

ORIGINAL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

LONG ISLAND LIGHTING COMPANY

Docket No. 50-322-OL-3

(Shoreham Nuclear Power Station
Unit 1)

Location: Hauppauge, New York

Pages: 11,831-12,089

Date: Friday, June 15, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

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

Friday, June 15, 1984

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

BEFORE:

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

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

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

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APPEARANCES:

On behalf of LILCO:

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On behalf of the NRC Staff:

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On behalf of Suffolk County:

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SueT

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P R O C E E D I N G S

1
2 JUDGE LAURENSEN: The hearing is resumed.
3 Mr. Miller?

4 Whereupon,

5 HARRY N. BABB

6 MATTHEW C. CORDARO

7 CHARLES A. DAVERIO

8 DENNIS S. MILETI

9 WILLIAM F. RENZ

10 and

11 RONALD A. VARLEY

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

14 CROSS-EXAMINATION

15 BY MR. MILLER:

16 Q Gentlemen, would you turn to page 72 of the
17 testimony, please.

18 Mr. Daverio, at the middle of the page it says
19 that "The transition plan specifically states that
20 federal, state or local government observers will be
21 invited to evaluate and critique annual exercises."

22 Do you see that comment?

23 A (Witness Daverio) Yes, I do.

24 Q There is no assurance at this time, is there,
25 that these observers will accept LILCO's invitation in this

1 regard?

2 A I don't have any reason to believe some of them
3 may not. Some may; some may not. That is correct.

4 Q Well, which ones do you believe will accept
5 LILCO's invitation?

6 A I think the federal observers will come.

7 Q Federal would be FEMA and the NRC?

8 A That's correct.

9 Q Do you think the state or local government
10 observers will come?

11 A It would be my opinion they would.

12 Q Do you have any assurance of any kind in this
13 regard?

14 A No, just my opinion.

15 Q And going over to page 73, Mr. Daverio, there is
16 a discussion as to what observers do during the annual
17 exercise; do you see that?

18 A Are you talking about question 54?

19 Q Well, let me make my question clearer.

20 It says in that little subsection 3 on the top
21 of 73, "collect and evaluate all exercise records from
22 all observers."

23 Do you see that?

24 A Yes, I do.

25 Q Now, observers, assuming that they are present,

1 will not be at all field posts, will they?

2 A No. I think, as we previously stated, at all
3 FEMA exercises there is a sampling that is done.

4 Q They wouldn't be at all the control posts either
5 then, would they? Control posts would be places like all
6 the staging areas.

7 A I would imagine they would be at all the staging
8 areas and at the EOC. I am not sure they would be with
9 all the field personnel though.

10 Q Do you think that there would be observers at
11 all the transfer points?

12 A FEMA may decide to do it that way. I have no
13 way to know what they will decide to do.

14 Q Your answer 54, Mr. Daverio, does this answer
15 assume that there will be indeed be federal, state, and local
16 participation as observers?

17 A Let me read the answer.

18 (Pause.)

19 As I stated, I think federal observers would
20 come and they would be part of this. We could do the
21 critique of the federal observers weren't there. I am
22 not sure that that would meet the requirements.

23 Q Mr. Daverio, looking over to page 74, answer 55
24 begins, "Attendees of the post-exercise critiques will
25 include the following personnel." And then you say, "Any

1 federal, state or local observers, next would be lead
2 exercise controller." And then you talk about key
3 exercise controllers and observers.

4 Do you see that?

5 A Yes, I do.

6 Q Assume with me for the moment, Mr. Daverio,
7 that there would be no state or local participation in
8 the FEMA exercise, who then, in your opinion, would be
9 the lead exercise controller?

10 Do you have any way of knowing at this time?

11 A I don't think that would make a difference.

12 Q Well, do you know what organization or entity
13 the lead exercise controller would represent or come from?

14 A I think, Mr. Miller, you have to understand,
15 if the state was participating in the planning process
16 and playing, they would be lead controller for the state
17 part. If LERO is providing the functions of the state,
18 LERO would provide the lead controller. It might be an
19 IMPELL person. It could be a LILCO person.

20 I don't see that as changing who the lead
21 controller would be under the LERO plan.

22 Q Okay. So is your answer that assuming no
23 state or local participation, the lead exercise controller
24 would either be a LILCO or an IMPELL person?

25 A Yes. I just stated that.

1 Q And --

2 A Excuse me. May be IMPELL. We haven't made that
3 determination. It could be a LILCO person, but -- what
4 the lead controller does is, he controls the scenario
5 that has been approved by FEMA to be used in that exercise.

6 Q With respect to the key exercise controllers
7 and observers that is mentioned on page 74, again, assuming
8 no state or local participation, would these key
9 exercise controllers and observers be either LILCO or
10 IMPELL people?

11 A Yes. What we are talking about here is our
12 self-critique of the exercise. There is a FEMA critique
13 of the federal observers that is held separately.

14 Q When you state, Mr. Daverio, "other invited
15 personnel" at the bottom of the page, what kinds of
16 other invited personnel are you talking about there --
17 again, assuming no state or local participation?

18 A We could invite people from Nassau County,
19 other counties who may want to observe our exercise.
20 It could be a senior officer within the company who might
21 want to be there. That would vary.

22 Q You haven't made that determination at this time?

23 A No. That is why it says "others."

24 Q Looking at page 75, Mr. Daverio, the question is
25 posed, "What sort of prior experience will the observers of

1 LERO drills and exercises have?"

2 Do you see that?

3 A Yes.

4 Q The question is really never answered, Mr. Daverio.
5 Let me ask you now: Do you know the answer to the question
6 regarding the prior experience of these observers?

7 A I think it is answered.

8 Q Do you consider prior experience to be the
9 pre-exercise briefings?

10 A That is one form of prior experience, yes.
11 They have also, depending on who it is, and that would
12 vary by individual, bring a background to that pre-exercise
13 briefing.

14 Q The answer, as it presently stands, talks solely
15 in terms of the pre-exercise briefings though, isn't that
16 right?

17 A That is correct, but the assumption is that the
18 personnel come with different backgrounds.

19 Q I gather, Mr. Daverio, that your assumption then
20 is also that these observers would be knowledgeable about
21 emergency response actions?

22 A In general terms, I think the observers we have
23 used from IMPELL, while maybe not every one has been at
24 another exercise, I would say a large part of them have
25 been.

1 We also may use other utility emergency planning
2 personnel to be observers. An example would be, we provided
3 I think eleven observers to New York State to be official
4 New York State observers for the Rockland County Compensating
5 Measures Plan.

6 So you look for the best people. You give them
7 a prebriefing on what is going to happen at your exercise
8 and what they should be looking for.

9 Q At this time you haven't made a determination
10 as to whom will be the observers of these drills and
11 exercises, correct?

12 A I don't have the exact names. That is correct.

13 Q Therefore, when you are asked in question 56
14 to talk about their prior experience, at this time you
15 really just don't know their prior experience, do you?

16 A I know the type of person we would be looking for.
17 I don't have the exact names of people who would be there
18 and then they would get this briefing.

19 Dr. Cordaro would like to add.

20 A (Witness Cordaro) Usually other exercises in the
21 state, observers are not determined until maybe a month
22 or two before the exercise itself. And they usually have
23 certain credentials which qualify them for observing a
24 particular exercise.

25 As Mr. Daverio mentioned, in past exercises in the

1 state, we have supplied people to function as official
2 observers. These people had to have some sort of credentials
3 to qualify them to, in fact, observe the function that
4 they were observing and had to be accepted by the utility
5 or the state, in the case of the Indian Point exercise.

END 1

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2 Q Dr. Cordaro, with respect to the LILCO exercise,
3 if there should be one, isn't it a fact that with respect
4 to qualification of observers that decision would be made
5 by LILCO?

6 A Yes.

7 Q Now, looking at Question and Answer 57 on Page
8 75, let me make sure I understand this. Mr. Daverio,
9 other than the FEMA exercise LILCO plans to, and has,
10 critiqued its own drills and exercises; isn't that correct?

11 A (Witness Daverio) That's correct.

12 Q Would you look please at Page 77 of the
13 testimony?

14 A 77?

15 Q I'm sorry.

16 A You skipped a page. I was just amazed.

17 (Laughter.)

18 Q Well, let's go to Page 76. When you say at the
19 top of the page, Mr. Daverio, LILCO will not only be
20 evaluated on its ability to implement emergency response
21 actions but also on its ability to conduct a fair and
22 accurate graded exercise, do you see that?

23 A That's correct.

24 Q Who will evaluate LILCO in this regard?

25 A From my experience, the federal observers look
at whether you are prompting your people too much, whether

#2-2-SueT 1 the scenario tests them enough. It's an overall judgment
2 by the federal observers as to whether it was a fair test
3 of your plan.

4 Q Mr. Varley, has IMPELL at this time prepared
5 scenarios, possible scenarios, to be used in the FEMA
6 exercise, assuming that such an exercise is conducted?

7 A (Witness Varley) I believe they have started
8 preparation work on that. I think the individual that was
9 working on that was working with Mr. Daverio, and he may
10 have a clearer answer to that than I do.

11 (Witness Daverio) They have. They are completed.
12 We have a set of three scenarios we have completed. The
13 final approval of the use of the scenario and what you use
14 is, in my experience, a process that you go through with
15 the NRC and FEMA. We have just prepared scenarios we would
16 propose to use, but they have to review them.

17 Under FEMA's policy, it's my understanding you
18 have to submit your objectives of your drills seventy-five
19 days prior to running the drill, and you have to submit
20 the detailed scenario forty-five days prior to running the
21 drill. They review it and make sure that that's appropriate.

22 Q Let me ask you, Mr. Daverio, have you seen these
23 proposed scenarios prepared by IMPELL?

24 A I am on the approved list to see it because I
25 will not be a participant in the drill.

#2-3-SueT 1

Q So, have you seen the proposed scenarios?

2 A I haven't seen them in detail yet. I know some
3 facts about what's in them.

4 Q Have you seen them, Mr. Varley?

5 A (Witness Varley) No, I haven't.

6 Q Has anyone else on the panel?

7 A (Witness Cordaro) I haven't, mainly because I
8 am a participant in the on-site plan, so I am not allowed
9 to be aware of any of the details.

10 Q Do you know if Mr. Weismantle has seen these
11 proposed scenarios?

12 A (Witness Daverio) No, he hasn't.

13 Q Mr. Daverio, it's fair to say, isn't it, that
14 during a FEMA-graded exercise federal observers evaluate
15 drill procedures and performance but not evaluation pro-
16 cedures used by the utility?

17 A I'm not sure I would agree with that statement
18 in the general sense.

19 Q Do you think that the federal observers review
20 and critique the methodology used by utilities in conducting
21 the utility's evaluation of the exercise performance?

22 A Yes.

23 Q And it's your understanding that in this regard
24 findings and comments by the federal observers would be
25 reported back to the utility?

#2-4-SueT

1 A It goes both ways. Our findings would be
2 reported to them, and their findings based on that would
3 be reported to us in their reports.

4 Q Now, we can go to Page 77. Contention 98
5 generally discusses the training and retraining of non-
6 LILCO personnel, doesn't it, Mr. Daverio?

7 A Yes, it does.

8 Q There is a statement at the bottom of Page 77
9 which says, it's quoting NUREG 0654, and it says: Each
10 organization shall establish a training program for in-
11 structing and qualifying personnel who will implement
12 radiological emergency response plans.

13 Do you see that?

14 A Yes, I do.

15 Q Could you tell me, Mr. Daverio, qualifying
16 personnel requires testing, doesn't it?

17 A I think you could say qualifying personnel would
18 be -- testing would be included, but it could be a review
19 exercise. It doesn't necessarily have to be a written
20 exam.

21 Q Would you agree with me, Mr. Daverio, that at
22 least there must be some established criteria for qualify-
23 ing personnel?

24 A And the established criteria would be performance
25 in their function.

#2-5-SueT 1

Q And in that regard, what depends upon the judgment of those evaluating the performance; correct?

3 A I think we have stated that before.

4 Q So you agree with me?

5 A There is some judgment that has to be used.

6 Q Looking at Page 78, Mr. Daverio, the first sentence of the answer says: It is our understanding that organizations which will provide essential support services during an emergency must receive training.

10 Do you see that?

11 A Yes.

12 Q And I take it, Mr. Daverio, that this understanding is based upon your reading of the regulations and guidelines; is that correct?

15 A That's correct.

16 Q Could you tell me, Mr. Daverio, where the word "essential" appears in the regulations or guidelines with respect to organizations that should receive emergency planning and training?

20 A It's my interpretation. I think if you look at the previous page you can get that interpretation from the words "who may be called upon to assist."

23 Q Well, are you saying that every organization that may be called upon to assist during an emergency constitutes an essential support service organization?

2-6-SueT

1 A I think we go on to define that in the next
2 sentence. We say in our plan, the cases where we feel
3 they are essential support services are defined there. And
4 if they are in the plan and provide a service under that
5 plan, yes, that's true.

6 Q So, LILCO makes judgments regarding which organiza-
7 tions should be considered essential support service organi-
8 zations; correct?

9 A The plan states which organizations we feel are
10 necessary to implement the plan. And that's being reviewed
11 by this Board, and if it's approved by this Board I think
12 those are the agencies.

13 Dr. Cordaro would like to add something.

14 (Witness Cordaro) It's not only our judgment.
15 It's also based on precedent which has been established by
16 how it is applied in other plans, especially in New York
17 State.

end #2

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1 Q Are you saying that other plans, Dr. Cordaro,
2 always include the U. S. Coast Guard, DOE RAP, the American
3 Red Cross, ambulance personnel, and helicopter personnel
4 as essential support services and exclude organizations
5 such as schools and hospitals and nursing homes and other
6 special facilities as essential support service organizations?

7 A Yes. In some cases helicopter personnel may not
8 be a part of a particular plan at another facility, so they
9 may not come in question as requiring training, but it is
10 a routine practice for formal training programs, as
11 prescribed by the regulations, not to be required of entities
12 such as schools and hospitals and nursing homes.

13 Q My question was are you testifying that there
14 are no other radiological response plans, to your knowledge,
15 that include schools, hospitals, nursing homes and other
16 special facilities as essential support services under
17 those plans?

18 A Only in the context of the hospital you rely
19 on primarily in the event of an accident to possibly
20 administer to an injured worker, such as the agreement we
21 have with Centra. Suffolk Hospital for Shoreham, but I
22 know of -- I am not aware of any other plans which include
23 schools, hospitals, and nursing homes as essential responding
24 organizations.

25 Q Do you consider Central Suffolk Hospital an

1 essential support organization under the LILCO Plan?

2 A In the context I refer to them as providing
3 emergency health care for people on site who might become
4 injured in the event of an accident.

5 Q Mr. Daverio, the last sentence of Answer 60
6 says that it is your understanding that personnel from
7 organizations such as schools, hospitals, nursing homes,
8 do not need to receive the full complement of radiological
9 emergency response training. Do you see that?

10 A (Witness Daverio) Yes.

11 Q Are you saying here, Mr. Daverio, that these
12 organizations need receive no training?

13 A That is not what it says.

14 Q So you would agree with me that they need to
15 receive some training, correct?

16 A I think we went through this on the first day
17 when you asked me necessary versus enhance, and if you
18 look at Answer 61, and if you look at the outline we have
19 of training for particular groups -- page 81, not Question
20 81, sorry -- there is a difference between something we
21 think that would enhance the program versus something we
22 think is necessary, and those three categories are defined
23 in our answer to 61.

24 Q Yes, sir. I am asking the question because
25 of the word, 'need' in your answer to Question 60, where

1 you say that these organizations do not need to receive
2 the full complement of training.

3 A The full complement is the word that ties to
4 need. We do define what we would like them to have that
5 would enhance the program when we define necessary versus
6 enhancement in Question 61.

7 Q Just so we can try to tie this together, do
8 you believe, Mr. Daverio, that organizations such as
9 schools and hospitals need any -- need any -- emergency
10 response training under the LILCO Plan?

11 A I think if you turn to page 79, look at Item 3,
12 it states there that people who make decisions in an
13 emergency; for example, a school principal, a school
14 superintendent, who has to decide to take our recommendation
15 or not, I think it is necessary for him to be trained.

16 A school teacher, he would fall under No. 1,
17 there. They know how to handle children. They know how
18 to get them in line. They know how to get them on a bus.
19 They don't necessarily need to be trained. It would enhance
20 the program if they had some, and we define that on page 81.

21 Q Well, let's look at the first one on page 79,
22 which is the example of teachers. Are you saying, Mr.
23 Daverio, that it is not necessary for persons such as
24 teachers to know their roles and what is expected of them,
25 and how they fit within the concept of the LERO organization?

1 A The concept of the LERO organization for schools,
2 as I understand it, is to either evacuate the children, either
3 send them home or evacuate the children, or to shelter them.

4 I think a teacher would know how to shelter
5 or keep a student in an area where they were told to go
6 to, and I would think under normal snow conditions they have
7 to evacuate in a sense their schools with an early dismissal
8 program.

9 So, I am not sure they need to be trained. If
10 you look at page 81, we define that we would like them to
11 get a handout that explains that to them. We would like
12 them to get another handout that explains emergencies in
13 general and how to plan for them, but I don't think that
14 is a necessary one.

15 A (Witness Miletic) If I might add and supplement
16 that answer a bit, it is that if the role of a teacher in
17 response to a radiological emergency is, for example --
18 and I am making this up hypothetically -- perhaps to
19 accompany students on a bus, then that shouldn't be a
20 surprise to the teachers the day the radiological emergency
21 happens. They need to know that.

22 However, that they might need to help get kids
23 on a bus or accompany them on a bus is something that you
24 don't have to train teachers to know how to do. They
25 already know how to do that.

1 Q Mr. Daverio, you mentioned as an example of
2 what teachers already know how to do, sheltering. Is
3 that correct?

4 A (Witness Daverio) Sheltering to the extent
5 that all they would be doing is moving a student to an
6 area that a superintendent made a decision to move them
7 to, and controlling that student in that area.

8 I think a teacher can do that, and they do
9 it, probably.

10 Q So, your answer then assumes that the school
11 principal or school administrator with responsibility
12 for the school, that he or she know how to shelter and
13 have been trained in that regard, is that correct?

14 A I think they would fall more under Item 3 than
15 Item 1.

16 Q And what happens, Mr. Daverio, if that school
17 principal or supervisory person is not present at the time
18 of a radiological emergency?

19 A I am assuming the school would train enough
20 people and have that contingency built in.

21 Q So you place responsibility on the schools
22 themselves to train persons such as the teachers?

23 A No, I didn' say that.

24 Q You said that you are assuming that the schools
25 would train enough people.

1 A If you would go to page 81, again, like I
2 have mentioned, if you look, key administrative personnel.
3 I assume they are not going to train one person.

4 I have assumed that if are going to train
5 people, you will always have one person there who knows
6 about emergencies. I think a school always would do that.

7 Q Well, let me ask you how you would define
8 key administration personnel for schools. You would
9 include, I assume, the school superintendent?

10 A I would probably include superintendent. Maybe
11 an assistant superintendent, possibly a principal and
12 an assistant principal. We would define that along with
13 discussions with the schools, I would imagine.

14 Q Would you want to include, perhaps, any
15 medical personnel with the schools?

16 A Possibly. That would depend on our discussions
17 with the schools.

18 Q You really just haven't made a determination
19 yet as to what would constitute key administration
20 personnel for the schools, isn't that correct?

21 A I can tell you that the people who have to make
22 the decision on what the schools should do, I would fall
23 in that category. Whether a nurse in a school would fall
24 under that category, I would rely on the school to tell
25 me whether they wanted that to happen or not, and I will
defer to Dr. Cordaro.

1 A (Witness Cordaro) Some of that, or course,
2 depends on what the school views as essential or who the
3 school views as essential key administrative personnel.
4 And in our deliberations with the schools, we will take it
5 as far as they want to go, as far as providing training
6 and assistance to whatever key administrative personnel
7 they believe are necessary.

8 A (Witness Mileti) If I might supplement that
9 answer as well, the important concept here really is, who
10 is going to be making the decision about response in a
11 radiological emergency at a school. Individual students
12 aren't students aren't going to be deciding and debating
13 whether or not they should engage in an action. And
14 individual teachers aren't going to be debating that as well.

15 But somebody will have to get the information
16 and decide to issue or go along with an advisement about
17 school response. And that person should receive information
18 beforehand.

19 Q What basis do you have, Dr. Mileti, for saying
20 that individual teachers and students will not be engaged
21 in making decisions that would have to be made during a
22 radiological emergency?

23 People are going to make their own decisions,
24 aren't they?

25 A By and large, people make decision every day,

1 certainly. However, I don't perceive that, given the way
2 schools operate, that individual students, for example,
3 if an evacuation advisement is issued, some will decide
4 in one sixth grade class to evacuate and others will decide
5 to shelter, but rather they will follow the lead of
6 the teacher, and the teacher will follow the lead of the
7 organizational decision maker.

8 Q That is your opinion?

9 A That is the way schools function.

10 Q That is the way schools function during a
11 radiological emergency?

12 A That is the way schools function.

13 Q You don't draw a distinction as to how
14 schools function on a day-to-day normal basis and how
15 they might function during a radiological emergency, do
16 you, Dr. Mileti?

17 A I am talking about how schools function in
18 emergencies.

19 Q That is your opinion then, right?

20 A But that is based on observations about how
21 organizations behave in emergencies. Typically people
22 have lead positions in them. I could not imagine an
23 instance where a decision would be made about how and what
24 people at schools should do by the persons in charge of
25 schools and then that was not implemented and followed

1 through on, and individual students were allowed to choose
2 what it was that they wanted to do in the sense of not
3 following the advisement of the principal or the superinten-
4 dent.

5 Q You can't imagine such a situation?

6 A No, I can't.

7 Q Would you look at the third paragraph,
8 Mr. Daverio, on page 79. This paragraph involves the
9 people who you think would need some training on the
10 issues and topics relevant to their decision making during
11 a radiological emergency at Shoreham, correct?

12 A (Witness Daverio) That's correct.

13 Q Would you agree with me, Mr. Daverio, that
14 training that is being put together and will be proposed,
15 I assume by LILCO, to organizations such as schools will
16 involve more than just the presentation of information?

17 MS. MONAGHAN: Objection. That question is
18 ambiguous and vague.

19 MR. MILLER: I am looking at the paragraph
20 that says, "School principals should be presented with
21 information." I am asking, won't these proposed training
22 materials and training do more than just present information?

23 JUDGE LAURENSEN: The objection is overruled.

24 WITNESS DAVERIO: I am not sure I understand
25 what your question is asking, Mr. Miller.

1 BY MR. MILLER:

2 Q Do you think, Mr. Daverio, that a sound
3 training program, which we have used the term before this
4 week, can encompass just the presentation of information?

5 (Pause.)

6 A It depends on what you are trying to train
7 someone to do.

8 Q Are you saying that in some circumstances the
9 answer would be yes, the presentation of information would
10 suffice?

11 A Yes.

12 Q And earlier in the testimony, very early in the
13 testimony, Mr. Daverio, where it says on page 13 that "the
14 basic approach to training program design is," and it
15 sets forth the three steps of presentation of information,
16 application of the information by the learner, and
17 critique of the application by the instructor, I gather
18 you are telling me then that this three-step process, which
19 as you say in your testimony constitutes the basic approach
20 to training, does not apply with respect to organizations
21 such as schools, hospitals, nursing homes?

22 A I think there is -- as I said, it depends on
23 what you are training someone to do. We are not trying
24 to train them to be LERO responders. We are trying to
25 train them and give them more appropriately give them

1 information that would allow them to make a decision based
2 on LERO's recommendation to them. And based on that, to
3 implement what they do -- go home, shelter their students.

4 So it is really information so that they can make
5 a decision on what action to take within their school
6 district or school. It is not training them to be a LERO
7 worker.

8 Q So the three-part approach which is discussed
9 earlier in the testimony, in your opinion, Mr. Daverio,
10 need not be applied to these types of organizations?

11 A I think on 79 we only talk about providing
12 information to them. I don't think we say we are going
13 to train them. I don't think we use that word.

14 Q It says in the second line, "People who would
15 make decisions in an emergency need some training."

16 A And that some training is providing them informa-
17 tion.

18 A (Witness Miletic) If I might supplement that
19 answer, that is, again, because the kinds of actions that
20 might be going on at a school, for example, dismissing
21 them or keeping students in the classroom or perhaps putting
22 them on a bus, are not unfamiliar skills to people who work
23 at schools.

24 Q Would you look, please, at page 80. Answer 63,
25 Mr. Daverio, states that "the training has not yet been

1 provided to these organizations." Again, we are still
2 talking about schools and hospitals and nursing homes
3 and other special facilities, correct?

4 A (Witness Daverio) That is correct.

5 Q When you say that you have developed, on a
6 conceptual basis, such training materials, could you tell
7 me briefly what you mean by saying you have developed
8 these materials on a conceptual basis?

9 A Page 81 of our testimony.

10 Q These would be examples of what you have developed
11 to date?

12 A That is what we are in the process of developing.
13 That is the concepts that we are developing now, items
14 to implement those concepts.

15 Q Do you know, Mr. Daverio, when LILCO will be
16 prepared to offer such training to these special facilities
17 and other organizations?

18 A I --

19 (Witnesses conferring.)

20 I would say right now we would probably be
21 ready to offer these training programs in the July-August
22 time frame.

23 Q Mr. Varley, in answer 65 -- let's look at the
24 question first. It says, Could you outline a typical
25 lesson plan for the type of training that will be offered

1 to schools, hospitals, et cetera. And then the answer
2 goes on for some two pages.

3 Tell me, do you consider the listing of proposed
4 training materials set forth on pages 81 and 82 to be a
5 description of a typical lesson plan?

6 A (Witness Varley) No. I think lesson plan,
7 in this case, was probably a poor choice of words. It
8 should have been "outline."

9 Q Looking on page 81, Mr. Daverio, the materials
10 that are set forth on pages 81 and 82 -- well, the
11 proposed training which is talked about in response to
12 conteion 98, that training is no where described in the
13 LILCO plan, is it?

14 A (Witness Daverio) I will have to look. Just
15 give me a second.

16 (Pause.)

17 I think if you look on page 5.1-6 of the plan
18 we talk about training and information sessions will be
19 offered to these organizations. These organizations will
20 include schools, hospitals, nursing homes situated inside
21 ten miles. The nature and scope provided will be determined
22 in meetings. And then we go on and we talk about three
23 general points that we would try to include or may
24 include.

25 So we talk about them. We don't go into the

1 detail that we have on page 81 though.

2 Q That was my question. The actual listing of
3 your proposed materials, as set forth on pages 81 and 82,
4 that no where appears in the LILCO plan, does it?

5 A The outline that is on 81 and 82 didn't exist
6 in December of last year when we last revised the plan.

7 Q Is it fair to say, Mr. Daverio, that the
8 training offered by LILCO to these organizations will consist
9 only of the classroom training materials?

10 A Yes.

11 Q Looking at page 82, please --

12 A (Witness Cordaro) One thing I want to add
13 to Mr. Daverio's answer, if any facility feels that they
14 need additional training of some sort and feel very
15 strongly about it, we are more than willing to agree to
16 that in any reasonable context.

17 Q Looking at page 82, Mr. Daverio, the listing
18 of materials on pages 81 and 82, could LILCO's intent
19 at this time with respect to the use of such materials
20 change in any respect?

21 Let me restate that. Do you think that there
22 could be additional materials prepared by LILCO for
23 its proposed training of these organizations?

24 A (Witness Daverio) I think Dr. Cordaro just
25 answered that by saying, if a school superintendent decided

1 he wanted another thing and felt strongly and, after
2 discussions with him, we concurred, we would put together
3 a program that made them happy.

4 Q In part, whether or not the materials would be
5 changed or revised or increased could depend on what the
6 organizations themselves would tell you in response to
7 your offer to provide training to them?

8 A In part.

9 Q Mr. Daverio, looking at the bottom of 82, you
10 talk about the training offered to organizations such as
11 schools and hospitals and then contrast that, I suppose,
12 to training that will be offered to organizations such as
13 ambulance companies.

14 Do you see that?

15 A Yes, I do.

16 Q When I read this comparison in answer 66,
17 Mr. Daverio, I have some trouble understanding how the
18 two descriptions differ.

19 Could you explain to me how they do differ?

20 A You have to give me a minute to read it again.

21 (Pause.)

22 Yes. The difference, as I read those two
23 statements -- and someone else may want to jump in and
24 add to this -- is that in the first case we are saying
25 they are going to take an action like the general public.

1 That would be to evacuate.

2 In the second case we are talking about ambulance
3 companies having specific job responsibilities within LERO.
4 That would be an example, going in and picking up an
5 invalid person who was at home. They are not going out;
6 they are going to go in to pick that person up. So there
7 is a difference because they are going to get their
8 job specific LERO training.

9 That is what I think we are trying to point out
10 in comparing those two statements.

11 Q Looking at page 83, your answer to question 67,
12 Mr. Daverio, says that "the emergency planning coordinator"
13 -- that is you, right?

14 A Yep.

15 Q -- "will meet annually with each organization"
16 -- again referring to schools, hospitals, et cetera --
17 "to develop a timetable for conducting the agreed-upon
18 training. Retraining will be done annually."

19 Do you see that?

20 A I would just like to add, or designee. I may
21 not personally meet with everyone.

22 Q Okay.

23 Do you see the statements I was reading?

24 A Yes, I do.

25 Q At this time, Mr. Daverio, do you have any

1 indication or assurance in any way that these organizations
2 will either meet annually with LILCO or will agree to
3 retraining by LILCO?

4 A I don't think we have an agreement, but I have a
5 hard time believing that if they were trained the first
6 time, they wouldn't meet with me to discuss whether they
7 need retraining or not.

8 Q The question remains, I suppose, whether these
9 organizations will agree to be trained by LILCO the
10 first time, and at this time you have no assurance in that
11 regard either, have you?

12 A It is my opinion that if the plant is licensed
13 and the plan approved, I have a hard time believing they
14 wouldn't.

15 Q When I say "no assurance," do you have something
16 concrete you can point me to which indicates these
17 organizations will, indeed, agree to be trained by LILCO?

18 A I have no reason to believe otherwise. As I
19 just stated, I have some reasons why I believe they would.

20 Q Do you have anything concrete, other than your
21 belief or opinion, to point me to, Mr. Daverio?

22 A In specific cases I can point you to some.
23 Central Suffolk Hospital, we have a letter of agreement
24 with, and they have been through training, I think twice
25 already. So I think -- there's one case.

1 Q Anybody other than Central Suffolk?

2 A We are having ongoing discussions with all
3 these facilities, and I am not sure -- I was here, I think,
4 at least for part of the hospital's testimony. I think
5 one of our witnesses said there was some training done at
6 another hospital. But I personally am not aware of that.
7 I just heard that.

8 Q I don't want to go through the facilities,
9 Mr. Daverio.

10 It is fair to say, isn't it, that with respect
11 to the schools and with respect to the great, great
12 majority of other facilities such as hospitals and
13 nursing homes and adult homes, that LILCO has no agreements
14 by any of these organizations saying that they will accept
15 the training which LILCO will offer to them?

16 A I have a hard time with that because every one,
17 I think, of the school districts accepted our tone alerts.

18 Q Does that imply to you that they have agreed to
19 accept training by LILCO?

20 A No. But it implies to me that if the plan, as
21 I stated before, was approved, I don't see that they
22 wouldn't take our training.

23 Q I am asking you, though, Mr. Daverio, if you have
24 any agreements with any of these organizations. I understand
25 your opinion.

1 A If you are asking if I have a hard letter that
2 says that, I don't. Dr. Cordaro would like to add.

3 Q Dr. Cordaro, do you have those agreements?

4 A (Witness Cordaro) We have no agreements, nor
5 do we feel any are necessary.

6 However, these are responsible organizations;
7 they have responsibility for the people in their charge.
8 I just can't imagine them not doing the responsible thing
9 and accepting training if they felt that training was
10 necessary for them to discharge their responsibilities.

11 Q Look at answer 69, please.

12 Looking at the question first, please,
13 Mr. Daverio, it talks about how the LERO drill and exercise
14 program will insure LERO personnel will know how to
15 interact with school administrators, special facility
16 administrators, and the public.

17 Do you see that?

18 A (Witness Daverio) Yes, I do.

19 Q Now, the LERO drill and exercise program has not
20 simulated the public in any way, has it?

21 A Yes, it has.

22 Q Could you give me examples of how the public has
23 been simulated?

24 A Yes. In some of our drills the same type of
25 activity occurred. We gave them a list of phone numbers to

1 call for invalid people at home, and had some of
2 our coordinators call and make arrangements to have
3 ambulances go there.

4 So there was some general public simulation.

5 Traffic guide training that Dr. Babb is doing
6 right now simulates traffic being -- moving, and I
7 assume later on we will get to that. So there are two
8 cases I can think of off the top of my head.

9 Q Mr. Daverio, are you saying that in these drills
10 where a drill participant or exercise participant placed
11 a phone call to another drill or exercise participant
12 simulating a school administrator, that that constitutes
13 simulation of the public during the exercise or the drill?

14 A That is not what I stated. I stated that we
15 had controllers/observers sitting in Hicksville. We
16 gave, let's say, someone who had to call an invalid person
17 at home that phone number. They called that observer/
18 controller, not another participant. That person was told
19 to play the part of an invalid at home and give some
20 information to see if they could perform.

21 That is a simulation, Mr. Miller.

22 Q Maybe I should define simulation of the public.
23 You described to me thus far simulation of individual
24 members of the public, such as an invalid person at home,
25 and I know the testimony talks about the simulation of the

1 officials, such as the school administrator.

2 Can we define public in terms of groups of
3 people? Has there been any simulation in that respect

END 4

4 during the LILCO drills or exercises?

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1 A No, we have not.

2 Q And where you state in Answer 69, Mr. Daverio,
3 that the drill controllers manned telephone lines and
4 acted the part of various outside organizations' officials,
5 that really means they answered the telephones when they
6 rang, doesn't it?

7 A More than that.

8 Q Well, what did they do? Can you briefly describe
9 it for me?

10 A They would ask questions, what does this mean,
11 what should I do.

12 We were trying to simulate what a school
13 administrator might ask.

14 Q Was there a prepared script, Mr. Varley, for
15 these persons to use in acting the part of various outside
16 organizations' officials?

17 A (Witness Varley) There may have been some in
18 some of the scenarios. I would have to go back through the
19 scenarios to recall.

20 Other examples of the types of things we did were,
21 we had certain people call into the organization and indicate
22 that they had problems and that they wished for LERO to
23 respond to those types of problems. These go back again
24 to those subsituations that we talked about earlier that
25 we introduce into the scenario to try to get LERO people

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1 thinking and responding to things that might occur in an
2 emergency.

3 Q Right. My question was, are there prepared
4 scripts of some sort for these individuals. And your
5 answer is there may have been, you just don't know?

6 A That's correct.

7 Q Looking at Page 34, when you say, Mr. Daverio,
8 you are talking about emergency response organizations,
9 that they are divided into two groups and you say the
10 first group includes the Coast Guard, ambulance personnel
11 and helicopter personnel, do you see that?

12 A (Witness Daverio) Yes, I do.

13 Q Let me make sure we have the same definition of
14 the word "includes." The first group is comprised only
15 of those three organizations; correct?

16 Are there any other organizations that are
17 included within that group?

18 A No, I don't believe so.

19 Q And the same for the second group that you list
20 which you say includes the Red Cross and the DOE RAP. Are
21 there any other organizations which comprise that second
22 group?

23 A Not as essential support services, no.

24 Q Going over to Page 85, you state at the last
25 sentence of the paragraph which ends in the middle of the

#5-3-SueT

1 page, on Page 85, Mr. Daverio: The subject matter presented
2 to these groups -- referring to the same two groups I
3 think -- is outlined in the lesson plans. And you refer
4 to Attachments 7 to 9 of the testimony.

5 Do you see that?

6 A I think we have interchanged the word "groups"
7 there. I think groups here refers to the first group.

8 Q Okay. So, in that sense you are referring to
9 ambulance personnel, helicopter personnel and the Coast
10 Guard, correct?

11 A Yes.

12 Q And Attachments 7 to 9 are the lesson plans used
13 in training those three organizations?

14 A I would have to check the matrix. I think those
15 are the three.

16 Q Okay. I think my question is, Attachments 7 to
17 9 of the testimony, those are the lesson plans for the
18 Coast Guard, the ambulance personnel and the helicopter
19 personnel; correct?

20 A I would have to check the matrix to see if that
21 is all they get. I haven't done that recently.

22 Q Well, I'm not sure what the matrix has to do with
23 my question. My question is, Attachments 7, 8 and 9 of
24 the LILCO testimony are the lesson plans for these organiza-
25 tions; isn't that correct?

#5-4-SueT 1 A What I would have to do to agree that those
2 weren't just references to the types of things they get
3 is check the plan, 5.1.1., training matrix, against what
4 7, 8 and 9 are to ensure that I've got them all covered.

5 I haven't done that recently. If you give us a
6 minute, we could do that. It would only take a second.

7 Q No. I'm just confused, Mr. Daverio. Would you
8 look at Attachments 7, 8 and 9 of the testimony?

9 A (Witness complying.)

10 Okay. I have that in front of me.

11 Q What I'm asking is, let me do this one by one.
12 Attachment 7 is the lesson plan for the Coast Guard;
13 is that correct?

14 A Yes. Now that I've pulled out what 7, 8 and 9
15 is, yes, that's correct.

16 Q And 8 is the lesson plan for the ambulance
17 personnel; and, 9 is the lesson plan for the helicopter
18 personnel, right?

19 A Yes, you are correct.

20 Q Can you tell me, Mr. Daverio, or Mr. Varley, if
21 the lesson plans for these three organizations anywhere
22 include the objectives for training these organizations?

23 A Mr. Miller, if you look at Attachment 7, it
24 says "Training Objectives" and lists four. What you have
25 to realize, ambulance companies and for helicopter personnel,

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1 we are giving them the LERO modules which define the training
2 objectives within them.

3 Q Do you recall my discussion with Mr. Berger the
4 other day about instructional objectives?

5 A Yes, I do.

6 Q Mr. Varley, you recall that discussion also, I
7 take it?

8 A (Witness Varley) Yes, I do.

9 Q Now, Mr. Varley, let me ask you, do you consider
10 the objectives set forth in Attachment 7 for the Coast
11 Guard to constitute instructional objectives?

12 A Yes, I do.

13 Q Mr. Babb, do you have Attachment 7 to the
14 testimony?

15 Maybe you could borrow Mr. Varley's copy. If
16 you would take a quick look, Mr. Babb, at that. It's
17 fairly short. There are four little training objectives
18 set forth on Attachment 7 for the Coast Guard. And it
19 says: Training Objectives. Provide the Coast Guard,
20 identified to respond in support of LERO, with an understand-
21 ing of: (1) Basic radiological concepts and practices (2)
22 Radiological protection practices (3) Use of radiological
23 detection and protection equipment (4) Role of the Coast
24 Guard in supporting LERO.

25 Do you see those four objectives?

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1 A (Witness Babb) Yes, I do.

2 Q Do you consider those, Mr. Babb, to constitute
3 instructional objectives in the sense that we were discuss-
4 ing I think on Tuesday?

5 A Well, instructional objectives are the intent
6 or the expectations which the teacher communicates to the
7 learner. And in that context, these could be considered as
8 instructional objectives.

9 Q Now, Mr. Babb, do you recall our discussion re-
10 garding Mager and his book, Preparing Instructional
11 Objectives?

12 A Yes, I do.

13 Q And do you recall where we talked there about
14 the difference between result in training and process in
15 training?

16 A Yes, I do.

17 Q And do you recall Mr. Mager's statement that says
18 that an objective describes an intended result of instruction,
19 rather than the process of instruction itself?

20 A A result and an understanding of basic radiologi-
21 cal concepts and practices would, therefore, follow as a
22 result.

23 Q And do you recall, Mr. Babb, our discussion
24 regarding the reasons, according to Mr. Mager, for stating
25 objectives in such a way that the instructor conveys exactly

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1 to the student trainee what he wants to instruct?

2 A I don't remember those exact words. I'm para-
3 phrasing now; I assume you are.

4 Q Yes, sir, I was. I should read it to you. The
5 stated sentence was, and I was paraphrasing: A meaningfully
6 stated objective is one that succeeds in communicating your
7 intent. The best statement is the one that excludes the
8 greatest number of possible meanings other than your intent.

9 A Okay. So there is a range there in Mr. Mager's
10 own writings.

11 Q You would agree with Mr. Mager in this regard?

12 A In general, in that range, yes. I would.

13 Q And you recall, Mr. Babb, our discussion regard-
14 ing the words that Mager says you should avoid because they
15 are open to many interpretations?

16 A Yes, I recall that.

17 Q And to understand is an example of words that
18 should be avoided in trying to set forth an objective in
19 instructing students and trainees; isn't that correct,
20 according to Mr. Mager?

21 A Well, I do have a great deal of confidence in
22 Mr. Mager's writings. I've had to resort to them myself in
23 my own dissertation work. But there are other people in
24 the field, other recognized experts, Barton R. Herrscher
25 and Lleland Medsker, and people like that who have used

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1 different words to convey the same thing.

2 Q Yes, sir. I understand that. Do you think that
3 the words "to understand" convey the instructor's intent in
4 a way which excludes other possible means?

5 A I would qualify that, Mr. Miller, by perhaps
6 considering the intellectual level of the learner. For
7 example, if a psychiatrist were lecturing to a group of
8 medical doctors the psychiatrist might be able to use that
9 word "to understand" in a perfect sense of Mr. Mager's
10 intent. So, I think the choice of verbs, if you will,
11 would depend to some degree upon the level of intellect
12 of the student as well as the learner.

13 Q Let me ask you, Mr. Babb, I'm curious about that
14 statement. When I say to you that I want you to understand
15 something, regardless of your level of intellect, which
16 I'm sure is very high, do you know what I mean when I say
17 to you that I want you to understand something?

18 A Yes, I think I would. I think that if you
19 conveyed to me that you wanted me to understand the ramifica-
20 tions of a certain act or deed that I would perform, on
21 that level I think I could understand you.

22 Q Now, if I said to you that I wanted you to under-
23 stand me and I gave you a test on the information I wanted
24 you to understand, and there were ten questions on my test,
25 what do you think would constitute adequate display of your

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1 level of understanding?

2 Would you need to get all ten of ten, or do you
3 think seven of ten would be acceptable?

4 A Well, as the instructor, I would have to first
5 arbitrarily set up a level of what I considered mastery of
6 the subject matter. If I considered successfully responding
7 to seven out of ten as mastery and then you did respond to
8 seven or more, then I would consider you had mastered the
9 subject matter.

10 Q The problem I guess in my questions to you is
11 that when I said simply to you that I wanted you to under-
12 stand without telling you the standard of performance,
13 there is no way for you to know exactly what I, as the
14 instructor, mean by saying display your understanding,
15 is there?

16 A That's a fair assessment. You might, or I might,
17 use different words. But, as I said, I think much of that
18 would depend upon the level of intellect of both the learner
19 as well as the teacher.

20 Q And if I said to you, Mr. Babb, that I wanted
21 you to display to me your level of understanding and you did
22 so by sitting in your chair and telling me what your level
23 of understanding was, and then I told you that I considered
24 that unacceptable because I meant for you to be standing
25 when you gave me your answer, the problem then would be

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1 because I haven't set forth the conditions under which I
2 wanted you to respond to my instruction to you; wouldn't
3 that be fair to say?

4 A In that particular case, you had not been specific
5 enough in that particular situation that you just indicated.

6 Q And that's the problem with the words "to
7 understand?"

8 A It can be a problem with them. Yes, sir.

9 Q Let's go on to Page -- well, looking still on
10 Page 85, when you say, Mr. Daverio, at the bottom of the
11 page that American Red Cross personnel are trained by the
12 Red Cross to perform these duties, you are talking about
13 setting up relocation centers?

14 A (Witness Daverio) That's correct.

15 Q Is it your testimony that the American Red
16 Cross routinely sets up relocation centers?

17 A The Suffolk County Chapter in the last couple
18 of months has done it somewhat routinely. It depends on
19 the weather conditions and other things that are happen-
20 ing.

21 Q Where did they set up in the last couple of
22 months, Mr. Daverio?

23 A They were set up a number of times. They were
24 set up in Riverhead when they had the floods a couple of
25 months ago. I happen to be on the Board of Directors of

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1 the Red Cross so I know somewhat when they were set up.
2 They -- we started to set one up because the Asharoken Road
3 out to Eatons Neck washed out and the children who live on
4 Eatons Neck happen to go to school on the mainland and
5 couldn't get back home. So the Red Cross did start to set
6 up a relocation center, though the road was cleared prior
7 to them having to stay overnight.

8 I think they set up relocation centers during the
9 Grucci explosion also. So, there are three examples during
10 this year I think they have done already.

11 Q Mr. Daverio, the LILCO plan, maybe it's in
12 Appendix A of the LILCO plan, sets forth the number of
13 members of the public which could respond to an emergency
14 at Shoreham by going to the public relocation centers;
15 isn't that correct?

16 A We give a conservative estimate, in my opinion.

17 Q Can you tell me approximately what that estimate
18 is?

19 MS. MONAGHAN: Objection. It's beyond the scope
20 of the contentions.

21 JUDGE LAURENSEN: Aren't we getting into the next
22 area where the testimony is supposed to be filed today on
23 relocation centers?

24 MR. MILLER: Judge Laurenson, all I'm trying to
25 get at is this aspect of the experience of the Red Cross in

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1 setting up relocation centers. And it's going to be very
2 brief.

3 I'm not going into the details of relocation
4 centers. We have to discuss training of the Red Cross
5 now. Or, I will be glad to wait until relocation centers,
6 but I don't want to hear an objection then that we should
7 have done it in training.

8 JUDGE LAURENSEN: The question is, what is the
9 relationship between the training and the question you have
10 asked as to the number of people who are expected to be at
11 a relocation center?

12 MR. MILLER: The relationship is that I want to
13 ask Mr. Daverio if he knows of any instances where the
14 Red Cross has set up and had to man relocation centers --
15 listen to my question, Mr. Daverio, and I won't have to
16 repeat it -- for as many people as would perhaps have to
17 respond to those centers during an emergency at Shoreham.

18 JUDGE LAURENSEN: All right. I think that's a
19 relevant area of inquiry.

20 The objection is overruled.

21 WITNESS DAVERIO: Yes.

22 BY MR. MILLER: (Continuing)

23 Q What is the number approximately in the plan?

24 A The approximate number, given my recollection,
25 is somewhere between twenty to thirty thousand. Someone

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here may have a better number.

2 Q Now, to your knowledge, has the Suffolk County
3 Red Cross set up a manned relocation center for which
4 twenty to thirty thousand people have gone for care by the
5 American Red Cross?

6 A I don't think the Suffolk County Chapter has,
7 but the Red Cross is a national organization and they would
8 pull in from the district office if they had to. I mean
9 this district office responds to Indian Point also, which
10 would have potentially a larger number.

11 Q Well, when you talk about training in your
12 testimony for the American Red Cross, you are talking about
13 the Suffolk County Red Cross, aren't you?

14 A It doesn't say Suffolk County. They would be
15 the prime response. It says American Red Cross; it's the
16 organization. The Suffolk County Chapter has the ability
17 to get additional resources.

18 In the case of the Eatons Neck, Asharoken Road,
19 washout we actually did get some cots from the New York
20 Chapter for those students.

21 Q Do you know, Mr. Daverio, how quickly the Suffolk
22 County Red Cross could get support from other chapters or
23 the district office of the Red Cross?

24 end #5
25 Joe flws

1 A I don't have an exact estimate. I know the
2 Red Cross maintains a large mobile van. I believe all the
3 different -- large truck that carries the equipment. I
4 don't have an exact time estimate, but we are in an area
5 where the Red Cross in this district is New York City,
6 which isn't too far away, so I wouldn't think it would
7 be extremely long.

8 Q Mr. Daverio, would you state that -- well, let
9 me ask you this. You say: Unlike the Coast Guard, the
10 assistance given by the Red Cross in setting up relocation
11 centers does not require Red Cross personnel to go into the
12 EPZ, and therefore, does not require that Red Cross
13 personnel receive training about radiation.

14 Do you see that?

15 A Yes, I do.

16 Q Couldn't evacuees, Mr. Daverio, in the event of
17 an emergency at Shoreham, arrive at relocation centers
18 contaminated?

19 A They would go to a monitoring and decon center
20 first before they get to the relocation center.

21 Q The monitoring and decontamination centers under
22 the LILCO Plan would be set up at the relocation centers
23 though, wouldn't they?

24 A In the same geographic area. It wouldn't be in
25 the same building.

1 Q So, you would see no reason because the members
2 of the public would be required or instructed to go to
3 a separate building, although at the same location, you
4 would see no reason for Red Cross personnel to have training
5 regarding aspects of radiation?

6 A It is not required. If they would request it,
7 we would provide it, of course.

8 Q Mr. Daverio, the American Red Cross under the
9 LILCO Plan is the -- I think this might be a quote: The
10 lead agency responsible for the total operation of the
11 relocation centers, close quote.

12 And I think that comes from the Plan at 4.2-1.
13 Does that sound right to you?

14 A I can't swear it is a quote, but it sounds
15 right.

16 Q They are the lead agency responsible for the
17 total operation of the relocation centers?

18 A That is how the Red Cross always does it.

19 Q And that is how your plan does it, correct?

20 A That is correct.

21 Q Do you think, Mr. Daverio, as the lead agency
22 with total responsibility, that the American Red Cross
23 need not be aware of LERO activities that would be taking
24 place within their areas of responsibility?

25 A If you are asking me about monitoring --

1 Q Well, I am asking about with respect to any
2 LERO activities that would take place within the areas of
3 responsibility of the American Red Cross.

4 A We have a place at the EOC for Red Cross
5 representative to coordinate with LERO.

6 Q But with respect to the Red Cross personnel at
7 the relocation centers, are you saying that you would
8 see no need for those Red Cross personnel to be aware
9 of LERO activities which may be taking place within the
10 areas of responsibility of the Red Cross as the lead
11 agency responsible for total operation of the relocation
12 centers?

13 A There are none.

14 Q And that, you say, is because the decontamination
15 and monitoring is, in all cases, done in a separate
16 building?

17 A Or area. It is my understanding the Red Cross'
18 national policy is that they do not do monitoring and
19 decon. That is not part of their charter.

20 Q Now, under the LILCO Plan, Mr. Daverio, who
21 provides security for the relocation centers?

22 A Within the confines of the relocation center
23 itself, the Red Cross. We provide security to move people
24 through monitoring and to decon and in the parking lot.

25 Q And you would say, Mr. Daverio, that security

1 functions performed by LERO would, therefore, fall outside
2 the scope of area of responsibility of the American Red
3 Cross as the lead agency for the total operation of the
4 relocation centers?

5 MS. MONAGHAN: Objection. I think this is
6 getting beyond the scope of the contention in the testimony.

7 JUDGE LAURENSEN: Sustained. You are beyond
8 training now. You are well into the operation of the
9 relocation centers, which is the subject of the Contention
10 that we have scheduled testimony on for today.

11 MR. MILLER: That is fine. We will come back
12 to this when we talk about relocation centers, but I don't
13 expect to hear objections that we are talking about training
14 then when we are talking about relocation centers.

15 JUDGE LAURENSEN: I don't know what you are
16 going to hear, but the questions you are asking now don't
17 deal with training. That is why I sustained the objection.

18 MR. MILLER: Well, the questions deal with
19 training offered to the American Red Cross.

20 JUDGE LAURENSEN: Not your question. The
21 question you asked, the last one to which I sustained the
22 objection, had nothing to do with training.

23 BY MR. MILLER: (Continuing)

24 Q Tell me, Mr. Daverio, isn't it true that under
25 the LILCO Plan that if the Red Cross would request additional

1 security at the relocation centers, that security would
2 be provided to the relocation centers by LERO?

3 MS. MONAGHAN: Objection. It is beyond the
4 scope of the training contentions.

5 JUDGE LAURENSEN: Sustained.

6 BY MR. MILLER: (Continuing)

7 Q Looking at Page 87, Mr. Daverio, Contention 99.C,
8 Question 73 says that -- Contention 99.C alleges that the
9 LERO classroom training sessions have been conducted by
10 individuals who are not experienced in, or knowledgeable
11 about the subject areas they are assigned to teach.

12 And the question is posed: Does this present
13 a problem in the LERO training program.

14 Do you see all that?

15 A I see the question.

16 Q Now, regardless of whether, in your opinion,
17 this presents a problem to the LERO training program, do
18 you agree with Contention 99.C that the sessions have been
19 conducted by individuals who are not experienced in, or
20 knowledgeable about the subject areas they are assigned
21 to teach?

22 A Not as a generalization, no.

23 Q Not as a generalization. Do you have any
24 reason to believe, Mr. Daverio, that in some cases instructors
25 that have been used in the LERO training program are, in

1 fact, not experienced in or knowledgeable about the subject
2 areas they are assigned to teach.

3 A Under my definition of experienced, they were
4 experienced and knew the LERO procedures and what we
5 were trying to get across to them, so I would say I don't
6 think there was.

7 Q Well, let me come back to that. But first,
8 when you said not as a generalization then, what did you
9 mean?

10 A Because your question was very broad. I wasn't
11 sure what you were getting at. When you refined it, I
12 knew what you wanted. And when you used the word, 'experienced
13 under my definition I think they are.

14 Q And your definition of 'experienced' would be
15 they were familiar, or had read the LERO procedures?

16 A Some of them may have wrote them, and there were
17 some classes that we thought it was important to have
18 someone who might be familiar with a piece of equipment,
19 particularly in radiation protection, and we looked for
20 special individuals in that case.

21 Q Mr. Daverio, you are telling me that if, for
22 example, an instructor in the LILCO training program had
23 read procedures regarding security procedures, that that
24 instructor, therefore, became knowledgeable about the
25 subject area of security and how to perform security

1 functions?

2 A For LERO, yes.

3 Q When it is stated in Answer 73, Mr. Daverio,
4 that with the exception of the classes for traffic guides,
5 the video tapes and workbooks provide the detailed
6 substantive information that the trainees are to learn,
7 what is the source of this detailed substantive information?

8 MS. MONAGHAN: Objection. The question is
9 vague and ambiguous as to what Mr. Miller means by, 'source.'

10 MR. MILLER: I mean who prepared the video
11 tapes and workbooks.

12 JUDGE LAURENSEN: With that qualification, the
13 objection is overruled.

14 WITNESS DAVERIO: I am not sure I understood
15 the clarification. Could you repeat the question?

16 BY MR. MILLER: (Continuing)

17 Q I mean, who prepared the video tapes and workbooks?

18 A (Witness Daverio) IMPELL, and people within the
19 LERIO staff.

20 Q And, is it your testimony, Mr. Daverio, that
21 the persons who prepared the video tapes and workbooks
22 were knowledgeable about, and able to provide the detailed
23 substantive information that the trainees of the LERO
24 organization need to learn?

25 A Yes.

1 Q You start -- there is a response that carries
2 over to page 88 -- Mr. Varley, perhaps I should ask you
3 this. It says: For the classroom sessions that have been
4 conducted to date, using the video tape format, each
5 instructor was prepared for the class session prior to
6 entering the classroom for the actual presentation.

7 Do you see that?

8 A (Witness Varley) Yes, I see that.

9 Q Let me just get a clarification first. Are
10 you saying in this testimony, Mr. Varley, that for class
11 sessions not using video tape formats, instructors were
12 not prepared beforehand?

13 A Any class sessions that may have been conducted
14 without video tapes, to the best of my recollection, would
15 have only been in two instances where the workbooks were
16 to be taken by the particular students to their work
17 location, or to their home location, to be completed.

18 Q So, in that case there were no instructors?

19 A That is correct.

20 Q Now, looking at Answer 74, there is a question:
21 How were the instructions prepared; and then you give
22 a general description, Mr. Varley, as to how that preparation
23 was done, and you say: Prior to conducting a classroom
24 training session, each instructor attended a preparation
25 session. The preparation sessions consisted of the

1 instructor viewing the video tape, reading the applicable
2 workbook, and fielding typical questions to demonstrate
3 familiarity with the material.

4 Do you see that?

5 A Yes, I do.

6 Q Now, are you saying in this answer, Mr. Varley,
7 that these things were done during the preparation sessions?

8 A Yes, they were.

9 Q Mr. Varley, do you recall at your deposition
10 being asked about these things?

11 A I do.

12 Q Now, give me a second, please.

13 (Pause)

14 Do you recall, Mr. Varley, there was a discussion
15 about the preparation sessions for the instructors. If
16 you have your transcript from your deposition, I am
17 looking at page 118.

18 A No, I don't have a copy of that.

19 Q And there is a question: Would you tell me
20 again what it is that took place.

21 Talking about these preparation sessions.

22 And you say: We essentially had a meeting that
23 involved going over the material that was to be presented
24 in the classroom for that time. The instructors were --
25 the instructors had seen the video tapes and the workbook

1 modules previous to the meeting.

2 Now -- and then on the next page, Mr. Varley,
3 following up on that, to make sure there was a clear
4 understanding at your deposition, the question was posed:
5 As part of the preparation, sir, instructors at this
6 preparatory meeting that you attended spent some time
7 dealing with video tapes and workbooks.

8 And your answer: Prior to coming to the
9 meeting.

10 Question: They had viewed the tapes prior to
11 the meeting.

12 Answer: Yes.

13 A I think what you are confusing is two different
14 sessions. The preparation sessions that we are talking
15 about in our testimony here are preparation sessions that
16 were conducted by Mr. Bahr in the INPELL offices with
17 instructors before they went out.

18 I believe what you are referring to in my
19 deposition is my discussion with you about further meetings
20 that went on prior to the initial round of training
21 sessions, where Mr. Weismantle, from LERIO, requested that
22 the instructors come and meet with him and have discussions
23 to ensure in his mind that the instructors were prepared
24 prior to going out into the field. I believe, not seeing
25 the deposition and being able to go through it, that, that

1 is probably the passages that we are talking about when
2 you quote my deposition.

3 Q Why don't you take a look at those pages during
4 the break. I believe you are wrong. The pages would
5 be pages 95 to 97, and 118 to 119.

6 A Fine.

7 Q But in any event, Mr. Varley, sitting here today,
8 your statement is that these video tapes and workbooks were
9 reviewed, read, viewed, by the instructors for the LILCO
10 classroom sessions during the preparation sessions referred
11 to in Question 74.

12 A That is correct.

13 MR. MILLER: Why don't we take the break now,
14 Judge Laurenson.

15 JUDGE LAURENSEN: All right. We will take the
16 morning recess now.

End 6. 17

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1 JUDGE LAURENSEN: The hearing is resumed.

2 Mr. Miller?

3 MR. MILLER: Judge Laurenson, before we resume,
4 let me just state that under the NRC rules, it appears
5 pretty clear that in connection with an offer of proof,
6 any written evidence should be marked for identification.
7 In fact, the rule says, in 2.743(e), "If the excluded
8 evidence is written, a copy shall be marked for identifica-
9 tion."

10 I guess I should at this time then just offer
11 into the record the written comment sheets that I
12 referred to yesterday and made offers of proof on yesterday
13 during the course of the day and after the hearing had
14 been recessed for the evening.

15 I would like to mark them for identification.

16 JUDGE LAURENSEN: You can give them to the
17 court reporter during the next recess. As long as they
18 are referred to, and they will become part of the record.
19 They won't be bound in the transcript, of course.

20 MR. MILLER: I need to identify them as well
21 as mark them. Do you want me to just do that to the court
22 reporter?

23 JUDGE LAURENSEN: Yes.

24 MR. MILLER: Would the Board like copies of
25 the documents?

1 JUDGE LAURENSEN: These are the same observer
2 comments again?

3 MR. MILLER: Yes, sir.

4 JUDGE LAURENSEN: Somehow we are not communicating,
5 I think, Mr. Miller. I think we have said it several
6 times before. The bottom line is that in our view,
7 this evidence that you want to put in is just not important
8 to this part of the case. It doesn't prove the county's
9 contention.

10 And we have talked before of all the reasons.
11 We have talked about the fact that licensing hearings
12 are not to be bogged down in implementing details, and
13 we feel that the individual observer comments that the
14 county is attempting to put into evidence here are just
15 not important evidence to have in the case without
16 further refinement.

17 And that is what we have told you.

18 MR. MILLER: Yes, sir. I don't mean to
19 interrupt. I am not trying to reargue my position. I
20 don't think there is a need to and I don't feel compelled
21 to, even in light of your statements just now.

22 I would just note for the record, my arguments
23 have been made and I think they are on the record.

24 I was asking, as a housekeeping matter, how
25 you wanted to do this.

1 JUDGE LAURENSEN: I think you can just give
2 them to the court reporter. That is what you want to
3 make your record on.

4 BY MR. MILLER:

5 Q Mr. Varley, would you agree with me that with
6 respect to preparation of instructors for the classroom
7 training sessions, it was important for purposes of
8 determining whether those instructors had reviewed the
9 materials to be used in the classes prior to the instructors
10 actually teaching the classes?

11 A (Witness Varley) If I understand your
12 question correctly, was it important that the instructors
13 reviewed the material before going into the classroom,
14 yes, I think that is important.

15 Q How was it, Mr. Varley, that IMPELL or LILCO
16 made the determination that the materials, such as the
17 workbooks and video tapes, had indeed been reviewed by
18 instructors prior to their teaching their classes?

19 A As I believe I discussed earlier this week,
20 another IMPELL employee, the project engineer for this
21 project, Mr. Dennis Behr, personally saw to it that each
22 instructor that was sent into the field spent time reviewing
23 the workbook, reviewing the video tape, reviewing the
24 procedures that applied to the particular session being
25 conducted, that he quizzed the individual, talked with him

1 about the proper conduct in the classroom, the lesson
2 plan outline as to the sequence of events that was to be
3 done, et cetera, prior to their being put into the field
4 to do this type of training.

5 Q Mr. Varley, what you are referring to is the
6 testimony presented in response to question 74; is that
7 correct?

8 A That's correct.

9 Q As you have said, I think earlier, it is your
10 testimony that these things, reviewing the video tapes
11 and reading the workbooks, were indeed done during the
12 preparation sessions conducted by Mr. Behr; is that
13 correct?

14 A Conducted by Mr. Behr at IMPELL, that is correct.

15 Q Before the break, Mr. Varley, I asked you about
16 some testimony given by you at your deposition and, if
17 I understand your response, you told me that you thought I
18 was confused between sessions conducted by Mr. Weismantle
19 and sessions conducted by Mr. Behr?

20 A That's correct.

21 Q Did you have a chance to look at the pages that
22 I referred you to in your transcript?

23 A Yes. And they confirmed what I told you earlier.

24 Q Could you point me where in the transcript
25 Mr. Weismantle's name appears in connection with preparation

1 of the classroom instructors?

2 A There is no place where Mr. Weismant's name
3 appears.

4 Q Could you tell me, Mr. Varley, do you have a
5 copy of your transcript now in front of you?

6 A Yes, I do.

7 Q Could you open up to page 95?

8 A I have it.

9 Q Do you see the question, "What did instructors
10 do to prepare for classes?" and your answer, "I wasn't
11 involved in that end of it. Dennis Behr assigned
12 instructors and was responsible for preparing instructors
13 and making sure instructors were in the right place at
14 the right time for the training classes."?

15 A That's correct.

16 Q The material from your deposition, your statements
17 given at your deposition that I referred to before the
18 break, follow immediately after that discussion regarding
19 Mr. Behr's involvement in the preparation of instructors
20 for teaching their classes, doesn't it?

21 A Would you repeat that question?

22 Q The questions I asked you before the break,
23 regarding preparation of instructors to insure that they
24 were knowledgeable about training materials to be used
25 in the classroom sessions, those questions and your statements

1 at your deposition follow immediately after the statement
2 that we just read in which you talk about Mr. Behr's
3 involvement; isn't that true?

4 A I'm sorry. I can't follow your line of questioning.

5 MR. MILLER: Judge Laurenson, I think the
6 easiest thing to do is, we will just offer in the pages
7 from the transcript. I will have those copied during the
8 next break.

9 BY MR. MILLER:

10 Q Let's look at question and answer 74 on page 88 --

11 MS. MONAGHAN: Judge Laurenson, we are going to
12 object to the offer of those pages into the transcript.
13 He has not given -- I don't know whether Mr. Miller
14 considers this an adequate foundation for admission of
15 those into the transcript. I do not.

16 If he wants those pages admitted, he has to
17 lay a foundation with Mr. Varley as to how Mr. Varley
18 interprets the particular line of questioning that
19 went on in the transcript.

20 MR. MILLER: That is not at all the standard,
21 Judge Laurenson. I am offering these pages, I will offer
22 these pages for purposes of impeachment of Mr. Varley's
23 testimony.

24 MS. MONAGHAN: That is the standard, Judge
25 Laurenson. Where it concerns a written document, you have

1 to permit the witness to review the document and give the
2 witness an opportunity to explain the statements in the
3 written document in order to lay a foundation for impeachment,
4 as I understand the rules of evidence.

5 MR. MILLER: Judge Laurenson, yesterday we talked
6 about Mr. Varley's deposition. I will present to the
7 Board the pages from his deposition. I will present to
8 the Board the page signed by Mr. Varley, indicating that
9 his deposition was true and accurate to the best of his
10 knowledge and belief, and those pages will indicate a
11 direct conflict with the testimony set forth on page 88 of
12 the LILCO testimony.

13 That is the standard for impeachment.

14 JUDGE LAURENSEN: Since we don't have the pages
15 right now, we will just have to defer this until later.
16 We will hear argument at that time as to whether this
17 excerpt from Mr. Varley's deposition should be admitted.

18 BY MR. VARLEY:

19 Q Mr. Varley, where you state in answer 74 that
20 "Among other things, at these preparation sessions the
21 instructors fielded typical questions to demonstrate
22 familiarity with the material" -- first of all, do you
23 see that?

24 A Yes, I do.

25 Q You talk in there, I think, about the material

1 given to the LERO trainees, correct? Familiarity with
2 the material given to the LERO trainees?

3 A Yes.

4 Q Now, do you mean to say, Mr. Varley, that in
5 your opinion any person who views the video tapes and reads
6 the applicable workbooks before going into a classroom
7 would be qualified under the LILCO training program to
8 teach the classroom sessions?

9 A My definition of qualified is prepared to
10 present the material in the proper sequence as outlined
11 in the lesson plan and have knowledge of the material
12 being presented to be able to answer questions that may
13 arise in the classroom.

14 Yes, those instructors are qualified.

15 Q If, for example, I were to review the materials,
16 review the video tapes and review the workbooks, I could
17 go into a LILCO training class and be qualified, in your
18 opinion, to teach the material to the LERO personnel?

19 A If you were to have discussions with Mr. Behr
20 and if he found that you were adequate to perform that
21 function, yes.

22 Q It is your testimony, Mr. Varley, that in every
23 instance, all and every instructor was quizzed, as you say,
24 by Mr. Behr before those instructors taught the LILCO
25 training classes?

1 A I have spoken personally with Mr. Behr on
2 that particular subject, and he assures me that that, in
3 fact, did happen.

4 Q Do you know, Mr. Varley, if Mr. Behr would be
5 considered as having subject matter expertise with respect
6 to all the areas of training given to LERO personnel in
7 the classroom settings?

8 MS. MONAGHAN: Objection. It is not relevant
9 and it is beyond the scope of contentions. The issue
10 here is whether those persons who were actually in the
11 classroom were qualified.

12 JUDGE LAURENSEN: The objection is overruled.

13 WITNESS VARLEY: Mr. Behr was involved in the
14 development process of the video tapes and the
15 workbooks for IMPELL. He was also intimately aware of
16 what was going on with LERO as the project engineer for
17 the contracts that IMPELL had with LILCO. And in that
18 respect, I would say that Mr. Behr was qualified.

19 BY MR. MILLER:

20 Q Are you saying, Mr. Varley, that Mr. Behr was
21 himself qualified in the same respect that instructors
22 were qualified -- that is, by having reviewed the
23 video tapes and the workbooks?

24 A And also familiarity with the LERO program.

25 Q When you say in answer 74, Mr. Varley, that

1 these instructors fielded these typical questions to
2 demonstrate familiarity with the material, do you know
3 what criteria or standards were used by Mr. Behr to
4 determine whether the demonstration made was indeed an
5 adequate demonstration?

6 A That was Mr. Behr's opinion.

7 Q It was based on Mr. Behr's judgment?

8 A That's correct.

9 Q At the bottom of page 88, Mr. Varley, there
10 is a discussion about the lesson plans used in the LERO
11 training program. This is in response to question 75.

12 Do you see that?

13 A Yes, I do.

14 Q The answer starts, "The lesson plans in the
15 LERO training program are not designed to perform the
16 same function that one normally associates with lesson
17 plans."

18 Do you see that?

19 A Yes, I do.

20 Q What functions in your opinion, Mr. Varley, does
21 one normally associate with lesson plans?

22 A Typical concept, I believe, that most instructors
23 or educators or whatever term you desire to use have for
24 a lesson plan are structured more for a classroom setting
25 where you are trying to present material to the students

1 through an instructor being the source of knowledge and
2 the source of the information.

3 As such, you would like the lesson plans in
4 that case to be detailed and outline the specific topics
5 to be covered and the points that the instructors are to
6 make in the classroom session.

7 In the case of the LERO training program, the
8 instructor is not, in fact, the primary instructional
9 source. That is the video tape and the workbook. And
10 those instructional sources were developed by people who
11 were familiar and cognizant of the information that was
12 to be presented through the video tape and the workbook.

13 In that sense, it was not necessary for the lesson
14 plans that the instructor had in front of him to have
15 that detailed, specific knowledge of each item that was
16 covered in the video tape and in the workbook.

17 Q Mr. Varley, can you tell me, were there any
18 controls of any kind to insure whether the lesson plans
19 were used or followed by the classroom instructors in the
20 LILCO training program?

21 A I would like you to give me a definition of
22 controls.

23 Q Well, did IMPELL or LILCO do anything to
24 determine whether the instructors used and followed the
25 lesson plans for the classroom sessions?

1 A I believe as we discussed earlier, there were
2 different opportunities where people went into the classroom
3 sessions to observe the conduct of those sessions.

4 Q Mr. Varley, are you saying that these --
5 let's back up and make sure we have a clear understanding
6 as to what you have told me before.

7 With respect to the people like yourself going
8 in and sitting in on some of the classroom sessions, that was
9 done on a random basis; is that correct?

10 A That is correct.

11 Q You did that from time to time and Mr. Daverio,
12 I think, said he did that from time to time.

13 A I believe that is what we indicated earlier, yes.

14 Q I think you indicated earlier also that Mr. Behr
15 from time to time did that?

16 A Yes, I believe so.

17 A (Witness Daverio) I think we also indicated
18 Mr. Weismantle, who is my boss, is a LERO member and actually
19 sat through all the training sessions. So he did monitor
20 them also.

21 Q On a random basis, by sitting in on the classrooms,
22 portions of the classroom sessions, you were able to
23 insure that lesson plans were being followed; is that correct?

24 A (Witness Varley) We were able to do that in
25 the instances where we were there, yes. We have no reason

1 to believe that an instructor would not follow the lesson
2 plan format.

3 Q I understand that.

4 A It is straightforward. It is detailed. It is
5 not difficult to follow. It is merely the format that
6 we wish them to conduct the classroom session in.
7 It is straightforward. I don't believe there is any reason
8 why an instructor would not follow it and it is not
9 difficult to follow. It is not a complicated process.

10 Q I am not asking about whether you believe that
11 they would not. I am asking whether there was any
12 measures to determine whether they did.

13 Mr. Daverio, in the classroom sessions, portions
14 of the sessions that you sat in, when you went in or
15 at any time while you were there, did you always have
16 a copy of the lesson plan for that session?

17 A (Witness Daverio) No, I did not.

18 Q Did you ever have a copy of the lesson plan
19 for the session?

20 A No. But I had a general familiarity with the way
21 the classroom was structured and to be given.

22 Q Mr. Varley, when you went to your classroom
23 sessions or portions of classroom sessions, did you always
24 have a copy of the lesson plan for the session?

25 A (Witness Varley) No, I didn't feel it was

1 necessary.

2 Q Did you ever have a copy of the lesson plan for
3 the session?

4 A No, I didn't.

5 Q Now, going to page 89, there is a statement,
6 "The reason lesson plans were not designed to cover all of
7 the substantive information that is to be conveyed during
8 the classroom training session is that the video tapes
9 and workbooks are the primary informational, instructional
10 tools."

END 7

11 Do you see that, Mr. Varley?

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1 A (Witness Varley) Yes, I do.

2 Q Mr. Varley, under the LILCO training program
3 you would agree, wouldn't you, that the instructors are
4 one source of information to be provided to the LERO
5 personnel?

6 A Source of information in the form of clarifica-
7 tion of questions that the students may have.

8 Q So you would agree that they are a source of
9 information to the LERO personnel?

10 A To that extent, yes.

11 Q Now, Mr. Varley, in Answer 75 at the end you
12 cite Attachments 8 through 9, 26 and 27. And I take it
13 from the contents of the answer that you are citing these
14 documents as lesson plans used by instructors; is that
15 correct?

16 A If you would give me a moment to look at those.
17 (Witness is looking at documents.)

18 They are examples of the lesson plans that we
19 have been referring to.

20 Q Mr. Varley, look at the end of the testimony,
21 there is a listing of attachments. And it indicates,
22 doesn't it, that there are other attachments which are,
23 in your opinion, lesson plans, for example, Attachments 11
24 and 12. Would those be lesson plans?

25 A Yeah. I believe that's why we put at the

#8-2-SueT

1 beginning of this, it says "See generally Attachments."

2 Q Now, would you look at Attachment 11?

3 A (Witness complying.)

4 Q Attachment 11, Mr. Varley, says at the top,
5 "Lesson Plan 1, Emergency Preparedness Overview, General
6 Knowledge." But what Attachment 11 appears to be to me
7 is the script for the video tape.

8 Is that what it is?

9 A I'm still trying to locate it. Yes, it appears
10 that Attachment 11 is script for a video tape.

11 Q And Attachment 12, Mr. Varley, that's a script
12 also, isn't it, for a video tape?

13 A That's correct.

14 Q Now, do you consider video tape scripts to be
15 lesson plans?

16 A No, I don't.

17 Q They say lesson plans, don't they?

18 A They say lesson plans where?

19 Q Well, look at the top of Attachment 11.

20 It says lesson plan.

21 A That's probably an error in terminology.

22 Q And the same would be true for Attachment 12 then,
23 I take it?

24 A Yes.

25 Q Well, Mr. Varley, are these Attachments 11 and

#8-3-SueT

1 12 examples of the kinds of lesson plans that were used by
2 instructors in conducting their classroom sessions?

3 A I guess in the sense that you could consider
4 the use of the video tape as part of the instructional
5 format.

6 Q Mr. Babb, you did some lesson plans, didn't you,
7 also for the traffic guide training?

8 A (Witness Babb) Yes, I did.

9 Q And I think they are mentioned later in the
10 testimony. They are Attachments 23 and 24 to the testimony.

11 Is that right?

12 A 23 and 24, correct.

13 Q Now, would you look at Attachment 23, Mr. Babb?

14 A Yes.

15 Q It's fair to say, isn't it, that Attachment 23
16 and Attachment 24 are really the same, the difference being
17 one was for the drills conducted during the daytime and
18 one for the drills conducted during the night?

19 A With that differentiation, I would say yes.

20 Q Now, in Attachment 23, Mr. Babb, you have a
21 variety of information set forth. You have got the learn-
22 ing materials that you are going to use. Those would be
23 the same as resource materials; isn't that correct?

24 A Yes.

25 Q And you have specific instructional objectives

#8-4-SueT

1 set forth, correct?

2 A Yes, that is correct.

3 Q And you have testing techniques set forth?

4 A Yes, that is correct.

5 Q And in these testing techniques, Mr. Babb, you
6 define what will be the standard of proficiency in determin-
7 ing whether a traffic guide has met the conditions of your
8 drill for the traffic guides; is that correct?

9 A Yes, that is correct.

10 Q And, in fact, you set forth the criteria for
11 passing the training program by saying that the traffic
12 guide must achieve an S or a satisfactory grade; is that
13 correct?

14 A Yes, that is correct.

15 Q And you go on to describe in some detail the
16 training activities for what should be accomplished during
17 your drill; is that correct?

18 A Yes, that is correct.

19 Q And, indeed, Mr. Babb, you describe the training
20 site for the drill; is that correct?

21 A Yes, that is correct.

22 Q And provide diagrams of the training site; is
23 that correct?

24 A Yes, that is correct.

25 Q Now, Mr. Babb, have you reviewed any of the other

#8-5-SueT

1 lesson plans used by LERO in training LERO personnel?

2 A The only one that I reviewed was what we refer
3 to as Training Session Number One, dealing with the traffic
4 guides that was developed by Mr. Howard Krieger. That's
5 the on_y other one I have ever reviewed.

6 Q What was your opinion, Mr. Babb, of that lesson
7 plan?

8 A I found it to be a good one as an orientation,
9 as a general overview of what the responsibilities and
10 duties of the traffic guides would be.

11 Q And that particular lesson plan you are referring
12 to, Mr. Babb, is Attachment 22 to the testimony; is that
13 correct?

14 A That is correct.

15 Q Mr. Babb, do you think -- let me ask you, do
16 you have Attachment 22 in front of you?

17 A I'm going to check right now and see if it's
18 right in front of this Attachment 22 here in this book I
19 have.

20 (Witness going through documents.)

21 Yes, I have it here now.

22 Q Now, Mr. Babb, in Attachment 22 did Mr. Krieger's
23 lesson plan set forth the resource materials to be used?

24 A I see on Page 1, instructional aids which I
25 imagine you are referring to as resource aids.

#8-6-SueT

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Q Well, would you consider those instructional aids to be resource materials?

A Yes, I would.

Q Now, does Mr. Krieger's lesson plan set forth, as you did in your lesson plan, specific instructional objectives?

A He has general instructional objectives on Page 1, A and B.

Q Do those objectives, Mr. Babb, in your opinion, tell the student trainee what they should be able to do in specific terms?

Don't those objectives, in fact, describe the process of instruction more than the result of the instruction?

A They are general instructional objectives, yes.

Q Describe the process of instruction, don't they?

A Yes.

Q Do you see anywhere, Mr. Babb, in Attachment 22 the testing techniques and the criteria for determining whether trainee's perform adequately?

A Well, through the body of this material there are references to what the learner will be doing. For example, placement of cones, position of traffic guide in roadway, signaling, hand and whistle. So, it's interspersed

#8-7-SueT

1 generally throughout the entire body of the material.

2 Q Yes, sir. Would you agree with me that in
3 Mr. Krieger's lesson plan it's nowhere described though
4 how the trainee will do the training activities that are
5 to be performed?

6 A Well, the only response that I could make to
7 that, Mr. Miller, would be that perhaps Mr. Krieger intend-
8 ed to demonstrate these through actual application.

9 Q Yes, sir.

10 A And he didn't specify it here. And that would
11 be another learning method, of course, to demonstrate.

12 Q Yes, sir. But it's not set forth in the lesson
13 plan, is it?

14 A Well, it's set forth in this respect, to start
15 traffic, stand aside toward traffic to be put in motion.
16 That's on Page 6 of 10. Now, if that would be supplemented
17 by other stimuli then I will have to presume that that is
18 there.

19 Q Have you reviewed any of the other lesson plans,
20 Mr. Babb? Have you seen any of the other lesson plans
21 used in LERO training?

22 A Other than this one, no.

23 Q Mr. Babb -- Mr. Varley, would you be kind enough
24 to show Mr. Babb Attachment 11 or 12, if you have that?

25 A (Witness Varley) Okay.

#8-8-SueT 1

Q 11 or 12, Mr. Babb. Do you have those?

2

A I'm on Attachment 11.

3

Q Okay. Do you see that?

4

A The first page, Lesson Plan One?

5

Q Yes, sir. And that's what I think Mr. Varley

6

and I were just discussing. And it says --

7

(The witness, Dr. Cordaro, approaches and

8

confers with the witness, Mr. Babb.)

9

MR. MILLER: Excuse me, Dr. Cordaro. Are you

10

going -- excuse me, Dr. Cordaro, do you need to discuss

11

things with the witness?

12

WITNESS CORDARO: No. I'm just showing him

13

where Attachment 11 and 12 are referred to. You asked

14

us to assist him.

15

MR. MILLER: I thought he told me he had it.

16

BY MR. MILLER: (Continuing)

17

Q Mr. Babb, looking, just glancing if you would,

18

through Attachment 11 or Attachment 12, do those appear

19

to you to be any sort of a lesson plan?

20

MS. MONAGHAN: Objection. I think Dr. Babb

21

indicated before that he has not previously reviewed

22

Attachments 11 and 12. And I want to lodge a further

23

objection on the grounds that I don't think this detailed

24

inquiry into the contents of lesson plans is relevant,

25

and I don't believe that it provides probative evidence

#8-9-SueT

1 on which this Board is going to decide the issues raised
2 in the contentions.

3 MR. MILLER: Judge Laurenson, the attachments
4 have been offered by LILCO. I have, I think anyone will
5 admit, stayed out of going through the details of attach-
6 ments to this testimony, although they are quite extensive,
7 and in this case with the lesson plans I am trying to do
8 this in a general broad fashion, and I will not be much
9 longer doing so.

10 But I think I have this right.

11 JUDGE LAURENSEN: But this isn't related to
12 any of the specific testimony you are inquiring about now.
13 The attachments referred to on Page 89 are not 11 and 12.

14 What relevance does this have to the questions
15 or the testimony in issue?

16 MR. MILLER: The testimony talks about lesson
17 plans. The cite in the testimony says "See generally."
18 The cite listing of attachments at the end of the testimony
19 sets forth Attachments 11 and 12 as further lesson plans.
20 They are all considered lesson plans by someone who pre-
21 pared this testimony, and the testimony talks about lesson
22 plans.

23 MS. MONAGHAN: If you will look at the listing
24 of the attachments for Attachment 11 and 12, it indicates
25 in parentheses at the back of both of those, that those

#8-10-SueT1

are scripts.

2 MR. MILLER: Yes. It also indicates they are
3 lesson plans, Ms. Monaghan.

4 MS. MONAGHAN: The title on the top of each of
5 those does state Lesson Plan One. The parentheses at the
6 end says Module One Script for 11 and Module Two Script
7 for 12.

8 MR. MILLER: Regardless of what the listing is,
9 Mr. Varley has told me that he considers these to be
10 lesson plans of some sort.

11 JUDGE LAURENSEN: I think we are spending too
12 much time going into the details of these. I don't think
13 that this is going to be important in resolving these
14 training contentions.

15 The objection is sustained.

16 MR. MILLER: Judge Laurenson, your ruling is
17 that my question outstanding is not relevant or probative?

18 JUDGE LAURENSEN: Correct.

19 BY MR. MILLER: (Continuing)

20 Q Mr. Babb, let me ask you a question. Would
21 you consider it a bad practice and something to be avoided
22 in the teaching, training of individuals and the use of
23 lesson plans to misstate information being taught to the
24 trainee or student?

25 MS. MONAGHAN: Objection. It's beyond the

#8-11-SueT 1

2 scope of the contentions. And the County is trying to
3 bring in through the witnesses testimony that was
4 stricken from Suffolk County's own testimony.

5 MR. MILLER: The contention clearly goes to
6 the issue of how to teach people to perform their jobs.

7 I'm asking Mr. Babb if it's something to be
8 avoided if lesson plans used in teaching persons how to
9 perform their jobs, if those lesson plans misstate informa-
10 tion given to the trainee.

11 MS. MONAGHAN: The objection still stands. I
12 believe the contention states it provides insufficient
13 information concerning how trainees are to perform their
14 specific duties and responsibilities, and that's Contention
15 99.G.

16 MR. MILLER: Is Ms. Monaghan trying to make
17 the distinction between insufficient and inaccurate?

18 JUDGE LAURENSEN: I agree with that distinction,
19 though. So I sustain the objection. It's beyond the
20 scope of the contention in controversy here.

21 BY MR. MILLER: (Continuing)

22 Q Let me ask you, Mr. Babb, in your opinion, is
23 inaccurate information sufficient information?

24 A The answer would be no.

25 Q Now, Mr. Babb, with respect to the use of
lesson plans and how to teach persons to perform their

#8-12-SueT

1 jobs, would you agree with me then that setting forth
2 inaccurate information would be a bad practice and a
3 poor teaching technique?

4 MS. MONAGHAN: Objection. It's beyond the
5 scope of the contention.

6 JUDGE LAURENSEN: Sustained.

7 MR. MILLER: Judge Laurenson, the witness has
8 told me that inaccurate information could never be
9 sufficient information.

10 JUDGE LAURENSEN: I sustained the objection.
11 It's beyond the scope of the contention.

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1 BY MR. MILLER: (Continuing)

2 Q Mr. Varley, in Answer 76, you say that one
3 of the advantages of video tapes and workbooks is the
4 ability to present the training material without the need
5 for qualified teachers to be present in the classroom
6 sessions, do you see that?

7 A (Witness Varley) I do.

8 Q How do you define, 'qualified teachers' again,
9 Mr. Varley?

10 A In the context of this sentence, I would consider
11 qualified teachers to be someone that had an extensive
12 teaching background.

13 Q And how do you define an, 'extensive teaching
14 background?'

15 A Someone's whose activities were largely in the
16 area of providing instruction to other people.

17 Q And how do you define, 'largely in the area
18 of instruction.'

19 A Spending a considerable amount of one's daily
20 activities teaching other people.

21 Q We could go on forever.

22 A We certainly could.

23 Q Well, let me ask you this question, Mr. Varley.
24 When the question is posed, the Contention states that
25 the teachers in the LERO training program are not experienced

1 or trained in teaching methods, is this correct? Could
2 you give me a yes or no to that question?

3 A I guess the answer would be, no.

4 Q And is your answer of no based upon the fact
5 because, in your opinion, qualified teachers are not
6 necessary in the LERO training program?

7 A I am not quite sure I follow. Would you
8 try again.

9 Q Do you understand my question, or not?

10 A No, I am not sure I do.

11 Q Well, would you explain to me your answer of no
12 to my last question?

13 A Yes. If you read -- the way I read the
14 particular question, the teachers in the LERO training
15 program are not experienced or trained in teaching methods.

16 I believe my interpretation of that would be
17 the amount of time that the individuals spend in preparation
18 for this particular training session. In my opinion, they
19 would be trained for the teaching methods for the conduct
20 of that classroom training session.

21 Q Would you say, Mr. Varley, that any LERO
22 member who attended the classroom sessions -- let's take
23 a particular classroom session -- decontamination and
24 monitoring, any LERO member who attended that classroom
25 session and saw the video tape and read the workbook is

1 under your approach qualified, and would be qualified to
2 teach that classroom session?

3 A No. As Mr. Daverio pointed out earlier, there
4 were certain training sessions where we felt it was necessary
5 to have individuals that had previous experience in the
6 materials being presented present for the presentation of
7 those materials, particularly as you pointed out, the
8 radiological type of presentations.

9 Q Perhaps I picked a bad example. Could you
10 tell me with respect to some of the job functions expected
11 under the LILCO Plan, is it your opinion that attendees,
12 trainees, who attended the classroom sessions, seen the
13 video tape, and reviewed the workbook would be qualified
14 to teach those subject areas?

15 A Are you asking me if after an individual
16 attended a classroom training session would he be qualified
17 then to turn around and teach that session?

18 Q Yes, sir.

19 A No. As I explained earlier, they would have
20 to go through the preparation process that Mr. Bahr put
21 the instructors through prior to their going into the
22 classroom.

23 Q But the preparation session with Mr. Bahr
24 was three-pronged, correct; look at the video tape, review
25 the workbook, and then be quizzed by Mr. Bahr.

1 So, are you saying now that the factor missing
2 from my hypothetical would be the absence of the quiz by
3 Mr. Bahr?

4 A And also reviewing the applicable procedures.

5 Q Well, that is not one of the factors that is
6 set forth in Answer 74.

7 A That's correct. It was omitted. We noticed
8 that when we were preparing.

9 Q So now you are saying that in addition to reading
10 the video tapes -- I am sorry, reviewing the video tapes,
11 and reading the workbooks and fielding questions from Mr.
12 Bahr, the instructors also have to review the implementing
13 procedures under the LILCO Plan?

14 A I have said that on more than one occasion, I
15 believe, since we started the hearings on this contention.

16 Q Did they review all the implementing procedures?

17 A I believe I said the ones that were applicable
18 to the material being covered.

19 Q So, Mr. Varley, if you add the factor of quiz
20 by Mr. Bahr and reviewing the appropriate implementing
21 procedures, is it your opinion then that a trainee could
22 turn around after attending the classroom sessions and
23 teach the classroom sessions?

24 A Some of them may have that capacity, yes.

25 Q I take it that assuming they successfully pass

1 the quiz by Mr. Bahr, and -- well, assuming they successfully
2 pass the quiz by Mr. Bahr, all of them would have that
3 capacity, wouldn't they?

4 A I think there is a certain amount of judgment
5 on Mr. Bahr's part as to whether the individual presents
6 a good appearance in the classroom. Whether they, in fact,
7 are capable of conducting the class sessions and keeping
8 order in the classroom, and those types of things?

9 Q It is Mr. Bahr's judgment again, correct?

10 A That is correct.

11 Q Do you know, Mr. Varley, if Mr. Krieger was
12 briefed by Mr. Bahr before Mr. Krieger presented his
13 materials?

14 A Mr. Krieger, I believe, was brought in as another
15 consultant not related with IMPELL.

16 Q Does that mean he was not briefed by Mr. Bahr?

17 A To the best of my knowledge he was not, no.

18 Q You state, at the bottom of page 89, going
19 over to page 90, Mr. Varley, the scripts and workbooks
20 were prepared by individuals who had expertise in the
21 subject area presented. Do you see that?

22 A Yes, I see that.

23 Q How do you define, 'expertise in the subject
24 area?'

25 A Again, as I stated, the foundation for our

1 training program were, in fact, the plan and procedures,
2 and that the training materials sprung forth from the
3 plan and procedures.

4 The individuals who were involved in writing
5 the particular video tape or workbook for the particular
6 subject were, in fact, people that had worked with the
7 plan and procedures for that particular subject matter.

8 In addition, some people may have had other
9 experiences that they brought with them to the preparation
10 process.

11 Q So, in the context of your testimony, Mr. Varley,
12 subject area expertise means familiarity with the workbook,
13 the video tape, and the appropriate implementing procedures.

14 A Plus the expertise that they brought with them
15 to the preparation process.

16 Q Now, are you telling me that in all cases
17 instructors brought with them expertise to the process?
18 Expertise in these particular subject areas they taught?

19 A I don't believe I said that.

20 Q In fact, the opposite is true, isn't it? They
21 did not bring such expertise in all cases. Isn't that
22 the case?

23 A I am not quite sure I follow your line of
24 questioning.

25 Q Well, let me ask you. With respect to the

1 instructor who prepared and taught the security personnel
2 in LERO.

3 Isn't it a fact, Mr. Varley, that that person
4 was chosen based upon his or her availability, time
5 availability?

6 MS. MONAGHAN: Objection. I believe it is
7 a compound question. I think that there is a distinction
8 that needs to be made here between the persons who prepared
9 the scripts and workbooks, and those who actually were
10 in the classroom. They were not always the same people.

11 JUDGE LAURENSEN: I think there has been some --
12 at least confusion on my part -- concerning this statement
13 that you are cross examining about, because that appears
14 to refer to people who prepared the scripts and workbooks,
15 whereas you then interjected the question of instructors,
16 which is a different subject.

17 BY MR. MILLER: (Continuing)

18 Q I will try to clear it up, Judge Laurenson. Mr.
19 Varley, it is a fact, isn't it, that in a number of the cases
20 the person who prepared the workbook and video tape script,
21 also taught the classroom session on those materials?

22 A (Witness Varley) There were cases of that,
23 yes.

24 Q Now, can you tell me with respect to training
25 in security, security functions in LERO, was that a case

1 where the person prepared the video tape, script, and the
2 workbook, and also taught the classroom session?

3 A I would have to go back and review documents
4 to determine if that individual was, in fact, an instructor
5 for those sessions.

6 I don't recall.

7 Q Well, you taught security, didn't you?

8 A No, I never taught security.

9 Q Did you do the workbook and the video tape?

10 A I believe I may have, yes.

11 Q Well, let's focus on one at a time, then. You
12 prepared the workbook and the video tape script for
13 security, correct?

14 A Let me go back and review it to refresh my
15 memory.

16 Q You might want to look at your deposition on
17 page 67. Actually on page 66 also, Mr. Varley.

18 A Yes, that is true.

19 Q You wrote the security workbook and prepared
20 the security video tape script?

21 A Yes, I did.

22 Q Now, when you did that, Mr. Varley, did you have
23 subject matter expertise with respect to security functions?

24 A Yes, I did, as I stated my definition of
25 expertise is familiarity with the procedures as they

1 applied to LERO.

2 Q Do you recall stating in your deposition, Mr.
3 Varley, that the factor in your preparing the security
4 video tape and the security workbook was one of the time
5 availability -- a question of time availability to that
6 one?

7 A That is correct. I believe the context of
8 this whole discussion was how, in fact, did you select
9 the people that were to write the various video tapes and
10 scripts, and part of that selection factor was based upon
11 knowing the expertise and materials that had to be converted
12 into the training program. Who was available to write
13 the various video tapes and scripts, and how that fit into
14 the overall production schedule.

15 Q Isn't it the case, Mr. Varley, that the primary
16 and sometime only factor used in choosing the personnel
17 who were to prepare the video tape scripts and the workbooks
18 was the factor of time availability?

19 A No, I wouldn't agree with that; not the only
20 factor.

21 Q What was your answer again, Mr. Varley? No what?

22 A No. That time was not the only factor involved.

23 Q There was never a case where that was the
24 case, is that right?

25 A I don't believe so, not to the best of my knowledge.

1 Q Would you agree with me, Mr. Varley, that
2 time availability was, in some cases, the primary factor
3 in choosing the person to prepare video tape scripts and
4 the workbooks?

5 MS. MONAGHAN: Objection. I think that this
6 line of questioning is not relevant, and not probative
7 of the issues that this Board is going to have to decide.

8 Second of all, I think that question has been
9 asked and answered by Mr. Varley.

10 MR. MILLER: It hasn't been asked and answered,
11 and it is relevant to the issue, because the issue is: Are
12 the students trained properly, and they are trained by
13 these instructors.

14 And if the instructors do not have the expertise
15 to teach, it has got to be relevant to training.

16 JUDGE LAURENSEN: Well, you are questioning
17 about the one sentence here, at the bottom of page 89.
18 But the specific question you are asking as to whether the
19 availability as to time may have been the only factor, --
20 I don't recall -- was the question the only factor.

21 MR. MILLER: My question now, Judge Laurenson,
22 I am asking Mr. Varley if he would agree with me that time
23 availability was in some cases the primary factor in choosing
24 the individuals to write the workbooks and prepare the
25 video tape scripts used in the LERO training program.

1 JUDGE LAURENSEN: Objection is overruled.

2 WITNESS VARLEY: I don't believe it was the
3 primary factor.

4 BY MR. MILLER: (Continuing)

5 Q When you state, Mr. Varley, on page 90, that the
6 scripts and workbooks were reviewed thoroughly by emergency
7 planning personnel to ensure that the individual training
8 modules were consistent with the entire training program
9 and with the LILCO Plan, do you see that?

10 A (Witness Varley) Yes, I do.

11 Q Was this the only reason that the scripts and
12 workbooks were reviewed?

13 A They were reviewed for accurate. They were
14 reviewed for consistency. They were reviewed by Doctor
15 Mileti. They were reviewed to make sure that they were
16 the best possible video tapes or workbooks that we could
17 produce.

18 Q Were they reviewed for adequacy with respect
19 to whether they were sufficient as instructional tools
20 that teach the jobs, or pertinent to the respective script
21 and workbook?

22 MS. MONAGHAN: Objection. I think that is
23 beyond the scope of the contentions.

24 MR. MILLER: It is not beyond the scope of the
25 testimony. The testimony talks about the workbooks and

1 scripts being reviewed.

2 JUDGE LAURENSEN: Overruled.

3 WITNESS VARLEY: Would you re-state that
4 question.

5 BY MR. MILLER: (Continuing)

6 Q Were the workbooks or the video scripts reviewed
7 for adequacy with respect to whether they were sufficient
8 to teach the jobs pertinent to those training materials?

9 A (Witness Varley) They were reviewed both by
10 LILCO personnel who had overall responsibility for the
11 conduct of the training program to ensure its adequacy,
12 and in fact it was going to do the job that they required
13 be done, and also I believe that Mr. Berger set up the
14 training program with the training concepts that he
15 believed were sufficient for this program.

16 Q It is fair to say isn't it, Mr. Varley, that
17 the workbooks and scripts were reviewed primarily to ensure
18 that they complied and did not conflict with the implementing
19 procedures of the LILCO plan?

20 A I believe it was more than that. You might
21 want to ask Mr. Daverio since he was one of the reviewers,
22 and the LILCO person that was administering the contract
23 how he reviewed those.

24 End 9.

25

1 A (Witness Daverio) We reviewed them for what
2 you stated, Mr. Miller, but as I think Dr. Berger stated
3 while he was here, he also was the producer. He was the
4 person who made sure that the script and the film gave
5 the visual image and representation that he felt would
6 be an educational tool.

7 Q Mr. Daverio, would you look at the last
8 paragraph of answer 76. This mentions the training sessions
9 provided to the traffic guides and to the -- I guess to
10 the traffic guides.

11 Can you tell me, did any other group within
12 LERO receive any special training over and above the class-
13 room sessions?

14 A Yes.

15 Q What would that group be?

16 A Bus drivers.

17 Q The bus driver training was the training, in
18 your opinion, that they received when they had to get
19 their class two license?

20 A Well, to get a class two license there is a
21 training program that we had administered by bus companies
22 on Long Island -- we had a contract with to train our
23 bus drivers so that they could take their class two test.

24 I think there is some training requirements before
25 you can even take the class two test. That is what I was

1 alluding to.

2 Q Other than the bus drivers and the traffic
3 guides, Mr. Daverio, any groups of personnel, any other
4 job category in LERO which received special training?

5 A To the best of my knowledge, no.

6 Q Could you tell me in general, Mr. Daverio,
7 why special training was provided to traffic guides
8 and bus drivers but not to other personnel within LERO?

9 A Because of the function of a bus driver
10 performed and the license he had to have to perform that
11 function, he had to have that additional training. There
12 was no way he could get a class two license without
13 going through that training program.

14 As to the traffic guides, as the training program
15 developed, we felt that the type of training that
16 Dr. Babb is doing and the type of training that Howard
17 Krieger did was necessary for them to perform their LERO
18 function, and therefore, we did that training.

19 Q Did you think it was necessary for the traffic
20 guides, Mr. Daverio, because of the lack of experience
21 the LILCO personnel performing those LERO functions have?

22 A We did it because they did not have experience
23 in directing traffic or controlling traffic.

24 Q There are many other LERO jobs, aren't there,
25 Mr. Daverio, where the LILCO personnel assigned to those jobs

1 don't have experience in performing them.

2 A The LERO training program then provides that.
3 The two we are talking about are the two we felt the
4 LERO training program needed to be supplemented for.
5 Everything else we felt is adequate.

6 Q Can you tell me, Mr. Daverio, with respect to
7 the traffic guides, in supplementing this training, I
8 take it that you first retained Mr. Krieger and then
9 Mr. Babb was retained sometime after Mr. Krieger.

10 Is that right?

11 A That's correct.

12 Q Is Mr. Krieger still helping with the training
13 of traffic guides?

14 A No, he is not.

15 Q Why is that?

16 A After Mr. Krieger had finished the contract
17 that we had with him, we had not extended that contract.
18 And when we decided to do additional training, when we
19 looked we talked to Dr. Babb. And based on his expertise
20 and the program he outlined to us, we asked him to
21 perform the additional training.

22 Q Were you satisfied with Mr. Krieger's performance?

23 MS. MONAGHAN: Objection, not relevant.

24 MR. MILLER: Judge Laurenson, we are talking
25 about the special training provided to two groups within

1 LERO, one of which is traffic guides.

2 There have been two individuals retained by
3 LILCO to provide that special training. One is on this
4 panel; one is not. The one on the panel followed the first
5 one.

6 I would like to know if there was displeasure
7 or dissatisfaction on LILCO's part with the performance
8 of Mr. Krieger in providing that special training.

9 I would point out, on page 90 there is a
10 reference, although not by name, to Mr. Krieger when
11 it says, "two former police officers." One of those
12 two is Mr. Krieger.

13 JUDGE LAURENSEN: The objection is overruled.

14 WITNESS DAVERIO: We had no displeasure with
15 Mr. Krieger's performance. He was hired to do a specific
16 task which was the classroom training for traffic guides.
17 When we went out and decided we wanted to do another
18 program, a field program, we looked around. And I think
19 Dr. Babb was, in our opinion, more qualified and we hired
20 him to do it.

21 BY MR. MILLER:

22 Q When you say more qualified, more qualified than
23 Mr. Krieger?

24 A I think for in the field training, Dr. Babb
25 had qualifications to perform the training.

1 Q Mr. Daverio, looking at page 91, this is
2 with respect to contention 99.G, the first sentence says,
3 "In any organization it is valuable for all members of
4 that organization to have a basic understanding of the
5 structure of the organization, the position that an
6 individual member of an organization has within that
7 structure, and how the structure functions."

8 Do you see that?

9 A Yes.

10 Q Do you believe, Mr. Daverio, that LERO workers
11 need to know about other jobs performed within LERO?

12 (Pause.)

13 Do you understand my question?

14 A I was trying to read the answer, and I didn't
15 get your question. Sorry.

16 Q My question is simply, is it your testimony,
17 do you believe that LERO workers need to know about the job
18 duties and responsibilities performed by other LERO
19 workers?

20 A I am not sure I would use the word "need."
21 I think I would stick with the statement we say. It is
22 valuable.

23 Q And when you say just below that last sentence,
24 Mr. Daverio, "If all of its members" -- referring to LERO --
25 "have a basic understanding about how the organization makes

1 and implements protective actions, then LERO has the
2 capability to respond quickly and accurately, as well as
3 possessing the flexibility to adapt to unexpected situations
4 that may arise," do you see that?

5 A Yes, I do.

6 Q Isn't it true, Mr. Daverio, that conversely,
7 if all members of LERO do not have such an understanding
8 about how the organization makes and implements protective
9 actions, then LERO does not have the capability to
10 respond quickly and accurately as set forth in your
11 testimony?

12 A No, I don't necessarily agree with that.

13 Q So you are saying, Mr. Daverio, that some
14 individuals may not have a basic understanding about
15 LERO and how it makes its decisions and yet LERO could
16 still function adequately?

17 A Yes.

18 Q Now, would you agree with me, Mr. Daverio,
19 that at some point, the number of individuals lacking that
20 sort of understanding and knowledge would reflect upon
21 the LERO organization as a whole and preclude LERO from
22 having the capability to respond quickly and accurately?

23 (Witnesses conferring.)

24 A Yes. In the abstract, it would really depend
25 on the number within each level of job. It is not an

1 absolute number that I would use. It would be more of
2 where that and the percentage within the level.

3 Q So for example, with traffic guides, it might
4 be more important to have a higher percentage of the
5 traffic guides knowledgeable about their jobs than,
6 for example, with staging area support personnel?

7 A No, I wouldn't agree with that. I think you
8 can make the analogy that the number might be actually the
9 other way. It may be more important for one staging
10 area personnel, administrative personnel or support
11 personnel, who has to be on the radio talking to all the
12 traffic guides, to be more informed than one traffic guide
13 in the field.

14 I can't really make that generalization.

15 Q When you said, Mr. Daverio, that the answer
16 depends on the various job categories and not with respect
17 to a number for the organization as an absolute, could you
18 tell me what job categories, in your opinion, it would be
19 most important for there to be a high level of understanding
20 about the organization and how it works and makes decisions
21 among the workers forming that category?

22 A I would think the seven senior coordinators in
23 the EOC would be an example of seven positions where you
24 would want them to understand the organization.

25 Q Do you have any other examples?

1 A There probably are. I would have to go through
2 and look at each of the positions and think about them,
3 but the first -- the top seven positions, of course,
4 would be important.

5 Q What about with respect to what we have defined
6 or talked about before, field personnel, which would be --

7 A We changed that definition.

8 Q -- personnel below the level of staging area
9 personnel and the transfer point personnel. In other
10 words, traffic guides, bus drivers, things of that sort.
11 Among those groups, are there any that stand out in your
12 mind as where you would want a higher level of understanding
13 in terms of the percentage of workers that form the group?

14 MS. MONAGHAN: Just to clarify the record,
15 we are talking about understanding with respect to
16 organizational structure, Mr. Miller?

17 MR. MILLER: I am talking about understanding
18 about how the organization makes and implements protective
19 actions.

20 WITNESS DAVERIO: If I understand your question,
21 you are asking me, the people who are outside the staging
22 area, now you are defining as field personnel, do I think
23 they need a high awareness of the organization structure?

24 BY MR. MILLER:

25 Q I would like to know if there are any that, in

1 your opinion, you need a higher level of such awareness
2 than others? For example, would you think traffic guides
3 need that awareness more than bus drivers?

4 They are both examples of field personnel,
5 but would you draw a distinction?

6 MS. MONAGHAN: Judge Laurenson, I am going to
7 object to this question as going to the level of detail
8 that is just not litigatable under the Waterford plan.
9 I mean, we are going further and further down into the
10 organizational structure and getting into a semantic game
11 of who needs to know what and at what level of understanding.

12 I don't really think that that is probative of
13 the issues that this Board has to decide.

14 I think contention 99.G merely states, "There is
15 insufficient information about how trainees are to
16 perform their jobs" and that "instead the training consists
17 primarily of descriptive statements of job titles, job
18 duties and chains of command."

19 I think we ought to limit the cross-examination
20 to that and not go so far afield.

21 JUDGE LAURENSON: I also notice this is not
22 included in your cross-examination plan. It does seem to
23 me that you are into an area that is beyond the direct
24 relevance to decisions that have to be made here.

25 The objection is sustained.

1 MR. MILLER: Judge Laurenson, I would appreciate
2 in the future if Ms. Monaghan is going to make her
3 objections, she do them in a timely fashion. I go through
4 five minutes of my time, my hearing time, asking questions
5 leading up to the crucial question, perhaps, and then
6 I get the objection and the Board sustains.

7 If we are going to have the objections, maybe it
8 could come in a more timely fashion so I don't waste my
9 time.

10 I went through five minutes of explaining to the
11 witness what I was asking about, and then she objects?

12 MS. MONAGHAN: I had to understand the question
13 before I could object to it, Mr. Miller.

14 MR. MILLER: I don't think anyone else had
15 the problem understanding the question.

16 BY MR. MILLER:

17 Q Let me ask you, Mr. Daverio, on page 91, could
18 you give me -- actually, I want to ask Dr. Mileti this.
19 I am going to ask for a yes or a no, Dr. Mileti.

20 When you state that -- let me back up. Yes or
21 no, please.

22 In your opinion, Dr. Mileti, do the staffs of
23 schools and special facilities need to know their roles
24 under the LILCO plan?

25 A (Witness Mileti) I can't answer that yes or no.

1 Q Let me try this one. Answer yes or no, please.

2 Should the staffs of special facilities and
3 other organizations suc' as schools, should those personnel
4 know their roles under the LILCO plan?

5 A I can't answer that one yes or no either. The
6 problem I am having is the definition that you might have
7 of the word "role."

8 Q Let me ask you, Dr. Mileti -- no, let me
9 define, Dr. Mileti, what I mean by "role."

10 Role would be their responsibility or duty
11 under the LILCO plan. It could be job performance.

12 Now, using my definition of the word "role,"
13 if you could give me a yes or a no, should the staffs,
14 the personnel of schools and hospitals and other special
15 facilities know their roles under the LILCO plan?

16 A Not necessarily, no. But in some ways, yes.

17 Q Let's try this one, Dr. Mileti. Yes or no, please.
18 On page 92, there is a sentence, "People need to understand
19 how their job fits into their organization's work and
20 how their organization's work fits into the overall
21 emergency response."

22 Yes or no, please. Isn't it necessary, therefore,
23 that the Red Cross and DOE RAP personnel and personnel
24 of special facilities receive training under the LILCO plan?

25 A No. But that is a misleading no.

1 Q Looking at question and answer 79, when you
2 say, Mr. Daverio, that the LERO program is three part,
3 and we have, again, the classroom, the drills, and the
4 critiques. Do you see all that discussion?

5 A (Witness Daverio) Yes.

6 Q You would agree with me, would you not,
7 Mr. Daverio, that this first step that is the classroom
8 sessions does not teach LERO personnel how to perform
9 their jobs?

END 10

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A (Witness Daverio) No, not in its entirety.

2 Q Now, when you say, Mr. Daverio, towards the
3 end of the page: In short, the LERO training program does
4 not expect that upon completion of classroom training a
5 trainee will be asked to perform his job; can you tell me
6 what does the LILCO training program expect?

7 A At the end of the classroom training?

8 Q Well, I'm drawing from your words, the LERO
9 training program does not expect, and then you go on.

10 A At the end of the classroom training, as we
11 defined in there, we would expect the trainee to have an
12 awareness of the program, an overall concept of what he
13 might be required to do, depending on the emergency, and
14 then to move into the drill part of the program so that
15 he could learn the rest of his job by practicing it.

16 Q Let me ask you, when does LILCO expect a
17 trainee to be able to perform his job, adequately perform
18 his job?

19 A As defined in Chapter 5 of the plan, it would
20 be the completion of the classrooms on Figure 1.1, and
21 the drills that are contained on 5.2.1 and being able to
22 perform satisfactorily at the end of those.

23 Q Let me make sure I understand, Mr. Daverio. You
24 are saying that the LILCO program would expect that
25 personnel could actually perform their jobs at the end of

#11-2-SueT1

the drills and exercise portion of the program?

2 A That's correct.

3 Q Does that mean prior then to the FEMA-graded
4 exercise?

5 A I wouldn't recommend to the Company that we
6 go into a FEMA-graded exercise unless I felt comfortable
7 that all of our people were ready.

8 Q You state, Mr. Daverio, on the next page, three
9 lines from the top, Page 93: Many LERO trainees perform
10 every aspects of the jobs that they will be performing
11 during an emergency during every drill they attend. These
12 drills have enabled LERO trainees to gain practical ex-
13 perience in performing their assigned emergency functions.

14 Do you see that?

15 A Yes, I do.

16 Q Now, Mr. Daverio, you would agree with me, would
17 you not, that many LERO trainees do not have the opportunity
18 to perform every aspect of their jobs during the drills
19 they attend?

20 A Certainly. As we say later, we -- you can't
21 impact the public and do that. I think you have got to
22 look at it as an overall program. And while they may not
23 do it in every drill, somewhere in the training program
24 we think they've got enough to be proficient in the function
25 we are asking them to perform.

#11-3-SueT1

Q And maybe it's -- just to make sure we are understanding one another, let me ask you about a couple of other examr.es, other than just impacting on the public.

It's true, isn't it, Mr. Daverio, that I think we've heard testimony from others before on this, that under the LILCO plan at the transfer points, passengers will not be allowed out of the buses except to go to the bus that will transfer them out of the EPZ?

MS. MONAGHAN: Objection. I don't see how that is relevant to these contentions at all.

MR. MILLER: I'm trying to set a background for a follow-up question, Judge Laurenson.

JUDGE LAURENSEN: With that qualification, the objection is overruled.

WITNESS DAVERIO: I'm not sure that I understand that that's how the plan works.

BY MR. MILLER: (Continuing)

Q Okay. Let me ask you another question, then. Road crew members, Mr. Daverio, have road crew members been trained, told about how and when they can move privately owned automobiles or vehicles from public roadways?

A I can't answer that specific example without looking at some material.

Q Do you know if bus drivers during the course of any drills have been assigned to, under simulated conditions,

#11-4-SueT 1

through role playing perhaps, pick up passengers?

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A As I stated earlier, no. They don't have

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buses.

4

Q Do you know if during the drills traffic guides

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have been confronted with simulated conditions involving

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angry motorists?

7

A Dr. Babb's program is part of it. I don't know

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if that's in there. I think, though, Dr. Mileti, and

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based on our discussions with him, we didn't feel it was

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necessary to put that into our training program.

11

(Witness Mileti) If I might supplement that

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answer, I think it would have hurt the plan.

13

MR. MILLER: Excuse me, Dr. Mileti. I'm not

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sure this is an appropriate place for you to supplement.

15

This seems again to be redirect, Judge Laurenson.

16

My question was very specific: Has the drill

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program done this. Now, I don't see why Dr. Mileti's

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opinion regarding why it was or was not necessary is the

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kind of supplemental response this Board has invited

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witnesses to give.

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JUDGE LAURENSEN: I think to supplement the

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answer, you must answer the specific question that was

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asked. If you have something to add to that, you may do

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that.

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WITNESS MILETI: I beg your pardon.

#11-5-SueT 1

BY MR. MILLER: (Continuing)

2 Q Mr. Babb, let me just ask you, we are going to
3 come to your traffic guide instruction, but during the
4 training that you have conducted for traffic guides, did
5 you indeed attempt to simulate in any way the conditions
6 of traffic guides being confronted by angry motorists?

7 A (Witness Babb) I would qualify that answer if
8 I may. I did not specifically train the guides to deal
9 with a confrontation, but I did instruct all guides that
10 if the situation were to occur while they were directing
11 traffic and a motorist approached them, that they should
12 ask that motorist to drive off to the side of the roadway
13 and at the first opportunity that they had, they would go
14 over and attempt to answer or respond to the motorist.

15 That would be the extent of it at that time.

16 Q Mr. Babb, let me ask you something. During
17 your course as a police officer, during the course of
18 your career, did you ever have an occasion to face an
19 angry motorist?

20 A Yes.

21 Q When you faced an angry motorist, did you ask
22 them to pull to the side and to wait and then you would go
23 talk to them when you had time from your duties, or what-
24 ever you happened to be doing at the time?

25 A Yes. If, in my judgment, the duty that I was

#11-6-SueT 1

2 performing had top priority, then I would direct that
3 motorist to pull over to the side of the road and as soon
4 as I had an opportunity I would then attempt to approach
5 the motorist and try to deal with that particular problem.

6 Q And when you had this experience, Mr. Babb,
7 did the motorist comply with your request to pull over
8 to the side and to wait for you to come over?

9 A Not in all cases. In some cases, the motorist
10 just drove off.

11 Q Did you ever have a motorist just drive off
12 when you were actually in uniform?

13 A Yes.

14 Q And, Mr. Babb, wouldn't you agree with me
15 that motorists would be more likely to obey a uniformed
16 police officer than they would a LERO worker standing in
17 an intersection directing traffic?

18 MS. MONAGHAN: I believe that the question that
19 is asked is somewhat vague and ambiguous. Obey, in what
20 sense of the word? Are you talking about traffic guidance
21 or with respect to pulling over to the side of the road?

22 MR. MILLER: Well, I will try to rephrase my
23 question if Mr. Babb has a problem with it.

24 BY MR. MILLER: (Continuing)

25 Q My question is, in your opinion, wouldn't it
be more likely for a motorist, an angry motorist, anxious

#11-7-SueT 1

2 motorist, to obey a uniformed police officer than it would
3 be for such a person to obey a LILCO employee who is
4 performing the job function of a traffic guide?

5 MS. MONAGHAN: Same objection with respect to
6 the word "obey."

7 JUDGE LAURENSEN: The question is whether you
8 are directing this to the last answer, the last question
9 and answer, concerning the officer's direction to the
10 motorist to pull over to the side, or whether this is a
11 generic question you are asking as to whether or not
12 uniformed officers are more likely to be obeyed than
13 LILCO traffic guides.

14 MR. MILLER: Yes, sir, I understand that.

15 BY MR. MILLER: (Continuing)

16 Q Mr. Babb, what I am referring to, in this case
17 obey would be pulling over to the side of the road.

18 A I didn't hear. Was it sustained or not?

19 MS. MONAGHAN: It's withdrawn with that
20 qualification.

21 JUDGE LAURENSEN: You can answer the question
22 now.

23 WITNESS BABB: In general, generically I would
24 have to agree with you; however, there may be times when --
25 and I did experience this myself through observation where
people might obey other than police officers if they felt

#11-8-SueT 1

2 the other people were helping them. And I have a situation
3 that occurred that I witnessed if you want me to expand
4 on it.

5 BY MR. MILLER: (Continuing)

6 Q That's okay. I appreciate the offer, though.
7 Let me ask you, Mr. Daverio, in the middle of Page 93
8 there is a discussion about training of monitoring and
9 decontamination personnel.

10 Can you tell me first approximately how many
11 LERO workers are assigned the job of monitoring and
12 decontamination personnel? It can be rough.

13 A (Witness Daverio) We can get you an exact
14 number. It's right on the chart in the plan.

15 It's -- do you want decon and monitoring added
16 together?

17 Q Yes, please.

18 A About a hundred and fifty. Approximately a
19 hundred and fifty, Mr. Miller.

20 Q Now, when you say towards the bottom of Page 93:
21 During their job-specific classroom training, the monitoring
22 and decontamination personnel receive written information
23 about proper personnel monitoring techniques, et cetera, do
24 you see that?

25 A Yes.

Q Is this written information you refer to, Mr.

#11-9-SueT 1

2 Daverio, anything different from the modules, workbooks
and video tapes described just above that sentence?

3 A No.

4 Q Now, going over to Page 94, you state that as
5 of March 1, 1984 there have been eleven drills in which
6 monitoring and decontamination personnel have participated
7 in which the decontamination area has been activated.

8 Do you see that sentence?

9 A Yes.

10 Q And if I recall yesterday's testimony correctly
11 there have been no drills since March 1 of this year; is
12 that correct?

13 A No, I don't think we said that. I think we
14 talked about some drills in June. I'm not sure if we ran
15 one of these very recently.

16 Q Okay. I thought yesterday that the drills that
17 are contemplated in June have not been conducted yet?

18 A No. I think we have talked about Mr. Kessler
19 being at a drill yesterday or one of the days here on the
20 stand. We have been running drills the last couple of
21 weeks.

22 Q Okay. Between March 1 and some time very
23 recently in June, were there any drills conducted, drills
24 or exercises conducted?

25 A We use the word "drills" also for tabletop. The

#11-10-SueT 1

ones --

2 Q Excluding the tabletops, have there been any
3 drills?

4 A Not to my knowledge.

5 Q So that with respect to your testimony, Mr.
6 Daverio, the latest drills, exercises held were those
7 conducted during February of this year; correct?

8 A Except for the ones we are holding this month,
9 yes.

10 Q And those are the exercises for which we have
11 put the summary report into the record as EP-63 and 64;
12 correct?

13 A That's correct.

14 Q Would you agree with me, Mr. Daverio, that with
15 respect to the drills and exercises conducted by LILCO and
16 IMPELL, at least the most recent data by which there is
17 to judge LERO personnel, performance comes from the
18 February exercises?

19 A That's correct.

20 Q Now, Mr. Varley, I guess I should ask you, or
21 Mr. Daverio, can you tell me, during the February exercises,
22 the one on February 8 and the February 15th exercise,
23 generally how many observers and controllers participated
24 in those exercises?

25 MS. MONAGHAN: Objection. Relevance.

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JUDGE LAUPENSON: Overruled.

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WITNESS DAVERIO: We will have to try to count them up in our minds and give you an answer if you wait for just a second.

BY MR. MILLER: (Continuing)

Q Okay. An estimate is what I'm looking for.

A Somewhere between forty and fifty observers.

That's just for the off-site portion. As I think we mentioned, or at least I think you mentioned, the February drills were on-site and off-site. There were additional observers on-site.

Q Any way of knowing or telling me, Mr. Daverio, approximately how many were LILCO and how many were IMPELL? Was it half and half?

MS. MONAGHAN: Objection. Relevance.

JUDGE LAURENSEN: Overruled.

WITNESS DAVERIO: There were very few LILCO.

The large majority would have been IMPELL and Stone and Webster. As we mentioned earlier, Stone and Webster was used as observers also.

BY MR. MILLER: (Continuing)

Q Mr. Daverio or Mr. Varley, with respect to the critiques and evaluations that were prepared by the observers or controllers during the February exercises, did -- were those critiques and evaluations prepared by

#11-12-SueT1

IMPELL, LILCO and Stone and Webster personnel?

2

A Yes.

3

Q And is it fair to say that the comments and

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the evaluations made by the controllers and observers were

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with respect to personnel as a whole assigned to emergency

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job categories within LERO?

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MS. MONAGHAN: I believe this has been asked

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and answered a couple of days ago.

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JUDGE LAURENSEN: Overruled.

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WITNESS DAVERIO: Not generally, I wouldn't

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agree with that.

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BY MR. MILLER: (Continuing)

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Q Well, let me make sure we understand one another.

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Mr. Daverio, for example, if an observer and controller was

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at the EOC, that person was observing the activity of the

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participants at the EOC; correct?

end #11 17

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1 A No. And I think if you look at the comment
2 sheet, and I think it is Exhibit 63, there were comments
3 in there directed to specific positions within LERO.

4 You asked the general question, and I said
5 no I can't agree generally that we don't comment specifically.

6 Q And if a person was assigned to observation of
7 the decontamination in the emergency worker facility, for
8 example. That was one of the places --

9 A That is correct.

10 Q That person then would have been observing
11 the actions of the personnel assigned to that facility,
12 correct?

13 A That is correct.

14 Q So in that sense, the critique evaluation was
15 of -- the groups of emergency workers, the personnel
16 as a whole assigned to emergency job category. Isn't it
17 fair to say that?

18 A It could be done either way, depending on what
19 the observer observed.

20 Q There weren't forms -- evaluation forms filled
21 out for each individual -- drill participant individual,
22 were there?

23 A No. But the way the form could be filled out
24 it could have an individual's name or title on it, and
25 say that was the person the comment was against. I don't

1 that for a fact it didn't occur.

2 In fact, I do know in the summary report that
3 there are individual positions called out that were
4 commented against.

5 Q And there are positions for which comments were
6 given which are overall positions such as traffic guides
7 and bus drivers, correct?

8 A Right. And we have both types.

9 Q Do you know, Mr. Daverio or Mr. Varley, these
10 eleven drills you mention in your testimony, page 94,
11 could you give me any kind of an estimate as to how many
12 drills each of the one hundred and fifty or so monitoring
13 and decontamination personnel have participated in?

14 Give me the average figure for something like
15 that.

16 A Our basic judgment off the top of our head
17 would probably be an average of two or three.

18 Q So, during the February exercises, Mr. Daverio,
19 could you give me your best estimate as to how many
20 decontamination and monitoring personnel participated in
21 the two February exercises?

22 A That -- the drills in February were only the
23 EWDF, which is a staff of five.

24 Q There were five decontamination and monitoring
25 personnel --

1 A There is a leader. It is six. If you look
2 at what those drills were called, it was, I believe, EOC,
3 staging areas, EWDF, and news center drills.

4 So, it wouldn't have been all the decon people
5 at that drill.

6 Q Which exercise were you referring to? The
7 February 8th?

8 A Both February drills.

9 Q But with respect to the approximately 150
10 decontamination and monitoring personnel that are assigned
11 under the LILCO Plan, can you give me a rough estimate
12 of how many of those personnel participated in the two
13 February exercises? Are you saying just six?

14 A Six at each.

15 Q Can you tell me, Mr. Varley, using the evaluation
16 form, critique forms which we have discussed this week, and
17 I think -- let me back up. The evaluation and critique
18 forms used in these drills and exercises by the observers
19 and controllers are attached to the drill scenarios which
20 are attachments to the LILCO testimony, isn't that
21 correct?

22 A (Witness Varley) I believe that is correct.
23 I would have to go back and review them to verify the
24 accuracy of that.

25 Q Now, could you tell me under the form used by

1 IMPELL and LILCO to evaluate performance during the drills
2 and exercises, if during these February exercises of the
3 six personnel assigned to the emergency worker decontami-
4 nation facility, two of those personnel evidenced some
5 problem in performing their jobs, what would the observer
6 or controller have indicated in their critique of that
7 job performance?

8 MS. MONAGHAN: Objection. This seems to be
9 going to the same evidence that the Board has ruled is
10 not probative.

11 JUDGE LAURENSEN: What is the purpose of this
12 line of questioning, Mr. Miller?

13 MR. MILLER: I am trying to understand the
14 evaluation process used in the drills and exercises by
15 IMPELL and LILCO.

16 JUDGE LAURENSEN: Overruled.

17 WITNESS VARLEY: Could you rephrase your
18 question. I guess I am having a hard time understanding
19 what it is you are asking me.

20 BY MR. MILLER: (Continuing)

21 Q It is a hard thing for me to ask, too, Mr.
22 Varley. The drill evaluation forms, they indicate various
23 number of things for the observer controller to look for
24 and generally have numbers 5 through 1 across the top of
25 the page. 5 meaning, in most cases, no; and 1 meaning, yes.

1 Is that a fair --

2 A That was one of the forms of critiques that we
3 did, in fact, use, yes.

4 Q Now, with that kind of a format, if you have
5 six personnel performing a job function during an exercise,
6 and two evidence some problems, what do you think the
7 observer controller does in that case? Do you circle the
8 5, do you circle the 1, or do you circle the 3, 2, or the
9 4?

10 A It depends upon what the particular is that
11 they are circling the answer to. If you could give me
12 a specific example of how this would apply, maybe I could
13 answer the question.

14 Q Okay. Let me give you this example, Mr. Varley.
15 The evaluation form says: Were the procedures carried out
16 adequately.

17 And in the context of my hypothetical, two of
18 the six were viewed as not having done so. What do you
19 think the observer or controller would indicate on the
20 evaluation form in that circumstance?

21 A If the overall performance of the personnel in
22 the facility were that the procedures were used adequately,
23 they would circle an appropriate value that reflected what
24 was done in the facility in general, and then at the end
25 there is a comment section, and the controller would note

1 where anybody that had a particular problem in the performance
2 of that, it would be noted in that section.

3 Q The comment sections on these evaluation critique
4 forms then were to highlight problems noticed during the
5 exercises or drills?

6 A To elaborate and give the controller another
7 method of providing input and comment on what they observed.
8 And I believe what we require them to do is if they circle
9 a 2 or a 1, then it is mandated that they put comments in
10 the back, and they also put comments in that aren't specifically
11 called for anywhere in the format of the critique.

12 That is why we put a Comment Section in.

13 Controllers aren't limited just to those numbers
14 and just to those particular segments that are reflected
15 in the critique sheet.

16 Q Tell me, Mr. Daverio, during the February
17 exercises, the ones on the 8th and the 15th, it is true,
18 isn't it, that there were problems reflected in the
19 performance of decontamination and monitoring personnel?

20 A (Witness Daverio) Yes, that is true.

21 Q And let's look at EP-63. This is the February
22 8th report. Is it fair to say that there was a problem
23 with dosimetry equipment not being checked by personnel?

24 A Mr. Miller, I have to apologize. Somehow in
25 this stack of papers I can't find a 63.

(Mr. McMurray hands document to Mr. Daverio)

1 A (Continuing) Thank you.

2 Q There is a comment, Mr. Daverio, last page of
3 EP-63, which is numbered page 17, which says: Workers were
4 not reminded to check their dosimeters periodically, and
5 those persons who were observed in the field did not check
6 their dosimeters.

7 Do you see that?

8 A This has nothing to do with decon and monitoring.
9 What is talked about here are the pencil dosimeters in the
10 field.

11 Q Okay. I was using that term rather loosely, I
12 suppose. With respect -- let's, if we can, group together
13 decontamination and monitoring personnel, and aspects of the
14 February exercises involving dosimetry equipment, such
15 as dosimeters. Can we do that?

16 A I can't.

17 Q You cannot. Okay. Let's take them separately.
18 You said that there were problems with decontamination and
19 monitoring personnel during the February exercises,
20 correct?

21 A The EWDF is the one I was aware of.

22 Q Okay. Now, is the problem you are talking about
23 Mr. Daverio the one that is mentioned in EP-64?

24 A The last page, that is correct.

25 Q The last page, which is page 14. Would you agree

1 with me, Mr. Daverio, that the problems reflected on this
2 last page of EP-64 are rather serious problems, aren't
3 they?

4 A This was a problem that occurred, and we took
5 the appropriate actions based on these comments.

6 Q Would you agree with me, Mr. Daverio, that the
7 problems evidenced in this February 15th exercise were
8 rather serious in their scope and nature?

9 A I think you have to look at it in context.
10 It was significant that day of the drill. When we looked
11 at this and investigated it, it was the same people who
12 performed two weeks earlier at a very high level of
13 proficiency, and when we discovered that we intended -- we
14 endeavored to discover why it occurred.

15 We sat down with the controller who made these
16 comments and discussed them with her, and then we talked
17 to the appropriate people within the company.

18 Q And, Mr. Daverio, we have agreed, I think, also
19 that the February 15th exercise would have been the last
20 exercise providing the most recent information to LILCO
21 regarding performance of drill and exercise participants,
22 correct?

23 A I don't -- could you repeat that question?

24 Q Well, there haven't been any exercises since
25 the February 15th exercise, isn't that correct?

1 A That is correct. It was a problem that occurred
2 at that one drill. There were two other drills where we
3 didn't have this problem.

4 Q Those two were prior in time to the February 15,
5 isn't that correct?

6 A That is correct.

7 Q Now, would you agree with me, Mr. Daverio, that
8 with respect to the drill participants who are expected to
9 use dosimeters, first of all, those participants would
10 exclude the personnel at the EOC and the personnel at the
11 emergency news center and relocation centers and places
12 like that, correct?

13 A We have enough dosimeters for that, but by and
14 large you are correct, they wouldn't be wearing dosimeters
15 normally.

16 Q The persons assigned the use, and expects to
17 wear dosimeters are those that perform functions within
18 the EPZ, correct?

19 A I think the monitoring and decon people who
20 may come in contact with contaminated people at EWDF or
21 relocation center may also have dosimeters on.

22 Q Now, would you agree with me, Mr. Daverio, that
23 there has been a problem with dosimeters not being checked
24 by personnel during the drills and exercises conducted
25 to date by LILCO?

1 A Yes.

2 Q Do you consider that a serious problem?

3 A No. I think that part of the problem may be
4 that during a drill and exercise, the participants do know
5 there is not radiation out there, and they become a little
6 lax.

7 I think if there was real radiation out there,
8 they would be looking at their dosimeters.

9 Q Are you saying, Mr. Daverio, it makes no difference
10 then whether they check their dosimeters or do not check
11 their dosimeters during the exercises?

12 A No. I think it is important they do. I think
13 they would do it more religiously, possibly, if there was
14 a real emergency.

15 Q Would you agree with me, Mr. Daverio, that this
16 problem of not checking dosimeters during exercises and
17 drills, has been a symptomatic problem throughout the
18 drills and exercises?

19 MS. MONAGHAN: The question is somewhat vague.
20 I think we need a definition of the term, 'symptomatic.'

21 MR. MILLER: I don't think the question is
22 vague.

23 JUDGE LAURENSEN: Sustained.

24 BY MR. MILLER: (Continuing)

25 Q Would you agree with me, Mr. Daverio, that

1 the problem of persons not checking their dosimeters has
2 been pervasive throughout the drills and exercises conducted
3 to date by LILCO?

4 A (Witness Daverio) No.

5 Q Now, Mr. Daverio, during the February exercises,
6 do you recall whether you received a number of reports of
7 personnel not checking their dosimeters during the February
8 exercises, both the February 8th exercise, and the February
9 15th exercise.

10 A When we hand out 600 dosimeters, it wouldn't
11 surprise me if there were what you may call many in the
12 tens of range that may not have looked at it every fifteen
13 minutes like we call by procedure, but I am not sure that
14 is pervasive.

15 Q Do you see the comment, Mr. Daverio, on page --
16 the last page of EP-63, which says: Workers were not
17 reminded to check their dosimeters periodically, and those
18 persons who were observed in the field did not check their
19 dosimeters.

20 Do you see that?

21 A I see that.

22 Q Do you know how many persons observed in the
23 field did not check their dosimeters?

24 A No, I do not.

25 Q It was enough, I assume, to cause the writer

1 of this summary report to put it in a summary report,
2 right?

3 A He thought that was important enough to point
4 out to us.

5 Q You just don't know, do you.

6 A I do not have the number with me.

End 12.

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1 Q Are you saying, Mr. Daverio, that you have a
2 number somewhere of the number of people who did not
3 check their dosimeters during the drills?

4 A I don't. I don't know if Mr. Varley has one or
5 someone else, but I don't think it exists.

6 Q Can you tell me, Mr. Daverio, do you ever recall
7 hearing that personnel during drills or exercises were
8 sent out without being provided their dosimeters?

9 A There were some isolated cases where that
10 occurred, and it occurred because of the time interval
11 between each of the drills. We had some problem early
12 getting all the equipment back out to the field, and I
13 think there was some cases where there were some people
14 who didn't get all the dosimeters they should have. That
15 is correct.

16 Q That statement is, indeed, reflected in EP63,
17 is it not, on what is numbered page 16 where it says,
18 "An insufficient number of dosimeters at Port Jefferson
19 was a problem; several people were dispatched for the
20 drill into the field without dosimeters. This is a bad
21 habit to get into."

22 Do you see that?

23 A Yes, it is a drill problem because we were
24 running so many in such a short time, we weren't able to
25 turn the equipment around fast enough.

1 Q Do you know, Mr. Daverio, how many people were
2 indeed dispatched without their dosimeters?

3 A No, I do not.

4 Q Do you know, Mr. Daverio, if it has been a
5 problem during the exercises and drills conducted by LILCO
6 with personnel monitoring being lax during the drill or
7 exercise?

8 A I am not sure what you mean by monitoring.

9 Q Personnel monitoring, for example, the decontamina-
10 tion and monitoring personnel who, in the public or
11 emergency workers, come in, their vehicles are checked,
12 their persons are checked, et cetera.

13 A I think that would be the stuff we -- the items
14 we just talked about in EP64 on page 14. Is that the
15 type of thing you mean?

16 I am having trouble with what you mean by
17 monitoring. EWDF is what you are defining?

18 Q That would be part of it, yes. But monitoring
19 is done of personnel at places other than the EWDF; isn't
20 that correct?

21 A As I stated, in the February drills, that was
22 the only place we were drilling.

23 Q We talked, Mr. Daverio, about the comment in
24 the February 15 exercise on the last page of that exercise
25 regarding the EWDF, and it also appears in the February 8

1 written summary which is EP63 where, if you look at
2 page 15, it says, "There were insufficient personnel
3 assigned to the EWDF to adequately monitor and decontaminate
4 vehicles and personnel."

5 Do you see that?

6 A Yes.

7 Q And do you see right above that, "Personnel
8 monitoring in the EWDF was very lax; personnel were
9 using poor techniques in monitoring. The process was
10 very rushed, and the probe was held too far from the
11 subject"?

12 Do you see that?

13 A Yes, I do.

14 Q Do those kinds of comments give you any concern,
15 Mr. Daverio?

16 A Yes. That is why I said we talked to that drill
17 controller personally and discussed these problems. And
18 we have identified a need to do more drilling in this area.

19 Q But to date and at this time, Mr. Daverio,
20 further drills and exercises in this area have not been
21 conducted, have they?

22 A We ran table tops, which we felt were necessary
23 before we went back into the drills. And that is what is
24 going on this month.

25 Q So back to my question, excluding the table tops,

1 because I consider those discussions, excluding the
2 table tops, have there been drills or exercises to date
3 to test this area with the problems regarding decontamination
4 and monitoring personnel?

5 A As I stated, we have run some drills in June
6 that would have tested that. I don't have results though.

7 Q Do you even know if they have been run to date?

8 A Yes, I do.

9 MR. MILLER: Judge Laurenson, the county would
10 request the results of the June drills from LILCO
11 to be provided as soon as possible.

12 MS. MONAGHAN: Judge Laurenson, LILCO is not
13 under the obligation to do a continuing discovery. I
14 believe the discovery in this case was supposedly over on
15 October 14, 1983, and we have had repeated requests for
16 additional documents by Suffolk County.

17 We have tried to accommodate most of their
18 needs where it has been based on things that were raised
19 in the testimony.

20 It seems to me now that we are litigating
21 these contentions. The time for discovery is over.

22 MR. MILLER: Judge Laurenson, I think to the
23 point that we have had testimony during this week regarding
24 the reliance on LILCO with respect to the drills and
25 exercises as a way to apply information and to critique

1 performance with respect to the information given, for
2 example, given today with respect to problems in areas
3 such as with decontamination and monitoring personnel
4 during February, which was the last time exercises and
5 drills had been conducted, and with the testimony given
6 today that now there have recently been further drills
7 conducted in these areas which could shed further light
8 which could indicate whether or not problems have been
9 fixed, the information sought is relevant. It is probative.

10 It should be provided to the county. It
11 should be provided to all parties, and to the Board.

12 JUDGE LAURENSEN: To the extent that the parties
13 are not going to be able to resolve this disagreement among
14 themselves, I guess about the only thing we can do is to
15 suggest that briefs be filed, a motion and briefs be filed
16 during the next three weeks so everyone has something to do.

17 BY MR. MILLER:

18 Q Mr. Daverio, trying to wrap up this area,
19 there have also been problems indicated during the drills
20 and exercises with the distribution of potassium iodide;
21 isn't that correct?

22 I am not talking about the actual distribution.
23 Problems though under the simulated conditions of the
24 drill or exercises with the distribution of potassium
25 iodide.

1 A I am just trying to refresh my recollection of
2 what that comment exactly was.

3 Q There is a comment in EP63 on page 17 which
4 says, "Potassium iodide was ordered to be given to the
5 emergency workers but not forces were available for proper
6 distribution."

7 And there is three other comments below that
8 which go to the -- well, one says, "Route alert drivers
9 sent out without their KI." It goes on from there.

10 Do you see that?

11 A Yes, we have made, based on those comments,
12 a change to the concept that we are going to use in
13 that we are now going to include, when field forces,
14 under your definition of field forces, are sent to the
15 field, one KI pill.

16 The problem came out that the traffic guides
17 were in the field and then at that time we wanted to issue
18 KI to them, and it would have caused us a problem having
19 personnel drive around handing them out. So we are going
20 to give them one each in a packet now when they go in the
21 field.

22 Of course, we don't do that in the drill.

23 Q And if you look at EP64, the February 15 report,
24 on page 13, it says, again with respect to problems with
25 potassium iodide and distribution, "Even though all three

1 staging areas were given the word to take KI, only
2 Port Jefferson implemented this instruction. In the
3 other two staging areas, this request was never acted
4 upon."

5 Do you see that?

6 A Yes, I do.

7 Q Same sort of problem that happened in the
8 February 15 exercise as happened in the February 8 exercise,
9 correct?

10 A I think part of the problem with the KI is
11 in the simulation. You order KI to be given. An observer
12 doesn't see anyone give it, and we are not going to give
13 it out in a drill. And that may cause some of these
14 comments. But we have corrected that by changing the
15 concept of what is going to be in the packets.

16 Q Did you say yesterday, Mr. Daverio, that the
17 number of -- increasing the number of decontamination
18 and monitoring personnel is something that is being looked
19 at by LILCO?

20 A We are still -- just because I have been here
21 and working on training for a while, I am not sure. One
22 of the FEMA comments had to do with decon and monitoring
23 personnel. And I am not exactly sure how that is all going
24 to come out. So I said yesterday, we were still considering
25 it, because I just don't know the resolution yet on that

1 issue.

2 Q Mr. Daverio, let me just ask you, see again if
3 we can't wrap this up, would it surprise you if I told
4 you that during the -- this is with respect to participants
5 in the exercises in February not checking their dosimeters.
6 Would it surprise you if I told you that during the
7 February 8 exercise, at least seven separate comments
8 were provided by observers and controllers to the effect
9 that personnel were not checking their dosimeters?

10 MS. MONAGHAN: Objection. This is another
11 attempt to reintroduce the evidence that has been excluded
12 by the Board as not probative.

13 JUDGE LAURENSEN: Sustained.

14 BY MR. MILLER:

15 Q Mr. Daverio, would it surprise you if I told
16 you that during the February 15 exercise, eight separate
17 comments, comment sheets were turned in regarding the
18 fact that personnel in the February 15 exercise did not
19 check their dosimeters?

20 MS. MONAGHAN: Same objection.

21 JUDGE LAURENSEN: Sustained.

22 MR. MILLER: Judge Laurenson, this would probably
23 be a good time for the lunch break. I need to put some
24 things on to the record regarding the identification of
25 these documents from yesterday for my offers of proof, and I

1 would like to make a very brief offer of proof regarding
2 dosimeters and dosimetry and the use of that equipment
3 during the exercises. If we could maybe take five extra
4 minutes for lunch, I can get all that done.

5 JUDGE LAURENSEN: All right. We will reconvene
6 then at 2:15.

7 (Whereupon, at 12:57 p.m., the hearing was
8 recessed, to reconvene at 2:15 p.m., this same day.)

9 (The Board departed the courtroom.)

10 MR. MILLER: Pursuant to the Board's instructions,
11 the county is hereby making identification of certain
12 documents referred to during yesterday's hearing and relied
13 upon by the county in making its offer of proof.

14 SCEP67 is a stack of documents which go
15 to the issue of procedures not being followed by drill and
16 exercise participants, procedures not being revised and
17 kept up to date, and procedures being incomplete.

18 SCEP68 are the documents relating to the
19 absence of sufficient personnel at the drills and
20 exercises and the fact that personnel not trained before
21 the exercise and drill sometimes substituted to perform
22 other emergency functions. These documents also address
23 the need for additional staffing of certain emergency
24 positions within LERO.

25 SCEP69 addresses the offer of proof made yesterday

1 regarding inadequate briefings being given to drill and
2 exercise participants prior to the drill or exercise
3 being conducted.

4 SCEP70 are the documents referencing inadequate
5 briefings given to the observers and controllers of the
6 drills and exercises.

7 SCEP71 are the documents regarding problems
8 with communications aspects of the LERO training program
9 -- for example, problems with poor radio technique,
10 poor radio etiquette, lack of radios, and the need for
11 more training with respect to communications equipment
12 and, in particular, radios.

13 SCEP72 are the documents referencing problems
14 which in particular concern radio equipment and the use
15 of such equipment during the drills and exercises,
16 including the lack of an appropriate number of radios,
17 inadequate transmissions, and the failure of equipment.

18 I would also like to make as SCEP73 and SCEP74
19 two separate groupings of documents which are comprised
20 of the comments, evaluations completed by observers and
21 controllers during LILCO drills and exercises regarding
22 problems with participants not checking their dosimeters
23 while performing in the drills and exercises and problems,
24 in particular, with the emergency worker decontamination
25 facility.

1 SCFP73 are the documents going to dosimeters
2 not being regularly checked and SCEP74 are problems with
3 the emergency worker decontamination facility.

4 With respect to SCEP73 and 74, the county hereby
5 makes an offer of proof to the extent that if the county
6 would have been allowed to proceed with questions regarding
7 these documents, the county would have demonstrated that
8 from documents retained and supplied by LILCO to the
9 county, pursuant to the discovery requests and order of
10 the Board, there have been at least -- there were at least
11 seven examples of separate comments provided by drill
12 observers and controllers during the February 8 exercise
13 of participants not checking their dosimeters.

14 Similarly from the February 8 exercise, there were
15 at lease eight separate comments provided by observers and
16 controllers regarding participants not checking their
17 dosimeters.

18 With respect to SCEP74, the documents reference
19 particular problems with the emergency worker decontamination
20 facility and if the county would have been permitted to
21 ask questions of the LILCO witnesses regarding these
22 documents, the county would have demonstrated that there
23 has been a consistent and pervasive, symptomatic attitude
24 problem among LILCO workers who perform decontamination
25 and monitoring tasks at the emergency worker decontamination

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facility.

(The documents referred to
were marked Suffolk County
Exhibits EP67, EP68, EP69,
EP70, EP71, EP72, EP73 and
EP74 for identification.)

MR. MILLER: That completes the county's
offer of proof.

(Whereupon, at 1:06 p.m., the offer of proof
was concluded.)

END 13

#14-1-SueT1

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

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(2:25 p.m.)

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JUDGE LAURENSEN: Okay. Let's go on the record, then. Before we resume the questioning of the training panel this afternoon, I understand we have a procedural matter that we have discussed briefly off the record.

Do you want to raise it on the record now, Mr. McMurray?

MR. MC MURRAY: Yes, Judge Laurenson. This issue is with regard to Dr. Radford who is on the County's panel on Contention 61 that deals with sheltering. Dr. Radford sponsors a very small portion of that testimony, a few sentences.

And Dr. Radford, as everyone knows, is presently in Japan doing research. To fly him back to the United States to be cross-examined on the small portion of his testimony we feel would be not very cost effective and would be very expensive for the County.

Mr. Christman has informed me that he has only a few questions for Dr. Radford. And the County's proposal is this, that on July 11th Dr. Radford be cross-examined on his testimony by a telephone hookup which the County will take full responsibility for setting up and installing. We feel that this is the best way to approach this problem which is I think unique among all of the witnesses that

#14-2-SueT 1

2 have been involved in this hearing. I think that it is
3 also a reasonable request in light of the fact that the
4 County has been asked on several occasions to accommodate
5 the problems of LILCO's witnesses, and we think that our
6 request should be granted.

7 This is just another witness problem that I
8 think can be resolved in a reasonable manner among the
9 parties.

10 JUDGE LAURENSEN: Mr. Christman.

11 MR. CHRISTMAN: Yes, sir. LILCO believes that
12 Dr. Radford ought to appear in person to give his testimony
13 and be cross-examined. I have two points to make in con-
14 nection with that.

15 The first is that in Phase One of this proceed-
16 ing, Suffolk County defaulted and refused to go forward
17 with the proceeding, the grounds being that the Board would
18 not be physically present to observe the witnesses as
19 they gave their testimony. It was so important to them at
20 that point that they were willing to default on all of the
21 Phase One issues. They now apparently have changed their
22 view and think it is not very important for the witness to
23 be physically present before the Board.

24 The second observation is that I cannot tell
25 how important Dr. Radford's testimony, or that whole piece
of testimony, is going to be in the Board's thinking. I

#14-3-SueT 1

2 fully intend to try to persuade you in my findings that
3 Dr. Radford's testimony is of no value to you in making
4 a decision. Nevertheless, with the importance of the
5 issues in this case, which is the fate -- and the ultimate
6 issue -- of that nuclear power plant out there, I do not
7 believe we can afford to have a witness who may be important
8 in your thinking appear by Trans-Pacific telephone.

9 MR. MC MURRAY: Judge Laurenson, let me just
10 respond to two of Mr. Christman's remarks. First of all,
11 his Phase One comment is completely inappropriate. The
12 problem there was with respect to the entire proceeding
13 that was going to go on in Phase One.

14 Here we are talking about one witness, and Mr.
15 Christman has already represented that he is not concerned
16 about the demeanor of this witness and that the Board see
17 the demeanor of this witness. So, that's just completely
18 inopposite.

19 MR. CHRISTMAN: That's not quite correct. I
20 said I did not believe that Dr. Radford would tell any
21 lies. I don't believe Dr. Radford would tell any lies.

22 But demeanor has a lot more to do with --
23 demeanor covers a lot more ground than that. And for
24 all the reasons that Anglo-Saxon law has said that there
25 is a right to confront the witness, including demeanor
and other things, I believe that he should appear.

#14-4-SueT

1 MR. MC MURRAY: Well, I think this is a little
2 bit different from the story I heard before. Nevertheless,
3 I think that Dr. Radford is to appear as a technical
4 witness on a very limited set of technical issues. It
5 will not be important for the Board to actually see him
6 here, especially since his testimony is limited to a few
7 sentences.

8 JUDGE SHON: Mr. Christman, in the earlier
9 proceeding where Suffolk County refused to go on without
10 the Board's presence, it is also true, is it not, that
11 the Board would not be there either to ask its own
12 questions or to observe or to guide the proceeding in any
13 way, or make rulings on questions, or anything? And here
14 we would be able to do all of those things, would we
15 not?

16 MR. CHRISTMAN: Well, it would have been two
17 phases to Phase One. The Board would not have been present
18 to guide the proceeding in the first part, and then there
19 would have been a second phase in which the witnesses would
20 have had to appear for the Board to ask those sorts of
21 questions.

22 So, you know, I don't fully know why the County
23 defaulted. They have never explained it really. But it
24 had to do with the Board not being there physically to
25 hear all of the testimony, because the Board was going to

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2 be there to hear from each of the witnesses at that one
3 point.

4 JUDGE SHON: We would presumably, however, be
5 able to hear everything Dr. Radford said.

6 MR. CHRISTMAN: Yes, if the phone connection
7 was adequate I would think so.

8 JUDGE SHON: Thank you.

9 JUDGE LAURENSEN: Aside from just picking sides
10 on this, does the State or the Staff have anything to add?

11 MR. ZAHNLEUTER: I have no objection. It seems
12 like a reasonable concession to make under the circumstances.

13 MR. PIRFO: I have nothing to offer really in
14 terms of picking sides. The proposal seems reasonable.

15 But the reason we are going through this exercise,
16 as we all recognize, is the value of, as Mr. Christman said,
17 the presence of the witness under Anglo-American Jurispru-
18 dence.

19 I hearken back to my experience with the Inter-
20 national Trade Commission where we encountered this problem
21 quite often with fact witnesses, but I must say the sort
22 of hybrid nature which I would assume would be the nature
23 of the testimony of Dr. Radford doesn't give me much guidance.

24 So I really don't have any -- the proposal on its
25 face seems reasonable, but I can recognize the concerns of
the utility here. And I really have nothing to offer in

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terms of an alternative or proposal.

2 JUDGE LAURENSEN: Well, like most issues that
3 have come up in this case, there isn't much real guidance
4 in the Rules of Procedure here. But the NRC rules
5 concerning evidence under Section 2.743 do give the
6 parties the right to conduct such cross-examination as
7 may be required for a full and true disclosure of the
8 facts. Later on, under the written testimony part of
9 this rule, dealing with another matter admittedly, there
10 is also discussion of a reasonable opportunity to examine
11 the testimony.

12 I think at this point, with that guidance to
13 apply, under the circumstances as they have been stated to
14 us we would find that as a preliminary matter the County's
15 proposal should be accepted until, or unless, it became
16 apparent that the parties were not being afforded this
17 right under the rules to conduct the cross-examination as
18 may be required for a full and true disclosure of the
19 facts.

20 So, in other words, what the Board is saying
21 is that, yes, we will authorize this procedure. But if
22 in implementing the procedure it becomes apparent that we
23 cannot assure the rights under the NRC rules, then we will
24 have to consider other steps at that point. But as a
25 preliminary matter under these circumstances, and they are

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1 admittedly rather unique and not to be considered as any
2 sort of rule to follow from here on out in the case, we
3 will permit the County to make the necessary arrangements
4 to set up such telephone links for cross-examination.

5 MR. MC MURRAY: Thank you, Judge Laurenson.

6 Whereupon,

7 HARRY N. BABB,

8 MATTHEW C. CORDARO,

9 CHARLES A. DAVERIO,

10 DENNIS S. MILETI,

11 WILLIAM F. RENZ,

12 -and-

13 RONALD A. VARLEY

14 were called as witnesses by and on behalf of Long Island
15 Lighting Company and, having previously been duly sworn,
16 were further examined and testified as follows:

17 CROSS EXAMINATION

18 BY MR. MILLER:

19 Q Gentlemen, on Page 94 of the testimony, would
20 you look at that, please?

21 Mr. Daverio, there is a statement that says
22 that -- talking about these eleven drills again -- the
23 personnel have participated in where the decontamination
24 area has been activated.

25 Do you see that?

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A (Witness Daverio) Yes.

Q When you say decontamination area, is this the emergency worker decontamination facility?

A The emergency decon worker area in Brentwood has been the facility activated in all eleven drills.

Q There have been no drills in this regard at any relocation centers; correct?

A That's correct.

Q Looking at Page 95, please. Mr. Babb, I've been calling you Mr. Babb all week. Should it be Dr. Babb?

A (Witness Babb) Whatever your pleasure.

Q I will call you Dr. Babb. I'm sorry about that. Where it says, Dr. Babb, at the top of Page 95: Traffic guides will receive hands-on experience in traffic direction during an in-the-field session in which LERO traffic guides practice directing traffic through different intersectional configurations, do you see that statement?

A Yes, I do.

Q At this point in time, has this hands-on experience, as you say, been provided to the traffic guides?

A Yes, sir, it has.

Q Now, could you describe for me please what you mean by in-the-field session?

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2 A Well, in the Attachment 23 at the end of it,
3 and I think you referred to it a little earlier this
4 morning, there is a schematic of the on-site training area
5 that was developed for this particular instructional mode.
6 This on-site area was developed by discussion with the
7 traffic engineering staff and the LERO training personnel
8 and myself, and a consensus was arrived at that we could
9 indeed implement this type of a training site on those
10 facilities in Hicksville.

11 That was done according to our request and laid
12 out in general the way that particular outline indicates.

13 Q Dr. Babb, this in-the-field session then was
14 conducted in the parking lot at the Hicksville facility?

15 A Yes.

16 Q Could you tell me, Dr. Babb, when this training
17 was provided to the traffic guides?

18 A We started training the guides on Monday,
19 the 21st of May, and continued for fifteen continuous
20 sessions with, I think, one holiday in there. I think
21 it was the 28th. There were fifteen training session
22 continuous.

23 Q You finished on May 28th?

24 A No. That was the one day that I believe was
25 a holiday where there wasn't any exercise.

Q When you say there were fifteen continuous

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training sessions, does that mean fifteen continuous days?

2 A With the exception of that one holiday and the
3 weekends, yes, sir.

4 Q How many hours per day were spent?

5 A Five per day.

6 Q And how many traffic guides did you have at each
7 session?

8 A On an average of eighteen.

9 Q Did the traffic guides attend more than one
10 session?

11 A Not of that exercise, no. They were all dif-
12 ferent, all different groups.

13 Q I'm just trying to get my math straight, Dr.
14 Babb. Eighteen days -- I'm sorry. Eighteen on the
15 average traffic guides and fifteen days.

16 A Yes, sir.

17 Q How many traffic guides did you train, then?
18 Roughly.

19 A I didn't multiply it out, but it must be in
20 the area of two hundred and seventy-five I believe, some-
21 thing like that.

22 Q Mr. Daverio, this would be the number of
23 traffic guides which would roughly constitute the one
24 hundred and fifty percent which would be the number that
25 could report during a full-scale evacuation of the EPZ plus

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the fifty percent reserve; is that what that comes out to?

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A (Witness Daverio) I'm not sure if two hundred and seventy exactly matches that number. And Dr. Babb gave you an average; that's close.

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Q But the number would represent then all the traffic guides that are part of LERO; correct, Mr. Daverio?

6

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A Yes. They all are expected to go through Dr. Babb's training.

8

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Q Mr. Daverio, in Answer 81, Page 95, you talk about the tabletops. It is true, isn't it, that there is no equipment used during the tabletops such as are described here on Page 95 of your testimony?

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Equipment, meaning dosimeters and things of that sort.

14

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A The only one I'm not sure of might be a decon of monitoring tabletop. They may have brought the radiation monitoring equipment there, but I'm not aware that they did.

16

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In general, you are correct.

19

Q Well, when you say -- the question posed in Question 81, Mr. Daverio, is do the tabletop drills include any hands-on experience in performing assigned emergency functions. The hands-on does not refer to hands-on with respect to using equipment, then, does it?

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A No, it does not.

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Q Does it refer then to the discussions we've

#14-12-SueT 1

2 referred to during the week where scenarios are placed out
3 on the table and there is discussion among all of the
4 participants as to how they should react to the scenarios?

5 A They would be using procedures. They would be
6 looking at the procedure at the tabletops.

7 Q Now, Mr. Daverio, Question and Answer 82 goes
8 back to the discussion of traffic guides. You mention
9 that there are five classroom sessions for the traffic
10 guides.

11 It's true, isn't it, that three of these five
12 sessions are the general training sessions that are pro-
13 vided to all LERO personnel?

14 A The only problem we are having, Mr. Miller,
15 is what we list here is the modules and off the top of
16 my head, I can't remember if these modules constitute
17 three sessions. As we discussed, they get -- modules
18 get combined into sessions.

19 But you are correct, the modules contained
20 on the bottom of Page 95 and the top of 96 are the
21 general emergency planning concept, as we say there.

22 Q And those general modules, Mr. Daverio, they
23 do not teach LERO personnel how to direct traffic, do
24 they?

25 A No, they do not.

Q Now, on Page 96, towards the end of Answer 82,

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it is stated, the final classroom sessions, in particular
Module 12 and Module 8.A, present the traffic guides with
specific details concerning their LERO responsibilities.

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Do you see that?

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A Yes.

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Q Could you tell me, Mr. Daverio, what other
modules other than 12 and 8.A are presented in these
final classroom sessions?

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A Those are the only two.

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1 Q And, Mr. Daverio, it is true, isn't it, that
2 neither Module 12 nor Module 8-A teach participants how
3 to direct traffic?

4 A As I think we stated, the intent of the classroom
5 training was to give them a general overview of the type
6 of function they would provide in the field, and I think
7 12 gives them that, that type of instruction.

8 Q Are you saying that Module 12 is sufficient
9 instructional material to teach participants how to direct
10 traffic, Mr. Daverio?

11 A No.

12 Q Looking at Answer 83, going back to traffic
13 guides, Mr. Daverio, this training with respect to traffic
14 guides was not specified in the original training proposal
15 presented to LILCO by IMPELL, was it?

16 A I don't believe so. I would have to refresh my
17 memory to make sure of that.

18 Q And when it stated, Mr. Daverio, that there will
19 be ten hours of additional training that has been designed
20 to qualify these guides, could you tell me qualified by
21 whose standards?

22 A I think Dr. Babb is making that judgment.

23 Q Going over to page 97, there is a discussion
24 of the three training sessions for traffic guides. The
25 first session, Mr. Daverio, was the session taught by Mr.

1 Kreiger, correct?

2 A That is correct.

3 Q And that session was limited to classroom
4 presentation of material, correct?

5 A Yes.

6 Q It is true also, isn't Mr. Daverio, that during
7 these classroom sessions -- let me ask you. Were video
8 tapes used by Mr. Krieger in this classroom presentation?

9 A Yes.

10 Q Was that that video regarding the traffic
11 engineering?

12 A That was used, that is correct.

13 Q And I think I asked you this earlier, and my
14 apologies if I did, but you never reviewed that video tape,
15 did you?

16 A I had seen it. I don't believe I saw it before
17 Mr. Krieger used it, though.

18 Q You have seen it, though?

19 A I was at one of Mr. Krieger's sessions. As
20 mentioned, we monitored sessions as we thought appropriate.
21 I was at one of them.

22 Q That video tape, though, is used Mr. Daverio,
23 -- it generally depicts a traffic engineer driving down
24 the streets looking at things that traffic engineers look
25 at, isn't that basically what it does.

1 A I think that film tried to give the traffic
2 guides a background in how the traffic engineer goes about
3 designing traffic patterns.

4 Q Do you think, Mr. Daverio, that that video tape
5 in any way taught the traffic guides how to direct traffic?

6 A No.

7 Q Could you tell me, roughly, Mr. Daverio, when
8 this class session portion of the traffic guide training
9 was held?

10 A It was probably sometime in the fall of last
11 year. I don't have an exact date.

12 Q And looking still on page 97, Doctor Babb, the
13 second and third sessions described there are the sessions
14 you teach, correct?

15 A (Witness Babb) Yes, sir, that is correct.

16 Q And those sessions began about May 21st.

17 A On Monday the 21st, yes.

18 Q Doctor Babb, earlier in the day I handed out
19 an evaluation form for the traffic guide training that
20 you are responsible for. Do you have that?

21 A Yes, I have.

22 Q MR. MILLER: Judge Laurenson, I would like to
23 mark this as SC EP-75, and to explain for the record during
24 the lunch break the county identified various exhibits to
25 be marked for identification, and I think we used SC EP-67

1 through SC EP-74. Those documents went to the matters for
2 which I have made various offers of proof during the week.

3 JUDGE LAURENSEN: All right. This will be
4 marked 75, then.

5 (Above referenced document
6 is marked Suffolk County
7 Exhibit EP-75 for identification)

8 MR. MILLER: Judge Laurenson, I think also there
9 maybe was some confusion by the court reporters as to how
10 the documents I identified are to be used, and it is my
11 understanding they would be marked for identification and
12 placed into the record of the proceedings just as would be
13 any document identified for the record, although not accepted
14 into evidence by the Board.

15 JUDGE LAURENSEN: Just as though it was not
16 admitted.

17 MS. MONAGHAN: Judge Laurenson, one question
18 with respect to Mr. Miller's documents that were submitted
19 with regard to his offer of proof. LILCO would like copies
20 of those documents, if we might have them, please.

21 JUDGE LAURENSEN: That is part of the requirement.
22 If you are going to put it in the record, you have to give
23 copies to the parties.

24 MR. MILLER: Sure. We can do that. I did
25 not make copies for everybody because I had the impression

1 that the parties and the Board didn't want to see them, but
2 we will be glad to give LILCO a copy.

3 BY MR. MILLER: (Continuing)

4 Q Doctor Babb, looking at what has been marked
5 as SC EP-75, did you prepare these two evaluation forms?

6 A (Witness Babb) Yes, I did.

7 Q And would it be correct to say, sir, that top
8 form, where it says Daylight, is used for the second session
9 discussed on page 97, and the second page, where it says
10 Darkness, is the form used to evaluate traffic guides
11 during the third session, final session, mentioned on page
12 97?

13 A That is correct.

14 Q Have both sessions been given to the traffic
15 guides at this time?

16 A No. Just the Daylight session. The Darkness
17 session is scheduled for July.

18 Q Doctor Babb, the forms are identical. They
19 appear to be identical for me, except the category of
20 whistle signals does not appear on the form for Darkness.

21 First of all, could you tell me what is meant
22 by whistle signals?

23 A Whistle signals are the standard traffic whistle
24 signals used by people directing traffic to stop traffic,
25 to start traffic, and to alert people who might be

1 misdirected elsewhere.

2 Q And why would you not look at that during the
3 drill for traffic guides to be conducted in darkness?

4 A If the student has satisfactorily mastered that
5 particular portion of the learning experience in the
6 daylight training exercise, I did not feel it would be
7 necessary to repeat it in the second session.

8 Q Now, Dr. Babb, you conduct all these traffic
9 guide sessions yourself?

10 A Yes, I did.

11 Q Did you have any assistance?

12 A Yes, I did.

13 Q Are they LILCO employees?

14 A No, they are not.

15 Q Could you tell me generally who they are that
16 assisted you?

17 A Yes. I engaged a former Suffolk County police
18 sergeant by the name of Noel Borden, who was in traffic
19 and in the Police Academy for many, many years to assist
20 me.

21 Q The two of you then did all of this training?

22 A Yes, we did.

23 Q Now, when I look at the categories, Dr. Babb,
24 satisfactory, unsatisfactory, I assume that what you do
25 during these drills is that you look for each of the factors

1 you set forth, and simply check whether performance is
2 satisfactory, unsatisfactory, correct?

3 A That is correct.

4 Q It is a judgment then made by you, isn't it,
5 subjective judgment as to whether or not performance should
6 be evaluated as satisfactory or unsatisfactory?

7 A That is correct.

8 Q Now, Dr. Babb, if my numbers are correct, is
9 it your testimony that during the daylight training session,
10 each traffic guide will receive five hours of training?

11 A That is correct.

12 Q And what would be the number of hours for the
13 darkness?

14 A It is planned for three hours.

15 Q So a total of eight hours in total. Can you
16 tell me, Dr. Babb, give me an estimate as to during that
17 eight hours in total, how much time each traffic guide
18 actually gets to practice the skill of directing traffic?

19 A Approximately an hour and twenty minutes total,
20 of actual physical practicing of traffic.

21 Q Let me ask you, Dr. Babb, then. In your opinion,
22 after approximately an hour and twenty minutes of practice
23 in these drills, will LILCO's traffic guides be as prepared
24 as, for example, police officers to direct traffic in the
25 event of an emergency at Shoreham?

1 A Given their present levels of competence as was
2 demonstrated to me in the first training session, coupled
3 with their initiative and their motivation, I would say
4 yes.

5 Q So, Dr. Babb, if you as a supervisory person
6 have two individuals at a staging area, and there is an
7 emergency at the Shoreham plant, one individual is a Suffolk
8 County police officer who directs traffic as part of his
9 police duties, and one individual is an individual in LERO
10 that has gone through your hour and twenty minutes of
11 actual practice time, your testimony is you would feel just
12 as comfortable taking one as the other, and sending them
13 out to a traffic position?

14 A I think that is something-- I will have to
15 qualify that, and that is that there has been in the police
16 field an attempt to civilianize many functions of the
17 police performance.

18 Civilianization would include clerks positions
19 in a police department, and things of that nature, and also
20 functions which are non-criminal in nature, and among those
21 civilianizations of non-criminal events are traffic direction
22 and control, and many departments, including Suffolk and
23 Nassau and New York City now have concentrated their
24 efforts -- and I must say that I agree with that -- they
25 have concentrated their efforts by trying to keep the police

1 free for routine criminal patrol, and as such civilians,
2 such as crossing guards, and auxiliary police, and in New
3 York City the traffic enforcement agents are the ones that
4 do the bulk of the intersectional point control traffic.

5 So, therefore, I would suspect that the average
6 police officer in the areas -- metropolitan area, probably
7 in words that we used yesterday, perhaps somewhat lax in the
8 actual point and intersectional control.

9 Q Dr. Babb, are you aware of how much training,
10 for example, the school crossing guards that we were just
11 talking about received with respect to traffic control and
12 direction?

13 A That would depend upon the particular
14 institution. The agency that hires them. That is not
15 consistent.

16 Q What about within Suffolk County?

17 A At 1984 -- 1983-1984 levels, I do not know.

18 Q Would it surprise you if I told you on an
19 annual basis eight hours a year?

20 A Well, if the eight hours were specifically
21 directed to the physical direction of traffic, I would
22 be surprised, yes.

23 Q And of course, Dr. Babb, individuals such as
24 even school crossing guards have their day-to-day practice
25 on the job, isn't that right?

1 A That is true.

2 Q Let me ask you, Dr. Babb. At the top of page 98,
3 you give your opinion regarding the adequacy of the training
4 program.

5 A I didn't write it. But I am reading it.

6 Q Yes, sir. Do you believe that an emergency
7 environment was realistically simulated during the traffic
8 guide training that you have conducted?

9 A Would you repeat that portion pertaining to
10 emergency environment, please?

11 Q Well, would you believe that an emergency
12 environment was realistically simulated during the training
13 for traffic guides that you have conducted?

14 A We did simulate emergency conditions, yes, during
15 the training.

16 The approach of an emergency vehicle, for
17 example, was presented to each of the guide while they were
18 actually on post, and they were required to be able to make
19 decisions to expedite the safe and expeditious movement
20 of that emergency vehicle through their particular post
21 under my particular supervision.

22 Q Now, the drills were conducted in a parking lot
23 and the intersections were marked out how? Using cones?

24 A The intersections were marked out with pavement
25 markings, and certain cones were positioned to replicate

1 the diversion of traffic as it would be in some of the
2 Shoreham areas.

3 Q And how did you simulate traffic, if at all?

4 A We didn't simulate it. We had the other guides
5 in that group drive around, and they were the actual
6 traffic. They were the vehicles. They were driving
7 around.

8 Q So, during these drills you would have -- let's
9 take your estimate of 18 traffic guides per drill. One
10 traffic guide would be in one of the marked off intersections
11 in the parking lot, and the other seventeen would be each
12 driving a vehicle through that intersection?

13 A It would start out that way, and then ultimately
14 we would have four traffic guided at four different posts,
15 and the remaining portion of the guides would supply the
16 traffic, plus the LERO people had supplied several additional
17 Long Island Lighting Company vehicles, which were spare
18 vehicles and were used by some LERO people to add to the
19 traffic flow.

20 Q But at times then, Dr. Babb, with four of your
21 traffic guides and four of your different simulated
22 intersections and the rest driving vehicles, you would
23 have approximately three or four vehicles actually driving
24 through each of the simulated intersections, is that
25 correct?

1 A Well, the flow would not be quite that smooth.
2 There would be times when one vehicle could be driving
3 through one of the posts, and seven or eight vehicles
4 driving through another.

5 Q Do you think, Dr. Babb, that with the amount
6 of vehicles that you had during these drills that you
7 accurately and realistically portrayed traffic as it would
8 exist during an emergency at the Shoreham plant?

9 A Well, the intent was to teach to the guides
10 the fundamentals of directing traffic. If they could
11 learn and successfully master those fundamentals, whether
12 the flow would be seven vehicles or seventy vehicles, in
13 my judgment, if the fundamentals were applied properly,
14 then they could satisfactorily perform the task.

15 Q So, in your opinion, it makes no difference
16 as to the amount of traffic flow as to whether someone
17 can direct traffic. If he knows the fundamentals he can
18 do it?

19 A That would be my opinion, yes.

20 Q Now, are there any conditions, Dr. Babb, with
21 respect to traffic direction, that would cause you to
22 change your opinion in that regard?

23 MS. MONAGHAN: Objection. The question is
24 vague and ambiguous.

25 JUDGE LAURENSEN: Overruled.

1 WITNESS BABB: Would you repeat that please,
2 Mr. Miller?

3 BY MR. MILLER: (Continuing)

4 Q Well, I am wondering if there are any conditions
5 that could exist, Dr. Babb, that would change you to --
6 that would cause you to change your opinion that so long
7 as one knows fundamentals of traffic guidance, one can
8 adequately direct traffic?

9 A Well, I am not absolutely rigid. If someone
10 can display something to me which would alter my opinion,
11 I would be certainly happy to accept it.

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1 Q During your career as a police officer, Dr. Babb,
2 did you ever see a police officer directing traffic where
3 in your opinion his performance was less than adequate?

4 A Yes, I have.

5 Q In that case, was the less than adequate
6 performance due to the individual's not knowing the
7 fundamentals of traffic direction?

8 A No. It was not that they didn't know the
9 fundamentals. It was that perhaps they might have forgotten
10 them through not consistent usage.

11 Q Could that happen, Dr. Babb, with the LERO
12 traffic guides in your opinion?

13 A Yes.

14 Q Now, looking at page 99 of the testimony, there
15 is a statement, Mr. Daverio, at the end, answer 86, which
16 talks about providing knowledge to trainees during the
17 classroom sessions. Do you see that? It is like the third
18 line from the bottom.

19 A (Witness Daverio) Yes, I do see it.

20 Q I think we have determined this during the week,
21 Mr. Daverio, but let me ask you, it is true, isn't it,
22 that during the classroom training session, there is no
23 provision for determining objectively whether information
24 provided to trainees has been understood; isn't that correct?

25 MS. MONAGHAN: Objection. I think this has been

1 asked and answered numerous times.

2 JUDGE LAURENSEN: I do believe we have been over
3 this several times, Mr. Miller.

4 Sustained.

5 MR. MILLER: I am just not clear if we every
6 really got an answer, Judge Laurensen.

7 Did you sustain it?

8 JUDGE LAURENSEN: Yes. Do you remember the
9 discussions about the workbook exercises and all the rest
10 of this business, which I assume is encompassed in your
11 question here?

12 MR. MILLER: Yes, sir. It would be encompassed
13 in my question, but my question really is broader at this
14 point. I am asking if there is any way that LILCO can
15 determine objectively whether information presented is
16 understood by trainees.

17 JUDGE LAURENSEN: I believe that was the same
18 question you asked that led us into the workbook exercises
19 answer. That is the reason I sustained the objection.

20 BY MR. MILLER:

21 Q Mr. Daverio, at the top of page 100 you state,
22 "It is not intended that a trainee could leave the classroom
23 training sessions and immediately carry out his responsi-
24 bilities."

25 Do you see that?

1 A Yes, I do.

2 Q Is it fair to say, Mr. Daverio, that the LILCO
3 training program was structured in this way and with this
4 intent because classroom training, under the LERO program,
5 does not and cannot serve to provide necessary experience
6 to LERO trainees?

7 A I think that is obvious; unless you practice it,
8 we didn't feel that you could get the skills that we want.

9 Q Mr. Daverio, in the middle of the page, page 100,
10 you mention the examples of early drills and then later on
11 the page you mention or talk about the later drills.

12 These are the same drills, are they not,
13 we talked about yesterday which are, or Wednesday, which
14 are set forth on page 15 and 16 of the testimony.

15 Is that right?

16 A I am just flipping my page. I believe that
17 is true, but let me look.

18 Yes, they are the same drills that we talked about
19 then.

20 Q Now, looking first, Mr. Daverio, at the early
21 drills that are mentioned, could you give me any kind of
22 an estimate as to, on an average basis, how many participants
23 there were in each early drill and how many controllers
24 and observers there were for that drill, if there is any
25 way to give me some kind of an average.

1 A If we can confer for a second, we might be able
2 to come up with something for you.

3 (Witnesses conferring.)

4 The best of our recollection, sitting here,
5 the two examples on page 100, at the EOC-ENC activation,
6 there would be about 80 participants with about 10 to 15
7 observers, and at the transportation coordination drill
8 there would probably have been about 175 participants with
9 again about 10 to 15 observers.

10 Q I take it then, Mr. Daverio, that it is not your
11 testimony that during these drills all participants are
12 provided individualized training and an opportunity to
13 practice their jobs; is that correct?

14 Maybe I should define individualized training.
15 That is probably not a good phrase.

16 A I would have probably said that is not correct,
17 based on my interpretation of what you said.

18 Q Let me make sure we understand one another.

19 Is it your testimony that during these drills,
20 in light of the numbers you have given me, which I understand
21 are rough estimates, that each participant received
22 individual instruction by the drill observers, controllers
23 participating in the drills?

24 A If we might confer for a second.

25 (Witnesses conferring.)

1 Taking the example of the transportation
2 coordination drill and if you take discrete points in that
3 drill, there were times where they were getting
4 individualized instruction from an observer.

5 Let me give you an example. When the first --
6 in the first drill we ran, we had one of our observers get
7 up and explain to the participants what was in the packet
8 we were giving them, the maps, what we expect them to do
9 driving the routes, and that type of information was
10 provided.

11 So if you take discrete points in the drill,
12 yes, everyone got supervised and instructed in some
13 fashion. If you asked me if they were for the whole
14 drill, the answer would be no.

15 Q Mr. Daverio, when you talk on the page about
16 the later drills, I think yesterday we were talking about
17 the February exercises. Would it be fair to say that the
18 later drills that you say increased in scope and length
19 were much larger in terms of the number of participants?

20 A Yes, that is accurate.

21 Q I think yesterday you gave me a figure of maybe
22 600 to 800 participants?

23 A No. Probably closer to 900.

24 Q And roughly what would be the number of drill
25 controllers and observers?

1 A I think I gave you that a little while ago,
2 50 to 60.

3 Q Would your answer be the same, Mr. Daverio,
4 with respect to these later drills, if I asked you whether
5 all participants received individual instruction during the
6 drill or exercise?

7 A In the later drills and exercises, we were trying
8 to let the participants play more often and not get as
9 much instruction from us and more critiquing. So I can't
10 say in the later drills they -- our observers explained
11 packets to them and did the briefings. The people who
12 would do that in the emergency then did that because they
13 saw us do it the first time.

14 A So as we got further and further in, there
15 was less of our people doing the briefings.

16 Q Mr. Daverio, I understand your answer except
17 when you used the word briefings. Are you equating
18 instruction of participants with the drill briefings?

19 A Not necessarily. But what we did in the early
20 drill was we used the briefing as an instructional period
21 and we worked with the briefers and gave instructions
22 at the same time. So it was depending on the drill and what
23 we were trying to get out of it.

24 Q Well, the briefings in the drills are given
25 at the beginning of the drill; is that right?

1 A No, throughout the drill.

2 Q You used those briefing sessions as instructional
3 periods for the participants?

4 A In some of the drills, that is correct.

5 Q Briefings are generally given to groups of
6 participants though, correct?

7 A Yes. It would have been to maybe a group of
8 30 in a room sitting down, being instructed.

9 A (Witness Varley) Perhaps I could explain a
10 little bit more on what Mr. Daverio is trying to get
11 across.

12 As another example, part of what goes on at
13 the staging area is the distribution of dosimetry and
14 completing dosimetry forms and verifying that the
15 dosimeters are zeroed.

16 If you understand that process and the way we
17 do that type of thing at a staging area, you bring a
18 group of people in to a particular briefing room so that
19 they can fill out their forms and zero their dosimeters
20 and be ready to go.

21 In that particular instance, we are talking
22 about the individualized instruction. When that group
23 walks into the room and the door is closed in the
24 initial drills that we ran in the fall of last year, there
25 was a controller there that was working with the dosimetry

1 record keepers to make sure that this process worked and
2 that everybody understood the process, including the
3 people receiving the dosimeters.

4 At that point, as the dosimetry record keepers
5 conducted the briefings and distributed dosimeters and
6 as they worked through filling out their forms, the
7 controller at that point also was working with each
8 individual to make sure he understood how to fill out the
9 forms, check his dosimeters, that kind of thing.

10 So there were, like Mr. Daverio said, certain
11 points where they, in fact, were receiving that one-on-one
12 kind of instruction.

13 Q Mr. Varley, looking at your answer to question 87,
14 you state that your observations stem from your position
15 as lead drill controller during 20 of the LERO drills.

16 Do you see that?

17 A Yes, I do.

18 Q And if I remember correctly what you told me
19 during the wrk, you have not been involved in the drills
20 since January; is that correct?

21 A That's correct.

22 Q How many trainees, Mr. Varley, do you think you
23 personally observed during the course of these 20 drills
24 you mention on page 101?

25 A I would have to say, to the best of my ability,

1 at one point or another, I observed every one of them.

2 Q Every participant in the drill?

3 A Yes.

4 Q For the traffic guidance drills, you observed
5 all the traffic guides?

6 A That is correct.

7 Q Now, are you talking about at the beginning of
8 the drill when they all show up and are briefed?

9 A At different points, depending upon where I
10 was as the lead drill controller throughout the drill.

11 Q Why don't you tell me, where is the lead controller
12 generally stationed for these drills?

13 A If you understand the drill and exercise process,
14 the lead controller isn't assigned a specific station.
15 Generally the lead controller is left free to move throughout
16 the area so that he can, in fact, verify that the drill
17 is progressing properly and coordinate and control the
18 activities of all the other controllers and observes.

19 Q Where is it that you generally spent the bulk
20 of your time as lead controller?

21 A Let's take an example of the EOC-ENC activation
22 drill. I spent my time at the EOC walking throughout the
23 facility at the various stations with the EOC that are
24 set up.

25 I can't say that there is any one specific point

1 that you stay at for the majority of the time.

2 I guess to some extent I would spend more time
3 with the manager and director than I would, say, with the
4 bus communicator.

5 Q In that particular drill you pointed out, the
6 EOC-ENC staging area drill, did you go to the ENC?

7 A I have been to the ENC on occasion. I didn't
8 go to the ENC every time we ran every one of these drills,
9 no.

10 Q So on those occasions you didn't go to the
11 ENC, you didn't see the participants at the ENC, did you?

12 A That's true.

13 Q Did you always go to the three staging areas
14 during the drills?

15 A No, not all the staging areas for every drill.

16 Q Then you wouldn't have seen the personnel
17 assigned to those staging areas then, would you?

18 A That's correct.

19 Q Did you go to every traffic guide post during the
20 drills?

21 A No, I didn't.

22 Again, I said I didn't stay at every position for
23 every drill. I said, to the vast majority of time,
24 let's take for instance the transportation coordinatio drill.
25 Operating out of the staging area at one point or another,

1 everyone that was in that drill was in the staging area
2 to attend briefings for dosimetry, for being dispatched
3 into the field, or et cetera. So from that respect,
4 that is why I am saying that at one point or another, I
5 probably saw most of the participants in the drill.

6 Q Did you evaluate all the drill participants?

7 A No, I did not.

8 Q Mr. Varley, have you ever submitted to LILCO
9 written evaluations or critiques or recommendations
10 concerning the LILCO training program?

11 A There was no need for that. Working with
12 Mr. Weismantle, Mr. Weismantle visits me on a daily basis
13 to discuss all of these types of topics.

14 Q So your answer is no?

15 A Not written, no.

16 Q When you state, Mr. Varley, at the end of the
17 page, "During these drills it was my observation that the
18 individuals in LERO were serious about their responsibilities,
19 diligent in carrying out their response actions, and
20 responsive to making the entire organization as effective
21 as possible" -- do you see that?

22 A Yes, I do.

23 Q Do you still believe it?

24 A I certainly do. I think my observations of these
25 people are that they are a fine group of people that I fully

1 believe could carry out the activities that have been
2 assigned to them. It is a very good group of people.

3 Q Your comment regarding "individuals were
4 serious," are you aware, during the course of the week --
5 I'm sure you are -- we have had some discussion about
6 horseplay and so forth during the drills and exercises.
7 I take it you are not saying there that all individuals
8 in LERO were serious about their responsibilities?

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2 A (Witness Varley) No, that's not what I'm
3 saying. Given the fact that they knew that their job
4 had to be accomplished every individual that I've
5 witnesses has, in fact, done what was necessary to carry
6 out those responsibilities. It's no doubt in my mind
7 that every individual that I was in contact with could
8 have, had the desire to, and would have carried out his
9 responsibility given the opportunity to.

10 The demeanor of some individuals may have
11 changed from time to time, but his attitude and his
12 ability to carry out those responsibilities led me to not
13 to question that portion of it.

14 Q Your comments, Mr. Varley, I take it go to
15 LERO as a whole and not though to all the LERO personnel
16 who have participated in all the drills and exercises;
17 isn't that correct?

18 A Again, what I would have to say is that I
19 haven't met an individual yet in the course of running the
20 drills that I believe would not have carried out his
21 responsibilities. They are a fairly responsible group
22 of people.

23 Q Mr. Daverio, going on to Page 102, you basically
24 concur in Mr. Varley's evaluation?

25 A (Witness Daverio) That's correct.

Q And say that you've been -- well, it says

#17-2-SueT 1

2 that you've been -- well, it says based on your observa-
3 tions at approximately fifteen drills.

4 Do you see that?

5 A That's correct.

6 Q Have you observed drills through the February
7 exercises?

8 A Yes, I have.

9 Q And what would you say, Mr. Daverio, if I asked
10 you how many participants you think you observed in these
11 drills?

12 Would you say all of them?

13 A I'm just trying to remember all the drills I
14 went to.

15 Q Well, when you observed drills, Mr. Daverio,
16 did you generally, like Mr. Varley said he did, rove
17 around or did you generally go to central locations such
18 as the EOC?

19 A No. I purposely did not assign myself to
20 really be a point controller or observer. I was a person
21 who could go and observe whatever I wanted to observe
22 during any drill.

23 But, like Mr. Varley, I would say in one drill,
24 somewhere along the line, -- I don't think I've seen every
25 LERO member, but I've probably seen a large majority of
them.

#17-3-SueT 1

Q And like Mr. Varley, Mr. Daverio, in some instances is that because you see the participants at the beginning of the drill, for example, where general briefings are given out?

A That would be one place. I may have seen them in picking up their dosimetry. You could see them in many different points as you are roving.

Q With respect to participants assigned to the field locations, such as traffic guides and so forth, do you think you've seen a substantial portion of those participants during the course of the drill at their field positions?

A I've probably seen them at the staging area, not at their field positions.

Q Now, Mr. Daverio, have you ever provided anything in writing to anyone within LILCO regarding your observations, evaluations from these drills?

A I can't remember anything.

Q Let me go back to you, Dr. Babb. There is a question I wanted to ask about traffic guides.

I take it from our discussion that the traffic guides that you are training do not actually direct traffic, meaning real live traffic on the streets and roadways; isn't that correct?

A (Witness Babb) Do they direct real live traffic?

#17-4-SueT 1

2 The answer is yes, they do. They are directing actual
3 physical motor vehicles through a course. And, as a
4 matter of fact, when we were discussing training time
5 before, I neglected to add that the time the traffic guide
6 is behind the wheel on this environment is part of the
7 learning experience which ordinarily someone being taught
8 that would not be the experience, because they can actually
9 see what other guides are doing. And that is part of
10 the learning experience.

11 So, it is live traffic but it is not on a public
12 highway.

13 Q It's in the parking lot?

14 A That's correct.

15 Q And it's under controlled conditions; isn't
16 that correct?

17 A Yes, it is.

18 Q Mr. Varley, Mr. Daverio, I take it from your
19 answer to Question 89 that you agree that not all trainees
20 are accompanied by instructors to their field positions
21 during the drills and exercises?

22 A (Witness Daverio) I think we stated that many
23 times this week.

24 Q And would you look please at Page 103? You
25 discuss the forms that participants of the drills and
exercises are asked to complete, which is Attachment 25.

#17-5-SueT 1

2 And you say: Which provide a means of monitoring that the
3 particular activities undertaken were actually completed.

4 Do you see that? About the middle of the
5 page on 103.

6 A Yes, I do.

7 Q Now, again I might have asked you this. I
8 apologize. Are those drill participant forms still being
9 used in your drills and exercises?

10 A Not to my knowledge, they aren't.

11 Q And why is it that you stopped using those
12 forms?

13 A I will have to pull out the form to remember
14 everything that is on there.

15 Q It's Attachment 25 to the testimony.

16 A We used these comment forms to collect data,
17 and when we felt that we had enough data to find out
18 the information we were looking for we stopped using
19 participant comment forms.

20 Q Tell me, Mr. Daverio, would it be fair to say
21 that you were using the data provided to you in these
22 drill participant forms to help evaluate the LILCO plan?

23 MS. MONAGHAN: I object to this question on
24 the basis of relevance to the contentions.

25 MR. MILLER: It is relevant to the testimony.

JUDGE LAURENSEN: I'm sorry. I was conferring

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with Dr. Kline. I didn't hear the question.

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MR. MILLER: Judge Laurenson, there is a statement on Page 103 which says, it refers to Attachment 25 which are drill participant forms and the fact that those forms are used as a means of monitoring particular activities.

I asked Mr. Daverio if these forms are still used. He said no. I have asked Mr. Daverio is it fair to say that the drill participant forms were used to help evaluate the LILCO plan. And I think I was about to get an answer, but there was an objection.

JUDGE LAURENSEN: All right. The objection is overruled.

WITNESS DAVERIO: We were using the forms to collect information data to be used in maybe figuring out times to check on people and we were also looking for some implementation. Was there a radio problem, was -- you know, we were looking for data that would be used to look at the implementation of the plan. Was there something they thought we should do.

And we got some information.

BY MR. MILLER: (Continuing)

Q Was the primary purpose of these forms, Mr. Daverio, to collect such data or to evaluate the performance of the drill and exercise participants?

#17-7-SueT 1

2 A Some of the information may have been used to
3 insure to ourselves that the traffic guides did get to the
4 right posts, you know, if they put down a time that didn't
5 make sense we might have looked at it. But there was some
6 data we could have used for both.

7 Q Would you agree with me, Mr. Daverio, that the
8 value of the form, drill participant forms, depended upon
9 whether the form was completed and indeed how thoroughly
10 the form was completed by the participant?

11 A That's obvious.

12 Q And would you agree with me, Mr. Daverio, that
13 this drill participant form does not provide an adequate
14 substitute for individualized instruction of the drill
15 participants?

16 MS. MONAGHAN: Objection. I don't see the
17 relevance of that to the contentions.

18 MR. MILLER: We keep hearing objections about
19 relevancy to the contentions, and I keep responding that
20 it's relevant to the testimony.

21 And I assume that if it's in the testimony,
22 LILCO considered it relevant to the contention.

23 MS. MONAGHAN: I will amend the objection to
24 state that I don't think it's relevant to the testimony
25 as submitted either.

JUDGE LAURENSEN: Perhaps you can point out,

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2 Mr. Miller, what particular testimony this question is
3 relevant to.

4 MR. MILLER: Yes, Judge Laurenson. I'm still
5 looking at Answer 90 and the statement about the middle
6 of the page that the individuals were sent out, asked to
7 complete the forms which provided, presumably to LILCO,
8 a means of monitoring that the particular activities under-
9 taken were actually completed.

10 And I am asking whether these forms, in Mr.
11 Daverio's opinion, provided a substitute for individualized
12 instruction to the drill participants.

13 JUDGE LAURENSEN: Overruled.

14 WITNESS DAVERIO: I hate to do it, but I really
15 need the question again.

16 BY MR. MILLER: (Continuing)

17 Q The question is, Mr. Daverio, do you believe
18 that these drill participant forms provided a means of
19 substituting for individualized instruction to the drill
20 participants?

21 A They were intended to be that. They gave us
22 some information. We also took into account, as we state
23 in that answer, that we positioned controllers at key
24 points to pick up some more information. So, we didn't
25 use this as our only point of reference.

Q Mr. Daverio, I just have trouble with your

#17-9-SueT 1

2 enunciation maybe. Did you say they were intended or were
3 not intended to do that?

4 A They were not intended to be the sole
5 evaluator.

6 Q No. My question was, were they intended as a
7 means for substituting for instruction to the participants?

8 A No, they were not.

9 Q Mr. Daverio, to your knowledge, or Mr. Varley,
10 during the course of drills that have been conducted to
11 date, has any bus driver been dispatched more than once
12 from a bus transfer point; that is, run more than one
13 route?

14 A (Witness Varley) Yes, I believe they have.

15 Q Do you know that, or is that your opinion, or
16 is that your best recollection?

17 A That's my best recollection. In fact, some-
18 times in the course of running the longer drills where we
19 have had time and we have dispatched the transfer point
20 coordinator and the bus drivers out early, in fact, bus
21 drivers have come back and then be redispached out into
22 the field. I believe that's your question.

23 Q Has that typically been done, Mr. Varley,
24 during the drills and exercises conducted to date?

25 A Typically, I'm not sure what you mean typically.
On the longer drills, we have had the opportunity to do

#17-10-SueT1

2 that. On the shorter drills, we have not had the time to
do that.

3 Q Now, Mr. Varley, it says at the bottom of 103,
4 going over to 104, it was felt that there was little
5 additional benefit to be gained from assigning a controller
6 to accompany each bus driver on his route because the
7 route maps are quite simple to read and the routes are
8 easily run.

9 Do you see that?

10 A Yes, I do.

11 Q Some participants have disagreed with you in
12 this regard; isn't that correct?

13 A Early in the drill program, I would say it's
14 more than some participants. The early drills that we
15 conducted, we had an initial set of bus route maps that
16 just simply did not get the job done. And we got numerous
17 comments from the bus drivers that they could not do their
18 particular aspect on that.

19 We went back and we spent a great deal of time
20 and a great deal of money and have now come up with bus
21 route maps that I believe are probably the standard for
22 the industry. And, in fact, we've had an outside observer
23 from Orange County state that he has never seen in his
24 particular instances bus route maps that were easier to
25 follow.

#17-11-SueT 1

2 We have since gotten comments from the bus
drivers that the bus maps are very easy to follow.

3 Q Yes. Mr. Varley, since that time you've
4 talked about have you received any comments to the effect
5 that there should be more than one person, two people,
6 assigned per bus, one to read the maps and one to drive
7 the bus?

8 MS. MONAGHAN: Objection. I believe this is
9 going into the controllers' and observers' comments again,
10 and that information and evidence is not probative.

11 MR. MILLER: I am asking a follow-up question,
12 Judge Laurenson, to a specific answer given during my
13 cross-examination.

14 MS. MONAGHAN: I believe the initial question
15 was with regard to whether the maps were any good. The
16 follow-up question had to do with whether more than one
17 person should be in the bus.

18 MR. MILLER: Well, when you say the maps are
19 quite simple to read and the routes are easy to run, I
20 think it's fairly implicit in stating that the routes are
21 easily run that that means it's easy to drive the bus.

22 It's a follow-up question and it's based on
23 the testimony.

24 JUDGE LAURENSON: The objection is overruled.
25 You may answer.

#17-12-SueT1

WITNESS VARLEY: We have received comments that the bus drivers would like two people per bus. I don't recollect whether we are still getting those comments in February.

BY MR. MILLER: (Continuing)

Q Now, then you go on to say, Mr. Varley, right after that: Thus, actual monitoring would be nothing more than a verification that a bus driver did, in fact, run the entire route and even this fact could be substantiated by the route times logged by each driver on his form.

Do you see that?

A Yes, I do.

Q Well, it's not necessarily true that you can substantiate the route times by using these forms, is it? For example, bus drivers could have driven the wrong route; isn't that correct?

A If he has a map to follow, it would be difficult to understand why he would run someone else's route unless he only has one map to follow.

Q Right. But it could happen, couldn't it?

A What could happen?

Q He could drive the wrong route.

A He could make a wrong turn on his route. I imagine, yes, that could happen.

Q Let me ask you, Mr. Varley, during the drills

#17-13-Sue¹

1 for these bus drivers, did you have any subsituations for
2 these bus drivers? Any extenuating circumstances that
3 were presented to the bus drivers such as, for example,
4 the bus driver is told he has a flat tire?

5 A Not to the best of my recollection, no.

6 Q What about a bus driver is told he is in an
7 accident?

8 A I believe we may have had one or two instances
9 where we fed information back through a bus driver that the
10 bus broke down and that there was a necessity to dispatch
11 a new bus on to the route, something of that nature.

12 Q Do you recall any where a bus driver was told
13 they had a mechanical problem with their bus?

14 A That would have been the bus breaking down on
15 the route type situation that I described.

16 Q And you believe there were maybe two or three
17 like that?

18 A There were some. I couldn't say how many, and
19 I'm not sure of the instances.

20 Q Are you sure that it was even done?

21 A I believe something like that was done, yes.

22 Q When you say later on Page 104, beginning at
23 the first full paragraph: In addition to participation in
24 the LERO drills conducted to date, traffic guides and
25 bus drivers have received, or will receive, in-the-field

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experience for certain aspects of their job which cannot
be exercised during the drills without impacting the
public.

Do you see that?

A Yes, I do.

1 Q Tell me, Mr. Varley, how driving a bus down
2 the street or highway would impact the public?

3 A It is our opinion that trying to institute
4 running bus routes with buses, and assembling forty to
5 fifty buses at a transfer point, and then dispatching those
6 buses out into the public is an inconvenience and detraction
7 to the public that LILCO does not wish to engage in.

8 Q Yes. Forty or fifty buses, I suppose could
9 impact the public. But why not have fewer buses and more
10 drills? How then would you impact the public. Let's talk
11 about dispatching six buses, in six different directions,
12 different routes.

13 Tell me how that would impact the public?

14 MS. MONAGHAN: Objection. I think we are getting
15 into a level of detail on these training materials that is
16 just not litigatable and not probative under Waterford.

17 MR. MILLER: I think we are getting into an
18 area you don't want me to ask about. The testimony says
19 without impacting the public. It talks specifically
20 about bus drivers.

21 I am asking about bus drivers and how they may
22 or may not impact the public.

23 JUDGE LAURENSEN: Objection is overruled.

24 WITNESS VARLEY: The situation you described
25 would be counter-productive training. If we tried to only

1 send five or six people to a transfer point, the transfer
2 point coordinator would lose all of his benefit of
3 dispatching and coordinating the amount of buses that had
4 to go through that particular transfer point at the time.

5 BY MR. MILLER: (Continuing)

6 Q You say it may be counter-productive to the
7 transfer point coordinator. Are you saying that given the
8 LERO bus drivers experience in driving buses would be
9 counter-productive to the bus drivers?

10 A We are saying that we don't feel they need
11 that additional benefit of practicing driving a bus.
12 They are licensed by the State of New York.

13 The practice that they need is running the route
14 using a map.

15 Q Okay. But let's go back to my original question.
16 It is true, isn't it Mr. Varley, that if you sent out fewer
17 buses, you would not necessarily impact the public by
18 sending out those buses during drills.

19 A That wouldn't be my decision. That would be the
20 Long Island Lighting Company's decision.

21 MR. MILLER: Judge Laursen, not to set a
22 precedent of any kind, but I would suggest that we just
23 work through, try to have one afternoon break, and let me
24 try to finish this up, and I think we can probably finish
25 this panel today.

1 I am suggesting that we give up a break unless
2 people need to take a break.

3 JUDGE LAURENSEN: Does anyone need a break
4 right now?

5 (NOTE: No response.)

6 JUDGE LAURENSEN: All right. Let's keep
7 going.

8 BY MR. MILLER: (Continuing)

9 Q Mr. -- Dr. Babb, would you look at page 106,
10 please?

11 A (Witness Babb) Yes.

12 Q You would agree wouldn't you, Dr. Babb, that
13 directing traffic is a key aspect of the jobs assigned to
14 traffic guides under the LILCO Plan.

15 A Yes.

16 Q And Mr. Daverio, you would agree, wouldn't you,
17 that driving buses is a key aspect of the duties assigned
18 to bus drivers under the LILCO Plan?

19 A (Witness Daverio) Yes.

20 Q And although you state, in response to Question
21 94 that LERO workers need not practice every aspect of
22 their job at each drill, you would agree wouldn't you,
23 that they should practice key aspects of their jobs as
24 often as possible, isn't that correct?

25 A No, I would say they have to practice those

1 skills to maintain a sufficient level.

2 Q They should practice key aspects as often as
3 they need to maintain --

4 A A sufficient level of performance.

5 Q And a sufficient level of performance requires
6 practice in doing that job, isn't that correct?

7 A If you take the bus driver for eample. We picked
8 those personnel, as we say earlier in the testimony,
9 because every day they drive large vehicles within the
10 company.

11 And the practice I think is most important,
12 as Mr. Varley stated, is running the route and being able
13 to read the map and getting around in the time that is
14 prescribed. I think that is what we are looking for.
15 They have to drive the bus to maintain their New York
16 State license, and as I stated, they drive large vehicles
17 every day.

18 Q Did I ask you the other day, Mr. Daverio, if
19 you have ever driven a bus?

20 A I don't know if you did, but I haven't.

21 Q Have not?

22 A Not that I can remember.

23 Q Mr. Daverio, are you saying that you have to
24 drive a bus to maintain the Class 2 license under New York
25 State law?

1 A I am not a hundred percent familiar with that,
2 but it is my understanding from talking to people are
3 coordinating that, yes, once a year you have to drive the
4 bus, but I could be mistaken. That is my understanding.

5 Q Mr. Daverio, on page 107, we are talking about
6 route alert drivers.

7 It says: Route alert drivers do drive routes
8 or parts of route scenarios covered by sirens; by driving
9 the routes, route alert drivers gain experience in map
10 reading, making the route alert maps, to indicate the
11 -- I am sorry. Marking the route alert maps to indicate
12 the areas covered, and familiarity with some of the areas
13 that the sirens cover.

14 Do you see that?

15 A Yes, I do.

16 Q It is true, isn't it, Mr. Daverio, that route
17 alert drivers are not assigned specific routes until the
18 time of an emergency at the plant.

19 MS. MONAGHAN: Asked and answered.

20 JUDGE LAURENSEN: I can't remember how many
21 times that has been asked and answered. Sustained.

22 MR. MILLER: I honestly don't recall asking
23 that question this week, and I was going to use this to
24 establish background for further questions, but I have
25 asked a lot of questions.

1 BY MR. MILLER: (Continuing)

2 Q Mr. Daverio, let's look at Contention 100.G.
3 It talks about the terminal performance standards. It
4 begins on page 107.

5 This example, Mr. Daverio, of the grade school
6 reading class, and the child demonstrating whether he or
7 she can or cannot read.

8 Is this your example? Did you write this?

9 A (Witness Daverio) No, I didn't write those
10 words.

11 Q Do you know whose example this is?

12 A I would believe it would be Doctor Berger, but
13 I don't know that for a fact.

14 Q Well, let me ask you, in Mr. Berger's absence.
15 With -- using your example, or the example in your
16 testimony -- isn't it more accurate to say that the terminal
17 performance behavior in the example is the reading, and
18 the terminal performance standard would refer to what
19 level the child can read at?

20 A That would be my understanding, but we are
21 talking about terminal performance behavior there, and
22 we are not talking about standards.

23 Q Well, let me ask you this. Mr. Daverio, in any
24 event, is it your testimony that the drill scenarios
25 contained terminal performance behavior as standards

1 for drill participants?

2 A I think Question 97 answers that.

3 Q Well, look at Question and Answer 97. The
4 Question is: Do the LERO drills and exercises test for
5 terminal performance behavior; and the answer is no.

6 My question, I think, was somewhat different.
7 I asked is it your opinion that the drill scenarios
8 contain terminal performance behavior or standards for
9 drill participants?

10 A No.

11 Q And Mr. Varley, you would agree with that,
12 wouldn't you?

13 A (Witness Varley) I would agree with it with
14 the exception of the critique sheets that are accompanied
15 at the back of the particular sections would, I guess,
16 in some way fall under this terminology.

17 Q And I take it, Mr. Daverio, from your testimony,
18 that what you look for in the LERO training program is the
19 terminal performance behavior for LERO -- as you say,
20 LERO as a whole, I think, isn't that right?

21 A (Witness Daverio) Yes, that is correct.

22 Q And you rely upon the FEMA-graded exercise to
23 demonstrate such terminal performance behavior, correct?

24 A That is correct.

25 Q Looking at Question 98, on page 108, the

1 question is stated: Do the LERO drills contain any objective
2 or observable criteria to be used by instructors.

3 Do you see that, Mr. Daverio?

4 A I am having trouble. What was that, Mr. Miller.
5 I am sorry.

6 Q I am just looking at Question 98.

7 A The question?

8 Q It states objective or observable criteria,
9 doesn't it?

10 A Yes, it does.

11 Q Now, Contention 100.G talks about objective
12 and observable criteria, isn't that correct?

13 A Do you have the page that is on. Oh, I thought
14 you already flipped back. Sorry.

15 Q It is page 99. It says: There are no objective,
16 observable criteria.

17 A I see that.

18 Q So, the contention has been changed somewhat
19 by the question posed in your testimony, but let me ask
20 you this. Isn't it a fact, Mr. Daverio, that you need
21 both objective and observable criteria to evaluate the
22 performance of individual trainees?

23 A Could you repeat that, Mr. Miller. I am not
24 sure I got that question.

25 Q Isn't it a fact that you need both objective
and observable criteria to evaluate the performance of

1 individual trainees?

2 A I would agree with that.

3 Q Now, is it your opinion, Mr. Daverio, that the
4 LILCO training program provides for objective and observable
5 criteria to evaluate performance of trainees?

6 A Yes. I believe if you look at the attachments
7 5 and 6, you can get observable and objective criterias
8 there.

9 Q Now, are you looking, Mr. Daverio, at the
10 evaluation form that is attached to the scenario --
11 drill scenarios that are attachments 5 and 6 to your
12 testimony?

13 A It is called drill evaluations. It is ~~a~~ the
14 back of the drills. Oh, you have it.

15 Q And, Mr. Varley, to clarify a point earlier,
16 this sort of drill evaluation form is, indeed, the type
17 of form which was filled out by the observers and controllers
18 and used to compile the written summary reports that make
19 us SC EP-63 and 64, isn't that right?

20 A (Witness Varley) I believe this was one of the
21 formats used. I think there is probably more than one
22 format used for this but, yes, this is definintely one
23 of them.

24 Q Now, Mr. Varley and Mr. Daverio, would you
25 both maybe look at -- I am looking at the attachment to

1 the drill evaluation form which is attached to Drill
2 Scenario 5, which is Attachment 5.

3 Let me back up a minute. It is Attachment 5,
4 it is the EOC-ENC, All staging areas, EWDF Drill.

5 A (Witness Varley) Yes, we have that.

6 Q Now, Mr. Daverio, the second point listed on the
7 first page of the drill evaluation form says; The question
8 posed is: Were personnel familiar with their responsibilities
9 and respond in a timely manner.

10 Do you see that?

11 A (Witness Daverio) Yes, I do.

12 Q Do you believe that that poses objective and
13 observable criteria to be used by the drill evaluators?
14 Is the word, 'familiar' and objective word to you?

15 A I think the word, 'timely' there would be an
16 objective decision, and the observable is, 'are they
17 familiar with their responsibility.'

18 I think if you look at the overall statement,
19 yes, it covers both of those.

20 Q Well, we are back to discussions we have had
21 before this week, I guess, about words that are subject
22 to more than one meaning.

23 Would you agree, Mr. Daverio, that the word,
24 'timely' certainly can mean different things to different
25 people?

1 A It can if you use it without anything around
2 it, or in no context.

3 Q Well, when the question poses: 'Were personnel
4 familiar with their responsibilities and respond in a
5 timely manner,' would you agree that that question can mean
6 different things to different people?

7 A It probably would, and I would expect it, because
8 it would depend on who you were observing what that would
9 mean.

10 Q Would you agree with me, Mr. Daverio, that there
11 is a degree of subjectivity in that kind of a question?

12 A Yes, I would.

13 Q

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End 18

1 MR. MILLER: Judge Laurenson, let me offer at
2 this time SCEP75 into the record. It is this two-page
3 traffic guide evaluation form.

4 JUDGE LAURENSON: Is there an objection to that?

5 MS. MONAGHAN: No objection.

6 MR. ZAHNLEUTER: No objection.

7 MR. PIRFO: No objection.

8 JUDGE LAURENSON: SCEP75 will be received
9 in evidence without objection.

10 (The document referred to,
11 previously marked for
12 identification as Suffolk
13 County Exhibit EP75, was
14 received in evidence.)

XXXXXXXXXX
15 MR. MILLER: Judge Laurenson, by my notes,
16 we have, during the course of the week, moved and the
17 Board has accepted into evidence Exhibits 63, 64, 66, and
18 75 then.

19 JUDGE LAURENSON: That is correct. I was just
20 going to ask, do you want this bound in the transcript?

21 MR. MILLER: Yes, sir, please.

22 JUDGE LAURENSON: It will be so bound following
23 this page.

24
25

LOCAL EMERGENCY RESPONSE ORGANIZATION

TRAFFIC GUIDE TRAINING RECORD

NAME: _____
LAST FIRST EMPLOYEE NO. GUIDE NO.

TRAINING SESSION NUMBER II

DAYLIGHT

	SATISFACTORY	UNSATISFA
1. START TRAFFIC FLOW	<input type="checkbox"/>	<input type="checkbox"/>
2. STOP TRAFFIC FLOW	<input type="checkbox"/>	<input type="checkbox"/>
3. EXPEDITE TURNING - MERGING FLOW	<input type="checkbox"/>	<input type="checkbox"/>
4. EXPEDITE FLOW THROUGH TRAFFIC SIGNAL	<input type="checkbox"/>	<input type="checkbox"/>
5. WHISTLE SIGNALS	<input type="checkbox"/>	<input type="checkbox"/>
6. UNUSUAL OCCURRENCE	<input type="checkbox"/>	<input type="checkbox"/>
7. TRAFFIC CONES	<input type="checkbox"/>	<input type="checkbox"/>

DATE: _____

APPROVED BY: _____

LOCAL EMERGENCY RESPONSE ORGANIZATION:

TRAFFIC GUIDE TRAINING RECORD

NAME:

LAST

FIRST

EMPLOYEE NO. GUIDE NO.

TRAINING SESSION NUMBER III

DARKNESS ✓

SATISFACTORY UNSATISFACTORY

1. START TRAFFIC FLOW

2. STOP TRAFFIC FLOW

3. EXPEDITE TURNING - MERGING FLOW

4. EXPEDITE FLOW THROUGH TRAFFIC SIGNAL

5. UNUSUAL OCCURRENCE

6. TRAFFIC CONES - HIGHWAY FLARES

DATE: _____

APPROVED BY: _____

1 MS. MONAGHAN: Do you have another copy of
2 that for the court reporter? They seem to be having
3 difficulty finding their copy.

4 (Pause.)

5 MR. MILLER: I think also SCEP59 was moved and
6 accepted. That was the Mager excerpts on instructional
7 objectives.

8 JUDGE LAURENSEN: 59 was received. I will
9 go back one further. 58 appears to be identical to
10 either 63 or 64. I am not sure which. In any event,
11 it has been subsequently received.

12 MR. MILLER: Judge Laurenson, I am informed by
13 Mr. Cook that SCEP58 I think was introduced by
14 Mr. McMurray last week and it was just one page from the
15 February exercise. So they are, indeed, different
16 exhibits.

17 JUDGE LAURENSEN: I had it listed as three pages,
18 but maybe I am wrong.

19 MR. MILLER: It maybe was the cover page or
20 something. It was not the report. It was an excerpt
21 from the report.

22 That would conclude the county's cross-examination.
23 I would propose that we now take our break.

24 JUDGE LAURENSEN: Let's go off the record a
25 moment.

1 (Discussion off the record.)

2 JUDGE LAURENSEN: Let's take a 15-minute recess.

3 (Recess.)

4 JUDGE LAURENSEN: Mr. Zahnleuter?

5 CROSS-EXAMINATION

6 BY MR. ZAHNLEUTER:

7 Q Mr. Varley, what experience do you have in the
8 area of traffic control of marine vessels?

9 MS. MONAGHAN: Objection. That is not relevant
10 to the scope of the contentions that have been entered
11 into, nor within the scope of the testimony.

12 MR. ZAHNLEUTER: 99.C. I am inquiring about
13 Mr. Varley's general background in the area of Coast Guard
14 matters which he is an instructor for.

15 JUDGE LAURENSEN: Overruled.

16 WITNESS VARLEY: Would you restate your question?

17 BY MR. ZAHNLEUTER:

18 Q What experience do you have in the area of
19 traffic control of marine vessels?

20 A Absolutely none.

21 Q When you prepared yourself to instruct the
22 Coast Guard training session, what did you do to prepare
23 for discussion of the typical response by the Coast Guard
24 to an emergency at Shoreham?

25 A My preparation in that regard was with respect to

1 how they would interface with LERO and the aspects that
2 surrounded that had nothing to do with trying to instruct
3 the Coast Guard in what their normal responsibilities
4 as far as being able to control marine traffic.

5 Q Mr. Daverio, I would like to ask you a question
6 about page 16 and 17 of your testimony. At the very bottom
7 of page 16 there is a sentence that begins, "When a
8 trainee works through a LERO workbook and the attached
9 review exercises, he verifies that he has remembered and
10 understood the information contained in the video tapes."

11 Do you know what the time interval is between
12 the completion of the workbooks and the review exercises
13 by the trainee and the verification of the memory by the
14 trainee?

15 A (Witness Daverio) I would say that varies
16 depending on the module being taught and how many modules
17 were in the session. There is no number, I don't think,
18 that I can give you for that.

19 Q When does the trainee verify that the
20 trainee has remembered and understood the information?

21 A As we have testified, he works through the --
22 reads through the workbook, works through the review
23 exercises, asking questions, and then the instructor goes
24 through a question-by-question review. He probably would
25 know when the question-by-question review was going on

1 whether he remembered the information, whether the exercise
2 was correct.

3 Q Can you give me an idea of what the maximum
4 time interval would be?

5 A Like I said, Mr. Zahnleuter, it depends on the
6 module. Taking a particular case, radiation protection,
7 because it was a subject that had some technical data
8 in it, we broke it up into four sessions, four mini-sessions
9 within the one module. And there may have only been three
10 questions. There may have been a short time for that one.

11 Some of the others may have been longer.

12 Mr. Varley may have a time estimate.

13 Q Mr. Daverio, how long does it take to complete
14 one module?

15 Is that less than a day?

16 A There is one module which is an 80- or 90-page
17 workbook that may take them awhile to read through and
18 work through. They do that at home.

19 I don't think any one module takes more than
20 two hours at the most.

21 Q Is it fair to characterize this time interval
22 as short term as in the short-term memory concept?

23 A I am not sure I understand your question.
24 Could you repeat it?

25 Q No. I think I will move to another question.

1 On page 17, there is a phrase that appears in
2 the middle of the top paragraph, it is about line ten,
3 specifically says "question-by-question review."

4 Do you see that?

5 A Yes.

6 Q Could you explain to me what that means?

7 A As it states, the instructor went through a
8 question-question review of the review exercise that
9 the attendees had just performed.

10 Q Does the instructor read a question and then
11 read an answer?

12 MS. MONAGHAN: Objection. This gets into a
13 level of detail that is not probative under the Waterford
14 decision.

15 JUDGE LAURENSEN: Overruled.

16 WITNESS DAVERIO: Yes.

17 BY MR. ZAHNLEUTER:

18 Q Where in the process does the trainee participate?

19 A He is sitting there listening to the instructor
20 tell him that the correct answer is, and reviewing what
21 he had put down.

22 Q So it is conceivable that the trainee could be
23 entirely passive throughout this and not speak up at
24 all?

25 A If he understood the material and had no questions,

1 he could sit there and not speak up. That is correct.

2 Q At the bottom of page 17, there is a sentence
3 that starts which says, "Some of the many advantages are,"
4 and then at the top of page 18 it continues.

5 And it says, "The type of individuals being
6 trained are accustomed to receiving information from the
7 television medium."

8 Mr. Daverio, what type of individuals are you
9 referring to?

10 A Adults.

11 Q And when you say, "receiving information from
12 the television medium," what do you mean by that?

13 A They watch TV, whether it be the news or TV
14 show, they receive information, public education TV.

15 Q Is the basis of your statement that news programs
16 and public information TV are watched by the adults in
17 LERO?

18 A I can't speak for everyone, but I would be
19 surprised if they didn't.

20 Q Let me turn it around, what is the basis for
21 your statement that adults receive information from the
22 television medium?

23 MS. MONAGHAN: Objection. Asked and answered.

24 JUDGE LAURENSEN: Sustained.

25 BY MR. ZAHNLEUTER:

1 Q Have you done any studies to determine whether
2 the adults in LERO receive information from the television
3 medium?

4 A No, I have not done a formal study.

5 Q Do you know, indeed, what type of shows they view?

6 MS. MONAGHAN: Objection. Not probative.

7 JUDGE LAURENSEN: I think we are really going
8 past the outer reaches of this testimony here. Sustained.

9 BY MR. ZAHNLEUTER:

10 Q Dr. Babb, Mr. Berger testified earlier that
11 a task was a job to be performed and that a skill was an
12 ability to perform the job.

13 Do you agree with those definitions?

14 A (Witness Babb) Would you run that by me once
15 more. It sounds good, but run it by me again.

16 Q Mr. Berger testified before that a task was
17 a job to be performed and a skill was an ability to perform
18 the job.

19 Do you agree?

20 A Generally, yes.

21 Q How would you define an ability to perform a job?

22 A An ability to perform the job?

23 Q Yes.

24 A How would I define it?

25 Q Yes.

1 A A satisfactory demonstration of the ability to
2 perform the task.

3 Q Would you agree that an ability is an inanimate
4 thing or something that can't be seen?

5 A It would be seen in demonstrating mastery of
6 subject matter. It would be animate in that respect, that
7 you would perceive satisfaction by the learner accomplishing
8 the task. I don't know if it is completely inanimate in
9 that sense.

10 Q Are you saying that you can see an ability?

11 A You can see successful accomplishment.

12 Q Could you explain how you can see successful
13 accomplishment?

14 A Well, I had people out at the training site
15 that I had never known about before, traffic guides,
16 and I started them on the traffic training site in complex
17 decision making situations. And as they progressed around
18 the site, from post to post, the decision making
19 requirements became more complex and more demanding. And
20 by the time they completed it, most of them had very
21 successfully completed all these decisions.

22 So that is how I perceived it, by observing
23 these individuals as they mastered certain tasks; the
24 task being directing traffic under various configurations.

25 Q Would you agree that a video tape can simulate a

1 task -- that is, simulate a job to be performed?

2 A In that sense, I have looked at video tapes of
3 pilots using video tape to learn large aircraft and
4 ships, harbor masters using video tape to guide their ships
5 into complex harbor situations. In that respect.

6 Q Would you agree that a video tape can simulate
7 a skill being an ability to perform the job?

8 A It can simulate the requirements to perform the
9 skill. That is what it can simulate. It can set up the
10 task we used before, simulate the task.

11 Q I would still like to know, can a video tape
12 simulate a skill and a skill being defined as an
13 ability to perform the job?

14 MS. MONAGHAN: I think that has been asked
15 and answered by Dr. Babb.

16 MR. ZAHNLEUTER: I did just ask it, but I don't
17 think the answer responded. The answer responded that,
18 yes, you can simulate a task.

19 JUDGE LAURENSEN: I don't understand the
20 question.

21 WITNESS BABB: I don't either. I am a little
22 bit confused, counsellor.

23 BY MR. ZAHNLEUTER:

24 Q Dr. Berger has defined a skill as an ability
25 to perform a job. Would you agree that a video tape can

1 simulate a skill as defined by Dr. Berger?

2 A I don't know if I could apply that. That is a
3 question of semantics, I think. I am trying to perceive
4 in my own mind how we can take a video tape and let
5 the video tape perform the task. Is that what you are
6 suggesting, that the video tape itself is performing the
7 task?

8 I am not quite -- I am a little bit lost.

9 Q Do you agree with Dr. Berger's statement
10 that a video tape simulates a skill?

11 A Is that what he said? Is that what we are
12 talking about here, that it simulates a skill?

13 Q That is what I would like to know, if you
14 agree with that.

15 MS. MONAGHAN: Objection. I think that is a
16 mischaracterization of Mr. Berger's testimony.

17 As I recall it, perhaps Mr. Zahnleuter can point
18 us to a specific portion of the transcript where that is
19 in fact what Mr. Berger said, but I don't recall it that way.

20 MR. ZAHNLEUTER: I think that the burden is
21 upon the person making the objection to show how I have
22 allegedly mischaracterized this testimony.

23 JUDGE LAURENSEN: The witness says he doesn't
24 recall that testimony.

25 (Pause.)

1 MR. ZAHNLEUTER: On the spot of the moment,
2 I am unable to cite to the transcript page, so I will
3 move on.

4 BY MR. ZAHNLEUTER:

5 Q Mr. Daverio, on page 20, I would like to ask
6 you a question which is related to what you
7 spoke of before.

8 You state that the instructors at each session
9 assist in the completion of the written workbook material.
10 How do they actually assist in the completion, if they
11 merely read and answer questions?

12 A (Witness Daverio) As I think we have stated
13 earlier in the week, the instructor is walking around
14 while the people are working through the workbook and,
15 if a particular individual might be having a problem and
16 wants to answer a question, he could ask them at that time.

17 Q I would like you to answer this question
18 yes or no, Mr. Daverio. Do the trainees have an
19 opportunity to ask a question during the showing of
20 the movie.

END 19

21

22

23

24

25

#20-1-SueT 1

2 A (Witness Daverio) I would think they could. I
3 was not -- I did not ever see that occur, so I don't know
4 if it ever did occur. But I don't know why they couldn't.

5 Mr. Varley, who had been also at training ses-
6 sions may want to add to that, but I had never seen it
7 occur when the video tape was on.

8 Q Is it possible for someone to ask a question
9 and at the same time stop the video?

10 A The instructor could stop the video if he felt
11 it necessary, or he could have said: Why don't you wait
12 a minute and we will pick that up later.

13 If it was important enough, the instructor
14 could have stopped the video right there. A video tape
15 is very easy to stop.

16 Q Okay. Dr. Cordaro, I have a question for you
17 that regards your testimony on Page 22. If you could,
18 please answer this yes or no.

19 Has anyone in State government stated to you
20 that they intended to attend an annual-graded FEMA
21 exercise?

22 A (Witness Cordaro) If you are requiring a yes
23 or no answer, I have to say yes.

24 Q Who was that?

25 A This was some time ago, and it was before we
had the problems that we have now, and when we were trying

#20-2-Sue T 1

2 to schedule FEMA exercises. There is like three or four
3 people who have made that statement. I think Mr. David
4 Dorff is one.

5 Q Can you recall -- I don't mean to interrupt
6 you, but if you would like to continue it's okay.

7 A The reason I had to say yes, and I think it's
8 inappropriate and somewhat misleading, is because this
9 took place like a couple of years ago.

10 Q That's what I'm more interested in knowing.

11 A Yes.

12 Q It has been several years ago?

13 A A year and a half to two years ago.

14 Q And nothing more recently than that?

15 A Yes, because I think we have a difficulty in
16 being able to communicate with the State people because
17 of the situation that exists right now.

18 Q Mr. Varley, on Page 23 in the second line of
19 the answer, you use a term which is "physiological." I
20 would like to know if you consider psychological conse-
21 quences to be included within the term "physiological
22 consequences?"

23 A (Witness Varley) Give me a second to read the
24 whole sentence, please.

25 Q Sure.

A (The witness is looking at a document.)

#20-3-SueT

1

Now, would you repeat your question again,

2

please?

3

Q When you use the term "physiological conse-

4

quences that may result from exposure to ionizing radia-

5

tion," did you consider psychological consequences within

6

the term "physiological?"

7

A No.

8

Q Does the training program provide participants

9

with information to allow them to develop an understanding

10

of the psychological consequences of exposure to radiation?

11

A No.

12

Q Mr. Daverio, I would like to ask you a question

13

about Page 27. In the answer to Question 14, the word

14

"attrition" appears.

15

A (Witness Daverio) Yes.

16

Q Within the context of that answer, would you

17

define what attrition means? I will note for you that

18

this refers to 1982 and 1983, which is earlier than the

19

recent round of layoffs which was discussed with Mr.

20

Miller.

21

A That's correct. Attrition here, it's my

22

understanding the five percent includes retirements,

23

people who have left the Company for one reason or another.

24

Q Were there any layoffs during 1982 and 1983?

25

A To my understanding, there had not been layoffs

#20-4-SueT 1

in those years.

2

Q Mr. Daverio, I would like to refer you to Page

3

31. The second sentence says: As was the case in the

4

initial selection of LERO workers, a LILCO employee

5

selected to become a LERO worker may decline to participate

6

in the LERO program.

7

Please answer yes or no. Isn't it true that

8

the LILCO employee must take some action; that is,

9

specifically decline, to stay out of the LERO organiza-

10

tion?

11

A I think we discussed this with -- the answer is

12

no.

13

Q Okay. I am aware that you discussed it before,

14

but you presented it in terms of a LERO worker must

15

volunteer.

16

A As I stated to Mr. Miller, I thought -- it's

17

my understanding that after they came to the training

18

sessions, the initial orientation sessions, they were

19

asked to sign a paper to volunteer. There was some

20

action to get in, not to get out.

21

Now, that would be the same for any initial

22

person entering the program.

23

Q Wasn't the first step in the process an approach

24

by LILCO seeking a person to become a member of LERO?

25

A The first step was to invite them -- in this --

#20-5-SueT 1

2 what we are talking about here -- oh, this is the second
3 one. Yes, we approached them and asked them to be a
4 member of LERO; that's correct.

5 Q And then it would be up to them at that point --

6 A To decline or accept.

7 Q Could you please answer this question yes or
8 no, Mr. Daverio, too? I refer to the top of Page 32.

9 Will the classroom training sessions for new
10 trainees be exactly the same as the classroom training
11 sessions for the LERO workers who are being retrained?

12 A Yes.

13 Q And now I would like to refer you to Page 40.
14 Mr. Daverio, I will ask you this question, too. I am
15 specifically referring to the sentence which is the last
16 sentence in the answer to Question 26, which says: For
17 example, the majority of LERO bus drivers are underground
18 lines personnel who drive trucks or other large vehicles
19 as part of their daily work.

20 A Yes, I see that.

21 Q Isn't it true that the everyday job of the
22 underground lines personnel involves transporting equipment
23 and not people?

24 A That's correct.

25 Q Isn't it true that none of the LERO workers
have everyday jobs that involve transporting people?

#20-6-SueT1

A They may be transporting other LILCO people.

2 Q Well, with that qualification, your answer is
3 yes?

4 A That's correct.

5 Q Now, Mr. Renz, I would like to refer you to
6 Page 65 of your testimony, specifically to your answer to
7 Question 43, and to the sentence that says: It was felt
8 that instruction on the range of coverage available for
9 each frequency was unnecessary since all frequencies have
10 been verified through field use, et cetera.

11 Could you tell me how the frequencies were
12 verified?

13 A (Witness Renz) After we revamped the system,
14 as we testified to in the communications testimony earlier
15 this year, we have conducted drills at which I understand
16 all traffic control points have been manned. I have
17 talked to controllers who normally work in the training
18 division who are responsible for attending traffic guidance
19 drills and had discussions with them to see if there were
20 any problems.

21 As a result of those discussions, I made the
22 statement, I believe yesterday, that it is my understanding
23 that we have no problems to my knowledge in range coverage.

24 Q Do I take it to mean that there were actual
25 conversations between the staging areas and the traffic

#20-7-SueT 1

guides?

2 A That is part of those drills, as I understand
3 those drills. Yes.

4 Q Okay. Mr. Daverio, I would like to refer you
5 to Page 54. The first full paragraph on that page states
6 that the drill and exercise scenarios are structured and
7 run on a strict time table which forces actions to occur
8 in a manner that requires the participants to feel the
9 pressure of time and its impact on the overall ability of
10 the organization to carry out its objectives.

11 Now, you have testified that the participants
12 in the drill do not know of the time tables. How then
13 would the participants in the drill or exercise be forced
14 to feel the pressure of time or the impact of that pressure
15 on the overall ability of the organization?

16 A (Witness Daverio) I think we explained that
17 yesterday. What we are saying is the messages that would
18 make them go to the next level of activity would be the
19 force. In other words, they don't know the time table
20 but a controller would give them another message.

21 Giving you an example, it's an alert. They are
22 going through their procedures, what they have to do in
23 an alert. We don't, because they haven't finished those
24 steps, not give the message that it's site area now to
25 the -- in the RECS and then make all the activity occur.

#20-8-SueT 1

2 So they don't know the time table, and we give
3 them the time table only by messages as they would get
4 them if it was a real emergency through communication links.

5 I think that's what we stated yesterday or
6 whichever day it was.

7 Q If they don't progress far enough in the drill
8 and the time table calls for another drill scenario to be
9 put in place, isn't it true that you tell the participants
10 to stop what they are doing and then to proceed as if
11 something else was the case?

12 A No. If they were in the middle of the alert
13 procedures and the message came in that it was a site
14 area emergency, we would let them free-play and see what
15 they would do. What they should do maybe is move to the
16 site area procedures if that's the most applicable thing.
17 Maybe they should continue what they are doing. That's
18 part of the decision that they might have to make.

19 The time table, we don't -- they don't previously
20 know the time table. What -- the time table, what we are
21 talking about here is forced by the messages that come
22 into them from controllers.

23 And Doctor Cordaro, I think, would want to add
24 something.

25 (Witness Cordaro) Well, the point to be noted
 here is that the drills are carried out on a compressed

#20-9-SueT 1

2 schedule. We try to get an awful lot into a certain period
3 of time. Where something might occur in a realistic
4 action situation over the course of a day or two days,
5 we are forcing it to occur in four hours or less. So
6 things are very, very fast breaking. You will have an
7 alert, you will have a site area, you will have a general
8 emergency. And these people have to react very rapidly
9 to this changing situation.

10 It's very good training. It makes them very,
11 very keen on using the procedures and it gives them this
12 ability to free-play and adapt to a rapidly changing
13 situation. And the pressures that are created are very,
14 very real.

15 I can attest to it as a result of my own
16 experience, in that a situation becomes so realistic that
17 people lose sight of the fact that it's a simulation. I,
18 myself, in participating in similar drills for the on-site
19 organization in a similar scenario that is practiced by
20 the off-site LERO organization, in going from the EOF to
21 the news center to present a press conference I have
22 actually gone through red lights, feeling the pressure of
23 the situation and the realism of the simulation, which is
24 an unfortunate situation but one that can be documented by
25 a ticket.

(Laughter.)

#20-10-SueT₁

Q Okay. Mr. Daverio, your testimony on Pages 84 through 86, and some of it concerns the Red Cross, specifically the last sentence on Page 85 which carries over to Page 86. Basically, you say that because the Red Cross does not go into the EPZ it's not required that the Red Cross personnel receive training about radiation.

My question would be, is the criterion for receiving training about radiation the act of an entity being required to enter into the EPZ?

A (Witness Daverio) No, not necessarily because I know we train all of our LERO workers in radiation just because we felt that that was something we wanted to do with them.

My understanding in discussions with the Red Cross, they normally don't do radiation training.

Q Well, would you agree that this criterion for training applies to entities which are required to do work inside the EPZ?

A Response organizations that do work inside, that's correct.

Q I believe you testify about this to a different extent on Page 78 of your testimony. What factors would distinguish an ambulance company from nursing home company?

A I think we discussed this yesterday, or one of the days anyway. An ambulance company is someone

#20-11-SueT 1

2 LERO uses to go in from outside the zone, from a staging
3 area to pick up an invalid or handicapped person at home,
4 based on our surveys of who had to be picked up or someone
5 who called and needed to be picked up. A nursing home is
6 evacuating just like the general public. When the
7 recommendation comes over to evacuate that facility will
8 make a decision to either evacuate or not.

9 An ambulance company that we have the contract
10 with is going to go in to bring someone out. That's the
11 difference.

12 Q Well, how do you explain that difference in
13 light of the fact that the nursing home would be located
14 within the EPZ and conceivably an ambulance could go
15 to that nursing home to pick up a person?

16 A I would equate the nursing home to the general
17 public. They live inside the ten mile EPZ, too.

18 Q Is your basis for the equation the fact that
19 a contract exists for the ambulance companies but no
20 contract exists for the nursing homes?

21 A No.

22 MR. ZAHNLEUTER: I have no other questions.

23 JUDGE LAURENSEN: Any cross examination by
24 the Staff?

25 MR. PIRFO: No questions, Your Honor.

JUDGE LAURENSEN: Any redirect?

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MS. MONAGHAN: Just a few questions, Judge

2

Laurenson.

3

REDIRECT EXAMINATION

INDEXXX 4

BY MS. MONAGHAN:

5

Q Mr. Varley, do you remember that Mr. Miller

6

asked you a number of questions about the self-check

7

exercises that were at the back of the workbooks?

8

A (Witness Varley) Yes, I do.

9

Q And do you remember that during that discussion

10

there were some questions asked concerning answers that

11

you gave during your deposition about those self-check

12

exercises?

13

A Yes, I do.

14

Q And do you remember that Mr. Miller read you a

15

portion of your deposition in which the question was

16

asked: Were these reviews examined, question. Answer:

17

No, they were not.

18

The following question was, Question: Were

19

they graded at any time. Answer: Strict grading system.

20

No, there was no grading system for the pages.

21

Question: What sort of grading system did you

22

have in mind when you said not strict. Answer: Each

23

individual's review pages were not reviewed question by

24

question with a pass-fail criterion.

25

With respect to the question, were these reviews

#20-13-SueT 1

2 examined; no, they were not, what did you mean by that
3 answer in response to that question?

4 A It is my understanding that the person asking
5 me that question was asking me if we applied some kind
6 of examination criteria. The word "examine" to me
7 implicated graded in some form. And it was again my state-
8 ment that no, we don't examine, we don't grade those type
9 of materials.

10 Q Dr. Mileti, in the context of a discussion
11 regarding a study about TMI, you were asked questions about
12 whether a self-reporting technique would be effected by
13 perceptions of recollection of stress in terms of answers
14 given about stress.

15 Are you aware of any studies concerning the
16 accident at TMI where that might not be a problem?

17 A (Witness Mileti) Yes. In fact, the very same
18 study sought to measure stress in a much more straightforward
19 way, and that was through a demoralization scale. This was
20 the President's Commission on Technical Staff Analysis
21 in which twenty-six items were asked about to respondents.

22 For example, how often since TMI have you felt
23 sad. Or how often since TMI have you had feelings of
24 being sick, low spirit, et cetera. Things that by and
25 large would be much less likely to be influenced by per-
ceptions or recollections of stress by the respondent

#20-14-SueT 1

2 themselves. But, more importantly, those twenty-six
3 items were shown to be reliable at a point nine zero and
4 then a point nine one level of reliability.

5 This sort of scale is the type of thing I've
6 always talked about when I criticized some of the surveys
7 that have gone on in reference to people's attitudes on
8 Long Island about different things, because that reliability
9 coefficient is asking of questions not about how people
10 perceive themselves, for example, here being stress, but
11 about other things that researchers have documented as
12 indices that work were asked about.

13 And then in addition to that, Evelyn Bromet
14 used a comparable sort of index. She used the schedule
15 for effective disorders and schizophrenia, another
16 standardized set or index way to measure stress on a popu-
17 lation that is much less likely to be influenced by people's
18 recollections or knowledge about their own stress levels.

end #20 18

Joe flws 19

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1 Q Doctor Mileti, do you recall that there was
2 considerable discussion about the DSM-3 study with Mr.
3 Miller?

4 A Yes. The DSM-3 manual.

5 Q And during the course of that discussion
6 you were asked a question: Is all stress post-traumatic
7 stress. Do you remember that question? And you were
8 restricted to a yes or no answer?

9 A Yes, I rememer that.

10 Q What is the relationship, if any, between stress,
11 trauma, and a community-wide emergency?

12 A Well, let me say a couple of things. Stress is
13 not the same thing as trauma. Some traumatic events can
14 produce stress disorders, and some of those stress disorders
15 can result in what some have called diminished responsiveness.

16 They are very rare. They can occur, for example,
17 when there has been damage to the nervous system, when
18 people have been tortured, or in community-wide emergencies
19 the evidence suggests to me when people have experienced
20 widespread death, and/or experienced feelings of guilt
21 after the emergency is over.

22 They manifest themselves after the traumatic
23 event, not during it.

24 Q Dr. Mileti, do you also recall that Mr. Miller
25 asked a question about whether both security personnel and

1 traffic guides were trained in crowd control?

2 A Yes, I do.

3 Q Do you also recall that you gave -- the response
4 to that question was that it was not the intent of the
5 training program to teach crowd control?

6 A Yes.

7 Q And you also recall that at that time you had
8 an additional response to give that you were not permitted
9 to give?

10 A Yes, I do.

11 Q Would you tell us what that response would have
12 been?

13 A That response is that people aren't being taught
14 to control motley, riotous crowds, because on my recommen-
15 dation, I think it is a safe bet that if people aren't going
16 to need to be controlled in an emergency at Shoreham, the
17 people in their homes or the people as they move from one
18 place to another are not going to be aberrant. They are
19 going to be needed to be given information, and therefore
20 people who are being trained to participate in managing
21 or helping in that emergency response should not be given
22 the impression that Long Islanders are going to need to
23 be controlled in any way.

24 And, therefore, I thought it would have been
25 inappropriate to give people that kind of training.

1 Q Dr. Mileti, do you recall that you were asked
2 the question is it necessary for the Red Cross, RAP, and
3 special facilities to receive training under the LILCO
4 Plan?

5 A Yes.

6 Q And do you remember that you were restricted
7 to a yes or no answer with respect to that question?

8 A Yes.

9 Q And do you remember that your response to
10 that question was, 'no, but it was a misleading no.'

11 A Yes.

12 Q Could you further explain your, 'no' answer?

13 A That answer could have been yes, but it is a
14 misleading yes just as easily.

15 In the question, I was asked about a range of
16 different organizations that would have included a range
17 of different roles inside each of those organizations, and
18 there are some roles in those organizations that should
19 be provided information about where they fit in in a
20 response to an emergency at Shoreham, and there are others
21 where that need not be the case, and there are varying
22 degrees along the way.

23 By and large, anyone who is going to participate
24 in the formal emergency response at Shoreham shouldn't
25 be surprised about that, and they need to be told about that.

1 However, people who might run a relocation
2 center, or be the person who coordinates food at the
3 relocation center, already knows how to do that. They
4 don't need training on that.

5 Q Dr. Babb, do you recall that Mr. Miller asked
6 you a question about police officers in uniform versus
7 traffic guides and their ability to direct a motorist to
8 the side of the road, and have that motorist obey that
9 direction?

10 A (Witness Babb) Yes. I remember that.

11 Q And do you remember that you noted that you
12 had had a personal experience with regard to civilians
13 directing traffic, but that you were not permitted to go
14 forward with your recitation of the personal experience?

15 A Yes. I recall that.

16 Q Could you tell me what your experience has
17 been with regard to civilians directing traffic?

18 MR. MILLER: Objection, Judge Laurenson. This
19 seems to be the type of anecdotal information story telling
20 that the County consistently has been precluded from
21 offering to the Board.

22 JUDGE LAURENSEN: I don't remember anybody
23 being stopped from telling this kind of evidence. We heard
24 an awful lot of it. The objection is overruled.

25 WITNESS BABB: The situation that I was referring

1 to at the time was the blackout in New York City where I
2 had just entered the Queens Midtown Tunnel, entering
3 Manhattan, and all the lights were out in the city, and
4 I presume that anyone who is in New York City with no
5 lights at all would experience some stress, and I perceived
6 traffic tie ups, and I perceived people, citizens, coming
7 out into the intersections and directing traffic and I
8 also perceived motorists complying with the instructions
9 of these people.

10 And I was quite interested in it because it
11 seemed to me that it was a stressful situation. It was
12 the worst type of a scenario; New York City with no lights,
13 very crowded, and I saw civilians direct traffic
14 spontaneously , and I saw people comply with their
15 instructions.

16 Q Dr. Babb, do you recall that Mr. Miller asked
17 you whether you had ever seen a Suffolk County police
18 officer perform in a less than adequate situation when
19 directing traffic?

20 A Yes, I do.

21 Q And do you recall that your response was that
22 in that -- at the time when you noticed that, it was not
23 due to the individual not knowing the fundamentals of
24 traffic direction, but it was due to a lack of practice?

25 A Yes, I did respond that way.

1 Q And do you also recall that Mr. Miller asked
2 you whether or not that could happen with LERO traffic
3 guides?

4 A Yes; I think I responded the same way.

5 Q Is it your understanding that LILCO intends
6 to repeat the type of training that you have offered to
7 the LERO traffic guides to maintain their proficiency
8 in directing traffic?

9 A Yes. When I was first approached to implement
10 this program, I also discussed with the LERO people that
11 there would be a necessity to maintain job skills, and
12 the LERO people indicated to me that this would be
13 accomplished. That there would be retraining programs.
14 Periodic retraining programs to maintain job skills.

15 MS. MONAGHAN: Thank you, Dr. Babb. I have
16 no further questions, Judge Laurenson.

17 JUDGE LAURENSEN: Before we go to Recross
18 Examination, Doctor Kline has a question.

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19 BOARD EXAMINATION

20 BY JUDGE KLINE:

21 Q I need to clarify my understanding on the
22 question of the relationship between job performance and
23 stress, and in order to do that, we may have to revisit the
24 inverted grin of the cheshire cat, and let's just try this,
25 yes and no for a while, and see if I can't go at it this

1 way.

2 I want to test my understanding. Is my
3 understanding correct that that reference referred to
4 a curve which would describe performance of some kind as
5 a function of stress?

6 A (Witness Mileti) Yes.

7 Q Okay. If we visualize that curve to be divided
8 by its modal axis into two parts, a left and a right
9 branch, is it correct that if people, in fact, found
10 themselves on the left side of that axis, then your
11 hypothesis that performance improves with stress would be
12 the correct one.

13 A Yes.

14 Q If people, in fact, in the real world found
15 themselves in the right half of that curve, isn't it true
16 that the County's hypothesis, that performance diminishes
17 with stress would be the correct one?

18 A Yes.

19 Q Okay. Now, setting trauma aside for a moment,
20 isn't -- is it true that that curve, the full curve, can
21 be described with what we might call the normal continuum
22 of stress; that is, trauma is not necessary to be a part
23 of that curve?

24 A Yes.

25 Q Okay, we are doing fine.

1 JUDGE LAURENSEN: Maybe you ought to quit now.

2 BY JUDGE KLINE: (Continuing)

3 Q Isn't it possible, then, in the normal occurrence
4 of stress, just ordinary things, such as the need to make
5 decisions too rapidly, or the need to cope with too many
6 things at once, or some such occurrence, could in fact
7 throw people over into the righthand portion of the curve
8 without regard to trauma.

9 A Absolutely. I am sorry. Yes.

10 Q Okay, fine. Now I am afraid we are going to get
11 away from yes and no. It isn't really clear to me -- so
12 far, we are all dealing with theory, and now I think I
13 understand the theoretical framework that we are talking
14 in, but now, can we succinctly summarize the reason for
15 believing that people are, in fact, going to be in the
16 lefthand portion of that curve in an emergency, and --
17 and here I am not interested in what individuals conceivably
18 could do.

19 I am interested in what populations are likely
20 to do, and how do we know -- what basis do we have for
21 believing that the population is by and large in the left-
22 hand side of this curve that we are discussing? Can we
23 summarize that? I am feeling a little bewildered.

24 A I would say, succinctly that emergencies push
25 people to the top of the curve, and keep them there for a

1 while, and that is why people can work for thirty-six hours
2 straight without sleep when called upon.

3 I am not saying that they don't eventually get
4 tired, but they can stay not tired for longer periods of
5 time than when emergencies aren't going on.

6 Q Now, is it correct that trauma need not appear
7 on this particular curve at all?

8 A Yes.

9 Q So, in particular it does not occur at the
10 peak at the curve.

11 A Oh, no.

12 Q Okay. I think I can quit now.

13 JUDGE LAURENSEN: Mr. Miller?

14 RECROSS EXAMINATION

15 BY MR. MILLER:

16 Q I just have a couple, Judge Laurenson. Dr.
17 Babbs, starting with you, you say that LERO intends to
18 repeat traffic guide training, correct?

19 A (Witness Babb) That is my understanding, yes.

20 Q Can you tell me how frequently LERO intends
21 to repeat the traffic guide training?

22 A Not at this time, Mr. Miller. That decision
23 would best be made after we have completed the night time
24 drill, when we can ascertain the level of skill retention
25 and the absorption of new critical material, and then I

1 will return to the LERO people with my recommendations as
2 to what I think will be a reasonable time span.

3 Q You would agree with me wouldn't you, Dr. Babb,
4 that whether fundamentals of traffic control are forgotten
5 can depend very much on how frequently the traffic guides
6 are given the chance to practice their jobs in your
7 training drills?

8 A Your question, Mr. Miller, is the fundamentals
9 can be retained --

10 Q Well, I had it the other way, but I am looking
11 at it from the standpoint that unless you practice, you
12 are going to forget, correct?

13 A I would say, yes.

14 Q And at this time you don't know how often the
15 traffic guides are going to be given the chance to
16 practice, correct?

17 A I have some ideas, Mr. Miller, but I prefer
18 to retain them until, as I said, after the three hour
19 night time drill, and then I will bring them forth to
20 LERO.

21 But they will be -- any type of recommendation
22 that I would make to LERO I think would be consistent with
23 job, skill, and accomplishment, based upon my knowledge of
24 the field.

25

1 Q Dr. Mileti, yesterday or the day before when
2 we were talking about DSM-3, and I asked you, I think,
3 -- I think I asked if post-traumatic stress disorder
4 was a disease, and you told me that in your opinion it
5 was not, is that correct?

6 A (Witness Mileti) Yes. But remember I am not
7 an M. D.

8 Q Right. Now, would you consider, Dr. Mileti,
9 -- please give me a yes or a no -- would you consider
10 post-traumatic stress disorder to be a mental disorder?

11 A Yes.

12 MR. MILLER: I have no further questions.

13 JUDGE LAURENSEN: Anything else, Mr. Zahnleuter?

14 MR. ZAHNLEUTER: No questions.

15 JUDGE LAURENSEN: Any further questions?

16 MS. MONAGHAN: No, Judge Laurenson.

17 JUDGE LAURENSEN: All right. At this point,
18 the witness panel is excused.

19 (Panel is excused)

20 JUDGE LAURENSEN: We ought to decide what
21 to do about Mr. Berger at this point. What is the
22 County's position on that?

23 MR. MILLER: Judge Laurenson, it is my
24 understanding from discussions with LILCO that the arrange-
25 ment would be as follows: I will, as soon as possible,

1 after the break, make a determination as to whether we
2 need to bring Mr. Berger back for any reason to close
3 out the LILCO training panel and the cross examination
4 of the LILCO panel on training issues.

5 And I will endeavor to do that promptly, and
6 I will advise LILCO at this time I am not really in a
7 position to say one way or the other. I have no reason
8 to believe we are going to have to bring Mr. Berger back,
9 but I want to reserve my rights to make that determination
10 once I have had some time to review my notes and, perhaps,
11 the transcripts.

End 21. 12

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1 JUDGE LAURENSEN: Just to correct what we put
2 on the record yesterday then, we will take the LILCO
3 training panel off the schedule for July 17 and we presumably
4 will begin with the county's training testimony on that date;
5 is that correct?

6 MR. MILLER: Judge Laurenson, that is a proposal
7 the county would make. I don't think we have really
8 discussed this, but I would like to propose that we
9 substitute, simply substitute the county's training witness
10 panel for LILCO's and give them a date certain of July 17.

11 We have the same problems with witnesses as
12 LILCO did. It seems like -- at least Mr. Christman
13 and yesterday Mr. Glass were pretty certain that FEMA
14 was going to take the first week, and so I would like to
15 give my witnesses the same courtesy and consideration
16 and say we will start July 17.

17 JUDGE LAURENSEN: Is that agreeable with all
18 the other parties?

19 MS. MONAGHAN: Judge Laurenson, that would
20 be agreeable to LILCO to have a date certain for the
21 Suffolk County training panel beginning on the 17th, provided
22 that the next panel would be prepared to go if we finished
23 up with FEMA before the week ended the prior week.

24 We don't think that we ought to lose any hearing
25 time in order to accommodate a date certain.

1 MR. MILLER: We have been through that.
2 Judge Laurenson, the problem we have, as I think was pointed
3 out yesterday, is that the next cluster are issues
4 where we are going to need Mr. Minor, who will be our
5 expert, assisting us. And he is not available the week
6 of July 10 or 9, whatever that week is, of the FEMA
7 witnesses.

8 It seems like the people here that spoke yesterday
9 were fairly certain that FEMA was going to take the week.
10 I don't think we need to make judgments as to what is
11 going to happen in the event that FEMA doesn't take the
12 week. It is not really in anyone's control at this time
13 to make any determination in that regard.

14 I will represent to the Board, because I
15 want the Board to understand this, that we cannot proceed
16 on Mr. Minor's issues the week of July 10. Our training
17 people will be prepared to proceed on July 17. I want
18 it made clear also that if we decide to bring back
19 Mr. Berger, it would be the county's position that Mr. Berger
20 would have to be completed before the county's witnesses
21 went up on training.

22 JUDGE LAURENSEN: Let me just ask a hypothetical
23 question here. Suppose the FEMA testimony finishes on
24 Wednesday, July 11. What do you propose that we do?

25 MR. MILLER: I don't have a proposal, Judge

1 Laurenson. I really haven't looked at the FEMA testimony,
2 but I was sitting in the room yesterday, and it just
3 seemed to me that Mr. Christman and Mr. Glass were, for
4 whatever reason, pretty convinced that FEMA was going to
5 take the week or, if not the week, most of the week.

6 I don't think we have reached that conclusion
7 because we haven't really reviewed the testimony.

8 I don't have a proposal. I haven't really thought
9 that far ahead, to tell you the truth.

10 JUDGE LAURENSEN: We are trying to plan ahead.
11 We are trying to get to the point where we are not
12 going to lose, for instance, two days out of a week because
13 of this problem.

14 I don't know whether it is going to be a problem
15 or not, but I am just trying to anticipate scheduling
16 difficulties here.

17 MS. MONAGHAN: Judge Laurenson, it is LILCO's
18 position that if the county needs to have Mr. Minor
19 here the week of the 17th, if we do have the hypothetical
20 situation where the FEMA panel would be finished on that
21 Wednesday, that we are not opposed to them substituting
22 another one of their panels instead of having Mr. Minor
23 here at the end of the week of the FEMA testimony or
24 one of our panels we will substitute.

25 We just don't think there ought to be any dead

1 hearing time. We ought to agree to what we will use to
2 fill in, if in fact FEMA does not take the full week.

3 MR. MILLER: I guess I am confused, Judge Laurenson.
4 I didn't know this was such a big deal. Yesterday,
5 when we seemed to be discussing this, I don't know if
6 people's estimates have changed for some reason, but ours
7 haven't because we haven't thought about it.

8 Is LILCO in a position to give an estimate of
9 how long they think their cross-examination of FEMA
10 witnesses are going to be?

11 Mr. Glass isn't here, but yesterday we didn't
12 have all this discussion regarding all these hypotheticals.
13 It seemed like people felt pretty confident about what
14 was going to happen the week of July 10th. And now it
15 sounds like people aren't so confident.

16 MR. CHRISTMAN: I am guessing that it would
17 take the whole week simply because I anticipated a lot
18 of cross-examination by Suffolk County, given all the
19 hoopla we have had over discovery we have had with FEMA
20 and so forth.

21 It just seemed like a reasonable guess, but it
22 is based on an assumption of what the county would do.
23 I don't -- I can't make an estimate as to how much cross-
24 examination we will have. I don't think we are going to
25 have a whole week's worth of cross all by ourselves on FEMA.

1 JUDGE LAURENSEN: Let me ask the county why it
2 would not be possible, if we finished FEMA on, let's say
3 on Wednesday, just to pick a number or date, why wouldn't
4 it be possible to then start the county's training
5 testimony that week?

6 MR. MILLER: It is possible, Judge Laurenson.
7 I think we were just simply asking for the same courtesy
8 for our witnesses as LILCO was asking yesterday.

9 We have one witness in particular -- we
10 have three witnesses on that panel. Two of them want to
11 make some plans, so that is courtesy to them; one witness
12 in particular, Professor Lipsky, has particular scheduling
13 problems. As far as I know, he can be available, for
14 example, on Thursday of that first week in July that we are
15 back, but he is going to have to do some traveling and
16 some scheduling and some canceling of appointments. I
17 was trying to give him the date certain just like LILCO
18 was looking for the date certain for Mr. Berger.

19 MR. CHRISTMAN: And we are perfectly willing to
20 do that, but not at the cost of everybody having to go
21 home for two days or sit around for two days of dead time
22 when we have witness panels that need to be heard.

23 We don't have any problem with the date certain,
24 just so that doesn't mean that we lose two or three days
25 the previous week when nothing can be done.

1 JUDGE LAURENSEN: Should we defer a decision
2 on this until the county has had an opportunity to review
3 its plans, so that it can then make an estimate of how
4 long it is going to take for cross-examination of the FEMA
5 witnesses.

6 MR. MILLER: I guess, Judge Laurenson, I was
7 hoping to be able to tell Professor Lipsky something before
8 too long.

9 Is the Board available during the next three-week
10 break?

11 JUDGE LAURENSEN: Yes.

12 MR. MILLER: Let me throw this out. I don't
13 know if this would help or not. I am looking at the cluster,
14 cluster 17. And looking at that cluster, there is only
15 one issue, which is not an issue for which the county
16 needs Mr. Minor, and that is contention 92, the state plan
17 issue.

18 I suppose we could tentatively schedule
19 contention 92 to follow FEMA, if FEMA did not take the
20 entire week, but with the understanding that we would
21 stay with the original schedule we have now if FEMA indeed
22 took the week and then we went to the county's training
23 panel on the 17th, and then following training we would go
24 right into cluster 17 and continue on until we got to
25 contention 92.

1 That is the one contention I think the county
2 could say we could have in a reserve pattern so that if
3 we had an extra day the week of July 10, we could go
4 with contention 92.

5 Maybe that helps.

6 MS. MONAGHAN: I think that does help, and
7 that would be fine with LILCO, as long as, again, that
8 we don't lose any hearing time during that week.
9 If FEMA only takes two days and contention 92 is going to
10 take half a day, we are going to need to fill in with
11 something else.

12 MR. MILLER: I can't offer anything else,
13 Judge Laurensen.

14 MS. MONAGHAN: We agree with the Board, we
15 don't want to lose two days of hearing time. I think
16 that the estimates that were given yesterday is that FEMA
17 probably will take the full week. But on the other hand,
18 if it doesn't, we don't want to lose hearing time.

19 JUDGE LAURENSEN: Let's go with that proposal
20 then, that in the event the FEMA testimony does not take
21 the full week of July 10, we will then supplement that
22 schedule by adding the LILCO panel on contention 92, the
23 state plan, during that week.

24 And we will also require that the parties file
25 their cross-examination plans for the FEMA testimony with

1 us and serve each other the time estimates on Tuesday, the
2 3rd, so that at that point everyone should have a pretty
3 good idea of how much time will be expected to be taken
4 on the cross-examination.

5 And if we have to make other arrangements, I
6 guess we will know it at that time.

7 MS. MONAGHAN: I have one further point of
8 clarification with respect to scheduling. I just want
9 to make sure that Mr. Miller and I understand ourselves.
10 If you need to call Mr. Berger back, you just need
11 Mr. Berger and not the rest of the panel; is that right?

12 MR. MILLER: It is my understanding that
13 if we decide to bring back Mr. Berger, it is just
14 Mr. Berger. The rest of the panel we are through with.

15 MS. MONAGHAN: Fine.

16 JUDGE LAURENSEN: Let me just raise another
17 question then. Since we had an issue before us this
18 afternoon about a telephone testimony of Dr. Radford, since
19 we have very limited or we may have very limited questions
20 of Mr. Berger, would that be a possibility instead of
21 requiring that he be brought back here?

22 MR. MILLER: Yes, Judge Laurenson, with one
23 caveat. I just want to take the time to look through my
24 notes and perhaps the transcripts. Sitting here now,
25 I don't think there is a reason to bring Mr. Berger back.

1 If there were a few questions, I obviously will
2 agree to that proposal. I have no problems at all.
3 If I had substantial questioning, I would not want to do
4 it over the telephone. But the Board's proposal is
5 agreeable to the county, assuming that the questions would
6 be limited, if we have any questions at all.

7 JUDGE LAURENSEN: Anything else?

8 MR. MILLER: One other thing, the county's
9 pending motion for reconsideration, is that something
10 the Board intends to rule upon at the beginning of the
11 next session?

12 JUDGE LAURENSEN: Well, we probably would
13 rule upon it at the time you start your testimony.
14 If you think that it would be helpful to rule on it
15 during the week of the FEMA testimony, I think we can do
16 that.

17 We will consider it in light of the testimony
18 that we have heard this week from the LILCO panel.

19 I also wanted to say that we have been working
20 on the summary disposition, but when we are up here,
21 we haven't had a lot of time to finish up the work on
22 that, but we do expect to have that decision out, I hope
23 next week.

24 This then completes this hearing. We will
25 resume on July 10 at about 10:00 o'clock a.m.

END 22

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(Whereupon, at 5:37 p.m., the hearing was
adjourned, to reconvene at 10:00 a.m., July 10, 1984.)

CERTIFICATE OF PROCEEDINGS

This is to certify that the attached proceedings before the
NRC COMMISSION

In the matter of: Long Island Lighting Company

Date of Proceeding: Friday, June 15, 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 H. Traylor

Official Reporter - Signature

Garrett Walsh

Official Reporter - Typed

Garrett J. Walsh, Jr.

Official Reporter - Signature