

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

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NATIONS
12/6/84

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

- - -

In the Matter of:]
] PHILADELPHIA ELECTRIC COMPANY] Docket Nos. 50-352-OL
] 50-353-OL
8 (Limerick Generating Station,]
9 Units 1 & 2)]

Old Customs Courtroom
U. S. Customs House
2nd and Chestnut Streets
Philadelphia, Pennsylvania

Thursday, December 6, 1984

The hearing in the above-entitled matter convened,
pursuant to recess, at 9:00 o'clock a.m.

BEFORE:

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

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

DR. JERRY HARBOUR, Member
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
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CR21259
Nations
12/6/84

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		<u>EXAMINATION</u>			
<u>WITNESSES:</u>	<u>Direct</u>	<u>Voir Dire</u>	<u>Cross</u>	<u>Redirect</u>	<u>Board</u>
ROBERT W. FETTERS, JR.					
(Resumed)					
By Ms. Zitzer	14,740				
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By Ms. Ferkin			14,759		
By Ms. Wright			14,763		
By Mr. Hirsch			14,765		
By Judge Cole					14,768
By Judge Harbour					14,770
JOHN LUKACS					
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DR. THOMAS PERSING					
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LAY-INS

Testimony of John Lukacs	14,774
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C O N T E N T S

(continued)

R E C E S S E S

morning recess	14,775
luncheon recess	14,834
early afternoon recess (fire drill)	14,883
late afternoon recess	14,973

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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
3 the record reflect that all the parties to the hearing who
4 were present when the hearing recessed last evening are
5 again present in the hearing room, that the witness has
6 taken his place upon the witness stand. Sir, I will remind
7 you once more that you are still under oath.

8 Prior to starting the morning session, I would like
9 to remind the parties and record on this record the fact
10 that after the conclusion of the testimony last evening
11 the counsel and representatives of the various parties
12 remained in session on an off-the-record discussion which
13 was an extended on.

14 This concerned the use of a time frame for
15 the presentation of the next series of witnesses by the LEA
16 among other things and there was a very extended discussion
17 of the times and dates for future hearings in light of the
18 fact that the hearings have moved much more slowly than
19 had been anticipated.

20 In accordance with the discussions, it was agreed
21 among the parties that when an LEA witness among these
22 approximately 60 witnesses which LEA has estimated that they
23 have will be called that those witnesses with pre-filed
24 testimony would be presented by LEA, that the applicant
25 would be extended a period of 30 minutes for cross-examination,

mnl-2

1 that the NRC, the counsel for the Commonwealth of Pennsylvania,
2 the Federal Emergency Management Agency would be extended all
3 20 minutes of cross-examination, that the representative of LEA
4 would be accorded 20 minutes of redirect examination. It was
5 agreed among the parties that without some decidedly need
6 that could be clearly demonstrated that there would be
7 recross-examination.

8 Now when witnesses presented by LEA would not have
9 pre-filed testimony, LEA's representative would be accorded
10 one and a half hours of direct examination, the applicant
11 would be extended one hour of cross-examination and that
12 counsel for the NRC, Commonwealth and FEMA would be extended
13 30 minutes of cross-examination time. LEA would have
14 30 minutes of redirect time. Again, no recross unless there
15 was a decided and unforeseen need for it clearly demonstrated
16 by the party requesting any recross.

17 MS. ZITZER: Your Honor.

18 JUDGE HOYT: Yes. Let me check one more thing.
19 Subject to the availability of various hearing sites for
20 these hearings some of which we discussed last evening
21 in this off-the-record conference, we will prepare as soon
22 as possible a schedule for the time that these hearings
23 will begin on each day that we are on in session at the
24 various locations.

25 The present time frames that we will work with in

1 this week of December 6th and 7th will be as follows: we will
2 stay in session from nine this morning until five this
3 evening. We will have to abide by our original schedule
4 nine to twelve for December 7th tomorrow. The reason for
5 that is something that I had not thought about last evening
6 and talked about it later, the reporters have scheduled their
7 train times in accordance with our previously agreed upon
8 schedule and since there had been plans made in accordance
9 with that time, we will not disturb the arrangements that
10 already have been made.

11 Starting next week, we have only scheduled the
12 December 13th limited appearance session at Stowe. In
13 discussion among the Board members, it just does not appear
14 appropriate to try to schedule anything during the days of
15 December 14th and 15th, that would be the Friday and Saturday
16 after that limited appearance evening session.

17 Going back to the first part of the week, members of
18 this Board already have had previous commitments for time
19 in the office which simply does not permit us to convene
20 this Board during the other days of that week, that is
21 December 10th, 11th and 12th.

22 As soon as we have some indication from the
23 administrative people as to the location of the various
24 facilities that we can use and with the input that was
25 solicited and agreed upon by the parties last night, namely

1 the Commonwealth of Pennsylvania and I believe Mr. Conners
2 mentioned one facility to us and I forgot to ask you for
3 the address and the person to contact about that facility,
4 Mr. Conner if you will get that for me, I would appreciate
5 it later on this morning.

6 MR. CONNER: We will provide that at the recess.
7 I don't know the name but if you are referring to the State
8 Office Building, I would assume that that would be something
9 Ms. Ferkin would look into. We had two other ideas. There
10 were two courtrooms in Norristown that this Board has used
11 in the past, I am not sure this Board has used both of them
12 but it has used one of them.

13 JUDGE HOYT: Very well. I believe those two
14 that were mentioned last night, one is a ceremonial
15 courtroom that we had used --

16 MR. CONNER: And the other is the old federal
17 courthouse down on 9th and Market.

18 JUDGE HOYT: That we are looking into this morning
19 as well. Yes, Ms. Zitzer.

20 MS. ZITZER: I would like to make a comment about
21 the discussion we had yesterday afternoon.

22 JUDGE HOYT: Let me provide you that time but
23 let me see if what I have indicated to you this morning is
24 what, in fact, occurred during the hearings last night. Is
25 that in accordance with everybody else's recollection?

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1 Mr. Conner, I am getting a shaking of the head down, so I
2 take it that is affirmative.

3 MR. CONNER: Yes.

4 JUDGE HOYT: The Staff?

5 MR. MCGURREN: That is what the staff recalls,
6 Your Honor.

7 JUDGE HOYT: Mr. Hirsch?

8 MR. HIRSCH: That is FEMA's recollection as well,
9 Your Honor.

10 JUDGE HOYT: Very well. Ms. Ferkin?

11 MS. FERKIN: Yes.

12 JUDGE HOYT: Now, Ms. Zitzer.

13 MS. ZITZER: I want to clarify whether or not
14 this schedule we have just discussed applies to only LEA's
15 witnesses or whether it also applies to PEMA and FEMA
16 witnesses.

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1 JUDGE HOYT: The schedule that we have
2 provided this morning does not apply to PEMA's witnesses
3 at this time, but it will give us a point of reference
4 when the PEMA witness list is given to us. And we will
5 very probably have a similar type of discussion concerning
6 their witnesses, and we will also assign times for
7 direct examination, cross-examination, redirect, and recross,
8 if any.

9 That will also apply to any other witnesses that
10 the staff has as well. Mr. Conners, I think, understands
11 that.

12 The staff witnesses -- when these witness lists
13 are prepared by you, as soon as you can circulate them to
14 us, it would be most helpful.

15 MR. MC GURREN: Let me remind the Board that
16 the staff at this point has just one witness.

17 JUDGE HOYT: That was my recollection. In
18 the event that you have any additional witnesses, please
19 let me know.

20 MR. HIRSCH: Your Honor, I wanted the record
21 to reflect that there are going to be only two FEMA
22 witnesses, Mr. Asher and Mr. Kinard. We had originally
23 thought that Joe Keller was the third FEMA witness.
24 He will not be available for the hearings.

25 I also want to indicate for the record and for the

1 parties in the hearing room today that I will not be
2 available -- I have other commitments -- the week of
3 January 14 through the 21st of January. And I had planned
4 to discuss with the other parties whether we could arrange
5 for the FEMA panel to be on sometime either before
6 January 14 or after January 21.

7 We can arrange that as we proceed in the hearing.

8 JUDGE HOYT: Yes. That would be very helpful,
9 Mr. Hirsch.

10 The Board also recalls to all the parties that
11 there has been frequent urgings, there have been directions
12 by the Board, and there have been citations constantly
13 given that where you can enter into stipulations, the
14 Board is most eager to see that those stipulations are
15 worked out. We are prepared to accept any reasonable
16 stipulation that would be presented.

17 MS. ZITZER: LEA wishes to be heard.

18 JUDGE HOYT: Very well.

19 MS. ZITZER: We need to verify that the Board
20 will, upon completion of LEA's witnesses, enter into a
21 similar discussion of the appropriate amount of time for
22 the PEMA and FEMA witnesses. We are particularly concerned
23 because many of them are testifying on nearly all, which
24 is approximately eight to ten, contentions. And in view
25 of the panel nature of the way that the witnesses have been

1 presented, it would be extremely -- we believe it
2 potentially would jeopardize LEA's opportunity of fair
3 hearing to have to have only maybe eight or nine minutes
4 per contention for the PEMA witnesses, and Mr. Campbell
5 in particular, and would ask the Board at that time to
6 consider the schedule accordingly.

7 JUDGE HOYT: I think what I just indicated
8 to you is that we were going to consider each of
9 the witnesses. If you want me to say it again on the
10 record, I will be happy to do it.

11 MS. ZITZER: I don't believe that is necessary.

12 JUDGE HOYT: I have indicated to you that
13 we are going to do that. I always have problems with
14 panel witnesses anyway, but that is the way the --

15 MS. ZITZER: There is one other additional
16 comment --

17 JUDGE HOYT: All right. What else do you have?

18 MS. ZITZER: -- I need to make. LEA understood
19 that what took place yesterday afternoon to be a
20 discussion and not any kind of a final agreement.
21 Upon consulting with Mrs. Ercole, who is LEA's attorney
22 who will be conducting cross-examination of the school
23 district superintendents, we must enter an objection with
24 regard to the hour and a half time limit for two school
25 district superintendents in particular where staff shortages

1 regarding contentions LEA 11, 12, and 15 have been
2 identified. We are extremely concerned whether or not
3 the hour and a half time limit is going to allow us
4 to sufficiently explore the nature of those problems
5 and any potential resolution to those problems.

6 I am specifically referring to Dr. Roy Claypool
7 from Owen J. Roberts School District, and also to
8 the representative representing Methacton School District.

9 I would like Mrs. Ercole to be heard on that
10 if that is agreeable to the Board.

11 JUDGE HOYT: I don't think, Ms. Zitzer, we will
12 need to hear Ms. Ercole. The agreement was made. You
13 had the advice of counsel. These were the agreements,
14 and these time frames will be retained.

15 MS. ZITZER: LEA did not enter into agreement.
16 I object to the characterization of that.

17 JUDGE HOYT: Very well, Miss Zitzer.
18 Unfortunately, if you do not wish to use the word
19 agreement, that will be fine. However, it is the Board's
20 decision that these time frames will be applicable, and
21 in this situation, the witnesses that you indicated that you
22 have. I believe they are some 60 in number.

23 MS. ZITZER: LEA objects to this and believes
24 that its right to a fair hearing has been prejudiced by this
25 decision.

1 JUDGE HOYT: Very well, Miss Zitzer.

2 You indicated no problems with it last
3 evening.

4 MS. ZITZER: Your Honor, that discussion was not
5 on the record, and we did not understand that we at
6 that time entered into any final agreement.

7 JUDGE HOYT: That is precisely why I find
8 frequently discussions off the record are, although productive,
9 when someone wishes to use it as a vehicle of complaint
10 or recalculating their position later, that is always the
11 grounds that is used. I think that is not very applicable
12 here since every other counsel and representative in this
13 room last evening participated. I heard no objections
14 to what occurred. There was a very free, open,
15 all points of view were heard, considered. And we discussed
16 them quite openly, quite freely, and I think at that time
17 the Board was very pleased that we would be able to move
18 forward.

19 Now, having had those discussions, if you have
20 a change of heart, I believe that the consensus of this
21 group was that the time frames were adequate, and that will
22 have to be the way we will proceed.

23 MR. HIRSCH: Your Honor, could I make a suggestion
24 that might help clarify the situation?

25 I wonder if it might be feasible to agree that

1 if LEA's counsel is able to complete its cross-examination
2 of some of the other school superintendents in less than
3 an hour and a half, perhaps they would be permitted to --

4 JUDGE HOYT: Mr. Hirsch, I think that we will
5 have to consider that. However, I don't think that that
6 is an appropriate vehicle.

7 I think that is simply having made certain
8 decisions, then to not have the courage of your convictions
9 and to abide by those decisions, then the Board is going
10 to make a decision and abide by it.

11 Now, let's proceed with the witness that we
12 have.

13 All right, Mr. Conners.

14 MS. ZITZER: I object to the characterization --

15 MR. CONNER: I would like to again state for
16 the record, as I did off the record last night, we remain
17 ready to consider any possible stipulation. Next week
18 there will be no hearings. LEA could use that time to
19 prepare precise examination or perhaps stipulations.

20 Mr. Claypool is, I understand, a very friendly
21 witness to LEA. Maybe they can work with him and get
22 something that would expedite the entire matter.

23 We are willing to consider anything.

24 JUDGE HOYT: Can you keep some counsel from
25 your staff available to work with LEA, Mr. Conners, so that

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any stipulation could be readily reached with them in the event that LEA would be willing?

MR. CONNER: Somebody will always be at the end of our phone line, which they have.

JUDGE HOYT: Very well.

Miss Zitzer, that was the offer of the counsel to be at the ready for you if you wish to enter into any stipulations.

MS. ZITZER: With regard to prefiled testimony?

JUDGE HOYT: Miss Zitzer, the hearing is in session, please.

The discussion that Mr. Conner had was that he would always have an attorney ready to work with you in reaching any stipulation. That is on any testimony, prefiled or otherwise.

END 2

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MS. ZITZER: We will resume those discussions next week and we will be prepared to report back to the Board.

JUDGE HOYT: Very well.

MS. ZITZER: Your Honor, I --

JUDGE HOYT: Ms. Zitzer, I think we have spent half our time this morning with those discussions --

MS. ZITZER: I object --

JUDGE HOYT: Ms. Zitzer, I just advise you to begin your examination.

MS. ZITZER: LEA raised a concern yesterday about the problem of time deficiency for the cross examination of Dr. Claypool, and I am concerned that the record reflect that.

JUDGE HOYT: Ms. Zitzer, please, would you begin the examination of the witness.

MS. ZITZER: Yes, ma'am.

JUDGE HOYT: There is a provision in the rules of this Commission for contemptuous conduct, and I must advise you, you are coming very close to it.

MS. ZITZER: Thank you.

Whereupon,

ROBERT FETTERS

resumed the stand as a witness on behalf of Limerick Ecology Action, and having been previously duly sworn, was further examined and testified as follows:

DIRECT EXAMINATION (Resumed)

BY MS. ZITZER:

Q Mr. Feters, has any representative of the Downingtown School District had any discussions with you regarding the use of your buses in the event of a radiological emergency?

A I have had no meetings with the Downingtown School District in reference to any plan for evacuation of the Pickering Valley Elementary School.

Q Mr. Feters, are you aware that the Downingtown School District approved its Radiological Emergency Response Plan in February of 1984?

A I heard they had approved a plan, but I have not seen it.

Q Mr. Feters, if asked by the Chester County Department of Emergency County Services or the Downingtown School District, would you be willing to enter into a written agreement to provide buses and drivers to assist in the evacuation during a radiological emergency at Limerick?

MR. CONNER: I object to this. This is asked and answered. This is at transcript 14,714.

MS. ZITZER: I don't believe he was asked if he would consider if approached.

I believe he testified he had not been approached.

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1 MR. CONNER: The transcript says, "I have been
2 called by the Chester County Communications Department in
3 reference to whether or not we would hire buses to go to
4 other schools within the EPZ and I did not do so."

5 JUDGE HOYT: What page are you on, sir?

6 MR. CONNER: 14,714. It begins line 5.

7 MS. ZITZER: I believe my question wasn't limited
8 to the Chester County Department of Emergency Services, but
9 it also included the Downingtown School District.

10 JUDGE HOYT: The witness responded, Ms. Zitzer, at
11 page 14,714 on line 9, that he did not do this because,
12 "I figured if we had a problem with Downingtown School District,
13 that is where we have a contract to start with."

14 MS. ZITZER: The question was, if he would be
15 willing to enter into a written agreement to provide buses
16 and drivers, if approached by either the Downingtown School
17 District or the Chester Department of Emergency Services.

18 The reason I am asking the question is, the
19 followup question I want to ask, "if not, why not."

20 And I don't believe that that has been established
21 on the record.

22 JUDGE HOYT: The original question is -- the
23 objection is sustained.

24 If you wish to ask the second question, you may
25 do so.

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1 BY MS. ZITZER:

2 Q Mr. Feters, do you have any concerns about entering
3 into a written agreement with either the Chester County
4 Department of Emergency Services or the Downingtown School
5 District regarding the provision of buses and drivers in the
6 event of a radiological emergency at Limerick?

7 A I do have concerns.

8 Q What are those concerns?

9 A Well first of all, I would have to meet with my
10 drivers.

11 Second of all, to ask them to go into a situation
12 to evacuate students when they have their own families that
13 they are concerned with in that EP zone would be questionable
14 in my mind whether or not they would do it.

15 Q Mr. Feters are you aware of whether the number
16 of drivers that you employ that live inside as opposed to
17 outside the Emergency Planning Zone, to the best of your
18 recollection?

19 A Approximately 80 percent of my drivers.

20 Q Live where?

21 A Within the EPZ.

22 Q Within the EPZ?

23 A Yes.

24 Q How many drivers do you employ?

25 A 37.

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1 Q Do you have any other concerns?

2 A You mean in reference to the busing of the students?

3 Q Yes, sir.

4 A I do. I just have -- there is a few questions in
5 the back of my mind how it is going to be feasible to move
6 these children when you are snarled with traffic. I don't
7 really know how it would work. I have never been involved in
8 an emergency situation where you have had a real emergency
9 to evacuate these students.

10 We have a difficult time now just taking the
11 students to school and bringing them home if the parents
12 will stay away from the school and leave the buses do their
13 job.

14 Q So you have a difficult time.
15 Can you give any specific examples?

16 MR. CONNER: We object to this. The trouble with
17 the parents cloging the schools and the buses has nothing
18 to do with an evacuation in the event it were necessary, in
19 an emergency.

20 MS. ZITZER: I was simply asking --

21 JUDGE HOYT: Just amoment, Ms. Zitzer.

22 The objection is overruled.

23 MS. ZITZER: Thank you.

24 Go ahead.

25 THE WITNESS: We have, as I stated yesterday at

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1 the hearing, a tremendous traffic problem on Route 100.
2 How they are going to overcome it, I don't know. But this
3 is the main artery that would be leading into and out of
4 the Pickering Valley Elementary School.

5 The majority of the buses that go in and out of
6 that particular school which is in the Downingtown Area
7 School District have to use Route 100. They either go north
8 or south.

9 BY MS. ZITZER:

10 Q Mr. Feters, do you have any concern about the
11 entrance to the Turnpike exit at Downingtown, at Route 100?
12 And, do you have any knowledge from your experience as
13 Emergency Coordinator and your other duties and responsibili-
14 ties regarding traffic congestion or problems in that area?

15 MR. CONNER: Objection. That was covered
16 yesterday.

17 JUDGE HOYT: Ms. Zitzer, I think you have covered
18 a great deal of that area.

19 MS. ZITZER: I can ask a more specific question.

20 JUDGE HOYT: Very well. Thank you.

21 BY MS. ZITZER:

22 Q Mr. Feters, could you describe the intersection
23 at the interchange at the Downingtown interchange of the
24 Pennsylvania Turnpike and Route 100 and the traffic pattern
25 at that intersection?

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1 MR. CONNER: Object to this as unnecessary detail.
2 The interchange is not part of the evacuation route.

3 MS. ZITZER: It is the traffic pattern at the
4 interchange that I am concerned about on Route 100.

5 MR. CONNER: The interchange is not on Route 100.

6 MS. ZITZER: The entrance to the Turnpike is on
7 Route 100.

8 JUDGE HOYT: Isn't there an access in there?

9 We are looking at Exhibit E-69, Ms. Zitzer. If
10 you will refer to that -- it is a schematic, but I think it
11 illustrates it better than some of the other maps.

12 Ms. Ferkin, do you have your copy of 69, E-69?

13 MS. FERKIN: E-69?

14 JUDGE HOYT: Applicant's E-69.

15 MS. FERKIN: Excuse me. I'm sorry. I have my
16 copy, yes.

17 (Document handed to counsel for LEA.)

18 JUDGE HOYT: I think the objection was to your
19 question speaking -- as I understood it at least -- that
20 you had characterized the Downingtown interchange as being
21 off of Route 100. And the maps that we have on the scene,
22 Ms. Zitzer, simply does not concur with that, as an access
23 with that.

24 (Counsel Zitzer handing document to witness.)

25 MS. ZITZER: I believe the Applicant's Exhibit

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1 which you referred to, I believe it is E-69?

2 JUDGE HOYT: That's right.

3 MS. ZITZER: It has a line drawn, which I believe
4 is intended to represent the entrance ramp to Route 100.

5 Is that correct?

6 JUDGE HOYT: The witness can testify to that better.

7 MS. ZITZER: My question to the witness -- my
8 concern is the traffic on Route 100 at the point where there
9 is an entrance and an exit ramp right there at the entrance
10 to Route 100.

11 I specifically wanted to ask him about his knowledge
12 of the traffic patterns at that location.

13 JUDGE HOYT: If that is the question, that will
14 be answered.

15 MS. ZITZER: Thank you.

16 JUDGE HOYT: Go ahead sir, if you know.

17 THE WITNESS: The main entrance to the Exit 23
18 on the Pennsylvania Turnpike, which is classified as the
19 Downingtown Interchange, the entrance and exit goes on to
20 Route 100 as stipulated in this example E-69.

21 JUDGE HOYT: Is that an accurate representation,
22 sir?

23 THE WITNESS: It is. I just came by it this
24 morning, it was still there.

25 (Laughter.)

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1 JUDGE HOYT: I meant on the map.

2 THE WITNESS: Yes.

3 MR. CONNER: If the Board please, this schematic
4 was prepared to illustrate. I am looking at one of the --
5 I forget who puts these out -- one of these maps which has
6 an accurate blowup of the city -- I mean of the area. And
7 this is only a schematic.

8 JUDGE HOYT: Yes, I understand.

9 MR. CONNER: So we do not purport that it accurately
10 represents that Exit 23 interchange. But it illustrates its
11 location, which I think is substantially accurate.

12 JUDGE HOYT: Thank you.

13 BY MS. ZITZER:

14 Q From your knowledge of traffic flow on Route 100,
15 Mr. Fetters, what has been your experience during peak
16 traffic hours of the effect of local traffic at that
17 interchange?

18 A There is a tremendous amount of traffic at the
19 peak hours, which is in the morning when the people are
20 going to work, to school and so forth, and the same in the
21 afternoon.

22 Q And is there any problem with traffic congestion
23 at that area that you are aware of that you could describe
24 in more detail?

25 A There is. On an average workday, which is Monday

mm19

1 through Friday, there is a tremendous traffic problem there
2 in the morning and in the afternoon.

3 Q What impact does that have on the flow of traffic
4 on Route 100?

5 A It snarls traffic, period.

6 Q What do you mean by "snarls"?

7 A I was involved the other morning in approximately
8 a mile and a half of traffic solid southbound on Route 100.

9 Q Does that happen on a routine basis, to the best
10 of your knowledge?

11 A To the best of my knowledge, yes. They just put
12 a red light in at the Turnpike exit, where the Turnpike exits
13 out to Route 100.

14 Q Has that helped improve the flow of traffic?

15 A No, it has not helped. It has hindered.

16 Q Thank you.

17 Did you have something else to say? I thought I
18 cut you off.

19 A (Shaking head negatively.)

20 Q Okay.

21 Mr. Fetters, you also testified that you contract
22 to remove snow in, I believe, Upper Uwchlan Township.
23 Is that correct?

24 A That is correct.

25 Q Is your snowplow responsibility limited to Upper

mm11

1 Uwchlan Township?

2 A Our contract is with Upper Uwchlan Township. But
3 in the past, in the previous years and so forth, we have had
4 to plow the PennDOT roads to get to the Township roads.

5 Q In Upper Uwchlan Township?

6 A That is correct.

7 Q Okay.

8 Do you have responsibility for snow removal on
9 state roads as well as municipal roads?

10 A No, just in Upper Uwchlan Township.

11 Q In Upper Uwchlan Township, who has the primary
12 responsibility for snow removal on state roads?

13 MR. CONNER: Objection. Asked and answered.

14 I will withdraw that, that's quicker.

15 MS. ZITZER: Thank you.

16 THE WITNESS: Would you repeat that question,
17 please?

18 BY MS. ZITZER:

19 Q On state roads in Upper Uwchlan Township, who has
20 primary responsibility for snow removal?

21 A Pennsylvania Department of Transportation on
22 their roads.

23 Q I believe yesterday you testified that there have
24 been some problems with the Pennsylvania Department of
25 Transportation carrying out that responsibility.

mm12

1 Is that correct?

2 A That is correct.

3 Q Could you provide more information regarding your
4 experience with these problems?

5 MR. CONNER: We do object to that. That has been
6 gone into. It calls for a speech on the same subject made
7 yesterday.

8 MS. ZITZER: I don't believe he provided any
9 explanation. He simply made a simple statement, and he
10 really did not provide, in my opinion, enough explanation
11 to really, for the record, state the nature of his involvement
12 with PennDOT and his concerns.

13 I am simply trying to ascertain the extent of
14 that contact and what his concerns are.

15 JUDGE HOYT: Objection overruled.

16 MS. ZITZER: Thank you.

17 THE WITNESS: The problem that I find with the
18 roads that are involved in the Upper Uwchlan Township that
19 the PennDOT takes care of, we have had roads that PennDOT
20 doesn't touch for two days with a snowplow. You just don't
21 see them, they don't show up. I don't know where they get
22 to. But they have a problem.

23 Consequently, what happens, we wind up --
24 supervisors give the authority and we wind up taking care of
25 the road, either plowing or cindering.

mm13

1 BY MS. ZITZER:

2 Q As Emergency Coordinator for Upper Uwchlan Township,
3 Mr. Feters, did you participate in the July 25th test drill?

4 A Yes, I did.

5 Q Did anything resulting from that participation
6 that day satisfy your concerns about traffic congestion on
7 Route 100 in the Marsh Creek State Park area, or at the
8 intersection of Route 100 and 113, and were traffic control
9 points set up at either of those locations or anywhere else
10 in the township during the drill?

11 A I was not involved in Route 100 or Route 113
12 intersection on traffic control.

13 I was involved with the Upper Uwchlan end of it
14 which would have been at the intersection of Route 100 and
15 Park Road on the exercise drill.

16 Like I said, it was an exercise drill.

17 Q Did you man that traffic control point that day?

18 A No, we did not.

19 Q Okay.

20 Is there any connection between the police and
21 fire services between Upper Uwchlan and Uwchlan Township?

22 A Yes.

23 Upper Uwchlan Township contracts with Uwchlan
24 Township the police service, and the Lionville Fire Company
25 covers part of Upper Uwchlan Township. Ludwig's Corner

mm14

1 Fire Company covers the other part. And the Glenmore Fire
2 Company covers the other corner of Upper Uwchlan Township.

3 Q Do you have any concerns about the availability
4 of police and fire services in the event of a radiological
5 emergency due to that shared nature of the relationship
6 between the two townships?

7 A According to our evacuation plan that was presented
8 to us, some of our traffic control points are to be manned
9 by the Pennsylvania State Police. The others are to be
10 manned by fire personnel and police.

11 In the event of an actual emergency, of an
12 actual emergency, I think Upper Uwchlan Township is going to
13 have to take care of it. I can't foresee the police or
14 fire personnel being available to do it. Just not enough of
15 them to go around.

16 Q Do you have the staff to do that?

17 A We have a small staff at this point, which is two
18 teams; one team to work on a 12-hour shift, and the other
19 team to work on a 12-hour shift.

20 We do not have enough people at this point to
21 man all those traffic points.

22 MS. ZITZER: I have no further questions.

23 JUDGE HOYT: Very well.

24 The witness has been passed to you for cross,
25 Mr. Conner.

mm15

1 MR. CONNER: Yes, ma'am.

2 CROSS-EXAMINATION

3 BY MR. CONNER:

4 Q Mr. Feters, I get the two Uwchlans mixed up
5 as I have already told you.

6 At the beginning of your testimony you said at
7 transcript 14,710, when shown the Traffic Master Plan and
8 Engineering Study that was identified as Exhibit 23 for LEA,
9 that -- you were asked what this document was and if you
10 used it.

11 You said it was a document similar to the one
12 we use.

13 I gather from that this document was not the one
14 you used?

15 A Can I see a copy of the document, please?

16 Q Sure.

17 MR. ZITZER: Mr. Feters, do you have that exhibit?

18 JUDGE HOYT: Mr. Conner, would you show the copy
19 to the LEA counsel that you are showing to the witness.

20 MR. CONNER: This is the exhibit they produced
21 yesterday.

22 (Document shown to LEA counsel.)

23 JUDGE HOYT: Let the record reflect that it has
24 been passed to counsel and witness.)

25 (Document handed to witness.)

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1 THE WITNESS: This is a document I looked at
2 yesterday.

3 BY MR. CONNER: (Resuming)

4 Q In other words this is not the one that your
5 township uses, is that correct?

6 A That is correct. It is marked Uwchlan Township.
7 I am in Upper Uwchlan Township.

8 Q Directing to your attention to your statements
9 on snow removal, I am not clear. As I understand it,
10 route 100 and route 113 are state roads.

11 A Yes, that is correct.

12 Q You have no contract to remove snow on either of
13 those but you sometimes do so in order to reach the municipal
14 roads in your township that you have a contract for, is that
15 correct?

16 A Not on route 100 and route 113 intersection.
17 No, sir. That is in Uwchlan Township.

18 Q Did you ever work for PennDOT?

19 A Do you mean contract with PennDOT or personally work?

20 Q Either way.

21 A Years ago we contracted with PennDOT.

22 Q You state that in some snow storms, PennDOT
23 didn't touch the roads for two days.

24 A That is correct.

25 Q As a township supervisor do you complain to PennDOT

mn4-2

1 about that?

2 A. I am not a township supervisor.

3 Q. I am sorry.

4 A. But I have complained to PennDOT. It doesn't do
5 any good, but I do it.

6 Q. As the management coordinator for Upper Uwchlan
7 Township and the emergency management coordinator, do you
8 complain to PennDOT?

9 A. Well, this is the first winter, the winter of
10 1984-1985, that I will be the emergency management coordinator
11 for Upper Uwchlan. I am sure that there will be some
12 complaints. I can see it coming.

13 Q. You didn't complain last night and you had three
14 inches of now?

15 A. No, I didn't. I was too tired from being here
16 all afternoon.

17 Q. Directing your attention to your testimony about
18 Marsh Creek State Park, I think I see in front of you
19 applicant's exhibit E-69 which is a skematic showing among
20 other things the Marsh Creek Lake and State Park area?

21 A. (Perusing document.)

22 Yes, I have the E-69 in front of me.

23 Q. You have testified about the travel congestion
24 that occurs in the summertime in particular when Marsh Creek
25 is occupied and exits onto route 100 and so forth. Do you

1 recall that?

2 A. Yes.

3 Q. In the event of an evacuation, is there any reason
4 why traffic in the park itself could not be diverted south
5 down Moore Road, Dorlan Mills Road and Creek Road away from
6 the emergency planning zone?

7 A. It is possible it could be arranged. Park Road
8 is the main entrance to the Marsh Creek State Park and the
9 other entrance comes in from route 282. It is kind of a
10 split session, the larger side entrance and exit from Park
11 Road. Now as you said, Moore Road goes off of Park. Yes,
12 they could go off there but we find the majority of them
13 and when I say "we" I am speaking of the police and the
14 Park police find a majority of them use Park Road and
15 the other ones use the road that leads to route 282.

16 Q. In the event an officer were posted as a traffic
17 control point at Park Road and Moore Road intersection,
18 couldn't they simply divert traffic south out of the park
19 rather than into the emergency planning zone?

20 A. It is possible, yes.

21 Q. Is there any reason why it couldn't?

22 A. In the past summer months they have had an awful
23 time trying to keep them away from Park Road going in, the
24 police have had a problem.

25 Q. I am talking only in the event of an evacuation in

nn4-4

1 an emergency.

2 A It is possible, yes. If you have a police officer
3 there, they can direct them out that way.

4 Q What is Moore Road and Dorlan Mills Road and Creek
5 Road south, what is the condition of those roads or the
6 basic design of them?

7 A Dorlan Mills Road is a PennDOT road. Moore Road
8 belongs to Upper Uwchlan Township. Park Road belongs to
9 the Commonwealth of Pennsylvania.

10 Q I didn't make myself clear. Are these two-lanes
11 or what kinds of roads, asphalt or dirt?

12 A No. They are all blacktop asphalt roads.

13 Q Two lane?

14 A Dorlan Mills Road is. Moore Road is and Park Road
15 is.

16 Q How about Creek Road?

17 A Yes, two-lane, blacktop road, Creek Road, 282.

18 Q From your description of route 100 yesterday,
19 they ought to be about comparable, wouldn't you say?

20 A Route 100 is larger than any of these three
21 roads that I just described.

22 Q I thought you said that it was two lanes yesterday?

23 A That is correct. The two lanes are wider.

24 Q I think I misunderstood you on this point. You
25 were asked about traffic control points and the state police

1 doing some and local police doing others. Then I understood
2 you to say that in the event of an emergency your township
3 would have to care of manning these control points alone.
4 Are you suggesting that the state police wouldn't do whatever
5 they had agreed to do?

6 A No. I felt that my people in Upper Uwchlan
7 Township in the emergency management group would have to
8 assist if these people were not able to arrive at these
9 points.

10 Q They would assist I infer from your statement?

11 A We would assist them if they needed so.

12 Q You talked about providing buses for your township
13 for school buses, I am sorry, and what school if any in your
14 township is inside the Emergency Planning Zone?

15 A We have of the Downingtown area school district
16 Pickering Valley Elementary School which has kindergarten
17 through sixth grade. There is a private school in the
18 township and it is called Uppatinas. That is a private
19 school there. I do not have a contract with them but
20 Downingtown School District does haul children in there and
21 I transport those children.

22 Q Do you understand that under the school evacuation
23 plan for the Downingtown School District that the Pickering
24 School has elected not to evacuate in the event of an
25 emergency but to shelter their students?

1 A. No. I was not aware of that.

2 MR. CONNER: We have no further questions.

3 JUDGE HOYT: Any questions by PEMA.

4 MS. FERKIN: The Commonwealth has a few brief
5 questions.

6 JUDGE HOYT: Very well. Proceed.

XXXXXX

7 BY MS. FERKIN:

8 Q. Mr. Fетters, do you happen to know whether Upper
9 Uwchlan Township has an agreement with PennDOT to maintain
10 state roads for a fee?

11 A. To my knowledge at this point they do not have
12 a contract with them.

13 Q. Mr. Fетters, how many traffic control points are
14 currently designated in Upper Uwchlan Township in the
15 township's emergency plan?

16 A. I don't have the plan with me.

17 MS. FERKIN: Would LEA counsel make available a copy
18 of the Upper Uwchlan emergency plan that has been identified
19 as Applicant's exhibit E-37?

20 JUDGE HOYT: I believe the staff, Ms. Ferkin, has
21 a copy available that they will offer to you.

22 (Above-referenced document supplied to the witness.)

23 MS. WRIGHT: The staff would like to note that
24 I had already turned to attachment D which designates the
25 traffic control points.

1 JUDGE HOYT: Thank you, Ms. Wright. The document
2 has been now placed in the hands of the witness.

3 BY MS. FERKIN: (Resuming)

4 Q I believe in attachment D of the plan we just
5 referred to, Mr. Feters, we have five traffic control
6 points designated in your plan. Is that correct?

7 A (Perusing document)

8 There are five listed here with three access
9 control points.

10 Q Did you participate in the selection of these
11 traffic control points?

12 A No, I did not.

13 Q Who selected these traffic control points?

14 A I have no idea.

15 Q You are the emergency management coordinator for
16 Upper Uwchlan Township, are you not?

17 A Yes.

18 Q Are you then not aware of the procedure by which
19 these traffic control points in this emergency plan were
20 chosen?

21 A Prior to my becoming the emergency management
22 coordinator was held at the time by the police chief of
23 Uwchlan and Upper Uwchlan Township and he resigned as police
24 chief and also resigned from this position of emergency
25 management coordinator. Whether or not he was involved in

mn4-8

1 this, I do not know.

2 Q I am not sure if this has been established, but
3 how long have you been emergency management coordinator for
4 Upper Uwchlan Township?

5 A Since the middle of the July.

6 Q Have you reviewed the plan you have in front of you,
7 draft seven, September 1984, prior to this date?

8 A What page are you on?

9 Q I am talking about the document you have in front
10 of you, the September 1984 draft seven, Upper Uwchlan
11 Township Radiological Emergency Reponse Plan.

12 A I have gone over it briefly.

13 Q Referring back to Attachment D, although you did
14 not participate in selection of the traffic control points
15 listed there, do you know where it is designated "township"
16 as the responsible organization what township means?
17 Does it mean Uwchlan Township or Upper Uwchlan Township or
18 both?

19 A These traffic control points as listed are in
20 Upper Uwchlan Township.

21 Q Is the responsible organization therefore Upper
22 Uwchlan Township?

23 A According to the listing that they have, they
24 have responsible organization, route 100 and Fellowship
25 Road would be state. I would assume that is state police.

mn4-9

1 The next would be state police for Little Conestoga and
2 route 100 and the following three are classified as
3 township so that would be the Uwchlan/Upper Uwchlan
4 Township Police Department.

5 Q Uwchlan slash Upper Uwchlan Police Department, is
6 that correct?

7 A Well, to my understanding Upper Uwchlan has a
8 contract for services from the Uwchlan Township Police
9 Department.

10 Q Do you have any concern that personnel from the
11 Uwchlan Police Department would not show up to man these
12 traffic control points in an emergency?

13 A I have a concern whether or not they would be able
14 to get there in case of an emergency not on a drill but in
15 the case of an emergency.

16 Q What is the basis for your concern?

17 A I feel that they will be otherwise occupied whether
18 they are in Uwchlan or Upper Uwchlan.

19 Q Do you know what the responsibilities of the
20 Uwchlan Police Department are under Uwchlan Township
21 Radiological Emergency Response Plan?

22 A No, I do not know what they are.

23 Q Just to clarify, Upper Uwchlan Township did not
24 staff the three traffic control points listed in attachment D
25 as being staffed by the township in the July 25th drill?

mn4-10

1 A That is correct.

2 MS. FERKIN: I have no further questions.

3 JUDGE HOYT: Does staff have any questions?

4 MS. WRIGHT: Yes, ma'am. The staff has a few
5 questions.

XXXXXX

6 BY MS. WRIGHT:

7 Q Mr. Fetters, you testified earlier that the
8 Upper Uwchlan Township contracted out for some of its
9 police services, is that correct?

10 A Upper Uwchlan Township contracts with Uwchlan
11 Township for their police service.

12 Q Was it also your testimony that Upper Uwchlan
13 has two teams of police officers who work in 12-hour shifts?

14 A No.

15 Q They do not?

16 A That was the emergency coordinator's team.

17 Q All right. During the July 25th exercise you
18 stated the Upper Uwchlan did not provide any personnel to
19 man the traffic access control points. Did anyone provide
20 for that? Were they manned at all?

21 A I do not know. I was involved in the drill with
22 PEMA and FEMA representatives there.

23 (Counsel for NRC conferring off the record.)

24 BY MS. WRIGHT: (Resuming)

25 Q With reference to your earlier testimony regarding

1 applicant's exhibit E-69 about back-ups along the Downington
2 interchange entering route 100. Do you recall that?

3 A. Yes.

4 Q. You said that there were tremendous back-ups, I
5 believe?

6 A. Yes. You have a back-up of traffic on route 100
7 heading southbound in the morning.

8 Q. Can you approximate the length of the back-up in
9 terms of car lengths or amount of time at any given
10 rush hour morning or afternoon?

11 A. I have observed approximately a mile to a mile and
12 a quarter of traffic.

13 Q. Do you know whether the Downington interchange is
14 the beginning or the point where the back-up begins or is
15 it the intersection between Lionville Avenue which I think
16 is route 113 and where it intersects with Pottstown Pike
17 which is route 100? On this map you have an intersection
18 at the Downington Interchange and route 100.

19 A. Yes.

20 Q. There is also an interchange between route 113 and
21 route 100.

22 A. Yes.

23 Q. The back-up you are speaking of is at the Downington
24 interchange, is that correct?

25 A. There is a turnpike bridge which is not on E-69

mn4-12

1 which crosses route 100. After you go underneath the turnpike
2 bridge and go approximately one block and at that point you
3 can see the intersection of the Downington interchange
4 exit and entrance. That is where I have sat with a busload
5 of students waiting to go south on route 100 in the rush
6 hour traffic in the morning as far as I can see. I cannot
7 see the intersection of 113 and 100 from that point.

8 MS. WRIGHT: Thank you. Those are all the questions
9 the staff has.

10 JUDGE HOYT: Very well. Mr. Hirsch.

XXXXXX

11 BY MR. HIRSCH:

12 Q. Mr. Fetters, my name is Mike Hirsch. I am with
13 the Federal Emergency Management Agency and I just have a
14 couple quick questions. Mr. Fetters, do you believe it is
15 an accurate assumption that during a winter snow storm in
16 the vicinity of Upper Uwchlan Township and specifically on
17 the designated evacuation routes out of the EPZ that roadway
18 capacity and speeds of vehicles on the roadways would be
19 reduced by 30 percent.

20 A. That is in a major snow storm that you are speaking
21 of?

22 Q. Not necessary a major snow storm. I don't know
23 how you would define a major snow storm but let's talk about
24 five or six inches of snow, let's say.

25 A. The speed of traffic is definitely cut.

1 Q Do you think cut by 30 percent is an accurate
2 figure or do you think it would be less than 30 percent?

3 A I think it is very conservative.

4 Q By that, you mean it could be more than 30 percent?

5 A I would say that the speed of the traffic would
6 be cut by more than 30 percent.

7 Q What do you base that opinion on?

8 A Actually being involved in the traffic in the
9 snow storm.

10 Q I believe you have testified that you have signed
11 no letters of agreement or contracts to commit yourself in
12 your capacity as the operator of a bus company to provide
13 bus companies for evacuation in the event an evacuation is
14 necessary from the EPZ. Is that understanding correct?

15 A I signed no contract with the Chester County
16 Emergency Services. I have a contract with the Downington
17 School District for the daily transportation of pupils to
18 and from schools. As I testified before, I have not met
19 with the Downington Area School District involving an
20 evacuation plan for the Pickering Valley Elementary School.

21

22

23

24

25

END#4

1 Q Do you know from any other source whether the
2 Downingtown Area School District personnel believe that your
3 bus company will provide bus services to evacuate the
4 Pickering Valley Elementary School in the event of an
5 incident at the Limerick Generating Station?

6 A Like I said, I have not met with them.

7 Q My question to you -- excuse me. I didn't
8 mean to interrupt you.

9 A I have a contract with them to transport
10 those students to and from school. If they call and said
11 they need to immediately evacuate the building, then
12 we try to fulfill that contract.

13 Q I assume when you say you haven't met with the
14 school district, that you have made -- strike that. Let
15 me start all over again.

16 Have you made any oral commitments with either
17 Upper Uwchlan Township or Chester County to provide
18 bus services to evacuate the Pickering Elementary School
19 or the second school that you mentioned that was in the
20 EPZ, Uppatinas School?

21 A Uppatinas.

22 Q Let me start over. Have you made any oral
23 commitments to either the Upper Uwchlan Township or
24 to Chester County committing yourself to provide bus services
25 for the evacuation of those two schools in the event of

1 an accident at the Limerick Generating Station?

2 A I have made no oral agreement.

3 MR. HIRSCH: Thank you. I have no further
4 questions.

5 JUDGE HOYT: Is there any redirect?

6 MS. ZITZER: I have no questions.

7 JUDGE HOYT: Very well.

8 Dr. Cole?

XXXXXXX

9 BOARD EXAMINATION

10 BY JUDGE COLE:

11 Q Just one or two questions, Mr. Feters.

12 Yesterday you were asked several questions
13 about the evacuation route, and you referred to Redbone
14 Lane as being a dirt/gravel lane. Do you recall that, sir?

15 A Yes.

16 Q Is Redbone Lane in Upper Uwchlan Township or
17 West Vincent Township?

18 A To the best of my knowledge, 99 percent of
19 Redbone Lane is in West Vincent Township.

20 Q But there is some part in Upper Uwchlan, to
21 the best of your knowledge?

22 A To the best of my knowledge, I believe there
23 is approximately a 50-foot section in Upper Uwchlan
24 Township which joins Fellowship Road. It has to access
25 onto Fellowship Road or Route 401.

1 Q All right, sir.

2 In the planned evacuation route, how long -- do
3 you know how long the section of Redbone Lane, I believe
4 it is identified as T-435 on the map, do you know how
5 long the section of Redbone Lane that is involved in
6 the planned evacuation route is?

7 A I would estimate it approximately a mile and
8 a quarter.

9 Q Is all of that in Uwchlan Township?

10 A Redbone Lane is in West Vincent Township,
11 the majority of it.

12 Q So all of the part that is involved in the
13 evacuation route is in West Vincent Township, or is this 50
14 feet involved?

15 A Well, the end of the Redbone Lane which exits
16 onto Fellowship Road, which is in Upper Uwchlan Township,
17 it is approximately, like I said, 50 feet, which would
18 belong to Upper Uwchlan Township. But the majority,
19 99 percent of the road is in West Vincent Township.

20 Q But that 50 feet is involved in the evacuation
21 route?

22 A Yes.

23 Q All right, sir.

24 Do you know if there are any plans to make
25 any improvements to that road?

1 A I have no idea what West Vincent intends to do
2 with that road.

3 Q Do you know if Upper Uwchlan has any plans to make
4 any improvements on Redbone Lane?

5 A The Upper Uwchlan end is in very good shape
6 compared to the rest of the road.

7 Q Does that mean that you don't think it would be
8 a problem in times of inclement weather?

9 A On the Upper Uwchlan end, I would see no
10 problem, but on the West Vincent end, like I said, I have
11 no knowledge of what they do and how they operate on
12 their cindering and snow blowing and so forth.

13 JUDGE COLE: Thank you, sir.

14 JUDGE HOYT: Judge Harbour?

15 JUDGE HARBOUR: I have one question for
16 Applicant's counsel, first. You referred to the
17 exhibit which you talked about as the exhibit which was
18 given yesterday. Is that exhibit LEA-22?

19 MR. CONNER: I have it as LEA-23.

20 JUDGE HARBOUR: Thank you.

XXXXXXX

21 BOARD EXAMINATION

22 BY JUDGE HARBOUR:

23 Q I just have a couple of questions. Is one of
24 the access control points in Upper Uwchlan -- are you aware
25 of whether the Downingtown interchange, which I believe is

1 actually located in Uwchlan Township, is a traffic control
2 point or not in the emergency plans?

3 A The Pennsylvania Turnpike exit and interchange
4 is in Uwchlan Township.

5 Q And do you know, it is a traffic control
6 point or an access control point, excuse me?

7 A I do not know what is on the Uwchlan plan.
8 I would assume it is, but I am not positive.

9 JUDGE HARBOUR: That is the only thing I have.

10 JUDGE HOYT: Do we have any other questions?

11 (No response.)

12 Very well, sir. Thank you for your attendance
13 and for your testimony here. You are excused, sir.

14 (The witness stood down.)

15 MS. ZITZER: We are prepared to call our
16 next witness, Mr. Lukacs.

17 Mr. Lukacs, would you please come forward?

18 (Pause.)

19 MR. CONNER: Mr. Nichols is giving the Board
20 the cross-examination plan.

21 Whereupon,

22 JOHN LUKACS

23 was called as a witness and, having been duly sworn,
24 was examined and testified as follows:

1 BY MS. ZITZER:

2 Q Mr. Lukacs, I have just given you a copy
3 of the testimony which you submitted to present by
4 Limerick Ecology Action in this proceeding on contention
5 LEA-24.

6 Do you have that testimony you prepared in
7 front of you?

8 A Yes, I do.

9 Q Have you had a moment to look your letter over?

10 A Yes, I did.

11 Q Is this the statement which you prepared to
12 submit as testimony in this proceeding?

13 A Yes, it is.

14 MS. ZITZER: Your Honor, just as a procedural
15 matter, I was informed by the Board that any testimony
16 that was the subject of Philadelphia Electric's motion
17 to strike would be discussed at the time that the witness
18 was presented. This is one such situation.

19 For the record, I would like to note that
20 the statement in Applicant's motion to strike which I believe
21 is dated November 8, 1984, raises the question of whether
22 or not Mr. Lukacs knowingly presented this letter which
23 he has typed the word "statement" on as testimony which was
24 to be submitted with his knowledge on behalf of Limerick
25 Ecology Action.

1 To the best of my knowledge, there is no
2 other discussion in the Applicant's motion to strike that
3 would relate to this particular piece of testimony.

4 Mr. Lukacs is here today at LEA's request.
5 He prepared the statement at LEA's request. LEA did type on
6 to the statement "Testimony before the Atomic Safety and
7 Licensing Board," as is noted in the Applicant's motion to
8 strike, and did type on the notation "Contention LEA-24,"
9 simply so that when LEA's transmittal of testimony was
10 received, that it would be clear to the parties
11 which contention this statement was in reference to.

12 And LEA has requested Mr. Likacs to come here
13 today for the purpose of conducting cross-examination by the
14 other parties on this testimony which he has authorized
15 us to file on his behalf.

16 For that reason, LEA would ask the Board to
17 deny the Applicant's motion to strike his testimony.

18 MR. CONNER: If the Board please, if Mr. Lukacs
19 says this is his testimony, that, of course, is the only
20 point we made in our motion to strike. If he says that,
21 we have no objection to him appearing as a volunteer
22 witness to give this as his testimony.

23 JUDGE HOYT: All right, sir. I will ask the
24 witness a question.

25 Doctor, you have been shown a statement which

1 is purported to be your statement. Do you acknowledge that?

2 THE WITNESS: Yes, your Honor, I do. I
3 prepared a statement and gave it to LEA on the date
4 marked there, the first of November. And if they wish
5 to present it as the testimony, I have no objection.

6 JUDGE HOYT: And you do acknowledge it as your
7 statement, sir?

8 THE WITNESS: Yes, I do, your Honor.

9 JUDGE HOYT: Very well.

10 I think with the explanation that the witness
11 has that this is his statement, the concern of the Applicant
12 in its motion -- if you wanted to withdraw the motion
13 to strike --

14 MR. CONNER: I thought I said I did, yes.

15 JUDGE HOYT: If that is your intention, very
16 well. This will be accepted into the record and
17 incorporated into the record at this point as the
18 testimony of the witness John Lukacs.

19 (Testimony follows.)

XXXXXXXXX

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John Lukacs
Valley Park Road
Phoenixville, Pa. 19460

Testimony before the
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

1 November 1984

Contention LEA-24

STATEMENT

(1) I am a resident of Schuylkill Township, Chester County, where I have lived for the last thirty years. I have been a member of the Township Planning Commission for the last fifteen years. I have held its chairmanship for four of these fifteen years. I am an owner of my property, the chairman of the former Committee for the Preservation of Schuylkill Township, and a registered Republican.

(2) I am not qualified to give an expert opinion on the technicalities of nuclear generating power but I believe that I have sufficient experience as a public official to state that I find the location and, therefore, the so-called evacuation plans and emergency transportation procedures of the P.E.C.O. not only inadequate but virtually impossible.

(3) It is not my business to question the reason why P.E.C.O. and the attendant authorities have selected Limerick -- in this highly populated region, and so close, indeed, within the radius of Greater Philadelphia. But I am compelled to state the following:

(A) The unwillingness and the hesitation of many of the municipalities within the ten-mile Limerick radius during the July evacuation "drill" was not merely the result of indifference or of insufficient attention devoted to this -- largely bureaucratic -- exercise. It was the result of their definite sentiment -- which, in certain cases, has crystallized into actual statements of opinion -- that the evacuation emergency plans in this area (especially ^{SOUTH} of Limerick) are virtually impossible.
^{EAST}

(B) So far as Schuylkill Township (and also the neighboring Borough of Phoenixville) go, we have had a number of traffic surveys during the last fifteen years, and our preoccupation with traffic is a constant element in the consideration of Planning Commission and Supervisors when it comes to any kind of proposed development.

Schuylkill Township (and Phoenixville, indirectly) find themselves in an unusual situation because Valley Forge National Park acts as a cushion between these still largely rural and small-town areas and the huge developments (which now have included an incredible generation of traffic) in the Valley Forge (East)-King of Prussia region and the so-called Route 202 corridor. It is consequent to this that our roads are relatively low-load capacity and already badly overcrowded. The county officials and in some cases the courts of the Commonwealth have sympathetically considered this condition during the past few years when it came to decisions involving possible large developments and adding to the traffic on existing roads.

(C) Unusual, too, is the condition that the population of Schuylkill Township (this is also true of Phoenixville, in spite of its wholly different social and economic situation) has

(continued)

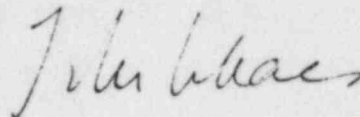
not increased significantly since 1970 -- in great contrast to much of the surrounding area, especially east and south of the township, within the so-called Great Valley industrial complex and the so-called 202 corridor. But even in this way our entire road system is already overcrowded, including off-peak hours, a situation whereof our School Board and the entire school system have been painfully aware.

(D) The completion of the Pottstown Expressway (scheduled 1986) and of the so-called Phoenixville Connector (scheduled 2000) will, at best, stabilize our present situation. The completion of these fast four-lane highways and/or expressways mostly serve the people west and northwest of us, which may be a considerable help for people travelling toward King of Prussia in normal conditions but which the people (and the children) of Schuylkill Township and perhaps of the entire southern segment of the Limerick ten-mile area will, on the one hand, not be able to reach because of the existing and projected road network and which, on the other hand, will not allow people from the northern segment of the Limerick area (including the municipalities closest to Limerick) to proceed with any reasonable expectations through the roads which we now have and which we presumably will still have five or even fifteen years from now.

(E) This, I believe, is the reason for the uneasiness and the scepticism and, in some cases, the definite reaction of the evacuation plan by most of the authorities in our township, including our school district administrators and fire companies.

(4) In sum, I do not hesitate to express my opinion, based on considerable experience and study, according to which the evacuation emergency plans in the event of a nuclear accident at Limerick are not only inadequate but perhaps impossible to realize.

Sincerely yours,



John Lukacs

1 BY MS. ZITZER:

2 Q Have you had an opportunity to review your
3 prefiled testimony?

4 A Yes, I did briefly this morning.

5 Q Is this statement still true and correct to
6 the best of your knowledge?

7 A That is correct.

8 Q Is there anything in the testimony that you
9 need to supplement or have any further concerns that you
10 would like to express at this time?

11 A I can't think of any right now.

12 MS. ZITZER: Your Honor, the witness is presented
13 for cross-examination by the other parties.

14 JUDGE HOYT: Very well. May I have just a
15 brief moment to retrieve something from the back room.

16 Maybe we can use this period more productively
17 to have about a five-minute break and truly keep it to
18 the five minutes, if we can, please.

19 Thank you.

20 The hearing is recessed.

21 (Recess.)

22 JUDGE HOYT: The hearing will come to order.

23 Let the record reflect that all the parties to the hearing
24 room are again present in the hearing room; that the
25 witness has taken his place on the witness stand.

XXXXXXX

1 Sir, you are still under oath, of course.

2 It has been the Board's decision, where the
3 LEA has submitted prefiled testimony, that the Applicant
4 will be accorded 30 minutes of cross-examination.

5 MR. CONNER: In the interest of moving the
6 hearing along, the Applicant will ask no cross-
7 examination questions.

8 JUDGE HOYT: Very well.

9 We have extended 20 minutes of cross-examination
10 time to the Commonwealth.

11 MS. FERKIN: The Commonwealth has no examination
12 for this witness.

13 JUDGE HOYT: Very well. Any cross-examination
14 by the Nuclear Regulatory Commission Staff?

15 MR. MC GURREN: The NRC Staff has no
16 questions, your Honor.

17 MR. HIRSCH: Nor does FEMA.

18 JUDGE HOYT: Very well. Since there has been
19 no cross-examination of the witness, the prefiled testimony
20 has been attached. I have no questions. There is
21 no redirect.

22 Sir, thank you very much for coming here.
23 We appreciate your attendance at the hearing.

24 THE WITNESS: Thank you.

25 MR. MC GURREN: The testimony was bound in the

1 record, was it not?

2 JUDGE HOYT: Yes. I believe that has been
3 indicated already, counsel.

4 (The witness stood down.)

5 MS. FERKIN: Judge Hoyt, simply for the record,
6 I would like to note that at the break, the Commonwealth
7 distributed to the Board its cross-examination plan
8 for those witnesses for whom LEA has provided prefilled
9 testimony.

10 JUDGE HOYT: Very well.

11 MS. ZITZER: At this time, LEA wishes to call
12 Dr. Thomas Persing, the superintendent of the Upper
13 Perkiomen Valley School District.

14 JUDGE HOYT: Would the witness please come
15 forward.

16 MS. ZITZER: For the record, Mrs. Ercole
17 is going to be conducting the examination today until
18 4 o'clock.

19 JUDGE HOYT: The Board would like to note
20 that this was a perfect illustration that we just had where
21 if there had been communication between the parties in this
22 case, it would not have been necessary to have brought this
23 witness down to the hearing. And I think for the
24 sake of the inconvenience of the witnesses who do come to
25 these sessions, when their testimony is going to be

1 received in the record because it has been reduced to
2 writing, we urge once more that counsel reach a stipulation
3 in advance.

4 Whereupon,

5 DR. THOMAS PERSING

6 was called as a witness and, having been duly sworn,
7 was examined and testified as follows:

8 JUDGE HOYT: Thank you, sir. As I understand it,
9 this witness does not have any prefiled testimony.

10 MS. ERCOLE: That is correct.

11 JUDGE HOYT: Mrs. Ercole, you were not here when
12 the decision was reached. Where there is no prefiled
13 testimony, LEA will be accorded one and a half hours for
14 the direct examination of the witness. The cross-examination
15 by the Applicant will be within one hour.

16 The Nuclear Regulatory Commission Staff, the
17 Commonwealth, and FEMA will be accorded 30 minutes
18 of cross-examination time. And you will be accorded, for
19 LEA, 30 minutes of redirect. No recross is permitted.

20 With that understanding, would you begin
21 your examination?

22 MS. ERCOLE: Yes.

23 DIRECT EXAMINATION

24 BY MS. ERCOLE:

25 Q Is it Dr. Persing?

XXXXXX

1 A Correct.

2 Q What is your current occupation?

3 A Superintendent of schools, Upper Perkiomen
4 School District, East Greenville, Pennsylvania, Montgomery
5 County.

6 MR. RADER: Your Honor, may I voir dire
7 briefly on the basic jurisdictional question which we had
8 put to the other witnesses?

9 MS. ERCOLE: I believe I will cover that in
10 my direct.

11 MR. RADER: Regarding the service of the subpoena.

12 JUDGE HOYT: Yes. I think your time has been
13 stopped to accord the Applicant an opportunity to take
14 this witness on voir dire.

15 MS. ERCOLE: Fine.

16 JUDGE HOYT: Very well, sir. Go ahead, counsel.

17 VOIR DIRE EXAMINATION

18 BY MR. RADER:

19 Q Dr. Persing, were you served with a subpoena
20 to testify in this proceeding?

21 A That is correct.

22 Q Were witness fees tendered with that subpoena?

23 A Yes, sir.

24 Q Did you accept those fees, sir?

25 A No, I have the check. I have not accepted it.

XXXXXX

1 Q Do you intend to negotiate that check, sir?

2 A No, sir. I do not.

3 Q Do you understand or are you volunteering to
4 testify then, sir, in this proceeding?

5 A Yes, sir.

6 Q You understand that without the subpoena,
7 without accepting the fee, that you are free to go?

8 A No. I didn't understand that.

9 Q Is it your decision to testify voluntarily?

10 A Certainly.

11 MR. RADER: Okay.

12 JUDGE HOYT: Very well.

13 Miss Ercole, you have the witness back. Your
14 time will restart.

XXXXXX

15 DIRECT EXAMINATION

16 BY MS. ERCOLE: (Resuming)

17 Q Dr. Persing, how long have you been superintendent
18 of the Upper Perkiomen School District?

END 5

19 A 1 January 1974.

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T6 MM/mm1

1 Q Do you have a resume with you today of your
2 professional qualifications.

3 A No, I do not.

4 Q For purposes of the record, therefore, would you
5 please indicate to the Board where you graduated from
6 undergraduate school?

7 A Bloomsburg University.

8 Q And when was that, sir?

9 A That was in June 1955.

10 Q And Bloomsburg University is in what state?

11 A Here in Pennsylvania.

12 Q What was your degree in?

13 A Degree was in chemistry and biology.

14 Q Did you do postgraduate work?

15 A Yes, I did. I took a master's degree at the Lehigh
16 University, Master of Arts and Teaching and Administration.
17 Took a master's degree in biochemistry from Penn State
18 University.

19 Other graduate courses, et cetera. Postgraduate
20 took a doctorate from Lehigh University.

21 Q And the doctorate that you obtained from Lehigh
22 University, when did you obtain that?

23 A October 1968.

24 Q And what was that in, sir?

25 A Educational administration.

mm2

1 Q Have you had any training in psychology?

2 A Yes.

3 Q And at what level?

4 A Undergraduate, predominantly. But of course some
5 graduate.

6 Q Do you have any degrees in it?

7 A No, I do not.

8 Q Is it fair to say that any of the studies that
9 you have taken as far as psychology is concerned, would be
10 interrelated with your courses in education and education
11 administration?

12 A I think that is a fair statement.

13 Q Is your position as a Superintendent with
14 Upper Perkiomen School District, is it an elected position or
15 an appointed position?

16 A It is an elected position.

17 Q Can you please indicate for the Board, exactly
18 where your school district lies in relationship to the
19 Emergency Planing Zone known as the EPZ, the ten-mile radius?

20 A With the exception of one school, which is
21 Green Lane Elementary School, located in Green Lane Pennsylvania
22 which borders Sumneytown and Marlborough School District --
23 with the exception of Sumneytown and Green Lane, with that
24 exception our school district lies totally outside of the
25 EPZ.

mm3

1 Q This elementary school, the Green Lane Elementary
2 School, what grades does it encompass?

3 A Kindergarten through fourth grade.

4 Q And what is your student population at that school?

5 A 190, 195 children.

6 Q Are any of the other schools within your authority
7 as school superintendent, serving as host schools?

8 A Yes. The high school, Upper Perkiomen High School
9 will serve as a host school for the students from the
10 Western Montgomery County Vocational Technical School.

11 In addition, there will be a mass care center
12 as per an agreement with the Red Cross.

13 Q And that will be where, at the Upper Perkiomen
14 High School?

15 A At the Upper Perkiomen High School. The high
16 school is located in Red Hill, Pennsylvania.

17 Q And what is its distance from the ten-mile radius?

18 A I would say that it is probably about a mile,
19 maybe -- approximately a mile.

20 Q So we are talking in terms of a distance of
21 approximately eleven miles from the Limerick Generating
22 Station?

23 A To the best of my knowledge, yes.

24 Q The elementary school, to which you referred, can
25 you indicate what is your teacher population?

mm4

1 A The teacher population there would be nine teachers.

2 Q And in terms of -- would this include teachers
3 and staff or just teachers?

4 A Just teachers. I didn't put into that category
5 the itinerant teachers that arrive for special services, nor
6 the psychologist or the principal.

7 Q What is your regular full-time staff at Green Lane
8 Elementary School?

9 A That would be the nine teachers.

10 Q I see. Do you currently have bus provisions for
11 the Green Lane Elementary School children?

12 A Yes.

13 Q And how many buses do you use for the Green Lane
14 Elementary School?

15 A Frankly, I am not 100 percent sure. But I think
16 there were six or seven.

17 Q And are those buses school-district-owned buses?

18 A No, they are not. All of our busing is contracted
19 through Frank Levy. That is Levy Bus Company, L-e-v-y.

20 Q Is it fair to say that during your duties as a
21 Superintendent, you have -- you work in relationship with
22 school Boards of Directors?

23 A That's fair.

24 Q How many sit on the school Board of Directors?

25 A Nine.

mm5

1 Q Are they elected officials or appointed?

2 A They are elected.

3 Q During the course of your duties as a Superintendent
4 for Upper Perkiomen, have you had occasion to become involved
5 in the review of these emergency planning procedures for
6 your school district?

7 A Yes.

8 Q And the emergency planning procedures I am
9 referring to would be those contained in your draft plan as
10 prepared by Energy Consultants for radiological emergencies
11 at Limerick?

12 A That's correct.

13 Q Do you know what is the current draft plan that
14 your school is reviewing?

15 A Draft 4.

16 Q Has Draft No. 4 been adopted?

17 A None of the drafts have been officially adopted.

18 Q Would you state, Dr. Persing, whether you have a
19 task force in your school district reviewing the plan,
20 Draft 4?

21 A Yes, we have Harold Romeike, who is Director of
22 Buildings and Grounds; Alton Frey, who is the Administrative
23 Representative, who is Assistant Principal at the high school;
24 Michael Ulrich, who is Director of Transportation for the
25 School District; and myself.

mm6

1 Q Are there any teachers on your task force?

2 A No, there are not.

3 Q Are there any parents on your task force?

4 A No, there are not.

5 Q How long has your task force been in existence?

6 A I'd say about five months.

7 Q And what was the reason for forming that task force?

8 A The reason was to review the drafts as they came

9 in and to work in cooperation with any and all people to

10 formulate a response plan for the school district.

11 Q Has the task force that you have just described,
12 have they prepared any position papers or statements or formal
13 review of the plans?

14 A Negative, not formal.

15 Q At some point do you envision the task force to
16 make certain findings and reduce them to writing and submit
17 them to the School Board?

18 A Yes, we do.

19 Q Do you envision when that date would be, if you
20 have a date?

21 A We do not have a date at this time. We are trying
22 to work within a time frame -- the time frame or time limits
23 of, somewhere between February and March--to try to get other
24 people involved.

25 Q Why are you speaking in terms of time limits by

mm7

1 February or March?

2 A The reason we are doing it is because --

3 Q I'm sorry, I didn't hear that, sir.

4 A The reason that we are proposing that particular
5 time frame, because it is our understanding that if everything
6 were to go correctly, why the Limerick Plant might be in
7 operation at that time. I have no documentation to substantiate
8 that. That is just hearsay.

9 Q And the hearsay, who have you received that from?

10 MR. RADER: I object to this line of questioning.
11 I think it is irrelevant when any task force report will be
12 made, or how that may or may not be related to the ultimate
13 operation of the Limerick facility as regards these particular
14 contentions.

15 MS. ERCOLE: If I might, your Honor.

16 JUDGE HOYT: Yes?

17 MS. ERCOLE: I believe this witness could state
18 in terms of what the status of his planning process is, and
19 that if it is impossible to do certain things, or if it is
20 unfeasible to do certain things within the date which this
21 witness says may be an artificial date -- it may not even
22 be applicable -- I think the witness should have the
23 opportunity to state that.

24 JUDGE HOYT: Objection overruled.

25 MS. ERCOLE: Thank you.

mm8

1 BY MS. ERCOLE:

2 Q You may answer.

3 A This was with conversations with people from
4 Montgomery County and with John Cunningham.

5 Q John Cunningham is from Energy Consultants?

6 A Correct.

7 Again, I want to emphasize that these are purely
8 speculative. There aren't any definite times ever issued
9 to us at all.

10 Q I see.

11 Just for clarification, when you indicate
12 Montgomery County, you are referring to Mr. Bigelow?

13 A Correct. Well, that is not only Mr. Bigelow,
14 that would have been Sam Talbot -- Talpa -- I don't know.
15 Sam -- it is a shame I can't remember the last name.

16 Q Does Sam Taback refresh your recollection?

17 A Yes, that's correct.

18 Q Is he designated as Mr. Bigelow's assistant?

19 A I don't know that. But he did meet with us.

20 Q Is it fair to say that your task force is planning
21 further meetings within the next few months to review the
22 status of your draft?

23 A Oh, yes.

24 Q Have you reported any unmet needs to Montgomery
25 County?

mm9

1 A Some of the needs that we have alerted them to,
2 of course, are some changes in the plan insofar as personnel,
3 which is minimal. And they are easily to be done.

4 Some of them -- the other situation where we do
5 need, and they have stated that they will be supplied,
6 designated lines, private lines for telephone communication
7 at the high school -- and these have been stated that they
8 will be installed shortly.

9 The other items that we will need to determine is
10 working, of course, with the private schools in our area. We
11 want to meet them, which we haven't done. We want to have--
12 we want to make sure that we have public meetings with our
13 people, we want to make sure that we get back to all of the
14 information, as much of the information as is feasible, to
15 all of the parents and to the teachers. And, we also need
16 to have again, more public meetings to try to get public
17 input or any type of questions, or answer whatever questions
18 they might have.

19 Q Are you anticipating doing all the things you
20 just enumerated before the plan is submitted for review by
21 the School Board?

22 A Oh, unquestionably.

23 Q You have indicated that you have made certain
24 requests for telephone communication lines.

25 A Yes.

mm10

1 MR. RADER: I object to this line of inquiry. There
2 is no contention relating to communication with schools by
3 any emergency planning unit.

4 There is no contention relating to that subject,
5 your Honor.

6 JUDGE HOYT: Do you wish to be heard?

7 MS. ERCOLE: Yes, I do.

8 JUDGE HOYT: Very well.

9 MS. ERCOLE: I do not intend to pursue a whole
10 line of questioning on telephone communication or notification.

11 The Superintendent has indicated this is one of
12 the problems they have with the plan. It bears on the
13 willingness of the school district and the buses and the
14 teachers to assure that the plan will be properly implemented.

15 And, my question in this regard is, what, if any,
16 representations were made about the telephone communication
17 system? I am not going into detail in terms of how it is
18 going to be installed and who is going to be notified.

19 MR. RADER: There is no foundation for Ms. Ercole's
20 representations, there is some connection between communica-
21 tions and the willingness of school staff to perform their
22 assigned functions.

23 MS. ERCOLE: This is one of LEA's specifications,
24 and I would ask the Board, since the Superintendent brought
25 up the question of the telephone communication, perhaps what

mm11

1 I could do is just ask him what representations were made in
2 that regard, and then move on.

3 JUDGE HOYT: Objection overruled.

4 THE WITNESS: There were several lines, telephone
5 lines, that would be installed in the high school for
6 designated use during times of emergency. As I understand
7 it, there would be unlisted number and private.

8 BY MS. ERCOLE:

9 Q Who would do the installation, that was my
10 question.

11 A It is my understanding it would be Philadelphia
12 Electric.

13 Q Did Mr. Cunningham make those representations to
14 you?

15 A Yes.

16 Q Is it fair to say that Mr. Cunningham was the
17 representative from Energy Consultants that worked with your
18 school district?

19 A Yes.

20 Q Can you indicate how many meetings, if any, you
21 have had with Mr. Bigelow from Montgomery County?

22 A I have had a minimum of three meetings. It may
23 have been four, but it has been a minimum of three meetings
24 with Mr. Bigelow.

25 Q And during the course of those meetings with

mm12

1 Mr. Bigelow, did you have occasion to discuss the unmet needs
2 that you have just listed?

3 A Yes.

4 Q When was the most recent meeting that you have had
5 with Mr. Bigelow?

6 A To the best of my recollection, it would be approxi-
7 mately six weeks ago.

8 Q During the course of your relationship with
9 Energy Consultants, can you indicate what, if any representa-
10 tions were made by Energy Consultants about the need to adopt
11 or promulgate the plan that you have designated as Draft
12 No. 4?

13 A What needs?

14 Q My question is, what representations if any, were
15 made by Energy Consultants with regard to the requirement of
16 the school district to adopt or promulgate Draft No. 4?

17 A They stated that they would be working as
18 closely as would be needed with us, as did the county, and
19 they would take, as with the county as I understand it, take
20 whatever revisions we have had and incorporate them in the
21 draft.

22 Q Were any representations made to you about
23 adopting the plan as Draft 4?

24 A No.

25 MR. RADER: Objection, asked and answered -- I

mm13

1 withdraw my objection.

2 BY MS. ERCOLE:

3 Q Were any representations made to you, if any, with
4 regard to your school district plan if it remained unadopted
5 by the school district?

6 A No.

7 Q In your school district you have indicated that
8 there are a number of private schools, Dr. Persing.

9 Is it the position of the school district to be
10 responsible for the private schools within its borders?

11 A Responsible only to those students which we have
12 a responsibility to transport. We have the Perkiomen Prep
13 School, which is a private school. And we transport what we
14 call the day students to and from the school.

15 We also provide 100 percent of the transportation
16 for the students to St. Phillips Neri High School. We also
17 supply transportation outside of our school district to private
18 schools.

19 Q Are the two school districts that you have mentioned,
20 Perkiomen Prep School and St. Phillips, are they within the
21 ten-mile radius, or outside?

22 A They are within the ten-mile radius.

23 No, excuse me, I misunderstood what you said.
24 They are in our school district, they are not within the ten-
25 mile radius.

mm14

1 Q Are there any private schools within your school
2 district that are within the ten-mile radius for which you
3 will be responsible?

4 A Yes.

5 Q Which school districts are those -- not school
6 districts, which schools?

7 A Schools?

8 Q Yes.

9 A Well, we have St. Pius School, which is a high
10 school, which we transport students to.

11 In addition, we have Western Montgomery County
12 Vocational Tech School that we transport to.

13 In addition to that , we have numerous private
14 schools and/or other public school districts that we transport
15 to for special education students.

16 I, frankly, don't have those numbers within my head
17 because, I believe there is something like 37 different ones.

18 Q Have you, during the course of your duties as
19 Superintendent in this emergency management process, have you
20 reviewed with those private schools within your school
21 district, their emergency planning -- their emergency planning
22 procedures as it relates to --

23 A Not at this time.

24 Q Can you state why, sir?

25 A Well, we are, quite frankly, quite busy getting

mm15

1 our own house in order, and we want to do that first.

2 Q Will you be providing bus transportation to
3 evacuate the St. Pius High School, the Western Voc High
4 School and other privates schools within your school district?

5 A The ones that are within our district, we will
6 supply the same type of transportation that we now supply
7 to them.

8 Q You have indicated that you have submitted --
9 have discussed the question of your school district's unmet
10 needs with the county and with Mr. Cunningham.

11 My question to you in this regard is, have you
12 reported any unmet needs in terms of buses?

13 A We do not have any anticipated unmet needs for
14 buses based on what Mr. Bigelow said would be available.

15 Q Did you do a determination of how many buses would
16 be needed to evacuate the elementary school within your
17 school district and the private schools you will be providing
18 transportation for?

19 A The number of buses that we need --

20 Q When you say "we," just --

21 A "We," being the school district -- the school
22 district to provide the type of transportation that we now
23 provide within our school district, within the confines of
24 our school district, are about 31 in number, all of which are
25 contracted with Mr. Levy, Frank Levy Bus Transportation.

mm16

1 They are fully available, it is my understanding.

2 Q When you say that it is your understanding, upon
3 what is that understanding based?

4 A We have a contract with Mr. Levy, since he supplies
5 all of our buses. He has assured us verbally as he does
6 for any emergency evacuation, including inclement weather,
7 that the buses will be available, and drivers, obviously.

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1 MS. ERCOLE: Excuse me one moment, please.

2 (Counsel for LEA conferring off the record.)

3 BY MS. ERCOLE: (Resuming)

4 Q Dr. Persing, have you had any discussions with
5 Mr. Bigelow with regard to the Levy Bus Company's
6 representations about providing buses and drivers to your
7 school district?

8 A Not to my recollection. I don't remember talking
9 to him specifically about Frank Levy buses.

10 Q So you have no specific recollection about
11 talking to the Office of Emergency Preparedness for Montgomery
12 County about your arrangements with Levy Bus Company?

13 A Just simply to tell them that we have been assured
14 that the buses would be available for our school district.
15 That is all I know.

16 Q The relationship that you have had with Levy Bus
17 Company in terms of agreements are verbal agreements alone,
18 is that correct?

19 A They are verbal agreements in the sense that I
20 suspect you are phrasing the question, there certainly are
21 verbal agreements but I think it should be known that we
22 do have a formal written agreement with Mr. Levy to supply
23 bus transportation to us on a three-year contract basis.

24 Q Now the contract agreement that you have with Levy
25 Bus Company that provides bus services to your school district,

1 does that provide for the normal day-to-day operations of
2 the school?

3 A. It is normal day-to-day operations including
4 any extra curricular or co-curricular activities including
5 that.

6 Q. Is there any provisions in the written contract
7 of which you speak for Levy Bus Company to provide buses
8 during a radiological emergency at the Limerick Generating
9 Station?

10 A. Not to my knowledge.

11 (Counsel for LEA conferring off the record.)

12 BY MS. ERCOLE: (Resuming)

13 Q. Have you attempted to negotiate any written
14 agreement with Levy Bus Company for purposes of their
15 providing buses to you during a radiological emergency
16 at the Limerick Generating Station?

17 A. No, we have not.

18 Q. Are you aware of whether Montgomery County forwarded
19 any such written agreement to Levy Bus Company requesting
20 their signature on an agreement to provide buses to your
21 school district?

22 A. Not to my knowledge.

23 Q. Is it fair to say, Dr. Persing, that as of this
24 stage you are unaware of any written agreement or verbal
25 agreement with Levy Bus Company to provide buses during a

mn7-3

1 radiological emergency at the Limerick Generating Station?

2 MR. RADER: Objection, asked and answered.

3 JUDGE HOYT: The objection is overruled.

4 THE WITNESS: When you say written, no but when
5 you say verbal, the answer to that is yes. Verbally we
6 have been assured that the buses would be ready.

7 BY MS. ERCOLE: (Resuming)

8 Q Has Levy Bus Company indicated to you whether
9 they would sign a written agreement with you?

10 A Not to me, no, but we haven't asked them either.

11 Q Have you made any requests of Montgomery County
12 to obtain same from Levy Bus Company?

13 A No, we have not.

14 Q Has Levy Bus Company represented to you how many
15 drivers they would make available to your school district?

16 A Not the number just that it would be adequate for
17 us to dismiss our students and get them to their homes.

18 Q Did you request any such number from them?

19 A No, we didn't. We just asked would they be avail-
20 able.

21 (Counsel for LEA conferring off the record.)

22 BY MS. ERCOLE: (Resuming)

23 Q Dr. Persing, you had indicated that the buses
24 that would be provided by Levy Bus Company would be to
25 evacuate the one public elementary school within your school

mn7-4

1 district and the other private schools that you are responsible
2 for. The evacuation would take place to what location?

3 A. The students that we are talking about that
4 would be going back into from Green Lane Elementary School
5 that would be ordinarily going back into the EPZ, they would
6 be going to the high school. They would be approximately
7 ten or 12 children. The others that we are talking about
8 would have the transportation from the Western Montgomery
9 County Vocational Technical School back into the high school
10 but those students would not only be our school students
11 but they would be students to my knowledge would be from
12 those students who are attending from other school districts
13 which would be Spring Ford and also Pottsgrove. There would
14 be a limited number of students from other school districts
15 but those would be the three main constituents of the
16 Western Montgomery County Vocational Technical School.

17 Q. Have you discussed with Levy Bus Company whether
18 they will be transporting the students from the host schools
19 to the mass care centers?

20 MR. RADER: Objection. The transportation of
21 students to host schools is beyond the scope of this
22 contention.

23 (Board conferring off the record.)

24 MS. ERCOLE: Judge Hoyt.

25 JUDGE HOYT: Do you wish to be heard?

mn7-5

1 MS. ERCOLE: Yes, I do. With regard to counsel's
2 objection I can't see the basis for it simply because the
3 school districts are responsible for all the children until
4 the parents pick them up. It is this responsibility and
5 how well it is planned for that we are discussing with
6 Dr. Persing today.

7 JUDGE HOYT: Which contention are you trying to
8 relate this testimony to?

9 MS. ERCOLE: With regard to the buses, I believe
10 it is LEA-11.

11 JUDGE HOYT: I will permit the question. I am
12 inclined to believe that counsel is right but if you want
13 to pursue that line of examination, go ahead.

14 BY MS. ERCOLE: (Resuming)

15 Q Have you discussed with Levy Bus Company their
16 providing buses for your school district to transport
17 students from the host school to the mass care center?

18 A From the host school?

19 Q Yes.

20 A It is my understanding that we will have the buses
21 available. Mr. Bigelow has stated and Mike Alrich our
22 director of transportation has stated that the buses will be
23 available to go from the Western Montgomery Vocational
24 Technical School to our high school. That is my understanding.

25 Q At the high school to which you are referring,

1 if the parents do not pick-up the children by eight o'clock
2 that evening, where are those children transported to?

3 A All right. By eight o'clock in the evening
4 then they will go to the North Penn High School. That will
5 be the host school.

6 Q Will the bus arrangements that you have with Levy
7 Bus Company transport those students to the North Penn
8 School?

9 MR. RADER: I object to this line of inquiry. If
10 I may clarify my previous objection, I believe I incorrectly
11 stated that the line of inquiry related to transportation to
12 host schools. In fact, it relates to transportation from
13 host schools to mass care centers and it was on that basis
14 that I object to this line of inquiry.

15 JUDGE HOYT: Ms. Ercole.

16 MS. ERCOLE: I believe the witness has qualified
17 his answer to the extent that, in fact, North Penn would be
18 acting as a type of mass care/host school. I think the
19 terms have used interchangeably.

20 MR. RADER: If they were, it was incorrect because
21 a host school is not a mass care center.

22 MS. ERCOLE: I think the witness can clarify that
23 and as I had stated before the responsibility of the school
24 district rests with the school superintendent and his staff
25 until the parents pick-up the children and it is incumbent

mn7-7

1 upon them to insure that there are adequate buses and drivers
2 to make this provision for the students.

3 (Board conferring off the record.)

4 JUDGE HOYT: The objection will be sustained.
5 I think you should refer to our order of September 24th,
6 Ms. Ercole.

7 MS. ERCOLE: I was referring to subspecification
8 that radiological emergency planning for school districts
9 adjacent to and outside the plume EPZ must be taken into
10 consideration whether or not bus resources have been
11 committed to provide assistance in the EPZ in the event
12 an evacuation is recommended.

13 JUDGE HOYT: What contention are you referring to?
14 Is it LEA-11?

15 MS. ERCOLE: Yes, Your Honor.

16 MR. RADER: If I may, Your Honor, you are correct
17 that specifically at page six of the order which you cited --

18 JUDGE HOYT: That is the page I was referring to.

19 MR. RADER: I think it is quite explicit.

20 JUDGE HOYT: The objection is sustained. Ms. Ercole,
21 during the time that we have had this discussion I have not
22 permitted the clock to run against your time.

23 MS. ERCOLE: Thank you. I am aware of the time.

24 JUDGE HOYT: We are starting now.

25 BY MS. ERCOLE: (Resuming)

1 Q Is it fair to say, Dr. Persing, that you have
2 stated that there are no unmet needs for buses because
3 of the statements of Mr. Bigelow?

4 MR. RADER: Objection, asked and answered.

5 JUDGE HOYT: It has been answered but if you
6 want to ask it again as the basis for your question, go
7 ahead. We will permit the question and overrule the
8 objection.

9 BY MS. ERCOLE: (Resuming)

10 Q Is that correct?

11 A That is correct.

12 Q Have you had occasion as a school superintendent
13 to review any of the bus provider agreements with any of the
14 bus providers for Montgomery County?

15 A No, I have not.

16 Q Have you asked to see a copy of the prototype
17 letter of agreement?

18 A Not to my knowledge.

19 Q Do you plan to review that with Mr. Bigelow?

20 A Yes, I do.

21 Q Do you plan to request Mr. Bigelow to obtain such
22 written agreement with Levy Bus Company?

23 A Yes, I think that would be very reasonable.

24 Q In your position as a superintendent, can you
25 state whether you would seek in such a letter of understanding

1 that a minimum number of buses be provided?

2 MR. RADER: I object to this line of questioning.
3 It is calling for a legal conclusion from this witness as
4 to the necessity for agreements and the content of those
5 agreements.

6 MS. ERCOLE: I am not asking him for a legal
7 position. I am asking him as a superintendent reviewing
8 what his needs are.

9 JUDGE HOYT: Objection overruled.

10 THE WITNESS: Yes. I think it would be encumbent
11 upon us to make sure that we would have the number of buses
12 available as was stated that would be available.

13 BY MS. ERCOLE: (Resuming)

14 Q When you say that it would be encumbent to insure
15 that there are a minimum number of buses available, you
16 are saying to have that reduced to writing?

17 A Yes, that is correct.

18 Q Dr. Persing, during the course of your duties as
19 a superintendent in reviewing emergency procedures for the
20 Limerick Generating Station, can you indicate whether any
21 training has been provided to your school district?

22 A Yes. There were presentations made to the
23 entire staff during an in-service day.

24 Q Could I just stop you sir and ask if you would
25 please indicate for the Board when that was?

mn7-10

1 A. This was approximately in April of this year. I
2 am not really sure but it was in that time frame.

3 Q. You used the word presentation. Why did you use
4 that word?

5 A. The reason I use it is because of the fact that
6 the manner of which information was provided was in the
7 form of a presentation by two people who were employed,
8 I assume were employed, by the Philadelphia Electric Company
9 which we asked them to do by the way. They volunteered
10 and we asked them to do this and they made this presentation
11 to the staff on procedures as well as an opportunity during
12 a question and answer period from the staff in the audience
13 which were about 160 people or more to them.

14 Q. How long did this presentation last?

15 A. Approximately an hour and fifteen minutes.

16 Q. The 160 people that were in attendance, were they
17 teachers and staff?

18 A. Yes.

19 Q. Did it include bus drivers?

20 A. No, it did not.

21 Q. When you had indicated that procedures were
22 discussed, can you indicate for the Board what you mean by
23 procedures?

24 A. There were definitions of what is an EPZ, there
25 were definitions of radiological exposure, there were items

mn7-11

1 that were discussed on what the sirens and where they would
2 be placed in the county and when they would be alerting and
3 the testing that would take place and as much information
4 as they could supply during the time frame.

5 Q Did you consider that training?

6 A No, not from our standpoint it is not training.

7 Q What do you consider training from your standpoint?

8 A Training to us means that we have an opportunity
9 for what we call an input session from people both in
10 theory and in content. We ask them to demonstrate certain
11 aspects of what they have done and then we ask for some
12 guided practice, that is, they would be there during the
13 time that we would put our people through the practice
14 sessions to give us guidance on how adequate it is. Then
15 we would like to actually apply those principles. After we
16 have applied the principles that they have given us input
17 and theory on, then what we would like to do is to conduct
18 in as real a life situation as we could having them available
19 for coaching and feedback procedures so that we could
20 improve what, in fact, we think is a workable situation.
21 That is what training would be.

22 Q Have you recieved that in your school district?

23 A No, ma'am. Now being fair, we haven't requested
24 that yet either.

25 Q Do you intend to request it?

mn7-12

1 A Yes, we do.

2 Q Is it fair to say that this is one of the stipulations
3 or conditions that you wish to have met before the draft four
4 is submitted for review by the school board?

5 A I guess I need to qualify my answer. We have been
6 doing through many drafts as you probably know the same
7 as everybody else has. I don't know if draft four is the
8 one that will finally be designated to go to the board of
9 school directors. But whatever draft number it is, we are
10 going to try to meet all of the particular training phases
11 or anything else that we hope is necessary, that we think
12 is necessary, before we submit to the board for their
13 approval.

14 Q During the course of the presentation that you
15 had had earlier in the year, were the various concepts of
16 sheltering discussed?

17 A No, ma'am.

18 Q Have the schools within your school district for
19 which you are directly responsible or have assumed
20 responsibility because they are private schools, have they
21 been evaluated for purposes of adequacy for sheltering
22 purposes?

23 A Not to my knowledge.

24

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1 Q Have you requested that that be done?

2 A No, I have not.

3 Q Do you intend to make that request?

4 A No. I do not.

5 Q Can you state why not?

6 A Well, for two reasons: One, we only have one
7 small elementary school within the zone. And another is that
8 we, in our opinion, we do not have sheltering capability.

9 Q What do you mean by that? In your opinion?

10 A We do not have the basements, for example,
11 as I understand, sheltering would be used. And we are
12 on one floor in many of our schools. And the basements
13 that we have would not be adequate for sheltering.

14 Q Have you requested that such a revision in
15 that regard be made in your plan?

16 A No, we have not.

17 Q Can you indicate what, if any, provisions
18 have been made in your plan in the event that a
19 sheltering advisory is called?

20 A No, I can't. I can't state that. I can't
21 recall that. I am not saying that it is not in there,
22 but I just simply can't recall it.

23 Q Has your school district made plans for the
24 elementary school of which you were speaking to evacuate
25 those students under an early dismissal plan?

1 A Yes.

2 Q At what stage is this?

3 A This would be the -- I hope I get these stages
4 right. I think it would be the alert stage, but I
5 don't know if that is accurate. One of the stages. I really
6 don't recall which it is.

7 Q Has that concept been incorporated in your
8 draft number four?

9 A Yes.

10 Q Can you indicate why you made the request for
11 an early dismissal at what you believe to be the alert
12 stage?

13 MR. RADER: Objection. No foundation. I
14 don't believe that is what the witness said. The
15 witness simply stated that such plans exist. I don't
16 believe the witness ever stated that he personally
17 requested that some particular aspect of the plan reflect
18 that.

19 MS. ERCOLE: He had indicate, ma'am, that it
20 was included in this latest revision, draft number four.
21 He believe that that revision was made, and I was asking
22 him why it was so reflected, why that request was made.

23 MR. RADER: That is not correct.

24 Miss Ercole asked the witness why he had it
25 put in the plan. It is a different question.

1 MS. ERCOLE: When I say "he," I did not
2 mean personally his suggestion. I mean he is speaking
3 for the school district and the people on the task force.

4 MR. RADER: I object to the same question. The
5 task force or anyone else, there is no foundation that
6 they requested that it be put in the plan.

7 JUDGE HOYT: Mrs. Ercole, would you like --

8 MS. ERCOLE: I will lay the foundation if the
9 Board would like.

10 JUDGE HOYT: If you will, please.

11 BY MS. ERCOLE:

12 Q Dr. Persing, you had indicated that the plan
13 encompassed essentially an early dismissal at
14 what you believe to be the alert stage, although you were
15 unclear about that.

16 Is that correct? Is that a fair characterization
17 of your testimony?

18 A Yes. I wish I had in my own mind what those
19 stages were, but I can't recall them.

20 Q Was that particular part of the procedure that
21 you have in draft four, was that in your other drafts?

22 A Yes. We have always had an early dismissal
23 because of our particular location. In fact, originally,
24 none of our school district was in fact in the EPZ or the
25 LPZ, whatever PZ it is.

1 Q At what point, if you know, was that changed?

2 MR. RADER: Objection. There is no
3 foundation for a question that there was any change.

4 MS. ERCOLE: He said originally that it was
5 not --

6 JUDGE HOYT: Objection overruled.

7 THE WITNESS: I really don't know. I think it
8 was something like five or six months ago. I really
9 don't know exactly. But there was some change.

10 BY MS. ERCOLE:

11 Q And to your knowledge, do you know why
12 the change was made to affect your schools?

13 A I only know what I read in the newspapers,
14 stating that it was some sort of calculated error in the
15 radius and, therefore, we were on marginal area.

16 That is all I really remember.

17 Q During the course of your duties as a
18 superintendent with your school district, have you had
19 occasion to speak to the school teachers and staff
20 within those schools affected by emergency procedures?

21 A No, did not yet.

22 Q Is it fair to say that you have done no
23 formal survey of those teachers?

24 A A formal survey?

25 Q Yes.

1 A No, we have not.

2 Q Do you intend to do same?

3 A We intend to give them copies of the plan --
4 our draft, rather, prior to the time that it is adopted
5 by the Board for their review, for their input, as we
6 plan to do with parents, and have meetings on it.

7 If that is what your question is, yes, we
8 intend to do that.

9 Q Do you intend to conduct a formal survey of
10 your school staff and teachers to determine their willingness
11 to evacuate with the students?

12 A I think the type of -- right now in my
13 mind, the type of formal survey that I envision would be
14 simply to meet with them and, frankly, ask them if they --
15 what they intend to do for their responsibilities.

16 Q Is it fair to say that you intend to do this
17 after the training has been completed as you have earlier
18 described and after they are given copies of the draft plan?

19 MR. RADER: Objection. That is a leading
20 question.

21 MS. ERCOLE: I will rephrase it.

22 JUDGE HOYT: Very well.

23 MS. ERCOLE: I am aware of an hour and a half,
24 and that is why I am trying to --

25 JUDGE HOYT: Very well.

1 BY MS. ERCOLE:

2 Q At what stage do you plan to speak to the
3 teachers about their willingness to stay?

4 A I think that that will be part and parcel
5 of the training that we are hoping to have with them.
6 I think that will be rather early.

7 Q When you say rather early, in terms of time,
8 when do you expect that to be?

9 A I am hoping somewhere in February.

10 Q When you say in February, is that because you
11 have in your mind the prior time schedule.

12 A Yes. We --

13 MR. RADER: Objection. This is all leading.

14 JUDGE HOYT: Objection overruled, sir.
15 Let the examination proceed.

16 THE WITNESS: The only reason we are -- I am
17 saying those sorts of things is because we, just from
18 past experience over the last year, the amount of time
19 that we think we will need to have elapsed and the amount
20 of information needed to be dispensed before we can
21 get to that particular phase. And that is, again,
22 speculative.

23 I suspect that is when it will be. I really
24 don't know for sure.

25 BY MS. ERCOLE:

1 Q Do you plan to -- have you conducted any
2 surveys of bus drivers?

3 A No.

4 Q Do you plan to do that?

5 A Only in the sense of doing it through Frank
6 Levy because he actually employs the bus drivers. We do
7 not.

8 Q Have you made a request to Mr. Levy to do same?

9 A No. Just verbally.

10 Q Okay.

11 When you say "just verbally," do you mean that
12 that was in the course of that discussion you had had with
13 him earlier?

14 A Yes.

15 Q Have you received any indication that that has
16 in fact been done?

17 A Yes. It is my understanding through Mike
18 Ulrich, who works for us, as director of transportation,
19 that it did, in fact, happen.

20 Q Do you have any of the results with you today?

21 A No.

22 Q Have you requested that?

23 A No. In writing, no, I have not.

24 Q Do you expect to receive them?

25 A No. We haven't even requested it. No.

1 Q Do you intend to request it?

2 A I think we will consider that, yes.

3 Q Have any of the members of your school staff
4 expressed any concerns to you about their willingness
5 to stay?

6 A No, ma'am. They have not.

7 Q Are you saying this because you have not discussed
8 it with them formally or informally?

9 A I don't know. They have had opportunity to
10 speak with me. No one has really brought it up.

11 Q And have you brought it up specifically
12 at any faculty or staff meetings?

13 A Only with the middle school. We have a
14 middle school -- excuse me, a district liaison committee.
15 Those are teachers who are representative of all the
16 buildings in the area. And we meet approximately once
17 every six weeks. That has been brought up a couple times,
18 and I have had yet to have a single teacher say that they
19 would not cooperate.

20 Q Have you had any teachers indicate to you
21 formally or informally or otherwise that they would,
22 in fact, stay and assist in an evacuation or sheltering
23 scenario?

24 A Yes. Yes.

25 Q How many?

1 A Goodness. I don't know. I would say just
2 perhaps ten or 12.

3 Q What schools would this be for?

4 A It would be Red Hill Elementary. It would be
5 the middle school. It would be the high school. Those
6 are the ones that I remember.

7 Q And those are schools that are not within
8 the ten-mile planning zone; is that correct?

9 A That is correct.

10 Q Dr. Persing, have you calculated or compiled
11 a student/staff ratio which you believe would be sufficient
12 for evacuation purposes?

13 A No. Because as I stated, we are essentially
14 going to be an early dismissal procedure within our own
15 school district.

16 Q Do you intend at all to do any such calculations?

17 A Probably not because, again, we are not going
18 anything except sending them to their homes.

19 Q Have you made any arrangements at this stage
20 for the teachers and staff that are outside the emergency
21 planning zone to enter the emergency planning zone to
22 assist with evacuation therein?

23 A No. We haven't.

24 Q Of those teachers that you have spoken to
25 from the schools outside the emergency planning zone, have

1 you specifically discussed that with them?

2 A No.

3 Q Other than the elementary school that is in the
4 emergency planning zone for your school district, the
5 other schools that are under the auspices of the school
6 district, are they also on an early alert -- excuse me,
7 an early dismissal?

8 A All the schools within our school district
9 will be dismissed early in the event of an emergency.

10 Q And does this include the vo tech school as
11 well?

12 A The vo tech school has to submit their own
13 plan, as I understand it. And we then will receive those
14 students in our high school as soon as they are
15 transported to us.

16 Q Who is responsible for the supervision of those
17 vo tech students?

18 A At the school will be Kerschner. His name
19 is Herb Kerschner, K-e-r-s-c-h-n-e-r.

20 Q And his position is?

21 A He is the principal of the school.

22 Q When you say of the school, which school are
23 you referring to?

24 A The Western Montgomery County Vo Tech School.

25 Q Have you worked closely with Mr. Kerschner

1 about this?

2 A Only in the sense that we are one of the
3 school districts and we have assured him that we would
4 take the students that are there into our high school.
5 In that sense, yes.

6 Q Have you made any arrangements with Mr. Kerschner
7 with regard to staff obligations?

8 A No.

9 MS. ERCOLE: Excuse me one moment.

10 (Pause.)

11 BY MS. ERCOLE:

12 Q Have you requested any accounting of unmet
13 needs from the Western Vo Tech School?

14 A No.

15 Q Do you intend to do that?

16 A Yes.

17 MR. RADER: I object to this line of
18 questioning. I don't think there has been any foundation
19 laid for responsibilities by this school district for
20 the Western Montgomery Vocational School.

21 MS. ERCOLE: Well, I believe that there is
22 a responsibility that the witness had testified to at
23 the beginning of his testimony, that that is one of
24 the schools within his school district for which they
25 are responsible.

1 JUDGE HOYT: The objection is overruled.

2 THE WITNESS: Just for clarification,

3 Western Montgomery --

4 JUDGE HOYT: I don't believe, sir, there is
5 a question before you. Let the counsel ask the question.

6 BY MS. ERCOLE:

7 Q Do you intend to request an accounting of
8 unmet needs from the Western Vo Technical School?

9 A Yes. That will be part of what we will ask
10 them.

11 Q And what will that include?

12 A Well, do they have the staff. Do they have
13 the busses. And are they satisfied with the training
14 they received. About those three general questions.

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END 8

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1 Q Is your school district willing to supply staff to
2 Western Voc Tech School?

3 Do they ave an adequate staff?

4 A I don't think so, no.

5 Q Will your school district be providing buses to
6 the the Western Voc Tech School should they pass that need
7 on to you?

8 MR. RADLER: Objection. No foundation for any unmet
9 needs for the Western Montgomery Vocational School.

10 JUDGE HOYT: Objection sustained.

11 BY MS. ERCOLE:

12 Q Dr. Persing, you had indicated that what you had
13 hoped to envision during the course of training is the
14 application of principles to conduct.

15 And my question to you is, what position if any
16 do you have with regard to proceeding through drills for
17 purposes of a radiological emergency at the Limerick Generating
18 Station?

19 A Repeat the first part of the question, will you
20 please? The first sentence.

21 Q Why don't I just withdraw that. I will just
22 rephrase it. It makes it simpler then.

23 Will you be requesting that there be drills for
24 the schools within your school district for purposes of a
25 radiological emergency at the Limerick Generating Station?

mm2

1 A What we will be doing is going through what we will
2 call an exercise, trying to make sure that the students and
3 the staff do what we hope, and the drill will call for.

4 I repeat though, that most of our training has been
5 done in the sense of releasing for early dismissal, because
6 that is what we do on a regular basis and we have had training
7 in that sense.

8 Q Will you be, during the course of this drill,
9 actually loading students on the buses?

10 A Probably not, because we do that for early
11 dismissal anyway.

12 Q Have you had bus drills for your school district?

13 A You mean for this plan?

14 Q No, just general bus drills.

15 A No, we have had busing exercises, if that is what
16 you mean.

17 Q Does that include actually loading the children
18 on the buses and transporting them?

19 A Only during the time that we are actually doing
20 something, not in the sense of a drill, if that is what your
21 question is.

22 Q That's right. My question was only confined to a
23 drill, bus drills.

24 A No.

25 Q When you say you load the children and actually do

mm3

1 something, you are referring to either an early dismissal or
2 a field trip, is that correct?

3 A Correct.

4 Q Do you see any distinction between the roles of
5 the school and staff in assisting with the radiological
6 emergency -- strike that.

7 Do you see any difference between what your school
8 staff and teachers do during the normal day-to-day operations
9 of the school, and what they would be doing in implementing
10 procedures for a radiological emergency?

11 A In the sense that we are going to have our
12 students removed the same as we do for any emergency day, such
13 as inclement weather, I would have to say no.

14 Q Do you see any distinction between the roles of
15 the school staff in evacuating during -- between the
16 sheltering and an evacuation situation during inclement
17 weather and a radiological emergency?

18 MR. RADER: Objection. Asked and answered.

19 MR. ERCOLE: He said only as far as --

20 JUDGE HOYT: Sustained.

21 BY MS. ERCOLE:

22 Q Do you have any conditions or qualifications on
23 whether you believe that a radiological emergency is different,
24 if at all, from a situation with inclement weather?

25 MR. RADER: Objection. Asked and answered.

mm4

1 MS. ERCOLE: I am asking if there are any dis-
2 similarities.

3 MR. RADER: Counsel just doesn't like the answer.
4 It is as simple as that.

5 MS. ERCOLE: I believe the witness could amplify
6 that.

7 MR. RADER: The witness said there are no differ-
8 ences, counsel does not like that answer.

9 JUDGE HOYT: Let's have an end to the argument.
10 We will permit the question.

11 Ms. Ercole, your time is drawing, however. I
12 would ask you to draw it more judiciously.

13 BY MS. ERCOLE:

14 Q You may answer.

15 A There wouldn't be any difference insofar as we are
16 concerned, because we would be leaving the children home,
17 as an emergency, or for inclement weather.

18 There would be the difference if there were
19 teachers who wanted to be dismissed early to go back into the
20 EPZ. We consider that a difference. That is, if they live
21 there and they wanted to get back to their homes, or their
22 family.

23 Q As of this date, do you know how many do?

24 A No, we do not.

25 Q Is this part of your continued procedures over

mm5

1 the next few months?

2 A Yes.

3 Q Although it is incorporated in the plan for an
4 early dismissal system, in the event that there is a
5 sheltering advisory, do you see any distinction, if at all,
6 of sheltering advisory during a radiological emergency in
7 the normal day-to-day operations of the school?

8 MR. RADER: Objection. Asked and answered.

9 MS. ERCOLE: Nor for the sheltering, your Honor.
10 Only asked for the evacuation. Talked about the
11 inclement weather situation.

12 My next question is just on sheltering, then I
13 would move on.

14 MR. RADER: That was not the question counsel posed
15 before. Counsel posed the difference between responses during
16 a radiological emergency, which includes evacuation and
17 sheltering.

18 JUDGE HOYT: Objection sustained.

19 BY MS. ERCOLE:

20 Q Dr. Persing, why would you want to have your
21 training sessions incorporate discussions of sheltering?

22 A If we were to go into a sheltering phase, it is
23 our opinion that we do not have any basements, if basements
24 were to be used, to be utilized. Our buildings are not
25 equipped for that. We could not put our children or students

mm6

1 anywhere else except in auditoriums or probably gymnasiums
2 or keep them right in the classrooms. That is the only three
3 places we could use.

4 Q Other than the quantitative difficulty you would
5 have in using those locations for sheltering purposes, do
6 you see any others?

7 A Not at this moment.

8 (Pause)

9 MS. ERCOLE: If the Board would indulge me for
10 one moment, I will see if I can wrap this up within the next
11 five minutes.

12 JUDGE HOYT: Very well.

13 (Pause)

14 BY MS. ERCOLE:

15 Q During the course of your daily operations of
16 the schools within your school district, have you had occasion
17 to use the sheltering concept for any other emergency?

18 MR. RADER: Objection. Irrelevant.

19 MS. ERCOLE: It has to do with --

20 JUDGE HOYT: Overruled.

21 BY MS. ERCOLE:

22 Q Have you been instructed or trained in terms of
23 how long any sheltering advisory would last?

24 A No.

25 Q Have you discussed with Energy Consultants or

mm7

1 the county what effect, if any, there would be on the whole
2 student population being confined to hallways or auditoriums?

3 A No.

4 Q Can you state whether you intend to do that?

5 A No, we do not.

6 Q As a Superintendent in your school district, can
7 you state what effect, if any, that would have on the
8 student population in the sheltering situation?

9 MR. RADER: Objection. Psychological impacts upon
10 students were specifically excluded from this contention.

11 MS. ERCOLE: I am not asking him --

12 JUDGE HOYT: If you want to give us any argument
13 we will take it on the record for you, but I am ready to
14 rule.

15 (Laughter)

16 JUDGE ERCOLE: If the judge is going to sustain,
17 maybe I should argue. To save time, if you are not going to
18 sustain it, maybe I won't argue.

19 JUDGE HOYT: I asked you first, Ms. Ercole.

20 (Laughter.)

21 That's the way this works.

22 MS. ERCOLE: My argument would be that I understand
23 that the psychological impact is ruled out.

24 My argument would be that since there are limited
25 facilities at that school for purposes of a sheltering, what

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1 impact would that have in terms of disruption and monitoring.

2 I am not asking him for what his interpretation is
3 in terms of psychological trauma.

4 I think Energy Consultants has indicated in the
5 testimony as well that there would be no disruptions in their
6 monitoring problems.

7 JUDGE HOYT: I think you may not have been with us
8 during the time of that. My recollection is part of that
9 testimony was stricken, Ms. Ercole.

10 The objection is sustained.

11 MS. ERCOLE: If I am not mistaken, Judge Hoyt, I
12 think I was -- it was reported to me what was stricken was
13 the part about the radiation being an invisible hazard. But
14 it was not stricken about the disruptions.

15 I remember being here for Energy Consultants and
16 cross examining them on that.

17 JUDGE HOYT: Whatever the recollection is of
18 either those who have reported to you something else, or
19 something that you are saying now and what my recollection is,
20 all fall in the phase of the record that has already been
21 established, and the objection is still sustained.

22 BY MS. ERCOLE:

23 Q Do you foresee -- we had talked earlier about
24 a student/staff ratio for evacuation purposes.

25 Do you intend to calculate a student/staff ratio

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1 for purposes of sheltering should an advisory be required?

2 A We don't have any intention of sheltering?

3 Q Should you be required to shelter?

4 A If we were required to, we certainly would try to
5 determine what numbers of staff we would need.

6 Q Can you state whether you envision that number
7 to be greater for sheltering scenario at the school than
8 an evacuation scenario?

9 A I have no idea.

10 Q Is it fair to say that that is one of the things
11 you intend to explore?

12 MR. RADER: Objection. This line of inquiry is
13 leading.

14 JUDGE HOYT: I'm sorry, I didn't get the last
15 word.

16 MR. RADER: Leading.

17 JUDGE HOYT: Leading.

18 MR. RADER: I believe it has all been covered as
19 well, as to surveys and so forth.

20 JUDGE HOYT: We will permit the question.

21 Answer if you have it in mind, sir.

22 BY MS. ERCOLE:

23 Q Should a sheltering advisory be ordered and you
24 must comply, do you intend to explore during part of your
25 reviewing process the need for student/staff ratio?

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1 A If that is one of the contingencies, certainly we
2 will try to plan for it.

3 Q Is it fair to say, Dr. Persing, that you have
4 not looked into any of the sheltering concepts simply because
5 you believed you were on an early dismissal situation and
6 it would be unnecessary?

7 MR. RADER: Objection. Leading.

8 JUDGE HOYT: Counsel, that is going pretty far.

9 The objection will be sustained.

10 BY MS. ERCOLE:

11 Q What, if any, has been your reason for not
12 exploring the requirements or necessities of your staff with
13 the student population needs during a sheltering scenario?

14 A All of our students with the exception of
15 approximately 10 to 12 are outside of the zone. Since that
16 is a fact, we intend to dismiss our students to the care of
17 their parents and/or guardians.

18 Q As a Superintendent, can you state what concerns,
19 if any, you would have about student disorderliness during
20 your sheltering scenario, if any?

21 MR. RADER: Objection. I believe the Board
22 previously sustained this objection.

23 JUDGE HOYT: That's correct, Ms. Ercole.

24 Objection is sustained.

25 BY MS. ERCOLE:

mm11

1 Q Could you state what, if any, concerns you would
2 have with regard to the ability of your staff to monitor the
3 students during the sheltering scenario?

4 A I don't -- from our standpoint sheltering by --
5 of our students by our staff, we think would be -- would cause
6 some problems because of the numbers of kids that would be
7 held together there collectively. But that is no different
8 than when, in fact, we have a bomb scare, or we have any type
9 of responsibility of bringing kids together in large numbers.

10 The question would be, how long would you intend
11 they would need to stay in this area.

12 And I think in my opinion, the longer that you
13 keep the students there, it is actually on a curve that the
14 problems of disruption become greater the longer that they
15 are there.

16 So, if it is a reasonable length of time I would
17 not see any appreciable problem.

18 Q What do you foresee is a reasonable length of time?

19 A I think our experience has shown us around two --
20 one, two, three hours, depending on the age of the children,
21 we are okay. We go beyond that, and sheltering in my concept,
22 would have some more problems.

23 MR. RADER: Your Honor, if I may, I would ask that
24 the Board strike the previous response of the witness. I
25 believe the witness got into an area in which he volunteered

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1 an answer along the lines which was asked by Ms. Ercole
2 earlier, and which the Board sustained my objection.

3 JUDGE HOYT: The answer will stand.

4 The motion to strike is denied. Proceed.

5 BY MS. ERCOLE:

6 Q When you said depending upon the age group, can
7 you indicate what you mean by age group?

8 A We have three different age groups in our particu-
9 lar school district; kindergarten through four; five through
10 eighth; and nine through twelve. Depending on the type of
11 facility you have at each building, and depending on the age,
12 depending on the quantity of time, you have different problems.

13 Q When you say age group --

14 A Our age group for nine through twelve would
15 present more of a problem than it would K through four.

16 Q During an evacuation or a sheltering scenario,
17 Dr. Persing, do you believe that it is necessary to have
18 the same school staff or teachers that supervise
19 the children in the day-to-day operations of the school,
20 remain with them?

21 MR. RADER: Objection. Asked and answered.

22 MS. ERCOLE: I am talking in terms of the same
23 teachers.

24 JUDGE HOYT: Objection overruled.

25 Answer the question, sir.

mm13

1 THE WITNESS: It is desirable, it is not
2 essential.

3 BY MS. ERCOLE:

4 Q Do you believe it would be more desirable for
5 elementary school children than for children in the middle --
6 in high school?

7 A Yes, sir.

8 Q Why do you say that?

9 A The children, obviously, become more familiar with
10 their teacher and have an identity role with that one teacher
11 because they spend all of their time or predominantly most
12 of their time with one teacher as opposed to, when they
13 get older, more independent. Plus the fact they have contact
14 with several, or many teachers during the day.

15 Q Would it be fair to say that, say the same staff
16 or teacher for the younger children would be unavailable,
17 whether you could anticipate difficulties with monitoring
18 or classroom disruptions with the younger children?

19 MR. RADER: Objection. Leading.

20 JUDGE HOYT: Overruled. Answer the question.

21 THE WITNESS: There would be more problems if,
22 in fact, the classroom teacher were not there. But, kids
23 are pretty adaptable.

24 BY MS. ERCOLE:

25 Q And the one public school within your school

mm14 1 district was Kindergarten through fourth grade, is that
2 correct?

3 A That's correct.

4 Q That was within the ten-mile radius?

5 A That's correct.

6 MS. ERCOLE: Thank you.

7 I have no further questions.

8 JUDGE HOYT: Very well.

9 Will the Applicant anticipate using their full
10 hour on cross?

11 MR. RADER: I am afraid I must under the circumstances.

12 JUDGE HOYT: Very well.

13 The Board will recess to reconvene at 1:00 --
14 would 1 o'clock be sufficient time for everyone to have
15 their lunch?

16 (No response)

17 Very well, we will reconvene at 1 o'clock.

18 (Whereupon, at 11:55 a.m., the hearing in the
19 above-entitled matter was recessed to resume at 1:00 p.m.
20 this same day.)

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AFTERNOON SESSION

(1:00 p.m.)

JUDGE HOYT: The hearing will come to order. Let the record reflect that all the parties to the hearing who were present when the hearing recessed are again present in the hearing room and the witness has taken his place on the witness stand. I will remind you, sir, that you are still under oath. At the conclusion of the morning session, I believe this witness had concluded his direct examination. Who will begin for the applicant?

MR. RADER: I am ready, Your Honor.

JUDGE HOYT: Very well. You have one hour.

MS. ERCOLE: Judge Hoyt, just before Mr. Rader does start would the Board just take notice that I had approximately ten minutes of reserve time.

JUDGE HOYT: I think it was ten minutes and seventeen seconds to be precise, ma'am.

MS. ERCOLE: Thank you.

JUDGE HOYT: Mr. Rader. you may proceed.

CROSS-EXAMINATION

BY MR. RADER:

Q Dr. Persing, I am going to show you a copy of what has been marked as Applicant's Exhibit E-61 which is the radiological emergency response plan draft four for the Upper Perkiomen School District and I will ask you if you can

XXXXXXX

mn10-2

1 identify that document.

2 (Above-referenced document tendered to witness.)

3 JUDGE HOYT: Let me record reflect that
4 Applicant's Exhibit E-61 has been shown to counsel for
5 LEA and is now in the hands of the witness.

6 THE WITNESS: Yes, it appears to be.

7 BY MR. RADER: (Resuming)

8 Q Did you discuss the concepts embodied in that plan
9 with the Montgomery County officials during the various
10 stages of its drafting?

11 A. Yes, we did.

12 Q To the best of your knowledge and belief, does
13 that plan therefore reflect the concepts of protective
14 actions for your particular school district as you understand
15 them?

16 A. That's correct.

17 MS. ERCOLE: Objection. Unless the witness has had
18 a chance to thoroughly review that and he is satisfied that
19 that in fact reflects his impact.

20 JUDGE HOYT: I think he anticipated -- he has
21 already answered yes.

22 MS. ERCOLE: He is looking through it now and
23 it just indicated to me that there might be less of a
24 familiarity with it.

25 MR. RADER: I believe the witness represented that

mn10-3

1 it was a true copy of draft four.

2 JUDGE HOYT: That was my understanding.

3 Sir, did you have sufficient time to examine
4 the document that I am describing to you as Applicant's
5 Exhibit E-61?

6 THE WITNESS: Yes.

7 JUDGE HOYT: If you need additional time, please
8 tell me.

9 THE WITNESS: It appears to be the same document.

10 JUDGE HOYT: Very well. The Board is satisfied.
11 Continue, counsellor.

12 BY MR. RADER: (Resuming)

13 Q Dr. Persing, I want to clear up some possible
14 misunderstanding with regard to the physical location of
15 the various schools in your district and the actions which
16 would be taken for those schools in the event of an actual
17 emergency?

18 MS. ERCOLE: Objection to the beginning of the
19 statement saying "I want to clear up some misunderstanding."

20 JUDGE HOYT: You will strike that portion, counsellor.

21 MR. RADER: Yes.

22 JUDGE HOYT: Very well.

23 BY MR. RADER: (Resuming)

24 Q Dr. Persing, would you tell us where the Green
25 Lane Elementary School is located?

mn10-4

1 A. The Green Lane Elementary School is located at
2 the intersection of Upper Ridge Pike and Sumneytown Pike
3 which is located in Montgomery County.

4 Q. Where is that with respect to the EPZ boundary
5 if you know, sir?

6 A. It appears to be right on the margin of it,
7 very, very close to the ten-mile limit.

8 Q. Is there any other school within your district
9 which lies within the EPZ?

10 A. Not to my knowledge.

11 Q. How many other schools are in your district, sir?

12 A. Counting all of our schools within the school
13 district, there would be four others. Now we have the
14 private schools and others, but our school district.

15 Q. Those do lie without the EPZ, is that correct?

16 A. That is correct.

17 Q. Does your plan make any distinction with regard
18 to the actions which would be taken by your school district
19 in the event of a radiological emergency for Limerick as
20 between the Green Lane Elementary School which is within the
21 EPZ and the other schools which lie beyond the EPZ?

22 A. Within this draft, there are very limited references
23 to that but upon reviewing the draft what we intend to do is
24 address the students that live within the EPZ in fact that
25 are attending not only the Green Lane Elementary School but

mn10-5

1 the other elementary schools and that is not addressed in
2 here.

3 Q If I may direct your attention to page 16 of the
4 plan, sir, referring to the concept of operations if school
5 is in session and the actions which would be taken at the
6 alert stage. Is that reflected in your copy of the plan,
7 sir?

8 A (Perusing document.)

9 Page 16.

10 Q Referring to the concept of operations where
11 school is in session for actions which would be taken at the
12 alert stage of an emergency.

13 A Correct.

14 Q Turning to the next page, sir, does it state what
15 actions would be taken by Green Lane Elementary School?

16 A (Perusing document.)

17 Yes, it does.

18 Q In subsection 2(e), does it make any specific
19 reference to actions which would be taken with regard to
20 sheltering, sir?

21 A (Perusing document.)

22 Yes, it does.

23 Q In subsection (h), does it make any reference to
24 staffing requirements for sheltering?

25 A Correct. It does.

mn10-6

1 Q Now moving down to subsection three, does it
2 make a distinction between Green Lane and actions which
3 will be taken by the principals of other schools in the
4 district?

5 A (Perusing document.)

6 Yes, it does.

7 Q Turning to the next page under subsection (c),
8 can you tell me what actions would be taken at the alert
9 stage for schools outside the EPZ?

10 A As is stated in the draft site emergency school
11 in session (c)?

12 Q Yes, sir.

13 A One, school district superintendent will upon
14 receipt of notification from the Montgomery County --

15 Q I am sorry, sir. I didn't mean to interrupt you
16 but I was referring to small subsection (c) which is a
17 continuation of subsection three on the previous page.

18 A Is that on page 18?

19 Q Yes, sir. It is the small (c) at the top.

20 A Assure preparation of the building to host students
21 living in the EPZ until 8:00 p.m., coordinating with
22 maintenance, security, food service and nursing personnel.

23 Q So that action applies only to students living
24 within the EPZ, is that correct, sir?

25 MS. ERCOLE: Objection. The document speaks for

1 itself.

2 JUDGE HOYT: I believe that counsel for the
3 Applicant is trying to lay some foundation for a question.

4 MR. RADER: Correct.

5 JUDGE HOYT: I am going to overrule your objection
6 subject to the question being forthcoming. Very well.

7 Proceed, counsellor.

8 BY MR. RADER: (Resuming)

9 Q Sir, does that section refer to only to students
10 living within the EPZ?

11 A (Perusing document.)

12 Yes, it does.

13 Q In other words, is it fair to say that only students
14 living within the EPZ would be maintained at the school at
15 that point and that other students would be available for
16 dismissal?

17 MS. ERCOLE: I object. The document speaks for
18 itself.

19 MR. RADER: Your Honor, the witness has testified
20 previously about his understanding as to how this would
21 operate. I am simply using the plan as a point of reference
22 to confirm that understanding and to provide an adequate
23 explanation for the record.

24 MS. ERCOLE: What this witness' interpretation of
25 the document by virtue of the questions asked by the Applicant

mn10-8

1 is improper because the applicant has repeatedly stated
2 before in objections that the documents speak for themselves
3 and I think that at this stage he has pointed out the
4 relevant portions to the witness and that any interpretations
5 thereof is left for the Board because we have the written
6 document.

7 MR. RADER: If I may point out, Your Honor, I
8 asked the witness if it meant that students not referred to
9 in this section would be dismissed. That is not part of
10 this section which I am referring to.

11 JUDGE HOYT: The objection is overruled. Answer
12 the question, sir, if you can.

13 THE WITNESS: The children that would be living
14 in the EPZ would be transported with this draft into the
15 host school which would be the Upper Perkiomen High School.

16 BY MR. RADER: (Resuming)

17 Q Is that the 16 or 20 students I believe you referred
18 to earlier at these schools?

19 A That is correct, whatever number it would be.

20 Q Whatever number it might be, it is somewhere in
21 the range of 16 to 20 persons within these schools who live
22 within the EPZ and who would be retained at these schools at
23 that point, is that correct?

24 MS. ERCOLE: Objection. I don't think that is the
25 correct characterization of his testimony.

1 JUDGE HOYT: Objection overruled.

2 THE WITNESS: It would be the students that not
3 only are from the Green Lane School but would be from any
4 of the other schools who in fact do live in the EPZ.

5 BY MR. RADER: (Resuming)

6 Q Now turning, sir, to the provisions regarding actions
7 at a site emergency stage which begins at page 18 and continues
8 at page 19, would you explain what actions would be taken
9 with regard to the Green Lane Elementary School at the site
10 emergency stage with regard to sheltering and I refer you
11 specifically to subsection 2(b) on page 19.

12 A (Perusing document.)

13 On 2(b) the Green Lane Elementary principal will
14 upon notification complete all procedures outlined for alert
15 and (b) confirm resources necessary for sheltering,
16 reporting unmet needs to superintendent, coordinate with
17 maintenance, security, food service and nursing personnel.

18 Q I note, sir, that the only protective action
19 referenced in that section is sheltering. Are there any
20 provisions with regard to preparation for an evacuation?

21 A (Perusing document.)

22 The evacuation that we are planning is if in fact
23 we go to early dismissal.

24 Q Sir, I am speaking only to the Green Lane Elementary
25 School. Are there any provisions in this plan regarding

1 evacuation of the Green Lane Elementary School?

2 A. To the best of my knowledge it would be the same
3 as for the rest of the school district which would be to
4 have an early dismissal. That would be our evacuation.

5 Q Would you show me in this plan, sir, where you
6 are referring to an early dismissal of students from the
7 Green Lane Elementary School?

8 A. (Perusing document.)

9 (PAUSE.)

10 I refer you to page 10, section (f)(3), please,
11 regular dismissal policy, transportation routes will be
12 in effect unless preempted by parental notification.

13 MS. ERCOLE: Excuse me. Could I just have that cite
14 again?

15 THE WITNESS: Page 10, section (f)(3).

16 MS. ERCOLE: Thank you.

17 BY MR. RADER: (Resuming)

18 Q That is a statement of the general concept for
19 your school district, is it not, sir?

20 A. Right. It says regular dismissal policy,
21 transportation routes.

22 Q Yes, sir. Under the concept of operations section
23 which follow in the pages we were reviewing, aren't there
24 different provisions for Green Lane Elementary School and
25 schools outside the EPZ as we have discussed?

mn10-11

1 A. Yes, that is correct.

2 Q. All right. Referring specifically to page 21.

3 A. (Perusing document.)

4 Q. With regard to consideration of possible options
5 in the event a protective action recommendation is made,
6 do you find any reference with regard to the Green Lane
7 Elementary School and I am referring to subsection two at
8 the top of the page which states that those students
9 would under any circumstances be dismissed.

10 A. (Perusing document.)

11 (PAUSE.)

12 Q. Let me clarify that, sir, dismissed as a protective
13 action. In other words, evacuated to another school.

14 A. (Perusing document.)

15 (PAUSE.)

16 What it states is obviously do not dismiss
17 students into the EPZ which we talked about and then you
18 have reference to item 11, upon receipt of suspension of
19 protective action normal day. I think those are the two
20 that you have reference to.

21 Q. Sir, is it your understanding that the Green Lane
22 Elementary School would be dismissed as part of a protective
23 action or are you referring to an early dismissal prior to
24 the notification by the state of a protective action?

25 A. I have reference to an early dismissal. We may have

mn10-12

1 a conflict in definitions here but I am talking about an
2 early dismissal.

3 Q I think you are right. I was referring to
4 dismissal as part of an evacuation in response to a
5 protective action recommendation by the State. Is it
6 your testimony that you would not utilize evacuation as an
7 option under those circumstances?

8 A I will answer it in my own words so I know what
9 I am saying. What I would be doing is if in fact we have
10 an alert status, we would be conducting what we call an
11 early dismissal procedure in which we would get the students
12 home into the custody of their parents or guardians.

END 10

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1 Q When you say an alert status, you are
2 referring, sir, to an alert stage of an emergency at
3 Limerick?

4 A Yes. That is to the best of my knowledge.

5 Q Thank you.

6 Now, at the Green Lane Elementary School,
7 I believe you stated that they have 190 to 95 teachers,
8 with nine teachers and a principal?

9 A Students with --

10 Q I am sorry, sir. 190 to 95 students with nine
11 teachers and a principal.

12 A Well, it is a part-time principal. In other
13 words, he has two schools, Red Hill and Green Lane.

14 Q Do you have any reason to believe that those nine
15 teachers would not be able to properly supervise those
16 students during a sheltering scenario, if a general
17 emergency were reached at Limerick?

18 MS. ERCOLE: Objection. I ask that a foundation
19 be established before he answers the question.

20 MR. RADER: I don't know for what.

21 MS. ERCOLE: If he formulates a conclusion
22 of a reasonable assurance of whether a staff would stay,
23 he has to state upon what basis he can make such a
24 finding and then what, if any, is his finding. He may
25 not be able at this stage to state whether he has a sufficient

1 basis to make that conclusion. I think that proper
2 foundation for a witness like this. Especially when we
3 don't have any surveys.

4 MR. RADER: That is the witness' testimony.
5 I am asking him if he has any problems with that.

6 MS. ERCOLE: That was not the question.

7 JUDGE HOYT: If that is the question, I will
8 permit the question to be answered, if the witness knows.

9 BY MR. RADER:

10 Q Do you anticipate any problems with staff
11 supervision of children in an emergency at the Green Lane
12 Elementary School with regard to the nine teachers and
13 part-time principal staff that you have there?

14 A No, I do not.

15 Q With regard to the schools outside the EPZ,
16 what is the policy of the school in the event of a
17 radiological emergency at Limerick?

18 A What we will be doing is to, at this moment,
19 is to have the teachers and the students conduct themselves
20 as they would if they had been released for any other
21 emergency, such as inclement weather. And that is what they
22 would be doing.

23 We would allow the teachers, as usual, to go
24 to their homes and as soon as is possible, those that live
25 within the EPZ we'd have to try to coordinate that as

1 best we could to see if, in fact, they can get back into
2 the EPZ. But we would handle it as we do for an early
3 dismissal.

4 Q If the protective action recommendation of the
5 state in a general emergency were to evacuate the EPZ,
6 would you send students who live in the EPZ, would you
7 send them back into the EPZ?

8 A Negative. We would not.

9 Q And those students who live outside the EPZ
10 would be dismissed to their homes?

11 A That is correct.

12 Q You mentioned certain private schools. I
13 believe the St. Phillip's School and the Perkiomen Prep.

14 A Correct.

15 Q Are they within your school district?

16 A Yes, sir.

17 Q Do you have responsibilities for those schools
18 with regard to emergency planning under Applicant's Exhibit
19 61, sir?

20 A No, we do not.

21 Q Are those schools outside the EPZ?

22 A Yes, they are.

23 Q You also mentioned the St. Pious and the
24 Western Montgomery Vocation School, sir. Under your plan,
25 does the Upper Perkiomen School District have responsibility

1 for either of those schools?

2 A Not for St. Pious. But for the Western
3 Montgomery County Vo Tech School, we would be receiving
4 their students, and we will be charged with them until
5 8:00 p.m., when, in fact, if the parents haven't picked
6 up the students, they will be going to North Penn.

7 Q So your responsibilities with regard to
8 the West Montgomery Vocational School are limited to
9 providing a host facility; is that correct?

10 A That is correct.

11 Q You will not be sending busses in to that
12 area to pick up their students or have that responsibility;
13 is that correct, sir?

14 A That is correct.

15 Q You were asked certain questions with regard
16 to your contract with the Levy Bus Company, sir.
17 Did I understand you to say that you have contracted for
18 30 -- the use of 31 of their busses?

19 A That is correct. I don't recall if it is
20 precisely 31, but whatever number it is that we use on a
21 day-to-day basis, because sometimes we might use one less
22 or one more busses, depends on the routes and depends on
23 the number of kids. But that is approximately correct.

24 Q And how many of those busses are utilized
25 with regard to the Green Lane Elementary School?

1 A I would say six or seven.

2 Q I see, sir.

3 Did you discuss the number of those busses in
4 your discussions with the Montgomery County Emergency office?

5 A Yes, sir.

6 Q And is that the number you provided that office,
7 sir, do you recall?

8 A It could be. I honestly don't remember
9 exactly. Whatever the number was, I mean we did supply
10 a number to them. I don't remember what it was.

11 Q If I were to refer you to a portion of the
12 Montgomery County plan, which is Applicant's Exhibit E-3,
13 with regard to the Upper Perkiomen School District and
14 particularly the Green Lane Elementary School, might
15 that refresh your recollection, sir?

16 A Yes.

17 Q Let the record reflect that I am showing the
18 witness a copy of Applicant's Exhibit E-3, the Montgomery
19 County Emergency Plan.

20 JUDGE HOYT: Do you wish to see this, Ms. Ercole?

21 MS. ERCOLE: No. I am sure they are showing
22 him what they are representing.

23 JUDGE HOYT: This record is going to show that.

24 MR. RADER: Specifically page I-3-13.

25 JUDGE HOYT: Very well. Let the record reflect that

1 the exhibit described by counsel is being shown to the
2 witness.

3 MS. ERCOLE: This is draft 7?

4 MR. RADER: That is correct.

5 JUDGE HOYT: I believe that is E-3. Check
6 that to be sure that is draft 7.

7 THE WITNESS: Upper Perkiomen School District
8 does not routinely evacuate Green Lane Elementary School,
9 Marlboro Township, five busses, assignment Levy Bus Company.
10 That would be about right.

11 BY MR. RADER:

12 Q Thank you, sir.

13 With regard to the contract you have with the
14 Levy Bus Company, do the provisions of that contract
15 provide that the Levy Bus Company will provide you
16 busses upon request?

17 A Correct.

18 Q Is that limited in any manner?

19 A Not to my knowledge.

20 Q So that would include a request to transport
21 students in the event of an early dismissal due to a
22 radiological emergency at Limerick; is that correct?

23 MS. ERCOLE: I object to that then because
24 the document would speak for itself.

25 JUDGE HOYT: I haven't heard the question yet.

1 MS. ERCOLE: I'm sorry.

2 JUDGE HOYT: Let me see if I can get the
3 question first. What is the question?

4 BY MR. RADER:

5 Q Is it correct, sir, that that contract would,
6 therefore, include a request by your school district,
7 if necessary, to transport students in the event of an
8 emergency at the Limerick Generating Station?

9 MS. ERCOLE: I would object on the grounds
10 that any contract existing would have to speak for itself.
11 The witness could only state what the contract says. He
12 cannot give his interpretation of it.

13 MR RADER: Your Honor, this witness has
14 previously testified that he has experience in requesting
15 this particular school bus service for early dismissal
16 and he is certainly qualified to state his opinion based
17 upon that experience.

18 JUDGE HOYT: I seem to recall some of the
19 earlier portion of this testimony. The objection is
20 overruled.

21 Answer the question, if you can, sir.

22 THE WITNESS: To the best of our knowledge,
23 he would supply the transportation.

24 BY MR. RADER:

25 Q Sir, are you aware of any situations in which you

1 have requested busses from the Levy Bus Company for
2 early dismissal? Has that happened previously?

3 A Yes, sir.

4 Q Does it happen often, sir?

5 A Often in the sense that out of 183 days,
6 it could occur ten or 15 times.

7 Q On those occasions have the busses been provided
8 by the Levy Bus Company?

9 A Yes, sir.

10 Q Do you know of any situation in which the
11 busses have not been provided because drivers had been
12 unavailable?

13 A None to my knowledge.

14 Q Sir, you were asked certain questions regarding
15 training of your staff. How many persons were trained
16 within your school district?

17 A 160 or so people received information that was
18 presented to them.

19 Q And was that staff drawn from all the schools
20 in your school district?

21 A Yes, sir.

22 Q And that would include the four schools outside
23 the EPZ; is that correct, sir.

24 A The Green Lane Elementary School?

25 Q No, sir. My question was, that would include the

1 four schools beyond the EPZ?

2 A Correct. I am sorry. Right.

3 Q And under your plan, are there any particular
4 actions which are taken by those four schools in the event
5 of a radiological emergency at Limerick requiring the
6 implementation of a protective action?

7 A None to my knowledge.

8 Q So there is no need for training for those
9 individuals; is that correct?

10 MS. ERCOLE: Objection.

11 MR. RADER: I think it is a perfectly reasonable
12 question.

13 JUDGE HOYT: What are the grounds, Ms. Ercole?

14 MS. ERCOLE: I will withdraw it.

15 JUDGE HOYT: Very well.

16 THE WITNESS: Well, quite frankly, we
17 intend to have training for them because we do not know
18 what, in fact, would be the contingencies. We don't
19 know if the wind would shift or anything else. We would,
20 under normal course, give training to all of our teachers.
21 If we are going to give it to some, we would give it to
22 all.

23 BY MR. RADER:

24 Q I want you to understand, no one is quarreling
25 with that, sir. I am simply trying to establish what is

1 necessary for the implementation of this plan.

2 MS. ERCOLE: I object to counsel's dialogue
3 with the witness. I think it would be proper for him
4 merely to ask a question.

5 BY MR. RADER:

6 Q Mr. Persing, with regard to that training,
7 were the nine teachers in the Green Lane Elementary
8 School provided that training?

9 MS. ERCOLE: Objection. Your Honor, I
10 don't want to be obstreperous, but the witness has
11 testified that it was not training. It was merely a pre-
12 sentation. I think that term should be used in placing
13 the question.

14 JUDGE HOYT: Ms. Ercole, I think the
15 terms "presentation" and "training" have so become
16 confused on this record, that it is much too late to concern
17 ourselves with that now. We are going to have to take
18 the testimony as we find it.

19 The objection is overruled. The witness will
20 answer the question.

21 BY MR. RADER:

22 Q Did those nine individuals receive training
23 from the Green Lane Elementary School, sir?

24 A They were present at the time the information
25 was presented, yes.

1 Q And following that presentation, did any one
2 of them come up to you and advise you that in his or
3 her opinion the training was inadequate?

4 A Not to me, no, they did not.

5 Q And has any one of those individuals ever
6 advised you that he or she would be unavailable to assist
7 and supervise in the event of a radiological emergency
8 at Limerick?

9 A No.

10 Q Sir, you stated that with regard to that
11 training, that you would suggest that it might be useful
12 to have further input sessions, I believe is what you
13 said.

14 Could you tell me what you meant by that?

15 A Yes. When we, in the education business,
16 start talking about training, we are talking about a lot
17 more than simply presentation of information. And
18 within that context, we call for what we call "input
19 session" or "explanation sessions" and make sure that
20 the objectives are perfectly clear to everyone, that the
21 input has taken place, that there is an opportunity for
22 explanation of what is going on; there are opportunities
23 for questioning techniques. There is opportunity for a
24 dialogue between the participants.

25 There is an opportunity for guided practice,

1 independent practice. There is an opportunity for actually
2 doing the tasks that we are asking them to do and
3 giving them a chance to get feedback on the quality and
4 standards of performance within time lines.

5 And in addition to that, following that we have
6 an opportunity then to do the coaching and feedback under
7 actual application procedures.

8 Q With regard to the informational aspect of
9 what you have stated, do you know of any questions that
10 were not properly answered at the training session?

11 A No, sir. I couldn't speak to that. I don't
12 know -- none that I know of, if that is your question to
13 me, sir, none to my knowledge.

14 Q Were you present at the training sessions, sir?

15 A Yes, I was. But I was only present for 15 to
16 20 minutes of it.

17 Q And how long was the training session?

18 A About an hour and 15 minutes.

19 Q And you are unaware of any particular
20 question which the Energy Consultants' instructor was
21 unable to answer? Is that your testimony?

22 A Not to my knowledge.

23 Q Do you know if a question and answer period
24 was provided, sir?

25 A Yes, there was.

1 Q It was provided?

2 A Yes, it was.

3 Q With regard to the -- what I think you
4 have referred to as drills or something in the nature of
5 demonstration sessions, would you tell me which particular
6 aspects of the plan you believe require a drill or
7 demonstration?

8 A I think if we were going to go into sheltering,
9 if sheltering became a part of our plan, I would like to
10 go through each of those particular aspects of sheltering.
11 If, in fact, we are going to ask kids to be part of a
12 drill which is, in fact, a radiological emergency, I
13 would like to condition them as much as I could with the
14 help of the teachers and teachers staff to understand
15 why we are doing it, what the objectives are, how long
16 it would be involved.

17 I would like to also explain, get an
18 opportunity to explain to the parents what responsibilities
19 we have in putting forth the best possible safety
20 plan for anything, any situation, would be. I think we
21 would need to try to do those sorts of things.

22 Q Was sheltering covered in the training session,
23 sir?

24 A Not to my knowledge.

25 Q You stated you were there for 15 of the hour and

1 15 minutes; is that correct?

2 A That is correct.

3 Q So it could have been given during the time
4 you were not present; is that correct?

5 MS. FRCOLE: Objection. Speculative. He
6 can only state to what was --

7 JUDGE HOYT: The objection is sustained.

8 BY MR. RADER:

9 Q Sir, did anyone tell you after the training
10 session that he or she was disappointed because
11 sheltering was not covered?

12 A No.

13 Q With regard to your testimony regarding
14 bussing drills and fire drills and bomb scares, could
15 you please tell me how you conduct these particular
16 exercises and what is involved, particularly with regard
17 to supervision, teacher supervision of the students?

18 A Well, we were to get what we term to be a
19 legitimate bomb scare, what we would do is, we would
20 have the teachers in charge of the students and we would
21 have a volunteer group search a certain area. That
22 area would probably -- is usually a large confining
23 area such as a cafeteria, auditorium, or a gymnasium
24 where we can get large groups of people there.

25 We try to determine that there is no bomb there.

1 Then we would, as quickly as possible -- and by the way,
2 these people have already been designated as a, quote,
3 a bomb search squad. And they then go in, and we then
4 move the students as fast as we can into that particular
5 area.

6 And then we start -- then we start examining,
7 to the best of our ability, the other areas.

8 If we are in any doubt at all, and sometimes as
9 routine we call in the fire police and notify the police
10 also that this is taking place. And then we attempt
11 then to get the children into the other areas that -- try to
12 get them out of the one crowded area into some other
13 areas.

14 MS. ERCOLE: Can you keep up your voice, please.

15 THE WITNESS: Yes. After we try to get them
16 into these other areas that we have tried to determine
17 whether or not it is safe, with the help of some outside
18 agencies. And then following that, then we get them back
19 to school.

20 That is a procedure.

21 Another procedure that we have also used is
22 quite frankly to get all the children immediately out of
23 the area. Such a case is a fire drill. They all have
24 their same exits. They know where the exists are, and
25 they follow a certain traffic pattern to get them in a

1 position outside of the building.

2 Q Is it fair to characterize these activities
3 as involving the mobilization and assembly of a large
4 number of students?

5 A Yes.

6 Q Is it your understanding that this is
7 basically what would be involved in sheltering?

8 A I have difficulty answering that because
9 we have really -- even myself, I haven't covered sheltering
10 too much.

11 I know it is in there, but I have difficulty
12 with that. I don't think I can give you an honest answer.

13 Q Sir, if I may ask, have you personally had
14 the training afforded to school administrators by
15 Energy Consultants?

16 A No.

17 Q Do you --

18 A The only training that I have had is with other,
19 with Energy Consultants, is to sit down with them and go
20 over procedures and work with the plan, if that is what you mean.

21 Q No, sir. I mean specifically a training sessions
22 for administrators specifically geared to their responsibilities
23 which was offered by Energy Consultants.

24 Are you aware of such training, sir?

25 A Only that they were going to do this in the near

1 future and that they were going to get the superintendents
2 together especially.

3 If that is what you mean, I have reference to
4 that. I am knowledgeable of that.

5 Q Would you accept such training if offered, sir?

6 A Certainly.

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1 Q At any time with regard to training of any staff
2 in the school, are you aware of any instance in which Energy
3 Consultants or Montgomery County has declined to provide any
4 particular training or assistance that you have requested, to
5 your school district?

6 A None, to my knowledge.

7 Q Sir, in discussing sheltering before in your
8 testimony, I believe you referred to your belief that
9 sheltering would involve putting students in basements.

10 Is that correct?

11 A That's one of the things that I was told, yes.

12 Q And who told you that?

13 A Mrs. --

14 Q Mrs. Ercole?

15 A Yes.

16 Q I see.

17 By the way did you discuss your testimony prior to
18 today with Mrs. Ercole?

19 Q No.

20 Did you discuss it today with Mrs. Ercole?

21 A Not the testimony. She talked with us, if that is
22 what you mean.

23 Q You did not discuss your testimony, however?

24 A No, I did not.

25 Q Did you discuss the questions which she might be

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1 asking you?

2 A No, I did not.

3 Q Is your concept of sheltering, in addition to
4 whatever Mrs. Ercole may have told you -- is your concept
5 of sheltering based on any knowledge of Annex E, the Disaster
6 Operations Plan for the Commonwealth of Pennsylvania?

7 A Not to my knowledge, no.

8 Q So you are not familiar with the concept of
9 sheltering and the definition of sheltering as discussed in that
10 plan.

11 Is that correct, sir?

12 A That is correct.

13 Q Are you aware then, under Annex E, how long a
14 sheltering option would be utilized?

15 MS. ERCOLE: Objection. He said he is not familiar
16 with Annex E.

17 MR. RADER: I wish to establish a specific point,
18 your Honor. Their testimony was raised earlier -- the point
19 was raised earlier in the testimony as to possible disruptions
20 which would occur for presumably a longer period of time.
21 And I wish to establish that the witness was not familiar with
22 Annex E, that states that sheltering would be utilized for
23 only a two-hour period.

24 MS. ERCOLE: He said he is not familiar with Annex E.
25 It has already been asked and answered.

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1 JUDGE HOYT: This is cross, Ms. Ercole, we will
2 permit the question to be answered.

3 Objection overruled. Can you answer it, sir?

4 THE WITNESS: The question again is?

5 BY MR. RADER:

6 Q Yes, sir. Are you familiar with the concept in
7 Annex E, that sheltering would be a required option for only
8 a limited period of approximately two hours?

9 A I believe this was mentioned this morning in my
10 company. Yes.

11 Q It was mentioned to you, sir?

12 A Yes.

13 Q By whom, sir?

14 A It could have been Dr. Feich, or it could have
15 been Mrs. Ercole. I really don't remember, because I didn't
16 know what sheltering was then, either.

17 MS. ERCOLE: I didn't hear that last answer.

18 THE WITNESS: I didn't know what sheltering is
19 or was.

20 BY MR. RADER:

21 Q Sir, you testified regarding your understanding
22 that under your plan students would be dismissed at the
23 alert stage, or when alerted.

24 Could you explain exactly what you meant by that?

25 A Well, what I understand is that when we would be

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1 receiving a notification from the county, it would be telling
2 us that we are in various stages, and during those stages, one
3 of those stages, we would be releasing our students as an
4 early dismissal procedure.

5 Q If the state recommended to you, with regard to a
6 particular protective action for the Green Lane School, would
7 you follow that instruction, sir?

8 A I would think so, yes.

9 Q With regard to your testimony again regarding
10 drills, bus drills I believe you referred to, did I under-
11 stand you to say that in those drills you do not actually
12 load the students on the buses?

13 A What I have reference to is that we have had -- one
14 of the drills that we have had was almost like a communications
15 exercise, at which time we did not move any personnel. I am
16 not quite sure when that was. It has been in the last month
17 or so. And at that time it was one of the phases that we
18 had utilized, which was communications.

19 And we had two observers from the state there at
20 that time.

21 Q Are you referring to the school drill on November
22 20th, sir?

23 A I think that is what it would be, yes.

24 Q Were there any problems during that particular
25 drill, sir?

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1 A None to my knowledge.

2 Q Do you know if the FEMA observers found any
3 problems?

4 MS. ERCOLE: Objection.

5 BY MR. RADER:

6 Q Do you know if there were any FEMA observers
7 present, sir?

8 A Yes, sir, there were two.

9 Q Did they discuss any problems with the drill with
10 you?

11 A No, none that they had observed. Not to my know-
12 ledge. We had a conference and we talked about things, but --

13 Q But they mentioned no particular problem that they
14 saw in the drill?

15 A None that I know of.

16 Q Could you explain to me what you meant previously
17 by your reference to the bus drill as such, aside from the
18 November 20th drill?

19 Was that something different?

20 A What I would have reference to, is if we would
21 have a drill for early dismissal, perhaps we could also
22 utilize that if possible, as a means to superimpose the
23 emergency evacuation. If we could do the same things at
24 the same time, that way we wouldn't have to bring in buses
25 and find out whether or not we could do what we want to do.

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1 And, if we could possibly do it that way, it would
2 save us a lot of time and a lot of effort.

3 Q If, for example, a representative from Energy
4 Consultants was there at that time to help you evaluate
5 the drill in terms of procedures during a possible radiologi-
6 cal emergency, would that satisfy your concerns with regard
7 to the demonstration which you were discussing previously?

8 MS. ERCOLE: Objection --

9 THE WITNESS: I wouldn't know that until --

10 JUDGE HOYT: Just a minute.

11 MS. ERCOLE: Fine, I withdraw that. The witness
12 has answered he doesn't know.

13 JUDGE HOYT: Very well.

14 Go ahead.

15 BY MR. RADER:

16 Q Do you anticipate any differences between the kind
17 of evacuation procedure which might be used in an emergency
18 for the Green Lane School and the procedures which you utilized
19 in your bus drill?

20 A Well, the difference would be that we would not
21 be sending the kids into the EPZ if some of them had lived
22 there. We would be sending them up to the high school.

23 Q Let me rephrase that, sir.

24 I am directing your attention specifically with
25 regard to the mobilization and assembly of students from their

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1 places in the school and putting them on buses.

2 A No, there shouldn't be any difference there, if
3 that is what you mean.

4 JUDGE HOYT: I am sorry, sir, I did not hear you.

5 THE WITNESS: I said, no. If that is what he
6 means, the answer would be no.

7 JUDGE HOYT: Thank you.

8 BY MR. RADER:

9 Q Aside from the information or advice provided to
10 you by Mrs. Ercole regarding the sheltering option, do you
11 have any reason personally to believe that sheltering could
12 not be implemented for the Green Lane Elementary School?

13 MS. ERCOLE: I object. And I object to the
14 characterization of the question, because it improperly
15 impugns my professionalism and integrity.

16 Secondly, it mischaracterizes what this witness
17 said. He merely said he heard about sheltering, and the idea
18 of a basement, from a discussion with Mrs. Ercole. It was
19 never put in context in terms of advice. It was never put
20 in a context in terms of an explanation of what sheltering
21 was.

22 And, for Applicant to do something like that in
23 the form of a question is improper.

24 JUDGE HOYT: Mrs. Ercole, I don't think anyone has
25 impugned your professionalism in this courtroom. Certainly,

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1 that is not the impression that I have.

2 I believe the witness --

3 MR. RADER: I attempted --

4 JUDGE HOYT: Just a moment, counsel.

5 MR. RADER: I am sorry.

6 JUDGE HOYT: I believe the subject of your discus-
7 sion with this individual and someone else had occurred early
8 in this cross examination.

9 I think this is an appropriate question. Your
10 objection will be overruled.

11 MS. ERCOLE: I don't object to him asking what, if
12 anything, was discussed.

13 But to characterize the question about what, if
14 any advice Mrs. Ercole gave you, and various other discussions
15 on sheltering, I think that is an improper characterization,
16 and I think it is a flip way of putting a question, when it
17 is not based upon what this witness had testified to previously.

18 JUDGE HOYT: I am again reiterating what I have
19 just said, Ms. Ercole. I don't think that your professional
20 integrity has in any sense been impugned. I don't interpret
21 the question in that fashion.

22 If counsel wants to ask his cross examination as
23 you have yours, in what may not be the best manner possible,
24 this Board is not going to intervene.

25 All right, counsel, let's watch the approach to

mm9 1 your questions to avoid these types of things in the
2 future.

3 MR. RADER: I absolutely attempted to find a neutral
4 word, but I will rephrase it as best I can.

5 JUDGE HOYT: Very well.

6 BY MR. RADER:

7 Q Aside from whatever Mrs. Ercole told you regarding
8 sheltering, do you have any personal beliefs regarding the
9 ability of the Green Lane Elementary School to implement a
10 sheltering action?

11 A As I have stated before, I am not familiar with
12 sheltering. But, if sheltering does provide for a utilization
13 of a basement facility, we have none in Green Lane.

14 So, if that is an option, that option isn't open
15 to us.

16 Q But that would be the only problem you have if
17 sheltering required the utilization of a basement, is that
18 your testimony sir?

19 A I don't know that, because I have already told
20 you I am not that familiar with, you know, sheltering. I
21 would like first to have read it and studied it. Then I could
22 give you an honest answer. I honestly couldn't tell you that
23 at this time.

24 Q Are you aware whether the county plans and
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1 municipal plans and school district plans for other areas
2 of the EPZ also utilize a sheltering option, sir?

3 A I am quite sure that they might use that as an
4 option.

5 Q Sir, at the beginning of your testimony I believe
6 you stated that you were an elected official.

7 Are you elected by the populace in your school
8 district, sir?

9 A There aren't any superintendents in the State of
10 Pennsylvania that are elected by the populace. They are
11 all elected by the Board of School Directors.

12 Q So yours is technically an appointive office, is
13 that correct, sir?

14 A No. Technically it is not. Technically it is an
15 elective office.

16 MR. RADER: Fine. No further questions.

17 JUDGE HOYT: Very well. The cross examination
18 of this witness by Commonwealth will be limited to 30 minutes.

19 BY MS.FERKIN:

20 Q Dr. Persing, my name is Zori Ferkin, I am counsel
21 with the Governor's Energy Counsel representing the
22 Commonwealth. I would like to ask you a few clarification
23 questions, if I may, just to get started.

24 My concern right now is with private schools.

25 Is the Perkiomen Prep School within the Upper

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1 Perkiomen School District?

2 A Correct.

3 Q Is the Perkiomen Prep School within the ten-mile
4 radius of the Limerick EPZ?

5 A No, negative.

6 Q Is the St. Phillips School within the Upper Perkiomen
7 School District?

8 A Yes.

9 Q Is the St. Phillips School within the ten-mile
10 radius of the Limerick EPZ?

11 A Negative.

12 Q Is the St. Pius School within your school district?

13 A Not within the confines of the school district,
14 but within the definition of the State, within the ten-mile
15 radius for providing bus transportation. We have that
16 obligation.

17 Q In other words, you provide -- your school district
18 provides bus service on a daily routine basis to the St. Pius
19 School?

20 A That is correct, as well as the other two other
21 private schools for residents.

22 Q What other two private schools?

23 A The ones you had reference to, which is St. Phillips
24 and Perkiomen Prep.

25 Q Isn't the St. Pius School technically located

mm12

1 within the Pottsgrove School District?

2 A That's correct.

3 Q Do you know whether the Pottsgrove School District
4 provides the St. Pius School bus service on a routine basis?

5 A Yes, I think to the best of my knowledge they do.

6 Q Now we have referred to the Western Montgomery
7 County Vocational Technical School.

8 Is that a correct statement?

9 A That's correct.

10 Q Is that school within the Upper Perkiomen School
11 District?

12 A No, it is not. Only of course -- it is not
13 physically in there, but since there are three school districts
14 which operate the WesternMontgomery County Vocational Technical
15 School; being Pottsgrove, Spring Ford and Upper Perkiomen
16 we do have a responsibility for them.

17 Q Therefore, you provide that school, the Western
18 Montgomery County Vocational Technical School transportation
19 on a routine daily basis?

20 A Yes, ma'am.

21 Q You referred earlier to other private schools?

22 A Yes.

23 Q Can you define what you meant by that?

24 A Yes. Those would be all school districts which
25 are private in the sense of like Calvary Baptist School, or

mm13 1 Upper Bucks Baptist School, there are Christian Day Schools.
2 In addition, there are special education schools that we
3 transport to not only that are singularly for that purpose,
4 but as well as located within other school districts that
5 we transport our children to.

6 Q Do you have a ballpark figure as to how many of
7 these schools are in that category?

8 A Yes. On any given day between 30 and 35.

9 Q So in other words, you provide routine transportation
10 to between 30 and 35 private schools, other than St. Pius and
11 Western Montgomery Vocational Tech?

12 A Including them.

13 Q Including them?

14 A Yes.

15 Q Do you know whether any of the private schools
16 which we have just been discussing, are within the ten-mile
17 radius?

18 A Oh, yes, some of them are.

19 Q Some of them are.

20 Do you have any idea which ones?

21 A No, I do not. I think it is in our plan somewhere,
22 we have reference to it. But off the top of my head, I don't
23 have that.

24 Q Could you take a moment to review what has been
25

mm14

1 marked as Applicant's Exhibit E-61, and point out that place
2 to me, if possible.

3 (Witness reading document.)

4 A I am having difficulty finding that, if, in fact
5 it is even in this plan.

6 Q Could we try attachment 1?

7 A All right, let's do attachment 1.

8 (Witness reading document.)

9 Oh, yes, here we go.

10 Well, what happens here is, for example what you
11 have reference to is we could have students attending the
12 Calvary, the Chapel Christian Academy, and they would be
13 bused to Calvary Baptist.

14 We could have --

15 Q Excuse me, sir, could you identify for me exactly
16 what page of that plan you are referring to?

17 A A-4-3.

18 Q Please continue. I didn't mean to interrupt.

19 (Witness reading document.)

20 A We could have some in St. Gabriel School as an
21 example.

22 We might have some in West Mount Christian
23 Academy. I wouldn't know exactly, until I have the list of
24 students in front of me where they were actually attending.

25 Q I understand.

1 Just one general question with regard to attach-
2 ment 4, when it states that a student will be bused to
3 somewhere, does that bus emanate from the Levy Bus Service?

4 A No, not necessarily.

5 Q So this could refer to more than one bus service?

6 A Oh, yes. Very definitely.

7 Q And would the alternate bus services be bus
8 services contracted to school districts other than Upper
9 Perkiomen?

10 A Yes.

11 Q In preparing attachment 4 to the plan that you
12 are referring to now, was it necessary to coordinate, for
13 example with the Pottsgrove School District, or the Spring
14 Ford School District?

15 A What needs to be done, in addition to what is
16 in this attachment, we need to make sure that we have a list
17 of all students who are attending all private schools from
18 our school district, to determine by agreement with the
19 schools that they are attending, that they will be responsible
20 for transporting those students who are within our school
21 district, but now attend them, their schools, to make sure
22 that they will transport our students along with other
23 students to other sites.

24 We need to determine that.

mn-13-1

1 Q Are you in the process of determine that?

2 A Yes, we are.

3 Q Who are you working with in this process?

4 A We will be working with Sam Tabak, Mr. Bigelow --
5 those two from the county office. We need to determine that.

6 Q Until that process is completed, is it your
7 opinion that you will not submit the Upper Perkiomen
8 School District plan to your school board for approval?

9 A Absolutely. That is correct.

10 Q Sir, you made a reference earlier to the North Penn
11 High School. I would appreciate it if you would clarify
12 the reference that you made.

13 A We have students coming to our Upper Perkiomen
14 High School from the Western Montgomery County Vocational
15 Technical School who have the other two school districts,
16 Spring Ford and Pottsgrove. If those students have not been
17 picked up either by their parents or by some other type of
18 transportation, they will then be transported from our
19 high school to North Penn High School which will function
20 as I understand it as a mass care facility.

21 Q The time of the pick-up that you are referring to,
22 are you referring to eight p.m?

23 A Correct.

24 Q So in other words students who are left at the
25 Western Montgomery Vocational Technical School at eight p.m.

mn13-2

1 will then be transported to North Penn High School.

2 A. No.

3 Q. Please clarify that.

4 A. They would be removed immediately from the Western
5 Montgomery County Vocational and Technical School to Upper
6 Perkiomen High School. Then from Upper Perkiomen High
7 School if they are not picked up by their parents or some
8 arrangement has not been made for them by eight p.m., they
9 will then be transported from our high school, Upper Perkiomen
10 High School, to the North Penn High School.

11 Q. In the beginning of your testimony earlier today
12 you referred to certain unmet needs that you have discussed
13 with Montgomery County Office of Emergency Preparedness, did
14 you not?

15 A. Correct.

16 Q. You referred to an unmet for personnel. Could you
17 explain that, please?

18 A. Personnel?

19 Q. Yes. You used the word personnel. I recall that
20 distinctly.

21 A. In which context?

22 Q. I believe Ms. Ercole was asking you whether or not
23 your school district had transmitted any unmet needs to
24 Montgomery County. Your first mention was of an unmet need
25 for personnel.

nl3-3

1 A. If I recall it correctly, personnel in order to
2 oversee the drill or if we are going to have training?

3 Q. You did not elaborate and my question to you is
4 what did you mean by "personnel?"

5 A. As I recall putting in the context that is fresh
6 in my mind, I meant personnel in order to help us with
7 further training of staff.

8 Q. In other words, you would like Montgomery County
9 to provide service to you in the more extensive training
10 that you have been describing throughout your testimony,
11 is that correct?

12 A. Correct.

13 Q. Is it your understanding that Montgomery County
14 is going to provide you with such additional personnel?

15 A. They have repeatedly stated that they would be
16 able to help us with our request.

17 Q. Have they indicated a time or a date on which they
18 would provide you with personnel?

19 A. No, they didn't but by the same token, we didn't
20 request it.

21 Q. Sir, regarding the presentation that you were
22 provided by what I am assuming is Energy Consultants. Can
23 I assume that that was provided to the 160-plus staff
24 members by Energy Consultants?

25 A. Yes, ma'am.

1 Q Do you recall the particular individuals from
2 Energy Consultants?

3 A No, ma'am, I do not.

4 Q Did you meet with anyone from Energy Consultants
5 prior to the presentation of that training?

6 A Yes, John Cunningham.

7 Q Did you review with Mr. Cunningham the content of
8 the material that was going to be presented to the school
9 district staff?

10 A In broad general terms, yes. They would be
11 presenting information on radiation. They would be presenting
12 information on the plan itself.

13 Q Did he indicate to you that the presentation
14 would include a discussion of protective actions?

15 A He may have. I can't say that I remember that.

16 Q Did he review with you and I would appreciate it
17 if counsel for LEA could show this to you.

18 (Document tendered to witness.)

19 JUDGE HOYT: Ms. Ferkin, what document is this?

20 MS. FERKIN: I am about to describe it. What
21 counsel for LEA is showing the witness is a copy of Applicant's
22 Exhibit E-65, the training module for school teachers and
23 staff.

24 THE WITNESS: No. I personally have not seen
25 this.

mnl3-5

1 BY MS. FERKIN: (Resuming)

2 Q So in other words Mr. Cunningham did not review
3 that with you prior to arranging training for your staff
4 members in your school district?

5 A No, ma'am.

6 Q In your discussion with Mr. Cunningham, did he --
7 (At this point in the proceedings, a fire alarm
8 was sounded throughout the building.)

9 JUDGE HOYT: We will be off the record.

10 (Discussion off the record.)

11 JUDGE HOYT: Back on the record. Ms. Ferkin.

12 BY MS. FERKIN: (Resuming)

13 Q I would just like to verify the answer to my
14 last question.

15 JUDGE HOYT: Off the record.

16 (Discussion off the record.)

17 JUDGE HOYT: We have just been notified that we
18 do have to vacate for the fire drill. We will recess.

19 (Whereupon, a short recess was taken)

20 JUDGE HOYT: The hearing will come to order.

21 The parties are all present and the witness is again on the
22 stand and you are still under oath, sir. Now Ms. Ferkin,
23 would you please pick up on your examination please.

24 BY MS. FERKIN: (Resuming)

25 Q Before we were interrupted --

mnl3-6

1 JUDGE HOYT: Let me say that is by a fire drill
2 because I don't think this record reflects that. That was
3 the interruption. Go ahead, Ms. Ferkin.

4 BY MS. FERKIN: (Resuming)

5 Q Before we were interrupted by a fire drill,
6 Dr. Persing, you had established that prior to the Upper
7 Perkiomen School District staff receiving EC's presentation
8 you had not reviewed the training module identified as
9 Applicant's Exhibit E-65, is that correct?

10 A That is correct.

11 Q Have you had an opportunity since that presentation
12 was made to review that module?

13 A No, I have not.

14 Q All right. After the presentation was made to your
15 staff, Dr. Persing, did you speak with any of the 160-plus
16 persons who attended the session?

17 A Yes, I did.

18 Q How soon after the presentation did you speak with
19 an individual regarding the content of the presentation?

20 A The next day.

21 Q What did that individual or individuals tell you
22 about the content of the session?

23 A They felt that the content was in their opinion,
24 some of it was superfluous and didn't apply. They felt --
25 some of them felt that it was good information and nice to

mnl3-7

1 know information. Most of them felt that they were not
2 trained and they took issue with the word training and I
3 explained that already. Some of them of course were more
4 vociferous than that and had some philosophical, in my
5 opinion philosophical, problems that they had to deal with.

6 Q In what sense do you mean philosophical
7 problems?

8 A I think that they felt again in my opinion that
9 they were opposed to any type of plan because it couldn't
10 possibly fulfill the requirements that they thought were
11 in order to be adequate and therefore, they were opposed
12 to doing most anything if they could. But they felt that
13 they were almost ambivalent on it because they felt like
14 they had to do something but they didn't like what they had
15 to do and on and on and on.

16 Q When you said "superfluous," what was your
17 understanding of what people meant by that?

18 A People had thought that there was not near enough
19 information, it wasn't near enough time, it wasn't near
20 enough training and it was just glittering over the surface.
21 Now that was some people. It certainly was just a few.

22 Q Do you recall whether anyone suggested to you
23 a particular substantive item that they felt might have been
24 included in the presentation?

25 A Some of the things they wanted to know is just how

mn13-8

1 to act with the kids specifically if there would be a
2 situation, is there any type of training that is available
3 for them to help kids go through any type of trauma that
4 they might have, things such as that.

5 Q Do you recall anyone telling you that one of the
6 substantive areas covered in the session they attended was
7 sheltering?

8 A No, not that I remember.

9 Q Dr. Persing, did the Upper Perkiomen School
10 District participate in the July 25th drill?

11 A Yes.

12 Q To what extent?

13 A We had the director of buildings and grounds
14 and some other personnel present at the high school to have
15 people in the area, directing them, giving them answers to
16 questions especially for police and ambulance people and
17 fire people that arrived.

18 Q You would characterize this participation then as
19 demonstrating the communications capability of the school
20 district?

21 A To some degree.

22 Q You stated earlier that the district participated
23 in the recent November 20th supplemental exercise, did you
24 not?

25 A Correct.

mn13-9

1 Q Can you describe the activities your school district
2 participated in that day?

3 A What happened is we received a call telling us
4 we are in one of the particular phases --

5 Q Let me stop you right there. Were you told what
6 phase?

7 A I didn't take the call. The message was given to
8 me and I frankly don't remember which phase it was, whether
9 it was stand-by at that point or what it was. We then
10 contacted all the principals and told them that we had
11 received the call and that further information would be
12 forthcoming.

13 Q Is that the extent of the activity on that day?

14 A Following that, during the time that this was
15 happening our director of transportation and our director
16 of buildings and grounds and the task force member who
17 was attached to our group was working with some state
18 observers determining what information they thought they
19 might need.

20 Q Was that the extent of the activity on that day?

21 A That is correct.

22 Q Following the drill, did you discuss any aspect of
23 the drill with state observers?

24 A Yes. They came in and they sat with us and we
25 discussed the aspects of the drill in my office. There were

mn13-10

1 two state observers, again the director of buildings and
2 grounds, transportation and the task force person, Mr. Frye,
3 was present.

4 Q Were there any particular aspects of the activities
5 that you participated in that day that you discussed with
6 the state observers?

7 A Yes. We talked with them about the necessity
8 of having communications such as telephones present,
9 designated numbers, designated lines. We talked with them
10 about the problems of making sure that we had the students
11 identified who lived in the EPZ to make sure that they
12 wouldn't be transported back into the EPZ. We talked
13 about problems of having our students who are located
14 within the EPZ and outside for that matter attending other
15 schools to make sure that we could coordinate their
16 transportation and make sure we knew where they were and
17 that we could get that information out to the parents.
18 Those were the types of things we were talking about.

19 Q Is it your feeling that especially with regard to
20 identifying the students, is it your belief that you and
21 the county are pursuing that effort?

22 A Yes.

23 Q One area still puzzles me, Dr. Persing, at one
24 point your direct testimony you testified that in your
25 understanding the Western Montgomery County Vocational and

mn13-11

1 Technical School must submit its own plan.

2 A Yes. It is my understanding that each school
3 and they are an entity, that they have to have a plan.

4 Q What is the basis of that understanding, please?

5 A They operate a school for three different school
6 districts and they have transportation coming into them
7 from three different school districts so they would have
8 to coordinate between a minimum of three different school
9 districts plus other students. That, to me, leads me to
10 believe that they must have their own plan.

11 Q But you do not know whether this particular school
12 is, in fact, preparing its own plan?

13 A Yes, I do because I have been in contact with the
14 director, Mr. Kirshner, and he tells me that they are
15 preparing one.

16 Q It is your understanding then with regard to
17 transportation of students from the Western Montgomery
18 County Vocational and Technical School to the Upper
19 Perkiomen High School that there will be buses from three
20 different school districts performing that function including
21 your own?

22 A No. I don't know that. I don't know exactly
23 how those buses are going to be provided at this moment to
24 get those students, all of those students, to our high
25 school. I honestly don't know how they are going to do that.

mn13-12

1 Q But you were saying that you were in the process
2 of coordinating that?

3 A Yes. That was must be done.

4 Q With Montgomery County?

5 A I would think so, yes.

6 Q And the other relevant school districts?

7 A Correct.

8 Q Let me clarify just one more time. In the Green
9 Lane Elementary School, is it true that you have identified
10 approximately ten to twelve children who attend that school
11 and who live in the EPZ?

12 A That is to the best of my knowledge. I really
13 don't have that list in front of me. I could very easily
14 get it, not very easily but we could get you that
15 information.

16 Q If Upper Perkiomen School District choses to
17 at an alert send children out on early dismissal, what
18 will be done with those ten to 12 children who live in the
19 EPZ?

20 A They would be going along with other children
21 who reside there to the high school, to the Upper Perkiomen
22 High School.

23 Q You have testified that you are in the process
24 of identifying children in private schools who also live
25 within the EPZ, is that correct?

nn13-13

1 A That is correct.

2 Q Have you thought about planning for transportation
3 of those children?

4 A Oh, yes. What we must do is we must coordinate
5 that transportation with the school in which they reside.

6 Q Do you anticipate that that planning would result
7 in those children being transported to Upper Perkiomen
8 High School as well?

9 A No, we do not. We anticipate that they will go
10 along with students wherever that particular school is going
11 to transport students to the host school. We do know but
12 I don't have reference to that now.

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1 Q At least one more question. You testified
2 at the beginning of your direct testimony that
3 Upper Perkiomen High School contains a mass care center.

4 A It has been designated as a mass care center through
5 the Red Cross. This is something that we had done before.
6 I don't recall exactly when. Several months ago.

7 It doesn't specifically have anything to do
8 with the radiological plan.

9 Q So in other words, it is not part of the
10 radiological emergency response plan for Limerick --

11 A Correct.

12 Q -- that Upper Perkiomen High School be relied
13 upon as a mass care center?

14 A That is correct. That's right.

15 Q To your knowledge, does Upper Perkiomen High
16 School serve any other function in the Limerick planning
17 other than as a host school?

18 A None to my knowledge.

19 MS. FERKIN: May I have a moment, please.

20 JUDGE HOYT: Yes.

21 (Pause.)

22 BY MS. FERKIN:

23 Q One more point, Dr. Persing. You indicated
24 on, I believe it was your direct testimony, that certain
25 teachers had indicated informally to you that they would

1 stay with their students in a radiological emergency;
2 is that correct?

3 A That's correct.

4 Q Did you have any such indication from teachers
5 at the Green Lane School, or have you had any such
6 indication from teachers at the Green Lane School?

7 A No, specifically, I have not.

8 Q Have you ever raised the subject --

9 A No, I have not.

10 Q -- with the Green Lane School?

11 A No.

12 Q Regarding the concept of sheltering, Dr. Persing,
13 would you tell me the basis of any knowledge you have at
14 this moment as to what sheltering means in a radiological
15 emergency?

16 A I can only tell you what, in fact, I have come
17 in contact with today by sheltering, and that means
18 simply to hold them in their positions, to close windows,
19 to put them in a position where the participants would
20 be better insulated.

21 That is about all that I know about it. I
22 am not familiar with that concept.

23 Q Prior to today, have you ever discussed the
24 concept of sheltering with any representative from
25 Energy Consultants?

1 A Not to my knowledge.

2 Q have you ever discussed the concept of
3 sheltering with any representative from Montgomery County?

4 A Not the concept of sheltering, no.

5 MR. FERKIN: I have no further questions.

6 JUDGE HOYT: Thank you.

7 Does the staff have any questions?

8 MR. MC GURREN: Yes, we do, your Honor.

9 JUDGE HOYT: Very well. You have 30 minutes.

10 MR. MC GURREN: I think I will take less than
11 that, your Honor.

XXXXXX

12 CROSS-EXAMINATION

13 BY MR. MC GURREN:

14 Q Dr. Persing, my name is J. McGurren. I am
15 with the NRC Staff.

16 The line of cross-examination that I am going
17 to have you look at concerns early dismissal. And what
18 I would like you to do is look at Applicant's Exhibit E-61.
19 I believe we were looking at that earlier today. And
20 specifically page 10, paragraph F-3, which I believe is
21 the appropriate section for schools in session.

22 Have you found that, sir?

23 A Yes, I have.

24 Q I ask you, particularly with regard to the
25 second sentence there, to you, what does that mean to you?

1 A You are referring to F-3?

2 Q F-3.

3 A Second sentence, "Regular dismissal policy,
4 transportation routes"?

5 Q That's correct.

6 MS. ERCOLE: Page?

7 MR. MC GURREN: Page 10, draft 4, Applicant's
8 Exhibit E-61.

9 THE WITNESS: What that means to me is that
10 when we have determined that we are going to release
11 the students, we will conduct that as per our regular
12 early dismissal policy which means that we would be
13 doing essentially the same thing that we would be doing
14 if we had inclement weather.

15 That means that we will be bringing busses in
16 early and dismissing them rather than their regular time.

17 BY MR. MC GURREN:

18 Q Okay.

19 Now, just to take this one step further with
20 regard to the Green Lane School, which I think if I heard
21 you correctly today, Green Lane is within the EPZ.

22 A Correct.

23 Q And it has 10 to 12 students that live within
24 the EPZ.

25 A Correct.

1 Q What would you do with those 10 to 12 students?

2 A We would take those 10 to 12 students and we
3 would transport them to the Upper Perkiomen High School
4 where they would stay until their parents would, in
5 fact, come and pick them up or guardians. If they would
6 not pick them up by 8:00 p.m., for whatever reason,
7 we would then transport them or see that they are transported
8 to the North Penn High School.

9 Q Now, if you would, please, look again at
10 that second sentence on page 10 of F-3, particularly
11 the language that says, "and/or a protective
12 action recommendation from the Montgomery County OEP."

13 Do you see that?

14 A Yes.

15 Q Now, I ask you, sir, to turn to page 21 of
16 that same exhibit.

17 Let me know when you are there.

18 A I am there.

19 Q And you see a small c, "Upon recommendation for
20 protective action"?

21 A Correct.

22 Q Paren, sheltering or evacuation?

23 A Correct.

24 Q Do you believe that that is what the language
25 on page 10 is referring to in terms of a protective action --

1 that is, being either sheltering or evacuation, a
2 recommendation of sheltering or evacuation?

3 (Pause.)

4 Sir, if it might help you, I want you to
5 take as much time as you think necessary to explain this.
6 It might help you to refer to page 19 which is the
7 beginning of this particular paragraph. It is Section D
8 on page 19, General Emergency (School In Session), and
9 number one says, "School district superintendent will,
10 upon receipt of notification from the Montgomery County
11 OEP," then it goes colon, then it goes on.

12 Do you see that? I don't know if that helps
13 you or not.

14 MR. RADER: I have no specific objection as
15 such, but since counsel offered that for clarification
16 to help the witness, I would like to point out that under
17 subsection D, there is a paragraph one providing
18 general responsibilities for the school district
19 superintendent in the event of a general emergency.

20 However, on page 21, there is a subparagraph 2
21 which appears to provide a different procedure for the
22 Green Lane Elementary School.

23 JUD E HOYT: What is the purpose of that,
24 counsel?

25 MR. MC GURREN: I think that is evident from the --

1 MR. RADER: Mr. McGurren was attempting
2 to help the witness because he seemed to be having some
3 difficulty in locating the particular provision of the
4 plan.

5 JUDGE HOYT: Very well.

6 THE WITNESS: Now that I have located it, what
7 was your question?

8 BY MR. MC GURREN:

9 Q What I am trying to do is tie in the
10 section on page 10 that I referenced, which is F-3,
11 that language that says -- let me read the whole
12 sentence: "Regular dismissal policy/transportation routes
13 will be in effect unless preempted by parental notification
14 from the district and/or a protective action recommendation
15 from the Montgomery County OEP."

16 And I am trying to ask you, sir, if it is
17 your understanding of this plan that what the language
18 there on page 10 means, in terms of protective action,
19 is a recommendation of sheltering or evacuation from the OEP.
20 That is my basic question to you.

21 Q Oaky. Well, the basic decision that we have
22 made and will continue to do is that we intend to take
23 the children from the Green Lane Elementary School. We
24 intend to have early dismissal for them. And we intend
25 to do that the same as we intend to do for every school

1 child, student in Upper Perkiomen School District,
2 regardless of whether they live in Green Lane or whether
3 they, in fact, go to the Green Lane School, or any of
4 the other schools.

5 The only thing different that we intend to do
6 is we intend, in fact, to take those children who do not
7 live -- who do live in the EPZ and not transport them
8 into that but take them up to the highschool

9 That is what we intend to do.

10 Q Just so that I am clear on my understanding,
11 when I read this appendix or this exhibit, if you go over
12 to page 22, the bottom line, it says, "Do not dismiss
13 students into the EPZ" -- actually, I should take you
14 to the middle of the page, (9), "Do not dismiss students
15 into the EPZ."

16 A Correct.

17 Q What you are saying is, by taking those
18 students out of the EPZ instead of allowing them to go
19 to their home, that that is consistent with this exhibit?

20 A That is correct, yes.

21 MR. MC GURREN: That is all I have, your Honor.

22 Thank you very much.

23 THE WITNESS: Thank you.

24 JUDGE HOYT: Very well.

25 Does FEMA's counsel have anything? Mr. Hirsch?

1 MR. HIRSCH: Yes.

2 JUDGE HOYT: Very well. You also have 30
3 minutes examination time, cross-examination time.

XXXXX

4 CROSS-EXAMINATION

5 BY MR. HIRSCH:

6 Q Dr. Persing, I understood you earlier in
7 your testimony today to say that Mr. Levy of the --
8 Frank Levy, I believe, of the bus company with which your
9 school district already has an ongoing contract for
10 the provision of bus services, that Mr. Levy had assured
11 you that busses of his company would be available for use
12 of your school -- by your school district in the event
13 that there was a need for those busses as a result of an
14 accident at Limerick Generating Station.

15 Is that correct?

16 A Yes, I assured us for early dismissal, yes.

17 That is correct.

18 Q In that conversation you had with him.

19 A That is essentially correct. He and Warren Levy
20 and Mick Ulrich -- and Mike Ulrich is the director of
21 our transportation for the school district.

22 Q Were you a participant in that conversation?

23 A I was only a participant with Frank Levy in
24 my office, just the two of us.

25 Q Can you describe in any greater detail what the

1 substance of that conversation was?

2 A The substance of the conversation would have
3 been something like this: We are having plans being
4 drawn up for early dismissal. Mike will be working with
5 Warren. Warren is essentially running the business now,
6 Frank's son.

7 I assume that we will have enough busses. And
8 he said, sure, we will always -- we are contracted to you.
9 You are our primary source. A primary contract obviously
10 will have the busses.

11 Q I understand.

12 Do you remember when that conversation took
13 place?

14 A No. No idea. I would say within the last
15 year.

16 Q I don't believe you were here earlier in the
17 hearing, Dr. Persing, but there was testimony earlier
18 by Lind Bigelow, who I believe you know is the director
19 of the Montgomery County Office of Emergency Preparedness,
20 that approximately nine months ago, Mr. Bigelow sent to
21 Mr. Levy a short -- what was entitled letter of
22 understanding, which stated that Mr. Levy's bus company
23 would agree to provide busses and drivers to the
24 maximum extent possible for use during an emergency for
25 transportation of individuals should an evacuation be

1 required of Montgomery County residents affected by
2 man-made or natural disasters, including an incident
3 at the Limerick Generating Station.

4 Mr. Bigelow's testimony earlier was that
5 approximately nine months ago, he signed that document
6 and sent it on to Mr. Levy and asked Mr. Levy to execute
7 the document and return it to him.

8 Mr. Bigelow's testimony was further that
9 that document has not been returned by Mr. Levy yet.

10 Were you aware of that?

11 A No.

12 MR. RADER: I must object to this line of
13 questioning. I believe there has been no foundation
14 laid for any relevance as regards the letter of
15 agreement concerning the Levy Transportation Service
16 which is mentioned in Annex T of the Montgomery County plan.

17 The witness has previously testified that
18 any schools in his district are served by the Levy
19 Company under a contract. There has been no testimony to
20 establish that any schools in this witness's school
21 district will, in fact, be furnished transportation
22 by any provider, let alone the Levy provider, under any
23 letter of agreement obtained by the Montgomery County
24 Office of Emergency Preparedness.

25 JUDGE HOYT: Mr. Hirsch?

1 MR. HIRSCH: I don't have a ready reference
2 to the citation, page citation in the transcript, but
3 I did specifically ask Mr. Bigelow if he had sent
4 Mr. Levy a copy of a letter of agreement, proposed
5 letter of agreement approximately nine months ago. And
6 he responded yes, that he had, and that it had not been
7 returned to him yet.

8 JUDGE HOYT: After thousands of pages of
9 testimony, I am certain that the Board doesn't have that
10 ready reference either. But I think that that was the
11 testimony. Dr. Harbour recalls it as such. I have
12 the general impression that counsel is correct.

13 MR. RADER: I agree, your Honor, that was,
14 indeed, the testimony. My point is, there is no foundation,
15 however, to connect --

16 JUDGE HOYT: Well, I would like the question to
17 be answered. I think the Board will need that answer.

18 THE WITNESS: I am not alerted to any
19 documents that were signed by Mr. Levy. I don't know of
20 any. That was your question.

21 BY MR. HIRSCH:

22 Q Let me ask an additional question.

23 Does it concern you at all -- strike that.

24 Let me start all over.

25 Is it correct that it is possible that busses

1 provided by Mr. Levy would be busses that you would look
2 to to use in evacuating students from the Green Lane
3 Elementary School, if there was an accident at the
4 Limerick Generating Station?

5 MR. RADER: Objection. There is no foundation
6 for any question relating to an evacuation of the
7 Green Lane Elementary School. The witness has consistently
8 testified that those children will be sheltered.

9 If counsel is referring to an early dismissal
10 at an alert stage, I have no objection to that question.
11 But if he is talking about an evacuation, that is an
12 entirely different matter.

13 JUDGE HOYT: What is the thrust of your
14 question, Mr. Hirsch?

15 MR. HIRSCH: I am trying to establish whether
16 Dr. Persing has any concerns about the fact that in spite
17 of oral assurances he might have received from Mr. Levy,
18 that Mr. Levy has, for whatever reason, not executed this
19 letter of -- proposed letter of agreement in the past nine
20 months.

21 If Dr. Persing has no understanding along
22 those lines, that is perfectly all right. I will just go
23 on.

24 I don't believe Mr. Rader's recollection of
25 the testimony is accurate. I don't remember Dr. Persing

1 saying that there was going to be either sheltering
2 or letting the students go home from Green Lane School
3 to their homes. I believe he was talking about evacuation,
4 possible evacuation of some students.

5 MR. RADER: May I voir dire the witness, please,
6 on this point. I would ask that the Board allow
7 Mr. Hirsch his regular time. My recollection is, in fact,
8 quite exact on this point.

9 JUDGE HOYT: All right, counsel.

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VOIR DIRE EXAMINATION

11 BY MR. RADER:

12 Q Dr. Persing, was it your testimony that
13 you would not evacuate the Green Lane Elementary School
14 in the event of a general emergency at Limerick but
15 rather that those children would be sheltered?

16 I am referring to, sir, a situation in which
17 you have a protective action recommendation from the state,
18 not an early alert situation.

19 A I need to say this: You people are privy to
20 a lot of terms that I am not privy to. You start using
21 words like evacuation and sheltering and those terms,
22 and I appreciate that.

23 I have to put it in my context. That is the
24 only way I know how to explain it to you. I am going to
25 put it in my context.

1 My context is simply like this: When, in fact,
2 we get word that our kids are in any possible danger, and
3 I will determine that based on the information that I have
4 unless it is usurped by some higher authority, I intend
5 to give an order that these children are going to be
6 released in the form of an early dismissal policy. That
7 is what I intend to do with the exception of those kids
8 who do, in fact, reside in the EPZ.

9 I intend to take those kids up to the high school
10 and have them housed there until they can get them into
11 their parents.

12 The reason we do this is because we only have
13 a small area of our school district within the EPZ, and
14 therefore, we wouldn't want to sent our kids into the EPZ,
15 but we think it is the most prudent, the most safety-
16 conscious thing to do is to place these kids in the custody
17 of their parents and/or guardians as soon as we possibly can.

18 That is what I am telling you I am trying to do,
19 and I keep on hearing a lot of other words, and I don't
20 quite understand those. I will be perfectly frank with you.
21 But that is what I intend to do.

22 I agree with whatever has been said here
23 about sheltering. I intend very much, if we have to
24 shelter, if somebody says, you will shelter kids, we want
25 to be trained on how to do that.

1 But if we don't have to shelter kids, if
2 we don't have to do other things, I intend full well to
3 get those kids in the custody of their parents as soon
4 as I can, because we are not in the EPZ.

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1 MR. RADER: I will turn this over to Mr. Hirsch.

2 JUDGE HOYT: Very well, the witness is yours,

3 Mr. Hirsch.

4 MR. HIRSCH: I am not sure I am permitted to ask

5 the questions I had --

6 JUDGE HOYT: You are permitted to ask questions.

7 MR. HIRSCH: Thank you.

8 CROSS-EXAMINATION (Resumed)

9 BY MR. HIRSCH:

10 Q Is it your testimony that you are not aware,
11 Dr. Persing, that Mr. Levy has in the past nine months, for
12 whatever reason, not executed the letter I previously
13 described to you?

14 MR. RADER: I object to that for lack of foundation.

15 I have now found the reference in the transcript
16 where this was previously stated.

17 MR. HIRSCH: As have I.

18 MR. RADER: I believe it refers, your Honor, at
19 the bottom of page 14,374, to a question as to whether these
20 letters of agreement were provided in draft form to the
21 providers, including the Levy Bus Company in the spring of
22 1984.

23 I don't believe that would necessarily involve a
24 period of nine months.

25 MR. HIRSCH: Pardon me. Perhaps we are talking about

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1 eight months.

2 JUDGE HOYT: Is that the reference?

3 MR. HIRSCH: Yes, that is the reference that I
4 was going to refer to, your Honor, as well.

5 BY MR. HIRSCH:

6 Q Let me paraphrase that question, if I could,
7 Dr. Persing.

8 JUDGE HOYT: With that understanding of where
9 we are in the transcript on the previous testimony, ask your
10 question now Mr. Hirsch.

11 BY MR. HIRSCH:

12 Q Dr. Persing, were you aware of the fact that in the
13 past eight months since Mr. Bigelow of Montgomery County
14 sent Frank Levy a copy of the contract or letter of under-
15 standing, letter of agreement, whatever it might be called,
16 which I described to you previously, that in those eight
17 months for whatever reason, Mr. Levy has not executed that
18 document and returned it to Montgomery County?

19 A Not to my knowledge.

20 Q Do you have any knowledge why Mr. Levy might not
21 have executed such document in the past eight months?

22 A No, I have no knowledge.

23 I don't know --

24 Q Thank you.

25 Would you please take a moment to describe to me --

mm3 1 I believe it was -- it is not clear in my mind, but you had
2 made some reference earlier to your being on an advisory
3 committee which is reviewing the school district plan and
4 which, as I understood it you were going to, after the
5 review was completed, it would be forwarded -- the proposed
6 plan would be forwarded to the Board of Education for the
7 school districts for their approval.

8 Is that correct?

9 A There are four people currently in disseminal
10 preparation; myself, director of transportation, director
11 of building grounds and a member of the administration, who
12 have formed a type of task force, if you will, to prelimi-
13 narily review the first several drafts.

14 These people have been working with Mr. Bigelow,
15 Mr. Tabak, Mr. Cunningham, and anyone else who wants to
16 provide information to them in trying to determine these
17 drafts.

18 Q Are you the head of that advisory committee, or
19 is there a head?

20 A Superintendent is always ultimately responsible,
21 yes.

22 Q I recall earlier today you testified, I believe
23 on direct examination by Mrs. Ercole, that you felt it would
24 be -- I believe your word was prudent -- I may be mistaken --
25 but something along those lines -- it would be prudent for

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1 any agreement that the school district might enter into --
2 excuse me, not the school district, but Montgomery County
3 might enter into with respect to your school district,
4 agreement with the bus company, that such an agreement should
5 specify the number of buses which would be available for use
6 by the school district in the event that there was a need
7 for evacuation as a result of an accident at the Limerick
8 Generating Station.

9 Is that correct?

10 A Yes. I think to the best of my knowledge, yes.

11 Q In your capacity of Superintendent of the School
12 District, would you recommend to the Board of Education, that
13 they not approve a plan which contained a letter of agreement
14 which failed to specify a number of buses available for use
15 by the school district in the event of an accident at the
16 Limerick Generating Station?

17 MR. RADER: I object to the question as without
18 foundation, unless Mr. Hirsch is willing to amend it to state
19 what the actual letter of agreement does provide. That it
20 provides that the bus company will provide buses to the
21 maximum extent possible under the circumstances.

22 MR. HIRSCH: I will be happy to paraphrase --

23 JUDGE HOYT: I think that was the testimony from
24 Montgomery County.

25 BY MR. HIRSCH:

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1 Q Dr. Persing, I was referring to the language which
2 I read to you a few moments ago, which contained the language
3 "to the maximum extent possible" providing buses and drivers
4 to the maximum extent possible, and I am asking you to
5 compare that type of language with what I understood to
6 be your preference, based on your earlier testimony that you
7 felt it would be prudent to specify a number of buses.

8 And I am asking you specifically whether you, in
9 your capacity as a member of the advisory committee, would
10 recommend against approval by the Board of Education of the
11 school district if the plan which the school district
12 was considering did not contain an explicit number of buses
13 in this type of agreement?

14 A In our particular school district, to say that that
15 alone would be the reason to recommend non-approval, because
16 we only have a few students within the EPZ, I am not so sure
17 that I would, if that were the only reason.

18 But, if push came to shove, my answer to you would
19 have to be, I couldn't recommend it unless we had the
20 transportation.

21 MR. HIRSCH: Thank you. I have no further questions.

22 JUDGE HOYT: Very well.

23 Ms. Ercole, you have 30 minutes redirect examination
24 if you wish.

25 MS. ERCOLE: I just have one question on redirect.

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REDIRECT EXAMINATION

BY MS.ERCOLE:

Q You had mentioned in your cross examination about this concept of a basement in a sheltering scenario.

Do you recall your statement in that regard?

A Yes.

Q Do you recall the discussion in which that was used, was in the discussion of a prototype daycare plan as opposed to school district plan?

A It very well could have been within that context, absolutely.

MS. ERCOLE: Thank you.

I have no further questions.

JUDGE HOYT: Dr. Cole has one question.

XXX

BOARD EXAMINATION

BY JUDGE COLE:

Q Just a brief question, Dr. Persing.
Do you have a copy of Applicant's Exhibit E-61 there?

A Yes, I do.

Q The school district plan.
Could you turn to page 3 of that plan.

(Witness complying)

Several times today, sir, in response to questions, you indicated that in the event of an alert that

mm7 1 concerns the Limerick Station, you would embark on an early
2 dismissal program.

3 You recall that, don't you, sir?

4 A Yes, I do.

5 Q And you also indicated that there are some terms
6 of art and words that were used here that you might not
7 be exactly familiar with what they meant in the context in
8 which they were used.

9 Do you recall that, sir?

10 A I do.

11 Q When you used the word "alert," were you referring
12 to alert as it is used in Section 9(b), or were you referring
13 instead to something else?

14 Were you referring to any kind of an emergency --

15 A I am talking about any sort of an emergency; an
16 emergency in the sense that we might feel even in the very
17 earliest stages, if we had enough information, we would go
18 to early dismissal. Alert in this sense as I read it and
19 refresh my mind, would definitely constitute an early
20 dismissal.

21 JUDGE COLE: All right, sir, thank you.

22 I very much appreciate your interest in this
23 plan, and appreciate your coming forward. Thank you, sir.

24 THE WITNESS: You are welcome.

25 JUDGE HOYT: Dr. Harbour has no questions; I have

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1 no questions.

2 Thank you, sir, for your attendance at the hearing.

3 (Witness excused.)

4 JUDGE HOYT: Your next witness I believe is the
5 Pottstown School District representative?

6 MS. ERCOLE: That is correct, Dr. Feich. He is
7 here.

8 JUDGE HOYT: Very well.

9 Whereupon,

10 RAY FEICH

11 was called as a witness on behalf of Limerick Ecology Action,
12 and having been first duly sworn was examined and testified
13 as follows:

14 JUDGE HOYT: Please proceed.

15 Ms. Ercole, this is a witness without any prefiled
16 testimony. Therefore, your direct examination will be limited
17 to one and a half hours.

18 MS. ERCOLE: I understand.

19 There may be a point, Judge Hoyt, during the
20 course of the testimony where I will have to absent myself
21 from the proceedings. In that event Ms. Zitzer will
22 continue with the questioning.

23 JUDGE HOYT: Very well. When that becomes a problem,
24 then Ms. Zitzer will just go ahead.

25 MS. ERCOLE: We have made the arrangements. Yes.

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JUDGE HOYT: Very well.

2

DIRECT EXAMINATION

3

BY MS. ERCOLE:

4

Q Dr. Feich, by whom are you currently employed?

5

A The Pottstown School District.

6

Q In what capacity are you so employed?

7

A Superintendent of Schools.

8

Q How long have you maintained that position?

9

A I am in my 15th year.

10

Q Have you brought with you today a statement of your

11

qualifications or a resume?

12

A No, I have not.

13

Q Can you then indicate for the record, sir, where

14

you received your undergraduate degree?

15

A Albright College.

16

Q When did you receive it?

17

A 1958.

18

Q What did you receive your degree in?

19

A Mathematics and physics.

20

Q Did you do postgraduate work?

21

A Yes, at Ohio University.

22

Q And what was the nature of your postgraduate work?

23

A Masters in mathematics.

24

Q And when did you receive that?

25

A 1961.

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1 Q Did you do any other postgraduate studies?

2 A Yes, I have a doctor of education, educational
3 administration from Lehigh University.

4 Q When did you receive that, sir?

5 A 1969.

6 Q During the course of your doctorate work on education
7 and education administration, did you have occasion to take
8 any courses in psychology?

9 A Yes, I did.

10 Q Is it fair to say that any of the courses that you
11 took in psychology relate to the educational system, of
12 teachers, what have you?

13 A Yes, they did.

14 Q Do you have any degrees in that field?

15 A No, I don't.

16 Q Dr. Feich, you currently maintain an elected
17 position, is that correct?

18 A That is correct.

19 Q Can you state for the record whether you are
20 elected by the population within your school district, or
21 whether you are elected by the School Board of Directors?

22 A I am elected by the Board of School Directors.

23 Q How many sit on that Board?

24 A Nine.

25 Q And how long is your tenure until?

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1 A I am in the first year of a three-year contract.
2 So it will be over in June of '87.

3 Q Can you indicate for the record today how large
4 your school district is in terms of student population?

5 MR. RADER: If Mrs. Ercole has completed her
6 qualification of the witness by preliminary questions, may
7 I inquire on voir dire as to the jurisdictional point?

8 JUDGE HOYT: You can, counsel if she has completed
9 those?

10 MS. ERCOLE: I have.

11 Is this about the check?

12 JUDGE HOYT: I beg your pardon?

13 MS. ERCOLE: I didn't know, I was wondering if this
14 was about the check.

15 JUDGE HOYT: Roughly.

16 MS. ERCOLE: I am sorry, I should have turned it
17 over.

18 JUDGE HOYT: Very well. It is called voir dire.

19 MS. ERCOLE: I know that.

20 JUDGE HOYT: You may go ahead.

21 MR. RADER: Thank you, your Honor.

22 VOIR DIRE

23 BY MR. RADER:

24 Q Dr. Feich, were you subpoenaed to this hearing?

25 A Yes, signed by Judge Hoyt.

xxx

mm12 1 Q Were you tendered a witness fee with that
2 subpoena, sir?

3 A Yes, I was.

4 Q Did you accept that fee, sir?

5 A No, I didn't. I have the check but I did not
6 cash it.

7 MR. RADER: I understand, sir. Thank you.

8 DIRECT EXAMINATION (Resumed)

9 EY MS. ERCOLE:

xxxx 10 Q Are you testifying here voluntarily and of your
11 own free will?

12 A Yes, I am.

13 Q Dr. Feich, could you please indicate for the
14 record what is the size of your student population within
15 the Pottstown School District?

16 A K to 12, public school, 3180.

17 Q Can you please indicate for the record the
18 proximity of your school district to the Limerick Generating
19 Station?

20 A The way the crow flies, about three miles.
21 About four and a half miles by regular transportation.

22 Q Is it fair to say then that your whole school
23 district lies within the ten-mile Emergency Planning Zone?

24 A Yes, it does.

25 Q Can you just indicate for the record within your

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1 school district how many elementary schools you have?

2 A Five elementary schools.

3 Q And how many middle schools?

4 A We have a junior high school, grade 7/8.

5 Q And how many high schools?

6 A One high school grade 9 to 12.

7 Q Can you indicate, sir, in the elementary school
8 level, what is the ratio of teachers and staff to students?

9 A 1 to 22.

10 Q And in the junior high school?

11 A 1 to 24.

12 Q And in the high school?

13 A 1 to 18.

14 Q Can you indicate the total number of teachers and
15 staff you have for the Pottstown School District?

16 A 199.

17 Q Do you -- when I say "you" I am referring, of
18 course, to the school district for which you speak -- maintain
19 any bus -- contracts with any bus providers?

20 A Yes. We contract with CMD Bus Company.

21 Q And for what purpose is that, sir?

22 A We bus children grade --

23 Q No, my question was for what purpose did you
24 contract with CMD?

25 A To transport children K to 6.

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1 Q Are these buses that you have specifically under
2 school district contracts?

3 A Yes.

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1 Q Do you have any school district buses that you own
2 yourself?

3 A Only vans of ten passengers, three of those.

4 Q Three vans with ten passengers?

5 A Correct and one station wagon.

6 Q Is it fair to say that the contract that you have
7 with CMD is for transporting the children K through 6?

8 A Only if they live and have to cross High Street
9 or Route 100. We only bus about 400 kids.

10 Q Is it fair to say that the remainder of the student
11 population walks to and from their homes?

12 A Either walks or takes the commercial bus system.

13 Q During the normal day-to-day school operations
14 for which you have a contract with CMD to transport the
15 children K through 6, can you indicate how many buses they
16 provide?

17 A They provide five buses and some have double runs.

18 Q How many of the five buses have double runs?

19 A Four.

20 Q Is it fair to say that you have no school bus
21 drivers under the contract personally with the school
22 district?

23 A Only the van drivers are employees of the district.

24 Q Would it be fair to say that there are three van
25 drivers that are employees of the district?

mnl6-2

1 A. That is correct and one driver of the stationwagon.

2 Q. The three vans to which you refer, what schools do
3 they service or are they attached to?

4 A. They service all elementary schools.

5 Q. During the course of your duties as the superintendent
6 for the Pottstown School District, did you have occasion to
7 become involved in or review the emergency planning procedures
8 for the Pottstown School District as prepared by Energy
9 Consultants for radiological emergencies at the Limerick
10 Generating Station?

11 A. Yes, I have.

12 Q. Can you indicate, sir, who has the responsibility
13 for the promulgation or adoption of a radiological emergency
14 response plan for your district should it come to that?

15 A. I have the responsibility of planning it. The
16 adoption is the Board of School Directors.

17 Q. Would your signature be affixed to that document?

18 A. As a recommendation, yes.

19 Q. Are you familiar with the Pottstown School District
20 Plan?

21 A. Yes, I am.

22 Q. Do you recall specifically what draft you are on?

23 A. Draft five.

24 Q. Have you had occasion to review draft five?

25 A. Yes, and we are working on draft six.

1 Q Is it fair to say that since you are working on
2 draft six, you are not prepared to adopt or promulgate draft
3 number five?

4 A That is correct.

5 Q On the cover of draft number five of the Pottstown
6 School District Plan which is Applicant's Exhibit E-57
7 for the record, I ask you if you have a copy of that plan
8 with you today?

9 A I do not.

10 MS. ERCOLE: With the Board's permission may I
11 just ask the witness to look at what would be my copy of
12 the plan.

13 JUDGE HOYT: I don't think there is any objection,
14 is there?

15 MR. RADER: I will make it simpler, why don't I
16 give him a copy.

17 MS. ERCOLE: Thank you.

18 JUDGE HOYT: Very well.

19 BY MS. ERCOLE: (Resuming)

20 Q Dr. Feich, you have before you what has been
21 marked for identification as E-57, the Pottstown School District
22 Draft number five, and it indicates on the face of that item
23 that it was prepared by the Pottstown School District?

24 A (Perusing document.)

25 That is correct.

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1 JUDGE HOYT: Ms. Ercole, may I interrupt only to
2 tell you that that has been received in evidence as
3 Applicant's Exhibit E-57.

4 MS. ERCOLE: Fine.

5 BY MS. ERCOLE: (Resuming)

6 Q Can you state, sir, whether the draft plan that
7 you have before you has been in fact prepared by your
8 school district?

9 A It has been prepared in conjunction with Energy
10 Consultants.

11 Q Can you state, sir, who did the drafting of the
12 items?

13 A The first draft was presented at my request by
14 Mr. Cunningham and then all changes thereafter were made
15 at my request or the request of the team that is working
16 with me.

17 Q Is it fair to say that the document in question
18 was prepared for the Pottstown School District?

19 A Yes, it was.

20 Q Have you worked with any particular representative
21 from Energy Consultants with regard to the emergency planning
22 procedures that have led up to and including draft number
23 five?

24 A Yes, John Cunningham.

25 Q For how long a period of time have you worked with

nl6-5

1 Mr. Cunningham?

2 A. Approximately 18 months.

3 Q. During the course of the time that you have worked
4 with Mr. Cunningham, has there been any task force set up
5 or established by you or the school board?

6 A. Yes. We have the assistant superintendent,
7 the business administrator, one of the principals and myself
8 and every time we do a draft a copy goes to each building
9 teacher representative and one to each building principal
10 and one to each library and one to the borough.

11 Q. Do you know whether there are meetings of those
12 people that have been designated by you to receive those
13 copies?

14 A. The faculty are privy to it and at a faculty meeting
15 they cover anything that is a change.

16 Q. Of your group of people from the task force that
17 reviews this, are there any members of the student body
18 parents?

19 A. No, they are not.

20 Q. Are the faculty representatives actually members
21 of the task force or are they just extended the copies as
22 a matter of courtesy?

23 A. They are extended the copies but they do have the
24 opportunity to have any input.

25 Q. Have you, in fact, received input from the faculty

mnl6-6

1 representatives?

2 A. Yes, in terms of what they feel that they should
3 have in the way of training.

4 Q. During the course of your relationship with Energy
5 Consultants, my question to you is has any representation
6 been made to you by Mr. Cunningham or that group about the
7 need to adopt or promulgate your school plan?

8 A. That is the end result that we will adopt a
9 plan. They have not set a time line if that was the intent
10 of your question.

11 Q. Have they made any representations to you if any
12 with regard to a plan not being adopted? What if anything
13 would happen if the plan were not adopted?

14 A. We haven't discussed that because we will adopt
15 the plan.

16 Q. When you say "you will adopt a plan," what are
17 you referring to?

18 A. Our time line is somewhere around March that we will
19 have a plan that is at least workable and have all the bugs
20 cleared up, hopefully.

21 Q. Should you feel that items which concern you are
22 not workable, would you be setting back the deadline from
23 March?

24 A. Yes.

25 Q. Can you indicate why you have set March as a

workable deadline?

A. Only because of what I read in the paper as far as the nuclear plant plus we have other emergencies like cyanide, trucks coming through our area and after the India thing, I think we had better look at that closely. But have other emergencies and we should have an emergency plan.

Q. Prior to your work and development on these particular plans, did you have emergency plans for cyanide incidents?

A. No, we did not. All we had was an emergency plan for bomb threats and like a gas leak or a fire in our schools.

Q. You had implementing procedures for that though?

A. Yes, we have.

Q. Is it your position that given the implementing procedures that you had for those other emergencies, that your planning for a radiological emergency has been deeper or more intense?

A. Yes.

Q. Why is that?

A. Because you are talking about moving or possibly moving students from the actual school district. In the bomb threat or the gas leak which we had and the fire, you are only moving them from the premise.

Q. Is it fair to say that the other exigencies or

mn16-8

1 emergencies that you have mentioned such as fires or bomb
2 threats do not require a sheltering scenario on the premises
3 as well?

4 A. I understand the sheltering quite vividly because
5 I am familiar with those terms. We shelter differently
6 if I may be explicit. If it is a bomb threat in a senior
7 high, we shelter in a junior high or vice-versa. If it is
8 an elementary we shelter in a church or a community building
9 that people permit us and we review that annually. You
10 may ask at the junior and senior high, we shelter in the
11 Grieg Field because there is seating for 7,000 people in
12 our athletic stadium. The other sheltering, of course,
13 is in sheltering and we have never sheltered in in the
14 hallways which is one of the things that the plan calls for.

15 Q. You said you have never sheltered in?

16 A. In-house.

17 Q. All right.

18 A. That is the other type of sheltering.

19 Q. So is it fair to say that the concept of in-house
20 sheltering in the school building itself is a concept
21 new to your planning procedures?

22 A. Correct.

23 Q. During the course of your review of planning
24 procedures for the Pottstown School District, is it fair
25 to say that you have considered the situation with the private

mn16-9

1 schools within your school district?

2 A We work with them jointly actually.

3 Q Can you state whether your school district will
4 be responsible for the private schools within your district
5 boundaries for purposes of evacuation?

6 A I will not be responsible for the non-public schools.
7 We only work jointly in preparing separate plans.

8 Q Is it fair to say that you will be providing
9 only back-up notification services to them in lieu of
10 assuming responsibility?

11 A That is correct. We are secondary notice to them.

12 Q What is that, sir?

13 MR. RADER: I object to this line of questioning.
14 Adequate notification to private school in the event of an
15 emergency is not among the admitted contentions.

16 MS. ERCOLE: I am not asking the question -- I
17 am not going into back-up notification procedures. I am
18 asking him why he has relegated his role to back-up notification
19 will not be providing transportation resources for the private
20 schools.

21 MR. RADER: I also object to the characterization
22 by counsel that this witness has relegated anything to anybody.
23 That is also not in the record.

24 JUDGE HOYT: Counsel, will you please reask the
25 question. The objection will be sustained.

1 BY MS. ERCOLE: (Resuming)

2 Q Dr. Feich, you have indicated that you would be
3 providing only back-up notification services to the private
4 schools. Did I state that correctly?

5 MR. RADER: May I ask that counsel refer to
6 the school district. We ran into this problem before. I
7 know it is inadvertent, counsel, but with the reference to
8 "you" the record is never clear as to what is intending
9 and I think counsel means to refer to the superintendent
10 school district rather than he personally.

11 MS. ERCOLE: I think I said that at the beginning.

12 MR. RADER: I don't believe you did.

13 JUDGE HOYT: Please be as specific as you can
14 and it will eliminate problems later on.

15 BY MS. ERCOLE: (Resuming)

16 Q Dr. Feich, as superintendent of the school district
17 for Pottstown, you have stated that the district would be
18 providing only back-up notification services to the private
19 schools. Did I correctly characterize your testimony?

20 A That is correct.

21 Q Will you be providing direct transportation
22 resources for them?

23 A No, I will not.

24 Q Will you be coordinating direct transportation
25 resources for them?

mn16-11

1 A No, I will not.

2 Q Can you state why not, sir?

3 MR. RADER: Objection, irrelevant.

4 JUDGE HOYT: Overruled. Answer the question, please.

5 THE WITNESS: My role with the Board and with
6 the understanding and approval of the Board is that I
7 will serve the seven elementary, junior and senior high
8 school buildings and have a plan for their consideration
9 in the event of an evacuation. That will be my role
10 just those public school children.

11 BY MS. ERCOLE: (Resuming)

12 Q My question to you is why are you assuming that
13 role?

14 A I feel that is enough responsibility.

15 Q When you say "enough responsibility" you mean in
16 terms of providing direct transportation resources for only
17 the public schools?

18 A Just in providing the leadership during that kind
19 of an emergency.

20 Q Does that include providing the transportation
21 resources?

22 A I will not be providing transportation. I will only
23 be coordinating whatever the county does in the area of
24 transportation.

25 Q You have indicated that you will be coordinating with

1 the private schools, is that correct?

2 A. When I say coordinating, only the public school
3 transportation will I coordinate. The non-public school
4 will do their own transportation and coordination.

5 Q. Is it fair to say that you do not have the
6 capabilities to provide direct transportation resources
7 for the private schools within your district?

8 A. True. We contract what transportation we do have
9 short of the vans.

10 Q. Have you reviewed your position in that regard
11 as superintendent of the Pottstown School District with
12 Mr. Bigelow?

13 A. Yes, during a workshop on September 14th.

14 Q. What if any was his position in that regard?

15 A. He understands that he will coordinate all
16 transportation for Pottstown as well as the non-public
17 schools.

18 Q. Have you had any discussions with representatives
19 from the Commonwealth of Pennsylvania with regard to your
20 position as a superintendent on this?

21 A. No, I have not.

22 Q. Can you state, sir, what if any is your intention
23 to invoke an early dismissal policy at the alert stage?

24 A. We have had a workshop since draft five with the
25 Board. The Board was completely involved in the discussion of

mnl6-13

1 draft five and if time permits, we will have early dismissal.
2 We can dismiss our children and get them to their homes
3 within the hour. We are only five square miles in Pottstown.

4 Q When you say "if you can coordinate it" or
5 effectuate it, at what stage are you contemplating this,
6 sir?

7 A Not the unusual event. It would be your alert or
8 site emergency.

9 Q When you reviewed this with the Board during your
10 workshop, can you say whether they were in concensus?

11 A They were in concensus.

12 Q Can you state for the record, sir, why you would
13 seek an early dismissal?

14 A Because the next stage could be sheltering in-house
15 or evacuation and I do not believe in the in-house sheltering
16 unless it is the only direction you can take. The other
17 reason is the evacuation of our community is not to the
18 same direction as our school children and I think that if you
19 can have kids and parents travel the same path and be
20 together, it is a much better situation.

21 Q Can you indicate, sir, why as you have stated
22 you do not believe in sheltering in-house?

23 A When you have to close windows and put say at
24 the senior high school between 900 and 1,000 kids in hallways
25 away from your windows out of the classroom, I would not want

mn16-14

1 to do that for two hours.

2 Q Why not, sir?

3 A I think the size of the group to monitor for two
4 hours would be just a bad situation.

5 Q You have indicated that as far as the high school
6 is concerned?

7 A The high school would be my main concern because
8 there is your largest population. It wouldn't be as bad
9 size-wise in a junior high which only houses 460 and there
10 is no elementary school much larger than 400.

11 Q Would you see any concerns with regard to the in-
12 house sheltering of elementary school children?

13 A It could be done but again I would not prefer it.

14 Q Why not, sir?

15 A I just feel that rather than keep them in the
16 building, I would rather either have them with their parents
17 or in a place where it is safe other than the host school.

18 Q Have any of the public school buildings within
19 your district been evaluated for purposes of sheltering?

20 A Yes, under the CD program in the late 1960's.

21 Q The late 1960's.

22 A Yes.

23 Q When you say "CD" are you referring to Civil
24 Defense.

25 A Civil Defense, yes.

mn16-15

1 Q Has there been anything done further in the last
2 20-some years?

3 A No. They designated certain buildings as Civil
4 Defense centers and all the food, et cetera, has since been
5 thrown away. The water has turned black and all the food
6 has just gotten to the point where they could not use it.

7 Q Have you prepared a statement of findings or a
8 report at this stage which would reflect the school district's
9 position on the draft number five?

10 A Draft five reflects our opinion. The Board has
11 reviewed it in a three-hour workshop on September 14th and
12 we will have another workshop in early January.

13 Q Will that be similar to the one you recently
14 conducted?

15 A With some correction.

16 Q At some point before the plan is submitted for any
17 final review by the Board, do you anticipate any input from
18 parents?

19 A Yes, I do.

20 Q Could you please describe for the Board what if
21 any you envision?

22 A Following a meeting next week with the non-public
23 school administrators, we will make some assessments of the
24 last training session. They we are going to put draft six
25 together, go to the respective bodies, then go to the public

mn16-16

1 for a community meeting jointly and then go back to the
2 Board with any input.
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1 Q For what purpose are you seeking parental
2 input through a public meeting?

3 A Basically to bring them up to date to what
4 we have regarding an evacuation plan.

5 Q Can you state whether the public input from
6 parents within the school district would have any
7 impact on the Board's adoption of the plan?

8 A Sure would.

9 Q Have you had occasion, during the course of
10 your review of the school district needs, have you
11 submitted unmet needs or passed them on to the county
12 level?

13 A I have incorporated them in the drafts, and
14 I have written a letter to Mr. Bigelow about the telephone
15 system, the radio system, and also adequacy of busses.

16 Q What, if anything, have you stated to
17 Mr. Bigelow with regard to the question of the adequacy
18 of busses?

19 A The training session we had on November 20th,
20 after it was all done no one got back to us whether or
21 not there would have been sufficient busses following
22 that drill session or training session, whatever they
23 referred it to.

24 And I still haven't gotten an answer on that.

25 Q When you say November 20th, you mean

1 November 20th, 1984?

2 A Correct.

3 Q Who was the request transmitted to?

4 A To Mr. Bigelow. I have received a reply
5 regarding the telephones, and the phones. If I may,
6 we have gotten written confirmation that we will get
7 private telephones installed and also the phone jacks
8 that are RACES, the radio access people can come in and
9 plug in and give us immediate communications.

10 Q Will that be installed and provided by PECO?

11 A Correct.

12 Q Can you please indicate what you transmitted or
13 related to Mr. Bigelow and the county with regard to the
14 questions you had on the sufficiency of busses?

15 A I asked specifically on that drill which we
16 did not -- we reported back and forth our enrollment,
17 and our specific needs. But I asked specifically if there
18 would have been busses available that day for evacuation;
19 since that was never transmitted to me, I wanted to know that.

20 Q And you are still waiting for a reply as of
21 this time?

22 A Correct.

23 Q I would like to draw your attention again to
24 the Pottstown School District plan, Applicant's Exhibit E-57.
25 I would draw your attention specifically to A-3-23, captioned

1 at the top of the page, Resources Required for Evacuation.

2 A I have that.

3 Q It indicates under Facilities, Senior High,
4 unmet needs, 15; Junior High, unmet needs, 7. And
5 then it lists for the five elementary schools, what
6 their needs are: Respectively, Edgewood Elementary, zero;
7 Franklin Elementary, four; Lincoln Elementary, six;
8 Rupert Elementary, zero.

9 Is it fair to state that those resources that
10 are reflected on A-3-23 accurately reflect your status
11 of unmet needs as you reported them to the county?

12 A Yes, they do.

13 Q Is it fair to say that the response you
14 are waiting for from the county deals with the unmet
15 needs that I have just delineated?

16 A Yes. I wanted to know whether or not these
17 unmet needs would have been met on that particular training
18 day.

19 Q Have you had occasion in your dealings or
20 meetings with Montgomery County Office of Emergency
21 Preparedness and/or Mr. Bigelow to review with him the
22 draft of the Montgomery County plan?

23 A Yes.

24 MS. ERCOLE: I would like to hand to the witness,
25 if I may, what has been marked as Applicant's Exhibit E-3,

1 draft number seven of the Montgomery County plan.

2 Do you have an extra copy?

3 MR. RADER: I'm sorry.

4 MR. ERCOLE: May we impose upon Applicant to
5 provide another copy?

6 Phyllis, do you want to show it to Mr. Rader?

7 BY MS. ERCOLE:

8 Q Dr. Feich, I believe the document that has
9 been tendered to you is captioned Montgomery County
10 Radiological Emergency Response Plan, Draft Number 7,
11 October of 1984.

12 Do you have that item?

13 A Yes, I do.

14 Q I would draw your attention to page I-3-9.

15 Do you have that page in front of you?

16 A Yes, I do.

17 Q I would draw your attention to Section D where
18 it says Pottstown School District.

19 A Yes.

20 Q It reflects Pottstown Senior High School. Do
21 you see that?

22 A Yes.

23 Q And under that it reflects busses, number 15.

24 A Yes.

25 Q Does that reflect to you that those are the 15

1 busses that are the unmet need busses?

2 A That is correct.

3 Q And were you aware that the assignment for
4 those 15 busses was the Wissahicken School District?

5 A No, I am not.

6 MR. RADER: Objection. I realize that was
7 a bit late because Mr. Feich answered quickly, but I
8 believe the testimony of Mr. Bigelow was quite clear, that
9 the use of a school bus provider under that heading
10 and also under Annex I, as relates to assignment, was
11 only a working document and did not, in fact, reflect
12 that that actual assignment had been made.

13 In fact, I believe Mr. Bigelow testified that
14 all assignments would be made at the time of an
15 emergency.

16 So I don't believe that Ms. Ercole's characterization
17 of it from this document is accurate.

18 MS. ERCOLE: What I am asking the witness
19 to do is to just -- I asked him whether he was aware
20 that, as reflected in the county plan, the 15 busses ear-
21 marked for the Pottstown Senior High School listed
22 under assignment was the Wissahicken School District.

23 On page I-3-9, I was asking him whether he
24 was aware of that.

25 MR. RADER: The point is, the plan says whatever

1 it says. Mr. Bigelow explained what that word meant.
2 This witness cannot explain to us what Mr. Bigelow
3 meant when he entered that word in the plan.

4 JUDGE HOYT: But he can explain what he
5 understands it to mean, Mr. Rader.

6 MR. RADER: He may explain what he understands,
7 I agree. But I think Mrs. Ercole's question assumed
8 that it meant that those busses had, in fact, been
9 assigned to that school.

10 JUDGE HOYT: Ms. Ercole, he may testify as to
11 what he understands.

12 MS. ERCOLE: That's right.

13 JUDGE HOYT: That is all that he may testify to.

14 THE WITNESS: Are you asking me if I saw this
15 in writing before?

16 MS. ERCOLE: Yes.

17 THE WITNESS: I did not because when our plan
18 came through they were all blacked out where we would
19 get the busses.

20 BY MS. ERCOLE:

21 Q Did you ask Mr. Bigelow whether you could have
22 the names of the bus providers that would be providing
23 busses to Pottstown School District?

24 A That question was asked at a workshop. And
25 the reply was, the first time they did this, parents or

1 other individuals would call that school district where
2 we were getting the busses, and then get ahold of the
3 bus drivers and kind of harrass them to find out if they,
4 in fact, would drive a bus in an emergency.

5 Therefore, he does not release that -- would
6 not release that information to us of where we were
7 going to get our busses.

8 He assured us we would have busses.

9 Q Is it fair to say then that prior to looking
10 at draft 7, which was just handed to you a few moments
11 ago, you did not know that assignment Wissahicken
12 School District was for 15 busses Pottstown Senior
13 High School?

14 MR. RADER: I have the same objection.
15 Mrs. Ercole continues to insist that this assignment has
16 been made when the testimony was clear that it was not.
17 There is no foundation for that.

18 MS. ERCOLE: I am just reading, ma'am, what
19 is listed here in the county plan.

20 JUDGE HOYT: I believe, Miss Ercole, counsel
21 is correct is what he is saying about these figures.

22 Let's see if we can't get on a question
23 that you can test this witness' knowledge about.

24 BY MS. ERCOLE:

25 Q I would like you to look at subsection 3,

1 Elizabeth B. Barth Elementary School.

2 Do you see that?

3 A Yes, I do.

4 Q Do you see where it reflects three busses?

5 A Yes, I do.

6 Q Assignment North Penn School District?

7 A Yes.

8 Q Prior to reading that item today, did you
9 have any knowledge of that?

10 A No, I did not.

11 JUDGE HOYT: Why can't we just ask this
12 witness if he has any knowledge at all about Montgomery
13 County plan bus assignments?

14 I don't think he has seen this document before.

15 MS. ERCOLE: He said that he has, ma'am.

16 THE WITNESS: I said I was aware of a
17 county plan. I have not seen this plan.

18 JUDGE HOYT: Just a moment.

19 THE WITNESS: I'm sorry, Judge.

20 JUDGE HOYT: Very well.

21 MS. ERCOLE: I misunderstood him, Judge.

22 I apologize for that.

23 JUDGE HOYT: All right. If we can get some
24 testimony from this witness about his plan, I am just
25 not thinking that we are on a wavelength here that this

1 witness is going to give us very much testimony about.

2 BY MS. ERCOLE:

3 Q Is it fair to say that prior to coming here
4 today, you did not know who the bus providers would be for
5 the Pottstown School District?

6 A That's correct.

7 Q Have you requested that -- have you made
8 that request to Mr. Bigelow?

9 A Not to date.

10 Q Do you intend to make that request?

11 A I plan to.

12 Q Why is that, sir?

13 A The same reason I plan to get the letter
14 from the host school that they will in fact host us.
15 I now have that in possession. Before the plan is
16 adopted, I will request where we are getting the busses
17 before I present it to the board.

18 Q Have you had occasion -- strike that.

19 You have indicated that you have had a
20 school district contract with CMD Bus Services.

21 A Correct.

22 Q Is it fair to say that CMD has provided busses
23 to Pottstown School District for normal day-to-day
24 operations of the school?

25 A Yes, they have.

1 MS. ERCOLE: I would like to hand the witness
2 what has been marked previously as LEA Exhibit E-8.
3 If you could just show that to Applicant.

4 (Counsel distributes document to witness.)

5 BY MS. ERCOLE:

6 Q I have tendered to you, Dr. Feich, what is
7 captioned Letter of Understanding, Agreement between
8 the Montgomery County Office of Emergency Preparedness
9 and CMD Services.

10 Do you have that item?

11 JUDGE HOYT: Get to that microphone.

12 BY MS. ERCOLE:

13 Q I have tendered to you what has been marked
14 for identification as Letter of Understanding, Agreement
15 between Montgomery County Office of Emergency Preparedness
16 and CMD Services.

17 Do you have that item?

18 A Yes, I do.

19 Q Prior to today, Dr. Feich, had you seen this
20 document?

21 A No. I had not.

22 Q And can you indicate why you have not?

23 MR. RADER: I object. That calls for
24 speculation.

25 MS. ERCOLE: If he knows.

1 MR. RADER: How can he know why he hasn't
2 seen a document? I object, your Honor.

3 JUDGE HOYT: Miss Ercole, I don't think that,
4 as I look at LEA Exhibit E-8, that there is any way that
5 this particular document may have come into this witness'
6 custody or control or knowledge.

7 MS. ERCOLE: I think, if I might, I will
8 rephrase it.

9 JUDGE HOYT: All right. Try again then.

10 BY MS. ERCOLE:

11 Q You had testified that you had not seen this
12 document prior to today.

13 A That is correct.

14 Q Had you discussed with Mr. Bigelow the nature
15 of the contracts or letters of understanding that would
16 be involved between the county and the bus providers as it
17 pertained to your school district?

18 A Only that he has them. I did not see them or
19 discuss them in any more detail than that.

20 Q And when you said that he had them, can you
21 indicate --

22 A I was going to say. He indicated he did work with
23 CMD and some private contractors and other school districts,
24 but I have not had any knowledge which other school
25 districts.

1 I knew, in fact, he had worked with CMD.

2 Q Did he make any representation to you
3 with regard to the North Penn School District or the
4 Wissahicken School District?

5 A No. He has not.

6 Q Having looked at this item today, which I
7 have just tendered to you, will you make a request to
8 Mr. Bigelow to forward same to you?

9 A Before the plan is adopted, yes.

10 Q And why is that, sir?

11 A It would make our plan complete, that we not
12 only have the phones and the communication, that we do,
13 in fact, have the busses to have adequate transportation,
14 and that would be treated confidentially, incidentally.

15 Q Prior to today, had you made such a request
16 to Mr. Bigelow for your review of those letters of
17 agreement?

18 A No, I have not.

19 Q The contract that you have -- the letter of
20 understanding that you have before you reflects that
21 busses and drivers are to be provided to the maximum
22 extent possible.

23 Do you see that language?

24 A Yes, I do.

25 Q Can you state whether you are satisfied or not

1 in terms of whether that guarantees your school district
2 a minimum number of busses?

3 A That is the key, "minimum," because they
4 only provide four or five now. And I don't think that
5 will be a problem. In the past it has not been.

6 Q And with regard to the other contracts with the
7 other bus providers for your school district --

8 A We have no other contracts. If you recall,
9 we are mostly walkers.

10 Q With the other contracts -- with the
11 other letters of understanding that you are requesting
12 Mr. Bigelow to forward to you for purposes of
13 review, my question to you is, for the 15 busses earmarked
14 for Pottstown Senior High School, could you please
15 indicate whether you are satisfied or not with the
16 language "maximum extent possible"?

17 MR. RADER: I object. That question is
18 loaded with premises, and it is entirely unclear to me as to
19 what is being asked.

20 BY MS. ERCOLE:

21 Q You have seen the language for the letter of
22 understanding before you?

23 JUDGE HOYT: The objection is sustained.

24 Go ahead.

25 BY MS. ERCOLE:

1 Q You have indicated that you would request
2 Mr. Bigelow to forward to you any other letters of
3 understanding with the bus providers.

4 Is that correct?

5 A Correct.

6 Q Okay.

7 And you believe that that is essential before
8 any plan is approved by your district?

9 A That is correct.

10 Q If the letter of understanding that is
11 forwarded to you by Mr. Bigelow for the other providers
12 uses the language as it is used here, "maximum extent
13 possible," can you indicate whether that would meet
14 your satisfaction?

15 A I would ask that he would state that he
16 will provide, if it is 15 for the senior high or 55 for
17 the total district, that that is what he would tell me
18 he has. And he has done that orally.

19 Q And is it your position that you would request
20 that that would be stated in the written agreement?

21 A That is correct.

22 Q And when you state that the minimum number of
23 busses be provided in the written agreement, can you state
24 why you would want that, sir?

25 A Because it is supposed to be evacuation on a

1 one-run basis, not double running.

2 So the minimum busses for our district should
3 be there, if we are going to evacuate on one run.

4 Q Is it fair to say that you would not
5 recommend to your school board approval of any such
6 draft plan unless those letters of understanding provided
7 for the minimum number of busses?

8 A That is correct.

9 Q Is it fair to say that you would not recommend
10 adoption of your plan to the school board unless the
11 bus providers were identified, at least to you?

12 A At least to me, correct.

13 Q Have you had occasion during the course
14 of you duties as a school superintendent to survey or
15 be aware of any surveys for commercial bus drivers that
16 would be providing services to your district?

17 A Only through Mr. Bigelow, that he, in fact,
18 did contact bus companies and drivers to see about their
19 availability.

20 Q And did he forward to you any statistics or
21 data on that?

22 A Not in writing.

23 Q And the representation Mr. Bigelow made to you
24 in that regard was what?

25 A That he has not only enough busses, he has almost

1 double the number of busses needed for Pottstown in the
2 event of an evacuation.

3 Q With regard to drivers?

4 A Same thing.

5 Q And those were his representations, double
6 the number of busses and double the number of drivers?

7 A Almost double the number of busses. That
8 was at a board workshop, he made that statement.

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1 Q And that was the one you referred to just a few
2 moments ago?

3 A September 14th.

4 Q Was that the one that was also attended by the
5 non-public schools within your district?

6 A The non-public school administrators and the total
7 Board and total administrators of the Pottstown School District.

8 Q Have you, yourself, as a school district conducted
9 any such surveys?

10 A No, we have not.

11 Q Have you discussed with Mr. Bigelow whether the
12 bus drivers that the county allegedly has surveyed, had been
13 told or informed of their Limerick Assignments?

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

15 The counsel said "allegedly." I think Mr. Bigelow
16 testified quite clearly as to the extent of that survey. I
17 don't think there is any allegations?

18 JUDGE HOYT: Ms. Ercole?

19 MS. ERCOLE: I believe that Mr. Bigelow's survey
20 was for providers and not drivers, if I am not mistaken.

21 MR. RADER: It was for both.

22 MS. ERCOLE: In any event, if I can have the
23 question stand, I will withdraw "allegedly," so we can move
24 on.

25 JUDGE HOYT: Well, let's just take out the

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1 "allegedly" and move along.

2 MS. ERCOLE: Fine.

3 BY MS. ERCOLE:

4 Q Do you remember my question?

5 A No, I do not.

6 Q Have you received any results of any surveys with
7 regard to drivers as done by the county?

8 A No, I have not.

9 Q Would you request any such information before the
10 plan for your school district is recommended to the Board?

11 A All I need is a letter in writing from Mr. Bigelow
12 who is in charge, that he does in fact have the buses and
13 the drivers:

14 I will not ask for a list of drivers.

15 Q With regard to your earlier testimony that you
16 would request that the minimum number be provided in the
17 letter of understanding, is your position still the same on
18 that?

19 A Surely.

20 Q With regard to the bus company itself?

21 A What do you mean "with regard to the bus company"?

22 Q With regard to the bus provider?

23 A I don't understand your question.

24 Q With the letter of understanding, is your position
25 still the same that you would request in the letter of

num3

1 understanding with the bus company provider, that the minimum
2 number be so stated in that letter?

3 A Yes. You are referring to the letter --

4 Q That's right.

5 A -- that's before me here.

6 It wouldn't be from the bus company per se, it
7 would be through Mr. Bigelow.

8 Q Right.

9 But with regard to the same letter of understanding,
10 would you also request that a minimum number of drivers be
11 identified? Not by name, but --

12 A I assume if they have the buses available, that
13 they will have drivers to drive them. That's what I am saying.
14 I don't want the drivers' names, I just them to tell they
15 have 15 buses and 15 drivers.

16 Q And would you want that still reflected in that
17 letter of understanding?

18 A Surely.

19 Q Okay. Have you requested, or do you intend to
20 request of Mr. Bigelow that those bus drivers be informed
21 of their Limerick assignment?

22 A Again I would assume that's an arrangement he
23 would make.

24 I won't request that he tells them it's a Limerick
25 assignment. That's his job.

mm4

1 Q Do you believe that it is critical for the bus
2 drivers to know that they would be going to Pottstown Senior
3 High School as opposed to another school on the outer
4 fringes of the Emergency Planning Zone?

5 A I would assume that is between the bus company
6 and the drivers as far as how they are assigned. I have no
7 feeling about, that I have to know that they were notified
8 of their driving assignment. That will not be part of my
9 requirement in order to present it to the Board for
10 adoption.

11 Q Have you made any request to Mr. Bigelow that there
12 be backup buses for the Pottstown School District?

13 A Not a request, per se. He has told us that there
14 are backup buses. Therefore, I did not request that. And
15 if he does give me the minimum buses, that is all I can ask.

16 Q During the course of your duties as a superintendent
17 with the Pottstown School District, did you have occasion
18 to survey your teachers and staff with regard to their
19 participation during a radiological emergency?

20 A Yes, I have, in writing.

21 Q And can you indicate when that was done?

22 A In this semester. Approximately late September,
23 early October.

24 Q Can you indicate whether that survey that you
25 have so conducted, addressed the question of teacher

1 responsibility or willingness during a sheltering scenario?

2 A Yes, it did.

3 Q And did it also address the issue of a willingness
4 to stay during an evacuation scenario?

5 A Yes, it did.

6 Q Can you indicate the total number of -- strike
7 that.

8 Was the total number of teachers and staff that
9 were surveyed, the 199 which is your --

10 A Correct.

11 Q And will you please indicate how many responses
12 you received from that survey?

13 A More than 75 percent. I would say around 160.

14 Q You are saying 75 percent, or roughly 160?

15 A Correct.

16 Q And of the 160 teachers/staff that so responded,
17 can you indicate what percentage of ~~that~~ indicated a willing-
18 ness to evacuate with the students?

19 A Well, see some indicated they would remain and
20 work with children in the pickup point. We will permit
21 parents to come to a pickup point prior to bus arrival.

22 If a parent or guardian is not there by the time
23 the buses arrive, then they will go onto the bus. That is
24 written into our plan, or at least it will be in Draft 6.

25 We have sufficient staff -- most of the staff,

mm6 incidentally, would rather remain with the kids to the pickup
2 and then they are evacuated onto the buses. However, we have
3 approximately 60 teachers that would go onto the buses.

4 Q Now when you say of the 60 teachers that would go
5 onto the buses, that is approximately what, 20 percent?

6 A No, 60 would be almost a third. 30 percent.

7 Q Can you -- is it fair to say that the other 70
8 percent would then leave the school?

9 A Only after evacuation.

10 Q When you say after evacuation, that means only
11 after the children are placed on the buses?

12 A Correct. After the building is cleared, then they
13 could leave the school.

14 Q Did you -- of the 30 teachers that indicated that
15 they would then remain and escort the children to the host
16 school.

17 JUDGE HOYT: I believe that is 30 percent, isn't
18 it?

19 MS. ERCOLE: Didn't I say that?

20 JUDGE HOYT: I heard 30, but not 30 percent.

21 MS. ERCOLE: I'm sorry.

22 BY MS. ERCOLE:

23 Q Of the 30 percent that would indicate that they
24 would accompany the children and evacuate with them to the
25 host school, could you indicate what proportion of that 30

mm7

1 percent was from the elementary schools?

2 A The majority were elementary teachers.

3 Q And do you have that broken down into statistics
4 or percentages in terms of --

5 A Not with me, but I have a breakdown per building.

6 I know I have sufficient staff for one staff
7 member per bus to go to the host school. One staff per bus.

8 Q How many students will be bused --

9 A All 3100.

10 Q Per vehicle, how many students?

11 A Using the 50 average on secondary buses, and 60
12 for elementary.

13 Q Do you have any preassignment of teachers wherein
14 the elementary school teachers would remain with elementary
15 school children?

16 A What we have at this point are, the principals
17 know who wants to remain and who will go on the buses. We
18 have not actually assigned teachers on a particular bus.
19 We have not gotten to that point. We will before the draft
20 is adopted. And that will be done annually like we do with
21 the bomb threat assignments for teachers, where they go in
22 those cases.

23 Q And is that assignment based upon the 30 percent
24 of those teachers that indicated that they would so
25 evacuate?

1 A That's correct.

2 Q Of the 30 percent of the teachers that indicated
3 that they would evacuate with the children, do you know how
4 many of them live within the Emergency Planning Zone?

5 A Most people within our school district live within
6 the EPZ.

7 Q Would it be fair to say that it would be 100
8 percent?

9 A No, we have some from Reading, Abington, Orwigsburg,
10 believe it or not. That is near Pottsville.

11 Q Are you able to give a percentage of those
12 teachers that live within the Emergency Planning Zone?

13 A It would strictly be a guess. I would say at
14 least 80 percent.

15 Q Of the teachers that had responded to your survey,
16 can you indicate what percentage of those teachers indicated
17 a willingness to remain in school sheltering scenario?

18 A We did not ask them if they would stay the two
19 hours as referred to as the maximum shelter. That was not a
20 question on the survey.

21 Q Is it fair to say that the issue of in-house
22 sheltering was not addressed on that survey?

23 A That's correct.

24 We are going to address that with the student
25 body prior to any adoption, so again they will know why they

mm9

1 would be housed in the hallways, or wherever we put them in
2 the case of sheltering inhouse.

3 Q Has the school district made any provisions for
4 the reunification of the teachers with their families after
5 an evacuation?

6 A No, we have not.

7 Q Is it fair to say that the school teachers and
8 staff that will accompany the students in an evacuation will
9 remain with them until all the parents pick up the children
10 at the host school?

11 A They will remain there. In fact, the 8 o'clock
12 does not pertain to our district, because the Emmaeus School
13 District -- really East Penn Senior High School is a mass
14 care center, so we will not have to move our kids beyond that
15 point.

16 Q In the survey that you distributed to the teachers,
17 did you ask the question of their willingness to stay with
18 the students at a mass care center --

19 A No, I have not. I just feel in an emergency that
20 will be a natural response.

21 We will address, that incidentally, but I have not
22 asked them.

23 Q And when you say you will address it, how will
24 you address it?

25 A We are planning an in-service program on this

mm10

1 evacuation plan February the 15th, if that is a Friday, and
2 we are spending several hours on this plan, updating people,
3 some training session.

4 Q Is it fair to say that the school district has
5 not addressed the concerns of sheltering, as far as its
6 teachers and staff are concerned?

7 A Well, we have addressed sheltering at the host
8 school. We have not --

9 Q No, I mean inhouse shelter.

10 A Inhouse shelter. See, there are two kinds. When
11 they use sheltering in the plan, it is really inhouse as well
12 as external.

13 Q I am referring to the inhouse shelter.

14 A We have not.

15 Q And is there a reason why it has not been so
16 addressed?

17 A We had that incorporated in our plan, and Draft 6
18 will reflect a few changes. We do want to, first of all,
19 orientate the faculty, then go to the student body and have
20 a drill on that, tell them why they are going to go from
21 their classroom to hallway and what could happen in case this
22 would have to be used.

23 Q In a sheltering situation, do you believe that
24 the student/staff ratio should be decreased?

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

mm11

1 Decreased from what or to what?

2 MS. ERCOLE: I will rephrase it.

3 BY MS. ERCOLE:

4 Q You had indicated earlier in your testimony that
5 for accompanying the students on the buses, it was sufficient
6 to have a student/staff ratio of either 1 to 50 or 1 to 60.

7 Is that a fair characterization of your testimony?

8 A That's correct.

9 Q In an inhouse sheltering scenario, do you believe
10 that that ratio should be increased? That is to say the
11 number of staff to students.

12 A Well, you had asked me for staff ratios, and I
13 gave you classroom staff ratios.

14 When you talk about inhouse, then you also have
15 availability of nurses, guidance counsellors, librarians,
16 and it is automatically increased.

17 Decreased, as far as students per adult.

18 Q Do you maintain that there is more of a necessity
19 to have a larger staff-to-student ratio in a sheltering
20 scenario than it is on the evacuation of the buses?

21 A I think it would be advantageous to have
22 more staff available, yes.

23 Q And why is that?

24 A The problems that you may encounter with a large
25 contingency in a hallway, if that is where you are going to

mm12

1 put them.

2 Q And can you indicate whether -- can you break that
3 down in terms of perhaps potential disruption or confusion
4 problems with regard to the three levels of --

5 MR. RADER: I object. That is a leading question.

6 JUDGE HOYT: I agree that is correct, Ms. Ercole.

7 BY MS. ERCOLE:

8 Q Can you characterize what you mean by potential
9 problems in the hallway?

10 A If we were to put 900 students in the hallways of
11 a senior high school, which is roughly 12 feet wide, as
12 opposed to having a 24 by 24 classroom of 25, I think you
13 should have more adult supervision.

14 Elementary--of course you would, as I said, because
15 you are going to have the itinerant staff available. The
16 elementary level, since they are used to the bomb threats or
17 whatever type of emergency we have of adhering to directions
18 by the teachers, I don't see that as a real major problem.

19 We have a better control of students in emergencies
20 than most groups.

21 Q Do you see any need in an elementary school
22 situation -- strike that.

23 Do you see any need with the elementary school
24 population in an inhouse sheltering situation, to have
25 the younger children in the company of the teachers that they

mm13

1 know?

2 A It is helpful, yes, because they are used to a
3 1 to 24, 25 contact.

4 Q Would you envision any problems if that is not
5 the case?

6 A No, because the other teachers available would
7 see them, like a Title I teacher or a librarian or a nurse.
8 They would be familiar with them.

9 Q And have those people been surveyed to determine
10 their willingness to remain?

11 A Yes, they have. Yes.

12 Q In an inhouse sheltering scenario.

13 A We didn't talk about inhouse. As I said, it was
14 strictly evacuation of the host school. We never asked it.

15 The reason we didn't, they are automatically going
16 to stay for an inhouse. That is part of the responsibility.
17 I just don't believe anyone that is teaching and is in their
18 job up until the quitting time will leave the building. Their
19 responsibility is their job.

20 Q With regard to the teachers that did not indicate
21 a willingness to remain and to evacuate with the students,
22 were those individuals that you surveyed certified teachers?

23 A They are all certified teachers.

24 Q And would you characterize them as reasonable
25 adults?

A14

mm14

1 A Yes, yes.

2 Q And would you characterize them as good teachers?

3 A Yes.

4 Q Did the teachers that indicated that they did not
5 have a willingness to remain, make comments on your survey
6 in terms of what their concerns were?

7 A Yes. Some would want to fulfill a responsibility
8 as far as evacuation, and then join their families.

9 And in our plan, at least Draft 6, will be that
10 we will let single-parent family adult members of our staff
11 leave first. Pregnancy, of course, would leave too, any
12 pregnant teacher, or pregnant student. We may have them
13 dismissed early, too.

14 Q Do you have any children in the Pottstown School
15 District that are close to the preschool age?

16 That is to say, that are four or five years of age.

17 A We don't operate a program in the public school
18 setting, no.

19 Q Is it fair to say that the children that are in
20 your kindergarten are five years of age?

21 A They must be five by December 1. We don't call
22 those preschool, though.

23 Q I understand that.

24 A Just so you don't think I didn't answer the ques-
25 tion properly.

nations

1 Q So is it fair to say then that you do have children
2 in your kindergarten classes that are four years old.

3 A No. They are four up until December 1.

4 Q That is my question.

5 A Yes. As of today, they are not.

6 Q Is it fair to say that there are children in
7 preschool facilities that are four years of age?

8 A In preschool?

9 Q That is correct.

10 A There are in Pottstown. There is a daycare center
11 but not run by the public schools.

12 Q I understand that.

13 A Fine.

14 Q But it is fair to say that those children in those
15 other facilities are four years of age, is that correct?

16 A Yes.

17 Q Are you familiar of the concept of selective
18 evacuation?

19 A In the sense of pregnancy and single parent
20 families if that is what you are referring to, yes.

21 Q Are you familiar with the concept of selective
22 evacuation as it pertains to young children because of their
23 susceptibility to radioactivity?

24 A Yes, I am.

25 Q Have you discussed with Energy Consultants or

mnl9-2

1 any of the emergency planners concerns if any you would have
2 with regard to those kindergarten children that are four
3 years of age?

4 A You are assuming the accident if happened would
5 have to be between September and December.

6 Q Yes.

7 A We haven't discussed that specifically because
8 we are talking about a one pick-up. They would be
9 transported the same as everybody else.

10 Q You have made provisions, have you not, for a
11 selective evacuation of pregnant teachers?

12 A That is in draft six that we just completed.

13 Q Would you make any recommendations for a
14 selective evacuation of those that are under five years of
15 age?

16 MR. RADER: I object to this line of questioning,
17 Your Honor. I don't recall any contention dealing with the
18 adequacy of means for selective evacuation.

19 JUDGE HOYT: I believe we are going beyond the scope
20 as I understand your contention.

21 MS. ERCOLE: This is just my last question if
22 he would make any such recommendations.

23 JUDGE HOYT: I still think it is beyond the scope.
24 It doesn't matter whether it is the last question or the first
25 question if the question is beyond the scope.

mn19-3

1 MS. ERCOLE: My concern was with the willingness of
2 the teachers to stay if they had had a child who technically
3 was not a preschool child in the sense that the child was
4 in a facility but was chronologically a young child for
5 purposes of a selective evacuation situation.

6 JUDGE HOYT: Do you want to respond, Mr. Rader?

7 MR. RADER: I don't recall that as being part of
8 the contention but if it is that narrow, let's ask the
9 question and be done with it.

10 JUDGE HOYT: I think we have gotten beyond the
11 scope but I am not at all certain that it would hurt the
12 record to have one more superfluous piece of information on
13 it.

14 MR. RADER: I agree.

15 JUDGE HOYT: Let's have the answer if you know,
16 Dr. Feich.

17 THE WITNESS: No. I would not make any special
18 evacuation procedures.

19 BY MS. ERCOLE: (Resuming)

20 Q Is it fair to say that you would not make that
21 recommendation knowing their susceptibility to radiation?

22 A Not for that differential of three months. No,
23 I would not. Half of the kindergarten wouldn't even be
24 in school and of the ones born in that three months, you
25 don't have a large contingency so I think that they would be

mnl9-4

1 moved the same as the other first graders. You are kind of
2 splitting hairs when you think of someone four years and
3 nine months versus five years and one month or something.

4 Q I would like to draw your attention to the Pottstown
5 School District plan again which is Applicant's Exhibit E-57
6 and I draw your attention to page 10.

7 A (Perusing document.)

8 Q Do you have page 10?

9 A Yes, I do.

10 Q Specifically I would draw your attention to
11 paragraph subsection three.

12 A (Perusing document.)

13 Yes.

14 Q Have you had a chance to read that paragraph?

15 A Yes, I have. That will be changed in draft six
16 after that workshop.

17 Q Can you state in what way it will be changed and
18 why it will be changed?

19 A It will basically state if time permits we will
20 have early dismissal of the children to their homes. That
21 is the general paraphrasing of that change.

22 Q Can you state what it means in draft five when
23 it says "unless preempted by parental notification from the
24 district?"

25 A We have a communications system with the parents as

mn19-5

1 far as a school number and, of course, in Pottstown we can
2 talk about schools and we do notify them by that communica-
3 tion whether or not we are dismiss at regular time or at
4 different times.

5 Q But when you refer here to "unless preempted by
6 parental notification from the district," is that to say
7 the district would give an order?

8 A If danger were eminent as you referred to earlier,
9 we may not have time to have a dismissal that we could actually
10 get kids home. We may have to say they will be evacuated and
11 announced as such. We need an hour in order to have every
12 kid walk home in our district.

13 Q With regard to your concept of early dismissal
14 and when you revise paragraph three under subheading (f),
15 do you intend to retain the phrase unless preempted by parental
16 notification from the district?

17 A Probably not.

18 MS. ERCOLE: May I have a moment, Judge Hoyt?

19 JUDGE HOYT: Yes.

20 (Counsel for LEA conferring off the record.)

21 MS. ERCOLE: If I may have a minute or two, I will
22 have to absent myself from the proceedings. I am 40 minutes
23 late as it stands and Ms. Zitzer will be just completing the
24 rest of the questioning for the remaining 18 minutes and I
25 am advised that it may not take that long.

mn19-6

1 JUDGE HOYT: Very well. If you wish to exit now,
2 Ms. Ercole, go ahead and the Board will take this opportunity
3 to have a very brief recess. Thank you.

XXXXXX

4 (Whereupon, a brief recess was taken.)

5 JUDGE HOYT: The hearing will come to order. All
6 the parties are again present and the witness is on the stand.
7 Sir, you are still under oath. We have an indication that
8 Ms. Zitzer will complete the direct examination of this
9 witness. Please proceed.

10 MS. ZITZER: Thank you.

XXXXXX

11 BY MS. ZITZER:

12 Q Dr. Feich, do you believe that it would be helpful
13 for you to conduct early dismissal tests?

14 A We do early dismissals as a matter of routine
15 like for early dismissal for inclement weather. As I
16 mentioned we had a boiler breakdown and we had a gas leak,
17 a bomb threat so we have already had those drills. It is an
18 ongoing thing. We have already had those drills. We almost
19 had one today because of the weather.

20 Q Has your concern about the availability of buses
21 had any impact on your recommendation to pursue the early
22 dismissal procedure for your school district?

23 A No. That is not the reason. To reiterate I
24 mentioned that the parents are going one direction and the
25 kids are going another direction. I just feel that it would be

mn19-7

1 better if the family could go in tact.

2 Q Is it fair to say that the adequacy of the school
3 district evacuation plan depends on the interrelationship
4 between the adequacy of the local Pottstown Borough Plan
5 and the local municipal plans and the county plans as well?

6 MR. RADER: Objection. That calls for matters
7 beyond the scope of this witness. There has been no
8 foundation laid that the witness is familiar with or has
9 responsibility for those other plans.

10 MS. ZITZER: I am talking primarily about the
11 Pottstown Borough plan, for example.

12 JUDGE HOYT: Let's see if he knows. Go ahead.

13 THE WITNESS: I was in the initial planning with
14 the borough when Sam Ely lived so within the groundwork of
15 that particular plan. The answer to your question though
16 is I don't think the Pottstown plan for the district has a
17 great deal of relationship with the borough. We will do
18 our particular plan and they will do theirs.

19 BY MS. ZITZER: (Resuming)

20 Q Do you have concerns about the fact that the
21 places that the students and the general public in
22 Pottstown will be evacuated to are in different directions
23 as you have so testified?

24 A Only because --

25 MR. RADER: Objection. That is not a part of this

mn19-8

1 contention. This relates to the adequacy of evacuation which
2 itself is not an issue in this case.

3 MS. ZITZER: Your Honor, the witness testified
4 that the reason some of the teachers had indicated they were
5 not willing to remain was this very fact and I was simply
6 trying to determine the concerns that the superintendent
7 had about this.

8 MR. RADER: Again, I don't believe we can litigate
9 every aspect of this plan under the auspices of what one or
10 two teachers might be concerned about.

11 JUDGE HOYT: I think that was a brief answer that
12 this witness gave, Ms. Zitzer. I didn't understand the
13 answer to establish the basis of that question. Let's try
14 the next area.

15 MS. ZITZER: I will rephrase it.

16 BY MS. ZITZER: (Resuming)

17 Q Dr. Feich, isn't it true that you testified that
18 a number of teachers indicated an unwillingness to evacuate
19 with the students and isn't it true that you characterized
20 at least one of the reasons you were aware of for that
21 situation being concerns about the fact that the general public
22 might be evacuated in a different direction from the
23 evacuation plan for the school district?

24 A There are two questions there. First of all, I
25 never said the teachers were unwilling. They were willing to

mn19-9

1 either go with the students or remain for the parent pick-up.
2 There was never any unwillingness. The second point was my
3 concern that if kids were going to go to a mass and the
4 parents to the Kutztown/Reading area, I would rather see
5 them go together.

6 Q During either a sheltering situation or an
7 evacuation, will the teachers be functioning in loco parentis
8 in your opinion?

9 MR. RADER: Objection. I am not sure that it has
10 been established that the witness knows what that means
11 or can draw any legal conclusions relating to that.

12 JUDGE HOYT: I think he probably knows what it
13 means.

14 THE WITNESS: Thank you.

15 JUDGE HOYT: But I am not quite sure where we are
16 going with that line of questioning.

17 THE WITNESS: In loco parentis is in the code
18 and that is a common word for us.

19 JUDGE HOYT: Very well. I just don't understand
20 the relevance of it or what you are after here, Ms. Zitzer.

21 MS. ZITZER: I am trying to determine what
22 information has been provided to the teachers regarding the
23 situation.

24 JUDGE HOYT: Why don't you just ask that question
25 then.

mn19-10

1 MS. ZITZER: Certainly.

2 BY MS. ZITZER: (Resuming)

3 Q Dr. Feich, have you had any discussions with any of
4 the teachers whether or not they would be functioning in loco
5 parentis during either an evacuation or sheltering scenario?

6 A Any time they complete their responsibilities
7 they are in loco parentis.

8 Q Do the teachers understand that this would also
9 apply to evacuation or sheltering scenarios?

10 A Any time they perform their duty and it is between
11 the hours, secondary, 7:35 to 2:45, that is their
12 responsibility.

13 Q What would happen if this were to occur after 2:45?

14 A The kids would not be in school so they would not
15 have any responsibility for an evacuation. My contention is
16 that when the teachers are with their kids, they have the
17 responsibility of in loco parentis. Beyond the school day,
18 they do not.

19 Q What would happen if, and let's take a hypothetical
20 situation, where you received notification sometime in the
21 mid-afternoon that you might need to go into a sheltering
22 scenario and it might extend beyond the 2:45 time that you
23 described or the same might be true for an evacuation scenario?
24 Have you considered that?

25 A We have not discussed that specifically but as I

mn19-11

1 mentioned if they evacuate, we have teachers who go with the
2 buses and teachers to make sure that they are there for
3 parental pick-up.

4 Q Have the discussions you have had with the teachers
5 though been limited to the time up until the 2:45 p.m.
6 end of the regular working day?

7 A That is correct. That is all we have discussed at
8 this particular time.

9 Q Do you envision the likelihood of discussing with
10 them any situation which might result in their staying
11 beyond 2:45?

12 A That will be reviewed just as part of the
13 exercise when we talk about the actual plan and what the
14 responsibilities are. I don't know if I am going to ask
15 them specifically in writing if they will, in fact, work
16 beyond the school day. That has never been the issue.
17 It is the old problem with emergencies. People do what
18 they have to do. We have had that situation in Pottstown
19 with floods and really serious emergencies. I expect they
20 will act as reasonable individuals. I am not going to ask
21 for that in writing, to work beyond the school day.

22 Q But to the best of your knowledge the teachers
23 have not yet been informed that there could be circumstances
24 where they might have to remain after 2:45 p.m.

25 A No, they --

mn19-12

1 MR. RADER: Objection, asked and answered.

2 JUDGE HOYT: The question may be answered.

3 THE WITNESS: They have indicated they would stay
4 if they are going to the evacuation center up to the eight
5 o'clock pick-up time. So, in essence, those that have
6 volunteered to accompany students to the host schools,
7 they have really said that they will stay beyond the school
8 day.

9 BY MS. ZITZER: (Resuming)

10 Q It is your testimony that they understand they
11 are volunteering to stay beyond 2:45 p.m.?

12 A That is correct.

13 Q With regard to a sheltering scenario, has that
14 information been discussed with teachers as well?

15 A In-sheltering or external?

16 Q Within the school building.

17 A We have not. As I said, that is the next thing
18 we do with the in-service of the teachers and then we will
19 have a drill with the students.

20 Q All right. When you say that you are going to have
21 a drill with the students, could you elaborate on that?

22 A We will inform the students why they may be housed
23 in hallways or whatever areas we feel are applicable prior
24 to actually having a drill, the same thing we do for bomb
25 threats and fire drills. They know why they are doing it.

1 We feel that has to come first before we actually do the drill.

2 MS. ZITZER: Thank you. I have no further
3 questions.

4 JUDGE HOYT: Very well. The applicant is accorded
5 one hour of cross-examination time.

6 MR. RADER: Thank you. As a preliminary matter,
7 Your Honor, the witness has indicated that he had some
8 written surveys and information related to those surveys
9 in writing in his possession but not with him today. I
10 understand and appreciate that it may be the Board's hope
11 and anticipation that the witness would be finished with
12 today but if that is not possible, I wonder if the Board
13 could instruct the witness to bring that information with
14 him tomorrow if he is present then.

15 JUDGE HOYT: Let's see if the witness could bring
16 it with him tomorrow. Could you retrieve the documents
17 you are talking about, sir?

18 THE WITNESS: They are survey sheets with the
19 name and whether or not they will either accompany students
20 or help the students prepare and pick up.

21 JUDGE HOYT: Could you find those and bring them
22 into the hearing room tomorrow if you were to come back?

23 THE WITNESS: Does that preempt an appointment with
24 a doctor at nine o'clock? What time do you start tomorrow?

25 JUDGE HOYT: Nine o'clock. Mr. Rader, would there

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1 be anything wrong in preserving the right to recall this
2 witness for you or to have the witness retrieve those
3 particular documents in conjunction with one of your
4 counsel and perhaps somebody from your staff, Ms. Zitzer.

END#19

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1 MR. RADER: That would be permissible.

2 JUDGE HOYT: And enter into a stipulation as
3 to what those documents would provide. I don't want
4 to have this witness come back tomorrow and certainly
5 not -- it isn't the Board's intention that he would
6 miss his doctor's appointment.

7 MR. RADER: It was my intention also that he be
8 asked to bring the documents only if he is required to
9 return tomorrow. Otherwise, he could simply send
10 them to us.

11 JUDGE HOYT: Very well. You just want
12 copies of them?

13 MR. RADER: Yes. Any documents relating to
14 the conduct of the survey and the information which
15 resulted from the survey, please.

16 JUDGE HOYT: Let's be sure we understand
17 what survey you are talking about.

18 MR. RADER: The survey of teachers and staff
19 as to their willingness to participate in the event of
20 a radiological emergency which the witness testified about.

21 JUDGE HOYT: What was the approximate date of
22 that?

23 THE WITNESS: Early October.

24 JUDGE HOYT: That is of this year?

25 THE WITNESS: Correct, and we will do the same

1 thing for the February in service to see if that, in
2 fact, made any difference in the responsibility teachers
3 will assume.

4 JUDGE HOYT: Very well.

5 MS. ZITZER: Did you say that the surveys had
6 the names of the teachers on them?

7 THE WITNESS: Yes, it does.

8 MS. ZITZER: Do you have any objection to
9 providing that information?

10 THE WITNESS: Yes, I do.

11 MS. ZITZER: That is what I thought.

12 MR. RADER: That can be blacked out.

13 JUDGE HOYT: I don't think it is the names
14 that we are interested in.

15 MS. ZITZER: I agree.

16 JUDGE HOYT: Merely the tabulated results
17 of the survey with a backup document, copy of those
18 surveys. If the superintendent wishes to delete the
19 name and the address of the individual and telephone
20 number or some other personal identification mark, I
21 don't think that that affects the basic concept that
22 the counsel for Applicant wanted to do -- that is, to
23 get the results.

24 THE WITNESS: Your Honor, if I may, I could
25 send you the document, a summary, and as a commissioned

1 officer of the state of Pennsylvania, I would hope that
2 you would accept the results.

3 JUDGE HOYT: I would.

4 THE WITNESS: I don't see any sense in giving
5 you 160 sheets of replies. I wouldn't give you the
6 original, so that means I have to duplicate them. Why
7 not just give you a summary?

8 MR. RADER: I would be very happy with the summary
9 if I could get one survey form also.

10 THE WITNESS: That is what I said I would give.

11 MR. RADER: Completed survey form.

12 JUDGE HOYT: At his discretion, you will
13 accept one?

14 MR. RADER: Yes, ma'am.

15 JUDGE HOYT: All right. Very well.

16 MR. RADER: I assume they are all the same.

17 THE WITNESS: They are.

18 MS. ZITZER: My only concern was that it be
19 done according to the wishes of Dr. Feich.

20 JUDGE HOYT: Thank you. We will certainly
21 preserve the rights of the witness.

22 Do you have anything else?

23 MR. RADER: Nothing else.

24 JUDGE HOYT: Are you prepared to begin?

25 MR. RADER: I am prepared to begin.

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1 JUDGE HOYT: You are prepared for your cross
2 then?

3 MR. RADER: Yes, ma'am.

4 JUDGE HOYT: You have 60 minutes, sir.

XXXXXX

5 CROSS-EXAMINATION

6 BY MR. RADER:

7 Q Dr. Feich, at the end of the examination by
8 LEA, you were asked some questions relating to the
9 evacuation in different directions out of the EPZ by the
10 schools and by the general public.

11 Do you recall that, sir?

12 A Yes, I do.

13 Q And did I recall correctly your testimony
14 that you believed that the public would be directed to
15 a mass care center in Kutztown; is that correct?

16 A Some go to Kutztown. I have seen the plan in
17 the local paper, and they have a cut-off place where
18 some go to the Reading area, and then some go to -- I
19 think south. But I don't know all the places. I know
20 they don't go to Emmaeus in general.

21 Q And the host school for Pottstown is in
22 Emmaeus?

23 A Emmaeus, East Penn Senior High School.

24 Q Is it your understanding that all members of
25 the general public evacuating from the Pottstown area would

1 have to go to the mass care center at either Reading or
2 Kutztown?

3 A You say have to?

4 Q Yes, sir. Would they be required to do that?

5 A I don't think you can require a citizen to go
6 anywhere.

7 Q So they would be free to go to the Emmaeus
8 area, if they wished to?

9 A They would be free. But they would not
10 be permitted in the Emmaeus Senior High School just because
11 of sheer numbers.

12 Q I understand that, sir. But they would be
13 permitted to pick up their children at the earliest
14 possible time, wouldn't they?

15 A Up until the busses arrive.

16 Q I am not sure I understand, sir. I thought
17 that Emmaeus was the host facility for the Pottstown
18 School?

19 A I thought you meant picked up at the high
20 school.

21 Q I mean the people could go to the Emmaeus
22 School directly, they wouldn't have to go to Kutztown
23 or Reading. They could go directly to --

24 A They could.

25 Q So in that situation, there wouldn't be any

1 concern as to evacuation in different directions because
2 parents with children in schools which had been evacuated
3 could go directly to the Emmaeus School to pick up their
4 children.

5 A If they had vehicles.

6 Q Yes.

7 At the beginning of your examination, sir,
8 you stated that you had had some relationship with
9 Energy Consultants and Montgomery County. Could you
10 describe that relationship, sir?

11 A Well, for the last 18 months, I worked
12 very closely with Mr. Cunnington and prior to that
13 Sam Eli, and then recently Mr. Bigelow. And it has been
14 meetings discussing the plan, the drafts per se, and some
15 of the things that we could do cooperatively with the
16 county.

17 We reviewed -- we have had meetings, area
18 meetings with administrators at Eagleville. So it has been an
19 administrative relationship.

20 Q Could you give any estimate in your
21 opinion as to how many meetings you have had with
22 Energy Consultants and Montgomery County over those
23 past 18 months, including telephone conversations?

24 A Personal meetings I have at least been with
25 Mr. Cunnington at least eight times, at least eight times,

1 several times on the phone. With Mr. Bigelow I spent
2 three hours, and one other time with him.

3 Q And have you found both Mr. Bigelow and his
4 staff as well as the staff from Energy Consultants to
5 be cooperative?

6 A Very much so.

7 Q Have they provided you with assistance?

8 A Yes, they have.

9 Q Have they listened to your suggestions and
10 adopted those suggestions in the more recent drafts of
11 the plans as they have been provided to you?

12 A Yes, they have.

13 Q You mentioned, sir, that there are -- I
14 believe you said that you are now in the midst of
15 considering the development of other emergency plans or
16 plans for other emergency contingencies in your area;
17 is that correct, sir?

18 A That is correct.

19 Q Do you believe that the plan which is being
20 prepared now for the Limerick EPZ would be helpful with regard
21 to those other emergencies?

22 A Definitely.

23 Q You mentioned also what with a bomb scare you
24 move children from one school to another. Could you
25 explain that, please, sir, exactly what happens?

1 A At the senior and junior high school, since
2 they are in the same campus, it is a 55 acre tract.
3 If it occurs at one or the other buildings, they go to
4 either building, and we have an assignment of a cafeteria,
5 auditorium to house the kids. If it is at both buildings,
6 they are moved to the Greek athletic field where
7 we have stands, and they again have assigned seats by
8 class.

9 The elementary are evacuated to churches'
10 auditoriums or actual churches. We have keys to them, and
11 we actually move kids with the teachers.

12 Q And this procedure requires the teachers to
13 assemble the students, gather them in groups and move
14 them out of the buildings?

15 A That is correct.

16 Q Are those procedures similar to what you have
17 utilized during a fire drill, for example?

18 A As far as the movement, yes.

19 Q Would the procedures which you utilize for a
20 bomb scare or a fire drill be comparable to what you would
21 utilize during a radiological emergency, if it occurred
22 and if you were required to evacuate students?

23 A Yes, it would.

24 Q Have you had any experience of uncontrollable
25 disruptions or other problems during the bomb scare or

1 fire drills?

2 A No. They have been orderly.

3 Q With respect to your testimony regarding the
4 responsibilities for nonpublic schools in your district,
5 did you discuss this matter in particular with regard
6 to transportation for those schools with any Montgomery
7 Count official?

8 A Mr. Bigelow.

9 Q What were your discussions with Mr. Bigelow?

10 A In the presence of all my public school
11 administrators, my board, and all my ministers, we went
12 over the transportation. So he outlined all transportation,
13 both nonpublic and public.

14 Q And did Mr. Bigelow accede to your suggestion
15 that the county assume that responsibility?

16 A Not only did he accede to it, he told us that
17 was his responsibility.

18 Q And did he indicate to you there would be any
19 problem with providing transportation for those schools
20 in the absence of your school district assuming that
21 responsibility?

22 A Sir, the reason we can't assume it is we
23 only have a contract to begin with. So we don't have the
24 busses to move kids. He took that responsibility to
25 provide that transportation.

1 Q Did he indicate to you at the time that that
2 would create any problem for the county in doing so?

3 A No. He did not. He said he could handle
4 that or the county could.

5 Q Sir, are you familiar with the procedure
6 under local plans for passing unmet needs to the county?
7 Are you familiar with the term "unmet needs"?

8 A Yes.

9 Q What does that mean?

10 A Things that you do not have either planned
11 for or available, a resource you do not have available.

12 Q Has that concept been applied in your
13 school district, sir?

14 A Yes, it has.

15 Q Has it been provided specifically with
16 regard to school busses?

17 A We still have the unmet need in our plan where
18 we do not have adequate busses within the district. We
19 still have an unmet need of telephones. We still
20 have an unmet need of radio communication. We still
21 have an unmet need of brochures to parents, maps, what
22 would happen, a kind of a synopsis of what this plan
23 would entail, which we have been promised.

24 Q With regard to unmet needs for busses, would
25 you identify for me please where in your plan you have

1 stated that you have unmet need for busses?

2 A As we have mentioned in the appendix where it
3 lists the number of busses per building, the fact that
4 we only have four from CMD and we need 55, there is
5 really 51 listed in there that are called unmet needs.
6 Mr. Bigelow has indicated he has busses.

7 Q You said 51, sir. Does that include private
8 schools?

9 A No. As I said before, we are not -- we are
10 concerned, but it is not my responsibility for private
11 schools.

12 Q I am having difficulty with your numbers then.
13 Could you turn to page A3-23 of your plan, sir?

14 A I have it.

15 Q I am looking at the unmet needs column
16 for the public schools in your school district. I see
17 -- I guess it is 37 busses and four vans is what I come
18 up with?

19 A That is correct, 41.

20 Q Okay. And were those needs reported to
21 Mr. Bigelow's office?

22 A Yes. He reviewed this with us.

23 Q And to your knowledge, was this added to the
24 Montgomery County plan?

25 A Yes. It is on draft 7, I-3-9. We looked at it

1 earlier.

2 Q Referring specifically to Annex Q of the
3 Montgomery County plan, do you have that in front of you?

4 A Is that following the A?

5 Q I think you are looking at your plan. I am
6 referring to the Montgomery County plan. Do you have that
7 in front of you?

8 A Yes, I do.

9 Q I am referring specifically to page Q-1-1, sir.

10 A I have it.

11 Q Referring to the third column, unmet need, do you
12 see any indicate there as to whether there are sufficient
13 busses within the counties to meet unmet needs which
14 have been reported to it by the municipalities or school
15 districts?

16 A It says zero on my copy, and that is what we
17 were told orally by Mr. Bigelow.

18 Q You were asked a number of questions about
19 the letters of understanding which the county is in the
20 process of obtaining or has obtained from bus providers.

21 Would you be satisfied if you received a letter
22 from Mr. Bigelow to the effect that he has the
23 adequate busses necessary to evacuate your school district?
24 Did I understand your testimony to be that?

25 A If he would indicate if we need the 41 busses, he

1 has the 41 busses, yes, I would be satisfied with that.

2 Q Under those circumstances, would it be
3 necessary for you to review separate letters of agreement
4 which the county has with bus providers?

5 A I wouldn't need the separate letters, but
6 I would, as a matter of professional courtesy, have
7 him indicate they are coming from Wissahicken, North Penn
8 or wherever. I see no reason that shouldn't be shared
9 with me in my position. Then I would feel comfortable
10 and recommend it to the Board.

11 Q You referred to a civil defense program,
12 I believe, where schools, one school was evaluated for
13 sheltering; is that correct?

14 A Yes.

15 Q Is it your understanding that the criteria
16 for sheltering under your local plan and the county
17 plans in Annex E of the state plan are based upon criteria
18 applicable to a civil defense program?

19 A The civil defense plan of the late -- actually
20 it was the middle '60s and late, into the late '60s, had
21 the same concern about radiation. I was a member of the
22 team that went out and surveyed both Montgomery County
23 and Schuylkill County and made drawings of all the
24 facilities, the apertures, et cetera.

25 There are a lot of similarities between that

1 particular emphasis and what we are doing today. It was
2 only a sheltering program of CD with adequate food and water
3 for a certain amount of period of time. And they were then
4 thinking of gymnasiums, et cetera, but I don't think
5 they thought of a nuclear plant as opposed to an atomic
6 approach.

7 Q Sir, have you reviewed the definitions and
8 concepts of sheltering as used in NUREG 0654 and Annex E of
9 the state disaster plan?

10 A I am not familiar with that document, but I
11 really think I am familiar with sheltering per se, the
12 definition. I know what sheltering is and in-house
13 sheltering evacuation. If you recall, sheltering says
14 that whether they are evacuated or whether they are kept
15 within the building.

16 Q Have you reviewed specifically the concept
17 of sheltering as used in Appendix 10, Section 2.2.2 of
18 the state plan?

19 A I have not, to my knowledge, seen the state
20 plan.

21 Q I beg your pardon, sir. In any event, I gave
22 the wrong reference. I believe it is Appendix 10,
23 Section 2.2.2.

24 You have not seen the state plan?

25 A No, I have not.

1 Q So you would not be familiar with the concept
2 of sheltering or the criteria for sheltering under the state
3 plan concept; is that correct, sir?

4 A That is correct.

5 Q Is it your understanding that the concept of
6 sheltering as used in the school district plans
7 corresponds to the concept in the overall state plan?

8 A Since I don't know the state plan, I can't
9 make that comparison.

10 Q My question is a bit different. Is it
11 your understanding that the concept of sheltering under
12 your local plan corresponds to the concept under the
13 state plan?

14 MS. FERKIN: Objection.

15 MS. ZITZER: Objection.

16 MR. RADER: I don't believe the witness
17 understood the question.

18 MS. ZITZER: I think he said he wasn't
19 familiar with the state plan.

20 JUDGE HOYT: I don't think, Mr. Rader,
21 this witness has any knowledge of the state plan.

22

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END 20

T21 MM/mml

1 MR. RADER: I will accept that answer, thank you.

2 JUDGE HOYT: Very well.

3 BY MR. RADER:

4 Q So you mentioned you had a contract for bus
5 service with the CMD Bus Company, is that correct?

6 A That's correct.

7 Q Have you ever had occasion to call them for
8 an early dismissal for any reason whatsoever?

9 A We have called them, yes.

10 Q How frequently does that happen, sir?

11 A On an average, six or seven times a year.

12 And then there are times that they know ahead
13 of times for early dismissal.

14 But for inclement weather or emergency, six or
15 seven times a year.

16 Q So the unannounced occasions, has there ever
17 been a problem with their showing up.

18 A No, there has not.

19 Q Do you know of any problem that has ever existed
20 with regard to obtaining bus drivers for those buses?

21 A No, he has backup drivers. He has always had
22 drivers available.

23 Q With regard to the teacher survey which you spoke
24 of, sir, you stated that 199 were surveyed.

25 Is that correct?

mm2

1 A That's correct.

2 Q Did that include just teachers, or was that the
3 entire staff complement of your school?

4 A Just teachers. Administrators have already
5 indicated they will complete their responsibilities.

6 Q And how many administrators are there in your
7 school district?

8 A 19.

9 Q So there would be 19 additional staff who would
10 be available to assist in an emergency, is that correct?

11 A That's correct.

12 Q And what about other staff that you mentioned,
13 such as nurses, librarian and other complements?

14 A Well the nurses and librarians are part of the
15 teaching staff. The other complement will be your secretaries,
16 custodians, the noninstructional personnel.

17 Q Do you have a nurse in each school, sir?

18 A No, not full-time nurse.

19 We have, for the seven buildings we have five
20 nurses.

21 Q Would you expect those nurses to remain and assist
22 if called upon?

23 A Not only remain, they would keep the health records
24 and supplies in our plan and accompany the kids to the
25 center.

mm3

1 Q Do you have a librarian in each school, sir?

2 A Yes.

3 Q Would you expect the librarian to remain?

4 A During the school day? You say remain in the
5 school?

6 Q Remain with the children and participate in any
7 way reasonably requested?

8 A Either in evacuation processs or helping kids at
9 the pickup point, yes.

10 Q Are there any other members of your staff which
11 I have omitted?

12 A As I mentioned the secretaries and noninstructional.
13 Custodians, cafeteria workers, they are still part of the staff.
14 We have about 125 noninstructional staff; 200 or 199 teachers;
15 19 administrators.

16 Q Sir, if I add together your 19 administrators,
17 with the -- I believe you said 60 responded that they would
18 be willing to evacuate with the children, is that correct,
19 60 teachers?

20 A Either evacuate -- yes, evacuate and on the buses,
21 yes. The rest would assist in the building during the
22 process of evacuation.

23 Q If I add the number of teachers to administrators
24 who would be available, that is 79, is that correct?

25 A That's correct.

mm4

1 Q And you said that I should add to that I believe
2 the number of nurses who would be available?

3 A As I mentioned, the nurses are part of the teacher
4 group. The nurses are in the 199.

5 Q - Oh, the nurses are already in the 199.

6 A They are a member of the bargaining unit.

7 Q I see.

8 So there would be 79 individuals available at your
9 schools to assist in the evacuation if that were to occur,
10 is that correct?

11 A That's correct.

12 Q And what is the total student population of your
13 school district, sir?

14 A 3180. That's everyone present.

15 Q Sir, my arithmetic leads me to find that you
16 would have approximately a 1 to 40 ratio for teachers/
17 administrators to students.

18 Would that be your understanding?

19 A 80 times 40 is 3200. That is correct.

20 Q And you stated that there would be how many buses
21 evacuating your students? I believe it would be 37 buses
22 with 4 vans.

23 Is that correct, sir?

24 A I believe the total number of buses is closer to
25 50, because in the secondary we have 950 and 450, which is

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1 1400. And if we are working with a 50 to 1 ratio, that
2 would be 28 buses, and a 60 ratio for the 1700 would be
3 somewhere in the -- well, of course without kindergarten one
4 of the others wouldn't be there -- would be another 20-some
5 buses. So we are close to the 50.

6 Q Okay. Let me approach it this way, sir.

7 Your total unmet needs for buses is 37, correct?

8 A Oh, that way, yes. Because we have CMD promising
9 them.

10 Q And you have an additional 5 buses which CMD
11 provides routinely, correct?

12 A Correct.

13 Q So you have a total number of buses anticipated
14 for use in emergency of 42?

15 A Correct.

16 Q Is that correct, sir?

17 A Correct.

18 Q And 5 -- 4 vans as well?

19 A Yes.

20 Q All right, so that would be a total of 45 vehicles,
21 then?

22 A Correct.

23 Q So in other words you would have just under a
24 2 to 1 ratio of teacher/administrator to student availability
25 to assist on those buses and vans in an evacuation?

mm6

1 Is that correct?

2 A That's correct.

3 Q Now when you --I want to address a few questions
4 to you now regarding the form of your survey.

5 Could you give me a brief idea of how the survey
6 form appears in substance?

7 A It asks the question, if a teacher would accompany
8 the students to the evacuation site, the host school.

9 And the second question is, would they remain, or
10 either would they remain to help students at the parent pickup
11 place. They actually had two choices. I didn't give them
12 a choice to go home, because during a school day they
13 would be responsible to work.

14 Q As you say, you gave it to them as a choice.

15 Could the teacher have interpreted that to be a
16 choice rather than a request to underst and from your
17 perspective whether they would be willing to do either of
18 those things?

19 A I don't follow your question. They have a choice
20 to do either.

21 Q Yes, sir, they had a choice to do either .

22 They could either help evacuate or remain until
23 the students left, is that correct, sir?

24 A That's correct.

25 Q Wouldn't they, couldn't they have interpreted that

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1 form to mean that they weren't necessarily being asked to
2 do either one, but that they were being asked which would
3 they rather do?

4 A That's what they were asked, which they would
5 rather do.

6 Q Oh, so when you conducted this survey you didn't
7 anticipate to find out whether all of the teachers would
8 be willing to evacuate with the students. You merely gave
9 them a choice to determine which they would rather do?

10 A That's correct.

11 Q Thank you, sir.

12 Now with regard to sheltering, sir, you mentioned
13 that students would be sheltered in the hallway.

14 Do you recall that testimony, sir?

15 A Yes, I do.

16 Q Could you provide me with the basis for your
17 understanding in a sheltering scenario students would be
18 sheltered in the hallway?

19 A When you talk about closing windows and exposure
20 to the outside in a radiation field, it was our interpretation
21 that they should be outside the classroom where there were
22 no windows.

23 And therefore, the only place we would have them
24 in our school buildings would be in hallways, which would
25 be not exposed to windows.

mm8 1

2 Q Did you discuss this understanding with anyone
3 from the county or Energy Consultants?

4 A We have not gotten into that scenario of actual
5 sheltering inhouse. That will be my last resort.

6 Q Sir, could I refer you to page 21 of your plan,
7 your school plan?

8 A Go ahead, I have 21.

9 (Witness referring to document.)

10 If you look at 3(c) that's what it says. "From
11 outside environment." I have taken that from the window
12 exposure.

13 Q Okay. So it is your interpretation of subpart
14 3(c) towards the bottom of page 21, that that means the
15 students should be sheltered in a hallway?

16 A Hallway or free of windows.

17 Q I see.

18 Are there any other areas of the school which would
19 be free of windows, but not in the hallways?

20 A There is a basement area only in the senior high
21 that would not be adequate. It is just not adequate to
22 house people unless they get an extreme emergency, and that
23 would not house 900-plus kids.

24 Other than that, you have some windows even in
25 your gymnasium. We do have an auditorium free of windows in
the senior high only.

mm9

1 Q And, sir, what was the basis for your understanding
2 that the sheltering should take place away from windows?

3 A Because you are going to close them, and the
4 wording is from "outside environment."

5 Q And to you that means that they should be away
6 from windows?

7 A That's correct.

8 Q That doesn't mean to you that there should be
9 greater distance --

10 MS. ZITZER: Objection, that is a leading question.
11 I think he should rephrase it.

12 JUDGE HOYT: This is cross examination and leading
13 questions are permitted on cross examination.

14 MS. ZITZER: Okay.

15 BY MR. RADER:

16 Q Sir, referring to the language that says "providing
17 the most shelter from the outside environment," you would
18 not interpret that to mean that there should be the greatest
19 distance possible between the sheltering area and the wall of
20 the building?

21 A See, that is self explanatory. That is the greatest
22 distance. From the hallway to the other side of the building
23 is also classroom. So the hallway is the greatest distance,
24 but it is still the area most removed from the environment,
25 the outside environment.

mm10

1 Q But do you find a reference in this section to
2 hallways, sir?

3 A No.

4 Q If that is what they meant, sir, do you think
5 they would have said that?

6 A They gave us the option of hallway or a non --
7 in my idea in a non-window situation. And we only have
8 two choices, and that two choices is only in the senior
9 high the auditorium has no windows. Junior high does and
10 all the others do.

11 Q Now, sir, did you attend any of the -- strike that.
12 Were there training sessions in your school
13 district for teachers and administrators?

14 A I don't want to introduce another word, Judge, but
15 it is orientation, we called it. It was not a training
16 session.

17 Q I will accept that, sir.

18 Were there orientation sessions?

19 A There were.

20 And they had two people per faculty. It was held
21 last February and I attended one of the sessions complete.

22 Q And at that time, sir, was the concept of
23 sheltering discussed?

24 A No, we did not.

25 Q Was this an administrator's session, sir, or a

mm11

1 teacher's session.

2 A Total. Administrators, noninstructional staff,
3 administrators all attended one of the sessions.

4 Q Sir, this was not a teachers' session, am I
5 correct?

6 A Teachers were with us.

7 Q But was it a teachers' training session?

8 A It was a teachers' session, same as administrators'
9 for orientation.

10 It was a basic fact, then question and answer
11 presentation. We didn't get into moving kids or what they
12 do in case of sheltering indoors, or actual any kind of
13 drills. It was an information session.

14 And we plan to have this February a more in-depth
15 training session.

16 Q Has Energy Consultants, or Montgomery County
17 advised you that training would be offered whenever requested?

18 A Yes, they have.

19 Q Is it your impression that in a sheltering scenario,
20 the students and supervising teachers would have to be in
21 a single place?

22 A No.

23 Q So they could be broken up into different groups
24 throughout the building?

25 A Correct.

mm12 1 Q Would that alleviate some of your possible
2 concern regarding supervision, massing students together?

3 A Well, that could work both ways. If you could
4 mass them together in two areas versus one, yes.

5 Q Would that be possible, sir?

6 A In some buildings, yes, in some not.

7 Q You were asked questions regarding possible
8 concerns of teachers for their families in the event of an
9 emergency.

10 Do you have any idea of approximately the number
11 of staff in your school who have families as opposed to being
12 single?

13 A About two-thirds are married. Because of our
14 insurance premiums, that's how I know that.

15 Q And of those who are married, do you know how many
16 have children?

17 A No, I don't.

18 Q Do you know if the teachers have been made aware
19 of the fact that a public informational brochure will be
20 distributed within the EPZ for the general information of the
21 public?

22 A They are not aware of it other than the president
23 of the association, and I am aware of it. But, I have not
24 seen it. It was supposed to be here in November, and we have
25 not received that brochure.

mm13

1 Q During the training session which you attended,
2 were the teachers and staff advised that they should make
3 prior arrangements for their particular family concerns in
4 advance of any emergency?

5 A We didn't get into that area. We really didn't
6 at my session. And I was at one of the six sessions.

7 Q Were you there for the entire session, sir?

8 A I was.

9 Q Do you know if anyone raised that as a question or
10 a praicular concern?

11 A It was a concern. In fact after it was a concern.
12 That is why we are building into it that single-parent
13 families will be permitted to leave first and of course
14 pregnant -- not first -- but pregnant teachers would also
15 be leaving first. And we will probably incorporate, if they
16 have pre-kindergarten children they will be able to leave
17 since they will not be covered by any school district.

18 Q From your perspective as an administrator, would
19 that in your view satisfy any concerns that would be
20 involved with family planning, from the perspective of
21 evacuating or providing sheltering during an emergency
22 situation?

23 A I sincerely believe that the number that will
24 fall in that category will not impair the plan operating
25 as far as evacuation.

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1 MR. RADER: No further questions.

2 JUDGE HOYT: Very well, Ms. Ferkin?

XXX 3 BY MS. FERKIN:

4 Q Dr. Feich, I appreciate your staying here all
5 day.

6 You refer several times to the term, "if time
7 permits" when discussing early dismissal.

8 Would you elaborate on that a bit.

9 A Well, before events -- unusual event, of course we
10 are not notified -- alert, it is my understanding that there
11 would be time to do something before you get into the evacua-
12 tion scenario whether internal, external.

13 In that point, I will entertain releasing kids to
14 their homes as an early dismissal in that alert status.

15 Q If you decided to implement an early dismissal
16 when notified that there is an alert at the Limerick Generating
17 Station, would that entail releasing kids to their homes in
18 the usual way that kids return to their homes?

19 In other words, if children walk, would they be
20 told that they should leave and walk to their homes?

21 A A lot of this depends on the time of the day, for
22 one thing. Even the weather would make a decision, make
23 an impact on my decision.

24 We do that now as far as, if I have a snowstorm
25 coming up and it is snowing at one o'clock, rather than wait

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1 for a 3:30 or 3:15 dismissal, I will get kids home expeditiously
2 and in the best safety. And it may mean -- and we have done
3 it -- call every parent. We have an emergency caller for
4 second notification that kids are coming home. Also we have
5 it over the local radio station.

6 So, to answer your question, it is according to
7 circumstances how they would be released. We do not release
8 kids, say go home and have a feeling there aren't parents
9 home there. We have more empathy than that.

10 Q In the situation where you have decided to
11 institute an early dismissal, would you consider calling
12 upon the Montgomery County Emergency Planning Office to
13 provide you with transportation?

14 A Not to take kids to their homes, because as I
15 mentioned there are walkers. The ones that we bus we bus
16 anyway, and we still do on an early dismissal.

17 Q Would you consider contacting Montgomery County
18 to provide transportation to take children not to their
19 homes, but outside the EPZ?

20 For example, to what would serve as a host school
21 in an evacuation scenario?

22 A Not if I felt with the facts known that they had
23 sufficient time to be home, no I would not. I would not
24 take them to a host school without their parents even aware
25 that that is a possibility.

mm16

1 Q Would you consider early dismissal at the so-called
2 site emergency stage?

3 A Yes, I would. Again with time permitting.

4 Once you are in a site or general emergency stage,
5 then I think it is a time that someone can give us that we
6 have before serious decisions of evacuation. And the time
7 of the day. If it is near dismissal time, I am sure we
8 would let them go home rather than keep them there just
9 waiting for a decision.

10 We kept kids just 15 minutes late the week because
11 of a report going out, and we got all kinds of calls.

12 So, if it is near dismissal time, I dismiss them.

13 Q In the course of developing the Pottstown Emergency
14 Plan, is it your understanding that in certain circumstances
15 an incident at the Limerick Generating Station would not
16 pass through the alert or site-emergency stages, but could
17 become a general emergency within a very short time period?

18 A Yes, it could.

19 Q And, is it your understanding that you would
20 implement any protective action recommendation ordered by
21 the state should that general emergency arise?

22 A Yes, I would expect some type of message from
23 Governor Thornburgh. It is my understanding he would
24 initiate that.

25 Q Dr. Feich, you have testified that you are

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1 interested in obtaining a written commitment from Montgomery
2 County that a so-called minimum number of buses beyond the
3 ones you have already under contract would be provided if
4 evacuation were necessary.

5 Is that correct?

6 A That's correct.

7 Q If you did not obtain such a written commitment
8 from Montgomery County, would you consider that the Pottstown
9 Radiological Emergency Response Plan you have developed to
10 this point is a workable plan?

11 A No, it would be inadequate.

12 If I don't have buses to move kids, then I don't
13 have a viable plan.

14 Q With regard to the orientation session provided by
15 Energy Consultants, I believe you testified that was last
16 February?

17 A Yes.

18 Q Do you recall how many administrators, staff and
19 teachers within the Pottstown School District took advantage
20 of that session?

21 A All administrators, all teachers, all custodians,
22 noninstructional staff.

23 The only ones that wouldn't have been there,
24 employees, would have been night shift people, and they were
25 invited. Nightshift people would not have been there unless

mm18 1 they came on their own.

2 But anyone on the payroll that was working
3 that day were at those sessions.

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1 Q Prior to that session, did you have an opportunity
2 to review a lesson plan or a training module with any
3 representative of Energy Consultants?

4 A We did not review that lesson plan module that
5 you referred to today. We only reviewed a general outline
6 of what they would cover.

7 Q Can you recall the elements of that general outline?

8 A Yes. They were planned to cover the radioactivity
9 as far as the scientific approach. They use examples of the
10 television and some pottery that had radioactivity in it.
11 They discuss the possible scenario of evacuation. They
12 went over general things of the plan but nothing in detail.
13 They answered questions about what they might expect and
14 then we knew we would have to go back for further planning.
15 The teachers shared with me that they felt they needed to have
16 more information before they actually got involved in
17 evacuation.

18 Q You testified that you set aside February to
19 institute further training?

20 A Half a day. We have an in-service day every
21 February, the Friday before President's Birthday.

22 Q Is it your intention to ask Energy Consultants to
23 participate with you in this training session?

24 A Plus the county, correct.

25 MS. FERKIN: Thank you. I have no further

mn22-2

1 questions.

2 JUDGE HOYT: Very well. Does the staff have any
3 questions?

4 MS. WRIGHT: No questions, Your Honor.

5 JUDGE HOYT: Mr. Hirsch for FEMA?

6 MR. HIRSCH: No. I have no questions. Thank you,
7 Dr. Feich.

8 JUDGE HOYT: Do you have any redirect?

9 MS. ZITZER: I have one.

10 JUDGE HOYT: Very well.

11 REDIRECT EXAMINATION

12 BY MS. ZITZER:

13 Q Dr. Feich, you testified that you have an early
14 dismissal about six or seven times a year, is that correct?

15 A. That is correct.

16 Q When you have that early dismissal, how many buses
17 are utilized to implement that early dismissal?

18 A. Just the five that we now have with CMD.

19 Q Are those five routinely assigned to your schools?

20 A. Correct.

21 MS. ZITZER: Thank you.

22 JUDGE HOYT: The Board has not questions. I believe
23 the witness has now completed his testimony.

24 MR. RADER: Your Honor.

25 JUDGE HOYT: Yes, Mr. Rader.

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mn22-3

1 MR. RADER: Based upon the testimony and order to
2 move things along and spare Dr. Feich any unnecessary
3 inconvenience, I don't believe we need the survey information
4 which we had requested. I think his testimony is sufficient
5 to cover that.

6 JUDGE HOYT: All right. Thank you for your
7 testimony, Dr. Feich. I believe that completes the testimony
8 of the witness and you may be excused permanently.

9 (Witness excused.)

10 JUDGE HOYT: Yes, Ms. Zitzer.

11 MS. ZITZER: For the benefit of the parties to
12 plan for tomorrow's schedule, Dr. Murray who was here
13 yesterday and was not able to be gotten to is available
14 tomorrow and I would hope that we would be able to get through
15 with him if that is agreeable to the parties. If not,
16 certainly he will be willing to return.

17 JUDGE HOYT: The witnesses that I had for Friday was
18 Waters, the Fire Marshall for Upper Merion, and Dr. Murray,
19 superintendent of the Phoenixville area school district, and
20 Bernie Wolf, Camphill Special Schools. Is that no longer
21 operative?

22 MS. ZITZER: Your Honor, I am not certain at this
23 point in time that we will recall Mr. Waters and I think if
24 we were to do both we wouldn't complete Dr. Murray. With
25 the Board's permission I would like to bring in Dr. Murray and

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1 if he is completed then Mr. Wolf will also be available.

2 JUDGE HOYT: That makes the two witnesses for
3 tomorrow which will probably be all we will get to any way.
4 Mr. Conner, I believe you indicated you had something to add.

5 -MR. CONNER: I am happy to say that my question
6 has already been answered.

7 JUDGE HOYT: Very well. Then we will conclude the
8 hearing for today. Before we recess, let me just advise
9 the parties that the Board has worked out a tentative schedule
10 which we will give to you as to times and locations for
11 purposes of your planning. We were able to get this courthouse,
12 the Customs Courthouse, as you know for the week of December 17
13 through December 21. Those times will be as follows:
14 Monday, December 17th, 12:00 to 6:00; Tuesday, December 18th,
15 9:00 to 5:00; Wednesday, December 19th, 9:00 to 6:00;
16 Thursday, December 20th, 9:00 to 5:00; Friday, December 21st,
17 9:00 to 2:00 p.m. with no lunch break scheduled.

18 This we feel will permit us to take the week of
19 December 24th rough 28th off and that is the week of
20 Christmas and it just does not look like it is worth the effort
21 to come back up here for maybe a day or two of hearings at
22 most.

23 For the period starting on January 2nd, we have
24 the Commonwealth Court of Pennsylvania, Courtroom number six
25 at 9th and Market. We have that on January 2nd and 3rd and 4th

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1 with the hearings on the 2nd from 12:00 to 6:00, on the 3rd,
2 Thursday from 9:00 to 5:00 and on the 4th, Friday, from
3 9:00 to 2:00 p.m., again no lunch break.

4 We will be slimmer if nothing else after these
5 hearings.

6 The week of January 7th through the 11th, we will
7 keep a schedule, 12:00 to 6:00 on the 7th, 9:00 to 5:00 on
8 the 8th, 9:00 to 5:00 on the 9th, 9:00 to 5:00 on the 10th
9 and the 11th, 9:00 to 2:00 p.m., no lunch break.

10 The same schedule for the week of January 14th
11 and the 21st. Now the week of the 21st we had originally
12 scheduled for this courthouse. I still have not received
13 word whether or not we can get the Commonwealth Court of
14 Pennsylvania Courthouse for that week of January 21 through
15 25. If we can't, we will keep this room here but obviously
16 if you moved all this stuff over to the Commonwealth Court
17 of Pennsylvania Courtroom number six, I think we should stick
18 at that place.

19 The week of January 28th would be the same
20 schedule and that will carry us through to Friday, February 1st
21 from 9:00 to 2:00 p.m., again no lunch.

22 That is far as we have planned. That is a very
23 ample schedule and that ought to finish it up, I hope.

24 We are going to publish this schedule probably in an order
25 next week when we can get back to our office and we can get

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1 it published in the Federal Register. Next week we have
2 the limited appearance session on the 13th in Stowe. I
3 hope that will help everybody's planning.

4 Is there anything else?

5 MS. FERKIN: I think the Board knows my concerns
6 and there is no sense in repeating them.

7 JUDGE HOYT: The only thing is if we can just work
8 around them, Ms. Ferkin, and I think Mr. Hirsch is going to
9 have the same concerns and I do hope that counsel will work
10 together to try to accommodate these people's schedules.
11 It is just going to be absolutely necessary. If not, we
12 can never anticipate completing these hearings. Your time
13 was what again?

14 MS. FERKIN: The 2nd, 3rd and 4th, and the 7th,
15 8th, 9th, 10th and 11th and the 14th, 15th and 16th.

16 JUDGE HOYT: There is just no way, Ms. Ferkin,
17 that we can accommodate that much time. I will hope that
18 you can do something about getting a relief from one or the
19 other of your assigned duties. If this will be very helpful
20 to you, maybe in the order form that this will come out
21 it may give you some ammunition hopefully.

22 MS. FERKIN: I understand and I will take it up
23 with the relevant people as soon as I get back to Harrisburg.

24 JUDGE HOYT: Thank you. You understand the
25 concerns. Maybe if it were just a few days but that is

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1 an awful chunk of the time. Thank you.

2 Anything else to come before this Board this
3 evening?

4 (No response.)

5 JUDGE HOYT: Very well. The hearing is adjoured
6 until nine o'clock in the morning.

7 (Whereupon, the hearing was recessed at 5:35 o'clock
8 p.m., to reconvene on Friday, December 7, 1984 at 9:00 o'clock
9 a.m.)

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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 and 2)

DOCKET NO.: 50-352-OL and 50-353-OL
PLACE: Philadelphia, PA
DATE: Thursday, December 6, 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
Mimie Meltzer
(Sigt) Rebecca E. Eyster
(TYPED) Marilyn Nations, Mimie Meltzer
Rebecca E. Eyster
Official Reporter

Reporter's Affiliation