

ORIGINAL

UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

DOCKET NO: 50-352-OL
50-353-OL

PHILADELPHIA ELECTRIC COMPANY

(Limerick Generating Station,
Units 1 and 2)

LOCATION: PHILADELPHIA, PENNSYLVANIA PAGES: 12723 -12842

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

- - -

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

- - -

In the Matter of:]

PHILADELPHIA ELECTRIC COMPANY]	Docket Nos. 50-352-OL
(Limerick Generating Station,]	50-353-OL
Units 1 & 2)]	

Old Customs Courtroom
U. S. Customs House
2nd & Chestnut Streets
Philadelphia, PA 19106

Monday, November 19, 1984

The hearing in the above-entitled matter
convened, pursuant to recess, at 1:30 o'clock p.m.

BEFORE:

HELEN F. HOYT, Esquire., Chairwoman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

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

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

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APPEARANCES: (continued)

On behalf of the Federal Emergency Management Agency:

MICHAEL HIRSCH, Esquire
Associate General Counsel
FEMA
Room 840
500 "C" Street, S. W.
Washington, D. C. 20472

On behalf of the NRC Staff:

NATHENE WRIGHT, Esquire
DONALD P. HASSELL, Esquire
Office of the Executive Legal Director
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

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COTTON CONTENT

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1 APPEARANCES:

2 On behalf of Philadelphia Electric Company:

3 TROY B. CONNER, JR., Esquire
 4 NILS N. NICHOLS, Esquire
 5 ROBERT M. RADER, Esquire
 6 Conner & Wetterhahn, P.C.
 1747 Pennsylvania Avenue, N. W.
 Washington, D. C. 20006

7 On behalf of Limerick Ecology Action:

8 PHYLLIS ZITZER, President
 9 SUZANNE B. ERCOLE, Esquire
 10 DAVID STONE
 11 ROBERT ANTHONY
 Limerick Ecology Action
 Box 761
 Pottstown, Pennsylvania 19464

12 On behalf of the Commonwealth of Pennsylvania:

13 ZORI FERKIN, Esquire
 14 Governor's Energy Council
 Post Office Box 8010
 1625 Front Street
 15 Harrisburg, Pennsylvania 17105

16 On behalf of the Pennsylvania Emergency Management
 Agency:

17 RALPH HIPPERT
 18 B-151
 Transportation and Safety Building
 19 Harrisburg, Pennsylvania 17120

20 On behalf of the City of Philadelphia:

21 MARTHA BUSH, Esquire
 22 Municipal Services Building
 15th and JFK Blvd.
 Philadelphia, Pennsylvania 19107

23 On behalf of Friends of the Earth:

24 ROBERT ANTHONY, pro se
 25 Post Office Box 186
 103 Vernon Lane
 Moylan, Pennsylvania 19065

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C O N T E N T S

			<u>Examination</u>	
	<u>WITNESSES:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u> <u>Recross</u>
4	Robert Bradshaw]		
4	John Cunnington]		
5	Robin Hoffman Wenger]		
5	Robert Klimm]		
6	By Mr. Rader	12,744		
7	By Ms. Ercole		12,766	

EXHIBITS

	<u>NUMBER</u>	<u>marked for identification</u>	<u>received in evidence</u>
10	Applicants' E-62	12,760	---
11	Applicants' E-63	12,760	---
12	Applicants' E-64	12,764	---
13	Applicants' E-65	12,764	---
14	Applicants' E-66	12,764	---

INSERTS

		<u>page</u>
17	Direct Testimony	12,768

RECESSES

19	early afternoon recess	12,735
20	mid-afternoon recess	12,793

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P R O C E E D I N G S

JUDGE HOYT: The hearing will come to order.

The hearings that we begin today on this November 19, 1984 are for the purpose of hearing the evidentiary presentations on the emergency planning contentions, which contentions have been duly admitted before this Board. This is in the case of the Philadelphia Electric Company, and the Limerick Generating Stations Units 1 and 2. found in Docket Nos. 50-352 and 50-353.

At this time we will take for this record the appearances of counsel before this Board who represents the Applicant in this case.

MR. CONNER: If the Board please, my name is Troy B. Conner, Jr. With us today is Robert M. Rader and Nils M. Nichols, all from the firm of Conner & Wetterhahn. We have entered our formal appearances in the record.

I might note for the first of our witnesses, Mr. Rader will be making the presentation.

JUDGE HOYT: Thank you, Mr. Conner.

Commonwealth of Pennsylvania, Ms. Ferkin?

MS. FERKIN: My name is Zori Ferkin. I am counsel with the Governor's Energy Council, Commonwealth of Pennsylvania. With me at thable today is Ralph J. Hippert, Deputy Director Plans and Preparedness with the Pennsylvania Emergency Management Agency.

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1 JUDGE HOYT: Thank you Ms. Ferkin and
mm2 2 Mr. Hippert.

3 Representing the Limerick Ecology Action?

4 MS. ZITZER. My name is Phyllis Zitzer. I am
5 the President of Limerick Ecology Action.

6 I have with me here today, to my right, Suzanne
7 B. Ercole, an attorney who will be conducting cross
8 examination on the school related contentions under hearing
9 here today, and David Stone, a volunteer member of Limerick
10 Ecology Action who has been designated to conduct cross
11 examination on primarily Contention LEA 24, and will also
12 assist myself when Mrs. Ercole is not available.

13 JUDGE HOYT. Ms. Zitzer, have these counsel or
14 the gentleman made appearance on this record before?

15 MS. ZITZER: This is the first time, your Honor,
16 we filed notices of appearance which have been received
17 by the Docketing and Service Section, and I have provided
18 copies to you and your bench there today. And I have
19 also distributed them to all the parties here today.

20 JUDGE HOYT: I take it it is buried in these
21 papers up here somewhere, is that right?

22 MS. ZITZER: It was on top of our cross examination
23 plan there. I have additional copies if necessary.

24 JUDGE HOYT: Thank you. I'm sure I will find it.
25 Representative of the City of Philadelphia?

1 MR. ANTHONY: May I --

2 JUDGE HOYT: Please take your seat in the
3 back of the room.

4 MR. ANTHONY: I am representing myself and Friends
5 of the Earth, and am associated with Limerick Ecology
6 Action. Contention is 24.

7 JUDGE HOYT: Is that correct, Ms. Zitzer?

8 MS. ZITZER: He has been consolidated With
9 Limerick Ecology Action.

10 JUDGE HOYT: Very well. If you are representative,
11 we will have to provide you some space here.

12 MR. ANTHONY: Thank you.

13 JUDGE HOYT: Now, Ms. Zitzer, do I understand
14 that the gentleman will conduct any examination on those
15 combined contentions?

16 MS. ZITZER: The contention in question is LEA
17 24. I am aware that he does desire to conduct separate
18 cross examination from LEA's cross examination, and it is
19 the Board's decision how it handles that matter as far as
20 LEA is concerned.

21 MR. ANTHONY: I would like to verify that
22 Judge Hoyt. I would like to direct cross examination on
23 this particular contention.

24 JUDGE ANTHONY: Very well. Then your participa-
25 tion will limited to your contention, your cross examination.

1 MR. ANTHONY: Yes. That and the way it impacts
2 on the time study for the evacuation area.

3 JUDGE HOYT: I can't recall what 24 at this
4 precise moment, deals with. But if it deals with that
5 issue that would be the issue that you would be limited to
6 your cross examination on.

7 Thank you.

8 MR. ANTHONY: Yes.

9 JUDGE HOYT: Mr. Conner?

10 MR. CONNER: Could we be heard on that point
11 later as to clarification on this matter?

12 JUDGE HOYT: Yes. I think I would like to finish
13 going through the appearances before we do that. And
14 perhaps we may even well reserve until we reach that point
15 in the proceeding, Mr. Conner, and then you may renew your
16 objections if you wish.

17 Now, may I take the City of Philadelphia.

18 MS.BUSH: Thank you. My name is Martha Bush.
19 I am here on behalf of the City of Philadelphia. I have
20 previously appeared on behalf of the City in this
21 proceeding.

22 JUDGE HOYT: Thank you.

23 Would you identify the gentleman to your
24 immediate right?

25 MR. HIRSCH: My name is Mike Hirsch. I am here

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with the Federal Emergency Management Agency.

JUDGE HOYT: Very well. You are sharing Philadelphia's sign.

Let's have the Staff, and will you please identify all counsel with you.

MS. WRIGHT: Yes, ma'am.

My name is Nathene Wright. I have previously appeared for the NRC Staff. To my right is Donald Hassell who is also appearing for the NRC Staff, and his notice of appearance was filed two weeks ago.

JUDGE HOYT: Now, I think the gentleman representing FEMA, Federal Emergency Management Agency has been previously and adequately identified.

Have you made an appearance on this record, by the way?

MR. HIRSCH: I believe that has been made on my behalf. I can confirm that, if that hasn't been done, I will file an appearance tomorrow.

My name, once again, is Mike Hirsch. The last name is spelled H-i-r-s-c-h.

JUDGE HOYT: All right, Mr. Hirsch, thank you very much. We don't have a sign for you, but if you would like to ---

MR. HIRSCH: That is perfectly all right.

JUDGE HOYT: Very well.

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1 Do we have any preliminary matters before we
2 begin the examination?

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3 I am going to go off the record for just one
4 moment, please, now.

5 (Discussion off the record.)

6 JUDGE HOYT: Back on the record.

7 Are we ready to proceed? Yes, ma'am?

8 MS. ZITZER: As a preliminary matter, we
9 distributed this morning a motion filed on behalf of
10 Limerick Ecology Action to quash or modify the subpoena
11 that Philadelphia Electric received commanding testimony
12 from A. Lindley Bigelow for reasons set forth in the motion
13 which I have provided you a copy of.

14 This subpoena commanded him to appear today to
15 give testimony, I would assume on the subject matter of
16 all of LEA's admitted contentions.

17 I think the motion speaks very clearly. I don't
18 want to belabor the subject matter on the record now unless
19 the Board deems that this is the appropriate time and
20 place to discuss that.

21 I would note however, that we do not believe we
22 have had proper notice of the Applicant's intention to
23 present this witness, and did not know of these plans until
24 we received the executed subpoena form in the mail this
25 past Friday and do not have prepared cross-examination plans

1 for this witness. And it may be something you would want
2 to review the motion and then have discussion later, but I
3 wanted to bring it to your attention, please.

4 JUDGE HOYT: Ms. Zitzer, as you have noted the
5 motion was filed and is dated November 19th. The Board has
6 not seen the motion before, it does not know the substance
7 of the motion. It will be necessary that we have at least
8 a moment to read the motion and determine what it is.

9 MS. ZITZER: I would be happy to explain it. I
10 am not sure that you want me to do that now.

11 JUDGE HOYT: I think the explanation may very
12 well be somewhat putting the cart before the horse. We
13 won't know what is in the cart until we look at your
14 motion. I know Mr. Conner is going to want a word on this
15 so I might as well take your argument along with the
16 motion.

17 Mr. Conner?

18 MR. CONNER: Yes, ma'am.

19 We received this today at 1:15, and I have had
20 only had time to glance at it quickly. Nevertheless, we
21 are prepared to respond.

22 In the first place, for the section, 10 CFR
23 Section 2.720 does not require any advance notice for
24 requesting subpoenas of other parties. That is what the
25 purpose of subsection (f) to quash is. There is no

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1 requirement for advance notice to other parties to seek
2 this subpoena.

3 At a meeting of counsel on October 30th, at which
4 we were trying to determine the procedures for presenting
5 evidence, that ultimately became a joint report to the
6 Board, which the Board then recognized in its order dated
7 November 8, 1984, was the meeting at which we learned for
8 the first time that Mr. Bigelow, the County Coordinator for
9 Montgomery County, would not be presented as part of the
10 Commonwealth of Pennsylvania panel unlike the County
11 Coordinators from Berks and Chester Counties.

12 Ms. Zitzer at that meeting stated that the
13 LEA had no intention at that time of calling Mr. Bigelow
14 as a witness. Therefore, it became incumbent upon us --
15 oh, I might note parenthetically, that Ms. Zitzer's
16 motion refers to the meeting of counsel on the second
17 line of page 2 as having occurred on October 28. It was
18 actually on October 30th. The 28th was a Sunday.

end T1

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1 Having the burden of proof under section 2.732 and
2 since several LEA's contentions related to various aspects
3 of the Berks County plans, we had no alternative but to
4 compel his testimony by supoena. Now he is not our witness.
5 I intend to present the cross-examination plan for Mr. Bigelow
6 to this Board on such day as he is available to testify.

7 I would note parenthetically that Mr. Bigelow is
8 ill. I was informed today by him that he went to the
9 doctors and has a severe, I will call it, bronchial as a
10 lawyer's diagnosis. He is coughing, he is in bed and whether
11 he will be available tomorrow or the next day as we would
12 hope, as a witness we do not know.

13 JUDGE HOYT: Have you considered the use of a
14 deposition?

15 MR. CONNER: By the time we find out what was
16 happening, I would submit that it would probably be too late
17 so we thought we had better call him as a witness. Now if he
18 is ill, of course, we could seek a deposition. We could
19 defer his testimony and let him be brought forward as part
20 of or as an adjunct to the Pennsylvania Emergency Plan Panel
21 or what have at such time as that would occur which is
22 almost suggested in Ms. Zitzer's motion.

23 But we are prepared, his health permitting, to put
24 him on the stand as soon as our panel of Energy Consultants
25 witnesses and the testimony of Mr. Klimm are completed.

COTTON CONTENT

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1 JUDGE HOYT: Very well. I think that we will
2 ask then for about a five-minute recess to give the Board
3 an opportunity to read the motion. We have to at least
4 read it before we can make any determinations here. So
5 we will recess for five minutes.

6 (Whereupon, a short recess was taken.)

7 JUDGE HOYT: On the record reflect. Let the
8 record reflect that all the parties to the hearing who were
9 present when the hearing recessed are again present in the
10 hearing room.

11 The Board has read and considered the motion of
12 Limerick Ecology Action dated November 19, 1984 entitled,
13 "Motion on Behalf of Limerick Ecology to Quash or Modify
14 Philadelphia Electric's subpoena Commanding Testimony from
15 A. Lindley Bigelow." Motion is denied.

16 Are you read to begin, sir?

17 MR. RADER: Yes, we are.

18 JUDGE HOYT: Proceed.

19 MS. ZITZER: Could I ask for a clarification when
20 we would be expected to submit a prepared cross-examination
21 plan for this witness?

22 JUDGE HOYT: We will not require a prepared cross-
23 examination plan for this witness, Ms. Zitzer, in view of the
24 fact that the witness was subpoenaed so late in the
25 preparation for this hearing. We do not think that it would

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(2:02-2:10)

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1 be a fair request of you. The Board has had distributed to
2 it by the NRC staff counsel NRC staff cross-examination plan
3 for applicants' testimony relating to LEA and FOA on-sight
4 emergency plan contentions and City of Philadelphia
5 contention City-1.8 and City-1.9. At the end of the
6 presentation for which this cross-examination plan has been
7 prepared, the plan will be distributed to counsel for each
8 of the parties in this case and incorporated into the
9 record.

10 The purpose of that is so that the parties
11 reviewing the record can see what the staff had prepared
12 in the way of cross-examination for this witness and what
13 the Board had before it. However, we cannot have the plan
14 distributed, of course, to counsel until after the cross-
15 examination has occurred.

16 Yes, na'am, counsel for Commonwealth.

17 MS. PERKIN: Judge Hoyt, Commonwealth would like
18 at this time to submit to the Board its cross-examination
19 plan for these applicant witnesses.

20 JUDGE HOYT: Very well. Would you distribute those
21 to the Board?

22 (Counsel complying.)

23 JUDGE HOYT: The same is applicable to the cross-
24 examination plan that is being distributed to the Board at
25 this time by counsel for the Commonwealth of Pennsylvania.

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1 Copies of that plan will be distributed by counsel to other
2 counsel and incorporated in the record.

3 MR. HIRSCH: Judge Hoyt.

4 JUDGE HOYT: Yes, sir.

5 MR. HIRSCH: I have some FEMA prepared cross-
6 examination plans as well.

7 JUDGE HOYT: Very well. If you have yours, we
8 will take those at the same time. Does LEA have any?

9 MS. ZITZER: Your Honor, we provided them to you
10 and we just want to verify that you have them.

11 JUDGE HOYT: All right.

12 MR. ANTHONY: Judge Hoyt, I have cross-examination
13 plans, too.

14 JUDGE HOYT: Very well, sir. Mr. Anthony, if you
15 will. Will you be in a position to distribute this at the
16 termination of the presentation on these witnesses?

17 MR. ANTHONY: Yes, Your Honor.

18 JUDGE HOYT: Thank you. Will you please rise?

19 Whereupon,

20 ROBERT BRADSHAW,

21 JOHN CUNNINGTON,

22 ROBIN HOFFMAN WENGER,

23 and

24 ROBERT KLIMM

25 were called as witness by the Applicants and having been

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1 first duly sworn, were examined and testified as follows:

2 MS. ERCOLE: May it please the Board, I had two
3 offers which I wanted to make. One is I am requesting at this
4 time upon the Applicant an offer of proof in the form of the
5 scope of the ECI testimony that will be offered here today
6 and the parameters of what that is.

7 The second offer I am requesting of the Applicant
8 is an offer of proof on the documents that they have listed
9 as Applicants' exhibits E-1 through E-61.

10 MR. RADER: Judge Hoyt, if I may respond.

11 JUDGE HOYT: Yes.

12 MR. RADER: I am a bit puzzled by the request for
13 an offer of proof. The witnesses have already testified by
14 their written testimony which is available. There should be
15 no question as to the scope of their testimony. I will
16 simply by direct examination make that testimony available in
17 the record and leave them for cross-examination by the other
18 parties.

19 As to the documentary matters mentioned, I thought
20 counsel had previously stipulated as to the 61 exhibits which
21 Mr. Conner had listed in our list provided to the Board so I
22 don't understand the question there. But if we have to go
23 and offer each one of the exhibits individually, I do think
24 that would be unnecessarily time consuming. Of course, we
25 can do that.

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1 MS. HASSELL: May the Staff respond?

2 JUDGE HOYT: Yes. Go ahead staff counsel.

3 MR. HASSELL: I am just a little confused based
4 upon applicant's counsel representations. It is not my
5 understanding that that stipulation covered the admission
6 of these exhibits. It is merely a means for identification
7 of these exhibits and only identification. Secondly, the
8 only other comment I would add, I would think that the motion
9 with respect to offer of proof with respect to these
10 applicant exhibits is somewhat premature until the time
11 the exhibit is actually offered in evidence.

12 I have no further comment.

13 JUDGE HOYT: Yes, I accept that last part. I am
14 having a problem frankly with what it is you wish to do with
15 an offer of proof. This is prefiled testimony. You have
16 your right to cross-examine. What is it you want to make an
17 offer of proof on?

18 MS. ERCOLE: With regard to the applicants' exhibits
19 which are marked as emergency plans "1" through "61."

20 JUDGE HOYT: Counsel, you are not the sponsoring
21 party for those exhibits. The Applicant is.

22 MS. ERCOLE: That is correct but what I wanted to
23 clarify for the record, I wanted an offer of proof in terms
24 of what these specific exhibits are intended to represent
25 and I believe that before we start with preliminary testimony

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1 by the representatives from ECI that there has been some
2 lack of clarity in terms of what the emergency plans that
3 they have designated represent. We only have risk, county,
4 draft number and date but in terms of this particular listing
5 of relevancy, materiality and competency for this particular
6 proceeding, I think that there should be some kind of
7 clarification.

8 JUDGE HOYT: Isn't that the purpose for which
9 your cross-examination would principally stand, counsel?

10 MS. ERCOLE: With all due respect, I think --

11 JUDGE HOYT: Is it or is it not?

12 MS. ERCOLE: I would submit to the Board that the
13 cross-examination will focus on the purposes for these
14 draft numbers, the dates and what significance if any
15 they have but since these witnesses have been called by the
16 applicant and since in the testimony as I have read it there
17 has not been a clear delineation in terms of what these
18 exhibits are being offered as, not what it is being offered
19 for but what it is being offered as. I think when I reviewed
20 the applicant's testimony relating to LEA off-site
21 contention plans as per Mr. Bradshaw, Cunnington and Ms.
22 Wenger, there was no delineation therein with regard to the
23 purpose for which the drafts were being offered.

24 JUDGE HOYT: Cutting through that counsel, aren't
25 you really saying that you cannot see how the exhibits are

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1 relevant to the testimony? Wouldn't that be a purpose for
2 which you would conduct your cross-examination and then
3 when the identified exhibits, those exhibits marked for
4 identification only, would be moved for admission into the
5 record, then is when your argument would best be made not
6 in the fashion in which you are making it now.

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1 MS.ERCOLE : Well, in the Applicant's exhibit --
2 I understand what the Board is telling me, and I don't
3 mean to be obstreperous, it is just that the Applicant's
4 exhibits call these things emergency plans and have them
5 listed under risk support, county, municipalities,
6 et cetera. But it does not indicate in terms of what
7 a draft is and what it represents in terms of the position
8 of the risk support county and their respective municipali-
9 ties and school districts.

10 As I looked over the testimony that these
11 people will be -- has been offered, there has been
12 no such delineation contained therein.

13 So as in any type of evidentiary proceeding,
14 I thought it would be incumbent upon the Applicant to
15 make an offer, are these drafts final plans, conditional
16 plans, formally approved, preliminarily reviewed?

17 JUDGE HOYT: I am sure by the conclusion of
18 the testimony of this panel, I think we will all be
19 abundantly schooled as to what these plans are and what they
20 stand for.

21 Frankly, I don't know how we could rule on your
22 motion except to deny whatever it is you are asking for
23 at this time because I don't think this is the appropriate
24 place for that motion.

25 I think if you have any motion to strike any of

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1 the testimony or any of the evidence that may be
2 tendered to the Board for admission into the record --

3 MS. ERCOLE: May I reserve it then till the
4 conclusion --

5 JUDGE HOYT: Of course you may, and it wouldn't
6 be possible for me to deny it to you actually, nor would
7 we. I simply believe your motion is premature.

8 With that understanding that you have the
9 right to make any representation at any time that may
10 be pertinent to the relevance of any of the testimony,
11 you may certainly do so.

12 MS. ERCOLE: Thank you. I just wanted to
13 preserve that for the record.

14 I assume then your Honor is ruling the same
15 way as far as the offer of proof on their testimony.
16 If I am not mistaken then, according to Applicant, the
17 offer in the testimony is exactly as it is contained
18 in their --

19 JUDGE HOYT: We are about to find that out.
20 What I think counsel was getting ready to do is to make
21 those preliminary identifications. Then they would move
22 the testimony into evidence, at which time we would
23 reserve the ruling on it until such time as your
24 cross-examination was completed.

25 MS. ERCOLE: Thank you.

1 JUDGE HOYT: Does counsel understand?

2 MR. RADER: I think so, yes.

3 Judge Hoyt, just to clarify the presentation
4 preliminarily, as you know we submitted Applicant's
5 testimony relating to LEA offsite emergency planning
6 contentions, and we also submitted Applicant's
7 testimony relating to LEA-24/FOE-1. For the convenience
8 of the Board and parties, we are presenting all four
9 witnesses as a panel, given the fact that there will
10 probably be some overlapping between the two areas,
11 although we submitted written testimony separately on
12 those two different aspects of these contentions.

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13 DIRECT EXAMINATION

14 BY MR. RADER:

15 Q Did each of you prepare a statement of your
16 professional qualifications which was served upon
17 the Board and parties for this hearing?

18 JUDGE HOYT: Just a moment. Would you identify
19 yourself for the record, please?

20 MR. STONE: Dave Stone, and I am the designated
21 LEA representative on LEA-24.

22 JUDGE HOYT: I would like LEA to make one of
23 its counsel the -- I don't want all three of you
24 participating in this willy-nilly.

25 MR. STONE: But that is correct. I was only

1 designated right now for LEA-24.

2 JUDGE HOYT: Well, we are on LEA-11 now, I
3 think. We are about to get to ti.

4 MR. STONE: May it please the Board, we
5 assumed that Mr. Klimm would be separate, and, therefore,
6 I did not present to you the prepared cross-examination
7 plan for LEA-24.

8 Also, I would point out that as the testimony
9 is written, the ECI panel, which originally was
10 supposed to be three representatives, those individuals
11 did not submit any testimony with respect to traffic
12 and LEA-24. And for clarification purposes, I would
13 either think it should be clarified that either the
14 ECI will not testify on the traffic and then we can
15 go to Mr. Klimm, and I will submit the plan right now.

16 JUDGE HOYT: Can we separate these out,
17 counsel? The Board had previously decided that it would
18 like to have this testimony submitted in blocks or
19 relevance to each contention -- everything on LEA-11,
20 LEA-12, -24, whatever the other numbers are.

21 MR. RADER: I believe that the cross-examination
22 should be pursued in that way. I assume that the
23 various --

24 JUDGE HOYT: I am talking about the direct, sir.

25 MR. RADER: I had planned to do it with one

1 panel at one time, but if the Board prefers, I will
2 put Mr. Klimm on later.

3 JUDGE HOYT: I think the Board would prefer
4 that.

5 Mr. Klimm, you may be excused. However, you
6 will remain under oath.

7 (The Witness Klimm stood down.)

8 JUDGE HOYT: Now, will you identify each
9 of the witnesses and their position at the witness table
10 there.

11 MR. RADER: We now have remaining at the
12 witness table Mr. John Cunnington, Mr. Robert Bradshaw,
13 and Mrs. Robin Hoffman Wenger.

14 JUDGE HOYT: Is that hyphenated, ma'am?

15 WITNESS WENGER: No.

16 JUDGE HOYT: What is the last name?

17 WITNESS WENGER: Wenger, W-e-n-g-e-r.

18 JUDGE HOYT: Thank you.

19 Would you please give the spelling of all those
20 names to the reporter at your earliest convenience, sir.

21 MR. RADER: Yes, we will do that. We will
22 provide copies of the testimony.

23 BY MR. RADER:

24 Q Is the statement of your professional
25 qualifications true and correct?

1 A (Witness Wenger) Yes, it is.

2 A (Witness Cunningham) Yes.

3 A (Witness Bradshaw) Yes.

4 Q Did each of you prepare or assist in preparing
5 the document entitled Applicant's Testimony Relating
6 to LEA Offsite Emergency Planning Contentions to the
7 extent indicated in that testimony?

8 A (Witness Wenger) Yes.

9 A (Witness Cunningham) Yes.

10 A (Witness Bradshaw) Yes.

11 Q Are there any revisions or amendments to
12 that testimony which you would wish to make at this
13 time?

14 A Yes, there are.

15 Q Go ahead.

16 A On page 6 of our testimony, paragraph 10,
17 in the second line there is a typographical error
18 referencing the Montgomery County Plan, Annex I. It
19 should be Appendix I3 rather than Appendix II.

20 On the following line there is an incorrect
21 reference to the transportation, and it should read
22 "group implementing procedure."

23 JUDGE COLE: As compared to what, sir?

24 WITNESS BRADSHAW: As compared to
25 transportation coordinator.

1 JUDGE COLE: So delete the words transporation
2 and coordinator?

3 WITNESS BRADSHAW: No, sir. Delete the word
4 "coordinator" and replace it with "group."

5 JUDGE COLE: So "transportation group
6 implementing procedure?"

7 WITNESS BRADSHAW: That's correct.

8 JUDGE COLE: Thank you.

9 WITNESS BRADSHAW: On page 7, paragraph 15,
10 there is a reference to 475 busses. It should be
11 corrected to read 476 busses.

12 On page 8, paragraph 20, typographical
13 error with regard to the page number for Annex I
14 Appendix 2, tab 3. The correct page number is I-2-10.

15 JUDGE COLE: That is the third line from the
16 bottom?

17 WITNESS BRADSHAW: That is correct.

18 On page 9, the third line from the bottom of
19 the page, reference to the percentage of total
20 drivers, it should be corrected to read 21 percent rather
21 than 30.

22 I would like to point out that on page 10
23 there is a table of school bus resources. This information
24 was correct at the time of the filing. However, I wish
25 to point out that in the intervening period, there has

1 been additional progress in the plans which would
2 change some of these numbers. These changes occurred
3 because of changes in school district census from
4 1983 to 1984.

5 I would also point out that those changes
6 do not result in any change in the unmet need column.
7 They all remain zero.

8 If you would like me to go over the individual
9 changes, I can do that.

10 JUDGE COLE: I think our record should be
11 complete, sir, yes.

12 JUDGE HOYT: There is an indication that the
13 Intervenor LEA would like to have it also.

14 WITNESS BRADSHAW: Beginning with the
15 Pottsgrove School District -- I will read across in
16 the columns -- change 72 to 73. Under School Unmet Need
17 change 36 to 37. Under the column County to Supply
18 the change will also be 37.

19 For the Pottstown School District, the number was
20 changed from 97 to 92. Under School District Owned,
21 the number changes from 13 to 6. Moving to the
22 School Unmet Need column, that number changes from 64 to
23 66 with a similar to the County to Supply column, from
24 64 to 66.

25 The Springford School District, change 79 to 77,

1 change 8 to 6.

2 Under the Owen J. Roberts School District,
 3 change 57 to 66; District Owned Vehicles from 4 to 7.
 4 District Contracted Vehicles from 29 to 30; School
 5 Unmet Need from 24 to 29; County to Supply column from
 6 24 to 29.

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Under the Phoenixville School District, change
94 to 84.

JUDGE HOYT: Is that 8-4?

WITNESS BRADSHAW: Yes, that is correct.

Change district-owned vehicles from zero to 3.

Change school unmet needs from 54 to 41.

And county to supply column from 54 to 41.

The Downingtown School District, change zero
to 6 --

JUDGE HOYT: Under what column?

WITNESS BRADSHAW: Under the buses needed column,
change zero to 6.

Under the district owned column, change zero to
5.

Under the school unmet need column, change
zero to 1.

And, under the county to supply column, change
NA, not applicable, to one.

Moving to the total, the change would be,
for buses needed, 438 to 437.

District-owned vehicles from 120 to 122.

District-contracted vehicles from 177 to 178.

School unmet need changes from 241 to 237.

County to supply column changes from 241 to 237.

That concludes the changes to that table.

1 Additional changes, however --

2 JUDGE HOYT: Counsel, will you see that the
3 copies submitted to the reporter for inclusion in the
4 record, contains the above-recited corrections?

5 MR. RADER: I shall, your Honor.

6 JUDGE HOYT: Thank you.

7 WITNESS BRADSHAW: Continuing on page 14,
8 paragraph 29. In the third line, the number 3256 should
9 read 3456.

10 On page 16, under paragraph 34, there are typog-
11 graphical errors in the second and next-to-last line. The
12 word nursing should read nursery in both instances.

13 The final correction on page 29, in paragraph
14 65, the reference to the West Vincent and East Nantmeal
15 Township Plans should read Attachment O rather than
16 Attachment G.

17 Those are all the changes.

18 BY MR. RADER:

19 Q As amended is your testimony true and correct
20 to the best of your knowledge and belief?

21 A (Witness Bradshaw) It is.

22 Q Mr. Bradshaw, did you prepare or supervise
23 preparation of the 61 exhibits listed on that Applicant's
24 Exhibit List, which Mr. Conner previously gave to the
25 Board which designates the 61 plans for the Limerick

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1 Emergency Planning Zone?

2 A Yes, I did.

3 Q What was the source of the information for those
4 plans?

5 A They were a result of our work with the counties
6 municipalities and school districts.

7 JUDGE HOYT: I think at this time because that
8 is not a matter of record, counsel, we had best make it a
9 matter of record.

10 What counsel is referring to is Applicant's
11 Exhibit Emergency Plans, a two-page list of emergency plans
12 by various jurisdictions divided out by county.

13 There are 61 of those jurisdictions.

14 JUDGE HARBOUR: I would like to say I counted
15 them three times. I come up with 60 each time.

16 JUDGE HOYT: Do you have another copy of this,
17 Mr. Conner?

18 (Document handed to bench.)

19 JUDGE HARBOUR: I was looking at the wrong list.

20 BY MR. RADER:

21 Q Mr. Bradshaw, would you explain how the
22 information was developed for the plans in your discussions
23 with the various governmental authorities within the EPZ?

24 A (Witness Bradshaw) Yes.

25 Early on in the planning process in 1982, we

1 began the project, introductions were made by both State
2 and County officials to the Municipal and School District
3 authorities.

4 And, upon those initial introductions, it
5 was determined who our planning contacts would be with
6 those jurisdictions and we began working on the plans in
7 that regard.

8 Q And to the best of your knowledge and belief, do
9 the plans reflect the current status of emergency planning
10 in the Limerick EPZ at this time?

11 A Yes, they do.

12 Q Did you also prepare implementing procedures for
13 the various jurisdictions?

14 A Yes.

15 JUDGE HOYT: Would you please put that micro-
16 phone a little closer to your mouth, sir. We are simply
17 not picking you up over here.

18 Thank you.

19 BY MR. RADER:

20 Q I now show you two copies of implementing
21 procedures for transportation group, Montgomery County,
22 and ask you if they are true copies of the procedures
23 which you prepared for that governmental --

24 JUDGE HOYT: Counsel, before the witness examines
25 that, I would like for the counsel from the various

1 organizations here to see what it is your are showing the
2 witness.

3 MR. RADER: Certainly.

4 JUDGE HOYT: Unless any counsel wishes to waive
5 their right to review the document.

6 MS. FERKIN: The Commonwealth does not wish to
7 waive its right to view the document.

8 MR. RADER: We would be happy to comply for the
9 record.

10 I wish to make clear each of the exhibits we
11 are now proffering has previously been furnished to each
12 of the parties by service.

13 JUDGE HOYT: Yes, sir. But the problem is I
14 want counsel to be convinced that that is what you are
15 showing to these witnesses at this time in this hearing on
16 this date.

17 MR. RADER: Yes, ma'am.

18 We have three copies available for the reporter.
19 We only have two other copies, obviously, to show to the
20 Parties. But this is simply for the purpose of identifica-
21 tion. They could be examined at the recess to the extent
22 the other parties wish to cross examine.

23 (Document distributed to Parties.)

24 BY MR. RADER:

25 Q Is that a true copy of the procedures that you

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prepared for Montgomery County on that subject?

A (Witness Bradshaw) Yes, it is.

Q And is the information there true and correct to the best of your knowledge and belief?

A Yes, it is.

MR. RADER: Judge Hoyt, the remaining exhibits which I have for this panel relate to matters which I think may be subject to stipulation. We had previously served an emergency plan, a model emergency plan for day care facilities which I believe each of the parties has.

I would ask for a stipulation as to the authenticity of this document. This is a document not prepared by Energy Consultants, but by the various State agencies. But, if there is objection, I will offer it through this witness.

JUDGE HOYT: Any objection?

MS. FERKIN: Commonwealth would simply like to verify the title of said plan.

(Document handed to counsel for Commonwealth.)

MS. ERCOLE: As would LEA.

JUDGE HOYT: Very well.

(Document handed to counsel for LEA.)

MR. RADER: Judge Hoyt, as another preliminary matter, would the Board prefer that we mark these exhibits

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1 as we go along?

2 You have a list of the 61 basic plans. I have
3 a total of six other exhibits.

4 JUDGE HOYT: Yes, the Board would like them
5 marked as we go along, sir.

6 MR. HASSELL: Judge Hoyt, could the Staff seek
7 some clarification on what the procedure is going to be
8 for offering and admitting exhibits?

9 It has always been my experience that at the
10 time an attempt is going to be made to offer it, the copies
11 are then made available for each party.

12 JUDGE HOYT: It is my understanding these
13 were made available in advance, Mr. Hassell.

14 MR. RADER: That is correct.

15 JUDGE HOYT: Did you not receive them?

16 MR. HASSELL: In some instances we have. I'm
17 not in a position right now to verify that in each and
18 every instance we have been told that these would be offered
19 as exhibits.

20 JUDGE HOYT: I'm sorry, I did not hear the last
21 part of what you said.

22 MR. HASSELL: I am not aware that at the time
23 that the Staff received these documents they were represented
24 as being exhibits. Nor, am I aware, at least to my
25 knowledge right now, that we have received the particular

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1 exhibits that are being identified by Applicant's counsel.

2 With respect to these emergency plans, I believe
3 that we have received them. With respect to implementing
4 procedures, I'm just saying I do not know. I'm not
5 representing I didn't receive it. I'm just saying I do
6 not know whether the Staff has received them. And it just
7 presents to me a very practical difficulty at least that
8 I'm facing, knowing at this time there are a lot of documents
9 that the Staff has received with respect to offsite
10 emergency for Limerick.

11 MS. FERKIN: Commonwealth would like to echo
12 the NRC Staff's concern.

13 JUDGE HOYT: Very well.

14 MR. RADER: Judge Hoyt, if I may, those exhibits
15 were referenced in our testimony, and they were referenced
16 as exhibits which we would offer in our transmittal letter.

17 I simply don't understand the representation that
18 these were not known about, because they were in our
19 testimony and they were in our transmittal letter.

20 Now we didn't provide copies at this time
21 because, as I say we stated in our transmittal letter
22 transmitting our formal testimony, that these were not
23 being transmitted separately for the very reasons they
24 have previously been served upon the parties.

25 JUDGE HOYT: I have a copy of that letter and

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1 that was my understanding.

2 If we are having difficulty with it at this time,
3 perhaps we had best, as counsel for the Staff suggests,
4 we take some corrective measures at this time so that the
5 counsel representing the other parties here may have all
6 these exhibits here clearly identified in their own papers
7 before we begin any further examination of the panel.

8 MR.HASSELL: I am prepared to work out something
9 informally.

10 JUDGE HOYT: Very well. I think those are the
11 better places for something like that to be worked out.

12 I thought perhaps in going along that that has
13 all been handled in the conference which counsel -- all
14 the counsel I think present here today have pretty much
15 worked out. I am a little surprised that we have come
16 up with this particular difficulty at this time.

17 However, if we are having the problem, I would
18 like it to be worked out somewhat informally.

19 Do you need some time to do it, or would you be
20 able to do it overnight?

21 MR. HASSELL: I am willing to wait and do it
22 overnight, personally, I am.

23 JUDGE HOYT: Very well.

24 MS. FERKIN: Agreed.

25 JUDGE HOYT: Very well. Any problems, LEA?

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1 JUDGE HOYT: City has been very quiet. Do you
2 want to get in on this?

3 MS. BUSH: no.

4 JUDGE HOYT: Very well.

5 FEMA?

6 MR. HIRSCH: We are satisfied with the worked-
7 out procedure.

8 JUDGE HOYT: Good.

9 MR. RADER: Pursuant to the Board's instructions,
10 I would ask that the Implementing Procedures Transportation
11 Group for Montgomery County be marked as Applicant's
12 Exhibit 62.

13 JUDGE COLE: E-62, you mean?

14 MR. RADER: Yes, sir, E-62.

15 (Whereupon, the document referred
16 to was marked Applicant's
17 Exhibit No. E-62 for
18 identification.)

xxx

19 MR. RADER: I ask that the Model Plan for Day
20 Care Facilities be marked as E-63.

21 (Whereupon, the document re-
22 ferred to was marked Applicant's
23 Exhibit No. E-63 for
24 identification.)

25 MS. FERKIN: Judge Hoyt?

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1 JUDGE HOYT: Yes, Ms. Ferkin.

2 MS. FERKIN: With regard to the Model Day Care
3 Emergency Response Plan, can I clarify the context in which
4 that plan was prepared, and can we so stipulate?

5 I believe Mr. Rader alluded to a plan prepared
6 by various or several State agencies. I would simply like
7 to clarify for the record, the State agencies involved.

8 JUDGE HOYT: Can you do that, counsel?

9 BY MR. RADER:

10 Q Mr. Bradshaw, would you state for the record
11 which State agencies were responsible for preparing the
12 Model Day Care Facility Plan?

13 A (Witness Bradshaw) Yes. I might say that a
14 copy of the Model Day Care Center plan was provided to
15 Energy Consultants and the County Emergency Management
16 agencies at a planning coordination meeting by the
17 Pennsylvania Emergency Management Agency.

18 It was indicated at that time that PEMA, that the
19 State Department of Education, the State Department of
20 Public Welfare, all participated in developing the Model
21 Day Care Center Plan.

22 JUDGE HOYT: Is that sufficient?

23 MS. FERKIN: Yes, that's sufficient, thank you.

24 JUDGE HOYT: Very well, counsel, proceed.

25 BY MR. RADER:

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Q Mr. Bradshaw, I show you three additional documents --

JUDGE HOYT: I would like you to show them to counsel.

MR. RADER: Yes, ma'am.

(Documents distributed to Parties.)

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1 JUDGE HOYT: Very well. Let the record reflect
2 that those identified exhibits have been shown to counsel
3 representing the various parties.

4 MS. ERCOLE: We are just taking a moment to look
5 through one of the exhibits. We just received it today
6 and do not have a copy of it. It is dated October 10, 1984.
7 That is why it is just taking a moment.

8 JUDGE HOYT: Very well.

9 BY MR. RADER: (Resuming)

10 Q Mr. Bradshaw, I show you three additional documents
11 identified as "Offsite Training Program Bus Driver Training,"
12 "Emergency Preparedness Training Module Audience: School
13 Teachers and Staff" and "Off-site Training Program School
14 Officials Training Module" and ask if you can identify those
15 documents?

16 A. (Panel reviewing documents.)

17 A. (Witness Bradshaw) There is some question as to
18 the date on the Off-site training program School Officials
19 Training Module. We are going to have to confirm the date
20 on that. We were under the impression that the date was
21 October 1983, I believe.

22 Q All right. We will check that for you during the
23 recess but for the moment, can you simply identify these
24 documents and state for what purpose they were used?

25 A. Yes. These are the training modules which were

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1 utilized for off-site training of school officials for the
2 Limerick Generating Station by Energy Consultants.

3 MR. RADER: Judge Hoyt, I would ask that these
4 various exhibits, "Bus Driver Training" be marked E-64,
5 "Training Module for school teachers and staff" be marked
6 E-65 and the "School Officials Training Module" be marked
7 E-66 for identification.

8 JUDGE HOYT: Very well. The exhibits will so be
9 marked by the reporter.

10 (The documents referred to were
11 marked Applicants' Exhibit Nos.
12 E-64, E-65 and E-66, inclusive,
13 for identification.)

14 BY MR. RADER: (Resuming)

15 Q Subject to the clarification which you just
16 stated, Mr. Bradshaw, are those true and correct copies of
17 the lesson plans which have been utilized by Energy
18 Consultants in their training program?

19 A (Witness Bradshaw) Yes, they are.

20 MR. RADER: Judge Hoyt, I request that the
21 statements of the professional qualifications and the
22 applicants' testimony relating to LEA off-site emergency
23 plan contentions and the related exhibits insofar as they
24 have been referenced in the testimony be admitted into
25 evidence.

(DIRECT TESTIMONY FOLLOWS:)

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
)
Philadelphia Electric Company) Docket Nos. 50-352
) 50-353
(Limerick Generating Station,)
Units 1 and 2))

APPLICANT'S TESTIMONY RELATING TO LEA
OFFSITE EMERGENCY PLAN CONTENTIONS

Panel - Robert Bradshaw, John Cunnington and Robin Hoffman
Wenger.

Introduction

1. In 1982, Applicant Philadelphia Electric Company ("Applicant") was advised by the Pennsylvania Emergency Management Agency ("PEMA") that local governments within the Emergency Planning Zone ("EPZ") for Limerick required additional resources in order to prepare adequate emergency plans. Accordingly, Applicant retained the firm of Energy Consultants ("EC") to assist these county, municipal and school district authorities in preparing their respective radiological emergency response plans. This testimony addresses the following contentions by Limerick Ecology Action: LEA-11, LEA-12, LEA-13, LEA-14(a), LEA-14(b), LEA-15, LEA-22, LEA-26, LEA-27, LEA-28(a) and LEA-28(b).

Background

2. The basic source of planning policy and procedures in the event of a radiological emergency in the Commonwealth

of Pennsylvania is the Commonwealth's Disaster Operations Plan - Annex E - Fixed Nuclear Facility Incidents ("Annex E"). Planning purposes, assumptions, operational concepts, and a statement of the primary and support responsibilities of the various Commonwealth agencies, departments and bureaus are delineated. The responsibilities of the county and municipal governments as well as federal government support are also described. These portions comprise the Basic Plan of Annex E. Annex E also contains 25 separate appendices which address specific topics and functions important to effective implementation of the Basic Plan. (R. Bradshaw)

3. Annex E requires in Section VII.B.1.a and VII.C.2 that each county and municipality within the EPZ is required to develop and maintain a comprehensive site-specific Radiological Emergency Response Plan. These are known as "risk counties" and "risk municipalities." Each county plan must be in consonance with Annex E, and each municipal plan must support the county plan. Plans are also prepared for counties outside the EPZ which provide support personnel and resources to assist in an emergency. Those are known as "support counties." (R. Bradshaw)

4. Under Annex E, the Commonwealth, county and local emergency management system is structured to support emergency operations at the lowest possible level. County emergency management coordinators work with municipal coordinators in resolving problems and fulfilling unmet

needs for particular resources. Commonwealth emergency management officials work with county coordinators in supporting their operations and providing requested resources in the same manner. (R. Bradshaw)

5. When requested capabilities exceed those of the supporting agency, the agency passes the unmet portion of the requirement to the parent organization. Where unmet needs exceed the capabilities of departments or agencies, they are forwarded by either the department, agency or county coordinator to the Commonwealth. The Commonwealth will fulfill the unmet need or, if appropriate, pass on the requirement to the federal level. This mechanism for addressing unmet needs is also utilized by local and county governments surrounding the four other fixed nuclear facility sites in the Commonwealth of Pennsylvania. (R. Bradshaw)

6. EC is an engineering, project management and support organization specializing in the fields of energy and heavy industry. The firm has eleven years experience in providing technical and professional services to utilities, private industry, and government. Through its Emergency Management Services Department, EC has provided a broad range of services encompassing emergency plan/procedures development; training; drill and exercise preparation and conduct; emergency preparedness program audit and upgrade; licensing assistance; warning and communications system study and design; scenario development; computerized program implementation and maintenance; public education and

information programs; and various other technical services. Since 1980, EC has had extensive experience in preparing emergency response organizations to manage radiological emergencies. These services have been provided in support of over fifteen different fixed nuclear facilities throughout the United States. (R. Bradshaw)

7. EC developed a project planning approach for Limerick consistent with offsite planning for the Commonwealth's four other fixed nuclear facility sites and Annex E. EC drafted prototype municipal and school district plans for PEMA's review and comment. County plan format was based upon a standard consistently used by all other Pennsylvania counties and approved by PEMA. EC assigned a staff of fourteen emergency management professionals to the Limerick project, three of whom provide this testimony. These individuals have developed a close working relationship with county, municipal, and school emergency planning personnel in refining the plans through a series of personal visits and draft development. This interaction provided for the development of plans specific to the needs of each facility/governmental entity, and also provided a mechanism for assuring that the plans are consistent with each other and conform to appropriate planning standards. (R. Bradshaw)

LEA-11

The draft Chester and Montgomery County and School District RERP's are deficient in that there is insufficient information available to reasonably assure that there will be enough buses to evacuate the schools, both public and private, in one lift.

8. The school profile form contained in the attachments to the school district plans provide information on the number of students and the number of buses available through the school district or private schools. (R. Bradshaw, J. Cunningham)

9. Unmet bus needs at the school district level are passed onto the county. Any unmet transportation need reported by the counties will be addressed by PEMA through other Commonwealth resources. (R. Bradshaw)

10 In Montgomery County, the Office of Emergency Preparedness has assigned resources from outside the EPZ to those schools reporting unmet transportation needs. Those assignments are provided in the Montgomery County Plan, Annex I, Appendix I-2, Tab 3. The Montgomery County Transportation Group Implementing Procedures state in Sections V.B.4 and V.B.7 that the Group Chief will obtain school district transportation needs and contact all Montgomery County transportation resources to determine the number of vehicles and drivers available. Assignment of transportation resources will be reviewed at the site emergency stage as provided in the Implementing Procedures, Section V.C.10.

Assignment of buses to Montgomery County schools is provided in the Montgomery County Plan, Annex I, Appendix I-³~~1~~ and the Transportation ~~Coordinator~~ ^{Group} Implementing Procedure, Sections V.B.4, V.C.7 and V.D.7. All other assignment of drivers will be made by the company, service, or school district employing those individuals in accordance with company or school district procedures. Montgomery County has requested PEMA to develop a back-up list of buses and drivers available to respond to a radiological emergency at Limerick. (R. Bradshaw, J. Cunningham)

11. Although the school district and county plans do not rely upon other than the existing pool of drivers for planning purposes, Section 6108 of the Commonwealth of Pennsylvania Vehicle Code permits the Governor to modify provisions of the code in emergencies. Sections of the Code pertaining to classification of licenses and qualifications for a school bus license could therefore be modified to permit other than certified bus drivers to operate school buses in the event of an actual emergency. (R. Bradshaw)

12. Assignment of county buses to school needs appears in the Montgomery County Plan, Annex I, Appendix I-2, Tab 3 and Appendix I-3, Tab 4, and in the Chester County Plan, Annex I, Appendix I-1 and Annex N, Appendix 3. Attachment 11-A below compiles bus data as it appears in these school district and county plans. (R. Bradshaw)

13. The number of school buses needed are conservatively stated in the plans because: (1) needs were calculated

on total enrollment, with no allowance for student absentees; (2) many high school students drive to school and are permitted to use their own vehicles for transportation during an emergency. (R. Bradshaw, J. Cunningham)

14. Since all unmet needs for buses have been satisfied, sufficient buses exist within the three counties to implement evacuation of schools in one lift. (R. Bradshaw)

15. The number of buses needed from the three counties to meet school district unmet needs is far less than the number of buses available to the counties overall. Chester County has identified over 200 buses and drivers available to assist with a county evacuation. Montgomery County has identified ⁴⁷⁶~~495~~ buses and drivers available to assist with a county evacuation. These figures are obtained by totalling the available buses identified in Annex I of the county plans. (R. Bradshaw)

16. In addition to the conservatism in calculating school bus needs, the overall transportation needs for these counties have been conservatively estimated because school children of parents without private transportation are double-counted as being in school and as members of the general public requiring transportation. (R. Bradshaw)

17. Bus companies have signed written agreements with Montgomery County to provide transportation services upon request. These agreements commit the bus companies to provide buses and drivers, to the maximum extent possible, for transportation of individuals should an evacuation be

required due to any man-made or natural disaster, including an incident at Limerick. (R. Bradshaw, J. Cunnington)

18. Chester County has obtained the same basic agreements in principle by oral commitment and is in the process of reducing them to writing on the same basis as the Montgomery County agreements. (R. Bradshaw)

19. The counties do not rely upon the contractual enforceability of their agreements with private bus companies for their implementation. Rather, the primary purpose of support agreements for the provision of services and resources in the event of a radiological emergency is to identify sources as accurately as possible and to confirm an organization's willingness and ability to provide the requested support. On prior occasions, a number of these companies have promptly furnished the required buses and drivers upon request by the counties under emergency circumstances even in the absence of prior agreements. There has been no indication that these companies will be unable or unwilling to fulfill their commitments. (R. Bradshaw)

20. In obtaining commitments for school buses and drivers from school districts outside the EPZ, Montgomery County limited its requests to less than half the total resources available to those school districts. For example, the Montgomery County Plan, Annex I, Appendix 2, Tab 3 at page I-2-¹⁰~~9~~, indicates that the North Penn School District has committed only 42 of its 84 available vehicles to evacuate schools within the EPZ. This avoids any possible

conflict between school districts for buses and drivers. Thus, because supporting school districts have limited their commitment of resources, buses and drivers would be made available to assist in an evacuation even in the event of an early dismissal of the supporting school districts. Based upon identified needs, Montgomery County has determined that it would require only about ³¹~~30~~ percent of the total driver force of companies outside the EPZ utilized for school evacuation. (R. Bradshaw, J. Cunnington)

ATTACHMENT 11-A

SCHOOL BUS RESOURCES
FOR MONTGOMERY AND CHESTER COUNTIES

<u>School District</u>	<u>Buses Needed</u>	<u>District Owned</u>	<u>District Contracted</u>	<u>School Unmet Need</u>	<u>County to Supply</u>	<u>Unmet Need</u>
Methacton	33	33	0	0	N/A	0
Perkiomen Valley	61	19	29	13	13	0
Pottsgrove	53 22	36	0	17	17	0
Pottstown	27	16	20	11	11	0
Soudertown	8	0	8	0	N/A	0
Spring-Ford	29	16	46	25	25	0
Upper Perkiomen	5	0	5	0	N/A	0
Owen J. Roberts	27 28	17	28	10	10	0
Phoenixville	27	27	40	13	13	0
Great Valley	0	0	0	0	N/A	0
Downingtown	16	16	0	0	16	0
Ursinus College	16	0	0	16	16	0
Valley Forge Christian College	16	7	0	9	9	0
	—	—	—	—	—	—
TOTAL	328 537	178 122	171 178	71 237	71 237	0

LEA-12

The draft Montgomery, Chester, and Berks County RERP's and the School District RERP's are not capable of being implemented because there is not reasonable assurance that there will be sufficient numbers of teachers and staff required to stay at school during a radiological emergency if sheltering is recommended as a protective measure, or that there will be sufficient numbers of school staff available to evacuate with children in the event of a radiological emergency. Therefore, children are not adequately protected by the draft RERP's.

21. The basic responsibility of assigned school teachers and staff to accompany evacuated students and remain with them at host schools until relieved is described in each School District Plan, Section V.D.2.d. No special training for this basic responsibility is necessary because teachers routinely supervise students in similar situations. (R. Bradshaw, J. Cunningham)

22. Nonetheless, training for teachers and staff in the form of general orientation has been provided and is available on an ongoing basis for school staff assigned to perform this function, as explained in the County Plans, Annex R, Section III.A and the School District Plans, Section III. As stated in the County Plans, Annex R, Sections III.D and E, annual retraining of school staff will be offered. (R. Bradshaw, R. Hoffman Wenger)

23. This training will familiarize school staff with nuclear plant operations, radiation hazards and related emergency planning concepts. As a result of this training,

school staff will be informed as to the likely risks involved in an actual emergency and prepared to perform their limited escort function without unrealistic fears or apprehension. (R. Hoffman Wenger)

24. The training program has been offered to all public and private school personnel within the EPZ. Training continues to be available on an ongoing basis. With one exception discussed below, no school district has indicated that its staff would be unwilling or unable to accompany students and remain with them in the event of an evacuation for personal or other reasons. (R. Bradshaw, R. Hoffman Wenger)

25. At training sessions, instructors have advised persons involved in emergency response activities that they should discuss family arrangements during an emergency. Members of families of school personnel remaining on duty during a radiological emergency are members of the general public and are evacuated on that basis. Arrangements for evacuation of the general public under the various plans provide reasonable assurance to school personnel and their families that family members will be protected in the event of a radiological emergency. (R. Bradshaw, R. Hoffman Wenger)

26. The expected conduct of school personnel as reasonable adults, certified by the Commonwealth for the instruction of school children, reasonably assures that such personnel will remain with the children during an evacuation

or sheltering until relieved. Accordingly, there has been no need to conduct a survey of teachers regarding the performance of this function. (R. Bradshaw)

27. The school district plans can be implemented with less than the full school staff. School administrators in the EPZ have generally indicated that staff/student ratios in an emergency could be significantly higher than for classroom instruction. For example, an appropriate ratio could provide the equivalent of study hall or field trip supervision. There would be no difference in the appropriate staff/student ratio for evacuation or sheltering scenarios. Therefore, school plans adequately account for human response and other factors which may unexpectedly reduce usual staff/student ratios. (R. Bradshaw, J. Cunningham)

28. Inasmuch as radiation is not a tangible, visible hazard, the mere escorting of students to buses and transportation to other locations during an evacuation presents no likelihood that students will be psychologically traumatized or unruly. In any event, school staff is sufficiently prepared to handle any possible disruption as they would under any other circumstances involving the movement of large numbers of students. (R. Bradshaw)

29. At the Owen J. Roberts School District, the number of staff identified by a survey as unwilling to remain with students in the event of a radiological emergency has been passed onto Chester County as an unmet need. This school district has determined that about 60 to 65 teachers would

be willing to remain with students in an actual radiological emergency. Based upon last year's student enrollment of ~~3256~~ ³⁴⁵⁶, a teacher/student ratio of about 1 to 50 or 55 would exist. Inasmuch as this ratio is consistent with the level of supervision during similar activities such as field trips and study halls, it would be adequate to facilitate evacuation or sheltering of students. In any event, Chester County will respond to needed additional staff requested by the school district as an unmet need. (R. Bradshaw, J. Cunnington)

30. Given the limited responsibilities of teachers in accompanying students during an evacuation, there is no need to conduct post-training surveys to evaluate the effectiveness of the program. Nor is there a need to conduct special drills for evacuation, since this merely involves escorting students out of school buildings, which occurs normally during fire drills, and transporting them by bus to other locations. Staff supervision of students during an evacuation would therefore be similar to supervision of large student groups during any number of other outside activities and would not be enhanced by drills. (R. Bradshaw)

31. Under Annex E, the Commonwealth does not make any determination as to the adequacy of particular buildings within the EPZ for sheltering. As this protective action is discussed in Annex E, Appendix 12, Section 10.2.2.2, an appropriate shelter may be one's home, a commercial building, or a public building. This provision further states

that, in the general climate of the Commonwealth, any building which is reasonably winter worthy will suffice for sheltering, with windows and doors tightly closed. (R. Bradshaw)

32. Under Annex E, sheltering is used as a protective action when dose projections are expected to exceed the lower Protective Action Guidelines provided by EPA, when the release will occur too soon to allow an evacuation, and when the release does not involve significant fractions of the core particulate inventory. Also, if evacuation would normally be recommended but cannot be effected because of adverse weather or other conditions, sheltering is the only alternative and would be implemented. Under Annex E, sheltering would therefore be implemented only if needed protection cannot be achieved by evacuation. Evaluation of the protection afforded by structures within the EPZ will not make those buildings more suitable for sheltering or affect the choice of a sheltering option. Thus, evaluation of the effectiveness of such structures for sheltering would be meaningless. (R. Bradshaw)

33. In the training of school staff described above, instructors explain the circumstances under which sheltering would be the preferred protective action and instruct as to the procedures for implementing this option. Accordingly, school staff will have the necessary information to be assured that sheltering, if implemented, provides the

greatest level of protection for staff and students under the circumstances. (R. Bradshaw, R. Hoffman Wenger)

LEA-13

There must be specific and adequate plans for children in day care, nursery and pre-school programs in order to provide reasonable assurance that this particularly sensitive segment of the population is adequately protected.

34. Arrangements for transporting children in day care, ~~nursery~~ ~~nursing~~ and pre-school facilities have been made by means of a general survey within the EPZ conducted in the fall of 1983. This survey, which was prepared in consultation with the risk counties, was mailed to each address within the EPZ. Each respondent was asked to identify transportation, medical, or other special needs for all persons at that address. Responses were forwarded to the appropriate County Emergency Management Agency. Accordingly, the survey covered all day care, ~~nursing~~ ^{nursery}, and pre-school facilities in the area. (R. Bradshaw)

35. Day care centers which are located within kindergarten or nursery schools using public school transportation have been included in the transportation needs of those kindergartens or nursery schools. This information is provided in applicable Private School Plans, Attachment 1. (R. Bradshaw, J. Cunningham)

36. Reported needs from the general survey have been compiled by each municipality to determine overall bus needs. These data have been incorporated in the Municipal

Plans, Attachment G and in the Municipal Implementing Procedures. Accordingly, each day care, nursery and pre-school facility with reported transportation needs beyond its own capacity has been identified and provided planned assistance. (R. Bradshaw)

37. A model plan for day care facilities prepared by the Pennsylvania Department of Education, Department of Public Welfare and PEMA provides that children will remain the responsibility of the directors of the facility until the children are picked up by their parents or authorized persons. See Model Plan, Section IV.G. Parents or authorized custodians will be permitted to re-enter the EPZ to pick up children from day care centers and nursery schools. Appendix 2 of the Model Plan provides a sample letter to parents informing them of emergency procedures, including the location of host facilities. Thus, except in the most extreme emergencies involving rapidly developing scenarios, parents would themselves transport their children from the facility. (R. Bradshaw)

38. The expected conduct of reasonable adults with responsibility for the care of children in day care/nursery school facilities reasonably assures that staff will remain with the children until they are picked up. There is no indication that the staff at any of these facilities is unable or unwilling to remain with children during this period. The participation and commitment of facility staff in this regard will therefore protect the well-being of very young

children entrusted to their care in the event of an actual emergency. (R. Bradshaw)

39. As explained in response to LEA-12, any decision to shelter by the Commonwealth is made on the basis of its evaluation of the prevailing circumstances at the time of an actual emergency. Selective evacuation of pregnant women and pre-school children within the EPZ is one option, as indicated in the County Plans, Annex D, Appendix D-2. There is no reason, however, for the plans to distinguish between pre-school children attending day care/nursery school facilities and pre-school children in general. Accordingly, there is no different decision-making process as to sheltering children in those particular facilities. (R. Bradshaw)

LEA-14(a)

The School District RERP's and the Chester, Berks, and Montgomery County RERP's are deficient because there are inadequate provisions of units of dosimetry-KI for school bus drivers, teachers, or school staff who may be required to remain in the EPZ for prolonged periods of time or who may be required to make multiple trips into the EPZ in the event of a radiological emergency due to shortages of equipment and personnel.

40. For the reasons discussed in response to LEA-11, enough buses will be available to implement an evacuation of schools within the EPZ in a single lift. Even if some buses were required to re-enter the EPZ for some unforeseen reason, Chester and Montgomery counties will retain a supply of dosimetry and KI at transportation staging areas. No bus

will re-enter the EPZ for these counties without first stopping at a transportation staging area for those supplies. See Montgomery and Chester Counties Plans, Annex I, Section IV.B. (R. Bradshaw)

41. If bus drivers were required to re-enter the EPZ because a single lift was not effectuated, the driver's dosimetry and KI supplies will provide sufficient protection for any school staff. If necessary, drivers who would be re-entering the EPZ can be easily instructed within a few minutes as to the proper use of their dosimetry. (R. Bradshaw)

42. Annex E does not include school staff within the definition of "emergency workers." See Annex E, Appendix 16, Section II.M. Nor are school staff treated as "emergency workers" in the county plans. See County Plans, Annex M, Section II.N. If sheltering were implemented, school staff would be treated as any other sheltered member of the general public. In such circumstances, the dose commitment to the general public would be determined on the basis of overall monitoring provided by Bureau of Radiation Protection ("BRP") and Federal Radiological Monitoring and Assessment Plan ("FRMAP") survey teams. See Annex E, Appendix 12, Sections 1-3. (R. Bradshaw)

43. The number of buses available for Berks County so vastly exceeds the number needed that it is inconceivable that buses would be required to re-enter the EPZ. Berks County has 252 buses and drivers available to meet a total

of 97 buses for all county needs, including county schools and all other unmet transportation needs. Nonetheless, Berks County has enough reserved dosimetry and KI to provide these supplies to transportation staging areas if necessary. See Berks County Plan, Annex M, Appendix 4, Section A.1. (R. Bradshaw)

44. More than ample supplies of dosimetry and KI will be available at these areas in order to meet the needs of any bus drivers re-entering the EPZ, as indicated in the Chester County Plan, Annex M, Appendix 3, page M-3-3 and Montgomery County Plan, Annex M, Appendix M-3, page M-3-9. (R. Bradshaw)

LEA-14(b)

The Chester, Berks, and Montgomery County School District RERP's fail to provide reasonable assurance that school bus drivers, teachers or other school staff are properly trained for radiological emergencies.

45. As stated in response to LEA-14(a), school staff are not considered "emergency workers" and are therefore not provided with training or responsibilities for attending to contaminated individuals and equipment. Similarly, no specialized training is required for bus drivers. Applicant has nonetheless prepared and provided a training program for school teachers as explained in response to LEA-12, and has also provided a similar program to orient bus drivers to overall planning concepts and to alleviate any concerns regarding radiation risk in the event of a radiological

emergency at Limerick. This training program will be offered to all bus companies with support functions. (R. Bradshaw, R. Hoffman Wenger)

46. Further training for school staff and bus drivers regarding risk of exposure to radiation and proper use of any necessary equipment, beyond the level of general familiarity with radiation risk as discussed above, is unnecessary. As discussed in response to LEA-14(a), school bus drivers re-entering the EPZ will be instructed in the proper use of their dosimetry, which will be adequate to determine the dose commitment of other individuals on the bus. (R. Bradshaw)

47. Sheltered individuals in schools, including school staff, will be encompassed within the general public for which dose projections and measurements are made by BRP and FRMAP survey teams, as discussed in response to LEA-14(a). (R. Bradshaw)

48. For the reasons also discussed in response to LEA-12, there is no need to instruct school staff in the adequacy of school buildings for sheltering because individualized decisions on sheltering for particular schools will not be made. Nonetheless, specific information regarding sheltering is contained in the Bus Driver Lesson Plan, Sections VI.A.1 and VIII.D.3, the School Officials Lesson Plan, Sections V.A.1 and VIII.D.8, and in the School Teacher and Staff Lesson Plan, Sections VIII.A. and XI.E. (R. Bradshaw, R. Hoffman Wenger)

49. There are no plans to train school staff in dealing with children under "stress conditions" because, as explained in response to LEA-12, radiation is not a tangible, visible hazard, and the mere escorting of students to buses and transportation to other locations in the event of an actual emergency is unlikely to create any particularly stressful conditions. Teachers are prepared to handle such situations in any event by virtue of their general background and experience in the teaching profession. Post-training surveys are also unnecessary for the reasons discussed in response to LEA-12. (R. Bradshaw, R. Hoffman Wenger)

50. As explained in response to LEA-14(a), school staff are not deemed "emergency workers" under Annex E or the county plans. Thus, school staff are neither trained nor assigned responsibilities for the decontamination of individuals or equipment. Depending upon information from BRP, monitoring and decontamination of the public, if necessary, will be undertaken at mass care centers located within the county outside the EPZ. Individuals evacuated to support counties will be decontaminated there. See County Plans, Annex M, Section V.B. Accordingly, there is no need for school staff to have any particular training or knowledge for decontamination because this responsibility has been assigned to designated emergency workers. (R. Bradshaw)

LEA-15

The Chester and Montgomery County RERP's and the School District RERP's are not capable of being implemented because the provisions made to provide bus drivers who are committed to being available during a radiological emergency, or even during preliminary stages of alert are inadequate.

51. The number of buses and drivers identified by the Chester and Montgomery County plans are based upon discussions with bus company operators and reflect the minimum number each company stated that would be readily available in an emergency rather than the company's entire complement of buses and drivers. Bus companies are providing equipment and personnel as a public service. The commitment of companies to provide these resources has been addressed in response to LEA-11. Drivers are strictly volunteers. Therefore, their employment contracts are irrelevant. Pools of back-up drivers are also being formed. (R. Bradshaw)

52. Agreements with bus companies are general and do not specify buses and drivers for a particular use or assignment. See, e.g., Berks County Plan, Annex T, App. T-23 through T-27. Assignments may or may not be made in practice. In any event, bus drivers entering the EPZ obtain maps at transportation staging areas. Drivers within the EPZ may or may not be sent to the staging area, depending on their familiarity with the area. (R. Bradshaw)

53. Assignment of bus companies to specific schools by Berks and Montgomery Counties is based upon the proximity of

the companies to those schools. Eight school districts have preassigned vehicles to specific schools (Boyertown, Phoenixville, Daniel Boone, Methacton, Perkiomen Valley, Pottsgrove, Pottstown, and Spring-Ford). Three school districts will make bus assignments at the time of an actual emergency (Owen J. Roberts, Upper Perkiomen and Souderton area). Procedures for making or adjusting assignments at the time of an emergency are outlined in the School District Plans, Section V.B and Attachment 3, except for the Owen J. Roberts School District Plan, page 6114.4(K) and Attachment 6. (R. Bradshaw)

54. Similar procedures have been utilized by the counties in other emergencies in which bus companies have provided their services promptly upon request during an emergency. The ad hoc assignment of bus drivers therefore raises no particular concern. (R. Bradshaw)

55. Transporting students from host schools to mass care centers is a very simple procedure occurring at least five hours after an evacuation notice and requiring transport of only a small number, if any, of the total number of students evacuated. There is no reason to assume that bus drivers would be unwilling to do this. Information relevant to this procedure is contained in the School District Plans, Section V.D.1.i.3, and in the Bus Driver Training Lesson Plan, Section VIII.D.4.e. (R. Bradshaw)

56. Basic responsibilities and procedures for bus drivers are described in the bus driver training program.

As discussed in response to LEA-11, almost half of the bus resources are from companies outside the EPZ where protective action recommendations would not affect a driver's family arrangements. The training program offered bus drivers provides general information on nuclear technology and terminology, radiation measurement and effects, emergency planning, and response operations. This encourages drivers to plan ahead for emergency contingencies in order to eliminate conflicts between volunteer and family responsibilities. (R. Bradshaw, R. Hoffman Wenger)

57. Multiple-trip contingencies are not part of the bus driver training presentation because evacuation in one lift is a basic planning principle. As stated in response to LEA-11, multiple lifts are not anticipated, but training for bus drivers provides a sufficient foundation for ad hoc instructions in the use of dosimetry and KI in the unlikely event that drivers reenter the EPZ. (R. Bradshaw)

LEA-22

The State, County, and Municipal RERP's are inadequate because farmers who may be designated as emergency workers in order to tend to livestock in the event of a radiological emergency have not been provided adequate training and dosimetry.

58. County Plans, Annex O, contain provisions to designate farmers as emergency workers. In addition, the County Plans, Annex M, designate a quantity of dosimetry and KI reserved for use by farmers, and specifies where and how supplies will be distributed to farmers at the time of the

emergency. The number of farmers was obtained from the three offices of the County Agricultural Agents. The terms "farmer" and "livestock" are not narrowly interpreted by county personnel and would not preclude owners or operators of farms having fowl, horses, cows, or sheep from obtaining emergency worker certification and dosimetry. In the remote event that dosimetry/KI supplies proved insufficient, the counties have reserves which could be used for this purpose, as indicated in the Berks County Plan, Annex M, App. M-4, and the Montgomery and Chester County Plans, Annex M, App. M-3. (R. Bradshaw)

59. A Pennsylvania Department of Agriculture brochure will provide farmers information about remaining with their livestock or re-entering the EPZ in the event of an emergency and related information for the protection of their well-being. In addition, a training program has been developed for farmers which provides information on emergency planning and procedures for farmers in a radiological emergency. The program has been offered to farmers in three counties and will be re-offered regularly. (R. Bradshaw, R. Hoffman Wenger)

LEA-26

The Draft County and Municipal RERP's are deficient in that they do not comply with 10 C.F.R. § 50.47(b)(5) because there is no assurance of prompt notification of emergency workers who must be in place before an evacuation alert can be implemented, and there is no assurance of adequate capability to conduct route alerting.

60. Upon receipt of notification from PEMA activating the emergency plan, the County Emergency Management Director/Coordinator or his designate activates the county-wide notification system. Under this system, each predesignated county and municipal EOC staff personnel is notified by a prerecorded message. Four lines in each county EOC are operated simultaneously to provide prompt notice to all predesignated personnel. (R. Bradshaw)

61. Adequate capability to perform route alerting in the event of a failure of the siren system or for those individuals who for some reason cannot hear the siren signal is assured by assignment of this function to fire company personnel within local jurisdictions. In implementing route alerting procedures, firemen will travel throughout predesignated sectors in their municipalities and, by using loud speakers or going door-to-door if necessary, will ensure that all persons receive notification of the protective action to be taken. (R. Bradshaw)

62. As stated in the County Plans, Annex C, Appendix C-5, and in the Municipal Plans, Basic Plan, Section II.D.2.b, the responsibility for route alerting rests with

the municipality and is accomplished by means of pre-designated route alert teams traveling along pre-designated routes delivering the emergency notification message. As further stated, each municipality has been divided into separate and distinct route alert zones. The zone, location and configuration of each zone is based upon population density, existing roadways and traffic flow, municipal boundaries, fire service jurisdictions and the location and number of sirens. Route alert teams will be assigned to specific sectors at the time of mobilization based upon availability lists maintained in each township EOC. See Municipal Plans, Attachment E. Sufficient trained personnel are available on these lists to assure the capability to implement route alerting if needed. (R. Bradshaw)

LFA-27

There must be specific and adequate plans to protect Camp Hill Village Special School, Inc. in East Nantmeal Twp., Chester County and for Camp Hill Village School in West Vincent Twp., Chester County.

63. In accordance with the basic policy of the Commonwealth as set forth in Annex E, particularized written plans are not prepared for private facilities such as the Camp Hill Village Special School in East Nantmeal Township, Chester County and the Camp Hill Village School in West Vincent Township, Chester County. Rather, any special needs of such facilities are incorporated in the municipal and

county plans. For example, those plans provide special notification through the respective Municipal Emergency Management Agency, transportation coordinated with the Municipal and County Emergency Management Agencies, and relocation to an agreed upon host facility. (R. Bradshaw)

64. The Camp Hill Special School and Camp Hill Village School are facilities for the mentally retarded. Both schools receive notification from their respective Municipal Emergency Management Agencies in the event of an actual emergency. In accordance with these procedures, such notification will be given as early as the alert classification. (R. Bradshaw)

65. Both schools responded to the public needs survey conducted by Chester County to determine the needs of any transportation-dependent individuals. Accordingly, their particular needs have been incorporated into their respective municipal plans along with other identified transportation needs, as indicated in the West Vincent Township and East Nantmeal Township Plans, Attachment ⁰ ~~8~~. The Chester County Department of Emergency Services has designated the Deveraux School (also a facility for the mentally retarded) as a host facility for both schools. The Deveraux School has agreed in writing to serve as a host in the event of an emergency. Accordingly, the special notification, transportation and host facility needs for these schools have been met, thereby providing adequate planning consideration for these facilities. (R. Bradshaw)

66. Training in the form of orientation as provided to teaching staff, and discussed in response to LEA-12, has been offered to the administrative personnel and operating staff of both the Camp Hill Special School and Camp Hill Village School. For the reasons discussed in response to LEA-12, no special expertise or training is required by staff in order to perform the basic tasks of remaining with school residents and escorting them on buses to the host facility. Nonetheless, the orientation offered as training will alleviate any unjustified fear or apprehension which might otherwise interfere with the fulfillment of these responsibilities. As with teachers charged with the responsibility for their assigned students, the administrators and staff of these two schools can be expected to conduct themselves as responsible adults charged with the care and custody of intellectually and physically impaired individuals in the event of any emergency. (R. Bradshaw)

67. Because the special needs and concerns of these facilities have been identified and met through the planning process, there is no reason why school staff or officials should have any particular reservation regarding the adequacy of planning for these schools. County and municipal planners in Chester County have demonstrated their sensitivity to the particular needs and concerns of these facilities and have expressed a willingness to meet with school administrators at any time to discuss and resolve any possible problem. For example, at the time of the joint

exercise for Limerick on July 25, 1984, a representative of West Vincent Township visited the Camp Hill Village School to explain the conduct of the exercise as well as emergency planning considerations being given to the school, and to solicit additional input from the school administrator. (R. Bradshaw)

68. Because Commonwealth law^{*/} requires the Camp Hill Special School to develop emergency plans for any contingency requiring an emergency response, it should be a simple matter for the Camp Hill Special School to provide any further details necessary to implement or supplement existing planning provisions as regards a possible emergency at Limerick. It should likewise be simple for the Camp Hill Village School to adopt the same plan or modify it appropriately. In particular, the existence of such plans for other emergencies should resolve any outstanding issue of coordination or participation of school personnel. (R. Bradshaw)

69. For the reasons previously discussed in response to LEA-12 and LEA-13, no special evaluation is required or anticipated as to the adequacy of the Camp Hill Special Hill or Camp Hill Village School facilities for sheltering. Under Annex E, such individuals would be treated as members

^{*/} Section 6400.194 of the Regulations for Community Residential Mental Retardation Facilities, 55 Pa. Code §6400.194.

of the general public and decisions to shelter would be made on the same basis as for the general populace within the EP7. (R. Bradshaw)

LEA-28(a)

There is no assurance in the County or Municipal RERP's that the National Guard will have time to mobilize to carry out its responsibilities with regard to towing and providing emergency fuel supplies along state roads.

70. Under Annex E, Basic Plan, Sections VII.A.17.h, VII.A.22.c and VII.A.22.d as well as the County Plans, Annex H, Section III, the National Guard has the capability to assist, inter alia, with towing and providing emergency fuel supplies. As stated in the plans, this assistance would be furnished on a minimum essential basis in coordination with and supplementary to the capabilities of municipal and county governments and other state agencies. (R. Bradshaw)

71. As stated in Annex E, Basic Plan, Sections VII.A.22.c and VII.A.22.d and the County Plans, Annex K, Section III, the Pennsylvania Department of Transportation ("PennDOT") has shared responsibility for clearance of obstacles to traffic flow, including disabled vehicles on main evacuation routes, and for establishing emergency fuel distribution points on such routes. Fuel and towing resources will be provided by the National Guard and PennDOT for all main evacuation routes regardless of whether they are State or non-State roads. Under Annex E, major arteries are used as main evacuation routes to assure, to the maximum

extent possible, that those routes will remain usable and unrestricted in the event of an actual evacuation. (R. Bradshaw)

72. As stated in Annex E, Basic Plan, Sections VII.A.19.b and VII.A.19.e, the Pennsylvania State Police is responsible for coordinating with PEMA, PennDOT, and the National Guard to control the orderly evacuation of the EPZ and, particularly, to conduct traffic surveillance to ensure that roads and highways designated as major evacuation routes are open and capable of handling the projected and actual traffic loads. (R. Bradshaw)

73. The Pennsylvania State Police have developed access and traffic control plans for the Limerick EPZ, designating and monitoring access and traffic control points. Municipalities have supplemented the State Police plans by designating additional traffic control points at key local intersections, which will be manned by county and local authorities. Accordingly, the State and local police will maintain an orderly traffic flow by the avoidance of bottlenecks. (R. Bradshaw)

74. PennDOT maintains several facilities in each of the three risk counties. Each of these facilities may be promptly activated during non-business hours by means of a 24-hour emergency telephone number available to PEMA and the county emergency management agencies. Accordingly, the PennDOT facilities could be activated and deployed rapidly,

if needed, independent of and prior to National Guard mobilization. (R. Bradshaw)

75. The mobilization times for the National Guard stated in the County Plans, Annex H, Section IV.A, relate to mobilization and deployment of the entire unit for each county. Discrete elements of each unit could be deployed when mobilized. Moreover, the National Guard could prepare for mobilization and deployment upon notice by PEMA, rather than awaiting a formal order by the Governor, thereby reducing overall mobilization time. (R. Bradshaw)

LEA-28(b)

There is no assurance provided in the Municipal, or County RERP's that there are sufficient resources available to provide towing, gasoline, and snow removal along non-state roads. According to PEMA, the National Guard has neither the resources for snow removal nor the responsibilities for it, according to the Commonwealth's Disaster Operations Plan.

76. As stated in Annex E, Basic Plan, Section VII.A.22, PennDOT has responsibilities for clearance of disabled vehicles and snow from evacuation routes and for providing emergency fuel distribution points on such routes. In describing PennDOT's responsibilities, Annex E does not distinguish between state and non-state roads. Rather, these provisions encompass all evacuation routes listed in the Municipal Plans, Section II.B.2.d, and as referenced on the evacuation maps in the Municipal Plans, Attachments J and Q (maps of entire EPZ and municipality). (R. Bradshaw)

77. Personnel from the National Guard, PennDOT or other support organizations providing tow truck, snow removal or emergency fuel services will be performing the same functions for which they have already been trained with regard to non-radiological emergencies and will be performing those tasks on a voluntary basis within the same time frame as an evacuation of the general public. Thus, they would not be required to remain in the EPZ any longer than the evacuating public. Accordingly, no special training is required for such individuals. (R. Bradshaw)

78. It is unnecessary for the counties to obtain agreements with tow truck operators because tow trucks are routinely dispatched by the counties on a daily basis. Towing resources are extensive and listed in the resource manuals of the County Communications Centers. The several hundred tow trucks available in the three counties greatly exceed the number which might be needed. Additionally, as noted, PennDOT will provide its own equipment to assist in the removal of disabled vehicles and other road obstacles. (R. Bradshaw)

79. In many instances, it would be unnecessary to provide gas or towing services for stranded or disabled vehicles. Persons having vehicles without enough fuel to travel out of the EPZ would be included as members of the general public without transportation. The public information brochure will instruct residents in the EPZ as to how to obtain publicly provided transportation. As a practical

matter, most persons in disabled or stranded vehicles will obtain assistance from friends, relatives, neighbors, or passers-by. Most disabled vehicles obstructing traffic could be pushed to the side of the road rather than dispatching a tow truck for that purpose. (R. Bradshaw)

80. Under Municipal Plans, Section II.B.2.k(2), snow and other debris on evacuation routes shall be removed by the municipality and PennDOT. Each municipality either has its own snow removal resources or has contracted for such services. Those contracts encompass all snow emergencies and make no distinction as regards other possible circumstances such as a radiological emergency at Limerick. Moreover, PennDOT would be available to provide back-up snow removal services to the municipalities for non-evacuation routes, if needed. The Commonwealth has a vast inventory of snow removal equipment and personnel in southeastern Pennsylvania that could be used on a priority basis in the event of a radiological emergency. Unusually severe snow storm conditions would be considered by the Commonwealth in determining whether evacuation of the EPZ would be undertaken. (R. Bradshaw)

PROFESSIONAL QUALIFICATIONS

JOHN H. CUNNINGTON

ASSOCIATE SENIOR PLANNER

ENERGY CONSULTANTS

EMERGENCY MANAGEMENT SERVICES DEPARTMENT

My name is John H. Cunnington. My business address is 2101 North Front Street, Harrisburg, PA 17110. I am an Associate Senior Planner, Emergency Management Services. In that position, I provide consultation and professional assistance to county and local governments, school districts and private schools, health care facilities and other special facilities for development of emergency plans, including radiological emergency response plans.

I attended Lafayette College from 1968 to 1972 and received a Bachelor of Arts Degree in Psychology in 1972. I attended Pennsylvania State University from 1972 to 1974 as a candidate for a Masters of Education, Health Education.

From 1974 to 1975, I worked as an administrative trainee for the Rolling Hill Medical Corporation, at both Warminster Hospital and the Rolling Hill Hospital. During the period of 1975 to 1979, I was the Executive Director, Seven Mountains Emergency Medical Services Council, Inc. From 1979 to 1981, I was the Program Manager, Regional Emergency Medical Services Program, SEDA Council of Governments. Both of the EMS programs were responsible for planning, training and implementing a regional emergency medical services program for five and thirteen counties in rural central Pennsylvania. From 1981, I have been an Emergency Planner assigned to projects in Louisiana, Berwick, Pa. and Limerick, Pa.

PROFESSIONAL QUALIFICATIONS

ROBERT T. BRADSHAW

PROJECT MANAGER

ENERGY CONSULTANTS

EMERGENCY MANAGEMENT SERVICES DEPARTMENT

My name is Robert T. Bradshaw. My business address is 2101 North Front Street, Harrisburg, PA 17110. I am a Project Manager for the Emergency Management Services Department of Energy Consultants assigned to the Philadelphia Electric Company, Limerick Generating Station, Offsite Radiological Emergency Preparedness Project. As Limerick Project Manager, I supervise a staff of planners and trainers providing emergency preparedness assistance to the counties, municipalities, schools, and health care facilities in the vicinity of the Limerick Generating Station.

I attended Wilkes College from 1969 to 1974 and received a Bachelor of Science Degree in Environmental Science in 1974. I have also pursued graduate level study at Pennsylvania State University in urban and regional planning curriculum.

From 1975 to 1978, I worked as an environmental planner with the Luzerne County Planning Commission. From 1978 to 1981, I served as a planner with the Pennsylvania Department of Community Affairs, Bureau of Community Planning, Planning Services Division. From 1981 to 1983, I was a staff planner for the Pennsylvania Emergency Management Agency, Bureau of Plans and Preparedness. In that position, my primary responsibility was radiological emergency response planning for the five fixed nuclear facility sites in Pennsylvania. I served as PEMA's Project Officer for the Limerick Generating Station and Peach Bottom Atomic Power Station. During that period, I also served as a state controller for four offsite fixed nuclear facility exercises.

In January of 1983, I joined the staff of Energy Consultants as a planner and was assigned to the Offsite Emergency Preparedness Project for the Beaver Valley Power Station. In April of 1983, I was assigned as a planner to the Limerick Project, promoted to Project Coordinator in September 1983, and subsequently promoted to Project Manager in January 1984.

In February of 1982, I attended and successfully completed a two week Radiological Emergency Response Training Course sponsored by the Federal Emergency Management Agency at the Nevada Nuclear Test Grounds in Mercury, Nevada.

PROFESSIONAL QUALIFICATIONS
ROBIN HOFFMAN WENGER
TRAINING SERVICES SUPERVISOR
ENERGY CONSULTANTS
EMERGENCY MANAGEMENT SERVICES DEPARTMENT

My name is Robin Hoffman Wenger. My business address is 2101 North Front Street, Building 3, Harrisburg, Pennsylvania 17110. I am the Training Services Supervisor for the Emergency Management Services Department. As the Training Services Supervisor, I am responsible for the design, development and conduct of emergency preparedness training programs for those offsite organizations that could be expected to respond to a radiological emergency caused by a fixed nuclear facility.

I received a Bachelor of Arts Degree in Geography with emphasis on Urban and Regional Planning from Bloomsburg University of Pennsylvania in 1977.

Following graduation from Bloomsburg University, I was involved in implementing a public participation program for the Capitol Region Planning and Development Agency, a regional planning organization. From 1978 through 1980, I was involved in public participation programs for water quality, scenic trails and recreation plans.

From 1980 to 1981, I was employed by the Pennsylvania Emergency Management Agency as a Nuclear Civil Protection Planner. During that time, I was named Acting Nuclear Civil Protection Officer. In 1981, I joined Energy Consultants as an Emergency Planner/Trainer. I have developed and conducted radiological emergency preparedness training programs for those offsite agencies and organizations located near the R. E. Ginna Nuclear Power Plant, the Waterford 3 Steam Electric Station, the Beaver Valley Power Station, and the Limerick Generating Station. In January 1984, I was named the Training Services Supervisor

for the Emergency Management Services Department.

I am a member of the American Society for Training and Development.

5-3

1 JUDGE HOYT: All right. The cross-examination will
2 begin if the parties are relevant. Do you submit these
3 witnesses for cross-examination, counsel?

4 MR. RADER: Yes. The panel is available for
5 cross-examination.

6 JUDGE HOYT: Very well. The witnesses have been
7 tendered for cross-examination. The documents will not be
8 received until the cross-examination is completed.

9 Are we dealing, counsel, with just contention
10 LEA-11? I think that is quite clear.

11 MS. PERKIN: Commonwealth counsel has a question.
12 In previous cross-examination, the examination has proceeded
13 party-by-party and a party will examine on the totality
14 of its planned cross-examination on all of the contentions.

15 I would suggest that procedure be used here if that
16 is acceptable to the other parties.

17 JUDGE HOYT: The Board has no objection if the
18 parties wish to proceed in that fashion.

19 MS. ERCOLE: No objection.

20 MR. HASSELL: The staff has no objection.

21 MR. RADER: The Applicant agrees.

22 JUDGE HOYT: I have misplaced momentarily my
23 list of the parties in the way in which they are going to
24 proceed. Do you have that available? I think that is part
25 of our order of November 8th. It is cited in that order of
November the 8th and first we have the applicant who has

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1 tendered the witness and then the Commonwealth of Pennsylvania
2 would begin and then the City and then the Nuclear Regulatory
3 Commission. I am sorry. LEA begins on this one because this
4 is LEA's contention. I read the next paragraph. My mistake.

5 MS. ERCOLE: Thank you.

6 JUDGE HOYT: It is the Applicant, then LEA, then
7 the Commonwealth and then the NRC/FEMA. For the City's
8 contentions, the order of cross-examination will be somewhat
9 different. It will be the Applicant, the Commonwealth, the
10 City and then NRC/FEMA all of which are very carefully set
11 out in the order of November the 8th.

12 Is LEA ready?

13 MS. ERCOLE: Yes.

14 JUDGE HOYT: Counsel, please begin.

15 CROSS-EXAMINATION

16 BY MS. ERCOLE:

17 Q In applicants' exhibits for emergency plans
18 there is the delineation of the county and the municipality.
19 To the right of that it reflects draft number. What does
20 "draft" mean?

21 A (Witness Bradshaw) Draft means that the plan is
22 still in a working stage and has not been formally approved
23 by the jurisdictions involved.

24 Q When you say that it is in a working stage,
25 who is working on it? ECI?

CONFIDENTIAL CONTENT

5-5

1 A. Energy Consultants is assisting the counties,
2 municipalities and jurisdictions, school district jurisdic-
3 tions, outlined in that document.

4 Q. When you indicate that it is in a "working stage,"
5 you mean that there are portions of the plan that are not
6 functioning or working, is that correct?

7 A. It is not necessarily correct, no. It means that
8 the plan is evolving, that some of the material remains to be
9 reviewed and approved by that jurisdiction.

10 Q. So when you say that it is evolving, what do you
11 mean, it is evolving to what or where?

12 MR. RADER: Judge Hoyt, if I may have a clarifica-
13 tion. This line of questioning appears to go towards LEA-1
14 which is whether or not the plans will or will not be
15 adopted. I am not sure whether this is pertinent to LEA-11
16 or any of the other contentions which are the subject of this
17 hearing.

18 JUDGE HOYT: I am not certain either, counsel, but
19 I think it is a fair cross-examination at this time.
20 However, you may object later if it becomes obvious that
21 it is not. Objection overruled. Proceed.

22 BY MS. ERCOLE: (Resuming)

23 Q. When you indicate that it is evolving, it is
24 evolving where or to what?

25 A. (Witness Bradshaw) To the point in which the

1 municipalities would recognize it as a final and adoptable
2 plan.

3 Q So is it fair to say at this time as it pertains
4 to school districts in the municipalities, they have not
5 recognized it as a final or working plan?

6 A Generally, yes, although there are two school
7 districts who have approved the draft documents.

8 Q So it is your testimony today that all but the
9 two school districts have recognized these drafts as final
10 working plans?

11 A Only the two school districts have recognized the
12 plans, yes.

13 Q So when you said two school districts have recognized
14 it as final working plans, which school districts are you
15 referring to?

16 A Downington School District and --

17 A (Witness Cunningham) Perkiomen Valley School
18 District.

19 Q Are either or both of those plans within the
20 emergency planning zone for school districts within the
21 emergency planning zone?

22 A Yes. Both school districts have territory that
23 is within the emergency planning zone.

24 Q For the Downington School District, are there
25 any buildings within the emergency planning zone?

1 A. There is one building which is in the emergency
2 planning zone and it falls outside of the ten-mile radius.

3 Q. Does that building have to be evacuated?

4 A. The plans for the Downingtown District, I believe,
5 are quite specific in that that particular building would
6 retain the children at that building for their parents
7 pick-up there.

8 Q. How many students are involved?

9 A. I don't have that number. I can reference the
10 plan or the document at a recess and give you that number.

11 MS. BUSH: Your Honor, I am sorry to interrupt
12 but the record might not be clear in the end. A certain
13 terminology problem has come to my attention and that
14 is using the word "emergency planning zone" to mean the
15 plume exposure, the ten-mile emergency planning zone. The
16 emergency planning zone is broken down into two parts. If
17 we use the generic term "emergency planning zone," it can
18 mean the 50-mile emergency planning zone or the ten-mile
19 emergency planning zone. When counsel asks questions, is
20 it in the emergency planning zone, I believe all of her
21 questions have meant is it in the ten-mile emergency planning
22 zone or the plume exposure.

23 MS. ERCOLE: That is correct, within the ten miles.

24 JUDGE HOYT: All right. With that clarification
25 ther, is that going to remain consistent during your

1 examination, counsel?

2 MS. ERCOLE: I believe so unless I indicate
3 otherwise.

4 JUDGE HOYT: Please do indicate otherwise in that
5 event.

6 MS. ERCOLE: I will.

7 JUDGE HOYT: Very well.

8 BY MS. ERCOLE: (Resuming)

9 Q Does that clarification change the character of
10 your testimony in any way?

11 A (Witness Bradshaw) No. The school is within the
12 ten-mile emergency planning zone.

13 Q So by exhibit you have indicated that there are
14 two school districts within the emergency planning zone
15 that have moved toward working final adoption of these plans?

16 A That have formally adopted the plans, yes.

17 Q By exhibit number so that we have everything clari-
18 fied for the record, that would reflect which exhibit numbers?

19 A I don't have a copy of that exhibit form.

20 (Aforementioned documents supplied to Panel.)

21 JUDGE HOYT: Counsel, you have just given the
22 panel Applicant's exhibit emergency plan, the two-page
23 document?

24 MR. CONNER: Yes, ma'am.

25 JUDGE HOYT: Very well.

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1 WITNESS BRADSHAW: It would be exhibit E-51 and E-56.

2 BY MS. ERCOLE: (Resuming)

3 Q As you have reflected for exhibit E-51, there is
4 one building of that school district that would require
5 evacuation consideration, is that correct and you do not
6 have the population of the students?

7 A. (Witness Bradshaw) There is one school within the
8 emergency planning zone beyond ten miles. It does not
9 evacuate.

10 Q With regard to exhibit E-56, Perkioman Valley,
11 how many students are involved?

12 A. (Witness Cunnington) I don't have the numbers
13 offhand. I can again relate them at a recess.

14 Q You have also indicated that after draft there are
15 certain numbers. Can you please indicate what the number
16 means?

17 A. (Witness Bradshaw) That is the revision number of
18 the draft plan.

19 Q When you say that it is the revision number, are
20 you indicating that the plan has been revised a number of
21 times as reflected in that column?

22 A. Yes that is correct.

23 Q So with regard to exhibit E-51, Downingtown area,
24 draft four reflects that it has been revised four times, is
25 that correct?

1 A. That is correct.

2 Q. For Perkiomar Valley, Exhibit 56, revision zero,
3 what does that mean?

4 A. (Witness Cunnington) Revision zero is in that case
5 used to delineate the change from a plan that was a working
6 draft plan to a plan that was a final draft that was ready
7 to be approved by the district and in fact, the plan that
8 they approved was revision zero.

9 Q. How many working drafts were in existence before
10 revision zero?

11 A. I believe there were three.

12 Q. You have indicated with regard to exhibit number 51
13 that there are four working drafts. There is no indication
14 there of a revision zero. So according to applicant's
15 exhibits at this time, no working draft has been converted to
16 a final draft, is that correct?

17 A. (Witness Bradshaw) The District has chosen not
18 to change the name to Rev. zero at this time.

19 Q. Can you indicate why that is so?

20 A. No particular reason.

21 Q. So in fact, exhibit 51 does not reflect a final
22 adoption and approval by that school district.

23 MR. RADER: Objection. Counsel is arguing with the
24 witness and it was asked and answered previously.

25 MS. ERCOLE: If I may, Your Honor, representations

5-11

1 have been made that a revision zero means by their terminology
2 that a working draft has become a finally approved plan.
3 If the Downingtown School District had finally approved
4 their working draft and had so incorporated it, the exhibit
5 should have reflected a revision zero. It does not.

6 MR. RADER: That is not correct. The witness did
7 not testify that in each and every case a working draft
8 changed to a final draft would be indicated by Rev. zero.
9 The witness did indicate that that was so for Perkioman Valley.
10 I think the witness' explanation is clear on the record and
11 the question has been asked and answered.

end#5

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1 MS. ERCOLE: With the Court's permission,
2 I believe it goes to the integrity of the document
3 prepared by the Applicant.

4 JUDGE HOYT: You have won your point, counsel.
5 Objection denied.

6 Go ahead.

7 MS. ERCOLE: Would it be too much of an
8 effort to have that last question read back. If it is,
9 I will rephrase it.

10 JUDGE HOYT: Let's save ourselves about an
11 hour's worth of time and you do it that way.

12 MS. ERCOLE: Very well.

13 BY MS. ERCOLE:

14 Q You have indicated that with regard to
15 Perkiomen Valley, the working draft became a final
16 draft and was marked on your assignment sheet as Rev 0.
17 That does not appear for the Downingtown area.

18 Is it fair to say that draft 4, the working
19 draft, has not become a final draft and approved by
20 the school board and has not become a REV 0 at their
21 request?

22 A (Witness Bradshaw) The draft 4 plan is a
23 formally approved plan accepted by the school district.
24 The school district recognizes some additional revisions
25 have occurred and this is simply a matter of terminology

1 which is the school district's discretion. They can
2 call it draft 6, Rev 0, final plan, anything they want.
3 They have chosen to retain the term "draft 4."

4 Q And they have chosen to retain draft 4, that
5 terminology, because as far as the Downingtown School
6 District is concerned, there are still matters to be
7 worked out or to be revised; is that correct?

8 A There have been revisions, yes, which are still
9 under review by that school district.

10 Q And it is still a working plan?

11 A It is an adopted working plan, yes.

12 Q When was the Downingtown plan approved?

13 A I do not know the adoption date.

14 Q Do you have any papers with you today that
15 would indicate that the signature of the school board
16 and/or the superintendent is affixed to that plan which
17 would indicate that the plan was approved?

18 A I do not have it with me, but I can assure
19 you that the plan was formally promulgated and that the
20 signature page is signed.

21 Q And how soon after that was done were the
22 revisions noted?

23 A I have no idea.

24 A (Witness Cunningham) The plan calls for
25 revisions to be made in data and information at least

1 yearly. Some plans and some school districts even call
2 for them to be made twice yearly. Therefore, those
3 changes are scheduled and usually happen within a month
4 or so of the change of a term.

5 Q The revisions that the school is making,
6 does it go to the issue of the availability of busses,
7 bus drivers, or teachers?

8 A Which school district are you --

9 Q I am referring to Exhibit E-51, Downingtown
10 area.

11 A I am not aware that it reflects the -- refers
12 to the availability of school busses. As I have
13 indicated, the plan as adopted calls for the only building
14 in the emergency planning zone which falls outside
15 of a ten-mile radius to hold its students for parent
16 pickup. It does not call for evacuation.

17 Q Are the revisions that the school district
18 is working on those that go to the number of bus
19 drivers, teachers or staff?

20 A I am not aware that that is part of the
21 revisions.

22 Q Are you saying that you don't know or that you
23 are unsure or you are just not aware?

24 A I am not aware that any of the revisions
25 pertain to staffing.

1 Q Then my next question, which I am sure you
2 anticipated, is, what do they pertain to then?

3 A If, as specified in the plan, they would
4 -- routine changes would be made for enrollment figures
5 and administrative personnel that may have changed
6 within a district that would be the appropriate context
7 during time of emergency.

8 Q Just specifically with regard to Exhibit 51,
9 when the school had promulgated the plan or had
10 adopted it, they had specifically indicated to you or
11 your delegate that they did not want it to reflect
12 a revision 0. What were their grounds for that?

13 A I don't know what their grounds were.

14 Q You have indicated also on your Applicant's
15 exhibits for emergency plans that there were a number
16 of different drafts for different school districts,
17 municipalities, and counties, correct?

18 A (Witness Bradshaw) That is correct.

19 Q Why is that so?

20 A Because in the planning process, certain
21 policies and procedures have evolved; data has been
22 developed in the course of the project. And as a
23 significant accumulation of new information is
24 available, it is incorporated into a new draft plan.

25 Q Does it indicate by different drafts that

1 different school districts have spent longer on the
2 planning process? That is to say, the higher the
3 number, the longer they have planned on it or worked
4 on it?

5 A Not necessarily.

6 Q Does it indicate in terms of the disparity
7 in numbers that the school districts have been
8 dissatisfied with earlier numbers and have requested
9 further revisions to meet their standards?

10 A Not necessarily, no.

11 Q Is it fair to say, for instance, that with
12 the Owen J. Roberts School District that the school
13 board and the task force was dissatisfied with the provisions
14 provided in draft numbers five and six and seven?

15 MR. RADER: Objection to the form of the
16 question. I don't believe there is anything in the
17 record regarding a task force at the Owen J. Roberts
18 School.

19 MS. ERCOLE: It is my understanding, if I
20 may, your Honor, that Mr. Cunnington has been to a
21 number of the meetings with the Owen J. Roberts task
22 force and he is well aware of who these individuals are
23 and who the head of the task force is, Mr. Joseph Clark.

24 MR. RADER: I am not questioning Mr. Cunnington's
25 knowledge. I am simply stating that the question presumes

1 something not in evidence regarding the existence of
2 some task force.

3 I just wish the record to be clear.

4 JUDGE HOYT: Counsel, I am not aware that
5 I have read that task force name in any of the documents
6 that I have seen come in to me.

7 MS. ERCOLE: I will rephrase it then with the
8 Court's permission.

9 JUDGE HOYT: Try that, and we will withhold
10 ruling on your -- on the objection.

11 BY MS. ERCOLE:

12 Q With regard to the Owen J. Roberts School
13 District, they have indicated, have they not, as a
14 school district, their dissatisfaction with drafts 5,
15 6, and 7; is that correct?

16 MR. RADER: Objection to the form of the
17 question. What do you mean by the school district?
18 Do you mean the superintendent?

19 MS. ERCOLE: Excuse me?

20 MR. RADER: By the school districts, school
21 districts don't approve or disapprove. Do you mean the
22 superintendent of schools?

23 MS. ERCOLE: I mean the person that is
24 responsible and has the authority to make the decisions
25 as far as the school district plan is concerned.

1 JUDGE HOYT: Do you have an objection,
2 counsel?

3 MR. RADER: I still don't understand who she
4 is talking about really.

5 JUDGE HOYT: Let me lay down firm ground rules
6 right here in the beginning of these hearings.
7 Counsel will not have these dialogues between them.
8 If you have objection, you will address them to the
9 bench.

10 MS. ERCOLE: I apologize.

11 JUDGE HOYT: Very well.

12 MR. RADER: I understand.

13 JUDGE HOYT: Very well.

14 Now, would you tell me what it is you
15 are trying to identify.

16 MS. ERCOLE: I would like the representative
17 from ECI to state whether the Owen J. Roberts
18 School District -- and by that, I mean the individual
19 or individuals that have the authority to approve or
20 disapprove a plan for that school district -- whether
21 they or it collectively or individually has indicated
22 a dissatisfaction with drafts 5, 6, and 7 of the
23 Owen J. Roberts School plan.

24 JUDGE HOYT: First you have to presuppose
25 that this witness has that knowledge. I don't see how the

1 witness could have that knowledge unless he
2 were a member of the task force, counsel.

3 I think you maybe just have the wrong witness.

4 MS. ERCOLE: Well, there is a panel there,
5 and my concern --

6 JUDGE HOYT: Well, they are answering pretty
7 much as a panel, as we have noted going along through
8 here.

9 If one of them has knowledge of it, I think --

10 MS. ERCOLE: If the Board will allow me,
11 I will try to establish that knowledge.

12 JUDGE HOYT: Let's see if we can do it just
13 one more time. Otherwise, I would like to move along.

14 MS. ERCOLE: I would, too. If they don't know,
15 they don't know. They just don't know. But if they
16 do have the awareness --

17 JUDGE HOYT: Go ahead and establish it, if
18 you can.

19 Otherwise, we are going to sustain the objection
20 of counsel.

21 BY MS. ERCOLE:

22 Q Mr. Cunningham, are you aware of the
23 Owen J. Roberts school board task force?

24 A (Witness Cunningham) Yes, ma'am.

25 Q Have you attended meetings?

1 A I have attended, to my knowledge, all but
2 one of the full task force meetings.

3 Q And do you know who is the head or the
4 person in charge of the Owen J. Roberts Task Force?

5 A The task force has no chairman. An
6 administrative representative of the district has been
7 assigned to function with the task force. His name is
8 Joseph Clark.

9 Q That was the Joseph Clark I referred to
10 earlier?

11 A That is correct. I assume we are talking
12 about the same Joseph Clark.

13 Q Why have there been so many drafts for the
14 Owen J. Roberts School District?

15 MR. RADER: Objection to the form of the
16 question. Counsel should not characterize it as
17 "so many." I think counsel can ask why have there been
18 five drafts or however many there have been.

19 BY MS. ERCOLE:

20 Q Why are there seven drafts for the
21 Owen J. Roberts School District?

22 A The task force has a meeting schedule.
23 And subsequent to the administrative review of the
24 first draft and the assignment of the continuing
25 review to a task force, the number of task force --

1 the number of drafts indirectly relates to the
2 number of task force meetings that have been
3 held.

4 There have been at least seven meetings
5 reviewing drafts. I believe there have been instances
6 where the same draft was reviewed at two meetings.
7 There have been -- they have had a draft generated
8 for each subsequent task force meeting where issues
9 were to be reviewed and where issues at a previous
10 meeting were to be reflected in the next draft.

11 Q Did the task force or the school district
12 request additional drafts after these meetings?

13 A Yes.

14 Q And did they request those drafts of you as a
15 representative of ECI?

16 A The standard procedure was for me to
17 incorporate any recommended changes by a task force
18 into a subsequent draft, yes.

19 Q And those recommended changes that were made
20 to you by the task force that we are discussing are
21 recommendations that were made because of
22 dissatisfaction with the existing plan that they had;
23 is that correct?

24 A I am not aware that it would be because,
25 necessarily because of dissatisfaction. There was

1 discussion about old business and new business
2 at a meeting, changes were suggested, and based on
3 the wishes of the task force, those changes were
4 included.

5 Q And with regard to draft number seven, since --
6 there has been no indication that it is in final draft
7 form; is that correct?

8 A I don't believe there is any indication
9 in the draft that it is in final draft form,
10 no.

11 Q And is it fair to say that with regard to
12 the other school districts that are delineated in
13 Applicant's exhibits and emergency plans, that the
14 drafts reflect revisions or changes requested to be
15 made by that particular school district and/or their
16 task force? Is that correct?

17 A The sequence of drafts reflect changes.

18 Q Does it reflect revisions that they have
19 requested you to make because of their dissatisfaction
20 with earlier drafts?

21 A Yes, or either revisions or regular updates
22 of data and information.

23 Q These initial drafts that we are presented
24 here today, were these drafts written by a single
25 individual, a committee, or a panel?

1 MR. RADER: Objection. Could we have
2 clarification as to what is meant by initial drafts?

3 MS. ERCOLE: I will withdraw and rephrase
4 then.

5 JUDGE HOYT: Very well.

6 BY MS. ERCOLE:

7 Q With regard to the -- you had indicated
8 that the planning process, as far as the school
9 districts and municipalities were concerned, commenced
10 during the -- in 1980; is that correct?

11 A (Witness Bradshaw) No. It was 1982.

12 Q And I assume then that one started with draft
13 number one in 1982?

14 A Yes.

15 Q When we speak in terms of draft number one,
16 who wrote draft number one that was subsequently
17 distributed to the various school districts and
18 municipalities?

19 A That was Energy Consultants.

20 Q Is it fair to say that before the drafts
21 were written or typed that there was not a school
22 district or superintendent that had contacted you
23 and requested you to write a draft plan for them?

24 MR. RADER: Objection. That is irrelevant,
25 your Honor.

1 JUDGE HOYT: Sustained.

2 BY MS. ERCOLE:

3 Q With regard to the draft number one, you had
4 indicated that that was written by Energy Consultants,
5 Inc. At whose request was that written?

6 MR. RADER: Objection. Irrelevant also.

7 MS. ERCOLE: If the Court pleases, I believe
8 that it does go to the relevancy of who had requested
9 the plans to be drafted and whether the plans themselves
10 are the work product of the Applicant, of the ECI, or
11 whether they are the work product and the desires and
12 the intentions of the school district and exactly whose
13 plans they are.

14 I think that it is critical, and it would
15 only take one or two questions to establish whether
16 these plans were written at the request of the various
17 municipalities and school districts or whether they
18 were written at the request of the Applicant.

19 JUDGE HOYT: Do you want rebuttal?

20 MR. RADER: Well, I see no particular
21 materiality in the lineage of these documents. We
22 are here to determine whether or not the existing plans
23 as currently being revised will provide adequate
24 protection in the event of a radiological emergency.

25 What happened back in 1982 for Rev 1 or Rev 2 is

1 is entirely immaterial.

2 MS. ERCOLE: One is talking, with all due
3 respect, about -- and this is from their own
4 testimony -- about the evolving nature of these plans.

5 And I think what is critical is to -- it goes
6 to the integrity of the plans in terms of whose
7 plans they are. I think that is one of the key issues we
8 are hoping to litigate.

9 (Board conferring.)

10 JUDGE HOYT: Objection sustained.

11 BY MS. ERCOLE:

12 Q Are the draft plans that have been offered
13 today as reflected on Applicant's exhibits, is it fair
14 to say that they are different from the initial draft
15 plans that were offered? Is that correct?

16 MR. RADER: Same objection, your Honor.
17 I think counsel is continuing this line of questioning.

18 MS. ERCOLE: I would like to show, if I
19 may, to the Board that the plans that are being offered
20 today have attained the number that they have attained
21 simply because of a dissatisfaction at the local level
22 with the plans that have been given to them by ECI.

23 I think that it goes to the integrity of the plans
24 themselves, and it shows whether they are, in fact,
25 school district plans, whether they are ECI plans,

1 and what, if any, what weight they should be
2 given. I think that what is critical is not just
3 that we have a group of documents to submit to say
4 prepared for or prepared by, but I think that the
5 question for any document is, what weight should it be
6 given and implementability.

7 JUDGE HOYT: The objection is sustained.

8 BY MS. ERCOLE:

9 Q With regard to the school district plans,
10 the RERPs, the radiological emergency response plans,
11 that have been identified as exhibits here reflect
12 that the plans were prepared by a school district.

13 Some of the plans, such as Exhibit No. 53,
14 Owen J. Roberts, reflects that it was prepared for
15 a school district.

16 MR. RADER: Counsel, if you are going to --
17 if it please the Board, I wish counsel would refer
18 or permit the witness to see the various plans, if they
19 are going to be questioned on particular contents of
20 the various plans.

21 I think this will be helpful to the Board and
22 parties as we proceed, that if any of the witnesses
23 are examined on particular aspects of the plans and
24 asked to comment on them, I believe it should be shown
25 to them.

1 JUDGE HOYT: Let me inquire to the panel,
2 would you find it helpful if you had those plans
3 before you as counsel identifies them to you?

4 WITNESS BRADSHAW: We have copies available
5 to us, if necessary.

6 JUDGE HOYT: Very well.
7 Counsel, you will give the panel and the
8 witness responding an opportunity to locate them in
9 the papers before them. I think that will meet the
10 problem.

11 MR. RADER: Very well, your Honor.

12 JUDGE HOYT: And you withdraw your objection,
13 of course?

14 MR. RADER: Yes, ma'am.

15 JUDGE HOYT: Thank you.

16 BY MS. ERCOLE:

17 Q Why does the Owen J. Roberts School District
18 plan use the terminology "prepared for" the Owen J.
19 Roberts School District?

20 A The school district plans as originally
21 drafted inserted the language on the cover which said
22 "prepared by" the school district.

23 The Owen J. Roberts School District requested
24 that it be changed to "prepared for" the Owen J.
25 Roberts School District.

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Q Did they indicate why they wanted the change to "prepared for" the Owen J. Roberts School District?

A (Witness Cunnington) They instructed me to change the cover page from "prepared by" to "prepared for."

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2 Q My question was why? Did they indicate to you
3 why -- what their reasons were?

4 A It was one of a number of changes that was
5 presented at the task force meeting. I don't recall which
6 one.

7 Q Did they indicate why, at that task force
8 meeting, they wanted it changed from "prepared by" to
9 "prepared for?"

10 MR. RADER: Objection, asked and answered twice
11 now, I believe.

12 JUDGE HOYT: No, counsel, I disagree with you.
13 I think the witness is not being responsive to the question.

14 Do you know why the preparation -- the word "by"
15 was changed to "for?"

16 Just why was that not done?

17 WITNESS CUNNINGTON: Your Honor, I don't recall
18 an official reason why the change was made.

19 JUDGE HOYT: Very well, that's the response. He
20 doesn't know, he doesn't know.

21 Now, counsel, you may go to your next question.

22 MS. ERCOLE: Thank you.

23 BY MS. ERCOLE:

24 Q With regard to the Pottsgrove School District,
25 Exhibit E-58 --

A (Witness Bradshaw) I'm sorry, did you ask a

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1 question?

2 Q No, I'm sorry, I thought you wanted to check the
3 document. The document reflects that it was prepared by
4 the Pottsgrove School District.

5 A That's correct.

6 Q Can you indicate why the phrase has been used
7 for the Pottsgrove School District, "prepared by?"

8 A It has remained in the original draft, and there
9 has been no request to remove it.

10 Q Now, when you refer to the original draft, are
11 you referring to Draft 1?

12 A Correct.

13 Q And this is the Draft 1 that we have referred to
14 earlier that commenced on or about sometime in 1982, is
15 that correct?

16 A That's correct.

17 Q And when Draft 1 was prepared, did they request
18 at that time to you that the document reflect that it was
19 prepared by the Pottsgrove School District?

20 A No, that was part of our originally drafted
21 plan.

22 Q So it is fair to say that your originally
23 drafted plan for the Pottsgrove School District, it was your
24 words that were chosen, "prepared by," is that correct?

25 A That's correct.

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JUDGE HOYT: Counsel, I wonder if we are reaching a point where we could recess for a short period?

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MS. ERCOLE: No problem. I have no objection.

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JUDGE HOYT: I don't want to break your trend of questioning. If it does --

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MS. ERCOLE: It does not.

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JUDGE HOYT: Very well, we will recess for five minutes.

9

(Recess.)

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JUDGE HOYT: We are ready to resume.

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MR. RADER: Judge Hoyt, before we resume the cross examination of the panel, may I please ask one question of the witness to clarify the question on the School Officials' Training Module.

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JUDGE HOYT: Go ahead, counsel.

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BY MR. RADER:

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Q Mrs. Wenger, during the recess, did you have an opportunity to compare the School Officials' Training Module dated December 28th, 1983 which had previously been distributed to the Parties and the Board, with the copy which was offered into evidence this afternoon?

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JUDGE HOYT: Can I ask counsel if he means, not did she prepare, but did she review?

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MR. RADER: Compare.

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JUDGE HOYT: Compare, very well. I thought it

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1 was review you were seeking, and the word is compare.

2 It is my misunderstanding. Please continue.

3 BY MR. RADER:

4 Q Did you have an opportunity to make that
5 comparison?

6 A (Witness Wenger) Yes, I did compare them.

7 Q Did you find any differences between them?

8 A In my preliminary review the only differences
9 I could find in the lesson plans is that someone apparently
10 put some numbers corresponding to the slides, so they would
11 tell the trainer what slide to put in where. It is just a
12 numbering system we use in the library.

13 Q So in substance the two training plans are
14 identical, are they not?

15 A That's the only difference I could find.

16 MR. RADER: I would resubmit these in my
17 proffer for evidentiary purposes.

18 JUDGE HOYT: Very well. I would prefer not to
19 have this as an ordinary procedure. However, perhaps it
20 does explain part of the problem that we were having prior
21 to the recess.

22 However, I think in the future we should
23 probably conduct that particular procedure in a more
24 orderly fashion.

25 MR. RADER: Yes, ma'am.

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1 In addition, Judge Hoyt, I believe Ms. Ercole
2 had two questions for Mr. Cunnington regarding student
3 enrollment, which he is prepared to give along with other
4 information to Mr. Bradshaw.

5 JUDGE HOYT: Let's see if counsel wants that.
6 Do you want that information?

7 MS. ERCOLE: I asked the question. I would like
8 that information.

9 JUDGE HOYT: Very well. Then the witness has
10 the information. Counsel will ask the question at this
11 time.

12 WITNESS CUNNINGTON: The Perkiomen Valley
13 School District in the school year 1983-84 had 2377
14 students. And the single building in the emergency
15 planning zone in the Downingtown Area School District, the
16 Pickering Valley Elementary School, has 483 students.

17 WITNESS BRADSHAW: If it pleases the Board, I
18 have a further clarification on previous testimony.

19 JUDGE HOYT: Very well, please proceed.

20 WITNESS BRADSHAW: With regard to Ms. Ercole's
21 previous questions regarding the Downingtown Area
22 School District, I was basing my testimony on the exhibits
23 list, Applicant's Exhibits, emergency plans, which I have
24 not had a previous opportunity to review for accuracy.

25 There are some discrepancies between that list

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1 and the actual plan revision numbers. I have not had a
2 complete opportunity to review the list in context. I
3 would like to provide further clarification tomorrow,
4 perhaps, if that is possible.

5 JUDGE HOYT: Counsel?

6 MS. ERCOLE: I would object to the procedure that
7 was used.

8 JUDGE HOYT: I think I have indicated to you a
9 moment ago, the Board is not happy with the procedure.
10 However, if it does clarify it and give you the information
11 that you wish -- Now if you wish the information just
12 offered, the witness will provide it for your tomorrow.

13 MS. ERCOLE: I cannot have it now, so I will
14 have to accept it tomorrow. And I have no objection to
15 that if the Board so pleases.

16 I just, as of this stage, as far as the
17 Applicant's exhibits are concerned, which is the sheet
18 you are referring to?

19 WITNESS BRADSHAW: That is correct.

20 MS. ERCOLE: When you have indicated that there
21 are revisions that have occurred that are not reflected
22 on this sheet, who called that to your attention?

23 WITNESS BRADSHAW: That was brought to my
24 attention by counsel.

25 BY MS. ERCOLE:

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Q Which counsel?

A Mr. Rader.

Q And when was that done?

A During the break.

Q Did you discuss your testimony during the break with counsel?

A That item was brought to my attention.

Q Did you discuss your testimony with counsel during the break?

A Not any further than that.

Q You are under cross examination, is that correct?

A I assume so, yes.

JUDGE HOYT: Let the Bench remind the witness that when we reconvene, you are, of course, still under the same oath that you took previously. You will continue under that oath so long as you testify in this proceeding.

WITNESS BRADSHAW: I was under that assumption.

BY MS. ERCOLE:

Q As of this time, without conferring further with counsel, can you tell us what any of the changes are?

A (Witness Bradshaw) I have noted at least one additional change.

Q Can you tell us what that change is?

A Yes, there is a typographical error with regard to Pottstown School District. I believe that should read

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1 Rev. Zero rather than Rev.5 -- I'm sorry, it is
2 Draft 5, not Rev. Zero.

3 MR. HIRSCH: I didn't understand that response.

4 JUDGE HOYT: Very well. Repeat the response.

5 WITNESS BRADSHAW: The Pottstown School District
6 is Draft 5, not Rev. 5.

7 The date is correct.

8 BY MS. ERCOLE:

9 Q Are you aware at this time of any other mistakes?

10 A (Witness Bradshaw) I have not had an opportunity
11 to review it any further than that.

12 MS. ERCOLE: May I proceed?

13 JUDGE HOYT: Yes, counsel, please.

14 Before you do, though, let me caution counsel
15 on that type of procedure. It simply evokes more problems
16 than I think it solves. And I would suggest, and indeed
17 would so indicate very strongly, that that not be done
18 again.

19 Very well. Proceed.

20 BY MS. ERCOLE:

21 Q Mr. Bradshaw, with regard to the authorship of
22 the Owen J. Roberts School District Plan which is Draft
23 No. 7, it is fair to say, is it not, that Owen J. Roberts
24 did not draft the plan for themselves, is that correct?

25 A (Witness Bradshaw) I believe I described the

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1 planning process a bit earlier. Energy Consultants
2 developed an initial draft and throughout the planning
3 process the Owen J. Roberts Task Force has had a continuing
4 interaction with Energy Consultants in which changes have
5 been discussed and have resulted in the existing plan
6 Draft 7.

7 Q Is it fair to say, that the cover of the Owen
8 J. Roberts School Plan No. 7 does not indicate "Prepared
9 for" -- strike that.

10 The Owen J. Roberts School District Plan No. 7
11 does not indicate "Prepared for Owen J. Roberts School
12 District by Owen J. Roberts School District," does it?

13 MR. RADER: Objection, your Honor. We have
14 been through this Volume 4 before. I thought this line of
15 questioning had been exhausted.

16 I certainly think the distinction is clear now
17 and the witnesses have so testified.

18 MS. ERCOLE: With regard to the authorship of
19 Owen J. Roberts School District Draft 7.

20 MR. RADER: I have the same objection.

21 BY MS. ERCOLE:

22 Q Is it fair to say Energy Consultants, Inc.
23 prepared that document for Owen J. Roberts School District?

24 JUDGE HOYT: Counsel haven't we clarified the
25 "by" and the "for" once before this afternoon?

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1 MS. ERCOLE: Very well.

2 May I move on then?

3 JUDGE HOYT: Yes, please.

4 Do you withdraw your objection, sir since we
5 are moving on?

6 MR. RADER: Yes.

7 JUDGE HOYT: Very well.

8 BY MS. ERCOLE:

9 Q With regard to the Phoenixville Area School
10 District, which is Exhibit E-54, why have both phrases
11 either "prepared for" and "prepared by" been deleted
12 from the Draft 5 of the Radiological Emergency Response
13 Plan for Phoenixville?

14 A (Witness Bradshaw) I'm afraid we have just
15 found another error on the exhibit s list.

16 The plan which we have here is Draft 4.

17 Q The Phoenixville Plan, Exhibit E-54?

18 A Correct.

19 JUDGE HOYT: Your question went to Draft 5 and
20 he is responding as to Draft 4.

21 Is that the conflict?

22 WITNESS BRADSHAW: Yes. We have a Draft 4 plan
23 in front of us.

24 BY MS. ERCOLE:

25 Q You have indicated on the exhibit sheet that

mmll 1 correct?

2 A (Witness Bradshaw) As I indicated earlier, I
3 have not reviewed the draft numbers on the exhibit list
4 previous to this hearing and cannot confirm their accuracy.

5 Q With regard to Draft 5, do you know why
6 Draft 5 has deleted any reference to either "prepared for"
7 or "prepared by?"

8 A I do not have a Draft 5. I could not tell you
9 that.

10 MS. ERCOLE: Does the Applicant have the Draft 5?

11 MR. RADER: Judge Hoyt, we will after the
12 recess this evening, review the plans that have been
13 submitted in evidence, and we will correlate this list to
14 make sure that each of the draft numbers or revision
15 numbers and dates are accurate. If that will help
16 Ms. Ercole's problem in that area, we will be happy to do
17 that.

18 JUDGE HOYT: Very well, counsel. They are not
19 in evidence, however, as you know. They have only been
20 offered.

21 JUDGE RADER: Yes.

22 JUDGE HOYT: Applicant's exhibits, emergency
23 plans does show on my copy, Draft No. 5. And counsel
24 is questioning on Draft No. 5.

25 Is the copy, counsel, that you have before you,

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shown to be Draft No. 5?

2 MS. ERCOLE: Yes, it does.

3 JUDGE COLE: And the date on that?

4 MS. ERCOLE: The date on that is --

5 JUDGE HOYT: Do you have a copy of the Draft
6 No. 5 in the room, counsel?

7 MR. RADER: I will make an effort to get that,
8 if necessary. It may be simpler if counsel just shows it
9 to the witness.

10 JUDGE HOYT: I think you are correct on that.

11 If you have no objection to letting the witness
12 use your copy, counsel, it may solve the problem.

13 MS. ERCOLE: Very well.

14 JUDGE HOYT: Let's do see, before tomorrow
15 morning, that this panel of witnesses has the appropriate
16 draft numbers before them when they come here to
17 testify because we are wasting a lot of time with this
18 sort of thing. And I think that will be very helpful.

19 MR. RADER: Yes, ma'am.

20 JUDGE HOYT: And I realize with the number of
21 exhibits, it is going to happen for all parties. But, if we
22 can correct that --

23 MR. RADER: We shall.

24 JUDGE HOYT: Now, is the panel member prepared
25 to testify in view of the fact that he has before him now

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1 or had before him if you need it, the Draft No. 5 of the
2 Applicant's Exhibit E-54, which is the Phoenixville Area
3 Emergency Plan of October -- School District, I'm sorry,
4 School District, the plan date being October '84?

5 THE WITNESS: Yes. I have had an opportunity to
6 see that document.

7 JUDGE HOYT: Are you prepared to respond to
8 counsel's questions?

9 WITNESS BRADSHAW: If she wouldn't mind
10 repeating it, please.

11 JUDGE HOYT: Very well.

12 MS. ERCOLE: With all due respect to the Board,
13 if it could be directed towards the panel as a whole in
14 terms of whoever would have the appropriate knowledge in
15 the event Mr. Bradshaw does not.

16 JUDGE HOYT: Very well.

17 BY MS. ERCOLE:

18 Q The question I have, in the Phoenixville
19 School District, Draft No. 5, there is a deletion in terms
20 of either "prepared for the Phoenixville Area School District"
21 or "prepared by."

22 Can you please indicate why both or those
23 phrases have been deleted from the school district plan?

24 A (Witness Bradshaw) I am not aware of the
25 reasons.

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Q Well, it was directed to the panel.

A Yes. May I point out to the Board, this panel is representing a staff of 14 individuals from six planners. And we would not have detailed knowledge of each and every meeting and each and every draft of the plan.

We will represent that to the best of our knowledge, however, the individual responsible for that Phoenixville Plan is not represented on the panel today.

Q Does Mr. Cunningham work with the Phoenixville Area School District?

A No, he does not.

Q Could I ask Mr. Cunningham?

A Surely.

Q Mr. Cunningham, do you work with the Phoenixville Area School District?

A (Witness Cunningham) No, I don't work directly with them. I have attended one meeting over a year and a half ago.

Q Are you familiar with their procedures, the status of their plans?

A I am familiar with the general procedures within their plan, and the status and the fact that they have reviewed four drafts.

I am not familiar with the particulars of the

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1 meetings that would have resulted in changes in the plan.

2 Q Given the knowledge that you have just described
3 that you have had with regard to the Phoenixville Area
4 School District, do you know why the references were
5 deleted?

6 A No, I do not.

7 Q Would it have been done at the request of the
8 school district?
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1 MR. RADER: Objection, calls for speculation.

2 JUDGE HOYT: Sustained.

3 BY MS. ERCOLE: (Resuming)

4 Q Was this ECI's suggestion that it be deleted?

5 MR. RADER: Objection, asked and answered.

6 MS. ERCOLE: It hasn't been answered as far as

7 Energy Consultants.

8 JUDGE HOYT: The objection is overruled.

9 BY MS. ERCOLE: (Resuming)

10 Q Was this done at the suggestion of Energy
11 Consultants?

12 A. (Witness Bradshaw) I do not know.

13 Q Did you not indicate in response to Mr. Rader's
14 questions earlier in today's proceedings that you are here
15 to testify today as to current status of the plan?

16 A. Yes, I did.

17 Q That is what the panel so represents?

18 A. That is correct.

19 Q Is it your testimony today that the individual
20 that is familiar with the plan and procedures for the
21 Phoenixville Area School District is not here, is that
22 correct?

23 A. That is correct as would four or five other planners.

24 Q Why do the plans developed for the following
25 schools contain the phrase "prepared by" on their covers,

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1 the Kimberton Farms School, the Upattinas Open Community
 2 School, the Western Montgomery County Area Vocational
 3 Technical School, St. Pius X High School, the Hill School
 4 and the Wyndcroft School. I think those are appropriately
 5 noted exhibits in the applicant's list.

6 MR. RADER: I object unless Mr. Bradshaw is
 7 competent that he can from his memory recall that those
 8 phrases in fact exist for those plans. I don't know that
 9 they do. They haven't been shown to anyone.

10 JUDGE HOYT: The objection is overruled unless
 11 the witness responds that he doesn't have that knowledge.

12 MR. RADER: My point is that it makes an assumption
 13 of matters not in the record.

14 JUDGE HOYT: Your objection is still overruled.
 15 Proceed.

16 WITNESS BRADSHAW: I would have to look at each
 17 one of those plans and confirm that that is the case.

18 MS. ERCOLE: With the Board's permission, may I
 19 have one moment, please?

20 JUDGE HOYT: Yes.

21 (PAUSE.)

22 (Documents proferred to Panel.)

23 BY MS. ERCOLE: (Resuming)

24 0 You have draft plans in front of you that were
 25 prepared by Energy Consultants, is that correct?

- 1 A. (Witness Bradshaw) That is correct.
- 2 Q. The plans that you have in front of you reflect
- 3 St. Pius X High School?
- 4 A. Correct.
- 5 Q. The Wyndcroft School?
- 6 A. No, I do not have the Wyndcroft School.
- 7 Q. The Kimberton Farms School?
- 8 A. Yes.
- 9 Q. And the Upattinas Open Community School?
- 10 A. That's right.
- 11 Q. The plans that you have in front of you do you
- 12 recognize those items?
- 13 A. Yes. They are those referenced school plans.
- 14 Q. All right. Those are the plans that were developed
- 15 by Energy Consultants, is that correct?
- 16 A. That is correct.
- 17 Q. Do the covers of those plans reflect that the plans
- 18 were prepared by the respective schools?
- 19 A. Yes, they do.
- 20 Q. Can you indicate why the plans so reflect that?
- 21 A. Yes, I can. All school district and private school
- 22 plans developed for the Limerick project initially had that
- 23 title on the cover. It was a matter of course in the process,
- 24 in the planning process, Energy Consultants has always
- 25 encouraged the localities to consider these plans their own

1 and unless requested otherwise that title has remained on the
2 plans to the extent that they are so entitled today.

3 Q Have you or anyone from Energy Consultants Inc.
4 told the schools that if they had unless requested otherwise
5 it would remain so?

6 A The plans are drafted in such a way that unless
7 a revision is requested it would remain.

8 Q Are you aware with regard to the Kimberton Farms
9 School and the Upattinas Open Community School of a request
10 to have a change?

11 A No, I am not.

12 Q Is it fair to say that the only request that you
13 are aware of as to this time is from the Owen J. Roberts
14 School District?

15 A I can only state that when a request was made that
16 those changes were made to the cover.

17 Q Are you aware of any others?

18 A (Witness Cunningham) Yes. The Upper Perkiomen
19 School District requested changes to the plan. The wording
20 is not the same as the others. The changes that they
21 requested were made.

22 Q Has the new plan with the changes been printed yet?

23 A (Perusing documents.)

24 It has been changed. The draft number is four.
25 The date is September, 1984. It says "prepared for the

1 Upper Perkiomen School School and gives the district's
2 address and the date September, 1984 by Energy Consultants
3 and gives Energy Consultants address.

4 Q All right. Why is the word "final draft" used in
5 reference to the Bucks and the Lehigh County Support Plans?

6 MR. RADER: Could you give a reference, counsel?

7 BY MS. ERCOLE: (Resuming)

8 Q With regard to applicant's exhibits, support
9 county, Bucks County final draft, parenthesis, Lehigh
10 County draft number final draft, parenthesis.

11 A. (Witness Bradshaw) The plan which has been
12 revised and is now in the possession of both Lehigh and
13 Bucks County is a plan which is under review and which
14 in essence is a final draft. The next revision to that plan
15 would result in a final plan.

16 Q You are saying that it is a final draft and the
17 next revision will be a final plan?

18 A. It is out for review. If there are no changes,
19 that is the document which they would consider for final
20 adoption.

21 Q Do you know whether there are changes at this time?

22 A. There were two informational items that I am aware
23 of that were requested to be changed in the Bucks County
24 plan.

25 Q So the fact that Bucks County and Lehigh County are

1 reviewing the final drafts does not preclude that there may
2 be a subsequent draft, is that correct?

3 MR. RADER: I object to this line of questioning
4 also, Your Honor. This is on the support county plans
5 which are not even part of this hearing.

6 MS. ERCOLE: With the Board's permission, I believe
7 it goes to the authorship of the documents that are being
8 tendered and the applicant's exhibits have listed the
9 support counties and they have listed in its final draft.
10 This is not LEA's exhibit. This is applicant's exhibit.

11 MR. RADER: I believe the Board understands
12 that we offered all parts of the plans at one time for
13 purposes of administrative convenience and that certain
14 contentions refer to the support counties and those will be
15 taken up at a later hearing. I think at that time, it would
16 be appropriate to inquire as to their authorship.

17 MS. ERCOLE: With the Board's permission, I would
18 just ask one or two questions in that regard and then I would
19 move on.

20 JUDGE HOYT: Very well. We will go ahead and
21 take it. Perhaps we will pick it up again a second time in
22 the hearings but if it appears to be orderly to do it at this
23 time, we will hear it. Proceed, counsel. Objection overruled,
24 sir.

25 BY MS. ERCOLE: (Resuming)

8-7

1 Q With the draft currently being reviewed at this time
2 by Bucks and Lehigh County, that does not preclude, does it,
3 that there may be a subsequent draft?

4 A. (Witness Bradshaw) Certainly not.

5 Q Who determines when a draft radiological emergency
6 response plan is final?

7 A. The organization whose plan it is.

8 Q When you say the organization, do you mean the
9 emergency coordinator, the county commissioners or Energy
10 Consultants, Inc?

11 A. Technically speaking, the political jurisdiction
12 and whoever the officials are in charge of that particular
13 jurisdiction.

14 Q With regard to Bucks County, who was the one
15 or group that determined that it was a final draft?

16 A. In meeting between Energy Consultants and the
17 Bucks County Emergency Management Agency, it was determined
18 that all information necessary for completion of that plan
19 was, in fact, in that plan and in that sense it is under
20 review right now.

21 Q By whom?

22 A. By the Bucks County Emergency Management Agency.

23 Q Did the commissioners indicate to Energy
24 Consultants, Inc. that it was a final draft?

25 A. No, they haven't.

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1 Q With regard to Lehigh County, did the Commissioners
2 indicate to Energy Consultants that it was a final draft?

3 A. No, they have not.

4 Q Who from Lehigh County indicated to Energy
5 Consultants that it was a final draft?

6 A. The Director of the Lehigh County Civil Defense
7 Agency.

8 MS. ERCOLE: With the Board's permission if I may,
9 and I believe this is part of the record, I would like to
10 show the witness a letter from the Pennsylvania Emergency
11 Management Agency dated December 6, 1983.

12 JUDGE HOYT: Very well. Please show it to counsel
13 for applicant first.

14 MS. ERCOLE: I believe all parties do have copies
15 of this but I have extras and I will distribute them.

16 JUDGE HOYT: Very well.

17 (Documents distributed to parties and panel.)

18 MS. ERCOLE: A copy of this letter has already
19 been provided as part of our cross-examination.

20 JUDGE HOYT: Yes, I do believe we already have
21 that. The letter is folded over and what you will be seeing
22 is the off-site radiological emergency response plan and it is
23 attached to that.

24 JUDGE COLE: I am having difficulty locating my
25 copy.

1 JUDGE HOYT: If you have a copy, just pass us one
2 and it will save some time. Thank you very much.

3 BY MS. ERCOLE: (Resuming)

4 Q Do the witnesses have a copy of the letter dated
5 December 6, 1983?

6 A. (Witness Bradshaw) Yes, we do.

7 Q I would ask the witnesses of the panel to review
8 the attached list of documents attached thereto and entitled
9 "Off-Site Radiological Emergency Response Plan."

10 A. (Witnesses reviewing document.)

11 MS. ERCOLE: The questions that I have will relate
12 to the difference between the applicant's exhibit list
13 submitted today, November 19th, and the versions of the
14 radiological emergency response plans as reviewed by FEMA,
15 PEMA and the NRC which is the list attached to the December 6,
16 1983 letter.

17 MR. RADER: Your Honor, I have an objection to that
18 line of questioning. I believe the Board has already ruled
19 two or three times now that the lineage of these particular
20 drafts is not material to any of the issues in litigation.

21 JUDGE HOYT: Yes, counsel. That is correct. I
22 think it may be an interesting academic exercise but I hardly
23 see how it would be of any evidentiary value in this
24 proceeding.

25 MS. ERCOLE: With due respect to the Board, the

1 offer that would be made would question the authority of
2 the applicant or ECI to submit the more recent plans as an
3 exhibit without the approval of the parties and whether
4 or not the municipalities and the school districts were
5 consulted before a submittal of these drafts for an informal
6 review by the other parties.

7 I think what that bears upon is the weight that
8 should be given to the plans and exactly who was -- quote--
9 running the show -- unquote, to the extent whether these
10 plans themselves are the work product of the school
11 districts and the municipalities or whether they are being
12 forwarded by the applicant.

13 JUDGE HOYT: Counsel, you can't be serious
14 that you are raising that as an argument, that the Board is
15 not aware of the genesis of the plans. It is perfectly
16 obvious that they have been drafted by Energy Consultants
17 and that they have in some cases had some consultations with
18 and you have pretty much indicated which ones they have not
19 and when those occurred.

20 I can't see that we can go any further into this
21 line of questioning. We are not getting anywhere with it.
22 We are just going over the same plans. I just don't think
23 that this is pertinent to your contention. There are drafts
24 going to be made until any need for an emergency plan no
25 longer exists and they could be called revisions or they may

1 be called drafts. You have very well brought that out. I
2 think we are simply going over the same territory for the
3 last 15 or 20 minutes that you have well established earlier
4 in your cross-examination.

5 I think, counsel, you may well move ahead to your
6 next area of inquiry and I would suggest that you would
7 probably get some better answers. These witnesses, I am not
8 even sure, were employed at the time.

9 MS. ERCOLE: I understand and if I might, Judge Hoyt,
10 just ask the one question and that would be my offer, whether
11 or not the municipalities or the school districts were
12 consulted before the submittal of the draft plans to the
13 Pennsylvania Emergency Management Agency.

14 JUDGE HOYT: You have asked it a number of times
15 but if one more time will do it for us and then we can get
16 into the next area, I am going to let you go ahead with that.

17 MS. ERCOLE: Thank you. I don't believe I asked
18 whether it had been submitted. That is the earlier submittal,
19 whether that was submitted to the PEMA for informal review.

20 JUDGE HOYT: Are you talking about those plans
21 described in the letter of December 6, 1983?

22 MS. ERCOLE: That is correct.

23 JUDGE HOYT: I thought I indicated to you that
24 that might be an academic exercise and it may be interesting
25 but unless you can give me some offer of proof that it is

1 germane to the issue now, I think you should go ahead.

2 MS. ERCOLE: Judge Hoyt, the offer would be that
3 the school districts, the locals, the ones that are
4 supposedly working on these were never even consulted
5 with in terms of how they would be submitted for purposes
6 of review and that they were without knowledge that they
7 would be so submitted.

8 JUDGE HOYT: Let's see if these witnesses can
9 answer that question. I am not certain they can but if
10 you want to explore that area, go ahead.

11 MS. ERCOLE: Thank you.

12 JUDGE HOYT: Let's limit it to that one single
13 area.

14 MS. ERCOLE: I will.

15 BY MS. ERCOLE: (Resuming)

16 Q I will ask this question to the panel. You have
17 had an opportunity to review the letter of December 6, 1983
18 and I would ask you whether or not you are aware whether the
19 municipalities and school districts were consulted before
20 the submittal of the draft radiological emergency response
21 plans to PEMA for informal review and to FEMA for review
22 by the regional assistance committee?

23 A (Witness Bradshaw) Let me make sure I understand
24 your question. Are you asking whether or not these plans
25 listed in this correspondence were submitted to PEMA with the

8-13

1 knowledge of those political jurisdictions?

2 Q. With the consultation and the approval?

3 A. Yes, they were.

4 Q. Based upon what?

5 A. I am sorry. I don't understand.

6 MR. RADER: I object to the form of the question.

7 I don't understand what you mean.

8 BY MS. ERCOLE: (Resuming)

9 Q. You had indicated that it was submitted with the
10 approval of the municipalities and the school districts.

11 I asked you how do you know that they had given their
12 approval?

13 A. (Witness Bradshaw) The plans were submitted if
14 my recollection serves me by the counties. I can confirm,
15 however, that Energy Consultants spoke with those entities
16 and had discussed the process. They were aware of the informal
17 review process.

18 Q. When you said you discussed it with the entities,
19 what entities are you referring to?

20 A. The political jurisdictions involved in the
21 planning process.

22 Q. So your representation is that Energy Consultants
23 had consulted with the school districts and the municipalities
24 and informed them that the plans would be submitted for
25 informal review?

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A. That is correct.
Q. I am referring to that point in time.
A. The plans for informal review, yes.

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1 Q And do you have any record or notations
2 of your consultantions with the school districts and the
3 municipalities so informing them that it would be
4 submitted at that time for informal review?

5 A I can tell -- I can describe to you the process
6 for the municipalities, and then perhaps
7 Mr. Cunnington can describe the school districts.

8 The municipalities were contacted by telephone
9 initially and subsequently in writing with a cover
10 letter describing to them the submittal of the plans
11 through the counties to PEMA.

12 Q And this was done before they were, in fact,
13 submitted to PEMA for informal review?

14 A I believe so. I would have to look at the
15 cover letters to confirm that.

16 Q And is it fair to say that the cover letters
17 you are referring to would bear the date when the
18 school districts and the municipalities were so
19 informed?

20 A Yes, they would.

21 Q Do you recall offhand what the date was?

22 A No, I don't.

23 Q Do you recall whether it was -- what month
24 or what year?

25 MR. RADER: Objection.

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JUDGE HOYT: Sustained.

BY MS. ERCOLE:

Q The documents that are tendered today as Applicant's exhibits, did you have authority from each school board or school district to tender these documents today on their behalf?

MR. RADER: Objection, your Honor. I think that is a misleading and irrelevant question. The witnesses made it quite clear that these documents represent the current status of emergency planning based upon their discussions and consultations with those representatives.

It was never a representation that they were submitted on behalf of those municipalities or school districts or counties as their representatives.

I believe this has been asked and answered by the witnesses.

MS. ERCOLE: So the offer then is that these documents are not being submitted on behalf of the municipalities or the school districts then?

MR. RADER: If I may, your Honor --

JUDGE HOYT: Are you speaking of these 62 exhibits, 61 exhibits?

MS. ERCOLE: That is correct.

JUDGE HOYT: I think these exhibits are clearly

1 being sponsored by the Applicant, counsel.

2 Is there any problem with that?

3 MS. ERCOLE: And it is not being offered
4 today on behalf of any of the municipalities or the local
5 school districts?

6 JUDGE HOYT: Can counsel make that
7 representation to us?

8 MR. RADER: Once again, I think counsel for
9 LEA is confusing two separate processes.

10 There was a process by which those plans are
11 submitted for formal review to PEMA and FEMA, and that
12 is one process. Another process is by which this
13 Board determines the adequacy of those plans. And it is
14 that process which we are addressing, and it is to that
15 process alone for which these plans are submitted.

16 JUDGE HOYT: Counsel is correct. We will
17 sustain the objection.

18 MS. ERCOLE: May I just inquire then, as
19 a subsequent question to that, whether there is
20 authority then from any of the school districts to submit
21 any of the plans today?

22 JUDGE HOYT: Very well.

23 BY MS. ERCOLE:

24 Q Is there authority from any of the school
25 districts to submit any of these plans today?

1 MR. RADER: Objection to the form of the
2 question. Submit to whom?

3 MS. ERCOLE: Submit today as one of the
4 Applicant's exhibits currently before the Board.

5 JUDGE HOYT: With that understanding, the
6 question will be permitted.

7 If you are objecting, we will overrule it.

8 Go ahead.

9 Does the panel know the response to the
10 question?

11 WITNESS BRADSHAW: The submittal has not
12 been discussed with the school districts beforehand.

13 BY MS. ERCOLE:

14 Q And with regard to the municipalities, does
15 that -- is that the same?

16 A That is correct.

17 JUDGE HOYT: Was the first response as to
18 school districts, and now you are responding as to
19 municipalities?

20 WITNESS BRADSHAW: Yes.

21 BY MS. ERCOLE:

22 Q And have any of the school districts that
23 the panel is familiar with, have any of the schools
24 indicated that they will not adopt a plan as currently
25 presented?

1 A (Witness Cunningham) The Owen J. Roberts
2 School District's task force has corresponded with
3 its school board of directors indicating at a point
4 in time, which I believe to be about two to three
5 months ago, that they were not at that point satisfied
6 with their draft of the plan and would not be submitting
7 it to their school board for approval at that time, and out-
8 lined several reasons for that.

9 A (Witness Bradshaw) I would emphasize
10 that the task force is not the approving authority
11 of the school district.

12 Q Did any of the other schools or school
13 districts indicate that they would not adopt the plan
14 as it is currently presented?

15 A Not to my knowledge.

16 Q With regard to the other panel members?

17 A (Witness Cunningham) No.

18 Q What is your recourse if the school
19 district refuses to adopt a draft plan?

20 A (Witness Bradshaw) We have no recourse,
21 We are involved in assisting the school districts
22 with plan development. What they choose to do with
23 it when it is complete is their prerogative.

24 MS. ERCOLE: If I may have one moment?

25 JUDGE HOYT: Surely.

1 (Pause.)

2 BY MS. ERCOLE:

3 Q You had indicated in your testimony that
4 was submitted, prefiled, that ECI enjoys a close
5 and personal relationship with the local municipalities
6 and the school districts. Is that a fair characterization
7 of your testimony?

8 A It is generally true, yes.

9 Q To what extent does Energy Consultants advise
10 the local school districts and municipalities in
11 terms of the requirements of state law as far as any
12 obligation by local officials to participate or approve
13 a plan developed by ECI?

14 A Discussions of state planning requirements
15 and emergency planning requirements in the state is
16 a common subject of discussion at school development,
17 plan development meetings.

18 Q What have you told them?

19 MR. RADER: I object to the form of the
20 question. It is a bit vague as to who "them" is.

21 MS. ERCOLE: The question pertains to
22 what, as a representative, Energy Consultants, Inc.,
23 what has Energy Consultants represented to the local
24 municipalities and the school districts with regard
25 to the requirements of state law.

1 JUDGE HOYT: With that revision to the question,
2 you objection is overruled.

3 WITNESS CUNNINGTON: Could you repeat the
4 question?

5 BY MS. ERCOLE:

6 Q What has Energy Consultants advised the
7 local municipalities and the school districts as to the
8 requirements of state law with respect to their
9 obligation to participate in or approve a plan
10 developed by Energy Consultants, Inc.?

11 A Energy Consultants has provided on several
12 occasions to school districts copies of Pennsylvania
13 Pamphlet Law 1332 and drew attention to specific sections
14 of that law in response to questions.

15 Q In response to questions, what, if anything,
16 was the representation made by Energy Consultants?

17 A The representation is that there is an act
18 in the Commonwealth of Pennsylvania called Pamphlet Law
19 1332 which describes the responsibilities of the state,
20 county, and municipal governments and defines
21 responsibilities and interrelationships. We provided
22 them copies of the act when they requested it and indicated
23 that they could review that. If they had any questions,
24 we could direct those questions to the appropriate
25 authorities, which would be the county or the Pennsylvania

1 Emergency Management Agency.

2 Q Is it a fair characterization of your
3 testimony today that Energy Consultants, Inc. did not
4 give to the local municipalities or the school
5 districts an interpretation or their interpretation
6 of what the law requires?

7 A My testimony is more directly to school
8 districts which is my experience.

9 Q You answer in that regard is --

10 A No, I have indicated to them that I am not
11 a lawyer and any time that any issue of law comes up,
12 I can only give them copies of the appropriate act and
13 refer their questions to the appropriate authorities.

14 Q With regard to the local municipalities?

15 A (Witness Bradshaw) I believe it is also
16 a fair characterization to say that the municipalities
17 were made aware of the law 1332 and its requirements.

18 Q Has Energy Consultants represented, in their
19 contacts with the local government and the school
20 officials, that the officials themselves should not
21 approve any plan which in their opinion cannot work?

22 A I am sorry. Could you repeat that question,
23 please?

24 Q Has Energy Consultants, Inc. represented in
25 these contacts you just described with the local

1 municipalities and school districts that the local
2 officials should not approve any plan which in their
3 opinion cannot work?

4 A Yes.

5 Q Have you told that to all the local
6 municipalities and the school districts that you have
7 had contact with?

8 A I personally couldn't confirm that it was
9 done with all school districts.

10 My municipal planning person is aware of those
11 requirements and has indicated to me oftentimes that
12 that type of discussion is common at municipal meetings.

13 Q With regard to the school districts?

14 A (Witness Cunningham) Yes. And I would
15 draw attention to the number of drafts are certainly
16 consistent with the goal that we have put forward
17 that a plan be revised and reviewed and tailored to
18 the individual needs of the school district and that
19 they should not approve that plan until they felt that the
20 plan met their needs.

21 Q As representatives of Energy Consultants,
22 have you ever stated to local officials or school
23 planners that if they do not adopt the draft plan,
24 one will be written for them that will not meet their
25 special needs?

1 A (Witness Bradshaw) We have never made such state-
2 ments.

3 Q Mr. Cunningham?

4 A (Witness Cunningham) We have never made a
5 statement that a plan would be written for them.

6 Q Have you ever made the statement that a plan
7 would be written for them that may not meet their
8 special needs?

9 MR. RADER: Objection. Asked and answered.

10 JUDGE HOYT: Sustained.

11 BY MS. ERCOLE:

12 Q Have any representatives of yourselves
13 or representatives of Energy Consultants ever stated
14 to local officials or planners that Limerick will get
15 licensed whether or not they are satisfied with their
16 local emergency plan so that they should go along with
17 what has been proposed?

18 A (Witness Bradshaw) I think it is fair to
19 say that Energy Consultants wouldn't engage in that
20 kind of negative discussions with municipalities or
21 school districts.

22 Q Has Energy Consultants or their representatives
23 ever stated to local officials or planners that some
24 plan is better than no plan?

25 A Not to my knowledge.

1 Q Mr. Cunningham?

2 A (Witness Cunningham) No.

3 Q Energy Consultants, Inc. is not the
4 Applicant in these proceedings; is that correct?

5 A (Witness Bradshaw) Just for the record, it
6 is Energy Consultants rather than Energy Consultants, Inc.

7 Q Excuse me. Energy Consultants is not
8 the Applicant in these proceedings; is that correct?

9 A I am not an attorney. I am not sure
10 whether we are considered Applicant or not.

11 MR. RADER: We will stipulate to that,
12 your Honor.

13 BY MS. ERCOLE:

14 Q When was Energy Consultants retained by
15 the Applicant?

16 A In 1982.

17 Q And how long was the contract for?

18 A It is an open-ended contract.

19 Q When you say "open ended," what do you mean?

20 A There is no time frame for its termination.

21 Q Is there any indication that the consulting
22 services of EC would be terminated upon the adoption
23 of the plans by the local school districts and
24 municipalities?

25 A I would have to say that other than my

1 previous statement, I am not familiar with the
2 exact contract items or language of the contract
3 between Energy Consultants and Applicant.

4 Q Are any of the other panelists?

5 A (Witness Cunningham) No, ma'am.

6 Q You had indicated that the contract is
7 open ended. Is it to go on with the Applicant for the
8 next 30 years or is it to terminate upon a certain
9 event? Do you know that?

10 MR. RADER: Objection. Asked and answered.

11 JUDGE HOYT: Sustained.

12 BY MS. ERCOLE:

13 Q Do you know whether there are renewal
14 periods or extensions on the contract? Do you know?

15 A (Witness Bradshaw) I believe there are, yes.

16 Q And is it fair to say that there is a
17 renewal period coming up on the contract shortly?

18 A I'm sorry.

19 Q Is it fair to say that there is a renewal
20 period that will be coming up on the contract shortly?

21 A There is a renewal period. I am not sure when
22 it would be coming up.

23 Q Do any of the panelists --

24 A (Witness Cunningham) No, ma'am.

25 Q How much consideration was paid by the Applicant,

1 Philadelphia Electric, for Energy Consultants' services?

2 MR. RADER: Objection. I believe that is
3 irrelevant.

4 JUDGE HOYT: Can you demonstrate any relevance
5 to this issue of emergency planning?

6 MS. ERCOLE: Yes, if the Board please, I
7 believe it goes to the integrity of these witnesses, and
8 I think that the credibility in terms of whether any
9 alleged biases that they may have or analysis that
10 they may present, since they have been retained by the
11 Applicant in this case and are here on behalf of the
12 Applicant and not the school districts and municipalities,
13 as we have established, that any consideration paid
14 by the Applicant to these people would obviously show
15 that their credibility is not the most impartial.

16 MR. RADER: The fact that Energy Consultants
17 is a consultant to the Applicant for this matter is
18 a matter of record and undisputed. The consideration
19 for the particular contract is irrelevant.

20 JUDGE HOYT: I can't see any relevance.
21 The objection is sustained.

22 BY MS. ERCOLE:

23 Q Was Energy Consultants retained over any other
24 firms for the purposes that you are here today?

25 A (Witness Bradshaw) Did you say retained over?

1 Q That's correct.

2 A I do not have any knowledge in that regard.

3 Q Is Energy Consultants currently retained
4 or on retained with any municipality, school district
5 or county?

6 MR. RADER: Objection. Again, lack of
7 relevance.

8 JUDGE HOYT: The objection on that issue
9 will be overruled, counsel.

10 BY MS. ERCOLE:

11 Q The objection is overruled.

12 You may answer.

13 A Could you repeat the question?

14 Q Is Energy Consultants on retainer or has
15 Energy Consultants been retained by or with any
16 municipality, school district, or county?

17 JUDGE COLE: In the area of concern?

18 MS. ERCOLE: That is correct, sir. That
19 is all my --

20 WITNESS BRADSHAW: If you mean within the
21 Limerick EPZ, no.

22 BY MS. ERCOLE:

23 Q When you say the Limerick EPZ, I am referring
24 to both the risk and the support counties.

25 A Yes.

1 Q How long has Energy Consultants been
2 in existence?

3 A For 11 years.

4 Q And how many employees have worked on the
5 school district drafts for the Limerick Generating Station?

6 A (Witness Cunningham) The drafts were
7 drafted in prototype form by two individuals and
8 reviewed by several other staffs at Energy Consultants
9 prior to being submitted to the districts.

10 Q And this drafting process that you are referring
11 to occurred in 1982?

12 MR. RADER: Objection. Asked and
13 answered.

14 MS. ERCOLE: The drafting process where they
15 had indicated that their two people were writing it.

16 JUDGE HOYT: We will permit the question.
17 The objection is overruled.

18 WITNESS BRADSHAW: Yes, it would have occurred
19 in 1982.

20 BY MS. ERCOLE:

21 Q Is it fair to say that the three panelists
22 that are here today were not either of the two writers
23 which we're speaking of?

24 A (Witness Cunningham) No. I was one of the
25 writers.

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Q And were any of the panelists here today
reviewers?

2
3 A (Witness Bradshaw) I was not.

4 Q Is it fair to say that Energy Consultants is a
5 profit business organization? Is that correct?

6 A Yes, it is.

7 Q And the length of time you have been in existence
8 has been eleven years, has that been for how long you have
9 been doing business in Pennsylvania?

10 A Yes, that's correct.

11 Q And what does the firm do in the way of
12 providing technical and professional services to the
13 utilities?

14 You have indicated that in response -- in your
15 prefiled testimony?

16 A The Energy Consultants Emergency Management
17 Services Department provides planning, training, exercise
18 development, scenario development, and licensing
19 assistance types of services.

20 Q And how long has that particular division been
21 in existence?

22 A Since 1980, I believe.

23 Q So that the experience of Energy Consultants
24 in that particular area has been limited to the past four
25 years, is that correct?

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MR. RADER: Object to the form of the question.
I don't know what is meant by "that particular area."

MS. ERCOLE: The area that was just described by
the witness.

MR. RADER: I don't understand what you mean by
that area. The witness is talking both about emergency
planning --

JUDGE HOUT: Would you just describe the area
then in your question, counsel.

We will admit the question with that revision,
counsel. And, of course, your objection is withdrawn?

MR. RADER: Yes, ma'am.

BY MS. ERCOLE:

Q Energy Consultants has had experience preparing
emergency response organizations to manage radiological
emergencies. That particular area in which you have
worked, has been only in the last four years, is that
correct?

A (Witness Bradshaw) Energy Consultants as a
corporation has only been providing those services since
1980, although its personnel has been involved in those
areas previous to 1986.

Q Are there any other divisions, other than your
Emergency Management Services Division, that provide such
services?

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A No, that would be the only one.

Q Has Energy Consultants contracted with any other utilities, or Philadelphia Electric to develop emergency planning measures for other nuclear power plants?

A Yes, we have.

Q Which nuclear power plants were those?

A I can name a few for you; Beaver Valley Atomic Power Station, Palo Verde, Waterford 2, Callaway, Perry Station, Enrico Fermi. Those are sites that we have been involved in. Not necessarily under direct contract to the utility.

Q And the contract that you had had for the work on Berwick, what did that involve?

A In Berwick, I believe we provided assistance to Berwick Hospital in developing an emergency response plan for the Susquehanna Steam Electric Station.

Q Did you do any other work on the Susquehanna plant?

A No, we have not.

Q Is it fair to say that the work that you have done as far as the Limerick Generating Station is concerned, is the most detailed or comprehensive work that you have done to date?

A It is the largest project in terms of the number of plans, yes.

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1 Q With regard to these other power plants that
2 you have enumerated, did you -- were you under contract
3 with the utility, or were you under contract with municipi-
4 palities and school districts for emergency planning
5 purposes?

6 MR. RADER: Objection. Irrelevant.

7 MS. ERCOLE: Your Honor, they have held forth
8 in their prefiled testimony --

9 JUDGE HOYT: Very well, we will permit the
10 question.

11 Go ahead. Objection overruled.

12 But, counsel, I think we are much past our
13 hour of 4:30. Are we getting to a good breaking point for
14 you?

15 MS. ERCOLE: Yes.

16 WITNESS BRADSHAW: As far as my understanding
17 of those other contracts, the specifics varied. In most
18 cases it was directly with the utility. In some cases
19 it was under a subcontract with another consulting firm.

20 In at least one case it was directly with the
21 County.

22 BY MS. ERCOLE:

23 Q And the one case in which it was directly with
24 the County, was which case?

25 A (Witness Bradshaw) I believe it would be

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1 Monroe County, Michigan.

2 Q Is it fair to say you haven't been under contract
3 with any county, municipality or school district in
4 Pennsylvania?

5 A (Witness Cunningham) We have had a contract
6 with Susquehanna Township.

7 A (Witness Bradshaw) In addition, I am not sure
8 what the arrangement was with Berwick Hospital. That may
9 have been directly with the hospital.

10 Q And these are for emergency planning measures?

11 A That's correct.

12 MS. ERCOLE: I would stop here.

13 JUDGE HOYT: For purposes of planning, how much
14 additional questioning do you think you will have for this
15 panel?

16 MS. ERCOLE: Perhaps Ms. Zitzer can probably
17 assess that better than I.

18 JUDGE HOYT: Very well, Ms. Zitzer?

19 MS. ZITZER: I would certainly expect it to
20 continue through tomorrow. These are our cross plans,
21 and this is what has been completed. (Indicating.)

22 I think a lot of the rest will move more quickly,
23 hopefully. But I would certainly expect this panel to
24 continue tomorrow, but I don't know whether we would get
25 on to -- well, then there are other Parties that have

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1 cross examination.

2 I'm sure that we will be continuing questions
3 through most of tomorrow, as long as the lines of questions
4 are, you know, within the scope.

5 JUDGE HOYT: So we can anticipate having this
6 panel on Wednesday, as well.

7 Ms. Ferkin, how much cross examination do
8 you have?

9 MS. FERKIN: Many of the questions that I
10 have laid out may already be covered by Limerick Ecology
11 Action. But, by the same token, there may be follow-up
12 questions. I come up with, based on their questions, I
13 would say at least an hour.

14 JUDGE HOYT: Very well.

15 City of Philadelphia?

16 MS. BUSH: I have no questions in these
17 areas.

18 JUDGE HOYT: How about the Staff?

19 MR. HASSELL: I think a preliminary estimate
20 would be one to two hours, and that could be shortened
21 upon cross procedure.

22 MR. HIRSCH: I don't anticipate that there will
23 be any duplication between FEMA's questions and the
24 Staff's, as the Commonwealth has already done and the
25 Staff has done. I qualify my position because I think that

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1 LEA's questioning is going to resolve a lot of the
2 concerns that we would have.

3 JUDGE HOYT: I am going to see if --

4 MR. HIRSCH: I would be comfortable at this
5 point saying, perhaps, an hour.

6 JUDGE HOYT: That is f~~o~~ur hours.

7 I would like to complete the cross examination
8 of this panel on Wednesday, if we could, by then.

9 Is that possible? Does anyone find that
10 difficult to live with?

11 MR. HIRSCH: I wonder if it would be possible
12 to plan on starting a little earlier on Wednesday,
13 perhaps 8:30 or 9 instead of 9:30.

14 JUDGE HOYT: Yes. I think that is probably a
15 good suggestion.

16 How about the rebuttal?

17 MR. RADER: At this time the Applicant has no
18 redirect. But again I point out that we have not yet
19 reached the substantive contentions. But we will try to
20 keep it to a minimum.

21 JUDGE HOYT: Very well. If we were to start
22 then 8:30 or 9 on Wednesday, I think we can pretty much
23 eliminate the need of bringing this panel back next
24 Monday.

25 Is that the consensus of the group here?

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1 Very well.

2 MR. RADER: Judge Hoyt, before we adjourn this
3 evening, may I simply state for the record, we have copies
4 of our exhibits available for counsel who did not have
5 them conveniently with them at this time. We will 'e happy
6 to furnish them as a courtesy.

7 JUDGE HOYT: Yes, we would appreciate that,
8 if anyone needs it.

9 Very well, we will adjourn until tomorrow
10 morning at 9:30.

11 (Whereupon, at 5:50 p.m., the hearing was
12 recessed to reconvene at 9:30 a.m. on Tuesday, 20 November
13 1984.)

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This is to certify that the attached proceedings before the
UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING:

Philadelphia Electric Company
Limerick Generating Station
Units 1 & 2

DOCKET NO.: 50-352-OL
50-353-OL

PLACE: Philadelphia, Pennsylvania

DATE: Monday, 19 November 1984

were held as herein appears, and that this is the original
transcript thereof for the file of the United States Nuclear
Regulatory Commission.

Rebecca E. Eyster
Marilynn Nations
Mimie Meltzer

(Sigt)

(TYPED) Rebecca E. Eyster, Marilyn Nations,
Mimie Meltzer

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