

# ORIGINAL

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the matter of:

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station  
Unit 1)

Docket No. 50-322-OL-3

Location: Hauppauge, New York

Pages: 9935-10,145

Date: Tuesday, June 5, 1984

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

----- X

In the Matter of: :

LONG ISLAND LIGHTING COMPANY :Docket No. 50-322-OL-3

(Shoreham Nuclear Power Station, :(Emergency Planning)

Unit 1) :

-----X

Court of Claims  
 State of New York  
 State Office Building  
 Room 3B46  
 Veterans Memorial Highway  
 Hauppauge, New York 11787

Tuesday, 5 June 1984

The hearing in the above-entitled matter convened  
at 10:27 a.m., pursuant to notice,

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  
 Washington, D. C. 20555

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APPEARANCES:

2

On Behalf of LILCO:

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JAMES N. CHRISTMAN, ESQ.

4

LEE ZEUGIN, ESQ.

5

RENEE FALZONE, ESQ.

6

KATHY E. B. MC CLESKEY, ESQ.

Hunton &amp; Williams

Main Street

7

Richmond, Virginia

8

On Behalf of the NRC Staff:

9

BERNARD BORDENICK, ESQ.

10

Office of the Executive Legal Director

Nuclear Regulatory Commission

11

Washington, D. C. 20555

12

On Behalf of Suffolk County:

13

CHRISTOPHER M. MC MURRAY, ESQ.

14

MICHAEL S. MILLER, ESQ.

Kirkpatrick, Lockhart, Hill, Christopher &amp; Phillips

1900 M Street, N. W.

15

Washington, D. C. 20036

16

On Behalf of the State of New York:

17

RICHARD J. ZAHNLEUTER, ESQ.

18

Special Counsel to the Governor

Executive Chamber

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Room 299

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State Capitol

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Albany, New York 12224

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C O N T E N T S

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>BOARD</u>
Charles V. Failla	9946	9949	9976	9978	9974
Elaine D. Robinson	9987	10002	10006	10008	9992 10008
Charles V. Failla	10014	10026			
Carol A. Clawson	10031	10036			
Matthew C. Cordaro					
Charles A. Daverio					
Michael Miele	10050	10077	10111	10113	
Elaine D. Robinson					
Jay Yedvab					
Dennis S. Mileti	10127	10130			

TESTIMONY OF:

PAGE

Charles V. Failla	9948
Carol A. Clawson	10035
Matthew C. Cordaro	
Charles A. Daverio	

E X H I B I T S

<u>EXHIBIT</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
LILCO EP48	9945	9945
New York State EP9	10014	10025
New York State EP10	10015	10025
LILCO EP38 through 47		10125

(10:27 a.m)

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

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JUDGE LAURENSEN: We are back on the record now.

We have two matters before us that require some prompt action on our part.

The first is a Motion for Reconsideration that was filed yesterday by Suffolk County concerning our ruling last Friday with regard to the offer to submit rebuttal testimony by LILCO. We have reviewed the County's Motion for Reconsideration. Before even scheduling or discussing rebuttal -- rather, discussing argument on the rebuttal testimony, I would like to address a question to Mr. McMurray, and that is assuing for a moment that the County is right and the Board is wrong, that this is not rebuttal testimony, that in fact it is supplemental testimony, what prejudice does the County suffer by allowing this evidence to come in at this time in the fashion that we have ordered?

MR. McMURRAY: I think, Judge Laurenson, whether you caterogarize this testimony as rebuttal testimony or supplemental testimony, the question is whether or not LILCO has demonstrated good cause for submitting that testimony.

Now, in the Board's Memorandum and Order of February 28, ruling on Suffolk County's motion to file rebuttal testimony of Stephen Cole and Andrea Tyree, the Board set out a four part test to determine whether or not good cause had been met.

1 Two of those points have clearly not been met  
2 by LILCO. They are the question of whether the testimony,  
3 the proffered testimony is not cumulative with any other  
4 testimony in the record, and number two, that the testimony  
5 was incapable of being filed in a more timely fashion.

6 Let me address the first point first. As we  
7 state in our Motion for Reconsideration, LILCO's proffered  
8 rebuttal testimony is, in fact, cumulative with what is  
9 already in LILCO's direct testimony. The point that LILCO  
10 wants to make, according to Ms. McCleskey's argument, through  
11 these proffered LILCO proposals for special facilities, is  
12 that LILCO is continuing to talk to the special facilities.

13 Now, that point is already made in LILCO's  
14 testimony. I provided the page cites to the Board, and that  
15 is exactly what the LILCO witnesses states in their direct  
16 testimony.

17 Second of all, LILCO with respect to the second  
18 point I raise, which is whether or not LILCO was able to file  
19 this testimony and address these proposed plans in a more  
20 timely fashion, it is clear that they could have. Most of  
21 those plans were dated March or April -- at least the letters  
22 that covered those plans.

23 JUDGE LAURENSEN: But you still haven't answered  
24 the question of what difference does it make whether this  
25 is treated as rebuttal testimony or supplemental testimony.

1 How is the County disadvantaged under either treatment of  
2 it?

3 MR. McMURRAY: Judge Laurenson, I think that this  
4 is another example of LILCO trying to amend its testimony  
5 without the County being given proper notice, proper  
6 opportunity to conduct discovery, depositions perhaps, all  
7 the other sort of rights that we have to determine LILCO's  
8 case before it suddenly springs it on us on the stand during  
9 hearings. That is just not fair.

10 If they want to file supplemental testimony, fine.  
11 They can show good cause, file written supplemental testimony,  
12 and the County should then have an opportunity to review that  
13 testimony and then conduct cross examination on it the way  
14 it has been done all along.

15 I just don't think it is fair that we are  
16 presented with oral supplemental testimony on plans that  
17 we really have not had a chance to review, conduct discovery  
18 on, and then be expected to cross examine LILCO's witnesses  
19 right away on.

20 That is the prejudice.

21 JUDGE LAURENSEN: Does LILCO wish to be heard on  
22 this?

23 MR. CHRISTMAN: Briefly, yes. sir. My understand-  
24 ing is that those plans that could be provided to the County  
25 were sent to them in informal discovery, and they now also,

1 in addition to that, had them over the weekend.

2 As for the suggestion that they are entitled --  
3 that the County is entitled to depositions after testimony  
4 is filed, they haven't been entitled to depositions after  
5 the direct testimony was filed, and I don't see why this  
6 should be any different.

7 These draft plans were provided to the County.  
8 They chose not to have their witnesses look at them, so that  
9 when the witnesses were asked whether they changed their  
10 testimony that there were no plans whatsoever, they were  
11 able to say that as of last February there were no plans,  
12 and they had no reason to change their testimony.

13 Well, that is just nonsense. These draft plans  
14 show that there are plans, although the County, of course,  
15 makes the semantic point that in the County's judgment a  
16 plan is not a plan unless it is formally adopted and approved  
17 and what not.

18 But leaving that minor semantic point aside, the  
19 County's position is simply unfounded.

20 JUDGE LAURENSEN: Does the Staff or State wish  
21 to be heard on this question?

22 MR. ZAHNLEUTER: The State would support Suffolk  
23 County, and to the best of my knowledge, I don't believe that  
24 one of the witnesses, Dr. Miletic, has ever been deposed on  
25 this Contention that he is offered for rebuttal.



1 MR. BORDENICK: I have nothing further to add.  
2 I continue to support LILCO on this rebuttal testimony.

3 MR. McMURRAY: Judge Laurenson, if I may respond  
4 to a point made by Mr. Christman. First of all, this is  
5 not a minor semantic point. The fact is that these are not  
6 plans. They are proposals by LILCO, and a'l that these  
7 documents how is that LILCO is communicating with the  
8 special facilities.

9 That is something that we don't contest. But  
10 the point is is that everything they say is consistent with  
11 our witnesses testimony, which is that there are as yet no  
12 plans. That is, agreements to implement a plan that LILCO  
13 would like to see implemented during a radiological  
14 emergency.

15 Second of all, the fact that we had these  
16 documents over the weekend does not at all diminish the  
17 prejudice that would accrue if we had to cross examine on  
18 them today.

19 MR. CHRISTMAN: But you had them before the  
20 weekend, did you not, most of them?

21 MR. McMURRAY: We had no idea what the witnesses  
22 were going to say --

23 MR. CHRISTMAN: But you had documents, did you  
24 not?

25 MR. McMURRAY: Some of the documents, we had,

1 obviously.

2 MR. CHRISTMAN: Most others.

3 MR. McMURRAY: Obviously others were dated May 31st,  
4 the very day before the LILCO panel was up. The fact is that  
5 the LILCO Panel chose not to address these documents in  
6 their direct testimony for whatever reason. Obviously  
7 the reason was because they were not plans.

8 Therefore, the County had no idea what they were  
9 going to say about them. Now they intend to address them.  
10 And the point is we should be able to hear what they have  
11 to say about them, study it, review it, and then conduct our  
12 cross examination in a way that is meaningful and productive,  
13 not just right after we hear their testimony.

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1 JUDGE LAURENSEN: We will confer and decide this in  
2 a few minutes.

3 (Board conferring.)

4 JUDGE LAURENSEN: The Board has considered the  
5 motion for reconsideration and we adhere to our prior  
6 decision for the reason that we believe that this is proper  
7 rebuttal testimony, but that in any event, the county and  
8 the state have had the additional protection of having  
9 these documents over the weekend. And furthermore, we  
10 find that the proffered testimony, as presented by LILCO  
11 on Friday, does not appear to be that complicated to  
12 warrant the extensive type of discovery requested by the  
13 county.

14 Therefore, the motion for reconsideration is  
15 denied.

16 The next item that we have is a May 22 motion  
17 by LILCO to submit supplemental exhibit or to strike  
18 New York Exhibit 3.

19 Yesterday we received the responses of the  
20 state of New York and of Suffolk County. We have reviewed  
21 and considered those.

22 We grant LILCO's motion to submit the  
23 supplemental exhibit. We will have to change the number  
24 from what they had requested. It will now be LILCO  
25 EP No. 48. And if LILCO will submit a copy of that document,

1 it will be bound in the transcript following this page  
2 of the record.

3 (The document referred to  
4 was marked LILCO Exhibit EP48  
5 for identification and was  
6 received in evidence.)

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STATE OF NEW YORK  
LEGISLATIVE COMMISSION  
ON EXPENDITURE REVIEW

111 WASHINGTON AVENUE ALBANY, N.Y. 12242

March 9, 1984

Mr. Frank Mancuso  
State Director  
Department of Public Safety  
Office of Civil Preparedness  
380 Broad Street  
Hartford, Connecticut 06105

Dear Mr. Mancuso:

We are returning under separate cover the Connecticut State Plan loaned to the Commission. The material was useful and provided us with insight in planning for radiological emergencies.

Please accept our thanks for your assistance and graciousness in providing information.

Sincerely,

Coraline Stout

Irving Wendrosky



# STATE OF CONN

DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF CIVIL PREPAREDNESS

## DATE RECEIVED

APR 25 1984

April 18, 1984

HYS DEPARTMENT OF HEALTH  
OFFICE OF THE COMMISSIONER

David Axelrod, M. D.  
Commissioner of Health  
Chairman, NYS Disaster Preparedness Commission  
State of New York  
Albany, New York 12226

Dear Dr. Axelrod:

In response to your letter of March 30, 1984, let me assure you that the State of Connecticut will not become involved in the explosive environment that exists in the State of New York concerning Radiological Emergency Planning. My letter to Director DeVito does not purport to serve as a letter of agreement between the State of Connecticut and the State of New York concerning the Shoreham Nuclear Power Station. It does suggest that we are meeting the requirements of NUREG-0654, FEMA REP-1.

Your letter makes your position as well as that of your Governor's clear to us. It is not our intention to pursue this matter any further.

Enclosed are letters of correspondence between my office and the State of New York Legislative Commission on Expenditure Review. I have cooperated with that office and made available information concerning Radiological Emergency Planning in Connecticut. I hope it meets with your approval. If not, I suggest you contact Mr. Irving Wandrosky and express your displeasure. I have no desire to become involved in your internal problems.

Sincerely,

Frank Mancuso  
State Director

Files

Encl. - OCP Letter to I. Wandrosky 10/28/83  
OCP Letter to DeVito 12/15/83 - omitted  
Wandrosky Letters to OCP 10/3/83, 3/9/84

cc: D. DeVito, Of. of Dis. Prep., N.Y.  
Ed Thomas, FEMA Reg. 1  
I. Wandrosky, N.Y. Legislative Comm

STATE OF NEW YORK  
LEGISLATIVE COMMISSION  
ON EXPENDITURE REVIEW

111 WASHINGTON AVENUE - ALBANY, NEW YORK

October 3, 1983

Mr. Frank Mancuso  
Director  
Connecticut Office of Civil Preparedness  
State Armory  
350 Broad Street  
Hartford, Connecticut 06105

Dear Mr. Mancuso:

As per our telephone conversation, I would appreciate receiving a copy of the following documents from your agency:

1. Title 23
2. Statute 81-409
3. National Disaster State Plan
4. REP Annex.

Your cooperation was extremely helpful.

Sincerely,

Irving Wendorfsky  
General Associate

IR:deh

**RECEIVED**  
**OCT 11 1983**  
**REGISTRAR**  
 Office of Civil Preparedness



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF CIVIL PREPAREDNESS

LILCO EP 48  
Pages 4 of 4

October 28, 1983

Mr. Irving Wendrovsky, General Associate  
State of New York Legislative Commission  
On Expenditure Review  
177 Washington Avenue  
Albany, New York 12210

Dear Mr. Wendrovsky:

Enclosed are the documents we discussed in our phone conversation several weeks ago. I hope the contents will be useful to you and the Legislative Commission on an expenditure review.

I ask that the #38 copy of the "State of Connecticut Radiological Emergency Response Plan for the Haddam Neck Plant and the Millstone Power Station" be returned to us after you have had a chance to review it. It is one of only three copies in our inventory.

In my observation with the neighboring states, I find that Radiological Emergency Planning should be with the State Office of Emergency Planning for two reasons:

1. The Office of Civil Preparedness is entrusted with other emergency planning and has direct contact with the state, local, and in your case, county governments.
2. It has been my experience that when the responsibility for nuclear planning was in other agencies, it was not properly coordinated with the Office of Civil Preparedness.

In order for any planning to be effective, the agency responsible for that planning should have the full support of the administration as well as the legislative body within that jurisdiction.

Please let me know if I can be of any further help.

Sincerely,

*Frank Mancuso*  
Frank Mancuso  
State Director

Firma

Enclosures - #38 Copy CT REP. Annual Plan for Expenditures, Title 28  
Emergency Operations Plan Part II - Nuclear Disasters

Phone 203 526-3183

360 Broad Street - Hartford, Connecticut 06103



1 JUDGE LAURENSEN: I believe that we are now  
2 ready to hear the testimony of the New York State witness,  
3 Mr. Failla.

4 MR. ZAHNLEUTER: Judge Laurenson, with respect  
5 to the ruling that you just made, the state would like to  
6 reserve its right to possibly, in the future, introduce a  
7 response letter to the letter which was just admitted.

8 Let the record reflect that Mr. Charles  
9 Failla has taken the stand.

10 Judge Laurenson, I don't believe that Mr. Failla  
11 has appeared before in this proceeding and he needs to be  
12 sworn.

13 JUDGE LAURENSEN: Will you stand and raise  
14 your right hand and be sworn.  
15 Whereupon,

16 CHARLES V. FAILLA

17 was called as a witness and, having been first duly sworn,  
18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. ZAHNLEUTER:

21 Q Mr. Failla, do you have in front of you a  
22 document which is entitled Direct Testimony of Charles  
23 V. Failla on behalf of New York State regarding Contention  
24 24.F.2?

25 A I do.

XXXXXXXXX

1 Q Was that prepared by you or under your  
2 supervision?

3 A Yes, it has been.

4 Q Is it true and accurate to the best of your  
5 belief and knowledge?

6 A It is, to the best of my belief and knowledge.

7 Q Were there any amendments that you made to this  
8 testimony after it was written?

9 A Yes, there are amendments to bring it up to date.

10 Q To the best of your knowledge, isn't it true that  
11 these amendments have been distributed to the parties and  
12 to the judges in this proceeding?

13 A The amendments have been given to my attorney and  
14 I am made to understand they have been distributed.

15 Q Is your testimony true and accurate, to the  
16 best of your belief and knowledge, as including the  
17 amendments that you have made?

18 A Yes, they are.

19 MR. ZAUNLEUTER: At this time I would move that  
20 the testimony of Charles V. Failla be admitted into  
21 evidence.

22 JUDGE LAURENSEN: Any objection to receiving this  
23 testimony in evidence?

24 MR. ZEUGIN: No objection.

25 MR. BORDENICK: No objection.

1 MR. MC MURRAY: No objection.

2 JUDGE LAURENSEN: It will be received in  
3 evidence and bound in the transcript following this page

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4 as though read.

5 (Testimony follows.)

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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-OL-3
	)	
(Shoreham Nuclear Power Station, Unit 1)	)	(Emergency Planning)
	)	

DIRECT TESTIMONY OF  
CHARLES V. FAILLA ON BEHALF  
OF NEW YORK STATE REGARDING  
CONTENTION 24.F.2.

Q. Please state your name and position.

A. My name is Charles V. Failla. I am Supervising Motor Vehicle Inspector with the New York State Department of Transportation, Region 10 (Nassau-Suffolk). My resume is attached hereto and is identified as Attachment A.

Q. Please provide a brief background of your work experience as it pertains to your testimony.

A. For the past year, I have been Supervising Motor Vehicle Inspector. Prior to that, I was a Motor Vehicle Inspector for 25 years.

I participate in and supervise accident investigation and eleven Motor Vehicle Inspectors whose duties are the inspection and/or investigation of omnibuses and/or corporations under the jurisdiction of the New York State Department of Transportation.

Q. Have you read Contention 24.F.2?

A. Yes. I have read the Contention. I understand that the Contention concerns LILCO's assertion that the agreements it has obtained from 12 bus companies ensure LILCO access to approximately 1236 buses in the event of a

radiological accident at Shoreham. However, it is my understanding that LILCO's bus company agreements provide that each bus company's obligation to provide buses to LILCO is subject to its obligations to provide buses to the schools and school districts with which it has contracts.

The State has been able to obtain information with respect to the buses committed to schools and school districts by 7 of the 12 bus companies with which LILCO has agreements. In the following table, the number of buses committed by each of those companies to schools and school districts is compared with the total number of buses that company has in service.<sup>1</sup>

<u>Company</u>	<u>Committed to Schools</u>	<u>Committed to LILCO</u>	<u>Total In Service*</u>	<u>Available for LILCO's Use</u>
Educational Bus Transportation, Inc.	98	100	<del>86</del> 92	0
Hermon E. Swezey Co., Inc.	1	29	<del>31</del> 28	<del>20</del> 27
Huntington Coach, Inc.	107	100	<del>69</del> 68	0
Seaman Bus Co., Inc.	31	35	35	4
Starlite Bus Co., Inc.	44	60	<del>63</del> 62	<del>18</del> 18
Suburbia Bus Corp.	169	190	<del>180</del> 188	<del>11</del> 19
United Bus Corp.	<u>200</u>	<u>200</u>	<del>205</del> 206	<del>8</del> 6
TOTALS	650	714	<del>663</del> 679	<del>64</del> 74

\*40-adult passenger school buses as of ~~3/19/84~~ 5/30/84

<sup>1</sup>The source of information concerning the number of buses committed to schools and school districts by each of the seven bus companies included in the table is LILCO's response to Suffolk County Interrogatory No. 3 of August 19, 1983. LILCO's response only provides such information for the seven bus companies mentioned above. The total number of buses each of those companies has in service is derived from the bus inspection records of the New York State Department of Transportation, as of ~~early May~~ ~~late May~~ 1984. Educational Bus Transportation and Huntington Coach are able to satisfy their service demand by staggering the number of buses used at one time during peak service. As a result of this, the total buses in service less the total buses committed to schools by the 7 bus companies will not equal the total buses available for LILCO's use (i.e. ~~669-650/679~~).

679 - 650 ≠ 74

LILCO claims that the seven aforementioned companies together have committed 714 buses to LILCO's use in the event of an accident at Shoreham. (See Testimony of Cordaro et al. on Behalf of Long Island Lighting Company on Phase II Emergency Planning Contention 24.F, G , I, K, L, O, P, R, S and T, at 6, 7.) However, as seen in the above table, if an accident were to occur during school sessions, the seven aforementioned companies could in fact provide LILCO with a total of only ~~69~~<sup>74</sup> buses, or about 10% of the number of buses nominally committed to LILCO.

ATTACHMENT A

RESUME

Charles V. Failla  
Box 958 Holiday Boulevard  
Center Moriches, NY 11934

Positions Held:

- 1983 - Present      Supervising Motor Vehicle Inspector, Dept. of Transportation, State of New York.
- 1958 - 1983      Motor Vehicle Inspector, Dept. of Transportation, State of New York.
- 1956 - 1957      Auto Mechanic, City of New York. Heavy duty repairs to trucks and related units.
- 1950 - 1956      Bus Maintainer "B" Transit Authority New York State - Repair and maintain city diesel and gasoline powered buses, trucks, autos. Repairs to engines, transmissions, front ends, rear end units, electrical and ignition systems, repair and or rebuild hydraulic and air controls. Troubleshoot and make repairs or adjustments on the field so that vehicles can be returned to shop for permanent repairs. Perform related work.
- 1948 - 1950      Auto Engineman - N.Y.C. Board of Transportation - Drive and maintained emergency crew truck with subway system.
- 1941 - 1946      U.S. Army Air Corp. - See attached "Separation Qualification Record."

Educational Background

See Attached Sheets



COUNTY CLERK'S OFFICE

MAY 29 10 42 AM 1946

BRONX COUNTY, N. Y.



## Honorable Discharge

*This is to certify that*

STAFF SERGEANT CHARLES V. FAILLA 12036816 ARMY AIR FORCE

HEADQUARTERS AAP 146 (ATCHD)  
714 BOMB SQ. 443 HEAVY BOMB GROUP

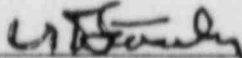
**Army of the United States**

*is hereby Honorably Discharged from the military  
service of the United States of America.*

*This certificate is awarded as a testimonial of Honest  
and Faithful Service to this country.*

*Given at* Halloran General Hospital, Staten Island, New York

*Date* 27 May 1946.

  
O.H. STANLEY  
Colonel MC  
Commanding

# ENLISTED RECORD AND REPORT OF SEPARATION

**VOL 219 PAGE 50**

**HONORABLE DISCHARGE**

1. LAST NAME - FIRST NAME - MIDDLE INITIAL <b>FAILLA CHARLES V.</b>		2. ARMY SERIAL NO. <b>12 036 816</b>	3. GRADE <b>S/SGT</b>	4. ARM OR SERVICE <b>AAF</b>	5. COMPONENT <b>AUS</b>
6. ORGANIZATION <b>7th Bomb Sq. 448 Heavy Bomb Hq AAF 146 APO # 558 (ATCHD) Gp. APC#558</b>		7. DATE OF SEPARATION <b>27 May 1946</b>		8. PLACE OF SEPARATION <b>Halloran GH SI NY</b>	
9. PERMANENT ADDRESS FOR MAILING PURPOSES <b>1239 East 222nd Street, Bronx, NY</b>			10. DATE OF BIRTH <b>10 Feb 1922</b>	11. PLACE OF BIRTH <b>Brooklyn, NY</b>	
12. ADDRESS FROM WHICH EMPLOYMENT WILL BE BOUGHT <b>Same as # 9</b>			13. COLOR EYES <b>Brown</b>	14. COLOR HAIR <b>Brown</b>	15. HEIGHT <b>5'4 1/2"</b>
16. RACE <input checked="" type="checkbox"/> WHITE <input type="checkbox"/> NEGRO <input type="checkbox"/> OTHER (specify)	17. MARITAL STATUS <input type="checkbox"/> SINGLE <input checked="" type="checkbox"/> MARRIED <input type="checkbox"/> OTHER (specify)	18. U.S. CITIZEN <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		19. CIVILIAN OCCUPATION AND NO. <b>Turret-Lathe Operator (4-78.021)</b>	

**MILITARY HISTORY**

22. DATE OF INDUCTION <b>14 Dec 41</b>	23. DATE OF ENLISTMENT <b>14 Dec 41</b>	24. DATE OF ENTRY INTO ACTIVE SERVICE <b>14 Dec 41</b>	25. PLACE OF ENTRY INTO SERVICE <b>39 Whitehall Street, NYC</b>
26. SELECTIVE SERVICE DATA <input checked="" type="checkbox"/> REGISTERED	27. LOCAL S. BOARD NO.	28. COUNTY AND STATE	29. HOME ADDRESS AT TIME OF ENTRY INTO SERVICE <b>532 Jackson Avenue, New York, NY</b>

30. MILITARY OCCASIONAL SPECIALTY AND NO. <b>Turret-Lathe Chief (450)</b>	31. MILITARY QUALIFICATION AND NO. (i.e., specialty, aviation and other formal training for a job) <b>Aerial Engineer</b>
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32. BATTLES AND CAMPAIGNS  
**Participated in the Air Offensive - Europe.**

33. DECORATIONS AND CITATIONS  
**European African Middle Eastern Campaign Ribbon with 1 Bronze Star, Good Conduct Medal, Purple Heart, Air Medal and Oak Leaf Cluster, World War II Victor Ribbon, American Theatre Campaign Ribbon.**

34. WOUNDS RECEIVED IN ACTION  
**8 April 1944 - Germany.**

35. LATEST IMMUNIZATION DATES				36. SERVICE OUTSIDE CONTINENTAL U.S. AND SEAS		
SMALLPOX	TYPHOID	TETANUS	OTHER (specify)	BASE OF DEPARTURE	DESTINATION	DATE OF ARRIVAL
<b>27 Apr 43</b>	<b>4 Jun 43</b>	<b>10 Jul 43</b>	<b>None</b>	<b>30 May 43</b>	<b>ETO</b>	<b>19 Jun 43</b>
37. TOTAL LENGTH OF SERVICE				38. HIGHEST GRADE HELD		
DOMESTIC SERVICE		FOREIGN SERVICE		<b>Unknown</b>		
YEARS	MONTHS	DAYS	YEARS			
<b>3</b>	<b>4</b>	<b>20</b>	<b>1</b>	<b>0</b>	<b>24</b>	<b>24 Jun 43</b>

39. PRIOR SERVICE  
**None**

40. REASON AND AUTHORITY FOR SEPARATION  
**Certificate of Disability Discharge Sec I AR 615-361 Avyd Hq Halloran GH ST NY dated**

41. SERVICE SCHOOLS ATTENDED <b>P-40 Specialty School-Buffalo, New York - 5 wks. ACTS, Chanute Fld, Ill. 18 - weeks. AAFOS Tyndall Fld, Fla. 5 - weeks.</b>			42. EDUCATION (Months) Elementary: <b>8</b> High School: <b>2</b> College: <b>0</b>
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**INSURANCE NOTICE**

43. BASIS OF INSURANCE <input checked="" type="checkbox"/> U.S. Govt. <input type="checkbox"/> Other								44. HOW PAID <input checked="" type="checkbox"/> Allowment <input type="checkbox"/> Direct in V. S.		45. Excluding Basis of Allowment Discontinuance		46. Date of Next Premium Due (One month after 30)		47. PREMIUM DUE EACH MONTH <b>6.50</b>		48. INTENTION OF VETERAN TO <input type="checkbox"/> Continue <input type="checkbox"/> Continue Only <input checked="" type="checkbox"/> Discontinue	
49. Waiver of Prem <b>31 May 46</b>																	

RIGHT INDEX PRINT	50. REMARKS (This space for completion of above items or entry of other items specified in W. D. Directives) <b>No time lost under AW # 107. Lapel Button and Emblem Issued. * 25 May 1946.</b>		
	51. SIGNATURE OF PERSON BEING SEPARATED <i>Charles V. Failla</i>		
52. PERSONNEL OFFICER (Type name, grade and organization) <b>FOLEY D. WOODS 1ST LT MAC</b>			

# Army of the United States



## SEPARATION QUALIFICATION RECORD

SAVE THIS FORM. IT WILL NOT BE REPLACED IF LOST

This record of job assignments and special training received in the Army is furnished to the soldier when he leaves the service. In its preparation, information is taken from available Army records and supplemented by personal interview. The information about civilian education and work experience is based on the individual's own statements. The veteran may present this document to former employers, prospective employers, representatives of schools or colleges, or use it in any other way that may prove beneficial to him.

1. LAST NAME—FIRST NAME—MIDDLE INITIAL			MILITARY OCCUPATIONAL ASSIGNMENTS		
FAILLA, CHARLES V.			10 MONTHS	11. GRADE	12. MILITARY OCCUPATIONAL SPECIALTY
2. ARMY SERIAL NO.	3. GRADE	4. SOCIAL SECURITY NO.	1	FVT	Basic Training (521)
12 036 616	S/SGT	-	19	S/SGT	Airplane and Engine Mechanic (747)
5. PERMANENT MAILING ADDRESS (Street, City, County, State)			28	S/SGT	Airplane Mechanic Gunner (748)
239 East 222nd Street Bronx, 67, New York			8	S/SGT	Airplane Line Chief (750)
6. DATE OF ENTRY INTO ACTIVE SERVICE	7. DATE OF SEPARATION	8. DATE OF BIRTH			
14 Dec 1941	27 May 1946	10 Feb 1922			
9. PLACE OF SEPARATION					
HALLORAN GH, SI, N.Y.					

### SUMMARY OF MILITARY OCCUPATIONS

10. TITLE—DESCRIPTION—RELATED CIVILIAN OCCUPATION

**AIRPLANE LINE CHIEF**—Served with 23rd Base Hq., and Air Base Squadron in Puerto, Rico. Was in complete charge of repair, maintenance and inspection of all transit aircraft. Supervised three crews of mechanics, about 50 men. Inspected runways for defects, Also runway lights, plane parking areas. Kept records on all planes serviced or staying over night. Made out efficiency reports and recommendations for promotions.

**AIRPLANE MECHANIC GUNNER**—Served with 714th Bomb Squadron, 448th Bomb Group, 8th Air Force in England. Flew combat missions, B-24's over Germany, France and Belgium. Received the Purple Heart for wounds sustained from enemy flak while on mission over Brunswick, Germany. Duties were to maintain proper functioning of plane controls and engines. Also operated .50 cal. machine gun.

MILITARY EDUCATION

14. NAME OR TYPE OF SCHOOL—COURSE OR CURRICULUM—DURATION—DESCRIPTION

Air Corps Technical School, Chaunte Field, Ill. Airplane Mechanics course, 12 weeks, 50 hrs. per wk. Course included Theory and Practical work on all types of Aircraft and Aircraft Engines. Used all types of Hand Tools, lathes, Drill Press, etc.

Curtis-Wright Service School, Buffalo, New York P-40 Specialist course, 6 weeks, 50 hrs. per wk. Course covered Repair and Maintenance of P-40 Plane and Engine.

CIVILIAN EDUCATION

17. NAME, GRADE, COURSE, YEAR LEFT		18. COURSE—NAME AND ADDRESS OF SCHOOL—DATE		19. DURATION
Haaren High School New York, New York				
15. MAJOR COURSE OF STUDY				
Airplane Mechanics				

CIVILIAN OCCUPATIONS

22. TITLE—NAME AND ADDRESS OF EMPLOYER—INCLUDE: Y DATES—DESCRIPTION

TURRET LATHE OPERATOR —Employed by Horni Signal Mfg. Co., 575 Greenwich Street, New York. Did general machine shop work making traffic stop lights, fire control boxes, etc. Also operated drill press, punch, press, grinder. Did all types of mechanical assembling.

ADDITIONAL INFORMATION

23. REMARKS

Was awarded the European Theatre of Operations ribbon with one battle star, the Purple Heart, Air Medal, one Oak Leaf Cluster, Good Conduct Medal, American Theatre Ribbon and the Victory Medal.

24. SIGNATURE OF PERSON BEING SEPARATED <i>Charles L. Latta</i>	25. SIGNATURE OF SEPARATION CLASSIFICATION OFFICER <i>Kenneth D. Jordan</i>	26. NAME OF OFFICER (Typed or Stamped) Kenneth D. Jordan 101-11
--	--	---

# United States Army



## Air Corps Technical School

*Be it known that*

Private Charles V. Yalla, 12036816,  
Attached ABYTC Unassigned,

*has satisfactorily completed the course for*

### Airplane Mechanics

*as prescribed by the Air Corps Technical School and Given at*

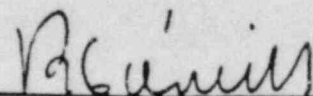
**Chanute Field, Illinois.**

*In testimony whereof and by virtue of vested authority I  
do confer upon him this*

## —=====DIPLOMA=====

*Given on this*          ninth          day of          May,

*in the year of our Lord one thousand nine hundred and forty-two*

  
Colonel, Army Air Forces

# United States Army



## Army Air Forces

*Be it known that*

CHARLES V. FAILLA

*has satisfactorily completed the course of instruction*

*prescribed for*

*Aerial Gunners (Flexible)*

*at the Army Air Forces Gunnery School.*

*In testimony whereof and by virtue of vested authority*

*I do confer upon him this*

**DIPLOMA**

*Given at Tyndall Field, Fla. this*      *twelfth*      *day*  
*of*      *January*      *in the year of our Lord one thousand*  
*nine hundred and*      *forty-three.*

*Attest*

*C. R. Shearn*

1st Lt., Air Corps,  
Secretary.

*James R. Luper*

Lt. Col., Air Corps,  
Director of Training.

# Curtiss-Wright Corporation

Airplane Division

This diploma is awarded to:

CHARLES V. PAILLA

To certify ~~that~~ he has attended the Curtiss-Wright Service School and has successfully completed a course on the Curtiss-Wright Airplane, P-40E and P-40F.

*Samuel S. Spaulding*  
Director of Service Training

*Frank Mc Gill*  
Service School Co-ordinator

# The Drake High School



## Charles F. Allen

having satisfactorily completed the prescribed course of study for graduation is awarded this

### DIPLOMA

In witness whereof we hereby set our hand and seal

*A. G. O'Brien*  
President

*Frank D. M. ...*  
Vice President and Director

*S. J. O'Brien*  
Principal

August 25, 1948  
Date





1 MR. ZAHNLEUTER: I would like to note that three  
2 copies of the testimony and the corresponding updates  
3 have been submitted to the court reporter.

4 JUDGE LAURENSEN: Let me just inquire, did you  
5 actually amend the testimony by interlineation to make  
6 the corrections, or have you submitted a separate document  
7 concerning page 2 and 3?

8 MR. ZAHNLEUTER: No. I have written on pages 2  
9 and 3 of the copies that I have submitted to the reporter.

10 JUDGE LAURENSEN: Fine.

11 MR. ZAHNLEUTER: At this time, Mr. Failla is  
12 ready for cross-examination.

13 JUDGE LAURENSEN: Mr. Zeugin?

XXXXXXXXX

14 CROSS-EXAMINATION

15 BY MR. ZEUGIN:

16 Q Mr. Failla, could I have you turn first to  
17 your resume that I believe is attachment A to your  
18 testimony?

19 In your resume it states that you were a motor  
20 vehicle inspector with the Department of Transportation  
21 for the state of New York from the period of 1958 through  
22 1983.

23 Do you see that?

24 A I see it.

25 Q As motor vehicle inspector, did your duties

1 include inspecting busses during that period of time?

2 A Yes, they have and they still do.

3 Q Let me have you turn to page 2 of your testimony,  
4 Mr. Failla. I would like to ask you a series of questions  
5 about the table that appears in the middle of that page.

6 As I interpret your testimony, the values that  
7 are presented in the column entitled Committed to  
8 Schools come from LILCO's answer to a Suffolk County  
9 interrogatory; is that correct?

10 A That is correct.

11 Q Did you examine that interrogatory answer in  
12 preparing the values that are listed in that particular  
13 column?

14 A On the companies noted, I believe, yes.

15 (Counsel approaches the witness.)

16 BY MR. ZEUGIN:

17 Q I just provided you with a copy of the  
18 document that LILCO provided to Suffolk County answering  
19 that particular interrogatory.

20 If I could ask you to look at page 4 of that  
21 particular document I have handed you, is that the response  
22 to which you were referring in footnote 1 of your  
23 testimony on page 2 and from which these values came?

24 A Yes, that is where I have gotten the information  
25 from.

1           Q     Mr. Failla, let me read you the first sentence  
2 of that response. It states, "The number of busses  
3 described below are those committed to school districts  
4 by the bus companies from their entire inventory of busses."

5                     How did you interpret, in preparing column 1 to  
6 your testimony, the words "from their entire inventory  
7 of busses"?

8           A     On the Commitment to School, I am assuming?  
9 Is that what you are one?

10          Q     Yes.

11          A     The Total in Service and the Total Committed  
12 to School -- the Committed to School was from the response  
13 from LILCO to Suffolk County. The Total in Service are  
14 from my inspection records that are state records in my  
15 office.

16          Q     Let me try and clarify. What I was trying to  
17 get at is, when you looked at LILCO's response to Suffolk  
18 County Interrogatory No. 3, there is a phrase in the  
19 first sentence of that response that says, "from their  
20 entire inventory of busses."

21                     What I am asking is whether you interpreted  
22 that to mean the busses -- let me use an example,  
23 Huntington Coach Corporation. Did you interpret that to  
24 mean Huntington Coach Corporation by itself, or did you --  
25 as a single entity -- or did you interpret it to include

1 subsidiaries of Huntington Coach Corporation?

2 MR. ZAHNLEUTER: Objection. The witness has not  
3 stated that he has relied on that phrase or interpreted it,  
4 so there is no foundation for the question which is also  
5 complex.

END 2

6 JUDGE LAURENSEN: Overruled.

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1                   WITNESS FAILLA: The contracts that are signed  
2 and submitted to LILCO stipulate Huntington Coach, Inc.  
3 It doesn't stipulate any other coach company. The coach  
4 company shown on the contracts are the coach companies  
5 that I had researched. The count that I showed, Total In  
6 Service, reflects only those companies that in the contract  
7 that I have researched. Any other company I have not  
8 gone to my records for.

9                   BY MR. ZEUGIN: (Continuing)

10                  Q       So I take it from your answer that your assumption,  
11 at least, in using the values that are contained in this  
12 Interrogatory Response was that the words "their entire  
13 inventory of buses" referred only to a single entity,  
14 Huntington Coach, and not to any particular -- and not to a  
15 group, including subsidiaries of that particular company;  
16 is that correct?

17                  MR. ZAHNLEUTER: Objection. It's a mischaracteriza-  
18 tion of Mr. Failla's statement.

19                  JUDGE LAURENSEN: Overruled.

20                  WITNESS FAILLA: It's not an assumption. The  
21 incorporation that shows as Huntington Coach, Incorporated  
22 owned X number of buses, this is the incorporation that I  
23 have researched and used as Total In Service. These are  
24 the only companies that I see that are under contract by  
25 LILCO that I can respond to.

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BY MR. ZEUGIN: (Continuing)

Q I think -- let me just make sure I am clear. You keep using the term "Total In Service," which is the third column of your values. I understand what you are trying to tell me about that.

What I'm trying to get at is your first column, and I'm just simply asking you if the way you interpreted LILCO's Response to Interrogatory Number 3, was that the value of one hundred and seven, let's say, for Huntington Coach, referred only to the bus commitments that Huntington Coach itself and none of its subsidiaries had with schools; is that correct?

A That is correct.

Q Thank you. Let me have you look at the second column of that table, that is "Committed to LILCO."

Could you tell me what the source of those values are?

A (Pause.)

That's LILCO's testimony.

Q I'm sorry. I take it you obtained those particular values from LILCO's testimony; is that the source?

A Yes. I see that they are also the buses contracted. It is LILCO's testimony.

Q Did you review the individual contracts for these

#3-3-SueT

1 seven bus companies to ascertain whether those numbers were  
2 correct before you prepared your testimony?

3 A Yes, I have. The contracts are between the  
4 contractor and LILCO and the amount of vehicles contracted  
5 for are on the contract.

6 Q And so, then, the contracts themselves could  
7 have been the source of the values that are presented in  
8 Column 2?

9 MR. ZAHNLEUTER: Objection. Asked and  
10 answered.

11 JUDGE LAURENSEN: Overruled.

12 WITNESS FAILLA: Yes, they are.

13 BY MR. ZEUGIN: (Continuing)

14 Q Mr. Failla, let's turn now to the third column  
15 of your testimony which is entitled "Total In Service."

16 I guess on Friday of last week, counsel for  
17 New York State supplied all parties, as well as the Board,  
18 with corrections to values that are contained in that  
19 particular column. Could you briefly explain for me the  
20 reason for those particular changes?

21 A Bus transportation is a variable business. There  
22 are buses coming into service, buses coming out of service.

23 If buses are permanently taken out of service  
24 that would reduce the number in the man's fleet. If a  
25 vehicle is added to service, owned by the contractor, the

#3-4-SueT

1 vehicle number count will go up, increase, accordingly to  
2 the amount of vehicles that come into service.

3 It is that fluctuation that brings those numbers  
4 up and down.

5 Q Let me try and restate what I think you just  
6 answered me, and tell me if I'm wrong. I'm not trying to  
7 put words in your mouth.

8 I take it the big difference between the values  
9 that were in the original testimony as compared to the  
10 current values are the difference between the New York  
11 State records as of early March 1984 as compared now to  
12 late May 1984; is that correct?

13 A My office records are a duplication of the field  
14 records that each individual inspector has in the field.  
15 My office records are constantly being updated by the in-  
16 formation supplied to me from the inspector in the field.

17 The situation is that, that's the variable.

18 Q It is my understanding from your earlier  
19 testimony today, as well as from Footnote 1, that the source  
20 of the values that are presented in the column that is  
21 entitled "Total In Service" were the New York State bus  
22 inspection records; is that correct?

23 A That is correct.

24 Q Mr. Failla, let me ask you to look at a document  
25 that I had earlier today marked LILCO Exhibit EP-48. I



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1 guess for everyone's clarification, given the Board's ruling  
2 earlier this morning, it should have been labeled 49 rather  
3 than 48.

4 And I ask everyone to make that change.

5 Do you have that document in front of you?

6 A I have it.

7 Q Do you recognize the documents that are contained  
8 in LILCO Exhibit EP-49?

9 A That is 48 or 49? I have 48 on mine.

10 Q I think it's now 49, given the Board's earlier  
11 ruling today. So I will refer to it as 49.

12 A That has been updated.

13 Q All right. Could you explain to me what you mean  
14 by "has been updated?"

15 A I'm referring to LILCO EP-48 to LILCO EP-49.

16 Q Okay. Do you recognize the documents that are  
17 contained in LILCO EP-49?

18 A Yes, I do.

19 Q Could you tell me what those documents are?

20 A This is an MC-19 sheet which records an  
21 operator's vehicle by number, year, chassis, body, type  
22 of service, capacity in adult and children, and the vehicle  
23 serial number.

24 You will also see the operator's name and address,  
25 phone number and whatever the pertinent information that

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the field inspector may have or need.

1           Q       Are these documents that are presented in LILCO  
2 Exhibit EP-49 the New York State inspection records that were  
3 used to prepare the values that are contained in the third  
4 column of the Table on Page 2 of your testimony?

5           A       They are.

6           Q       In preparing column 3, I take it -- let me give  
7 you an example, for Starlite Bus Company, you simply counted  
8 the number of buses that are listed on that inspection sheet  
9 have a bus capacity of at least forty adults, is that  
10 correct?

11          A       That is correct.

12          Q       So, if a bus had a capacity of less than forty  
13 adults you would not have included it in the count?

14          A       Anything under forty adult capacity was not  
15 included in the count.

16          Q       And I take it also from your earlier testimony  
17 that the values presented in Column 3 are only for the  
18 specific company that is listed in the column headed, 'Company'  
19 on the left, is that correct?

20          A       That is correct.

21          Q       You made no effort to attempt to determine  
22 subsidiaries of the various companies listed on the left, and  
23 include those buses in the total in service, is that correct?

24               MR. ZAHNLEUTER: Objection. Asked and answered.

25               JUDGE LAURENSEN: Overruled.

1                   WITNESS FAILLA: I have only been asked to calculate  
2 and research the seven companies that have been given to me,  
3 and these were the seven companies that LILCO gave information  
4 on.

5                   No other company has been given, and no other  
6 information has been given for me to research.

7                   BY MR. ZEUGIN: (Continuing)

8                   Q       Mr. Failla, you said you were asked to research  
9 the seven companies provided by LILCO. Were you instructed  
10 not to consider subsidiaries of those companies that you  
11 may know of?

12                   MR. ZAHNLEUTER: Objection. This is attorney/  
13 client privilege matter.

14                   MR. MILLER: Judge Laurenson, I will add an  
15 objection from the County. This line of questioning is  
16 irrelevant to the issue before the Board. As Mr. Failla  
17 has testified, he looked at LILCO testimony and the contracts,  
18 the bus contracts between LILCO and particular bus companies  
19 in deriving his figures as set forth in this testimony.

20                   There is no statement anywhere in these contracts  
21 regarding subsidiary companies, and I don't see the relevancy  
22 of this line of questions.

23                   The contracts between the bus companies and LILCO  
24 and this line of questioning regarding subsidiary companies,  
25 there is no foundation for it and it is irrelevant to the

1 witness' testimony.

2 JUDGE LAURENSEN: Let me go back to Mr. Zahnleuter's  
3 question of privilege. Are you still raising attorney/client  
4 privilege? I think we should hear about that, and explain  
5 to us how you feel that the response to this question could  
6 be privileged?

7 MR. ZAHNLEUTER: Mr. Zeugin's questions asked what  
8 my instructions were to the State's witness while we were  
9 preparing this testimony. That is attorney/client privilege.  
10 We conferred and we decided what the testimony should be.

11 JUDGE LAURENSEN: This was a request as to what  
12 the witness was supposed to prepare for a table that is in  
13 evidence here. It is not -- he is not inquiring into any  
14 advice, legal advice you may have given the witness, I don't  
15 think.

16 MR. ZAHNLEUTER: In that regard I would disagree.  
17 The question that Mr. Zeugin asked did not ask about the table  
18 or the buses that are in the table. His question was directed  
19 to the subsidiary companies, which do not appear at all in  
20 the testimony.

21 JUDGE LAURENSEN: As I recall, the question was  
22 whether Mr. Failla was instructed to disregard subsidiary  
23 companies which he may know about in tabulating these  
24 figures. I just don't see that that raises any question of  
25 attorney/client privilege.

1 The objections are overruled.

2 WITNESS FAILLA: No, I have not been instructed  
3 as you just asked.

4 BY MR. ZEUGIN: (Continuing)

5 Q I take it then in preparing your testimony, from  
6 your review, you disregarded any knowledge you may have about  
7 how bus companies on Long Island are organized, and how  
8 buses may be stored and given yards, or how various owners  
9 may set up their bus holdings, is that correct?

10 A What do you mean by, 'disregard?'

11 Q I guess what I am asking is: Did you narrowly  
12 focus, given your belief that the contracts were with only  
13 a single company -- and let me give you an example named  
14 Huntington Coach. Did you focus solely on looking at the  
15 listing that New York State has for Huntington Coach, and  
16 not refer back to any independent knowledge you may have had  
17 regarding how Huntington Coach and any other bus company that  
18 may be owned by the same person who owns Huntington Coach  
19 operates.

20 MR. ZAHNLEUTER: Objection. Asked and answered.

21 JUDGE LAURENSEN: Sustained. Now, to clarify  
22 that, it wasn't asked about Huntington Coach, but the question  
23 was asked about all the bus companies that he listed, so we  
24 have to assume that the answer is the same, and there is no  
25 point in repeating it.

1 BY MR. ZEUGIN: (Continuing)

2 Q Mr. Failla, in your years of inspecting buses,  
3 have you ever inspected buses belonging to Huntington Coach?

4 A As a motor vehicle inspector, I never did have  
5 the opportunity to inspect Huntington Coach. My assigned  
6 area was always the east end of Long Island.

7 As a supervisory motor vehicle inspector, I have  
8 had the opportunity of being on the property of Huntington  
9 Coach, but not to inspect their vehicles but to supervise,  
10 and supervisory duties only.

11 Q In your trips to Huntington Coach's property in  
12 your supervisory capabilities, did you notice that buses  
13 bearing other bus company names than Huntington Coach were  
14 stored on that property?

15 MR. MILLER: Objection, Judge Laurenson. Again,  
16 I want to raise my objection to relevancy.

17 We are here to talk about the issue of buses under  
18 contract to LILCO. Whether a particular bus company that  
19 LILCO may have a contract with happens to store buses from  
20 some other bus company on its lot, what is the relevancy?

21 JUDGE LAURENSEN: I think Mr. Miller is correct,  
22 unless you can make some showing as to how this is tied up  
23 to the testimony Mr. Failla has submitted.

24 MR. ZEUGIN: I think, Judge Laurenson, I would  
25 proffer for the record that numerous bus companies on Long

1 Island operate under a variety of names.

2 Bus company owners -- the single owner in virtually  
3 every case owns all of the buses under whatever name they  
4 may appear under. That the understanding of those bus  
5 companies with LILCO is that all of those buses, regardless  
6 of their name, are under contract to LILCO. What I am  
7 trying -- and I know it's difficult for me to establish  
8 under Mr. Failla, I cannot do that, I will offer at the  
9 end of this particular testimony, to offer a LILCO witness  
10 who will present that evidence.

11 That is really what I am getting into, and what  
12 I am getting into is that Mr. Failla was basically aware  
13 of the fact that buses of different names are stored at the  
14 same yard, and at least I would think have some idea as a  
15 bus inspector that those buses were all commonly owned by  
16 a single person. That is really the focus of my question.

17 JUDGE LAURENSEN: But that is not the question  
18 you have asked. The question is storage on the lots, and  
19 that doesn't produce anything relevant to the proffer that  
20 you just made.

21 Now, whether he has information concerning the  
22 ownership of other buses might be another matter, but the  
23 objection is sustained.

24 BY MR. ZEUGIN: (Continuing)

25 Q Mr. Failla, in your dealings with Huntington Coach



1 Corporation, are you aware of who owns that particular  
2 company?

3 A If you mean who is President of the Incorporation,  
4 I am.

5 Q Who is that, sir?

6 A That would be Kenneth Clifford.

7 Q To your knowledge, does Mr. Clifford own any other  
8 bus companies?

9 A I would say he is President of several other  
10 bus companies.

11 Q Could you give me the names of those companies?

12 MR. MILLER: Judge Laurenson, I am going to raise  
13 my relevancy objection again. If Counsel for LILCO is  
14 prepared to represent that these other bus companies have  
15 contracts with LILCO, that is one thing. If we are simply  
16 asking for all the bus companies this gentleman may own,  
17 whether or not they have contracts with LILCO, there is no  
18 foundation in the record. No basis in the record. It is  
19 not relevant to this testimony.

20 JUDGE LAURENSEN: Again, I think Mr. Miller is  
21 correct. The question that you asked as to the ownership  
22 of other companies by the President of one bus company doesn't  
23 establish anything.

24 Objection is sustained.

25 BY MR. ZEUGIN: (Continuing)

1 Q Mr. Failla, let me have you look at page 7 of  
2 LILCO Exhibit EP-49. I am sorry. I have the wrong page.  
3 Page 9. Do you have that page in front of you, sir?

4 A I have the page open in front of me.

5 Q Could you look under the column headed: Operator's  
6 Name, Address. Do you see the two entries, the first reading,  
7 inspect at Suburbia Bus Corp, Middle Island. and then a  
8 telephone number. Operated out of that location.

9 And then under that, another note saying: Note:  
10 Above buses owned by Suburbia Corporation not included in  
11 vehicle count.

12 Do you see those two statements?

13 A I see it.

14 Q Do you recognize the handwriting of either of  
15 those statements, or both?

16 A I do.

17 Q Are they your handwriting. sir?

18 A Under Note: Above buses owned by Suburbia  
19 Bus Corporation, not included in vehicle count, is my  
20 handwriting.

21 Q If it is your belief, Mr. Failla, that those buses  
22 are owned by Suburbia Bus Corporation, why didn't you  
23 include them in your count for buses owned by Suburbia  
24 Bus Corporation?

25 A Better Bus Company, Incorporated, is an incorporator

1 in itself. It is not what I have seen on any contract, and  
2 I did not count them into a vehicle count for Suburbia Bus.

3 Suburbia Bus represents an independent incorporation.

4 Q Could you explain for me, then, what you mean by,  
5 'above buses owned by Suburbia Bus Corporation.'

6 A That, as I stated earlier, the information written  
7 on this nineteen sheet is for the inspector's information  
8 in the field. It identifies where a vehicle is brought in  
9 for inspection at that convenient location. It also shows  
10 that Better Bus Company, Incorporated, is using the same  
11 property as Suburbia Bus Corporation, even though the  
12 Presidents are the same individual, they are two separate  
13 incorporations.

14 Q I guess I am still confused. I am not sure you  
15 answered my last question, which is why did you use the  
16 term, 'owned by Suburbia Bus Corporation' to describe that  
17 relationship that you just explained to me?

18 MR. ZAHNLEUTER: Objection. Asked and answered.

19 JUDGE LAURENSEN: Overruled.

20 WITNESS FAILLA: The incorporation has a President  
21 that is the same individual. He could be the President of  
22 various incorporations, but the incorporation itself is what  
23 I looked into, not the individual.

24 BY MR. ZEUGIN: (Continuing)

25 Q Let me have you look now, Mr. Failla, at the last

1 column, the Table that appears on page 2 of your testimony.

2 I take it that the values that appear in that  
3 column were produced by subtracting the number of buses  
4 committed to schools from the total number of buses that  
5 appear in service, that appear in Column 3 of your testimony,  
6 is that correct?

7 A Pass that by me again, please.

8 Q Okay. Let me try it a little bit differently. To  
9 get the value that is reported in Table -- in Column 4, did  
10 you subtract the values that is reported in Column 1 from the  
11 value that is reported in Column 3?

12 A That is correct.

13 Q Okay. Mr. Failla, let me have you look at  
14 Footnote 1 of your testimony. In that footnote, you have  
15 a statement: Educational Bus Transportation and Huntington  
16 Coach are able to satisfy their service demand by staggering  
17 the number of buses used at one time during peak service.

18 Do you see that statement?

19 A I do.

20 Q What is the basis for that particular statement?

21 A Various routes contractors serve can service one  
22 or two schools under different contracts. It has been known  
23 to be done where an operator has X number of buses, which  
24 is under the amount that is required if he supplied individual  
25 buses to each school.

1           In other words, one bus can fulfill two contracts.  
2           What I say on that, by picking up students from two different  
3           schools, and delivering them enroute as a multi-service for  
4           that one particular bus.

5           Q       Did you contact the bus companies to ascertain  
6           whether that conclusion is correct?

7           A       No, I had not.

8           Q       So that was merely a conclusion you drew from your  
9           own knowledge of the way school bus operations work in  
10          Suffolk County?

11          A       It is an assumption on my part.

12          MR. ZEUGIN: Judge Laurenson, I have no further  
13          questions.

14          JUDGE LAURENSON: Mr. Miller?

15          CROSS EXAMINATION

16          BY MR. MILLER:

17          Q       Mr. Failla, will you look please at page 2 to  
18          your testimony, and I would like to try to clarify what  
19          was meant by you when you wrote your testimony regarding  
20          some of these headings of the columns in your Table on page 2.

21                 Could you tell me first of all the column in the  
22          middle of the page, which is headed: Total in Service.

23                 Do your figures in that column include buses  
24          which are temporarily out of service?

25          A       The count, Total in Service, includes any vehicle

1 potentially ready for service.

2 By that, I mean any buses that the company has  
3 not sold or taken permanently out of service.

End 4.  
Reb fols.

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1 Q I take it then, sir, that busses temporarily  
2 out of service are included in your figures in that  
3 column; is that correct?

4 A Yes, it is.

5 Q And you excluded the busses that were or that  
6 have been permanently taken out of service, correct?

7 A That is correct. That will reduce the count.

8 Q Is it fair to say, Mr. Failla, that the only  
9 busses excluded from your figures are those that have  
10 been permanently taken out of service?

11 A That is correct.

12 Q And Mr. Failla, back to this issue of the  
13 seven bus companies which you reviewed. Your testimony  
14 states that you looked at seven of 12 bus companies which  
15 LILCO has agreements with.

16 Now, could you please explain to me why you  
17 looked at just seven of 12 bus companies?

18 A To arrive on busses available for LILCO's use  
19 I would have to know figures that are Committed to School,  
20 and that figure is taken from LILCO's response.

21 Q Is that the response referred to in footnote  
22 1 on page 2?

23 A That is correct.

24 Q So is it fair to say, Mr. Failla, that you relied  
25 on the information provided to you by LILCO?

1 A Solely.

2 Q Mr. Failla, had you reviewed the bus contract  
3 between LILCO and Huntington Bus Company?

4 A Yes, I have.

5 Q Is it actually Huntington Coach, Inc.; is that  
6 correct?

7 A That is correct.

8 Q Do you know, Mr. Failla, whether LILCO's contract  
9 that you have reviewed is with Huntington Coach, Inc.  
10 or with Kenneth Clark, its president?

11 A Off the top of my head, I would say it is  
12 Huntington Coach, but let me look it up and give you an  
13 accurate answer.

14 (Pause.)

15 LILCO's contract is with Huntington Coach  
16 Corporation.

17 MR. MILLER: Thank you.

18 Judge Laurenson, we have no further questions.

19 JUDGE LAURENSEN: Mr. Bordenick?

20 CROSS-EXAMINATION

21 BY MR. BORDENICK:

22 Q Mr. Failla, would you look at page 2 of your  
23 testimony, please. You have a sentence that begins at  
24 the top of the page. Let me read it.

25 "However, it is my understanding that LILCO's



1 bus company agreements provide that each bus company's  
2 obligation to provide busses to LILCO is subject to its  
3 obligations to provide busses to the schools and school  
4 districts with which it has contracts."

5 I would like to ask you a few questions on that  
6 sentence.

7 First of all, what is your understanding based on?

8 A It is based on the contracts that LILCO and  
9 the school contractor signed is subject to first commitment  
10 school district contracts.

11 Q Would you repeat that? I missed a few words  
12 in there.

13 A I said it is subject to the contracts that LILCO  
14 and the school contractor signed, subject to the commitment  
15 to the school contractor's contract with the school  
16 district first.

17 Am I going around you, or shall I come at you  
18 again?

19 Q Let me try another question.

20 You are talking about contracts between schools  
21 and these various bus companies; is that essentially  
22 what you are saying?

23 A The school contractors are contractors that  
24 have contracts with the school districts, yes.

25 Q Did you personally examine these contracts that

1 you are talking about?

2 A School contracts?

3 Q Yes.

4 A No, I have not.

5 Q How do you know they say what you say they say?

6 A LILCO's testimony. I have relied strictly on  
7 your source.

8 Q Where you talk about bus company's obligation  
9 to provide busses to LILCO is subject to its -- its  
10 being the bus company's obligations to provide busses to  
11 the schools and school districts with which it has  
12 contracts, do you know if any of the schools and school  
13 districts that you are referring to in this sentence are  
14 located within the EPZ, the Shoreham EPZ?

15 A What are the boundaries of the EPZ?

16 Q Let me ask you the question, are you familiar  
17 with the boundaries of the --

18 A No, I am not.

19 Q Then I will withdraw my previous question.

20 MR. BORDENICK: Judge Laurensen, I have no further  
21 questions for this witness.

22 JUDGE LAURENSEN: Before we start redirect,  
23 I just had a question of clarification.

24 XXXXXXXX

BOARD EXAMINATION

25 BY JUDGE LAURENSEN:

1           Q     That is, Mr. Zeugin asked you about page 9 of this  
2 attachment 49. Without going through it page by page,  
3 let me just inquire if there are other bus companies listed  
4 in this seven that you know own busses listed under other  
5 names in this attached exhibit or in this exhibit, No. 49?

6           A     Judge, various bus incorporations have other  
7 incorporations for tax purposes. This almost a well-known  
8 factor in the field. Some of them are leasing companies.  
9 Other are just tax purpose companies. Other are additional  
10 bus companies.

11                     Still each individual incorporation is an  
12 incorporation, and my records show it -- my MC19s show it.  
13 My MC2A which ascribes bus show it as individual corporations.  
14 If Better Bus Incorporation owns a vehicle, it is listed  
15 in our files as a prescriptive statement under Better  
16 Bus Incorporation.

17                     If a Better Bus Incorporation bus is taken  
18 out of service, the MC19 sheets which you see here on this  
19 LILCO EP49, it would be deleted from Better Bus Company  
20 Incorporation, not Suburbia Bus or any other incorporation.  
21 Each incorporation is a school contractor or a contract  
22 carrier or whatever it may be.

23           Q     Let me just ask then why it is, on page 9 here,  
24 that these busses are all listed under Better Bus Company  
25 when, according to your note, they are owned by a different

1 company?

2 A Because the president, the individual is the  
3 president of Suburbia Bus Corporation and is also the  
4 president of Better Bus Company. And if you will see  
5 here, Owner, Bruce Acker, Tower Hill Road, Shoreham,  
6 New York, under his incorporation, I would assume that  
7 Bruce Acker would show as president as for Better Bus  
8 Company Incorporation and also as president for Suburbia  
9 Bus Corporation.

10 Q I am still not sure why these busses are listed  
11 under Better Bus Company if they are owned by a different  
12 company.

13 A Better Bus Company Incorporation is the  
14 operator. And state law says that the operator must be  
15 shown on the side of a vehicle.

16 The incorporation, there again we go. The  
17 incorporation makes it an independent entity.

18 JUDGE LAURENSEN: I understand. Thank you.  
19 Mr. Zahnleuter?

20 MR. ZAHNLEUTER: May I take a minute?

21 (Pause.)

XXXXXX

22 REDIRECT EXAMINATION

23 BY MR. ZAHNLEUTER:

24 Q Mr. Failla, I would like to show you the  
25 contract that is appended to LILCO's testimony that is

1 between LILCO and Huntington Coach Corporation.

2 (Counsel approaches the witness.)

3 I refer you to page 4 of that contract. Is  
4 that the basis for your testimony on page 2 which  
5 describes your understanding of LILCO's bus agreements  
6 and the commitments to schools?

7 (Pause.)

8 A Yes, it is.

9 Q Could you tell us which words there are the basis  
10 for that understanding?

11 A Well, the entire paragraph, but the sentence  
12 that says, And for providing X number of vans, all  
13 subject, however, to the prior rights of the local  
14 school districts under contracts with the contractor  
15 in the unlikely event of an accident at the Shoreham  
16 Nuclear Power Station.

17 Q With respect to the Better Bus Company and  
18 Suburbia Bus Company, do you treat these two companies  
19 as two companies for inspection purposes or as one company?

20 A Two independent companies.

21 Judge, how about a three-minute recess?

22 MR. ZAHNLEUTER: Maybe it would be a good time  
23 for the morning recess.

24 JUDGE LAURENSEN: Let's limit it to ten minutes  
25 this time.

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(Recess.)

JUDGE LAURENSEN: Mr. Zahnleuter, is there any further redirect examination?

MR. ZAHNLEUTER: I have no other questions.

JUDGE LAURENSEN: Are there any further questions for Mr. Failla?

MR. ZEUGIN: No, Judge Laurenson.

MR. MILLER: I just have one question based upon your questions to Mr. Failla.

XXXXX

RE-CROSS-EXAMINATION

BY MR. MILLER:

Q Could you look, please, at page 9 of LILCO Exhibit 49. Judge Laurenson was asking you about this page.

Is it fair to say, sir, that the only thing that this page of your records shows is that Mr. Acker is the owner or an official of both the Suburbia Bus Corporation and Better Bus Company, Inc.?

A He is an official of both incorporations, yes. Mostly, as I stated earlier, on this MC19 sheet, where it says Operator's Name and Address, then usually the field inspector puts down there information that he relies on when he is out on the field. It is an information column more or less.

It will give if an operator has a pit lift or a

1 ramp or his telephone number or if he doesn't have  
2 facilities where that operator is inspected at.

3 It is informative to the MVI in the field. And  
4 MVI is motor vehicle inspector.

5 Q Is it fair to say then, sir, that this information  
6 is logged on your forms as it is stated on page 9,  
7 for example, for the convenience of your office?

8 A For the convenience of the office and the field  
9 inspector, yes.

10 MR. MILLER: Thank you.

11 JUDGE LAURENSEN: Any other questions for  
12 Mr. Failla?

13 (No response.)

14 JUDGE LAURENSEN: Thank you, Mr. Failla.  
15 You are excused as a witness.

16 THE WITNESS: Thank you, Judge. And thank you  
17 for the recess.

18 (The witness stood down.)

19 JUDGE LAURENSEN: This doesn't complete the  
20 contention or cluster 13, rather, because we have testimony  
21 specifically scheduled next Tuesday, I believe. But is  
22 there -- there was an earlier statement by Mr. Zeugin  
23 about some rebuttal testimony.

24 MR. ZEUGIN: Yes, Judge Laurensen. LILCO  
25 would move to submit rebuttal testimony that would be

1 directed exclusively to Mr. Failla's testimony that  
2 has just been introduced.

3 While we are aware of the fact that some  
4 testimony will go to school contentions next week, we  
5 believe that now is probably the best time to address this  
6 particular rebuttal testimony because, as I said, it is  
7 exclusive to Mr. Failla's testimony.

8 The reasons we would like to submit this testimony  
9 are basically three-fold; the first being, Mr. Failla  
10 has this morning stated his understanding of an answer that  
11 LILCO provided in response to Suffolk County Interrogatory  
12 No. 3 of August 19, 1983, and his interpretation of  
13 language that is contained in that answer. LILCO would  
14 like to provide its understanding, its thoughts when it  
15 supplied that answer which it believes are very different  
16 than those of Mr. Failla.

17 Second, we have heard this morning also Mr. Failla  
18 give his understanding of LILCO contracts with a number of  
19 companies, using one as an example, Huntington Coach  
20 Corporation, and his assumptions given the number of  
21 busses that each of those corporations could commit in a  
22 given contract. LILCO would like to submit additional  
23 testimony on the negotiations and the understandings that  
24 went into the contracts that have already been submitted  
25 as exhibits to LILCO's testimony on contention 24.F.



1                   And finally, LILCO would like to submit  
2 testimony regarding the column entitled Total in Service  
3 based on the testimony, really, of the other two points  
4 that we were going to discuss earlier which is the number  
5 of busses, basically, that the various companies that  
6 are listed on the table on page 2 of Mr. Failla's testimony  
7 felt they were committing and the number of busses they  
8 felt in their own mind they had available to commit.

9                   That would be the scope of LILCO's rebuttal  
10 testimony. LILCO believes it is relevant to important  
11 points that were raised in Mr. Failla's testimony.

12                   The testimony is not cumulative of other testimony  
13 in the record. And since it is responsive to Mr. Failla's  
14 testimony and his understanding of documents that LILCO  
15 has provided, the testimony could not have been filed at  
16 an earlier point in time.

17                   JUDGE LAURENSEN: Who is going to supply this  
18 testimony?

19                   MR. ZEUGIN: The testimony will be supplied  
20 orally by Mrs. Robinson who is a witness on contention 24.F.

21                   JUDGE LAURENSEN: Is there any objection to this  
22 request to submit rebuttal testimony?

23                   MR. MILLER: Judge Laurenson, before we go  
24 into objections to Mr. Zeugin's offer for rebuttal  
25 testimony, could we request a clarification of the third

1 point? I simply didn't understand Mr. Zeugin's arguments  
2 on the third point offered by LILCO.

3 MR. ZEUGIN: The third point is basically  
4 testimony that would address the column entitled  
5 Total in Service. It would present information based on  
6 New York State records that are contained in LILCO Exhibit  
7 EP49 but would include not only the named company  
8 that Mr. Failla has limited his count to but also other  
9 entities that it was the assumption -- and we will attempt  
10 to show this on testimony -- were the assumption of the  
11 companies that were committing busses under given  
12 agreements that LILCO has with these bus companies.

13 MR. ZAHNLEUTER: I would like to make a statement  
14 in opposition to that motion.

15 For one thing, I think this would be the most  
16 opportune time to present rebuttal testimony, if we were  
17 going to do it. I would not disagree with that.

18 But I would disagree with the other three points  
19 that Mr. Zeugin raised.

20 His first point was that the LILCO witness  
21 intended to rebut Mr. Failla's interpretation of a  
22 LILCO response to a Suffolk County interrogatory. The  
23 interrogatory was presumably written by LILCO  
24 lawyers and the interpretation was certainly Mr. Failla's.  
25 I don't see how a LILCO witness would be able to rebut what

1 the thought process was in Mr. Failla's mind.

2 With respect to the second point about Huntington  
3 Coach and the background negotiations that went into that  
4 agreement, I think that it is fair to say that this is  
5 cumulative testimony because the contracts have been  
6 admitted into evidence under contention 24. The witnesses  
7 have been here already and they have testified concerning  
8 the evolution of those contracts.

9 The contracts say Huntington Coach. They identify  
10 no other company. I don't see what more could be added to  
11 what the contracts already have on the face of them.

12 With respect to the third point about the Total  
13 in Service column, the contracts do not include these  
14 companies, do not include the subsidiary companies at all.  
15 So my argument would be the same. But I would also  
16 note that if testimony is going to be admitted for the  
17 number of busses that are in service for a subsidiary  
18 company that does not appear on the face of the contract,  
19 there is other information that also must be admitted  
20 somewhere along the way.

21 That information is, of those other busses of the  
22 subsidiary, how many are committed to schools and how many  
23 are committed to LIICO.

24 Mr. Failla's sources of information are nothing  
25 more than LILCO's information. I think that LILCO should be

1 required to stand by what it has stated in its contracts  
2 in its testimony and in its responses to its interrogatories  
3 and not be allowed to change any facts or figures at this  
4 time.

5 So I would oppose the rebuttal motion.

6 MR. MILLER: The county would also oppose LILCO's  
7 motion to submit rebuttal testimony. The county fully  
8 supports the arguments made by the state of New York.

9 Briefly, Mr. Zahnleuter exactly expresses the  
10 issue where he says that a LILCO witness cannot testify  
11 as to the interpretation that has been given to an agreement  
12 by Mr. Failla as the witness for the state of New York.  
13 There is nothing to rebut in that respect.

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1                   Number Two. With respect to Mr. Failla's  
2 understanding of the LILCO bus contracts and his assumptions  
3 as to the availability of the buses, Mr. Zeugin's own  
4 arguments are convincing in that what LILCO again attempts  
5 to offer this Board is supplemental testimony. It is not  
6 rebuttal testimony; there is nothing to rebut.

7                   Negotiations that may or may not have taken  
8 place between LILCO and the bus companies are not the issue  
9 here. The issue are the bus contracts that have been admit-  
10 ted into the record of this proceeding. Those contracts  
11 show agreements between LILCO and particular bus companies.

12                   Not only is it cumulative to enter the rebuttal  
13 testimony offered by Mr. Zeugin, it's irrelevant. The  
14 contracts speak for themselves. Those contracts do not  
15 include in any way, shape or form subsidiary bus companies.

16                   Thirdly, Judge Laurenson, the comments regarding  
17 the Total In Service column is very similar to the second  
18 point offered by Mr. Zeugin. If LILCO intended to include  
19 any bus companies other than the particular bus companies  
20 they contracted with, that should have been stated in the  
21 contract. LILCO again offers to the Board to supplement  
22 the testimony.

23                   This is not the proper way to do so. They have  
24 not filed a motion; they have not shown any good cause for  
25 supplementing their testimony. There is nothing to rebut on

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1 the record through Mr. Failla and the testimony offered to  
2 this Board today.

3 And for that reason, the County would oppose  
4 LILCO's motion.

5 JUDGE LAURENSEN: Does the Staff wish to be  
6 heard on this?

7 MR. BORDENICK: Only to say that we have no  
8 objection to LILCO's request.

9 JUDGE LAURENSEN: All right. We will consider  
10 this request and we will be right back.

11 (Short recess while the Board confers.)

12 JUDGE LAURENSEN: We have considered the LILCO  
13 request to submit rebuttal testimony in response to Mr.  
14 Failla's testimony and the objections of the State and  
15 County to that request. Since there are really three  
16 separate matters addressed here, we will take them one by  
17 one.

18 First, the offer to submit rebuttal testimony had  
19 to do with Mr. Failla's interpretation of the LILCO Interroga-  
20 tory. We reject this request. We deny it because it does  
21 not meet our test for the admission of rebuttal testimony as  
22 submitting relevant evidence to the important point in the --  
23 of decisional importance in the proceeding.

24 Secondly, Mr. -- I'm sorry, Mrs. Robinson has  
25 been indicated as a witness to sponsor testimony concerning

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1 the negotiation and discussions concerning the contract with  
2 Huntington Coach Bus Line. We find that that does not meet  
3 the test for rebuttal evidence either, since there was no  
4 testimony offered by Mr. Failla on this subject.

5 Number Three is the offer to have Mrs. Robinson  
6 testify concerning the explanation of the calculation of  
7 the Total In Service column on Page 2 of Mr. Failla's  
8 testimony from the documents contained in LILCO EP-49  
9 concerning the availability of other buses. We grant this  
10 request, and we will permit the testimony to be received  
11 because it does meet our test for the admission of rebuttal  
12 evidence concerning the fact that it is relevant to an  
13 important point in the record, it is not cumulative, and  
14 it was incapable of being filed in a more timely fashion.

15 You may call Mrs. Robinson.

16 Mrs. Robinson, you are still under oath.

17 Whereupon,

18 ELAINE D. ROBINSON

19 was called as a witness on behalf of Long Island Lighting  
20 Company and, having previously been duly sworn, was  
21 examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. ZEUGIN:

24 Q Mrs. Robinson, have you had an opportunity to  
25 review Mr. Failla's testimony, in particular Column 3

INDEXXX

#6-4-SueT

1 entitled "Total In Service" on Page 2 of his testimony?

2 A Yes, I have.

3 Q Do you agree with the values that are contained  
4 in that column?

5 A No, I do not.

6 Q Could you explain why you do not agree with those  
7 particular values?

8 A They do not show the numbers that LILCO has  
9 contracted for and which we have, through discussions with  
10 the bus companies, and in certain cases by our own field  
11 inspections, determined the number of buses which they do  
12 have in service and which they have signed contracts for,  
13 accepted payment, a retainer, for, and represented to me  
14 personally in at least one case that such buses are at their  
15 disposal, that they were capable of contracting for them and  
16 that they would be available to LILCO.

17 MR. MILLER: Judge Laurensen, I would move that  
18 that answer be stricken. It falls within the second category  
19 which you expressly stated would not be admitted as rebuttal  
20 testimony regarding negotiations and discussions between  
21 Mrs. Robinson and the bus companies.

22 JUDGE LAURENSEN: The motion to strike is denied.

23 BY MR. ZEUGIN: (Continuing)

24 Q Are there any specific values that appear in that  
25 particular column that you believe are in error?



#6-5-SueT

1           A        There are two in particular. One is Huntington  
2 Coach, Inc. which shows a total in service of 68 and  
3 Suburbia Bus Corporation which shows a total of 188.

4           Q        What numbers do you believe should be in place  
5 of the numbers, I guess it's 68 for Huntington Coach and  
6 188 for Suburbia Bus Corporation?

7           A        For Huntington Coach, it should be -- the most  
8 current total would be 123. At the time of the contract,  
9 it was 126 but it is my understanding that he has since  
10 removed three buses from his total inventory for operations,  
11 so it would now be 123.

12                    And for Suburbia Bus Company it should be 194.

13           Q        Could you explain again, Mrs. Robinson, what the  
14 source of those two particular values you have just quoted  
15 are, is?

16           A        The sources are two-fold. One is the equipment  
17 lists which have been provided to LILCO as part of the  
18 contractual arrangement in order for those bus contractors  
19 to be paid their retainer fees. The second -- well,  
20 actually it is three-fold. I'm not counting well today.  
21 Were confirmatory phone calls, and then actual field in-  
22 spection to see that the buses contracted for had valid  
23 inspection stickers.

24                    MR. ZEUGIN: Thank you, Mrs. Robinson. I have  
25 no further questions, Judge Laurenson.

#6-6-SueT

1 JUDGE LAURENSEN: I may have misunderstood your  
2 representation before, Mr. Zeugin. I thought Mrs. Robinson  
3 was going to be addressing the list of vehicles in LILCO  
4 Exhibit 49. Did I misunderstand that?

5 MR. ZEUGIN: I guess I'm somewhat at a loss to  
6 understand what your question is, Judge Laurenson. My  
7 offer with regard to the third column was LILCO's belief  
8 that those values are not correct and the sources of the  
9 reasons why those values are not correct.

10 As I said, one of the sources was LILCO Exhibit  
11 EP-49. Now if it helps to clarify the record I could ask  
12 Mrs. Robinson how EP-49 figured into the two values that  
13 she has just provided the Board, if that would be helpful.

14 JUDGE LAURENSEN: All right. I mean, if you  
15 don't ask that I'm going to ask that, because I want to  
16 know where the numbers come from.

17 BY MR. ZEUGIN: (Continuing)

18 Q Mrs. Robinson, could you please explain with  
19 regard to the two values you have just reported for  
20 Huntington Coach and Suburbia how those come from LILCO  
21 Exhibit EP-49?

22 A Yes, certainly. Those values include those  
23 buses shown as being owned by Better Bus Company, Inc.  
24 which is confirmed by the notes on here. What we were told,  
25 those are owned by Suburbia Bus Company, by Mr. Bruce Acker.

#6-7-SueT

i And I have spoken to him personally.

2 And then again on Page 31 of EP-49, you can see  
3 the listings for Roy K. Davis Bus Company. In addition to  
4 my conversations with Kevin Clifford, and there have been  
5 many beginning last Summer and ongoing up until two weeks  
6 ago, in addition to those, those numbers and the names  
7 provided on this listing of Page 31 of EP-49 are the same  
8 ones that were provided to us by Mr. Clifford as part of  
9 this contract for the Huntington Coach Corporation as the  
10 numbers to be reached for notification.

11 And that again was provided as part of the  
12 contract. But it was those names and telephone numbers.

13 Q Mrs. Robinson, in determining the two numbers for  
14 Huntington Coach and Suburbia, did you compare the serial  
15 numbers that are presented in LILCO Exhibit EP-49 against  
16 serial numbers provided as part of invoices from the company,  
17 as part of their contracts with LILCO?

18 A A staff member did so at my direction, yes.

19 Q And the reason you reached the conclusion about  
20 Better Bus Company and Roy K. David Bus Company that you  
21 just stated was based on a comparison of those serial  
22 numbers?

23 A That was a major portion of that conclusion, yes.

24 MR. ZEUGIN: Thank you.  
25

#6-8-SueT

## BOARD EXAMINATION

BY JUDGE LAURENSEN:

INDEXXX

1  
2  
3 Q Are all of these buses listed to Roy K. Davis  
4 Bus Company ones that you have, LILCO has, contracts with?

5 A We have not contracted for Mr. Clifford's  
6 entire inventory. He owns more buses than he contracted  
7 to LILCO for, so that when you match up the equipment list  
8 which he provided to us against his total in service equip-  
9 ment you find that there are buses that are listed as being  
10 in service which are not on the LILCO, on the response to  
11 the LILCO contract.

12 Q And how many of these on this Page 31 and 32 and  
13 33 are relied upon by LILCO in connection with your total  
14 number of 123 for Huntington Coach?

15 A Well, of the number that the total LILCO relies  
16 on, of the -- LILCO relies on 100 of the total 123 buses,  
17 a portion of those are listed in the records of Huntington  
18 Coach Corporation and another 30 plus are listed as belong-  
19 ing to Roy K. Davis, which is owned by Mr. Clifford in  
20 both cases.

21 Q In other words, all of the buses listed on Pages  
22 31 through 33 of this exhibit should be included in the  
23 total in service number of 123; is that correct?

24 A That's correct. Yes.

25 Q Now, you also testified about Better Bus Company,

#6-9-SueT

1 and we've heard some testimony earlier concerning Page 9  
2 of this exhibit. I also notice that Page 30 has another  
3 listing for Better Bus Company.

4 Is that the same situation where those buses are  
5 owned by Suburbia, or are those otherwise owned --

6 A No. Those are also owned by Bruce Acker.

7 Q Are those also included in that number?

8 A In the total in service, yes.

9 Q I guess I don't understand why there is a  
10 discrepancy of six between Mr. Failia's number of 188 and  
11 your number of 194 when you have included some sixteen  
12 buses listed to Better Bus Company on Page 9, and it looks  
13 like another dozen or so on Page 30.

14 A When we did our original matching of numbers  
15 when we received the information from the contractors, we  
16 did not in any way distinguish between Suburbia or Better  
17 Bus Company because they did not in dealing with us. I  
18 really can't explain that any more than to say we have just  
19 matched numbers and naturally gone out and matched them  
20 against buses and checked for inspection stickers.

21 I really can't answer that any better than that.

22 BOARD EXAMINATION

23 BY JUDGE KLINE:

24 Q We still have something to clarify. On Page 9  
25 and Page 30, just to verify that there is no double-counting

#6-10-SueT 1

2 because it appears to me that Page 9 and Page 30 contain the  
3 identical information, one handwritten and one typewritten.

4 A I must say I had not dog-eared or noticed Page 30  
5 but I had been using Page 9.

6 Q Page 30 is not included in your counts, then,  
7 that you just gave us, is that -- for the total in service?

8 A No, they were not included in mine. And again  
9 I think you are correct. I did not do the inspections my-  
10 self. It was done at my direction. And again at that point,  
11 it was a field count.

12 Q I'm just trying to get at what you just told us.  
13 I don't want Page 9 and Page 30 to both be in the count if  
14 they are identical.

15 A No. Going by my dog-eared pages, I did not use  
16 30 at all. I used 9 and 31, 32 and 33, which were for Roy K.  
17 Davis.

18 JUDGE LAURENSEN: Mr. Zahnleuter.

19 MR. ZAHNLEUTER: First of all, I would move at  
20 this time that Mrs. Robinson's testimony that has been  
21 offered in rebuttal be stricken in its entirety because, for  
22 one reason, it does not meet the test you have just enunciat-  
23 ed, namely that it be incapable of being presented earlier.

24 Mrs. Robinson testified that the source of her  
25 knowledge was a field inspection of the buses, a matching of  
the serial numbers and statements by the bus company owners.

#6-11-SueT

1 All of that information was available a long time ago and  
2 certainly before the time that LILCO submitted their testi-  
3 mony on bus contracts.

4 In addition, Mrs. Robinson is using Mr. Clifford  
5 as an example of a person who has contracted with LILCO,  
6 but according to the contracts that have been submitted  
7 into testimony before, it's not Mr. Clifford that appears on  
8 the front page, or the face of the document, it's the name  
9 of the bus company, in this case Huntington. I think that  
10 the testimony is -- I think that her testimony could have  
11 been presented at an earlier time and that it wasn't.

12 And on that basis, I move to strike it.

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14 end #6

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1 JUDGE LAURENSEN: The procedural background of  
2 this, as I recall, there was a Motion to Strike the testimony  
3 of Mr. Failla in its entirety, that we were asked to rule  
4 upon earlier, and we denied that Motion.

5 And at that time, LILCO's response was that if  
6 we admitted any testimony from Mr. Failla, that it would  
7 have to consider, or submit rebuttal testimony, and whether  
8 it should have been filed at that time, or today, I don't  
9 think is a significant difference. In any event, the Motion  
10 to Strike is denied.

11 MR. ZAHNLEUTER: If I may comment on that. When  
12 the testimony ordinarily would be filed simultaneously, so  
13 I don't see the reason for a reservation of a right to submit  
14 rebuttal testimony.

15 I mean, if the testimony had been filed -- it was  
16 filed at the same time as LILCO's testimony. So, I don't  
17 understand the basis for the importance -- I don't under-  
18 stand.

19 JUDGE LAURENSEN: Well, there was a Motion to  
20 Strike Mr. Failla's testimony, and that Motion was denied.  
21 And LILCO is now submitting rebuttal testimony to Mr. Failla,  
22 which we have limited just to the one issue concerning the  
23 total in-service count column, and the testimony that Ms.  
24 Robinson has offered has been LILCO's explanation of what  
25 numbers should be included in that column, and that is the



1 sole purpose. We find that to be relevant and it is responsive  
2 to Mr. Failla's testimony.

3 Since the testimony was filed simultaneously,  
4 LILCO could not have, obviously, anticipated that testimony  
5 in its filing, and that was what the subject of their Motion  
6 to Strike was.

7 MR. ZAHNLEUTER: Okay. Thank you for your  
8 explanation.

9 MR. MILLER: Judge Laurenson, before we go on, I  
10 would like to move to strike the entire testimony submitted  
11 by Ms. Robinson on a different basis. My basis would be the  
12 gross unreliability of the testimony as presented.

13 I acknowledge that hearsay evidence, per se, is  
14 admissible in these proceedings. But the testimony offered  
15 by Ms. Robinson is grossly unreliable, and it does not meet  
16 the rules of practice of the NRC, which state that only  
17 relevant material and reliable evidence which is not unduly  
18 repetitious will be admitted.

19 Referring to Section 2.743 (c). Judge Laurenson,  
20 Ms. Robinson has testified that there are three sources for  
21 her figures. Equipment lists provided to LILCO, confirmatory  
22 phone calls, and field visits.

23 To our knowledge, these equipment lists provided  
24 to LILCO, in Ms. Robinson's words, are not in the record of  
25 this proceeding. Confirmatory phone calls and field visits

1 are so grossly unreliable to such an extent hearsay testimony,  
2 that there is really no fair, effective meaningful way to  
3 cross examine Ms. Robinson on this testimony. And it should  
4 be stricken.

5 JUDGE LAURENSEN: Well, in response to one of my  
6 questions she submitted that the list of buses owned -- or  
7 rather operated by the Roy K. Davis Bus Company was, in fact,  
8 -- were, in fact, among the ones committed to LILCO under the  
9 contract, based upon the attachment, or LILCO Exhibit EP-49.

10 And that it is upon that information that she  
11 also comes up with the numbers that she believes should be the  
12 total In-Service column.

13 If her testimony were limited to just the first  
14 three answers, I think I would be inclined to agree with you.  
15 Because that was information that was previously submitted.  
16 But I think that LILCO has the right to explain why it believes  
17 that the buses which are operated by this Roy Smith -- I am  
18 sorry, Roy Davis -- guess I am saying the wrong name -- Roy  
19 K. Davis Bus, Incorporated, are, in fact, committed under  
20 this contract, and then it becomes a question of the weight  
21 which we should give to that testimony.

22 MR. MILLER: Yes, sir. The problem I am having with  
23 Ms. Robinson's testimony is that the nature of the testimony,  
24 based on the equipment list, confirmatory phone calls, field  
25 visits, is just grossly unreliable. She is stating her

1 interpretation, her understanding of what someone at bus  
2 companies has said to her, and then we are to sit here  
3 and cross examine her on that? There is no way to do so  
4 in a fair and effective manner.

5 JUDGE LAURENSEN: I don't think that that is  
6 true, because as far as the Suburbia Bus Company, it is the  
7 testimony already of Mr. Failla, according to his notes on  
8 page 9, that those buses are owned by Suburbia Bus, but were  
9 not counted in this figure, and the question of whether they  
10 should be counted or not, that is another matter.

11 The Roy K. Davis buses have been identified as  
12 being included in the contract, without regard to any  
13 testimony by Ms. Robinson concerning telephone conversations  
14 or negotiations.

15 So, again, that would be something that takes it  
16 beyond the hearsay testimony that you are objecting to.

17 MR. MILLER: Judge Laurenson, maybe then we should  
18 ask Ms. Robinson for a clarification. What I think she  
19 testified to was that the Roy K. Davis buses, and the  
20 Suburbia Buses are owned by the same person, but the Roy K.  
21 Davis buses are not owned by Suburbia Bus Corporation. There  
22 is a distinction there, and an important distinction.

23 JUDGE LAURENSEN: I didn't say Roy K. Davis was  
24 owned by Suburbia. I was talking about Better Bus Company  
25 buses owned by Suburbia.

1 MR. MILLER: Wouldn't it be the same point? The  
2 buses themselves might be subject to the ownership of the  
3 same individual, but they are different bus companies.

4 JUDGE LAURENSEN: This is something I think you  
5 can develop on cross examination. Your Motion to Strike is  
6 also denied.

7 Mr. Zahnleuter?

8 MR. ZAHNLEUTER: Judge Laurenson, up to a few  
9 minutes ago we had absolutely no idea of what Ms. Robinson's  
10 testimony was going to be, and we would request a lengthy  
11 enough recess to evaluate her testimony and prepare our own  
12 cross examination.

13 Ms. Robinson has had the advantage of doing field  
14 inspections, making confirmatory phone calls, and looking at  
15 other documents, and I would request the same advantage for  
16 my cross examination.

17 JUDGE LAURENSEN: We will take our luncheon recess  
18 now. We will reconvene at 1:45. Is that sufficient recess,  
19 Mr. Zahnleuter?

20 MR. ZAHNLEUTER: Yes, that would be enough for  
21 the State.

22 MR. MILLER: That would suffice for the County,  
23 Judge Laurenson.

24 JUDGE LAURENSEN: I was going to be afraid to  
25 ask. All right. We will take our luncheon recess now, then.

#7-6-Wal 1

,Whereupon, luncheon recess was taken at

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12:15 p.m., to reconvene at 1:45 p.m., this same

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day.)

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TAPE 7-B  
#7-7-Wal 1

A F T E R N O O N S E S S I O N

(1:48 p.m.)

2  
3 Whereupon,

4 ELAINE D. ROBINSON,

5 a witness called on behalf of Long Island Lighting Company,  
6 and, having previously been duly sworn, was examined and  
7 testified further as follows:

8 JUDGE LAURENSEN: Mr. Zahnleuter, are you ready  
9 to begin your cross examination?

10 CROSS EXAMINATION

11 BY MR. ZAHNLEUTER:

12 Q Ms. Robinson, do you have the contract that exists  
13 between LILCO and Huntington Coach Corporation in front of  
14 you?

15 A No. I do not.

16 MR. ZAHNLEUTER: Does counsel for LILCO have a  
17 copy available?

18 MR. ZEUGIN: Unfortunately, I don't have a copy  
19 of that testimony with me. I am sorry.

20 BY MR. ZAHNLEUTER: (Continuing)

21 Q Ms. Robinson, in one second I will give you my  
22 copy. Do you have the contract in front of you now?

23 A Yes, I do.

24 Q And it is Attachment 6 to your testimony on  
25 Contention 24, is that correct?

1 A That is correct.

2 Q Would you please answer this question yes or no,  
3 and if you can't answer it yes or no, then please just state  
4 that, that you can't answer it yes or no.

5 Does the contract that you have before you  
6 specifically state anywhere that it is an agreement between  
7 LILCO and Better Bus Company? I am sorry. Not Better Bus  
8 Company, but Roy K. Davis Company?

9 A No.

10 Q Could you turn to Attachment 9. Am I correct that  
11 that is a copy of the contract that exists between Suburbia  
12 Bus Corporation and LILCO?

13 A Yes, it is.

14 Q And with the same conditions as I just stated,  
15 does it state anywhere in that contract that the contract  
16 is between LILCO and Better Bus Company?

17 A No.

18 MR. ZAHNLEUTER: Thank you. I have no other  
19 questions.

20 JUDGE LAURENSEN: Mr. Miller?

21 MR. MILLER: Yes.

22 CROSS EXAMINATION

23 BY MR. MILLER:

24 Q Ms. Robinson, do any of the contracts which  
25 presently exist between LILCO and bus companies specifically

1 state that any buses that might be available to the bus  
2 company contracted with by LILCO, either through subsidiary  
3 or an affiliated company, are also available to LILCO in the  
4 event of an emergency at the Shoreham plant. Please answer  
5 yes or no?

6 A I am afraid I am going to have to ask for a  
7 clarification of the question. I didn't quite follow.

8 Q Let me ask again. Do any of the bus contracts  
9 which presently exist between LILCO and bus companies --

10 A Right.

11 Q --- specifically state that buses owned by either  
12 subsidiary or affiliated companies, to the bus companies  
13 contracted with by LILCO, are available to LILCO in the  
14 event of an emergency at the Shoreham plant?

15 A I think the reason I am having --

16 Q Please answer yes or no.

17 A I am having trouble understanding the question  
18 because they are for a specific number. If -- those words  
19 are not mentioned there. Contracts for a specific number  
20 of buses.

21 Q Your answer then, Ms. Robinson, would be no, that  
22 the contracts do not state that buses which might be owned  
23 by subsidiary or affiliated companies are also available to  
24 LILCO's use? Is that correct. Is your answer no?

25 If you can't answer the question, then just say



1 you can't answer the question.

2 MR. ZEUGIN: Excuse me, Judge Laurenson. Mr.  
3 Miller is badgering the witness, and not allowing her to  
4 attempt to answer the question for him. She explained the  
5 confusion she was having with the last one and trying to  
6 answer this one again, but has not been given an opportunity  
7 to do so.

8 JUDGE LAURENSON: Let me ask Ms. Robinson. Can  
9 you answer that question yes or no?

10 WITNESS ROBINSON: I can answer no to the specific  
11 words, because it just states a number. There is no such  
12 language in there that I remember.

13 End 7

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1 JUDGE LAURENSEN: Your counsel or LILCO's  
2 counsel can take that up, if there are any further  
3 questions on that.

4 THE WITNESS: Fine.

5 MR. MILLER: I have no further questions.

6 JUDGE LAURENSEN: Mr. Bordenick?

7 MR. BORDENICK: I have no questions.

8 JUDGE LAURENSEN: Mr. Zeugin?

XXXXXXXX

9 REDIRECT EXAMINATION

10 BY MR. ZEUGIN:

11 Q Mrs. Robinson, would you like to explain what  
12 you just meant when you answered Mr. Miller to the  
13 extent that the contracts just state numbers?

14 Could you expand on what you meant by that?

15 A Yes, certainly.

16 When we discussed this with the various owners --  
17 and I can personally answer for eight of the 12 where I  
18 made initial visits -- we discussed with the owners how  
19 many busses they owned in total, and then we later asked  
20 them, you know, how many busses are committed to schools.

21 And then there was a negotiating process for the  
22 contracts.

23 At that time when the contracts were signed  
24 they were signed for a number of busses, for a specific  
25 number, because there was a retainer to be paid per bus.

1 And the -- in some cases it was the entire inventory  
2 of the bus company. In most cases it was not.

3 But there was never any question of the fact  
4 that they owned what they were contracting to us for.  
5 We knew that they owned busses in several different names,  
6 and it just was never an issue. In fact, I know in  
7 several cases the contracts were reviewed by their  
8 attorneys with the numbers in them, and certainly reviewed  
9 by company attorneys and our purchasing people. And there  
10 was just never question, again, that it was a number. But  
11 we never got into any issue of subsidiaries.

12 It was just a question of, as in the case of  
13 Kevin Clifford, I own these busses. And I can't -- that's  
14 why there would be no such specific language, and that is  
15 what I was trying to get at.

16 MR. MILLER: Judge Laurensen, I move to strike  
17 Mrs. Robinson's answer. My question was, my single question  
18 was regarding language specifically in the contracts.  
19 Her answer makes clear that there is no such language  
20 in the contracts.

21 Therefore, Mr. Zeugin's question was outside the  
22 scope of my examination.

23 JUDGE LAURENSEN: No. I think it explains her  
24 answer of no to your question.

25 The motion is denied.

1 MR. ZEUGIN: I have no further questions,  
2 Judge Laurenson.

3 JUDGE LAURENSEN: I have one more question.

XXXXXX

## 4 BOARD EXAMINATION

5 BY JUDGE LAURENSEN:

6 Q You said that LILCO paid a retainer. In  
7 connection with the busses on the New York Department  
8 of Transportation Exhibit, which is LILCO EP49 here,  
9 the busses that are listed in the name of Roy K. Davis  
10 Bus Company that you testified to earlier were some of  
11 the ones that LILCO has under contract.

12 A That's --

13 Q To whom did LILCO pay the retainer for those  
14 busses?

15 A To Huntington Coach, Kevin Clifford, President.

16 JUDGE LAURENSEN: Thank you.

17 Any further questions?

18 MR. MILLER: I just have a clarification.

XXXXXX

## 19 RECROSS-EXAMINATION

20 BY MR. MILLER:

21 Q Was the retainer paid to Huntington Coach Corp.  
22 or was it paid to Kevin Clifford? Or maybe that's Kevin  
23 Clark.

24 A No, the name is Kevin J. Clifford, and it is  
25 Huntington Coach Corp., and it is Kevin J. Clifford,

1 President. He submitted the invoice.

2 Q Yes. I am asking, to whom was the retainer  
3 specifically paid?

4 A I do not have a copy of the check here, but  
5 the letter submitting the information which was required  
6 in order to get that check and the application for the  
7 check was in the name of Huntington Coach Corp.,  
8 Kevin J. Clifford. And that was the equipment list.

9 Q Yes, Mrs. Robinson. Please answer my question.  
10 Do you know specifically to whom the money was paid?  
11 Either Mr. Clifford or Huntington Coach Corp.? Do you  
12 know?

13 A I can -- I do not know specifically. Generally  
14 it would be in the corporate name, but I do not know it  
15 specifically. I don't have a copy of the check.

16 MR. MILLER: Thank you.

17 JUDGE LAURENSEN: Any further questions of  
18 Mrs. Robinson?

19 (No response.)

20 All right. Thank you, Mrs. Robinson. You are  
21 excused.

22 (The witness stood down.)

23 JUDGE LAURENSEN: Anything else on this  
24 contention?

25 MR. ZEUGIN: Judge Laurensen, just as a

1 housekeeping matter, there was a little bit of confusion  
2 mentioned to me over the luncheon break about LILCO  
3 Exhibit EP-49. Our intention was to have that  
4 exhibit marked for identification, but we do not feel  
5 there is a need to move it into evidence and would  
6 prefer that treatment of it.

7 It was unclear whether it had been marked for  
8 identification earlier in the proceeding.

9 JUDGE LAURENSEN: It has been marked, but it  
10 hasn't been offered at this point unless somebody else --  
11 somebody wants to offer it, it won't be placed in evidence.

12 All right. Anything else on the contention 13 --  
13 cluster 13?

14 MR. ZAHNLEUTER: Yes, Judge Laurenson.

15 The state moves for leave to submit surrebuttal  
16 testimony by Mr. Fialla. Briefly, it is in the interest  
17 of clarifying the testimony that was addressed by  
18 Mrs. Robinson on rebuttal.

19 I have two specific points to make. One deals  
20 with the relationship between Mr. Clifford and Roy K.  
21 Davis Bus Company and also the relationship between  
22 Better Bus Company and Suburbia Bus Company. And the  
23 other point is that Mrs. Robinson has offered figures  
24 to -- in an attempt to change Mr. Failla's numbers and  
25 his testimony on page 2. And the state would like to have

1 Mr. Failla address Mrs. Robinson's figure changes.

2 JUDGE LAURENSEN: Is there any objection to this  
3 offer?

4 MR. ZEUGIN: Yes. LILCO objects to the offer of  
5 surrebuttal testimony. I think the two points that the  
6 state seeks to submit testimony on have already been  
7 discussed in great detail already, both in the cross-  
8 examination of Mr. Failla and also in Mrs. Robinson's  
9 testimony.

10 The relationship between Mr. Clifford and  
11 Huntington Coach and Roy K. Davis Bus Company has already  
12 been discussed both by Mr. Failla and by Mrs. Robinson.

13 Both have given their understandings of what  
14 has been contracted to. I can see no point in going  
15 into further testimony on that. I don't see how it would  
16 lead to any new information that isn't already in the  
17 record.

18 In response to the second point that New York  
19 State seeks to submit surrebuttal testimony on -- namely,  
20 responding to the changed values -- I think it is  
21 quite obvious from Mrs. Robinson's discussion how she  
22 calculated different values from those presented by  
23 Mr. Failla.

24 Essentially what she has stated is, she used  
25 the values for Better Bus Company and added those to the

1 numbers that were already present for Suburbia, compared  
2 those against actual inspections that LILCO had done at  
3 the sites to determine the number that was committed to  
4 LILCO, and along the same lines did the same thing for  
5 HUNtington Coach and Roy K. Davis Bus Company.

6 I do not believe, at least in Mr. Zahnleuter's  
7 argument to this point, he has shown a need to inquire  
8 further into this area.

9 It is simply a simple counting exercise. One  
10 can count how many busses are on each of those lists,  
11 add them together and come up with a new number which  
12 is basically all that Mrs. Robinson was doing.

13 I see nothing to be gained by surrebuttal  
14 testimony on the point.

15 JUDGE LAURENSEN: Does the county wish to be  
16 heard on this?

17 MR. MILLER: Yes, Judge Laurenson, very quickly.

18 We support the state's motion. It is my under-  
19 standing, from discussions with Mr. Zahnleuter, that the  
20 surrebuttal testimony, if allowed, would be very brief.  
21 The necessity for allowing such testimony is to address --  
22 my understanding is it is to address, assuming Mrs.  
23 Robinson's figures to be correct, the impact of those  
24 figures on Mr. Failla's calculations and the available  
25 busses to LILCO.



1           Simply, if for nothing else, for the sake  
2 of clarifying the record, this surrebuttal testimony  
3 should be permitted.

4           In addition to that, the testimony is necessary  
5 to rebut some of the statements made by Mrs. Robinson.

6           JUDGE LAURENSEN: Does the staff wish to be heard?

7           MR. BORDENICK: I have no objection to the  
8 second of the county's requests on the changed values  
9 of the figures. On the former point, the relationship  
10 question, I agree with LILCO. I really don't know what  
11 further can be added by this particular, proposed witness.

12           MR. ZAHNLEUTER: I would like to respond that  
13 I intend to introduce two exhibits, which are new  
14 exhibits, with respect to the first point.

15           And with respect to the second point, I would  
16 like to show that Mrs. Robinson's numbers do not change  
17 the impact of Mr. Failla's testimony.

18           (Board conferring.)

19           JUDGE LAURENSEN: The Board has considered  
20 the request by New York to submit surrebuttal testimony  
21 on this and the objections of LILCO, and the Board grants  
22 the motion to submit the surrebuttal on the items listed  
23 by Mr. Zahnleuter.

24           Mr. Failla, you may resume the witness stand  
25 over here, and you are still under oath.

1 Whereupon,

2 CHARLES V. FAILLA

3 resumed the stand and, having been previously duly sworn,  
4 was examined and testified further as follows:

XXXXXXX

5 DIRECT EXAMINATION

6 BY MR. ZAHNLEUTER:

7 Q Mr. Failla, I would like to ask you some  
8 questions about a document which was just handed out  
9 which is entitled on the top Descriptive Statement of  
10 Omnibus.

11 I am referring to the one that is pertinent to  
12 Roy K. Davis Bus, Inc.

13 Do you have that before you?

14 A I have the one in front of me.

15 MR. ZAHNLEUTER: Judge Laurenson, I would like  
16 this marked as an exhibit for identification right now.  
17 Are we at EP4?

18 JUDGE LAURENSON: New York No. 9.

19 (The document referred to  
20 was marked New York State  
21 Exhibit EP9 for identifica-  
22 tion.)

XXXXXXX

23 MR. ZAHNLEUTER: While we are marking these  
24 documents, the other one is pertinent to Better Bus  
25 Company. Perhaps we could mark that EP10.

1 JUDGE LAURENSEN: It will be New York EP10.

2 (The document referred to was  
3 marked New York State Exhibit  
4 EP10 for identification.)

XXXXXXX

5 BY MR. ZAHNLEUTER:

6 Q With respect to the Roy K. Davis Bus, Inc.  
7 document, is this an official record of the New York  
8 State Department of Transportation?

9 A It is.

10 Q Is it a record that you obtained from your  
11 office?

12 A Yes.

13 Q Is it a true and accurate copy of what you have  
14 obtained from your office?

15 A It is.

16 Q Are those same things true for the other exhibit  
17 which is New York EP10 which pertains to the Better Bus  
18 Company?

19 A Yes.

20 Q With respect to Roy K. Davis Bus, Inc., which  
21 is EP9, could you explain what this document has been used  
22 for?

23 A This form --

24 MR. ZEUGIN: Objection. The form of the question  
25 doesn't narrow the issues specifically to the issues raised

1 in surrebuttal testimony and more directly the issues  
2 raised by Mrs. Robinson in rebuttal testimony.

3 I think the question is just too broad, and I  
4 have no idea where the answer may lead us. I think  
5 surrebuttal testimony needs to be directed to  
6 Mrs. Robinson's rebuttal testimony.

7 JUDGE LAURENSEN: This is just a preliminary  
8 question, I assume, establishing a foundation.

9 The objection is overruled.

10 THE WITNESS: The form NY EP9 is our Department  
11 of Transportation Form of Motor Carrier, MC2. That  
12 MC stands for motor carrier. It is a descriptive statement  
13 of omnibusses that are put into service in New York  
14 State.

15 It describes, on the right-hand side, a vehicle  
16 by the operator, address, city, village and county.  
17 In the upper right-hand corner, it describes the bus number  
18 as the vehicle ID number, the inspection date that it was  
19 first inspected and placed into New York State service,  
20 and the inspector's signature that has made the inspection.

21 The rest of the form, on the right-hand side,  
22 is self-explanatory. It describes if it is a registered  
23 owner, if someone else owns the vehicle, chassis body type,  
24 right on down to compliance in our rules part 720 or part  
25 721.

1 BY MR. ZAHNLEUTER:

2 Q Thank you. That is okay.

3 A Okay. Because I can go on for an hour on this.

4 Q Is it true then that this is a document that  
5 is submitted by a bus company to the Department of  
6 Transportation that wishes to register additional busses with  
7 the Department of Transportation?

8 A Yes, it is. The section on the left-hand side  
9 is to be filled in and signed by the operator or agent.

10 Q And on New EP9, on the left-hand side of that,  
11 what is the name of the operator?

12 A The operator's signature is Roy K. Davis Bus  
13 Incorporated.

14 Q And do you know what official signed on behalf of  
15 that corporation?

16 A The president of the incorporation which is  
17 Kevin J. Clifford.

18 Q On the right-hand side of the column, do you  
19 see the question, Is above operator registered owner?

20 A Yes, I do.

21 Q Isn't it true that the yes box is checked?

22 A Yes, it is.

23 Q And the operator registered, the operator  
24 identified above is Roy K. Davis Bus, Inc.; isn't that  
25 true?

1           A     It is an incorporation bus owned by Roy K. Davis  
2 Bus, Inc.

3           Q     Do you have LILCO's Exhibit EP49 in front of  
4 you?

5           A     Let me dig it out.

6                     (Pause.)

END 8

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#9-1-SueT

1 A No, I do not. It must be in your office.

2 (Mr. Zeugin gives the witness a document.)

3 Thank you.

4 MR. ZAHNLEUTER: Thank you, Lee.

5 BY MR. ZAHNLEUTER: (Continuing)

6 Q Switching for a moment to New York EP-9, isn't  
7 it true that under this statement Roy K. Davis Bus, Inc.  
8 has registered two buses?

9 A Are you referring to the MC 2 form that's NY  
10 EP-9?

11 Q Yes.

12 A The form describes two vehicles.

13 Q Are these two vehicles identified in LILCO's  
14 EP-49, specifically Page 33?

15 A Yes, they are. They are identified on Line  
16 Number 3 and Line Number 4.

17 Q What on these lines leads you to that conclusion?  
18 What on Lines 3 and 4 lead you to the conclusion that they  
19 are identified?

20 A Your vehicle ID number match.

21 Q So, is it true that LILCO EP-49 corresponds with  
22 and is consistent with what we have marked New York Exhibit  
23 EP-9?

24 A Yes, it is.

25 Q I would like to refer to EP-10, New York EP-10,

#9-2-SueT

1 which is for Better Bus Company.

2 JUDGE LAURENSEN: Excuse me. Before you go on  
3 to that, I'm still not able to follow where two different  
4 vehicles are listed on EP-9. Maybe you can tell me what  
5 lines to look at.

6 WITNESS FAILLA: Judge, are you not following  
7 on the LILCO, or are you not following --

8 JUDGE LAURENSEN: I'm back on the two-page  
9 document here.

10 WITNESS FAILLA: All right. These descriptive  
11 statements which are MC-2s can be filled in and described  
12 by serial number, body serial number, and operator's number  
13 up to one bus on front. On the back page, where it says  
14 additional buses up in the top, same year, model and type,  
15 there is room for one, two, three, four, five, and six, and  
16 six on the other half is twelve more vehicles.

17 JUDGE LAURENSEN: Now I see it. I thank you. I  
18 see that listed on the back. I did not see that before.

19 WITNESS FAILLA: Okay.

20 BY MR. ZAHNLEUTER: (Continuing)

21 Q In order to further clarify that, listed on the  
22 back of New York EP-9 there is a new bus designated and it  
23 says Bus 299.

24 Does that correspond to the entry on Page 33 of  
25 LILCO EP-49?



#9-3-SueT

1 A Yes. That 299 shows up on Line Number 4.

2 Q Now, turning to New York EP-10 which concerns  
3 Better Bus Company, can you identify what company filled  
4 out this form?

5 A The identities on the left side of the form,  
6 lower side, Better Bus Company, Inc. That is the operator's  
7 signature. The signature is by Jay Nay (phonetic), who is  
8 an agent of the Company as General Manager.

9 Q And in the upper portion on the right-hand side,  
10 is the box checked yes which is the response to: Is the  
11 above operator registered owner?

12 A That's found in the upper center portion. Yes,  
13 it's there.

14 Q The operator is Better Bus Company, Inc. in  
15 the operator above section, correct?

16 A Correct. That's what it shows.

17 Q How many buses does this document show are going  
18 to be added to the fleet of Better Bus Company, Inc.?

19 A This document shows five vehicles.

20 Q Do you know if they appear in LILCO EP-49,  
21 specifically Page 9?

22 A Yes, they do.

23 Q And on LILCO EP-49, Page 9, do they appear as  
24 Number 122, 123, 124, 125 and 127?

25 A They appear as the numbers you just mentioned.

#9-4-SueT

1 Q And is LILCO EP-49, Page 9, consistent with, and  
2 does it correspond to, what we have marked as New York  
3 EP-10?

4 A Yes, it does.

5 Q And I have one other question concerning both  
6 New York EP-9 and New York EP-10. Who is it that fills  
7 out the left-hand portion of those documents?

8 A As stated on top of the form, it states: This  
9 section to be filled in and signed by operator or agent.

10 Either the operator or any official of the  
11 company or an agent of the company may fill out the left-  
12 hand side.

13 Q Thank you. I would now like to refer you to your  
14 testimony, Page 2. For Huntington Coach, Inc. underneath  
15 the total In Service Column, Mrs. Robinson has stated that  
16 her figure would be 123.

17 Assuming that her figure is correct, and assum-  
18 ing that none of the additional buses that Mrs. Robinson  
19 has included are committed to schools, what would your new  
20 calculation be for the number of buses available for LILCO's  
21 use?

22 A My amended calculation would be 16 buses available  
23 for LILCO's use.

24 Q And, now in the same vein I would like to ask you  
25 the same question about Suburbia Bus Corporation. Assuming

#9-5-SueT

1 that Mrs. Robinson's number is correct, and assuming that  
2 none of those buses are committed to schools, and assuming  
3 her number is 194 in the total In Service column, what would  
4 the new column -- what would the new entry in the column  
5 Available for LILCO's Use be?

6 A On that assumption, I would say 25.

7 Q What would the total be for the column  
8 Available for LILCO's Use, assuming Mrs. Robinson's numbers?

9 A It would amend it from 69 to 96. I'm sorry, I  
10 retract that. From 74 to 96.

11 Q Now, turning to Page 3 of your testimony, in  
12 the second to last line, assuming Mrs. Robinson's figures  
13 in making the same assumptions that we did before, what  
14 would be the new figure for the percent of the number of  
15 buses available to LILCO?

16 A On the figures supplied by Mrs. Robinson?

17 Q Yes.

18 A The new figures in percentage-wise would be  
19 amended to 13.4 percent of the buses that would be available  
20 to LILCO.

21 Q In order to clarify a calculation that you  
22 made, Mr. Failla, I would like to ask you to explain for  
23 Huntington Coach how Mrs. Robinson's figure resulted in  
24 another figure of 16 in the Available for LILCO's Use column?

25 Could you please do that? You stated that 16 was

#9-6-SueT

1 the figure available for LILCO's use based on Mrs. Robinson's  
2 number.

3 Could you explain how you got that number of 16?

4 A Well, I priorolly (sic) set a Total In Service  
5 of 68 for Huntington Coach. Mrs. Robinson stated that she  
6 comes up with a figure of 123 available to Huntington Coach.  
7 123 vehicles placed in service, in active service, subtract  
8 107 committed to schools on that figure, would drop me down  
9 to 16 vehicles available for LILCO.

10 Q You used the same methodology, I presume, for  
11 Suburbia Bus Corporation?

12 A Yes, I did.

13 MR. ZAHNLEUTER: Judge Laurenson, at this time I  
14 would like to move into evidence New York EP-9 and New York  
15 EP-10.

16 JUDGE LAURENSEN: Any objections to that?

17 MR. MILLER: No objection.

18 MR. ZEUGIN: Judge Laurenson, perhaps -- I guess  
19 I can't say whether I object or not, because I don't under-  
20 stand for what purpose Mr. Zahnleuter is submitting New  
21 York State EP-9 and 10. I don't know if he is attempting to  
22 show information about two bus companies, two buses owned  
23 by Roy K. Davis Bus Company and five by Suburbia Bus Corpora-  
24 tion. If that's what he is trying to do, I don't understand  
25 the relevance of that to what is being litigated on Contention

#9-7-SueT

24.F.2.

Perhaps he could simply clarify for me why he -- for what purpose he is moving to admit them, and it would help me in knowing how to respond.

MR. ZAHNLEUTER: Would you like for me to respond?

JUDGE LAURENSEN: If you want to.

MR. ZAHNLEUTER: The purpose is to show that the buses that Mr. Failla has identified as being owned by Better Bus Company, Inc. are indeed owned by Better Bus Company, Inc., and likewise the same is true for the buses that Mr. Failla has identified as owned by Roy K. Davis Bus, Inc. are indeed owned by Roy K. Davis Bus Company, Inc.

JUDGE LAURENSEN: Does that answer your inquiry?

MR. ZEUGIN: For that limited purpose, I would have no objection.

JUDGE LAURENSEN: New York Exhibits -- any other objections?

MR. BORDENICK: No objection.

JUDGE LAURENSEN: New York State Exhibits EP-9 and 10 will be received in evidence and bound in the transcript following this page.

(The documents previously marked New York State Exhibits EP-9 and EP-10 for identification are received in evidence.)

(The exhibits follow.)

INDEXXXX

DESCRIPTIVE STATEMENT OF OMNIBUS

10/2 N  
298

This section to be filled in and signed by operator or agent.

ORDERED (date) March 11 1983  
 From Putnam Transportation Co New  Used

Date placed in N.Y. service 1/1/84

Est. Previous Mileage 600

Total Delivered Cost \$ 27,410.-- plus tax

Status of Seller  Mfg.  Dir.  
 P.S.C. Cert. Op.  P.S.C. Cont. Op.  
 Dist. Sch. Op.  Dist. Sch. Contr.  
 Pvt. Sch. Op.  Pvt. Sch. Contr.  
 ICC Cert. Op.  ICC Charter Op.  
 Misc. Op. Describe \_\_\_\_\_

Proposed Use:  
 P.S.C. Cert. Op.  P.S.C. Cont. Op.  
 Dist. Sch. Op.  Pvt. Sch. Op.  
 Dist. Sch. Contr.  Pvt. Sch. Contr.  
 ICC Cert. Op.  ICC Chart. Op.  
 Municipal Op.  Lic. Sightseeing Op.  
 Other \_\_\_\_\_

Names displayed on bus:  
Roy K. Davis Bus Inc.

Operator Signature Roy K. Davis Bus Inc  
 By Kevin J. Clifford  
 Title President

OPERATOR <u>Roy K. Davis Bus Inc</u>						BUS NO. <u>298</u>	
STREET ADDRESS <u>126 W. 126 St</u>						INSPECTION DATE <u>12-29-83</u>	
CITY OR VILLAGE <u>Livingston Station Ny</u>				COUNTY <u>Jefferson</u>		INSPECTOR'S SIGNATURE <u>Louise Green</u>	
IS ABOVE OPERATOR REGISTERED OWNER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Complete Reverse)							
CHASSIS	YEAR <u>81</u>	MAKE <u>International</u>	SERIAL NO./VIN <u>1721C11110867</u>	MODEL NO. <u>1723</u>	ENTRANCE STEP HT. <u>14</u> INCHES		
BODY	YEAR <u>83</u>	MAKE <u>Heubud</u>	SERIAL NO. <u>B26989</u>	MODEL NO. <u>775BC1-3100-61-3</u>	CAPACITY <u>46 A 60 C</u>		
TYPE	<input type="checkbox"/> Transit <input type="checkbox"/> Intercity <input checked="" type="checkbox"/> Sch. <input type="checkbox"/> S.W. <input type="checkbox"/> Sub. <input type="checkbox"/> Sedan <input type="checkbox"/> Other						
MAIN AISLE	HEIGHT <u>77</u> in.	WIDTH <u>13</u> in.	<input type="checkbox"/> Gate <input checked="" type="checkbox"/> White Line <input type="checkbox"/> Turnstile				
EMERGENCY AISLE	HEIGHT <u>None</u> in.	WIDTH LEFT SIDE <u>None</u> in.	FL. Cush. <u>10</u> in.	Above Cush. <u>1/2</u> in.	WIDTH REAR CENTER FL. Cush. <u>14</u> in.	Above Cush. <u>18</u> in.	
DOOR	HEIGHT <u>79</u> in.	ENTRANCE <u>21 1/4</u> in.	EMER EXIT <u>4 5/8</u> in.	OPEN CLEARANCE <u>31</u> in.	ENTRANCE <u>31</u> in.	EXIT <u>31</u> in.	EMER. EXIT <u>24</u> in.
SEATS	CITY in.	HI-BACK in.	RECLINER in.	SCHOOL <u>39x15x24</u> in.	LONG. in.		
CUSHION AND KNEESPACE COMBINED <u>23</u> in.							
WINDOWS	<input checked="" type="checkbox"/> Drop <input type="checkbox"/> Lift <input type="checkbox"/> Slide <input type="checkbox"/> Split Sash			Number of Windows Left <u>9</u> Right <u>10</u>	Height <u>23</u> in.	Width <u>25</u> in.	
PUSH-OUTS	Number of Push-out Left <u>1</u> Right <u>2</u>		Height <u>21</u> in.	Width <u>24</u> in.	Number in Rear <u>29</u>	Height <u>29</u> in.	Width <u>24</u> in.
WINDSHIELD	Number of Sections <u>2</u>		Height <u>23</u> in.		Width <u>41</u> in.		
VENTILATION	Type <u>Power Static</u>	Intake Location <u>Under Windows</u>	EXHAUST VENT <u>Static</u>	Type <u>Static</u>	Number <u>1</u>		
Location - Exhaust Vents <u>Rear Section Roof</u>				Does Vent System Air Pass Through Heater Before Entering Body <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
BRAKES	Service Type <u>Air Brakes</u>		Emergency Type <u>Spring brake</u>		Location <u>Rear wheels</u>		
FUEL	<input checked="" type="checkbox"/> Gas <input type="checkbox"/> Diesel <input type="checkbox"/> L.P.			Tank Location <u>1/2 way of chassis</u>	Capacity <u>66</u> Gal.		
Does the Manufacturer's material statement certify that the seat cover and filler material complies with the requirement of Rule 18c? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
INSPECTOR'S SIGNATURE <u>Louise Green</u>				Approved (S.M.V.I. Signature) <u>[Signature]</u>			

ADDITIONAL BUSES (same model and type)

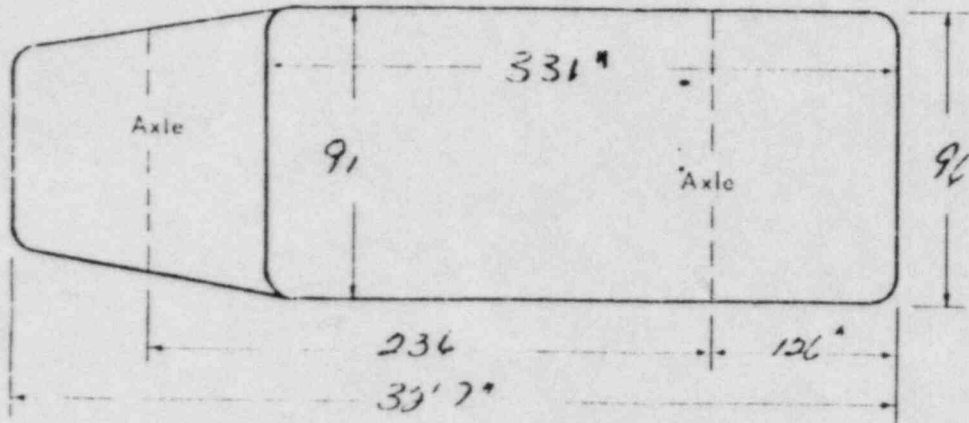
BUS NO.	CHASSIS SERIAL NO.	CHASSIS SERIAL NO.	CAPACITY	BUS NO.	CHASSIS SERIAL NO.	BODY SERIAL NO.	CAPACITY
299	144377	1269	160				

Additional Information (if any) \_\_\_\_\_

*Chassis diff  
Body diff*

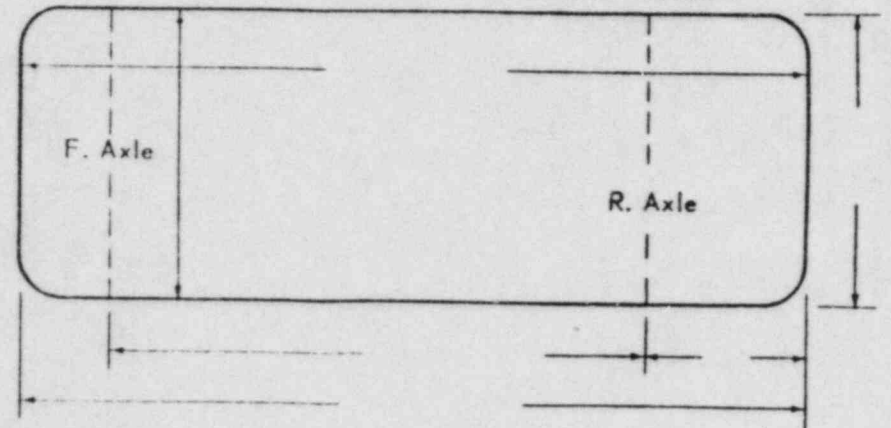
*10-24-53  
10-12-52*

CONVENTIONAL

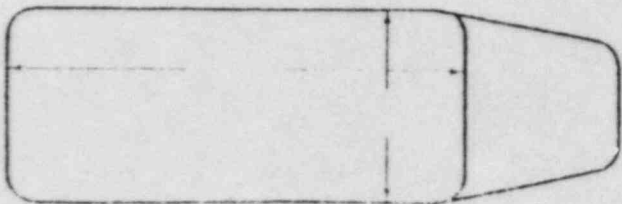


Frame extension (if any) \_\_\_\_\_ in.

FORWARD CONTROL  PUSHER



Frame extension (if any) \_\_\_\_\_ in.



If the following weight information is readily available, please furnish.

CHASSIS	BODY	PASS. LOAD	MFG's G.V.W.
			25160

SEDAN  STA. WAG.  SUBURBAN

*1000 X DC -*

DESCRIPTIVE STATEMENT OF OMNIBUS

(5) NYS E 10 over

This section filled in and signed by operator or agent.

ORDERED (date) 1/1/80

From Better Bus Co New LI  
Met Simol N.Y. Used

Date placed in N.Y. service 1/2/80

Est. Previous Mileage 60,000

Total Delivered Cost \$ Transferred

Status of Seller  Mfg.  Dir.  
 P.S.C. Cert. Op.  P.S.C. Cont. Op.  
 Dist. Sch. Op.  Dist. Sch. Contr.  
 Pvt. Sch. Op.  Pvt. Sch. Contr.  
 ICC Cert. Op.  ICC Charter Op.  
 Misc. Op. Describe \_\_\_\_\_

Proposed Use:  
 P.S.C. Cert. Op.  P.S.C. Cont. Op.  
 Dist. Sch. Op.  Pvt. Sch. Op.  
 Dist. Sch. Contr.  Pvt. Sch. Contr.  
 ICC Cert. Op.  ICC Chart. Op.  
 Municipal Op.  Lic. Sightseeing Op.  
Other \_\_\_\_\_

Names displayed on bus:

Better Bus Co. MC  
operator

Operator Signature Better Bus Co Inc.

By Jay Jay

Title Gen Manager

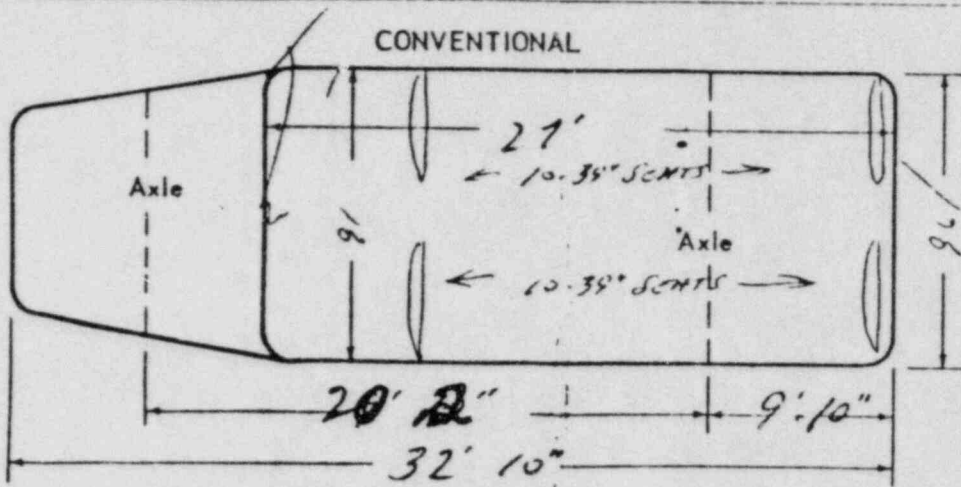
Date 2-4-80

OPERATOR <u>BETTER BUS CO</u>		BUS NO <u>122</u> (123 124 125)	
STREET ADDRESS <u>Box 553</u>		INSPECTION DATE <u>1/2/80</u>	
CITY OR VILLAGE <u>Met Simol</u>		COUNTY <u>Suffolk</u>	
IS ABOVE OPERATOR REGISTERED OWNER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Complete Reverse)			
CHASSIS <u>122</u>	YEAR <u>75</u>	MAKE <u>WORD</u>	SERIAL NO. <u>B2D-78584</u>
BODY	YEAR <u>75</u>	MAKE <u>Blue Bird</u>	SERIAL NO. <u>101482</u>
TYPE <input type="checkbox"/> Transis <input type="checkbox"/> Intercity <input checked="" type="checkbox"/> Sch. <input type="checkbox"/> S.W. <input type="checkbox"/> Sub. <input type="checkbox"/> Sedan <input type="checkbox"/> Other		ENTRANCE STEP HT. <u>15</u> INCHES	
MAIN AISLE	HEIGHT <u>75</u> in.	WIDTH <u>12</u> in.	<input type="checkbox"/> Gate <input checked="" type="checkbox"/> White L <input type="checkbox"/> Turnstile
EMERGENCY AISLE	HEIGHT <u>75</u> in.	WIDTH LEFT SIDE FL. Cush. in. Above Cush. in.	WIDTH RE. CENTER FL. Cush. <u>17</u> in. Above Cush. <u>16</u> in.
DOCR	HEIGHT <u>74</u> in.	ENTRANCE EXIT	EMER. EXIT <u>33</u> in.
SEATS	CITY in.	HI-BACK in.	RECLINER in.
CUSHION AND KNEESPACE COMBINED <u>25</u> in.		SCHOOL <u>39</u> in.	LONG- in.
WINDOWS	<input checked="" type="checkbox"/> Drop <input type="checkbox"/> Lift <input type="checkbox"/> Slide <input type="checkbox"/> Split Sash	Number of Windows Left <u>9</u> Right <u>9</u>	Height <u>24</u> in.
PUSH-OUTS	Number of Push out Left Right	Height <u>24</u> in.	Width <u>25</u> in.
WINDSHIELD	Number of Sections <u>2</u>	Height <u>22</u> in.	Width <u>42</u> in.
VENTILATION	Type <u>Static/PO-82</u>	Intake Location <u>front</u>	EXHAUST VENT Type <u>cover</u> Number <u>1</u>
BRAKES	Service Type <u>HYDR</u>	Emergency Type <u>McDonnell</u>	Location <u>front</u>
FUEL	<input checked="" type="checkbox"/> Gas <input type="checkbox"/> Diesel <input type="checkbox"/> L.P.	Tank Location <u>right side</u>	Capacity <u>50</u> Gal.
Does the Manufacturer's material statement certify that the seat cover and filler material complies with the requirement of Rule 18c? <input type="checkbox"/> Yes <input type="checkbox"/> No			
INSPECTOR'S SIGNATURE <u>V.J. Grande</u>		Approved (S.M.V.I. Signature) <u>R. Peghard</u>	

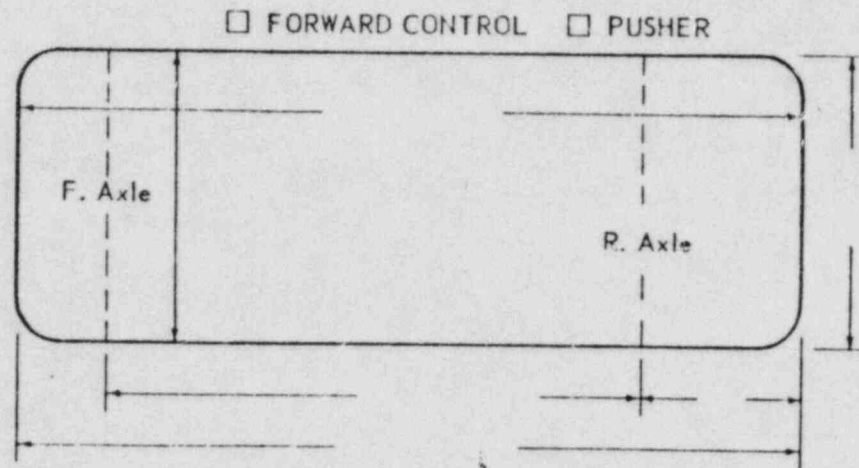


BUS NO.	CHASSIS SERIAL NO.	BODY SERIAL NO.	CAPACITY	BUS NO.	CHASSIS SERIAL NO.	BODY SERIAL NO.	CAPACITY
123	DVU 94621	2673	40/60				
124	B70DVU 94621	2670	40/60				
127	B70DVU 94623	2672	40/60				
125	B70DVU 94622	2671	40/60				

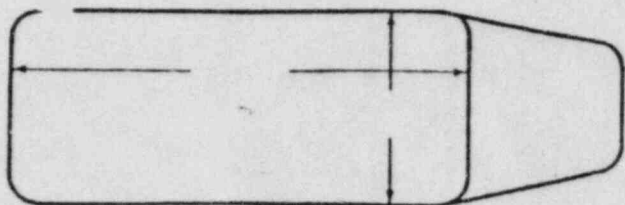
Additional Information (if any) \_\_\_\_\_



Frame extension (if any) \_\_\_\_\_ in.



Frame extension (if any) \_\_\_\_\_ in.



SEDAN  STA. WAG.  SUBURBAN

SHOW DOORS AND SEAT ARRANGEMENT.

If the following weight information is readily available, please furnish.

CHASSIS	BODY	PASS. LOAD	MFG'S. G.V.W.
			21000

Front axle - 7000  
Rear " - 15000

#9-8-SueT

1

JUDGE LAURENSEN: Anything else, Mr. Zahnleuter?

2

MR. ZAHNLEUTER: I have no other questions.

3

JUDGE LAURENSEN: Mr. Zeugin?

4

MR. ZEUGIN: LILCO has no questions.

5

MR. MILLER: Judge Laurenson, the County has

6

one question.

7

CROSS EXAMINATION

INDEXXX

8

BY MR. MILLER:

9

Q Mr. Failla, in your answers to Mr. Zahnleuter's

10

questions regarding the calculations on Page 2 of your

11

testimony, were you accepting Mrs. Robinson's figures, or

12

were you merely assuming the accuracy of her figures for

13

purposes of your counsel's questions?

14

A I have accepted her answers to the questions on

15

an assumption. They don't verify or come up with my re-

16

ords, but on an assumption I have accepted them.

17

MR. MILLER: Thank you.

18

JUDGE LAURENSEN: Thank you, Mr. Failla. You

19

are excused again as a witness.

20

WITNESS FAILLA: Thank you, Judge.

21

(The witness stood aside.)

22

JUDGE LAURENSEN: Anything else in this matter

23

before we move right along?

24

All right. I believe we are now ready for the

25

next panel of LILCO witnesses on Cluster 14, Contention 13.

#9-9-SueT

1 MR. MC MURRAY: Judge Laurensen, I just have a  
2 short procedural matter to bring up. Maybe we can talk  
3 about it while we are changing witness panels.

4 JUDGE LAURENSEN: Let's wait until everybody has  
5 stopped moving around here.

6 (Pause.)

7 Yes, Mr. McMurray.

8 MR. MC MURRAY: Thank you, Judge Laurensen.  
9 This goes back to the Board's ruling this morning on LILCO's  
10 motion to submit a supplemental exhibit which the Board  
11 granted. At that time, the Board offered no explanation for  
12 its ruling.

13 I assumed at that time that the Board was going  
14 to be coming back with a written Order. On reflection, I  
15 don't know whether that assumption is valid or not. If it's  
16 not, I would move that the Board explain its ruling on the  
17 record.

18 JUDGE LAURENSEN: This is done for the reasons  
19 stated in the LILCO motion offering it, to complete the  
20 record concerning the testimony with regard to the issue  
21 of whether there is an agreement with the State of Connecticut.

22 LILCO initially offered a letter written by the  
23 Director of the Connecticut Department of Public Safety. It  
24 was received in evidence. Mr. Zahnleuter, on behalf of the  
25 State of New York, offered Dr. Axelrod's response a few

#9-10-SueT

1 months later. This current exhibit, LILCO EP-48, by Mr.  
2 Mancuso, the State Director, in Connecticut, was in response  
3 to the last letter. It answered Dr. Axelrod's letter, and  
4 we find that it is relevant to this case and meets the test  
5 for admission as an exhibit.

6 I don't know what other explanation is necessary.  
7 We basically agree with the reasons cited by LILCO in its  
8 motion.

9 MR. MC MURRAY: Thank you, Judge Laurenson, for  
10 that explanation. My concern was that the Board did not  
11 address the arguments raised in Suffolk County's response.

12 What Suffolk County is concerned with is that  
13 there seems now to be no standards which will apply to whether  
14 or not evidence should be admitted into the record, especially  
15 with respect to laying a proper foundation for an exhibit  
16 and how that foundation is laid.

17 It appears now that counsel, through a motion,  
18 can lay the foundation for an exhibit. And the County just  
19 wants to know if that is now the Board's ruling.

20 JUDGE LAURENSEN: We are just going to have to rule  
21 on each question as it comes up. I can't give you any  
22 blanket ruling.

23 We were confronted with this specific offer,  
24 which was in response to evidence that we had previously  
25 received, and we found that it was directly related to that

#9-11-SueT

1 evidence. For that reason, we admitted it in evidence.

2 We are not setting any new standards for offering  
3 evidence. We have to examine each request on a case by case  
4 basis.

5 MR. MC MURRAY: Just as a point of clarification,  
6 Judge Laurenson, the Board did find that a proper foundation  
7 had been laid.

8 JUDGE LAURENSEN: There was no question concern-  
9 ing the authenticity of it, because the statement was made  
10 and not disputed by New York that the source of the document  
11 was from New York State itself.

12 MR. CHRISTMAN: Judge --

13 JUDGE LAURENSEN: New York had turned it over to  
14 LILCO.

15 MR. CHRISTMAN: -- I would like to point out that  
16 this is just an analogous situation to the way the document  
17 came in in the first place, which it had no foundation what-  
18 soever. Mr. Zahnleuter offered it while our witnesses were  
19 on the stand. Our witnesses had never seen the document  
20 before.

21 And we, with the proffer by counsel that it was  
22 authentic, we -- it went into the record. And it's the  
23 same sort of treatment for the follow-up letter. It's  
24 really not very remarkable in this particular circumstance  
25 that that would happen.

#9-12-SueT 1

2 MR. MC MURRAY: There is a difference between  
3 authentication and foundation, which I need not discuss  
4 with the Board. I'm sure the Board knows that.

5 JUDGE LAURENSEN: Okay. Are we ready for the  
6 next panel?

7 MR. CHRISTMAN: Yes, sir. Let the record show  
8 that witnesses, Cordaro, Clawson and Daverio have taken the  
9 stand to testify on Contention 18, which we call Adequacy  
10 of Zone and Route Information.

11 And I will note that these witnesses have already  
12 been sworn.

13 JUDGE LAURENSEN: That's correct. The witnesses  
14 are still under oath.

15 Just for the record, the Board has found no  
16 motions to strike any of this testimony so there will be no  
17 rulings.

18 Whereupon,

INDEXXX

19 CAROL A. CLAWSON,

20 MATTHEW C. CORDARO,

21 -and-

22 CHARLES A. DAVERIO

23 were called as witnesses on behalf of Long Island Lighting  
24 Company and, having previously been duly sworn, were  
25 examined and testified as follows:

#9-13-SueT

## DIRECT EXAMINATION

BY MR. CHRISTMAN:

Q In that case, let me show all three witnesses a document, dated March 22, 1984. It consists of fifteen pages and eleven attachments, and it is entitled "LILCO's Testimony on Contention 18 (Adequacy of Zone and Route Information)."

And I will also show you a document called -- dated May 30, 1984, labeled "Update of LILCO's Testimony on Contention 18 (Adequacy of Zone and Route Information)."

I will ask you if those two documents were prepared by you or under your supervision?

A (Witness Cordaro) Yes.

(Witness Clawson) Yes.

(Witness Daverio) Yes.

Q Do you have any additional corrections or changes you would like to make to any of those documents?

A (Witness Clawson) Yes. In the testimony we have included a couple of new maps to show examples of our computer maps as opposed to the old maps that we had filed with the testimony. The computer maps were done after the testimony was filed in terms of the glove box sticker and the brochure maps.

In addition, again after the original testimony was filed, as we have noted in prior testimony, there was

#9-14-SueT 1

an additional radio station that signed on to the system.

2

That is not included in the material.

3

And that's the sum and substance of the cor-

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rections.

end #9 5

Joe flws 6

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1 Q How about of the maps? The maps that we have now  
2 added. Are they completely up to date?

3 A The maps are just simple maps. They are to be  
4 considered as examples of the types of maps that we would be  
5 using in the brochure, but they are still under revision.

6 JUDGE LAURENSEN: I am not sure I understand  
7 this testimony. Are you saying that the information we have  
8 has been changed? Has there been a supplement that we didn't  
9 receive?

10 MR. CHRISTMAN: No, sir. But, as I think will  
11 be obvious, if the relocation center matter is still up in  
12 the air. That is, we haven't got a schedule for testimony  
13 filing, and I suspect these maps were done under the  
14 assumption that the original relocation center situation  
15 would be as it was then. That has changed.

16 So the maps will probably have to be redone to  
17 show new relocation centers. Apart from that, everything  
18 is as up to date as it can be.

19 JUDGE LAURENSEN: Let me ask Ms. Clawson. Are  
20 you changing any of the testimony that is in this document  
21 now?

22 MS. CLAWSON: No.

23 MR. CHRISTMAN: It is just a clarification, Judge  
24 Laurenson. With that clarification, are these two documents  
25 that I have shown you true and correct to the best of your

1 knowledge and belief?

2 WITNESS CORDARO: Yes.

3 WITNESS CLAWSON: Yes.

4 WITNESS DAVERIO: Yes.

5 MR. CHRISTMAN: Judge, with that understanding,  
6 I would like to move both of these documents into evidence,  
7 and ask that they be bound into the transcript as if read.

8 JUDGE LAURENSEN: Is there any objection to  
9 that?

10 MR. McMURRAY: Judge Laurenson, no objection, but  
11 I would like to make sure that everybody is on the same  
12 wave length. Is the Board aware of the two additional maps  
13 that were attached to a document called update of LILCO's  
14 Testimony on Contention 18. It didn't seem that -- the Board  
15 had one document, and I wasn't quite sure that you were aware  
16 that two of the maps had been changed.

17 MR. CHRISTMAN: There are two replacement attach-  
18 ments included in the update.

19 JUDGE LAURENSEN: These are the only two, right;  
20 2 and 6?

21 MR. CHRISTMAN: Yes, that is right.

22 MR. McMURRAY: No objection.

23 JUDGE LAURENSEN: This testimony will be received  
24 in evidence and bound in the transcript following this page.

25 MR. CHRISTMAN: With that, these witnesses are

1 ready for cross examination.

2 (Above referred to documents  
3 follow.)

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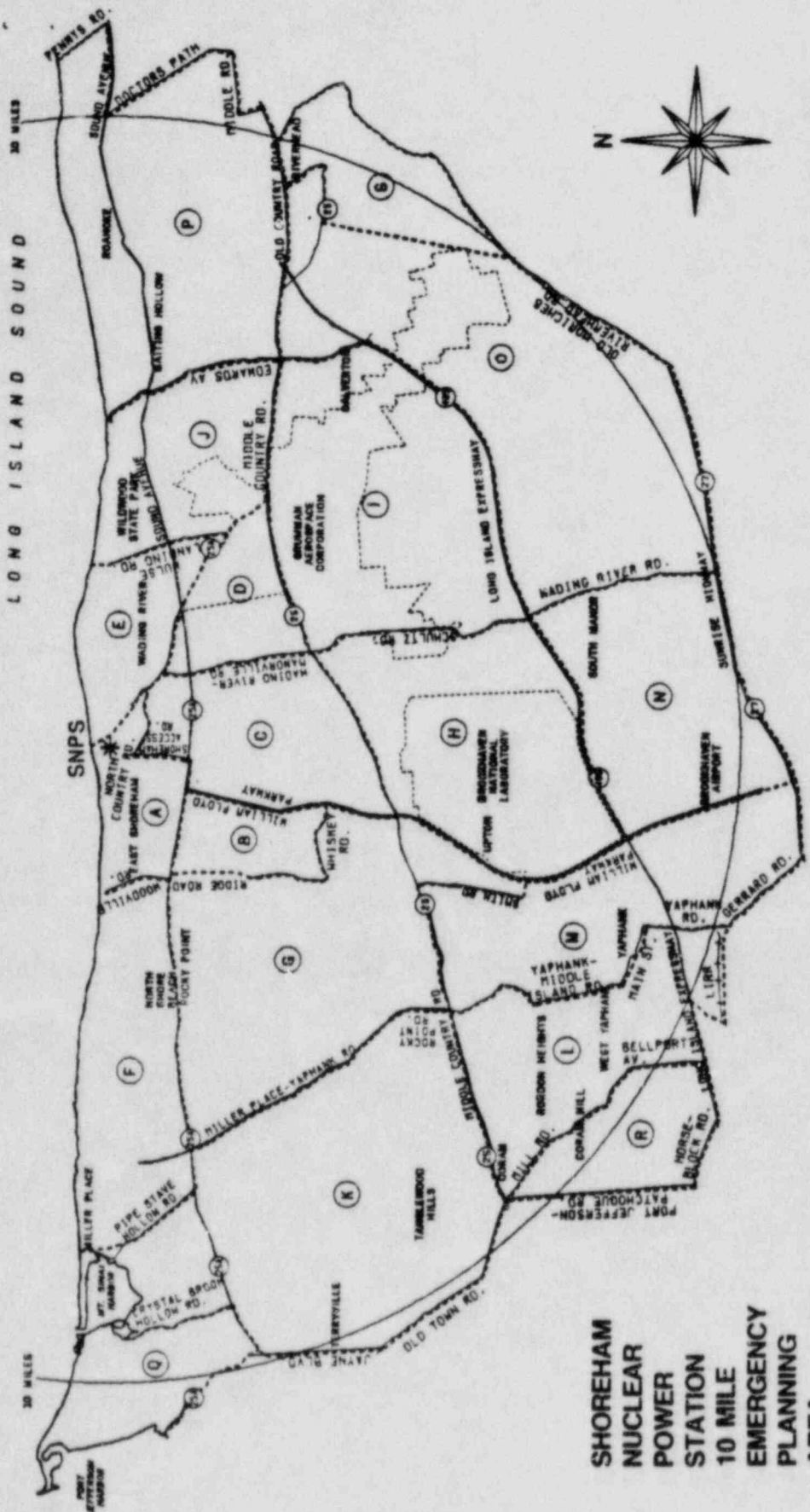
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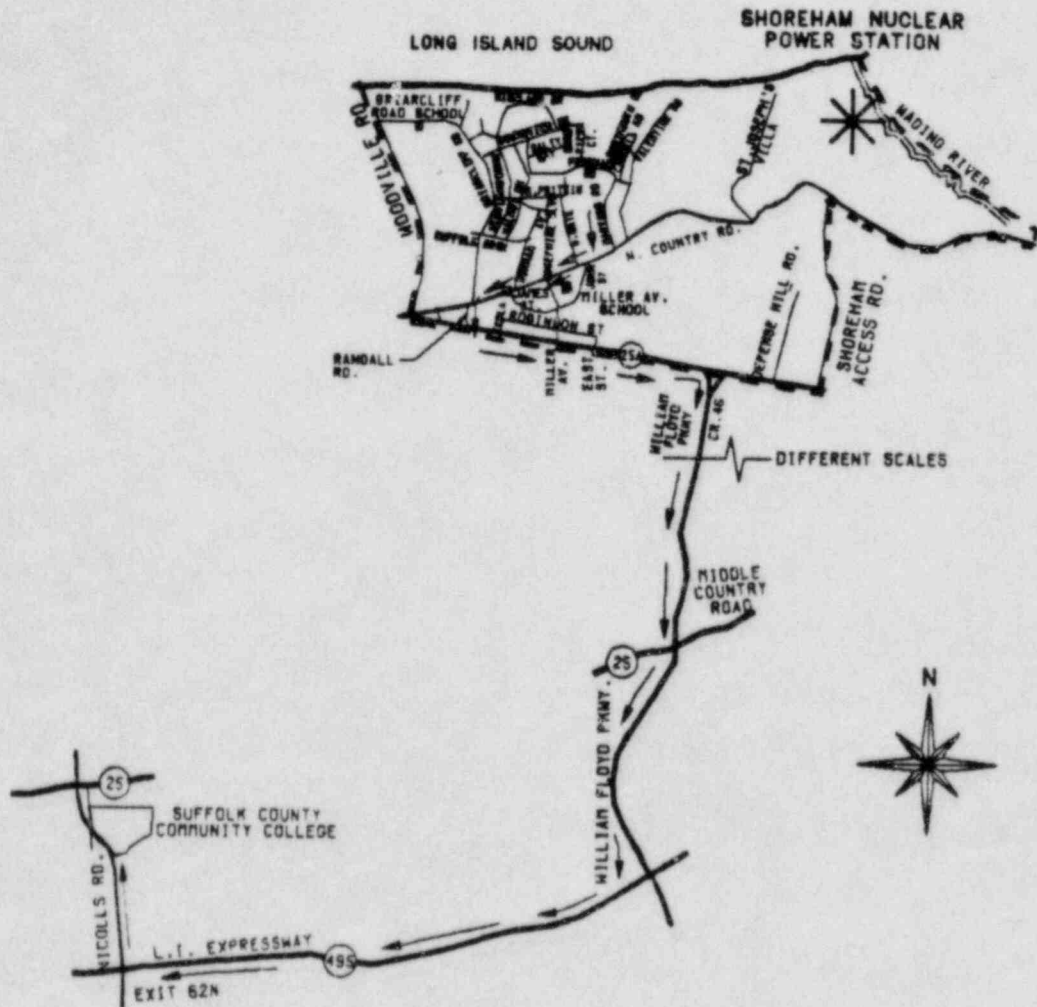


**SHOREHAM  
NUCLEAR  
POWER  
STATION  
10 MILE  
EMERGENCY  
PLANNING  
AREA**

## ZONE A EVACUATION MAP

### ZONE A BOUNDARIES ARE:

SOUTH OF THE LONG ISLAND SOUND  
EAST OF WOODVILLE ROAD  
WEST OF THE WADING RIVER AND SHOREHAM ACCESS ROAD  
NORTH OF ROUTE 25A



### ZONE A - ROUTE DIRECTIONS:

#### FOR TRIPS ORIGINATING NORTH OF NORTH COUNTRY ROAD-

TAKE THE MOST CONVENIENT ROUTE TO NORTH COUNTRY ROAD. TAKE NORTH COUNTRY ROAD SOUTHWEST TO RANDALL ROAD. SOUTH ON RANDALL ROAD TO ROUTE 25A. TURN LEFT (EAST) ONTO 25A AND FOLLOW 25A TO THE WILLIAM FLOYD PARKWAY. TURN RIGHT (SOUTH) ONTO THE WILLIAM FLOYD PARKWAY. TAKE THE WILLIAM FLOYD PARKWAY TO THE LONG ISLAND EXPRESSWAY (I-495) WESTBOUND. TAKE I-495 WESTBOUND TO EXIT 62N - NICOLLS ROAD NORTHBOUND. TRAVEL ALONG NICOLLS ROAD TO SUFFOLK COUNTY COMMUNITY COLLEGE.

#### FOR TRIPS ORIGINATING SOUTH OF NORTH COUNTRY ROAD-

THOSE WITH ACCESS TO NORTH COUNTRY ROAD FOLLOW DIRECTIONS DESCRIBED ABOVE. THOSE WITH ACCESS TO ROUTE 25A, TAKE THE MOST CONVENIENT ROUTE SOUTH TO ROUTE 25A. TURN LEFT (EAST) ONTO 25A. TAKE 25A EAST TO THE WILLIAM FLOYD PARKWAY AND FOLLOW DIRECTIONS GIVEN ABOVE.

**REFRIGERATOR  
MAGNET**



**YOU ARE IN ZONE D  
IN CASE OF NUCLEAR EMERGENCY  
TUNE YOUR RADIO DIAL TO ANY  
OF THE STATIONS LISTED BELOW:**

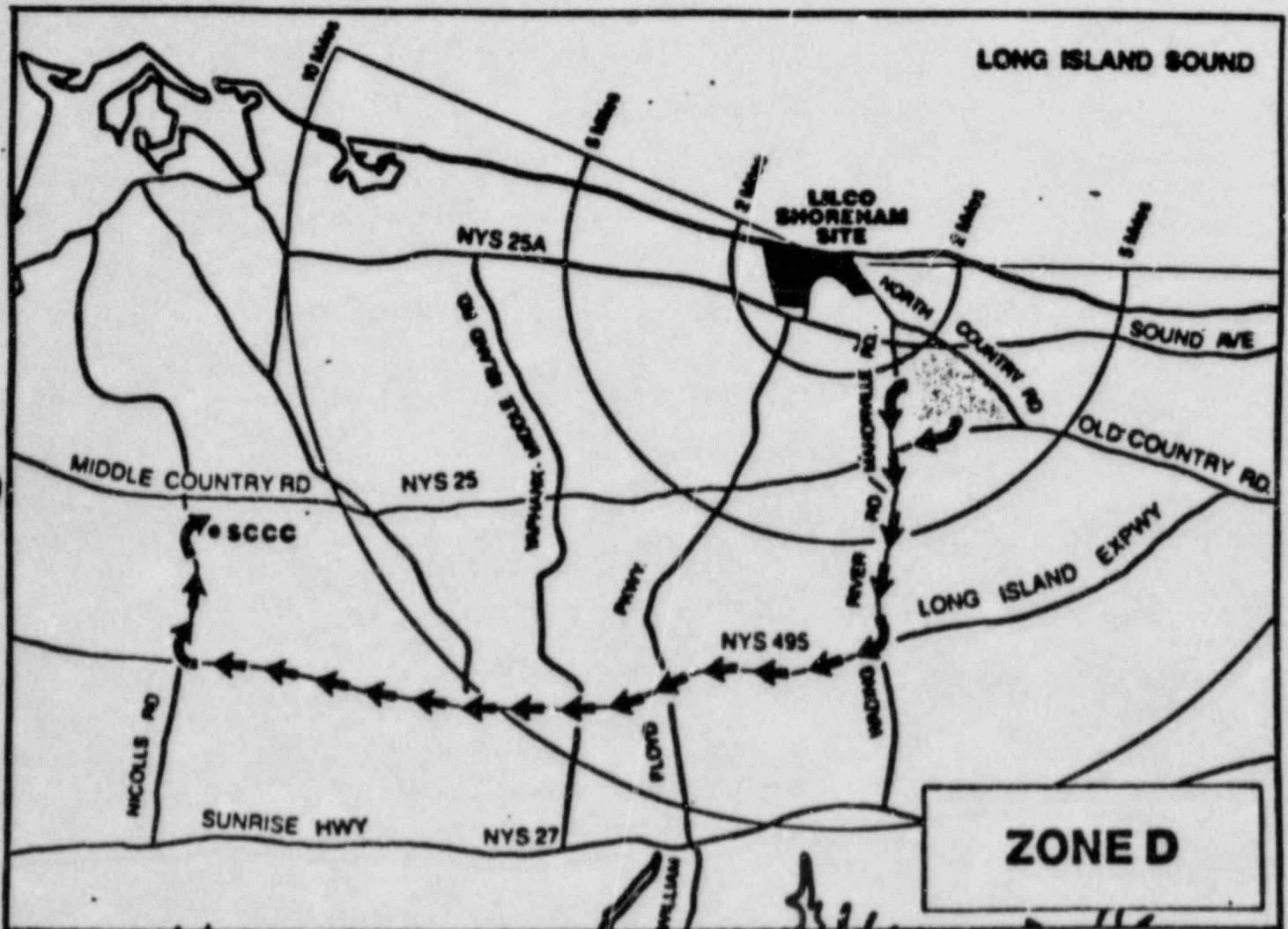
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**LOCAL EMERGENCY BROADCAST SYSTEM STATIONS:**

<b>AM STATIONS</b>		<b>FM STATIONS</b>	
WBLI-BABYLON	1290	WALK-PATCHOGUE	97.5
WALK-PATCHOGUE	1370	WBLI-PATCHOGUE	106.1
WGSM-HUNTINGTON	740	WCTO-SMITHTOWN	94.3
WLIM-PATCHOGUE	1580	WRCN-RIVERHEAD	103.9
WLIX-ISLIP	540		
WRHD-RIVERHEAD	1570		
WRIV-RIVERHEAD	1390		

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# AUTO GLOVE BOX STICKER



## TO EVACUATE ZONE D BY AUTO:

1. Take Wading River Road/Manorville Road South to the Long Island Expressway, traveling west.
2. Exit the Long Island Expressway at exit 62N (Nicolls Road).
3. Proceed North on Nicolls Road to Suffolk County Community College, (SCCC).

# SHOREHAM NUCLEAR POWER STATION EMERGENCY INSTRUCTIONS ZONE A EVACUATION ROUTE

## ZONE A EVACUATION MAP

ZONE A BOUNDARIES ARE:

SOUTH OF THE LONG ISLAND SOUND      LONG ISLAND SOUND  
EAST OF WOODVILLE ROAD  
WEST OF THE WADING RIVER AND SHOREHAM      SHOREHAM NUCLEAR POWER STATION  
ACCESS ROAD NORTH OF ROUTE 25A



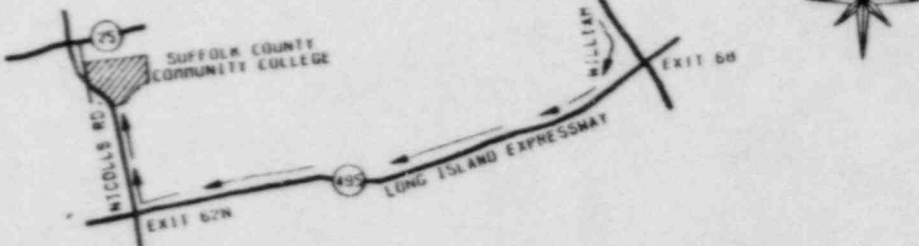
### ZONE A — ROUTE DIRECTIONS:

#### FOR TRIPS ORIGINATING NORTH OF NORTH COUNTRY ROAD

Take the most convenient route to North Country Road. Take North Country Road southwest to Randall Road; south on Randall Road to Route 25A. Turn left (east) onto 25A and follow 25A to the William Floyd Parkway. Turn right (south) onto the William Floyd Parkway. Take the William Floyd Parkway to the Long Island Expressway (I-495) westbound. Take I-495 westbound to Exit 62N — Nicolls Road northbound. Travel along Nicolls Road to Suffolk County Community College.

#### FOR TRIPS ORIGINATING SOUTH OF NORTH COUNTRY ROAD

Those with access to North Country Road follow directions described above. Those with access to Route 25A, take the most convenient route south to Route 25A. Turn left (east) onto 25A. Take 25A east to the William Floyd Parkway and follow directions given above.



When you hear a siren sounding for three to five minutes:

1. Turn on your FM or AM radio.
2. Tune to your local Emergency Broadcast System (EBS) station.
3. Listen for details and instructions.
4. You will know just what to do if you listen to EBS.

If there is an accident at the Shoreham Nuclear Power Station, it will be classified by its degree of seriousness. From least serious to most serious these classifications are: unusual event, alert, site area emergency and general emergency.

If an accident at Shoreham is serious enough to require public protective actions, it is important for you to know whether you are located in the 10-mile emergency planning area. If you are not located in the 10-mile emergency planning area there is no need for you to take any action.

The 10 mile emergency planning area is shown on the map. It is further divided into 19 zones, called Zone A through Zone S.

### THIS IS THE EVACUATION ROUTE MAP FOR ZONE A

Any public protective action recommendations would be made for a specific zone or groups of zones. These recommendations would be made through the Emergency Broadcast System (EBS) radio stations listed.

If public protective action is required, you may be asked to "shelter." To shelter is to keep the family and pets indoors with outside sources of ventilation closed. If you are not at home or in a building when people in your zone are told to shelter, it is best to seek shelter inside the nearest building.

If people in your zone are advised to evacuate, it is best to leave the area as soon as possible. There is a map and routing instructions in this flyer to direct you along predesignated roadways out of the area. There are also blue and white pathfinder signs located on major roadways in the emergency planning zone to direct you along specific routes out of the area. And there will be traffic guides at key locations to help speed evacuation.

If an accident occurs at Shoreham which requires people to evacuate their homes, relocation centers will be established outside the 10-mile planning area. There will be workers from the American Red Cross at the centers. The relocation center for this zone is Suffolk County Community College.

If you have any questions or may need special assistance in the event of an evacuation, please feel free to write to:

Local Emergency Response Organization  
P O. Box 624  
Wading River, New York 11742

If you need special assistance during an emergency evacuation, please call 000-0000.  
We want to help.

### LOCAL EMERGENCY BROADCAST SYSTEM STATIONS:

AM STATIONS		FM STATIONS	
WBLI BABYLON	1290	WALK PATCHOGUE	97.5
WALK PATCHOGUE	1370	WBLI PATCHOGUE	106.1
WLSM HUNTINGTON	740	WCTO-SMITHTOWN	94.3
WLM PATCHOGUE	1580	WRCN RIVERHEAD	103.9
WLIX SLIP	540		
WRHD RIVERHEAD	1570		
WRV RIVERHEAD	1390		



Dear Business Owner:

Federal Government regulations require that areas within a 10-mile radius of a nuclear power station be prepared in the unlikely event of an accident at the plant.

In compliance with these regulations, the Long Island Lighting Company will be distributing a variety of public information materials relating to emergency planning for the Shoreham Nuclear Power Station.

As part of our efforts to inform local residents about significant details of the plan, we have sent a public information brochure to every LILCO customer in the 10-mile emergency planning area.

It is important however, that non-residents in the area have access to this information as well.

As a public service for visitors to this area we are sending you a public information package for your establishment and would appreciate your displaying these materials in a prominent location.

The maps enclosed are specific to the zone in which you are located.

Included in the package are:

- 1- window display poster
- 25- vest pocket brochures
- 1- cardboard brochure holder
- 5- EBS stickers

Your participation in this effort will greatly assist our area preparations for an emergency condition.

We want to help and we deeply appreciate your cooperation.

Long Island Lighting Company

Local Emergency Response Organization

**LETTER  
TO  
BUSINESS  
OWNERS**

**WHEN YOU HEAR A SIREN SOUNDING  
FOR THREE TO FIVE MINUTES:**

1. Turn on your FM or AM radio
2. Tune to your local Emergency Broadcast System (EBS) station.
3. Listen for details and instructions.
4. You will know just what to do if you listen to EBS.

---

**LOCAL EMERGENCY BROADCAST SYSTEM STATIONS:**

AM STATIONS		FM STATIONS	
WBLI-BABYLON	1290	WALK-PATCHOGUE	97.5
WALK-PATCHOGUE	1370	WBLI-PATCHOGUE	106.1
WGSM-HUNTINGTON	740	WCTO-SMITHTOWN	94.3
WLIM-PATCHOGUE	1580	WRCN-RIVERHEAD	103.9
WLIX-ISLIP	540		
WRHD-RIVERHEAD	1570		
WRIV-RIVERHEAD	1390		

---

**STICKER**

EBS SAMPLE MESSAGES  
(continued)

MESSAGE G - GENERAL EMERGENCY (SHELTERING & EVACUATION)

This is the Emergency Broadcast System.

The Emergency Broadcast System has been activated due to an incident at the Shoreham Nuclear Power Station.

This is not a test.

A General Emergency condition was declared at (time) today at the Shoreham Nuclear Power Station. A General Emergency condition is one of four emergency classifications and indicates that there has been a failure in plant safety systems.

A release of radiation into the air occurred at (time). Based on measurements of radiation in the field/at the plant (select one), the following radiation exposures are projected: \_\_\_\_\_ millirem two miles downwind of the plant, \_\_\_\_\_ millirem five miles downwind of the plant, and \_\_\_\_\_ millirem ten miles downwind of the plant. The U.S. Environmental Protection Agency recommends sheltering for exposures of 1,000 millirem or larger and evacuation for doses 5,000 millirem or larger.

The Local Emergency Response Organization for residents living in the 10-mile emergency planning zone around Shoreham has been activated and is responding to the incident.

The Director of Local Response for emergencies for the Shoreham Nuclear Power Station, (name), has consulted with (names, titles) \_\_\_\_\_ scientists, \_\_\_\_\_ LILCO officials, \_\_\_\_\_ nuclear engineers, and \_\_\_\_\_ officials from \_\_\_\_\_ public agencies and has recommended the following public action:

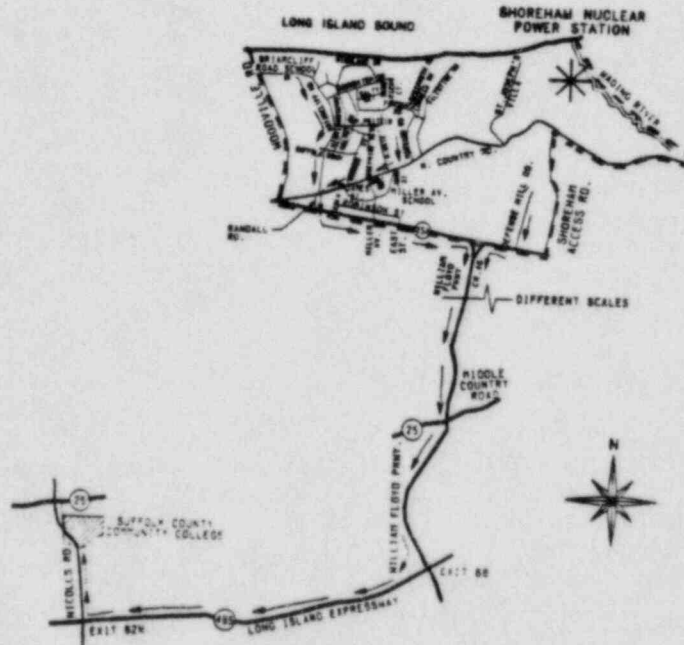
1. All schools within the 10-mile emergency planning zone are advised to evacuate to predesignated relocation centers.

Parents should not drive to school to meet their children since children are being safely transported outside the zone to relocation centers. Parents should not go to relocation centers until advised to do so.

# SHOREHAM NUCLEAR POWER STATION ZONE A EVACUATION ROUTE

## ZONE A EVACUATION MAP

ZONE A BOUNDARIES ARE:  
SOUTH OF THE LONG ISLAND SOUND  
EAST OF WOODVILLE ROAD  
WEST OF THE WADING RIVER AND SHOREHAM ACCESS ROAD  
NORTH OF ROUTE 25A



### ZONE A - ROUTE DIRECTIONS:

#### FOR TRIPS ORIGINATING NORTH OF NORTH COUNTRY ROAD-

TAKE THE MOST CONVENIENT ROUTE TO NORTH COUNTRY ROAD. TAKE NORTH COUNTRY ROAD SOUTH TO RANDALL ROAD AND HEAD SOUTH ON RANDALL ROAD TO ROUTE 25A. TURN LEFT (EAST) ON ROUTE 25A AND FOLLOW 25A TO THE WILLIAM FLOYD PARKWAY. TURN RIGHT (SOUTH) ONTO THE WILLIAM FLOYD PARKWAY. TAKE THE WILLIAM FLOYD PARKWAY TO THE LONG ISLAND EXPRESSWAY (I-495). WESTBOUND, TAKE THE 145TH STREET EXIT TO THE LONG ISLAND EXPRESSWAY. NORTHBOUND, TRAVEL ALONG NICHOLS ROAD TO SUFFOLK COUNTY COMMUNITY COLLEGE.

#### FOR TRIPS ORIGINATING SOUTH OF NORTH COUNTRY ROAD-

THOSE WITH ACCESS TO NORTH COUNTRY ROAD FOLLOW DIRECTIONS DESCRIBED ABOVE. THOSE WITH ACCESS TO ROUTE 25A, TAKE THE MOST CONVENIENT ROUTE SOUTH TO ROUTE 25A. TAKE ROUTE 25A TO THE WILLIAM FLOYD PARKWAY AND FOLLOW DIRECTIONS GIVEN ABOVE.

## EMERGENCY INSTRUCTIONS

When you hear a siren sounding for three to five minutes:

1. Turn on your FM or AM radio.
2. Tune to your local Emergency Broadcast System (EBS) station.
3. Listen for details and instructions.
4. You will know just what to do if you listen to EBS.

If there is an accident at the Shoreham Nuclear Power Station, it will be classified by its degree of seriousness. From least serious to most serious these classifications are: unusual event, alert, and emergency - general emergency.

If an accident at Shoreham is serious enough to require public protective actions, it is important that you know where to go in an emergency planning area. If you are not located in the 10-mile emergency planning area there is no need for you to take any action. The 10-mile emergency planning area is divided into 10 zones, called Zone A through Zone J.

### THIS IS THE EVACUATION ROUTE MAP FOR ZONE A

Any public protective action recommendations would be made for a specific zone or group of zones. These recommendations would be made through the Emergency Broadcast System (EBS) radio broadcast system.

If public protective action is required, you may be asked to "shelter" or "shelter in place" and your orders will include sources of information (radio) if you are not at home.

If in a building when people in your zone are told to shelter, it is best to seek shelter inside the nearest building.

If people in your zone are advised to evacuate, it is best to leave the area as soon as possible. Here is a map and routing instructions to direct you along pre-designated roadways out of the emergency planning zone to direct you along specific routes out of the area. Also there will be traffic guides at key locations to help direct evacuation.

If an accident occurs at Shoreham which requires people to evacuate their homes, recreation centers will be established outside the 10-mile planning area. There will be workers from the American Red Cross at the centers. The recreation center for the zone is Suffolk County Community College.

If you have any questions or may need special assistance in the event of an evacuation, please see the list below:

Local Emergency Response Organization  
P.O. Box 824  
Wading River, New York 11742

If you need special assistance during an emergency evacuation, please call 800-0000. We want to help.

### LOCAL EMERGENCY BROADCAST SYSTEM STATIONS:

AM STATIONS			
WILLIAMSTON	1380	WISN-HARTINGTON	1450
WALPATOCHQUE	1370	WALPATOCHQUE	1480
		WLD-GLP	840
		WFD-FAIRHEAD	920
		WFD-FAIRHEAD	1380
FM STATIONS			
WALPATOCHQUE	97.1	WALPATOCHQUE	100
		WCTD-SMITHSON	84.3
		WFD-FAIRHEAD	107.8

SUFFOLK COUNTY TELEPHONE BOOK INSERT

# IMPORTANT INFORMATION

## SHOREHAM NUCLEAR POWER STATION EMERGENCY INSTRUCTIONS

- 1. Turn on your FM or AM radio.
  - 2. Tune to your local Emergency Broadcast System (EBS) radio.
  - 3. Listen for details and instructions.
  - 4. You will know just what to do if you listen to EBS.
- If there is an accident at the Shoreham Nuclear Power Station, it will be covered by all degrees of seriousness. From least serious to most serious these "disturbances" are: unusual event, alert, site area emergency and general emergency.
- If an accident at Shoreham is serious enough to require public protective actions, it is important for you to know whether you are located in the 10-mile emergency planning area. If you are not located in the 10-mile emergency planning area there is no need for you to listen to EBS.
- The 10-mile emergency planning area is shown on this map. It is further divided into 19 zones, called Zones A through Zone S.
- Any public protective action recommendations would be made for a specific zone or group of zones. These recommendations would be made through the Emergency Broadcast System (EBS) radio system.

If public protective action is required, you may be asked to "shelter". To shelter is to keep the family and pets indoors with outside doors and windows closed. If you are not at home or in a building when people in your zone are told to shelter, it is best to seek shelter inside for several hours.

If people in your zone are advised to evacuate, it is best to leave the area as soon as possible. There are blue and white portable signs located on major highways in the emergency planning area which will direct you along predetermined routes out of the area. There will also be traffic guides at key locations to help speed evacuation.

If an accident occurs at Shoreham which requires people to evacuate from homes, nurseries, centers will be established outside the 10-mile planning area. These will be located from the American Red Cross at 8000 Center. The evacuation centers are also shown on this map. They are: The BOCES Occupational Center Complex, 140; The Suffolk County Community College, Suffolk Campus, and the State University at Suffolk.

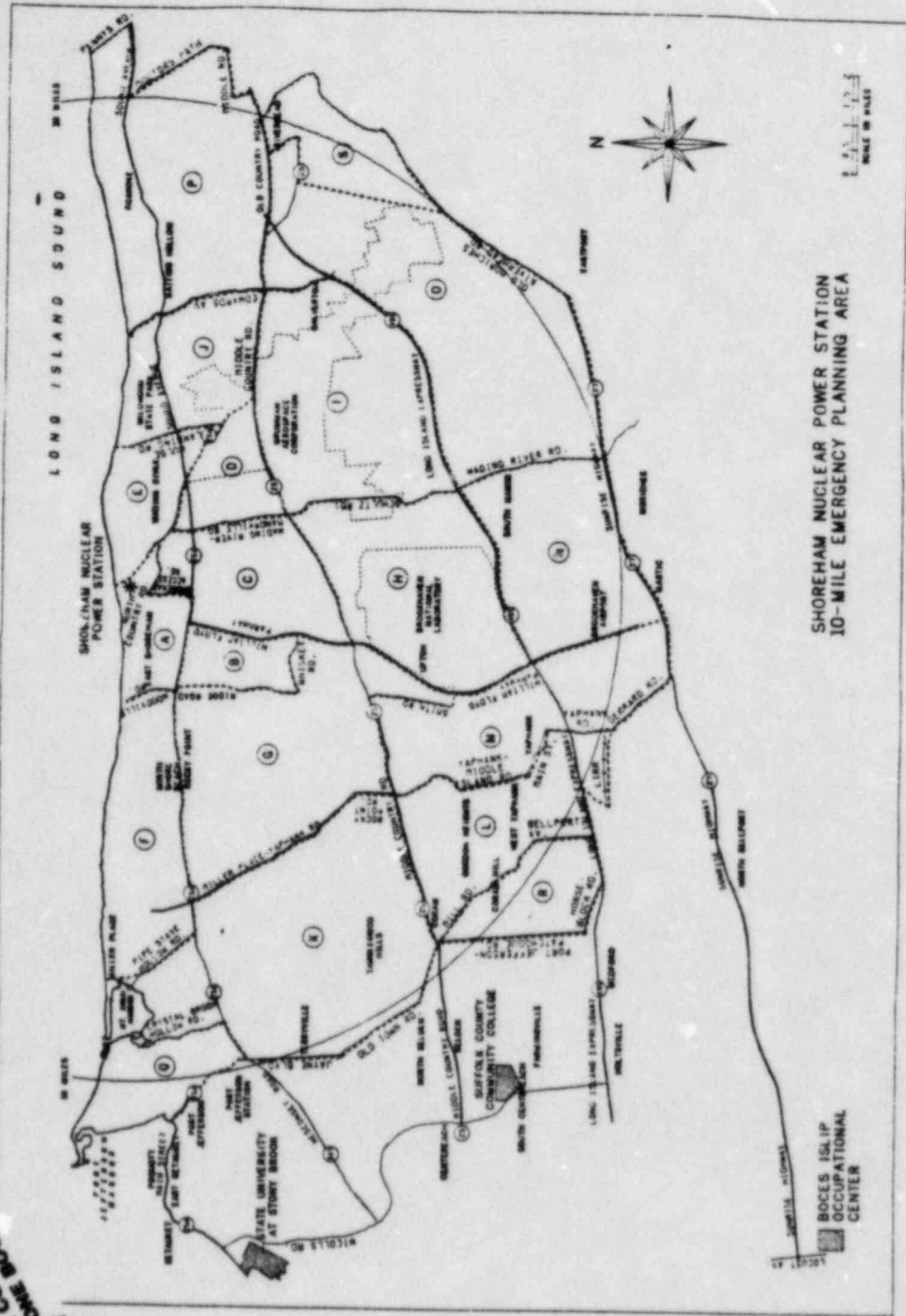
If you need any questions or help, call the toll-free number in the back of this manual.

Local Emergency Response Organization  
1100 N. Dix St  
Newburyport, New York 11742

If you need special assistance during an emergency evacuation, please call the county office.

### LOCAL EMERGENCY BROADCAST SYSTEM STATIONS:

AM STATIONS	FM STATIONS
1320 W. STREET	94.7 W. STREET
1320 W. STREET	94.7 W. STREET
1320 W. STREET	94.7 W. STREET
1320 W. STREET	94.7 W. STREET
1320 W. STREET	94.7 W. STREET



LILCO, March 22, 1984

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)

LILCO'S TESTIMONY ON CONTENTION 18  
(ADEQUACY OF ZONE AND ROUTE INFORMATION)

Hunton & Williams  
P.O. Box 1535  
707 East Main Street  
Richmond, Virginia 23212  
(804) 788-8200

UNITED STATES OF AMERICA  
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LILCO'S TESTIMONY ON CONTENTION 18  
(ADEQUACY OF ZONE AND ROUTE INFORMATION)

PURPOSE

Contention 18 alleges that people who do not have access to a Public Information Brochure during an emergency at Shoreham will not be able to identify either the zone in which they live or the prescribed evacuation route out of that zone; that even if people know the prescribed evacuation route from the zone in which they live, the LILCO Transition Plan does not provide means whereby people who are visiting other zones will be able to determine the evacuation route from that zone; and, finally, that the EBS messages do not describe the zones in which protective actions must be taken.

This testimony will show that there are a variety of sources, in addition to the Public Information Brochure, from which residents in the EPZ are able to identify the zone in which they live and the evacuation routes out of that zone, including (1) an insert in the Suffolk County telephone

directory, (2) an insert in community telephone directories, (3) refrigerator magnets, (4) automobile glovebox stickers, and (5) emergency posters and information flyers at commercial establishments in the EPZ.

There also are sufficient means by which transient persons can determine in which zone they are located and the evacuation routes from that zone, including (1) emergency posters and flyers at commercial establishments in the EPZ, (2) emergency posters at beaches and recreation areas, (3) inserts in community telephone directories, (4) trailblazer signs, (5) traffic guides, and (6) local persons who have access to the Public Information Brochure, a community telephone directory, or automobile glovebox stickers.

Finally, the testimony will show that the EBS messages provide for both a listing of the zones subject to the protective action recommendation and a boundary description, by major roads, of the combined zonal area affected by the recommendation.

Attachments

Attachment 1	Brochure Cover Showing Residents' Zone
Attachment 2	Brochure Map Showing Evacuation Routes from Residents' Zone
Attachment 3	Sample Suffolk County Telephone Book Insert
Attachment 4	Sample Community Telephone Book Insert



- Attachment 5                      Artist's Conception of a  
   Refrigerator Magnet
- Attachment 6                      Artist's Conception of an  
   Automobile Glovebox Sticker
- Attachment 7                      Sample Emergency Flyer for  
   Commercial Establishments  
   in the EPZ
- Attachment 8                      Sample Letter to Owners of  
   Commercial Establishments in  
   the EPZ
- Attachment 9                      Sample EBS Sticker for  
   Commercial Establishments  
   in the EPZ
- Attachment 10                      Sample Emergency Poster  
   for Commercial Establishments  
   in the EPZ
- Attachment 11                      OPIP 3.8.2, Attachment 4,  
   Pages 23-38

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) )

LILCO'S TESTIMONY ON CONTENTION 18  
(ADEQUACY OF ZONE AND ROUTE INFORMATION)

1. Q. Please identify yourselves.

A. [Clawson] My name is Carol A. Clawson and my address is Long Island Lighting Company, 250 Old Country Road, Mineola, New York 11501

[Cordaro] My name is Matthew C. Cordaro and my address is Long Island Lighting Company, 175 East Old Country Road, Hicksville, New York 11801.

[Daverio] My name is Charles A. Daverio and my address is Long Island Lighting Company, 100 East Old Country Road, Hicksville, New York 11801.

2. Q. Please summarize your professional qualifications and your role in emergency planning for the Shoreham Nuclear Power Station.

A. [Clawson] I am employed by LILCO as Associate

Director, Public Affairs. My professional qualifications are being offered into evidence as part of the document entitled "Professional Qualifications of LILCO Witnesses." I am responsible for the public information materials that are discussed in this testimony.

[Cordaro] I am Vice President of Engineering for LILCO. My professional qualifications are being offered into evidence as part of the document entitled "Professional Qualifications of LILCO Witnesses." I am on this panel to provide the LILCO management perspective on emergency planning and to answer any questions pertinent to management. My role in emergency planning for Shoreham is to ensure that the needs and requirements of emergency planning are being met and that the technical direction and content of emergency planning are being conveyed to corporate management. I accomplish this by supervising the development and implementation of the offsite emergency response plan for Shoreham; the Manager of the Local Emergency Response Implementing Organization (LERIO) reports directly to me.

[Daverio] I am employed by LILCO as Assistant Manager of LILCO's Local Emergency Response

Implementing Organization (LERIO). My professional qualifications are being offered into evidence as part of the document entitled "Professional Qualifications of LILCO Witnesses." In my capacity as Assistant Manager of LERIO, I am responsible for developing and implementing the local emergency response plan for Shoreham. As such, I am responsible for coordinating the development and implementation of the public information program.

3. Q. What is the preamble to Contentions 16-21?

A. The preamble to Contentions 16-21 reads as follows:

Preamble to Contentions 16-21. The NRC's emergency planning regulations require that the public receive information on a periodic basis on the nature and effects of radiation, protective measures which should be taken in the event of a radiological emergency, methods of public notification and other such information. 10 CFR Section 50.47(b)(7) and 10 CFR Part 50, Appendix E, Section IV.D.2. Public education materials should include written material that is likely to be available in a residence during an emergency, and in addition, measures must be taken to inform transients of the proper action to be taken during a radiological emergency. NUREG 0654, Sections II.G.1 and G.2. 10 CFR Section 50.47(b)(5) requires that there be means to provide notification and clear instruction to the populace within the plume exposure pathway EPZ and that the content of effective messages to the public must be established. See also NUREG 0654, Sections II.E.5 and 7. It is crucial to any radiological emergency response effort that the public have accurate and truthful knowledge of the nature of the threat,

the protective actions available and the effectiveness of such protective actions. Otherwise, public confusion and ignorance will hamper the emergency response and the public will be unable to take protective actions. If information is not provided clearly or is not understood or believed, the public will fail to take appropriate protective actions, resulting in increased exposure, and noncompliance with 10 CFR Sections 50.47(a)(1), 50.47(b)(10) and NUREG 0654 Sections II.J.9 and J.10.

4. Q. What is Contention 18?

A. Contention 18 reads as follows:

Contention 18. The proposed LILCO posters, telephone book inserts, and EBS messages do not tell the reader what zone he is in nor do they describe the zones in which protective actions must be taken or the prescribed routes to take from those zones. (See FEMA Report at 5, citing non-compliance with NUREG 0654, Section II.E.7.) Therefore, someone who does not have access to a brochure in the event of an emergency will be unable to identify his or her zone or to follow the prescribed evacuation route out of the zone of danger. Thus, these items are not effective and do not comply with 10 CFR Sections 50.47(b)(5) and 50.47(b)(7) and NUREG-0654 Sections II.E.5, E.6, E.7, G.1 and G.2. Further, even if people know the prescribed evacuation routes for the zone in which they live, the LILCO plan does not assure that if such people are visiting other zones (such as to pick up their children at a school which is in another zone), they will be able to determine quickly and reliably the prescribed routes by which to evacuate from that zone. Thus, the Plan fails to comply with 10 CFR Sections 50.47(a)(1) and 50.47(b)(10), and NUREG 0654 Sections II.J.9 and J.10, because protective actions cannot and will not be implemented.

5. Q. What are the legal standards cited in Contention 18?

A. The legal standards cited in Contention 18 are the following:

10 C.F.R. § 50.47(a)(1)

No operating license for a nuclear power reactor will be issued unless a finding is made by NRC that the state of onsite and offsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

10 C.F.R. § 50.47(b)(5).

Procedures have been established for notification, by a licensee, of State and local response organizations and for notification of emergency personnel by all organizations; the content of initial and followup messages to response organizations and the public has been established; and means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone have been established.

10 C.F.R. § 50.47(b)(7)

Information is made available to the public on a periodic basis on how they will be notified and what their initial actions should be in an emergency (e.g., listening to a local broadcast station and remaining indoors), the principal points of contact with the news media for dissemination of information during an emergency (including the physical location or locations) are established in advance, and procedures for coordinated dissemination of information to the public are established.

10 C.F.R. § 50.47(b)(10)

A range of protective actions have been developed for the plume exposure pathway EPZ for emergency workers and the public. Guidelines for the choice of protective actions during an emergency, consistent with Federal guidance, are developed and in place, and protective actions for the ingestion exposure pathway EPZ appropriate to the locale have been developed.

NUREG-0654, II.E.5

State and local government organizations shall establish a system for disseminating to the public appropriate information contained in initial and followup messages received from the licensee including the appropriate notification to appropriate broadcast media, e.g., the Emergency Broadcast System (EBS).

NUREG-0654, II.E.6

Each organization shall establish administrative and physical means, and the time required for notifying and providing prompt instructions to the public within the plume exposure pathway Emergency Planning Zone. (See Appendix 3.) It shall be the licensee's responsibility to demonstrate that such means exist, regardless of who implements this requirement. It shall be the responsibility of the State and local governments to activate such a system.

NUREG-0654, II.E.7

Each organization shall provide written messages intended for the public, consistent with the licensee's classification scheme. In particular, draft messages to the public giving instructions with regard to specific protective actions to be taken by occupants of affected areas shall be prepared and included as part of the State and local plans. Such messages should include the appropriate aspects of sheltering, ad hoc

respiratory protection, e.g., handkerchief over mouth, thyroid blocking or evacuation. The role of the licensee is to provide supporting information for the messages. For ad hoc respiratory protection see "Respiratory Protective Devices Manual" American Industrial Hygiene Association, 1963 pp. 123-126.

NUREG-0654, II.G.1

Each organization shall provide a coordinated periodic (at least annually) dissemination of information to the public regarding how they will be notified and what their actions should be in an emergency. This information shall include, but not necessarily be limited to:

- a. educational information on radiation;
- b. contact for additional information;
- c. protective measures, e.g., evacuation routes and relocation centers, sheltering, respiratory protection, radioprotective drugs; and
- d. special needs of the handicapped.

Means for accomplishing this dissemination may include, but are not necessarily limited to: information in the telephone book; periodic information in utility bills; posting in public areas; and publications distributed on an annual basis.

NUREG-0654, II.G.2

The public information program shall provide the permanent and transient adult population within the plume exposure EPZ an adequate opportunity to become aware of the information annually. The programs should include provision for written material that is likely to be available in a residence during an emergency. Updated information shall be disseminated



at least annually. Signs or other measures (e.g., decals, posted notices or other means, placed in hotels, motels, gasoline stations and phone booths) shall also be used to disseminate to any transient population within the plume exposure pathway EPZ appropriate information that would be helpful if an emergency or accident occurs. Such notices should refer the transient to the telephone directory or other source of local emergency information and guide the visitor to appropriate radio and television frequencies.

NUREG-0654, II.J.9

Each State and local organization shall establish a capability for implementing protective measures based upon protective action guides and other criteria. This shall be consistent with the recommendations of EPA regarding exposure resulting from passage of radioactive airborne plumes, (EPA-520/1-75-001) and with those of DHEW (DHHS)/FDA regarding radioactive contamination of human food and animal feeds as published in the Federal Register of December 15, 1978 (43 Fed. Reg. 58790).

NUREG-0654, II.J.10

The organization's plans to implement protective measures for the plume exposure pathway shall include:

. . . .

- c. Means for notifying all segments of the transient and resident population;

I. Residential Population

- 6. Q. What do the intervenors allege about the adequacy of zone and evacuation route information for residents of the EPZ?

A. Contention 18 states that people who do not have access to a Public Information Brochure during an emergency at Shoreham will not know in which zone they live or the prescribed evacuation route out of that zone.

7. Q. How will residents of the EPZ be able to identify in which zone they live and the evacuation routes from that zone?

A. There are a variety of ways in which people will be able to identify in which zone they live and the evacuation routes from that zone. The cover of the Public Information Brochure, which will be distributed to people residing in the EPZ, clearly indicates in which zone a person is living. A brochure cover is appended to this testimony as Attachment 1. The brochure also includes a map showing in which zone the resident lives and the evacuation routes from that zone. A sample brochure map is appended to this testimony as Attachment 2. Moreover, people in the 10-mile EPZ can identify in which zone they live and the evacuation routes from that zone by several additional means.

First, an insert in the Suffolk County telephone directory will contain a map of the EPZ that will

identify the zones. The insert also will instruct people to tune to the designated EBS radio stations. A sample insert from the Suffolk County telephone book is appended to this testimony as Attachment 3.

Second, community telephone directories ("yellow books") will contain a map of the EPZ identifying all the zones, and additional maps showing the specific zones in that community and the evacuation routes from that zone. There are five pertinent community telephone directories in the EPZ, including the Moriches, North Folk, Patchogue, Port Jefferson, and Rocky Point yellow books. A sample insert for the yellow books is appended to this testimony as Attachment 4.

Third, refrigerator magnets will be distributed, along with the Public Information Brochure, throughout the EPZ. These magnets will identify both the zone of the home to which they are distributed and the EBS radio stations to which people should tune in the event of a radiological emergency. An artist's conception of a refrigerator magnet is appended to this testimony as Attachment 5.

Fourth, stickers for automobile gloveboxes will be distributed, along with the Public Information Brochure, throughout the EPZ. Each sticker will identify the zone of the home to which it is distributed and the evacuation routes from that zone. An artist's conception of the glovebox sticker is appended to the testimony as Attachment 6.

Fifth, emergency packets will be distributed to each of the approximately 4,000 non-residential LILCO customers in the EPZ. Each packet will include (a) a cover letter asking the owners of commercial establishments in the EPZ to display the enclosed public information materials in a prominent location, (b) a window display poster that shows the zone where the commercial establishment is located and the evacuation routes from that zone, (c) emergency flyers for the public that show the zone where the commercial establishment is located and the evacuation routes from that zone, (d) a holder for the flyers, (e) a postpaid card to request additional flyers, (f) a sticker instructing people to turn to EBS stations when they hear the siren, and (g) an adhesive arrow to be placed on the window display poster to indicate the location of the commercial establishment. A sample flyer,

cover letter, EBS sticker, and window display poster are appended to this testimony as Attachments 7-10 respectively.

Sixth, emergency posters will be located at beaches and recreations areas within the EPZ. These posters will identify the zone where the poster is located and the evacuation route from that zone. The poster will be similar to the sample poster in Attachment 10.

If a person, for some reason, did not have access to any of the above evacuation information, they simply could follow the blue and white trailblazer signs, which will be located along every major road. There also will be traffic guides posted on all major roads to assist people in evacuating. The trailblazer signs and traffic guides have been discussed in detail in the litigation of Contention 65.

## II. Transient Persons

8. Q. How will people who are away from home and in an unfamiliar zone when a Shoreham emergency arises know the prescribed evacuation route from that zone?

- A. If a person is away from home when an evacuation is commenced, and wishes to evacuate immediately, without going home first to collect his family or belongings, he can determine the recommended route out of the zone primarily by referring to the blue and white trailblazer signs, which will be located along every major road. Also, traffic guides will be posted on all major roads to assist people in evacuating from that zone. The trailblazer signs and traffic guides have been discussed in detail in the litigation of Contention 65.

Alternatively, people can refer either to one of the emergency posters or flyers located at commercial establishments in the EPZ (see response to question 7 above), to one of the emergency posters at beaches and recreation areas within the EPZ, or to the map in the community telephone directory.

Finally, transient people can learn the evacuation routes out of an unfamiliar zone simply by asking someone who lives in the zone who has either a Public Information Brochure or an automobile glovebox sticker.

9. Q. How will people know where the emergency flyers and posters are located?

A. The EBS messages in Revision 3 of the LILCO Transition Plan presently inform listeners that emergency posters are located in motels, restaurants, gas stations, public parks, beaches, and recreation areas in the EPZ. See OPIP 3.8.2, at pages 23-28, which are appended to this testimony as part of Attachment 11. The EBS messages will be modified in future revisions of the Plan to inform listeners that emergency flyers and posters have been provided to commercial establishments in the EPZ and that emergency posters are located at beaches and recreation areas within the EPZ.

### III. EBS Messages

10. Q. How will people know if they are in a zone for which evacuation is the protective action recommendation?

A. The EBS messages in Attachment 4 to OPIP 3.8.2 provide for both a listing of the zones subject to the protective action recommendation, see, e.g., Attachment 4 of OPIP 3.8.2 at 24, 27, and a boundary description, by major roads and landmarks, of the combined zonal area affected by the recommendation,

see Attachment 4 of OPIP 3.8.2 at 33-38. The EBS sample messages are appended to this testimony as Attachment 11.



# **Shoreham Nuclear Power Station**

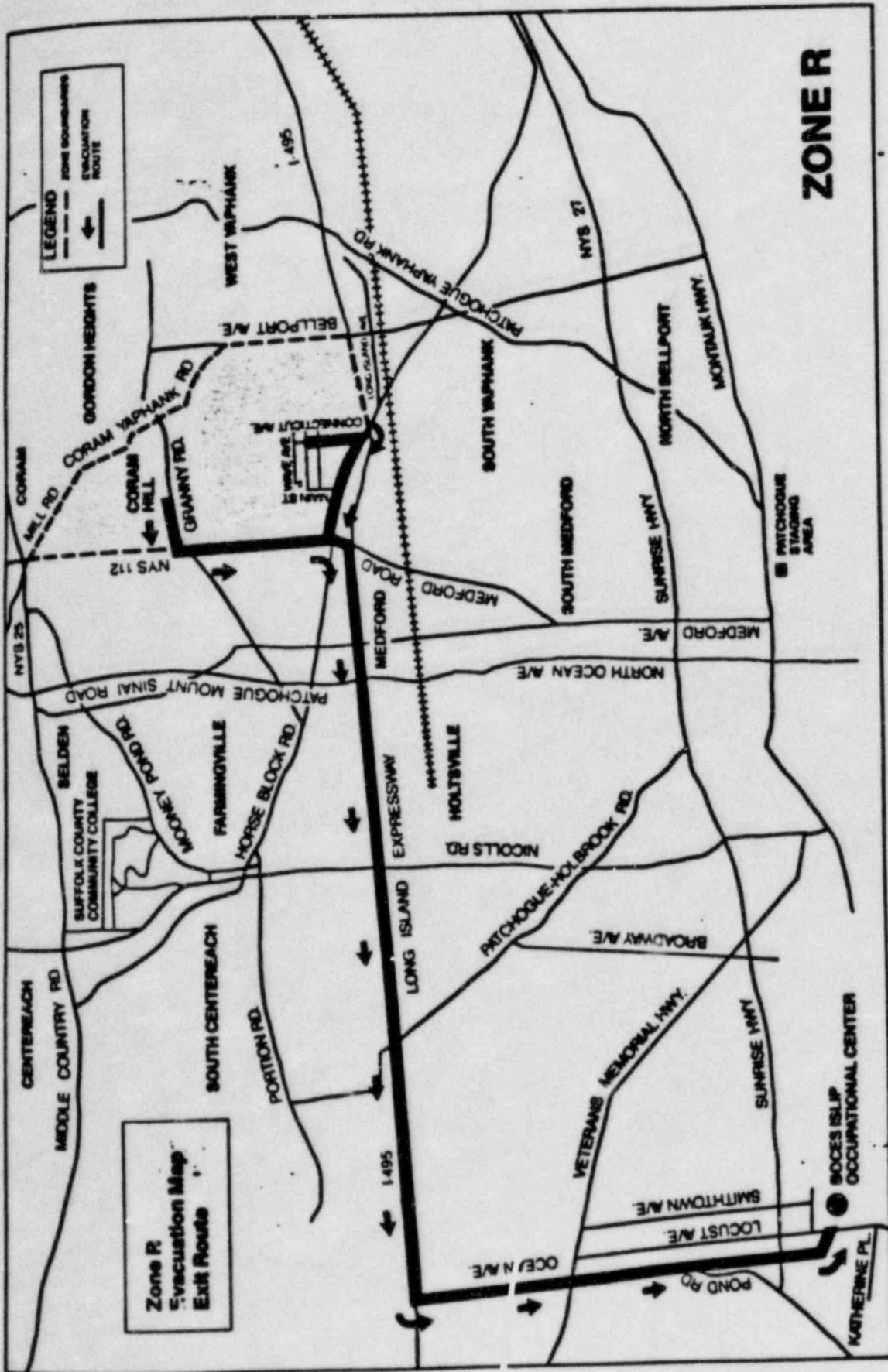
## **Public Emergency Procedures**

### **Maps for Zone R**

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(Rev. 3)





**ZONE R**

**ZONE R**

**DESCRIPTION:** Zone R is south of Ocean-Neighborhood Road, east of Patchogue Road (Rt. 112), east of Bellport Avenue, and north of Hamden Road (Rt. 112) and the Long Island Expressway (Rt. 495).

**RELOCATION CENTER:** Boces Slip Occupational Center

**ROUTING ASSIGNMENTS:** Most convenient to Rt. 112, Rt. 112 south to the Long Island Expressway (Rt. 495), East of Rt. 112 west to exit 95B (Ocean Avenue); Ocean Avenue south to Locust Avenue and the Boces center.

**RELOCATION CENTER:** Boces Slip Occupational Center

**ROUTING ASSIGNMENTS:** Most convenient to Rt. 112, Rt. 112 south to the Long Island Expressway (Rt. 495), East of Rt. 112 west to exit 95B (Ocean Avenue); Ocean Avenue south to Locust Avenue and the Boces center.

# SHOREHAM NUCLEAR POWER STATION EMERGENCY INSTRUCTIONS

When you hear a siren sounding for three to five minutes:

1. Turn on your FM or AM radio
2. Tune to your local Emergency Broadcast System (EBS) station.
3. Listen for details and instructions.
4. You will know just what to do if you listen to EBS.

If there is an accident at the Shoreham Nuclear Power Station, it will be classified by its degree of seriousness. From least serious to most serious these classifications are: unusual event, alert, site area emergency and general emergency.

If an accident at Shoreham is serious enough to require public protective actions, it is important for you to know whether you are located in the 10-mile emergency planning area. If you are not located in the 10-mile emergency planning area there is no need for you to take any action.

The 10-mile emergency planning area is shown on the map. It is further divided into 19 zones, called Zone A through Zone S.

Any public protective action recommendations would be made for a specific zone or groups of zones. These recommendations would be made through the Emergency Broadcast System (EBS) radio stations listed.

If public protective action is required, you may be asked to "shelter." To shelter is to keep the family and pets indoors with outside sources of ventilation closed. If you are not at home or in a building when

people in your zone are told to shelter, it is best to seek shelter inside the nearest building.

If people in your zone are advised to evacuate, it is best to leave the area as soon as possible. Maps are included in this special supplement to guide you along predesignated routes for your zone. There are blue and white pathfinder signs located on major roadways in the emergency planning zone which will direct you along predesignated routes out of the area. And there will be traffic guides at key locations to help speed evacuation.

If an accident occurs at Shoreham which requires people to evacuate their homes, relocation centers will be established outside the 10-mile planning area. There will be workers from the American Red Cross at the centers. The relocation center for your zone is also designated on your zone map.

There are specific maps for every zone included in this Yellow Book circulation area. In some cases, zones are further divided into subzones for evacuation route purposes. Please take a moment now and familiarize yourself with your zone and evacuation route.

If you have any questions or may need special assistance in the event of an evacuation, please feel free to write to:

Local Emergency Response  
Organization  
P.O. Box 624  
Wading River, New York 11742

If you need special assistance during an emergency evacuation, please call 000-0000.

We want to help.

---

## LOCAL EMERGENCY BROADCAST SYSTEM STATIONS:

### AM STATIONS

WBLI-BABYLON	1290
WALK-PATCHOGUE	1370
WGSM-HUNTINGTON	740
WLIM-PATCHOGUE	1560
WLIX-ISLIP	540
WRHD-RIVERHEAD	1570
WRIV-RIVERHEAD	1390

### FM STATIONS

WALK-PATCHOGUE	97.5
WBLI-PATCHOGUE	106.1
WCTO-SMITHTOWN	94.3
WRCN-RIVERHEAD	103.9

**YELLOW  
BOOK  
INSERT**

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EBS SAMPLE MESSAGES  
(continued)

MESSAGE G - GENERAL EMERGENCY (SHELTERING & EVACUATION)  
(continued)

2. People within the 10-mile emergency planning zone should refer to their Shoreham Public Emergency Procedures Brochure to determine the planning zone in which they live.
3. Sheltering is recommended for people in some planning zones. Sheltering is to remain indoors with all windows and doors closed. Air conditioners/heaters should be turned off, fires should be extinguished, and fireplace dampers closed. The people who should shelter are in planning zones (identify by zone letters and area description). People in these zones will be safer if they shelter. They should not evacuate. People in the affected zones who are not at home should seek shelter inside buildings.
4. Evacuation is recommended for people in planning zones (identify by zone letters and area description). People in these zones will be safer if they evacuate as soon as possible away from Shoreham. Relocation centers and evacuation routes are listed in the Shoreham Public Emergency Procedures Brochure.
5. If you are not within planning zones (identify), or planning zones (identify), there is no reason to either shelter or evacuate. If you are outside the 10-mile emergency planning zone, there is no reason to take any action. If conditions change in the future, these recommendations may change and we will inform you immediately.

To evacuate follow blue and white evacuation route signs posted on every major road. Trained traffic guides will direct you along evacuation routes.

If you have been advised to evacuate but do not have your own transportation and cannot obtain a ride from a neighbor or someone else, special buses will travel along emergency routes to transport you to a relocation center.

EBS SAMPLE MESSAGES  
(continued)

MESSAGE G - GENERAL EMERGENCY (SHELTERING & EVACUATION)  
(continued)

If you have a bedridden, handicapped, or other person in your home who needs special evacuation assistance and who has not previously registered with the Local Emergency Response Organization (LERO), please call (phone number). If you have previously registered, there is no need to call now, help will soon be on its way.

Before you leave your home or business, make sure you have closed all windows and doors, turned off all appliances, extinguished any fires, and closed fireplace dampers. Lock all doors when you leave and take blankets and pillows with you for your own use and any medication that you regularly take. You could be away for several days.

The 10-mile emergency planning zone circling Shoreham is roughly bounded by Main Street in downtown Riverhead to the east, Main Street in Port Jefferson to the west, and Sunrise Highway to the south. If you live within the 10-mile emergency planning zone, you would have received monthly newsletters and other emergency information.

If you are located within the 10-mile planning zone and do not have a Shoreham Public Emergency Procedures Brochure, public information and a map of the zone are included in a special insert of the Suffolk County Telephone Book and a more detailed map is in the local Yellow Book.

Posters with emergency information have been provided to motels, restaurants, gas stations, public parks, beaches, and recreational facilities. The posters describe the recommended evacuation routes out of each zone.

Once again, the Shoreham Nuclear Power Station is in a General Emergency condition. There has been a release of radiation into the air. People living in emergency planning zones (identify by zone letters and area description) are advised to evacuate as soon as possible away from Shoreham. Relocation centers and evacuation routes are listed in the Shoreham Public Emergency Procedures Brochure. It is advised that people in planning zones (identify) shelter, that is, remain indoors with outside ventilation sources closed off.

This message will be repeated every fifteen minutes over this station unless new information is available sooner. Keep tuned to this emergency broadcast station for the latest official information.

EBS SAMPLE MESSAGES  
(continued)

MESSAGE H - GENERAL EMERGENCY (EVACUATION)

This is the Emergency Broadcast System.

The Emergency Broadcast System has been activated due to an incident at the Shoreham Nuclear Power Station.

This is not a test.

A General Emergency condition was declared at (time) today at the Shoreham Nuclear Power Station. A General Emergency condition is one of four emergency classifications and indicates that there has been a failure in plant safety systems.

A release of radiation into the air occurred at (time). Based on measurements of radiation in the field/at the plant (select one), the following radiation exposures are projected: \_\_\_\_\_ millirem two miles downwind of the plant, \_\_\_\_\_ millirem five miles downwind of the plant, and \_\_\_\_\_ millirem ten miles downwind of the plant. The U.S. Environmental Protection Agency recommends sheltering for exposures of 1,000 millirem or larger and evacuation for doses 5,000 millirem or larger.

The Local Emergency Response Organization for residents living in the 10-mile emergency planning zone around Shoreham has been activated and is responding to the incident.

The Director of Local Response for emergencies for the Shoreham Nuclear Power Station, (name), has consulted with (names, titles) \_\_\_\_\_ scientists, \_\_\_\_\_ LILCO officials, \_\_\_\_\_ nuclear engineers, and \_\_\_\_\_ officials from \_\_\_\_\_ public agencies and has recommended the following public action:

1. All schools within the 10-mile emergency planning zone are advised to evacuate to predesignated relocation centers.

Parents should not drive to school to meet their children since children are being safely transported outside the zone to relocation centers. Parents should not go to relocation centers until advised to do so.

EBS SAMPLE MESSAGES  
(continued)

MESSAGE H - GENERAL EMERGENCY (EVACUATION)  
(continued)

2. People within the 10-mile emergency planning zone should refer to their Shoreham Public Emergency Procedures Brochure to determine the planning zone in which they live.
3. Evacuation is recommended for people in planning zones (identify by zone letters and area description). People in these zones will be safer if they evacuate as soon as possible away from Shoreham. Relocation centers and evacuation routes are listed in the Shoreham Public Emergency Procedures Brochure.
4. If you are not within planning zones (identify), there is no reason for you to evacuate. If you are outside the 10-mile emergency planning zone, there is no reason to take any action. If conditions change in the future, these recommendations may change and we will inform you immediately.

To evacuate follow blue and white evacuation route signs posted on every major road. You will be directed along evacuation routes by trained traffic guides who know which way you should go.

If you have been advised to evacuate but do not have your own transportation and cannot obtain a ride from a neighbor or someone else, special buses will travel along emergency routes to transport you to a relocation center.

EBS SAMPLE MESSAGES  
(continued)

MESSAGE H - GENERAL EMERGENCY (EVACUATION)  
(continued)

If you have a bedridden, handicapped, or other person in your home who needs special evacuation assistance and who has not previously registered with the Local Emergency Response Organization (LERO), please call (phone number). If you have previously registered, there is no need to call now, help will soon be on its way.

Before you leave your home or business, make sure you have closed all windows and doors, turned off all appliances, extinguished any fires, and closed fireplace dampers. Lock all doors when you leave and take blankets and pillows with you for your own use and any medication that you regularly take. You could be away for several days.

The 10-mile emergency planning zone circling Shoreham is roughly bounded by Main Street in downtown Riverhead to the east, Main Street in Port Jefferson to the west, and Sunrise Highway to the south. If you live within the 10-mile emergency planning zone, you would have received monthly newsletters and other emergency information.

If you are located within the 10-mile planning zone and do not have a Shoreham Public Emergency Procedures Brochure, public information and a map of the zone are included in a special insert of the Suffolk County Telephone Book and a more detailed map is in the local Yellow Book.

Posters with emergency information have been provided to motels, restaurants, gas stations, public parks, beaches, and recreational facilities. The posters describe the recommended evacuation routes out of each zone.

Once again, the Shoreham Nuclear Power Station is in a General Emergency condition. There has been a release of radiation into the air. It is advised that people in planning zones (identify) evacuate as soon as possible away from Shoreham. Relocation centers and evacuation routes are listed in the Shoreham Public Emergency Procedures Brochure.

This message will be repeated every fifteen minutes over this station unless new information is available sooner. Keep tuned to this emergency broadcast station for the latest official information.



EBS SAMPLE MESSAGES  
(continued)

MESSAGE I - DE-ESCALATION OF EMERGENCY

This is the Emergency Broadcast System.

The Emergency Broadcast System has been activated due to an incident at the Shoreham Nuclear Power Station.

This is not a test.

At (TIME) the emergency classification of \_\_\_\_\_ was de-escalated to the emergency classification of \_\_\_\_\_.

The Director of Local Response for emergencies for the Shoreham Nuclear Power Station, (name), has consulted with (names, titles) \_\_\_\_\_ scientists, \_\_\_\_\_ LILCO officials, \_\_\_\_\_ nuclear engineers, and \_\_\_\_\_ officials from \_\_\_\_\_ public agencies and has recommended the following public action:

(ENTER APPROPRIATE PUBLIC ACTION/RELATE PRIOR ACTIONS/RELATE TO ACTIONS THEY CAN NOW TAKE AND CURRENT RISK LEVELS IF ANY.)

Please stay tuned to this radio station for further information. This message will be repeated every \_\_\_\_\_ minutes over this station.

EBS SAMPLE MESSAGES  
(continued)

MESSAGE J

TERMINATION OF EMERGENCY

This is the Emergency Broadcast System.

The Emergency Broadcast System has been activated due to an incident at the Shoreham Nuclear Power Station.

This is not a test.

The Director of Local Response for emergencies at the Shoreham Nuclear Power Station (name) has consulted with (names, titles) \_\_\_\_\_, scientists, \_\_\_\_\_, LILCO officials, \_\_\_\_\_ nuclear engineers, and \_\_\_\_\_ officials from public agencies and has stated the following:

At (TIME a.m./p.m.), it was determined that a radiation hazard no longer existed. People may resume their normal activities.

EBS SAMPLE MESSAGES  
(continued)

MESSAGE K

TEST MESSAGE FOR EBS SYSTEM

This is a test of the Radiological Emergency Broadcast System in connection with a radiological emergency at the Shoreham Nuclear Power Station. This system has been developed by the Local Emergency Response Organization to keep people informed in the event of an emergency at the Shoreham Nuclear Power Station.

Had this been an actual emergency, you would have been instructed to stay tuned to this EBS radio station for further information and instructions.

The Shoreham emergency brochure mailed to all emergency planning zone residents contains information that would have been useful for you to know had this been a real emergency.

This has been only a test.

This message will be repeated.

**EBS SAMPLE MESSAGES  
(continued)**

**MESSAGE L**

**SPURIOUS ACTIVATION MESSAGE OF PROMPT NOTIFICATION SIRENS**

This is the Emergency Broadcast System.

The Emergency Broadcast System has been activated due to a mistaken sounding of the Shoreham Nuclear Power Station sirens.

This is not an emergency.

Due to a technical difficulty, the prompt notification sirens were inadvertently activated.

Local Emergency Response Organization personnel have checked and verified that there is NO EMERGENCY at the Shoreham Nuclear Power Station.

The Shoreham emergency brochure mailed to all emergency planning zone residents contains information that would have been useful for you to know, had this been a real emergency.

DESCRIPTION OF PLANNING ZONES/AREAS FOR SUFFOLK COUNTY

Wind Direction (From)	Zones	Area Description
//////	0 - 2 Miles	
All	A, B, C, D, & E	The area in East Shoreham east of Woodville Road and Ridge Road, south to Whiskey Road. The area north of Whiskey Road and east of Ridge Road. The area north of 25 between William Floyd Parkway and 25A. The area in Wading River west of Hulse Landing Road.
//////	0 - 5 Miles	
ESE	A - E, F	The area north of 25A between Pipe Stave Hollow Road in Miller Place and Hulse Landing Road in Wading River. Plus the area north of 25 between William Floyd Parkway and 25A. The area north of Whiskey Road, east of Ridge Road.
E ENE NE	A - E, F, G	The area in Miller Place east of Pipe Stave Hollow Road and north of 25A. The area east of Miller Place-Yaphank Road between 25A and 25. The area north of 25 between Miller Place-Yaphank Road and 25A, plus the area between Smith Road and William Floyd Parkway. The area north of 25 between William Floyd Parkway and 25A. The area in Wading River west of Hulse Landing Road.
NNE	A - E, G, H	The area east of Woodville Road in East Shoreham. The area east of Miller Place-Yaphank Road between 25 and 25A. The area between Smith Road and William Floyd Parkway. The area north of the LIE between William Floyd Parkway(Exit 68) and Exit 69. The area in Wading River north of 25 and west of Hulse Landing Road.

DESCRIPTION OF PLANNING ZONES/AREAS FOR THE SUFFOLK COUNTY  
 (continued)

Wind Direction (From)	Zones	Area Description
//////	0 - 5 Miles (continued)	
N	A - E, G, H, I	The area east of Woodville Road in East Shoreham. The area east of Miller Place-Yaphank Road between 25 and 25A. The area between Smith Road and William Floyd Parkway. The area north of the LIE between William Floyd Parkway (Exit 68) and Edwards Avenue (Exit 71). The area west of Hulse Landing Road in Wading River.
NNW	A - E, H, I	The area in East Shoreham east of Woodville Road and Ridge Road, as far south as Whiskey Road. The area north of Whiskey Road, east of Ridge Road. The area north of the LIE between the William Floyd Parkway (Exits 68) and Exit 71. The area west of Hulse Landing Road in Wading River.
NW	A - E, H, I, J	The area in East Shoreham east of Woodville Road and Ridge Road, as far south as Whiskey Road. The area north of Whiskey Road, east of Ridge Road. The area north of the LIE between the William Floyd Parkway (Exit 68) and Exit 71. The area west of Edwards Avenue, including Wildwood State Park.
WNW	A - E, I, J	The area in East Shoreham east of Woodville Road and Ridge Road, as far south as Whiskey Road. The area north of Whiskey Road. The area north of 25 between William Floyd Parkway and Wading River-Manorville Road. The area north of the LIE between Exit 69 and Edwards Avenue (Exit 71). The area west of Edwards Avenue, including Wildwood State Park.

DESCRIPTION OF PLANNING ZONES/AREAS FOR THE SUFFOLK COUNTY  
 (continued)

Wind Direction (From)	Zones	Area Description
//////	0 - 5 Miles (continued)	
W WSW	A - E, J	The area in East Shoreham east of Woodville Road and Ridge Road, south to Whiskey Road. The area north of Whiskey Road, east of Ridge Road. The area north of 25 between William Floyd Parkway to Edwards Avenue. The area west of Edwards Avenue, including Wildwood State Park.
All	A - J	The area in Miller Place east of Pipe Stave Hollow Road and north of 25A. The area east of Miller Place-Yaphank Road between 25A and 25. The area north of 25 between Miller Place-Yaphank Road and 25A, plus the area between Smith Road and William Floyd Parkway. The area north of the LIE between William Floyd Parkway (Exit 68) and Edwards Avenue (Exit 71). The area west of Edwards Avenue, including Wildwood State Park.
//////	0 - 10 Miles	
N	A - J, L, M, N, O, R	The area in Miller Place east of Pipe Stave Hollow Road and north of 25A. The area east of Miller Place-Yaphank Road. The area east of Port Jefferson-Patchogue Road between 25 and the LIE. The area north of the Sunrise Highway between Gerard Road and Old Moriches-Riverhead Road. The area east of Old Moriches-Riverhead Road within the Town of Brookhaven. The area south of Old Country Road, west of Mill Road. The area west of Edwards Avenue, including Wildwood State Park.

DESCRIPTION OF PLANNING ZONES/AREAS FOR THE SUFFOLK COUNTY  
 (continued)

Wind Direction (From)	Zones	Area Description
//////	0 - 10 Miles (continued)	
NNW	A - J, M, N, O	The area in Miller Place east of Pipe Stave Hollow Road and north of 25A. The area east of Miller Place-Yaphank Road, Middle Island Road, Yaphank-Middle Island Road, and Gerard Road to Sunrise Highway. The area north of Sunrise Highway between Gerard Road and Old Moriches-Riverhead Road. The area east of Old Moriches-Riverhead Road within the Town of Brookhaven. The area south of Old Country Road, west of Mill Road. The area west of Edwards Avenue, including Wildwood State Park.
NW	A - J, N, O, S, P	The area in Miller Place east of Pipe Stave Hollow Road and north of 25A. The area east of Miller Place-Yaphank Road between 25 and 25A. The area east of William Floyd Parkway south to Sunrise Highway, plus the area in Upton between Smith Road and William Floyd Parkway. The area north of the Sunrise Highway between William Floyd Parkway and Old Moriches-Riverhead Road. The area west of Old Moriches-Riverhead Road to Osborne Avenue in Riverhead. The area west of Doctor's Path and Pennys Road.
WNW W	A - J, O, P, S	The area in Miller Place east of Pipe Stave Hollow Road and north of 25A. The area east of Miller Place-Yaphank Road between 25 and 25A. The area north of Middle Island Road and William Floyd Parkway, plus the area between Smith Road and William Floyd Parkway in Upton. The area north of the LIE from Exit 68 to Exit 69. The area north of the Sunrise Highway from Chichester Avenue to Old Moriches-Riverhead Road. The area west of Old Moriches-Riverhead Road to Osborne Avenue in Riverhead. The area west of Doctor's Path and Pennys Road.



DESCRIPTION OF PLANNING ZONES/AREAS FOR THE SUFFOLK COUNTY  
(continued)

Wind Direction (From)	Zones	Area Description
//////	0 - 10 Miles (continued)	
NE	A - J, Q, K, L, R, M	The area east of Main Street in Port Jefferson, east of Jayne Boulevard, Old Town Road, and Port Jefferson-Patchogue Road. North of the LIE between Exits 64 and 66. The area north of Sunrise Highway between Gerard Avenue and William Floyd Parkway in Yaphank. The area north of the LIE from William Floyd Parkway (Exit 68) to Edwards Avenue (Exit 71) and the area west of Edwards Avenue, including Wildwood State Park.
NNE	A - J, K, L, M, N, R	The area in Mt. Sinai east of Crystal Brook Hollow Road. The area east of Jayne Boulevard, Old Town Road, and Port Jefferson-Patchogue Road. North of the LIE between Exits 64 and 66. The area north of Sunrise Highway between Gerard Avenue and William Floyd Parkway in Yaphank. The area north of the LIE from William Floyd Parkway (Exit 68) to Edwards Avenue (Exit 71) and the area west of Edwards Avenue, including Wildwood State Park.

DESCRIPTION OF PLANNING ZONES/AREAS FOR THE SUFFOLK COUNTY  
 (continued)

Wind Direction (From)	Zones	Area Description
////// 0 - 10 Miles (continued)		
WSW	A - J, P	The area in Miller Place east of Pipe Stave Hollow Road and north of 25A. The area east of Miller Place-Yaphank Road between 25A and 25. The area north of 25 between Miller Place-Yaphank Road and 25A, plus the area between Smith Road and William Floyd Parkway. The area north of the LIE between William Floyd Parkway (Exit 68) and Edwards Avenue (Exit 71). The area north of Old Country Road between Edwards Avenue and Roanoke Avenue. The areas west of Doctor's Path, north of Middle Road, and the area west of Pennys Road.
E ESE	A - J, K, Q	The area east of Main Street in Port Jefferson, east of Jayne Boulevard, and Old Town Road to 25. North of 25 between Old Town Road and William Floyd Parkway, plus the area between Smith Road and William Floyd Parkway in Upton. The area north of the LIE between the William Floyd Parkway (Exit 68) and Edwards Avenue (Exit 71). The area west of Edwards Avenue, including Wildwood State Park.
ENE	A - J, K, Q, L, R	The area east of Main Street in Port Jefferson, east of Jayne Boulevard, Old Town Road, and Port Jefferson-Patchogue Road to Horse Block Road. North of the LIRR tracks between Horse Block Road and Yaphank Road in West Yaphank. West of Yaphank-Middle Island Road in Gordon Heights. The area north of 25 from Middle Island Road to William Floyd Parkway, plus the area between Smith Road and William Floyd Parkway in Upton. The area north of the LIE from the the William Floyd Parkway (Exit 68) to Edwards Avenue (Exit 71). The area west of Edwards Avenue, including Wildwood State Park.

DESCRIPTION OF PLANNING ZONES/AREAS FOR THE SUFFOLK COUNTY  
 (continued)

Wind Direction (From)	Zones	Area Description
//////	0 - 10 Miles (continued)	
NE	A - J, Q, K, L, R, M	The area east of Main Street in Port Jefferson, east of Jayne Boulevard, Old Town Road, and Port Jefferson-Patchogue Road. North of the LIE between Exits 64 and 66. The area north of Sunrise Highway between Gerard Avenue and William Floyd Parkway in Yaphank. The area north of the LIE from William Floyd Parkway (Exit 68) to Edwards Avenue (Exit 71) and the area west of Edwards Avenue, including Wildwood State Park.
NNE	A - J, K, L, M, N, R	The area in Mt. Sinai east of Crystal Brook Hollow Road. The area east of Jayne Boulevard, Old Town Road, and Port Jefferson-Patchogue Road. North of the LIE between Exits 64 and 66. The area north of Sunrise Highway between Gerard Avenue and William Floyd Parkway in Yaphank. The area north of the LIE from William Floyd Parkway (Exit 68) to Edwards Avenue (Exit 71) and the area west of Edwards Avenue, including Wildwood State Park.

LILCO, March 22, 1984

CERTIFICATE OF SERVICE

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

I hereby certify that copies of LILCO's TESTIMONY ON CON-  
TENTION 18 (ADEQUACY OF ZONE AND ROUTE INFORMATION) have been  
served this date upon the following by first-class mail, post-  
age prepaid, or (as indicated by two asterisks) by Federal Ex-  
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DATED: March 22, 1984

LILCO, May 30, 1984

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) )

Update of LILCO's Testimony on Contention  
18 (Adequacy of Zone and Route Information)

Attachments 2 and 6 to "LILCO's Testimony on Contention 18 (Adequacy of Zone and Route Information)" have been updated since the written testimony was filed on March 22, 1984. The revised attachments are attached hereto and should be substituted for Attachments 2 and 6 as they now appear in LILCO's written testimony for Contention 18. When the written testimony for Contention 18 is offered into evidence at the hearing, LILCO will also offer the updated attachments.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY

BY   
Renee R. Falzone

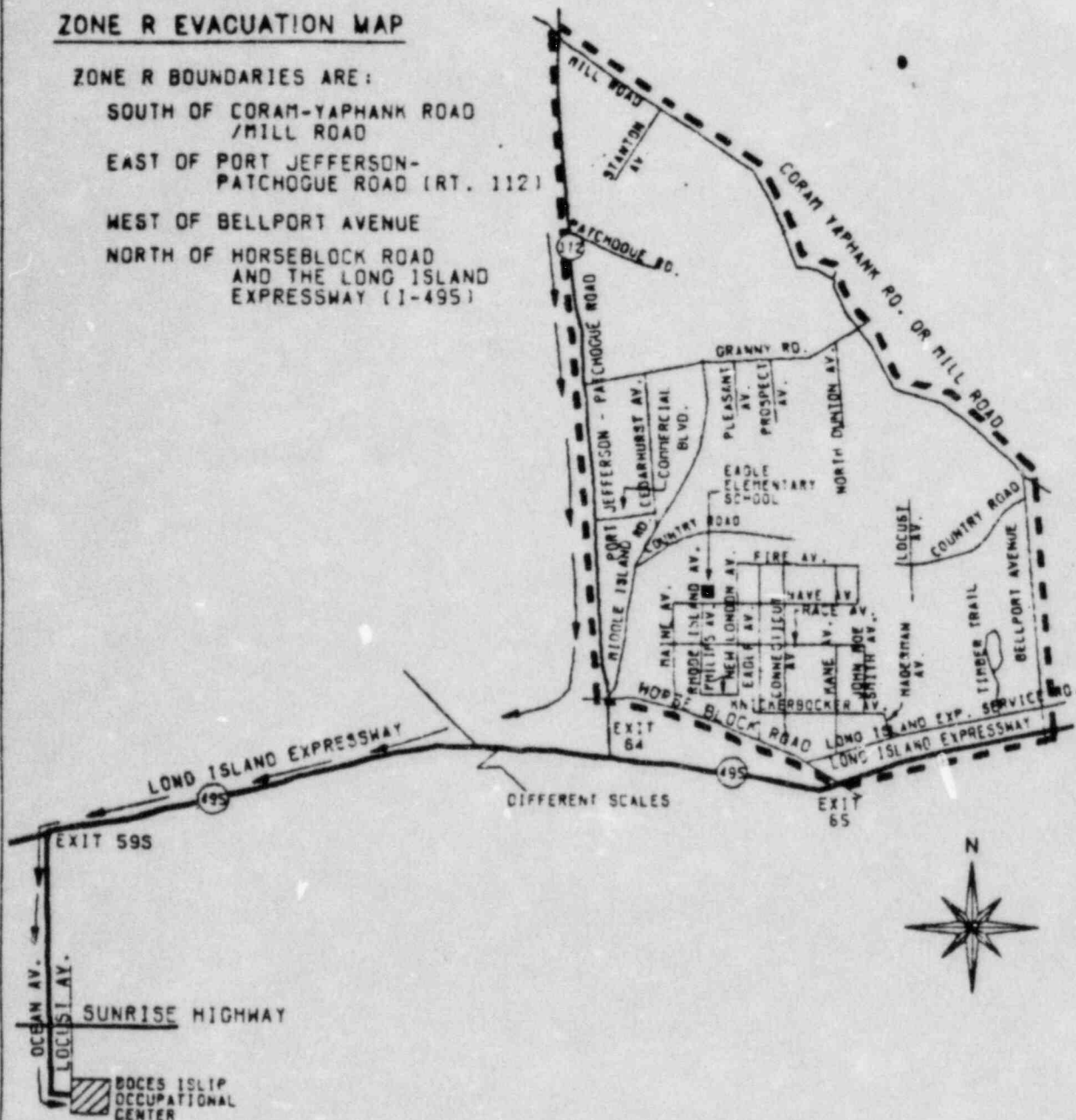
Hunton & Williams  
P.O. Box 1535  
707 East Main Street  
Richmond, VA 23219

DATED: May 30, 1984

**ZONE R EVACUATION MAP**

ZONE R BOUNDARIES ARE:

- SOUTH OF CORAM-YAPHANK ROAD /MILL ROAD
- EAST OF PORT JEFFERSON-PATCHOGUE ROAD (RT. 112)
- WEST OF BELLPORT AVENUE
- NORTH OF HORSEBLOCK ROAD AND THE LONG ISLAND EXPRESSWAY (I-495)

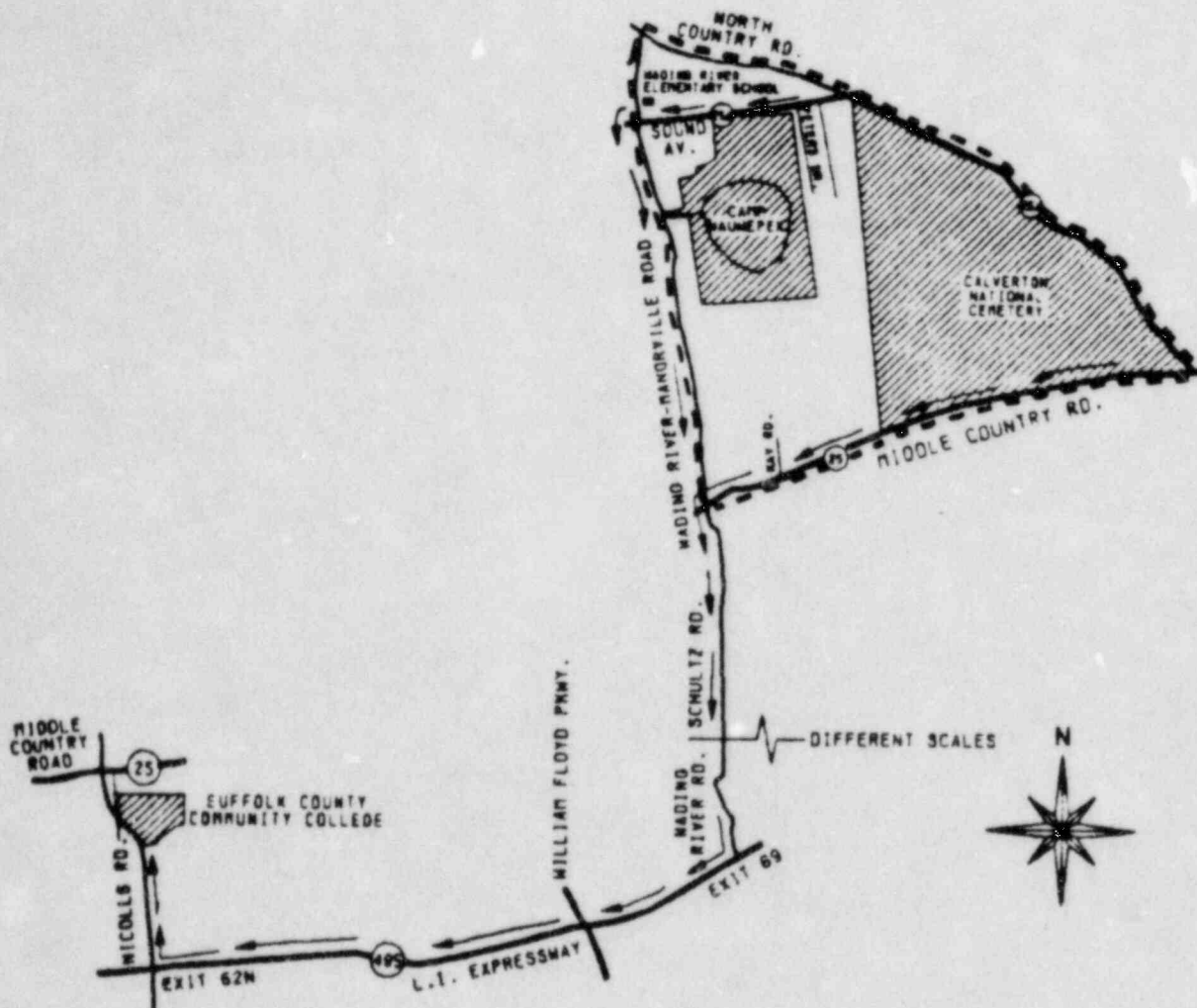


**ZONE R - ROUTE DIRECTIONS:**

TAKE THE MOST CONVENIENT ROUTE TO PORT JEFFERSON AND PATCHOGUE ROAD (RT.112). TURN LEFT (SOUTH) ONTO PORT JEFFERSON AND PATCHOGUE ROAD AND FOLLOW PORT JEFFERSON AND PATCHOGUE ROAD SOUTHBOUND TO THE LONG ISLAND EXPRESSWAY (I-495) WESTBOUND. PROCEED WEST ON THE LONG ISLAND EXPRESSWAY TO EXIT 59S OCEAN AVENUE SOUTHBOUND. PROCEED SOUTHBOUND ON OCEAN AVENUE TO LOCUST AVENUE AND TURN RIGHT ONTO LOCUST AVENUE. FROM LOCUST AVENUE PROCEED TO THE BOCES ISLIP OCCUPATIONAL CENTER.

ZONE D EVACUATION MAPZONE D BOUNDARIES ARE:

SOUTH OF NORTH COUNTRY ROAD AND RT. 25A  
 EAST OF WADING RIVER-MANORVILLE ROAD  
 NORTH OF MIDDLE COUNTRY ROAD (RT. 25)

ZONE D - ROUTE DIRECTIONS:FOR TRIPS WITH ACCESS TO WADING RIVER-MANORVILLE ROAD-

TURN LEFT ONTO WADING RIVER MANORVILLE ROAD. PROCEED SOUTH ALONG WADING RIVER MANORVILLE ROAD. BEARING RIGHT ONTO SCHULTZ ROAD WHICH BECOMES WADING RIVER ROAD. PROCEED TO THE LONG ISLAND EXPRESSWAY (I-495) WESTBOUND. TAKE I-495 WESTBOUND TO EXIT 62N NICOLLS ROAD NORTH. FOLLOW NICOLLS ROAD TO SUFFOLK COUNTY COMMUNITY COLLEGE.

FOR TRIPS WITH ACCESS TO SOUND AVENUE OR TO MIDDLE COUNTRY ROAD (RT. 25)-

TRAVEL WEST ALONG EITHER ROAD TO WADING RIVER MANORVILLE ROAD. TURN LEFT (SOUTH) ONTO WADING RIVER MANORVILLE ROAD AND FOLLOW DIRECTIONS ABOVE.



CERTIFICATE OF SERVICE

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

I certify that copies of the UPDATE OF LILCO'S TESTIMONY ON CONTENTION 18 (Adequacy of Zone and Route Information) were served this date upon the following by first-class mail, postage prepaid, or by hand, at the hearings, as indicated by an asterisk:

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DATED: May 30, 1984

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1

JUDGE LAURENSEN: Mr. McMurray.

XXXXINDEX 2

CROSS EXAMINATION

3

BY MR. McMURRAY:

4

Q Ms. Clawson, I just want to clarify a little bit about these maps again. With the exception of the relocation centers, let's look at Attachment 6. With the exception of Suffolk County Community College being identified as the relocation center, and lets also say the exception of the arrows going to that relocation center, is this, in fact, the map of Zone D that will appear on glove box stickers?

11

A (Witness Clawson) This is the new submission on Attachment 6, which is more obviously a computer print out map than the prior one.

14

This is essentially what would appear.

15

Q When you say, 'essentially.'

16

A I am talking about the types of information is what would appear if -- between today and when these are issued. There is a new subdivision that appears that will appear. We continually plan to update the maps.

20

Q By new subdivision, you mean a new subdivision --

21

A Of homes, in a particular area. That is what I am talking about. There will be the zone boundaries, identification of the zone, the zone boundaries, a map outlining the zone with particular roads, and the zone route directions.

25

1           Q       This map doesn't seem to show any subdivisions at  
2 all.

3           A       Well, there probably weren't any in Zone D when  
4 this map was done, and to my knowledge there are none now.

5           Q       And the same is true with Attachment 2? That  
6 this is the same type of information that would be included,  
7 but it would not, as I take it, it would not necessarily have  
8 the same layout? I take it that is your testimony?

9           A       That is possible. The information that is here  
10 is information that we intend to include in this package.

11          Q       But the layout could be different?

12          A       If a graphic specialist advises us that a different  
13 layout may be a better one, we might use a different layout.

14          Q       Are you, in fact, using a graphic specialist to  
15 develop these maps in the glove box stickers?

16          A       We have not as yet contacted the graphic specialist  
17 to do that. We do intend to before this material is issued.

18                   What the purpose of this is is to give you an  
19 example and to enter into the record an example of the types  
20 of information that we would plan to distribute.

21          Q       Let me ask members of the panel a few general  
22 questions. Does any member of this panel have a degree in  
23 geography?

24          A       (Witness Daverio) I don't.

25          A       (Witness Clawson) I don't.

1 (Witness Cordaro) No.

2 Q Does any member of this panel have a degree in  
3 sociology?

4 A (Witness Cordaro) No.

5 A (Witness Daverio) No.

6 A (Witness Clawson) No.

7 Q Does any member of this panel have a degree in  
8 graphic arts?

9 A (Witness Cordaro) No.

10 A (Witness Daverio) No.

11 A (Witness Clawson) No.

12 Q Let's turn then to your testimony on page 9, where  
13 you discuss the public information brochure. Now, there you  
14 refer to Attachment 2, and Ms. Clawson, you have already  
15 stated that you intend to have this brochure map reviewed  
16 by a graphic artist, correct?

17 A These maps have been reviewed by our traffic  
18 expert, and these maps come from our traffic plans. Our  
19 traffic expert has -- Ed Lieberman has reviewed every one  
20 of these maps. What I would possibly be interested in is  
21 prior to this being issued to the public, having it presented  
22 in as pleasant a way as possible, graphically speaking, and  
23 I think the advice of a graphic specialist would be useful  
24 in that.

25 Q So this map and all the zone maps have been

1 reviewed by Mr. Lieberman?

2 A Yes. they have.

3 Q What was the purpose of his review?

4 A I was anxious for him to take a look at the work  
5 to make sure that it was accurate.

6 Q Did he review it, or did you ask him to review  
7 it, to determine whether the map could be understood by the  
8 average person reading it?

9 MR. CHRISTMAN: Objection. And this is a very  
10 important objection. I want to make it clear right at the  
11 outset. The Board has twice ruled now, on March 9th and  
12 April 10th, that the addition of the word, 'adequately'  
13 tell the reader what zone he is in or what route he should  
14 use is an improper addition to this Contention.

15 What the Contention says is that they do not  
16 tell the reader what zone he is in, or what route to take  
17 out.

18 Now, I submit that any questions going to the  
19 content of these materials we have attached, and whether  
20 they are clear enough or whether you can understand them  
21 is outside the scope of this Contention. If the question  
22 is that the information is simply not provided, that is  
23 within the scope. But questions about the nature of these  
24 materials and how they would be interpreted by somebody, that  
25 is clearly outside the scope.

1 MR. McMURRAY: Judge Laurenson, I don't understand  
2 how Mr. Christman can say it is irrelevant to determine whether  
3 or not the information is received by people who read it.

4 If it is not received, then it is not provided.

5 MR. CHRISTMAN: That was the intent of that  
6 question.

7 JUDGE LAURENSEN: The word used was, 'adequate.'  
8 Did Mr. Lieberman review it for the adequacy. The objection  
9 is sustained.

10 BY MR. McMURRAY: (Continuing)

11 Q Did Mr. Lieberman review it to determine whether  
12 or not the information that was purported to be contained in  
13 this map would be clear to the person reading it?

14 MR. CHRISTMAN: Objection. That is an adequacy  
15 question, and it is outside the scope. The information is  
16 on here, and the question of whether somebody might understand  
17 it or not is outside the scope of this contention.

18 JUDGE LAURENSEN: I do believe Mr. Christman is  
19 correct. That this is not the Contention on the adequacy  
20 or whatever of the public information section. This has to  
21 do with zones and routes. That is what we are talking about  
22 it. Not the public information adequacy part of it.

23 MR. McMURRAY: Judge Laurenson, I am not quite  
24 sure I understand the distinction the Board is making. The  
25 question is whether or not the public is being provided with

1 information on zones and routes.

2 My question is whether or not anybody has reviewed  
3 this to determine whether or the public will, in fact, get  
4 that information from reading these maps.

5 Obviously Mr. Christman believes that the  
6 information is there. That LILCO intended to provide the  
7 information. The question though that is relevant is whether  
8 or not that information is received.

9 MR. CHRISTMAN: For Heavens sake, anybody can  
10 see it is there. There is the route. Anybody can see that.  
11 This is not a question of whether it is clear or whether  
12 it has been reviewed for clarity.

13 MR. McMURRAY: Well, if LILCO will represent it  
14 doesn't care whether or not the information is clear, then  
15 I will just go on to the next question.

16 MR. CHRISTMAN: Not a chance.

17 JUDGE LAURENSEN: We just reviewed the specific  
18 language of Contention 18, and it speaks primarily in terms  
19 of whether or not the information tells the reader what  
20 zones they are in and so forth.

21 However, following that, the Contention as admitted  
22 states: Thus, these items are not effective, and do not  
23 comply with the regulation.

24 And on reconsideration of this question, I think  
25 the question of the effectiveness does raise this issue, and



1 I think a limited inquiry into will be allowed.

2 So, the objection is overruled.

3 BY MR. McMURRAY: (Continuing)

4 Q Do you remember the question?

5 A (Witness Clawson) Could you repeat the question,  
6 please.

7 Q I don't think so. Let me try again. Did Mr.  
8 Lieberman review the maps -- let's say the public information  
9 brochure maps -- to determine whether or not the average  
10 person reading that brochure would, in fact, understand the  
11 routes that he was supposed to take, and what route he was  
12 in?

13 MR. BORDENICK: I will object to that question.  
14 I don't know what the, 'average person' is supposed to mean.  
15 I think the question is vague.

16 JUDGE LAURENSEN: Overruled.

17 WITNESS CLAWSON: Let me explain what Mr. Lieberman  
18 did, okay, and maybe that would help clarify this. Mr.  
19 Lieberman reviewed the maps and the routing directions for  
20 each one of the maps in each one of the zones to determine  
21 whether the routes and the routing directions -- in other  
22 words, the arrows that we have -- on the maps, and the routing  
23 directions, reflected Appendix A of the plan. And were  
24 accurate.

25 BY MR. McMURRAY: (Continuing)

1 Q And that was the extent of his review?

2 A (Witness Clawson) That was the extent of his  
3 review, that is right.

4 Q He looked at it from the traffic engineer's point  
5 of view?

6 A That is exactly right.

7 Q Whether it showed how to get from Point A to  
8 Point B?

9 A Yes. Now, I have had other people look at this  
10 material to determine whether they thought it was clear. And  
11 I don't know how to define the term, 'the average person,'  
12 but whether it seemed to be understandable.

13 Q Who else has reviewed these brochure maps?

14 A I had the maps -- various of the maps reviewed by  
15 our District Office personnel throughout the LILCO System.  
16 That would be people in eleven district offices have looked  
17 at the maps, many of whom live in the area; many of whom  
18 don't live in there at all, in the area, and they have  
19 looked at the maps in terms of what I might consider an  
20 average person's look at them in terms of whether they are  
21 clear or not, and we have gotten, quite frankly, pretty good  
22 reviews from the people out there on the maps.

23 Q Did you have the maps reviewed at all by any  
24 geographers?

25 A I didn't ask the qualifications of the people that

1 review the maps in the district offices in terms of their  
2 educational background. There may have been some geographers  
3 in the group. I don't know.

4 Q To the best of your knowledge, were any of them  
5 geographers?

6 A To the best of my knowledge, no.

7 Q Did you have these maps reviewed by any sociologist?

8 A Yes. I believe that Dr. Miletì has looked at some  
9 of the maps.

10 Q This version that is the latest version of  
11 Attachment 2?

12 A Yes.

13 Q Okay. Each map for each zone?

14 A I don't think he has looked at every map for  
15 every zone, but he has looked at some of the maps, and they  
16 are essentially the same. I have a book with all of the  
17 maps, and the difference of course are the roads and the  
18 streets in each zone, but essentially, other than the shape  
19 of the zone, the maps are relatively similar.

20 Q Did you ask Dr. Miletì to review the maps for  
21 their clarity -- for their clarity?

22 A Yes, I think I did. I am trying to think of  
23 whether I said: Dr. Miletì, would you review these maps  
24 for their clarity.

25 I asked him to take a look at them and see if

1 he thought the public would be able to understand them, and  
2 he indicated to me that he thought they were good maps, and  
3 the public would be able to understand them.

4 Q Did Dr. Mileti also review the maps and the sample  
5 insert which is -- sample telephone book insert, which is  
6 Attachment 3?

7 A No.

8 Q Did Dr. Mileti review the text of the sample insert  
9 -- sample telephone book insert, which is Attachment 3?

10 MR. CHRISTMAN: Objection. The limited inquiry  
11 that the Board said it would allow has become an excessively  
12 picky inquiry.

13 JUDGE LAURENSEN: Excessively what?

14 MR. CHRISTMAN: P-i-c-k-y.

15 JUDGE LAURENSEN: The objection is overruled.

16 End 10  
17 Reb fols.

18

19

20

21

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25

1                   WITNESS CLAWSON: I'm really trying to think.  
2 A lot of this material was prepared last January and  
3 February, and quite frankly, I don't remember whether  
4 he did review -- I tend to think he did, but I don't  
5 really remember whether he reviewed the text of the material  
6 in insert 3.

7                   BY MR. MC MURRAY:

8                   Q     Other than Dr. Mileti, has attachment 3 been  
9 reviewed by any of LILCO's other social science experts?

10                  A     No.

11                  Q     Attachment 4 deals with community telephone  
12 directories in the EPZ, correct?

13                  A     That's correct.

14                  Q     Is there a map associated with attachment 4?  
15 The reason I am asking is, I don't have one in my copy.  
16 If there is one, my question will be brief.

17                  A     Yes. As a matter of fact, I think there should  
18 have been two maps included with attachment 4 which  
19 would be a draft version, an example of the ten-mile EPZ  
20 map, plus one zone evacuation map.

21                  A     (Witness Daverio) Mr. McMurray, if you look,  
22 I think at least in my copy there are three pages, the  
23 next two aren't labeled. They are also considered  
24 attachment 4.

25                  MR. CHRISTMAN: They are hard to separate, but

1 my attachment has all three pages.

2 Does the Board have three pages?

3 JUDGE LAURENSEN: We have all three pages in ours.

4 MR. MC MURRAY: Obviously it is an error in our  
5 copying.

6 (Pause.)

7 I have now been given copies of these maps.

8 BY MR. MC MURRAY:

9 Q It is true, Mrs. Clawson, isn't it, that some  
10 of these communities that are served by the community  
11 telephone books cover more than one zone; isn't that correct?

12 A (Witness Clawson) That's correct.

13 Q Will the community telephone book contain just  
14 one zone map?

15 A No. The community telephone book -- and I did  
16 not bring with me the listing of which books would contain  
17 which zones -- will contain whatever zones are covered by  
18 those communities.

19 For example, if four different zones are  
20 covered by one telephone community yellow book, then the  
21 maps for those four zones would be in the yellow book.

22 Q Not to belabor this point, just one last  
23 question on this. Will the map be four different zone  
24 maps, or will all four or five zones, or however many maps  
25 are, however many zones are included, be all on one map?

1           A     No. What I would expect to do is to have the  
2 ten-mile EPZ map, with the 19 zones, as a cover sheet  
3 before the other maps, and then one page for each zone  
4 map. So that if somebody needed to use the zone map, he  
5 could effectively take it out of the book, if he so  
6 desired. And he would be able to refer specifically to  
7 the one map on one page.

8           Q     With respect to the maps to be inserted in  
9 community telephone books, I assume also that they have not  
10 been reviewed by your social science experts?

11          A     Essentially, the maps are the same. Whether it  
12 is for the -- the maps and the basic information is the  
13 same whether it is for the brochure or the yellow book  
14 or the transient information packages. They are the same  
15 maps. They may be in different colors or different sizes  
16 or different shapes, depending upon what fits with the  
17 package. But the maps, the zone boundaries, the arrows,  
18 and the routing directions are identical.

19          Q     So what you are saying then is that you believe  
20 Dr. Miletì has reviewed this zone A map in the same way that  
21 he reviewed the brochure map that you were talking about  
22 which is attachment 2?

23          A     Well, Mr. McMurray, as I said, I don't recall  
24 whether he specifically reviewed the zone A map. I know  
25 that I showed him some of the maps. I don't remember which

1 zones they were.

2 All of the maps have basically the same  
3 information, but specific for each zone.

4 MR. MC MURRAY: Judge Laurenson, it is three  
5 o'clock now. We have our experts here regarding the  
6 hospital rebuttal testimony. Their schedule is very tight.  
7 I would like to ask that we now move into the rebuttal  
8 testimony and continue with contention 18 panel after  
9 we are done with that.

10 JUDGE LAURENSEN: I think this was the agreement  
11 last Friday, as I recall.

12 MR. CHRISTMAN: I am afraid so.

13 (Pause.)

14 (The panel stood down.)

15 MR. MC MURRAY: Judge Laurenson, maybe this  
16 would be a good time to take our first ten-minute break,  
17 just so we can -- the witnesses are here. I haven't  
18 seen them yet, and I just -- even five minutes would be  
19 beneficial.

20 JUDGE LAURENSEN: All right. Unless there is  
21 an objection, we will take a short recess now. We will  
22 reconvene at 3:10.

23 (Recess.)

24 JUDGE LAURENSEN: We are back on the record now.  
25 At this point we have scheduled, by agreement of the parties,



1 the presentation of LILCO's rebuttal witnesses as  
2 requested last Friday.

3 Ms. McCleskey?

4 MS. MC CLESKEY: Judge Laurenson, Mr. Yedvab,  
5 Mrs. Robinson, and Mr. Miele have resumed the stand to  
6 give rebuttal testimony on the special facilities testimony.

7 JUDGE LAURENSON: All the witnesses have  
8 been previously sworn and you are still under oath.  
9 Whereupon,

10 MICHAEL MIELE  
11 ELAINE D. ROBINSON  
12 and  
13 JAY YEDVAB

14 were recalled as witnesses and, having been previously  
15 duly sworn, were examined and testified as follows:

16 DIRECT EXAMINATION

17 Q Mr. Miele, your professional qualifications,  
18 which were filed --

19 MR. MC MURRAY: Judge Laurenson, excuse me. I  
20 want to make an objection right here. Last week  
21 Ms. McCleskey did not offer Mr. Miele as a rebuttal witness.  
22 She just offered, as a matter of fact, Mrs. Robinson and  
23 Mr. Yedvab, not Mr. Miele. And we object to his presence  
24 up here on the panel.

25 JUDGE LAURENSON: I don't have my transcript  
from last Friday with me, so I don't have any way of  
checking that.

XXXXX

1 Ms. McCleskey, do you want to respond to that?

2 MS. MC CLESKEY: I don't recall which names I  
3 stated, and I guess we can go check it. I would think  
4 that Mr. Miele has been intimately involved with the  
5 special facilities and has taken part in a lot of the  
6 meetings and the preparation of these plans that we are  
7 going to be talking about, and I think he is an appropriate  
8 witness on the panel.

9 The fact that -- assuming that I did not mention  
10 his name last Friday, I don't think that there is any  
11 prejudice to the county to have him sitting on the panel.

12 JUDGE LAURENSEN: I think, in terms of giving  
13 notice, you should at least make the proffer as to what  
14 Mr. Miele is going to testify to so they can determine  
15 what their position will be on it, assuming, again, that  
16 Mr. Miele was not mentioned last Friday.

17 MR. MC MURRAY: Judge Laurenson, I will refer  
18 the Board to transcript page 9912 where Ms. McCleskey  
19 says, "As to the special facilities testimony, we would  
20 like to offer Mr. Yedvab and Ms. Robinson to offer into  
21 rebuttal the emergency plans that have been marked  
22 LILCO EP38 through 47."

23 MS. MC CLESKEY: Well, I regret that I did  
24 not mention Mr. Miele's name last Friday, and I will state  
25 for the record that the portions of the rebuttal testimony

1 that I identified last Friday that he will be discussing  
2 are particular meetings and discussions that he has had  
3 with the special facilities regarding sheltering and  
4 evacuation that culminated in these draft plans.

5 And while I did not mention his name, there will  
6 be no -- I don't believe he will offer any additional  
7 information other than what I identified last Friday.

8 MR. MC MURRAY: Judge Laurenson, our objection  
9 stands.

10 MS. MC CLESKEY: I am told, although I don't have  
11 the transcript in front of me, that I did mention  
12 Mr. Glaser as a possible rebuttal witness.

13 Unfortunately, he could not be here today.

14 JUDGE LAURENSEN: At this time the objection  
15 is overruled. You may proceed.

16 BY MS. MC CLESKEY:

17 Q Mr. Miele, your professional qualifications  
18 which were filed some time ago state that you are  
19 employed by LILCO. Is that information still correct?

20 A (Witness Miele) At the present time that is  
21 no longer correct. I ceased my employment with LILCO  
22 on June 1st and commencing on June 8 I will be employed by  
23 Consolidated Edison.

24 And the position I will be holding with Con Ed  
25 is the general manager of environmental health and safety.

1 Q With that change, are your professional  
2 qualifications correct?

3 A Yes, they are, other than now I do have  
4 responsibility for -- yes, they are basically the same.

5 Q All right.

6 Mrs. Robinson and Mr. Miele and Mr. Yedvab,  
7 have you reviewed the documents that have been labeled  
8 LILCO EP38 through 47?

9 A Yes, we have.

10 A (Witness Robinson) Yes, I have.

11 Q What are these documents?

12 A (Witness Miele) Basically these documents are  
13 the emergency plans and procedures that we developed  
14 and people who worked for us developed with the staffs  
15 of the different facilities -- the nursing homes and the  
16 hospitals. And they include comments, where provided,  
17 by these facilities during the meetings that we have held  
18 with, I believe, all of them.

19 Q How are these plans being developed?

20 A (Witness Robinson) Early last summer we began  
21 contacts with special facilities. Mr. Miele and people  
22 employed by him as well as staff reporting to me went out  
23 to visit these facilities and to make contact with  
24 administrators and staff and to survey the facilities.

25 Following these discussions and realizing that

1 many of the facility directors -- in fact, I would say  
2 all of them, I think I can say without exception -- were  
3 too busy to do the kind of detailed procedure writing that  
4 was necessary for implementing procedures for an emergency  
5 plan for Shoreham, we started developing them.

6 And to implement that, we brought on board a  
7 full-time planner, he is a consultant but he is working  
8 full-time for LILCO, on health facility perceived plan  
, and implementing procedures and as well we hired two  
10 consultants -- Mr. Yedvab and Mr. Glaser -- who were  
11 experienced administrators in the health care field.

12 Using that background, we drew up rev zero,  
13 had drawn up rev zero of the proposed draft plans which  
14 were distributed to all the facilities except Riverhead  
15 which has just gone out today, and that is scheduled for  
16 a meeting next week and, of course, except for the Suffolk  
17 Infirmary at this point. So that, again, with those  
18 exceptions, everybody has received at least a draft zero.

19 In some of the cases, there have been subsequent  
20 meetings. We have received oral comments; to the best  
21 of my memory -- and perhaps Mr. Miele will want to add  
22 to this -- we have not received any written comments on  
23 any of the plans. But where we have received oral  
24 comments and where we have had time to do so, we have  
25 revised the plans or, in the cases of the hospitals, the

1 floor plans, the marked up floor plans, and then sent  
2 them back out to the facilities and continued meeting with  
3 them.

4 I think that is basically the procedure, unless  
5 you want to add something.

6 A (Witness Miele) All I want to add is that we  
7 went out and we have toured or visited, discussed with  
8 each one of these facilities, either my people and some  
9 of Ms. Robinson's people have toured every one of these  
10 facilities listed.

11 Q What generally do the plans cover?

12 A (Witness Robinson) I don't think you want me  
13 to go over in detail what is there in writing. Basically  
14 it starts off with definition of terms, those commonly  
15 used in discussing emergency planning for a nuclear power  
16 plant.

17 There is a section defining the different  
18 classifications of emergencies, the communications  
19 necessary, the organization of the facility and staff  
20 responsibilities, staffing needs, and then also it then  
21 gets into procedures such as the preparation of residents,  
22 what would have to be done to get them ready to be  
23 sheltered, sheltering procedure, what would have to be  
24 done to get them ready for evacuation in evacuation procedure.

25 And the procedures get detailed down to breaking

1 down administrative staff, nursing staff, custodial  
2 staff.

3 A (Witness Miele) In addition to the items  
4 that Ms. Robinson just mentioned, the implementing procedures  
5 become more specific for the individual facilities such as,  
6 while working with the facilities, St. Charles chose that  
7 they didn't want to move their maternity patients and  
8 the newborns. So we worked around that constraint into  
9 satisfying them in how we wanted to handle that.

10 Facilities such as Central Suffolk, we are  
11 working with them to make some of the doorways somewhat  
12 bigger for ease of access into and out of the areas we  
13 selected for sheltering.

14 We have worked with them on specific patients.  
15 I know one of the old age homes, the nun facility in  
16 Sound Beach, we worked on specific patients who would  
17 be more difficult to move and relocate and whether they  
18 had specific people who could pick up and carry the  
19 people who reside in those facilities.

20 So the procedures are down to specifics for  
21 the individual facilities.

22 A (Witness Yedvab) In the case of the hospitals,  
23 where there were several meetings at each facility,  
24 the member of the administrative staff, a member of  
25 the nursing staff, usually the associate or the director of

1 nursing, and a member of the engineering staff, in most  
2 cases the director of engineering, were present at some or all  
3 of the meetings and actually went around with us and  
4 discussed our concerns.

5 So these were developed in consultation with  
6 the responsible individuals in each of the three  
7 hospital facilities.

8 Q Mrs. Robinson, other than the facilities  
9 represented by the plans that have been marked LILCO  
10 EP38 through 47, does LILCO intend to develop similar  
11 plans for other special facilities in the EPZ?

12 A (Witness Robinson) Yes --

13 MR. MC MURRAY: Judge Laurenson, excuse me.  
14 That calls for the witness to speculate and not only that,  
15 it is a leading question.

16 JUDGE LAURENSEN: Overruled.

17 WITNESS ROBINSON: We have prepared a draft  
18 plan for the handicapped facility run by BOCES 2 at  
19 St. Charles Hospital and have met with them. Mr. Dudar  
20 and Mr. Michael Sacca have met with the BOCES 2 administrators.  
21 That plan has been prepared and sent out.

22 I know that meetings are scheduled for the  
23 four HRC facilities, and of course, as time permits, we  
24 will continue to do that for the remaining handicapped  
25 facilities.



1           Q     Mr. Miele, how are the sheltering areas for  
2 these facilities that are represented by plans chosen?

3           A     (Witness Miele) The initial steps were either  
4 myself or people who worked for me went to each one  
5 of these facilities and toured in detail with normally  
6 either the hospital administrator, nursing home administrator,  
7 and looked at the entire grounds, the building, the  
8 basements, all the different possible areas.

9                     We then tried to determine which of these  
10 facilities would provide the best sheltering or shielding  
11 factors.

12                    The next thing we had to consider were the number  
13 of people, how many people we had to relocate into these  
14 areas.

15                    Again, working with both the hospital and  
16 nursing home administrators, plus our own civil mechanical  
17 engineering planning group on how much space and the codes  
18 that people needed to fit in the different areas determined  
19 based on what were good sheltering areas versus on how  
20 many people we needed to put in these locations.

21                    So those two factors. Then we had to include  
22 special needs such as food for the people, special  
23 equipment they may have needed in the hospital and that we  
24 had enough, let alone for the people and the amount of time  
25 they needed, but the equipment or materials they needed to

1 support spending the required amount of time in that  
2 sheltering location.

3 Another for instance would be, I guess an  
4 example would be over at Sunrest Nursing Home where we  
5 tried to determine how much space we had and how much  
6 need -- Sunrest, if you recall, is a two-building facility  
7 that has approximately -- I don't know 103, 104 people in  
8 each of the two locations.

9 In the front building, we toured or surveyed  
10 the entire area. We found that the basement in that place  
11 was really insufficient and the boiler room area was  
12 too small to put people. So we chose, with the administrators,  
13 to locate the people on the west side of the ground level  
14 in the front building at Sunrest.

15 In the back building, I think this is the  
16 special facilities building, we found sufficient space  
17 in the basement area for the, I believe, 103 people in  
18 that second facility.

19 That is basically how we did it. We worked  
20 with the administrators, with the sheltering factors, and  
21 with the amount of space that we needed for the people.

22 Q Aside from developing the plans that we have been  
23 discussing, what actions, if any, had LILCO taken to help  
24 implement protective actions at special facilities?

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1           A       (Witness Miele) Again, working with the  
2 Administrators, some of the special equipment that we have  
3 agreed to provide to some of the facilities out at Central  
4 Suffolk with Robert Ecroyd, the Administrator, we had  
5 detailed discussion on providing portable oxygen equipment,  
6 portable suction equipment, relocating certain electrical to  
7 make sure that the equipment can run. We worked with them  
8 on isolating the ventilation and where necessary covering  
9 of ventilation equipment, certain shields were needed to  
10 improve sheltering factors in some of the facilities.

11                   So, we did a pretty detailed job on equipment  
12 that would provide a better sheltering plan.

13                   In addition to that, in some of the facilities,  
14 one specifically, Mather, we've already provided some  
15 training to the hospital. Out at Central Suffolk, we have  
16 been dealing with them for, it must be, seven or eight years  
17 now as far as working with LILCO and radioactive contaminated  
18 people. So, we've done some drills with them.

19                   I believe Mrs. Robinson could add some more  
20 information about drills and other things we have provided.

21                   (Witness Robinson) In addition to the meetings  
22 and the draft procedures, we will continue to provide the  
23 expert advice and the help, in effect, to work on these  
24 procedures and to continue to revise them. Mr. Dudar and  
25

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2 Mr. Glacier and Mr. Yedvab will remain available to do that  
3 kind of work provided as needed to these facilities until  
4 they have all incorporated a part of their -- incorporated  
5 some of these procedures into their existing emergency plans,  
6 as either a chapter or a section of the plan as the nursing  
7 homes and the hospitals are required to have under Article  
8 28.

9 And I suppose for the adult homes it would be  
10 an independent plan or an addition to their plan. But we  
11 will provide that if they want any assistance in drills  
12 and drill observers or advisors we will be happy to provide  
13 that.

14 We have been informed that one of the facilities,  
15 Mrs. Portnoy at Oak Hollow, has already drilled the shelter-  
16 ing procedures. But if any other facility does wish assist-  
17 ance with doing that, we will provide that as well.

18 (Witness Yedvab) In the case of the hospitals,  
19 they are all accredited by the Joint Commission on Accredita-  
20 tion of Hospitals and are required as part of that accredita-  
21 tion process to incorporate into their disaster planning any  
22 internal or external disasters that could reasonably be  
23 expected to occur. And, therefore, our activities with them  
24 have been to help them meet those requirements so that they  
25 would be able to retain their accreditation.

(Witness Robinson) I think I should also add at

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1 this point that this will be a yearly procedure, that this  
2 is not something that we are doing just now, but as part of  
3 the updating, the annual required updating, of the LILCO  
4 transition plan there will be annual contacts with all of  
5 these facilities and an annual updating of the information.

6 However, we will not be incorporating their plan  
7 into the transition plan. To be specific, what we will do  
8 will be to contact them and help them with their plan but we  
9 are not going to make it part or an addendum to our plan.

10 Q What will be done with these plans when they are  
11 completed?

12 A I don't like using the word "completed" with the  
13 planning process, because it is not completed as long as  
14 the facilities are in existence. But the prospect or the  
15 goal to which we are all working is to have them incorporated  
16 into the facilities' emergency plans.

17 Again, it can be either as a section or a chapter  
18 of an existing plan, or as an independent plan. And it will  
19 at that point be on record with them and presumably with the  
20 State licensing agency that handles that. But it will not  
21 be in the LILCO transition plan.

22 (Witness Yedvab) Again, in the case of hospitals,  
23 they are required, both under the State code and the Joint  
24 Commission Accreditation Standards, to rehearse the plans  
25 with varying frequencies and have written evaluations of those

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1 plans, and presumably those evaluations would then be in-  
2 corporated into the ongoing revision of the plans.

3 Q How have facility administrators greeted your  
4 proposals regarding sheltering and evacuation?

5 MR. MC MURRAY: Objection, Judge Laurenson. I  
6 think we are getting far afield from the purpose of Ms.  
7 McCleskey's rebuttal testimony which is apparently to  
8 introduce these proposals into the record.

9 I just think that her question is irrelevant.

10 JUDGE LAURENSEN: The objection is sustained.

11 BY MS. MC CLESKEY: (Continuing)

12 Q Mr. Yedvab, how are patients in residents moved  
13 by ambulette?

14 A (Witness Yedvab) In my --

15 MR. MC MURRAY: Objection, Judge Laurenson. I  
16 don't know what the relevance of this question is to the  
17 plans.

18 MS. MC CLESKEY: The relevance is that Doctors  
19 Harris and Mayer stated on cross-examination that it was  
20 improbable and probably impossible to strap a wheelchair-  
21 bound patient on to the benches with the seat belts provid-  
22 ed in ambulettes and, therefore, that the numbers that we  
23 were using for transportation in ambulettes were inaccurate.

24 And we have rebuttal testimony regarding the  
25 feasibility of strapping wheelchair patients into ambulettes.

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JUDGE LAURENSEN: The objection is overruled.

WITNESS YEDVAB: In my experience, and primarily at Bergen Pines where we periodically transport large numbers of patients, first of all, it is most appropriate to put a wheelchair patient in an ambulette with the wheelchair in the grooved slots with the chairs suitably fixed and with the patient strapped in. However, it is possible, and we have on occasion, moved patients on the benches of ambulettes.

We have moved wheelchair patients in station wagons. We have even moved wheelchair patients to certain events on small-sized school buses.

It depends on the condition of the patient, and it also requires some degree of professional judgment. You obviously would not take a seriously ill patient or somebody with an intravenous running, or somebody who could just not be moved that way and move them out of their wheelchair and strap them on a bench or put them on a seat of a regular vehicle.

However, in my experience most wheelchair patients are not totally bound to that wheelchair. And they can be moved in a number of ways. As a matter of fact, when we allowed patients to go home for holidays and visits, which we did with some frequency, the families that transported them invariably took the patient, moved them on to the seat of a car or station wagon, folded up the wheelchair, put it

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2 in the trunk of the vehicle and drove off. And in my ex-  
3 perience that is how most people that are in wheelchairs,  
4 that would be representative of the typical nursing home  
5 patient, would be moved, or the kind of patient, or even  
6 somebody living at home that is usually moving around in a  
7 wheelchair, would go in and out of that house.

8 So, I believe it is quite possible with the  
9 exercise of professional judgment to move wheelchair patients  
10 other than in the slots of an ambulette.

11 Q Mr. Miele or Mr. Yedvab, during your meetings  
12 that you have described with the facility administrators,  
13 what has been their attitude regarding sheltering and  
14 evacuation in the plans that you were trying to develop  
15 with them?

16 MR. MC MURRAY: Judge Laurenson, same objection.  
17 I think Ms. McCleskey is just trying to get around my  
18 previous objection.

19 MS. MC CLESKEY: Judge Laurenson, Doctors Harris  
20 and Mayer stated in their written testimony and then on the  
21 stand -- the written testimony citation is Page 14 -- that  
22 the Administrators they spoke with expressed doubt and many  
23 stated outright that sheltering is impossible. And I think  
24 these witnesses who have been developing plans with the same  
25 Administrators have testimony contradictory to that of  
26 Doctors Harris and Mayer.



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MR. MC MURRAY: Judge Laurenson, first of all, I'm not sure if this was one of the categories of issues that Ms. McCleskey raised on Friday that rebuttal testimony was going to address.

But also the attitude of the Administrators is not relevant. What they told Dr. Harris and Dr. Mayer is on the record. And the attitude of the Administrators now is just not relevant.

JUDGE LAURENSEN: The objection is overruled.

WITNESS MIELE: I personally have been to each and every hospital, some of the nursing homes, and people who have worked for me have been to the remaining of the nursing homes and special facilities. At no time -- well, I guess I would put it this way. Due to the political overtones of the situation in Shoreham, we didn't go there to ask anybody to support the opening of the plant, all the folks I personally dealt with -- and my understanding from the people who work for me, that everyone was very professional in their dealings with us.

They were very willing and understood their responsibility to their patients, the people they cared for, and we found no obstacles in the planning process. They were willing to work with us as far as selecting sheltering locations, talking about how we would approach evacuation if that became necessary. And at no time did anybody

#12-8-SueT

1 mention to me or any of the people who worked for me that  
2 sheltering could not be done or that the people were going  
3 to be left there to die or anything close to that.

4 So, I thought the people were extremely responsive  
5 and very willing to work with us.

6 WITNESS YEDVAB: My involvement was only with  
7 the hospitals, the three hospitals. I have not visited nor  
8 been involved with any of the other facilities and so I  
9 can talk only to the hospitals.

10 In my professional opinion, the Administrators  
11 were willing to cooperate. They felt a concern which they  
12 expressed, that as responsible citizens they could not take  
13 a position either for or against the opening of the Shoreham  
14 plant because the issue had been so politicized, but that  
15 as hospital administrators they had responsibilities to  
16 the community and to the patients to plan accordingly in  
17 the event that the plant was licensed and did open.

18 I did discuss with them the Joint Commission  
19 Standards, the licensing regulations. There was a signifi-  
20 cant exchange about whether any hospitals had successfully  
21 evacuated patients, since there was a concern about evacua-  
22 tion. And we did discuss several occurrences where large  
23 numbers of patients have been evacuated.

24 Beyond that, there were concerns expressed about  
25 the suitability of sheltering, about the ability to evacuate

#12-9-SueT

1 patients. But those were in the course of general discus-  
2 sions. And in the tours of the facilities, both with  
3 hospital staff and with LILCO employees, everyone was  
4 cooperative. Sheltering areas were designated in some  
5 cases. The inappropriateness of using certain areas that  
6 had been indicated on initial drafts was discussed; those  
7 were changed.

8 The nursing personnel were interested in discus-  
9 sing professional concerns, need for equipment, how long  
10 patients, for example, could be held in certain areas. We  
11 did have rather elaborate discussions over what you had to  
12 do with electric patient beds before you disconnected them  
13 and moved them, so that the beds would be put in the most  
14 common position for the period of time that a patient might  
15 be in it, not simply disconnect the bed, move it into a  
16 hallway and then discover that there was no electric current  
17 to change the position.

18 As an aside, most contemporary electric beds do  
19 not have manual cranks. The first models you could adjust  
20 manually by cranking them after they were moved.

21 We did have discussions, for example, about  
22 emergency supplies. The Joint Commission requires that  
23 hospitals be self-sustaining in utilities, food, water and  
24 things of that sort, for up to a week. Our initial discus-  
25 sions concerned the need for potable water, cleaning water,

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1 things of that sort. All three hospitals indicated that they  
2 did not believe that there was a need for emergency water  
3 planning.

4 And so I found them to be extremely cooperative  
5 and willing to participate in the planning process and  
6 willing to participate in a disaster exercise if one would  
7 be held.

8 They were, however, very concerned about the  
9 fact that they were in the middle of between the pressures  
10 for adequate electric generating capacity and the pressures  
11 politically in the community.

12 WITNESS ROBINSON: I would like to add just one  
13 thing about this attitude of cooperation. And that is that  
14 as I have -- as we, in LERIO, have been informed by letter  
15 from the Suffolk County attorney, the Suffolk County  
16 Infirmary is not included at this time in the planning  
17 process although they certainly will be included as part  
18 of the information chain.

19 And, in addition, one of the adult homes, the  
20 Administrator, declined to do any further planning until  
21 an agency was designated as -- and I cannot remember the  
22 exact words, but in effect until someone was designated as  
23 the official agency in charge of the emergency plan and  
24 they have Rev 0 of the implementing procedures, but we are  
25 not proceeding any further with them at this time.

#12-11-SueT

1 MR. MC MURRAY: Judge Laurenson, I would like  
2 to move to strike Mrs. Robinson's response. Ms. McCleskey's  
3 question went to the Administrator's attitudes towards  
4 sheltering. Mrs. Robinson did not address that particular  
5 question.

6 In addition, I would like to move to strike Mr.  
7 Yedvab's response. While he touched occasionally on  
8 sheltering, he went all over the board, evacuation, the  
9 Joint Accreditation, and a number of other issues that were  
10 not responsive.

11 MS. MC CLESKEY: We can have the question read  
12 back I suppose for the record. The question I have written  
13 down that I was reading included evacuation and general  
14 planning. But I suppose we can go back and have it read  
15 back.

16 And, in addition, I think Mrs. Robinson's state-  
17 ments are crucial to make it clear that what Mr. Miele said  
18 about all having been involved in planning is not the case  
19 for the Suffolk Infirmary and for the Woodhaven Nursing  
20 Home.

21 JUDGE LAURENSEN: My recollection of the question  
22 is the same as Mr. McMurray's. Mrs. Robinson's answer will  
23 be stricken, but Mr. Yedvab's will not be, because I feel  
24 that is responsive to the question of sheltering.

25 BY MS. MC CLESKEY: (Continuing)

#12-12-SueT 1

2 Q Mrs. Robinson, are there any facilities with  
3 which you are not planning presently on sheltering or  
4 evacuation?

5 A (Witness Robinson) Yes, there are. The  
6 Suffolk Infirmary and the Woodhaven Home for Adults.

7 Q Why not?

8 A We have been informed by the Suffolk County  
9 attorney that the Suffolk Infirmary persons went to Suffolk  
10 County resolutions -- and I've forgotten the numbers now,  
11 but they are the cited ones in the testimony -- will not  
12 participate in any emergency planning.

13 We were also informed by the Administrator of  
14 the Woodhaven Home for Adults, Woodhaven Nursing Home,  
15 I'm sorry -- I keep confusing the two -- the Woodhaven  
16 Nursing Home, that until an agency was officially designated  
17 or officially appointed, that they would not proceed any  
18 further. And so they have Rev 0 and no further work will  
19 be done on that at this time.

20 Q Mr. Miele and Mr. Yedvab, did the answers you  
21 previously gave regarding planning for sheltering and the  
22 reception of that idea of the Administrators of facilities,  
23 hold for planning for evacuation as well?

24 A (Witness Miele) I understood working with the  
25 Administrators that, yes, it did, held for both sheltering  
and for evacuation.

#12-13-SueT 1 (Witness Yedvab) The discussions of evacuation  
2 as well as sheltering were held simultaneously and did over-  
3 lap. The same would apply with the added point that there  
4 was considerable discussion about experiences in evacuating  
5 large number of patients, since the hospital administrators  
6 and the nursing people were concerned about whether it could  
7 effectively be done. And in discussions over several major  
8 events where large numbers of patients had been evacuated,  
9 I believe they felt that it was possible.

10 In the case of one hospital, they initially were  
11 interested only in evacuation, and after discussion I believe  
12 have changed their position, that sheltering would occur  
13 first and then, if indicated, there would be an evacuation.

14 So, the discussions were really interchangeable,  
15 and it is impossible to segregate them. There was coopera-  
16 tion and concern and a great deal of time spent in both  
17 areas.

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1 MS. McCLESKEY: Judge Laurenson, at this time  
2 I move LILCO's EP-38 through 47 into evidence.

3 JUDGE LAURENSON: Is there any objection to  
4 that?

5 MR. McMURRAY: Yes, Judge Laurenson. If I  
6 might have just a moment before I state my objection.  
7 If the Board is ready, I will state my objection.

8 Judge Laurenson, LILCO Exhibits EP-38 through 47  
9 are merely proposals. They are not plans. And this panel  
10 has not been able to state otherwise.

11 What they represent are documents drafted uni-  
12 laterally by LILCO, and apparently they are discussions with  
13 the nursing homes about them. This does not rebut anything  
14 stated by the County's witnesses. Therefore, they are not  
15 properly introduced as rebuttal evidence, number one.

16 Number two, there has been no foundation laid for  
17 these plans to be admitted into evidence. There have been  
18 hardly any questions asked about the specific plans. I  
19 know that there are blueprints attached to some of them.  
20 There have been no questions asked about these blueprints.  
21 What they represent. Who did them. Frankly, there has just  
22 been an improper foundation laid for all of these exhibits.  
23 Let me note again that these documents rebut nothing stated  
24 by the County's witnesses.

25 JUDGE LAURENSON: Before going on, let me ask



1 you, Mr. McMurray, do you wish to have an opportunity to  
2 cross examine this panel before we rule on the Motion?

3 MR. McMURRAY: I think that is a good idea,  
4 Judge Laurenson.

5 JUDGE LAURENSON: Why don't we postpone a ruling  
6 on this, because that is ordinarily the way it proceeds, is  
7 that you have an opportunity to question the witnesses first  
8 and then make objections to it.

9 So, let's defer a ruling on the offer of this  
10 testimony, and begin the cross examination. Mr. McMurray?

11 MR. McMURRAY: Judge Laurenson, let me make a  
12 statement first and -- first, I would like to move to strike  
13 the testimony of all of these witnesses. Again, their testimony  
14 has not rebutted anything stated by Suffolk County witnesses.  
15 All they have been talking about are contacts between LILCO  
16 and the nursing homes and other facilities.

17 This evidence not only is not rebuttal testimony,  
18 but it is cumulative to what is already in LILCO's testimony.

19 They could have addressed it in their direct  
20 testimony. They could have addressed it while they were  
21 on the stand. They chose not to.

22 Therefore, I don't think that anything they have  
23 said now on the stand should be admitted into the record.

24 JUDGE LAURENSON: The Motion is denied.

25 MR. McMURRAY: Judge Laurenson, I would like to

1 take a recess in order to review my notes, and figure out  
2 what my cross examination is going to be, and also to review  
3 the record, Ms. McCleskey's proffer made on Friday, and I  
4 think that is going to take a little bit of time.

5 JUDGE LAURENSEN: How much time are you requesting?

6 MR. McMURRAY: This is testimony that I have  
7 heard for the first time. I have to review my notes. I  
8 have to develop some lines of questions. I would say I am  
9 going to want to confer with my experts. Confer with co-  
10 counsel. I would say half an hour.

11 Ms. McCLESKEY: Judge Laurenson, we have no  
12 objection as long as the LILCO 18 panel continues during the  
13 half hour that Mr. McMurray is preparing his cross examina-  
14 tion.

15 MR. McMURRAY: That is so absurd I won't even  
16 respond.

17 (Laughter)

18 JUDGE LAURENSEN: I think half an hour is a bit  
19 long. I mean, the witnesses have only been on the stand  
20 for about half an hour or forty minutes at the most since  
21 we resumed here. And this is rebuttal testimony that --  
22 the subject matter of which you certainly are familiar with  
23 from the prior questioning. I think a reasonable amount of  
24 time may be allowed, but I think 15 minutes is more than  
25 reasonable. So, we will take a fifteen minute recess, and

1 we will resume at 4:05. Mr. Zahnleuter?

2 MR. ZAHNLEUTER: Yes. I would like to briefly  
3 bring up something now. I think it is a reflection of the  
4 fact that we have multiple parties.

5 I also intended, on behalf of the State of New  
6 York to move to strike, but I disagreed with the strategy  
7 of this particular time, but I would like to reserve the  
8 right to make the State's motion at a later time.

9 JUDGE LAURENSEN: All right. You may make that  
10 at a later time. We will take a fifteen minute recess,  
11 then.

12 (Short recess taken)

13 JUDGE LAURENSEN: Mr. McMurray?

14 MR. McMURRAY: Judge Laurenson, at this time I  
15 would just like to state, as I said before we took our break,  
16 we heard about 45 minutes of rebuttal testimony from these  
17 witnesses. They have said a lot of things that we never  
18 heard before. I took the best notes I could, but frankly  
19 I do not believe that the County has been given a sufficient  
20 opportunity to review what these witnesses have said. To  
21 evaluate what they have said, to consult with its experts,  
22 and to develop meaningful cross examination.

23 Therefore, if we are ordered to go ahead we will,  
24 but it will be with prejudice -- the County will be prejudiced  
25 by doing so, and the County will not be able to conduct the

1 type of meaningful cross examination it would have been able  
2 to conduct had it had more time to evaluate what these  
3 witnesses have said.

4 I would like to propose that we wait until we  
5 have the transcript of these hearings, and that I then be  
6 able to look at that transcript, consult with our experts,  
7 and cross examine these witnesses.

8 JUDGE LAURENSEN: The request is denied.

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CROSS EXAMINATION

10 BY MR. MCMURRAY:

11 Q I have been stumbling over this a couple of times.  
12 Is it Dr. Yedvab or Mister?

13 A (Witness Yedvab) Mister Yedvab.

14 Q Okay. Mr. Yedvab, you mentioned a number of  
15 meetings with some of these special facilities in your  
16 rebuttal testimony. Do you recall that?

17 A Yes, sir.

18 Q Have you personally had meetings with all of the  
19 administrators of the special facilities that are at issue  
20 and are referenced in LILCO Exhibits 38 through 47?

21 A As I believe I have already stated in my testimony,  
22 I have been involved only with the three hospitals. I have  
23 had no dealings with the other special facilities, although  
24 I have seen some of the written documents.

25 Q So your testimony then was restricted to the

1 hospitals, correct?

2 A That is correct.

3 Q With respect to the three hospitals, have you met  
4 with administrators of all three hospitals?

5 A As I believe I had already stated, I had met  
6 with at least one member of the administrative staff at  
7 each of the hospitals.

8 Q In these meetings, have you met with -- well, when  
9 you say you have met with at least one member of the adminis-  
10 trative staff, to the best of your knowledge was this a member  
11 of the administrative staff with the authority and power to  
12 bind the hospital to any particular agreements with LILCO?

13 A Yes.

14 Q Who are these individuals?

15 A In the case of St. Charles Hospital, it was James  
16 Larkin. In the case of Matter Memorial Hospital, it was  
17 Kevin Murray, and in the case of Central Suffolk Hospital,  
18 Robert Ackaroid.

19 Q And what are their positions?

20 A I believe that their titles are on the exhibits  
21 in letters that were addressed to them, but Mr. Larkin, I  
22 believe, is Vice President for Human Resources at St. Charles;  
23 Mr. Murray is an Assistant Administrator at Matter, and Mr.  
24 Ackaroid is the Chief Executive Officer at Central Suffolk.  
25 I believe Mr. Ackaroid's precise title is Executive Vice

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1 President, and that would be Chief Executive Officer.

2 Q And it is your understanding that Mr. Larkin,  
3 as Vice President of Human Resources, has the authority to  
4 bind St. Charles Hospital with respect to agreements with  
5 LILCO?

6 A I cannot answer that question other than to say  
7 that he indicated that he had the authority to meet with us  
8 and work with us. The use of the term, 'binding' in terms  
9 of an emergency plan for a hospital would not be fully  
10 appropriate.

11 There is a procedure in each hospital for the  
12 adoption of an emergency response plan, and I assume that  
13 the actual procedure formally adopting it would have to  
14 follow submission of the Plan, and would have to go through  
15 that process to be a binding plan, as I believe you are  
16 using the term.

17 Q My previous question was whether or not you had  
18 met with people who could bind the hospital with respect  
19 to agreements with LILCO, and now you say at least with  
20 respect to St. Charles, there is a formal adoption process  
21 and I take it that that has not yet taken place.

22 A To the best of my knowledge that process has  
23 not been taken place, and in answering your first question  
24 I didn't realize the significance of what you were asking  
25 until you asked the second question. I interpreted the

1 first question to mean: Well, are these people acting in their  
2 official capacity to be authorized to deal with LILCO, and  
3 that was the intent of my answer to the first question.

4 Q Thank you. Mr. Yedvab, when did the meetings that  
5 you held with these hospital administrators take place, and  
6 I am not asking for specific dates. If you could give me  
7 the range of time.

8 A They have taken -- in my particular case, and I  
9 cannot address meetings held by members of the LILCO Staff,  
10 but in my particular case these meetings took place during  
11 the period from late February through May.

12 Q Can you estimate the number of meetings you had  
13 with each particular hospital administrator?

14 A I have met with each of the hospitals at least  
15 twice, and I actually believe, although I have to consult  
16 my records, that I in fact have met with each of them three  
17 times.

18 Each of those meetings took anywhere from several  
19 hours to the better part of a day.

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1 Q Mr. Yedvab, do you draw a distinction between  
2 people who are wheelchair-bound and wheelchair-assisted?

3 A I am an administrator, not a physician or a  
4 nurse, but I can only say that I am not aware of any  
5 person in my 20 some years in the field who spends their  
6 entire life in a wheelchair.

7 To my knowledge, all patients that spend time  
8 in wheelchairs spend some periods of time in bed, some  
9 period of time in the bath; if they are undergoing physical  
10 therapy, they are usually removed from the wheelchair, so  
11 I am not aware, at least from an administrator's point of  
12 view, that that is a meaningful distinction.

13 With one caveat, and that is, there are some  
14 people who are in midstages of a disease such as  
15 multiple sclerosis, who for reasons of the ability to get  
16 around would move from place to place in a wheelchair but  
17 might work at a desk or be able to drive a car. In which  
18 case there would be regular movement to and from a wheel-  
19 chair.

20 But the distinction you make is one, in the  
21 question, is one that I am not personally aware of being  
22 significant.

23 Q You are not a medical doctor?

24 A I am not.

25 Q With respect to the recreation trips that you



1 referred to earlier, where you said that wheelchair patients  
2 did sit on benches, did you have attendants in those  
3 vehicles?

4 A Yes. There is no time that I am aware of that  
5 patients were transported without either a driver or,  
6 if there were large numbers of patients, another attendant  
7 present. However, the answer that I gave in terms of  
8 families transporting patients, moving them in station  
9 wagons or personal vehicles, there would usually not be  
10 an attendant present. It would be the member of the family.

11 Q A member of the family sitting with the patient?

12 A No. It might only be the member of the family  
13 that was driving. There was not necessarily another  
14 person other than the driver in the vehicle. But ordinarily  
15 that would be one patient with a family member.

16 Q Are you aware of whether the LILCO plan calls  
17 for attendants to sit with or be near the wheelchair  
18 patients who may be sitting on the benches in the ambulettes?

19 A I am not aware of the specifics of the LILCO  
20 plan enough to be able to answer that at this time.

21 Q So you don't know whether any attendants are  
22 supposed to sit in those ambulettes with the patients?

23 A I cannot answer that factually. I do have a  
24 feeling, based on discussions that I have been involved  
25 in, but could not answer it factually.

1 Q What is the feeling that you have based on  
2 discussions?

3 A In the discussions that I have been involved  
4 with, there have been discussions of the fact that  
5 patients would be transported with appropriate attendant  
6 personnel. In some cases that might be members of the  
7 staff of the hospital -- we are talking about an  
8 evacuation -- members of the staff of the hospital that  
9 were caring for them, or it might be obviously the drivers  
10 of the vehicles. And if there were attendants along, they  
11 would go with them.

12 But those issues have not been definitively  
13 settled with the hospitals in discussions that I have been  
14 involved in.

15 Q You do agree, do you not, that there are  
16 some wheelchair patients who cannot use the benches in  
17 the ambulettes?

18 A I believe I previously stated that the application  
19 of intelligence to determine which patients were transported  
20 in which ways was necessary, so the answer to your question  
21 is yes, I agree.

22 Q So that it is not necessarily true that all  
23 wheelchair patients can use the ambulettes?

24 MS. MC CLESKEY: Objection. It assumes a fact  
25 not in the record. No one has ever stated all wheelchair

1 patients can use ambulettes.

2 JUDGE LAURENSEN: The objection is overruled.

3 WITNESS YEDVAB: I do not believe that all  
4 patients could be transported in any single mode of  
5 transportation. Patients would have to be evaluated and  
6 moved in the most appropriate manner given the circumstances  
7 attendant to the need to move them.

8 BY MR. MC MURRAY:

9 Q So, if you will answer my specific question,  
10 Mr. Yedvab, the fact that a person is in a wheelchair  
11 does not necessarily mean that he could be transported on  
12 one of the benches, correct?

13 A That is correct, as the question was phrased.

14 (Pause.)

15 Q Mrs. Robinson, you mentioned a couple of or  
16 some drills with special facilities or nursing homes;  
17 isn't that correct?

18 A (Witness Robinson) Yes, I did.

19 Q Which special facilities were involved?

20 A The administrator was Mrs. Portnoy, and it is  
21 the Oak Hollow Nursing Center.

22 Q Was this drill held at LILCO's request?

23 A No, it was not. She informed us at one of the  
24 meetings that she had drilled the sheltering procedures.

25 Q Were there any LILCO personnel there to observe?

1 A No, there were not.

2 This was strictly an internal procedure as far as  
3 I know.

4 Q Do you know whether or not patients were actually  
5 moved?

6 A I don't know if all the patients were moved or  
7 if she just had staff. She just said that she drilled the  
8 procedures.

9 Q Do you know whether or not -- you don't know whether  
10 she moved any patients, correct?

11 A No, I don't.

12 Q Do you know whether she attempted to seal the  
13 ventilation?

14 A No, I do not know.

15 Q Do you know any of the specifics of the drill?

16 A No, just that she informed us that she had  
17 drilled the procedures.

18 Q Do you consider that what was done was actually  
19 a drill, or do you have any knowledge as to whether or not --  
20 strike that. I withdraw that question.

21 Other than the fact that Mrs. Portnoy told you  
22 a drill was conducted, do you have any independent knowledge  
23 which would tell you that, in fact, whatever action she  
24 took would constitute a drill?

25 A I have no reason to question what she said

1 which was -- and the words I believe were that she  
2 drilled the procedures.

3 Q In your mind, what does a drill mean?

4 A I think that when we talk about emergency  
5 planning, we make some very explicit distinctions between  
6 drills and exercises and table tops, but I think that  
7 generally when you say to drill something, it is to test  
8 it or try it or practice it.

9 Q And you don't know the extent to which whatever  
10 Mrs. Portnoy did tested or practiced the sheltering  
11 procedure?

12 A No, I do not.

13 Q Are you aware of any other special facility  
14 that has informed you that it has conducted a drill of  
15 the proposals that LILCO has marked as EP38 to 47?

16 A No, I do not know of any other.

17 Q Let me ask you this: Do Exhibits EP38 through  
18 47 represent all of the health care related facilities  
19 in the EPZ?

20 A I am counting, but I don't believe so.

21 (Pause.)

22 We do not have the Suffolk Infirmary, and I  
23 don't believe that we have Riverhead here. I am just  
24 checking one more time.

25 No, Riverhead is not included here. Of course,

1 not Suffolk Infirmary.

2 Now, that does not -- again, that does not yet  
3 include the handicapped facilities which are in the  
4 process of being developed and sent out.

5 Q Let me broaden my question, my last question  
6 I asked you before that.

7 Are you aware of whether any health -- of any  
8 special facility, whether adult home, nursing home, or  
9 hospital, has conducted any sheltering drill regardless of  
10 whether it is the drill that would be reflected in LILCO's  
11 proposals?

12 A The only drill that I know of that involves  
13 a sheltering, used in this context, is Mrs. Portnoy.

14 Q Have any of the special facilities, to the best  
15 of your knowledge, drilled or attempted to drill an  
16 evacuation for radiological emergency?

17 A To the best of my knowledge, only for fire.

18 (Pause.)

19 Q Mrs. Robinson, you stated that when and if these  
20 proposals are approved, they would not be appended to LILCO's  
21 plan; is that correct?

22 A That is correct. They become part of the  
23 facility's plan.

24 Q Can you explain why you would not attach them  
25 or append them to LILCO's plan?

1           A     For one reason, the sheer volume of the paper  
2 involved and the complexity of it, and also the fact that  
3 this level of detail, in our opinion, belongs in the  
4 specialized facility's plan and not in the LILCO plan.

5                     (Pause.)

6           Q     Mr. Yedvab, you stated earlier that you had held  
7 meetings with various hospital staff over the course of  
8 February through May, correct?

9           A     (Witness Yedvab) Yes.

10          Q     Would it be fair to say that the bulk of those  
11 meetings were towards May rather than towards February?

12          A     No.

13          Q     Would it be fair to say that the bulk of them  
14 were closer to February?

15          A     No.

16          Q     When were most of the meetings held?

17          A     They were fairly evenly distributed during the  
18 period of time. I can't give you precise answers, but  
19 there were some, to the best of my recollection, in each of  
20 the months.

21          A     (Witness Miele) Could I possibly add, for  
22 clarification, the meetings did not begin by any means  
23 when Mr. Yedvab expressed in February. Meetings had begun  
24 with some of the hospitals, Central Suffolk, we have been  
25 meeting with them for five or six years already.

1                   Specifically for sheltering and evacuation, we  
2 started meeting with them about the middle of last year,  
3 and the fall of last year we had many meetings. We have  
4 had letters and correspondence back and forth, November,  
5 January. So there has been various meetings with Central  
6 Suffolk which I personally took part in and people who work  
7 for me.

8                   The meetings with Mather Hospital also in the  
9 fall of '83, probably every month or so we met with  
10 Mather. We gave them training sessions even back in those  
11 days.

12                   St. Charles also, in the latter part of '83.

13                   So to characterize it as just February or  
14 March and April, I don't think is that correct.  
15 Mr. Yedvab came on at that part, but meetings between  
16 LILCO and the hospitals have been oing on for quite a bit  
17 of time.

18                   (Pause.)

19                   Q     Mrs. Robinson, I haven't been able to become  
20 as familiar with these documents as you have.  
21 Among these documents, is there, in fact, a proposal for  
22 Woodhaven Nursing Home?

23                   A     (Witness Robinson) Yes, there is.

24                   Q     That is EP44, LILCO EP44?

25                   A     EP44 is Woodhaven Nursing Home, and there is also



1 a set of plans, EP42, for the Woodhaven Home for Adults.

2 Q With respect to all of the documents labeled  
3 EP38 through 47, Mrs. Robinson, I would like a yes or  
4 no answer to this question: Have any of these proposals  
5 been adopted or approved by the special facilities  
6 that pertain to each one of these proposals?

7 A The answer is yes.

8 Q Which one?

9 A Millcrest Rest Home.

10 Q That is EP what?

11 A 41.

12 Q Have any of -- is that the only one?

13 A That is the only one that I have any information  
14 on that they are satisfied with the procedures as they  
15 stand.

16 Q Has Millcrest adopted or approved this proposal?

17 A To the best of my knowledge, the administrator  
18 is in a position to do that and, as I stated, we have not  
19 yet received any kind of correspondence, simply the  
20 information verbally.

21 Q When did you receive this verbal information?

22 A Within the past week, I would say. Perhaps a  
23 little bit earlier than that.

24 Q You say within the past week though?

25 A I said perhaps a little bit earlier than that, but

1 it was not -- it was fairly recent.

2 Q This information was given to you by the  
3 administrator of the Millcrest Home?

4 A It was communicated to a member of my staff,  
5 yes, that these procedures were okay as is.

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END 14

#15-1-SueT

1 Q By Mrs. Christine Loeb?

2 A Yes. I believe that is her name. Now, I don't  
3 know if that's directly the person who was spoken to. This  
4 is a private facility, unlike a hospital which has a public  
5 Board. Some of these are privately owned facilities, and I  
6 don't think have to go through the same kinds of formal  
7 procedures that you would have for a major voluntary hospi-  
8 tal.

9 Q Does Millcrest have a formal procedure which  
10 it must also go through? Or, is it your understanding that  
11 Mrs. Loeb's approval is all the approval required to make  
12 this a plan?

13 A In this particular case, which is an adult home,  
14 I believe that that's all that is required, is an administra-  
15 tive decision.

16 Q With respect to the Millcrest Home, was your  
17 staff member told that the draft, that Millcrest did not  
18 have any comments based on their review; or that, in fact,  
19 the proposal would become Millcrest's plan?

20 A As close as I can remember, the exact words  
21 were that the procedures are okay as is.

22 Q And in your mind that constitutes adoption of  
23 LILCO's proposal?

24 A In my mind, that is an approval, informal though  
25 it be, of a set of draft procedures that were submitted to

#15-2-SueT

1 the Administration, yes.

2 Q You have received no written confirmation of  
3 that fact, correct?

4 A No, I have not.

5 Q In fact, none of the documents labeled EP-38  
6 through 47 include any written responses by any special  
7 facilities, correct?

8 A The only thing that I can think of that might  
9 constitute such, and it was not directed to us, it was a  
10 letter from Mr. Murray at Mather Hospital to the New York  
11 State Department discussing the status of planning with  
12 LILCO. Offhand, I cannot think of any other correspondence  
13 from a hospital.

14 Q Or any other special facilities?

15 A Or any other special facilities, no. Excuse me.  
16 That is not true. In the case of handicapped facilities,  
17 there was correspondence filed with our testimony on health  
18 facilities but it did not refer specifically to the proce-  
19 dures. But there has been correspondence from them.

20 (Witness Miele) I would like to add that we  
21 have never really requested written comments back from the  
22 people. These people are -- you know, spend forty hours or  
23 more a week taking care of their patients, and that's why we  
24 devote our time in meetings with them and provide -- you  
25 know, we write down their comments and incorporate them, as

#15-3-SueT 1

2 we stated specifically in the hospital letters that you have  
3 as Exhibits 45, 46 and 47, where we have specifically in-  
4 corporated their comments. So, we never really ask them to  
5 write down their comments and give it to us, because they  
6 really I don't believe have the time to do that.

7 We provide the people to take down the comments  
8 in meetings and incorporate them in the plans.

9 Q Mr. Miele, did I understand you to say earlier  
10 that you had received oral comments about some of these  
11 plans, some of these proposals?

12 A We have received comments in meetings, specifi-  
13 cally to my knowledge with the hospitals.

14 Q Have you received comments from the nursing  
15 homes?

16 A I -- maybe Mrs. Robinson could --

17 (Witness Robinson) We have in certain cases,  
18 yes. The --

19 Q How many cases?

20 A The procedure is going in an uneven pace. Two,  
21 I know offhand are from Mrs. Portnoy; and, of course, the  
22 comment which I told you about. Millcrest. The Ridge Rest  
23 Home is now up at Rev 1 of the procedures.

24 And I believe at this point that may be the only  
25 one that has already been revised. The others will be as  
necessary.

#15-4-SueT

1 Q And so with respect to the adult homes and nurs-  
2 ing homes, other than Millcrest, Mrs. Portnoy's facility,  
3 and --

4 A Oak Hollow.

5 Q -- the Ridge Rest Home, you have not received  
6 comments from the other --

7 A None that have as yet been incorporated into  
8 revisions of these procedures.

9 Q The question was whether or not you had received  
10 comments?

11 A Are you referring just to these procedures?

12 Q With respect to these procedures?

13 A Well, the only other comment that I think would  
14 be Mrs. Loucopoulos at the Woodhaven Nursing Home, who was  
15 waiting for an appointed or an official agency designated  
16 before there would be any further progress. I believe that  
17 would be considered a comment.

18 Q With respect -- how are you defining comments,  
19 Mrs. Robinson? Just anything said about the procedure?

20 A I would have to narrow it a little bit more than  
21 just anything said. But anything said about either proceeding  
22 or not proceeding, whether it was approval of the procedures  
23 at any given stage, or comments made to specific items to  
24 adapt the procedures to that facility. In other words,  
25 where specific sheltering areas are designated, comments

#15-5-SueT

1 about changing them, enlarging them, moving them, that  
2 kind of thing. Nursing procedures, anything like that.

3 MR. MC MURRAY: Judge Laurenson, I have no  
4 further questions at this time. Again, the County does  
5 not feel it has had enough time to properly prepare its  
6 cross-examination.

7 JUDGE LAURENSEN: One thing I guess I should have  
8 put on the record before, and that is that when you request-  
9 ed the recess to consult with your expert witnesses and to  
10 prepare your cross-examination, that Dr. Harris and Dr.  
11 Mayer were here in the courtroom and were available for  
12 consultation.

13 Does the State have questions of this panel?

14 MR. ZAHNLEUTER: Yes, sir.

15 MS. MC CLESKEY: Judge Laurenson, if the State  
16 is going to question, could we go off the record a moment  
17 to talk about scheduling for the rest of the day?

18 JUDGE LAURENSEN: All right.

19 (An off-the-record discussion ensues.)

20 JUDGE LAURENSEN: All right. Let's go back on  
21 the record.

22 MR. ZAHNLEUTER: Before I begin my cross-  
23 examination, I note the same prejudicial problems posed  
24 to the State as were posed to the County, those problems  
25 concern the lack of time.

#15-6-SueT

## CROSS EXAMINATION

BY MR. ZAHNLEUTER:

Q Is there any reason why any of these letters which are LILCO's Exhibits EP-38 through 47 could not have been sent before the date on which you filed your testimony?

A (Witness Robinson) This has been an ongoing process. As Mr. Miele said earlier, it dated back a number of years. There was substantial correspondence which was attached to the testimony as it was filed.

These are things that don't happen overnight. And reaching this stage of the development just took time. And as various documents were completed, the planning process, just reproduction of blueprints, all these things take time.

And we've done this as far as possible, but it just cannot be done with any kind of specific deadline. It has been done as quickly as possible and documents have gone out just as fast as they are ready.

(Witness Miele) A specific attachment I believe to our testimony were three letters to the three hospitals. I believe they were dated some time in January and referenced multiple meetings with these facilities in the October-November time frame.

So, as Mrs. Robinson said, there is a history and some of it is attached to our testimony.



#15=7=SueT

1 Q Did you ever anticipate at some time that you  
2 would submit testimony on planning for special facilities?

3 MS. MC CLESKEY: Objection. The question is  
4 insensible to me, since the contentions on special  
5 facilities have existed for over a year. And, in addition,  
6 I don't understand the relevance to the rebuttal testimony.

7 JUDGE LAURENSEN: The objection is overruled.

8 WITNESS ROBINSON: We did so. We submitted  
9 substantial testimony on special facilities with numerous  
10 attachments.

11 But, as we have said many times, planning is an  
12 ongoing process and did not become fixed in concrete at the  
13 time of the filing of our testimony, nor is it fixed now.  
14 It is an ongoing process, and there will be new and addi-  
15 tional documents going out regularly.

16 BY MR. ZAHNLEUTER: (Continuing)

17 Q If you had started early enough, couldn't you  
18 have completed these plans by that deadline?

19 MS. MC CLESKEY: I object to the question.  
20 Asked and answered and irrelevant.

21 JUDGE LAURENSEN: Overruled.

22 WITNESS ROBINSON: Again, we have moved as  
23 quickly as possible to deal with a very complex situation  
24 with many facilities. We have had to adjust to their  
25 schedules. While we are full time emergency planners, they

#15-8-SueT 1

2 have got hospitals and nursing homes and special facilities  
3 to run, and it has been time consuming on their part as  
4 well.

5 And it has just been no way to speed up the  
6 process.

7 Q Mr. Miele, didn't you say that you had meetings  
8 with Central Suffolk as long as five or six years ago?

9 A (Witness Miele) Yes, I did.

10 Q Couldn't that process have been sped up so that  
11 you could have met the March 21 filing deadline?

12 A The meetings that I referred to were meetings  
13 regarding Central Suffolk being utilized as our primary  
14 care hospital for treatment of radioactively contaminated  
15 and injured patients. That's what the history was.

16 Q Why, at that time, did you not envision that  
17 it would be a special facility that would need planning?

18 A Well, because at that time New York State and  
19 the County of Suffolk were very responsive to carrying out  
20 their functions in supporting the Shoreham Nuclear Power  
21 Station. Until recently when they decided not to do what  
22 I thought they were legislated to do, we had to take over  
23 that function.

24 Q In EP -- in LILCO's EP-38 through 47, is there  
25 a plan for the Riverhead Nursing Home?

MS. MC CLESKEY: Objection. Asked and answered

#15-9-SueT

1 several times.

2 MR. ZAHNLEUTER: I recall --

3 JUDGE LAURENSEN: I believe it has been asked  
4 and answered but -- at least, it has been answered anyway.  
5 But I guess we can have one more answer on the record.

6 Overruled.

7 WITNESS ROBINSON: No. That plan went out,  
8 dated today, and the meeting with the Riverhead Nursing  
9 Home is scheduled for next week. They have had a change in  
10 Administrator, and while we had met several times with the  
11 previous one we will meet with the new Administrator next  
12 week.

13 BY MR. ZAHNLEUTER: (Continuing)

14 Q Which one of you would be familiar with LILCO  
15 EP-38, which is Sunrest Health Facility's plan?

16 A (Witness Miele) An individual who had worked  
17 for me during my employment with LILCO has filled me in  
18 on the information regarding that. I personally haven't  
19 been at that facility but I am somewhat familiar with it.

20 Q Please answer yes or no. Are there any proposed  
21 locations for sheltering clients of Sunrest Health Facilities?

22 A To my knowledge there is. Yes.

23 Q In LILCO-38?

24 A I will check, but I believe there is.

25 (Witness going through documents.)

#15-10-SueT 1

2 If you will turn to Section 6.0, it is in 38.  
3 6.0, Part B. It says: Upon notification of sheltering  
4 due to following. And I quote: "The residents will be  
5 moved to the sheltering area in the west section of the  
6 building on the ground floor. See Attachment 2 of floor  
7 plan illustrating the sheltering area."

8 Q What does Attachment 2 say?

9 A I don't believe Attachment 2 is provided with  
10 this at this time.

11 Q It says "To be provided;" isn't that true?

12 A Yeah, that's true.

13 Q What is the status of evacuation planning with  
14 respect to Sunrest Health Facilities as reflected in  
15 LILCO EP-38?

16 A I believe 7.0 covers in detail, through 7.5,  
17 on what to do upon notification of evacuation due to  
18 the following. And it lists over about three pages. Do  
19 you want me to read it? You can read the sections you are  
20 interested in.

21 Q No. I would refer you to Section C.

22 A C under 7.0?

23 Q Yes.

24 A Okay.

25 Q Where are the evacuation instructions in this  
exhibit?

#15-11-SueT 1

A That is also to be provided. If you noticed,  
2 this is Rev 0.

3 Q Thank you. Who is familiar with our Lady of  
4 Perpetual Help Convent, which is LILCO EP-39?

5 A I am.

6 Q Is there a relocation center identified in  
7 LILCO EP-39?

8 A I believe there is.

9 Q Could you please show me that?

10 A (Witness looking through documents.)

11 Q Perhaps I can speed it up. On Page 9, is there  
12 a relocation center listed?

13 A It doesn't appear to be. Oh, here it is. The  
14 Daughters of Wisdom in Islip. Advise the Sisters to be  
15 temporarily relocated to the Daughters of Wisdom residents  
16 in Islip.

17 Q And would you please read the next sentence?

18 A Are you going to ask me why there is a blank  
19 there?

20 Q No. I asked you to please read the next sentence.

21 A Tell the Sisters who are bedridden or in wheel-  
22 chairs that they will be temporarily relocated to Blank.

23 Would you like me to fill in the blank?

24 Q No.

25 A Okay.

#15-12-SueT 1

Q Who is familiar with Ridge Rest Home?

2

A I am.

3

Q Is there anything in this plan that talks about  
4 relocating patients' records or medication?

5

MS. MC CLESKEY: I will object to the question.  
6 It assumes a fact not in evidence. The Ridge Rest Home  
7 doesn't have patients; it has residents.

8

MR. ZAHNLEUTER: I amend my question.

9

WITNESS MIELE: In Section 7.0.C, it addresses  
10 the point about taking their medication with them to the  
11 reception center. As far as the other half, on the records,  
12 I'm not personally familiar with how that was to be handled.

13

BY MR. ZAHNLEUTER: (Continuing)

14

Q Is a relocation center identified in Section 7.C?

15

A It doesn't appear to be listed at this time.

16

(Witness Robinson) We have been informed that  
17 most of these residents, if not all of them, would be able  
18 to be taken to a public relocation center set up by the  
19 American Red Cross.

20

end #15 21

Joe flws 22

23

24

25

1 Q Mr. Miele, is there a sheltering location identified  
2 in LILCO EP-40?

3 A (Witness Miele) I know we have one. It should  
4 be listed there. I will check. Section 6.0.B. Have everyone  
5 go to the basement.

6 Q Are there evacuation instructions contained in  
7 this plan -- proposed plan?

8 A 7.0, which addresses the evacuation.

9 Q And isn't it true that Item 7.D is blank?

10 MS. McCLESKEY: I object to the question. It  
11 is clear from the face of the document that we have moved  
12 to be admitted into evidence that Item 7 is blank.

13 MR. ZAHNLEUTER: There has been no Motion that  
14 these be admitted into evidence, has there, pending now?

15 MS. McCLESKEY: Yes, sir; there is.

16 JUDGE LAURENSEN: There is an offer, yes. We have  
17 delayed a ruling on it pending the completion of cross  
18 examination here.

19 MR. ZAHNLEUTER: I am not being called on to  
20 address that Motion now, I hope.

21 JUDGE LAURENSEN: No, no. What is your objection  
22 to the question?

23 MS. McCLESKEY: My objection is he is asking the  
24 witnesses to read documents into the record. It is clear  
25 from the face of the documents what the documents say, and

1 whether there is a blank.

2 JUDGE LAURENSEN: Well, since they haven't been  
3 admitted into evidence at this time, the objection is over-  
4 ruled.

5 WITNESS MIELE: Would you repeat the question,  
6 please?

7 BY MR. ZAHNLEUTER: (Continuing)

8 Q Well --

9 JUDGE LAURENSEN: I guess the question is whether  
10 there is a blank in Item 7.0.D --

11 A (Witness Miele) Yes.

12 BY MR. ZAHNLEUTER: (Continuing)

13 Q Who is familiar with Millcrest Rest Home, EP-41?

14 A (Witness Robinson) I have never been at this  
15 facility, but persons reporting to me have been.

16 Q Is it true that Item 5.1.6.E fails to specify  
17 a location?

18 A That is correct. The public relocation center  
19 to which these patients would be taken is not identified in  
20 this draft.

21 Q Who is familiar with Woodhaven Home for Adults?

22 A The answer would be the same. I have not been  
23 there personally, but staff reporting to me have been.

24 Q Is there a sheltering area in this proposed  
25 plan?



1 A Yes, there is. It is 6.0.B.

2 Q And isn't it true that that refers to Attachment  
3 No. 2?

4 A That is correct.

5 Q And what is Attachment 2?

6 A Attachment 2 has not yet been provided in Rev. 0  
7 of this draft.

8 Q What is Attachment 3?

9 A Attachment 3 is also to be provided, and if you  
10 will give me a moment I will find you the point of reference.

11 Q It is 7.0.C.

12 A That is correct.

13 Q Are there evacuation instructions in this  
14 exhibit?

15 A There are evacuation instructions in Section 7.0;  
16 however, it -- Attachment 3 has not yet been provided.

17 Q Isn't it true that 7.C says: See Attachment 3  
18 for evacuation instructions?

19 MS. McCLESKEY: Objection. Judge Laurensen, if  
20 counsel for the State finds it necessary to go through --  
21 there are forty-seven documents. Perhaps we should simply  
22 argue whether these documents should be admitted into the  
23 record now and save some time, going through them and reading  
24 what they say.

25 JUDGE LAURENSEN: I assume this is just a preliminary

1 question to his inquiry into whether or not the evacuation  
2 instructions are in Attachment 3 or in 7.0. The objection  
3 is overruled.

4 WITNESS ROBINSON: They are part of the instructions  
5 which are to be Attachment 3, which have not yet been provided.  
6 But 7.0, which states upon notification of an evacuation, do  
7 the following; in my mind, it is definitely evacuation.  
8 Procedures or instructions. There is just a specific  
9 portion which has not yet been provided.

10 BY MR. ZAHNLEUTER: (Continuing)

11 Q Ms. Robinson, EP-43 is a nursing home. Are you  
12 familiar with that exhibit, too?

13 A (Witness Robinson) Yes, I am.

14 Q I presume you are also familiar with the Cresthall  
15 health related facility exhibit, is that true?

16 A That is correct.

17 Q Do you know if they are identical?

18 A I cannot say that they are identical. I think  
19 they would probably be very similar.

20 A (Witness Miele) They are two similarly built  
21 locations located very close -- basically, on the same  
22 property, but they are two separate buildings.

23 Q Is there a call list attached to both of these  
24 plans?

25 A (Witness Robinson) They are attachments still

1 to be provided.

2 Q Is there a floor plan for sheltering areas attached  
3 to either of these plans?

4 A No, there is not. Those are to be provided.

5 Q With respect to LILCO EP-44, which is Woodhaven  
6 Nursing Home, is there a section in here that provides for  
7 the reinforcement of Staffs of special facilities?

8 A It is Section 5.1.2.

9 Q Doesn't that reference Attachment 2?

10 A Yes, it does.

11 Q Is there any aspect of this exhibit which deals  
12 with staging problems, or loading patients onto ambulances  
13 and ambulettes?

14 A There is a whole series of procedures under the  
15 7 series, which deals with various steps of an evacuation  
16 from the first call from the LERO health facilities  
17 coordinator.

18 Q What describes -- or what is pertinent to staging  
19 problems or problems related to loading patients?

20 A These are implementing procedures. Obviously,  
21 this is Rev. 0. Within a procedure, you set out a way  
22 of doing things you would not -- at least in my mind, at  
23 any time, enumerate potential problems, such as staging  
24 problem. If necessary for future revisions of this plan,

25

16-6-Wal

1 just simply list ways of dealing with them, or procedures  
2 for dealing with potential problems that were discovered.  
3 But you would not have anything that in a sense would be a  
4 listing or enumeration of problems.

5 Q So, specific things like telling people who, or  
6 which residents to move, or who will decide to move them;  
7 those are procedures that are to be dealt with later?

8 A It is very clear these are procedures to be  
9 implemented by the administration of the special facility,  
10 and that those decisions are decisions that they will make  
11 following recommendations from the LERO Director.

12 Q Is there anything in EP-44 or any of the other  
13 exhibits in this set, that deals with staffing problems for  
14 relocation centers, or staffing assignments at relocation  
15 centers?

16 A These are cite specific, or rather, facilities  
17 specific procedures for a special facility and its staff.  
18 It does not deal with the public relocation center staffing.

19 Q Is there a specific relocation center identified  
20 in EP-44?

21 A No, there is not.

22 Q The last three exhibits are hospital exhibits,  
23 and with respect to EP-45, is there a call list identified  
24 in this exhibit?

25 A (Witness Yedveb) There is an Attachment 2 that

1 says: Hospital call list to be provided.

2 That list will be provided by the hospital. It  
3 already exists in their general internal and external disaster  
4 plans, and that list will change as personnel changes, and  
5 it will be the responsibility of the hospital to keep it  
6 updated as part of the requirement for license and accredi-  
7 tation.

8 Q In LILCO EP-46, is there a relocation center  
9 identified?

10 A (Witness Robinson) No. As we have discussed  
11 previously, there is a procedure for identifying relocation  
12 hospitals or reception hospitals, but that is not specified  
13 in this draft.

14 Q Did you say in this rev?

15 A I said draft.

16 Q Oh, draft. I am sorry. And isn't it true that  
17 there is no call list in LILCO EP-46?

18 A (Witness Yedveb) That is correct, and all of the  
19 comments I made regarding EP-45 would apply to that list in  
20 EP-46.

21 Q And Mr. Yedveb, it would also apply to EP-47?

22 A That is correct.

23 Q Is the call list a type of plan for reinforcing  
24 staff at the facilities?

25 A Having read their plans, it is my opinion that

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1 it is.

2 It calls for what in the hospital jargon you  
3 would call a, 'fan out,' where various responsible depart-  
4 mental and administrative people call other members in  
5 their departments on a pre-arranged basis and then whatever  
6 the hospital plan calls for is then put into effect.

7 Q And it is not in any of these exhibits for any  
8 of these facilities, is that true?

9 A It is indicated that it will be provided, and  
10 as I indicated, it will be provided by the hospital. They  
11 already have them existing, and it is their responsibility  
12 to keep that list up to date.

13 MR. ZAHNLEUTER: No other questions.

14 JUDGE LAURENSEN: Mr. Bordenick?

15 MR. BORDENICK: I have no questions.

16 JUDGE LAURENSEN: Any redirect examination.

17 MS. McCLESKEY: I have two questions.

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REDIRECT EXAMINATION

19 BY MS. McCLESKEY:

20 Q Mr. Miele, what is the blank on page 9 of EP-39  
21 going to be filled in with?

22 MR. ZAHNLEUTER: Objection. Speculation.

23 JUDGE LAURENSEN: Overruled.

24 BY MS. McCLESKEY: (Continuing)

25 Q Mr. Miele, that is in our Lady of Perpetual Help

1 convent draft plan.

2 A (Witness Miele) I -- we had worked with the nuns,  
3 and I know we talked to them on two or three areas where we  
4 could relocate them through -- I will be honest with you now  
5 I can't recall the specific name. I know when I met with  
6 them we specifically talked about locating the bedridden  
7 to one location, and the ambulatory to the Daughters of  
8 Wisdom, but I know we did specify a location, but I don't  
9 recall the name right now.

10 It was another similar convent to what they have  
11 there in Sound Beach.

12 Q Ms. Robinson, will LERO be filling in the blanks  
13 that Mr. Zahnleuter and Mr. McMurray identified in these  
14 plans?

15 A (Witness Robinson) In certain cases LERO -- LERIO  
16 will fill in the blanks. In others, such as where call lists  
17 are specified, once these procedures are incorporated into the  
18 hospitals own emergency plans, that call list is already, as  
19 Mr. Yedvab mentioned, part of the plan, and would be the same  
20 call list that would be used.

21 Q In the case of the call list and identification  
22 list of specific phone numbers to be used in an emergency,  
23 would LERO or the facilities release those lists to the  
24 public?

25 A No.

1 MS. McCLESKEY: That is all the quesitons I  
2 have, Judge Laurenson.

3 JUDGE LAURENSEN: Any other questions for this  
4 panel?

5 MR. McMURRAY: Yes, Judge Laurenson, I have  
6 a couple.

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RECROSS EXAMINATION

8 BY MR. McMURRAY:

9 Q Mr. Miele, I believe you said that Rev. 0 of the  
10 LILCO proposals, were basically the first drafts, correct?  
11 The preliminary drafts of these proposals?

12 A (Witness Miele) Yes, I believe normally that  
13 is what Rev. 0 means, yes.

14 Q Ms. Robinson, the Millcrest Rest Home proposal,  
15 which is LILCO EP-41, is Rev. 0, correct?

16 A (Witness Robinson) That is correct.

17 Q Then it is your testimony that the administrator  
18 of the Millcrest Rest Home said that this procedure looked  
19 okay to her?

20 A That is right. You have to understand that  
21 while these are Rev. 0 procedures, that these were not done  
22 without any previous information, and in many cases actual  
23 visits to these facilities.

24 In addition to which the people who drew up the  
25 procedures had their own professional experience and knowledge



1 of what needed doing in these cases, so that while it may  
2 be the first draft that has gone out to a facility in this  
3 form, there was a great deal of contact and professional  
4 input into it.

5 So, it is not the usual first draft, which is  
6 far more tentative than these are.

7 Q Mrs.Loeb, to the best of your knowledge -- Mrs.  
8 Lceb approved, or said this proposal was okay despite the  
9 blanks on page -- in procedure 5.1.6?

10 A The administrator who spoke to my staff person  
11 said that the procedures were okay as is.

12 Obviously, one of the things -- as we have stated  
13 in our testimony previously that we are working with these  
14 facilities to do is to identify relocation centers.

15 Even when that is done, there -- these will not  
16 be cast in concrete. There are things that will have to  
17 change with time, but -- and again, I told you that this was  
18 a statement to the procedures that they were okay as is.

19 MS. McCLESKEY: Judge Laurenson, I would like  
20 to proffer for the record that if Ms. Robinson were to be  
21 given about one and a half minutes to confer with her staff  
22 in the person of Ms. Ryan, who is in the room, that she  
23 could give a more complete answer to the question that was  
24 just asked of her.

1 MR. MC MURRAY: We haven't asked for any more  
2 information.

3 MS. MC CLESKEY: I didn't say additional  
4 information. I said a more complete answer.

5 (Pause.)

6 MR. MC MURRAY: Judge Laurenson, I have no  
7 further questions.

8 JUDGE LAURENSON: Any other questions for this  
9 panel?

10 MS. MC CLESKEY: No, sir.

11 MR. ZAHNLEUTER: No.

12 JUDGE LAURENSON: At this time the panel is  
13 excused as witnesses.

14 (The panel stood down.)

15 JUDGE LAURENSON: We do have the question  
16 still pending concerning the admission of these exhibits,  
17 and I would like to have the parties address this as  
18 succinctly as possible, but also in terms of its status,  
19 their status as rebuttal exhibits and the purpose for  
20 which these are being offered and why LILCO believes they  
21 should be accepted and why the county and state believe  
22 that they should not.

23 And then we will rule upon this offer after we  
24 have heard from all parties.

25 We will begin with LILCO.

1 MS. MC CLESKEY: I may have covered some of this  
2 ground on Friday.

3 Succinctly, Drs. Harris' and Mayer's testimony,  
4 which was supported on cross-examination and not changed,  
5 makes several assertions regarding the state of planning  
6 with the special facilities, including statements about  
7 their attitudes towards sheltering and evacuation. And  
8 I think most importantly the fact that no specific plans  
9 for the facilities exist.

10 Contention 72 also asserts that no specific  
11 plans for the facilities exist. LILCO EP38 through 47  
12 directly rebut both the contention and the statements  
13 by Drs. Harris and Mayer in their testimony that was filed  
14 and in cross-examination that no plans exist. Albeit that  
15 these are draft plans, they show an extremely complex and  
16 involved planning process, and I think the record would  
17 be incomplete if these plans are not allowed into the  
18 record.

19 In addition, emergency planning findings are  
20 prospective and I think there is ample information with  
21 the rebuttal testimony that has been given today and these  
22 plans to show a pretty precise state of planning for the  
23 special facilities.

24 Arguments about the reliability of this testimony  
25 go to the weight. Arguments about the foundation, I think,

1 are without merit. We have heard who developed them in  
2 cooperation with whom, when, and the testimony was that  
3 many of these plans were developed under these witnesses'  
4 supervision and, in some cases, by them directly.

5 The status of the planning effort has been  
6 explained in detail. The purpose of the plans have been  
7 discussed. The expected completion of the plans and use  
8 of the plans has been discussed.

9 I don't think any further foundation is required.  
10 I also don't think that there is any need to further  
11 read the specific plans into the record to show their  
12 relevance.

13 LILCO asks that they be admitted.

14 JUDGE LAURENSEN: Mr. McMurray?

15 MR. MC MURRAY: Judge Laurenson, Ms. McCleskey  
16 claims that these LILCO proposals somehow rebut Dr. Harris'  
17 and Dr. Mayer's testimony. Specifically she points to  
18 their assertion that no plans exist.

19 I think what these witnesses have shown is  
20 that, in fact, no plans do exist. What we have is a  
21 series of proposals in various stages of revision.

22 Ms. McCleskey states that there is a precise  
23 state of planning shown by these proposals. On the  
24 contrary, what we have is a very imprecise bunch of  
25 proposals which could change at any time. They have not

1 been adopted or approved by the special facilities. In  
2 fact, we don't know whether they will ever be adopted  
3 and approved.

4 In fact, for many of them, they haven't even  
5 gotten any comments from the special facilities.

6 So what we have are a bunch of canned proposals  
7 that LILCO is trying to say shows there are plans. These  
8 proposals do not show there are plans. They show that  
9 LILCO is out there writing a lot of paper, that they are  
10 having meetings with special facilities' administrators  
11 which Dr. Harris and Dr. Mayer did not deny.

12 So these proposals show nothing that rebuts  
13 their testimony.

14 I think what we have here is a lot of paper  
15 that is only going to clutter the record. What will the  
16 record show? Well, it will show that there are these  
17 proposals, but it will not show what these proposals  
18 may look like, if ever adopted and approved. And it  
19 doesn't show that these proposals will be adopted or  
20 approved.

21 Also, the proposals are in a serious state of  
22 incompleteness, and I don't think anything is served by  
23 putting those kinds of drafts into the record.

24 JUDGE LAURENSEN: Mr. Zahnleuter?

25 MR. ZAHNLEUTER: The State of New York opposes the

1 admission of these documents into evidence and also moves  
2 that these documents, if they be admitted, or any related  
3 testimony about them be stricken for the following reasons:

4 The first reason is that on Friday of last  
5 week, counsel for LILCO made an offer of proof concerning  
6 the good cause that was the basis for the submission of  
7 this rebuttal testimony. I would like to read some of  
8 the comments that the counsel for LILCO made concerning that  
9 offer of proof.

10 First of all, this comes from the transcript  
11 page 9923. Counsel for LILCO stated, "As to the special  
12 facilities question, Drs. Harris and Mayer filed  
13 testimony based on contacts apparently that they made in  
14 February and that they did not update, asking about  
15 staffing for relocation centers, what relocation centers  
16 have been identified for special facilities, planning for  
17 special facilities, the areas where special facilities  
18 may be sheltered within a particular facility. That kinds  
19 of detailed plans that may or may not have been developed  
20 regarding how to move people, when they will be moved,  
21 who will tell them to move, who will decide to move them.

22 "There are a lot of inaccuracies basically in  
23 Dr. Harris' and Dr. Mayer's testimony that have not been  
24 specifically addressed in the record.

25 "There is also an insistence throughout, and that

1 insistence was not changed on the stand today, that no  
2 plans for the special facilities exist. And LILCO intends  
3 to offer LILCO EP38 through 47 to rebut in detail the  
4 assertions that the kind of planning that Drs. Harris and  
5 Mayer described in their testimony and said was lacking  
6 is actually there."

7 Also, at transcript page 9927, counsel for  
8 LILCO stated, "I would like to go through and make a  
9 further proffer of some of the specific items that can  
10 be directly rebutted by reading, looking at, and talking  
11 about LILCO EP38 through 47. Among those items were  
12 that Central Suffolk Hospital does not have and is not  
13 going to obtain portable oxygen or suction equipment,  
14 that windows and vents at the Riverhead Nursing Home  
15 cannot be sealed, that there is no plan for reinforcing  
16 the staffs of special facilities, that patients records  
17 and medication have not been planned for to be collected  
18 and brought for use at reception centers, that the individual  
19 plans don't take into account any kind of staging problems  
20 of loading patients onto ambulances and ambulettes, and  
21 that there is no indication that special equipment and the  
22 order in which patients should be evacuated has been  
23 considered at all, according to LILCO plans."

24 From the testimony that I elicited, I think  
25 it is clear that there are many gaps in these exhibits

1 and that the exhibits do not meet the standards that  
2 counsel for LILCO promised us that they would.

3 On that basis, I submit that there has been no  
4 showing of good cause and that the foundation for this  
5 rebuttal testimony does not exist.

6 My second point is that this testimony was,  
7 indeed, capable of being submitted at an earlier time.  
8 Mr. Miele testified that planning with Central Suffolk  
9 Hospital began over five years ago, that other plans,  
10 other meetings were drafted and drawn up months before  
11 the deadline for the submission of the testimony which  
12 was March 21.

13 There was much discussion about meetings that  
14 occurred in the fall of '83, in October, and every month  
15 of '83.

16 I think that just as the Intervenors are  
17 forced to comply with deadlines for the submission of  
18 testimony and are forced to put their testimony together  
19 in a timely manner, the same should be applicable to the  
20 Applicant.

21 I renew my request that the testimony that is  
22 associated with LILCO's Exhibits EP38 through 47 be  
23 stricken and that the Board not admit these exhibits into  
24 evidence.

25 JUDGE LAURENSEN: Does the staff have a position on



1 either of these matters?

2 MR. BORDENICK: I have no objection to the  
3 admission of these documents. I think the arguments I  
4 have heard from the county and the state essentially go to  
5 the weight that would be given to these arguments. I  
6 think it is at least arguable that these witnesses have  
7 done what Ms. McCleskey represented on Friday they would  
8 do. And I think we have wasted an awful lot of time with  
9 these witnesses if the documents don't come in.

10 JUDGE LAURENSEN: Does LILCO wish to respond to  
11 the arguments against the documents and the motion to  
12 strike?

13 MS. MC CLESKEY: Briefly.

14 I think it is clear from the testimony that  
15 was elicited, not only in response to Mr. Zahnleuter's  
16 questions but in response to my questions and to  
17 Mr. McMurray's questions, that these are not canned proposals,  
18 that there was a great deal of interaction between the  
19 special facilities and LILCO prior to issuing even rev zero  
20 of the proposals and that some of the proposals are in  
21 rev one and rev two. And so the statement by Mr. McMurray  
22 that they are canned proposals that don't offer anything  
23 further is without merit.

24 As to Mr. Zahnleuter's two points, the first  
25 foundation, I believe I addressed in my initial remarks,

1 except to add that I think, from the testimony that was  
2 elicited, that each of the items that he read that I  
3 have listed in the transcript were, in fact, addressed.

4 We did not have the witnesses read into the  
5 record from each one of these exhibits specific parts, and  
6 I think that would have been a waste of time, that that just  
7 further indicates that these draft plans should be  
8 entered into the record.

9 In addition, Mr. Zahnleuter's characterization  
10 of Mr. Miele's testimony and that these plans could  
11 have been admitted earlier, I think was directly rebutted  
12 by Mr. Miele who explained that until pretty recently,  
13 LILCO has not engaged in the kind of extensive planning  
14 it has been forced to engage in because of the state and  
15 the county's refusal to do so.

16 I move that EP38 through 47 be admitted into  
17 evidence

18 JUDGE LAURENSEN: The Board will consider the  
19 arguments of the parties and we will return with our  
20 ruling.

21 MR. MC MURRAY: Judge Laurenson, I might  
22 just, in response to Ms. McCleskey, suggest that  
23 the Board, in making its decision, review a couple of  
24 these documents, and I think you will find that they  
25 are, in fact, just as I described them, canned procedures.

(Board conferring.)

END 17

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JUDGE LAURENSEN: The Board considered the offer of LILCO Exhibits 38 through 47 and the New York motion to strike the testimony concerning them.

LILCO Exhibits EP-38 through 47 are received in evidence. The documents constitute some evidence concerning plans for special facilities. They also constitute proper rebuttal evidence to the testimony of Dr. Harris and Dr. Mayer.

The New York motion to strike is denied.

Because of the fact that there are numerous blueprints and so forth attached to some of these documents, I'm not going to order these reprinted in this record. Of course, having been received in evidence they still are part of the official record in the case and will be retained by the court reporter.

Is there any objection to that procedure?

MR. MC MURRAY: No objection.

MS. MC CLESKEY: No, sir.

(The documents previously marked as LILCO Exhibits EP-38 through EP-47 for identification are received in evidence.)

JUDGE LAURENSEN: I believe we are ready for the next rebuttal panel.

MR. MC MURRAY: Judge Laurenson, you didn't ask

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1 whether we had any surrebuttal to put up, and I just wanted  
2 to inform the Board that our witnesses have informed us that  
3 LILCO's rebuttal testimony does not change their testimony  
4 in any way; and, in fact, actually strengthens their con-  
5 victions. Therefore, we will not be putting on a surrebut-  
6 tal panel.

7 JUDGE LAURENSEN: I didn't mean to overlook it.  
8 I just didn't understand that that was the next order of  
9 business. I thought we were going to do the two LILCO  
10 panels first.

11 But that takes care of that scheduling matter.  
12 Thank you.

13 Ms. McCleskey?

14 MS. MC CLESKEY: Yes. We will put on the next  
15 panel. May I have leave to send the LILCO 18 panel home?

16 JUDGE LAURENSEN: I would say that looks rather  
17 likely that we aren't going to be in the position of re-  
18 calling them this afternoon.

19 MR. MC MURRAY: I think that looks like a good  
20 idea, Judge Laurenson.

21 And I think we ought to get a time estimate from  
22 LILCO with respect to how long Dr. Mileti's rebuttal is  
23 going to take. It's really imperative for the County today  
24 especially that we break at six o'clock. We have five  
25 witnesses coming into town from all over the country to begin

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1 preparing for the Contentions 11 and 15. We must meet with  
2 them.

3 And so the County would not agree to going past  
4 six o'clock tonight.

5 MS. MC CLESKEY: Judge Laurenson, our rebuttal  
6 will take approximately five minutes. And if everyone else  
7 can be as brief, I don't see any reason why we can't get out  
8 of here at six o'clock. But we would like to finish this  
9 panel before leaving today.

10 JUDGE LAURENSEN: Well, let's put the panel on,  
11 move along and see how long it takes.

12 MS. MC CLESKEY: Judge Laurenson, Dr. Mileti has  
13 resumed the stand.

14 JUDGE LAURENSEN: Dr. Mileti, you are still under  
15 oath.

16 Whereupon,

17 DENNIS S. MILETI

18 is called as a witness by and on behalf of Long Island  
19 Lighting Company and, having previously been duly sworn,  
20 was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MS. MC CLESKEY:

23 Q Dr. Mileti, Dr. Saegert has testified that,  
24 "All forms of mail-back inquiries..." and not just opinion  
25 polls have a low response rate. That's at Transcript 9620

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and 9657.

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Do you agree with Dr. Saegert's testimony?

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A No, I don't. And the reason is that many different things can affect response rates in social research. For example, and perhaps most important to the issues being discussed here, is the topic of research. We have known for over a dozen years that different types of surveys, addressing different things, elicit different response rates.

And that perhaps emergencies, or studies that are focusing on emergencies, or mailed questions, if you will, that deal with emergencies have some of the highest response rates in the discipline. There are some publications that document that phenomenon.

In addition to that, other things can affect response rates on mailed out questions and answers. For example, the number of questions on a survey or something that is mailed out. If there are many, many questions the response rate is usually lower than if there are fewer questions. If the questions are simple ones, then the response rate is usually higher than if the questions are complicated. If the answers are easy for respondents, they don't get as fatigued and throw the instrument away, and are more likely to fill it out and send it back.

Those are just some examples. In addition to that, we labor long and hard to enhance response rates when

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2 we are doing research of any sort. And cover letters sug-  
3 gesting to people that something about the survey is  
4 important or the questions that are actually asked them-  
5 selves, if they suggest to a respondent that there is  
6 something in it for them, the response rate is typically  
7 higher than if the questions are obviously designed to serve  
8 some academic journal article or the next journal article.

9 So, there are many things that can affect re-  
10 sponse rates. And I don't agree with that statement.

11 MS. MC CLESKEY: That's all the questions we have,  
12 Judge Laurenson.

13 MR. MC MURRAY: Judge Laurenson, I would like  
14 ten minutes in order to confer with my expert and come back  
15 and do my cross-examination.

16 JUDGE LAURENSEN: Well, you are the one that  
17 asked to have this proceeding over with at six. If we,  
18 you know, allow the ten minutes are you willing to take as  
19 long as it takes to finish with Dr. Mileti's testimony this  
20 afternoon?

21 MR. MC MURRAY: Let me just confer with my  
22 expert a second.

23 (Mr. McMurray confers with Dr. Saegert and Mr.  
24 Miller.)

25 Judge Laurenson, if you could give us until  
ten of.



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JUDGE LAURENSEN: All right. If you finish before then, why don't you come on back and we will start when you are finished?

MR. MC MURRAY: Yes.

(Whereupon, a recess is had at 5:43 p.m., to reconvene at 5:50 p.m., this same day.)

JUDGE LAURENSEN: Mr. McMurray.

CROSS EXAMINATION

BY MR. MC MURRAY:

INDEXXX 10 Q Dr. Mileti, prior to LILCO sending out its post  
11 card and the letter that accompanied it, were you asked to  
12 review that post card and the letter to determine whether or  
13 not they met your professional standards?

14 A Yes, I was.

15 Q That was prior to it being sent out?

16 A Yes, that was prior to it being mailed out. Yes.

17 Q You would agree, wouldn't you, that the rate of  
18 response is effected by the wording of the, whatever parti-  
19 cular instrument is sent out to the individuals?

20 A Yes. Wording is one factor that can affect  
21 response rate.

22 Q In this case, wouldn't it also be true that the  
23 wording on the cover letter accompanying it might affect  
24 the response rate?

25 A Yes, the wording on a cover letter can affect

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1 response rate as well.

2 Q I assume that you approved the post card and  
3 cover letter as they went out, in the form that they went  
4 out?

5 A Well, it depends on what you mean by approved.  
6 When I saw the post card, my response to LILCO was that it  
7 probably could have been worded better but since they were  
8 all printed they should go ahead and send them out because  
9 their follow-up techniques and the remailing of the post  
10 cards was going to occur soon.

11 So, I approved it in one sense and in another  
12 sense criticized it.

13 Q Dr. Mileti, you mentioned some studies that  
14 you felt supported your testimony; is that correct?

15 A I believe when I referenced literature, I was  
16 talking about the higher response rate that typically  
17 accompanies mailed out questions and answers associated with  
18 emergencies and disasters.

19 Q What specific studies are you referring to?

20 A Well, I don't know that they were studies. They  
21 were publications referencing this phenomenon. For example,  
22 I believe there is a publication by a sociologist named  
23 Thomas Draybach from the University of Denver in a journal  
24 called the American Behavioral Scientist. It came out in  
25 the early 70s. It could have been 1970 or '71, and it was

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2 edited by Henry Poringeli (phonetic). Draybach's article  
3 was the lead article, and I believe he cited this phenomenon.

4 I also spoke to this phenomenon myself in some  
5 of my own work. And one of the working papers out of the  
6 Disaster Research Center at Ohio State University -- and I  
7 do apologize, I don't recall which one it was -- references  
8 the phenomenon as well. It is somewhat generally understood  
9 to those who do disaster research, and we enjoy a high re-  
10 sponse rate and it makes our research easier.

11 Q When mail-back surveys are utilized to ask  
12 questions about emergencies, how high a response rate can  
13 one expect?

14 A A response rate is affected by many things.  
15 And the topic of the thing that is mailed out is only one  
16 of the things that can affect it. So, in order to be able  
17 to answer that question fairly, we would have to go down the  
18 list of the other factors that also might affect response  
19 rate.

20 For example, the number of questions, the dif-  
21 ficulty of the questions, the difficulty of the answers,  
22 et cetera. But, in general, and discounting the particulars  
23 of all of that, Disaster Research typically reports about  
24 eighty percent response rate; that is, studies that people  
25 have done in emergency in Disaster Research, typically  
elicits that level at the end of the study.

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2 Q Are you referring to the study that you just  
3 mentioned before, the Draybach article and some of your  
4 own research and the Ohio State publication?

5 A No, not at all. Those three that I referenced  
6 before were works that spoke to this phenomenon rather than  
7 studies that mail something out and then you can count a  
8 response rate. To actually count a response rate, you  
9 wouldn't look at those studies that I referenced before,  
10 but you look at actual research that was actually performed.

11 Q Did the Draybach article or your own work that  
12 you have conducted, or the Ohio State article, or publica-  
13 tion, that you mentioned, deal with identification of the  
14 handicapped in the event of a radiological emergency?

15 A No. I know for sure that none of them did.

16 Q Did they deal with the identification of the  
17 handicapped in any way for any emergency?

18 A No. I recall that none of them did.

19 end #18

20 Joe flws

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1           Q       With respect to the other studies on emergencies  
2       that you just referred to, which you say supported the fact  
3       that you could in general expect about an eighty percent  
4       response rate, did any of those deal with the same issue?

5           A       Well, first let me say that I didn't say you  
6       could expect an eighty percent response rate. What I said  
7       was that the research I know about typically has that high  
8       of a response rate.

9                       And to the best of my knowledge, I don't know --  
10       and that doesn't mean there might not be one, but I simply  
11       don't know of a study done in reference to the handicapped  
12       on a radiological emergency.

13          Q       This is using mail back techniques. Typically  
14       they have gotten eighty percent response rate?

15          A       Those, as well as other techniques.

16          Q       Let's just refer to mail back techniques. You  
17       are saying that you could expect an eighty percent response  
18       rate?

19          A       It depends on what techniques one might use when  
20       they were doing their mail back survey. For example, I  
21       wouldn't expect an eighty percent response rate back on  
22       the first mailing, but would expect it to climb higher as  
23       other techniques were used to increase response rate.

24          Q       Were these with respect to the studies that you  
25       have referred to, did they use mail back surveys going to

1 individuals, or were these surveys going to organizations  
2 or agencies?

3 A Well, again, the things that I referenced, the  
4 literature that I referenced, were not studies in and of  
5 themselves. What they were were the author's accounting  
6 of this phenomenon in other peoples studies.

7 Q Let me refer you to the other body of research  
8 you said -- disaster research which you say typically gets  
9 the eighty percent response rate. With respect to those  
10 that use the mail back technique, were those to the best  
11 of your knowledge, did those surveys - were they sent out  
12 to individuals or agencies and organizations?

13 A I am sure some of each. And response rate is  
14 typically higher when you mail things out to organizations  
15 than it is to individuals. That is true no matter what the  
16 topic of the survey is.

17 Q Dr. Miletic, are you aware of any mail back surveys  
18 sent to members of the public with an eighty percent response  
19 rate?

20 A Yes.

21 Q Please list those studies.

22 A Well, I will begin with the ones that I did myself.  
23 I did one survey of a community in rural agricultural  
24 Colorado, Burlington, Colorado, and we were investigating  
25 in that study how people perceived growth in their community,

1 because Colorado, like many communities across the nation,  
2 its small rural communities are growing instead of losing  
3 population, and as part of this same project for the  
4 Department of Agriculture through my university's experiment  
5 station, we also investigated the same phenomenon in an  
6 ex-urban community in a town called Evergreen, the place  
7 Barbara Streisand's song is about, and we also did the same  
8 study investigating peoples perceptions about how the  
9 communities change because of growth, in a town called  
10 Yuma, Colorado, which has agriculture as well as cattle  
11 ranching, et cetera.

12           And our initial response rate on those studies  
13 were about forty-five to fifty percent, given our first  
14 mail out and then back, and then what we did was go through  
15 a set of procedures to get those response rates higher,  
16 which took a great deal of time and more effort, and we  
17 did that. We mailed things out.

18           When I say, 'mailed things out,' it is things  
19 like sending -- because on those studies we knew who didn't  
20 respond because we had a list of the population that we  
21 were sampling, and a list of our samples, people. And we  
22 sent out another letter, follow up letter to the non-respondent  
23 asking them if they would respond, please.

24           And that is almost, equivalent, for example, to  
25 what LILCO did when it sent out its little community

1 newsletter, reminding people if they hadn't responded to  
2 please respond on the little post card.

3 That is one of the techniques that you can use  
4 to increase response rate.

5 So, as time went by, we were able to increase  
6 our response rate higher. Those are three examples of studies  
7 that I did.

8 Q What methods of validation did you use to determine  
9 that the population that you had gotten -- response rate that  
10 you, in fact, claim you got?

11 A Well, it was easy to do, because we knew the  
12 population, and we pulled a representative sample from that  
13 population, so we knew who we sent our questions to and we  
14 knew who sent them back, because we had coded numbers on  
15 them, so we were able to determine who didn't send them  
16 back.

17 So, in that kind of research it is easy to do  
18 a calculation of responses.

19 Q Therefore, you were able to pinpoint those who  
20 hadn't sent it back, and specifically write them a letter  
21 asking them to please fill out the form, or the post card  
22 or whatever it was, correct?

23 A You bet. Probably the university wouldn't pay  
24 for the postage to do a general mailing again.

25 Q You would agree, wouldn't you, Dr. Miletic, that



1 it takes a fairly large degree of expertise and training  
2 to develop a survey that taps a hundred percent of a  
3 relatively small proportion of a population such as handi-  
4 capped, correct?

5 A If what you mean by that question is to get  
6 a hundred percent response rate, to my way of thinking no  
7 amount of experience or expertise could be counted on to  
8 elicit a hundred percent response rate at all. I don't  
9 care who was designing the instrument.

10 Q Are you aware, or do you have any data regarding  
11 what LILCO's response rate was for its mail back survey?

12 A Well, as I recall, people did tell me how many  
13 post cards were returned back. I have forgotten that number.  
14 I don't recall whether it was a hundred and fifty-one or  
15 two -- I don't know why that number came to mind, by the  
16 way -- or two hundred, or what have you.

17 So, I guess in answer to your question that yes,  
18 somebody has told me how many post cards have come back, but  
19 I have a poor memory.

20 Q I was referring to the response rate.

21 A Oh, as far as I know no one has talked to me  
22 about response rate to the best of my knowledge. I don't  
23 know of a way that one could determine response rate simply  
24 because it seems to me impossible to define the number of  
25 people in the population who might be appropriate to fill out

1 that card and mail it back.

2 Q Dr. Mileti, with respect to an initial mailing,  
3 one mailing, what is the largest response rate that you  
4 would expect from the population, disregarding the follow  
5 up techniques that you alluded to earlier?

6 A Well, it depends on the character of the study;  
7 the topic, the form of the questions, et cetera.

8 Q Let's focus in on emergency situations.

9 A Oh, on emergency situations, I would suggest  
10 probably about sixty-five to seventy-five percent.

11 Q And what surveys or studies are you relying on  
12 to support that figure?

13 A Well, the studies I am relying on to support  
14 that figure are studies that I have done myself, and I  
15 don't tend to recall peoples reported response rates in  
16 studies, but I certainly talked to colleagues who do  
17 research, and -- their research.

18 Q What I would like to ask from you is what studies  
19 of yours are you referring to? Were these published  
20 studies?

21 A Yes, some of them are. Some of them aren't.

22 Q And is it documented in those studies that your  
23 initial mailing elicited a seventy-five percent response  
24 rate?

25 A Yes, it is, but your question to which I answered

1       seventy-five percent talked about studies, not mailed things,  
2       so I was speaking generically, and therefore including some  
3       things that didn't include mail questionnaires.

4               Q       Let's focus in on mail back surveys. And I will  
5       pose the question to you again. What is the response rate  
6       that you would expect from a mail back survey?

7               MS. McCLESKEY: Excuse me. Before you answer  
8       Doctor Mileti, could both of you please up. I am having  
9       trouble hearing, and I can't imagine that the people in the  
10      back can.

11              WITNESS MILETI: The response rate that I would  
12      expect from a study, studying emergencies, I would pick the  
13      generic number of seventy to seventy-five percent.

14              Mail back studies -- I don't recall today  
15      specific response rates of specific studies, but I think if  
16      one looked at all the mailed out surveys that sociologists  
17      have done in reference to emergencies, and people tend to  
18      report the response rates when they publish things, that  
19      sitting back and appraising all of that, one would judge  
20      that seventy to seventy-five percent is a reasonable  
21      response rate.

22              Q       You are referring to just mail back surveys?

23              A       Yes. Because you asked me to refer to that.

24              Q       Just to clarify. You said with respect to mail  
25

1 back techniques alone, you would expect -- with respect to  
2 a topic of emergencies -- a response rate of seventy-five  
3 percent, correct?

4 A Well, you need to pick a range. I remember saying  
5 seventy, and I remember saying seventy-five, and I also  
6 remember saying about sixty-five at one point in the course  
7 of answering your questions.

8 But thereabouts. It is simply the fact that  
9 the response rates for studies that deal with emergencies  
10 and disasters is high. It is a characteristic of the  
11 industry.

12 Q Are these surveys that you are referring to  
13 surveys that occurred after a disaster?

14 A Many of them are, yes. And many of them come  
15 before a disaster because people who do disaster research  
16 typically look at how people respond in emergencies, but  
17 there is also a whole set of people who also look at how  
18 people deal with and cope with adjustments to reduce the  
19 risks of future emergencies.

20 Q Are any of the surveys that you are referring  
21 to surveys conducted in order to identify people who might  
22 need help in an emergency?

23 A None that I know of, no. However, I might add  
24 that I wouldn't expect that to change response rates.

25 Q Could you please identify specifically the surveys

1 that you are discussing which occurred prior to an emergency  
2 which have -- mail back surveys, I am talking about -- which  
3 have elicited the type of response rate that we are discussing  
4 in the sixty-five to seventy-five percent range?

5 A Well, again, let me say that if one sat down and  
6 reviewed all the research that has been done, and when people  
7 tend to publish research they list what their response rate  
8 was, because that was a norm in writing publications, and  
9 you certainly would find some with a lower response rate,  
10 and you would find some with a higher response rate, but  
11 standing back and giving a categorical judgment, one would  
12 end up with a number somewhere in that ball park.

13 And there probably are a hundred and fifty or  
14 two hundred such studies that have been published, and there  
15 is no way that I can remember them all today.

16 Q Can you refer me to studies that have been conducted  
17 that have elicited that type of response before a disaster;  
18 and I am talking about specific studies.

19 A Yes. As I recall, there is a book called, and  
20 I probably will not do well at recalling its precise title,  
21 Natural Hazards, National and Global, edited by Gilbert  
22 White, in which there are a collection of about -- by the  
23 way, that was published by Oxford Press, back in the early  
24 '70s. And in there there are probably about twenty-five or  
25 so publications, some of which are survey and some of which

1 aren't, and many of them describe the findings of studies  
2 done in many different countries and some done in this  
3 country, on mailed out questionnaires.

4 There was a time when the institute was canvassing  
5 the world to find out how people perceived hazards, et  
6 cetera.

7 And I am sure that some -- there are enough of  
8 them in there that to the best of my recollection today  
9 some of them would have to have response rates in that  
10 ball park, since that's the norm.

11 Q These are from a single mailing?

12 A I don't know of anyone who would stop doing  
13 research with a single mailing. Just as LILCO hasn't  
14 stopped trying to elicit defining who are the people that  
15 need help in an emergency with a single mailing.

16 End 19  
17 Reb fols

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1 Q Dr. Mileti --

2 MR. MC MURRAY: Judge Laurenson, I have no  
3 further questions.

4 JUDGE LAURENSON: Mr. Zahnleuter?

5 MR. ZAHNLEUTER: No questions.

6 JUDGE LAURENSON: Mr. Bordenick?

7 MR. BORDENICK: No questions.

8 JUDGE LAURENSON: Any redirect?

9 MS. MC CLESKEY: No, sir.

10 JUDGE LAURENSON: Thank you, Dr. Mileti.

11 (The witness stood down.)

12 JUDGE LAURENSON: Just to review what we are  
13 going to be doing tomorrow morning, we are going to resume  
14 with the LILCO panel on Contention 18 and then proceed  
15 with cluster 15 in the order which has been agreed upon  
16 in the past; is that correct?

17 Of do you wish to offer surrebuttal testimony  
18 to Dr. Mileti's testimony?

19 MR. MC MURRAY: I think we are going to have to  
20 digets what we just heard, Judge Laurenson, and tell  
21 you in the morning whether we would like to put  
22 Professor Saegert up for surrebuttal.

23 JUDGE LAURENSON: All right. If you do that,  
24 you will be ready to go forward with that first thing in  
25 the morning tomorrow then?

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MR. MC MURRAY: Yes.

JUDGE LAURENSEN: All right.

We will hold that in abeyance and we will reconvene at 9:00 a.m. tomorrow morning.

(Whereupon, at 6:15 p.m., the hearing was adjourned, to reconvene at 9:00 a.m., Wednesday, June 6, 1984.)

END 20



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: Tuesday, June 5, 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