Criterion L.1. Each organization shall arrange for local and backup hospital and medical services having the capability for evaluation of radiation exposure and uptake, including assurance that persons providing these services are adequately prepared to handle contaminated individuals.
 - Criterion L.2. Each licensee shall provide for onsite first aid capability.

Criterion L.3. Each State shall develop lists indicating the location of public, private and military hospitals and other emergency medical services facilities within the State or contiguous States considered capable of providing medical support for any contaminated injured individual. The listing shall include the name, location, type of facility and capacity and any special radiological capabilities. These emergency medical services should be able to radiologically monitor contamination personnel, and have facilities and trained personnel able to care for contaminated injured persons.

Criterion L.4. Each organization shall arrange for transporting victims of radiological accidents to medical support facilities.

The Hood County and Somervell County Emergency Operations Plans, and the Texas Emergency Management Plan do not adequately address Criteria L.1 ^{L.3} ~~4~~ of NUREG-0654/FEMA-REP-1 Revision 1. Three local hospitals are identified in the State plan for treatment of radiologically-contaminated persons: Hood General Hospital in Granbury; Stephenville Hospital in Stephenville; and Johnson County Memorial Hospital in Cleburne. However, the State and local county plans do not contain or reference letters of agreement between these hospitals, and the State and county governments which confirm the hospitals' willingness to accept and treat radiologically-contaminated persons.

In addition, there is insufficient description in the plans of the capability of the three hospitals identified above for receiving, evaluating, and treating radiologically-contaminated or injured individuals.

The plans do not mention how victims will be transported to the three hospitals. Finally, the plans do not contain or reference letters of agreement between ambulance services, ~~and the State and County governments~~, confirming the ambulance service's willingness to handle and transport radiologically contaminated or injured individuals.

The State and county plans were submitted to us for review on June 17, 1982. Shortly thereafter, we were given a verbal commitment by the State and County officials responsible for writing the plans that letters of agreement with any non-governmental organization having an assigned responsibility within the plans would be either incorporated or referenced in the plans. Additional conversations with the Texas Bureau of Radiation Control indicate that additional information regarding medical capabilities and resources will be incorporated in the plans.

We conclude that the State, Hood County, and Somervell County emergency plans do not adequately address the FEMA guidance criteria for provision of medical facilities and personnel to treat radiologically-contaminated individuals. However, on the basis of the verbal commitments we have received from officials for the State and the two counties, we believe that this inadequacy will be rectified. Our findings will be documented in the Preliminary Findings for CPSES.

- 11 -

Q.11. With regard to Contention 22(d), describe the provisions in the State and local emergency plans for testing by periodic drills of emergency plans, and provision for participation in the drills by persons whose assistance may be needed, other than employees of the Applicants.

A.11. FEMA's planning standard for periodic drills or exercises of emergency plans are contained in Section II, Part N of NUREG-0654/FEMA-REP-1, Revision 1, which states:

Periodic exercises are (will be) conducted to evaluate major portions of emergency response capabilities, periodic drills are (will be) conducted to develop and maintain key skills, and deficiencies identified as a result of exercises or drills are (will be) corrected.

The five guidance criteria for this area are attached to our testimony as Attachment 3 to our testimony.

Attachment 4, Tab 1, "Fixed Nuclear Facility Accidents", Appendix 7, Annex L to the State Plan, provides that the Bureau of Radiation Control will participate, along with appropriate Utility, Local, State and Federal agencies, in annual exercises of Fixed Nuclear Facility Response plans. The scope of these annual exercises will be in accordance with requirements identified by FEMA. Scenarios for annual exercises will be developed by the Bureau of Radiation Control in cooperation with the Applicants and the Division of Emergency Management. Other participants will be included in scenario development covering the involvement of their agencies.

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Exercise scenarios will be designed to test major components of relevant plans, and will be scheduled to demonstrate 24-hour operating capabilities starting at any time of day or night in any type of weather.

In addition to official observers from Federal agencies, the annual exercises will be observed by representatives from participating State agencies. Following each exercise a critique will be conducted, observer comments will be evaluated, necessary changes to appropriate plan elements will be incorporated, and plan updates will be issued.

Either in conjunction with the major annual exercise, or as separate limited exercises and drills, the following will be conducted at the stated frequencies.

1. Monthly communications drills designed to test the ability of the state system to receive a simulated message from the Applicants; relay that message from the Department of Public Safety District Office through Department of Public Safety Headquarters Communications, the Division of Emergency Management and the Department of Health's Disaster Response Program to the Bureau of Radiation Control; and have that message arrive at the Bureau in an understandable form. Similar drills may be conducted wherein messages are sent from the Applicants to

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appropriate local governments, either direct or via relay through the Department of Public Safety District Office(s).

Message verification during Hood and Somervell Counties' drills will be in accordance with the respective county's procedures. Verification will not be a factor in State drills since initial notification will be via dedicated telephone line from the Applicants to the Department of Public Safety District Office; or will be verified by the Department of Public Safety in accordance with Standing Operating Procedures of the Department. Once a message enters the official State communications channel, it may be considered to be authentic by all parties.

2. Semi-annual Health Physics drills will be conducted in which each four-man shift of the accident assessment team receives, evaluates, and develops recommendations for protective responses to simulated elevated airborne and liquid releases and direct radiation measurements in the environment. Typical drills will include use of the mini-computer in the mobile laboratory, appropriate models, and the computer graphics terminal and printer which would be available in the Applicants' Emergency Operations Facility.

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Although suggested by federal guidance, the following drills will not be conducted as discrete activities. They are adequately included in other activities.

1. Monthly communications drills involving Radiological Monitoring teams

The communications equipment involved is in daily use by the Department of Public Safety members of those teams. Message contents will be familiar to Bureau of Radiation Control team members and Department of Public Safety team members will be present at all times during actual response to give technical assistance in equipment use.

2. Communications with Federal emergency response organizations

Proper channels for this type of communication are between the Division of Emergency Management and the Federal Emergency Management Agency's Region VI offices in Denton, Texas. Primary communications mode between those agencies is by telephone. National Warning System ("NAWAS"), the secondary communications system is tested every day, and the Civil Defense National Radio System, the tertiary system, is tested on a weekly basis.

3. Radiological monitoring drills

Monitoring teams will participate in annual exercises, but additional annual drills are not necessary because the

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skills and procedures involved are identical to those used in routine sampling at other locations, and because the communications and record keeping systems are in daily use.

On the basis of our review of the State and the two county plans, we conclude that there are adequate provisions in those plans for periodic drills and exercises. This will be documented in FEMA's Preliminary Findings regarding the off-site emergency plans for CPSES.

Q.12. With regard to Contention 22(e), describe the Applicants' Emergency Plan provisions which identify the medical facilities in the immediate vicinity of the site, including Glen Rose.

A.12. FEMA's guidance criterion for identification of medical facilities with the capability of treating radiologically-contaminated individuals is contained in Section II, Part L of NUREG-0654/FEMA-REP-1, Revision 1. Criterion L.3. states:

Criterion L.3. Each State shall develop lists indicating the location of public, private and military hospitals and other emergency medical services facilities within the State or contiguous States considered capable of providing medical support for any contaminated injured individuals. The listing shall include the name, location, type of facility and capacity and any special radiological capabilities. These emergency medical services should be able to radiologically monitor contamination personnel, and have facilities and trained personnel able to care for contaminated injured persons.

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Tab 1, "Fixed Nuclear Facility Accidents", Appendix 7, Annex L of the Texas Emergency Management Plan, states: "Within the 10-mile EPZ for Comanche Peak Steam Electric Station, persons injured in on-site accidents where radiation contamination could be a factor will be instructed to seek medical attention either at the Hood General Hospital in Granbury, the Stephenville Hospital in Stephenville, or the Johnson County Memorial Hospital in Cleburne. All of those hospitals have the capability to handle contaminated injury victims, and all have expressed to local officials their willingness to do so in support of CPSES response plans."

There is no specific guidance criterion that all medical facilities, regardless of their capability to treat radiologically-contaminated individuals, be identified in the State or county emergency plans. Nonetheless, the Counties of Hood and Somervell have committed to listing supporting medical facilities in Attachment Q to their respective Emergency Operations Plan. This list should identify any medical facilities that are located in Glen Rose.

Q.13. With regard to Contention 22(f), are there emergency planning provisions for the City of Glen Rose?

A.13. Yes. The City of Glen Rose is located in Somervell County, and is within the 10 mile EPZ for CPSES. The Somervell County Emergency Operations Plan contains the emergency planning provisions, including emergency notification and evacuation, for Glen Rose. There

- 17 -

are specific provisions in this Plan for notifying persons living, working or traveling within the 10 mile EPZ of the Comanche Peak Steam Electric Station (including Glen Rose). The Plan also contains procedures for further contact and possible evacuation. As will be documented in our Preliminary Findings, the Somervell County Emergency Operations Plan is adequate with regard to emergency notification and evacuation.

Q.14. With regard to Contention 22(f), is there an emergency plan for the Dallas/Fort Worth metroplex?

A.14. Yes. Portions of the Dallas/Fort Worth metroplex are within the 50 mile Ingestion Exposure Pathway EPZ. The emergency plan for residents located within the 50 mile EPZ is in the Texas Emergency Management Plan. As outlined in Tab 1, Appendix 7, Annex L of the State Plan, the primary concern is preventing public ingestion of radioactive contamination from agricultural products produced within the 50 mile EPZ. Thus, emergency activities will be limited to controlling the transport and use of agricultural products produced in the 50 mile EPZ. Emergency actions regarding this goal will be ordered by the State, after consultation with the United States Department of Agriculture. ^{Coordination} ~~Implementation~~ of these actions will be ^{effected} ~~carried out~~ by the County Judges, the County Agricultural Agents, and County Emergency Boards. The emergency planning provisions contained in the State Plan for the 50 mile EPZ are adequate. Our findings on this subject will be documented in FEMA's Preliminary Findings regarding off-site planning for CPSES.

STATEMENT OF
PROFESSIONAL QUALIFICATIONS
OF
JOHN W. BENTON

5761

I, John W. Benton, am presently employed by the Federal Emergency Management Agency, Region VI, Denton, Texas as Community Planner. In that capacity, my responsibilities include review of Radiological Emergency Response Plans (RERPs) prepared by State and local governments in accordance with the requirements of NUREG-0654/FEMA Rep. 1, Revision 1. I have formally been involved with RERP since FEMA was designated as lead agency in this area by President Carter. I have previously testified in the Waterford III ASLB hearings in May 1982.

The past seventeen years of my professional career have involved training and assisting State and local officials in emergency planning.

Prior to the creation of FEMA, I was employed by its predecessor, the Defense Civil Preparedness Agency, Department of Defense, as a Region Field Officer. In that position, I acted as a liaison between DCPA and State and local governments.

The substantial portion of my experience in emergency preparedness has been as an educator. At North Texas State University (1976-1978), I conducted training courses for State and local officials at various locations in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. This training was designed to develop emergency operating skills within the States.

Since 1965, I have served as Assistant Director of the Civil Defense University Extension Program at the University of New Mexico, Department of Continuing Education (1965-1968), and as Director of that same program (1968-1976). In these positions, I developed curricula and conducted workshops for public officials in subjects related to civil preparedness including shelter management and civil preparedness planning. I was also personally involved in writing school disaster and emergency operation plans for all of the schools in the State of New Mexico.

I received an Associate of Arts degree from Northwest Community College, Powell, Wyoming (1958), and Bachelor of Arts and Master of Arts degrees from Colorado State College in 1960 and 1961 respectively. I have also attended a post-master degree course at the University of New Mexico. I have completed a number of courses relating to emergency planning for civil preparedness at the Civil Defense Staff College. From 1952-1956, I served in the United States Air Force where I received training as a communications specialist.

STATEMENT OF
PROFESSIONAL QUALIFICATIONS
OF
ALBERT L. LOOKABAUGH

5762

I, Albert L. Lookabaugh, am presently employed by the Federal Emergency Management Agency, Region VI, Denton, Texas as a Supervisor Community Planner. I also serve as the Chairperson of the Regional Assistance Committee (RAC), the Interagency committee which, among other things, reviews and comments upon Radiological Emergency Response Plans. I have previously testified in the Waterford III ASLB hearings in May 1982.

Prior to employment with FEMA, I worked for its predecessor agency, the Defense Civil Preparedness Agency, Department of Defense (1956-1977) (DCPA). While employed by DCPA, I worked in both a management capacity, assessing the use of agency resources and funds, and as a Regional Field Specialist. In the latter capacity, my responsibilities included the development and implementation of emergency plans and the coordination of Federal, State, and local emergency planning efforts.

I was also employed by the Department of Justice, Federal Bureau of Investigation, as a special agent (1962-1965). During that period, I worked extensively with State and local police and sheriff departments in investigating and coordinating multi-jurisdictional police efforts.

I received a Bachelor of Science Degree from Oklahoma State University in 1959. I received additional training in the Army (1959-1961), as a special agent and have completed a number of courses related to emergency planning and preparedness.

1 JUDGE MILLER: Are there any other documents
2 or exhibits now that have not been ruled upon at this session?

3 We are going to ask for briefs from Counsel
4 regarding several matters which affect future scheduling.

5 Before I do that, let me see if there are any
6 housekeeping or other matters that should be covered at
7 this session?

8 MR. REYNOLDS: One matter, sir.

9 JUDGE MILLER: Yes.

10 MR. REYNOLDS: The FSAR has been amended five
11 times since the last hearings -- or the last time we
12 introduced amendments into the record.

13 Of course, the Board and the parties all
14 receive these amendments as they are issued, but the
15 record does not contain them.

16 We would like to provide the reporter with
17 copies of FSAR Amendments 29 through 34 at this time, and
18 ask that they be received into evidence.

19 JUDGE MILLER: Very well. That may be done.

20 (Applicants' Amendments to
21 Exhibit 3 were marked for
22 identification and received in
23 evidence.)

24 JUDGE MILLER: You are not seeking to
25 incorporate them into the transcript, are you?

1 MR. REYNOLDS: And we have additional
2 copies here, if the Board would like an additional set to
3 take back to Washington.

4 JUDGE MILLER: I think we've got a lot of
5 sets in Washington, if I recall. Thank you for the offer.

6 They will be received into evidence. Will
7 they be given numbers?

8 MR. REYNOLDS: These are amendments to
9 Applicants' Exhibit 3. We can designate them separately
10 or just include them in the exhibit.

11 She says okay.

12 JUDGE MILLER: What are you two okaying here?
13 You are going to designate them by one number; is that
14 it?

15 MR. REYNOLDS: Yes. There is a letter of
16 instruction with each amendment, directing the substitution
17 of pages in Applicants' Exhibit 3.

18 JUDGE MILLER: All right, one designation.
19 Anything further?

20 MS. ROTHSCHILD: Mr. Chairman, as an
21 additional housekeeping matter, I believe that the Board
22 requested several days ago that Ms. Ellis provide her
23 list of exhibits and what she intended to do.

24 I was just wondering if she had done that.

25 JUDGE MILLER: Have you had an opportunity to

8
1 go through the previous exhibits, coordinate and perhaps
2 reduce?

3 MS. ELLIS: We are still working on it.

4 JUDGE MILLER: When may we expect to hear from
5 you in that regard?

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300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 MS. ELLIS: In about two weeks.

2 JUDGE MILLER: All right. Copies, of course,
3 to all parties and counsel.

4 The Board would like to ask for briefs from
5 counsel to enable the Board to schedule further and to --
6 to the extent that we're advised to do so by the Com-
7 mission, control the order of the proceeding.

8 Most of the matters that we wish to hear about
9 concern Staff analyses or production of documents. We
10 don't mean to limit it to that. But those are the matters
11 that at this point seem to be things that must be taken
12 into consideration.

13 Number one would be the Staff's conclusion
14 of its analysis of the Doyle/Walsh testimony, which is --
15 partially at any rate -- concerned with questions about
16 the design and installation of pipe hangers -- of safety-
17 related pipe hangers.

18 Next, number two, there's also the question
19 of the issuance and filing of SSER's. As the Staff has
20 indicated, there will be supplemental safety evaluation
21 reports -- SSER Nos. 3, 4, and 5, and the dates were
22 given there in the transcript.

23 The next -- and number three, we believe,
24 pertains to the consideration of FEMA matters and while
25 originally, I think, was scheduled for September, our

3-2
1 indication now is that that will probably be October
2 1982.

3 The dates on Nos. 4 and 5 were also given
4 orally for the record yesterday.

5 We have also the question of when and
6 what is the final SSER to the triggering Staff document
7 for the commencement of the running of time, or the hold-
8 ing and conclusion of evidentiary hearings and the
9 decision to be made by the Safety and Licensing Board.
10 Whether that final SSER for that purpose -- Issue No. 5
11 or not, I don't know. But you can indicate that in
12 your brief.

13 I think also that what the Board is concerned
14 with is to have the position of the parties both set
15 forth and identified and substantiated insofar as you
16 can, of what studies and documents -- primarily Staff is
17 what we're thinking of -- but we're not intending to ex-
18 clude anything that's necessary -- in order to assure
19 that we have an adequate record as to the design and
20 installation of safety-related pipe hangers at Comanche
21 Peak and of a quality which would insure public health
22 and safety, to assure that all contentions in this pro-
23 ceeding have been addressed and that the record at any
24 rate reflects the evidence upon which the Board is expected
25 to arrive at a decision.

13-3
1 And, finally, to assure that the Board itself
2 has carried out all of the requirements by regulations
3 and procedures which are incumbent upon it for the issuance
4 of an operating license for the Comanche Peak plant.

5 Now, there may be other matters which have a
6 triggering effect in a time-sense, or which are necessary
7 to be completed so that they may be addressed by the
8 parties and the Board in an adjudicatory setting.

9 We're asking you to give us the road map,
10 in effect, and also to brief it where there are issues
11 because it's apparent to us that there's some difference
12 of opinion on these matters.

13 I was going to say between Applicants and
14 Staff, but I really believe among all three of you. At
15 any rate, we'll find out when we get your briefs.

16 We suggest that the submission of these briefs
17 and suggestions to the Board should be simultaneous. There's
18 no point in having responses and replies, because you all
19 will know what your own positions are, and that's what
20 we're seeking.

21 How long will it take you to accomplish
22 this? What's a convenient time interval for you?

23 (No response.)

24 JUDGE MILLER: Don't all rush to say ten days
25 or anything like that.

13-4
1 MR. REYNOLDS: Two weeks. Friday, the 1st
2 of October.

3 JUDGE MILLER: Since the Staff sort of has
4 a laboring oar on much of this, maybe they had better
5 be sure that they take adequate --

6 MS. ROTHSCHILD: Mr. Chairman, could you give
7 me a couple of minutes to confer with our technical
8 staff?

9 JUDGE MILLER: Sure.

10 Ms. Ellis, maybe you can be thinking then about
11 what sort of time would be convenient for you. I know
12 you've got --

13 MS. ELLIS: I'm thinking of that and the docu-
14 ments.

15 JUDGE MILLER: -- a lot of things to do
16 every time we conclude a phase of the hearing.

17 But give it some thought if you would.

18 MS. ELLIS: There's another couple of matters
19 that we could possibly go ahead --

20 JUDGE MILLER: While Staff's conferring, we
21 can't very well do anything substantive, or even non-
22 substantive.

23 MS. ELLIS: Okay.

24 JUDGE MILLER: Except that I see Mr. Mizuno
25 is listening. Do you mind if she goes ahead on a minor

1 matter?

2 MS. ROTHSCHILD: Mr. Chairman, could we just
3 have a minute or two? I don't think it's an undue burden
4 on Ms. Ellis, if she could wait a minute.

5 MS. ELLIS: No, I'm not pushing --

6 JUDGE MILLER: We don't suggest that you can't
7 have -- You may have whatever time you need.

8 MS. ROTHSCHILD: Thank you.

9 (Pause.)

10 MS. ROTHSCHILD: I believe we're ready.

11 JUDGE MILLER: All right.

12 MS. ROTHSCHILD: Staff would like to make
13 that filing October 8th instead of the 1st.

14 JUDGE MILLER: October 8th?

15 MS. ROTHSCHILD: Uh-huh.

16 JUDGE MILLER: Okay. We'd like for you --
17 We're not trying to press you on time. We want to be sure
18 you have adequate opportunity now to address these things.
19 So that's why we're not trying to hurry you along beyond
20 your capabilities, because a lot of this information
21 that you're going to have to get depends -- I assume --
22 on talking to many different people on the Staff.

23 And so if we make it unrealistic, too soon,
24 then we don't get the commitments in the depth that perhaps
25 would be educative.

1 We'll accept the date. I'm not quarreling
2 with that. But I just want to be sure that you're going
3 to have time in which to find out what has to be done
4 and when approximately you're going to do it, and how
5 it affects the Board's ability to conduct and conclude
6 an adjudicatory hearing. It's not a trifling matter.

7 MS. ROTHSCHILD: We believe that three weeks,
8 to October 8th, would be adequate.

9 JUDGE MILLER: Okay. October 8, 1982, we'll
10 expect to have simultaneous submission of briefs, including,
11 but not limited to, the matters that we've discussed.

12 Any questions?

13 (No response.)

14 JUDGE MILLER: Thank you very much. Nice
15 to see you --

16 MR. REYNOLDS: Mr. Chairman, would you discharge
17 my witness panels to the extent that you haven't?

18 JUDGE MILLER: Yes. All witnesses are hereby
19 discharged.

20 Thank you very much.

21 Anything else?

22 (No response.)

23 JUDGE MILLER: Okay. We'll --

24 MS. ELLIS: I have --

25 JUDGE MILLER: Oh, you have something, Ms.

1 Ellis? I didn't see you.

2 MS. ELLIS: I just wanted to be very clear that
3 I understood what this brief is to be. I've never done a
4 brief.

5 This is the position of the parties as to
6 the studies and documents and --

7 JUDGE MILLER: Well, the timing and signifi-
8 cance and what the Board should have, or even has to
9 have in order to conclude the evidentiary hearing on the
10 admitted contentions.

11 There are a number of documents, for example,
12 that are Staff commitments, that Staff has to file before
13 we can go ahead with a certain aspect, for example.

14 And maybe there are other studies. We're not
15 limiting it. It's just that those are the obvious ones.
16 Because we are trying to get -- what you like -- an
17 integrated approach, Ms. Ellis. We want to integrate
18 all of you nice people into our concluding at some
19 point an evidentiary hearing.

20 And that's it. And do it in whatever form
21 you want. We don't mean it to be onerous. But cover
22 the points that you consider significant, with citations
23 if you have them. If you don't have them, don't worry
24 about it.

25 MS. ELLIS: All right.

1 MS. ELLIS: I wonder if we might file our
2 documents a week following the filing of the briefs.

3 JUDGE MILLER: Which documents?

4 MS. ELLIS: The information about the documents.

5 JUDGE MILLER: Oh, yes. Yes, you may have
6 time on that, since it's obvious we are going to have
7 further hearings -- a further hearing, at least.

8 MS. ELLIS: There are a couple of other
9 preliminary -- not preliminary --

10 MR. REYNOLDS: Before we get off that brie
11 Mr. Chairman, that's by regular mail.

12 JUDGE MILLER: Yes, regular mail. I don't
13 know, you Texans take eight days to get things to us.

14 MS. ELLIS: Sometimes.

15 JUDGE MILLER: No, I don't think we can go
16 regular mail. I think we had better expedite.

17 MR. REYNOLDS: You want it Monday morning,
18 in other words?

19 JUDGE MILLER: Well, say Tuesday. You can
20 handle it. We're in Washington.

21 MR. REYNOLDS: Yes.

22 MS. ELLIS: To be filed on the 8th?

23 JUDGE MILLER: What is that, a Monday?

24 MR. REYNOLDS: Yeah, on the 11th, a Monday.

25 JUDGE MILLER: Make it the 11th, a Monday. That

1 will be convenient for everybody.

2 MS. ROTHSCHILD: Isn't that Monday a holiday?

3 JUDGE MILLER: We don't guarantee we'll read it.

4 (Laughter.)

5 MS. ROTHSCHILD: Why don't we just make it the
6 following day, the 12th?

7 JUDGE MILLER: Okay, no problem.

8 MR. REYNOLDS: In the hands of the Board on the
9 12th?

10 JUDGE MILLER: In the hands of the Board by
11 the 12th of October.

12 MS. ELLIS: One -- It was our understanding
13 that the PSE Manual was going to be provided today; is
14 that correct?

15 MR. REYNOLDS: What are we talking about?
16 We provided the PSE Manual to you, Ms. Ellis, on discovery.

17 MS. ELLIS: I was thinking that was going to
18 be provided for the record. I may be recollecting wrong.

19 JUDGE MILLER: I don't recall it.

20 MR. REYNOLDS: No, sir.

21 JUDGE MILLER: Counsel represents that you have
22 already received it, and I don't recall any....

23 MS. ELLIS: All right.

24 JUDGE MILLER: If you have any problems,
25 though, don't hesitate to pick up the phone. We have

1 asked and you all have performed admirably, and at least
2 talking to each other.

3 MR. REYNOLDS: Please, Mr. Chairman, don't
4 encourage Ms. Ellis to continue to ask for more documents.

5 JUDGE MILLER: I'm not encouraging her to ask
6 for more documents. I'm just saying when she gets the
7 urge, she should call you and talk to you.

8 MR. REYNOLDS: Okay.

9 (Laughter.)

10 MR. REYNOLDS: Thank you, sir.

11 JUDGE MILLER: One thing let me note for the
12 record something I think some of you have forgotten
13 recently.

14 On July 23rd, 1981, we entered a Memorandum
15 and Order which set up a number of procedures in Comanche
16 Peak, which was subsequently used in other cases.

17 Don't forget number four, which says, "All
18 filings scheduled by the Board shall be physically lodged
19 with the Board and parties on or before the due date, not
20 merely mailed on that date. Expedited or following day
21 delivery shall be employed when necessary."

22 That continues to apply to this case. Keep it
23 in mind.

24 MS. ELLIS: All right. One further.... Yesterday
25 it was pointed out that Mr. Doyle's exhibits which were

-4
1 attached to his testimony or to his deposition, and that
2 was included as his testimony, some documents which had
3 some handwritten notes on them.

4 JUDGE MILLER: Yes. We asked you to furnish
5 for the record clean copies.

6 MS. ELLIS: We don't have the clean copies, but
7 as I understand it, the Applicants will provide the clean
8 copies.

9 MR. REYNOLDS: We intend to survey those
10 documents and to, where appropriate, provide clean copies.

11 JUDGE MILLER: Very well. Thank you.

12 MS. ELLIS: We have discussed this with
13 Mr. Doyle, and as you will notice in reading through the
14 deposition, that at one point in the deposition towards
15 the end of the day, everyone was getting a little tired,
16 and I asked a summary question, "Are all of your concerns
17 included in what you have brought here and what we've
18 discussed," and he said, "Yes," and we included all of
19 it.

20 Some of the statements, Mr. Doyle would like to be
21 able to look back through them and see if there's any
22 vital information in them that he feels is very --

23 JUDGE MILLER: No, this isn't open-ended.
24 People have all testified. The exhibits and depositions
25 have all been used and ruled on.

5
1 MS. ELLIS: All right.

2 JUDGE MILLER: So we can't -- Since it's in
3 evidence, it constitutes his testimony now, no matter
4 what anyone said -- you might maybe make a motion that
5 somebody made an outrageous error and talked it over with
6 Counsel and stipulate, which doesn't happen very often.

7 But short of that, the evidence and testimony
8 comes in here at an evidentiary hearing, and you don't
9 have the power to change it.

10 MS. ELLIS: In providing the copies, just so
11 we'll know how to provide them, we would like to indicate
12 that there is the difference between what Mr. Doyle had
13 in his deposition -- can we include maybe one page which
14 states that these items were changed?

15 JUDGE MILLER: No, you can't rewrite history,
16 Ms. Ellis, is what I'm trying to tell you. You cannot
17 rewrite history. Whatever it is, it is. Whatever they
18 said, they said.

19 You know, the next day they could say, "I
20 could shoot myself," but that's part of testifying.

21 It's already in the record. It's already
22 testimony, and we have to have this rule; not only to you,
23 it applies to all of them.

24 MS. ELLIS: Can we have just a moment.

25 JUDGE MILLER: Okay.

1 (Discussion off the record.)

2 JUDGE MILLER: Back on the record.

3 MS. ELLIS: Are these going to be left in and
4 clean copies added, or will the clean copies replace
5 completely the copies --

6 JUDGE MILLER: The clean copies will replace
7 the copies that have any kind of markings on them.

8 MR. REYNOLDS: I would suggest that the
9 procedure be that we talk with Ms. Ellis, provide her
10 with what we intend to submit to the Board, try to
11 stipulate as to the authenticity of the clean copies, and
12 handle it among ourselves.

13 JUDGE MILLER: Fine. I think you all will be
14 satisfied that way.

15 MS. ELLIS: One further thing. I just wanted
16 to see if we could get an indication from the Staff on
17 the record as to when we might expect transcripts.

18 JUDGE MILLER: Can you estimate that at all?
19 She's apparently having trouble getting transcripts
20 promptly, and I know it's a problem all the way around.

21 MS. ROTHSCHILD: I believe it will take -- it
22 may take a couple of weeks. The transcripts are sent --

23 JUDGE MILLER: Do you send them up and then
24 back?

25 //

1 MS.ROTHSCHILD: The transcripts are -- copies
2 are sent to our local public document branch and it takes
3 a couple of weeks for the local public document branch
4 to get their copies for distribution to the local public
5 document room.

6 I can see --

7 JUDGE MILLER: Well, that is a little long.
8 Is there any way we could speed that up?
9 Could have the Reporter supply that one down here or
10 something?

11 MS. ROTHSCCHILD: Well, I can just see if we
12 can --

13 JUDGE MILLER: Or loan them one temporarily
14 and then get it back.

15 MS. ROTHSCCHILD: We would just prefer to see if
16 we can speed up the process some.

17 JUDGE MILLER: All right. Okay.

18 Try to speed it up.

19 MS. ELLIS: It would be very difficult to
20 prepare the brief without having the documents.

21 JUDGE MILLER: That is true. She does need that.
22 Now, two weeks is too long. We're going to
23 have to do something about that.

24 MS. ROTHSCCHILD: I think we can make a
25 special effort to get it sooner.

15-2 1 JUDGE MILLER: Because of the timing on it.
2 Yes. We'll loan you our copy and get them back or
3 something, if it will help.

4 Whatever.

5 MS. ROTHSCHILD: I think we can just arrange
6 when we get back to Washington to have it expedited.

7 JUDGE MILLER: It will be done?

8 Thank you.

9 Now, is that it?

10 MR. MIZUNO: Chairman Miller --

11 JUDGE MILLER: Yes.

12 MR. MIZUNO: I would like to have my -- the
13 panel, rather, Mr. Rohrer, discharged and I understand
14 that the record on Contention 22 is now completely closed?

15 JUDGE MILLER: The first part of your statement,
16 your witness is discharged. Yes.

17 (Witness excused.)

18 JUDGE MILLER: But is not completely closed
19 because there is some material that the Staff has to provide,
20 I believe, in October, on FEMA -- not on FEMA, on
21 Emergency Planning.

22 So, you can't close the record when you're still
23 going to supply something. I'm willing to have it narrowed
24 as much as possible, but I'm afraid the posture of it is,
25 it can't be closed.

15-3

1 MR. MIZUNO: Thank you.

2 JUDGE MILLER: I'll be happy to close it as
3 soon as you go through the steps, then I'll permit it.

4 MS. ELLIS: Mr. Chairman.

5 JUDGE MILLER: Yes.

6 MS. ELLIS: One further thing, I believe the
7 Board has indicated that they will be making a ruling later
8 on the Show Cause Order and --

9 JUDGE MILLER: Yes.

10 MS. ELLIS -- I just wanted to call the Board's
11 attention to the fact that we also made motions as part of
12 our answer to that.

13 JUDGE MILLER: Well, answers shouldn't contain
14 motions. That's another thing I meant to talk to you
15 about.

16 MS. ELLIS: Oh?

17 JUDGE MILLER: Like the Easter Bunny.

18 You don't hide motions. You make them stand
19 out, separate and distinct from and they shouldn't be
20 contained in answers, responses, interrogatories, wherever
21 you hide them.

22 I mean, just make them separate and distinct.
23 What was that motion? The latter part? I do
24 remember it but I don't recall it.

25 MS. ELLIS: I don't have it all with me. I

15-4
1 don't have it with me now but it had to do with recalling
2 the witnesses, the Staff witnesses --

3 JUDGE MILLER: I don't think we're about to
4 be recalling witnesses. I don't think it's necessary
5 because I think by announcing our ruling, I think that in
6 the hearing sense, that all of you were able to proceed as
7 you wished or were entitled to.

8 MS. ELLIS: We also requested that the
9 individuals which were listed as B through whatever, be
10 called in regard to Mr. Atchison's -- to the I & E Reports
11 regarding Mr. Atchison and the investigations in that
12 regard.

13 JUDGE MILLER: Well, I think that investigation
14 was pretty well covered. There were some additional
15 witness statements furnished to you. At least two of
16 them by Applicants' witnesses this time.

17 I think essentially, if that's what's contained
18 in your motion, I think essentially you've had the benefit
19 of pretty full production by now.

20 MS. ELLIS: All right.

21 I don't recall. There were several parts to
22 that. Perhaps if the Board could just consider them before
23 -- when they make their ruling, that would be -- I don't
24 have them with me.

25 JUDGE MILLER: So what is pending there,

5-5
1 really, pertains to some matters between the Staff and
2 the Board and it is very likely, I would think, that the
3 matter would be taken up with the Appeal Board. I don't
4 believe there's any point into going into whatever motion
5 you might have had.

6 I think that that matter is at the point where
7 it's going to have either be taken up with the Appeal Board
8 or the Staff is going to have to change its position.
9 One way or the other. I think they realize that.

10 So, I don't believe that that matter itself
11 impinges upon the things that you are considering.

12 MS. ELLIS: I see.

13 JUDGE MILLER: Anything further?

14 (No response.)

15 JUDGE MILLER: All right.

16 We are adjourned. Thank you.

17 (Whereupon, the hearing in the above-entitled matter
18 was adjourned at 12:15 p.m.)
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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the

in the matter of: TEXAS UTILITIES GENERATING COMPANY
COMANCHE PEAK STEAM ELECTRIC UNITS 1&2

Date of Proceeding: 17 September 1982

Docket Number: 50-445 50-446

Place of Proceeding: Fort Worth, Texas

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

Mary L. Bagby

Official Reporter (Typed)

Mary L. Bagby

Official Reporter (Signature)