

ORIGINAL
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

LONG ISLAND LIGHTING COMPANY

Docket No. 50-322-OL-3

(Shoreham Nuclear Power Station
Unit 1)

Location: Hauppauge, New York

Pages: 9268 - 9665

Date: Thursday, May 31, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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 In the Matter of: :
 :
 LONG ISLAND LIGHTING COMPANY : Docket No. 50-322-OL-3
 :
 (Shoreham Nuclear Power Station, : (Emergency Planning)
 Unit 1) :
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Court of Claims
State of New York
State Office Building
Room 3B46
Veterans Memorial Highway
Hauppauge, New York 11787

Thursday, 31 May 1984

The hearing in the above-entitled matter resumed
at 9:00 a.m., pursuant to recess,

BEFORE:

JAMES A. LAURENSEN, ESQ., Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

DR. JERRY KLINE, Member
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

DR. FREDERICK SHON, Member
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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11 On behalf of Suffolk County:

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14 On behalf of the State of New York:

15 RICHARD J. ZAHNLEUTER, ESQ.
16 Special Counsel to the Governor
Executive Chamber
17 Room 299
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C O N T E N T S

WITNESS:

DIRECT CROSS REDIRECT RECROSS

Matthew C. Cordaro		9374	9451	9470
Edward B. Lieberman				
Michael L. Miele				
Elaine D. Robinson				
John A. Weismantle				

Edward B. Lieberman				9514
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Richard R. Doremus	9490	9492 9515	9565	9566
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Martin Mayer	9571	9575	9651	9657
David Harris				
Susan Saegert				

TESTIMONY OF:

PAGE

Dr. Richard R. Doremus		9491
Martin Mayer		
David Harris		
Susan Saegert		9574

E X H I B I T S

EXHIBIT NO.:

IDENTIFIED

RECEIVED

Suffolk County EP47	9496	9560
Suffolk County EP48	9499	9560
Suffolk County EP49	9505	9560
Suffolk County EP50	9505	9560
Suffolk County EP51	9539	9560
Suffolk County EP52	9539	
Suffolk County EP53	9539	9560
Suffolk County EP54	9539	9560

P-R-O-C-E-E-D-I-N-G

1 JUDGE LAURENSEN: The hearing is now open.

2 The first order of business this morning will be to rule
3 upon the Suffolk County Motion for a stay of the emergency
4 planning hearings.
5

6 Suffolk County filed a motion on Monday for
7 a stay, where they asserted that LILCO plans to file
8 Revision 4, or as I will refer to it, Rev. 4, to the
9 LILCO Emergency Plan sometime in the near future.

10 They argue that continued hearings under Rev. 3
11 will be pointless, or at a minimum, in need of supplementation.
12 The County says that the Board has only two options; first,
13 that the Board will not consider Rev. 4, and will base its
14 decision on Rev. 3. If that is true, then the hearings
15 can continue.

16 Or, the second option is that if the Board
17 accepts Rev. 4, then the proceeding should be stayed and
18 the County should be allowed to submit revised contentions
19 and testimony pursuant to a schedule.

20 The County complains about being severely
21 prejudiced by being required to expend its resources and
22 those of its consultants twice rather than once.

23 During the oral argument yesterday afternoon,
24 LILCO told us that it expects to submit Rev. 4 within the
25 next month. LILCO further stated that the thrust of

1 Rev. 4 is to address the deficiencies noted during the
2 FEMA RAC Review. We also recall extensive testimony by
3 LILCO witnesses about other changes that will be made
4 in the next revision.

5 LILCO argues that this is just part of the ongoing
6 process of emergency planning, and that Rev. 4 is unlikely
7 to have a significant impact on any testimony likely to be
8 heard in the near future. LILCO opposes the Motion for a
9 stay.

10 New York is concerned about the potential waste
11 of time in taking testimony about a plan that will be
12 withdrawn from consideration. New York supports the Motion
13 for a stay. The NRC Staff argues that the Motion is
14 premature, since Rev. 4 has not yet been filed, and therefore
15 no one knows how extensive the changes are.

16 The Staff goes on to argue that even if Rev. 4
17 were filed immediately, there is no need for a stay of the
18 proceedings because the Board has established procedures to
19 deal with the modification and revision of Contentions based
20 upon changes in the Plan, and further, that there are
21 established procedures for the supplementation of testimony
22 already in the record. The Staff opposes the Motion for a
23 stay.

24 We have considered the arguments of all the
25 parties and we find that the current Motion for a stay is

1 similar to the argument presented by the County in early
2 December last year, when we were about to begin this hearing,
3 where LILCO had announced that it was working on Rev. 3, which
4 would be filed sometime during the month of December, and the
5 County urged us not to begin the hearings until after
6 Rev. 3 was filed.

7 We did begin the hearings, and we found, in fact,
8 the filing of Rev. 3 did not in any way invalidate any of the
9 testimony that had been taken prior to its filing.

10 At this time none of us, except LILCO knows what
11 is going to be in Rev. 4. They indicate that the plan changes
12 are primarily to answer the FEMA RAC deficiencies that were
13 noted. At this time, we accept LILCO's description of these
14 changes. It would amount to speculation and conjecture for
15 us to do otherwise.

16 When Rev. 4 is filed, we will consider the views
17 of all the parties as to the procedure to be followed. The
18 County's Motion for a stay does not contain any significant
19 new information that the County has not presented in the
20 past. Therefore, the Motion for a stay of these hearings
21 is denied.

22 We still have not yet received the transcript
23 of the training testimony, and after we do get a copy of
24 that transcript, we will then take up the other matter that
25 was argued yesterday afternoon, and after we have reviewed it

1 we will announce our decision on that.

2 I believe we are ready to resume the questioning
3 of the LILCO Panel. Mr. Miller?

4 Whereupon,

5 MATTHEW C. CORDARO

6 EDWARD B. LIEBERMAN

7 MICHAEL L. MIELE

8 ELAINE D. ROBINSON

9 and

10 JOHN A. WEISMANTLE,

11 resumed the stand, and having been previously duly sworn,
12 were examined and testified further as follows:

13 JUDGE LAURENSEN: Mr. Miller?

14 CROSS EXAMINATION

15 BY MR. MILLER: (Continuing)

16 Q Mr. Miele, could you please look at page 67 of the
17 LILCO testimony. There is a statement at the top of the
18 page that talks about the five schools of the Shoreham
19 Wading River School District. Do you see that, at the
20 top of the page?

21 A (Witness Miele) Yes, I do.

22 Q Later in that paragraph, Mr. Miele, it is stated
23 that the middle school has a low ceiling and low beamed
24 basement which could be modified to accommodate students
25 and staff, to provide a shielding factor of .3. Let me ask

1 you if these modifications are not made, is it your testimony
2 that the first floor corridor of the middle school would be
3 used for sheltering the middle school students?

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1 A The modification I was referring to wasn't a major
2 modification. It was just to clean out the area, sweep
3 it clean, put an extra access in and another -- at the
4 far end versus just the one access they had to more quickly
5 or more easily utilize the facility.

6 So I really wasn't talking about building a new
7 basement or digging out major excavating areas. So I
8 believe the modifications that I discussed with the
9 administrator of building and grounds, John Lutz, can be
10 done, and that facility can be used without much of a
11 problem.

12 Q That is not my question. My question was,
13 if these modifications are not made, is it your testimony
14 that the first floor corridor of the middle school would
15 be used to shelter the middle school students?

16 A If you take the hypothesis that you are not
17 going to use the basement, yes, you could then possibly
18 use another area which I guess the first floor corridor
19 would be another choice.

20 Q The shielding factor of that corridor is .8; is
21 that right?

22 A I would say in the area of a .7, .8, yes,
23 something like that.

24 Q Do you know the other four schools in the
25 Shoreham Wading River school district, Mr. Miele?

1 A Yes, I do.

2 Q Are you familiar with the Briarcliff School?

3 A Yes.

4 Q In your opinion, is there adequate basement
5 space in the Briarcliff school to shelter the students
6 of that school?

7 A There is adequate space on the lowest elevation.
8 Whether you want to call it a basement or not, I am not
9 really sure of the right words. Briarcliff is built
10 into a hill. In other words, on the lower elevation,
11 half of it I guess you would say is underground, the one
12 that is built into the side of the hill. The other side
13 I guess would be open to the west, away from the plant.
14 So it is, yes, it is sort of a basement you would call it.

15 Q Is there adequate space in this first floor to
16 shelter all the students of that school?

17 A Yes, there is.

18 Q Have you determined what the shielding factor
19 in your opinion of that area is?

20 A We didn't do a detailed shielding factor.
21 The three people, myself and two of my associates who
22 visited that school determined that with the way we
23 explained to the individuals, you could probably get a
24 shielding factor on the order of, I believe, .6, .7.

25 The only thing to consider was the end of the

1 corridors to best assume the shielding factor, possibly
2 make some minor changes to the door areas and then you
3 would get that .6, .7 number.

4 Q Without those changes, Mr. Miele, what would the
5 number be in your opinion?

6 A I am not really sure. We didn't do a detailed
7 analysis at the time. Probably close to that. We were
8 just trying to optimize the conditions down there since
9 the direction of the plant is the part of the building
10 that is underground. So if you figured out the total
11 geometry and all the right shielding capability, you are
12 probably pretty good down in that Briarcliff school since
13 it is built into a hill.

14 Q Mr. Miele, on page 73 of the LILCO testimony,
15 there is discussion of LERIO making available health
16 physicists to survey the Wading River Cooperative Play
17 School and the St. Johns Preschool.

18 Do you see that at the top of the page?

19 A Yes, I do.

20 Q Has LILCO at this time surveyed those two
21 schools?

22 A Not to my knowledge.

23 Q Now, we are up on page 80 of the testimony
24 which is where we ended yesterday.

25 Let me ask you, Mr. Weismantle, on page 85

1 of the testimony there is a discussion as to LILCO's
2 plan at this time with respect to the Kids Are Us School.

3 It says that your plan is to have the LERO
4 private school coordinator phone the school immediately
5 in the event of an emergency and give them the same sort
6 of information that they would receive over the EBS
7 stations if they had a tone alert.

8 Do you see that statement?

9 A (Witness Weismantle) Yes.

10 Q This plan, as you call it, is not set forth
11 anywhere in revision 3 of the LILCO plan, is it?

12 A No. As we indicate, this is only in the event
13 that they continue to decline to plan with us.

14 So it is premature to put it in our plan and
15 procedures.

16 Q Now, if you would look, please, at page 88 of
17 the testimony, at the top of the page there is
18 discussion of the Riley Avenue Elementary School. It says,
19 "The Riverhead Central School District consist of seven
20 separate school buildings, a sensible place to evacuate
21 the Riley Avenue Elementary School would be another
22 of the district's buildings outside the EPZ."

23 Do you see that statement?

24 A Yes.

25 Q Has the Riverhead Central School District

1 specifically agreed to your proposal in this regard?

2 A No, they haven't.

3 Q Does revision 3 of the LILCO plan contain
4 this proposal?

5 A No. Again --

6 Q Yes or no, please, Mr. Weismantle.

7 A No, it doesn't. As I indicated before this
8 sort of detail is not contained in revision 3 for any
9 school district.

10 Q On page 90 of the LILCO testimony there is a
11 statement about the Eagle Elementary School. It says,
12 "Since only the Eagle Elementary School, with its 950
13 students, of the entire district is within the ten-mile
14 EPZ, it should be possible to move the students from that
15 school quickly by concentrating the transportation
16 resources on the single school."

17 Do you see that statement?

18 A That's right, yes.

19 Q Has the Patchogue-Medford Union Free School
20 District specifically agreed to LILCO's proposal in this
21 regard?

22 A (Witness Robinson) I think I can answer you
23 on that one, Mr. Miller, since I have had some conversation
24 with the personnel from that school district.

25 Q Could you please give me a yes or no to that

1 question?

2 A They are considering it.

3 Q So they have not agreed to it?

4 A There has been no formal proposal at this time.

5 Q At the top of page 91 there is a statement,
6 "If the students" -- again, talking about the Eagle
7 Elementary School -- "had to be evacuated directly from
8 the Eagle Elementary School to a reception center, the
9 obvious choice would be one of the other schools in the
10 district."

11 Let me ask Mrs. Robinson, has the Patchogue-Medford
12 Union Free School District specifically agreed to this
13 LILCO proposal?

14 A There has been no specific proposal. It is
15 just a subject of discussion at this time.

16 Q And there has been no agreement by the school
17 district to the statements set forth in the LILCO testimony;
18 is that correct?

19 A We have not requested it, and there has not been.

20 Q Now, if you will look, please, on page 92,
21 around the middle of the page, here we are talking about
22 -- I am not sure how you pronounce this school district --
23 Comsewogue.

24 A Comsewogue.

25 Q C-o-m-s-e-w-o-g-u-e. The Comsewogue Union Free

1 School District.

2 It says the district has schools outside the
3 ten-mile EPZ and so it appears that busses could be
4 mobilized to concentrate on the Clinton Avenue and
5 Comsewogue High School facilities and effect a quick
6 evacuation if necessary.

7 "Moreover, it would make sense to evacuate
8 students from those schools to other schools in the district
9 outside the ten-mile EPZ."

10 Do you see those two statements?

11 A Yes, I do.

12 Q Has the Comsewogue Union Free School District
13 specifically agreed to either of these LILCO proposals?

14 A Not as yet, no, they haven't.

15 Q Now, on page 93 of the testimony, there is a
16 statement regarding the Port Jefferson Union Free
17 School District. It says that -- I am looking at
18 answer 99, "Port Jefferson has a detailed Stay in School
19 plan, attachment 29, and this could be readily usable
20 for an accident at Shoreham."

21 Do you see that statement?

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END 2

#3-1-SueT

1 A (Witness Robinson) Yes, I do.

2 Q Has the Port Jefferson school district at this
3 time specifically agreed to LILCO's proposal in this regard?

4 A No, not yet. No.

5 Q Now, at the bottom of the page, the last full
6 paragraph it's stated -- again talking about the Port
7 Jefferson Union Free school district, since only half the
8 students would need to be evacuated from the EPZ it should
9 be possible to move them in one wave by concentrating all
10 the buses on the two schools in the EPZ.

11 Could you tell me, Mrs. Robinson, at this time has
12 the Port Jefferson school district specifically agreed to
13 LILCO's proposal in this regard?

14 A Again, we have not yet made such a specific pro-
15 posal so it would be premature for them to have agreed to
16 any such.

17 Q Now, if you would look please at Answer 101 on
18 Page 94, there is a statement regarding the Mount Sinai Union
19 Free school district. It says -- this is the second sentence
20 in the answer: One of the school board members from this
21 district testified against the LILCO plan in this proceeding.

22 Do you see that statement?

23 A Yes, I do.

24 Q It's also true, isn't it, Mrs. Robinson, that the
25 School Board has enacted a resolution opposing the Shoreham

#3-2-SueT

1 plant and that's Attachment 21 to your testimony; isn't that
2 right?

3 A Again, I believe that that resolution says that
4 they do not believe the plant should be licensed until there
5 has been a reasonable accommodation of their emergency plan-
6 ning concerns.

7 Q Would you look at Attachment 21, Mrs. Robinson?

8 A Yes, I am.

9 Q This is a resolution dated October 18, 1983,
10 correct?

11 A That's correct.

12 Q Do you see that statement at the top of the
13 first page: Be it resolved that an early dismissal or go-home
14 plan is not an appropriate response to an order to evacuate
15 in the event of a malfunction at the Shoreham Nuclear Power
16 Station until the following issues are resolved, and it goes
17 on to talk about other issues.

18 Do you see that?

19 A That's correct.

20 Q Mr. Weismantle, would you look please at the
21 end of Answer 101 on Page 95. It is again talking about
22 the Mt. Sinai Union Free School district. The effort would
23 undoubtedly be more organized if the school district would
24 plan for such an event in advance but it could be accomplished
25 even if the district had not planned.

#3-3-SueT

- 1 Do you see that?
- 2 A (Witness Weismantle) That's right.
- 3 Q This is LILCO's judgment, isn't it?
- 4 A Well, it's our judgment based on what's done
5 elsewhere, based on the procedures we have outlined in this
6 testimony to take care of any district that still continues to
7 refuse to preplan even if the plant goes into operation.
- 8 Q And it's your opinion that even without any pre-
9 planning by the school districts that LILCO could accomplish
10 evacuation of the schools?
- 11 Is that your testimony?
- 12 A Yes, that the schools could be evacuated. And we
13 outlined in some detail -- we went over yesterday I think
14 those sections of the testimony that cover the eventuality of
15 a district not cooperating in planning even if the plant was
16 licensed.
- 17 Q Now, Mrs. Robinson, would you look please at
18 Question and Answer 103 at the bottom of that page, Page 95?
- 19 A (Witness complying.)
- 20 Q There is discussion of the Miller Place Union Free
21 school district; is that right?
- 22 A (Witness Robinson) That's correct.
- 23 Q Now this school district has also enacted a
24 resolution regarding the Shoreham plant, correct?
- 25 A That is correct.

#3-4-SueT

1 Q Would you say that it's fair, Mrs. Robinson, to
2 say that that School Board resolution is critical of the
3 Shoreham plant and at this time does not favor opening of
4 the plant?

5 A Yes. At this time, I would say that's perfectly
6 fair.

7 Q And with respect to the Middle Island Central
8 school district which is discussed in Question and Answer
9 105, there is also a resolution by that district, correct?

10 A That's correct.

11 Q And would you again say that it's fair to say
12 that that Board resolution is critical of the Shoreham plant
13 and at this time does not favor operation of the plant?

14 MR. CHRISTMAN: Objection. He is going through
15 each and every one of these things and asking her what it
16 says, which is essentially what he is asking. They speak
17 for themselves, I would think.

18 JUDGE LAURENSEN: Since these are all attached to
19 the testimony, I'm not sure what we are accomplishing by
20 a summary at this point. Ordinarily, the rule is, as Mr.
21 Christman has indicated, that where there are written documents
22 they do speak for themselves. Unless there is some other
23 purpose for which this testimony is being elicited --

24 MR. MILLER: I withdraw the question.

25 BY MR. MILLER: (Continuing)

#3-5-SueT

1 Q Would you look please at Page 97 of the LILCO
2 testimony, the section entitled "Outside the EPZ?"

3 Mrs. Robinson, let me try asking you these
4 questions. This page or so of testimony talks about the
5 schools outside the EPZ that have students residing in the
6 EPZ, correct?

7 A That is correct, those school districts outside
8 the EPZ.

9 Q And, Mrs. Robinson, those schools, or school dis-
10 tricts, are set forth in Appendix A of the LILCO Plan on
11 Page IV-169, correct?

12 I think that's Attachment 3 to the testimony.

13 A That's correct.

14 Q Can you tell me, Mrs. Robinson, how many schools,
15 not school districts, fit this description of schools outside
16 the EPZ with students who reside within the EPZ?

17 A I could do the calculation to do that if you would
18 like me to from the attachments, but not offhand. No.

19 Q Do you have a general idea or sense of the popula-
20 tion of the students that would fall in this category? The
21 size, the number?

22 A Again, I don't know it offhand. But, yes, we
23 have considered that. And what you are generally looking
24 at is a population that attends one elementary school and
25 then the high school would have some students that also resided

#3-6-SueT

1 within the EPZ and were attending the high school, in those
2 districts that have a high school. Not everyone of them
3 would.

4 So you might have a high school and a middle
5 school that would have some of the students, and generally
6 it would be one elementary school, the closest one to the
7 EPZ.

8 Q My question, though, Mrs. Robinson, is do you have
9 an idea, at least a general idea, of the number of students
10 who fall within this category?

11 A I don't offhand, no. But I certainly could have
12 it calculated.

13 Q Would you look please at Attachment 5 to the
14 LILCO testimony and perhaps you could keep your place also
15 on Attachment 3 where the schools are listed?

16 A (Witness complying.)

17 Q I gather, Mrs. Robinson, looking at Attachment 5
18 which is the map showing the EPZ boundary and the various
19 school districts that where a district extends into the EPZ
20 either in whole or part, it would be listed in Appendix A
21 as set forth in Attachment 3 to the testimony?

22 A That's correct.

23 Q Could you tell me why, for example, the East
24 Moriches school district, which is approximately the center
25 at the bottom, partially extends into the EPZ according to

#3-7-SueT

1 your map, is not listed in Appendix A?

2 A Having already discovered one other inconsistency
3 in this map, I think it is possible that this has been an
4 incorrect drawing. This was done with tape, and it was done
5 as an approximation. It is not in any sense an official EPZ
6 map.

7 Q Well, do you know, or can you point me to any
8 other errors in this map as it now stands?

9 A Yes, I can. In the Riverhead line, the school
10 marked Number 30 should be out -- actually outside the EPZ.
11 And we have confirmed that with a field investigation.

12 Q Is that a particular school?

13 A It's the Pulaski school in the Riverhead school
14 district. And, as I say, we confirmed that with a field
15 observation.

16 Q Is that a school where the school is actually
17 outside the EPZ but you might have students who reside in
18 the EPZ?

19 A That's possible, yes. Very possible.

20 Q Now, there are some school districts, I gather,
21 Mrs. Robinson, looking again at Attachment 5 that are set
22 forth in the map but are not listed in Appendix A.

23 And let me just ask you about, for example, the
24 South Country school district. Do you see that one?

25 It seems like just outside the fringes of the EPZ.

#3-8-SueT

1 A It is outside. Yes.

2 Q Now, is it LILCO's intent not to conduct planning
3 of any kind with school districts such as South Country school
4 district which lie outside yet border on the EPZ?

5 A No. As a matter of fact, in terms of dealing with
6 reception schools we intend to do a great deal of planning
7 with school districts which are just outside the EPZ and,
8 as a matter of fact, representatives of many of these school
9 districts have been present at the meetings sponsored by
10 BOCES 2, so that they have not been excluded in any way.

11 And we do intend to work with them.

12 Q Are you saying you intend to work with such school
13 districts to try to get their agreements to act as reception
14 schools for the schools that are planned for by LILCO in its
15 plan?

16 A Well, they would be part of the planning process.

17 Q As reception schools?

18 A As reception schools and also as recipients of
19 information. And, again in discussions which we -- let me
20 start over again.

21 The subject we were discussing yesterday of seeking
22 additional buses to effectuate an evacuation of school dis-
23 tricts within the EPZ, it certainly would be necessary to plan
24 with districts right outside the EPZ. So, no, I don't think
25 it would be fair to say we don't intend to plan with them

#3-9-SueT

1 at all.

2 Q The Attachment 3 is again the listing from Appendix
3 A of the LILCO plan, does not set forth any such school
4 districts, though, does it?

5 A No. Those are the school districts that are either
6 within the EPZ -- schools within the EPZ or serve students
7 that reside in the EPZ.

8 Q To your knowledge, Mrs. Robinson, is anywhere in
9 the LILCO plan is it mentioned or are such schools mentioned
10 anywhere in the LILCO plan or procedures with respect to
11 LILCO's planning efforts for these school districts?

12 A There is no such listing in Revision 3 of the
13 plan, no.

14 Q Not just a listing, any kind of description of
15 LILCO's planning effort? For example, in Appendix A there
16 is, as you know, as set forth in Attachment 3 of the LILCO
17 testimony, a narrative description of what LILCO plans to do
18 with schools. That description doesn't contain any reference
19 to such school districts as South Country school district,
20 does it?

21 A Only in the general sense of schools or school
22 districts that would actually receive students from schools
23 within the EPZ. There is no listing of individual school
24 districts because at this time we don't know exactly which
25 ones they would be. That would become as a result of the

#3-10-SueT

1 planning process.

2 Q Would you point back, Mrs. Robinson, to using the
3 school districts as possible reception centers? I'm trying
4 to pursue whether LILCO intends to plan and has evidence of
5 such planning with such school districts in ways other than
6 using them hopefully as reception centers.

7 A We are making a distinction between those districts
8 which are wholly or in part within the EPZ and those that are
9 without. We are planning for the EPZ which is before this
10 Board right now.

11 And, of course, there is a distinction between
12 those school districts which are within and without in our
13 minds.

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1 Q Let me ask you, let me ask a general question
2 to you, Mr. Weismantle. To your knowledge, once school
3 districts commence early dismissal, and students are placed
4 on the buses, do the schools have any way of rescinding
5 early dismissal decisions?

6 A I think just common sense would say yes.

7 Q The students have been put on the buses.

8 A All the students have been put on the buses?

9 Q Yes.

10 A Oh. I misunderstood. I thought you were talking
11 about where some of them have been put on the buses. All
12 of them have been put on the buses, depending on whether
13 the buses had two-way radios, I suppose that would be the
14 only practical way, I think for a school district, for
15 whatever reason to try to countermand the directive that
16 the early dismissal plan be placed into effect. But I
17 wouldn't see a reason why they would do that.

18 Q I am just asking if you think they have that
19 capability.

20 A I think the only practical way to do it would be
21 through radio contact with those buses that have two-way
22 radios.

23 Q Do you know, Mr. Weismantle, or anyone on the
24 LILCO Panel, how many of the buses used by the school
25 districts have a two-way radio capability, if any?

1 A We know some of them do. I don't know if we
2 are in a position to make an estimate of the percent ge.

3 Q It is a low percentage, isn't it?

4 A (Witness Robinson) Probably low now, but we
5 do have indications it is a growing number.

6 Q You have indications that the bus companies plan
7 to equip their buses with radios in the future, is that what
8 you are saying?

9 A At least in several cases, yes, and there is
10 at least one carrier that has equipment -- does have two-way
11 radios. It is not one with which we have a contract, but they
12 do have two-way radios in all their vehicles.

13 Q Is this something the bus companies have told
14 LILCO? I mean, how do you know this information, Ms.
15 Robinson?

16 A Early on, especially when we were discussing
17 Contention 24, I had been to a lot of bus garages and
18 a lot of bus company offices at this point, and we have
19 discussed the equipment and the fact that while currently
20 there isn't that much equipment, and I am talking now about
21 the forty passenger regular school bus that does have two-
22 way radios, again I can think of one case in particular, one
23 of our contractors, where he said he had a regular installation
24 schedule for equipping buses with two-way radios, so it is
25 not something that is going to happen overnight, but it will

1 be a growing rather than a declining number.

2 Q Do you have an idea at any time, Ms. Robinson,
3 when for example the number of buses with radios will
4 approach fifty percent? How many years down the road is
5 that?

6 A No, I really don't know. It would take a detailed
7 survey, but I believe that could be done.

8 Q Ms. Robinson, before we started this morning
9 I handed out a three page document, dated March 21, 1984,
10 the first page of which appears to be a statement to
11 Senator Simpson from the school board members of the Mount
12 Saini School District. Do you see that; do you have that
13 in front of you?

14 A Yes, I do.

15 Q Have you ever seen this statement before?

16 A Not before you gave it to me, no.

17 Q Have you had a chance to look at it, Mrs.
18 Robinson?

19 A I scanned it, yes.

20 Q By my calculations, this would be, I think, the
21 fourth Mount Saini School Resolution that has been enacted
22 in regard to Shoreham. One is Attachment 21 to your
23 testimony, we mentioned two others yesterday that are
24 attached to the County's testimony on Contention 15, I believe.
25 Judge Laurenson, I would move at this time to mark this

1 as Suffolk County EP Exhibit -- I am not sure what we are
2 up to.

3 JUDGE LAURENSEN: 46.

4 MR. MILLER: And I would move its admission
5 into evidence in the sense to complete the record as it
6 now stands, to complete the listing and context of the
7 resolution for this school district, as I said, some of
8 which have been attached by LILCO, and some of which have
9 been attached by the County in its testimony.

10 This, to my knowledge, is the most recent
11 statement by the Mt. Saini School Board.

12 MR. CHRISTMAN: I object to its entry into
13 evidence on the ground that it lacks foundation. Apparently
14 this document, this resolution, was passed the day before
15 the testimony was due to be filed. The cover letter is
16 dated the same day the testimony was to be filed. This
17 properly part of the County's direct evidence, I take it,
18 and they are trying to put it into evidence during cross
19 examination of our witnesses, who have testified they have
20 never seen it before, and they can't really answer any
21 questions about it. So there is a total absence of
22 foundation for this document.

23 JUDGE LAURENSEN: Mr. Petralack is going to
24 be here on June 12th. Isn't that when we have him scheduled
25 for now?

1 MR. MILLER: Yes, sir, that is fine. We will
2 put it in --

3 JUDGE LAURENSEN: We will hold the ruling in
4 abeyance then until LILCO has had an opportunity to cross
5 examine Mr. Petralack concerning the school board action
6 on this.

7 MR. CHRISTMAN: Well, we may very well object
8 to its admission then as untimely. It is dated -- it
9 should have been put in their testimony, it seems to me,
10 based on its date.

11 MR. MILLER: I am not sure LILCO has to complain
12 about untimely changes to the testimony in light of what
13 they have done with this very testimony on schools.

14 MR. CHRISTMAN: Well, I am merely giving you
15 advance notice. I suppose the decision can be held in
16 abeyance as the Board suggested.

17 MR. MILLER: Judge Laurenson, that would complete
18 the County's cross examination of this panel.

19 JUDGE LAURENSEN: Mr. Zahnleuter?

20 CROSS EXAMINATION

21 BY MR. ZAHNLEUTER:

22 Q Mr. Weismantle, I would like to refer you to
23 page 14 of your testimony. You state there that LERO
24 school coordinators at the EOC will contact by telephone
25 each school district superintendent, and the individual in

1 charge of each private and nursery school. Did this concept
2 originate with the County's planning staff?

3 A (Witness Weismantle) Well, I think it is
4 consistent with that, but this is -- this concept is the
5 way, to our knowledge, it is done at every other location
6 in New York State, and probably virtually all places around
7 the country.

8 Typically the contact would be made to a single
9 point in each school district from the local EOC.

10 Q Does this mean that LILCO intends to contact each
11 superintendent or other individual through the regular
12 school switchboard?

13 A Well, what we have asked for is the number to
14 contact them at. I presume in most cases it goes through
15 a switchboard, but perhaps Ms. Robinson can add to that.

16 A (Witness Robinson) As a matter of fact, most
17 superintendents that I have dealt with now have had private
18 lines which did not go through the main school switchboard,
19 but which rang directly -- either in their office or their
20 secretary's desk.

21 Again, the primary means of notification in all
22 these cases would be the tone alert radios, which they have
23 chosen either to have in the district office, or the district
24 office and the various schools. These are confirming calls
25 and part of the process is getting telephone numbers from

1 persons at which they wish to be reached.

2 One of the things we have discussed and which has
3 not been resolved is notifying school superintendents outside
4 of regular business hours, whether they would want -- I think
5 we mentioned pager some place in the testimony, whether they
6 would want a tone alert radio in their homes, whether they
7 would want to just give home phone numbers, and this is
8 something that has been discussed.

9 Q Ms. Robinson, you just said that when you contact
10 the superintendents, you use a private number. My question
11 is related to the testimony where you state that LERO
12 school coordinators will contact the people by telephone.
13 Do you know if they will contact the people through the
14 regular switchboard?

15 A When the planning process has reached that
16 stage, the telephone number that is placed in the procedures,
17 again this is part of the procedures for the EOC, will
18 probably be more than one telephone number, and will be the
19 telephone number that we have been told the superintendent
20 wants to be reached at.

21 When I say a private line, I don't mean some
22 private line that they have given me. I mean a direct line
23 which goes to the Superintendent's office instead of through
24 the switchboard.

25 Q Do you recall if that is in accord with what the

1 County planners suggested?

2 A I don't believe that the County planners had
3 gotten to that level of detail, but I may be mistaken.

4 A (Witness Cordaro) Something like that is more
5 in line of an implementing procedure, which is developed
6 later on in the planning stages. You wouldn't expect that
7 to have been part of the document that the county planners
8 put together, because that document didn't necessary include
9 detailed implementing procedures.

10 Q So, Dr. Cordaro, you are stating that the county
11 planners didn't consider that?

12 A I don't know if they didn't or did consider that.
13 It is just part of the details associated with implementing
14 the concepts that are usually embodied in an emergency plan.

15 Q Well, would you look at Attachment 11, page 2
16 of that -- well, there are several letters in Attachment 11.
17 I am referring to the one to Mr. Sokel, of July 31, 1980.
18 Would you look at page 2 of that letter.

19 A (Witness Robinson) Yes.

20 Q And doesn't that advise that the numbers should
21 not be through the regular switchboard?

22 A That is what it says.

23 Q On page 15, in Question 10, I am curious about
24 the word, 'you,' in the question. Are any of you LILCO
25 school coordinators?

1 A I am not.

2 A (Witness Weismantle) No, none of us hold that
3 position in LERO.

4 Q What does that refer to?

5 A I think it simply indicates our role in terms
6 of sponsoring the LILCO Plan and procedures, that is all.

7 Q In the last sentence of the first paragraph of
8 the answer to Question 10, do you follow me?

9 A Yes.

10 Q There is a statement there: If a protective
11 action were recommended for the general public, school
12 officials would be advised, et cetera. Who would it be
13 that gives that advice?

14 A Well, we would -- what this postulates is a
15 -- excuse me, let me read the answer to be absolutely sure
16 here. All right. This postulates a situation whereby an
17 emergency was declared as the students were coming to school
18 or as they were going home. In other words, the situation was
19 normal up until one of those two scenarios, and what the
20 schools would be advised as was indicated before in terms
21 of tone alert radios, as well as follow up phone calls by
22 the public or private school coordinator as the case may
23 be.

24 Q So the person giving the advice would be the
25 public or private school coordinator?

1 A Well, again, the first contact would be through
2 tone alert radio through the EBS message, directly at
3 direction of the Director of Local Response.

4 Q Are you aware of any schools that stagger the
5 dismissals of their students during early dismissal so that
6 some students have departed and some have not yet departed?

7 A Well, I am sure that is the case for every school
8 district that has more than one wave in early dismissal,
9 which I believe all the districts except Shoreham Wading
10 River.

11 Q Well, if the protective action of sheltering were
12 recommended, and if there was a household that had no
13 parents in it, is it your testimony that the students would
14 be sent home?

15 I take that back. Let me ask you another question
16 about the second sentence in the last paragraph at the bottom
17 of page 15, concerning rejoining the families. If a protective
18 action of sheltering had been recommended, after -- if there
19 were no parents in a particular household that a child was
20 being sent to, how would it be that the children were rejoining
21 their families?

22 A (Witness Robinson) If sheltering had been
23 recommended for any portion of the general public, the schools
24 would have all be advised to shelter their students.

25 Q Okay. Let's assume that the sheltering advisory

1 came in the middle of a staggered early dismissal, so that
2 some students had not yet departed from the school, and
3 some had.

4 A Okay.

5 Q How would those students who had been sent home
6 to an unoccupied house be rejoining their families?

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1 A (Witness Robinson) The rejoining would be
2 more than one way in that many parents would also be making
3 the trip home to their homes, too, and also rejoining
4 the family. And I think that Mr. Lieberman can address
5 that in some detail, but we must remember that none of
6 these things are happening in a vacuum. There are several
7 things that are going on at the same time.

8 A (Witness Cordaro) It is also part of the
9 concern of any Go Home plan that is a house is vacant,
10 that the school be aware of neighbors or relatives nearby
11 who can take in the child.

12 This is spelled out in some detail in
13 Dr. Doremus' testimony, and you can possibly ask him
14 a little bit more of this. This is the kind of planning
15 that goes into developing a Go Home plan, coming up with
16 alternatives for the possibility of a house being vacant.

17 Q Is it your testimony that if a sheltering
18 recommendation were given that the parents would leave
19 their place of work or wherever they work and instead of
20 sheltering go home to their family to rejoin their child?

21 A They probably would.

22 Q On page 16, I am curious about another term that
23 you use in question -- it is question 11. What do you
24 mean by, "If Suffolk County or New York State were to do a
25 radiological emergency plan"?

1 A (Witness Weismantle) Well --

2 A (Witness Robinson) Just a moment.

3 (Pause.)

4 A (Witness Cordaro) What we mean by that is if
5 they would cooperate in the normal sense in developing an
6 emergency plan and implementing an emergency plan, as is the
7 case at most all operating facilities in the country.

8 Q In your answer to that question, you state that
9 all the county or state could do on short notice is what
10 LERO would do.

11 What do you mean by short notice?

12 A I believe what we mean by short notice in that
13 case is an accident that unfolds during the course of a
14 day. What we are contrasting that to is a situation which
15 may take weeks to develop where any kind of conceivable
16 alternative could be devised where you have time to bring in
17 busses from hundreds of miles away, if you felt like you
18 needed it.

19 But under a short time constraint such as a day
20 or two days, you are limited as to what kind of resources
21 you could call on.

22 Q So you are saying short notice could mean a
23 day or two days?

24 A Yes, It is not meant to be, you know, an
25 absolute number per se. It is to give a sense of the kind of

1 time periods we are talking about.

2 Q Does LILCO envision having a day or two days to
3 react to an emergency?

4 A In all probability, as we have studied the
5 accidents in quite detail, the accidents having the greatest
6 degree of probability or occurrence, and even those are
7 very, very remote, take a long time to unfold.

8 Q On page 18, in a similar sense you have
9 another statement that for the vast majority of
10 nuclear emergencies -- this is at the top of page 18 --
11 "For the vast majority of nuclear emergencies, the early
12 dismissal option would be perfectly adequate for assuring
13 the safety of school populations."

14 I would like to know for what minority of
15 nuclear emergencies would the early dismissal option not
16 be adequate?

17 A You are talking about the theoretical, fast-
18 breaking type accident where there is not much warning time,
19 and those are the ones that are fortunately very, very
20 remote and quite improbable.

21 Q And what is not much warning time?

22 A You are talking about an order of a few hours
23 rather than a day, something on the order of a day.

24 Q Is that all that the minority of nuclear
25 emergencies would encompass?

1 A That is the category or class of emergency that
2 we mean by that.

3 Q Mr. Weismantle, on page 23 of your testimony, you
4 describe what BOCES is.

5 Could you explain to me in more detail what
6 your understanding of BOCES is?

7 A (Witness Weismantle) I think the answer speaks
8 for itself. It is rather comprehensive.

9 Q Does BOCES have school facilities that are
10 BOCES facilities?

11 A Yes.

12 Q And do students attend school at those
13 facilities?

14 A Yes, they are listed in appendix A, at least the
15 ones that pertain to Shoreham.

16 Q Is it your understanding that BOCES is a school
17 district in itself?

18 A (Witness Robinson) BOCES is -- provides, in a
19 sense, services to school districts and, in a cooperative
20 effort, provides services that individual school
21 districts could not efficiently provide for themselves.

22 And one of the facilities with which we are
23 currently working is a facility for handicapped students
24 which BOCES 2 runs in a portion of the St. Charles
25 Hospital.

1 They provide vocational training. In that sense,
2 I guess you would call them a school district, and we have,
3 therefore, in terms of notification, considered them a
4 school district in that the BOCES -- when we talk about the
5 numbers of people, we did this in a previous contention,
6 when we were talking about the number of telephone numbers
7 that would have to be made -- I believe it was contention 58
8 -- calls would have to be made to BOCES 1 and 2.

9 So that, yes, we have definitely considered them in
10 the process.

11 Q Is it true that students who attend BOCES facilities
12 are students of other school districts?

13 A They physically reside in another school
14 district or in a member school district.

15 Q Are they within the jurisdiction of that member
16 school district? Let me ask it another way: Do the students
17 who attend BOCES facilities get picked up by BOCES busses
18 from their homes and go directly to the BOCES facilities?

19 A I believe in most cases the transportation
20 arrangements -- and again, I am going to have to be a
21 littl vague on this because there may be exceptions. There
22 may be contracts directly held by BOCES, but the case
23 which I am familiar with is the school district I live in.
24 The school district provides the transportation to the
25 BOCES facility.

1 That may not always be true. I know that in
2 our discussions with Mr. Packman about the BOCES 2 facilities
3 located at St. Charles Hospital, we have a list of the
4 students, where they come from and the carriers that bring
5 them there; whether those are contracted for by BOCES or
6 the residential school district, I just don't know at this
7 time.

8 Q In the school district that you know about, do the
9 school district busses that pick up the students take the
10 students to that school district's school or --

11 A No. They take them to the BOCES schools just
12 as would a parochial school.

13 Q And do they return the same way?

14 A Yes.

15 Q Your school district busses that you know about
16 return these students from the BOCES facility directly to
17 home?

18 A That is correct.

19 Q We will come back to that in a minute.

20 Is it your opinion that the BOCES second
21 supervisory district speaks for all schools within the
22 EPZ?

23 A No. It is BOCES 1 and 2, and I think that some of
24 those superintendents might be highly irate if I said
25 that BOCES spoke for them. They are independent school

1 districts that in a sense are contracting with BOCES for
2 services.

3 Q On your answer to question 21, you state that,
4 yes, the school administrators have told you whether they
5 are willing to continue to work with LILCO, yet you
6 don't cite a statement from the school administrators.
7 You cite a statement from BOCES 2.

8 Is that correct?

9 A At that time Mr. Packman had been authorized
10 by a meeting of superintendents that were meeting as a group
11 to communicate with me. This was a arrangement that
12 was set up by the administrators, and Mr. Packman, just as he
13 called me after the March meeting, he was authorized to
14 do so. He was not doing it by any BOCES regulation. He
15 was doing it by authorization of a group he was speaking
16 for.

17 Q So you are saying that on the day of
18 January 26, 1984, BOCES 2 did speak for all school districts
19 within the EPZ?

20 A No. What I am saying is that Mr. Packman, who
21 is the director of administrative services -- that is his
22 title -- wrote me a letter speaking for a group which
23 included school districts in BOCES 1 and 2 but not all
24 school districts in BOCES 1 and 2. That is just his title.
25 We were just identifying him. He was speaking for the group

1 that had met, and I believe they did have a committee or
2 task force title, but I don't remember what it was.

3 They had authorized him to contact me, and he
4 was doing it, speaking for that group, but not for any other.

5 Q Is it your testimony that the schools that are
6 within BOCES 1 authorized Mr. Packman, who is a director
7 of administrative services for BOCES 2, to represent them on
8 January 26, 1984?

9 A You can ask Dr. Doremus that question personally,
10 since he is in BOCES 1, but as part of that group, that
11 task force which was meeting on emergency planning for
12 the Shoreham plant, yes. And again, he was not doing it
13 as -- that is just his title that we gave to identify him.
14 But he was acting, I would say, in effect as executive
15 director of that group or secretary, performing the
16 administrative functions for them. And it was in that
17 capacity that he contacted me.

18 Q What is the current situation as of today? Does
19 Mr. Packman or anyone else from BOCES 2 or even BOCES 1
20 for that matter represent the views of the member school
21 districts?

22 A In the last communication, which was put in the
23 update to the testimony that I had from Mr. Packman
24 in that capacity, it was that the superintendents had decided
25 not to continue planning as a group.

1 As far as I know, that group has not met since
2 then, and I have had no further communications from
3 Mr. Packman on that basis.

4 We have communicated on the basis of his
5 responsibilities for BOCES 2 facilities within the EPZ
6 but none other.

7 Q Mr. Lieberman, I would like to refer you to
8 page 27 of your testimony and attachment 41. Would you
9 please answer this yes or no.

10 In attachment 41 you identify host schools.
11 Do you have agreements -- does LILCO have agreements with
12 these host schools?

13 A (Witness Lieberman) I have to defer to
14 Mr. Weismantle.

15 Q Mr. Weismantle, could you answer yes or no.

16 A (Witness Weismantle) As we have said many
17 times, we don't have any such agreements, nor do we believe
18 they will be necessary.

19 MR. ZAHNLEUTER: Judge Laurensen, I think
20 I ought to be strict about this. I did ask for a yes or
21 no, and I got more than a no, and I would like the rest
22 stricken.

23 JUDGE LAURENSEN: That motion to strike is granted.

24 BY MR. ZAHNLEUTER:

25 Q I would like to move to page 28 of the

1 testimony.

2 Mrs. Robinson, yesterday I believe you stated
3 that you knowledge about the supposed requirement of the state
4 of New York was stated to you by a BOCES 2 attorney;
5 is that correct?

6 A (Witness Robinson) No. I was asked whether I had
7 contacted -- I believe this was the context. I was
8 asked whether I had directly contacted any New York State
9 employee to confirm the material in the attachments to the
10 testimony. I said that I did not but that an attorney
11 for BOCES 2 had and relayed such confirmatory information
12 to me.

13 Q Are you saying that this BOCES 2 attorney did
14 not make a statement about this requirement out of his own
15 knowledge, but out of a discussion he had with someone else?

16 A Yes. He spoke to somebody in New York State.
17 At that time the plan was that the BOCES planning group
18 would meet with superintendents from Rockland County,
19 representatives from New York State, representatives from
20 Suffolk County, and then the LILCO planning group.

21 And in that process, he spoke to somebody in
22 the New York State Department of Education.

23 Q Do you know who that was?

24 A I am not certain. If you give me a minute --

25 (PaUse.)

1 MR. CHRISTMAN: Before you answer, I am going
2 to object to putting people's names on the record absent
3 a showing of some purpose or relevance. I don't like it.
4 It is in poor taste unless there is a good reason for it.

5 JUDGE LAURENSEN: I think this is in response
6 to testimony that was offered yesterday by the LILCO
7 witnesses, and it was certainly in the nature of a hearsay
8 statement. I think the state is entitled to inquire into
9 the source of the statement.

10 The objection is overruled.

11 WITNESS ROBINSON: To the best of my recollection,
12 the attorney contacted a Mr. Walsh who was the state
13 employee.

14 BY MR. ZAHNLEUTER:

15 Q Who was the attorney?

16 A It is Kevin Seaman, S-e-a-m-a-n.

17 Q Mr. Weismantle, are attachments 15, 16, and 17
18 to your testimony the basis for your statement in your
19 testimony that there is a requirement imposed by New York
20 State that schools be prepared for various emergencies
21 including radiological emergencies?

22 A (Witness Weismantle) Well, those attachments
23 document the understanding we gained from the school
24 districts as well. I think they are very clear in that
25 regard.

1 Q I would like to refer you to attachment 15.
2 Do you have that in front of you?

3 A Yes.

4 Q The document is authorized by James J. O'Connell.
5 At the time that the document was written, was he
6 the commissioner of education for the state of New York?

7 A I don't know what position he held. The
8 letterhead indicates from the office of the Assistant
9 Commissioner for Educational Finance Management and
10 School Services. I don't know if that was his title.

11 Q So you don't know who he is?

12 A He was an official from the State Education
13 Department obviously. But I don't know his title.

14 Q Anywhere in attachment -- I withdraw that.

15 Does it state anywhere in attachment 15 on whose
16 behalf or by what authority Mr. O'Connell speaks?

17 A I think it is self-evident. He is speaking for
18 the State Education Department, and he references within
19 his letter legislation both approved in '81 and proposed in
20 '82 that related to disaster preparedness and that related
21 to the education department.

22 Q Could you point out to me where in that letter
23 he makes that reference?

24 A On the fourth paragraph he talks about the legis-
25 lature approve a statewide disaster preparedness plan,

1 and then goes on to talk about a key element is the potential
2 use of school facilities as receiving and congregate-care
3 centers and of school equipment for transportation and
4 evacuation purposes. And then indicates questions that
5 have been raised.

END 5

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#6-1-SueT

1 Q Doesn't it also say that the County level of
2 government is assigned a key role of managing the center of
3 disaster plans?

4 A From memory, I think it does, but I guess that's
5 in the third paragraph.

6 Q It's in the fourth paragraph that you just refer-
7 red to.

8 A The County level of government, you are right, is
9 assigned the key role. That's consistent with the legisla-
10 tion in New York.

11 Q In the passage that you are referring to, where
12 does it state that there is a New York State requirement
13 that schools be prepared for radiological emergencies?

14 A (Witness Robinson) It's the opening sentence,
15 says that the school must be prepared to act appropriately if
16 a disaster strikes.

17 On Page 2 in the next to last paragraph, there are
18 some examples of the disasters that could be included in such
19 preparation.

20 Q Well, Mrs. Robinson, in the first sentence of that
21 letter, where does it say that there is a New York State
22 requirement that schools be prepared for radiological
23 emergencies?

24 MR. CHRISTMAN: I would like to object to
25 questions along this line, any further questions, on the --

#6-2-SueT

1 the basis is relevance. I think the Board ought to ask, and
2 I would like to know, whether New York State is contending
3 that there is no requirement in New York that schools be
4 prepared for various types of emergencies, because if they
5 are not contending that then this line of questioning, I
6 think, is irrelevant.

7 We have no pleadings from the State to tell us
8 what the State is saying, but we have a representative to
9 state here, and if he says that the schools of New York are
10 not required to prepare for emergencies, I think we ought to
11 hear it right now.

12 MR. ZAHNLEUTER: Judge Laurensen, I don't think
13 it's appropriate that I make any statement at all about the
14 requirements of New York State. I'm not a witness, and it's
15 not appropriate for me to reveal what my thoughts are as
16 counsel.

17 MR. CHRISTMAN: Well, we are litigating whether
18 these -- this question can only be designed to establish
19 that there isn't a requirement, I gather. And if the State
20 isn't contending that, why are we asking these questions?

21 MR. ZAHNLEUTER: Through the testimony that I
22 have elicited this morning, and through the written testimony
23 that has been submitted, I think that these attachments are
24 very relevant and I'm trying to pin down a response to identify
25 the requirement. It is certainly relevant to everything that

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1 is going on here.

2 JUDGE LAURENSEN: Page 28 of the testimony contains
3 a statement by these witnesses that says: "First there is
4 a requirement imposed by the State of New York that schools
5 be prepared for various types of emergencies including radio-
6 logical emergencies."

7 Counsel has the right to probe the basis for the
8 witnesses' testimony. The objection is overruled.

9 BY MR. ZAHNLEUTER: (Continuing)

10 Q Mrs. Robinson, can you answer the question?

11 A (Witness Robinson) I will begin to, and I
12 believe Dr. Cordaro has something to add to it.

13 As you will see in the first sentence of this,
14 which is on official stationery and coming from the State
15 Education Department, it says: "Every school district has
16 the responsibility to be prepared and to act appropriately
17 if a disaster strikes."

18 If you go on to a later attachment, Attachment 16,
19 which is a memo from Brian P. Walsh on the subject of disaster
20 preparedness, the first sentence is: "This is a reminder that
21 your district's emergency disaster plans must be updated
22 annually."

23 (Witness Cordaro) I think the point we have
24 made here, too, in our interpretation of this, I think all
25 these facts would have to be viewed together rather than

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1 separate because they present a historical evolution of how
2 this has been applied at the school level. And it gets
3 very specific in a later attachment by the Walsh memo that
4 we are talking about a requirement to update these plans,
5 and that these plans have to consider radiological incidents.

6 It is also common knowledge from observing what
7 has been the case for other plans in New York State that
8 indeed this is a requirement, that schools have to comply
9 with.

10 MR. ZAHNLEUTER: Well, Judge Laurenson, I asked
11 the question about the first sentence in Attachment 15.
12 Dr. Cordaro did respond.

13 But I would like to strike his response about other
14 plans in New York State because it has nothing to do with
15 the first sentence in Attachment 15.

16 JUDGE LAURENSEN: I just don't think it is going
17 to be profitable to try to go back on these kind of answers
18 and separate out what is admissible and what is not.

19 The motion is denied.

20 BY MR. ZAHNLEUTER: (Continuing)

21 Q Mrs. Robinson, isn't it true that in the first
22 sentence of Attachment 15, the word is "responsibility" that
23 is used?

24 A (Witness Robinson) That's right.

25 Q And on the second page of Attachment 15, isn't it

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1 true that on the second line, the word "suggestion" is used?

2 A Their suggestion is that the districts work closely
3 with the County.

4 Q Is the County participating in this LILCO Shoreham
5 plan?

6 A Obviously not.

7 Q In the fifth line on Page 2 of Attachment 15, also
8 in the sixth line, aren't the words that are used there
9 "should?"

10 A That's correct.

11 Q And in the fourth paragraph on the second page of
12 Attachment 15, doesn't it state that "Practice drills, al-
13 though not mandated by statute, may be advisable?"

14 MR. CHRISTMAN: Objection to having the witness
15 read documents already in evidence.

16 JUDGE LAURENSEN: I think we previously established
17 sort of a working rule here that the documents do in fact
18 speak for themselves. Unless there is some other purpose for
19 which you want to elicit this testimony, it's just not going
20 to pay dividends to have witnesses read or summarize what is
21 already in the record through the documents.

22 The objection is sustained.

23 BY MR. ZAHNLEUTER: (Continuing)

24 Q I have one more question about Attachment 15. And
25 that is, Mr. Weismantle, is there anywhere in Attachment 15

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1 a citation to a statute or a rule and regulation that would
2 support your testimony on Page 28, that there is a New
3 York State requirement?

4 A (Witness Weismantle) Yeah, there are citations,
5 as I indicated before, to different legislation. Perhaps if
6 you will look at Attachment 17 which is entitled "Minimum
7 Requirements for Schools in New York State" and look at
8 the first sentence of the Forward which is very specific,
9 "This revised edition of Minimum Requirements for Schools in
10 New York State updates what is required by the Laws of the
11 State of New York, Rules of the Board of Regents, and Regula-
12 tions of the Commissioner of Education."

13 And then later on says, "This digest of minimum
14 State requirements indicates what schools and districts must
15 do."

16 And then on Page 19, which is the next page, makes
17 it clear that under disaster planning, "Each school district,
18 annually, must review and update the district's emergency
19 disaster plans..."

20 And in the third paragraph incorporates man-made
21 disasters including accidents involving nuclear or chemical
22 production facilities.

23 I don't see how anything could be clearer that
24 this is what we have been talking about and is a requirement
25 by the State Education Department, by New York State.

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1 Q Let's look at Attachment 17. Where in the section
2 that you just referred to about disaster planning and civil
3 preparedness in schools is there a citation to a statute or
4 regulation?

5 A The Forward indicates references to rules and
6 regulations and an Appendix to the document evidently contains
7 rules and regulations, and refers to New York State's statutes
8 found in McKinney's Consolidated Laws of New York, Book 16,
9 et cetera.

10 So, these rules and regulations are cited and
11 incorporated by reference. You know, there are other citations
12 in the Forward, too, that refer to rules and regulations of
13 the State of New York and so forth.

14 Q Well, in the two pages that you have put into
15 your Attachment 17, are there other statutes or rules and
16 regulations that are cited for other requirements?

17 MR. CHRISTMAN: Objection again. He can do this
18 in findings without asking the witnesses whether a page
19 contains something.

20 JUDGE LAURENSEN: These are things that apparently
21 also don't relate to the matter of radiological planning.

22 MR. ZAHNLEUTER: Maybe I can establish a better
23 foundation for this question.

24 BY MR. ZAHNLEUTER: (Continuing)

25 Q Mr. Weismantle, on Page 19 of your Attachment 17,

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1 the heading to Item 11 says "Disaster Planning, Civil Prepared-
2 ness in Schools." And the parenthetical states "New York
3 State Office of Disaster Preparedness."

4 In that same location for the other items in
5 Attachment 17, isn't there a citation to a statute or a rule
6 and regulation?

7 A There is a citation for Item 10. Did you say --

8 Q No. Could you also look at Item 12 and 13?

9 A On Page 20, yes, there are citations next to each
10 of those.

11 Q Are you familiar with this entire document?

12 A I was only -- we were only interested in that
13 part which pertained to disaster planning. So, no, I'm not
14 familiar with the other aspects of the document in any de-
15 tail.

16 Q Do you know if the New York State Education De-
17 partment has prepared a revision to this draft that would be
18 more recent than 1980?

19 A I'm not aware of any revision.

20 Q Have you checked?

21 A (Witness Robinson) Not with the New York State
22 Education Department. But, no, I was not able to obtain any
23 later document.

24 Q Well, Mrs. Robinson, did you try?

25 A I did try. I inquired. I was told that there

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1 had been no -- I had no success in obtaining further documents,
2 no.

3 Q Did you inquire from the New York State Education
4 Department?

5 MR. CHRISTMAN: Asked and answered, I think.

6 JUDGE LAURENSEN: Overruled.

7 WITNESS ROBINSON: Did I personally? No.

8 BY MR. ZAHNLEUTER: (Continuing)

9 Q Did anyone on your staff make this inquiry?

10 MR. CHRISTMAN: Objection. Vagueness. Are we
11 talking -- are you asking about any inquiry at all, or an
12 inquiry of the New York Department of Education?

13 MR. ZAHNLEUTER: Are you seeking a clarification
14 of my question?

15 MR. CHRISTMAN: The objection is that -- yes --
16 that the -- we have talked about both an inquiry of anybody
17 and an inquiry of the New York State Department of Education,
18 and I can't tell what this latest question is about and the
19 answer may, therefore, be meaningless unless the witness makes
20 it very clear what she is talking about.

21 MR. ZAHNLEUTER: I would like to know if Mrs.
22 Robinson, or anyone on her staff, has inquired about this
23 requirement to the New York State Education Department.

24 MR. CHRISTMAN: Okay.

25 WITNESS ROBINSON: My inquiry was for the latest

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1 possible document. I was given the Brian Walsh memo of
2 1983. I have not, since that time, spoken to anybody from
3 the New York State Education Department, nor has anybody who
4 works for me.

5 BY MR. ZAHNLEUTER: (Continuing)

6 Q I still must seek a clarification of that answer.
7 Your inquiry was to whom?

8 A At the time that we were cooperating with New York
9 State, it was to a member of the New York State Planning Group
10 and I really don't remember who the individual was.

11 Q So it was not the New York State Education Depart-
12 ment?

13 A No, it was not. It was the New York State Emergency
14 Response Planning Group.

15 Q Mr. Weismantle, where in Attachment 16 is there a
16 statement that it is a New York requirement that schools be
17 prepared for radiological emergencies?

18 A (Witness Weismantle) In the first sentence, the
19 statement, "This is a reminder that your district's emergency
20 disaster plans must be updated annually."

21 And in the second paragraph it refers to man-made
22 disasters and includes radiological accidents in that category.

23 Q Is that all you rely on?

24 A We have been discussing for the last twenty minutes
25 the letters from the State Education Department --

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1 Q I mean in Attachment 16.

2 A And Attachment 17.

3 Q In Attachment 16, is that all that you are relying
4 on?5 MR. CHRISTMAN: Let's ask the witness to take time
6 to read the whole document if he is going to have to answer
7 this sort of question.8 MR. ZAHNLEUTER: Well, it's his attachment to his
9 testimony.10 MR. CHRISTMAN: That's right, but he can take the
11 time to read it.12 WITNESS CORDARO: As we said in an answer yester-
13 day, this is not all we rely on. It's a clear indication of
14 what the requirements are, and it's illustrative of what they
15 are. And that's why it was included as an attachment.16 JUDGE LAURENSEN: The only question, Dr. Cordaro,
17 is whether that's the only thing that you rely on in Attach-
18 ment 16. It's not beyond that at this point. So, I don't
19 think we should go beyond that or we are going to open up
20 another area that is going to require some further cross-
21 examination.22 WITNESS WEISMANTLE: Another reference would be
23 the second paragraph on Page 2 which says, "In addition,
24 school officials are required to provide students with health,
25 safety and fire instruction in which training in the

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1 appropriate responses to natural and man-made disasters is
2 implicit." I mean, the whole tenor of the document, starting
3 from the first paragraph which reminds everybody there is a
4 requirement that the disaster plans must be updated annually,
5 is consistent with the premise, these are requirements that
6 the State Education Department is responsible for enforcing.

7 Q Do you know who Brian P. Walsh is?

8 A (Witness Robinson) He is using the stationary
9 of the Administrator for Educational Facilities and Manage-
10 ment Services, the University of the State of New York,
11 The State Education Department.

12 That's all I can attest to.

13 MR. ZAHNLEUTER: It's 10:30. Should we take a
14 break or should I continue?

15 JUDGE LAURENSEN: Why don't we take our morning
16 recess now. It will be fifteen minutes.

17 (Whereupon, the hearing is recessed at 10:30 a.m.,
18 to reconvene at 10:45 a.m., this same day.)

end #6

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(10:45 a.m.)

1 JUDGE LAURENSEN: Mr. Zahnleuter?

2 BY MR. ZAHNLEUTER: (Continuing)

3 Q Mr. Weismantle, on page 39 of your testimony,
4 in the middle of the page, there is a table which depicts
5 the time it would take to implement early dismissal plans
6 under normal conditions.

7 Do you know if any of the school districts that
8 are listed have students which attend BOCES facilities?

9 A (Witness Weismantle) Yeah. I would be rather
10 certain each district had at least one student who attended
11 a BOCES facility.

12 Q And specifically the occupational program of
13 BOCES?

14 A Well, I don't know if I could be that specific.
15 BOCES has several facilities.

16 Q Do you know if the estimated times that are
17 contained in the table include the time it would take to
18 dismiss a student who attended a BOCES facility during the
19 day?

20 MR. CHRISTMAN: Objection. Clarification. Are
21 we assuming the BOCES facilities are in the EPZ?

22 MR. ZAHNLEUTER: It doesn't matter to me. Yes,
23 we could assume they are in the EPZ.

24 WITNESS ROBINSON: The BOCES facilities within
25 the EPZ are being planned for as a discreet part of the

1 planning process. That facility would be trated individually
2 and not as a part of the school district which has -- in
3 which the child resides.

4 It would have its own tone alert. We would work
5 with BOCES to develop a plan for that facility.

BY MR. ZAHNLEUTER: (Continuing)

6 Q You do have early dismissal plans for BOCES
7 facilities, isn't that correct?

8 A (Witness Robinson) For the District -- 1 and 2,
9 yes.

10 Q And is it correct that the early dismissal plan
11 for the BOCES Districts 1 and 2 provides that the BOCES
12 students will be returned home to their school districts?

13 A If you will give me a minute I can check that.

14 Q I can refer you to Attachment 24.

15 A That is one possibility, yes.

16 Q Do the time periods that are listed on page
17 39 include the time it would take for a student who attended
18 a BOCES facility to be bused back to the home school
19 district?

20 A No, again the BOCES facilities are being dealt
21 with individually. Those time estimates are for those
22 facilities under the control of that superintendent of
23 schools. So, in other words, if there is an estimate given
24 for the Middle Island School District, that is for those
25 facilities under the control of the Middle Island School

1 District, physically within the Middle Island School District.

2 Q So, is it your testimony that these estimates
3 are for the schools rather than for the students of the
4 school district?

5 A They are for a school district. For those students
6 attending schools within a school district, yes. It is
7 conceivable that a student from the Middle Island School
8 District could be at a boarding school someplace. What
9 we are talking about here are just those schools within the
10 Middle Island School District in that time estimate.

11 Q In Attachment 24, when it says that as part of
12 the early dismissal plan the students will be transported
13 to their home high schools, does that indicate to you that
14 the students are part of certain school district?

15 A Let me make sure I understand your question.

16 Q Do you know if a student who attends the
17 occupational program at a BOCES facility is a student who
18 is within the jurisdiction and responsibility of the home
19 school district?

20 A I am still not quite certain that I understand
21 the question of what you mean by, 'jurisdiction.'

22 Q Maybe I can reapproach this.

23 A Please, and I will try and answer.

24 Q For the school districts that are listed on
25 page 39, is it true that under normal conditions some of

1 the students from those school districts will be attending
2 the occupational program of the BOCES facility?

3 A I think it is possible that some high school
4 students would be in an occupational BOCES program, yes.
5 That is something that we could only know if the school
6 districts plan with us and we refine the questionnaires.

7 The other way we are approaching it this time
8 is by working with BOCES to find the home or residential
9 school district of the students attending a BOCES program
10 and their planning needs, their transportation needs.

11 So, what we are doing is going at it from the
12 BOCES facility rather than trying to go school district
13 by school district and finding out how many kids they
14 are sending to BOCES.

15 Q According to Attachment 24 and the BOCES 2
16 early dismissal plan, the students that attend the occupational
17 program of BOCES 2 will be transported back to the home
18 school district, is that correct?

19 A It says when adequate warning is given. That
20 seems to me to leave the discretion to the administrator.

21 A (Witness Cordaro) Of course, we have to recognize,
22 too, that this is the emergency Go Home procedure under
23 normal circumstances. For a radiological emergency, there
24 would be additional planning with the schools and with
25 BOCES that may modify this to account for specific situations

1 or anomalies that may come up as a result of the arrangement
2 or the unique relationship of BOCES to the home school
3 district.

4 Q Is there any additional planning that exists
5 now?

6 A (Witness Robinson) Yes, there is. We have met
7 with and delivered to BOCES 2 for their St. Charles Center,
8 draft plans and procedures of the type that were done for
9 the individual school districts to deal with their facility
10 there for handicapped children.

11 We have not yet done that for the occupational
12 center, but we have done it for BOCES for their handicapped
13 children center in Port Jefferson, and that has been done
14 since this testimony was filed.

15
16 Q At the bottom of page 39, there was a revision
17 that was made at the beginning of your appearance for this
18 testimony. Mr. Weismantle, do you recall that revision?

19 A (Witness Weismantle) Yes.

20 Q Why was that change made?

21 A The change you are referring to is that we
22 distributed the questionnaire rather than BOCES?

23 Q Yes, that is correct.

24 A As was indicated earlier, particularly by Ms.
25 Robinson, we were notified subsequent to the filing of this

1 testimony that the schools did not wish to, at this time,
2 plan with us a group, and part and parcel of that was the
3 fact that BOCES would not distribute the questionnaire to
4 all the districts as was originally the intent.

5 So, we simply took the questionnaire that BOCES
6 originally was going to distribute, and distributed it
7 ourselves.

8 Q I would like to ask you some questions about
9 your Question 42, on page 40 of your testimony. The
10 question states: Do a large number of students go home
11 on foot?

12 Could you give me a rough estimate of what
13 a, 'large number' would be?

14 A I think that question was asked and answered
15 yesterday. We know that the number is very small, and
16 Ms. Robinson indicated the basis for that. We don't have
17 a precise number. However, that is part of the information
18 that we get with the questionnaire being returned.

19 Q Are you referring to the number of students who
20 go home on foot during early dismissals?

21 A At any time.

22 Q Would you be surprised if some school districts
23 required entire classes or grades to go home on foot?

24 A (Witness Robinson) No, I would not. If
25 certain districts -- and again, I can't be precise without

1 checking through the various attachments, but I believe
2 in those that adhere very closely to the neighborhood
3 school concept in terms of feeder neighborhood, then it might
4 be that none of the children live very far from the school,
5 and that they would plan on them going home on foot, yes.

6 A (Witness Lieberman) Some time ago I asked my
7 secretary to inquire of all the school districts within
8 the EPZ, and they all responded by saying that transportation
9 is provided to all their students, even those who live
10 close by.

11 The one exception, as I recall, was East Patchoque
12 School District, which is outside the EPZ, which does have
13 a fair proportion of students walking home.

14 Q Excuse me. I would like a moment to check my
15 attachments. Okay. Is anyone on the panel familiar with
16 the early dismissal plan for Miller Place Union Free School
17 District?

18 (NOTE: No response.)

19 Q Is there a collective, 'No?'

20 A (Witness Robinson) We are all turning to the,
21 Attachment. Yes.

22 Q Mrs. Robinson, you are familiar with Miller Place?

23 A I have the attached Go Home plan in front of me.

24 Q Do you know if the students who are enrolled in
25 grades 7 through 12 live close to that school?

1 A Since that District is physically small, it is
2 a compact district when you compare it to most Long Island
3 School Districts, I would say my judgment, yes.

4 Q Are you familiar with the Port Jefferson
5 Elementary School? That is Attachment 29.

6 A Yes, I am familiar with the area.

7 Q Have you verified that the students who are in
8 grades 2 through 6 live close to schools?

9 A Again, that is a heavily populated area. I
10 rely on the judgment of the school administrators that
11 they believe that students in those grades are capable of
12 walking to their homes in a reasonable time period.

13 Q Mr. Miele, I would like to switch subjects,
14 and I would like to go to page 48 of the testimony.
15 Approximately how many schools have you or your staff
16 visited?

17 A (Witness Miele) About five school districts.

18 Q Can you make an approximation about how many
19 schools -- how many school buildings that would encompass?

20 A Five, plus three is eight, plus one is nine,
21 plus two is eleven, and another two make about thirteen.

22 Q Can you give an approximation of what percentage
23 of the rooms in all of those buildings contain a large number
24 -- large sized windows?

25 A I don't think that is relevant to sheltering,

1 the rooms. I am not talking about putting them in rooms
2 with windows necessarily. I don't quite understand your
3 question relative to my testimony.

4 Q You say on page 47, and then on page 48 of your
5 testimony that: But many rooms in schools are unusable as
6 sheltering locations because of the large number and size
7 of windows, which decrease the amount of shielding provided.

8 And my question is that in the school buildings
9 that you or your staff visited, can you give a rough
10 approximation of the percentage of rooms that had such
11 unusable or such undesirable windows?

12 A We really didn't look at the rooms that had
13 the undesirable locations. We went there to find the
14 desirable locations, so I really didn't go there and count
15 how many rooms I didn't want to use.

16 Q Your answer to Question 50 states that most
17 industrial type buildings such as schools afford protection
18 due to the nature of their sturdy construction materials.

19 Isn't it true they also cannot afford protection
20 due to the nature of the large amount of windows?

21 A The rooms that have large amount of windows do
22 not provide that good a sheltering. The rooms that have
23 less windows do, and the overall construction material as
24 shown by any referenced material, the thickness of the floors,

25

1 the thickness of the walls, the roofs, provide excellent
2 shielding capabilities.

3 So, in general institutional buildings are given
4 a much higher protection factor than the general public.

5 Q When you say the thickness of the walls, are
6 you referring to the outside walls?

7 A I am referring to all the walls. I am referring
8 to the floors, I am referring to the roof, anything that
9 will shield you from the possible outside atmosphere.

10 Q To clarify, do I understand that when you say,
11 'walls,' you mean floors and roofs?

12 A Yeah. Walls, floors, ceilings. I guess as
13 you refer to the word, 'walls' itself, no. But you get
14 shielding from floors. You get shielding from the roof.
15 You get shielding from a lot of things. So it is everything
16 combined.

17 If you are in a basement you get shielding
18 from the dirt that is on the side of the wall. They
19 all provide shielding.

20 Q In your Answer to Question 53, which is on page 50,
21 you state that sheltering can be accomplished by following
22 relatively simple guidelines that require no advance
23 training or participation. What do you mean when you say,
24 'participation.?'

25 A By participation, I meant the -- allowing either

1 myself or my people to go there and do a detailed survey
2 of the location.

3 We did provide through the meetings that we had
4 at BOCES the generic guidelines that are attachments to our
5 testimony, and that would give the people a start on things
6 to consider in sheltering.

7 Also, during an actual incident, at the time of
8 that incident the RAD health coordinator, or the schools
9 coordinator could talk to the superintendent and work
10 with him in more detail on his specific facility; answer
11 his questions, what areas may provide the better sheltering.

12 It is not as good as if we were there and did
13 it beforehand, but it still provided them pretty good
14 sheltering.

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1 Q Is it your opinion that schools will have
2 enough equipment on hand to, for example, cover ventilation
3 units?

4 A You don't normally need equipment. In many
5 cases, most of the schools are relatively new and they
6 do have shut-off mechanisms. In many cases it is just
7 throwing a switch to isolate the ventilation.

8 The ventilation, air conditioning that are
9 through the walls are normally in the outside rooms or
10 some of the rooms with windoes. And in most cases, those
11 are not the selected locations for sheltering.

12 Normally down in the basement, you don't have too many
13 air conditioning units through the walls into the dirt.

14 Q Would you recommend that ventilation units be
15 covered?

16 A If you were in a room that has a ventilation
17 unit to the outside, if that is your best sheltering
18 location, yes, it would improve that capability. But
19 as I said before, I really don't recall selecting any
20 areas that had ventilation units to the outside such
21 as air conditioning through the wall, air conditioning
22 units.

23 Q Is it your opinion that schools have the
24 equipment necessary to cover windows, outside doors, or
25 skylights? This is with respect to the lack of advance

1 planning or training.

2 A As I said, I would not recommend putting
3 people in the rooms that have skylights, windows and that
4 type. I would try to select areas that did not have
5 these type of features. And the buildings that we went
6 to, we were able to find sufficient locations that we didn't
7 run into these problems.

8 A (Witness Cordaro) Even with advance planning,
9 that wouldn't be a routine procedure that would be
10 recommended, such as covering windows and skylights
11 and things of that nature. That wouldn't be something
12 that would be recommended.

13 Q That would not be a recommended protective action
14 for schools?

15 A No. The recommendation would be, use the
16 best s-structure or rooms in the school itself for the shelter.
17 It is just not practical.

18 (Pause.)

19 A (Witness Miele) Just to add a little to what
20 Dr. Cordaro said, we are talking about two types of
21 protections here because we did mention in our generic
22 guidance to the schools regarding closing of windows and
23 doors and things like that, you are protecting from both.
24 You are protecting from a radioactive plume outside,
25 which you would use the sheltering material of the building.

1 The closing of the windows and the doors and
2 things like that would be for airborne activity. That is
3 what would help you or provide a better shielder.

4 So we are talking apples and oranges here. There
5 does seem to be some confusion.

6 Q Mr. Weismantle, I would like to ask you some
7 questions about school busses and prior commitments that
8 bus companies have to school districts. That testimony
9 is on page 58.

10 Do you know how many school busses each company
11 that LILCO has a contract with are committed to school
12 districts?

13 A (Witness Weismantle) We know how many of those
14 1236 we have contracts for are committed to school
15 districts.

16 Q Are you able to break it down by company?

17 A I don't have the information here, but that is
18 how we obtained this information, bus by bus from each
19 company we had a contract with.

20 As I indicated yesterday, that was a requirement
21 in the contract that they supply us with that information
22 among other information.

23 Q But you don't have that information available now?

24 A I have it available back in the office.

25 Q I understand that.

1 A I may very well have been presented in the
2 letters of agreement testimony actually by company. I
3 believe it was.

4 Q That is okay. Thank you.

5 On page 62 of your testimony in the answer to
6 question 70, you refer to an alternate plan that teachers
7 may accompany students and they can be included in the
8 schools' disaster plans. Your testimony was about supervi-
9 sion.

10 Did this concept originate with the county planners?

11 A I don't think it originated with the county
12 planners. I can't say as they identified that or not, but
13 it is a common concept we have seen before in school plans.

14 Q Have you envisioned any difficulty with teachers
15 providing supervision on busses or at relocation centers that
16 might relate to union agreements?

17 MR. CHRISTMAN: Objection. I think that goes
18 beyond the scope of any contentions I am aware of.

19 JUDGE LAURENSEN: Is this in connection with
20 either the contention or the testimony, Mr. Zahnleuter,
21 that you are pursuing this area?

22 MR. ZAHNLEUTER: It is in connection with the
23 testimony on page 62. There are a lot of contentions
24 that are covered by this testimony. Offhand I don't
25 know exactly which one is the one that I was using.

1 I will withdraw the question and ask another one
2 instead, if that is all right.

3 BY MR. ZAHNLEUTER:

4 Q Mr. Weismantle, with respect to the last sentence
5 on page 62, have you made any attempt to verify whether the
6 contracts that the teachers have with the school districts,
7 specifically the union contracts, would be able to make this
8 alternative a feasible alternative?

9 A (Witness Robinson) When we -- as far as we have
10 gotten in discussing these plans with individual school
11 districts and in providing them with draft plans that they
12 can incorporate in each school districts plans, we have
13 not because I believe it would be the school district's
14 responsibility to incorporate in their plans or in their
15 union contracts the provisions necessary to implement those
16 plans so that we have not dealt directly with any teachers
17 union.

18 But I cannot, as a former teacher -- albeit, a
19 long time ago -- and member at that time of the teachers'
20 union in New York City, I cannot believe that any contract
21 would preclude providing for the health and safety of the
22 students in your charge.

23 A (Witness Cordaro) An indication that that
24 wouldn't be a problem is reflected by Dr. Doremus'
25 testimony and his referral to teachers in the attachment

1 to that testimony from the co-presidents of the teachers'
2 association indicating that they would perform emergency
3 duties during a radiological emergency.

4 MR. ZAHNLEUTER: I move to strike that comment
5 by Dr. Cordaro because it relates to Dr. Doremus' testimony
6 and not to my question about the alternative that is
7 established on page 62.

8 MR. CHRISTMAN: I will oppose that motion. It
9 was a very broad question about whether the contracts would
10 make it feasible or not. That answer was responsive.

11 JUDGE LAURENSEN: The motion to strike is denied.

12 BY MR. ZAHNLEUTER:

13 Q Would it surprise you that the county planning
14 staff did observe possible difficulty with implementing
15 or the feasibility of this alternative?

16 A (Witness Robinson) No, that would not surprise
17 me. There have been many difficulties identified. That
18 just means there is something to work with. It doesn't
19 mean that they are non-removable impediments.

20 MR. ZAHNLEUTER: I have no other questions.

21 JUDGE LAURENSEN: Mr. Bordenick?

22 CROSS-EXAMINATION

23 BY MR. BORDENICK:

24 Q Mrs. Robinson and Mr. Weismantle, would you look
25 at the question and answer 9 on page 14 of the testimony.

1 Has LILCO collected information or gathered
2 information regarding which students who reside in the
3 EPZ attend what schools outside the EPZ?

4 A Not at this time, no.

5 Q Do you plan to do that?

6 A The way the draft plans are written for the
7 school districts, they would identify those students and
8 retain them in the schools outside the EPZ. That is
9 the way the draft plans that we have submitted to the
10 school districts are written.

11 Q The same two witnesses I previously identified.
12 Would you look at question and answer 33 on page 32.

13 A Does the answer to question 33 attempt to suggest
14 that the agreements with the bus companies are not required?
15 The answer states, in part, your understanding of NRC
16 regulations is that they do not require agreements with
17 individual bus drivers.

18 A That is correct. The school districts have
19 contracts with bus companies to deal with the transportation
20 of school children in those cases where they do not own
21 their own busses. And as we testified in contention 24,
22 we have obtained contracts with bus companies to provide
23 busses for other uses.

24 A But we have not, again with a very diligent search,
25 been able to find any requirement or precedent for

1 agreements with individuals who drive busses.

2 Q With the exception of Mr. Lieberman, would the
3 witnesses look at question and answer 71 on page 63.

4 Let me ask you to look specifically at your answer around
5 half way down which begins with the sentence, "Because
6 some schools may require busses to make more than one
7 run, the delay in evacuation of children be extensive."

8 And you state, "This will not endanger the children because
9 they will be sheltered in the school buildings which offer
10 good shielding while awaiting for the return of the
11 busses."

12 What I am inquiring into is, if you have a
13 situation where an order to shelter is given but there are
14 some children who are already en route home on foot,
15 what is the contemplation as to how they would be protected?

16 A I think what we are defining here is a situation
17 where an early dismissal has been ordered or has begun,
18 and some of the children are en route home when the order
19 to evacuate is given?

20 Q Let me try again.

21 What I am concerned with is, you have children
22 who are en route home and then it is decided that
23 sheltering is the appropriate action and so you have still
24 got some children in school who will be sheltered but you
25 have got children en route home on foot.

1 What will be done about them?

2 A Children who are to be -- who do go home on
3 foot generally live very close to the school and can reach
4 their homes in a short time.

5 The presumption, I believe, in those cases is that
6 the child would reach their home or a neighbor's home
7 and be sheltered along with that family.

8 Perhaps Dr. Cordaro could add something to that.

9 A (Witness Miele) I would say they are treated
10 like members of the general public once they have left the
11 school, and they would assume sheltering as the rest of
12 the people in the general public would.

13 A (Witness Cordaro) You have to be aware of the
14 fact, too, that this early dismissal takes place under
15 an alert situation where there hasn't been a release of
16 radiation. And so the possibility or the probability
17 of them being exposed to any radiation in the short
18 time it takes them to go from the school to home would be
19 remote.

20 So in all probability, they would reach home and
21 sheltering before they would be exposed to radiation.

22 Q Mrs. Robinson, would you look at page 85 of the
23 testimony.

24 Anyone else, if the question can better be
25 answered by another witness, that is fine. Of, if any

1 other witness has anything to add, that is also fine.

2 The first full paragraph on that page, the
3 statement is made, "The only real problem among the
4 nursery schools is Kids Are Us." And then it goes on.

5 If you will also now look back to page 83 of
6 the testimony where it says, "Letters were sent out
7 after meetings, thanking contact persons for meeting with
8 us. Kids Are Us declined the tone alert radio and
9 "For Your Information" binder, and Brookhaven Country Day
10 School never answered our phone calls or letters."

11 I am curious how, in light of the testimony
12 on page 83, you can make the statement on page 85 that the
13 only -- the only real problem is Kids Are Us.

14 Specifically, what about Brookhaven Country Day
15 School which never answered your phone calls or letters.
16 Isn't that a problem?

17 A It is a problem, but not as severe as Kids Are Us
18 because they do have a tone alert radio, and we had
19 made contact with them.

20 This is more recent contact that they have
21 declined.

22 Of course, I would be happier had we been able
23 to meet with them individually and plan with them directly,
24 but they do have a tone alert radio. And since we have
25 continued to send them all the materials that we have made

1 available to all the other schools, they do have that
2 information available if they choose to use it.

3 Q So you are saying that your testimony essentially,
4 as regards the Brookhaven Country Day School, is modified?

5 A To that extent, yes. But in my own opinion,
6 my own judgment, having to deal with this problem, is that
7 the lack of communication with Kids Are Us by tone
8 alert radio makes that a more severe problem.

9 MR. BORDENICK: That's fine. Thank you.

10 I have no further questions.

11 JUDGE LAURENSEN: Any redirect examination?

12 MR. CHRISTMAN: Yes, Judge Laurenson.

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END 8

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REDIRECT EXAMINATION

1
2 BY MR. CHRISTMAN:

3 Q Mrs. Robinson and Mr. Weismantle, you were asked
4 yesterday about Dr. Jeffers' acceptance or nonacceptance of
5 the early dismissal plan as revealed by his deposition.

6 Do you know of anything, either before or after
7 his deposition, any evidence relevant to his acceptance or
8 nonacceptance of early dismissal, the early dismissal idea?

9 A (Witness Robinson) The information which we have,
10 which was turned over to us by Suffolk County, is a correspon-
11 dence from the County of Suffolk to Dr. George Jeffers, and
12 the letter states: This letter is to confirm our recent
13 discussions pertaining to the Middle Country school district
14 and the actions it would institute in response to an incident
15 at the Shoreham Nuclear Power Station which results in a
16 release of unacceptable levels of radiation.

17 In the event such an incident did occur resulting
18 in an evacuation, the school district would institute an
19 emergency dismissal even though the majority of the district
20 is beyond our ten mile planning zone.

21 They then go on to discuss the use of the New Lane
22 Memorial Elementary School as a transfer point for bus opera-
23 tions and to request the district's permission to utilize its
24 fleet of privately owned buses for transportation of other
25 students.

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1 We have also received further correspondence from
2 the -- that came from the school district from attorneys and
3 County attorneys discussing the use of the school buses. We
4 did not receive anything that said they would not use the
5 early dismissal plan.

6 Q Mrs. Robinson and Mr. Weismantle again, either one
7 of you I guess, both of you said yesterday that there was
8 correspondence that supports your belief that the original
9 early dismissal plan produced by the County planners had
10 received consideration by the school districts.

11 Do you recall that testimony?

12 A Yes.

13 Q You were not allowed to testify about that cor-
14 respondence yesterday. What precisely is that correspondence
15 that you were referring to?

16 A All right. There are several letters here. There
17 is a letter from the Superintendent of Schools of the Riverhead
18 Central School District to Mr. Robert Meunkle, and there are
19 several items. Item one in paragraph two says --

20 MR. MILLER: Excuse me, Mrs. Robinson, I hate to
21 interrupt. Judge Laurenson, this seems to me to be inappropriate
22 and improper. Obviously this has been discussed with these
23 witnesses.

24 There is a host of letters which Mrs. Robinson is
25 going to now start reading to us. We have not been provided

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1 with these letters. I think it would be more efficiently done
2 if the letters were given to us beforehand so that we could see
3 them. But I don't think she should be allowed to read all of
4 this into the record.

5 And apparently counsel doesn't plan to offer it
6 into the record, or if he does we will object to that. And
7 it just doesn't seem to me this is proper.

8 MR. CHRISTMAN: We do not plan to offer them in
9 evidence. We are asking the witness to simply do what everyone
10 said you could do. I believe yesterday when she was not
11 allowed to testify about the correspondence or finish her
12 answer, it was said this is something that can be pursued on
13 redirect. I think that was probably said by County counsel,
14 as I recall.

15 These were given to us, as I understand it, in
16 discovery from Suffolk County. So there is no question of
17 surprise or anything like that. And moreover we do not plan
18 to burden the record with a lot of correspondence, but we do
19 want Mrs. Robinson to give a summary of what these correspondence
20 that she was talking about yesterday is.

21 JUDGE LAURENSEN: Do you have a copy of this that
22 the County attorneys can see before she starts to read it into
23 the record, or can the County attorneys look at these?

24 MR. CHRISTMAN: We can get them a copy if you would
25 like, or she can simply summarize what they are. How long does

#9-4-SueT 1 it take to answer the question?

2 MR. MILLER: Judge Laurenson, my only point is that
3 if she goes into these letters I don't know -- I have no
4 idea what these letters say. But there is a good possibility
5 I'm going to go back to it on my recross. I would like to
6 see the letters.

7 MR. CHRISTMAN: Well, he didn't want to hear it
8 yesterday.

9 JUDGE LAURENSEN: I think just to move this along,
10 I think the County is entitled to look at them before they
11 go into the record; otherwise, we are going to have a lot of
12 objections in the middle of the answer and then we will have
13 to go back and try to put the pieces together.

14 So I will direct that Mrs. Robinson give a copy or
15 the originals, if necessary, to Mr. Miller so he can review
16 them before she completes her answer to this question.

17 MR. CHRISTMAN: We will go get a xerox copy for him,
18 and I will just go on with the rest of the questions so as not
19 to lose any time, or very little time, if that's all right.

20 JUDGE LAURENSEN: That's acceptable.

21 BY MR. CHRISTMAN: (Continuing)

22 Q Mr. Weismantle, you were asked over and over again
23 whether various statements in your sworn testimony are LILCO's
24 judgment.

25 A (Witness Weismantle) Yes, I was.

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1 Q When you made such, what the County kept calling,
2 judgments, LILCO's judgments, in your written testimony, what
3 kinds of bases do you have for those judgments?

4 A Well, we are talking --

5 MR. MILLER: Excuse me. Could we clarify which
6 questions we are talking about? Are you asking about every
7 question that I asked about the word "judgment" yesterday?

8 MR. CHRISTMAN: I am not going -- well, there were
9 so many that I would not even begin, I would not propose to
10 go through every single statement where you asked about
11 whether this is LILCO's judgment. I'm asking as a general
12 matter when Mr. Weismantle makes a statement about emergency
13 planning that the County kept asking him whether it was a
14 LILCO judgment or not, what sorts of experience bases he has
15 for those sorts of judgments, as you call them.

16 MR. MILLER: Then, I object, Judge Laurenson, to
17 the broadness, the vagueness, of that kind of a question.
18 There were many questions asked yesterday.

19 Unless Mr. Weismantle is prepared to say that for
20 every answer he gave me that this was LILCO's judgment his
21 answer here in response to Mr. Christman's question would
22 remain exactly the same. It's an improper question to this
23 witness.

24 JUDGE LAURENSON: The objection is overruled.

25 BY MR. CHRISTMAN: (Continuing)

#9-6-SueT

1 Q You may answer the question. I will repeat the
2 question.

3 You were asked whether a number of the statements
4 in your sworn testimony were LILCO's judgment. I would like
5 to know when you make a statement like that, that you referred
6 to as a judgment, what kind of bases you have for those sorts
7 of judgments about emergency planning as a general matter?

8 A As a general matter, there are a number of bases
9 for saying it's LILCO's judgment. And I would first like to
10 indicate, we've got a large staff and have had since over a
11 year ago, professional emergency planners working under my
12 direction, LILCO employees and outside consultants who have
13 accumulated many years of experience in emergency planning.
14 That's part of the input that goes into the statement that
15 it's LILCO's judgment that a position we take in our testi-
16 mony is accurate and appropriate.

17 In addition to that, it includes knowledge of the
18 regulations, myself and my staff, and knowledge of the guid-
19 ance documents, NUREG 0654 and 0396, and very importantly
20 knowledge of how these documents have been interpreted by the
21 regulatory agencies, the NRC and FEMA, in their review of our
22 plan and other plans, plans that have been submitted around
23 the country, numerous plans for their review and approval.

24 In addition to that, in certain cases where the
25 question came up, the knowledge we have of LILCO's training

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1 program and the performance of people in LERO and the drills,
2 including myself as a member of LERO, is a bases.

3 In addition to that, we have had surveys done
4 which have been referred from time to time in our testimony
5 and in our cross-examination of what is and what is not in-
6 cluded in the way of information in other emergency response
7 plans. So, all of those things taken together, some of which
8 would apply in this particular instance, others which would
9 apply in other instances, form the bases of our judgment.

10 Q Mr. Weismantle, you were asked yesterday if you
11 know the average distance pupils have to walk home, and you
12 said you didn't know that.

13 Can you make any sort of reasonable estimate or
14 upper-bound?

15 A Well, as we indicated in our testimony, the State
16 rules restrict the maximum distance a pupil would walk home
17 to three miles. I believe that's for secondary schools,
18 and there are lower distances for elementary schools. So,
19 while we don't know -- have all the details that would allow
20 us to a calculation of the average distance, the average time
21 it would take, or the average distance, we can bound it by
22 indicating that the maximum distance would be three miles
23 and given the knowledge that a person, particularly a secondary
24 student can walk at four miles an hour or so, we know that the
25 time it would take would be tangibly less than an hour maximum,

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1 and the average would of necessity definitely be below that.

2 Q Mr. Weismantle, you were asked yesterday numerous
3 questions about the number of available buses to carry school
4 children.

5 Can you give the Board some idea of the number of
6 buses presently available to the schools in the EPZ?

7 A Yes. Our testimony, in the second half of it,
8 for each school district indicates the number of buses
9 available to those school districts. And while we didn't
10 summarize it in our testimony I did summarize it during a
11 break and came up with the number of three hundred and fifty
12 school buses plus thirty-five coaches; we call them carriers
13 in our testimony, are available, cumulatively available to
14 the eleven districts which have schools, one or more schools,
15 within the EPZ.

16 This does not include districts which have students
17 who reside in the EPZ but have no schools. So, we are talking
18 about just for those districts who have schools in the EPZ
19 a total of three hundred and eighty-five buses available to
20 them.

21 Q It doesn't include, for example, the ninety-one
22 or so buses available to the Middle Country school district?

23 A That's correct.

24 Q Mr. Lieberman, you were asked whether some pupils
25 might be sent home to empty houses. Can you give the Board

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1 some idea of whether that is a substantial number of such
2 children?

3 A (Witness Lieberman) I did an analysis recently
4 to try to quantify that number. The data that I used for
5 that analysis has already been submitted as prior testimony
6 and is included in KLD, Technical Memo Number 139, which is
7 Attachment 10 of prior testimony submitted under Contention
8 65, 23.C, D and H.

9 Effectively what I did was to use the distribution
10 of the work-to-home trip travel times and the distribution of
11 school-to-home trip travel times, which are contained in that
12 document and which represent the schedule of arrivals respective-
13 ly of workers and children to the home. And, as I indicated
14 earlier, these are parallel activities; that is, the trip
15 from work-to-home takes place in the same time frame as the
16 trip from school to home; and, therefore, they are parallel
17 activities.

18 If you walk through the analysis -- and I won't
19 do that verbally in the interest of conserving time -- the
20 answer that you get is that approximately nine-tenths of one
21 percent of the children who arrive home through the medium
22 of early dismissal will, in fact, come to an empty home. For
23 these children, the waiting time before an adult shows up,
24 assuming that that adult is commuting home from work, is
25 approximately fifteen minutes for eighty-two percent of them,

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1 and for about ninety-eight percent of them, the wait is no
2 more than thirty minutes.

3 Consequently, the number of children who will
4 enter homes with no adults is approximately one percent of the
5 total and their waiting time is within half an hour for the
6 vast majority of them.

7 Now, this analysis is based on the assumption that
8 there are two adults in the home, and that they both work;
9 and, therefore, one adult is not home when they get there.

10 Q Mr. Lieberman, again, you were asked yesterday in
11 at least one question to assume a singlewave evacuation of
12 school children by buses; that is, each bus make only a single
13 run.

14 Why would a planner want to limit his plan to a
15 singlewave in this case?

16 A The only reason you would plan for a singlewave is
17 if the time factors are such that you can't complete more
18 than the singlewave within the same time frame as evacuation
19 of the general public. We took a look at that problem based
20 upon the information we had available, and applying what I
21 felt were conservative assumptions to make up for any informa-
22 tion gaps that we have not received from the schools, essentially
23 what we did was to use the scenario that we had outlined in
24 Attachment 41 to this testimony, which essentially relates
25 each school within the EPZ to a host school outside. That

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1 information gives us the basis for estimating a distance of
2 travel.

3 The travel time during evacuation was taken to be
4 that which was obtained from the computer analyses for the
5 case where the entire EPZ was evacuated, namely six miles an
6 hour within the EPZ during evacuation and eight miles an
7 hour outside the EPZ for that portion of the trip from the
8 EPZ boundary to the host school.

9 We also assumed that it would take conservatively
10 an hour and twenty-five minutes for buses to arrive at the
11 schools after notification. We assumed twenty miles an hour
12 for the speed of buses returning toward the EPZ from outside
13 for the second wave or third wave. And then you go through
14 the arithmetic and what you find out is that for all school
15 districts, other than Shoreham Wading River which has its
16 own buses and can evacuate their children in a single wave,
17 the for the case where -- for the most extreme case where
18 you have the most rapidly developing accident to the extent
19 that you can't get your guides out there and the evacuation
20 times are those which are appropriate for what we call the
21 uncontrolled evacuation; that is, the guides aren't out
22 there, and that figure is six and a half hours.

23 We find in this analysis that two waves would be
24 possible for all the school districts and all the schools --
25 we broke it down by school -- and that, in fact, for several

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1 schools a third wave could be possible and will evacuate the
2 children within the same time frame as the general public.

3 So, under those conditions we would not adhere to
4 an assumption that only a single wave is necessary. We could,
5 in fact, use throughout a total of two waves and in some
6 cases a third.

7 Q Thank you. Mrs. Robinson, you were asked a
8 number of times yesterday whether school districts or offi-
9 cials had specifically endorsed or accepted certain statements
10 or ideas in your written testimony.

11 Has this written testimony been made available to
12 the school officials?

13 A (Witness Robinson) Yes. A copy of the complete
14 testimony was mailed to each -- to the Superintendent as well
15 as the Superintendent of BOCES I and II of those school
16 districts that are wholly or in part within the EPZ. There
17 was also a cover letter which described the transmittal and
18 requested that if they had any further questions or comments
19 they contact me by telephone.

20 Q Did you get anybody to offer any corrections to
21 the testimony?

22 A No, I did not.

23 Q The panel was asked yesterday whether certain
24 health physics surveys of various schools had been completed
25 yet. You have some familiarity with how emergency planning at

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1 nuclear plants is done generally in the industry, do you not,
2 or in this country?

3 A (Witness Weismantle) Yes.

4 Q To your knowledge, do other radiological emergency
5 plans in this country have the feature of offering a health
6 physics survey for each school in the EPZ?

7 MR. MILLER: Objection as to relevance, Judge
8 Laurenson.

9 JUDGE LAURENSEN: How does this relate to the
10 cross-examination yesterday?

11 MR. CHRISTMAN: They were asked -- as I said, the
12 witnesses were asked many times whether a certain survey had
13 been completed. Obviously they are aiming at a finding that
14 if the survey hadn't been completed for every school or for
15 some schools at the time of the testimony then the plan is
16 inadequate.

17 Our contention is that the health physics survey
18 of those schools goes beyond what is required by the regula-
19 tions and probably what -- and beyond what is done by other
20 planners at other nuclear sites in this country and is,
21 therefore, relevant to the case and to their cross-examination.

22 MR. MILLER: Judge Laurenson, it's not only ir-
23 relevant, it does go beyond the scope of my questions yesterday,
24 and it's also inappropriate for Mr. Christman to sit here
25 and speculate as to what the County will do in its findings.

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2 My questions were: Have you completed surveys of
3 specific schools. That was my only question.

4 JUDGE LAURENSEN: The objection is sustained.

5 BY MR. CHRISTMAN: (Continuing)

6 Q Mr. Miele, you were asked this morning about the
7 modifications to the Middle School basement in the Shoreham
8 Wading River District on Page 67 of your testimony.

9 Assuming those modifications that you described
10 have not been done, could that basement still be used for
11 sheltering?

12 A (Witness Miele) Yes, it can.

13 end #9

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1 Q Ms. Robinson or Mr. Weismantle either one,
2 there was much testimony today and yesterday about what
3 would happen if schools would continue to refuse to plan,
4 and the plant went into operation, and they still refused
5 to plan. Assuming the plant does go into operation, is
6 it likely or unlikely in your view that various schools
7 would refuse the plan?

8 MR. MILLER: Judge Laurensen, I am going to
9 object to that question. I think the LILCO testimony
10 is clear on this point. They said it in their testimony.
11 I am not sure what Mr. Christman is trying to get at here.

12 JUDGE LAURENSEN: It is in the testimony. I
13 think there were questions asked concerning it, so you
14 may be entitled to pursue it on redirect. Objection is
15 overruled.

16 WITNESS WEISMANTLE: We believe it is likely
17 they will participate in detail planning. That is consistent
18 with the tenure of the meetings we had with the superintendents
19 we had in January and March, and consistent with the environ-
20 ment that the State has placed on the schools to develop
21 disaster preparedness plans for radiological emergencies
22 as well as other types.

23 BY MR. CHRISTMAN: (Continuing)

24 Q Ms. Robinson, you were asked this morning about
25 various BOCES facilities by Counsel for New York. Just for

1 clarification, what BOCES facilities are in the EPZ?

2 A (Witness Robinson) There is a handicapped
3 facility that is operated on the premises of St. Charles
4 Hospital in Port Jefferson. There is also an occupational
5 center that is approximately on the border of the EPZ.

6 They do have a tone alert radio, but it is
7 going to take actually a field visit to determine whether
8 or not that facility is within the EPZ, and whether it
9 should be planned for, and on which basis it should be
10 planned for. Whether it is planning for a facility outside
11 serving students within, or a facility within, but that
12 is scheduled.

13 Q Last question, and really my second question,
14 let's go back to what we were talking about earlier.
15 Essentially what I asked you was what support you had
16 for your belief that the original early dismissal plan
17 had received consideration by school districts, and you
18 were going to answer that question.

19 The documents that Ms. Robinson had with her
20 have been supplied to counsel. Would the Judges like
21 copies as well?

22 JUDGE LAURENSEN: As far as I know there is
23 no objection at this point, so I don't think it is
24 necessary.

25 MR. MILLER: Judge Laurenson, to save time, let

1 me make my objection right now to all these letters.
2 These letters and any questions related to these letters is
3 not relevant. We are not here to try to determine what
4 may have happened in the past. We are here to determine
5 what is going on in the present. We are here to determine
6 what LILCO plans to do, and it makes no difference what was
7 said years ago by a school district one way or the other.

8 I think it is irrelevant, and it is really a
9 waste of the hearing time.

10 MR. CHRISTMAN: And my response is that this
11 was prompted directly by a question yesterday where Ms.
12 Robinson began, and Mr. Weismantle, I think, tried to
13 testify, tried to finish the answer about correspondence,
14 and they were cut off with the comment that this is
15 appropriate for redirect, not for cross.

16 MR. MILLER: Judge Laurenson, my problem with the
17 relevancy is that I look at these letters -- I see, for
18 example, one from Mt. Sanai Union Free School District,
19 dated in October 1980. I haven't read the letter yet, but
20 we know, it is an established fact, that that school district
21 has enacted a resolution against the plant. What difference
22 does it make what may have been said four years ago, when
23 today that school district is saying we oppose the licensing
24 of the Shoreham plant. We will not plan with Shoreham. We
25 will not plan with LILCO.

1 JUDGE LAURENSEN: Part of the testimony here, it
2 seems, does have a historical flavor to it as to what was
3 done in the past. Others comes to what is going on today,
4 and still yet a third branch of the testimony is what is
5 going to happen in the future. So these are all separate
6 areas in which we have received testimony, and I think Mr.
7 Christman is correct that since this does complete or explain
8 the answer of the LILCO witnesses, as a general matter they
9 are entitled to present it.

10 Of course, we are not ruling at this time on any
11 specific answers that Ms. Robinson might give, since we
12 haven't seen these letters. The objection is overruled.

13 MR. CHRISTMAN: Ms. Robinson, you can go ahead
14 and answer the question. It was what correspondence were
15 you referring to yesterday supporting your belief that the
16 original early dismissal plans had received consideration
17 by the school districts?

18 WITNESS ROBINSON: In addition to the letter which
19 I did speak of earlier from the County of Suffolk to Dr.
20 George Jeffers, there is also correspondence from school
21 districts to the County.

22 There is one that was signed by the Superintendent
23 of Schools of the South Manner Union Free School District,
24 and in Item A of that it says dismissal of students in the
25 event an accident did occur at the Shoreham nuclear power

1 required evacuation or potential evactuation, the South
2 Manner School District would immediately institute our
3 emergency dismissal procedure.

4 From Mercy High School, in Riverhead, signed
5 by Sister Joan DeLap, Principal; it says -- again, it is
6 addressed to Suffolk County, and it says: The emergency
7 dismissal proposed is acceptable to Mercy High School, and
8 permission is granted to use our building if and when it
9 is needed.

10 There is a letter from the Riverhead Central
11 School District, signed by the Superintendent of Schools,
12 addressed to Mr. Meunkle and in Item 1 of paragraph 2, it
13 says it is our intention to utilize our Go Home plan should
14 there be an unacceptable level of radiation released from
15 the Shoreham Nuclear Power facility. For purposes of
16 clarification, who will be responsible for declaring whether
17 or not such an emergency exists.

18 And finally, there is a letter from the Mt.
19 Saini Union Free School District, signed by the Superintendent
20 of Schools, addressed to Mr. Meunkle, which states in the
21 event of an incident at the Shoreham facility , Mt. Saini
22 students would be sent home as part of our emergency
23 dismissal procedure.

24 BY MR. CHRISTMAN: (Continuing)

25 Q Anything else?

1 A (Witness Robinson) No, that is all the
2 correspondence which I have.

3 MR. CHRISTMAN: Thank you, Mrs. Robinson.
4 That is all -- those are all the questions I have.

5 JUDGE LAURENSEN: Any other questions for this
6 panel.

7 MR. MILLER: Yes, Judge Laurenson. We have
8 some questions based upon some of Mr. Christman's questions.

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REXCROSS EXAMINATION

10 BY MR. MILLER:

11 Q Ms. Robinson, let's stay on these letters for
12 a minute, and I still have not had a chance to read the
13 letters but let's just clarify a few things. I will try
14 doing this in the order we just went through them.

15 The South Manner School District letter is dated
16 October 20, 1980, correct?

17 A (Witness Robinson) That is correct.

18 Q Do you know if Mr. Snyder is still the Superintendent
19 of that district?

20 A Yes, he is.

21 Q Now, the Mercy High School letter is dated
22 January 19, 1981, correct?

23 A That is correct.

24 Q Is it your opinion, Ms. Robinson, that the
25 principal of this high school speaks for the school

1 district?

2 A This is for Mercy High School. Again, it is
3 signed by the principal of the school. It is a very brief
4 and very clear letter. I would presume on the face of it
5 that she was in a position to make a decision. I don't think
6 she would have done it other wise.

7 Q As to her school, or as to the district?

8 A No, it is for Mercy High School. It is a
9 parochial school in Riverhead.

10 Q Is she still the principal of that school?

11 A No, she is not. It is a Mr. Michael Kramer.
12 We met with him recently.

13 Q Now, the letter from the Riverhead Central School
14 District, and it is dated August 5, 1980, correct?

15 A That is correct.

16 Q Now, is Mr. Hernandez still the superintendent
17 of that school district?

18 A No, he is not.

19 Q Now, the October 23, 1980 letter from the Mt.
20 Saini Free School District, that is from a Mr. Heath,
21 correct?

22 A That is correct.

23 Q Is he still the superintendent of that school
24 district?

25 A No, he is not.

1 Q Now, the letter that you were talking about from
2 the County to Dr. Jeffers. This letter is dated September 15,
3 1980, correct?

4 A That is correct.

5 Q In your opinion, Ms. Robinson, would the position
6 of the -- well, let me ask you. What school district is
7 Dr. Jeffers the superintendent for?

8 A He is now, as he was then, the Superintendent of
9 Middle Country School District.

10 Q Is it your opinion, Ms. Robinson, that the position
11 of Middle Country School District would still be to implement
12 an early dismissal plan in response to an emergency at the
13 Shoreham plant?

14 A Based on their resolution, of the School Board,
15 I would say that they have redefined their position
16 considerably. However, this letter was only brought in on
17 the basis of a question I had been asked yesterday.

18 Q Yes, ma'am, I understand. Now, these letters
19 that you talked about, are they the basis of your testimony.
20 Do you have any other basis for your testimony that the
21 school districts agreed to the early dismissal option back
22 in the 1980 time frame?

23 A Yes. This was a portion of the basis of that
24 judgment.

25 Q You have other letters from other school districts,

1 is that what you are saying?

2 A No, these are the only letters that I have from
3 school districts, but they are not the sole basis for the
4 judgment.

5 Q Do you have any letters from any other school
6 district other than what you talked about this morning?

7 A In this time frame and in this context, no.

8 Q Let me ask -- Ms. Robinson, your statement about
9 the LILCO testimony -- let me make sure I understand, first
10 of all. Did you say that the LILCO testimony was sent to
11 all the school districts?

12 A That is correct. It was sent to the school
13 districts. We called the nursery schools and asked them
14 whether they wished copies. I believe it was two requested
15 copies, and they were immediately sent out, but we did send
16 it to all the school districts as well as the superintendents
17 of BOCES 1 and 2, and Mr. Packman.

18 Q Now, was it sent to all the school districts with
19 schools outside the EPZ with children who live inside the
20 EPZ?

21 A Yes.

22 Q Now, did you call --

23 A Oh, you know, I am sorry. I must tell you I
24 misspoke myself before when I said we had received no
25 responses at all. There was a letter from the Mt. Saini

1 School District, and that was the only response that I
2 received. I don't know if I have a copy with me, but
3 essentially what the letter said was our comment on this
4 is provided in our testimony, and I can search through
5 and see if you want a copy of that letter.

6 I am sorry. That was the only response.

7 Q Did you assume, Ms. Robinson, that that meant
8 that the Mt. Saini School District disagreed with the LILCO
9 testimony?

10 A I didn't assume that from the letter. I have
11 since seen their testimony, but I could not assume that from
12 the letter.

13 Q Did you send the testimony to the school districts
14 with schools outside the EPZ, but with children who reside
15 in the EPZ?

16 A Yes. As I said, we sent them to all the districts
17 that are mentioned in the testimony.

18 Q Now, Mr. Christman asked you if you received
19 any corrections and you said no. Did you ask for any
20 corrections?

21 A Again, I believe it was for any comments or
22 questions, I believe was the exact wording. Comments or
23 questions.

24 Q Let me -- I apologize if I asked you this. Did
25 you say, Ms. Robinson, that you, before the testimony was

1 sent out, contacted the school districts and asked them if
2 they wanted a copy of your testimony?

3 A Let me give you a little history on this. When
4 we met with the school districts in March, just before the
5 testimony was filed, we told them at that point, that we
6 would send them the testimony as soon as it was finalized.

7 Q Did that mean you volunteered to send it to them?

8 A That is correct. As far as the nursery schools
9 went, we called them to tell them that we were filing the
10 testimony, and asked them if they wanted to receive a copy
11 of it. The difference was because we had offered at the
12 meeting with the school districts to make that testimony
13 available as soon as it was filed.

14 Q Okay. Mr. Lieberman, let me ask you, your
15 statements to Mr. Christman regarding the study concerning
16 single wave of buses versus multiple waves of buses, is
17 that the KOD TM 139 Study that you were discussing?

18 A (Witness Lieberman) No, that is something we
19 have done more recently.

20 Q Can you tell me when you did that study?

21 A Within the past week.

22 Q Has it ever been provided to the Countu?

23 A No.

24 Q Can you tell me why you performed that study?

25 A Well, in preparation for this testimony, the

1 question did arise in my mind, and I performed the study.

2 Q Were you requested to perform the study by
3 LILCO?

4 A I don't think so. I think I did it on my
5 own volition.

6 Q Now, I gather from the time you said this study
7 was prepared, it is not in Revision 3 of the LILCO Plan,
8 is it? It is not mentioned in Revision 3 of the plan, is
9 it?

10 A No.

11 MR. MILLER: Judge Lurneson I move to strike
12 any comments by Mr. Lieberman regarding that study in
13 response to Mr. Christman's questions. This was a last
14 minute study performed. It has never been provided to any
15 of the other parties in this proceeding. Obviously, it
16 is a surprise to the County and perhaps to other parties.
17 There is no way we can sit here and ask questions about
18 that study. We have never seen it, and it is just an unfair
19 tactic by the LILCO Panel to have done this study at the
20 last minute, and then to bring it in through redirect.

21 Judge Laurenson, I am informed by Mr. McMurray
22 that the situation is very analagous to one that developed,
23 perhaps when I wasn't here, regarding New York State witnesses
24 that had performed some studies or analyses prior to their
25 testifying in this proceeding, and those analyses were not

1 permitted into the hearing.

2 MR. CHRISTMAN: This so-called study as I understand,
3 which as far as I know hasn't been reduced to writing, except
4 in Mr. Lieberman's notes, is simply I believe a manipulation
5 of data already in the record, and is perfectly appropriate
6 to be entered into the record as response to a question
7 on cross examination.

8 MR. MILLER: Judge Laurenson, if the data is already
9 in the record, there is no need for the comments that were
10 given today by Mr. Lieberman. I don't think the data is
11 already in the record. The things that I was hearing from
12 Mr. Lieberman sounded new to me. Whether it has been reduced
13 to writing or not makes no difference.

14 There has been testimony given by a witness on
15 this panel based upon a study or an analyses of some kind
16 performed in the last week, at the last minute, not previously
17 given to any party, thereby preventing us from asking questions
18 about it.

19 JUDGE LAURENSEN: As I see it, this question is
20 not one that was raised by LILCO. I think it came from Mr.
21 Zahnleuter's question in regard to whether or not people
22 would go home -- children who would be sent home on an
23 early dismissal program would go home to unoccupied homes,
24 or unoccupied houses, and have to wait the arrival of their
25 parents.

1 And in response to that, Mr. Lieberman on redirect
2 examination then used the figures that he has testified to
3 concealing the length of time under his estimate there
4 were various assumptions it would take for the parents, or
5 at least one of those parents, to arrive home.

6 Am I misstating the scenario of how this
7 developed?

8 MR. MILLER: My understanding and my rememberence,
9 Judge Laurenson, is that Mr. Zahnleuter did ask the questions
10 of Mr. Lieberman. His question that was very specific,
11 and the answer was very specific. On redirect, Mr.
12 Christman's question was much broader, and all of a sudden
13 Mr. Lieberman is unfolding a large graph showing numbers,
14 it appears to me, and starting to look at figures and other
15 facts that have been committed to paper, and it was completely
16 beyond, I think, the scope of what Mr. Zahnleuter had asked.

17 But in any event, much broader, much more general,
18 much more detailed.

19 JUDGE LAURENSEN: I think this is proper redirect
20 examination; to the extent you want to inquire into it, of
21 course we will permit you to do that on your recross
22 examination, but you haven't pointed to anything that I can
23 see that amounts to some violation by LILCO of any agreement
24 or request of the County to supply this information by
25 means of discovery. If there is such an agreement or other

1 provision, then you will have to bring it to our attention.

2 MR. MILLER: Judge Laurenson, I am pleased to
3 go into it during my recross. I have not seen the Study.
4 It also seems to me it is a blatant attempt by LILCO to
5 supplement their testimony in this case improperly.

6 JUDGE LAURENSON: I think the door was open to
7 this through the cross examination of the witnesses, and
8 I think they have the right to respond to it. Now, you
9 have the right to inquire into the basis for this testimony.

10 MR. MILLER: Let me ask how we are going to do
11 this. If you want to take the time for me to get Mr.
12 Lieberman's papers, whatever they are, and to look into them,
13 fine, maybe I can suggest that they just be provided to me,
14 and if we have to call the witnesses back we will call them
15 back.

16 JUDGE LAURENSON: We have done this, as I recall,
17 in several instances with Mr. Lieberman and Professor Herr,
18 where we even got into sort of last minute type calculations
19 in terms of rebuttal type testimony. In this case, it
20 has not been really rebuttal. It has been in the nature
21 of redirect. But this is not a new procedure that we have
22 had to deal with where people, I think, sometimes went out
23 and made calculations on the back of envelopes during a
24 recess, and that was the basis of some testimony.

25 All I can suggest is that we will just have to

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be flexible to deal with this as it comes in, and we will
give you a reasonable opportunity to inquire into it.

1 MR. MILLER: Judge Laurenson, the problem I have
2 is, I haven't seen the data.

3 Let me suggest something else. In light of the
4 Board's ruling, perhaps the most efficient way would be
5 if LILCO agrees to provide to the county the data that
6 was being referred to by Mr. Lieberman, we will study
7 that data. If we think that it changes something, we will
8 then offer supplemental testimony of our own.

9 I am not sure how else to do this practically
10 when I haven't seen the data. I certainly don't think I
11 can conduct fair cross-examination, fair to the county's
12 perspective, when I have to base that examination upon
13 what I have heard from a witness who is reading figures
14 that he has calculated out.

15 I am willing to --

16 JUDGE LAURENSEN: What is your specific
17 request?

18 MR. MILLER: My request would be, number one,
19 that LILCO agree to provide the data that was referred
20 to by Mr. Lieberman, and two, then I can just represent
21 that the county will look at the data, and if we feel
22 that there is some need for us to file supplemental
23 testimony, we will present it and we will file it.

24 I can't make that decision at this time based
25 upon what I know.

1 JUDGE LAURENSEN: What is LILCO's position on that?

2 MR. CHRISTMAN: We will be glad to provide the
3 data. I expect there is probably one copy of it. We
4 can probably go make a Xerox right now. I think the
5 county ought to be prepared to proceed with it today,
6 though, perhaps at the end of the day after Dr. Doremus
7 has finished.

8 I do not want to let this issue just drag on
9 and on and on for weeks.

10 JUDGE LAURENSEN: The question, I guess, is,
11 how long is Mr. Lieberman going to be available. If we
12 finish this panel before our lunch break today, are you
13 going to ask him to remain here for the rest of the day
14 or is he going to be scheduled in the near future?

15 MR. CHRISTMAN: It would be better, I am sure
16 for him, if we could do it right after lunch, put him back
17 on then. The county can have the document over the lunch
18 break.

19 JUDGE LAURENSEN: All right. Let's start with
20 that then. Why don't you make whatever written information
21 Mr. Lieberman has prepared concerning this testimony
22 available to the county and let's see what then happens
23 at that point.

24 BY MR. MILLER:

25 Q Mr. Lieberman, let me come back to you on another

1 matter.

2 You were also discussing with Mr. Christman a
3 second, I gather, or a different study or analysis which
4 related to how long children would have to wait at an empty
5 home before they would connect up with their families
6 or something of that sort.

7 Do you recall those questions?

8 A (Witness Lieberman) Yes.

9 Q Is that the TM 139 study that you were referring to?

10 A No. I said we used the data that is within TM 139
11 in order to perform this analysis.

12 Q When did you perform this analysis, Mr. Lieberman?

13 A This morning.

14 MR. MILLER: Judge Laurenson, maybe we can try
15 the same thing. If we can get a copy of it over the
16 lunch break, we will look at it, but I have this same
17 objection to this. It just strikes me that springing things
18 on the other parties at the last minute when it has not
19 been provided to the parties effectively precludes any
20 meaningful examination whatsoever.

21 I just think it is improper.

22 MR. CHRISTMAN: Wait a minute. We are entitled,
23 when you ask a question on cross-examination, to go back
24 and develop some figures in order to do redirect. We are
25 fully entitled to do that.

1 I guess the proper solution is to do the same
2 thing we did with the previous document and just have it
3 copied, give it to you within the next five minutes, and
4 then go into it after lunch.

5 JUDGE LAURENSEN: Let's proceed on that basis.

6 BY MR. MILLER:

7 Q Let me try to just establish a couple things
8 with you, Mr. Lieberman, on this other recent study.

9 If I understand correctly what you were telling
10 Mr. Christman, your analyses assumed a full school day;
11 is that correct?

12 A I don't think I said that.

13 Q Did your analyses assume an early dismissal
14 of the schools?

15 A Yes, it assumed a dismissal of the schools
16 within that window where the busses are not at the school.

17 Q The busses are not at the schools?

18 A Right.

19 Q The data that you used in your analyses,
20 Mr. Lieberman, did you look at the census, for example,
21 to arrive at the data used? Data such as the number of
22 working parents.

23 A Well, specifically I looked at the results of
24 the NCTR survey which, as it happens in this area, agrees
25 with the census.

1 Q And if I understand your conclusions right,
2 Mr. Lieberman, what you said was that nine tenths of
3 1 percent of children would arrive to an empty home; is that
4 right?

5 A Under the scenario of a rapidly developing
6 accident.

7 Q And that the waiting time would be less than
8 one half hour?

9 A Yes, essentially.

10 Q We will come back to this, Mr. Lieberman, after
11 we look at your documentation.

12 Mr. Weismantle, you stated that, in response
13 to a question from Mr. Christman regarding the number of
14 available busses, that there are 385 busses available to
15 the 11 school districts with schools in the EPZ; is that
16 right?

17 A (Witness Weismantle) That's right.

18 Q Do any of the school districts that you are
19 referring to share busses?

20 A There was -- hold on one second. I just
21 want to confer on this.

22 (Witnesses conferring.)

23 To our knowledge, there is some sharing. But
24 the best information we have is, it is very minimal.
25 In other words, there might be some sharing, for instance,

1 to take children from different school districts to a
2 BOCES facility outside of those districts, things like that.

3 Q And you can't give me an idea of the percentage
4 of those 385 busses that would be shared among the
5 school districts?

6 A I can just say our inquiries have led us to
7 conclude it is minimal. We did ask, in the questionnaire,
8 I believe, for each district how many busses were shared.
9 So we -- once we got that information, we would have a
10 precise handle on it.

11 Q Dr. Cordaro, let me try asking you about questions
12 asked to you by Mr. Zahnleuter. In looking at attachment 24,
13 which was or which is the emergency Go Home procedure for
14 I guess BOCES, I think what you said to Mr. Zahnleuter
15 is that the emergency Go Home procedure, which is
16 attachment 24, is for normal circumstances and that under
17 normal circumstances such a plan may have to be revised
18 to take account of the special circumstances of a
19 radiological emergency.

20 Is that a fair summary of your testimony?

21 A (Witness Cordaro) What I meant by normal is
22 pre-Shoreham. These are the Go Home plans which existed
23 prior to any consideration of Shoreham and the remainder
24 of what you said is generally accurate.

25 Q Would you agree with me, Dr. Cordaro, that LILCO

1 simply cannot take the emergency Go Home plans or
2 early dismissal procedures that presently exist for the
3 various school districts and use these plans as a
4 way to implement protective actions for schools during
5 a radiological emergency?

6 A It is not the optimum way to do it, although it
7 can be done.

8 Q So you are telling me that you could simply
9 take an early dismissal option by any of the school districts
10 and use that option with no revisions for an emergency at the
11 Shoreham plant?

12 A Yes. It wouldn't be the desirable course of
13 action, but it could be done.

14 MR. MILLER: Judge Laurenson, I have no further
15 questions, assuming -- reserving my right to come back
16 to Mr. Lieberman after lunch.

17 JUDGE LAURENSON: Any further questions of
18 this panel, with the exception of the reservation concerning
19 Mr. Lieberman?

20 MR. CHRISTMAN: No.

21 JUDGE LAURENSON: All right. At this time
22 then the panel is excused with the exception of
23 Mr. Lieberman who we will ask to return after the
24 luncheon break.

25 Let me inquire now whether the preference is to

1 begin with the testimony of Dr. Doremus at this time
2 or to do it after lunch?

3 Is there a strong preference either way?

4 MR. CHRISTMAN: Just in the interest of his
5 schedule, I guess I would prefer to start him and get him
6 finished as soon as can be done, so I suppose I would
7 prefer to start and do 20 or 30 minutes now rather than
8 wait until after lunch.

9 MR. MILLER: I really don't have a preference
10 one way or the other. It is obvious we are going to be
11 going beyond lunch. I am not sure why it makes a difference
12 why we start now or after lunch.

13 MR. BORDENICK: I think we ought to start
14 because it is going to be easier to get lunch a little
15 later. Right now it is peak time for lunch purposes.

16 It is also going to be a long afternoon.

17 JUDGE LAURENSEN: Let's bring Dr. Doremus
18 up now then and begin.

19 MR. MC MURRAY: While Dr. Doremus is coming up,
20 I just wanted to inform the Board about some scheduling
21 discussions last night among the parties.

22 The next panel that will come up after
23 Dr. Doremus is the Suffolk County panel of
24 Drs. Harris, Mayer, and Saegert. That would be on 73.A and
25 the attendant contentions.

1 After that, the panel of Drs. Harris and Mayer
2 will come up on contention 72 and the other ones associated
3 with it, assuming we get to them today.

4 We have also agreed that in light of the fact
5 that we do seem to be pressed for time, 24.F.2 will be
6 moved to first thing Tuesday morning.

7 JUDGE LAURENSEN: Is it agreed though that
8 in the event that we are in the middle of one of the
9 county's panels that Dr. Barnett will come on out of order
10 at 9:00 o'clock tomorrow morning?

11 MR. MC MURRAY: That's right.

12 JUDGE LAURENSEN: So there has been no change
13 on that schedule then.

14 MS. MC CLESKEY: And the remaining dispute is
15 -- and perhaps we should take it up later, if it
16 happens, whether if LILCO 18 comes up at 4:30 or 5:00
17 o'clock tomorrow where it could not be completed
18 tomorrow afternoon by 6:00, we should start LILCO 18 and
19 carry it over to Tuesday or simply end the hearing day.

20 And the county's position is that LILCO 18 should
21 not carry over, and our position is that it should. I am
22 afraid we are not going to reach any agreement on that.

23 JUDGE LAURENSEN: Let's take that up at the
24 end of today's proceeding and see where we are.

25 MR. MC MURRAY: Why don't we see where we are

1 when we -- on Friday afternoon. That seems best.

2 JUDGE LAURENSEN: Mr. Christman?

3 MR. CHRISTMAN: Judge, Dr. Richard R. Doremus
4 has taken the witness stand. He has not previously
5 appeared in this proceeding, and I ask that you swear him
6 in.

7 JUDGE LAURENSEN: Dr. Doremus, will you stand
8 and raise your right hand, please, and be sworn.
9 Whereupon,

10 DR. RICHARD R. DOREMUS
11 was called as a witness and, having been first duly sworn,
12 was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. CHRISTMAN:

15 Q Dr. Doremus, will you state your full name
16 for the court reporter and spell the last name for her?

17 A Richard R. Doremus, D-o-r-e-m-u-s.

18 Q And would you recite for the record your
19 present job?

20 A I am the Superintendent of the schools in the
21 Shoring Wading River Central School District.

22 Q Dr. Doremus, I will show you, hold up a document
23 dated March 21, 1984, entitled Testimony of Dr. Richard
24 R. Doremus on behalf of the Long Island Lighting Company
25 on Contentions 24.E, 24.F.2, 24.F.3, 24.M, 61.C, and

XXXXX

1 69-71 (Schools).

2 This consists of ten pages of testimony with
3 five attachments. I will ask you if that was prepared
4 by you or under your supervision?

5 A Yes, it was.

6 Q Do you have any corrections or changes to make
7 to that testimony?

8 A I don't think so.

9 Q Then is that testimony true and correct to the
10 best of your knowledge and belief?

11 A Yes, it is.

12 Q And does it constitute your sworn testimony
13 in this licensing proceeding?

14 A Yes, it does.

15 MR. CHRISTMAN: With that, Judge, I will move
16 the admission into the record of the testimony -- the
17 written testimony of Dr. Doremus and ask that it be bound
18 into the transcript as if read.

19 JUDGE LAURENSEN: Is there any objection that we
20 haven't previously ruled on?

21 MR. MILLER: No objection.

22 MR. ZAHNLEUTER: No objection.

23 JUDGE LAURENSEN: The testimony will be received
24 in evidence and bound in the transcript following this page,
25 as though read.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
)
LONG ISLAND LIGHTING COMPANY) Docket No. 50-322-OL-3
) (Emergency Planning
(Shoreham Nuclear Power Station,) Proceeding)
Unit 1))

TESTIMONY OF
DR. RICHARD R. DOREMUS ON BEHALF OF THE
LONG ISLAND LIGHTING COMPANY ON CONTENTIONS
24.E, 24.F.2, 24.F.3, 24.M, 61.C, AND 69-71 (SCHOOLS)

PURPOSE

This testimony, by the Superintendent of Schools for the Shoreham-Wading River Central School District (the district closest to the Shoreham Nuclear Power Station), describes the emergency plans that have been made for that district and how the schools in the district would cope with some of the problems postulated by the intervenors' contentions.

ATTACHMENTS

- Attachment 1 - Map of the Shoreham-Wading River School District
- Attachment 2 - Proposed Emergency Go-Home Plan for the Shoreham-Wading River School District

- Attachment 3 - Emergency Evacuation Plan for the Shoreham-Wading River School District (Third Draft)
- Attachment 4 - Letter of February 1, 1984, from the Co-Presidents of the Shoreham-Wading River Teachers Association
- Attachment 5 - Summary of Emergency Planning for the Shoreham-Wading River School District.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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1. Q. Please state your name and business address.
A. My name is Richard R. Doremus; my business address is Shoreham-Wading River High School, Route 25A, Shoreham, New York 11786
2. Q. What is your job?
A. I am Superintendent of Schools for the Shoreham-Wading Central School District. Five schools in my district are within the ten-mile EPZ surrounding the Shoreham Nuclear Power Station. In fact, all are within three miles of the Shoreham Nuclear Power Station. See Attachment 1.

3. Q. Please state your professional qualifications.

A. A statement of my professional qualifications is being offered into evidence as part of the document entitled "Professional Qualifications of LILCO Witnesses."

4. Q. Please summarize your experience with schools on Long Island.

A. I have been employed by five school districts on Long Island for a total of 28 years, as my statement of professional qualifications shows.

5. Q. Have you reviewed the offsite emergency plan that the Long Island Lighting Company has prepared for use in case of a radiological accident at the Shoreham Station, called the "LILCO Transition Plan"?

A. Only the parts that have to do with schools, namely page 3.6-7 of the Plan, pages 10a-19c of procedure OPIP 3.6.5, and pages II-19 through 21 and IV-169 through 171 of Appendix A.

6. Q. Do you understand what "LERO" is?

A. Yes. My understanding is that it is the organization that would be implementing the offsite

response to a radiological emergency at the Shoreham Nuclear Power Station. I understand LERO would be staffed primarily by LILCO employees but would include people from the Department of Energy, the Red Cross, and the U.S. Coast Guard as well.

7. Q. Have you reviewed the testimony by the LILCO witnesses on schools?

A. I have read the parts that relate to the Shoreham-Wading River Central School District.

8. Q. Are the data in that testimony about your school district accurate?

A. Yes.

GENERAL

9. Q. Do you believe it is possible to plan for a radiological emergency at Shoreham where school children are involved?

A. Yes.

10. Q. Is your school district willing to work with LILCO to make plans for the schools in the event of a radiological emergency at the Shoreham Station?

A. Yes.

11. Q. Assuming that neither the Suffolk government nor the State of New York government were participating in emergency planning for the Shoreham Station, and assuming also that the plant were operating and there were a radiological emergency, would you attempt to implement an advisory from LERO on the EBS radio station advising you to institute your early dismissal plans, or to shelter the students at the schools, or to bus the students directly to a reception center?

A. Yes. Our best judgment is that in many cases it would be easier for us to bus the students to a reception center than to send them to their homes.

12. Q. Have you had any experience coping with emergencies, especially emergencies in which schoolchildren had to be taken care of?

A. Yes. These included hurricanes, snowstorms, failure of utilities, and fires.

EARLY DISMISSAL

13. Q. Does your school district have a plan for the early dismissal of your schools that you use in the case

of natural disasters or heavy snowfall during the school day?

A. Yes. There are several plans, depending on the type of emergency and the number of schools involved. See Attachments 2 and 3.

14. Q. When the plans are used, how long does it take to get the students home?

A. In a most pressing emergency (immediate evacuation of all buildings at once using all buses) it would take about one hour from first notification of the bus company until the last pupil arrived at his home. It would about take thirty minutes to take pupils from school to their homes.

15. Q. How many bus runs are required to get the students home under your plan?

A. One.

16. Q. What information do you use to decide whether the weather is bad enough to implement early dismissal?

A. The ordinary weather reports on the radio, plus our own observation of weather conditions and input from the bus company.

17. Q. How many of the students walk home, rather than ride, when the early dismissal plan is implemented?
- A. Fewer than 100.
18. Q. What is the farthest that any of these students has to walk?
- A. We provide transportation for all our pupils. A few who live very close to the school (less than 1/4 mile) choose to walk.
19. Q. What provisions are made in your early dismissal plan for students who may arrive home to find their parents absent?
- A. We have requested parents either to instruct their children to enter their home or to go to a neighbor's home.
20. Q. If you have to implement your early dismissal plan, how can you be sure that the school buses will be available for that purpose?
- A. The easiest way would be to have them parked at each school when not in use, and this measure can be incorporated into our school district emergency plan. Otherwise, they will have to be picked up at the bus storage area by teachers and bus drivers.

The furthest school from the storage area is three miles.

21. Q. Are you confident that the bus drivers will be available for that purpose when you need them?
- A. Enough of our bus drivers and teachers have indicated they would be available to drive buses to man all of our buses.

SHELTERING

22. Q. Suppose you are advised by LERO to shelter the students from radiation in the school buildings for a certain period of time. How would you do that?
- A. Depending on the school, we would shelter them in the auditorium, the gymnasium, all-purpose rooms, corridors, and basements. We have adequate space to shelter all children and staff in each building.

EVACUATION

23. Q. Suppose you are advised by LERO not to send the students home or to shelter them but to bus them directly to a reception center somewhere farther than ten miles from the Shoreham plant. Could you use your regular school buses for this purpose?

A. Yes.

24. Q. Do you have enough buses available to you to get all your students to a reception center in a single run?

A. Yes.

25. Q. Would you need to provide someone, other than the bus driver, to supervise the students as they were transported to the relocation center? If so, who?

A. Yes, teachers.

26. Q. If there were a radiological emergency at Shoreham and additional buses were needed, do you believe that school districts outside the ten-mile EPZ would release their buses from other commitments temporarily so that they could be used to evacuate schools inside the EPZ?

A. Yes.

SHORTAGE OF PERSONNEL

27. Q. Suppose a number of school bus drivers failed to show up at the schools in an emergency. How would you cope with this problem?

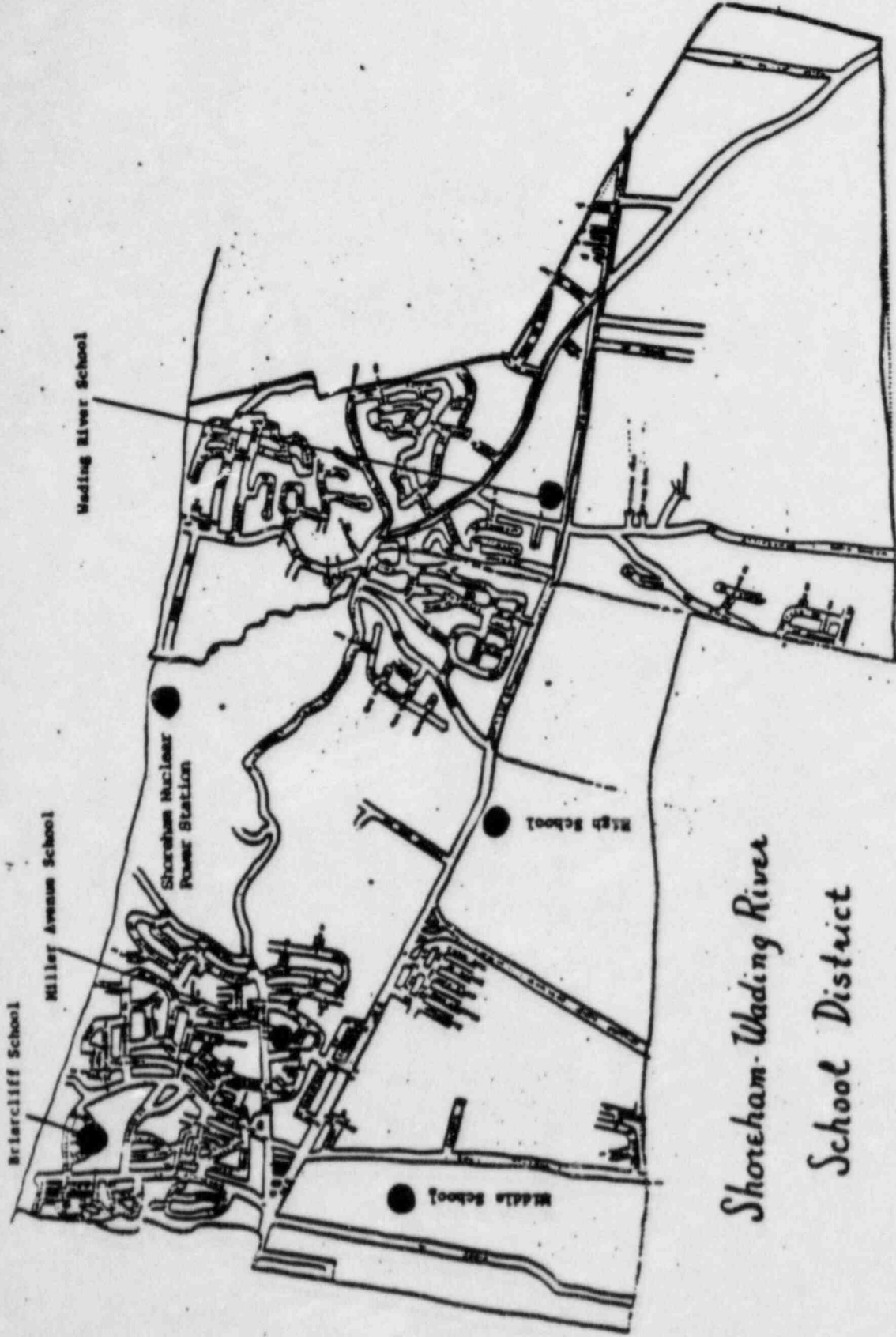
- A. We would use teachers and other school personnel to drive buses.
28. Q. If there were a radiological emergency at Shoreham, would you personally stay at your job until the students were taken care of?
- A. Yes. I have stated publicly on a number of occasions that in case of such an emergency, I will be the last school employee to leave the school district.
29. Q. In the event of a radiological emergency, do you think most of the employees at the schools, teachers and others, would stay at their jobs long enough to see the children safely provided for?
- A. Yes. See the letter from the co-presidents of our teachers association (Attachment 4 to this testimony).
30. Q. Do you believe you and your staff could successfully see that the students were either sheltered for a period of time in the schools or bused to their homes or to a relocation center in the event of a radiological emergency at Shoreham?

A. Yes.

31. Q. Have you done any planning in your school district for an accident at the Shoreham Station?

A. Yes. See Attachment 5.

Attachment 1



Briarcliff School

Miller Avenue School

Wading River School

Shoreham Nuclear Power Station

Middle School

High School

Shoreham-Wading River

School District

Attachment 2

**PROPOSED EMERGENCY GO-HOME PLAN
FOR SHOREHAM-WADING RIVER CENTRAL SCHOOL DISTRICT**

This plan is submitted in accordance with the request of the State Civil Defense Commission and the New York State Education Department. It is designed to evacuate quickly all children from District buildings and grounds in the event that an emergency situation should occur. However, the Chief School Administrator may institute a "Stay Where You Are" plan when in his/her opinion the safety of the children is better served.

If the decision to evacuate is not made before 1:00 p.m., children will be sent home at their regular dismissal time.

Parents are requested to train their children to be able to enter their house in an emergency when no one is at home. Parents will indicate on the Emergency Home Contact form if they have so trained the child and give permission for her/him to be sent home without a parent being in the house.

PLAN I - In-school emergency closing due to no heat, no water, etc.

- a. Radio stations will be notified of the dismissal.
- b. The bus company will be notified to proceed immediately to the schools with pick-ups based upon the regular dismissal procedures.
- c. Elementary schools will immediately put into effect procedures for contacting class mothers who will then contact the parents, or the neighbor designated by the parents, notifying them of the dismissal and the estimated time of dismissal from school. If neither the parent nor the emergency contact person(s) is available, school personnel will call neighbors of the child's family to try to locate someone who will agree to care for the child until a parent can come for him/her. If the parents have given their permission, children who have been trained to enter their homes when no one is at home will be sent home with the other children.

- d. If none of the above conditions prevail for particular children, they will remain at the school. The Building Principal will be responsible to see that school personnel remain until all the children have left the school. Such personnel should also be available to provide transportation for those children who are kept in school.

PLAN 2 - A natural disaster such as a hurricane or winter storm, where there is adequate warning.

- a. Radio stations will be notified of the dismissal.
- b. The bus company will be notified to proceed immediately to the schools with pick-ups based upon the regular dismissal procedures. All schools will be notified of the estimated time of arrival of the buses in order that the children may be ready for immediate evacuation.
- c. Elementary schools will immediately put into effect procedures for contacting class mothers who will then contact the parents, or the neighbor designated by the parents, notifying them of the dismissal and the estimated time of dismissal from the school. If neither the parent nor the emergency contact person(s) is available, school personnel will call neighbors of the child's family to try to locate someone who will agree to care for the child until a parent can come for him/her. If the parents have given their permission, children who have been trained to enter their homes when no one is at home will be sent home with the other children.

- d. If none of the above conditions prevail for particular children, they will remain at the school. The Building Principal will be responsible to see that school personnel remain until all the children have left the school. Such personnel should also be available to provide transportation for those children who are kept in school.

PLAN 3 - A natural or man made disaster where it is necessary for immediate evacuation.

- a. Radio stations will be notified of the dismissal.
- b. The bus company will be notified to immediately send an appropriate number of buses to each school to transport elementary students who live more than one-half mile from the school, middle school students who live more than one mile from the school, and high school students who live more than one and one-half miles from the school. Middle School and High School students who will not be transported by the buses will be dismissed immediately with instructions to proceed as quickly as possible to their home.
- c. Elementary schools will immediately put into effect procedure for contacting class mothers who will then contact the parents, or the neighbor designated by the parents, notifying them of the dismissal and the estimated time of dismissal from the school. If neither the parent nor the emergency contact person(s) is available, school personnel will call neighbors of the child's family to try to locate someone who will agree to care for the child until a parent can come for him/her. If the parents have given their permission, children who have been trained to enter their homes when no one is at home will be sent home with the other children.

- d. If none of the above conditions prevail for particular children, they will remain at the school. The Building Principal will be responsible to see that school personnel remain until all the children have left the school. Such personnel should also be available to provide transportation for those children who are kept in school.
- e. The Building Principal will also be responsible to establish procedure for the dismissal of students who are picked up by private automobile.

PLAN 4 - Nuclear emission from LILCO plant.

In the event of off-site radiation from the Shoreham Nuclear Plant, the school district will evacuate students to a safe place.

Adopted	10/6/76
Revised	9/18/78
Revised	8/28/80
Revised	8/21/81
Revised	9/21/82
6/15/83d	

Attachment 3

SHOREHAM-WADING RIVER CENTRAL SCHOOL DISTRICT

EMERGENCY EVACUATION PLAN
THIRD DRAFT

I. Response Action: Unusual Event

- a. Notification to Superintendent or his/her designee if operational and/or safety system is affected.
- b. Superintendent:
 1. Notifies Building Principals.
 2. Responds to inquiries.
 3. Continues with his regular daily schedule.
 4. If the Superintendent is not available, the next in the chain of command will assume responsibility.
- c. Building Principals:
 1. Gather information on pupil attendance and location (field trips, concerts, etc.)
 2. Refers inquiries to the county telephone number

II. Response Action: Alert

- a. Notification to; Superintendent or his/her designee of status.
- b. Superintendent:
 1. Notifies principals of status.
 2. Notifies bus company of status.
 3. Gathers applicable information about the location and population of the students (classes on field trips, visiting students, and extra classes in buildings).
 4. Remains available.
- c. Building Principals:
 1. Relay information of student location and population to Superintendent as well as presence of staff emergency bus drivers and supervisors.
 2. Remain available.
- d. Bus Company:
 1. Gathers information on location of buses and drivers.
 2. Have bus driver list on hand if phone numbers are needed.

III. Response Action: Site Area Emergency

- a. Notification to Superintendent or his/her designee of change of status.
- b. Superintendent:
 1. Notifies building principals of change in status.
 2. Notifies bus company of change in status.
 3. Notifies Building Principals of private and parochial schools of status.
 4. Makes decisions on out of district students, sports, field trips, COH, BOCES, etc.

c. Building Principals:

1. Notify teachers.
2. Keep all students inside the school building.
3. Update attendance.
4. Cancel field trips and interscholastic trips.

d. Bus Company

1. Notifies all bus drivers to take buses to school.

IV. Response Action: General Emergency

Notification to Superintendent or to his/her designee for appropriate action.

cc: A. Procell

er

Attachment 4

SHOREHAM - WADING RIVER

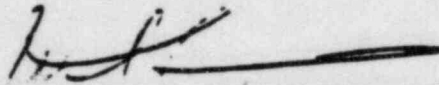
TEACHERS ASSOCIATION

February 1st, 1984

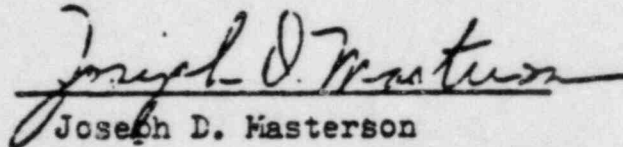
Boards of Education, school superintendents and teachers' unions from some school systems surrounding Shoreham-Wading River have been falling all over themselves, of late, to state in print that teachers might abandon school children in the event of a nuclear emergency. As Co-Presidents of the Shoreham-Wading River Teachers' Association we cannot remain silent on this issue.

We believe that teachers would respond to a nuclear emergency just as they would to an earthquake, fire, enemy attack or any other catastrophe. They will fulfill their responsibilities as professionals and as human beings.

As Co-Presidents of Shoreham-Wading River Teachers' Assn. we would advise our members of their responsibilities as public employees, and we would direct them to perform as required. We assert that Shoreham-Wading River residents who teach in other districts can fulfill their professional obligations safe in the knowledge that their children in our charge will be cared for in the event of any emergency.



William Silver



Joseph D. Masterson

Co-Presidents
Shoreham-Wading River
Teachers' Association

db

Attachment 5

**EMERGENCY PLANNING
SHOREHAM-WADING RIVER CENTRAL SCHOOL DISTRICT**

During the period when consultants for Suffolk County were formulating an emergency plan for the area around the nuclear power station, the school district constituted an Emergency Planning Committee to coordinate the responsibilities and activities of the school district with those of Suffolk County and the Long Island Lighting Company in the event an emergency should occur. The committee consisted of representatives from parent organizations from each of the district's schools, teachers, members of the Civil Service Employees Unit, high school students, bus drivers, a representative from the bus company, a District administrator, and two members of the Board of Education. The committee met once with a representative from the Long Island Lighting Company to learn about the company's preparations, monitoring systems, instrumentation, and other activities. A number of the committee's meetings were attended by a representative from PRC Voorhees, one of the firms consulting for Suffolk County.

There are five schools in the Shoreham-Wading River Central School District (see attached map): three elementary schools, one middle school, and one high school. The Wading River Elementary School is located about one-tenth of a mile north of Route 25A on the east side of Wading River Manorville Road; the Miller Avenue Elementary School is located on the east side of Miller Avenue approximately one-quarter of a mile

north of the intersection of Miller Avenue with Route 25A which lies between the William Floyd Parkway and Randall Road in Shoreham. The Briarcliff Elementary School is located between Woodville Road and Briarcliff Road, an extension of Randall Road, in Shoreham, about one-half of a mile north of Route 25A. The Middle School is located on the west side of Randall Road, in Shoreham, approximately one-half mile south of Route 25A. The High School is located on the south side of Route 25A about one-quarter mile east of the intersection of Route 25A and the William Floyd Parkway.

Routes for egress from the school district are primarily east and west along Route 25A; south along Wading River Manorville Road to Route 25, the Long Island Expressway, and the Sunrise Highway; south along the William Floyd Parkway to Route 25, the Long Island Expressway, and the Sunrise Highway; and south along Randall Road in Shoreham to Route 25 and then via the William Floyd Parkway to the Long Island Expressway and the Sunrise Highway.

Recognizing that in an emergency the level of hazard and therefore the level and immediacy of response to the hazard may depend strongly on accurate existing and forecast wind and weather conditions, the District Emergency Planning Committee early in its discussions determined the compass heading of the nuclear power station from each of the five schools. As part of its activities the committee also determined what areas in each school building were most suitable for sheltering, reviewed the number of vehicles

available to the district under its contract with the bus company and conducted surveys of district staff members and bus drivers. It was found that the number of vehicles was large enough so that all school children attending schools in the district and those from the district attending private and parochial schools and occupational and special education classes in BOCES I and II could be transported without the need for second trips. In response to the surveys, a sufficient number of bus drivers and staff members, who volunteered to supervise on buses or be trained to drive buses, indicated a willingness to man the vehicles required to move all the school children simultaneously to their homes or from the area if such a move became necessary.

To provide additional back-up for these drivers, the committee had considered but had not sent, because of the uncertainty regarding the responsibilities for emergency planning, a letter to community residents asking if any individuals would be willing to be trained to drive buses in the event of an emergency. A number of residents are employed locally by the Grumman Corporation at Calverton and at Brookhaven National Laboratory, both of which are within a fifteen minute drive from the school district.

The district committee agreed in its deliberations that an attempt should be made to plan for all situations where the school district had responsibility for the children. These situations would include the normal school day and times when students were participating in after-school, school sponsored

activities, such as athletics, in or out of the district. Two options were being considered for the District's response to an emergency. One option would involve implementation of the District's Emergency Go-Home Plan which had been submitted in accordance with the request of the State Civil Defense Commission and the New York State Education Department and is designed to evacuate quickly all pupils from District buildings and grounds in the event that an emergency situation should occur (see attached). It should be noted that although this plan has never been time-tested, the longest bus run after normal dismissal is twenty-two minutes.

The committee reviewed information which indicated that in a substantial number of homes in the district parents were absent during the day. Although the provisions of the Emergency Go-Home Plan state that no elementary child would be sent home unless an adult were available to receive the child or the child had been trained to enter an empty house and had been granted permission by the parent/guardian to do so, the committee felt that adult supervision would be necessary for elementary children or for older students who were to be sent home.

Unless, therefore, there was certainty that an emergency at the nuclear power station was developing very slowly, the committee preferred, as the more appropriate and conservative District response, the evacuation from the area of those children for whom the District was responsible in the event of a general emergency. It was recognized that an event

at the nuclear power station has the potential for creating anxieties and attendant confusion. Whether the dissemination of information would ease anxieties is a matter for conjecture. The committee stressed, however, that to minimize confusion and implement a rapid evacuation, if an evacuation became necessary, it was of great importance to receive early and accurate information so that drivers could be alerted and mustered and buses brought to and stationed at the schools prior to the declaration of a general emergency. Throughout the committee's deliberations, the importance of accurate and timely communications was emphasized.

The district committee had prepared an outline of an emergency plan, but because of the uncertainties surrounding the licensing of the nuclear power station, the committee has not met for a number of months. It is, however, preparing to resume work on an emergency plan proposal to submit to the Board of Education. Should the power station be licensed to operate, the school district is ready to cooperate and coordinate with any governmental body or other organization which is assigned overall responsibility for emergency planning around the Shoreham Nuclear Power Station.

TO: Administrators
FROM: Robert J. Sokel
SUBJECT: Civil Defense
DATE: October 3, 1983

Attached is the Emergency Go-Home Plan in effect for the 1983-84 school year.

Since none of our school buildings have licensed fallout shelters, designate parts of your building which could provide effective protection from certain types of disasters. Each building should be surveyed to identify the safest area(s) of the building where occupants could be sheltered until circumstances permit dispersal to safer destinations.

Use of these areas is dependent upon sufficient advanced warning to allow moving occupants to the designated areas. Proper instruction and practice drills will reduce this moving time to a minimum.

When a disaster strikes with little or no warning, duck and cover may be the only resort. Again, proper instruction as to what is expected in such an event and practice drills are essential.

In addition to disaster preparedness planning, all school administrators should be providing instruction which will effectively prepare students to respond to any disaster situation in an intelligent and practical way. Instruction should be an element of regular instructional activity; and should provide basic information and an understanding which can be translated into an appropriate response if and when a disaster strikes. Instruction can be based on any appropriate course area including Strand V of the Health Education curriculum.

It will be the responsibility of each Building Principal to designate a signal for Civil Defense drills that will not be confused by the students as a Fire Drill.

Attachment

cc: Seaman Bus Company
Dr. DeFeo, Superintendent, BOCES 1
P. Shaller, Deputy Director
Department of Emergency Preparedness

1 MR. CHRISTMAN: Thank you.

2 With that, Judge Laurenson, Dr. Doremus is
3 ready for cross-examination.

4 JUDGE LAURENSON: Mr. Miller?

XXXXXXX

5 CROSS-EXAMINATION

6 BY MR. MILLER:

7 Q Dr. Doremus, have you been specifically
8 authorized by the Shoreham Wading River School District,
9 by the board of the school district, to speak on the
10 board's behalf at this proceeding?

11 A I am the chief executive officer of the school
12 board. I am authorized to speak on the board's behalf all
13 the time.

14 Q Have you been specifically authorized in that
15 regard? For example, has there been a resolution enacted
16 by the school board permitting you to testify at this
17 proceeding?

18 A No.

19 Q But it is your opinion, sir, that you do have
20 the authority to speak for the school board; is that what you
21 are saying?

22 A Yes.

23 Q Would you say, Dr. Doremus, that your opinions are
24 the opinions of the other school board members?

25 A Not the other school board members. I am not a

1 school board member.

2 I believe it is the opinion of the school board
3 members, yes.

4 Q Maybe we can try this, Dr. Doremus. If at any
5 time today you express an opinion to me which you feel
6 would be your personal opinion and not the opinion of the
7 school board members, would you please state that for the
8 Board and for the parties. And otherwise I guess we will
9 assume that you speak for the school board in your opinion
10 and that your opinions would be the opinions of the school
11 board members. That's your testimony, correct?

12 A Yes.

13 Q Could you tell me, Dr. Doremus, what the
14 position of the Shoreham Wading River School Board regarding
15 Shoreham is at the present time?

16 I am asking for the school board's position in
17 this case and not yours.

18 A They would like the plant to open.

19 Q Has the school board indicated in any way to you
20 that the school districts should participate with LILCO
21 in planning for an emergency at the Shoreham plant?

22 A That question is hard to answer because
23 technically the school board can't speak unless the school
24 board as a group meet and vote on something that is by the
25 majority of the board. Individually, yes. But officially or

1 technically they have not said we should or should not
2 participate in a emergency evacuation procedure.

3 We had, as I am sure you are aware, an
4 evacuation planning committee that met for a year, and two
5 of the school board members were on it and were designated
6 by the board to be on it.

7 But the board has not taken an official position
8 to that.

9 Q Dr. Doremus, when you said that in your
10 opinion the school board members favor the opening of the
11 plant, do you share that opinion?

12 A Yes.

13 Q Is it fair to say that not only do you favor
14 the plant's opening, but that you are active in your
15 support for the plant?

16 A Yes, I am active in support of the plant, in
17 support of opening the plant.

18 Q Have you ever heard of an organization called
19 OPEN?

20 A Yes.

21 Q Are you a member of that organization?

22 A No.

23 MR. CHRISTMAN: Objection, relevance to
24 emergency planning.

25 JUDGE LAURENSEN: It goes to his potential bias

1 or whatever. The objection is overruled.

2 The answer was no to that last question; is that
3 correct?

4 THE WITNESS: That's correct.

5 BY MR. MILLER:

6 Q Could you tell me, Dr. Doremus, just for the
7 sake of the record, what OPEN stands for?

8 MR. CHRISTMAN: Objection, since he is not
9 a member of OPEN, it hardly can go to his bias or
10 qualifications or anything else.

11 JUDGE LAURENSEN: Sustained.

12 BY MR. MILLER:

13 Q Dr. Doremus, there are some papers up at your
14 table which are some possible exhibits that we will
15 introduce in this proceeding based upon your testimony
16 today.

17 There is one which is dated on the bottom
18 left-hand corner 4/9/84. That date is also handwritten
19 in the upper left-hand corner. It is a single page.

20 Do you see that?

21 A Yes.

22 MR. MILLER: Judge Laurenson, could we have this
23 marked, please, as Suffolk County EP Exhibit 47?

24 JUDGE LAURENSEN: It will be so marked.

25

1 (The document referred to
2 was marked Suffolk County
3 Exhibit EP-47 for identifica-
4 tion.)

XXXXXX

5 BY MR. MILLER:

6 Q Have you ever seen this statement before,
7 Dr. Doremus?

8 A Yes.

9 Q Could you tell me what it is?

10 A It is a resolution adopted by our Board of
11 Education.

12 Q And it was adopted on April 9, 1984, correct?

13 A I don't know. That is the date on here.
14 I don't know if that is the date it was adopted.

15 Q Do you think it is generally around that
16 time frame, Dr. Doremus?

17 A I may be able to tell you more exactly.

18 Yes, that date is probably correct.

19 Q Now, Dr. Doremus, the last sentence of this
20 statement or resolution states that, "If the Federal
21 Government, through the Nuclear Regulatory Commission,
22 decides to license the power station to operate, the
23 school board will support the decision and will cooperate
24 and coordinate with the governmental body or other
25 organization which is assigned overall responsibility for

1 emergency planning around the Shoreham Nuclear Power
2 Station." Do you see that?

3 A Yes.

4 Q Isn't it fair to say, Dr. Doremus, that the
5 official position of the Shoreham Wading River school board
6 therefore is that the board has taken a neutral position
7 until it has been decided by the Federal Government,
8 specifically by the NRC, whether or not the plant will
9 open?

10 A A neutral position on what?

11 Q A neutral position on planning, the emergency
12 planning for the Shoreham plant with respect to the
13 schools in the Shoreham Wading River school district.

14 MR. CHRISTMAN: Objection. Vagueness. A
15 neutral position with respect to emergency planning. That
16 is vague.

17 JUDGE LAURENSEN: Overruled.

18 THE WITNESS: Has taken a neutral -- would you
19 rephrase the question?

20 BY MR. MILLER:

21 Q What I am trying to understand, Dr. Doremus,
22 is the position, the official position as set forth
23 in this April of this year resolution of the school board
24 with respect to the Shoreham plant. And I have read a
25 sentence to you, the last sentence of the resolution. I am

1 asking you now, isn't it fair to say that based upon
2 this resolution, the school board officially has taken
3 a neutral position with respect to emergency planning
4 at the Shoreham plant and the schools within the
5 Shoreham Wading River school district?

6 A No, I wouldn't interpret that that way.

7 Q You wouldn't agree with me, Dr. Doremus,
8 that the school board has specifically stated that they
9 are awaiting to see whether or not the plant will open?

10 A Before doing planning?

11 Q Before engaging in emergency planning with
12 Shoreham concerning the schools in the school district.

13 A Yes, but I wouldn't interpret that to be a
14 neutral position. I think that I have the same position.
15 I am not neutral about planning. I am in favor of it,
16 but I don't think we should do anything until something
17 is arrived at; it is a waste of time.

18 Q Are you saying, Dr. Doremus, that until a
19 decision has been made on the Shoreham plant, you personally
20 do not believe that there should be planning between LILCO
21 and the Shoreham Wading River school district?

22 A No, I didn't say that. What I am trying to say
23 is that there will be a lot of detailed planning that will
24 probably need to be done. I don't see engaging that if,
25 for example, the plant isn't going to open. That is a

1 great waste of time.

2 I do believe in planning, and the district
3 has done some pre-planning, but I don't see getting
4 greatly involved if the plant isn't going to open.
5 But I don't think that is a neutral position.

6 Q Dr. Doremus, there is another page in your
7 stack of papers which states at the top, "To All Faculty
8 and Staff from Dick Doremus." It is not dated.

9 Do you see that? It is a single page.

10 A There is a date in the lower left-hand corner.
11 It is 4/12/84.

12 Q Okay.

13 MR. MILLER: Judge Laurenson, maybe we can
14 mark this as Suffolk County EP Exhibit 48.

15 JUDGE LAURENSEN: It will be so marked.

16 (The document referred to was
17 marked Suffolk County Exhibit
18 EP-48 for identification.)

19 BY MR. MILLER:

20 Q Did you prepare what has been marked,
21 Dr. Doremus, as Exhibit 48?

22 A Yes, I did.

23 Q Can you tell me why you prepared this?

24 A Yes. I wanted to make staff aware of what was
25 going on. I have sent out since what we might call the

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1 "crisis situation" of the past five or six months, several
2 memos updating the staff on our attempts to obtain
3 legislation on action and what we know, what is going on.

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Q Now, when you say, Dr. Doremus, "I urge those of you who agree with the Board's position to express yourselves by joining community groups which have become active and by communicating with your legislators," I assume there, Dr. Doremus, that you are talking about community groups which favor the opening of the plant; is that right?

A No. I'm talking about -- there are two community groups. One is in favor of opening the plant. That's open. There is another called the Shoreham Wading River Community Organization, I believe. That's composed of people who favor and even some who oppose the opening of the plant. Both of those groups are active.

And that's why I made that statement there. We need, for those who want to get the plant open, I said you should get active; for those who belong to the other group, we need them to get active to get some -- perhaps some financial assistance for the district.

Q But in part, Dr. Doremus, in that statement, you were urging persons to join the open group which favors the opening of the Shoreham plant; correct?

MR. CHRISTMAN: Objection. Asked and answered just now.

JUDGE LAURENSEN: Overruled.

WITNESS DOREMUS: If you notice, it says "groups."

BY MR. MILLER: (Continuing)

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Q Yes, sir, I said --

A I was urging them to join open and I was urging them to join the community organization. I'm urging them to get politically active.

Q Dr. Doremus, in testifying here today, I take it that you are authorized, and your opinions speak to the Shoreham Wading River school district and no other school district within the EPZ or outside the EPZ; is that correct?

A That's correct.

Q Are you a paid consultant, Dr. Doremus, for LILCO?

A No.

Q Would you tell me how you came to be a witness for LILCO in this proceeding?

A I think I remember how it occurred. We had sent a number of letters -- the district had sent, I think we sent one to Lou Howard's Commission once and the Marburger Commission, one to the Atomic Safety and Licensing Board, and one to the Governor. And we pointed out two things in those letters, although I'm not sure that the letter to Lou Howard's Commission pointed both out. One is that the -- should the plant not open and the district lose tax revenue from the plant, it would be a financial disaster for the community and the schools; and, the second was that we felt we could safely evacuate the area.

As a result of that, I believe I got a call from

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1 Elaine Robinson -- I think it was Elaine Robinson. It may
2 have been Tom Voider (phonetic) of Darrell, Lankford. I
3 don't think that's important -- pointing out to them -- asking
4 if I would be willing to testify to that, and I said yes.

5 And subsequently I received -- I met with Mrs.
6 Robinson and Mr. Christman and they gave me a series of
7 questions and I answered those questions. And here I am.

8 (Laughter.)

9 Q Do you share the opinion, Dr. Doremus, that if
10 the plant did not open it would be a financial disaster?

11 A For the school district?

12 Q Yes.

13 A Yes.

14 Q Let me ask you some more about that, Dr. Doremus.
15 In terms of the scope of, as you say, financial disaster to
16 the school district, can you tell us generally the effect
17 that Shoreham not opening would have to the Shoreham Wading
18 River school district?

19 A That would be a little difficult to answer precisely,
20 because it depends on all kinds of extenuating circumstances.
21 Should the plant not open and the district not receive any
22 carry-over or supplemental funds from the State, and that as
23 of -- let us say this occurred before July 1st for the sake
24 of argument, as of July 1st, the only income the district had
25 would be regular State aid under law and the tax monies to be

#12-4-SueT

1 raised in the two communities without the plant, except for
2 the ground the plant is on, yeah, we would probably have to
3 lay off a hundred teachers, a hundred civil service workers,
4 close three buildings and even at that rate the tax rate
5 would probably quadruple.

6 Q Let me try it this way, Dr. Doremus.

7 A Now, that's a worst scenario. It's possible we
8 would get some carry-over State aid, and that could be
9 mitigated so that that kind of decline in services and staff
10 could be spread out over a couple of years.

11 Q Dr. Doremus, there are two other documents in your
12 stack of papers. One is a document that's two pages long
13 from yourself to Faculty and Staff, dated March 17, 1983.

14 Do you have that one, sir?

15 A March 17th? Yes, I have that.

16 Q And then the other is a copy of the petition that
17 was filed, the petition to intervene, that was filed on
18 behalf of the Shoreham Wading River School District in
19 Civil Action Number 83-4966.

20 I think this is total of seven pages. Do you
21 have that document?

22 A I think I have that one. It says Citizens for
23 an Orderly Energy Policy against County of Suffolk? That
24 one?

25 Q Yes, sir.

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A Yes, I have that one, too.

2

Q Did you prepare the March 17, 1983 memorandum,

3

Dr. Doremus?

4

A Yes, I did.

5

MR. MILLER: Judge Laurenson, perhaps we can

6

have this marked as SC EP Exhibit 49, and the petition to

7

intervene marked as Exhibit 50.

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JUDGE LAURENSON: They will be so marked.

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(The documents referred to

10

are marked as SC EP Exhibit

11

49 and SC EP Exhibit 50

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for identification.)

13

BY MR. MILLER: (Continuing)

14

Q Dr. Doremus, are the figures and the results of

15

the Shoreham plant not opening results regarding the impact

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on the Shoreham Wading River school district that are set

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forth in your March 17, 1983 memorandum still average to the

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best of your belief?

19

A No, we revised them to some extent with later

20

data.

21

Q Are these figures generally accurate, or have they

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been substantially revised, in your opinion?

23

A Well, if you want to go over that, the -- first

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of all, the first year we could only close one school. We

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would create chaos if we closed two. So, we would feel that

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1 we would close two more the second year. We -- it's impossible
2 for us to reduce the staff to ninety-nine. We don't believe
3 we could meet minimum State mandates, so we would have to have
4 approximately a hundred and ten to a hundred and twenty staff.
5 We also could not reduce our civil service staff to fifty. We
6 might eventually, but we couldn't do that at first and
7 function.

8 Otherwise, they are substantially correct. If you
9 mean by substantially, you know, if I say eighty-one dollars
10 if you are talking between seventy-five and eighty-five, yes,
11 that kind of substantial, yes, I would say that's substantially
12 correct.

13 Q Let me make sure I understand, Dr. Doremus, what
14 you are saying is that on the first page of this document that
15 you would not close two schools the first year but just one,
16 that the staff where it says now, reduction of the teaching
17 staff from 211 to 99, the figures would really be something
18 more along the lines of 211 to 110 or 120, and where you say
19 the reduction of our civil service staff from 191 to 50,
20 it would be more along the lines of 191 to what, do you
21 know?

22 MR. CHRISTMAN: Objection. Just a second, Dr.
23 Doremus. I object to going into the great detail about the
24 financial impact on this school district if the plant doesn't
25 open. I think counsel has made his point, and I don't see

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1 that any more detail is going to be probative of the issues
2 in this proceeding.

3 MR. MILLER: Judge Laurenson, in part I am probing
4 this area because we don't have apparently a more recent
5 document. If we can establish that the number fifty, a
6 general number for that number, then substantially, according
7 to Dr. Doremus, this document would remain accurate and,
8 therefore, it would have some value. That's all I'm trying to
9 do at this point is to establish what that number fifty would
10 perhaps become.

11 JUDGE LAURENSEN: The objection is overruled.

12 WITNESS DOREMUS: I think it would probably become
13 about eighty-five.

14 BY MR. MILLER: (Continuing)

15 Q Thank you. Now, Dr. Doremus, have you seen this
16 petition to intervene before?

17 A Yes, I have.

18 Q Were you involved in the decision to intervene in
19 the lawsuit between Citizens for an Orderly Energy Policy and
20 the County of Suffolk?

21 A Actually, it's a decision made by the Board of
22 Education. I was at the meeting where they decided to inter-
23 vene, and I may have interjected comments. But it's a Board
24 decision, not a Superintendent's decision.

25 Q Did you support the Board's decision in this regard?

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- 1 A Yes.
- 2 Q You favor intervention?
- 3 A Yes.
- 4 Q Dr. Doremus, there are various comments regarding
5 financial impact throughout this petition, and I don't really
6 want to go into them all, but is it fair to say, if you look
7 for example on Page 3, there is a statement: Approximately
8 eighty-seven point nine percent of all tax monies currently
9 received by the district -- meaning the Shoreham Wading River
10 school district -- are paid by LILCO.
- 11 Do you see that statement?
- 12 A On Page 3, no, I don't.
- 13 Q Page 3, about line 5 from the top.
- 14 A Okay. Yes, I see that.
- 15 Q Is that still approximately the percentage of tax
16 monies that are received by the district from LILCO?
- 17 A No, it's higher.
- 18 Q What is it now, sir?
- 19 A I think it's ninety-one point five or ninety-one
20 point seven.
- 21 Q That's for the '83-1984 school year?
- 22 A Right.
- 23 Q So, Dr. Doremus, if you look at Exhibit A which
24 is the last page of this document which is Exhibit A to the
25 petition to intervene, we could add the column 1983-1984 at

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1 the end and probably inserting the figure ninety-one point five
2 percent would be fairly accurate; is that right?

3 A That's right.

4 Q Dr. Doremus, is there any school district, to your
5 knowledge, within or outside the EPZ which receives a greater
6 proportion of its schools budget from LILCO than Shoreham
7 Wading River school district?

8 MR. CHRISTMAN: Objection. Relevance.

9 MR. MILLER: Judge Laurenson, it's clearly relevant
10 to the qualifications and credibility of this witness, when
11 we are talking about ninety-one point five percent of the
12 schools budget coming from LILCO, a large percentage of --

13 WITNESS DOREMUS: That statement is not correct.

14 MR. MILLER: Excuse me, Dr. Doremus.

15 WITNESS DOREMUS: That's not correct.

16 MR. MILLER: Excuse me, Dr. Doremus. A large
17 percentage of that coming from the Shoreham plant, it's
18 clearly relevant to this proceeding to know the economic
19 dependence, if you will, of that school district, this school
20 district, to LILCO and the Shoreham plant.

21 That's what I'm going into.

22 JUDGE LAURENSON: You are not. You are going into
23 other school districts. That's the question, as to what the
24 comparison is with others. I think --

25 MR. MILLER: Well, I'm trying to establish --

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JUDGE LAURENSEN: -- that's the basis of the
objection.

MR. MILLER: I'm trying to establish, Judge
Laurenson, that Shoreham Wading River receives more money
from LILCO because of the Shoreham plant than any other
school district and, therefore, it makes that school district
unique. That's what I'm trying to establish.

It goes to the weight and to the credibility, I
think, of the witness.

JUDGE LAURENSEN: I don't see that this question
goes to either one of those.

The objection is sustained.

BY MR. MILLER: (Continuing)

Q Dr. Doremus, you were trying to correct me when I
was trying to make my statement to the Judges. What I think
I had stated was that ninety-one point five percent of the
schools budgets, the school district budget, comes from LILCO
and the Shoreham plant.

Now, if you would like, you can correct me.

A Okay. I apologize. Ninety-one point five percent
of our taxes come from the plant. The taxes pay about ninety
percent of the budget; so, therefore, LILCO pays about ninety --
about eighty-one percent of the total budget.

Q Dr. Doremus, in terms of the facilities that you
have available within the Shoreham Wading River school district,

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1 school buildings, for example, would you say that your district
2 is typical of other districts in the EPZ?

3 A No. I think our facilities are better.

4 Q They are newer?

5 A Yeah.

6 Q They have features such as swimming pools perhaps,
7 or whatever, that --

8 A No, that's a common misconception.

9 Q Well, why don't you explain to me why you think
10 they are better other than perhaps they are newer?

11 A That's really -- I think the buildings themselves
12 are newer. Our high school is only eight years old. Our
13 middle school -- I guess nine years now. The middle school is
14 eleven years old. And there aren't many schools around that
15 are that new. They are also well equipped. We have, you know,
16 good, modern equipment in all of our schools.

17 Our science labs are very good. Our computer lab
18 is excellent. We have those kinds of equipment and facilities
19 that make, I think -- all together, you could say the facilities
20 are better than most schools in the immediate area.

21 Q Dr. Doremus, is it fair to say that this has been
22 made possible by LILCO's decision to construct the Shoreham
23 plant within your district?

24 A Oh, yes, that's very fair to say.

25 MR. MILLER: Judge Laurenson, this would probably be

#12-12-SueT 1 a good time for the lunch break I think.

2 JUDGE LAURENSEN: All right. We will take our
3 luncheon recess. We will reconvene in an hour and fifteen
4 minutes.

5 (Whereupon, the hearing is recessed at 12:50 p.m.,
6 to reconvene at 2:05 p.m., this same date.)

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1 JUDGE LAURENSEN: We are back on the record now.
2 I understand that the parties have agreed to recall Mr.
3 Lieberman at this point, out of order, in order to resolve
4 some of the testimony offered by him on redirect and recross
5 examination.

6 Whereupon,

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7 EDWARD B. LIEBERMAN,
8 resumed the stand, and having been previously duly sworn,
9 was examined and testified further as follows:

10 JUDGE LAURENSEN: This will be for additional
11 testimony on behalf of LILCO's testimony on the schools.

12 Mr. Miller?

13 MR. MILLER: Yes. Judge Laurenson, just to make
14 the record clear, over the lunch break we had a rather
15 limited change to review the data that was prepared by Mr.
16 Lieberman. Frankly, it was not a very full opportunity
17 to review that data.

18 We reserve our rights, once we have had more
19 of an opportunity to look at the analysis and data, to file
20 supplemental testimony if we feel that is necessary on the
21 issue, and the the Board will have to determine whether that
22 testimony should be accepted.

23 I have no reason to believe now that we will do
24 that, but I want to reserve that right with the Board. My
25 questions now to Mr. Lieberman are questions that go to the

1 assumptions that he made in his analysis regarding the
2 arrival of school children at their homes when those homes
3 may be vacant, or in other words, not have the parents home.

4 BY MR. MILLER: (Continuing)

5 Q Mr. Lieberman, let me ask you please, sir, to
6 give me yes or no answers to the following questions. With
7 respect to your analysis regarding school children leaving
8 the schools during early dismissal, and whether parents will
9 be at the homes once the children arrived at the homes, in
10 determining how long it would take parents to travel home
11 from work, did you use the data in TM 139?

12 A Yes.

13 Q Did you assume -- was the work to home travel
14 data restricted only to parents with children in school?

15 In other words, the data -- the work to home
16 travel data in TM 139, was that restricted only to parents
17 with children in school?

18 A No, that was the entire population.

19 Q Did you assume, Mr. Lieberman, that the parents
20 left work for their homes at the same time that it was
21 assumed school children left their schools?

22 A No.

23 Q Mr. Lieberman, did you assume that school children
24 left the schools during the alert stage of an emergency
25 at Shoreham?

1 A No. The scenario here was for a rapidly
2 developing accident.

3 Q Was it the same scenario, Mr. Lieberman, you
4 assumed in TM 139?

5 A Yes.

6 MR. MILLER: Judge Laurenson, the County would
7 have no further questions.

8 JUDGE LAURENSON: Is there any redirect or
9 further recross of Mr. Lieberman before we excuse him from
10 testimony here today?

11 MR. BORDENICK: No, sir.

12 JUDGE LAURENSON: All right. Thank you Mr.
13 Lieberman.

14 Dr. Doremus, if you will resume the witness
15 stand, please.

16 (Witness stood aside)

17 Whereupon,

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RICHARD R. DOREMUS,

19 resumed the stand, and having been previously duly sworn,
20 was examined and testified further as follows:

21 BY MR. MILLER: (Continuing)

22 Q Doctor Doremus, Question and Answer 2 in your
23 testimony, on page 1, you talk about the five schools in the
24 Shoreham Wading River School District, and you refer to
25 Attachment 1. Would you look at Attachment 1, please, sir.

1 That is a map of the school district, correct?

2 A Yes, it is.

3 Q Can you tell me who prepared this map?

4 A No, I don't think I can. I made the heavy black
5 dots. I don't know who prepared the map. We do have a number
6 of maps like that in the district, but I don't know who
7 prepared that one.

8 Q Have you examined this map, Dr. Doremus, to
9 determine its accuracy?

10 A Well, how closely? It has the general contours
11 of the school district, and it has where the schools are
12 and most of the streets. You obviously can't really see
13 their names.

14 Q Is it possible, Dr. Doremus, that some of the
15 residential streets, residential areas are not shown on this
16 map?

17 A That is possible, because I don't know what the
18 date of that was, and there has been building. There are a
19 few houses put up each year. So it is possible.

20 Q Would you look please at page 2 of your testimony,
21 please, Dr. Doremus. Answer 5, you set forth the parts of
22 the LILCO Plan and Procedures that you have reviewed, is
23 that correct?

24 A That is right.

25 Q Have you reviewed any other parts of the LILCO

1 Plan and Procedures since this testimony was prepared?

2 A Yes. I have a very thick document from them,
3 and I think about six pages refer to the school district;
4 pages 63 to 69, and I reviewed those.

5 Q Pages 63 to 69?

6 A Of that thick document that I got.

7 Q Would that be the LILCO testimony that was filed
8 in this proceeding on the schools, do you know?

9 A I am really not sure without looking at it.

10 Q Dr. Doremus, do you recall your deposition that
11 was taken in this case on March 19, 1984?

12 A Yes.

13 Q That was the first time that you had seen or
14 reviewed in any way the contentions that had been filed
15 in this proceeding, isn't that correct?

16 A I think so, yeah.

17 Q Have you reviewed the contentions, Dr. Doremus,
18 since your deposition in March of this year?

19 A Well, yes and no. I had a copy of the contentions,
20 the ones that are mentioned here, except my copy was
21 incomplete, and I was missing several of them. About
22 half of them, yes; or maybe more than half.

23 Q Did you review those contentions, the ones you
24 had, in preparation for testifying here today?

25 A Yes.

1 Q Dr. Doremus, Question and Answer 7, on page 3.

2 A Is that of my testimony?

3 Q Of your testimony, yes, sir. You say in Answer
4 7 that you have read the parts of the LILCO testimony which
5 relate to the Shoreham Wading River School District. Do you
6 see that statement?

7 A Yes.

8 Q Have you at any time, including since this
9 testimony was prepared, read any other parts of the LILCO
10 testimony on schools?

11 A I may or may not. I have a lot of material, and
12 I have read some of it and glanced through some of it, and
13 I may or may not, I am not sure.

14 Generally, though, I think it would be fair to
15 say whenever I did review that stuff, I sort of stuck to
16 things that related to our school district.

17 Q Now, on the same page of your testimony, page 3,
18 there is a section entitled General. Let me ask you some
19 questions geneally about that section.

20 Do you believe, Dr. Doremus, that an adequate or
21 workable plan can be prepared and successfully implemented
22 in the event of an emergency at the Shoreham plant?

23 A Yes, I do.

24 Q Has your school district, or school board,
25 specifically adopted or endorsed Revision 3 of the LILCO Plan?

1 A No, they haven't.

2 Q Has your school district or school board specifically
3 adopted or endorsed a plan for the school district regarding
4 an emergency at the Shoreham plant?

5 A No, they haven't.

6 Q And, Dr. Doremus, it is true, isn't it, that your
7 school district has no agreement with LILCO to enact such
8 a plan at this time, isn't that right?

9 A That is right.

10 Q Dr. Doremus, Attachments 2 and 3 to your testimony,
11 are these -- Attachment 2 is entitled proposed emergency
12 Go Home plan for Shoreham Wading River Central School
13 District. Do you see that?

14 A Yes.

15 Q Is this a final early dismissal plan that is
16 used presently by your district?

17 A Yes, it is.

18 Q I was curious about the word, 'proposed.'

19 A Probably it has gone through so many revisions
20 they never took the word, 'proposed' off of it.

21 Q Okay. And the emergency evacuation plan, Third
22 Draft, which is Attachment 3 to your testimony, is that
23 a final plan, in your opinion?

24 A That is the plan that is in effect, yeah. That
25 is the most recent draft.

1 Q Well, you would consider that a plan which is --
2 if there is anything final in existence, this would be it?

3 A Yeah, if there were something final in existence.

4 Q Looking at Attachment 2, Dr. Doremus, has this
5 plan, Emergency Go Home plan, been specifically endorsed
6 or accepted by the school board for your district?

7 A No. It is an administrative plan.

8 Q Now, looking at Attachment 2, Plan 1 says in
9 school emergency closing due to no heat, no water, et cetera.
10 Plan 2 talks about natural disasters such as hurricane or
11 winter storm. Plan 3 talks about a natural or man made
12 disaster where it is necessary for immediate evacuation.

13 Do any of those parts of the Emergency Go Home
14 plan relate to a radiological emergency?

15 A No. As you see it is a plan for it. It says
16 Nuclear Mission, and it says we will evacuate the students
17 to a safe place.

18 Q So that would be the only part of this Plan that
19 would be applicable to the Shoeham Plant, is that correct?

20 A Let me say something. When we had an emergency
21 planning committee, their decision arrived at fairly
22 independently, was that in case of an emergency, they felt
23 in our district it would be easier, better, to simply
24 evacuate the kids, and therefore, that is why you have the
25 Plan 4.

1 Since that time, when it is apparent that there
2 might be several options, which would be sending kids home,
3 evacuating them, or sheltering them, obviously some of these
4 other would fit, then. If you sent them home, you would use
5 the emergency Go Home procedure, but at that time the
6 Committee felt that that would be our best response.

7 Q In terms of the present, are any portions of
8 Attachment 2 applicable to Shoreham other than Plan 4
9 entitled, Nuclear Emission from LILCO Plant?

10 A No, this is our plan, right here. You have it.

11 Q I just want to make sure we are understanding
12 one another. Let's assume that the Shoreham plant is
13 operating, and this would be the only plan that you had
14 in existence, would this plan be applicable to an emergency
15 at the Shoreham Plant, other than Part 4 of the plan?

16 A If the plant were operating, and there were no
17 other plan, County plan, State plan, LILCO Plan, what have
18 you, then obviously this would be our plan, but I can't
19 imagine that happening.

20 Q You would envision if the Shoreham plant were
21 licensed to operate, somehow coming up with a plan different
22 from Attachment 2 to your testimony?

23 A Well, I think we would be part of a greater
24 overall plan, and that was the aim of our planning committee
25 all along, until about fifteen months ago. Then when the

1 County dropped out of the planning, our Committee stopped
2 meeting because there was no one they could work with, and
3 that is where we are at right now.

4 Q So, it is fair to say, sir, that if the plant
5 were licensed to operate, you would certainly expect to
6 have some plan for your school district different than this
7 present attachment to your testimony?

8 A It might not be different, but it would be part
9 of an overall plan. Perhaps -- because we have, at least
10 from what I have read of what LILCO has, they have a plan
11 for evacuation, a plan for sheltering, and a plan for
12 what we call Go Home. I suppose that is not very good
13 grammatically, but we send the children home.

14 And this addresses two of those possibilities.
15 It doesn't mention sheltering here.

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1 Q When you say in part 4 of the plan, the part
2 that says nuclear emission from LILCO plant, that the
3 school district will evacuate students to a safe place,
4 at this time, Dr. Doremus, there is no reception center
5 or relocation center for school children within your
6 district, is there?

7 A No, there is not.

8 Q Now, looking at attachment 3 to your testimony,
9 Dr. Doremus, do you know who prepared this draft plan?

10 A Yes, our director of business.

11 Q Do you know if he prepared the plan, draft
12 plan in cooperation with LILCO?

13 A No, I don't know that.

14 Q Is it fair to say, Dr. Doremus, that attachment
15 3 assumes an escalating emergency at the Shoreham plant?

16 Let me point you -- I am looking at, for
17 example, under III, which is the site area emergency, it
18 says, first step, "Notification to Superintendent or
19 his/her designee of change of status," which implies that
20 there is an assumption of an escalating --

21 A I --

22 Q Excuse me, Doctor.

23 A I'm sorry.

24 Q -- which implies an assumption of an escalating
25 emergency in my opinion. I am asking if that is a correct

1 assumption.

2 A I don't understand why this doesn't have a date
3 on it, but it is my assumption that this came out of
4 the committee meetings in which the committee was
5 cooperating with the P. C. Voorhees, I think, which was
6 the company that, the consulting company that Suffolk
7 County had hired to prepare a plan.

8 And I think that that is a result of that.
9 And the reason you have a carbon copy A. Prodell is
10 because he is the board president, and he was chairing
11 that committee.

12 Q Let me see if you can answer my question though.
13 My question was, do you know whether this particular
14 draft plan assumes an escalating emergency at the Shoreham
15 plant?

16 A I would think it does, yes.

17 Q And where it says in IV of this draft plan,
18 Dr. Doremus, "Notification to Superintendent or to his/her
19 designee for appropriate action," what would this
20 appropriate action be?

21 A Evacuating the schools.

22 Q To a relocation center of some sort?

23 A Yes.

24 Q Dr. Doremus, do you believe that the Shoreham
25 Wading River school district can adequately protect its

1 students in the event of an emergency at Shoreham?

2 A What was the word before "protect"?

3 Q Adequately.

4 A Yes, I think so.

5 Q Is that, Dr. Doremus, the school district
6 acting on its own? Could the school district acting on its
7 own adequately protect the children within its school
8 district boundaries?

9 A Yes, I think we could.

10 Q Dr. Doremus, do you recall ever stating at
11 other times that the Shoreham Wading River school district
12 could not adequately protect its school children in the
13 event of an emergency at the Shoreham plant without the
14 cooperation of the county government?

15 A Do I recall stating that?

16 Q Yes, sir.

17 A No, I don't recall stating that. I may have
18 felt -- I think it is necessary, though, for the -- to
19 have a coordinated county plan or an area plan.

20 Q But what I am asking you is, if you would not
21 have county participation or a county plan with respect
22 to an emergency at Shoreham, do you believe that your
23 school district could adequately protect its students?

24 A Yes, I think I believe we could.

25 Q Let me ask you then to look at this petition

1 which we have marked as Exhibit 50.

2 A Which one is that?

3 Q The petition to intervene.

4 Would you look at page 2, paragraph 6A, and
5 it states there, "The district" -- meaning the Shoreham
6 Wading River school district -- "cannot discharge this
7 responsibility and put an effective evacuation plan in place
8 without the full cooperation of Suffolk County."

9 Do you see that statement?

10 A Yes, I do.

11 Q Are you telling me that you disagree with the
12 statement?

13 A Yes, you said could we protect our children.
14 Yes, I think we can adequately protect the kids.

15 Q I am asking you, do you now say that you disagree
16 with this statement which I have read from the petition to
17 intervene?

18 A The problem I have with that is, this says,
19 "an effective evacuation plan." Assuming that there is
20 a general evacuation of the area, there has to be, I think,
21 cooperation of Suffolk County. But I think we could protect
22 the kids. We could shelter them within. And I think we
23 can get the kids out of the immediate area.

24 So if that is a disagreement with the statement,
25 yes, I would disagree.

1 Q Dr. Doremus, did you review this petition
2 to intervene before it was filed?

3 A No, I didn't.

4 Q You saw it after the fact?

5 A I saw it after the fact, and I really haven't
6 reviewed it that carefully even now. Our Board of
7 Education made a decision to intervene in this.
8 The lawyers drew up the petition and so

9 Q When you state, Dr. Doremus, in answer 10
10 to your testimony -- let me, let's read the full
11 question and answer because the answer is very short.

12 The question is, "Is your school district willing to
13 work with LILCO to make plans for the schools in the event
14 of a radiological emergency at the Shoreham Station?"

15 Your answer is, "Yes."

16 Is that your personal opinion, or is that
17 the opinion of the school board, to your knowledge?

18 A Well, it is my personal opinion, but it represents
19 the opinion of the school board.

20 Q Isn't it fair to say, Dr. Doremus, in light
21 of what has been marked as Exhibit 47, which is the statement
22 of the school board of April of this year, that the
23 school board's position is that it would be willing to
24 work with LILCO to make plans for the Shoreham plant
25 if the plant is licensed to operate?

1 A I think if it were necessary to have an
2 evacuation plan in effect in order to get a license to
3 have the plant operate and in order to get an evacuation plan
4 in effect, one had to cooperate with LILCO on an evacuation
5 plan, my school board would be in favor of cooperating
6 with LILCO in developing an evacuation plan.

7 Q Let me try to clarify this.

8 As things presently stand -- that is, with
9 Shoreham not being licensed and obviously not operating,
10 is your school district willing to work with LILCO to
11 make plans for the schools in the event of an
12 emergency at Shoreham?

13 A Yes.

14 Q And in your opinion, is your position in this
15 regard consistent with the school board resolution of
16 April 9, 1984?

17 A Yes.

18 (Pause.)

19 Q Dr. Doremus, when you told me that your
20 school district, the school board has not specifically
21 adopted or enforced a plan for an emergency at Shoreham,
22 could you tell me why that is the case?

23 Why have they not adopted such a plan?

24 A I think that they haven't adopted a plan because
25 there doesn't seem to be a need for one as yet. I think

1 the fact that there is some doubt, some doubt that the plant
2 might ever open tends to make them and me think to
3 spend a lot of time developing a plan that would never
4 have any use is kind of foolish.

5 Q Dr. Doremus, look, please, at answer 11 on page 4
6 of your testimony. Your answer begins, "Our best judgment."

7 A Yes.

8 Q Who is "our"?

9 Is that the school board again, or is that
10 really your opinion?

11 A That was actually the judgment of the planning
12 committee.

13 Q This planning committee you have mentioned
14 several times already. This is the planning committee
15 which at one time met to discuss the Shoreham plant but
16 has not met in some time now; is that right?

17 A It met for a period of a year, and the purpose
18 was to cooperate at that time, it seemed, with the county
19 in developing an adequate evacuation plan.

20 Q And to your knowledge, has that committee met
21 since the county declined to participate in an emergency
22 plan for Shoreham?

23 A The committee has not met since February of '83.
24 I think that is when the county decided that they weren't
25 going to participate.

1 Q Dr. Doremus, is it true that in your opinion
2 an early dismissal plan would never be utilized in
3 the event of an emergency at Shoreham within your school
4 district?

5 A No, that is not my opinion.

6 Q That is not your opinion.

7 Do you recall, Dr. Doremus, at your deposition
8 being asked this question:

9 "You are, in fact, contending not to have an
10 early dismissal plan in the event of a Shoreham emergency?"

11 And your answer:

12 "We would have an early dismissal plan, but I
13 think we would not ever use it. We would evacuate."

14 Do you recall that?

15 A Yes.

16 Q Let me ask you again then, is it still your
17 opinion that an early dismissal plan would never be
18 utilized in the event of an emergency at the Shoreham
19 plant?

20 A No.

21 Q Could you explain to me why or have you
22 changed your opinion since your deposition?

23 A Yes. Because at that time we were really
24 only talking about evacuation, period. But now it seems
25 there are some other alternatives.

1 I think I still would prefer an evacuation,
2 but there are other alternatives, and we would make the
3 decision or unless the decision were made for us about
4 what we would -- what would be the best response for us in
5 an emergency situation.

6 Q Could you tell me, Dr. Doremus, why your
7 opinion regarding an early dismissal option has changed
8 since you were deposed in March?

9 A I think I have just become a little bit more
10 knowledgeable about various responses.

11 Up until that time, most of the work had
12 been done by the committee. And since I had been called
13 upon to testify, I have tried to make myself a little
14 bit more expert. And in fact, I talked to our committee
15 members. One of their concerns -- I talked to several
16 of them -- was that the, for instance, they were concerned
17 that it was better to send kids out because they were
18 concerned about sending kids home to where there would
19 be no parents.

20 And in fact, following the deposition with
21 Mr. Lanpher, I went back and checked with our elementary
22 principals to find out what the probabilities of that were,
23 and we had an emergency go home this past winter because
24 of the snow. And it turned out that of our 900 elementary
25 kids, only one had to be retained in school because they

1 were going to send them home to -- there would not be
2 an adult at home.

3 As a result of that, it seemed to me that
4 maybe sending them home, in some cases, might be a more
5 viable option. That's all.

6 Q Dr. Doremus, in answer 12 on page 4 of your
7 testimony, you talk about your experience in other kinds
8 of emergencies -- hurricanes, snowstorms, failure of
9 utilities, and fires. Do you see that statement?

10 A Yes.

11 Q Do you equate such emergencies to a radiological
12 emergency?

13 A No, I don't think you equate any two emergencies.

14 Q You have had no experience in a radiological
15 emergency, have you?

16 A No. Nor has anyone else, I guess.

17 Q Dr. Doremus, if an early dismissal were commenced
18 in your school district, once the children are placed on
19 the school busses, do you have any way of rescinding your
20 decision for the early dismissal?

21 A No. We don't have radios on the busses or
22 anything of that sort where we could call the busses and
23 have them come back. And I think there are too many of
24 them for us to, for example, send somebody out with a
25 car to try to bring them back.

14/11

1 Q In answer 14, Dr. Doremus, talking about an
2 early dismissal, you state that in a most pressing
3 emergency, immediate evacuation of all buildings at once,
4 using all busses, it would take about one hour from first
5 notification of the bus company until the last pupil
6 arrived at his home.

7 Do you see that statement?

8 A Yes.

9 Q You're saying that from the time the bus
10 companies were called to come until the time the last
11 student got home, you could do that in an hour?

12 A I think roughly, yes, an hour.

13 Q Does it ever take longer?

14 A We have never had this kind of an emergency.
15 If you notice, this says that you take the -- immediately
16 get all the busses and take all the kids home.

17 We usually send them home in two relays. We
18 send the elementary kids either home first and then the
19 secondary or vice versa. So we really have never done that.
20 It takes about an hour once we make the decision to
21 implement. But that is only about half the kids.

END 14

22

23

24

25

#15-1-SueT

1 Q Do you think, Dr. Doremus, that your district in
2 this regard would be typical of other school districts within
3 the EPZ in terms of the time it would take to get the
4 children home?

5 MR. CHRISTMAN: Objection. This witness is only
6 being offered as a general matter to give his testimony about
7 his own school district with the exception of one question,
8 which is not being asked about now.

9 JUDGE LAURENSEN: It seems this is beyond the
10 scope of the testimony that he has offered. And there hasn't
11 been any indication that this is an area in which he has
12 information or expertise.

13 Sustained.

14 BY MR. MILLER: (Continuing)

15 Q Dr. Doremus, on Page 6 of your testimony, you are
16 asked about children who walk home, and you answer fewer than
17 one hundred.

18 That would be your estimate, I gather; is that
19 right?

20 A Yes.

21 Q Can you be any more specific for me, Dr. Doremus?
22 Is it a number, in your opinion, close to one hundred?

23 A My opinion is it's probably around fifty.
24 I'm sure you have read that, but we point out that every
25 kid can ride. It's just that some choose to walk.

#15-2-SueT

1 Q And it's your testimony, sir, that the furthest
2 distance that any school child walks to their home is less
3 than one quarter of a mile; is that right?

4 A Yes, I will say that.

5 Q Looking at Question and Answer 19, Dr. Doremus,
6 you state in your answer: We have requested parents either
7 to instruct their children to enter their home or to go to a
8 neighbor's home.

9 Do you see that?

10 A Yes.

11 Q When did you request parents of children within
12 your district in this regard?

13 A This past Fall.

14 Q How was the request made?

15 A We -- parents have to fill out a card, an emergency
16 card. And we have actually been in the process of changing
17 this two or three times. And where we are now is that we
18 have come back to where we used to be, in that you don't send
19 the child home at all unless you get in touch with an adult.

20 Our original -- our plan in past years was that you
21 don't send a child home unless you can get in touch with an
22 adult. There was some feeling on the part of our administrators
23 that this might, if they couldn't get in touch with adults,
24 that this might unnecessarily delay sending kids home, so they
25 developed a new card and -- which said if you don't have an

#15-3-SueT

1 adult then you have to teach the kid how to get in the house.
2 After further discussions this year, we are now back to the
3 previous plan.

4 Q And this would be the Attachment 2 to your
5 testimony? Is that the previous plan you are talking about,
6 the one that's entitled "Proposed Emergency Go Home Plan?"

7 A Which -- does that say that we would --

8 Q What I'm asking, sir, is that when you say that
9 your present plan is that if you can't get in touch with an
10 adult you would not send the child home; is that under this
11 Attachment 2 to your testimony, this plan?

12 A Yes. No. This plan states, if you will notice,
13 in the third paragraph, it says: Parents are requested to
14 train their children to be able to enter their house in an
15 emergency when no one is at home, and so on and so on.
16 Parents will indicate on the emergency home contact form if
17 they have so trained -- that was a result of deliberations
18 last June. That's June 15th of '83.

19 When we did have an emergency go home this winter,
20 we didn't follow this plan because the principals still
21 contacted all the homes, and we decided that we are not going
22 to -- we are going to go back to the old one and insist that
23 there be either a parent or some other adult that we can
24 reach.

25 Q Is it fair to say, Dr. Doremus, that this plan,

#15-4-SueT

1 Attachment 2, then is a new revision?

2 A That's right.

3 Q Your answer to Question 20, Dr. Doremus, you are
4 asked here about how you would implement your early dismissal
5 plan to be sure that buses would be available, and you say:
6 The easiest way would be to have them park at each school when
7 not in use and this measure can be incorporated into our
8 school district emergency plan. Otherwise, they will have to
9 be picked up at the bus storage area by teachers and bus
10 drivers.

11 Do you see that statement?

12 A Yes.

13 Q Has this measure to have the buses park at each
14 school been incorporated into your school district plan?

15 A No.

16 Q Has the school bus company used by your district
17 been approached in this regard?

18 A No.

19 Q It's your assumption, though, that this kind of
20 measure could be adopted?

21 A Yes.

22 Q When you say that they would be picked up by
23 teachers and bus drivers, or they could be picked up by
24 teachers and bus drivers, are the teachers within your district
25 at this time properly licensed to drive school buses?

#15-5-SueT

- 1 A No.
- 2 Q Are they certified?
- 3 A No.
- 4 Q Have they been trained in that regard?
- 5 A No.
- 6 Q Dr. Doremus, going over to Question and Answer 21
7 on Page 7, you are asked: Are you confident that the bus
8 drivers will be available for that purpose when you need
9 them. You answer: Enough of our bus drivers and teachers
10 have indicated they would be available to drive buses, to man
11 all of our buses.
- 12 Do you see that statement?
- 13 A Yes.
- 14 Q Is your answer to Question 21, Dr. Doremus, based
15 on surveys which have been conducted by your district?
- 16 A Yes.
- 17 Q Is it fair to say that you rely on the results of
18 those surveys?
- 19 A To a certain extent.
- 20 Q Well, do you think that survey results are meaning-
21 ful?
- 22 A Yes.
- 23 Q Now, if you could, Dr. Doremus, looking again at
24 the papers which were handed out before we started, there are
25 I believe four different surveys, or portions of surveys,

#15-6-SueT

1 here. Let's just get them identified for the record.

2 MR. MILLER: I am going to arbitrarily start
3 with the one entitled on the cover page, "Spring 1977
4 Parent Survey." Judge Laurenson, maybe we can mark this
5 Exhibit 51.

6 WITNESS DOREMUS: Spring 1977? Oh, okay, yeah,
7 I've got it.

8 MR. MILLER: And then there is a survey dated
9 December 20, 1982, from Albert Prodell, Chairman, Emergency
10 Evacuation Committee -- I'm sorry, to him from Robert J.
11 Sokel.

12 Maybe we can mark that as Exhibit 52.

13 There is a one-page document entitled "Bus
14 Driver Survey." Let's mark this as Exhibit 53.

15 And the last is a six-page document. The top of
16 the first page says "Emergency Evacuation Center Survey." We
17 will mark this as Exhibit 54.

18 (The documents referred to
19 are marked SC EP Exhibits
20 51, 52, 53 and 54, respectively,
21 for identification.)

INDEXXXX

22 BY MR. MILLER: (Continuing)

23 Q Do you have all these documents, Dr. Doremus?

24 A Yes, I do.

25 Q Let's look first, if you would, at the December 20

#15-7-SueT

1 1982 survey results, which we have marked as Exhibit 52.

2 Are you familiar with this survey, sir?

3 A Yes, I am.

4 Q Who is Mr. Sokel?

5 A He is the Director of Business, and his responsi-
6 bility is transportation, one of his responsibilities.

7 Q And it says that "The results of the November 1982
8 survey conducted by Noreen Coughlin and Marybeth Mohring..."
9 who are they?

10 A Two students.

11 Q Two students? Do you know the grade level of
12 these students at the time this survey was conducted?

13 A Let's see, December of '82. Yes, they would have
14 been 11th graders.

15 Q Were they supervised in their efforts in this
16 survey?

17 A I don't know that.

18 Q Do you rely on the results of this survey, sir?

19 A No.

20 Q Not at all?

21 A (The witness nodded in the negative.)

22 Q If you don't rely on it, we won't ask questions
23 about it.

24 Let's look now if you would, sir, at --

25 JUDGE LAURENSEN: I'm sorry. Was there an answer

#15-8-SueT 1 to that last question?

2 MR. MILLER: If I understand, Dr. Doremus said he
3 does not rely in any way on this survey that we have marked
4 as Exhibit 52.

5 BY MR. MILLER: (Continuing)

6 Q Is that right, sir?

7 A That's correct.

8 Q Dr. Doremus, looking at what we have marked as
9 Exhibit 54, which is entitled "Emergency Evacuation Center
10 Survey," could you tell me who conducted this survey?

11 A Yes. It was conducted by one of the teachers who
12 was on the evacuation planning committee.

13 Q And this was in May of 1982; is that correct?

14 A That's correct.

15 Q If I understand this document correctly, Dr.
16 Doremus, the first page shows the results of the total school
17 district and the next five pages, each page shows results
18 from one of the five schools within your school district?

19 A That's correct.

20 Q Do you have any confidence in the results of this
21 survey, Dr. Doremus?

22 A Yes.

23 Q Let's look at this one, then. On the first page,
24 let's look at the total school district staff. The first
25 question: Would you be willing to supervise students on

#15-9-SueT

1 their regular bus route in case of early dismissal from
2 school due to a nuclear accident.

3 Forty said yes; one hundred and six said no. Is
4 that right?

5 A That's correct.

6 Q Now, who was this survey administered to? Is it
7 just teachers?

8 A I think it was teachers and also a number of --
9 let me just think. I'm not sure whether it was just teachers
10 or whether it was also persons such as teacher aides.

11 Q It would not include people like cafeteria workers,
12 would it?

13 A Well, we don't have cafeteria workers.

14 Q Do you have cafeterias?

15 A No. No.

16 Q Do you not -- the students don't eat at your
17 schools?

18 A Oh, yeah, they bring lunch. In a brown bag.
19 Everybody in the district brings lunch in a brown bag, including
20 me.

21 (Laughter.)

22 Q Things have changed. Dr. Doremus, as far as you
23 know, this survey was given then to teachers and to teacher
24 assistants, correct?

25 A I think that's correct.

#15-10-SueT

1 Q Do you know if it was given to substitute teachers
2 who teach within your district?

3 A I doubt it very much.

4 Q Now the next question talked about whether persons
5 would be willing to accompany students on school buses to a
6 relocation center. And forty-three said yes; one hundred and
7 two said no; is that right?

8 A That's right.

9 Q Third, the survey population was asked, would they
10 be willing to remain at the relocation center to supervise
11 students. Thirty-eight said yes; one hundred and eight said
12 no, right?

13 A Right.

14 Q Fourth, the survey population was asked, would you
15 be willing to take training provided by the school to enable
16 you to drive a bus in case of an early dismissal or relocation
17 to a relocation center after a nuclear accident.

18 Thirty-four said yes; one hundred and thirteen said
19 no. Correct?

20 A Right.

21 Q And last, would you be willing to drive your car
22 with students in it to a relocation center. Forty-one said
23 yes; one hundred and two said no.

24 Correct?

25 A Correct.

#15-11-SueT 1

2 Q Now, Dr. Doremus, would you agree with me that a
3 significant percentage of those surveyed under this survey
4 indicated no to all the five questions which we have read
5 into the record?

6 A Yes, I would agree with that statement.

7 Q Is that why in your answer to Question 21 you
8 begin the answer saying that enough of your bus drivers and
9 teachers have indicated they would be available to drive
10 buses to man all of our buses?

11 A Yes.

12 Q Is it your testimony, Dr. Doremus, that although a
13 significant number of those who teach in your schools would
14 be unwilling to drive buses the absolute numbers, if you will,
15 that would indicate they would be willing would be sufficient
16 to drive your school buses?

17 A Yes.

18 Q Would that be the case, in your opinion, for each
19 of the five schools within your district?

20 A Well, I think the figures are on there. I think
21 it looks like the figures are about, the first two schools,
22 the third one, they would be short one. The fourth one,
23 looks okay. The fifth one looks okay. Yeah, I think it would
24 work out all right.

25 Q What I'm curious about, Dr. Doremus, I guess would
be the third, the Wading River school. Let's look at that

#15-12-SueT1

2 page for a minute. If you look at those numbers, would
3 you be willing to supervise students on the bus, three
4 said yes and eighteen said no.

5 A Right. But interestingly five said they would
6 drive the bus and seventeen said no.

7 Q And four said that they would be willing to
8 accompany students on the bus and eighteen said no. Those
9 numbers seem to indicate that more persons, at least in
10 that school, were unwilling to participate in carrying out
11 a plan during a nuclear emergency than your other schools.

12 Would you agree with that?

13 A I don't know. I didn't work out the percentages
14 by school, but if you say that I wouldn't object to it.

15 Q Is there any reason for that that you could think
16 of?

17 A In that school?

18 Q Yes, sir.

19 A Well, the numbers really aren't that far off.
20 You know, it's three and seventeen, five and ten. When
21 you are dealing with relatively small numbers you can get
22 those kinds of differences I think.

23 Q Dr. Doremus, the bus driver survey which is
24 marked as Exhibit 53, do you rely on the results of that
25 survey?

A Yes.

#15-13-SueT 1 Q And this was a survey that was administered to
2 bus drivers for Seaman's Bus Company; is that right?

3 A That's correct.

4 Q That's the bus company which is under contract
5 to your school district?

6 A Right.

7 Q If I read this survey correctly, forty-six
8 percent of the bus drivers for the bus company responded
9 to the survey; is that right?

10 A Yes.

11 Q And when asked would they be willing to pick up
12 and drive students during a nuclear accident, eleven said
13 yes and five said no.

14 A To an evacuation shelter.

15 Q Yes, sir. Eleven said yes and five said no;
16 is that right?

17 A That's right.

18 Q Roughly thirty-three percent said they would
19 not be willing to do that?

20 A That's right.

21 Q Now, if thirty-three percent of the bus drivers
22 for Seaman's Bus Company failed to show up to drive buses,
23 assuming an accident at the Shoreham plant, is it your
24 testimony that using teachers you could make up the dif-
25 ference and still evacuate your students?

#15-14-SueT 1

A Yes.

2

Q Even though at this time those teachers are unlicensed, uncertified and they are not trained to drive the buses?

3

4

A Well, we would train them.

5

6

Q You certainly wouldn't do that until they had been trained, would you?

7

8

A No.

9

Q And you wouldn't let them drive your buses until they had been certified, would you?

10

11

12

13

14

A I wouldn't let them do that except, you know, if you are talking -- if an emergency happened tomorrow -- let's forget a nuclear emergency or some other kind of emergency, and we had to move the kids, I would let anybody who could drive drive the bus.

15

16

17

18

Q Dr. Doremus, is there any reason you know of why only forty-six percent of the bus drivers with Seaman's Bus Company responded to this survey that has been marked as Exhibit 53?

19

20

A No, I don't. It's probably about the same percentage of teachers, though, that responded.

21

22

23

Q There is one other survey, Dr. Doremus, which we have marked as Exhibit 51, the one entitled "Spring 1977 Parent Survey."

24

Is this the most recent Parent Survey that has

#15-15-SueT

1 been conducted by your district to your knowledge?

2 A Yes, it is.

3 Q I only wanted to ask you really one thing about
4 this survey, and I will represent, and I'm sure you are
5 aware of this, that it's a much longer survey than I've
6 copied here.

7 A Right.

8 Q I'm interested in looking at Question 54 which
9 says: Do you work outside the home?

10 And it's indicated in the margin that forty-one
11 percent said yes; fifty-one percent said no; I guess that's
12 eight percent, no response.

13 Are those the right figures?

14 A That's correct.

15 Q Now, Dr. Doremus, does this mean that within
16 your school district at least as of 1977 and with respect
17 to those who responded, forty-one percent of the households
18 would have no adult present during the school day?

19 A I think that's a fair assumption. That's not a
20 very well worded question, as I'm sure you are aware. But
21 I would certainly think that is in the bail park.

22 Q Do you have any reason to believe that that
23 figure would be higher or lower at this time?

24 A Based on what I know about the general population,
25 it probably might be higher.

#15-16-SueT

1 Q More households are without adults during the
2 day?

3 A Yes.

4 Q And if I understand correctly, Dr. Doremus, as
5 of this time your school district has a policy not to
6 permit children to leave the schools for their homes during
7 an early dismissal unless an adult can be contacted?

8 A Right.

9 Q Dr. Doremus, looking under the section entitled
10 "Sheltering," do you know the shielding factors for the
11 five schools in your district?

12 A Roughly. I know that shielding them in the
13 basement is like eighty or ninety percent effective;
14 shielding them in the halls is about sixty or seventy
15 percent effective, something like that.

16 Q Are there adequate basements in each of the
17 five schools in your district? Adequate basement space to
18 shelter the students of the school?

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1 A Of the individual school, does each school have
2 a basement that they could shelter enough kids in?

3 Q Yes, sir.

4 A You are not asking about the total amount of
5 sheltering in the district.

6 Q No, sir. I am asking for each school.

7 A No. I don't think -- I think that there are two
8 schools where we couldn't shelter all the kids in the
9 basement.

10 Q Which schools would they be?

11 A Wading River and Miller Avenue.

12 Q What about the Briarcliff School. Do you think
13 you have adequate basement space in that school to shelter
14 all the students?

15 A Absolutely. It has been done, in fact, when they
16 had a hundred more students.

17 Q Under what conditions?

18 A Well, in the old days you used to have fallout
19 drills, and they have done it there.

20 Q Now, Dr. Doremus, going back to your statement
21 about the children brown bagging every day, if you had
22 to shelter your students for any significant kind of time,
23 I gather from what you said that there would be no facilities
24 for feeding those students in your schools?

25 A We wouldn't have any food in the building to feed

1 them, no.

2 Q Looking under the section entitled, Evacuation,
3 Dr. Doremus.

4 A Yes.

5 Q Your statement in Question and Answer 25, you
6 are asked: Would you need to provide someone other than
7 the bus driver to supervise the students as they were
8 transported to the relocation centers, if so who? And
9 you answered: Teachers.

10 Is it fair to say that your answer, again,
11 relies on the results of the surveys we have discussed?

12 A Yes. To a large extent.

13 Q Was there anything other than the surveys that
14 you are relying upon?

15 A Well, yes. I think -- if you like I would do
16 it again -- if we took the survey today, I think the results
17 would be startlingly different. I think we would get an
18 overwhelming majority of the teachers to indicate they would
19 be willing to drive. I have been informed of that by the
20 Co-Presidents of the Teachers Association, that when this
21 was taken it was considered, you know, a couple of years
22 ago, that there really wouldn't ever be any need for that.

23 And now the people see that they -- the impact
24 it might have on the school district. I think we would get
25 very different results.

 Q Yes, sir. Is that your personal opinion?

1 A That is my opinion, as expressed to me by the
2 Co-Presidents of the Teachers Association.

3 Q Have there been any surveys conducted of the
4 teachers other than the ones we have referred to?

5 A No.

6 Q Let's look at that statement by the Co-Presidents
7 of the School Teachers Association. That is Attachment 4,
8 I believe, to your testimony.

9 Your last response, Dr. Doremus, I gather that
10 in part you rely on this Attachment 4 for your statements
11 just now, is that right?

12 A No, that is not what this says. This simply
13 says that they would take care of the children in an
14 emergency. I am talking about oral discussions I have had
15 with them.

16 Q Have those discussions just been with Mr. Silver
17 and Mr. Masterson?

18 A Yes.

19 Q Are they teachers?

20 A Yes.

21 Q How many teachers do you have in your school
22 district?

23 A 217.

24 Q So you have talked to two of 217 teachers with
25 respect to your statements regarding a higher percentage of

1 teachers would cooperate and drive buses, in your opinion,
2 and based on those discussions with two of 217 teachers, you
3 have drawn your conclusions?

4 A Well, I really drew the conclusion on their
5 statements, but I have had other teachers come up to me and
6 say that they would drive a bus. When the originally
7 responded they just thought it didn't mean anything, and
8 responded rather carelessly, or didn't even send in the
9 answer.

10 Q Is there a reason, Dr. Doremus, why the district
11 has not conducted a survey since the survey which was
12 conducted in May of 1982 in this regard?

13 A Because there is no real need for it.

14 Q Let me ask you a couple of questions about
15 Attachment 4. Do you know why the letter was written, which
16 is Attachment 4 to your testimony?

17 A You probably have to ask them specifically, but
18 my judgment was that these people in the executive
19 committee were kind of embarrassed by the County saying that
20 in case of an emergency, teachers would run away from kids
21 and leave them alone, and that I think they wanted to make
22 a statement.

23 In fact, this is a copy of a letter that they
24 sent to one of the local newspapers that sort of indicated
25 that, you know, teachers would have no compunction about

1 leaving children -- abandoning them, and they felt that was
2 not the impression they had of our staff, anyway.

3 Q Do you know, Dr. Doremus, whether this letter
4 purports to speak for anyone other than Mr. Silver and Mr.
5 Masterson?

6 A Well, they would never send a letter like this
7 unless it had been approved by the Executive Committee, so
8 I assume that the entire Executive Committee of the Teachers
9 Association approved that.

10 Q Do you know that for sure, Dr. Doremus?

11 A They never do anything without getting the
12 Executive Committee's approval.

13 Q Assuming that there has been such approval, to
14 your knowledge does this letter purport to speak for anyone
15 other than the members of the Executive Committee of the
16 Teachers Association?

17 A I think it says it speaks for the teachers in
18 Shoreham Wading River.

19 Q You think that these two individuals are empowered
20 to speak for all the teachers in your school district?

21 A Certainly. They have been elected to do that.

22 Q Would you think there are any teachers in your
23 school district, Dr. Doremus, that would have an opinion
24 different from Mr. Silver and Mr. Masterson?

25 A Oh, sure.

1 Q With respect to teachers and their availability
2 on buses or driving buses, or going to relocation centers,
3 is it anywhere stated in teacher contracts that teachers
4 will stay with school children in the event of an emergency
5 at the Shoreham plant?

6 A No.

7 Q And with respect to substitute teachers, let
8 me ask you first of all, generally, how many substitute
9 teachers would you expect would be in your schools during
10 any given average school day?

11 A I do not have -- that would be a wild speculation.
12 I really don't know how many substitutes we have in a given
13 day.

14 Q But to your knowledge, the substitute teachers
15 that do teach in your district have not been approached and
16 asked whether they would remain at schools, or go on school
17 buses with children to relocation centers, is that correct?

18 A I am not aware of anybody asking them that.

19 Q Dr. Doremus, Question and Answer 26 on page 8
20 of your testimony, there is a statement about your belief
21 that school districts outside the EPZ would release their
22 buses so that the buses could be used to evacuate schools
23 inside the EPZ, do you see that.

24 A Yes.

25 Q Now, you told us that you are here on behalf of

1 the Shoreham Wading River School District. Yet, here you
2 are addressing your belief regarding schools outside, other
3 than the Shoreham Wading River School District, and in fact,
4 outside the EPZ, so I gather that this statement is really
5 nothing more than your personal opinion, is that correct?

6 A That is right, that is my opinion.

7 Q Do you know of any agreements with school districts
8 outside the EPZ which support your statement in Question and
9 Answer 26?

10 A Any agreement that we have made?

11 Q Any agreement that any school district has made
12 that they would release their buses to let schools inside
13 the EPZ use them to evacuate?

14 A No, I am not aware of any agreement.

15 Q Let me ask you -- we have talked somewhat about
16 teachers driving school buses. In fact, Dr. Doremus,
17 wouldn't it be unlawful for a teacher who has not been
18 certified or licensed or trained to drive a school bus to
19 do that? Wouldn't that be against the law?

20 A Yes, I suppose it would be against the law.

21 Q Dr. Doremus, Question and Answer 29, talks about
22 employees at the schools remaining at their jobs long enough
23 to see the children safely provided for. Let me ask you
24 again, do you rely on the survey result that we have talked
25 about in this regard?

1 A No, as I pointed out, I relied more on the
2 President -- the letter from the Co-Presidents of the Teachers
3 Association.

4 We really didn't ask in the survey whether
5 people -- I don't think -- whether people would stay on their
6 job. It really almost all had to do with evacuation.

7 Q When you were asked in Question 30, Dr. Doremus,
8 do you believe you and your staff could successfully see
9 that the students were either sheltered for a period of
10 time in the schools, or bussed to their homes or to a
11 relocation center in the event of a radiological emergency
12 at Shoreham; and you state: Yes.

13 I take it that this is, again, your personal
14 belief, is that correct?

15 A That is my belief as the Superintendent of
16 Schools, yes.

17 Q When you state in Question and Answer 31, Dr.
18 Doremus: Have you done any planning in your school district
19 for an accident at the Shoreham station, you state: Yes,
20 and refer to Attachment 5. Do you see that?

21 A Yes, I see that.

22 Q Now, I take it that the basis for your answer
23 to Question 31 is Attachment 5, is that correct?

24 A Yes. I think this kind of reports the Committee
25 and the planning that was done by the Committee.

1 Q And this is the Committee that has not met since
2 February of 1983?

3 A Right.

4 Q Therefore, I gather, Dr. Doremus, that there has
5 been no planning in your school district for an accident at
6 Shoreham since February of 1983?

7 A That is right.

8 Q Now, do you know the date of Attachment 5? The
9 date this document was prepared?

10 A I think it says February 23, 1984.

11 Q Attachment 5 was prepared in February 1984?

12 A I think that is the most recent draft of that,
13 yes.

14 Q Who prepared the document, Dr. Doremus?

15 A The Chairman of the Committee and the President
16 of the School Board.

17 Q The Committee hasn't met since February of '83,
18 but this was prepared in February of '84?

19 A Yeah, this is a summary of what the Committee
20 did.

21 Q Do you know why it was prepared?

22 A Yes, this was part of a letter, I think, that
23 was sent to the Atomic Safety and Licensing Board by the
24 President of the School Board.

25 Q Was the School Board or District, to your knowledge,

1 requested by LILCO to prepare this document?

2 A By LILCO?

3 Q Yes.

4 A No, I don't think so.

5 Q You don't think so?

6 A No.

7 Q On page 3 of Attachment 5, Dr. Doremus, you
8 state: To provide additional backup for these drivers --
9 bus drivers -- the Committee had considered but had not
10 sent, because of the uncertainty regarding the responsibilities
11 for emergency planning -- a letter to community residents
12 asking if any individuals would be willing to be trained
13 to drive buses in the event of an emergency.

14 Do you see that?

15 A Yes.

16 Q Am I correct, then, in assuming that this letter
17 to community residents was not sent because of the County's
18 decision not to participate in planning for an emergency
19 at Shoreham?

20 A That is right.

21 Q And you state, on page 4, Dr. Doremus -- not you,
22 but this attachment -- that there are a substantial number
23 of homes in the district where parents are absent during the
24 day. Do you know if that estimate, at least in terms of
25 substantial, was that based on the survey that we discussed

1 earlier?

2 A I think it was.

3 MR. MILLER: Judge Laurenson, I have no more
4 questions of Dr. Doremus. I would like to move into the
5 record certain of these exhibits that we have marked for
6 identification. If you will just give me a minute.

7 One of the exhibits was not mentioned, which
8 -- some excerpts from a deposition. The deposition of
9 Dr. Doremus. With respect to the exhibits which were
10 marked, I would like to move into evidence all the
11 exhibits, with the exception of 52, which was the survey
12 Dr. Doremus says he places no reliance upon.

13 In other words, I would like to move into the
14 record Exhibits 47, 48, 49, 50, 51, 53, and 54.

15 JUDGE LAURENSON: Any objection to those?

16 MR. CHRISTMAN: No objection.

17 MR. ZAHNLEUTER: No objection.

18 JUDGE LAURENSON: They will be received in
19 evidence and bound in the transcript following this page.

20 XXXINDEX

21 (The documents previously
22 marked for identification as
23 Suffolk County Exhibits EP-47,
24 48, 49, 50, 51, 53 and 54 were
25 received in evidence.)

(Above referenced exhibits follow)

4/9/84

SC EP 47

The Board of Education of the Shoreham-Wading River Central School District has consistently held that decisions regarding the safety and licensing of the Shoreham Nuclear Power Station should be made by those authorities who have been empowered by law to do so. The Board has also held that the review and licensing procedures established for and by those authorities should be followed. The Federal Government has exclusive jurisdiction over the question whether the Shoreham Nuclear Power Station is safe and can therefore be licensed to operate. If the Federal government through the Nuclear Regulatory Commission decides to license the power station to operate, the School Board will support the decision and will cooperate and coordinate with the governmental body or other organization which is assigned overall responsibility for emergency planning around the Shoreham Nuclear Power Station.

SHOREHAM - WADING RIVER
CENTRAL SCHOOL DISTRICT
SHOREHAM, NEW YORK 11786

SC EP 48

TELEPHONE: (516) 929-8500

RICHARD R. DOREMUS, Ed. D.
SUPERINTENDENT OF SCHOOLS

TO: ALL FACULTY AND STAFF
FROM: DICK DOREMUS

At its meeting on Monday, April 9, the Board of Education voted unanimously to adopt the following statement expressing its support for the opening of the SNPS:

If the Federal government through the Nuclear Regulatory Commission decides to license the power station to operate, the School Board will support the decision and will cooperate and coordinate with the governmental body or other organization which is assigned overall responsibility for emergency planning around the Shoreham Nuclear Power Station.

I urge those of you who agree with the Board's position to express yourselves by joining community groups which have become active and by communicating with your legislators.

We are seeking special legislation to provide funds to tide us over the first few years should the SNPS fail to open. Legislators in leadership positions have indicated that they felt that such legislation would pass. However, such legislation would be short term (three to five years), would provide only a small fraction of the money the school district now receives from SNPS and would only delay, not prevent massive budget cuts and resultant staff layoffs.

I will be speaking to the faculty and staff of each of our five schools after the vacation to bring you all up to date.

41284A.DOC

TO: FACULTY AND STAFF

FROM: RICHARD R. DOREMUS

QUESTION: WHAT IF SHOREHAM DOESN'T OPEN

DATE: MARCH 17, 1983

If the Shoreham Nuclear Power Station (SNPS) doesn't open, the effects on our school district would be catastrophic! Before detailing some of the effects, let me say that I firmly believe that the plant will open. If I were a betting man, and I am, I would be willing to wager a large sum that the plant will open (more on that later). But what would be the economic effect on the Shoreham-Wading River Central School District if it didn't? The exact impact on every area is difficult to determine but following are some data I submitted to Lou Howard's Commission to Study the Economic Impact of Shoreham on the Bi-County area:

Our school district would have to reduce its budget by 37% the first year after the reduced assessment and make further budget reductions in following years. These reductions would cause:

- the closing of two schools;
- the reduction of the teaching staff from 211 to 99 (This would give us the poorest pupil-teacher ratio in Suffolk County.);
- the reduction of our civil service staff from 191 to 50;
- the dismissal of 6 of 12 administrators;
- the elimination of our Teen Recreation Program which would cause the loss of 85 part-time jobs;
- the reduction of our bus service to state mandated limits. (This would cause young children to walk to school along Route 25A, a busy thoroughfare and would idle 60% of the fleet of the Seaman Bus Company. This would cause the loss of 15 drivers, 1 1/2 mechanics, 1 dispatcher and very possibly the bankruptcy of the bus company which would probably not

be able to make continued payments on their busses.)

Even with these reductions our tax rate in the Town of Brookhaven would jump from \$17.06 to \$81.00 the first year. Additional cuts and increases in state aid over the next few years might reduce the tax rate to \$61. Undoubtedly we would have to ask the legislature for a special appropriation to tide us over during this period.

Several people have asked why our staffing ratios would be so much worse and our tax rate so much higher than our neighboring districts of Miller Place and Rocky Point. The answer is that in reducing staff one must reduce by seniority, thus the lowest paid employees are first to go. For example, 112 teachers represent a 53% reduction in staff but only a 42% reduction in the budget for teacher's salaries.

Let me reiterate that I believe the plant will open. Every responsible public official I have talked to believes the plant will open. The reason they are not speaking in favor of the plant is that the only mail they receive is from those opposed to the plant. Therein lies the danger - those in favor of the plant are not speaking up. I was told by one of our state legislators that when Governor Cuomo refused to impose an evacuation plan he said, "let me hear from those who want the plant open." I sent him a mailgram urging his intervention in the dispute between LILCO and the Suffolk County Executive. If you wish, you can do the same and urge your family and friends to do the same. His address is:

Executive Chambers
Albany, New York 12224

You can also contact members of the Suffolk County Legislature and the Suffolk Executive.

Finally, whether or not SNPS opens has absolutely no effect on next years budget. The assessment rate for next year will be set long before any final decision on the plant is made. We are not permitted by law to save any significant amount of money for future years and, if we were to drastically reduce next year's budget we would only succeed in reducing the current tax rate even further thus causing an even greater jump in the tax rate in future years should the plant eventually fail to open.

Mr. Holden

White Plains T.A.
has a resolution
passed by GREC. Council
NYCOT M per Hibbard

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

-----x
CITIZENS FOR AN ORDERLY ENERGY POLICY,
INC., VANCE L. SAILOR, EENA-MAI FRANZ,
JOHN J. FOLEY, THOMAS V. AND DOROTHY V.
SHEEHAN,

PETITION

Plaintiffs,

Civil Action
No. 83-4966

- against -

COUNTY OF SUFFOLK, AND PETER F.
COHALAN, in his capacity as County
Executive,

Defendants.

-----x
THE SHOREHAM-WADING RIVER CENTRAL SCHOOL DISTRICT, moves for
leave to intervene as Plaintiff in this action, in order to assert its
claims and protect its interests as set forth in its proposed Complaint,
of which a copy is attached and as grounds therefore shows to the Court:

1. This action by CITIZENS FOR AN ORDERLY ENERGY POLICY, INC.,
VANCE L. SAILOR, EENA-MAI FRANZ, JOHN J. FOLEY, THOMAS V. AND DOROTHY V.
SHEEHAN, as Plaintiffs against COUNTY OF SUFFOLK, AND PETER F. COHALAN,
in his capacity as County Executive, as Defendants seeks declaratory and
injunctive relief, challenging the legality of resolutions passed by the
County of Suffolk concerning the County's lack of participation in any
emergency planning process for the Shoreham Nuclear Power Station,
Shoreham, New York.

2. That the instant action was filed on or about November 10,
1983. To date, no answer has been interposed by Suffolk County. Upon
information and belief, their time to answer has been extended by Stipu-
lation to January 20, 1984 and a motion to dismiss is now pending.

3. That the action was brought by the Plaintiffs as shareholders and ratepayers of LILCO; residents and taxpayers of Suffolk County, who reside near the Shoreham Nuclear Power Station; and on behalf of all of the membership of the Plaintiff Organization.

4. That the applicant Shoreham Wading River Central School District is a political subdivision, duly organized and operated in accordance with the laws of the State of New York.

5. That this application to intervene is brought pursuant to FRCP §24(b) as absent participation of the applicant, the School District will not be adequately represented and the disposition of this action will impede and impair the ability of the School District to protect its interests.

6. That it is clear and positive that the applicant School District possesses a real and substantial interest in the outcome of these proceedings for the following reasons:

A. That §1604 of the Education Law of the State of New York charges the District with the obligation of protecting the health and safety of students, administrative and teaching staff, parents, school district residents and taxpayers. The District cannot discharge this responsibility and put an effective evacuation plan in place without the full cooperation of Suffolk County. The Board of Education believes that it is the responsibility of local government to play a primary and essential role in disaster preparedness. Both the constitution of the State of New York and the Municipal Home Rule Law provide that local governments have a duty to protect the safety and well-being of persons and property. The County Executive is vested with the authority to

promulgate emergency order to protect life and property, or to bring a radiological emergency situation under control.

B. The District is charged with the responsibility for maintaining the educational program for its residents. Approximately 87.9% of all tax monies currently received by the District are paid by LILCO. (See Exhibit "A" - a Letter from Robert Sokel, Director of Business Affairs, analyzing the amount raised by taxes and the amount attributable to LILCO for 1979-1983). In the event that the Defendants' actions directly result in the denial of an operating permit to LILCO for the Shoreham Nuclear Power Station, the Applicant School District will suffer direct pecuniary losses in sums exceeding \$18,000,000 per year with the result of a substantial reduction or elimination of the educational programs offered.

C. That the occurrence of such an event - denial of an operating permit - will force all other residents of the School District to face substantial tax increases to compensate for the loss of the LILCO tax revenues. Again, alternatively the School District will be forced to curtail the present quality and quantity of educational services offered to its residents.

D. That any adverse judgment in the present action would have a deleterious effect on litigation and proceedings currently pending in other forums and in which applicant School District is an active participant, to wit:

1. New York, Suffolk County, Supreme Court actions entitled Long Island Lighting Company v. The Assessors and the Board of Assessment Review for the Town of Brookhaven, et al. For Review Under

Article 7 of the Real Property Tax Law of a Tax Assessment for the Tax Years 1976/77, 1977/78, 1978/79, 1980/81, 1981/82, and 1982/83. See Intervention Orders annexed as Exhibits "B" and "C". The Shoreham Wading River Central School District is a party respondent in each of these proceedings. LILCO seeks approximately \$55 Million in refunds based on a claim of over-valuation, unequal, erroneous and illegal assessment. In the event that LILCO is denied an operating permit, the Shoreham Nuclear Power Station could be adjudged "functionally obsolete". Such a determination could render the School District's defenses academic and moot. Practically speaking, the School District, in compliance with Chapter 837 of the Laws of 1981 as recently amended (Exhibit "D") would be required to remit millions of dollars in tax refunds pursuant to Court Order. Monies not now available for such purposes would have to be raised by increased tax assessments and/or the issuance of bonds.

2. Public Service Commission Hearings investigating LILCO's financial management of funds used to construct the Shoreham Nuclear Power Station Case 27653: The Shoreham Wading River Central School District is a party intervenor. A copy of the letter from the PSC granting party appearance is annexed as Exhibit "E". NRC denial of the operating permit will directly impact this proceeding and the District's receipt of tax revenues from LILCO since any funds imprudently expended will be deductible from the "value" of the plant for assessment purposes.

3. Public Service Commission hearings to determine ratemaking principles applicable to the Shoreham Nuclear Generating Station, Case #28252. The Attorney General of the State of New York has argued that

none of the plant construction costs should be added to rate base since it will not be "used or useful". This will only be a result if the plant does not go on-line.

4. Nuclear Regulatory Commission Proceedings concerning the issuance of an operating permit to LILCO for the Shoreham Nuclear Power Station. The Shoreham-Wading River Central School District has been granted a limited appearance in this proceeding. See Exhibit "F" attached. The effects upon the Shoreham-Wading River Central School District of a denial of an operating permit are detailed above in subdivision D "1".

7. That approximately 87.9% of all tax monies currently received by the District are paid by LILCO. See Exhibit "A". In the event that the Defendants actions directly result in the denial of an operating permit to LILCO for the Shoreham Nuclear Power Station, the applicant School District will suffer direct pecuniary loss in sums exceeding \$8 Million per year.

8. That the occurrence of this event will have the result of forcing all other residents of the School District to face substantial tax increases to compensate for the loss of LILCO tax revenues. In the alternative, the School District will be forced to curtail the present quality and quantity of educational services offered to its residents.

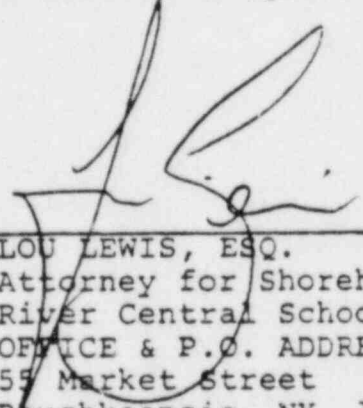
10. In Summary, that the status of the applicant School District differs from that of other plaintiffs for two reasons: a) the School District is a recipient of taxes from LILCO, rather than a taxpayer; b) it is a political subdivision charged by §1604 of the Education Law of the State of New York, with the obligation of protecting the health and

safety of students, administrative and teaching staff, parents, school district residents and taxpayers. That due to the applicant School District's physical proximity to the Shoreham Nuclear Power Station (less than 1 - 1/4 miles), it maintains a direct and paramount interest in the development and operation of an effective and proper emergency response plan to protect its physical plant as well as students and employees. Immediate consideration must be given to the use of District facilities for use as radiation fall-out shelters.

12. For the foregoing reasons the Applicant possesses a direct pecuniary and statutory interest in the outcome of the litigation, and should be granted leave to intervene in the present proceedings as a plaintiff.

13. That the applicant's interests are not adequately represented by the present parties to this action.

Dated: Poughkeepsie, New York
February 27, 1984



LOU LEWIS, ESQ.
Attorney for Shoreham-Wading
River Central School District
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1500 Oliver Building
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ROBERT J. SOKEL
CENTRAL SCHOOL DISTRICT
SHOREHAM, NEW YORK 11786

TELEPHONE (516) 929-8500

ROBERT J. SOKEL,
DIRECTOR OF BUSINESS AFFAIRS

July 22, 1983

Don Lewis
15 Market Street
Poughkeepsie, N.Y. 12601

Attention: Jode Millman

Dear Jode:

Below is the information that you requested yesterday:

	<u>1979-80</u>	<u>1980-81</u>	<u>1981-82</u>	<u>1982-83</u>
Total Raised by Taxes	11,156,690	14,103,000	16,757,395	18,812,425
Taxes Paid by LILCO*	8,514,868	11,663,181	14,344,330	16,527,312
LILCO as % of AV	76.5	82.7	85.6	87.9
Tax Rates:				
Riverhead (per \$1,000 TV)	16.67	14.49	12.94	12.21
Brookhaven (per \$100 AV)	20.47	18.42	18.41	17.06

*Estimate is based upon the percent of LILCO assessed value as compared to total assessed value.

Yours truly,


Robert J. Sokel

RJS:er

EXHIBIT ...A.....

Spring 1977 Parent Survey

Shoraham-Wading River Central School District

Prepared by

Gary Bridge and Betsy Wheeler

Teachers College, Columbia University
Box 6
New York, New York 10027

1 June 1977

FOR HOUSEHOLD (i.e., most educated of parents)

53. How far did you go in school? (Check one.)

28

- * less than 9 years.....1
- * 10 years.....2
- * 11 years.....3
- 14 12 years, high school graduate....4
- 30 Technical school, community college, or some college.....5
- 16 College graduate.....6
- 42 Post-graduate work.....7

* Too small
to report

54. Do you work outside the home?

MOTHER'S WORK

29

- Yes.....1
- No.....2

41% yes
51% no
8% no response

55. Does your family currently include one parent or two?

30

- 6 one.....1
- 44 two.....2

56. How far did your spouse go in school? (Check one.)

37

- less than 9 years.....1
- 10 years.....2
- 11 years.....3
- 12 years, high school graduate....4
- Technical school, community college, or some college.....5
- College graduate.....6
- Post-graduate work.....7

57. Does your spouse work outside the home?

32

- Yes.....1
- No.....2

58. Approximate family income:

35

- 1 Less than \$7,500 per year.....1
- 3 \$7,500 to \$10,000 per year.....2
- 5 \$10,001 to \$15,000 per year.....3
- 21 \$15,001 to \$20,000 per year.....4
- 29 \$20,001 to \$25,000 per year.....5
- 41 Over \$25,000 per year.....6

median
interpolated
to be \$23,448

Thank you for participating

Your comments are invited.

--	--

(Seaman's Bus Co.) BUS DRIVER SURVEY

(16 responses) - 46% of total

- 1) If there was a nuclear emergency would you be willing to pick up and drive students in your bus to an evacuation shelter?

Response: 11-yes

5-no

- 2) Do you have any children that attend school in this district?

Response: 2-yes

14-no

- 3) Do you have small children at home that do not attend school?
If so, how many?

Response: 2-yes with 2 children each

14-no

- 4) Do you usually spend your nondriving time during school hours within a 5 mile radius of Shoreham Wading River?

Response: 10-yes

4-no

2- undecided

- 5) Please make any further suggestions or comments that you have concerning the evacuation of the students of the S.W.R. school district.

Total School District Staff

This survey is being taken by the Emergency Evacuation Committee made up of Shoreham-Wading River staff members, students, parents and school board members. The object of this committee is to work with the county to develop a suitable evacuation plan for the Shoreham-Wading River School District in case of an accident at the LILCO Nuclear Power Plant. At present, Suffolk County has formulated plans which call either for early dismissal of the schools or relocation of the entire student body to a relocation center such as Suffolk Community College in Selden.

The committee needs to determine the availability of staff members who will supervise students in case of an emergency. We would appreciate receiving your response to this survey. Return to:

- High School - Mrs. Abata
- Middle School - Mrs. Bloom
- Miller Avenue - Mrs. Barn
- Wading River - Mrs. Van Wickler
- Briarcliff - Mr. Doraki

Please return by Monday, May 17.

1. Would you be willing to supervise students on their regular bus route in case of early dismissal from school due to a nuclear accident?

40 Yes 106 No

2. Would you be willing to accompany students on school buses to a relocation center (Suffolk County Community College or S.U.N.Y. at Stony Brook)?

43 Yes 102 No

3. Would you be willing to remain at the relocation center to supervise students?

38 Yes 108 No

If yes, for how long? _____ hours

4. Would you be willing to take training (provided by the school) to enable you to drive a bus in case of an early dismissal or relocation to a relocation center after a nuclear accident?

34 Yes 113 No

5. Would you be willing to drive your car with students in it to a relocation center?

41 Yes 102 No

EMERGENCY EVACUATION CENTER SURVEY

Briarcliff School - 3 60-passenger vehicles

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- High School - Mrs. Abata
- Middle School - Mrs. Bloom
- Miller Avenue - Mrs. Barnz
- Wading River - Mrs. Van Wickler
- Briarcliff - Mrs. Doroski

Please return by Monday, May 17. Briarcliff School - 3 60 passenger

1. Would you be willing to supervise students on their regular bus route in case of early dismissal from school due to a nuclear accident?

5 Yes 10 No

2. Would you be willing to accompany students on school buses to a relocation center (Suffolk County Community College or S.U.N.Y. at Stony Brook)?

5 Yes 10 No

3. Would you be willing to remain at the relocation center to supervise students?

4 Yes 11 No

If yes, for how long? _____ hours

4. Would you be willing to take training (provided by the school) to enable you to drive a bus in case of an early dismissal or relocation to a relocation center after a nuclear accident?

3 Yes 12 No

5. Would you be willing to drive your car with students in it to a relocation center?

2 Yes 13 No

Briarcliff - 3 60 passenger

EMERGENCY EVACUATION CENTER SURVEY

Miller Avenue

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The committee needs to determine the availability of staff members who will supervise students in case of an emergency. We would appreciate receiving your response to this survey. Return to:

- High School - Mrs. Abata
- Middle School - Mrs. Bloom
- Miller Avenue - Mrs. Barn
- Wading River - Mrs. Van Wickler
- Briarcliff - Mrs. Doroski

Please return by Monday, May 17
Miller Ave.

1. Would you be willing to supervise students on their regular bus route in case of early dismissal from school due to a nuclear accident?

6 Yes 9 No

2. Would you be willing to accompany students on school buses to a relocation center (Suffolk County Community College or S.U.N.Y. at Stony Brook)?

6 Yes 8 No

3. Would you be willing to remain at the relocation center to supervise students?

6 Yes 9 No

If yes, for how long? _____ hours

4. Would you be willing to take training (provided by the school) to enable you to drive a bus in case of an early dismissal or relocation to a relocation center after a nuclear accident?

3 Yes 11 No

5. Would you be willing to drive your car with students in it to a relocation center?

3 Yes 12 No

Miller Avenue - 5 60 passenger

EMERGENCY EVACUATION CENTER SURVEY

Wading River School

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- High School - Mrs. Abata
- Middle School - Mrs. Bloom
- Miller Avenue - Mrs. Baran
- Wading River - Mrs. Van Wicker
- Briarcliff - Mrs. Doroski

Please return by Monday, May 17

1. Would you be willing to supervise students on their regular bus route in case of early dismissal from school due to a nuclear accident?

3 Yes 18 No

2. Would you be willing to accompany students on school buses to a relocation center (Suffolk County Community College or S.U.N.Y. at Stony Brook)?

4 Yes 18 No

3. Would you be willing to remain at the relocation center to supervise students?

3 Yes 19 No

If yes, for how long? _____ hours

4. Would you be willing to take training (provided by the school) to enable you to drive a bus in case of an early dismissal or relocation to a relocation center after a nuclear accident?

5 Yes 17 No

5. Would you be willing to drive your car with students in it to a relocation center?

7 Yes 15 No

er 5-10-82

Wading River School - 5 60 passenger
1 16 passenger

EMERGENCY EVACUATION CENTER SURVEY

Middle School

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The committee needs to determine the availability of staff members who will supervise students in case of an emergency. We would appreciate receiving your response to this survey. Return to:

- High School - Mrs. Abata
- Middle School - Mrs. Bloom
- Miller Avenue - Mrs. Barn
- Wading River - Mrs. Van Wickler
- Briarcliff - Mrs. Doroski

Please return by Monday, May 17.

1. Would you be willing to supervise students on their regular bus route in case of early dismissal from school due to a nuclear accident?
9 Yes 37 No
2. Would you be willing to accompany students on school buses to a relocation center (Suffolk County Community College or S.U.N.Y. at Stony Brook)?
11 Yes 35 No
3. Would you be willing to remain at the relocation center to supervise students?
10 Yes 35 No
 If yes, for how long? _____ hours
4. Would you be willing to take training (provided by the school) to enable you to drive a bus in case of an early dismissal or relocation to a relocation center after a nuclear accident?
8 Yes 38 No
5. Would you be willing to drive your car with students in it to a relocation center?
11 Yes 34 No

er 5-10-82

Middle School - 8 60 passenger
 1 16 passenger

EMERGENCY EVACUATION CENTER SURVEY

High School

This survey is being taken by the Emergency Evacuation Committee made up of Shoreham-Wading River staff members, students, parents and school board members. The object of this committee is to work with the county to develop a suitable evacuation plan for the Shoreham-Wading River School District in case of an accident at the LILCO Nuclear Power Plant. At present, Suffolk County has formulated plans which call either for early dismissal of the schools or relocation of the entire student body to a relocation center such as Suffolk Community College in Selden.

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- Middle School - Mrs. Bloom
- Miller Avenue - Mrs. Barn
- Wading River - Mrs. Van Wickler
- Briarcliff - Mrs. Dorotki

Please return by Monday, May 17

1. Would you be willing to supervise students on their regular bus route in case of early dismissal from school due to a nuclear accident?

18 Yes 32 No

2. Would you be willing to accompany students on school buses to a relocation center (Suffolk County Community College or S.U.N.Y. at Stony Brook)?

19 Yes 31 No

3. Would you be willing to remain at the relocation center to supervise students?

16 Yes 34 No

If yes, for how long? _____ hours

4. Would you be willing to take training (provided by the school) to enable you to drive a bus in case of an early dismissal or relocation to a relocation center after a nuclear accident?

15 Yes 35 No

5. Would you be willing to drive your car with students in it to a relocation center?

19 Yes 31 No

er 5-10-82

High School - 10 60 passenger
1 16 passenger

16-12-Wal

1 MR. MILLER: Thank you, Dr. Doremus.

2 JUDGE LAURENSEN: Mr. Zahnleuter?

3 CROSS EXAMINATION BY

4 MR. ZAHNLEUTER:

5 Q Dr. Doremus, would you please answer this
6 question yes or no. In a fast breaking emergency, if LILCO
7 were to issue a recommendation for evacuation at 1:15 p.m.,
8 would your school district dismiss your schools at the
9 regular time?

10 A If they issued -- I can't answer that yes or
11 no. I am not sure what the question is. If they issued
12 an evacuation order at 1:15, would we continue to keep the
13 kids in school until the regular time, is that the question?

14 Q Yes, that is correct.

15 A No, we would evacuate right away.

16 Q In Attachment 2 to your testimony, your plan
17 states that if the decision to evacuate is not made before
18 1:00 p.m., children would be sent at their regular
19 dismissal time. Children would be sent home. At this time,
20 is that a correct statement in the plan?

21 A Which plan -- I am sorry, you will have to show
22 me which plan we are talking about.

23 Q It is Attachment 2 to your testimony. The
24 second paragraph.

25 A I am sorry. Which page. I am confused. Which

1 plan?

2 Q At the top it says: Proposed emergency Go Home
3 Plan for Shoreham Wading River Central School District.

4 A And which plan are you talking about?

5 Q I am talking about the second paragraph.

6 A Of which plan? There are four plans.

7 Q This is above Plan 1.

8 A No, I think I would send the kids home. I am
9 sorry, I think I would evacuate the kids if they old us
10 at 1:15.

11 That is in contradiction with what this says, but
12 that is what I would do.

13 Q Are you the one who makes that decision?

14 A Yes.

15 Q Now, I want to refer you to Attachment 3 to your
16 testimony. And again, Item 1.C 2, I would like to know why
17 you would refer inquiries to the County telephone number?

18 A Because the assumption there is that that would
19 be the emergency telephone number for information.

20 End 16.

21 Reb fols.

22

23

24

25

1 Q Are you aware of a county telephone number
2 that exists now?

3 A No. I think, as I mentioned earlier in the
4 testimony, this was drawn up by the planning committee when
5 it was still under the assumption that the county was
6 going to be involved in the planning.

7 Q And what do you mean by that? Do you mean that
8 this may not be the current draft?

9 A This is the latest draft, but I would assume, if
10 there is a different organization doing planning, I
11 guess there would have to be a fourth draft.

12 Q I would like to refer you to your answer to
13 question 14. Does your answer that it would take one hour
14 assume good weather?

15 A I think it doesn't include a blizzard, but I
16 think that rain or fog or something wouldn't appreciably
17 add to the time.

18 Q I am not clear on your answer. Does it assume
19 good weather?

20 A No.

21 Q Are you familiar with your class mother procedure?

22 A Somewhat.

23 Q I should refer you to attachment 2 to your testi-
24 mony where that is set forth. It is plan 3, item 3.

25 Are you familiar with that?

1 A I am sorry. Where are we?

2 Q It is attachment 2 to your testimony.

3 A I'm sorry. Attachment 2, plan 3?

4 Q Plan 3, item 3.

5 A Yes.

6 Q Can you approximate how long that procedure would
7 take?

8 A I think it takes probably about 30 minutes from
9 the time the principal starts the chain.

10 Q Does your answer in question 14 take that time
11 into consideration?

12 A Yes, because from the time we make the decision,
13 we call all the schools and say, start the chain.

14 At the same time, we make the call to the bus
15 company, and say, get the bus driver. And so the two
16 are really going on simultaneously.

17 MR. ZAHNLEUTER: I have no other questions.

18 JUDGE LAURENSEN: Mr. Bordenick?

19 CROSS-EXAMINATION

20 BY MR. BORDENICK:

21 Q Dr. Doremus, I believe you testified in
22 response to a question from Mr. Miller, he was the first
23 person questioning you, that under the current Go Home
24 plan, all parents are now called by your district; is
25 that --

1 A In the elementary schools; not in the secondary
2 schools.

3 Q How long does that process take?

4 A I think about 30 minutes.

5 MR. BORDENICK: I have no further questions.

6 JUDGE LAURENSEN: Any redirect examination?

7 MR. CHRISTMAN: Yes, just a little bit.

XXXXX

8 REDIRECT EXAMINATION

9 BY MR. CHRISTMAN:

10 Q Dr. Doremus, do you use any small busses that
11 might be called mini-busses in your district?

12 A Yes.

13 Q Are there teachers there who are already certified
14 to drive those sorts of busses?

15 A Yes.

16 Q If Shoreham operates, do you plan to train or
17 have trained the teachers who say they would be willing
18 to drive a standard school bus?

19 A Yes.

20 Q How much training would that require, do you think?

21 A It requires six to ten hours.

22 Q How much training do the regular bus drivers
23 that you use --

24 A Six to ten hours. That is six to ten hours
25 behind the wheel. There are other kinds of training that

1 the regular drivers get which is various regulations and
2 so forth.

3 Q You said that during the last snow emergency,
4 only one child had to be retained at school because there
5 would have been an empty house for him to go home to.

6 Do you have any of that sort in previous years?

7 A The only thing I can comment on is when I spoke
8 to one of the principals, he said, well, in the eight
9 year that he has been there, there have only been two
10 children that have had to be retained, kept in school,
11 because they couldn't get an adult to send the child to.

12 MR. CHRISTMAN: Those are all the questions I
13 have. Thank you.

14 JUDGE LAURENSEN: Anything else for Dr. Doremus?

15 MR. MILLER: Very limited.

XXXXXX

16 RE-CROSS-EXAMINATION

17 BY MR. MILLER:

18 Q Dr. Doremus, just now when you said that you
19 spoke to some principal and he said to you that over eight
20 years he could only think of two children that had to be
21 retained, is that what you just said?

22 A Yes.

23 Q But earlier you said that during recent years,
24 the school district didn't have a policy of retaining
25 children at the schools; isn't that correct?

1 A No. I said we always had a policy of keeping
2 the children. About a year ago the principals were saying,
3 instead of just keeping them, why don't we make the parents
4 responsible for seeing that they either train their
5 kids to get in the house, if we can't get the other adult.

6 See, you know, there is always a backup person,
7 always, that they call. And so we decided that we would
8 put that in effect.

9 However, when we had -- I think we only had
10 one snow emergency this year. Everybody followed the
11 normal procedure anyway, and we have just been discussing
12 at the administrative council, why don't we just stick with
13 that.

14 Q Dr. Doremus, was this decision to place
15 responsibility on the parents, was that just during one
16 school year that you had that policy?

17 A Yes. It was for this school year, yes.

18 Q When you stated in response to Mr. Christman's
19 questions --

20 A Could I follow that?

21 Q Yes.

22 A I think one of the reasons they decided to go
23 back to the other is that they felt that the parents
24 would forget or that we hadn't really gotten to all the
25 parents anyway to make sure that they understood that, and

1 since it -- we were able to get almost every kid with an
2 adult, it doesn't really make that much difference.

3 Q When you stated, Dr. Doremus, that you now have
4 some mini-busses and teachers to drive these mini-busses,
5 how many of these busses do you have?

6 A There are nine of them.

7 Q And how many teachers are certified, presently
8 certified to drive those mini-busses?

9 A Probably 50 or 60.

10 Q Could you tell me what a mini-bus is?

11 A Yes. You have probably seen them. They are
12 those 16-passenger. They are like an oversized van.

13 Q They are closer to a van than a bus, aren't they?

14 A Well, they look more like a van than a bus.
15 I think they are supposed to hold 16.

16 Q One last question, Dr. Doremus, a point of
17 clarification. Mr. Zahnleuter asked a question about
18 attachment 3 which is this emergency evacuation plan
19 third draft. And I think you said that this draft was
20 prepared in January of this year, January of 1984.

21 Is that right?

22 A I am not sure. The proposed emergency Go Home?
23 Which one are we talking about?

24 Q Attachment 3.

25 A I'm sorry. I was looking at 2.

1 This was prepared by our director of business.
2 I am not entirely sure. I assume this was done, in looking
3 at it, and particularly since a copy is to A. Prodell,
4 that it was done while the committee was still meeting.
5 I would think maybe January of '83 would be correct. But
6 I could be incorrect on that.

7 Q I was just trying to clarify it, sir, because
8 I think you mentioned January of 1984 the last time.

9 A Okay.

10 Q You think it is January 1983?

11 A Yes, I think this was done while the committee
12 was still functioning.

13 MR. MILLER: Thank you.

14 No further questions.

15 JUDGE LAURENSEN: Anything else for Dr. Doremus?

16 MR. CHRISTMAN: No, sir.

17 JUDGE LAURENSEN: All right. You are excused,
18 Dr. Doremus. Thank you.

19 (The witness stood down.)

20 JUDGE LAURENSEN: I think this would be an
21 appropriate time to take a ten-minute recess before
22 we reconvene with the county's next panel.

23 (Recess.)

24 JUDGE LAURENSEN: Mr. McMurray?

25 MR. MC MURRAY: At this time I would like to

1 present the county's panel contentions 24.G, 24.K, 24.P,
2 and 73.

3 I would like the members of the panel to
4 please state their names and their occupation, beginning
5 with Professor Saegert?

6 WITNESS SAEGERT: My name is Susan Saegert.
7 I am an associate professor in environmental psychology
8 at the City University of New York Graduate Center.

9 WITNESS HARRIS: I am David Harris. I am a
10 physician, and I am the Commissioner of Health Services
11 for Suffolk County.

12 WITNESS MAYER: I am Martin Mayer. I am a
13 physician. I am the Deputy Director of Public Health for
14 Suffolk County.

15 MR. MC MURRAY: Judge Laurenson, I believe
16 Professor Saegert and Dr. Harris have been sworn. I
17 don't believe that Dr. Mayer has been sworn.

18 JUDGE LAURENSON: Mr. Mayer, would you stand and
19 raise your right hand.

20 Whereupon,

21 MARTIN MAYER

22 was called as a witness and, having been first duly sworn,
23 was examined and testified as follows:

24
25

1 Whereupon,

2 DAVID HARRIS
3 and
4 SUSAN SAEGERT

5 were called as witness and, having been previously duly
6 sworn, were examined and testified as follows:

XXXXXX

7 DIRECT EXAMINATION

8 BY MR. MC MURRAY:

9 Q These questions are directed to Drs. Harris and
10 Mayer.

11 JUDGE LAURENSEN: I just want to make sure, for
12 the record, that Professor Saegert and Dr. Harris are
13 still under oath.

14 BY MR. MC MURRAY:

15 Q Gentlemen, do you have in front of you a
16 document entitled "Direct Testimony of David Harris and
17 Martin Mayer on behalf of Suffolk County regarding
18 Contentions 24.G, 24.K, 24.P, 73 and 75?"

19 A (Witness Harris) Yes.

20 A (Witness Mayer) Yes.

21 Q Was that testimony prepared by you or under
22 your supervision?

23 A (Witness Harris) Yes.

24 A (Witness Mayer) Yes.

25 Q And to the best of your knowledge, is it
true and accurate?

1 A (Witness Harris) Yes, with two corrections.
2 First on page 8, on page 8 of that testimony
3 in approximately the middle of the page, there is a
4 sentence that starts, "They are not actual agreements
5 comma."

6 That should be changed as follows: "They
7 are not actual agreements period."

8 The following lines from "and no commitments"
9 all the way through to "availability of emergency
10 vehicles" should be deleted. And the next sentence
11 should start with a capital T, "The letters and contracts."

12 On page 29 there is a very small change, basically
13 usage. Toward the bottom of the page there is a sentence
14 that begins, "Obviously those criteria concern the
15 provision of healthy living quarters." "Healthy" should
16 be replaced by the word "healthful living quarters,"
17 "healthful."

18 Q With those corrections, is this testimony
19 true and accurate to the best of your knowledge?

20 A Yes.

21 A (Witness Mayer) Yes.

22 Q Professor Saegert, do you have in front of you
23 a document entitled "Direct Testimony of Susan Saegert
24 on behalf of Suffolk County Concerning Emergency Planning
25 Contention 73.A, Evacuation of the Homebound"?

1 A (Witness Saegert) Yes.

2 Q And was this testimony prepared by you or under
3 your direct control and supervision?

4 A Yes, it was.

5 Q To the best of your knowledge, is it true and
6 accurate?

7 A Yes, it is.

8 MR. MC MURRAY: Judge Laurenson, at this time
9 I would like to move into evidence these two pieces of
10 testimony, the testimony of Drs. Harris and Mayer and
11 the testimony of Professor Saegert on contentions 24.G,
12 24.K, 24.P, and 73.

13 JUDGE LAURENSON: Let me just go off the
14 record for a moment.

15 (Discussion off the record.)

16 JUDGE LAURENSON: Back on the record. I think
17 we should include one additional comment before we rule
18 on the admission of this testimony. Mr. McMurray?

19 MR. MC MURRAY: Judge Laurenson, at this time,
20 while this testimony -- while the testimony of Drs. Harris
21 and Mayer does, in fact, address contention 75, in fact
22 Ms. McCleskey's cross-examination on that piece of
23 testimony is going to be held in abeyance pending further
24 events and discussions among the parties regarding the
25 issue that contention 75 addresses -- that is, relocation

1 centers.

2 JUDGE LAURENSEN: Is that the understanding
3 of the parties?

4 MS. MC CLESKEY: Yes, sir. And that would be
5 from page 24 of the testimony through to the end.

6 JUDGE LAURENSEN: We have previously ruled
7 upon motions to strike this testimony. Are there any
8 additional objections that we haven't previously heard to
9 the admission of this testimony?

10 MS. MC CLESKEY: No, sir.

11 JUDGE LAURENSEN: The testimony will be
12 received in evidence and bound in the transcript following
13 this page as though read.

14

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

_____)	
In the Matter of)	
LONG ISLAND LIGHTING COMPANY)	Docket No. 50-322-CI-3
(Shoreham Nuclear Power Station,)	(Emergency Planning)
Unit 1))	
_____)	

DIRECT TESTIMONY OF DAVID HARRIS AND MARTIN MAYER
ON BEHALF OF SUFFOLK COUNTY REGARDING CONTENTIONS
24.G, 24.K, 24.P, 73 and 75.

I
INTRODUCTION

Q. Please state your names and positions.

A. My name is David Harris. I am the Commissioner of Health Services for Suffolk County, New York.

My name is Martin Mayer. I am the Deputy Director of the Division of Patient Care Services in the Suffolk County Department of Health Services.

Q. Please summarize briefly your professional backgrounds.

A. (Harris) I have been Commissioner of the Suffolk County Department of Health Services since 1977. From 1975 to 1977, I

was Deputy Commissioner of Health Services for Suffolk County. I was Associate Director of the Mt. Sinai Hospital from 1971 to 1975, and prior to that I was associated with the New York City Department of Health where I was Deputy Commissioner of Health from 1969 to 1971.

I am board certified in the medical specialties of pediatrics and preventive medicine. I am also Professor of Community and Preventive Medicine and Pediatrics, State University of New York at Stony Brook. In addition, I hold academic appointments at the Columbia University School of Public Health, at the New School for Social Research in New York City and at C.W. Post. I am a member of the New York State Advisory Council on Substance Abuse, a member of the New York State Mental Hygiene Planning Council, and the immediate past president of the New York State Public Health Association. A copy of my professional qualifications was attached to my testimony on Contention 25 and was admitted into evidence in this proceeding. See Tr. 1218.

(Mayer) A copy of my professional qualifications is Attachment 1 hereto.

Q. What is the purpose of this testimony?

A. (Harris, Mayer) The purpose of this testimony is to address Emergency Planning Contentions 24.G, 24.K, 24.P, 73 and 75. All the testimony which follows is jointly sponsored by both of us.

Q. Have you reviewed the LILCO Transition Plan?

A. We have reviewed, among others, those portions of the LILCO Plan that concern relocation centers and proposed protective actions for the homebound.

Q. What is your opinion of those provisions?

A. In our opinion, those provisions are unworkable for the reasons stated in the contentions addressed by this testimony.

II
CONTENTIONS 24.G, 24.K AND 24.P - LACK OF AGREEMENTS

Q. Are you familiar with Contentions 24.G, 24.K and 24.N?

A. Yes.

Q. Do you agree with those Contentions?

A. Yes we do. The LILCO Plan relies on the services of numerous non-LILCO organizations and individuals for implementation of its evacuation proposals. In order to prepare

patients and move patients and the homebound, and to care for those individuals in transit, LILCO needs the services of ambulance companies, their personnel, and additional medical or paramedical personnel. Further, without the services of the American Red Cross ("ARC"), LILCO's proposed relocation centers could not function. Despite their importance, however, LILCO does not have the agreements necessary to assure implementation of these essential aspects of its Plan.

Q. In your opinion are such agreements necessary?

A. Yes. We are aware of no requirement that ambulance companies, their employees, or medical or paramedical personnel cooperate with LILCO in the event of a Shoreham accident. Therefore their participation must be assured. In our opinion, agreements of proper scope and detail are the best -- and possibly the only -- way to obtain such assurance.

Q. Please state Contention 24.G.

A. Contention 24.G is as follows:

Contention 24. LILCO has failed to obtain agreements from several of the organizations, entities and individuals for performance of services required as part of the offsite response to an emergency pursuant to NUPEG 0654, as follows:

Contention 24.G. According to LILCO's

estimates (see Appendix A, at IV-175), it will require sufficient ambulances to make 113 ambulance trips and enough ambulettes to make 209 trips in order to evacuate the nursing and adult homes located in the EPZ and the homebound who reside in the EPZ. An additional number of ambulances and ambulettes will be required to evacuate the approximately 630 patients likely to be in the hospitals within (and just outside) the EPZ. (See Appendix A, at IV-172; OPIP 3.6.5.) However, LILCO has no agreements with ambulance companies to provide such equipment in such quantities. (See FEMA Report at 10.) Even the letters of intent to enter into such agreements which are contained in Appendix B do not relate to numbers of ambulances and ambulettes necessary to meet LILCO's own estimates. In the absence of such agreements, LILCO's proposed evacuation of persons in special facilities, hospitals, and the handicapped cannot and will not be implemented.

Q. What is the status of LILCO's attempts to obtain agreements with ambulance companies?

A. The County received on February 15, 1984, copies of agreements between LILCO and some ambulance companies. Those agreements are not contained in the Plan, however, and as to several of the ambulance companies upon which LILCO apparently relies, there exist only letters of intent to enter into agreements in the unspecified future, as Contention 24.G states. Furthermore, in our opinion, neither the agreements (which are not in the Plan), nor the letters of intent which are in the Plan, provide the necessary assurance that LILCO's proposals for

evacuating special facilities and the homebound could or would be implemented.

Q. Why not?

A. LILCO does not have agreements involving a sufficient number of ambulances. On page IV-175 of Appendix A, LILCO estimates that it would take 113 ambulance trips and 209 ambulette trips to evacuate the nursing and adult homes and a portion of the homebound handicapped in the EPZ. The agreements that LILCO has obtained provide for only 45 ambulances and 106 ambulettes. It is not clear from the Plan whether LILCO assumes that ambulances and ambulettes make more than one trip during an evacuation. Its time estimates suggest that only one trip is made per ambulance. LILCO has agreements relating to roughly half the ambulances and ambulettes it estimates would be needed if each made only one trip. An assumption that a timely evacuation could be conducted if more than one trip were required in light of the time necessary for notification, mobilization and transporting patients to receiving hospitals which (although not identified by LILCO) are likely to be far away from the EPZ, would be unrealistic. In addition, LILCO's estimates of how many ambulance and ambulette trips would be necessary in an evacuation are unrealistically low for two reasons.

First, the LILCO estimates do not include any ambulances or ambulettes for the three hospitals in the EPZ -- i.e., John T. Mather Memorial, Central Suffolk and St. Charles. Those facilities have, on average, a census of about 630 patients. Clearly to evacuate that many patients would require a very large number of ambulances and ambulettes. In Revision 3 of its Plan, LILCO asserts that it intends to evacuate the hospitals on an ad hoc basis, using vehicles intended for other purposes as they become available after their other uses are complete. But, as we will discuss in more detail in our later Group II testimony on Contention 72, this ad hoc arrangement would not protect the patients of the hospitals. That is, LILCO could not provide adequate protection to the patients of hospitals, unless it had enough ambulances and ambulettes ready to evacuate those facilities in a timely manner. This would necessarily increase the number of ambulances and ambulettes that would be needed.

~~Second, LILCO's estimate of the number of handicapped persons residing at home in the EPZ and requiring evacuation by special vehicle is too low for the reasons described below in discussing Contention 73.A. LILCO is very likely to need more ambulances and ambulettes to evacuate the homebound than it expects. For these reasons, LILCO's agreements with ambulance companies provide for too few ambulances and ambulettes.~~

Appendix B of the LILCO Plan includes some letters from some additional ambulance companies, which indicate an intent to enter into agreements with LILCO in the future. However, those letters of intent do not change the fact that LILCO does not have agreements that assure enough ambulances and ambulettes to implement its evacuation proposals. First, the letters are only assertions that companies may enter into agreements some time in the future. They are not actual agreements, ~~and no commitments now exist with the companies that have signed such letters. But even if these letters were for the sake of argument assumed to provide assurance of the availability of emergency vehicles,~~ the letters and contracts together relate to only 74 ambulances and 154 ambulettes, still short of meeting LILCO's estimates of 113 and 209, respectively. That is, even with the letters, LILCO has arranged for only about two thirds of the vehicles it expects it will need. And, for the reasons we stated above, LILCO's estimates are unrealistically low.

C. Please state Contention 24.K.

A. The contention states:

Contention 24. LILCO has failed to obtain agreements from several of the organizations, entities required as part of the offsite response to an emergency pursuant to NUREG 0654, as follows:

Contention 24.K. The LILCO Plan relies upon non-LILCO personnel to drive ambulances and ambulettes and to provide the necessary medical and paramedical support services in the buses, ambulances, and ambulettes to be used in evacuating special facilities and the handicapped. (See Appendix A, at IV-166 to IV-168, IV-172 to IV-178.) The LILCO Plan includes no agreements from any such individuals or related entities to perform such services, under LILCO's direction, in the event of an emergency at Shoreham. In the absence of such agreements, LILCO's proposed evacuation of special facilities and the handicapped cannot and will not be implemented. There is also no assurance that contaminated injured persons, or persons injured during the evacuation, will be transported to hospitals for treatment as required by 10 CFP Section 50.47(b)(12).

C. Why do you agree with that Contention.

A. The patients of hospitals, other special facilities and many of the homebound will require medical attention while they are being evacuated. To ensure that the medical and paramedical personnel necessary to provide this care are available, LILCO needs agreements with such individuals. Although some of LILCO's agreements with ambulance companies provide for "manned vehicles," there is no indication that a sufficient number of vehicles will actually be "manned" with proper personnel since there are no agreements with medical personnel.^{1/}

^{1/} The agreements generally provide that the companies will furnish "vehicles and drivers (and where applicable medical technicians)."

LILCO has no agreements with the medical personal involved. Moreover, LILCO's evacuation proposals include plans to evacuate substantial numbers of special facility patients by buses driven by LILCO employees. The Plan has no provisions for or agreements with skilled health professionals to accompany patients on buses. This is clearly a serious deficiency because there can be no safe transport, much less evacuation, of special facility patients unless there are attending skilled health professionals. Thus, there is no assurance that the evacuating special facility patients or the homebound would receive needed medical attention on buses or in ambulettes and ambulances in the event of an evacuation.

Q. Please state Contention 24.P.

A. Contention 24.P reads as follows:

Contention 24. LILCO has failed to obtain agreements from several of the organizations, entities and individuals for performance of services required as part of the offsite space to an emergency pursuant to NUPEG 0654, as follows:

Contention 24.P. LILCO relies upon the ARC to provide services, including medical and counseling services, at relocation centers. (Plan 2.2-1, 2.2-2, 3.6-7 and at 4.2-1). However, LILCO has no agreement with the ARC to provide such services. In the absence of such agreements, LILCO's proposed protective action of evacuation cannot and will not be implemented.

Q. What is the status of LILCO's efforts to obtain an agreement with the APC?

A. The LILCO Plan contains no such agreement, although at APP-P-9 of the Plan there is a letter from LILCO to the ARC describing LILCO's understanding of some conversations which apparently took place during the early summer of 1982 between representatives of LILCO and the ARC. The Plan contains no statement by or on behalf of the ARC which indicates either that it endorses or agrees with LILCO's understanding of such conversations, or that it intends to perform the functions assigned to it by LILCO in the Plan. Furthermore, LILCO's letter states only that in the event of a Shoreham emergency, LILCO expects the ARC to perform its "usual" emergency response functions "including setting up and operating relocation centers for the public." There is no indication in LILCO's letter or elsewhere that the ARC's "usual" functions coincide with or include all those expected of it under the LILCO Plan.

Thus, there is no basis in the Plan or elsewhere for LILCO's apparent belief that all the functions assigned to the APC in the LILCO Plan would actually be performed by the ARC in the event of a Shoreham emergency. LILCO has not obtained the agreement of the APC or any other entity to provide them. As a

result, LILCO has provided no assurance that the needs of evacuees at relocation centers would be met.

III

CONTENTION 3 - EVACUATION OF THE HANDICAPPED PERSONS AT HOME

Q. Please state Contention 73.

A. Contention 73 as admitted by the Board states:

Contention 73. The LILCO Plan proposes to use ambulances to evacuate handicapped people who are not in special facilities. (OPIP 3.6.5). Intervenors contend that this aspect of the LILCO Plan cannot be implemented in a timely manner and therefore will not provide adequate protection to handicapped persons in the EPZ. Thus, this aspect of the Plan fails to comply with 10 CFR Sections 50.47(a)(1), 50.47(b)(1), 50.47(b)(3) and 50.47(b)(10), and NUPEC 0654, Sections II.A.3, C.4 and J, as specified in paragraphs A and B below.

Contention 73.A. All handicapped persons in need of special evacuation services will not be known to LILCO and therefore will not be evacuated in the event of an emergency. The pre-registration system proposed by LILCO (Plan, Appendix A, at II-18; see also Information Prochure), will not result in identification of a substantial number of persons who may need assistance in order to evacuate because:

1. Many people who will require assistance will not return the post cards to LILCO because they do not: (a) perceive themselves to be handicapped; (b) desire to be identified as handicapped; (c) understand the reason or need to return the cards; (d) remember to return the cards; and/or (e) desire to rely on LILCO assistance in the event of an emergency.

2. There is no provision for verifying the completeness of the LILCO listing to be compiled from the returned post cards.

3. There is no provision for regularly updating the listing.

Contention 73.B. The LILCO Plan does not provide for the assistance and equipment necessary to accomplish an evacuation of handicapped persons at home, and thus fails to comply with 10 CFR Sections 50.47(b)(1), 50.47(b)(3), 50.47(b)(5) and 50.47(b)(8), and NUREG 0654, Sections II.A.3, C.4, F and J. Specifically:

1. The only provision for notifying non-deaf handicapped individuals of a pending evacuation is by means of a telephone call from the LILCO Home Coordinator. (OPIP 3.6.5). This is an inadequate and ineffective means of notifying many handicapped individuals such as those who are bedridden, unable to get to a telephone or unable to communicate on a telephone, and thus LILCO fails to comply with 10 CFR Section 50.47(b)(5) and NUREG 0654, Sections II.E.5 and E.6. (See FEMA Report at 9.)

3. One LILCO employee -- the Home Coordinator -- is responsible for contacting all the handicapped persons and identifying and contacting all reception centers (none of which are identified in the Plan). (OPIP 3.6.5, Section 5.1.2.) While OPIP 3.6.5 provides that the Home Coordinator should "[d]raw on Communications and Administrative Support personnel to assist in this effort," there is no indication that such personnel will be available. Thus, there is no assurance that disabled persons will be notified promptly enough to permit timely evacuation.

4. The proposed evacuation would take far too long, and as a result, handicapped people would be likely to receive health-threatening doses of radiation because evacuating vehicles would encounter congestion from other mobilization and evacuation traffic, and thus would be substantially delayed in traveling to the homes of handicapped individuals, and to relocation centers.

5. The LILCO Plan calls for the deaf to be alerted of an accident, and advised of the appropriate protective action, by LILCO route alert drivers who are expected to drive to the home of each deaf resident within the EPZ (OPIP 3.6.5). This proposed notification will not be timely, however, since route alert drivers will be delayed by mobilization and evacuation traffic. Furthermore, even disregarding expected traffic conditions, there is no assurance that enough route alert drivers will be assigned to this function to enable LILCO to carry out such notification promptly.

Q. Do you agree with Contention 73?

A. Yes, we do. LILCO's proposals for the evacuation of handicapped persons from their homes could not be implemented for several reasons.

First, as stated in subpart A of Contention 73, LILCO would not have an accurate list of the people who would actually need assistance in the event of a Shoreham emergency. LILCO's proposed method for identifying such individuals is seriously flawed. In an attempt to identify those individuals,

in August, 1983, LILCO mailed a letter containing a return post card to all the residents of the EPZ, and asked them to return the card if they felt they would need transportation assistance. LILCO apparently compiled its list of the homebound and arrived at its estimate of 345 homebound, 99 of whom would require ambulance or ambulette transportation (Appendix A, at 175), based on the returned cards. Revision 3 of the Public Information Prochure also includes a returnable post card and a request that "if you need special help, or if you know of someone who does, please fill out and return the post card"

LILCO's method is badly designed. If someone in the area of public health were to attempt to identify individuals with particular health-related characteristics, he or she would not use a system that relied on voluntary, positive action by the individuals. That kind of system is unlikely to produce reliable data, because you cannot distinguish between a non-response and a negative response. That is, not every non-response means the individual would not need assistance in an emergency. Such a system does not identify those people who would need help but did not return cards for any number of reasons. LILCO's assumption that all non-responders (people who did not return the cards) are persons who would have submitted a negative response (i.e., they need no assistance) is unwarranted.

In addition, LILCO's proposed method includes no provision for verifying the accuracy of the estimates obtained from the post cards. Indeed, LILCO apparently has not tried to determine how many people, who in fact would need assistance, failed to return the August post cards, and there is no indication that it intends to verify whatever listing it may compile after the Public Information Brochure is released. Thus, there is no assurance that listings based on returned post cards represent the true number of individuals who would actually need assistance.

Finally, whatever list LILCO ultimately compiled would have to be updated regularly. Such lists become obsolete, and the purpose of the list is too important to let it become inaccurate with the passage of time. Nonetheless, LILCO's Plan has no provision for updating the list. For of all these reasons, it is clear that LILCO does not and will not know of all the handicapped people in the 10-mile EPZ who would need assistance in the event of a Shoreham emergency.

Q. Do you agree with subpart B of Contention 73 which concerns LILCO's proposals to evacuate the homebound themselves?

A. Yes. Those proposals could not be implemented.

As stated in Contention 73.B.1, LILCO plans to notify the non-deaf homebound by telephone (OPIP 3.6.5, Section 5.1.2). However, the telephone is an inappropriate means of notification for handicapped individuals. Many handicapped persons are impaired in their ability to do many things the rest of us consider commonplace, including using a telephone. For many reasons a handicapped or invalid individual might not be able to answer a telephone call. Moreover, many of those who can use a telephone are likely to need a long time to answer. According to the Plan, only one LILCO worker -- the Home Coordinator -- is assigned the task of calling hundreds of people in a hurry; he or she could not afford to wait a long time for a response. As subpart B.3 of Contention 73 states, OPIP 3.6.5 does assert that the Home Coordinator could "draw on" other LERO support personnel to assist in the calling effort. However, presumably all LERO workers will have their own job assignments; given the many duties and responsibilities for workers set forth in the Plan and OPIPs, there is no assurance that such additional personnel would in fact be available to assist the Home Coordinator. At any rate, it is inadequate planning to rely on such an ad hoc recruiting process for notification of handicapped individuals. Thus, under the

conditions of an emergency it is likely that LILCO would not be able to contact many of the homebound.

But, even if contact with the homebound could be made by telephone, the required calls would take too long. Handicapped individuals, like anyone else, are unlikely to listen in silence to the LILCO caller's announcement and/or instructions and then hang up. Instead, they are likely to ask the LILCO caller questions about the emergency and the proposed evacuation. The process would substantially slow down the LILCO caller in the process of telephoning all the homebound. Given the tremendous number of calls the Home Coordinator would be expected to make and the limited time available, the LILCO caller probably would not be inclined to take the time to answer questions. This could cause minor conflicts that in turn would cause delays. Furthermore, many of the homebound are likely to suffer from disabilities that make it difficult for them to hear, speak or even understand. This would result in even more delay. Therefore, LILCO's proposal to contact the non-deaf homebound by telephone is unacceptable, because there is too much chance that many of the homebound would not be able to evacuate in a timely manner due to inadequate notification.

Q. Subpart B.4 of Contention 73 concerns the time necessary to conduct an evacuation of the handicapped from their homes in the EPZ. Do you have concerns related to that subpart?

A. Yes we do. The testimony of other Suffolk County witnesses on Contentions 65 and 27 supports the portion of that subpart relating to the likelihood that ambulances attempting to evacuate handicapped persons from their homes will encounter traffic congestion that will slow down the proposed evacuation. We have an additional concern. Still more delay in the evacuation of the handicapped will result because many of the ambulance and ambulette companies relied upon by LILCO are located in areas distant from the EPZ. See Suffolk County testimony on Contention 27 for details on mileage. This means that many ambulance drivers are likely to be unfamiliar with the EPZ, and therefore they could get lost attempting to find private residences. Even under normal circumstances involving an ambulance company responding to a call in a relatively familiar area, drivers frequently have trouble locating particular homes, especially when residences are poorly marked or streets are poorly lit.

Q. Please describe LILCO's proposals for notifying deaf residents of the EPZ which are referenced in subpart B.5 of Contention 73.

A. Under the LILCO Plan, if sheltering were the recommended protective action, LILCO proposes to send Route Alert Drivers to the homes of the deaf residents of affected portions of the 10-mile EPZ to notify those individuals. If evacuation were recommended, LILCO route alert drivers would be sent only to homes of the "ambulatory deaf"; no notification of the need to evacuate, or forthcoming LILCO evacuation assistance, would be given to the "nonambulatory deaf" prior to the arrival of an ambulance or ambulette assigned to transport them. (OPIP 3.3.4, Section 5.4.) This LILCO proposal would not work, first because LILCO would not know of all the deaf residents of the 10-mile EPZ, and second, because the process would take far too long.

LILCO would not notify all the deaf residents of the EPZ for the reasons discussed above in connection with the home-bound in general.

The Plan's provisions for notification of the deaf could result in notification coming too late for two reasons. First, the LILCO Plan does not provide for notification of deaf people until there has been a recommendation of sheltering or evacuation. Thus, under the LILCO Plan the deaf would have no opportunity to prepare to take protective actions, contrary to the

situation for the non-deaf population who would receive notice from sirens and radio at initial stages of the emergency, even before any protective actions were advised. Although it is likely that some deaf individuals would learn of the emergency earlier from friends or relatives, a prudent planner would not rely on a mere possibility that something desirable might occur.

Second, the LILCO Plan does not identify individuals who are specifically assigned the task of notifying the deaf. Instead, LILCO plans to "dispatch available Route Alert Drivers to notify . . . deaf people." (OPIP 3.3.4, Section 5.4.1) However, Route Alert Drivers are assigned the primary job of providing a backup to the sirens (see Suffolk County Testimony on Contention 56), and the need to fulfill that assignment and to notify the deaf could, under many circumstances, arise at the same time. Thus, the Plan provides no assurance that anyone will be "available" to perform the job of notifying the deaf.

In our opinion, the LILCO Plan provides no assurance that deaf residents of the EPZ would be identified or receive timely notification of an emergency and, consequently, there is no assurance that they could or would be protected adequately.

Q. Please summarize your conclusions regarding Contention 73.

A. LILCO's proposals for evacuating the homebound could not be implemented because they are the result of a flawed planning effort. In order to plan effectively for any contingency, one must make realistic and conservative assumptions. One must not make optimistic estimates, or unwarranted assumptions, or ignore significant contingencies. The LILCO Plan includes all those things and as a result, its proposals for evacuating the handicapped at home are not workable.

IV

CONTENTION 75 - RELOCATION CENTERS

Q. Please state Contention 75.

A. Contention 75 and its preamble read as follows:

Contention 75. The LILCO plan provides no estimates of the number of evacuees who may require shelter in a relocation center, and the Plan fails to demonstrate that each such facility has adequate space, toilet and shower facilities, food and food preparation areas, drinking water, sleeping accommodations and other necessary facilities. Accordingly, there is no assurance that the relocation centers designated by LILCO will be sufficient in capacity to provide necessary services for the number of evacuees that will require them. Thus, LILCO fails to comply with NUREG 0654, Sections II.J.10.g and J.12.

Q. Do you agree with Contention 75?

A. Yes, we do. It appears that LILCO's planning efforts with respect to relocation centers have consisted primarily of an assertion that the American Red Cross (the "ARC") is responsible for operating the centers. In our opinion, LILCO has failed to consider, much less plan to deal with, the numerous practical problems involved in establishing and running relocation centers. As a result, the centers proposed by LILCO will not provide necessary services to those evacuees who need shelter.^{2/}

^{2/} Of course, as noted in Contentions 24.N, 24.O, the testimony of President Kreiling of Suffolk County Community

First, LILCO has ignored the need for coordination among the APC and the various LILCO employees who supposedly would also be involved in relocation center operations. According to the LILCO Plan, the APC is expected to operate those portions of the relocation centers in which uncontaminated evacuees will live. (See OPIP 4.2.1.) But LILCO personnel are supposed to perform radiological monitoring and decontamination, control traffic and maintain security under the direction of the LILCO employees designated as the Security Coordinator, the Traffic Control Coordinator and the Decontamination Leader. (Plan, at 4.2-2) The Plan contains no substantive information indicating how all these groups are to work together or coordinate their actions in a way that would make operation of the centers possible. The LILCO personnel at the relocation centers (totalling approximately 48 at each center) would be responsible to three different LILCO coordinators. Approximately 99

(Footnote cont'd from previous page)

College, and our testimony on Contention 24.N, LILCO's assumption that the Suffolk County Community College would be available as a relocation center is unfounded, and LILCO has no agreements with any of the other facilities proposed in its Plan indicating that any of those facilities would be available either. Our testimony on Contention 75, however, assumes for the sake of argument, that LILCO could obtain the agreement of facility owners other than the Suffolk County Community College to permit their facilities to be relocation centers.

APC personnel at each center would be neither subordinate nor superior to the LILCO personnel, even though they would have to work together. Under such an arrangement, it would be almost impossible to determine what supplies and facilities were available, obtain those that were needed, or provide adequate services to evacuees.^{3/}

Second, although the Plan asserts at 4.2-2 that the five relocation centers proposed by LILCO were selected "[i]n accordance with ARC procedures," it appears that the statement is incorrect. For example, page 4.2-3 of the Plan states that 20 square feet per bed was considered adequate for sleeping accommodations; however, Shelter Management - A Guide For Trainers, ARC 3074, American Red Cross, 1980, at 6, states that "[a]n allowance of 60 square feet per bed is recommended; the minimum allowance should be 40 square feet." Thus, the selection criteria for sleeping space used by LILCO was apparently substantially below that recommended by the ARC: only one third of the recommended ARC sleeping space and only one half of the

^{3/} The Plan does assert that the ARC representative expected to be stationed at the EOC, will "act as the liason between the centers and the other portions of [LEPO]." (Plan, at 4.2-2). Clearly, while such an individual could deal with problems that may arise at the EOC or among the various EOC coordinators, he or she, as a practical matter, could have little if any impact on the operations actually taking place at the relocation centers.

minimum suggested by the ARC. This is important because adequate sleeping space is an essential element in maintaining public health in a mass shelter situation.

Furthermore, the list of other factors considered by LILCO in selecting its relocation centers (see Plan, at 4.2-3) fails to include waste removal. Wastes are one of the leading sources of public health problems, particularly in a mass care situation. Moreover, waste removal would be an especially significant problem at LILCO's relocation centers because it would be complicated by the potential need to deal with wastes contaminated by radioactivity, such as contaminated water, clothing and personal possessions of contaminated evacuees as well as normal waste. LILCO's Plan provisions concerning relocation centers ignore this crucial problem.

Similarly, there is no indication in the Plan that LILCO either considered or dealt with the problem of disposing of all the contaminated water that would be produced by LILCO's proposed decontamination operations. For example, showers cannot be used to wash contaminated evacuees, if the contaminated water simply drains into a sewer. Notwithstanding this fact, the LILCO Plan contains no indication that LILCO's proposed relocation centers have showers that in fact could be used by

contaminated individuals. And, other than some lists of supplies such as toilet paper, cots, paper cups, towels and trash cans which the Plan asserts will be available at LILCO's proposed relocation centers, there is no indication in the Plan that a sufficient supply of such materials, acknowledged by LILCO to be necessary to protect public health (OPIP 3.7.1, at Section 5.1), actually would be available at the centers during a Shoreham emergency.

Third, the LILCO Plan fails to specify which buildings or portions of buildings LILCO has "selected" for its relocation centers. Each of the proposed centers is a large facility. For example, SUNY at Stony Brook is a very large complex, consisting of many buildings. Telling either potential evacuees or response workers to report to SUNY at Stony Brook tells them very little. Furthermore, since LILCO has failed to identify any specific areas, buildings or facilities at any of its proposed relocation centers, it is impossible to determine whether the proposed facilities would be adequate or available for the use intended by LILCO.

Fourth, the LILCO Plan contains practically no information concerning how LILCO proposes to solve the logistical problems involved in conducting the monitoring and decontamination

functions that LILCO expects to take place at the relocation centers. OPIP 3.9.2 contains material concerning techniques for monitoring and decontaminating people, and the Plan contains some drawings of how evacuees should be "routed" from one monitoring or decontamination "station" to another. However, the Plan fails to identify where in LILCO's proposed relocation centers it intends to set up these operations. In our opinion, it is unlikely that LILCO's proposed relocation centers would have the facilities or the equipment necessary to shelter and monitor/decontaminate evacuees for the following reason.

Judging from the description of its relocation center "selection" process, it appears that LILCO ignored the logistical difficulties posed by the dual functions that LILCO expects to be performed at those centers. The list of criteria on pages 4.2-2 and 4.2-3 of the Plan is almost an identical copy of the list of criteria contained on page 4 of the APC's shelter management booklet mentioned above. Obviously those criteria concern the provision of health^{ful} living quarters for persons in need of temporary shelter. That is what the ARC does. Those criteria, however, ignore a crucial additional requirement of the relocation centers necessary under the LILCO Plan: LILCO's relocation centers would need two sets of many facilities, such

as reception areas, waiting rooms, showers, toilets, storage areas, waste disposal facilities, nursing and first aid facilities, and possibly cooking and dining facilities, as well as adequate supplies and equipment for such double sets of facilities. Dual facilities would be necessary in order to accommodate separately the potentially or actually contaminated evacuees, and those who are not contaminated.

Clearly, LILCO's Plan has failed to come to grips with the practical problems involved in doing what LILCO proposes to do. The Plan therefore provides no assurance that the proposals with respect to LILCO's provisions of relocation, monitoring and decontamination services could ever be implemented by LILCO. In our opinion, they could not.

Q. Does that conclude your testimony?

A. Yes.

ATTACHMENT 1

CURRICULUM VITAE

Martin David Mayer, M.D., M.P.H.

Present Position: (as of September, 1972)

Deputy Director of Public Health
Suffolk County Department of Health Services
Division of Public Health
225 Rabro Drive East
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Education:

1. Stuyvesant High School, New York, New York; graduated June, 1957
2. City College of New York, New York, New York; September 1957 to January, 1962; received BChE Degree, January, 1962

Professional Education:

1. State University of New York, Upstate Medical Center Medical School; Syracuse, New York; September, 1965 to June, 1969; Received M.D., Cum Laude, June, 1969.
2. Kings County Hospital; Brooklyn, New York; Straight Pathology Internship; July, 1969 through June, 1970.
3. University of Michigan; Ann Arbor, Michigan, September, 1971 through August, 1972, received M.P.H., August, 1972.

Licensure:

New York State, Physician License MD106724, August 5, 1970
Diplomat, National Board of Medical Examiners, Certificate No. 102795, July, 1970

Curriculum Vitae
Martin David Mayer, M.D., M.P.H.
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Honors:

1. Winner, competitive New York State Regents Scholarship, 1957-1961
2. Elected to Tau Beta Pi, National Engineering Honor Society (1960)
3. Elected to Omega Chi Epsilon, National Chemical Engineering Honor Society (1961)
4. Elected to Alpha Omega Alpha, National Medical Honor Society (1968)

Employment:

1. August 1970 through August 1971 - Resident Physician in the New York State Department of Health Residency Program in Public Health and Preventive Medicine; Assigned to Westchester County Health Department, White Plains, New York
2. Summer 1966, Summer 1967, Summer 1968 - Assistant Sanitary Engineer, Division of Air Pollution, New York State Department of Health, 84 Holland Avenue, Albany, New York
3. July 1963 through July 1965 - Senior Assistant Sanitary Engineer, U.S. Public Health Service, Robert A. Taft Sanitary Engineering Center, Cincinnati, Ohio
4. February 1962 through January 1963 - Assistant Process Engineer, ESSO Research and Development Corporation, Florham Park, New Jersey

Publications:

Martin Mayer, A Compilation of Air Pollution Emission Factors for Combustion Processes, Gasoline Evaporation, and Selected Industrial Processes, U.S. Department of Health, Education and Welfare, Public Health Service, National Center for Air Pollution Control - May, 1965

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

_____)	
In the Matter of)	
LONG ISLAND LIGHTING COMPANY)	Docket No. 50-322-OL-3
(Shoreham Nuclear Power Station,)	(Emergency Planning)
Unit 1))	
_____)	

DIRECT TESTIMONY OF SUSAN SAEGERT
ON BEHALF OF SUFFOLK COUNTY
CONCERNING EMERGENCY PLANNING
CONTENTION 73.A - EVACUATION OF
THE HOMEBOUND

Q. Please state your name and position.

A. My name is Susan Saegert. I am an Associate Professor of Environmental Psychology at The City University of New York Graduate School. My qualifications are set forth in my curriculum vitae, which was attached to my testimony concerning Contention 65, and which has been admitted into evidence. (See Tr. 2259.)

Q. Are you familiar with Contention 73.A and the method by which LILCO has attempted to identify handicapped residents of the EPZ who reside at home, and who would need transportation assistance in the event of an accident at Shoreham?

A. Yes, I am. Contention 73.A states:

The LILCO Plan proposes to use ambulances to evacuate handicapped people who are not in special facilities. (OPIP 3.6.5). Intervenors contend that this aspect of the LILCO Plan cannot be implemented in a timely manner and therefore will not provide adequate protection to handicapped persons in the EPZ. Thus, this aspect of the Plan fails to comply with 10 CFR Sections 50.47(a)(1), 50.47(b)(1), 50.47(b)(3) and 50.47(b)(10), and NUREG 0654, Sections II.A.3, C.4 and J, as specified in paragraphs A and B below.

All handicapped persons in need of special evacuation services will not be known to LILCO and therefore will not be evacuated in the event of an emergency. The preregistration system proposed by LILCO (Plan, Appendix A, at II-18; see also Information Brochure), will not result in identification of a substantial number of persons who may need assistance in order to evacuate because:

1. Many people who will require assistance will not return the postcards to LILCO because they do not: (a) perceive themselves to be handicapped; (b) desire to be identified as handicapped; (c) understand the reason or need to return the cards; (d) remember to return the cards; and/or (e) desire to rely on LILCO assistance in the event of an emergency.

2. There is no provision for verifying the completeness of the LILCO listing to be compiled from the returned postcards.

3. There is no provision for regularly updating the listing.

I agree with Contention 73.A. LILCO proposes to identify

those handicapped residents of the EPZ who would need transportation assistance by means of a postcard survey. In August of 1983, LILCO mailed a letter accompanied by a return postcard to the residents of the EPZ. In the letter LILCO asked the EPZ residents to provide it with information about their special needs by completing and returning the postcard. (See letter dated August 29, 1983 from Darrell M. Lankford to "Dear Shoreham Neighbor" and attached postcard, Attachment 1.) LILCO's proposed Public Information Brochure also contains a return postcard, and it requests individuals who "need special help" to "register with LERO" by completing and returning a postcard.

In my opinion, it is very likely that LILCO does not and would not know of many of the residents of the FPZ who would in fact need help in an evacuation, because it is almost certain that many of those people would not return the LILCO postcards.

Q. Why would handicapped people not return their postcards to LILCO?

A. As subpart 1 of Contention 71.A states, many psychological and social factors would prevent some people from registering, even though they truly would need help. For example, people do not always assess their physical conditions in an

accurate manner. Some people see illness or physical impairment as a sign of inadequacy, and cannot, as a matter of pride, admit that they need to rely on help from others. Therefore, they do not label themselves as impaired even though they may be, because their self-image depends on denying physical conditions requiring aid. LILCO's statements in its Brochure could contribute to this problem because it equates specific conditions with being "disabled." See Brochure at 8, which includes, under the heading "If You Are Disabled" old age, confinement, hearing loss, wheelchair confinement and blindness.

In addition, the specific capabilities a person might need to become aware of an emergency or to respond appropriately to an emergency may not be apparent to each individual. For example, in deciding whether he or she would need assistance, an individual might not think about his or her ability to hear a distant siren, or close windows and turn off ventilation systems, or about what he or she would do if more mobile family members upon whom he or she normally relies were away at the time of an emergency.

Further, many handicapped people who would admit their need for help, probably would not return the cards, because

they would fear the possible adverse consequences of a public statement that they are handicapped. For example, because many employers have health and physical capacity requirements for various jobs, some people probably would fear that registering with LILCO as "disabled" or "handicapped" could interfere with future employment opportunities. And, many people probably also believe that eligibility for future health or life insurance benefits might depend on concealing existing health problems. More importantly, some people, simply because they value their privacy, probably would not want to tell some group of unknown people that they are disabled or handicapped.

Moreover, as I will discuss in more detail in my testimony on Contentions 15 and 16, people are unlikely to read material they receive in the mail, if they do not perceive it as being immediately important to them, ~~or if they view the sender's credibility as being low. Both of these perceptions are likely with respect to information sent by LILCO.~~ Therefore, it is likely that many handicapped residents of the EPZ would not return postcards, because they would never read either the postcard or the accompanying letter or brochure.

~~Furthermore, even for those people who did read the brochure, the information in the brochure about what would be done~~

~~for handicapped people may be too vague to lead those needing assistance to want to rely on the unidentified "LERO" for such assistance. Obviously such individuals are unlikely to return postcards.~~

In short, it is very likely that LILCO would not be able to identify many handicapped residents of the EPZ, who would need assistance in the event of a Shoreham evacuation, because for a number of social and psychological reasons many such people probably did not and would not return the postcards on which LILCO's identification process depends.

Q. Does that conclude your testimony?

A. Yes.

ATTACHMENT 1



LONG ISLAND LIGHTING COMPANY

Shoreham Nuclear Power Station • P.O. Box 624 • Wading River, NY 11792

Darrell M. Lankford
Information Officer

August 29, 1983

DEAR SHOREHAM NEIGHBOR:

In the next several months, the Long Island Lighting Company will be refining some parts of its emergency preparedness planning for people living near the Shoreham Nuclear Power Station.

In the course of this work, we are also completing a brochure for people who live near Shoreham detailing the information you would need to have in the event of an accident at the plant.

Much of the information in the brochure will answer questions that many of you have raised about emergency preparedness planning for Shoreham. In the brochure we will include information about:

1. suggested traffic routes for leaving the area.
2. where people who do not have transportation can get a bus to relocation centers, and
3. where relocation centers, with food, beds and showers, are located.

In order to serve you better we must know about any special needs you or your neighbors may have.

Please take a moment to complete the enclosed post card. LILCO will not release this information to the public.

For Spanish Speaking Residents

Si Ud. solamente habla español, tenga la bondad de marcar con una cruz la casilla apropiada en la tarjeta que le incluimos y envíela por correo a nuestras oficinas para que así podamos mandarle esta información en español.

Darrell M. Lankford
Information Officer

FOR SPANISH SPEAKING RESIDENTS:

Para los de habla española:

Si Ud. solamente habla español, tenga la bondad de marcar con una cruz aquí _____ y escriba su nombre y domicilio debajo, en el número 7 y le enviaremos esta información en español.

2. **FOR DEAF PEOPLE:** If you are deaf or hearing impaired, will a family member or neighbor notify you that the emergency siren has sounded? (Please don't answer this question if you can hear.)

YES

NO

3. If an evacuation is recommended, can your family obtain transportation (either your own or with a neighbor) or walk a few blocks to an emergency bus?

YES

NO

4. If you answered no to either question 2 or 3 please describe your special needs.

5. If you know of someone living within 10 miles of Shoreham who has special emergency needs, and may not have received or responded to this notice, please write down their name and address.

6. If you need additional copies of this notice and the public information brochure for members of your family or for tenants in your apartment or home, please tell us how many _____

7. If you answered questions 1,4,5 or 6 above, please print your name, address, and telephone number below and mail back this card so we may respond. _____

THANK YOU



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY CARD

FIRST CLASS PERMIT NO. 10 MINEOLA, N.Y.

POSTAGE WILL BE PAID BY ADDRESSEE

Shoreham Nuclear Power Station
Community Relations Department
P. O. Box 624
Wading River, New York 11792



1 MR. MC MURRAY: The panel is prepared to be
2 cross-examined, Judge Laurenson.

3 JUDGE LAURENSEN: Ms. McCleskey?

XXXXXXX

4 CROSS-EXAMINATION

5 BY MS. MC CLESKEY:

6 Q Dr. Harris, on page 5 of your testimony you
7 state that you have received copies of agreements between
8 LILCO and some ambulance companies and that, quote, those
9 agreements are not contained in the plan, however, close
10 quote.

11 Do you see that in your testimony?

12 A (Witness Harris) Yes.

13 Q It is true, isn't it, that you have no reason
14 to believe that LILCO will not put those agreements in the
15 plan; isn't that right?

16 MR. MC MURRAY: Objection. That calls for the
17 witness to speculate, Judge Laurenson.

18 JUDGE LAURENSEN: Overruled.

19 WITNESS HARRIS: I have no information or
20 opinion on that whatsoever.

21 BY MS. MC CLESKEY:

22 Q You don't know whether LILCO will put those in
23 the plan or not?

24 A I have no certain knowledge of that, no.

25 Q And you don't know that they won't?

1 A I have no certain knowledge of that either.

2 Q Dr. Harris, on page 10 of your testimony
3 you state that, "LILCO has no agreements with the medical
4 personnel involved," in evacuating people using ambulances
5 and ambulettes.

6 Do you see that portion in your testimony?

7 A Yes.

8 Q Have you read the contracts between LILCO
9 and the ambulance companies which are attached to
10 LILCO's testimony on contention 24?

11 A Yes.

12 Q It is your view, isn't it, that the provisions
13 for manned vehicles and training in those ambulance
14 contracts are inadequate to assure that sufficient personnel
15 will be available, isn't it?

16 A Yes.

17 Q And, Dr. Harris, it is your view, isn't it,
18 that LILCO must obtain agreements with employees of each
19 of the ambulance companies in order to satisfy NRC emergency
20 planning regulations and guidelines; isn't that right?

21 MR. MC MURRAY: Objection. That calls for a
22 legal interpretation on the part of this witness.

23 He does not address the NRC regs in this testimony
24 and Ms. McCleskey is not able to point to any part of this
25 testimony that that question pertains to.

1 MS. MC MC CLESKEY: Well, the standards that
2 are to be applied and that are quoted in the contentions
3 that he filed testimony on are the NRC planning regulations
4 and guidelines. And I think we are entitled to know
5 whether his opinion goes to those guidelines or some
6 other set of standards.

7 JUDGE LAURENSEN: Overruled.

8 WITNESS HARRIS: I assume that I must answer
9 the question.

10 BY MS. MC CLESKEY:

11 Q Yes, sir.

12 A All right.

13 Q Do you recall the question?

14 A I think I do.

15 I believe that it would be far preferable --
16 preferable by far to have contracts with the employees
17 insofar as employees may very well not choose to go where
18 their management would like them to go.

19 Not long ago -- and I base this on some recent
20 experience. I had a conversation not long ago where
21 the owner of a ambulance company which -- a proprietary
22 ambulance facility, company which is one of the firms
23 that is proposed to participate in an evacuation. And
24 while the owner of the company who was nearby said to me,
25 Oh, yes, people will go, within earshot was a driver from his

1 own company. And when a member of my staff, who happens
2 to be here, Dr. Mayer, turned to him and said, well, would
3 you go, and the man in question said, Listen, I have five
4 children. It is one thing for them to say so; it is
5 another thing for me to go. I am not so sure I am going to
6 go.

7 MS. MC CLESKEY: Judge Laurenson, I move to
8 strike the portion of Dr. Harris' answer that involved the
9 anecdote about the ambulance company. It is clearly addressed
10 to, first of all, roll conflict which we have already
11 litigated and, second, it is not responsive to my question.

12 MR. MC MURRAY: Judge Laurenson, it is clear
13 that Ms. McCleskey has gotten an answer that she hasn't
14 liked. She asked an open-ended question. She got an
15 answer that was responsive to that question. And the
16 Board should not grant that motion to strike.

17 MS. MC CLESKEY: Actually, my question was a
18 yes or no answer, and I will be glad to repeat the question
19 if you like.

20 JUDGE LAURENSEN: The question had to do with
21 the regulations, as I recall. I don't think the answer
22 is responsive to that.

23 MR. MC MURRAY: As I recall the question, it
24 was whether -- maybe we should have the question read
25 back. I think it would be fairly easy with the stenographer

1 to read that question back.

2 JUDGE LAURENSEN: The question, unless you
3 disagree with my recollection, it called for the question
4 where Dr. Harris could comment on the regulations, the
5 NRC regulations.

6 MS. MC MURRAY: It was whether or not the lack
7 of agreements with the medical personnel satisfied the
8 NRC requirements. He was giving his reason why he thought
9 not.

END 17

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1 MS. McCLESKEY: No, that wasn't the question.
2 I have it right in front of me, and that wasn't the
3 question.

4 MR. MC MURRAY: Well, I think maybe we should
5 have it read back.

6 JUDGE LAURENSEN: All right. We will have it
7 read back.

8 (The court reporter read the question.)

9 JUDGE LAURENSEN: The motion to strike is
10 granted.

11 BY MS. MC CLESKEY: (Continuing)

12 Q Now, Dr. Harris, I understand from your answer
13 that you do agree that LILCO must obtain agreements, in
14 your view, with employees of each of the ambulance companies.
15 But I'm not sure that you addressed the second part of my
16 question which was, in order to satisfy the NRC emergency
17 planning regulations and guidelines, is it your view that
18 those agreements must be obtained in order to satisfy the
19 NRC regulations and guidelines, and could you please answer
20 yes or no?

21 A (Witness Harris) May I ask for some assistance
22 before answering the question?

23 MR. MC MURRAY: Judge Laurenson, I think that
24 we should have a clarification as to which regulation Ms.
25 Mc Cleskey is referring to. If she is referring to the

#18-2-SueT

1 regulation that there must be a finding by this Board that
2 there be reasonable assurance that the plan can and will be
3 implemented, then perhaps that's the one she should address.

4 If it's another regulation that she is referring
5 to, then she should identify that one.

6 JUDGE LAURENSEN: Let me just go over some of
7 the ground rules here for the benefit of the witnesses.

8 The procedures that we have been following in
9 the case are that on cross-examination of a witness, the
10 attorney is permitted to limit you to a yes or no answer.
11 However, to the extent that you don't understand the ques-
12 tion or that it is at least unclear, or that it can't be
13 answered yes or no, you are entitled to say that.

14 So that you are not required to give a yes or
15 no answer if the question can't be answered yes or no, or
16 if you don't understand it.

17 Those are the rules that we have been following
18 here. So, if a question is asked that falls in any of
19 those categories, you should indicate that -- which one it
20 is and why you can't answer it yes or no. And then if it
21 requires an answer beyond yes or no, or your lawyer,
22 the County's lawyer, feels that some additional information
23 is needed then he can bring that out later on during his
24 part of the questioning.

25 So, that's the procedure that we have been

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following.

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WITNESS HARRIS: I had intended to answer the question I don't know. But if I'm directed to answer yes or no, I'm still not sure what to do since I don't know.

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I mean, I don't know the answer to be yes, and I don't know the answer to be no. My familiarity with the regs are not that great.

5

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JUDGE LAURENSEN: So, your answer is you can't answer the question yes or no?

7

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WITNESS HARRIS: Yes.

9

BY MS. MC CLESKEY: (Continuing)

10

Q Are you familiar with 10 CFR, Section 50.47.b.12?

11

A I don't know.

12

Q You don't know if you are familiar with it or not?

13

14

A I --

15

Q Let me help you out a little bit. That's the section that's --

16

17

A What is --

18

Q We can't both talk because the court reporter can't get us both.

19

20

10 CFR, Section 50.47.b.12 is what is cited in Contention 24.K which you filed testimony on. Are you familiar with 10 CFR, Section 50.47.b.12?

21

22

A Not in great detail.

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2 Q Do you have some general familiarity with
10 CFR, Section 50.47 --

3 A Yes. It pertains that there be assurances that
4 people will be transported properly and effectively, but
5 I couldn't quote it.

6 Q All right. Is it your understanding that
7 10 CFR, Section 50.47.b.12 requires LILCO to obtain agree-
8 ments with employees of each of the ambulance companies?

9 A Is that a yes or no question?

10 Q Yes, sir.

11 MR. MC MURRAY: Are you talking about whether it
12 specifically says that, or whether that is the witness'
13 interpretation?

14 BY MS. MC CLESKEY: (Continuing)

15 Q Do you understand my question, Dr. Harris?

16 A I do.

17 MR. MC MURRAY: I am going to object, Judge
18 Laurenson, because it's a vague question.

19 MS. MC CLESKEY: The witness has said he under-
20 stands --

21 WITNESS HARRIS: I understand the question. But
22 now I have forgotten it.

23 MS. MC CLESKEY: I will repeat it.

24 BY MS. MC CLESKEY: (Continuing)

25 Q Is it your understanding that 10 CFR, Section

#18-5-SueT

1 50.47.b.12 requires LILCO to obtain agreements with the
2 individual employees of ambulance companies?

3 A I do not believe it expressly says so, period.

4 Q All right. To meet 10 CFR, Section 50.47.b.12,
5 must LILCO obtain agreements with individual employees of
6 the ambulance companies?

7 A I don't believe it expressly says so.

8 Q In your opinion, to meet 10 CFR, Section 50.47.b.12,
9 must LILCO obtain agreements with employees of each of the
10 ambulance companies?

11 A Yes, if that would assure that injured persons
12 are transported to hospitals for treatment.

13 Q Are you familiar with NUREG 0654?

14 A No. Could you cite it for me?

15 Q Do you mean you want the title in words?

16 A Well, I'm not familiar with it by number but if
17 I could see it perhaps I would be --

18 Q Its full title is "Criteria for Preparation
19 Evaluation of Radiological Emergency Response Plans and
20 Preparedness in Support of Nuclear Power Plants."

21 Have you read that document?

22 A I've read many documents, and I probably have
23 read that one as well.

24 MR. MC MURRAY: Perhaps if the witness is shown
25 the document his recollection might be refreshed.

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1 MS. MC CLESKEY: I will be glad to show him the
2 document.

3 (Ms. McCleskey hands the witness a document.)

4 BY MS. MC CLESKEY: (Continuing)

5 Q Now, Dr. Harris, I have just handed you the
6 NUREG 0654. I do not intend that you read the entire
7 thing while we wait.

8 Could you look at the first page and perhaps
9 flip through the general outline of it and determine whether
10 this is a document you have read before?

11 A This document looks familiar.

12 (Ms. McCleskey retrieves the document from
13 the witness.)

14 MR. MC MURRAY: I think if there are going to
15 be any more questions about this, he should have the document
16 in front of him.

17 BY MS. MC CLESKEY: (Continuing)

18 Q Now, by looking familiar, Dr. Harris, do you
19 think that you have read it?

20 A Yes.

21 Q All right.

22 A Or parts of it certainly. It's a very long
23 document.

24 Q All right. Is it your opinion that under NUREG
25 0654 LILCO is required to obtain agreements with employees

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of each of the ambulance companies?

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MR. MC MURRAY: Objection, Judge Laurenson. I don't think Ms. Mc Cleskey should be permitted to ask any more questions about NUREGs or regulations unless she provides the witness with a copy to which he can refer.

JUDGE LAURENSON: I think you should refer to a specific section. I mean, otherwise we are just going to have a rambling kind of questioning period here. If there is some particular section or whatever, I think you should focus in on it.

The objection is sustained.

BY MS. MC CLESKEY: (Continuing)

Q Dr. Harris, you also state on Page 10 of your testimony that "The plan has no provisions for, or agreements with, skilled health professionals to accompany patients on buses."

Do you see that in your testimony?

A Yes, I do. Yes.

Q If the patients on the buses were accompanied by the health professionals who care for them everyday, would that alleviate your concerns regarding medical care in transient, wouldn't it?

A It would certainly diminish it.

Q Dr. Mayer, do you agree with Dr. Harris' answer; isn't that right?

A (Witness Mayer) If they were on the buses with

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1 the patients, I would certainly agree that would diminish
2 my concern about the care of the patients.

3 Q Dr. Harris, on Page 11 of your testimony, you
4 state that "There is no basis in the plan or anywhere else
5 for LILCO's apparent belief that all the functions assigned
6 to the ARC..." which I assume means American Red Cross --
7 "...in the LILCO plan will actually be performed by the
8 ARC in the event of a Shoreham emergency."

9 Do you see that?

10 A (Witness Harris) Yes.

11 Q You have worked with the American Red Cross,
12 haven't you, in setting up relocation centers on Long
13 Island in response to disasters?

14 A We have had some contact, yes, with natural
15 disasters.

16 Q And these relocation centers were set up as
17 recently as last Winter in reponse to the Grucci disaster;
18 isn't that right?

19 A A very small relocation center was set up, yes.

20 Q Relocation centers were also set up by the
21 Red Cross this Spring in response to floods on the Island;
22 isn't that true?

23 A Yes.

24 Q And the American Red Cross has responded on Long
25 Island with adequate materials, equipment and personnel for

#18-9-SueT

1 those shelters, hasn't it?

2 A Yes.

3 Q In fact, wouldn't you say that the Red Cross
4 generally does an excellent job of providing relocation
5 centers on Long Island?

6 A Generally, yes.

7 Q You are not aware of any emergencies where the
8 Red Cross failed to set up relocation centers when requested,
9 are you?

10 A For the kinds of disasters and emergencies with
11 which I am familiar, the answer is no, I'm not aware of
12 failures.

13 Q By the kinds of disasters with which you are
14 familiar, do you mean natural disasters, weather type
15 disasters?

16 A Yes. Or a disaster that could be occasioned by
17 an explosion such as the Grucci or a terrible train wreck.

18 Q You mean all disasters but radiological emergencies,
19 right?

20 A Not radiological disasters nor on such a scale
21 as envisioned by the plan that's under discussion.

22 Q Okay. But you have no reason to believe that the
23 Red Cross would not set up relocation centers for evacuees
24 from the ten mile EPZ of Shoreham, do you?

25 A I have some doubts, not that they wouldn't do it

#18-10-SueT 1

2 at all but that they would do it perhaps adequately because
3 the Red Cross is very adept at dealing with their volunteer
4 staffs and their paid staffs with the usual types of disasters
5 that they have been confronted with from time to time in
6 this area.

7 But dealing with large numbers sometimes potentially
8 contaminated people and clothing and cars, with volunteers
9 who may or may not be familiar or willing to deal with such
10 things, there is some concern on my part that this would be
11 done adequately, despite their good record.

12 Q All right. So your concern goes not to whether
13 they would come but when they got there whether they could
14 deal with the situation adequately?

15 A Oh, no. My concern is both, that they may not
16 get the kind of volunteer response that they want to get
17 because of the nature of the disaster, and also whatever
18 staff does arrive at the relocation centers they may not
19 have the experience or the training to deal with the kind
20 of contaminated people and vehicles and clothing that they
21 may have to face.

22 Q And again your concern about the staff not coming
23 goes to questions of fear or radiation and role conflict;
24 isn't that right?

25 A Yes. Yes.

Q The Red Cross set up relocation centers after the

#18-11-SueT

TMI accident, didn't they?

2 A I heard about that, yes.

3 Q You are aware that they did that?

4 A I believe it was mentioned when I visited Three
5 Mile Island with former County Executive Kline. That was
6 mentioned I believe by the Commonwealth personnel that I
7 met with.

8 Q Thank you. Dr. Saegert, you haven't ever
9 participated in developing an emergency response plan for
10 a radiological emergency, have you?

11 A (Witness Saegert) Are you referring to a plan
12 other than the Suffolk County plan?

13 Q Which Suffolk County plan do you mean?

14 A Well, it doesn't exist. But I was on that team
15 prior to the testimony before the Legislature.

16 Q Was that the effort of the draft radiological
17 emergency response plan?

18 A Yes.

19 Q Other than that, have you developed any plans?

20 A No, I have not.

21 Q Have you ever had a primary role in developing
22 a disaster plan of any type that involved thousands of
23 people, something on the magnitude of an emergency plan for
24 the Shoreham Nuclear Power Plant?

25 A No. This is my first experience in being in

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such a team.

2 Q So you haven't ever participated in developing
3 a disaster plan of any sort other than the Suffolk County
4 draft plan?

5 A No.

6 Q You said that you haven't participated in develop-
7 ing a response plan. Are you familiar with the NRC require-
8 ments, the regulations and guidelines for the development
9 of radiological plans around nuclear power plants?

10 A Certainly. I've read that information and read
11 the findings that came out after the TMI incident, so I
12 think I am familiar with that.

13 Q Okay. Other than the findings that came out
14 after the TMI incident, by that do you mean the Kemeny Report?

15 A And also -- I forget the -- I think it starts
16 with an "R" the three volume blue --

17 Q Rogavin?

18 A Rogavin, yes.

19 Q Other than those documents, have you read any
20 other regulations or guidelines for the development of --

21 A Yes, I've read the NUREG document that you just
22 discussed.

23 Q Have you reviewed the emergency plans for other
24 nuclear facilities?

25 A Yes. I believe we covered that in my testimony

#18-13-SueT 1

2 last January. That I have looked at the Indian Point
3 plan.

4 Q Is that the only one that you have reviewed?

5 A In its entirety I think, yes.

6 Q Have you reviewed any since January or gone
7 back to the Indian Point Plant?

8 A Only the proposed LILCO plan.

9 Q Are you familiar in the Indian Point plan with
10 the means by which other nuclear -- with the means by which
11 Indian Point identifies handicapped persons?

12 A I'm not sure that I'm familiar with that. I
13 don't recall all the details of the plan at this point.

14 Q And I take it from your answers that you don't
15 know what other facilities do about identifying handicapped
16 persons?

17 A Well, I know something of it. In the testimony
18 I reviewed just, you know, prior to appearing today I went
19 over the testimony that was described, that has preceded on
20 the handicapped when some discussion of that was -- appeared
21 in the questioning of various prior witnesses. So, to that
22 extent my memory has been refreshed.

23 Q You mean the prior witnesses in this proceeding?

24 A Yes. There is testimony by the LILCO witnesses
25 and the New York State witnesses.

Q Is that the only introduction you have had to how

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2 other plants identify handicapped persons other than your
3 review of the Indian Point Plant plan?

4 A I can't recollect any others. I have reviewed
5 quite a number of documents as I've been on the team.

6 Q Now, Dr. Saegert, the County asserts in
7 Contention 73.A that LILCO's registration program for the
8 handicapped is inadequate because handicapped people will
9 not return the cards that have been mailed out by LILCO.

10 You support the County's position; isn't that
11 right?

12 A Yes.

13 Q And, Dr. Mayer, do you support that position?

14 A (Witness Mayer) Yes.

15 Q And, Dr. Harris, do you?

16 A (Witness Harris) I do.

17 Q Dr. Saegert, your written testimony identifies
18 only the registration card as a means of identifying handi-
19 capped persons in the EPZ, doesn't it?

20 A I believe that's all there is in my written
21 testimony.

22 Q Now, since preparing your written testimony,
23 have you become aware through your review of the other
24 testimony, that the Suffolk County and community telephone
25 directories, as well as an article in the LILCO newsletter,
Keeping Current, will provide an address where those with

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special needs can write for assistance?

2 A (Witness Saegert) Yes. I don't, however, feel
3 that that will be at all an adequate response to the
4 problem.

5 Q Then, I take it from that that you still support
6 the County's position that LILCO's means of identifying
7 handicapped persons in the EPZ is inadequate?

8 A Yes.

9 Q Okay. Can you cite to me any NRC or FEMA docu-
10 ments that support your position on LILCO's registration
11 program?

12 A I don't think this is a legalistic matter. I
13 think this is an empirical matter. And I would say that
14 from LILCO's efforts so far to obtain those kinds of
15 responses that my position would be unchanged.

16 Q So, you can't cite any NRC or FEMA documents
17 that support your position?

18 MR. MC MURRAY: Objection. Judge Laurenson,
19 Professor Saegert has already said she agrees with Contention
20 73.A which cites in there the applicable regulations, and
21 I just don't see how this questioning is relevant.

22 JUDGE LAURENSEN: Overruled.

23 WITNESS SAEGERT: Perhaps you could clarify for
24 me how a regulation would assure that a technique that was
25 particularly developed and implemented in a certain way could

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2 bear on this situation. I mean, I do feel it is an
3 empirical matter, and you seem to see it as some other
4 kind of an issue.

5 MS. MC CLESKEY: Well, I think I will decline
6 to get into that discussion and perhaps we can just go on
7 to another question.

8 BY MS. MC CLESKEY: (Continuing)

9 Q You haven't personally ever prepared registra-
10 tion cards for persons who need special assistance in an
11 emergency, have you?

12 A I -- no. But I have conducted surveys for people
13 who need various things or would be potential candidates
14 for various kinds of services.

15 Q You mean, you have conducted polls and surveys,
16 mailing questionnaires, that sort of thing?

17 A Yes, that sort of thing.

18 Q But you haven't prepared registration cards to
19 identify handicapped people, have you?

20 A No. I believe that's more in the expertise of
21 the other members of the panel.

22 Q Dr. Harris, have you reviewed emergency plans
23 from other nuclear facilities?

24 A (Witness Harris) No, I have not.

25 Q Dr. Mayer, have you?

A (Witness Mayer) No, I have not.

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Q Then, I take it, Dr. Harris, you do not know what provisions other plants make for evacuating handicapped persons and notifying the deaf or the means by which these facilities identify handicapped persons, do you?

MR. MC MURRAY: Judge Laurenson, I object. I fail to see the relevance of asking how other plants handle this problem.

JUDGE LAURENSEN: Overruled.

WITNESS HARRIS: I neither know of these plans nor their adequacy.

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1 Q Dr. Mayer, your answer is the same?

2 A (Witness Mayer) The same.

3 Q Dr. Harris, how many deaf or hearing impaired
4 persons do you estimate there are in the EPZ?

5 A (Witness Harris) I don't have a good estimate,
6 and people have asked me that question, and I haven't made
7 an estimate, knowing that is a very slippery thing to do,
8 it is very difficult.

9 Q Would 200 people sound about right to you?

10 A I have no opinion, I wouldn't know.

11 Q Dr. Mayer, do you know how many deaf or hearing
12 impaired persons there are in the EPZ?

13 A (Witness Mayer) I have no estimate, no.

14 Q Would 200 people sound about right to you?

15 A Since I have no estimate, I don't know whether
16 the number is right or wrong.

17 JUDGE LAURENSEN : You seem to be taking a lot
18 of time asking the same questions of different witnesses.
19 Perhaps you could just ask the questions once to the panel
20 and then we could move along a little more quickly.

21 BY MS. McCLESKEY: (Continuing)

22 Q All right. Dr. Harris or Dr. Mayer, do either
23 of you think that the State's estimates of 1,115 deaf persons,
24 and 9,563 hearing impaired persons are accurate?

25 A (Witness Harris) Those are estimates for the EPZ?

1 Q Yes.

2 A Made by the State of New York?

3 Q Yes.

4 MR. ZAHNLEUTER: I object to that mischaracterization

5 MR. McMURRAY: And I would like to have Ms.

6 McCleskey identify what she is referring to.

7 JUDGE LAURENSEN: Perhaps we should identify the
8 source on this.

9 MS. McCLESKEY: I am sorry, I missed your question,
10 Judge Laurenson.

11 JUDGE LAURENSEN: I said this is a challenge
12 to the accuracy of this information, or at least a question
13 as to it, and I think you should identify the source of
14 this figure.

15 MS. McCLESKEY: It is my understanding that these
16 figures were testified to by the State witnesses, and that
17 the State witnesses stated that on -- on the record, that
18 they were taken from the census.

19 MR. McMURRAY: Is there a transcript cite for
20 that?

21 MS. McCLESKEY: We can provide one.

22 JUDGE LAURENSEN: Well, let's on the assumption
23 that that is the source of the information. Is there still
24 an objection to the question.

25 MR. McMURRAY: I guess I just want a point of

1 clarification. I guess what I would like are the numbers
2 again. A -- 1, 115 --

3 MS. McCLESKEY: 1,115 deaf persons, and 9,563
4 hearing impaired persons.

5 WITNESS MAYER: In the EPZ.

6 BY MS. McCLESKEY: Yes.

7 WITNESS MAYER: And this is based on census
8 data?

9 MS. McCLESKEY: Yes.

10 WITNESS MAYER: Before I comment on numbers
11 that I have never seen before, I would like to know the
12 methodology involved in deriving those numbers, and these
13 are just two numbers.

14 I don't know where they come from or how they
15 were derived.

16 BY MS. McCLESKEY: (Continuing)

17 Q Then you -- I am sorry.

18 A (Witness Mayer) They may be accurate, they may
19 not. It depends on how it was derived.

20 Q You have no opinion on whether these estimates
21 sound reasonable to you?

22 MR. McMURRAY: Objection. Asked and answered.

23 JUDGE LAURNESON: Overruled.

24 WITNESS MAYER: This is not something that is
25 susceptible to opinion. It is something that you look

1 at the methodology and you decide whether you feel the
2 methodology is correct, and there is a possibility they
3 may have left someone out, or included people they didn't
4 want to include.

5 I don't know what the methodology was that
6 derived these numbers. Never heard these numbers before.
7 So, I can't tell you whether I think they are right or
8 wrong.

9 A (Witness Harris) That sums up my view, except
10 I would like to add that the reasonableness of the estimate
11 would depend on the method used. To know if the method is
12 one that would give you a higher or lower limit. It is
13 obviously not meant -- you said it was an estimate, so it
14 wasn't a count, was it? You said it was an estimate?

15 Q It was the census.

16 A That is an actual count.

17 Q That is right. That is my understanding.

18 A The chances are, then, that if anything, based
19 on what we know about the estimate -- knowing about the
20 census, that there may be very well an under enumeration
21 there. If anything, it is an under enumeration.

22 Q (Witness Mayer) I would like to know what the
23 question asked was under the census. I would like to know
24 how they define -- I would like to know the questions the
25 persons asked to know what the answer was. Did they say:

1 Are you deaf? Did they say: -- I would like to know.

2 Q Dr. Harris, you have been involved in emergency
3 planning for the County for a variety of natural disasters,
4 including hurricanes, isn't that correct?

5 A (Witness Harris) Yes, I have been involved at
6 the top management level.

7 Q What provisions has the County made for dealing
8 with handicapped persons in an emergency such as a hurricane?

9 MR. MILLER: Objection as to relevance, Judge
10 Laurenson. I think we are getting far afield from LILCO's
11 Plan.

12 JUDGE LAURENSEN: Perhaps you could make a
13 proffer as to the relevance of the County's planning for
14 natural disasters in conjunction with testimony on the
15 contention.

16 MS. McCLESKEY: Well, it seems to me that the
17 provisions that the County has made dealing with handicapped
18 persons when these witnesses are offering opinions about
19 the provisions that LILCO has made would be relevant.

20 For example, if they sent out a mail card survey
21 and that is all they have done.

22 MR. McMURRAY: Maybe that particular question
23 should be asked.

24 JUDGE LAURENSEN: Overruled.

25 MS. McCLESKEY: Would you like me to repeat the

1 MR. HARRIS: Yes, it has been so long.

2 BY MS. McCLESKEY: (Continuing)

3 Q Dr. Harris, what provisions has the County made
4 for dealing with handicapped persons in an emergency such
5 as a hurricane?

6 A (Witness Harris) Some handicapped people who
7 are in special facilities would be evacuated to outside the
8 flood plain. As far as specifics on homebound people,
9 perhaps Dr. Mayer who does this work in that department
10 might know the details, although I am not sure he does either.

11 A (Witness Mayer) The Health Department is not
12 the lead agency in the planning for natural disasters. That
13 is our emergency preparedness, the people in Yaphank.

14 I am not familiar with that section of the plan.
15 You see, the section of the plan involving the Health
16 Department for natural disasters involves such things as
17 the relocation centers providing nurses for the operation
18 of the relocation centers. We are not involved in evacuation
19 portion of that plan, so I am not familiar with the details
20 of it. You will have to ask the people in Yaphank.

21 Q Okay. Dr. Harris, do you know how the County
22 identified the handicapped persons who might require special
23 assistance in the emergency planning in the County for
24 hurricanes?

25 A (Witness Harris) No, I don't, but Dr. Mayer might.

1 A (Witness Mayer) And I have the same answer to
2 that question as I just gave. I am not familiar with the
3 County's provisions in that area. It is not the responsibility
4 of the Health Department in that area.

5 Q Do either of you know whether the County maintains
6 a list of handicapped persons that might require special
7 assistance in an emergency?

8 A (Witness Harris) I don't know. They might in
9 emergency preparedness, but I don't know.

10 A (Witness Mayer) Likewise. I really don't know.
11 They might.

12 Q Do you know how the County notifies the deaf
13 or hearing impaired persons in an emergency such as a
14 hurricane?

15 MR. McMURRAY: Objection, Judge Laurensen. I
16 think that the witnesses have said they are not really
17 familiar with these procedures.

18 MS. McCLESKEY: Well, Dr. Harris said that
19 he knew that handicapped persons were evacuated, and that
20 they were evacuated out of the flood plain.

21 JUDGE LAURENSEN: Objection is overruled.

22 WITNESS HARRIS: What I said, and notwithstanding
23 your remark, yes, I did say that, that is on the record. I
24 do know enough of the emergency plan to know that there are
25 provisions made for people in special facilities, like

1 nursing homes or hospitals to be evacuated from the flood
2 plain.

3 But I have no recollection of the plan for
4 homebound, free living handicapped people. But this doesn't
5 mean that there isn't one. I am just not aware of it.

6 BY MS. McCLESKEY: (Continuing)

7 Q And just to make sure I understand, neither of
8 you are responsible for developing such a plan for the
9 County?

10 A (Witness Mayer) That is true.

11 Q Dr. Mayer, at one time you supervised the home
12 health services as part of the Division of Public Health,
13 didn't you?

14 A Well, I am the Deputy Director of Division of
15 Public Health. The nursing services are part of the
16 Division of Public Health. I still ultimately supervise
17 nursing, so I do ultimately supervise some health services.

18 Q So that is still one of your duties?

19 A It is, yes.

20 Q Don't the nurses from the Division of Public
21 Health visit handicapped people in Suffolk County?

22 A Yes, they do. Not all the handicapped people,
23 but some handicapped people.

24 Q Well, how does the home health services identify
25 these handicapped people?

1 A Our people come to us by referral. A referral
2 by the hospitals, by referral by physicians. In many of
3 the hospitals in Suffolk County we have coordinators.
4 These are nurses assigned in the hospital, who before the
5 person is discharged out in the community, then contacts
6 the nursing office, makes provision for planning for their
7 care, having nurses and home health and other people come
8 into their home. It is a referral service. We get them
9 by referral.

10 A (Witness Harris) What Dr. Mayer says is by and
11 large true, with one, perhaps, minor amendment. That we
12 do have a provision for following up on new borns that are
13 born either with congenital abnormalities, or some other
14 jeopardizing condition. We find these from the birth defects
15 that are registered on the birth certificates and from the
16 birth weight that are on the confidential portion of the
17 birth certificate.

18 And the nurses will go out on those, without
19 referral.

20 Q Does the County keep a list of these handicapped
21 people that they service?

22 A There is a list of everyone who is served. It
23 is kept on the files of the Department, and we also have
24 a listing of those youngsters, that is below 21, who are
25 eligible for, and part of our handicapped childrens program.

1 But that, of course, is a very partial list
2 of handicapped people in the County.

3 Q Is that list available to the public?

4 MR. McMURRAY: Judge Laurenson, I would just
5 like to --

6 WITNESS HARRIS: Nobody is --

7 MR. McMURRAY: Excuse me, Dr. Harris. I would
8 just like to renew my objection. I think this line of
9 questioning is getting out of hand. It is getting off
10 track, and it is not relevant.

11 MS. McCLESKEY: These witnesses have stated that
12 one of the things that LILCO should do in trying to identify
13 handicapped people is canvas the Government and private
14 organizations and figure out whose names are on the list of
15 those organizations, and I would like to know from these
16 witnesses whether the County would release such a list
17 to LILCO if it were asked to do so.

18 JUDGE LAURENSEN: Before you answer, I think I
19 had better rule on the objection of Mr. McMurray, or he
20 will get mad again.

21 The objection is overruled.

22 WITNESS HARRIS: Which means we must answer the
23 question.

24 MS. McCLESKEY: Yes, sir. Would you like to
25 know what it was?

1 MR. HARRIS: Yes, thank you.

2 BY MS. McCLESKEY: (Continuing)

3 Q Let's see if I can remember it. Does the County
4 keep a list of the people that are served by the County --
5 handicapped people?

6 A (Witness Harris) I think I answered that.

7 JUDGE LAURENSEN: That is not the question.

8 BY MS. McCLESKEY: (Continuing)

9 Q Would you -- is that list available to the
10 public?

11 A No, because it is privileged, and medically
12 confidential information. The names, that they are handicapped,
13 or what kind of conditions, are kept from the public on that
14 basis.

15 Numbers one can get, perhaps, but not names
16 or addresses.

17 Q Thank you. Dr. Saegert, you state in your
18 testimony at pages 3 and 4 that handicapped persons will not
19 return the registration cards because, quote: People do
20 not always assess their physical conditions in an accurate
21 manner, close quote.

22 Do you see that in your testimony?

23 A (Witness Saegert) Yes, I do.

24 Q Who could assess accurately their conditions, if
25 they themselves cannot?

A Well, I think -- first of all, probably a doctor

1 could provide some insight into the capacity that a person
2 might have, or some aspects of the medical condition that
3 they themselves might not be aware of.

4 Q So, you suggest that doctors could provide that
5 information?

6 A Yes, and in the context of the testimony, I am
7 talking about whether or not an accurate response will be
8 elicited by the forms that LILCO intends to use to elicit
9 the information, which is a slightly different matter,
10 because if there -- possibly if there were more specific
11 and detailed sort of performance standards stated, that
12 -- different conditions, for example, under different
13 weather conditions and the level of assistance required,
14 and whether possibly recurring but not chronic conditions
15 existed, there could be a more complete one than now exists,
16 I think.

17 Q So your statement about their assessing their
18 physical conditions accurately was in relation to their
19 sitting down and having to fill out the card?

20 A Yes, with the qualification that I am sure there
21 is information about one's physical condition that a Doctor
22 might be aware of that a person might not.

23 Q Well, are you suggesting that LILCO canvas
24 doctors and ask them to identify handicapped persons?

25 A I am not suggesting anything to LILCO. I am

1 responding to the plan that LILCO has provided.

2 Q Dr. Saegert, you state in your testimony at
3 page 4, that handicapped people would not return the
4 registration cards because they cannot, quote: Admit they
5 need to rely on help from others, close quote. And, quote:
6 Do not label themselves as impaired, even though they may
7 be, because their self image depends on denying physical
8 conditions requiring aid, close quote.

9 Those sorts of individuals are not likely to
10 associate themselves with an organization for handicapped
11 persons, are they?

12 A I think the same problems would probably prevent
13 that, yes.

14 A (Witness Harris) I think it goes beyond that.
15 It is not merely the self image. One of the problems with
16 people identifying themselves as handicapped has to do with
17 the fact that handicapping is a very relative term. One
18 is handicapped in respect to a task to be performed. And
19 individuals who may indeed know they have this or that
20 medical condition, may not, as a result of reading, say,
21 the post card, know if they are handicapped for the task.

22 For example, can your family obtain transportation
23 or walk a few blocks to an emergency bus; in what weather?
24 At what time of day? It is not quite clear. And there
25 may be some difficulty with people who might be handicapped

1 for that task, but don't ordinarily consider themselves as
2 handicapped.

3 MS. McCLESKEY: Judge Laurenson, I move to
4 strike Dr. Harris' last comment. My question was whether
5 individuals of the nature that Dr. Saegert described in her
6 testimony were likely to associate themselves with the
7 handicapped organization, and I believe that Dr. Harris'
8 statement went to how people define themselves as handicapped.

9 MR. McMURRAY: Judge Laurenson, that is very
10 relevant to the question, which was a broad question.

11 MS. McCLESKEY: It was not a broad question.
12 It was a specific question about whether people of the nature
13 Dr. Saegert described would join organizations for the
14 handicapped.

15 JUDGE LAURENSEN: I believe Ms. McCleskey is
16 correct. The Motion to Strike is granted.

17 BY MS. McCLESKEY: (Continuing)

18 Q And Dr. Saegert, the persons of the nature that
19 you described in your testimony, aren't likely to identify
20 themselves as handicapped in any type of survey either,
21 are they?

22 A (Witness Saegert) Well, I think that a survey
23 could be designed as part of a sort of multi-faceted effort
24 to identify handicapped people that would come much closer
25 to identifying the relevant population, but I think I covered

1 this before, by being more specific about what you are
2 getting at, rather than using a very general term. I
3 think some of the terms that have been used like special
4 needs will be particularly unclear to someone, particularly
5 when that is combined with the lack of specification of
6 what forms of assistance are being considered, and also
7 know specification of the variety of conditions that might
8 occur, so that a person could place themselves mentally
9 in a variety of possible situations and assess whether
10 there were times at which they would, indeed, need certain
11 forms of assistance.

12 Q Is it your opinion, Dr. Saegert, that someone
13 whose self image depends on denying physical conditions
14 requiring aid, which is your description in your testimony
15 that I was referring to, would be likely to identify
16 themselves as handicapped in a survey?

17 A I think the way you are appraising it doesn't
18 get at the issue. It seems to me the issue for you is
19 whether or not people are mobility impaired under certain
20 kind of requirements, or have other impairments; for
21 example can't close their windows when they are advised to
22 shelter.

23 And in that case, I think, the question could
24 be stated in such a way that it did not bring the person's
25 self image into question in the same way that the existing

1 format does.

2 Q This question is to the panel: Assuming that
3 one has canvassed the appropriate governmental and private
4 organizations for the handicapped for a list of people who
5 might need assistance, that one has asked those individuals
6 to identify themselves, and that one has asked residents
7 of the EPZ to identify those individuals if they know them,
8 what other means are there for identifying handicapped
9 people in a geographical area?

10 A I would imagine that probably other members of
11 the panel have an opinion on this, too, but I think that
12 the survey questions, as they were designed, and the wording
13 used on all three of the instruments employed by LILCO, makes
14 it particularly unlikely that you would get a response.

15 The first letter refers only to special needs,
16 which is a very vague phrase. Might not even imply that
17 it has anything to do with chronic, or repetitive bouts
18 of arthritis.

19 The presumption is constantly made that a person
20 is a member of the family, where as not all individuals live
21 in families. Many individuals live alone. Don't have someone
22 constantly to rely on. I think that every one of the
23 questions on the post card, and the ordering of the questions
24 on the post card, and the layout of the post card could have
25 been arranged in such a way that you would have a greater

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1 response of getting a straight forward answer to whether
2 or not a person needs a certain form of assistance.

3 The same sort of criticisms, I think, apply
4 to the telephone survey. Beyond that, I think there are
5 -- the normal way of trying to get a complete listing would
6 be to use multiple sources, to pursue different channels.

7 End 19.
8 Reb fols.

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1 A (Witness Harris) If your question, if I
2 understand it properly -- I am only giving it back to
3 make sure that I do -- is that in addition to the measures
4 that you recounted, what other measures could be used to
5 give a better count, which in a sense the question asks
6 me how to make the plan better than it really is now, what
7 more one could do, let me say: It is very difficult to
8 get adequate counts. And it is very hard on the spur of
9 the moment for me to recount for you what additional
10 measures might be better, but a few come to mind.

11 One of them is follow up, follow up of all the
12 cards that have not been received with a telephone call
13 or a visit, be able to know.

14 Another thing would be, as Dr. Saegert suggested,
15 to look at the specific types of handicaps and try to
16 cross tabulate the numbers that actually reply with what
17 would be expected from other lists and multiple sources
18 that you may have, to see if they make any sense.

19 But even then you wouldn't get -- you might
20 not, it would be difficult to get an accurate count of the
21 number of people with handicapping conditions that might
22 require assistance.

23 See, it is one thing to run a survey to get
24 a population estimate of the percentage of people who might
25 be handicapped. This is useful for general planning. But

1 for a plan that purports to meet the needs of each and
2 every several and individual person that may be in that
3 population, one needs an actual count. And that is very
4 difficult to get.

5 And the measures I suggest are just some that
6 come to mind. There may be others.

7 Perhaps Dr. Mayer knows of some others.

8 Q Dr. Mayer, do you know of any others?

9 A (witness Mayer) Well, I think I have said
10 in my previous testimony that the gold standard would be
11 a door-to-door survey by a person who is qualified to make
12 those kind of judgments. That is very expensive, very
13 time consuming and a very difficult thing to do, but it
14 is the ultimate, the gold standard.

15 Other things are less than adequate in that
16 situation.

17 Q And who would go door to door to assess
18 people's handicappedness, if I may?

19 A You mean the level of professionalism the person
20 would have to have?

21 Q Yes. What kind of qualifications would they
22 have?

23 A I said in my previous testimony, I think a person
24 about the level of a nurse.

25 Q A nurse. So you want to send nurses door to door --

1 A I don't want to do -- you asked me what the
2 method I would use. I am telling you the method I think is
3 probably the best method, the ideal method. If I had
4 an unlimited amount of money, an unlimited amount of time,
5 and I was dictator of Suffolk County, that is probably the
6 method I would use.

7 Q You would send a nurse door to door, right?

8 A I would send numerous nurses, for a population
9 of that size, door to door.

10 Q And what would they do when they got to the door?

11 A They would knock at it and attempt to talk to
12 the people.

13 Q And what would they say to these people?

14 A I really don't want to get involved in the
15 actual survey instrument. That would involve a lot of
16 thinking and talking and, you know, designing.

17 Q So you would use a survey to ask the people
18 questions door to door?

19 A I would have to think about exactly what kind
20 of questions and how I would handle it.

21 Q Couldn't you just mail the survey out?

22 A You asked me for the ideal situation. The best
23 situation -- when you mail something out, people may not
24 receive it. They may throw it away. If you fill it out
25 in front of them and you help them fill it out, you are apt

1 to get the most information.

2 A (Witness Saegert) It is also known that
3 mailbacks are about the lowest possible response rate,
4 and some of the populations you are most concerned about,
5 like elderly, particularly people who might not have
6 access to good medical care because of low incomes are
7 the groups you tend to lose.

8 So it would be probably a fairly weak instrument
9 and one that no one would want to rely on alone.

10 Q Well, Dr. Mayer, if the reason you want to send
11 people door to door is to get a better response rate, why
12 would the person you were sending have to be a nurse?

13 A (Witness Mayer) Because this person has to make
14 an evaluation of the situation of the person. Well,
15 you could probably train a layperson to do it, too, probably.
16 But you would have to do less training for a nurse, I
17 would think, than a layperson.

18 Q So part of the information you would hope to get
19 back from a door-to-door survey would be physical
20 observation of the people who answered the doors?

21 A Physical observation of the people and the place
22 they live in. Are there problems with the stairs, the
23 windows. If they are told to button the place up, can they
24 button it up? There are a number of questions.

25 It is hard, on the spur of the moment, to design

1 the whole survey instrument and all the questions you would
2 have to ask.

3 Q Dr. Harris, you state in your testimony at
4 page 16 that, quote, if someone in the area of public
5 health were to attempt to identify individuals with
6 particular health-related characteristics, he or she
7 would not use a system that relied on voluntary, positive
8 action by the handicapped individuals, close quote.

9 I assume that when you wrote that that what
10 you had in mind was something more of what Dr. Mayer just
11 described, a door-to-door survey?

12 A (Witness Harris) When I had that in mind, I
13 was talking about that I certainly wouldn't rely on a
14 mailing which could be thrown away. In other words,
15 there is no way to distinguish a non-response from a
16 negative response.

17 If a card doesn't come back from Mr. X on
18 Oak Lane, it should not be construed that the individual
19 is non-handicapped. The individual could, indeed, be
20 non-handicapped; the individual could be quite handicapped
21 but for a variety of reasons not hand back the card or
22 send back the card.

23 What I was saying there is that one would then
24 have to follow up with some other means. And there are
25 a variety of means that could be used there. One could be

1 the gold standard, as Dr. Mayer said. In other words,
2 we don't even do this, we just go door to door and see
3 everybody like the census of the United States is sort of
4 done on a door-to-door basis to make sure they get it and
5 help people fill it out if they need help.

6 But one could telephone, if they have telephones.
7 One could do a second, a third mailing. There are lots
8 of techniques.

9 But to rely on the return of a card and a nonreturn
10 being construed as non-handicapped, that I think is a
11 weak reed to lean on.

12 Q Dr. Saegert, do you know of any cases where a
13 card mailback registration program failed to identify
14 handicapped people?

15 A (Witness Saegert) I don't know of any studies
16 about the topic, period, so I wouldn't know whether they
17 failed or succeeded.

18 Q Dr. Mayer or Dr. Harris, do you?

19 A (Witness Harris) Not with handicapped people,
20 but I am aware of studies in which people attempted to use
21 just mailbacks to see the incidence of a variety of
22 conditions and then found that this almost invariably
23 underestimated the number of people.

24 I can't cite the papers right now. They may not
25 have been with handicapped people.

1 Marty, do you know any?

2 A (Witness Mayer) No.

3 A (Witness Saegert) I know of no studies that
4 would indicate that a mailback method gives you a high
5 reliability of estimation of anything.

6 Q Dr. Harris, I am not sure I understand your
7 answer. I asked you whether you knew of any cases where
8 a card mailback registration program failed to identify
9 handicapped people. Was your answer no?

10 A (Witness Harris) Not specifically for handicapped
11 people, no. I didn't know of one that was designed just
12 for that purpose. And I think the reason I don't read
13 many papers like that is because people don't rely on
14 that method because it is inherently so faulty.

15 Q And are any of you aware of anyone being hurt
16 in an emergency because they were not identified by a
17 mail survey as being handicapped?

18 A (Witness Saegert) That is too complicated
19 a question to answer. If you want to --

20 Q Let me see if I can simplify it. Are you aware
21 of anyone having been hurt in an emergency who was not
22 identified as handicapped where a mail survey was used?

23 A (Witness Mayer) I am not aware of the whole
24 history of mail surveys for identifying handicapped.

25 Q All right. Are you aware of anyone being hurt

1 in an emergency because they weren't identified as being
2 handicapped?

3 A I am aware of a situation in New Jersey just
4 recently where two old ladies were found dead in a flood
5 because no one knew they were in their homes. They
6 weren't evacuated, and they were several days later
7 found dead in their home, drowned, because no one knew
8 they were in this home in danger of being drowned.

9 That was in the newspaper just recently.

10 Q But do you know --

11 A (Witness Saegert) I also think that you will
12 find --

13 Q Excuse me a minute. I would like to follow up
14 with Dr. Mayer.

15 MR. MC MURRAY: Excuse me. I think that
16 Professor Saegert has something to say.

17 MS. MC CLESKEY: I will be glad to let her
18 after I follow up with Dr. Mayer.

19 JUDGE LAURENSEN: Back to some more of the rules
20 that we have been using. I think we do allow that
21 immediate follow up with a supplementation later on.

22 BY MS. MC CLESKEY:

23 Q Dr. Mayer, do you know if in your example of
24 the two unfortunate women who drowned whether that problem
25 was because they weren't identified as being handicapped?

1 A (Witness Mayer) I don't know why they were not --
2 I was told that the -- the article I read seemed to indicate
3 that no one knew they were there, knew that boats should
4 be sent to their house to evacuate them. I don't know
5 they weren't known.

6 Q You don't know if it was a notification problem
7 or what?

8 A No, I don't.

9 Q Now, Dr. Saegert, I believe you had --

10 A (Witness Saegert) I was just going to point out
11 that in the disaster literature, it is in fact the older
12 people, many of whom are frail and have some impairments,
13 who tend to be the victims of these disasters. And if
14 you look at literature on fire, I think it is safe to
15 say that many people who have some mobility impairment
16 are hurt in those things or often killed because they
17 haven't been identified and help is not sent for them.

18 MS. MC CLESKEY: Judge Laurenson, that is all
19 the questions I have.

20 JUDGE LAURENSON: Mr. Zahnleuter?

XXXXX

21 CROSS-EXAMINATION

22 BY MR. ZAHNLEUTER:

23 Q I will address my questions to the entire panel
24 and anyone can answer if they would like.

25 On page 4 of the testimony of Dr. Harris and

1 Dr. Mayer, at the top of the page there is a statement
2 that "LILCO needs the services of ambulance companies,
3 their personnel and additional medical or paramedical
4 personnel."

5 Do you see that reference?

6 A (Witness Harris) Yes.

7 Q Could you specify what kind of additional
8 medical or paramedical personnel you are referring to?

9 A Depending on the individual cases, these
10 individuals may be aids, they may be nurses. They may
11 be, in the case of very ill people that have to be
12 transported, individuals skilled to accompany them such
13 as AEMTs or EMTs, Emergency Medical Technicians or
14 Advanced Emergency Medical Technicians. It runs the gamut
15 of people. That's what I had in mind.

16 Since this is a co-sponsored testimony, is that
17 what you had in mind, Dr. Mayer?

18 A (Witness Mayer) I think the type of persons
19 depends upon the level of care necessary. Some people would
20 need a nurse. Some people might need an EMT. It
21 depends upon the level of care necessary for the person.

22 Q On page 7 of your testimony, you discuss a
23 census for the three hospital facilities that are within
24 the EPZ. Would you explain the basis of your knowledge
25 about that census?

1 A (Witness Harris) Dr. Mayer has --

2 A (Witness Mayer) This is the bed capacity of
3 the three hospitals. They are together. It is given
4 in the LILCO testimony. It is also given, you know, if
5 you ask the hospital administrators how many beds do you
6 have, just add them up.

7 Three hospitals add 630, I think. I don't know
8 the exact numbers anymore, but that is what they add up to.
9 Hospital census, that is a term. That means the number of
10 beds the hospital has.

11 A (Witness Harris) No. Essentially it is the
12 number of people in the hospital.

13 A (Witness Mayer) Well, since the hospitals are
14 pretty much full right now.

15 A (Witness Harris) They are mostly full now.
16 Some hospitals, you know, run very, very close to full.

17 Q Along the same lines as an earlier question
18 that I just asked, on page 10 you use a phrase that is
19 "skilled health professionals." Could you elaborate on
20 what that means?

21 A (Witness Mayer) Same answer. There could be --
22 there are various levels of sophistication in health
23 professionals, starting from the EMT to the AEMT. These
24 are people trained above the level of first aid but not
25 to the level of a nurse. Then there are nurses and then

1 there are, of course, physicians.

2 The level necessary is a function of the degree
3 of involvement, the degree of impairment of the patients,
4 what they have to have to maintain their conditions in
5 transport.

6 Q That is what I was keying in on, the safe
7 transport aspect of it which is also mentioned on that
8 page by you.

9 Is there a difference between a need for these
10 people during transport as opposed to a need during a
11 regular stay at the hospital or regular period of time
12 that they are at home?

13 A (Witness Harris) Well, the kind of care that
14 would be necessary in the hospital to maintain
15 physiological functioning and safety on an hour-to-hour
16 basis would probably have to be -- would undoubtedly
17 have to be provided in transit.

18 The longer the transit, the more care would have
19 to be provided. The shorter the trip, depending on the
20 patient's condition, you might not have to provide all the
21 care.

22 A good example would be an individual might
23 require some cleaning out, irrigation of a clogged nasal
24 gastric tube. And a very short trip, that might not
25 clog; the chances of that clogging on a longer trip would be

1 greater.

2 So what we had in mind in this testimony was
3 that the level of skill of the individual needed for the
4 transportation would, depending on the individual patient,
5 depending on the length of transit, would start to
6 approximate what was needed in the hospital.

7 I don't know if that was clear, but that is
8 what was meant.

9 Q Am I correct that you have all read LILCO's
10 testimony on contention 73.A?

11 A Yes.

12 A (Witness Mayer) Yes.

13 Q (Witness Saegert) Yes.

14 Q Do you agree with LILCO's testimony that if
15 a person does not consider himself handicapped, then he
16 is not handicapped?

17 A (Witness Harris) No.

18 Q Could you explain why not?

19 A Well, I believe that the key to that is
20 consider himself or herself handicapped. The perception
21 of handicapping depends on the environment and the task.

22 I don't mean to be facetious, but if my life
23 depended on accurate and comprehensive knowledge of
24 NUREGs, I probably would be considered somewhat handicapped
25 from time to time.

1 If an individual, for example, has to move
2 around in the dark and they have retinitis pigmentosa,
3 if an individual is able to move around during clement
4 weather but has difficulty on slippery sidewalks because
5 of a somewhat unsteady gait, such an individual might
6 not consider himself or herself handicapped for the usual
7 environment -- getting around the home, doing the
8 activities of daily living. But such an individual
9 might very conceivably be not up to, be handicapped in
10 respect to the task of walking a few blocks, bad weather,
11 waiting for a bus, getting on a bus without a lift,
12 a kneeling bus -- a non-kneeling bus, and so forth.

13 That is what I meant by that.

14 A (Witness Saegert) I also think that there are
15 whole categories of people with some impairment who are
16 unlikely to consider -- who would be impaired with regard
17 to some of the tasks required for either sheltering or
18 evacuating that would be unlikely to think of themselves
19 as handicapped.

20 Particularly thinking of older people who have
21 never suffered an injury like the loss of a limb or
22 something that suddenly puts you in the category of
23 handicapped but who gradually lose certain capacities
24 and who modify their routines so that those capacities
25 are not tested. I think that probably that would be a very

1 large category of people.

2 Also I think the idea of using the word
3 "handicapped" in this is a particularly strong criteria.
4 What LILCO should be interested in is people who cannot
5 withstand or perform the various tasks required. And
6 there is no reason why a person who has some disability
7 that would interfere with that should, in fact, think
8 of themselves as handicapped in some general sense, but
9 they should be identified by a successful plan.

10 In addition to that, of course, other things
11 I stated in my testimony I think come into play; that
12 applying the label is a very strong kind of a thing to do
13 to one's self and, in particular, to declare to an
14 agency with which one has no personal relationships nor
15 necessarily any strong expectations of aid.

END 20

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#21-1-SueT 1

(Witness Mayer) And I think you prejudiced the matter by using the term "handicapped" which has a large emotional bandage on it. I think the way you have to do it is to define the task for the person. What does the person have to do under the LILCO plan? Do they have to walk five blocks uphill in a rainstorm, supposedly, to catch a bus? Can you walk five blocks uphill at four o'clock in the morning, lightly snowing? It's about twenty degrees Fahrenheit. Can you do that?

If you can't, then you are not one of the handicapped according to the Social Security Administration or also the Workmens' Compensation. But you are handicapped according to this plan, because you cannot do the role that this plan puts you in.

Q Along those lines, do you think that the post card that LILCO has used provides recipients with enough information to adequately understand the questions?

A (Witness Harris) No.

(Witness Mayer) No. There is no indication in the post card of the task the person would have to do.

(Witness Harris) For example, and I don't want to take too much time with this, but when you look at the post card -- and I happen to have it before me, because before preparing the testimony it was important to know it, walk a few blocks. The question is, what precisely is a few

#21-2-SueT 1

blocks. People, you know, interpret that in various ways.

2

To an emergency bus. Well, in what weather?

3

What time of day?

4

These are the environmental conditions against which a person has to measure himself or herself in order to answer the question, do you need help.

7

(Witness Saegert) Also, given what I maintain is a psychological bias against putting yourself in a disabled category, the way in which the questions flow make you continue to indicate that not only are you without capacity or also without further aid, and if you were really interested in getting that kind of information from someone, you wouldn't make it seem to be something that you knew was characteristic of some people and was completely acceptable and that there was something that you planned to do about that condition that would be useful.

17

This leaves a person to have to go through progressively labeling themselves as both disabled and without support, and then no assurance is offered nor is anything specific mentioned about what would be done for you.

21

An example of how that could be done better would be to list the forms of aid that could be provided and then to list a variety of circumstances, weather, absence of other people, absence of a car, nighttime, et cetera. And then try to get some kind of a match. That would not require

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#21-3-SueT

1 the person to categorize himself in an unfavorable light
2 to the extent there would be some match between revealing
3 something socially undesirable about yourself and getting
4 something back, or possibly thinking you might get something
5 back.

6 Q Professor Saegert, LILCO's witnesses have
7 testified that where persons live in multiple-unit
8 dwellings with only one electric meter, the post card was
9 sent to the address of that one meter with instructions
10 that other post cards should be requested and distributed
11 to the other members of that unit.

12 Do you have any confidence in that kind of
13 system?

14 A No. I don't think that could even really be
15 counted as a survey, that kind of a provision of possible
16 responses.

17 Q So you have a low degree of confidence with that
18 kind of a survey?

19 A Yes. That's not -- I would say that's not really
20 a survey. That's sort of like, you know, it -- it really
21 wouldn't -- if you looked at a book on survey methods,
22 that would not be included in it.

23 Q In LILCO's testimony on Page 7, and I'm referring
24 to their testimony on Contention 73.A, the statement is
25 made that in order to update their information the post

#21-4-SueT₁

card will be sent out annually and there will be annual articles in Keeping Current.

Do you think that LILCO will be able to identify the persons in the EPZ using that updating method?

A No. I think that those will have all the weaknesses of the original post card mailing plus additional ones having to do with habituation to the event, lack of novelty, the format of the card would still presumably have the same flaws. And I think probably the weakest method there would be to rely on people reading a brochure sent out by LILCO and then responding to that.

(Witness Harris) Moving from the method to the frequency with which a post card would be used, one of the concerns that I have, and I think Dr. Mayer shares this, is that if one does it on an annual basis: (a) The population is so mobile here; and (b) that means with handicapped people moving in and out of the population; and, two, health status can change so rapidly that my concern is that the frequency -- even if the method were good, which I don't think it is -- it's just not frequent enough to get a real time estimate of the number of handicapped people who might require a service.

MR. ZAHNLEUTER: Thank you. I have no other questions.

JUDGE LAURENSEN: Mr. Bordenick?

#21-5-SueT

CROSS EXAMINATION

BY MR. BORDENICK:

Q Doctors Harris and Mayer, on Page 9 of your testimony, you make the statement in the answer that -- and I quote, "To ensure that the medical and paramedical personnel necessary to provide this care are available, LILCO needs agreements with such individuals."

Are you saying that such agreements are required or that it would be nice to have those agreements? Which of the two.

A (Witness Harris) It sounds like a question I was asked earlier today.

By required, it would be required by good planning to be assured that the individuals would actually -- whether they were employees of an ambulance company or they were volunteers in an ambulance corps, fire corps, some assurance that people would actually go, that kind of assurance.

Q Are you using the word -- or, if you are using the word "required" are you using it in the context of any federal or state requirement?

A No.

MR. MC MURRAY: Judge Laurenson, I believe that Dr. Harris has already said that with respect to, I guess it was 50.47.b.12, he felt that the agreements were required.

#21-6-SueT 1

So, basically the question is asked and answered.

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JUDGE LAURENSEN: He has expanded it by now

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adding the question of state requirement, which I don't

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think were asked before.

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The objection is overruled.

6

WITNESS HARRIS: I'm not aware of any state

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requirements.

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BY MR. BORDENICK: (Continuing)

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Q Dr. Mayer, do you have anything to add to what

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Dr. Harris has said?

11

A (Witness Mayer) No.

12

Q In that same answer, you talk about patients of

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hospitals. First -- the first line of that answer says,

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"Patients of hospitals, other special facilities and many

15

of the home-bound will require medical attention while they

16

are being evacuated."

17

Can either -- this is directed to either or both

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Dr. Harris or Dr. Mayer, can you tell me, first of all,

19

how many hospitals are located in the Shoreham EPZ?

20

A Three.

21

Q Can you tell me where they are located? Not --

22

by where, I mean are they on the outer edge, somewhere in

23

the middle, close to the plant?

24

A On the outer edge. I think eight and a half or

25

nine mile zone. I'm not quite sure of the geography.

#21-7-SueT 1

(Witness Mayer) Right at the edge. But they are included in the EPZ for planning purposes, I understand.

(Witness Harris) They are within the EPZ.

Q Well, that's my next question. Are they -- does the LILCO plan presently contemplate that patients in hospitals would be evacuated?

A Under some circumstances, the plan does contemplate their evacuation.

Q What circumstances?

A That's one of the things that's not quite clear in the plan, the criteria for when evacuation would be chosen over sheltering. But the plan, as I read it and understand it, is that sheltering would be chosen, however, that should circumstances warrant after consultation with the State Health Department or the Commissioner of Health for the State of New York -- I'm not quite sure of the exact wording -- that the evacuation might be ordered from those hospitals.

It was one of the contingencies or possibilities in the plan.

Q Doctors Harris and Mayer, on Page 16 of your testimony --

A Yes, sir.

Q -- perhaps you have already answered the question I'm going to pose, but I think I'm posing it in

#21-8-SueT 1

2 somewhat of a different context, you make the statement,
3 the first full paragraph, "LILCO's method is badly designed."

4 Is it fair to say, first of all, that LILCO's
5 method that you were saying is badly designed is one that
6 calls for voluntary response?

7 A That's part of it.

8 Q What's the other part of it, then?

9 A The use of mailings rather than direct contact,
10 the lack of other corroborations, whether telephone calls
11 or visits, the frequency with which an updating of the
12 list of people who might require special services. These
13 are among the flaws that I'm concerned about.

14 Q Other than the testimony that you gave about
15 the ideal situation of -- I'm not sure whether it was Dr.
16 Harris or Dr. Mayer or both of you, but there was testimony
17 that the ideal situation would be to send nurses out with
18 the right kinds of questions I guess is the way that you
19 put it, or the way I would characterize that you put it;
20 do you agree with that?

21 A Well, the idea. To know precisely the number of
22 people that need special services would be more fully
23 known the more elaborate your system was. And I think if
24 you want to give service to every single soul who needs it,
25 nothing sort of a door-to-door survey conducted by
appropriately trained people who would identify all the

#21-9-SueT

1 people, and then the problem of updating this would still
2 be there.

3 What I've said, and I think my colleagues said,
4 in our joint testimony is in replying that, yes, it's
5 badly designed, it is very difficult to design an adequate
6 methodology. And we've also suggested in our testimony
7 today that there might be some other things added to it to
8 improve it but neither my colleagues or I are quite prepared
9 to give you just what, you know, would be a perfect way to
10 do it. Very difficult.

11 Q Dr. Harris or Dr. Mayer, does the Suffolk County
12 Health Department work in conjunction with fire departments
13 in Suffolk County?

14 MR. MC MURRAY: Objection. Relevance.

15 JUDGE LAURENSEN: I'm sorry. What was the
16 question?

17 MR. BORDENICK: The question was whether or not
18 the Suffolk County Health Department works in conjunction
19 or has contact with fire departments within Suffolk County.

20 And there is going to be a follow-up question
21 depending on the answer to this question.

22 MR. MC MURRAY: I'm not sure what --

23 JUDGE LAURENSEN: Well, can you tell us where you
24 are leading with this?

25 MR. BORDENICK: I'm leading to the point of, don't

#21-10-SueT 1

2 fire departments have to maintain lists of handicapped
3 persons?

4 JUDGE LAURENSEN: The objection is overruled.

5 WITNESS HARRIS: The answer to your question,
6 the first question before the follow-up, is yes. The
7 Department of Health Services has direct contact with the
8 volunteer fire and ambulance corps in Suffolk County. And
9 your follow-up --

10 BY MR. BORDENICK: (Continuing)

11 Q The follow-up question is, do you know whether
12 these fire departments, either are required to or if they
13 are not required to, keep lists of handicapped persons
14 within their -- I hate to use the legal word -- jurisdiction?

15 A I do not believe they are required to. They
16 are not required to under any regulations that I enforce.
17 I don't know what regulations that they may have and nor
18 do I believe they keep accurate exhaustive lists of handi-
19 capped people.

20 Whether they might know the name and address of
21 a few handicapped people in the area they serve, that's
22 entirely possible, since our corps here are volunteer corps
23 and they are people of the community who work in the corps
24 themselves and they may know some neighbors of theirs who
25 may be handicapped, but I very much doubt if they have
accurate, up-to-date, and exhaustive lists of handicapped

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people in the areas they serve. Dr. Mayer may know more.

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(Witness Mayer) I spoke with some of the people in the section of the Health Department which deals with fire groups and the ambulances, and I asked them whether such lists were available. And they checked with the fire companies that cover the EPZ and said no such lists were available.

Whether they exist or not is another question. But a request to get such a list, that it actually exists, the answer was no.

Q You are saying that the County Health Department asked the fire department --

A No. The County Health Department asked one of the employees of the County Health Department who just happens to be a personal who relates to the various ambulance groups and the fire departments in the Brookhaven Town, which is mostly where the EPZ is, whether just by informally asking the various fire groups in that area whether such a list exists, and the answer came back to me that no such list existed.

I didn't pursue it any further. I mean, I didn't go down and ask the actual companies.

Q Dr. Harris, I believe in response to the question from Ms. McCleskey, you testified that you visited the -- I don't know how you put it, you were talking about

#21-12-SueT₁

2 the County visit which I believe you said you were part
of to the TMI area.

3 A (Witness Harris) This was a visit made by
4 former County Executive Kline, his aide, Mr. Richard
5 Bartholomew and me some months -- and I would have to
6 refresh my memory just as to the exact date, but I would
7 say nine or ten months after the Three Mile Island accident.

8 Q I missed one word of your answer. Did you
9 accompany former County Executive Kline on that visit?

10 A Yes, I did.

11 Q Okay. During that vist, did you ask about or
12 did you hear of any situations where handicapped people
13 during that situation were either not notified or assisted
14 if the request was made?

15 A We did not explore that aspect of the problem as
16 I can recall. Mr. Kline and Mr. Bartholomew and I separated
17 during the course of the day, though we had some meetings
18 together. They may have asked these questions, but that
19 aspect of the problems associated with Three Mile Island did
20 not come up in my discussions.

21 Q Similar, Dr. Saegert, you testified that you had
22 read the so-called Kemeny and Ragovin reports; is that
23 correct?

24 A (Witness Saegert) Yes.

25 Q Do you recall in reading those reports whether

#21-13-SueT

1 there was any indication contained in the reports of either
2 failure to notify handicapped persons or assist them at
3 TMI?

4 A Well, since the evacuation order didn't, you
5 know, was first of all an advisory, and second was for
6 pregnant women and children under six, I think that probably
7 there was not any -- I don't remember reading of any, even
8 idea that that had crossed people's minds that they might
9 look at that.

10 Q So the answer to my question is no?

11 A No. But that's not to be construed to mean that --
12 what I'm saying is that I don't believe it was something
13 that was discussed or investigated.

14 Q Dr. Saegert, on Page 6 of your testimony, you --
15 strike that last question. I will move to something else.

16 On Page 3 of your testimony, Dr. Saegert, you
17 state in the last paragraph before -- the only question
18 stated on that page: In my opinion, it is very likely that
19 LILCO does not and would not know of many of the residents
20 of the EPZ who would, in fact, need help in an evacuation,
21 and you go on.

22 My question is, how many is many?

23 end #21

24 joe flws

25

1 A That is probably not a question that anyone
2 can answer. First of all, the response rate on a mail out
3 survey questionnaire can be as low as five or ten percent
4 of the targetted population. That would be very bad. That
5 would mean you are missing by far the majority of the
6 population. I think the kind of estimates that are being
7 recommended that would be based on using a variety of
8 sources of data, public health data, hospital data, census
9 data, to estimate the population size would be the kind of
10 information you would use to validate a sample obtained.

11 Q In light of that statement, can you explain the
12 basis for the statement I just made, that LILCO does not
13 and would not know of many of the residents?

14 A Well, I think the substance of my testimony is
15 that this is, number one, that the method of mail back
16 is a method that is guaranteed to miss a large proportion
17 of the population. So if you are trying to obtain a listing
18 of individuals, it is a particularly weak method.

19 Second, because you are dealing in a sensitive
20 topic, subject to interpretation, that you are increasing
21 the possibility that people will not want to reveal the
22 information, or would not understand that the information
23 that they requested applicable to them -- those are, I
24 think, the major points.

25 Q Would your answer be the same for the statement

1 on page 5 of your testimony, on the 6th line. It say: And
2 many people probably also believe that eligibility for
3 future health or life insurance benefits might depend on
4 concealing existing health problems.

5 In other words, how many is, 'many,' and what was
6 your basis for saying many?

7 A Well, what I am trying to do here is to list
8 the different factors that would reduce the total proportion
9 of people who would respond over and above the normal fairly
10 low rate of response to a mail back. I don't have a numerical
11 estimate.

12 Q I was going to say I know what you are trying
13 to do, and my question was: Do you have the numerical
14 estimates to give us, and your answer is no, is that
15 correct?

16 A I think to obtain that kind of information you
17 would have to make really serious survey effort. I was
18 a trainee at the Institute for Social Research at Michigan
19 as a graduate student, and I know to discover a discrepancy
20 between reported health status and reported weight and
21 so on, and actual conditions required a very large and
22 fairly expensive survey effort.

23 Q What my question is: When you used the phrase,
24 'many' in your testimony, specifically in the two instances
25 we have discussed, this is really just your opinon, isn't it?

1 A No, it isn't. At -- it is based on a variety
2 of general ballpark proportional estimates. I know what
3 the general problem is with mail back surveys, and a good
4 response rate, around about a fairly unsensitive topic would
5 probably be around twenty-five percent.

6 Now, if you are trying to obtain a population
7 limit list to begin with, that is going to be low. Then,
8 when you look at a variety of psychological factors that
9 would reduce the proportion, many means quite a substantial
10 number of your population, not just a few people who you
11 might accidentally miss because they were particularly
12 sensitive --

13 Q How do you define, 'substantial?'

14 A Well, the total number of failures here, I think
15 that if you really wanted an accurate number you would have
16 to make a serious research effort to demonstrate that with
17 some kind of follow up, where you do personal visits to
18 check on the reliability of your data.

19 Q And you haven't done that in connection with
20 preparation of your testimony, is that correct?

21 A No, I have not.

22 Q At the bottom of page 5, counting over to page 6
23 of your testimony, you make the statement that: Furthermore,
24 even for those people who did read the brochure, the
25 information in the brochure, about what would be done for

1 handicapped people may be too vague to leave those needing
2 assistance to want to rely on the unidentified LERO for
3 such assistance.

4 A I think the vagueness is a particularly important
5 problem.

6 Q I haven't asked my question, but that was -- you
7 have anticipated the question. My question is: How and
8 why is it vague?

9 MS. McCLESKEY: Excuse me, Mr. Bordenick. We
10 can double check, but I have written on my testimony that
11 the portion that you just read was strick by the Board at
12 Transcript 8999 on 5/10/84.

13 MR. BORDENICK: Well, I will accept your
14 representation and withdraw my question.

15 MS. McCLESKEY: All right.

16 MR. BORDENICK: We usually try to mark our
17 testimony as to what has been striken.

18 MR. McMURRAY: We have no objection to the
19 question being asked.

20 (Laughter)

21 MR. BORDENICK: I will withdraw it. Thank you.

22 MS. McCLESKEY: All right.

23 BY MR. BORDENICK: (Continuing)

24 Q Dr. Saegert, assuming -- this is an assumption --
25 that LILCO sent out a survey form designed along the lines

1 that you personally would be satisfied with, can you quantify
2 the response that they would get to such a survey form?

3 A I am not sure I understand what you mean by,
4 'could I quantify the response.'

5 Q Well, your testimony criticizes the form that
6 they have sent out, and I am saying assume that they prepare
7 a form that meets your specifications or criteria, and that
8 such a form goes out. Are you able to quantify for us
9 what percentage of the people who were sent this form would
10 return it?

11 A Well, this is an important, normal part of
12 doing survey research. You can't do that ahead of time,
13 but if you want to prove the survey is valid there should
14 be a section in your discussion where you use relevant-
15 statistics to compare your obtained response to known
16 population proportions as one form of validation.

17 You also would look at Tables that exist about
18 numbers of respondents given numbers of questionnaires that
19 were sent out and compare that, then, to your population
20 estimates. And there are formulas for determining then
21 how reliable -- what the confidence limits are around
22 your sample.

23 There also -- it is a standard practice if you
24 are really concerned about your response rate, to do some
25 in person follow ups, and some call backs as ways of checking

1 on what your response rate is.

2 Q But you can't, today, give me a percentage?

3 A No one could. This is a question -- every
4 survey has to be validated. You can't just assume because
5 you did a survey. It depends on how it is done.

6 Q Wouldn't there be a plus or minus figure involved
7 in any event?

8 A No, this is what makes Yankelovitch different
9 from Podunk. I mean, everyone doesn't know and can't obtain
10 the same level of reliability, and that is what the training
11 is all about.

12 Q Are you saying you would have to see the form
13 first?

14 A No. I am saying you would have to see every
15 part of the survey, including the responses.

16 If you are a consultant and you are hired to do
17 a survey, you are not paid your final bit of money until
18 you have turned in your report, which includes the validation
19 of your sample obtained, and its reliability.

20 That is a standard part of survey research
21 practice.

22 Q Okay. So your testimony is that people trained
23 in making such surveys would not be able to quantify the
24 percentage of results until --

25 A Yes, and knowing that, they would take precautions

1 in the early phase of the research to assure a certain
2 kind of response rate and certain kinds of validity checks,
3 and they take precautions with their instrument to assure
4 relatively high degree of reliability.

5 Q Drs. Harris and Mayer, will you look at page
6 22 of your testimony? Actually, look at page -- the bottom
7 of page 21, and the carryover to page 22, where you discuss
8 the LILCO Plan provisions for notification of the deaf.

9 Are you making the implicit assumption in that
10 testimony that sirens would sound prior to the existence
11 of a general emergency at Shoreham?

12 A (Witness Harris) That sirens would sound in the
13 initial stages, yes.

14 Q What is your basis for making that assumption?

15 A I believe it is in the plan.

16 Q That sirens would sound prior to the existence
17 of a general emergency?

18 A Prior to the order to evacuate.

19 Q That wasn't my question.

20 A Oh, all right. Sirens would not sound when the
21 plant were operating normally, no.

22 Q What do you mean by, 'operating normally?'

23 A When there is no incident.

24 Q Are you making the assumption in this testimony
25 that a general emergency announcement would not be accompanied

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1 by any protective action recommendations?

2 A My understanding is that as the situation
3 develops at the plant, there are stages during which there
4 is something going wrong with the operation, and that there
5 may be a release of radioactive materials, for example. Or
6 there may be something even more serious.

7 And those stages, official agencies would be
8 alerted, but the general public might not be at certain
9 stages until it was felt that there was a point reached
10 in which protective action might have to be called.

11 There is a stage in between when official agencies
12 would know, plant would know and official agencies might
13 know, that there is something not quite right, but there
14 would not be a siren sounded. And then there would be a
15 siren sounding after, when things moved to a more acute
16 stage.

17 Q Isn't it possible that prior to sirens sounding,
18 which obviously deaf people would not hear, there might be
19 some other way to get word to deaf people that there may
20 be a problem at the plant?

21 A No question. And our testimony does address that.
22 We do say that there would be some deaf individuals who would
23 learn of emergency problems earlier through friends and
24 relatives. That is always possible. As a matter of fact,
25 it is quite true that a number of deaf people have ways and

1 means of finding things out, but our testimony is addressed
2 not to the best case, but to the worst case, where a deaf
3 person might not know.

4 MR. BORDENICK: Fine, thank you. I have no
5 further questions.

6 JUDGE LAURENSEN: Let me ask if people want to
7 take a short break here before we start the redirect, or
8 do you want to keep going straight through?

9 MR. McMURRAY: I think a short break would
10 be beneficial, Judge Laurenson.

11 JUDGE LAURENSEN: Five minutes.

12 MS. McCLESKEY: With the understanding that
13 this panel will stay until we are finished with them, past
14 six.

15 JUDGE LAURENSEN: That is the understanding
16 we have. We will complete the questioning. Is that a
17 problem for any of the witnesses?

18 WITNESS HARRIS: No, sir.

19 JUDGE LAURENSEN: All right. Just a five minute
20 break, please.

21 (Short recess taken)

22 JUDGE LAURENSEN: Do you have redirect examination,
23 Mr. McMurray?

24 MR. McMURRAY: Yes, Judge Laurenson.
25

XXXINDEX 1

REDIRECT EXAMINATION

2

BY MR. McMURRAY:

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Q Dr. Harris, do you recall earlier in response

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to a question by Ms. McCleskey, saying that you believe that

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10 CFR 5047.B 12, as you interpreted, does require that

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there be contracts with the individual ambulance drivers?

7

A (Witness Harris) Yes, I believe so.

8

Q Could you please explain what contacts you have

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had with ambulance drivers that leads you to draw that

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conclusion?

11

A I had one --

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MS. McCLESKEY: I object to that question. It

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is outside the scope of my questioning, and it is also an

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attempt to gety supplemental information into the testimony

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without changing it officially?

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MR. McMURRAY: Judge Laurenson, Ms. McCleskey

17

asked whether or not Dr. Harris believed that such agreements

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were required. He is entitled on redirect to explain why.

19

MS. McCLESKEY: I asked if they were required

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under the regulations. That is an abstract question. Not

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whether his personal opinion was that in Suffolk County, because

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of the situation at the ambulance companies, he thinks you

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need agreement.

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MR. McMURRAY: Oh no. She asked whether on

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1 -- specifically under B.12, I guess it was, whether or not
2 such agreements were required.

3 MS. McCLESKEY: That is right.

4 JUDGE LAURENSEN : That doesn't seem to relate
5 to the testimony or the statements of ambulance drivers or
6 the contacts between ambulance drivers and Dr. Harris. I
7 don't think that subject was raised, except on the portion
8 that was stricken. Sustained.

9 BY MR. McMURRAY: (Continuing)

10 Q Dr. Harris, what is it that leads you to draw
11 that conclusion?

12 A (Witness Harris) My conclusion is based on the
13 fact that for any plan to be effective and to actually
14 transport people effectively, one would have to assure
15 medical attention during the transporting. That it would
16 be necessary to secure that medical -- those personnel
17 during the transport.

18 And my concern was that they wouldn't be
19 secured unless there were more rigorous agreements that
20 bound the personnel, and I came to that conclusion on the
21 basis of an experience that I had --

22 MS. McCLESKEY: Excuse me. Dr. Harris, before
23 you go forward with your experience, I object to any
24 statement about the experience. I don't think it is
25 relevant, and it is outside the scope of my direct questioning.

1 and rephrasing the question in a vaguer manner to get it
2 in isn't going to fix it.

3 MR. McMURRAY: Judge Laurenson, of course on
4 redirect he is allowed to explain the basis for a statement
5 he made in response to a question by Ms. McCleskey.

6 MS. McCLESKEY: He just did that.

7 MR. McMURRAY: He has not given his complete
8 answer.

9 MS. McCLESKEY: His antedotes about his discussions
10 with ambulance companies are outside the scope of my
11 questioning.

12 MR. McMURRAY: It is not true, and it is relevant,
13 and it goes to why he believes such agreements are required.
14 Judge Laurenson, this is almost precisely the same situation
15 the County found itself in today when Mr. Lieberman was
16 permitted to go into -- on very flimsy grounds -- to go
17 into long explanation on redirect, and I don't see why
18 this is not relevant to Dr. Harris' interpretation of the
19 regulations.

20 JUDGE LAURENSEN: What an ambulance driver
21 told him is relevant to an interpretation of the regulations?
22 I don't follow that.

23 MR. McMURRAY: Quite clearly the question is
24 whether or not agreements are necessary to assure that the
25 ambulance drivers are going to perform the transportation

1 requirements that are required under the regs.

2 Now, if an ambulance driver has told Dr. Harris
3 that in fact yes, there is a contract with the Company, but
4 I don't intend to perform under it, then that certainly
5 goes to the issue of whether or not a contract with required
6 with that individual ambulance driver to assure that, in fact,
7 that regulation is going to be met.

8 Because what in fact -- and we will proffer --
9 what in fact that ambulance driver said was yeah, there
10 is a contract, sure there is, with the ambulance company,
11 but I have five kids. I am not going to show up.

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1 JUDGE LAURENSEN: The objection is still sustained.
2 I think you better make the proffer for the record then.

3 (Pause.)

4 MR. MC MURRAY: Judge Laurenson, in order to
5 make a full and complete proffer, I am going to have to have
6 a minute with the witness.

7 (Off the record.)

8 MR. MC MURRAY: At this time, the county will
9 make its offer or proof regarding what Dr. Harris would
10 have said had he been permitted to respond to my question.

11 Sometime not long ago, Dr. Harris and
12 Dr. Mayer met with an owner of an ambulance company. I
13 believe it was at the ambulance company.

14 WITNESS HARRIS: No.

15 MR. MC MURRAY: Anyway, they met with the owner
16 of the ambulance company and were asking him some questions
17 about the ambulances and whatnot. And Dr. Mayer asked
18 the ambulance driver whether or not he would, in fact,
19 respond if called upon in a radiological emergency to
20 perform his duties under the contract.

21 The ambulance driver said that he realized there
22 was a contract but, in fact, that he had five kids and
23 he was not about to, quote, go near the place.

24 The owner of the ambulance company heard the
25 remark, did not admonish the driver and said, indeed,

1 I have concerns whether or not my personnel will show up.

2 That is what Dr. Harris would have reported or
3 testified to, had he been permitted to. And the county
4 contends that that is relevant to the issue of whether or
5 not letters of agreement with the drivers themselves are
6 required under the regs because, obviously, letters of
7 agreement with just the ambulance companies do not offer
8 the degree of assurance that is required under the regs.

9 BY MR. MC MURRAY:

10 Q Dr. Saegert, do you recall Mr. Bordenick's
11 questions regarding whether you had conducted certain
12 studies in order to support the conclusions in your testimony?

13 A (Witness Saegert) Yes.

14 Q Do you believe that it is necessary to conduct
15 the studies that Mr. Bordenick has referred to in order
16 to reach the conclusions that you draw in your testimony
17 that LILCO's method for identifying the handicapped is,
18 in fact, inadequate?

19 A No, I don't. In fact, I think that the method
20 that was used is one that LILCO itself probably wouldn't
21 employ in a public relations survey; that it is far below
22 professional standards of accepted reliability on many
23 different counts.

24 MR. MC MURRAY: Judge Laurensen, I have no
25 further redirect questions.

1 JUDGE LAURENSEN: Is there any further recross
2 examination of this panel?

3 MS. MC CLESKEY: Yes, sir. I have a couple of
4 questions.

XXXXXXX

REXCROSS-EXAMINATION

6 BY MS. MC CLESKEY:

7 Q Dr. Saegert, when you were discussing the
8 general problem with mailback surveys, that people don't
9 mail them back at large percentages, are you talking
10 about opinion polls?

11 A I am talking about all forms of mailback
12 inquiries.

13 Q Not just opinion polls?

14 A No.

15 Q Well, you mentioned that you were aware of
16 some studies of this problem, although you couldn't give
17 any specifics. Is that accurate?

18 A I don't think that is exactly what I said.

19 Q Are there any studies that show what the response
20 rates are to mailback surveys?

21 A Yes, there are reports like that.

22 Q Can you cite some for us?

23 A Not at this time.

24 Q And do you recall whether any of those studies
25 were looking at surveys that asked people to identify

1 themselves so they could receive help in a potentially
2 life-threatening emergency?

3 A I am not sure. There are many such studies.

4 Q You don't know what the surveys were that were
5 being looked at in the studies?

6 A There are many of them and I can't recall all
7 the topics.

8 Q So you don't know whether any of them involved
9 people being asked to identify themselves for emergency
10 purposes?

11 MR. MC MURRAY: Objection. Asked and answered.

12 JUDGE LAURENSEN: Overruled.

13 WITNESS SAEGERT: No, I couldn't be more
14 specific about it.

15 BY MS. MC CLESKEY:

16 Q Okay.

17 Dr. Harris, to your knowledge, does anyone
18 in the county keep -- I am quoting your words -- accurate,
19 up-to-date and exhaustive lists of handicapped people?

20 A (Witness Harris) No.

21 Q Dr. Mayer, do you agree with that?

22 A (Witness Mayer) Well, we keep lists of those
23 persons who happen to be handicapped, patients of our
24 home health service. And those lists, of course, are up
25 to date because they are part of the home health service

1 administration.

2 We keep accurate lists of persons in the
3 Physically Handicapped Children's Program. These lists
4 would only be a very small percentage of the actual number
5 of handicapped people there are.

6 Q Okay. So even taken together, they wouldn't
7 be accurate, up to date, and exhaustive?

8 A They were accurate, up to date and exhaustive
9 of the categories they are. They are accurate for
10 the people of the Physically Handicapped Children's
11 Program or for the persons who are patients of our
12 home health service.

13 Q Then, Dr. Mayer, do you know of any other
14 lists that taken all together would be exhaustive of
15 all the handicapped people?

16 A No.

17 A (Witness Harris) Let me supplement that
18 because the Department of Health Services, which as you
19 know I direct, really keeps two -- there are two kinds
20 of lists in a way.

21 We have sometimes information on individuals
22 that give us some rough idea of the incidence of something.
23 That's possible. That wouldn't have names and addresses.

24 We have some idea of the numbers of people with
25 various conditions. And our vital statistics people would

1 keep that kind of thing.

2 We have as exhaustive lists as we can, if it
3 something we want to do to serve individual people.

4 For example, let's take tuberculosis. Reporting tuberculosis
5 is a requirement. Reporting venereal disease, for example,
6 is a requirement. We do keep records on all those reported
7 to us. And even then -- and we follow them up for
8 service and so forth. But even then, we don't get all the
9 people with tuberculosis because we depend on reporting
10 from physicians and hospitals.

11 As a matter of fact, that is the kind of a list
12 which you do keep. It is exhaustive of all we know, but
13 that is because you have to give them a service.

14 I don't know if I have made myself clear.
15 What I am really saying is, the accuracy, exhaustiveness
16 of the list depends on the purpose to which it is being
17 used.

18 If I want to get an idea, you know, the numbers
19 of people who might not be immunized, I have a percentage.
20 If Dr. Mayer then wants to go into a school and actually
21 make sure the immunizations are done, then he will need
22 a count of all the youngsters who are not immunized.
23 Two different kinds of purposes.

24 A (Witness Mayer) The list is accurate for
25 the purpose for which it was made. We have a list of those

1 persons who are clients of our home health service. We
2 have to have that list to administer our home health
3 service.

4 A (Witness Harris) And to bill.

5 A (Witness Mayer) And to bill. It is mainly a
6 billing list. That is what it really is.

7 Q Dr. Mayer, forgive me if you are being asked
8 to repeat something, but I wasn't quite sure I understood
9 your answer to Mr. Bordenick's fire department question.

10 Did you say that the fellow asked and was told
11 that a list wasn't available, or did you say that a fellow
12 asked and was told that list wasn't kept?

13 A I asked this person whether there was such a
14 list. He came back to me and said there was such list.
15 I didn't pursue it any further. I don't know whether a
16 list was not kept, whether he was not told the truth.
17 I have no idea.

18 All I was known -- was told was that that list
19 did not exist. I didn't pursue it any further.

20 A Okay. Thank you.

21 And Dr. Saegert, assuming an appropriate, proper
22 survey under professional standards is drafted and mailed
23 out, what is the optimum response rate that you could
24 expect?

25 A (Witness Saegert) Again, the optimum you could

1 expect would be 100 percent, but I think you would never
2 get that. And there is no abstract way in which to
3 answer this question.

4 You would only be able to prove that you had
5 gotten 100 percent by doing validation.

6 Q Well, in the studies that you are aware of
7 of the problems with mailback surveys, what is reported
8 as the highest mailback rate?

9 MR. MC MURRAY: Objection. This is a broad
10 question. Is this for all mail surveys ever done in the
11 world?

12 MS. MC CLESKEY: No, sir. I have limited it to
13 whatever unidentified studies of mailback surveys that
14 Ms. Saegert, Dr. Saegert can't identify today but knows of.

15 JUDGE LAURENSEN: The objection is overruled.

16 WITNESS SAEGERT: Well, the highest response
17 rate is when you have institutional control over people.
18 For example --

19 BY MS. MC CLESKEY:

20 Q Excuse me. In your answer, I am looking for
21 a percentage, not an explanation.

22 A You have to stratify the percentages because
23 if I give you that without other information the implication
24 will be misleading.

25 Q Well, why don't you try the percentage and then

1 the explanation?

2 MR. MC MURRAY: Judge Laurenson, I think that
3 Professor Saegert should be allowed to answer this question
4 the way she wants to.

5 JUDGE LAURENSEN: I don't think you have posed
6 it in terms that it can call for a yes or a no answer.
7 And if you are going to call for some kind of a substantive
8 answer, then Professor Saegert has the right to determine
9 what language is appropriate for the response.

10 WITNESS SAEGERT: If you mailed something out
11 with institutional backing and institutional follow through,
12 for example, to the employees of the company in which
13 the personnel directors are responsible for obtaining
14 the response from the respondent and give some effort to
15 that, you might get as high as 45 percent.

16 That is the conditions that usually result in
17 the highest response rate.

18 In other conditions where you have less control
19 but you do have follow up, you would probably get about
20 25 percent.

21 Something without follow up and that isn't
22 particularly well designed can fall as low as 5 percent,
23 1 percent, 10 percent.

24 BY MS. MC CLESKEY:

25 Q And in your view, LILCO's mailback registration card

1 is a survey; isn't that right?

2 A Yes, I think it is designed to be a survey of
3 handicapped people.

4 MS. MC CLESKEY: Those are all my questions,
5 Judge Laurenson?

6 JUDGE LAURENSEN: Any further questions for
7 this panel?

8 MR. MC MURRAY: No questions.

9 JUDGE LAURENSEN: All right. The panel is
10 excused. Thank you for your testimony.

11 (The witnesses stood down.)

12 JUDGE LAURENSEN: Before we adjourn for the
13 evening, I just want to review what we are going to be
14 doing tomorrow.

15 First, we will rule on the discovery dispute
16 between the county and LILCO concerning the training
17 documents. Secondly, we will rule on the motions to
18 strike the LILCO testimony on contention 15, credibility,
19 which includes Dr. Barnett's testimony. And third, we
20 plan to conduct a full hearing day tomorrow or until we
21 conclude the testimony on contention 18.

22 Now, does that present problems for anyone
23 in terms of what we have indicated?

24 MS. MC CLESKEY: No, sir.

25 JUDGE LAURENSEN: We will resume at 9:00 a.m.

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(Whereupon, at 6:06 p.m., the hearing was recessed, to reconvene at 9:00 a.m., Friday, June 1, 1984.)

CERTIFICATE OF PROCEEDINGS

This is to certify that the attached proceedings before the
NRC COMMISSION

In the matter of: LONG ISLAND LIGHTING COMPANY

Date of Proceeding: Thursday, 31 May 1984

Place of Proceeding: Hauppauge, New York

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

Rebecca Eyster

Official Reporter - Typed

Rebecca Eyster

Official Reporter - Signature

Myrtle Traylor

Official Reporter - Typed

Myrtle Traylor

Official Reporter - Signature

Garrett Walsh

Official Reporter - Typed

Garrett J. Walsh, Jr.

Official Reporter - Signature