

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: 13171 - 13301

DATE: MONDAY, NOVEMBER 26, 1984

TR. 01 0/1
Orig to E. Pleasant, 1121-H St.

Add 1 cy for ASLBP, EW/W-439

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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 In the Matter of: :
 :
 PHILADELPHIA ELECTRIC COMPANY : Docket Nos. 50-352-OL
 (Limerick Generating Station, : 50-353-OL
 Units 1 & 2) :
 :
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Old Customs Courtroom
U.S. Customs House
2nd and Chestnut Streets
Philadelphia, Pennsylvania

Monday, November 26, 1984

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

BEFORE:

HELEN F. HOYT, ESQ., 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
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1 APPEARANCES:

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APPEARANCES: continued

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On behalf of Commonwealth of Pennsylvania,
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C O N T E N T S

<u>WITNESSES</u>	<u>Direct</u>	<u>Examination</u> <u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
Robert Bradshaw]				
John Cunnington]				
Robin Hoffman Wenger]				
By Ms. Ercole		13,177		
By Mr. Stone		13,275		

EXHIBITS

<u>NUMBER</u>	<u>marked</u>	<u>received</u>
LEA No. E-15	13,181	

RECESSES

afternoon recess		13,227
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P R O C E E D I N G S

1
2 JUDGE HOYT: The hearing will come to order. Let the
3 record reflect that the hearing has reconvened on this date
4 of November 26, 1984 for the purposes of taking evidence in
5 the matter of the Philadelphia Electric Company Limerick
6 Generating Station Units "1" and "2" in docket numbers 50-352
7 and 50-353.

8 Let the record further reflect that the counsel for
9 the applicant, for the staff, for the federal emergency
10 management agency, for the intervenor, Limerick Ecology Action,
11 for the Commonwealth of Pennsylvania are all present in the
12 hearing room, that the panel has taken its place on the witness
13 stand. As usual, you will recall taking the oath here before
14 this Board in the hearing last week and I will remind the
15 panel that in your testimony today you are still under that
16 oath.

17 I believe we had finished testimony on LEA-15 on
18 Friday.

19 MS. ERCOLE: That is correct.

20 JUDGE HOYT: This morning counsel will begin with
21 which contention?

22 MS. ERCOLE: I will commence with LEA-13 which is
23 on the preschool/daycare contention.

24 JUDGE HOYT: Yes. I don't believe, Ms. Ercole, you
25 were with us on Friday. Let me repeat something that we

1 reminded your colleague of on Friday and that is, as we find
2 the hearings going very slowly, we would like to pick up the
3 pace somewhat without disturbing the evidentiary matters that
4 you may wish to present, however the Board feels very much
5 obligated to press forward with this and not to permit any
6 questions the answers to which have already been entered into
7 the record. I am sure that you must have received that informa-
8 tion and if not, let me remind you of it now.

9 MS. ERCOLE: I have and I stand reminded as well.

10 JUDGE HOYT: Thank you very much. Did you wish,
11 Ms. Ferkin, to enter any appearances on this record? I believe
12 you indicated earlier you wished to have someone make an
13 appearance.

14 MS. FERKIN: Joining me at the counsel table is
15 Mr. Thomas H. Ramsay representing the interests of Chester
16 County but appearing in conjunction with the counsel for the
17 Commonwealth. As of this time Chester County is not a separate
18 party to this proceeding. Mr. Ramsay has prepared a Notice of
19 Appearance which he has now filed with the Board and with the
20 parties.

21 JUDGE HOYT: Welcome to the hearing, Mr. Ramsay.

22 MR. RAMSAY: Thank you very much.

23 JUDGE HOYT: Any additional appearances? Mr. Hassell.

24 MR. HASSELL: Joining me today is Mr. Henry J.

25 McGurren on behalf of the NRC staff. I believe his Notice of

1 Appearance has been previously filed.

2 JUDGE HOYT: Thank you. Again to you, sir, welcome
3 to the hearing.

4 MR. MCGURREN: Thank you.

5 JUDGE HOYT: Ms. Ercole, if you will please now begin
6 your cross-examination.

7 Whereupon,

8 ROBERT BRADSHAW,

9 JOHN CUNNINGTON,

10 and

11 ROBIN HOFFMAN WENGER,

12 having been previously called as witnesses by the Applicant
13 and having been previously duly sworn, resumed the stand
14 and continued to be examined and continued to testify as follows:

15 CONTINUED CROSS-EXAMINATION

16 BY MS. ERCOLE:

17 Q To the Panel, under Annex E the county and local
18 emergency management is structured to support emergency operations
19 at the lowest possible level. Does this include the arrangements
20 for preschool and daycare?

21 A (Witness Bradshaw) Yes, it does. The arrangements
22 for preschool and daycare would be characterized both under
23 the provisions made for the general public in the county and
24 municipal plans and now further with the model daycare plan
25 that has been developed by PEMA and the counties and distributed

1 to those agencies.

2 Q The prototype daycare plan, when was that plan
3 developed?

4 A To the best of my knowledge it was provided to us
5 this past summer by PEMA.

6 Q Is it fair to say then that you were not involved
7 in the drafting or the authorship of that plan?

8 A That is correct other than being offered a draft copy
9 for comment.

10 Q Did you make comments?

11 A Yes. It was discussed at several planning coordination
12 meetings.

13 Q Were any of the comments that you made, be it
14 revisions or deletions, were they subsequently incorporated
15 into that plan?

16 A There were changes made in the plan at those meetings,
17 yes.

18 Q Before the plan was allegedly distributed, did the
19 plan that was in fact distributed comport with those changes
20 you made or recommended?

21 A As I recall it, yes.

22 Q Do you recall approximately when that plan was
23 finalized, that is to say, in terms of the draftsmanship?

24 A I couldn't get any closer to the date than saying
25 June or July of this year.

1 Q When you say that it was drafted by PEMA, do you know
2 who the drafters were from PEMA?

3 A No, I do not.

4 Q Mr. Cunningham, do you know?

5 A (Witness Cunningham) No.

6 Q Can you state for the Board why that plan was
7 developed?

8 A (Witness Bradshaw) No. To the best of my
9 knowledge it was simply a decision made by PEMA and the
10 counties to extend that planning effort to those facilities.

11 Q Is it because they believed that the planning
12 efforts on behalf of preschoolers and daycares prior to June
13 of 1984 was not adequately protected?

14 MR. RADER: Objection, calls for a conclusion.

15 JUDGE HOYT: Sustained.

16 BY MS. ERCOLE: (Resuming)

17 Q You have indicated that the arrangements for
18 transporting children in daycare and preschool, nursery and
19 preschool facilities were made by means of a general survey
20 within the EPZ conducted in the fall of 1983, is that correct?

21 A (Witness Bradshaw) Yes, it is.

22 Q When you say the general survey, does that include
23 Chester, Montgomery and Berks County?

24 A Yes.

25 Q At the time of that 1983 general survey, how were the

1 lists of the preschools identified?

2 A. At the time of the general survey and previous to it,
3 I do not believe that we had any lists prepared particularly
4 for daycare centers or preschools other than perhaps one or two
5 that may have been identified by the municipalities previous to
6 that.

7 Q. Do you know which those one or two are?

8 A. No, I would not.

9 Q. When you say "one or two," are you sure or are you
10 just estimating?

11 A. I am estimating.

12 Q. So it could have been one, is that correct?

13 A. Yes, it could have been.

14 Q. At some point did EC receive a listing of preschools
15 and daycare nursery centers for Berks, Montgomery and Chester
16 County?

17 A. We did receive a listing from the Commonwealth
18 regarding licensed facilities, yes.

19 MS. ERCOLE: With the Board's permission, I request
20 that the following item be marked for identification as LEA
21 exhibit E-15. It has been previously marked and I would submit
22 with the Board's permission a copy to the Applicant and, of
23 course, copies to all the other parties.

24 JUDGE HOYT: Thank you. It will be so marked LEA E-15.

25

(The document referred to was

mn1-7

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marked LEA Exhibit No. E-15

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for identification.)

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1 JUDGE HOYT: Is that the correct identification
2 number?

3 MS. ERCOLE: It is my understanding that it is.
4 Since I had not been here on Wednesday, based upon what
5 was told to me.

6 JUDGE HOYT: I believe that to be correct.

7 (Pause.)

8 You have distributed what has been
9 marked LEA Exhibit E-15 for identification.

10 MS. ERCOLE: Yes.

11 JUDGE HOYT: The document can be best described
12 as one entitled Berks County Daycare and Sources Used for
13 Compilation of Day School Listings.

14 MS. ERCOLE: I would also indicate that on
15 page 2 of that same exhibit, it reflects Montgomery County
16 Daycare and on the third page Chester County Daycare.

17 JUDGE HOYT: Yes. That is a further description,
18 and it is a three-page document.

19 MS. ERCOLE: In the left-hand corner, it
20 indicates "submitted by LEA, 3/13/84."

21 JUDGE HOYT: Very well.

22 MS. ERCOLE: Thank you.

23 May I proceed?

24 JUDGE HOYT: Yes. Judge Harbour did remind
25 me, though, that there are five pages.

1 MS. ERCOLE: Then the Montgomery County
2 Daycare is reflected on page two, and the Chester County
3 Daycare commences on page 4, I believe.

4 JUDGE HOYT: Yes. That is correct.

5 Please continue.

6 BY MS. ERCOLE:

7 Q To the panel: Have you had an opportunity
8 to look at LEA Exhibit No. E-15?

9 A (Witness Bradshaw) Yes.

10 Q Prior to today, had you had occasion to see
11 that -- those listings for Berks County Daycare,
12 Montgomery County Daycare, and Chester County Daycare?

13 A I certainly wouldn't have seen it in this
14 format, no.

15 Q Were you familiar with the listing of such
16 daycare submitted by Limerick Ecology Action to the
17 prior Licensing Board on March 13, 1984?

18 A I had seen previous lists submitted by LEA,
19 yes.

20 Q Does this list that has been submitted to you
21 today appear to be the same list that you observed earlier?

22 A I wouldn't be able to tell unless I saw them both.

23 Q In your work on behalf of the Applicant, did
24 you have occasion to work with the listings of daycare
25 facilities and preschool facilities in the three counties I

1 have identified?

2 A In working with PEMA and the counties, yes,
3 we have obtained information from the counties and from
4 the municipalities, have utilized the Commonwealth's
5 licensed lists in addition to information developed
6 by Energy Consultants, and have added those facilities
7 to the municipal plans.

8 Q And it is your testimony today that the
9 information that you obtained or gleaned was not any
10 information that you have obtained from the list that
11 has been submitted to you?

12 A It may well have been. I am sure there
13 is some duplication in the lists.

14 Q So that the list that you had received or were
15 aware that had existed prior to today's date, that was
16 submitted by LEA, is it your testimony that you have had
17 occasion to use that list and to review it for purposes
18 of identifying daycare facilities?

19 MR. RADER: Objection. Asked and answered.

20 Besides, it is irrelevant. I don't know why
21 Ms. Ercole is pursuing this line of questioning. I
22 don't see what possibly relevant area it could lead to.

23 MS. ERCOLE: With the Board's permission, I
24 am trying to determine whether Energy Consultants, who
25 have made representations that the preschool/daycare

1 population has been adequately prepared for by their
2 estimation, is aware of all the identifiable listings
3 of the Berks, Montgomery, and Chester County and, if they
4 have reviewed a list that was submitted by LEA to the
5 prior board for purposes of facilitating that discovery,
6 I would just like an answer, yes or no, in that regard.

7 JUDGE HOYT: I think the question was asked
8 once before, had they had that opportunity to observe it.
9 And the response that I heard, counsel, was that "not
10 in this format."

11 Now, that is not the question you have asked.
12 If you want to pursue the line of questioning, I can
13 understand what you may wish to inquire into. But the
14 question has been asked and answered in the form in which
15 you have just asked it.

16 I will sustain the objection and permit you
17 to ask another question.

18 BY MS. ERCOLE:

19 Q With regard to any prior lists submitted by
20 LEA, before you have seen this exhibit that has been
21 tendered here before the Board today, did you obtain
22 any of your information about identifiable preschool and
23 daycare centers from a list submitted by LEA to the board?

24 A I believe we would have used that list, yes.

25 Q Thank you.

1 The general survey results -- strike that.

2 In paragraph 34 of your testimony, you have
3 indicated at the last statement of paragraph 34 that
4 the survey covered all daycare, nursery, and preschool
5 facilities in the area.

6 Is that a correct of what you said in your
7 testimony?

8 A Yes, it is.

9 Q Is it your testimony today that the survey
10 that was done in 1983 covered all the daycare, nursery,
11 and preschool facilities?

12 A Yes. The survey was made up of all addresses
13 within the emergency planning zone. And accordingly,
14 every daycare center would also have had an opportunity
15 to respond.

16 Q Wasn't it just your testimony a few minutes
17 ago that to the best of your knowledge, only one or perhaps
18 two daycare/preschool facilities had been identified and
19 contacted through that general survey?

20 A That general survey has been compiled --

21 Q Please, if you could just answer my question.

22 MR. RADER: Objection, your Honor.

23 May the witness finish his answer, please?

24 JUDGE HOYT: I will remind both counsel that

25 the witness cannot answer anything until we have the question

1 before him and an opportunity to see whether he can
2 answer it.

3 I remind both counsel that we won't have
4 any bickering again in this hearing room.

5 The question was asked. Can the witness
6 answer the question?

7 WITNESS BRADSHAW: Yes.

8 JUDGE HOYT: Respond to the question.

9 WITNESS BRADSHAW: The survey was issued
10 in the summer and fall of 1983, but the results were
11 compiled over a several-month period. Therefore,
12 those results and the information gleaned from them
13 would not have been available until the spring of this
14 year in many instances.

15 BY MS. ERCOLE:

16 Q Did the survey of 1983 that you have referred
17 to in paragraph 34 of your testimony identify all the daycare,
18 nursery, and preschool facilities in the area?

19 MR. RADER: Objection. Asked and answered.

20 JUDGE HOYT: Counsel, it has been asked and
21 answered.

22 MS. ERCOLE: With due respect to the Board,
23 I would just like a response from this witness in terms
24 of whether the general survey itself had covered the
25 requisite daycare, nursery, and preschool facilities.

1 I dcn't believe the witness has answered that.

2 MR. RADER: The witness has answered. Counsel
3 just doesn't like the answer. We are going to hear it
4 five times again unless the Board puts a stop to this at
5 once, I believe.

6 JUDGE HOYT: Miss Ercole, we will allow the
7 question as you have now asked it to be answered one
8 more time.

9 I am going to have to caution you, we are
10 not going to have this gone over over and over again like
11 this. We are -- I am afraid I am having to agree with
12 counsel for the Applicant. We are getting about five answers
13 to the same question and there are very slight differences
14 in there.

15 We will permit the response this time, but this
16 is positively, counsel, the last time I will allow this
17 particular privilege.

18 MS. ERCOLE: Very well.

19 JUDGE HOYT: Go ahead and answer the question,
20 if you can.

21 BY MS. ERCOLE:

22 Q Did the general survey conducted, the survey
23 that was conducted in the fall of 1983, did it cover all
24 daycare, nursery, and preschool facilities in the area?

25 A The survey was designed to cover the general

1 populace, including daycare centers. And anyone with a
2 need would have responded, and any daycare center with a
3 need that responded to the survey would have been
4 included in our list.

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1 Q What were the general results of the survey from
2 the fall of 1983?

3 MR. RADER: Objection, your Honor. Asked and
4 answered. The witness --

5 MS. ERCOLE: I am asking what the results were,
6 not what the identifiable schools were.

7 JUDGE HOYT: I think you got that answer, though,
8 which wasn't exactly responsive to the question, but at least
9 you got the answer, counsel.

10 Let's move on to your next area of inquiry.

11 BY MS. ERCOLE:

12 Q With regard to the fall survey of 1983, can you
13 indicate for the Board whether any of the daycare preschools
14 were submitted for a followup review?

15 A (Witness Bradshaw) Not to my knowledge.

16 Q Were you aware of whether any of the daycare
17 preschool facilities within Berks, Montgomery and Chester
18 Counties, responded to the general survey conducted in the
19 fall of 1983?

20 A Yes, there were.

21 Q And do you know how many responses there were?

22 A No, I do not.

23 Q To your knowledge of the daycare preschool
24 facilities within the three risk counties that have responded,
25 do you know how many of those had stated or set forth unmet

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1 needs?

2 A I'm sorry, I didn't understand your question.

3 Q With regard to those facilities that responded,
4 do you know how many of those facilities responded by setting
5 forth or stating what their unmet needs were?

6 A Only facilities with a need would have responded.

7 Q Upon what do you base that assumption if there
8 was no followup done to the general survey?

9 A That was the purpose of the need to survey. It
10 was designed to elicit a response only if there was a need.

11 Q And it is your testimony today, for clarification,
12 that if there was no response to the survey you interpreted
13 that as there being no need?

14 A That's correct.

15 Q And that is what your testimony today is based
16 upon, is that correct?

17 A In this regard, in part, yes.

18 Q Why was it not until one year later that a proto-
19 type plan was finally created for the daycare preschool
20 population?

21 MR. RADER: Objection. That is argumentative.

22 And further, it misstates --

23 JUDGE HOYT: Do you want to restate your question,
24 counsel?

25 MS. ERCOLE: Yes.

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1 BY MS. ERCOLE:

2 Q You had indicated in paragraph 34 that the survey
3 had covered the requisite daycare, nursery and preschool
4 facilities. And you have stated that those that did not
5 respond, did not have unmet needs.

6 My question to you is, why was it in July or June
7 of 1984, that a prototype plan was developed for daycare
8 preschool?

9 MR. RADER: Objection. It calls for speculation.
10 The witness has already testified that he did not prepare
11 that prototype plan.

12 MS. ERCOLE: But he worked in conjunction with
13 PEMA and he reviewed it and he was aware what, if any responses
14 there were.

15 JUDGE HOYT: Objection sustained.

16 BY MS. ERCOLE:

17 Q When you state in paragraph 36 at the top of page
18 17, that accordingly each daycare nursery and preschool
19 facility with reported transportation needs beyond its own
20 capacity has been identified and provided planned assistance,
21 is that testimony based upon your findings from the general
22 survey?

23 Or, was this based upon what you learned after
24 the prototype plan was distributed?

25 A (Witness Bradshaw) That's based on survey

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1 information.

2 Q And when you say the survey information, are you
3 speaking in terms of your review of the municipal and local
4 plans to determine what, if any, were the transportation
5 needs reported?

6 A It is review of the survey data which has been
7 incorporated into municipal plans, yes.

8 Q The municipal plan drafts that have been utilized
9 or reviewed on the local level, is it your testimony today
10 that those plans incorporate all the data on the transportation
11 needy from the preschool daycare facilities?

12 A Yes, they do.

13 MS. ERCOLE: If the Board would indulge me for one
14 moment, please?

15 JUDGE HOYT: Surely.

16 (Pause.)

17 BY MS. ERCOLE:

18 Q The sections of the municipal plans that deal
19 with persons requiring transportation assistance, that is
20 incorporated in Attachment G, is that correct, of those
21 municipal plans?

22 A (Witness Bradshaw) That's correct.

23 Q And is it fair to say that those general population
24 requirements for transportation assistance incorporate, or
25 include preschool daycare facilities?

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1 A Yes, it includes anyone who responded to the
2 survey.

3 Q I draw your attention to Applicant's Exhibit List.
4 And, I draw your attention to, under municipalities,
5 Montgomery County, No. 17, Pottstown Borough. The draft
6 number that we are referring to, so that we are properly
7 coordinated, is Draft No. 6, is that correct?

8 A Correct.

9 Q And I ask you if you would open to Draft 6,
10 Attachment G.

11 Is it fair to say that the attachment on that page
12 indicates persons requiring transportation assistance?

13 A Correct.

14 Q And is it fair to say that it identifies 605
15 residents who require transportation assistance in the event
16 of an evacuation?

17 A That's right.

18 Q And is it your testimony today that this Draft No.
19 6 incorporates the most updated information regarding those
20 individuals requiring transportation assistance that are
21 listed in Attachment G?

22 A It includes survey data. That is what the
23 information is based on. Yes.

24 Q And this is the latest draft that we have before
25 us on Pottstown Borough, is that correct?

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1 A That's correct.

2 Q And it is to your knowledge that this incorporates
3 the latest data you have?

4 A That's correct.

5 Q And you have indicated in Attachment G that there
6 are 605 residents.

7 When you use the term "residents," are you referring
8 to individuals that reside in Pottstown Borough, or people
9 that just attend facilities there?

10 A It may be both. I wouldn't be able to tell without
11 looking at the list.

12 Q And you do not have that list here in Attachment
13 G, is that correct?

14 A No, that list is confidential and is on file at
15 the Municipal Emergency Operations Center.

16 Q When you say it is confidential, is it confidential
17 from this proceeding, this hearing today?

18 MR. RADER: Object, your Honor.

19 There has been no request for this by LEA in
20 discovery. These plans were submitted as they are presently
21 being read by counsel. If there had been any request for it,
22 it should have been made during discovery period.

23 I resent the implication that the Applicant or
24 Energy Consultants has done anything to withhold this
25 information. This is, as the witness has testified,

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1 information which is given to the municipality by the
2 respondents to the survey and not to Energy Consultants.

3 MS. ERCOLE: I believe with due respect to the
4 Board, that request had been made during discovery proceeding
5 for data upon which Energy Consultants had based its
6 conclusions that the persons require transportation
7 assistance, including daycare facilities, have been provided
8 for.

9 So there wasn't only request for statement of the
10 status, but there was also request for the underlying data.
11 And I don't believe that we have that material.

12 JUDGE HOYT: Counsel, if you made the request and
13 the request was not honored in discovery, then your action
14 was to request that the Applicant be compelled to produce.

15 Since you have not made that, I think you have
16 waited too late to ask for it at this hearing.

17 Did you file such a motion to compel?

18 MS. ERCOLE: Excuse me one moment?

19 JUDGE HOYT: Surely.

20 (Counsel for LEA conferring.)

21 MS. ERCOLE: No, there was not. There was not, your
22 Honor.

23 JUDGE HOYT: Very well.

24 BY MS. ERCOLE:

25 Q Is it fair to say, Mr. Bradshaw, you don't have

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1 that data with you today then?

2 A (Witness Bradshaw) Yes, it is.

3 Q Mr. Bradshaw, you are familiar with prior drafts
4 of the Pottstown Borough, is that correct?

5 A I wouldn't be familiar with the specifics, no.

6 Q Do you have Draft 4 with you today?

7 A No, I do not.

8 Q And is it fair to say that the information that
9 would be contained on persons requiring transportation
10 assistance, would have been contained in Attachment G,
11 Draft 4 as it had been in Draft No. 6?

12 A The information in Draft 4 would have been updated
13 and incorporated in Draft 6.

14 MS. ERCOLE: With the Board's permission, I would
15 like to show Mr. Bradshaw a copy of the Pottstown Borough
16 Plan Draft No. 4.

17 JUDGE HOYT: Very well, please.

18 Would you please give that also to Mr. Conner and
19 his staff, prior to showing it to the witnesses.

20 (Document handed to counsel for Applicant, NRC
21 and Commonwealth of Pennsylvania.)

22 JUDGE HOYT: Mr. Hirsch, would you care to see it?

23 MR. HIRSCH: I have already seen it. Thank you.

24 MS. ERCOLE: With the Board's permission, I ask
25 that it be tendered to the witness.

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1 JUDGE HOYT: Very well. Let the record so
2 reflect.

3 (Document handed to witness.)

4 BY MS. ERCOLE:

5 Q Mr. Bradshaw, you have before you, do you not, a
6 copy of the Draft No. 4 for Pottstown Borough, the Municipal
7 Plan?

8 A (Witness Bradshaw) Yes, I do.

9 Q And I ask you to look at Attachment G.

10 Does not Attachment G reflect 4175 residents that
11 require transportation assistance?

12 A Yes, it does. And it footnotes the fact that that
13 is based on an estimate of the 1980 Census.

14 Q And it is your testimony today that the most
15 current, accurate information is contained in Draft No. 6
16 because that is based upon those who responded to the public
17 survey data?

18 A That's correct.

19 Q So therefore that is how you show a disparity of
20 approximately 3400 residents?

21 A That's correct.

22 Q Do you have with you a percentage of those who
23 had -- strike that.

24 Was any followup done on the municipal level to
25 determine whether those who had in fact -- did get surveys,

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1 responded?

2 A There has been a continual exchange between Energy
3 Consultants, the counties and the municipalities involved
4 in refining the survey data, yes.

5 Q And do you have any data that has been issued as
6 of June of 1984?

7 A The current draft of October '84, which is the most
8 current.

9 Q Very well.

10 And it is your testimony that this does incorporate
11 any of those changes?

12 A Yes, it does.

13 Q And this incorporates followups to those unanswered
14 questionnaires?

15 A That would depend on the extent to which the
16 municipality followed up. Energy Consultants has recommended
17 that the municipalities verify and confirm these numbers.

18 In fact, we know many of them did in the July 25th
19 and November 20th exercises.

20 Q With regard to the Draft No. 6 for the Pottstown
21 Borough, do you know specifically what followup was done in
22 that regard?

23 A No, I do not.

24 Q Can you state specifically with regard to daycare
25 and preschool facilities, what followup was done in that

mm11 1 regard?

2 A No, I cannot.

3 Q If you cannot state exactly what followup was
4 done in that regard in terms of the standards of preschool
5 daycare facilities, can you state how you can assert that
6 each daycare facility has been identified and provided
7 planned assistance, as you do on page 17?

8 A Yes. To the extent a daycare center, nursery
9 school, or for that matter an individual has responded to
10 the need survey, their needs have been addressed and
11 incorporated in the municipal and county plans.

12 Q Has any daycare preschool facility adopted or
13 promulgated the preschool daycare plan?

14 A They were asked to develop those plans and provide
15 them to the municipalities and counties involved. I have no
16 direct knowledge of whether they have done that yet or not.

17 Q Are you aware of whether any of the municipalities
18 have done a followup to determine whether in fact the facili-
19 ties had, one, received the prototype plan, and, two, whether
20 they are working on it or reviewing it?

21 A I do not know.

22 Q Is it fair to state as of this point in time, you
23 have no awareness of what the status of the review process
24 is then on the local level for the daycare and preschool
25 facilities?

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1 A That's a fair statement. It is a recent under-
2 taking. The counties, as I understand it, provided those
3 unlicensed facilities copies of the model plan at the end
4 of October, beginning of November. So feedback -- it would
5 be rather early for feedback in that regard.

6 Q Have all the daycare and preschool facilities that
7 have been identified by the Department of Education, have
8 they received those plans?

9 A They were mailed by the Commonwealth. I have no
10 direct knowledge of that.

11 Q And with regard to the Department of Public Welfare
12 list, do you have --

13 A That's the same list.

14 Q Is it fair to say then that the current status of
15 emergency planning for daycare and preschool facilities in
16 Montgomery County is incomplete?

17 A No, I don't believe it is.

18 Q What do you base that on?

19 A Because in spite of the model daycare center
20 plan, provisions undertaken for the general public still
21 incorporate the daycare centers. And to that regard, daycare
22 centers are covered to the same extent the general populace
23 is.

24 Q So it is your position that the daycare prototype
25 plan was not needed?

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1 A No, that was not my statement.

2 Q I'm asking you, is it your conclusion that the day-
3 care plan was not needed since --

4 A I --

5 Q If it would assist, I would just complete the
6 question.

7 JUDGE HOYT: Go ahead.

8 BY MS. ERCOLE:

9 Q -- since the daycare preschool facilities have
10 already been incorporated in the local municipal planning
11 level?

12 A (Witness Bradshaw) It is correct to say existing
13 planning procedures do adequately cover daycare centers in
14 spite of the plans. Yes.

15 MS. ERCOLE: May I have one moment, please?

16 JUDGE HOYT: Yes.

17 (Counsel for LEA conferring.)

18 BY MS. ERCOLE:

19 Q With regard to the County plans for transportation
20 providers, we had referred to this last week -- I will not
21 be going into it in detail at all, but it is identified as
22 Appendix I-2 for the record, Transportation Resources. We
23 are familiar with this item from last week.

24 I would just call your attention to page I-2-10 of
25 Draft No. 6, which is the current for the County.

mm14 1 A (Witness Bradford) You are speaking of the
2 Montgomery County Plan?

3 Q This is the Chester County Plan. Oh, excuse me,
4 I'm sorry, the Montgomery County Plan, you are correct.

5 Do you have that data in front of you at this time?

6 A Page I-2-10?

7 Yes, I do.

8 Q Is that the page that has transportation providers
9 and on the right-hand column, Limerick assignments, and
10 if you go down it indicates Pottstown Borough?

11 A Yes. Draft 7, which is the most current. It is
12 page I-2-11.

13 JUDGE HOYT: Counsel, will your questions be on
14 Draft 7?

15 MS. ERCOLE: I'm referring to Draft 6. I think I
16 did last week.

17 The reason I did it, we had the data written in
18 in Draft 6. We did not in our Draft 7. So I think as of
19 last week we were making the page corrections and the data,
20 we were referring to the same data, though.

21 JUDGE HOYT: The witness will be testifying based
22 upon Draft 7 which he has before him?

23 MS. ERCOLE: That is correct. I had referred to
24 Draft 6 because I don't have the data in Draft 7.

25 JUDGE HOYT: Very well. Just so long as we are on

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1 the same frequency.

2 MS. ERCOLE: We are.

3 BY MS. ERCOLE:

4 Q With regard to the Limerick assignment for
5 Pottstown Borough, and it indicates for school buses. Is
6 that correct?

7 A (Witness Bradshaw) Correct.

8 Q Can you indicate whether it is four buses that are --
9 have been assigned to the Pottstown Borough for purposes of
10 evacuating the 602 that have been identified in Attachment G?

11 A (Witness Cunningham) Yes. Those four buses
12 have been assigned to evacuate the 605 persons identified in
13 attachment G.

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1 Q Is it fair to say that those four buses are also
2 to include the daycare population or facilities in Pottstown
3 Borough?

4 A (Witness Bradshaw) If, in fact, there were daycare
5 center facilities responding to that survey, yes.

6 Q There aren't any additional buses that are assigned
7 in this annex for Montgomery County that is not reflected
8 in that column, is that correct?

9 A (Witness Cunningham) Am I to understand your
10 question as saying that there are no other buses assigned?

11 Q No. I am just saying with regard to Pottstown Borough,
12 is it fair to say that the four buses that are listed here under
13 Limerick assignment, those are the four buses that are to be
14 utilized to evacuate the 602 people which include the daycare
15 facility?

16 A Those are four among the larger complement, yes.

17 Q For Pottstown Borough?

18 A Yes, ma'am.

19 Q How many buses are assigned to Pottstown Borough
20 altogether?

21 A I believe there is an additional 12 buses assigned
22 to the borough.

23 Q Is that reserve or is that actually a Limerick
24 assignment?

25 A I believe that is a Limerick assignment. If you give

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1 me a moment, I can check and confirm that.

2 Q Thank you.

3 A (Reviewing documents.)

4 Yes. There is a confirmation on page I-211 of draft
5 seven and also on page I-333, an additional 12 buses assigned
6 in those and I believe also as indicated on the page that
7 you previously referenced and also on page I-314, an additional
8 two buses in Pottstown Borough reserved.

9 Q In terms of not in reserved buses but specifically
10 assigned buses, at this time we are referring to a total of
11 16 buses, is that correct?

12 A Yes, ma'ma.

13 Q Is it fair to say then either Mr. Cunningham or
14 Mr. Bradshaw that those facilities that have not responded to
15 the survey would not be included in getting the buses?

16 A (Witness Bradshaw) Yes.

17 Q Has a letter or a draft been sent to the identified
18 preschool/daycare centers informing them of that?

19 A I am sorry. Could you repeat that?

20 Q Has a letter or a statement been sent to the identified
21 preschool/daycare facilities informing them of that?

22 A I am not aware of a preschool center that has not
23 responded to the survey.

24 Q Are you aware of whether any letter has been sent
25 informing any of the daycare/preschool centers on the list that

1 if they do not respond the buses will not be provided for them?

2 A. No. I am not aware of any letters such as that.

3 Q. Has Energy Consultants received any requests from
4 preschool facilities, directors or heads of staff requiring or
5 requesting orientation similar to the basic general orientation
6 you spoke of with regard to the teacher issue?

7 A. Not to my knowledge.

8 Q. Has Energy Consultants offered any to any of the
9 preschool facilities?

10 A. No, we have not.

11 MS. ERCOLE: With the Board's permission, when I use
12 "preschool/daycare facilities," if I use just one of the names
13 as opposed to nursery/preschool, I would ask that the answer
14 be responsive to all.

15 JUDGE HOYT: It will be so understood.

16 MS. ERCOLE: Not that I am neglecting the other.

17 BY MS. ERCOLE: (Resuming)

18 Q. You have indicated that Energy Consultants has offered
19 no training to the daycare/preschool facilities. You are aware,
20 are you not, that some of the preschool facilities in the
21 emergency planning zone are large and have populations in excess
22 of 20 or 25?

23 MR. RADER: Your Honor, I am going to object to this
24 line of questioning. I have reviewed the Board's order and the
25 admitted contention. I don't find anything in here relating to

1 an alleged lack of training or orientation of daycare staff.
2 The only thing that I find that is even vaguely close to this
3 relates to participation and commitment of the staff but
4 unlike the other contentions where there was an alleged
5 deficiency is training or orientation specific, there is
6 nothing here to that end. So I object to this line of
7 questioning.

8 MS. ERCOLE: With the Board's permission, the Board's
9 response on LEA contention 13 reflects that the participation
10 and commitment of the staff to implement planning as essential
11 to its workability given the age of the children. I would
12 indicate that it has been Energy Consultants' position as is
13 their testimony last week that training for teachers and staff
14 in the form of general orientation was, in fact, needed because
15 as a result of that training, the school staff would be
16 prepared to stay and to respond to the needs of the children.

17 MR. RADER: That reemphasizes my point, Your Honor,
18 that where there has been a specific allegation as regards
19 training and its relationship to the particular contention that
20 it has been made specifically a part of the contention. In
21 this case, it has not. Therefore, I believe it is beyond the
22 scope of the contention.

23 JUDGE HOYT: Do you have the specifications of that?

24 MR. RADER: Yes, I do.

25 JUDGE HOYT: May I see them a moment, please?

1 (Counsel complying.)

2 (Board conferring off the record.)

3 JUDGE HOYT: Counsel, is the specification that you
4 have handed me, are these the specifications that you have
5 handed me, are these the specifications that have been
6 reworded as a result of the order of the Board?

7 MR. RADER: That is correct. That is my compilation
8 of all the Board has permitted in its September 24th order.

9 MS. ERCOLE: This would be Mr. Rader's compilation
10 of what the Board said?

11 JUDGE HOYT: That is right, counsellor.

12 Give the Board a moment, please.

13 (Board conferring off the record.)

14 MR. RADER: I have the Board's September 24th order
15 if that would be helpful?

16 (Board conferring off the record.)

17 JUDGE HOYT: Ms. Ercole, I want you to examine your
18 copy of the specifications and point to this Board specifically
19 wherein that line questioning would be necessary to cover your
20 cross-examination of this witness?

21 MS. ERCOLE: Your Honor, the first line, "With one
22 caveat, we have accepted most of LEA's rewording of LEA-13."

23 JUDGE HOYT: What are you reading from?

24 MS. ERCOLE: The Board's order.

25 JUDGE HOYT: Are you talking about the September 24th

1 order?

2 MS. ERCOLE: Yes, Your Honor, September 24, 1984.
3 At the top of page 11, LEA-13 and LEA-27, "With one caveat
4 we have accepted most of LEA's rewording of LEA-13" and I
5 would submit to the Board that a rewording of LEA-13 which
6 I have before me indicates that the participation and commitment
7 of the staff to implement planning is essential to its
8 workability since the very young children need to feel a sense
9 of continuity and trust in their caretakers.

10 JUDGE HOYT: Is that responsive to my question? I
11 asked you where in your specifications could you point out
12 that this line of questioning was appropriate to this witness.

13 MS. ERCOLE: I am sorry. I misunderstood the Board.

14 JUDGE HOYT: Very well.

15 MS. ERCOLE: I would just reiterate that the general
16 contention itself in that there must be specific and adequate
17 plans for children and we are now talking about individualized
18 plans and then the subpart under that is the participation
19 and commitment of the staff to implement planning is essential
20 to its workability.

21 I would submit to the Board that Energy Consultants
22 on this very same example under the teacher questions has
23 indicated that orientation would facilitate the response of
24 a reasonable adult and prepare them to stay and to fulfill
25 their function. In their testimony on that specific issue as

1 well, they talk about the expected conduct of a reasonable adult
2 and their responsibility for care of children in daycare and
3 nurseries. I am basing this question, one, based upon the
4 representations that Energy Consultants has made in paragraph
5 38 along with their prior testimony about the need for basic
6 orientation and how that will prepare the appropriate staffs
7 to stay.

8 I believe that it is relevant and that it relates
9 directly to LEA number 13, subpart 6.

10 MR. RADER: If I may briefly respond, Madame
11 Chairwoman, again it appears that now the attempt is being
12 made by LEA to reword this aspect of its contention. Ms. Ercole
13 is correct that as admitted the aspect in question was limited
14 to participation and commitment of the staff. It appears now
15 the contention is attempted to be insinuated in this that
16 participation and commitment cannot be had without a certain
17 type of training which Ms. Ercole wishes to pursue on cross-
18 examination.

19 I believe that is beyond the scope of the admitted
20 contention.

21 MS. FERKIN: Would you be interested in the views of
22 the other parties on this issue?

23 JUDGE HOYT: Yes. We will take your views, Ms. Ferkin,
24 if you wish to make them known?

25 MS. FERKIN: I would submit that the issue of whether

1 or not Energy Consultants has offered the staff of these
2 particular facilities training is clearly relevant to the
3 participation and commitment of the staff. The preparation
4 and commitment of the staff is in case of schools under the
5 jurisdiction of school districts directly related to training.

6 I think the same issues can be explored in relation
7 to these facilities and it is within the scope of LEA's
8 contention.

9 JUDGE HOYT: Ms. Ferkin, can you point out to me
10 where specifically in the specifications of this contention?

11 MS. FERKIN: If you are looking for the word,
12 "training."

13 JUDGE HOYT: That is correct and it is not in there,
14 is it?

15 MS. FERKIN: It is not stated there explicitly but
16 again I think the question of participation and commitment
17 of staff is by its nature related to whether or not the staff
18 has either been offered training or availed itself of training.
19 I think it is simply a fact that could be explored on this
20 record.

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1 JUDGE HOYT: Staff, do you have any views?

2 MR. HASSELL: Yes, just briefly, Judge Hoyt,
3 it is clear, at least to the staff by the explicit terms
4 of the basis of the contentions, training is not included.
5 However, at least it is the Staff's view that training,
6 we believe, is generally relevant to exploring the basis
7 for the participation and commitment of the staff.

8 JUDGE HOYT: Does FEMA's counsel wish to make
9 any representation?

10 MR. HIRSCH: I would agree with the Staff in
11 its position.

12 JUDGE HOYT: Do you wish to respond to that,
13 sir?

14 MR. RADER: Well, again, training can be an
15 aspect of anything. We have 11 contentions here, and
16 I suppose everyone could be trained as to everything.
17 We have a contention relating to route alerting. I suppose
18 we could explore the training of firemen to drive their
19 trucks and use bull horns, but that is not part of the
20 admitted contention and this isn't either.

21 I believe that those who have responded
22 favorable to this testimony have not focused upon the
23 contention. They have simply stated that, yes, it would
24 be a nice thing to explore because it might be relevant.

25 We are here to receive testimony only on the

1 admitted contentions, and this is not one of them.

2 Under 2.714, it would be a late contention if
3 permitted.

4 (Board conferring.)

5 JUDGE HOYT: Will you repeat your question,
6 please?

7 MS. ERCOLE: I could only give the Board
8 a reasonable facsimile of what my last question was without
9 repeating it verbatim. I don't think I will be able to
10 repeat verbatim what it was.

11 JUDGE HOYT: Ask the question as you want to
12 have it answered.

13 MS. ERCOLE: Very well.

14 BY MS. ERCOLE:

15 Q In view of your statement regarding the need for
16 training for school teachers, is not training for preschool
17 teachers and staff, in the form of general orientation,
18 needed to help prepare that staff to deal with children
19 during a radiological emergency?

20 JUDGE HOYT: Your objection, I take it, would be
21 the same?

22 MR. RADER: Same objection, yes.

23 JUDGE HOYT: The question will be answered,
24 if you have an answer to it.

25 WITNESS BRADSHAW: I believe that training, as I

1 think everyone in this room would agree, is a good thing
2 for everyone involved. But I believe that the plans for
3 the general public and daycare centers are capable of
4 being implemented in the absence of training.

5 I believe that the public information
6 available provides the orientation necessary, and I believe
7 that the additional information provided to them in the
8 form of a model plan is additional information which
9 they could utilize as training.

10 However, suffice it to say that in the absence
11 of any training, that they would be able to implement
12 the plans to protect the children in daycare centers.

13 BY MS. ERCOLE:

14 Q Do you believe that the training for preschool/day-
15 care staff would facilitate that staff staying with the
16 children during a radiological emergency?

17 A I believe we discussed this issue with regard
18 to teachers and with regard to bus drivers. The documented
19 record of emergency response just does not support the
20 allegation that reasonable adults entrusted with the care
21 of others failed to perform that duty in an emergency.

22 They perform it in a disaster situation not
23 only in the absence of training but in the absence of
24 defined responsibilities beforehand.

25 Q My question to you, however, was, would not the

1 general orientation program facilitate the teachers'
2 or the staff's willingness to stay and remain with the
3 students during a radiological emergency?

4 MR. RADER: Objection. Again, counsel just
5 doesn't like the answer she is getting to the question.

6 JUDGE HOYT: The objection is sustained.

7 BY MS. ERCOLE:

8 Q You have reviewed the prototype plan, Mr. Bradshaw,
9 and the prototype plan has been termed Radiological
10 Emergency Response Plan For whatever is the appropriate
11 daycare center, home, or nursery school.

12 Do you have a copy of that item in front of you?

13 A No, I do not.

14 (Pause.)

15 MS. ERCOLE: Since the prototype plan is not
16 listed as an Applicant exhibit for emergency planning,
17 I would ask that this item be marked as LEA Exhibit E-16.

18 JUDGE HOYT: For identification?

19 MR. RADER: Pardon me, Judge Hoyt. In fact,
20 it was marked as Applicant's Exhibit E-63.

21 MS. ERCOLE: Very well.

22 JUDGE HOYT: Is that the same exhibit?

23 MS. RADER: I believe, if Mrs. Ercole is
24 talking about the model plan identified as the Radiological
25 Response Plan for the, then insert name of daycare facility

1 for incidents at the Limerick Generating Station,
2 approximately a 15-page document.

3 JUDGE HOYT: Yes. I think --

4 MR. RADER: This was previously marked as
5 Applicant's Exhibit E-63.

6 JUDGE HOYT: Ms. Ercole, that was marked
7 E-63 for identification.

8 MS. ERCOLE: Thank you.

9 Then I would withdraw my request to mark
10 same, and I would ask if the witness could look at
11 Applicant's Exhibit E-63.

12 JUDGE HOYT: Counsel, would you provide that
13 for your witness.

14 Thank you.

15 Do you wish to see what they are looking at,
16 counsel?

17 MS. ERCOLE: I have a copy. Thank you.

18 JUDGE HOYT: Very well.

19 Does everybody else here have copies of that?

20 MR. HASSELL: Staff has a copy.

21 JUDGE HOYT: Very well.

22 JUDGE COLE: There is only one version of that,
23 right? There aren't different drafts?

24 MS. ERCOLE: It is my understanding that there
25 is only one version.

1 BY MS. ERCOLE:

2 Q Do you have that item before you, Mr. Bradshaw?

3 A Yes.

4 Q I would draw your attention to Appendix 3 which is
5 a sample letter apparently sent to the parents of
6 preschool daycare children. It does not indicate who would
7 sign that.

8 I ask you to look at page 2 of that Appendix 3.
9 I draw your attention to the bottom of the page wherein it
10 states, "Please be assured that in the event of an incident
11 at the Limerick Generating Station, we are prepared to
12 protect your child."

13 Do you see that?

14 A Yes, I do.

15 Q I would ask you upon what basis are the staff
16 and the preschool teachers at daycare facilities
17 prepared to protect the children without training?

18 MR. RADER: Objection. This has been asked
19 and answered, your Honor.

20 JUDGE HOYT: Let's see if he has one more
21 answer, counsel. Maybe this will do it. I will overrule
22 your objection.

23 Do you have an answer to the question?

24 WITNESS BRADSHAW: I believe so.

25 JUDGE HOYT: Give it, if you know.

1 WITNESS BRADSHAW: The provisions to protect
2 the child are outlined in this plan. In addition,
3 provisions for the general public, which include protection
4 of everyone within the EPZ, would pertain. And in that
5 regard, these adults caring for these children are
6 trained to do so on a daily basis. And the duties in
7 an emergency are just a logical extension of those on
8 a daily basis.

9 JUDGE HOYT: Counsel, that is the last time that
10 question is going to be asked and answered by these
11 witnesses.

12 Do we understand that?

13 MS. ERCOLE: Yes, ma'am.

14 JUDGE HOYT: Very well.

15 BY MS. ERCOLE:

16 Q Do you consider the role of a preschool
17 teacher and staff -- strike that.

18 Do you consider the role of a preschool
19 teacher and staff that of a limited escort function
20 during a radiological emergency?

21 A That is one aspect, yes.

22 Q And do you maintain that the limited escort
23 function of the preschool staff and preschool teachers
24 is like what they would do in a similar situation such
25 as a field trip or a football game?

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JUDGE HOYT: Counsel, that question was asked and answered any number of times on Friday.

MS. ERCOLE: But that was as it pertains to the teachers, but there has been no statement with regard to the role that has been assigned to the preschool staff.

JUDGE HOYT: I understood that to mean on Friday all teachers. However, if that is incorrect, does the witness have an answer that would be different from that previously given?

WITNESS BRADSHAW: I would agree with Judge Hoyt that it is the same question.

JUDGE HOYT: The same question was asked before.

1 BY MS. ERCOLE:

2 Q Mr. Bradshaw, Mr. Cunnington, do you submit there-
3 fore that this mere escorting of preschool students and
4 transporting them during an evacuation for radiological
5 emergency is not psychologically traumatizing because radia-
6 tion is not a tangible, visible hazard?

7 MR. RADER: Objection. Psychological trauma was
8 eliminated by this Board as an aspect.

9 In fact, I believe the Board ruled upon that last
10 Friday on the very same matter.

11 JUDGE HOYT: Objection sustained.

12 BY MS. ERCOLE:

13 Q You have indicated in paragraph 38, that the
14 expected conduct of reasonable adults with responsibility
15 for the care of children assures that the staff will
16 remain with the children until they are picked up.

17 And I would ask you, Mr. Bradshaw or Mr. Cunnington
18 is it not reasonable for a preschool staff teacher, as a
19 reasonable adult to have other family obligations and would
20 result in them being unable to remain with the children?

21 And by other family obligations I mean a child
22 in another daycare facility, a private institution, a
23 dependent relative who was an invalid, or pregnancy or per-
24 sonal family possessions.

25 A (Witness Bradshaw) As we stated with regard to

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teachers and busdrivers, family concerns are obviously a concern of anyone within the emergency planning zone.

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But those family concerns are balanced between those of community concerns and anyone in an emergency who has responsibilities for others, does, in fact -- is, in fact, able to balance those concerns and perform not only his family obligations, but his obligations as a member of the citizenry with regard to the other people that are trusted to his care.

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Q Would it now be reasonable for these self same teachers to evacuate with the children as opposed to if the parents were not sufficiently notified in time to pick them up?

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MR. RADER: I object to that question on the grounds that parental notification was another aspect of the contention LEA-13, which was eliminated as an aspect of this particular contention by the Board in its September 23rd Order.

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I refer the Board specifically to page 12 of that Order.

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MS. ERCOLE: With the Board's permission, I do not intend to go into parent notification at all. I am just asking whether, since we are talking about the standard of a reasonable staff member, whether it would not be reasonable for a staff member to use the staff transportation and

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1 evacuate with the children as opposed to waiting for parents.

2 MR. RADER: If I may, your Honor, the question
3 assumes that parental notification would be inadequate, and
4 therefore the person would have to remain at the daycare
5 center for an undue period of time. So it does, in fact,
6 bring into question the area of parent notification, despite
7 what counsel has stated.

8 JUDGE HOYT: Objection sustained.

9 BY MS. ERCOLE:

10 Q You have spoken about the conduct of reasonable
11 adults in an "emergency situation."

12 I would ask you whether any such studies have been
13 done on teacher or preschool staff response with regard to
14 the emergency planning zone for the Limerick Generating
15 Station?

16 A (Witness Bradshaw.) No. I believe we also
17 discussed that previously.

18 Q And that none have been done, is that correct?

19 A None have been done specific to the Limerick
20 Emergency Planning Zone.

21 Q With regard to the willingness of the preschool
22 staff or teachers to remain, have any directors of any
23 facilities been contacted to determine whether their staff
24 would, in fact, remain?

25 A No, they have not.

mm4 1 Q Are you aware of whether there has been any
2 survey of preschool staff, preschool teachers with regard to
3 their willingness to remain?

4 MR. RADER: I object also, to that question your
5 Honor. I believe that surveys are not a part of this conten-
6 tion. I know that they were incidental to other contentions,
7 but post-training surveys, pretraining surveys and other
8 forms of surveys are not a part of this particiular contention.

9 MS. ERCOLE: I am not asking about training
10 surveys. I am just asking if there was a survey done that
11 Mr. Bradshaw or Mr. Cunnington is aware of, indicating the
12 willingness of the staff to remain.

13 JUDGE HOYT: Wouldn't the question be better
14 elicited from the witnesses you intend to call later,
15 Ms. ERcole?

16 MS. ERCOLE: I would just like to know whether
17 Mr. Bradshaw has that information. Then I will move on.

18 JUDGE HOYT: Would you answer my question first,
19 please. Would you tell me if this would be better information
20 in evidence from the witnesses that you intend to call,
21 because you have subpoenaed a number of these superintendents.

22 MS. ERCOLE: It may, your Honor. But, Judge Hoyt,
23 the only reason I ask that is because of what they said in
24 paragraph 38, where they talk about how the expected conduct
25 of reasonable adults would assure that the staff would remain.

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1 And what I would like to know, upon how thorough
2 that is based? I would like to know whether Energy Consultants
3 has done a followup with the directors which they have
4 answered no.

5 And then my other question is, have they done or
6 are they aware of any surveys that have been done in that
7 regard.

8 And then I will move on.

9 JUDGE HOYT: You just want to know if there is
10 any surveys?

11 MS. ERCOLE: That they were aware of.

12 JUDGE HOYT: Are there any surveys, gentlemen?

13 WITNESS BRADSHAW: We have conducted no surveys.

14 JUDGE HOYT: Very well.

15 Are you aware of any, then?

16 WITNESS BRADSHAW: I am only aware of the
17 information submitted by LEA as part of their testimony.

18 JUDGE HOYT: Submitted by LEA?

19 WITNESS BRADSHAW: Yes.

20 JUDGE HOYT: Very well, your own witnesses have
21 that testimony, counsel.

22 Let's move into your next area of inquiry of these
23 witnesses.

24 BY MS. ERCOLE:

25 Q You are aware, are you not, that many of the

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1 preschool staff teachers are not licensed by the Commonwealth
2 of Pennsylvania for instruction of preschool children, is that
3 correct?

4 A (Witness Bradshaw) I am only aware that some of
5 the facilities are unlicensed. I am not aware of what the
6 requirements are for individuals.

7 Q And you had indicated that the licensed facilities
8 were identified through the Department of Education.

9 Have the unlicensed facilities been identified?

10 A Yes, Energy Consultants together with the Counties
11 and Municipalities have attempted to identify the unlicensed
12 facilities.

13 Q Has that been through the Department of Public
14 Welfare, or has that been through other means?

15 A It's been through other means.

16 Q What other means are those?

17 A It included simply soliciting the knowledge of
18 the County and Municipal people in addition to conducting
19 telephone surveys, which Energy Consultants did.

20 Also, simply by observing the EPZ in our travels
21 throughout it in regard to meetings, we have identified
22 some of those facilities.

23 Q In Chester county have all the unlicensed facilities
24 been identified?

25 A Every unlicensed facility that we are aware of

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1 has been identified.

2 Q And how many is that?

3 A With regard to Chester County only?

4 Q That is correct.

5 A I would have to look that up for you.

6 Q Do you have that information with you now?

7 A I would be able to get it in short order.

8 Q Fine.

9 MS. ERCOLE: I can move on and if there is any
10 recess --

11 JUDGE HOYT: We will have about a five-minute
12 recess and give the witness that time and have a break also.

13 We will recess.

14 (Recess.)

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1 JUDGE HOYT: The hearing will come to order. Let the
2 record reflect that all the parties to the hearing who were
3 present when the hearing recessed are again present in the
4 hearing room, that the witnesses have taken their place on
5 the witness stand and once again, I remind you that you are
6 still under oath.

7 Mr. Rader, do you have those 61 plans, the
8 emergency plans and the available copies that are going to
9 be given to the reporter?

10 MR. RADER: Yes, we do.

11 JUDGE HOYT: We would like to have one copy of those
12 plans in the draft number as reflected on your applicants'
13 exhibit emergency plans here on the Bench so that we may refer
14 to them.

15 MR. RADER: Certainly. We will bring them up right
16 now.

17 JUDGE HOYT: Ms. Ercole, what I am asking Applicant
18 for is that copy of the plan which will eventually come into
19 this record and counsel has three copies which will be filed
20 with the reporter. In order not to have to make a continual
21 search for it, we will use this one copy that will be given to
22 us now and we will return it to counsel unmarked at the
23 conclusion of the testimony.

24 MS. ERCOLE: Very well. Thank you.

25 JUDGE HOYT: Mr. Crockett will be with us tomorrow

after recess
3:10-3:25

1 so that might help. Are you ready to continue your cross-
2 examination, Ms. Ercole?

3 MS. ERCOLE: Yes, I am, Your Honor.

4 JUDGE HOYT: Thank you. Go ahead.

5 BY MS. ERCOLE: (Resuming)

6 Q I believe during the break, Mr. Bradshaw was to
7 obtain some data with regard to the number of unlicensed
8 facilities in Chester County.

9 A (Witness Bradshaw) Yes. I am sorry I don't have the
10 breakdown as to unlicensed versus licensed. I can give you
11 the total number identified in the draft six plans issued in
12 October which was 22 daycare and preschools in Chester County.

13 Q Is there a continuing investigation to uncover other
14 unlicensed facilities or have you terminated your quest in that
15 regard?

16 A Obviously it is a continuing process as the plans
17 are a continuing process and it is just not Energy Consultants.
18 It is also the counties and the municipalities that are involved
19 in that identification process.

20 Q So are you continuing in that quest or has it been
21 referred to Chester County?

22 A Energy Consultants direct efforts in the process
23 have ceased.

24 Q So at this time then the continuing determination of
25 unlicensed facilities is within the responsibility of the

mn7-3

1 Chester County Office of Emergency Management, is that correct?

2 A. Unless they or a municipality would request further
3 assistance from us, yes.

4 Q. For Chester County, have they requested further
5 assistance from you?

6 A. No.

7 Q. With regard to Montgomery County, is the status there
8 of unlicensed facilities the same as for Chester County?

9 A. Yes, I believe so.

10 Q. Do you have the number of the daycare facilities and
11 preschool facilities that are unlicensed facilities in
12 Montgomery County?

13 A. Again, I am not differentiating between licensed or
14 unlicensed. There is a total of 33 facilities which were
15 identified in the draft six October plans, municipal plans.

16 Q. Has there been any further request from Mr. Bigelow
17 of Montgomery County for you to work with them to determine
18 the existence of any other unlicensed facilities?

19 A. No, there hasn't.

20 Q. With regard to Berks County, do you have the data
21 before you in terms of the number of unlicensed facilities?

22 A. Again, a total of five both licensed and unlicensed.

23 JUDGE COLE: What county was that?

24 MS. ERCOLE: Berks.

25 JUDGE HORBOUR: Just for clarification, are those the

1 total facilities in the county or are those the total facilities
2 in the county which are also in the ten mile EPZ?

3 WITNESS BRADSHAW: They are the ones which have been
4 identified within the EPZ.

5 BY MS. ERCOLE: (Resuming)

6 Q Do the other municipal plans reflect the same data
7 in their attachment G's for unmet needs for these facilities
8 that you have just identified by number?

9 A (Witness Bradshaw) No. The only unmet needs that
10 have been identified to date through the public survey, yes.
11 As to which of those facilities responded to the survey, I could
12 not tell you.

13 Q But it would be found in attachment G of all the
14 municipal plans?

15 A If they responded to the survey, yes.

16 Q You have indicated in paragraph 39 of your testimony,
17 Mr. Bradshaw, on page 18 to the concept of selective evacuation.
18 My question to you in that regard is under what circumstances
19 is a selective evacuation ordered for preschool population?

20 A Selective evacuation would be recommended by the
21 governor or possibly the county authorities. That recommenda-
22 tion is not tied to the EPA protective action guidelines in
23 terms of a dose commitment. It is a decision made by the
24 authorities at the time of the emergency.

25 Q Why are preschool children singled out as a target or

mn7-5

1 as the subject of selective evacuation?

2 A. Preschool children and pregnant women would be
3 the target of a selective evacuation because younger children
4 are more susceptible to radiation.

5 Q. Is that one of the reasons why a prototype plan
6 was developed for daycare/preschool facilities because of the
7 susceptibility of preschool age children to radiation?

8 A. That was a Commonwealth decision. You would have to
9 ask the Commonwealth.

10 Q. You do not know then?

11 A. I do not know what the decision-making process of
12 the Commonwealth was, no.

13 Q. With regard to applicant exhibit E-63 which is the
14 daycare prototype plan, is there any section of that plan
15 which defines the term "selective evacuation?"

16 A. No, there is not.

17 Q. Can you state why since selective evacuation is a
18 feasible alternative for preschool children due to their
19 susceptibility to radiation?

20 A. I can assume why since the Commonwealth developed the
21 plan.

22 Q. Your testimony previously was it not was that
23 everything that was contained in the prototype plan was
24 sufficient to prepare the staff and teachers for evacuation?

25 A. I would agree with that statement, yes.

mn7-6

1 Q. Would you care to change your statement?

2 A. No, I don't.

3 Q. Do you believe that the definition procedures for
4 selective evacuation should be included in the prototype
5 plan?

6 A. It is an option that would be available. However, that
7 information is provided to the general public through the
8 public information brochure and I don't see a reason to
9 specifically target the daycare school plans in particular
10 when that information will be provided to everyone.

11 Q. In your answer on page 18 in paragraph 39 you said
12 that there was no reason to distinguish preschool children
13 population in general and the preschool children attending
14 preschool facilities and I ask you why you make that
15 distinction or why you think that distinction is unimportant?

16 A. Because that protective action recommendation would
17 not just be issued to daycare centers or preschools. It is a
18 protective action recommendation which would be applied to the
19 public at large.

20 Q. In terms of the preschool facilities, do not daycare
21 facilities need more organizational provisions for mobilizing
22 than do preschoolers in a private parent care situation?

23 A. It would depend on the size of the facility.

24 Q. But you are acknowledging then that there are facil-
25 ities of certain sizes where daycare facilities would need more

mn7-7

1 organizational provisions for mobilizing?

2 A. Obviously a larger facility would require more
3 resources, yes.

4 Q. So that the need to mobilize the children and to
5 organize them for purposes of a sheltering or an evacuation
6 scenario is, in fact, different in a facility situation than
7 it is for the general population, isn't that correct?

8 A. No. The same procedures would be involved.

9 Q. We are talking about the mobilization and organizational
10 aspects.

11 A. Yes, I understood your question.

12 Q. So it is your position that it is, in fact, identical
13 to a situation where a preschooler is in private parent care?

14 A. No. I didn't say it was identical. I said that the
15 procedures would be similar.

16 Q. In what ways would they be different?

17 A. I think those ways are outlined in the model plan.
18 They have been asked to designate a host facility outside the
19 EPZ and that is one example where it would be different.

20 Q. And because there is a need for a host facility,
21 there is a different need for mobilization and organization
22 of the preschool children, is that correct?

23 A. I think I have answered that. The procedures are
24 similar but not identical.

25 Q. In which way are they identical?

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1 A. You assess the situation and you decide what your
2 logistics are going to be and that depends on the scenario of
3 the emergency. Do you wait for the parents to pick them up?
4 Do you mobilize your resources both manpower and equipment to
5 go to a host facility? That depends on the scenario and the
6 information obtained at the time of the emergency.

7 Q. Many daycare facilities have infants as young as three
8 weeks old to six months. How will the staff transport these
9 children who are requiring of constant care? These children
10 do not go on field trips.

11 A. You are assuming that they would have to transport
12 the students.

13 Q. There are facilities that have passed forward unmet
14 needs to the local level. You have indicated that that is such.
15 My question to you is, how will the staff transport these
16 children who are requiring of constant care such as infants
17 as young as three weeks to six months old? That is not a
18 scenario where the children are going on field trips.

19 MR. RADER: I am going to object to this line of
20 questioning for lack of foundation. I don't believe there has
21 been any testimony in the record inserted as to any three week
22 old infants at any daycare centers. I believe the contention
23 deals with preschoolers and so forth.

24 MS. ERCOLE: It deals with preschoolers and daycare
25 and nursery situations for which Energy Consultants have set

mn7-9

1 forth their expertise in a few pages of credentials on why
2 they are competent to offer this testimony.

3 JUDGE HOYT: Your objection is overruled, counsellor.
4 I think they are talking here in terms of nursery school and
5 I am probably not the best one to answer the question but
6 nursery school to me means something pretty young. I hope
7 you are going to be able to show this, counsellor, that
8 they are young as three weeks to six months.

9 MS. ERCOLE: We hope to, yes.

10 JUDGE HOYT: All right. Go ahead.

11 WITNESS BRADSHAW: You are making several assumptions,
12 first that there is a need to transport, an immediate need to
13 transport these individuals and secondly, that there has been
14 a need passed on for infants which I am not aware of. We can
15 get into all kinds of scenarios if you want to address each and
16 every scenario, then we will describe the procedures that would
17 be taken in each one.

18 BY MS. ERCOLE: (Resuming)

19 Q. Assuming an evacuation, a selective evacuation, is
20 ordered, my question to you is how will the staff transport
21 these children who are requiring of constant care?

22 A. Under a selective evacuation the staff would not.
23 They would be transported by their parents.

24 Q. You are saying that under no circumstances the staff
25 would transport the children?

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1 A. To my knowledge and experience, no. Under a
2 selective evacuation I could not envision a situation where
3 the staff would have to transport a student.

4 Q. With regard to a general evacuation, how will the
5 staff transport these children who are as young as three
6 weeks to six months old that are in nursery care facilities
7 and require constant attention?

8 A. Did you say under a general emergency?

9 Q. That is correct.

10 A. Under a general emergency, you would have several
11 scenarios. First of all, if you are assuming that there is
12 immediate protective action recommendation as a result of a
13 general emergency, the first protective action is likely to be
14 sheltering. If you want to assume for the moment that that
15 protective action recommendation is an evacuation, then the
16 mobilization time for public transportation if you want to
17 assume public transportation is needed would be similar to the
18 mobilization time for parents and a large percentage of the
19 population of these daycare centers would be reduced by
20 parental pick-up.

21 The plans also call under an escalating scenario
22 for daycare centers to notify parents and close down at a site
23 emergency or at their option to close down at alert. Under a
24 general emergency requiring public transportation while no such
25 need has been identified at the present time, you could take ad

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1 hoc measures to transport infants by utilizing buses for the
2 general public and utilizing those people on those buses to
3 assist if necessary. But those kinds of arrangements -- that
4 need has not been identified at the present time.

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1 Q And there has been no ad hoc scenario
2 that has been presented to either Chester County or
3 Montgomery County requiring such identification of transport-
4 ing these children.

5 MR. RADER: I object to the form of the
6 question. I don't know what that means. There has been
7 nothing presented to Chester County by whom?
8 I don't know what that means.

9 JUDGE HOYT: Would you like to clarify your
10 question then, counsel?

11 BY MS. ERCOLE:

12 Q In terms of the facilities themselves.
13 Has there been any request by the facilities
14 themselves to those in Chester County in the Office
15 of Emergency Management for transporting children who
16 are requiring constant care -- normally those within
17 the three-weeks to six-months age?

18 A Not to my knowledge.

19 Q Since you are unaware of that, are you aware of
20 whether any provisions have been made?

21 A Provisions have been made for anyone with
22 an identified need, yes.

23 Q And since that has not been an identified
24 need, to your knowledge, there has been no provision made;
25 is that fair to say?

1 A Obviously, yes.

2 Q For young children such as infants and toddlers --
3 for those without children, toddlers are between two and
4 three years old -- have there been any specific transporta-
5 tion provisions made?

6 A Those facilities which have responded to the
7 survey have had public transportation arrangements made.
8 Other facilities which have received the model plan
9 were encouraged to make their own arrangements, and the
10 plan established a contact with the municipal and county
11 emergency management agency for further delineation of any
12 need.

13 Q Are you aware of whether specifically there
14 have been requests made for infant cribs and car seats
15 to transport toddlers in busses or other emergency
16 vehicles?

17 A No. I am not aware of any such request.

18 Q Are you aware of whether the county,
19 either Chester or Montgomery, is making arrangements for
20 that?

21 A No. I have no knowledge of that, no.

22 MR. RADER: May the Board understand that I have
23 an ongoing objection to this line of questioning for
24 lack of foundation.

25 However, I do understand and appreciate the

1 Board's ruling that this is subject to proffer by LEA.

2 JUDGE HOYT: Understood, counsel.

3 BY MS. ERCOLE:

4 Q In terms of your knowledge of the preschool
5 daycare situation in Montgomery County, Berks and
6 Chester County, was it your findings that almost without
7 exception children were transported to school by private
8 vehicle or by car pool?

9 A We have conducted no such research into that
10 area.

11 Q Why is it the responsibility of the facility
12 director to determine a host school location?

13 MR. RADER: I object to that question.

14 Again, this calls for speculation as to the
15 thinking or decision making on the part of the state
16 agencies in formulating the model plan.

17 MS. ERCOLE: With due respect to the Board,
18 the witness has also stated that they reviewed the plan
19 and made certain revisions, and some of those revisions
20 or changes were incorporated in the plan themselves.

21 I would like to have this gentleman's input
22 on that, if acceptable.

23 JUDGE HOYT: I don't think that was your
24 question though. If that is what you want, perhaps you
25 would like to rephrase your question, counsel.

1 BY MS. ERCOLE:

2 Q Who has the responsibility to determine a
3 host location?

4 A That responsibility is outlined in the
5 model plan as resting with the facility.

6 Q Has any instructions or letters accompanied
7 the prototype plan to explain to the director how this
8 is done?

9 A A cover letter went out with the model plan which
10 said, if I remember correctly, something to the effect
11 that if the facility had any questions or concerns that
12 they could contact their municipal or county emergency
13 management officials.

14 Q Is it fair to say then there was no specific
15 instructions on how to go about to locate and negotiate
16 with a host school?

17 A I don't believe there were any specific
18 instructions, no.

19 Q If the director of a facility either cannot
20 find a host school to negotiate with or host facility
21 to negotiate with or is unwilling to do so, how is this
22 unmet need handled?

23 A As I stated earlier, the model plan and the
24 cover letter establish a contact and working relationship
25 between the facility and the municipality. Those concerns

1 would be brought to the municipal coordinator and
2 resolved through emergency management channels.

3 Q And at the preschool/daycare level,
4 would the director of the facility that could not find
5 a host facility contact the local municipality or
6 contact the county or both?

7 A He could contact either, but it would be
8 my understanding that his first recourse should be the
9 municipal level.

10 Q Has the director been so notified of that?

11 A I could not tell you.

12 Q Do you have any record or statistical information
13 in terms of how many host facilities in fact had been
14 contacted by preschool directors?

15 MR. RADER: I object. That is irrelevant.

16 JUDGE HOYT: What is the relevance of it,
17 Ms. Ercole?

18 MS. ERCOLE: With all due respect to the Board,
19 the ability of a facility director and the willingness of
20 a facility director to review the plan for adequacy is the
21 foundation for this question. If the onus is put on the
22 facility director to find host facilities and if these
23 facility directors are unable to, for various reasons,
24 then I think that there should be some clear line of
25 demarcation presented to the facility directors so that

1 they know what should be done in the event that they are
2 unable to do so and what recourse is open to them.

3 They are simply handed a plan and said, look
4 this over and find a host facility. Owen J. Roberts
5 School District is still negotiating with a host school,
6 and that is a whole school district. So the problem
7 is with a lone daycare/preschool director, his ability
8 to negotiate.

9 And if that does not work out, if there cannot be
10 a host facility, what assurance is there that the preschoolers
11 will be adequately protected during a radiological
12 emergency?

13 MR. RADER: If I may add, your Honor,
14 I have reviewed the five aspects submitted for this
15 contention. They relate to transportation, sheltering,
16 and staff commitment. There is nothing in here which
17 relates to identification of host facilities or
18 arrangements for host facilities or negotiating
19 agreements with host facilities.

20 I believe it is beyond the scope of the contention,
21 as well.

22 JUDGE HOYT: You may inquire, counsel.

23 MS. ERCOLE: Thank you.

24 BY MS. ERCOLE:

25 Q If a preschool or nursery school director is

1 unable to find a host facility, has the director been
2 informed of what his recourse should be?

3 A As I said, the cover letter said any problems
4 or concerns or questions that he would have could be
5 directed to the proper emergency management officials.

6 Q And beyond there, there is no further
7 information with regard to host facilities?

8 A No. But obviously if that was a problem,
9 the emergency management officials have solved and
10 addressed those problems for other facilities, and they
11 would assist, I am sure, in this regard also.

12 In fact, it has not been outlined as a problem
13 yet.

14 Q Is it simply because the prototype plans
15 have just been distributed within the last month or
16 two?

17 A I believe I so stated earlier today, yes.

18 Q So is it fair to say that those plans have
19 not been reviewed by all the directors?

20 MR. RADER: Objection. That calls for
21 speculation.

22 MS. ERCOLE: I will withdraw that.

23 JUDGE HOYT: That is correct.

24 BY MS. ERCOLE:

25 Q If a host facility cannot be found by the

1 county or by the municipality, does not that affect the
2 workability of the prototype plan for the preschools?

3 A No, it does not.

4 Q Is not a host facility for the preschools an
5 integral part of the evacuation implementing procedures
6 for the daycare?

7 A Yes, it is. However, let me point out that
8 in the absence of such a specified host facility, the
9 arrangements that are generally available for the public
10 could be implemented. And that is to have a mass care
11 center designated at the time of the emergency to receive
12 this staff.

13 Q Are not the policy guidelines in the daycare
14 plan accompanied by the letter sent to the parents, does
15 not that specifically state on page 2, "If an evacuation
16 is necessary, we shall evacuate the children, too," and
17 there must be an inserted name of center, home, or
18 school, and complete address where you can pick up your
19 child?

20 A Yes, it --

21 MR. RADER: Objection. That is argumentative, and
22 the document speaks for itself.

23 JUDGE HOYT: That is argumentative.

24 MR. RADER: Your Honor, if I may --

25 JUDGE HOYT: The objection is sustained.

1 MR. RADER: If I may, in addition, I
2 believe from time to time counsel becomes a bit excited
3 and raises her voice at the witnesses. I wish the
4 Board would ask counsel to refrain from doing that.

5 JUDGE HOYT: Counsel, I think this is a panel of
6 witnesses that need not invoke the protective custody of
7 the Board.

8 BY MS. ERCOLE:

9 Q Mr. Bradshaw or Mr. Cunnington, at what
10 stage are the outside transportation resources requested for the
11 daycare plan?

12 A (Witness Cunnington) The development of the
13 plan has a process and the public survey has allowed for
14 the designation of those services in advance of an
15 incident.

16 A (Witness Bradshaw) There would be a
17 procedure at one of the emergency action levels. I would have
18 to look at the plan to determine what that would be.

19 Q I would ask you to look at the plan itself and
20 I would ask you whether a director can arrange -- whether the
21 director at an alert stage can request for outside
22 transportation resources to be made from the local or
23 county level?

24 A The statement which says, "identify
25 transportation needs."

1 Q What page is that?

2 A On page 5, item B-4 says, "identify
3 transporation needs at the alert stage."

4 Q That does not have any -- is there any
5 explanation in the plan itself for the preschool
6 facility to identify or to call the county or the local
7 level?

8 A There are provisions which say that contact is
9 maintained between municipality and facility. That was
10 the general means by which any transportation problems
11 which arose could be satisfied.

12 Q Is it fair to say that at the alert stage,
13 however, ther are no specific instructions?

14 A The instructions are to identify transporation
15 needs, and it is left up to the facility to -- as to how
16 it does that. It is also left up to the facility as to
17 whether or not it wanted to amend any provisions of its
18 plan.

19 Q If a general evacuation or selective evacuation
20 for preschool children cannot be attained, will
21 she oring be ordered?

22 A I think there are too many factors involved there
23 in the decision making at the time of emergency for me to
24 make any sort of assumption in that regard.

25 Q You have indicated that with regard to an

1 evacuation of preschool and daycare children, you have
2 referred to paragraphs 30 to 33 on pages 14 to 16 of your
3 testimony.

4 I ask you to look at that.

5 In paragraph 32, is it not fair to say that
6 sheltering would be implemented only if needed protection
7 cannot be achieved by evacuation?

8 A Yes, and vice versa.

9 Q So you are saying that both sheltering and
10 evacuation are interchangeable options?

11 A The decision on which protective action is
12 recommended depends on the dose projections at the time
13 of the emergency.

14 Q The protective actions that are recommended,
15 be it sheltering or be it an evacuation, does it not
16 also depend on transportation resources and the ability
17 to obtain staff and volunteers?

18 A The county and municipal emergency managers
19 at the time of emergency assess the local situation and
20 it would include an assessment of resources.

21 Q Is it fair to say that if there was a difficulty
22 in obtaining all necessary transportation resources,
23 that a sheltering would be ordered as a protective activity?

24 A If it were determined at the time of the
25 emergency that for some reason mobilization time for required

1 transportation would result in an evacuation time estimate
2 that resulted in a higher dose commitment than sheltering,
3 sheltering would be recommended.

4 Q So, therefore, sheltering does not always
5 depend upon radiation dosage; is that fair to say?

6 A It does, but it depends on the dose
7 commitment versus a protective action recommendation of
8 sheltering versus evacuation.

9 Q Is it fair to say that sheltering is a less
10 desirable alternative than evacuation?

11 A No. As I said, it is an assessment of the
12 dose commitment and whichever results in a lower dose
13 commitment to the general public would be the
14 recommended protective action recommendation.

15 Q Isn't it fair to say that it is better to
16 get the preschool children out of the
17 emergency planning zone into a host school facility than
18 to order that they remain within their facility?

19 MR. RADER: Objection. Asked and answered.

20 MS. ERCOLE: I don't believe he
21 answered the question. That is why I phrased it that way.

22 MR. RADER: That is precisely the question
23 which the witness just previously answered. The witness
24 clearly stated that it was a protective action recommendation
25 based upon the lesser dose commitment.

JUDGE HOYT: Objection sustained.

1 BY MS. ERCOLE:

2 Q You have indicated in the prototype under
3 subsection (e) on page 5, take shelter actions.

4 MR. RADER: Objection. My objection is a very
5 simple one.

6 I am sure through inadvertence, Mrs. Ercole keeps
7 saying "you" when talking about the plans or the counties or
8 someone else, but not specifically these witnesses or Energy
9 Consultants.

10 I object to the form of that question. If she can
11 correct that I believe that would solve my problem with that
12 form of question.

13 JUDGE HOYT: Can you correct the reference then?

14 MS. ERCOLE: I will.

15 BY MS. ERCOLE:

16 Q The prototype plan on page 5, subsection (e)
17 under take shelter actions, is it your position that the
18 instructions contained therein are sufficient for the staff
19 and the preschool teachers to handle a sheltering situation
20 for their charges?

21 A (Witness Bradshaw) Yes. They are consistent with
22 the same recommendations being made for schools and the
23 general public, yes.

24 Q And it is your position that that's all the
25 instruction they need?

1 A For the purpose of this plan, yes.

2 If there were need to provide additional information
3 we would provide it through the Emergency Broadcast System
4 at the time of the emergency.

5 Q The subsection (e), take shelter actions, indicate
6 that the children are to be moved to the most interior part
7 of the building, preferably the basement.

8 Can you state why "preferably in the basement" is
9 there?

10 A No, I cannot.

11 Q That is not found in the school plans, isn't that
12 correct?

13 A That's correct.

14 Q Does it have to do with the fact that preschool
15 children are more susceptible to radiation dosage than school-
16 age children?

17 MR. RADER: Objection. Calls for speculation on
18 the part of the witnesses as to what the state meant in
19 providing this plan.

20 MS. ERCOLE: I am just asking if he knows, since
21 they have done the revisions on it. That's all.

22 JUDGE HOYT: Can you answer that question?

23 WITNESS BRADSHAW: No, it is speculative.

24 JUDGE HOYT: Just tell me, can you answer it?

25 WITNESS BRADSHAW: No, I cannot.

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1 JUDGE HOYT: All right, since he can't answer
2 the question it doesn't really matter, does it?

3 MS. ERCOLE: Cannot or doesn't --

4 JUDGE HOYT: Go ahead.

5 MS. ERCOLE: Yes.

6 BY ERCOLE:

7 Q There is no recommendation in the take shelter
8 actions for dampened cloths to be put over the faces of the
9 children, is that correct?

10 MR. RADER: Objection. The document speaks for
11 itself.

12 MS. ERCOLE: Well, if there is an omission I would
13 just like to state that there is on in the event that there
14 is not. I know that the document --

15 JUDGE HOYT: I'm sorry counsel, but you really
16 lost me that time.

17 MS. ERCOLE: If the document makes certain
18 recommendations, I can see that the document speaks for itself
19 in terms of what is specifically stated, but I can certainly
20 ask the witness if anything is omitted, and if so, why?

21 JUDGE HOYT: All right, why don't you ask that then.
22 And, I think that will cure the objection.

23 BY MS. ERCOLE:

24 Q The subsection (e) for take sheltering actions makes
25 no reference to dampened facecloths being put over the faces

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1 of younger children, is that correct?

2 A (Witness Bradshaw) That's correct.

3 Q Can you state why not, if you know?

4 A No, I do not know.

5 Q That provision is found, is it not, in some of
6 the school district plans, as Mr. Cunnington pointed out last
7 week?

8 MR. RADER: Objection. Asked and answered.

9 JUDGE HOYT: I believe that was asked and
10 answered last week, counsel.

11 BY MS. ERCOLE:

12 Q Is it your position that preschool facilities
13 should be evaluated for sheltering suitability giving the
14 age of the children and their higher degree of susceptibility?

15 A (Witness Bradshaw) No, it is not.

16 Q And why is that?

17 A Because protection factor of a building is not
18 consideration under sheltering recommendation.

19 Q Then if that is so why does subsection (e),
20 subsection 3 state "preferably in the basement"?

21 A You would have to ask the Commonwealth.

22 Q When you reviewed these revisions with the
23 Commonwealth, did you tell the Commonwealth to take out
24 "preferably in the basement," based upon what you just stated
25 here?

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1 A No, I did not.

2 Q And why not?

3 A It was not an item which was discussed.

4 Q You read it. You could have raised it, could you
5 not?

6 MR. RADER: This is argumentative.

7 MS. ERCOLE: I will withdraw it.

8 JUDGE HOYT: That is argumentative counsel.

9 Go ahead.

10 BY MS. ERCOLE:

11 Q You have indicated in your testimony that the
12 standards of protection -- strike that.

13 You have indicated in your prior testimony that
14 the standard of protection for sheltering is that a building
15 is winter worthy.

16 Is that correct? I don't want to misquote you on
17 that

18 A (Witness Bradshaw) That's correct as stated in
19 Appendix 12 of the Commonwealth Plan under the BRP plan
20 provisions.

21 Q And BRP, for the record, is Bureau of Radiation
22 Protection, correct?

23 A Correct.

24 Q In your assessment, can buildings be made more
25 suitable for sheltering?

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1 A Yes, by closing windows and doors and making them
2 as airtight as possible.

3 Q Other than that, is there any other way in which
4 the buildings can be made more suitable?

5 A Not to my knowledge.

6 Q Is it fair to say that there are some preschool
7 facilities that are more winter worthy than others?
8 If you know.

9 A I do not know.

10 Q Has any study or survey been done by Energy
11 Consultants with the Counties or at the request of the
12 Counties to determine the winter worthiness of any of the
13 facilities?

14 A No.

15 A (Witness Cunnington) We have previously stated
16 that winter worthiness -- with the winter worthiness concept
17 and the fact that surveys are not necessary, the daycare
18 facilities that we have been discussing here today are in
19 many cases year-round facilities and would be operating in
20 the winter months.

21 And, by my definition and understanding of
22 winter worthy, should be winter worthy to operate as a
23 daycare facility independent of their ability -- independent
24 of the winter worthiness for sheltering. And I would think
25 that would be a consideration that a parent might have in

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1 placing a child, that he might not place a child in a
2 building that was not winter worthy if he was going to place
3 children there year round.

4 Q It is your position then that a building that is
5 sufficient to operate a daycare facility in the winter months
6 is sufficient to shelter the children?

7 A Yes, ma'am. In the same way that a building that
8 is sufficient to sustain you and I year round in our homes
9 is sufficient for sheltering.

10 Q With regard to the construction of the building,
11 is not a cinderblock or a brick-type of facility more
12 feasible for sheltering or safer for sheltering than a wooden
13 frame?

14 A That's irrelevant based on the criteria of winter
15 worthiness that is specified in the plans and we have
16 testified to.

17 Q I'm asking you in your estimation as emergency
18 planners, are not cinderblock brick structures safer for
19 sheltering purposes than a construction of wood or glass?

20 A If you are asking me to respond based on the
21 sheltering directive and the sheltering protective action for
22 the Commonwealth of Pennsylvania, the answer is no.
23 Winter worthiness is the criteria.

24 Q With regard to your expertise as an emergency
25 planner?

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1 A I --

2 A (Witness Bradshaw) It is the same answer.

3 Q I would like Mr. Cunnington to finish his answer
4 if he may.

5 A (Witness Cunnington) I was going to ask for
6 clarification as to what you mean. To repeat the question and
7 give me some more clarification. I am trying to find out
8 what you are trying to elicit.

9 I have said that the sheltering criteria in the
10 Commonwealth of Pennsylvania is winter worthiness.

11 Q I am aware of that, but I'm asking you in your
12 expertise as emergency planner, are not facilities that are
13 constructed of brick and cinderblock safer for sheltering
14 purposes than a facility that is made of wood or glass?

15 A Facilities that are made of brick or cinderblock
16 or facilities that are made of wood and insulated or facilities
17 that are made of wood and not insulated or facilities that are
18 made of brick or stone and not insulated can be, under the
19 supervision of a trained person -- a protection factor can
20 be determined in each and every individual facility -- a
21 facility could have a protective factor determined for it.

22 But, I believe we have testified numerous times in
23 this hearing that protective factors of the building is not
24 a consideration and that winter worthiness is the criteria.

25 Q Have any of the preschool directors been -- or heads

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1 of staff been so informed of the winter worthiness nature of
2 their buildings?

3 A The material -- the general public will be
4 informed --

5 Q I'm asking you specifically whether the facility
6 directors have been informed by letter or otherwise about the
7 winter worthiness nature of their building?

8 A I believe we have testified that the material that
9 have been supplied to the facility directors, includes a model
10 daycare plan and a cover letter. I don't have the cover letter
11 here in front of me, but I do not believe that the winter
12 worthiness of the building was included in the cover letter.
13 And the document here speaks for itself.

14 Q Is there any explanation in the prototype plan to
15 the facility director in terms of why the basement would be
16 preferred over an upper level of the building?

17 A We have previously testified that we are not aware
18 of the reason for the statement.

19 You are now asking us to tell you why something was
20 or wasn't done, when we are not aware of why it was included.

21 Q With regard to the air exchange time for sheltering
22 it is approximately two hours, isn't that correct?

23 A (Witness Bradshaw) It is an average of two hours,
24 correct.

25 Q And what happens after that?

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1 A Protective action recommendation of sheltering is
2 based on a two-hour exchange rate. So typically a protective
3 action recommendation of sheltering would be for approximately
4 two hours, at which time it would then be reassessed as to
5 whether there should be a change in protective action
6 recommendation.

7 Q And what happens to the air exchange after two
8 hours?

9 A As I said, it is an average. And you have to
10 assume that after two hours on an average, the outside air --
11 the inside air has been replaced with outside air.

12 Q So that a radiation dosage may penetrate inside
13 the building, is that correct?

14 A That's correct.

15 Q And is radiation dosage less likely to penetrate
16 through brick and cinderblock than it is through glass and
17 wood after two hours?

18 A The reason for sheltering protection --

19 Q No, if you could please answer my question and
20 then explain.

21 A I can, but I think I have to point out the reason
22 for sheltering --

23 Q Could you answer my question, please?

24 JUDGE HOYT: Counsel, let the witness answer the
25 question.

mm11 1 WITNESS BRADSHAW: I think I should point out the
2 sheltering protective action recommendation's primary purpose
3 is to protect against the inhalation pathway, which is air
4 exchange, not what you might refer to as shine.

5 BY MS. ERCOLE:

6 Q And the answer to my question?

7 A (Witness Bradshaw) Maybe you should repeat it.
8 I'm sorry, I can't remember what it was.

9 Q After two hours, is not the radiation dosage more
10 likely to penetrate a building that is constructed of glass or
11 wood than of cinderblock or brick?

12 A No, it is related to air exchange rate which is
13 a factor of the air tightness of a building, not its
14 constructed material.

15 Q And I would assume that as far as the facilities
16 are concerned for daycare and preschool that no surveys or
17 studies have been done about air tightness?

18 A That's correct, to the best of my knowledge.

19 Q And has there been any explanation to facility
20 directors about the air tightness of their buildings to your
21 knowledge?

22 A Not to my knowledge.

23 Q You said that the concern about a sheltering
24 provisory would be the inhalation pathway, is that correct?

25 A That's correct.

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1 Q And would not it have been an appropriate
2 recommendations for dampened facecloths to be put over the
3 faces of children in view of the fact that inhalation pathway
4 is the primary concern for sheltering?

5 A Not in my opinion, no.

6 Q Why not?

7 A Because the authorities that I have spoken to on
8 the subject have indicated that there would be no decrease in
9 dose commitment as a result of that sort of protective action
10 recommendation.

11 Q Are there circumstances where sheltering would
12 be infeasible?

13 A There would be circumstances in which evacuation
14 would be preferable to sheltering.

15 I can't think offhand of any situation where it
16 would be impossible or infeasible. You would have to
17 evaluate it in terms of its relationship to dose commitment
18 for evacuation.

19 Q But it's your testimony that evacuation itself
20 would be the prime goal --

21 MR. RADER: Objection. That is a mischaracteriza-
22 tion of the witness' testimony. And, it has been asked
23 and answered.

24 JUDGE HOYT: I believe that is correct, counsel.
25 That is sustained.

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1 BY MS. ERCOLE:

2 Q Would an evacuation as opposed to a sheltering be
3 a primary goal?

4 MR. RADER: Objection. Asked and answered.

5 We have been over this for the last twenty minutes
6 as to which would be better. The witness has explained that
7 dose commitment three times now.

8 JUDGE HOYT: Very well.

9 Counsel, we will sustain the objection. Will you
10 please go ahead now.

11 MS. ERCOLE: Very well.

12 BY MS. ERCOLE:

13 Q You have indicated on page 15 of your testimony
14 which you incorporate into page 18, that sheltering evaluations
15 for buildings are meaningless.

16 Why do you state that sheltering evaluations for
17 buildings are meaningless?

18 JUDGE HOYT: Would you point that out to us, please?

19 MS. ERCOLE: I believe it is paragraph 32, page 15
20 if my citation is correct.

21 JUDGE HOYT: That is the last sentence. I have it
22 now. Thank you.

23 BY MS. ERCOLE:

24 Q This was Mr. Bradshaw's testimony.

25 A (Witness Bradshaw) As I have stated, the major

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1 purpose of sheltering recommendation is to protect against
2 the inhalation pathway, which relates to air exchange, not
3 any protection factor of the building involved. This is
4 consistent with state guidance and with the Environmental
5 Protective Agency protective action guidelines for sheltering
6 neither of which refer to the protection factor of buildings
7 as a factor under consideration for recommending sheltering.

8 Q Would not an assessment by the facility director
9 themselves of the air tightness of his building be meaningful?

10 A No. The winter worthiness of the building is
11 meaningful.

12 In addition, not only the public information, but
13 the model plan itself tell the directors of these facilities
14 to make their building as air tight as possible by closing
15 windows and doors.

16 Q Has there been a separate pamphlet or brochure of
17 information on sheltering that will be mailed or has been
18 mailed to facility directors of preschool children?

19 A There is a public information brochure which is
20 under development that will be provided to everyone within
21 the EPZ.

22 In addition, there would be additional copies avail-
23 able for special facilities if they so request it.

24 Q Is it fair to say that the contents, if you know,
25 of this brochure that you are planning, essentially would

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1 incorporate the take shelter actions that have been
2 recommended on page 5 of the prototype plan?

3 MR. RADER: Objection.

4 Again, I only object to counsel's recurrent
5 reference to "you" and "your."

6 MS. ERCOLE: I have rephrased it. I withdrew it.
7 I'm sorry. It is just a slip. It is not done intentionally.

8 JUDGE HOYT: Very well. Let's exercise a little
9 caution if you will, please. Thank you.

10 WITNESS BRADSHAW: There is information in the
11 public brochure which generally describes sheltering and
12 evacuation recommendations and what would be required of the
13 public under those recommendations. And I believe it would
14 be consistent with this plan.

15 BY MS. ERCOLE:

16 Q Does the brochure as you know it to be, will it
17 contain a discussion of what winter worthiness and air
18 tightness is?

19 MR. RADER: Objection, your Honor.

20 We have been through this so much.

21 MS. ERCOLE: The witness has said that they are
22 contemplating a brochure that will instruct the public. If
23 there is nothing different than what is in the face of the
24 prototype plan, fine.

25 But, perhaps if something can be done to clarify

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1 this issue of winter worthiness and air tightness to a
2 facility director, that is my focus.

3 JUDGE HOYT: Is this brochure being prepared by
4 Energy Consultants?

5 WITNESS BRADSHAW: No, it is not.

6 BY MS. ERCOLE:

7 Q Is it being done with your input or your review?

8 A (Witness Bradshaw) We have been asked for our
9 input, yes.

10 JUDGE HOYT: I think your question would best be
11 directed to the person or organization preparing this.

12 MS. ERCOLE: May I just ask the witness whether he
13 would recommend that a discussion of winter worthiness and
14 air tightness be put in that brochure?

15 JUDGE HOYT: Only if he wants to make a representa-
16 tion.

17 However, I think that is a very speculative sort
18 of answer you are going to get.

19 MS. ERCOLE: Would Mr. Bradshaw do that?

20 JUDGE HOYT: Can you answer that, Mr. Bradshaw?

21 WITNESS BRADSHAW: I would have to look at what
22 was proposed for the brochure as opposed to what is in the
23 plan. I am sure they are consistent.

24 BY MS. ERCOLE:

25 Q Would you make a recommendation for a discussion of

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1 winter worthiness and air tightness in the brochure?

2 A To the extent it talks about closing windows and
3 doors, yes, I would talk about, I would recommend such. And
4 I believe it already includes that information. This type of
5 information is a standard language that the State uses in all
6 of its emergency management brochures for its other four
7 nuclear power plants in the State of Pennsylvania, which has
8 been reviewed and approved by FEMA, as I understand it.

9 MS. ERCOLE: I object to that.

10 I would object to his going on and putting on the
11 record things that are not responsive to my question. I
12 just asked him if he would make that recommendation. Not
13 what all the other plans that have been approved by other
14 nuclear facilities in the state. I think it is gratuitous
15 and I would just like it to be noted on the record.

16 MR. RADER: I believe the witness can state the
17 basis for his recommendation, your Honor.

18 JUDGE HOYT: I am afraid you got more of an
19 answer than you probably wanted, counsel. But you are more
20 or less bound by it. I am not going to strike it from the
21 record.

22 Your distaste for the answer may be noted.

23 BY MS. ERCOLE:

24 Q Who is responsible for the safety of preschool
25 children in a radiological emergency? This is preschool

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1 children in a facility.

2 A (Witness Bradshaw) The model plans state that
3 the director of the facility is responsible for them as
4 long as they are in his charge, until released to their
5 parents.

6 Q And this would encompass the release to parents
7 at a host facility, is that correct?

8 A Either at a host facility or at the facility
9 itself before an evacuation recommendation.

10 Q Has the facility director been informed that it
11 is his responsibility for the safety of the preschool
12 children?

13 A It is so stated, and the model plan provides for
14 those individuals, yes.

15 Q Have the parents been so informed?

16 A We have discussed this earlier. It is in the
17 plan. A sample letter is in the plan.

18 The extent to which those facilities have formalized
19 their plan and transmitted that information to the parents, I
20 do not have any knowledge of.

21 Q If the facility director is unwilling or unable
22 to assume the responsibility for that particular facility,
23 who will then assume the responsibility for the facility?

24 Will it be the staff or the municipality?

25 MR. RADER: Objection. No foundation.

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1 JUDGE HOYT: Sustained.

2 BY MS. ERCOLE:

3 Q That you are aware of, you do not have any plans
4 that have been adopted as reflected down in the lower right-
5 hand corner, is that correct?

6 A (Witness Bradshaw) I have not seen any such plans.
7 No.

8 Q If a preschool facility director indicates to the
9 municipality or to the county that he is unwilling or unable
10 to assume responsibility for the preschool children, who will
11 then be responsible under the prototype plan?

12 MR. RADER: Same objection. No foundation.

13 MS. ERCOLE: I believe the witness could testify
14 in terms of any chain of command, or who would be left to
15 care for the children.

16 JUDGE HOYT: The objection is sustained.

17 MS. ERCOLE: May I just inquire of the Board of what
18 the Board would like in terms of foundation so that I could
19 remedy the situation?

20 JUDGE HOYT: Counsel, you are an experienced
21 attorney. You know exactly what you must do to get the
22 proper foundation for the Board. The Board is not going to
23 conduct examination for you.

24 BY MS. ERCOLE:

25 Q If the Director does not assume responsibility for

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1 the children, will the Township assume responsibility?

2 MR. RADER: Same objection.

3 No foundation.

4 BY MS. ERCOLE:

5 Q Are you aware of any municipal plans that have
6 made a notation that they will be responsible for the daycare
7 facility in the event that a Director does not sign the plan?

8 MR. RADER: Same objection. This is just a differ-
9 ent form of the same question the last four times, your Honor.

end T9

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1 JUDGE HOYT: Counsel, I am afraid counsel is correct.

2 We will have to sustain the objection again.

3 BY MS. ERCOLE: (Resuming)

4 Q. If the prototype plan is not adopted, what happens
5 then?

6 A. (Witness Bradshaw) What would happen is the same
7 that happens at all the other sites in Pennsylvania and all
8 the other sites that I am familiar with where no specific
9 plans have been provided for daycare centers, that is that
10 they fall under the general criteria and procedures for the
11 general public.

12 Q. Is it fair to say then that the general public
13 in a given local municipality is the responsibility of that
14 municipality's government?

15 A. Absolutely. Under public law 13-32 the municipalities
16 and counties are responsible for protecting the public health
17 and safety and welfare of the individuals within their juris-
18 diction.

19 Q. Have the municipal plans reflected the statement
20 that if a preschool facility plan is not adopted that the
21 preschoolers will fall within their municipal responsibility as
22 a local official?

23 A. Not specifically although it is understood that
24 the plan is meant to identify the needs in an emergency of the
25 general public at large which includes daycare and preschool

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1 facilities.

2 Q Are the facility directors upon the adoption of the
3 plan to forward the plan to the local municipality or to the
4 county?

5 A Those directions were provided by the Commonwealth
6 and the counties. I do believe that it directed them to
7 the municipality however.

8 Q Is it fair to say that if the local municipality
9 cannot meet the transportation needs or other unmet needs
10 as requested by or identified by a facility that that would
11 then be passed on to the county level?

12 A Yes. That is the general scheme of things which we
13 outlined in our written testimony for all unmet needs.

14 Q Of the prototype plan on page small "i" which is
15 really the second page, it is the first page after the title
16 page, it says, "This plan has been prepared by the director
17 or owner of the facility." Has that plan, in fact, been
18 prepared by the director?

19 A I think it is obvious that this model is being
20 provided to the director for his preparation. Yes. It would
21 not be complete unless the director supplied the information
22 necessary to complete the plan.

23 Q So it is fair to say that without the director
24 supplying the appropriate data the plan would not be workable,
25 is that correct?

1 A. That is a fair characterization, yes.

2 Q. The facility director, himself or herself, is he
3 expected to stay at the host facility until the children have
4 been put into the care of their parents?

5 A. I believe the plan states that those students will
6 remain the responsibility of the director until they are
7 released to their parents, yes.

8 Q. Do the plans make any reference to a relinquishment
9 by the director to the staff to remain with the children
10 at the host facility?

11 A. I don't know that it makes that specification, no.

12 Q. If the director of the facility has children who
13 reside in the emergency planning zone or who are in other
14 daycare/nursery school facilities other than the one that
15 he or she is the director of, how is it reasonable to assume
16 that she will remain with the children at a host facility?

17 A. This gets back to the family concerns which we
18 have previously discussed and to which I have stated that
19 those who have a responsibility both to their family and to
20 others entrusted in their care are able to balance those
21 concerns at the time of the emergency and this has been
22 demonstrated by past disaster response.

23 Q. If the preschool segment of the population is
24 particularly vulnerable in a radiological emergency as
25 evidenced by selective evacuation provisions and what have

1 and a dismissal at the alert stage if appropriate, why is
2 the burden and responsibility for implementing a radiological
3 response left with the facility director and not with the
4 municipality or the county?

5 A. The plan states that it is the responsibility of the
6 director.

7 Q. My question is why.

8 A. There is obviously overlapping responsibilities
9 and as I said according to state law the elected officials of
10 the county and the municipalities are technically responsible
11 for the public safety and that is recognized by those
12 officials when they take their oath of office.

13 Q. Then why is the burden now put on the municipalities
14 to find host centers? Why is the onus put on the facility
15 director for that?

16 MR. RADER: Objection. This is argumentative and
17 it gets back to the same area which I believe the Board ruled
18 earlier.

19 MS. ERCOLE: I have no further questions.

20 JUDGE HOYT: No further questions on any contention
21 or no further questions on 13?

22 MS. ERCOLE: Just on LEA-13.

23 JUDGE HOYT: Are you ready to begin the next
24 contention?

25 MS. ERCOLE: Judge Hoyt, I will not be doing further

1 on cross-examination of Energy Consultants. I believe that
2 Mr. Stone will be, is that correct?

3 MR. STONE: LEA fully expected Ms. Zitzer to have
4 arrived by now and to continue with the cross-examination on
5 LEA-14 or to begin actually the cross-examination of LEA-14.
6 However, as she is not here, I am prepared to do that and
7 keep things rolling.

8 JUDGE HOYT: Very well. If you would like to begin
9 the cross-examination on LEA-14 and here is Ms. Zitzer now.
10 We will go off the record for a moment here.

11 (Discussion off the record.)

12 JUDGE HOYT: Back on the record. During the very
13 brief period that the Board was off the record there was a
14 discussion between counsel for LEA, counsel for the Applicant
15 and this Board concerning some housekeeping details.

16 The Board acknowledges the arrival of Ms. Zitzer
17 on this record and we will instruct Mr. Stone that he may
18 begin his cross-examination of this panel in relation to
19 LEA contention 14.

20 MR. STONE: Thank you.

21 CROSS-EXAMINATION

22 BY MR. STONE:

23 Q This is to the Panel, you state on page 18 of your
24 prefiled testimony, paragraph 40, that for the reasons discussed
25 in response to LEA-11 enough buses will be available to

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1 implement an evacuation of schools within the EPZ in one lift,
2 is that correct?

3 A. (Witness Bradshaw) Correct.

4 Q. For the record, does this conclusion which you have
5 come to include an analysis of the buses, involving buses
6 driven by school bus drivers, which would be needed to transport
7 the transit-dependent population from the EPZ?

8 MR. RADER: I object, Your Honor. It seems that
9 we are now getting back into the area of sufficiency of buses
10 which was very lengthily litigated and heard by this Board
11 under LEA-11.

12 MR. STONE: If it may please the Board, I only
13 wish to clarify the conclusion which begins EC's testimony
14 here and also I am trying to deal with the probability that
15 the KI and dosimetry arrangements which they go on to discuss
16 would, in fact, need to be implemented and I think that is
17 the thrust of their testimony, that for certain reasons they
18 do not think they would be needed to implement.

19 JUDGE HOYT: We will overrule your objection, counsellor,
20 and permit the question with the understanding that you have a
21 direction to where you are going with this. Also, I would like
22 to note that Ms. Ercole has withdrawn from the LEA counsel
23 table. Thank you. Go ahead.

24 WITNESS BRADSHAW: I believe our assessment which
25 begins in paragraph 40 relates to the buses and drivers'

1 availability in general as outlined in the plans and it does,
2 in fact, include the school buses and school drivers.

3 BY MR. STONE: (Resuming)

4 Q. Therefore, is it fair to say that your continuing
5 discussion of the possible implementation of the KI and
6 dosimetry supplies being actually distributed to the bus
7 drivers includes distribution to bus drivers including school
8 bus drivers who may under some circumstances be returning to
9 the EPZ to move the transit-dependent population so we are
10 making no distinctions there?

11 A. (Witness Bradshaw) Yes. If we accept your
12 assumption that there indeed will have to be buses returning
13 to the EPZ, it would not matter whether they were school bus
14 drivers or a bus driver from a private transportation provider,
15 many of those bus drivers who would come back through a
16 transportation staging area.

17 Q. You make reference to the supplies of dosimetry and
18 KI that according to your testimony will be available at the
19 Chester and Montgomery County staging areas. Can you quantify
20 for us the extent of these supplies as you understand them to
21 be?

22 A. Yes. They are provided in Annex M of the county plans.
23 I believe Annex M, Appendix "3." From recollection I believe
24 it is 200 units of dosimetry and KI in Chester County and 150
25 units in Montgomery County.

1 Q Is it your testimony that these units of dosimetry
2 and KI and I they will always be paired like that in my
3 questions, it is your testimony that these supplies of
4 dosimetry and KI are available for the use of school bus
5 drivers alone or additional emergency vehicles?

6 A They would be available to any vehicle which was
7 required to reenter the EPZ.

8 Q Would such supplies be available to emergency
9 vehicles and/or school buses, I guess in particular here,
10 who are entering for the first time or only reentering as you
11 have described?

12 A It would only necessary for reentering.

13 Q I am sorry. Would you repeat that, please?

14 A The dosimetry/KI reserves are not automatically
15 provided to anyone. If need be, they would be issued to a
16 vehicle reentering the EPZ.

17 Q Could they be issued to a vehicle entering the EPZ
18 for the first time should circumstances warrant?

19 A Yes. If it were beyond the normal evacuation time
20 for the general public, that is, if they were reentering the
21 EPA at a time after evacuation was effectuated.

22 Q In the next part of your testimony again we are on
23 page 18, you describe or characterize something called
24 "unforeseen circumstances" which I would like to clarify for
25 the record what those circumstances would involve in the way of

1 supplies of dosimetry and KI?

2 A. The plans are designed to be implemented using
3 transportation in one lift. The necessary resources to do
4 that have been identified. In the unforeseen circumstances
5 where a vehicle would have to reenter whether it be a bus
6 or an ambulance or a van, then there are dosimetry/KI
7 reserves placed at transportation staging areas.

8 Q. According to your experience as an emergency planner,
9 do you have in mind a list of unforeseen circumstances with
10 regard to school bus drivers that you could testify to here
11 today that would involve as you testified previously school
12 bus drivers entering the EPZ perhaps for the first time after a
13 general evacuation has taken place?

14 A. Yes, although I wouldn't restrict it to necessarily
15 bus drivers.

16 Q. But that is the subject of this contention and that
17 is why I phrased the question that way.

18 A. Yes. Would you like an example?

19 Q. Yes, thank you.

20 A. For example, after the evacuation of the general
21 public, if there were a fire in the emergency planning zone
22 and a task force fire company responded and their truck broke
23 down, there may be a need to dispatch a bus to go in and, in
24 fact, pick them up and bring them out. In that instance
25 if need be, if there was a potential for a dose commitment to

1 those individuals under those circumstances then that bus driver
2 would receive a unit of dosimetry/KI to go in and pick those
3 individuals up.

4 Q According to your experience as an emergency planner,
5 can you testify to any circumstances which could arise which
6 might involve the extensive use of school buses, that is
7 more than a few, to go into the EPZ subsequent to completion
8 of a general evacuation, for instance?

9 A An evacuation for Limerick is designed as I said
10 earlier to do it in one lift. It is Commonwealth policy.
11 It is county policy. In my experience there are other facilities
12 in the United States that are not able to effectuate an
13 evacuation in one lift. In those instances at those other
14 sites outside of Pennsylvania, those bus drivers do receive
15 dosimetry/KI because they have to continually reenter the
16 emergency planning zone.

17 Q I believe it was the testimony of the Panel earlier
18 that sometime in the fall of 1993 it had not yet been
19 determined by Energy Commission whether or not the planning
20 standard for Limerick would be one lift or something else.
21 Is that a fair characterization of your previous testimony?

22 A I believe it is fair to say that the drafters of the
23 lesson plans at that time were not aware that there was a
24 planning basis of one lift.

25 Q Are you saying that a change did occur in your and

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1 I mean the Panel's or EC who you are representing here today,
2 am I fair to say that a change did occur in your planning
3 assumption?

4 A. It is fair to say that the planning basis of a one
5 lift concept was pointed out to the training staff and that
6 they did not present that information in their training
7 sessions.

8 Q. So as far as EC is concerned, it is your testimony
9 that the present arrangements for dosimetry and KI as they
10 existed in the prototype plans and have been carried through
11 the drafts are predicated on the one lift concept?

12 A. That is correct?

13 Q. Is it your position as stated in your testimony that
14 bus drivers are not emergency workers?

15 A. That is correct.

16 Q. Could you please describe the basis for that
17 characterization?

end#10

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1 A Yes, because of the one-lift plan,
2 bus drivers are not being requested to perform any
3 task which would subject them to an exposure or dose
4 commitment that the general public would not receive. And
5 that is not the case with designated emergency workers.

6 Q Under those circumstances which you have just
7 described for us where perhaps a school bus driver would
8 enter the EPZ or reenter the EPZ at a time subsequent
9 to the evacuation of the general population, would it be
10 fair to say that in that case, according to your knowledge,
11 the bus driver would be an emergency worker?

12 A He would then be designated as an emergency
13 workery, yes, although that is not the basis which
14 the plans are developed on. As I said, it is a one-lift
15 plan.

16 Q In the next paragraph of your prefiled testimony
17 on page 19, you state in the second part that if necessary
18 drivers would be reentering the EPZ and be easily
19 instructed within a few minutes as to the proper use of
20 their dosimetry.

21 A Correct.

22 Q Is that the extent in your opinion of the
23 instruction that a school bus driver who would be an
24 emergency worker under those circumstances you have
25 described would require?

1 A That would be enough instruction to
2 enable him to perform the task requested of him, yes.

3 Q And this is in all cases that you can
4 envision or know to your experience?

5 A I am not sure I understand your question.

6 Q Let me rephrase that. I am just trying to
7 ask if, according to circumstances that you could
8 foresee as an emergency planner, any training that a bus
9 driver would need to fulfill a role as an emergency
10 worker could be given in a few minutes at the time
11 they return to the transportation staging area?

12 A Yes. If we accept your assumption of
13 unforeseen circumstances and that unseen circumstance is
14 reentering the EPZ in a multiple-lift concept, then
15 ad hoc instruction at the time of the emergency would
16 be enough instruction to enable the bus driver to
17 accomplish his task, yes.

18 Q Couldn't, in your view, as an emergency
19 planner, this instruction be otherwise provided ahead
20 of time?

21 I will reask the question.

22 Is it your position as an emergency planner
23 that such instruction as you have described could be
24 effected ahead of time to all bus drivers, for example, who
25 might be called upon to fulfill the emergency worker

1 functions that you previously described?

2 A It certainly could be provided, but because of
3 the planning principle involved, it is not envisioned
4 as part of their responsibility to be an emergency worker
5 and to need radiological exposure control type information.

6 Q But you have testified here today that it is
7 possibly that they would need such information under certain
8 circumstances.

9 A Yes. Although we have demonstrated that
10 adequate resources are available. The planning principle
11 is not that they will reenter and that that instruction
12 could be provided at the time of the emergency.

13 Q In the first part of Section 41, you express
14 the opinion that in these circumstances, I guess, which
15 you have previously described as unforeseen circumstances,
16 that you have described, the driver's dosimetry and
17 KI supplies will provide sufficient protection for any
18 school staff on the bus, I guess, is that correct?

19 A Correct.

20 Q Does that include the school children
21 themselves who might be on that bus?

22 A I wouldn't presume that children would be
23 reentering the EPZ.

24 Q Not -- I see.

25 Is it your position then that none of the possible

1 circumstances which would involve a school bus driver being
2 outfitted with KI, dosimetry would involve, upon the
3 return trip, the transport of school children or school
4 staff?

5 A I don't understand the question.

6 Q I take it from your previous answer that you do not
7 -- do you envision any circumstance in which a school
8 bus driver, having once been outfitted with KI,
9 dosimetry would reenter or enter at a late time in the
10 evacuation of the EPZ and then make a return trip with
11 school children and school staff? Is that a possibility
12 which you have considered?

13 A For discussion purposes, we are describing
14 the procedure of a bus driver receiving dosimetry.
15 If, in fact, there was a need for someone to reenter,
16 that dosimetry which would be issued to the bus driver
17 would also provide protection for any other individuals
18 on the bus -- teachers, staff, assistants, navigators,
19 whatever.

20 That is the common practice in other sites in the
21 United States where units of dosimetry are, in fact, assigned
22 to a vehicle rather than an individual.

23 Q But you have testified specifically that any
24 dosimetry and KI supplies issued to a bus driver in those
25 circumstances would provide sufficient protection for any

1 school staff, have you not, any particular school staff?

2 A Right. In response to information presented
3 in your contention, yes.

4 Q Would you envision the possible reason that,
5 any possible reason why that school staff would be on the bus?

6 A I don't envision that that is a possibility
7 at all. I think we just included that information because
8 it was proferred by LEA --

9 Q Let me try to --

10 A -- as a possible secnario.

11 Q Let me just try to ask what I really want to get
12 at here.

13 In the event that a bus driver and any school
14 staff were reentering the EPZ due to some crisis
15 circumstance, pickup school children, is it your position
16 that the dosimetry, KI and whatever ad hoc training
17 has been given to that bus driver is sufficient to
18 protect the school children themselves?

19 A We are not protecting the staff or the
20 children. We are providing dosimetry which
21 provides an assessment of the dose individuals receive
22 for purposes of protective action guidelines to determine
23 whether or not those people should be continually used.

24 At some point in time where the dosimetry
25 would indicate that they received a dose of 25 rem, then

1 they would seek replacement and other individuals would
2 be used to perform those tasks.

3 Q For the record, again, I was referring to
4 your statement that the dosimetry and KI supplies will
5 provide sufficient protection. I just wanted to know
6 if that characterization would extend to any school
7 children who may be on the bus on the return trip and
8 in whatever sense you mean sufficient protection.

9 A No. The school -- the children would be
10 members of the general public. This would hold true
11 regardless of whether the bus driver were picking up
12 school students or members of the general public.
13 The school students would have assumed shelter
14 under these conditions where they would have to reenter
15 the EPZ. They are not going to be subject to the same
16 dose commitment as the driver driving back and forth
17 on several runs, under your assumption.

18 Q Okay.

19 Could it not, according to your experience as
20 an emergency planner, be a subject for training that
21 children are more susceptible to doses of radiation,
22 for example, than either the bus driver himself or whatever
23 school staff?

24 MR. RADER: Objection, your Honor. I had
25 attempted to give Mr. Stone some latitude here, hoping that

1 we could finish this by the end of today.

2 I must point out that there is nothing in this
3 contention which goes to the subject of providing dosimetry
4 or KI for school children. The contention is specifically
5 limited to dosimetry, KI for school bus drivers,
6 teachers, or staff who may be required to remain behind
7 or reenter the EPZ.

8 MR. STONE: I am not arguing that at all.
9 I am merely trying to get at the nature of the ad hoc
10 training which may be necessary for a school bus driver.
11 If it is to include specific information about the
12 differences between radiation doses or protective actions
13 for children, adults, it might be more extensive than the
14 witness has suggested.

15 JUDGE HOYT: Well, Mr. Stone, why don't you
16 ask that question then.

17 The objection was a valid objection.

18 If that is the inquire and the witness has
19 followed the question -- Mr. Bradshaw, are you with me?

20 WITNESS BRADSHAW: I think so.

21 JUDGE HOYT: Can you answer that concern
22 that this representative of LEA has?

23 WITNESS BRADSHAW: I believe so. As I stated,
24 the ad hoc measures are enough to enable him to
25 effectuate his responsibility under the plans. However, I

1 would also point out that susceptibility of children
2 to radiation is presented in our training program to bus
3 drivers and school administrators and school staff. And
4 there is a discussion of those subjects in those training
5 sessions.

6 BY MR. STONE:

7 Q I think we will probably get back to that later.
8 I am a little confused.

9 You say that you have a training program which
10 deals with these topics, and it is an exhibit which is your
11 bus driver training program. And is this the training
12 program which you envision would be delivered on an ad
13 hoc basis prior to reentry or is this something else?

14 A The ad hoc information would involve the use
15 of dosimetry and KI. The training program gives a
16 general orientation and overview of radiation principles,
17 emergency management principles, and includes a discussion
18 of the susceptibility of children to radiation and some ad-
19 ditional background information.

20 Q While we are here, could you describe for us,
21 according to your knowledge, how this training program
22 has to date been offered to potential school bus drivers?

23 A I can state that it has been offered to all
24 school district bus drivers, and it has been offered at
25 least to all school -- all transportation providers that

1 are under agreement to the county.

2 And Mrs. Hoffman may be able to give you
3 specific numbers as to how many have been trained.

4 Q I guess that would be a logical next question.

5 A It was described under our discussion under
6 LEA-15, but we can look it up again for you.

7 Q At that point, did you come pu with specific
8 numbers of actual school bus drivers who had been trained
9 according to the program you described?

10 Maybe we better have then again here.

11 MR. RADER: I believe this is in the record,
12 your Honor.

13 JUDGE HOYT: I think it is, too. I am going
14 to let the question be answered. Go ahead and give us
15 the numbers.

16 WITNESS WENGER: Boyertown School District
17 bus drivers were trained on June 11, 1984, total 46.

18 Bus drivers at Owen J. Roberts were trained
19 on December 1, 1983, total 43.

20 Bus drivers from Perkiomen Valley School
21 District were trained on February 16, 1984. There were 38.

22 And that is it so far.

23 BY MS. ERCOLE:

24 Q Could you just state for the record out of
25 how many bus drivers, according to your knowledge, are needed

1 to implement the transportation of school children
2 with these numbers?

3 A (Witness Bradshaw) Roughly 600.

4 Q And if I may ask, who offered this training?

5 A The training program content was discussed
6 with PEMA and the counties. It was determined by those
7 individuals that training of bus drivers would
8 be included in the presentation done by Energy Consultants.

9 Energy Consultants has offered that -- those
10 presentations. However, the letters of request for those
11 trainings have gone out from the counties.

12 Q Does the name of a Mr. Patterson ring a bell in
13 this regard?

14 A He is our training coordinator on Limerick.

15 Q I guess I am referring to LEA Exhibit E-5, and
16 this was -- and I believe, if I am correct, this is in
17 the record and it can be -- it has been identified and
18 do you have that before you right now?

19 A Yes.

20 Q And this is -- how would you describe this
21 letter? Is it typical of letters sent to various
22 school districts with respect to the bus drivers and
23 school busses?

24 MR. RADER: I object for reasons which the
25 question itself indicates. This matter is already in the

1 record, and the witnesses have already thoroughly
2 testified as to the ongoing nature of the training program.
3 I don't believe this can be covered any more fully
4 now.

5 MR. STONE: If I may have a minute, maybe I
6 can find the exact --

7 JUDGE HOYT: Very well, Mr. Stone.

8 (Pause.)

9 BY MR. STONE:

10 Q I guess we have established that Bob Patterson
11 is your person, is an ECI person --

12 A That is correct.

13 Q Is it fair to say that in this letter there
14 is an offer of scheduling a training session or to
15 obtain more information for these school bus drivers?

16 A Yes. In the letter from Montgomery County
17 Office of Emergency Preparedness they indicate that
18 individuals interested in scheduling the program should
19 contact Mr. Patterson, yes.

20 Q And besides the training which has already
21 been scheduled and done, the three instances that have been
22 mentioned, at this point, according to your knowledge,
23 has anymore training been scheduled or requested?

24 A I am not aware of anything that is scheduled,
25 but it is an ongoing program. These letters were reissued in

1 September in Montgomery County. I believe it would
2 have been even later than that in Chester County. So
3 that the program is not closed out by any means.

4 Q But as far as you know and as EC's
5 representative, you have no pending request for
6 training scheduled?

7 A We have nothing scheduled at the present time
8 to my knowledge.

9 Q Do you have any pending requests, according
10 to your knowledge?

11 A No. If we had a requestion, it would be
12 scheduled.

13 Q Have you been contacted for information from
14 any bus companies who are providing school busses under the
15 plan?

16 A Those requests would come through the counties,
17 not directly to us.

18 You would have to ask the counties.

19 JUDGE HOYT: Mr. Stone, when you reach a
20 logical breaking point --

21 MR. STONE: This may be such a point.

22 JUDGE HOYT: Very well.

23 The subpoena that was requested of us earlier
24 for Mr. Ronald Wagenmann has been signed and we will give
25 you the copy for service there.

1 MR. STONE: Thank you.

2 JUDGE HOYT: My recollection is we have no
3 objection by any party here to the order of witnesses that the
4 LEA intends to call. Am I wrong, Mr. Conner?

5 MR. CONNER: We have no objection to what
6 order they are presented. We have been trying to find
7 out for some time. We do object if there is an inference
8 on anybody's part that we would proceed with the LEA
9 witnesses before completing ours. I mean our
10 witnesses have been here now for a long time, and we
11 want them finished. We have met with the
12 parties on this very point and suggested that various
13 orders of presentation and what the Board ultimately
14 adopted was not the one that we had recommended.

15 We certainly think, after droning on here
16 this long for a total of four days, five half-day
17 sessions, we are less than half way through the LEA
18 contentions with our witnesses.

19 JUDGE HOYT: I agree with you as to the extent
20 that I think the dates on which they intend to call these
21 witnesses would be best characterized as optimistic.
22 But we don't intend to change the procedure from the way in
23 which we had set it up in the order.

24 MS. ZITZER: Could I just comment?

25 We would fully support that same procedure.

1 We simply wanted to make it clear to the parties that if
2 need be we were prepared to begin so as to not cause
3 any problems for any of the parties, and I would like to
4 make sure that the parties understand, if for any
5 reason we are not ready to begin on Thursday, our
6 intention would be not to shift back the whole schedule
7 but to then go on to Friday's schedule so as to allow
8 our witnesses at least a definite time and day when they are
9 going to come. Any witnesses that are not met,
10 that do not testify on this schedule, as it is presently
11 proposed, there would be added on at the end. And
12 we will gladly provide a written schedule again to keep
13 the parties up to date on that.

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1 JUDGE HOYT: I take it that the schedule is
2 merely the order in which they will be called and the dates
3 would be a matter of slippage.

4 MS. ZITZER: What seems to be the most efficient
5 with the witnesses, if it is agreeable to the parties, to take
6 as we come to each day on that schedule, to take those
7 people that are listed there.

8 JUDGE HOYT: No, Ms. Zitzer, that is not the way
9 the Board had originally set its order. And I think that is
10 the basis of what Mr. Conner was talking about.

11 Now we have agreed to one method of presentation.
12 I hope we are on the same wavelength here. Your witnesses
13 would be called then in the order that you have them listed
14 here when your turn came to call your witnesses.

15 MS. ZITZER: I beg your pardon, your Honor. I
16 certainly agree that all the other witnesses and cross
17 examination should be completed before LEA's witnesses begin.

18 JUDGE HOYT: Very well.

19 MS. ZITZER: It will eliminate a lot of unnecessary
20 time back and forth on the phones to our witnesses, if,
21 however, once we start with them on any given day we can
22 take the witnesses that are currently scheduled for that
23 day rather than continually bumping back witnesses.
24 It may mean simply we take the first day or two and take
25 those witnesses at the end, rather than bump everyone back.

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1 The reason I was not here this morning was
2 because I was confirming all of this. It just becomes a
3 procedural problem.

4 JUDGE COLE: But once we start a given witness, we
5 will continue with him until finished.

6 MS. ZITZER: Of course.

7 JUDGE HOYT: And we intend to finish the Applicant's
8 case before we get to your case in chief.

9 MS. ZITZER: Certainly.

10 JUDGE HOYT: We may be talking at cross purposes
11 here somewhere.

12 MR. CONNER: Might I make one point?

13 JUDGE HOYT: Mr. Conner?

14 MR. CONNER: Here again we have sort of a poly-
15 centric subject. Some of the witnesses that are being
16 tendered in the testimony -- Mr. Morabito, for example, we
17 filed a motion to strike. We think what has been filed as
18 an evidentiary matter is incompetent and move to strike it.
19 So that may go very quickly.

20 The problem is on Monday December 2, they have
21 only two witnesses listed. There is no assurance that we
22 would take as long with those two individuals as has been
23 taken with our witnesses. So, I think we should not run into
24 a situation where we are faced with dead time, because it
25 wouldn't take us very long to get rid of Mr. Fetters and

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1 Mr.Vutz, very likely.

2 So, I think LEA should be prepared to have its
3 witnesses ready to come. As soon as one is done they go on
4 with the next one. And not quit at 10 o'clock on Monday, or
5 2 or 3 o'clock on Monday, and then waste the rest of the day
6 because there are no witnesses available.

7 MS. ZITZER: Your Honor, we fully agree with that
8 and we understand that.

9 JUDGE HOYT: I think we are all probably on the
10 same wavelength. We want to move along in an orderly fashion.

11 There was a question as to the clarification --

12 JUDGE COLE: Ms. Zitzer, on the list, schedule of
13 witnesses called by LEA, identified as page 1, on Friday,
14 November 30th 9:00 a.m. to noon, you have in parentheses,
15 "more witnesses can be on call."

16 What did you mean by that?

17 MS. ZITZER: I mean we understand that our
18 witnesses are to continue in all time that is available.
19 Since some of those witnesses are-- in fact, I think all of
20 those witnesses, their testimony is subject to motions to
21 strike. We understand that we would need to be prepared to
22 present other witnesses if, for reason they do not testify.

23 JUDGE COLE: Okay. You mean other witnesses that
24 are on this list further on down, like Mr. Fetters and
25 Mr. Vutz might be ready to go next after Sandra Hurst or

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Donald Morabito?

1
2 MS. ZITZER: If I could provide an answer to that
3 tomorrow?

4 I'm not 100 percent sure that Mr. Fetters is
5 available Friday morning, and I understand that there
6 may be some questions in one or two of the schedules, such
7 that it is necessary for additional information so that
8 the parties can properly prepare.

9 JUDGE COLE: The main reason why I ask the
10 question is, when you stated here "more witnesses can be on
11 call," no surprise witnesses? The witnesses are listed here?

12 MS. ZITZER: Oh, certainly. Yes. Yes. I simply
13 meant other witnesses that we had not completed. Certainly.

14 JUDGE COLE: Okay. Thank you.

15 JUDGE HOYT: Very well. Tomorrow morning we will
16 meet at 9 o'clock, which is a change from our schedule of
17 9:30. And we will go until a minimum of 5 o'clock tomorrow
18 afternoon. That gives us an extension of one more hour on
19 that day.

20 And we will continue that same schedule for the
21 November 28th and November 29th hearing. We will convene on
22 November 30th at 9 o'clock a.m., but we will recess at 12
23 noon.

24 MR. HIRSCH: Judge Hoyt?

25 JUDGE HOYT: yes, Mr. Hirsch?

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1 MR. HIRSCH: Could I take this opportunity to
2 state for the record that I am distributing FEMA's prefiled
3 testimony on the admitted portions of the deferred contentions,
4 to the parties who are in the room?

5 JUDGE HOYT: Yes.

6 MR. HIRSCH: Thank you.

7 JUDGE HOYT: You will, of course, serve that
8 through the appropriate mechanism in the Commission, i.e.
9 the Secretary of the Commission?

10 MR. HIRSCH: Yes, I will.

11 JUDGE HOYT: These are informational copies that
12 you will be giving today?

13 MR. HIRSCH: I would prefer for the parties who
14 are being given copies by me today, that these will be not
15 only the informational copies, it will be their only copy
16 unless they indicate otherwise.

17 I did not intend to send separate copies to the
18 same people.

19 JUDGE HOYT: My concern there is, I am not the
20 custodian of the documents of this Commission, but the
21 Secretary is. And therefore, in order for the mechanism to
22 work without any breakdown, I would expect you to proceed
23 with the normal service mechanism as provided by the Rules of
24 the Commission. And whatever you give the parties today are
25 merely the informational copies.

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1 MR. HIRSCH: Very well, if that is what you would
2 like.

3 JUDGE HOYT: Thank you.

4 MS. ZITZER: For the record, your Honor, LEA would
5 intend to do the same at this time, also.

6 JUDGE HOYT: Very well.

7 With the same direction, Ms. Zitzer.

8 MS. ZITZER: Yes.

9 JUDGE HOYT: So many we are given copies of it, but
10 I have no method by which I can get it into the docket, the
11 official dockets of the Commission, which are retained by
12 the Secretary. And therefore, the record when it is
13 transmitted to the Appellate Court, for example, counsellor,
14 would not contain that particular piece of information and
15 it would be lost because I might not get it back to the right
16 source in time.

17 There is a reason for doing it that way.

18 MR. HIRSCH: I understand.

19 JUDGE HOYT: Very well. Anything else before we
20 adjourn for the evening?

21 (No response.)

22 Very well we will meet tomorrow morning at 9 o'clock.
23 This hearing is in recess.

24 (Whereupon, at 5:15 p.m., the hearing was recessed
25 to resume at 9:00 a.m. on Tuesday, 27 November 1984.)

CERTIFICATE OF OFFICIAL REPORTER

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, November 26, 1984

were held as herein appears, and that this is the original
transcript thereof for the file of the United States Nuclear
Regulatory Commission.

Marilynn M. Nations
Rebecca Eyster
Miriam Meltzer

(Sigt)

(TYPED)

Rebecca Eyster, Miriam Meltzer,
Official Reporter Marilyn M. Nations

Reporter's Affiliation