

ORIGINAL  
UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF:

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

PHILADELPHIA ELECTRIC COMPANY

(Limerick Generating Station,  
Units 1 and 2)

LOCATION: PHILADELPHIA, PENNSYLVANIA PAGES: 15022 - 15172

DATE: FRIDAY, DECEMBER 7, 1984

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Friday, December 7, 1984

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

BEFORE:

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

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

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

1 APPEARANCES:

2 On behalf of Philadelphia Electric Company:

3 TROY B. CONNER, JR., ESQ.  
4 NILS N. NICHOLS, ESQ.  
5 ROBERT M. RADER, ESQ.  
6 Conner & Wetterhahn, P.C.  
7 1747 Pennsylvania Avenue, N.W.  
8 Washington, D. C. 20006

9 On behalf of the Commonwealth of Pennsylvania:

10 ZORI FERKIN, ESQ.  
11 Governor's Energy Council  
12 Post Office Box 8010  
13 1625 Front Street  
14 Harrisburg, Pennsylvania 17105

15 On behalf of PEMA:

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

20 On behalf of FEMA:

21 MICHAEL HIRSCH, ESQ.  
22 Associate General Counsel  
23 Room 840  
24 500 C Street, S.W.  
25 Washington, D. C. 20472

On behalf of the NRC Staff:

HENRY J. MC GURREN, ESQ.  
NATHENE WRIGHT, ESQ.  
Office of the Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

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APPEARANCES: (continued)

On behalf of Limerick Ecology Action:

PHYLLIS ZITZER, President  
MAUREEN MULLIGAN  
Limerick Ecology Action  
Bcx 761  
Pottstown, Pennsylvania 19464

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C O N T E N T S

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<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Dr. Robert Murray					
by Ms. Zitzer	15,033		15,136		
by Mr. Rader		15,084		15,152	15,035
by Ms. Zitzer	15,036				
by Ms. Ferkin		15,119			

E X H I B I T S

<u>EXHIBIT NO.:</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
Applicant's E-70	15,029	15,029
Applicant's E-71	15,029	15,029
Applicant's E-72	15,088	

Morning Recess. . . . .Page 15,083

P R O C E E D I N G S

1  
2 JUDGE HOYT: The hearing will come to order.

3 All the parties to the hearing who were in the  
4 hearing room when the hearing adjourned last evening are  
5 again present in the hearing room.

6 I believe, Mr. Conner, you have indicated  
7 you have a preliminary matter, sir.

8 MR. CONNER: Thank you.

9 At transcript page 14390, on December 4, 1984,  
10 during the cross-examination of Mr. Bigelow, Mr. Hirsch  
11 asked if we could provide a copy of the cover letters  
12 relating to the 1983 and 1984 surveys by Montgomery  
13 County.

14 We said that we would find them and produce them  
15 to the parties.

16 If the Board wants, Mr. Nichols will hand  
17 them to you so you can see what they are.

18 The only thing I point out is --

19 JUDGE HOYT: You don't intend to introduce  
20 this in any way, make it a part of the record, is that  
21 it?

22 MR. CONNER: It is certainly not in our  
23 intention.

24 I would only note that the letter from  
25 Mr. Bigelow is dated April 2, 1984. The letter signed by

1 his predecessor, Mr. Ely, is undated, but has to be  
2 prior to November 1983 when Mr. Ely died.

3 JUDGE HOYT: Very well.

4 MR. HIRSCH: Your Honor, I would like to make  
5 these letters a portion of the record.

6 JUDGE HOYT: All right.

7 MR. HIRSCH: What do you think would be the  
8 best way to handle that?

9 JUDGE HOYT: Well, I was considering it, and  
10 I will entertain any suggestions you may have.

11 MR. CONNER: We will be glad to mark them as  
12 our exhibit, although we are not going to offer them,  
13 just to simplify the --

14 JUDGE HOYT: We didn't have any prefiled  
15 testimony from Mr. Bigelow, so if you wish to mark it  
16 as an exhibit, we will just take it without any further  
17 matter and stipulate that this is what the letter contained.

18 MR. CONNER: Mr. Hirsch, I understand, if  
19 he wants it to be an NRC exhibit, that is fine with me.  
20 I understand Mr. Hirsch's somewhat anomalous position.  
21 So we, for convenience, will mark it as ours, if you wish.

22 MR. HIRSCH: I didn't realize I was, but  
23 as long as these letters are made a part of the record,  
24 I would be satisfied.

25 JUDGE HOYT: What we will do is take into

1 the record at this point a stipulation that if  
2 Mr. Bigelow were called to testify again, he would  
3 testify that he asserts that an exhibit marked -- what is  
4 your --

5 MR. CONNER: Do you want them as Applicant's  
6 exhibits?

7 JUDGE HOYT: Well, it was your witness. I  
8 would just as soon keep it as that.

9 MR. CONNER: The letter from Mr. Ely we  
10 would suggest be marked for identification as Applicant's  
11 Exhibit 70.

12 JUDGE HOYT: Very well. Then what  
13 has been marked for identification as Applicant's  
14 Exhibit E-70 will be, if the parties will stipulate,  
15 received into the record as Applicant's Exhibit E-70.

16 MR. CONNER: And then the document dated  
17 April 2, 1984 from Mr. Bigelow would be Applicant's  
18 Exhibit E-71.

19 JUDGE HOYT: Same stipulation will apply  
20 then to the document described by Mr. Conner as a  
21 letter dated April 2, 1984, signed by A. Lindley Bigelow.

22 MS. ZITZER: LEA has one question.

23 JUDGE HOYT: Let me first determine that all  
24 the parties will agree to stipulate to that without any  
25 further?

1 MR. MC GURREN: Staff has no problem,  
2 your Honor.

3 JUDGE HOYT: Very well.

4 Mr. Hirsch?

5 MR. HIRSCH: I'm sorry?

6 JUDGEHOYT: Will you enter into the stipulation  
7 concerning the identification?

8 MR. HIRSCH: Yes.

9 MS. ZITZER: I have a related question.  
10 I was just inquiring whether or not a copy of the  
11 actual survey form is available also. If not --

12 JUDGE HOYT: Let me first get your agreement  
13 that you will stipulate that these will be received.

14 MS. ZITZER: Of course, yes.

15 JUDGE HOYT: Very well.

16 Miss Ferkin?

17 MS. FERKIN: The Commonwealth will so  
18 stiuplate.

19 JUDGE HOYT: Very well. So these will  
20 be attached into the record as Applicant's Exhibits 70  
21 and 71 as previously described.

22 (The documents referred to  
23 were marked for identification  
24 as Applicant's Exhibit Nos.  
25 E-70 and E-71 and were  
received in evidence.)

COUNTY OF MONTGOMERY



*Amber  
X 70*

OFFICE OF EMERGENCY PREPAREDNESS AND MEDICAL SERVICES

100 WILSON BLVD.  
EAGLEVILLE, PA. 19403

DIRECTOR  
SAMUEL L. ELY, III

Dear Resident,

The Montgomery County Office of Emergency Preparedness is presently in the process of updating its records to better serve the public in the event of an emergency or an incident at the Limerick Generating Station.

As Director of the Montgomery County OEP, I am asking that you take a few minutes to complete the enclosed survey form, if applicable. Your county Office of Emergency Preparedness and municipal emergency services are responsible for developing plans to protect county residents in the event of a major emergency. The information gathered by this survey will remain confidential to be used only by municipal and county emergency services personnel (police, fire, rescue, ambulance) in a time of emergency such as fire, flood, hazardous materials incident or protective action in the event of an incident at the Limerick Generating Station.

Plans for these emergencies must address the special needs of individuals with disabilities or transportation problems; therefore, the enclosed survey is being performed to gain needed information.

Please complete the enclosed survey form and return it in the postage paid envelope. Please do not delay your response.

Thank you for your assistance.

Sincerely,

Samuel L. Ely, III  
Director, Montgomery County  
Office of Emergency Preparedness

Enclosures

COUNTY OF MONTGOMERY



*April X E 71*

OFFICE OF EMERGENCY PREPAREDNESS AND MEDICAL SERVICES

100 WILSON BLVD.  
EAGLEVILLE, PA. 19403

April 2, 1984

Dear Resident:

The Montgomery County Office of Emergency Preparedness is presently in the process of updating its records to better serve the public in the event of an emergency or an incident at the Limerick Generating Station.

As Coordinator of the Montgomery County OEP, I am asking that you take a few minutes to complete the enclosed survey form, if applicable. Your County Office of Emergency Preparedness and municipal emergency services are responsible for developing plans to protect County residents in the event of a major emergency. The information gathered by this survey will remain confidential to be used only by municipal and County emergency services personnel (police, fire, rescue, ambulance) in a time of emergency such as fire, flood, hazardous materials incident or protective action in the event of an incident at the Limerick Generating Station.

Plans for these emergencies must address the special needs of individuals with disabilities or transportation problems; therefore, the enclosed survey is being performed to gain needed information.

Please complete the enclosed survey form and return it in the postage paid envelope. Please do not delay your response.

Thank you for your assistance.

Sincerely,

*A. Lindley Bigelow*  
A. Lindley Bigelow  
Coordinator, Montgomery County  
Office of Emergency Preparedness

Enclosures

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JUDGE HOYT: Now, what do you have,

Miss Zitzer?

MS. ZITZER: I didn't understand that the request from Mr. Hirsch was limited to the cover letters and would not also include at least one copy of the survey form. If that is what his request was, I certainly won't belabor it at this point. I think it would be helpful to actually have a copy of the survey form attached to one of these as well. But if that is not available, that is okay.

END 1

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1 JUDGE HOYT: I don't believe the record at  
2 page 14,390 reflects your request at that time that  
3 Mr. Bigelow was present, Ms. Zitzer, if that can be obtained.  
4 However, I believe that is a matter you will have to handle  
5 for yourself, and ascertain whether or not it can be  
6 obtained for you.

7 MR. CONNER: One last point.

8 During his examination, Mr. Bigelow was asked if  
9 he could remember the name of the person from the county who  
10 talked to the Skippack Fire Department. He could not at the  
11 time.

12 JUDGE HOYT: I recall that.

13 MR. CONNER. I can't find that in the transcript.

14 He says the name of the individual is Dennis  
15 Parker, who is the Fire Chief of the County, who is connected  
16 with, or Chairman of the Integrated Management of Emergency  
17 Services Group.

18 JUDGE HOYT: I think that was probably you,  
19 Ms. Zitzer. I don't recall who it was that requested that.  
20 I recall the conversation asking for the name.

21 Are you the party that wanted that?

22 MS. ZITZER: I believe it was Mr. Hirsch.

23 JUDGE HOYT: Again, Mr. Hirsch. Very well.

24 MR. HIRSCH: That's correct, it was me.

25 JUDGE HOYT: Very well, are you satisfied?

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MR. HIRSCH: Thank you. And I thank Mr. Bigelow.

JUDGE HOYT: And, Mr. Conner --

MS. ZITZER: Could you repeat Mr. Parker's title with the county, please?

MR. CONNER: I don't know Mr. Parker's title. He is a Fire Chief and he is connected with an organization called the Integrated Management of Emergency Services.

MS. ZITZER: I just wanted to clarify. I thought you said he had some affiliation with the county.

JUDGE HOYT: Did you make that representation?

MR. CONNER: I said he worked for the county.

MS. ZITZER: Is that accurate?

MR. CONNER: I think the time for discovery is over. We are providing this information for the record.

JUDGE HOYT: Mr. Conner, please, can you tell us how did you know that?

MR. CONNER: Mr. Bigelow told me.

MS. ZITZER: That he worked for the county?

I just wanted to verify that.

JUDGE HOYT: Are you satisfied Ms. Zitzer?

MS. ZITZER: Is his answer yes, that this is a county employee?

JUDGE HOYT: I understood him to say yes.

Did you say yes, Mr. Conner?

MR. CONNER: I did.

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MS. ZITZER: Okay, thank you.

JUDGE HOYT: And you understand where Mr. Conner is getting his information, that is from Mr. Bigelow.

MS. ZITZER: Yes, ma'am. Thank you.

JUDGE HOYT: Very well.

I believe the first witness this morning -- three of the witnesses have been previously scheduled -- at least one of the witnesses had been previously scheduled for last Wednesday. Which one are you calling?

MS. ZITZER: We are calling Dr. Robert Murray, the Superintendent from Phoenixville School District.

JUDGE HOYT: Dr. Murray, if you are present, sir? Whereupon,

DR. ROBERT B. MURRAY

was called as a witness on behalf of the Limerick Ecology Action, and having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. ZITZER:

Q Good morning.

A Good morning.

Q For the record, could you please state your name, your address and your position?

A Robert B. Murray, 400 St. Johns Circle, Phoenixville, Pennsylvania.

mm4 1 I am presently serving as Superintendent of  
2 Schools for the Phoenixville AREa School District.

3 Q And have you brought with you today a statement of  
4 your professional qualifications?

5 A No, I have not.

6 Q For the record then could you provide some background  
7 information regarding your qualifications, sir?

8 A Yes, ma'am.

9 I have been in education 35 years, 28 of which have  
10 been in educational administration. The last 15 of which  
11 have been as either assistant superintendent or superintendent  
12 of Phoenixville Area School District.

13 Q Could you provide some information regarding  
14 your educational background?

15 A My doctorate is University of Pennsylvania  
16 in educational administration; masters from Temple; bachelor's  
17 from Westchester State.

18 Q Have you had any courses in psychology?

19 A Yes, ma'am.

20 Q What courses have you taken?

21 A Oh, I couldn't recall the names. It is quite a  
22 while ago.

23 Q Could you describe your relationship to the  
24 Phoenixville School Board?

25 A I am chief administrative officer for the school

mm5 1 district, working directly under the School Board.

2 Q And are you elected to that position or appointed  
3 to that position?

4 A I am elected.

5 MR. RADER: If Ms. Zitzer has conducted her  
6 preliminary questions, I would like to voir dire the witness.

7 MS. ZITZER: Certainly.

8 JUDGE HOYT: Go ahead. Counsel may have the  
9 witness on voir dire.

10 VOIR DIRE

11 BY MR. RADER:

12 Q Dr. Murray, are you here this morning in  
13 response to a subpoena?

14 A Yes, sir, I am.

15 Q And were witness fees tendered to you for that  
16 subpoena, sir?

17 A They were offered.

18 Q And did you accept them, sir?

19 A I did not.

20 MR. RADER: Thank you.

21 JUDGE HOYT: Ms. Zitzer, let me take this  
22 opportunity to remind you that you have an hour and a half  
23 for direct examination.

24 Please continue.

25 MS. ZITZER: Thank you.

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## DIRECT EXAMINATION (Resumed)

BY MS. ZITZER:

Q Could you please provide us some information regarding the number of people on the School Board that you work for?

A Nine members.

Q And what is your term of tenure as superintendent?

A Four years.

Q And when is that tenure up for renewal?

A Two and a half years to go.

Q Could you provide us some information regarding the size of the student population at the Phoenixville School District?

A Yes, we have approximately 2,850/60 youngsters, depending. It varies.

Q And could you give more of a breakdown regarding the number of buildings, elementary, middle and senior?

A Yes. We have a senior high, a junior high, an elementary school in East Piketown, an elementary school in Schuylkill and two elementary schools in the Borough of Phoenixville.

We also have approximately 260 pupils whom I did not count, because they attend the Northern Chester County Technical School on a fulltime basis.

Q Could you provide a breakdown regarding the

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1 number of staff and students at each of those schools that  
2 you just listed.

3 If it is easier for you to refer to the plan,  
4 please feel free to do so.

5 A Approximately we have, in each individual school,  
6 let me give you the staff members first .

7 In the East Piketown School we have a total of 26.  
8 Schuylkill, 41.

9 At Barclay Elementary -- Schuylkill is an  
10 elementary also -- Barclay Elementary is 30.

11 Second Avenue Elementary, 12.

12 The Senior High School is 61.

13 The Junior High School is 67.

14 The actual student enrollment I have to search for.  
15 I can give you an approximation, unless you want an exact.

16 The Senior High School has approximately 620.

17 The Junior High School is approximately 800.

18 These are not totalled, I apologize, but I have  
19 to total them up.

20 East Piketown Elementary School is 330.

21 Second Avenue Elementary School -- I'm sorry,  
22 the Barclay Elementary School is 362.

23 Second Avenue Elementary School is 173.

24 Schuylkill Elementary School is 567.

25 Did I cover them all?

mm8

1 Q I believe so.

2 A I believe so.

3 Q Are there any private schools in the Phoenixville  
4 School District?

5 A Yes, there are.

6 Q Could you please state for the record what schools  
7 they are?

8 A The Valley Forge Christian Academy, St. Anne's  
9 Holy Trinity, St. Basil's, and St. Mary's.

10 And also I mentioned before the Northern Chester  
11 County Technical School, which is not private, but is not  
12 part of our district.

13 Q During the course of your duties as superintendent,  
14 have you had occasion to become involved in reviewing or  
15 developing radiological emergency response plans for the  
16 Phoenixville School District?

17 A Yes.

18 Q In the course of your duties, what has been the  
19 nature of the relationship between Phoenixville School  
20 District and the private schools which you just listed  
21 regarding the development of the radiological emergency  
22 response plans?

23 A We have had no contact with them.

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end T2

1 Q Is the school district responsible in any way  
2 for any of the provisions for any of the private schools  
3 located within the school district to the best of your  
4 knowledge?

5 A In the original plan they were listed that we  
6 were to contact them but recent events indicate that we  
7 will not contact them.

8 Q When you say recent events, what are you referring  
9 to?

10 A At the drill which was held, I believe, on  
11 November 20th they were listed in the plan of schools that  
12 we were to call but after some telephone calls were made by  
13 Marion Brown who was an observer from PEMA, he advised us  
14 and we requested that he make the call that we did not  
15 have to call the private and parochial schools in our area,  
16 that the county would call them. I believe his calls were  
17 made to the county at the time.

18 Q Sir, when you refer to the plan are you referring  
19 to draft number five of the Phoenixville School District  
20 Radiological Emergency Response Plan dated October 1984  
21 which in this proceeding has been identified as Applicant's  
22 Exhibit E-54?

23 A Yes.

24 Q Thank you. Were you advised by the representative  
25 from FEMA during the drill which you just described whether or

mn3-2

1 not this statement regarding the county's assumption of the  
2 responsibility for notification of the private schools was  
3 just for the day of the drill or whether that was a change  
4 that would be made and reflected in subsequent drafts of  
5 your plan?

6 MR. RADER: I object to the form of the question.  
7 I believe Ms. Zitzer said FEMA. I believe the witness  
8 indicated it was PEMA.

9 MS. ZITZER: I said PEMA, I am sorry.

10 MR. RADER: I beg your pardon. I didn't hear you  
11 then. No objection.

12 JUDGE HOYT: Very well. Proceed.

13 THE WITNESS: We have requested as recently as  
14 yesterday by mail that to make it official that we be  
15 released from notifying private and parochial schools.

16 BY MS. ZITZER: (Resuming)

17 Q Would this also relate to the responsibility of  
18 coordination of transportation arrangements for those  
19 schools as well?

20 A Yes. That is my understanding.

21 Q Have you discussed this with Chester County at any  
22 time in the past?

23 A No because we have never been involved, that is  
24 with the emergency plan with the transportation of the  
25 private and parochial schools.

mn3-3

- 1 Q All right. Does the Phoenixville School District  
2 own any buses?
- 3 A No.
- 4 Q Or any other kind of transportation vehicles?
- 5 A We own one van.
- 6 Q Do you contract for the provision of transportation  
7 with any bus provider in Chester County?
- 8 A Yes.
- 9 Q Who is that bus company?
- 10 A Gross Busing Service, Beckdelsville.
- 11 Q Is that the only company with which you have a  
12 contract at the present time?
- 13 A Yes.
- 14 Q For what schools does the Gross Bus Company  
15 provide transportation?
- 16 A For each of the schools I have mentioned including  
17 the private and public plus I believe it is 35 schools within  
18 the ten-mile radius under the busing act 374.
- 19 Q So is it accurate that the Gross Bus Company does  
20 presently provide some transportation resources for the  
21 private schools which you just listed?
- 22 A Yes.
- 23 Q Is that contract in any way through the school  
24 district or is that a separate contract that the Gross Bus  
25 Company has with the private schools you mentioned?

mn3-4

1 A. It is through the school district.

2 Q. Have you had occasion to review the contract  
3 that the Phoenixville School District has with the Gross  
4 Bus Company for the provision of transportation?

5 A. To some degree.

6 Q. Are you generally familiar with the terms of the  
7 contract?

8 A. Yes.

9 Q. Are you aware of whether or not that contract  
10 covers transportation that might be required in the event  
11 of a radiological emergency at Limerick to the best of your  
12 knowledge?

13 A. To the best of my knowledge, it does not.

14 Q. Are you aware of whether or not any discussions  
15 have taken place with the owner of the Gross Bus Company  
16 to obtain such a letter of agreement or letter of understanding  
17 with regard to the provision of transportation in the event  
18 of a radiological emergency?

19 A. It is my understanding that some discussions have  
20 taken place.

21 Q. Do you have any knowledge with regard to who has  
22 had these discussions with the Gross Bus Company?

23 A. Except for the gentleman in the district who is  
24 responsible for transportation and then to the best of my  
25 knowledge I know it has come up at some of our meetings

1 with Energy Consultants, the county and so forth.

2 Q When you said the gentleman in the district with  
3 the transportation responsibilities, who are you referring to?

4 A There are two of them, Joseph Moore until a few  
5 months ago and since that time Jack Leahy.

6 Q Is he the current transportation officer for the  
7 Phoenixville School District?

8 A Yes.

9 Q Have you personally had any conversations with any  
10 representative of the Gross Bus Company regarding the  
11 provision of transportation for the school district in the  
12 event of a radiological emergency?

13 A Just a few casual off-hand remarks when I met the  
14 president of the company just in passing.

15 Q Would any of that casual, off-hand remarks have any  
16 relevancy to any concerns you might have regarding the  
17 provision of buses and drivers in the event of a radiological  
18 emergency?

19 A Yes. Simply to the point that I had stated to him,  
20 to Mr. William Gross, oh maybe two or three weeks ago that  
21 I thought we would have to definitely come up with some  
22 sort of plan or contract or arrangement with him for  
23 transportation in the event of an emergency.

24 Q What was his response?

25 A Just very casually, yes. He agreed with me but that

3-6  
1 is as far as it went.

2 Q When you say he agreed with you, can you be more  
3 specific. Do you mean that he agreed that you should discuss  
4 it or did he say anything more than that?

5 A That we should discuss it.

6 Q Did he say anything more than that?

7 A No.

8 Q Are you aware of whether or not the Chester County  
9 Department of Emergency Services has attempted to enter  
10 into any kind of an agreement with the Gross Bus Company  
11 with regard to obtaining any kind of letter of agreement  
12 or letter of understanding to provide assistance for  
13 transportation in the event of a radiological emergency?

14 A Not to my knowledge.

15 Q Have you ever discussed this with the Chester County  
16 Department of Emergency Services?

17 A No. It has been discussed in our meetings though  
18 briefly and we often have representatives there.

19 Q When you say that it has been discussed in our  
20 meetings, who have been involved in the discussion relating  
21 to the provisions of transportation from the Gross Bus  
22 Company?

23 A Usually the county is represented by John McNamara.

24 Q With whom has he had discussions at the meetings  
25 you referred to regarding the provisions of transportation?

mn3-7

1 A. Actually as I said before, this has been very brief.  
2 We have not gotten to that point in our plan.

3 Q. Have there really been any discussions in any of  
4 your meetings regarding this situation?

5 A. Not formally.

6 Q. All right. To the best of your understanding,  
7 Dr. Murray, who has the responsibility for the adoption of  
8 a radiological emergency response plan for the Phoenixville  
9 School District?

10 A. Only the school board may adopt.

11 Q. To the best of your understanding whose responsibil-  
12 ity is it to determine the workability of the radiological  
13 emergency response plan?

14 A. I would say the school board as recommended by the  
15 committee.

16 Q. Could you describe the nature of the committee  
17 that you just referred to?

18 A. Yes. The committee includes in addition to myself,  
19 do you want names or just positions?

20 Q. Whatever information you think would be helpful  
21 for us to know.

22 A. It includes our present transportation director,  
23 Jack Leahy. It includes the former transportation director  
24 whose title is assistant to the superintendent, Joseph  
25 Moore. It includes an assistant senior high school principal,

1 Dr. Robert B. Morgan. It includes a representative from  
2 Energy Consultants and representatives like Don Sees from  
3 the Phoenixville Emergency Preparedness, John McNamara is  
4 often in attendance and representatives from PECO, usually  
5 Bob Cane.

6 Q. You mentioned --

7 A. Also, a school board member. Three school board  
8 members are on this committee.

9 Q. All right. You mentioned that you had had some  
10 contact with representatives from Energy Consultants, is  
11 that correct?

12 A. Yes.

13 Q. Do you recall at what point in time you began  
14 working with Energy Consultants on a radiological emergency  
15 response plan or what point in time the school district  
16 started working with Energy Consultants?

17 A. The first letter I can find on record and I might  
18 add that was to my predecessor, Dr. Straub, was written in  
19 February 1983. There might be other ones on file but to  
20 my knowledge that is the first one I could find.

21 Q. Could you provide the name or names of the  
22 individuals from Energy Consultants that your school district  
23 has worked with?

24 A. Usually it is Henry Tamanini.

25 Q. Could you describe the nature of the relationship

mn3-9

1 between the committee or your school district which you have  
2 mentioned with Energy Consultants?

3 A. A judgment statement, I feel that they have been  
4 extremely helpful in all phases of the plan. What we have  
5 done, of course, is exactly as it states, go through the  
6 four different stages in writing -- like the alert and so  
7 forth -- and attempted to come up with plans for any type  
8 of emergency all the way to a final evacuation and we have  
9 a school district to which we would go and I might add that  
10 we are exploring another area as a secondary site for  
11 evacuation.

12 Q. Dr. Murray, are you aware of when draft one of the  
13 Phoenixville Radiological Emergency Response Plan was  
14 transmitted or was received by your school district?

15 A. I am not positive but I would imagine that it would  
16 be in approximately February of 1983.

17 Q. What is the number of the current draft that  
18 you are working on?

19 A. Five.

20 Q. Dr. Murray, are you generally familiar with draft  
21 four of the Phoenixville School District plan?

22 A. Yes.

23 Q. Do you have any comments regarding the deletion of  
24 the words "prepared by" from the cover of draft five of  
25 the Phoenixville School District plan?

1 MR. RADER: I object to the first part of the  
2 question.

3 MS. ZITZER: I will rephrase the question.

4 JUDGE HOYT: Just a moment.

5 MR. RADER: I object to the form of the question,  
6 do you have any comments. I don't know how that is a proper  
7 question.

8 MS. ZITZER: I will rephrase it.

9 JUDGE HOYT: Very well. But I will remind you,  
10 Ms. Zitzer, that the exhibit before this Board is the draft  
11 five.

12 MS. ZITZER: I understand.

13 JUDGE HOYT: Very well.

14 BY MS. ZITZER: (Resuming)

15 Q Dr. Murray, to the best of your recollection do  
16 you recall the use of the words "prepared by the Phoenixville  
17 School District" on the cover of draft one through four  
18 of the radiological emergency response plan?

19 A Yes.

20 MR. RADER: Objection, irrelevant.

21 JUDGE HOYT: Sustained.

22 BY MS. ZITZER: (Resuming)

23 Q Dr. Murray, is there any particular reason why  
24 the words "prepared by Phoenixville School District" have  
25 been deleted from draft five of the school district plan?

mn3-11

1 MR. RADER: Objection.

2 JUDGE HOYT: Same question, Ms. Zitzer, just asked  
3 in a different form. The competent evidence before this  
4 Board is draft five.

5 MS. ZITZER: Your Honor, I am simply trying to  
6 explore the nature of the relationship with Energy Consultants  
7 and the reason for any changes that have been made in the  
8 plan.

9 JUDGE HOYT: That is a proper area of inquiry,  
10 Ms. Zitzer, but this Board has before it draft five. We  
11 are interested in testimony from this witness on draft five.

12 MS. ZITZER: I agree, Your Honor. Energy Consultants  
13 testified however that this phrase remained on the cover of  
14 all plans unless a request had been made by the school  
15 districts to delete those words and that is, indeed, the  
16 case what has happened with draft five. There may be no  
17 particular reason for that but I was simply trying to explore  
18 if there was a particular reason for that.

19 JUDGE HOYT: The objection is sustained, Ms. Zitzer.

20 BY MS. ZITZER: (Resuming)

21 Q I would like to show you a copy of a letter,  
22 Dr. Murray, which we have identified as LEA Exhibit E-13.  
23 It is a letter from the Phoenixville Area School District  
24 that you have signed to Mr. Henry Tamanini of Energy  
25 Consultants. It is dated August 6, 1984 and Ms. Mulligan

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will provide you with a copy of it.

(Document tendered to witness.)

BY MS. ZITZER: (Resuming)

Q To the best of your knowledge is that an accurate copy of the letter which you signed?

A. (Perusing document.)

Yes, it is.

END#3

1           Q     What was the purpose of this letter,  
2 Mr. Murray?

3           MR. RADER: I object to that question  
4 until the relevance of each matter in the letter is  
5 established. I have reviewed the letter. I believe  
6 I have found perhaps one item which may be relevant  
7 to these contentions. And I do not object to any  
8 inquiry along that line.

9           But as to general questions about the purpose  
10 of the letter pertaining to other unrelated items,  
11 I believe that goes beyond the scope of the contentions.

12          JUDGE HOYT: Which paragraph are you --

13          MS. ZITZER: I will be glad to ask a more  
14 specific question..

15          JUDGE HOYT: Let's try it that way.

16          BY MS. ZITZER:

17          Q     Dr. Murray, is it true that this is a letter  
18 that you wrote to Energy Consultants?

19          A     Yes.

20          Q     Referring to item 3, the letter  
21 states that, "Since the first meeting, representatives  
22 of the school district have questioned the workability  
23 of the plan for the school district."

24                Is that correct?

25          A     Yes.

1 Q It goes on to state that you are 17  
2 busses short and do not have a list of supervisors  
3 for students. Is that correct?

4 A Yes.

5 Q Could you state the reasons for your  
6 expressing these concerns to Energy Consultants?

7 A We feel, and, of course, it is strictly our  
8 opinion, that the workability of the plan is questionable,  
9 to move a total of 57 busses plus busses from private  
10 and parochial schools and the tech school over the  
11 routes which we have discussed, we feel is not practical.

12 Q Are there any other concerns you have about  
13 the workability of the plan? And let me say that I --  
14 right now I would like to discuss your concerns at  
15 the time that this letter was written. I am well  
16 aware they may have changed. I want to give you an  
17 opportunity to clarify anything that may be stated here  
18 that may have changed and why that has been the case.

19 But at the time that this letter was written,  
20 were you referring to any other particular concerns?

21 A Yes. We are concerned with the availability  
22 of busses. The busses which we used and which we have  
23 listed as our 57 requirement are also busses used to  
24 transport the private and parochial and tech school  
25 children from Phoenixville within our school district.

1                   And if we are using those busses or  
2 if they are using them, what I am saying is, they will  
3 only be available to one, unless the county or  
4 someone else has arranged for other busses.

5           Q     And the busses you are referring to,  
6 are they the busses that you would normally -- that  
7 you have a contract with from the Gross Bus Company for  
8 normal use?

9           A     Yes.

10          Q     Item No. 3 in your letter states that you  
11 do not have a list of supervisors for students. What  
12 are you referring to by that statement?

13          A     We are referring to teachers who would or  
14 would not be available in the event of an evacuation.

15          Q     Have you surveyed your teachers to discuss  
16 their willingness to stay with them, Dr. Murray?

17          A     No, we have not.

18          Q     Do you intend to do that?

19          A     At the present time, I brought up  
20 a question or it is in limbo, because I brought up  
21 a question at the last two or three meetings, and  
22 also in a recent letter which I wrote to Tim Campbell,  
23 I believe, about the problems with collective bargaining  
24 agreements and teachers, and a letter which was sent  
25 by a gentleman in the Pennsylvania State Education

1 Association to union presidents advising them that  
2 any action like this that they would be asked to  
3 supervise busses would be considered a part of the  
4 collective bargaining agreement and, therefore, was  
5 bargainable.

6 In other words, my district -- and I am  
7 aware of some others -- is a little slow to take that  
8 action until we get a ruling on by whose authority  
9 teachers can be assigned to do this without going through  
10 and opening up a contract.

11 Q You stated that you were hoping to get some  
12 kind of a ruling. Could you be more specific where  
13 you would obtain such a ruling?

14 A Well, I wrote a letter, I believe it was  
15 to Tim Campbell, but I would have to search that out.  
16 And in that letter, I suggested to him that he obtain  
17 a ruling. And I might also add, I suggested at our  
18 last meeting of the group to Henry Tamanini (phonetic)  
19 and the others present that we attempt to obtain a ruling  
20 from either the attorney general's office or the  
21 Department of Education as to the authority of school  
22 districts to assign teachers to this task.

23 Q Is it your testimony that you have requested  
24 Mr. Campbell to obtain that ruling?

25 A Yes.

1 Q And you have made that request in writing?

2 A Yes. In fact, it was written in a letter  
3 on November 1. And the letter I mentioned before  
4 from the official of the Pennsylvania State Education  
5 Association was a letter from Donald F. Morbido (phonetic)  
6 Regional Field Director, Pennsylvania State Education  
7 Association. And we asked for a, because of contractual  
8 obligations, if I may quote -- "Could your department  
9 obtain a legal opinion or ruling from either the  
10 Pennsylvania Department of Education or the Governor's  
11 Office" -- I had said before attorney general -- "concerning  
12 the 'right' of school districts to assign teachers to  
13 chaperone during evacuations."

14 Q Have you had any response or discussions with  
15 Mr. Campbell in this regard since that time?

16 A No, except it was mentioned, I believe,  
17 by Mr. Tamanini -- I could be wrong in my memory --  
18 at our last meeting, that this was being looked at  
19 and that it had been referred. But I don't know to  
20 whom. But it was indicated it had been referred to  
21 someone in Harrisburg.

22 Q Referring back to item No. 3 in your  
23 letter of August 6, you also state that there is no  
24 set evacuation route. Is that a situation that has  
25 changed since this letter was written?

1           A     While it is not set, we have all, right  
2     from the beginning, leaned towards route 29. There have  
3     been discussions of other routes. We are at this time  
4     still leaning towards route 29.

5           Q     When you say we have had discussions, who have you  
6     had these discussions with?

7           MR. RADER: I object to this line of inquire.  
8     I believe Mrs. Zitzer is inquiring as to routes for  
9     evacuations of schools, and I believe that this is beyond  
10    the scope of any admitted contention. The contention  
11    as to busses, relates only to the availability and  
12    the number of busses, not to how they will evacuate  
13    schools or what routes they will be assigned to.

14          MS. ZITZER: Your Honor, Dr. Murray has  
15    expressed concerns which I am trying to explore  
16    very briefly. I would note for the record that the  
17    location of the school district with regard to the  
18    Phoenixville area and the use of route 23 and route 29,  
19    which is in a contention in litigation under LEA-24, is  
20    something that I think does make his concerns relevant.  
21    If he doesn't have any concerns, that is fine, but  
22    I am attempting to simply obtain better information  
23    than is in this letter which is not current, August 6, 1984,  
24    with regard to the status of the development of the plan.

25                I only have a brief question or two on this

1 subject.

2 JUDGE HOYT: Miss Zitzer, are you relating  
3 this question from this witness and this witness's  
4 testimony to LEA-24?

5 MS. ZITZER: I really don't want to appear  
6 to be leading the witness. I am generally aware that  
7 he has concerns about the evacuation routes which are  
8 listed differently in the county plan and in his  
9 school district. In one place it states that they  
10 will use route 29 south, and another place in the  
11 county plan it states that they will use route 23 east.

12 And if that is the case, they will be going  
13 directly in the area that has been discussed over  
14 the past few days through the Valley Forge Park area.

15 I do think that -- I am simply trying to  
16 determine for the record from the perspective of  
17 the school district superintendent, who is working on  
18 the plan, what those arrangements are.

19 JUDGE HOYT: Mrs. Zitzer, is this witness's  
20 testimony and your line of questioning related to  
21 LEA-24?

22 MS. ZITZER: I don't think it will be unless  
23 he has a concern about that.

24 JUDGE HOYT: Very well, then. The objection  
25 is sustained. Proceed to your next question.

1 MS. ZITZER: Your Honor, for the record,  
2 I might add though, if he has those concerns, he  
3 should be free to express them.

4 JUDGE HOYT: Miss Zitzer, the ruling was that the  
5 objection had been sustained. Please continue your  
6 examination.

7 MS. ZITZER: So you are instructing me that  
8 this witness is not permitted to testify on traffic  
9 congestion on route 23; is that correct?

10 JUDGE HOYT: If you would stop talking long  
11 enough to let me tell you, the objection was sustained.  
12 I am asking you if you have another question of this  
13 witness.

14 MS. ZITZER: I am having some difficulty with the  
15 nature of the objection that was raised.

16 JUDGE HOYT: Would you like the objection  
17 to be read back?

18 MS. ZITZER: Yes, I would.

19 JUDGE HOYT: Then let's see if we can get  
20 that, please, Rebecca.

21 (The reporter read the record as requested.)

22 BY MS. ZITZER:

23 Q Referring back to your August 6, 1984  
24 letter, Dr. Murray, in paragraph 4 you stated additional  
25 concerns regarding the financial responsibilities

1 for busses amont other things, as well as supervision.  
2 I don't know whether you are referring to supervision of  
3 students there or what.

4 Could you be more specific as to what the  
5 statement contained in paragraph 4 is referring to?

6 MR. RADER: Objection. Paragraph 4 clearly  
7 relates to responsibility for -- financial responsibility  
8 associated with busses and other equipment. That is  
9 also beyond the scope of the admitted contention which  
10 relates simply to the number of busses available.

11 MS. ZITZER: Your Honor, if this reflects  
12 the availability of busses and the school district is  
13 concerned about it, I think that the witness ought  
14 to be able to state what his concerns are and whether  
15 that has indeed been resolved or whether it is still  
16 a concern to him.

17 It certainly would affect the availability  
18 of the busses.

19 MR. RADER: No foundation whatsoever for that.

20 JUDGE HOYT: Miss Zitzer, if you could lay  
21 the foundation, I think, yes, that you may want to  
22 explore that. However, the paragraph 4, as I read it  
23 from your LEA exhibit E-3 for identification, deals  
24 with the financial responsibility for those busses.

25 If you wish to pursue this line of inquiry,

1 you will be required to lay the proper foundation.

2 MS. ZITZER: Certainly.

3 BY MS. ZITZER:

4 Q Dr. Murray, do you have any concerns about  
5 the arrangements for busses that you would required  
6 in the event of a radiological emergency in any way  
7 being impacted by the financial responsibility for  
8 those busses?

9 A Only that all funds in a budget are, of course,  
10 budgeted prior to the beginning of the school year, and  
11 this would require extra funds, if we had an evacuation,  
12 because it is not part of our bus contract which  
13 includes running to and from school, plus extra payment  
14 for field trips.

15 This would be classified as an additional run,  
16 not in the contract, and, therefore, it would have to  
17 be paid for. And those funds are not in the budget.

18 Q Do you think that this will in any way  
19 impact the arrangements that you will need to make to  
20 assure adequate provisions of busses in the event of  
21 a radiological emergency?

22 A No, because we certainly would transport  
23 if we had an emergency regardless of who had to pay for  
24 it.

25 Q Okay.

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1 In the beginning of your letter you state  
2 that the school district has great concern regarding  
3 the lack of progress with the radiological emergency  
4 response plan which you had been developing over the  
5 past few years. And that statement was made in your  
6 letter of August 6, 1984.

7 Have those concerns changed since this letter  
8 was written?

9 A Yes.

10 MR. RADER: Objection -- I will withdraw the  
11 objection.

12 JUDGE HOYT: It is sometimes difficult,  
13 Dr. Murray, to know when a counsel is going to  
14 object.

15 THE WITNESS: I am sorry, your Honor.

16 JUDGE HOYT: We do appreciate speedy answers  
17 however.

18 Go ahead, Miss Zitzer.

19 BY MS. ZITZER:

20 Q Did you want to answer that?

21 JUDGE HOYT: He did.

22 MS. ZITZER: You said yes. Okay.

23 BY MS. ZITZER:

24 Q In what way, what kind of progress has  
25 been made since the time that this letter was written

1 regarding the statement of concern you made in this  
2 letter?

3 A The representatives of the school district  
4 have met with, for example, John Patton, who is  
5 Director of PEMA, and Ralph Hippert, who is the Assistant  
6 Director, representatives from the county, and also  
7 from Energy Consultants. And I would say that we are  
8 definitely making much better progress than we were  
9 prior to my communication.

10 Q When you say "much better progress," what  
11 are you referring to?

12 A We have met more often. We have made  
13 definite improvements, I feel, and speeded up the  
14 development of the present draft.

15 We have had cooperation in receiving  
16 emergency equipment which we did not have before  
17 in the form of telephone lines put in. We don't  
18 have the telephones yet, but we have the lines. The  
19 telephones we will be receiving shortly.

20 I just feel personally that since this  
21 communication, we have had much better cooperation all  
22 the way around.

23 Q What was the nature of your discussions  
24 with the representatives of PEMA, both -- either or  
25 both Mr. Hippert and Mr. Patton?

1           A     Evidently a copy of my letter had been  
2 referred to them, and they had concerns with our  
3 concern for lack of progress.

4           Q     Was there anything more specific than that  
5 discussed?

6           A     Well, we discussed basically what is in  
7 this letter.

8           Q     What has been the nature of the discussion of  
9 the radiological emergency response plan development  
10 at your school board meetings over the past few months?

11          A     We have had representatives in from Energy  
12 Consultants to make presentations to the Board or  
13 committee thereof.

14          Q     Specifically, do you recall having a  
15 discussion about the radiological emergency response  
16 plan development at your August board meeting?

17          A     I am not sure of the date, but we had  
18 one three or four months ago or so, yes.

19          Q     Do you recall the Board passing any kind  
20 of a resolution with regard to Energy Consultants  
21 work on the radiological emergency response plan?

22          A     Yes.

23          Q     Could you describe the nature of that  
24 resolution?

25          A     At the time there was concern -- and, of course,

1 the Board directed me to write this letter, and I  
2 had concerns -- but there was concern on the part of  
3 the Board with the progress of the plan. The Board  
4 wished to seek the employment of an outside consultant  
5 who would represent the school district in the  
6 development of this plan and would sit in on our  
7 meetings, someone who had the background and expertise  
8 to do so.

9 Q Why did the school district representatives  
10 you referred to desire to seek an outside consultant?

11 A The one reason, as I have stated, was because  
12 of what we felt was a lack of progress at that time,  
13 plus concerns we had with the questioning the workability  
14 of the plan.

15 Q Have you identified at the present time  
16 any unmet needs in the Phoenixville School District  
17 radiological emergency response plan, and at this time  
18 I am referring to draft 5 which is marked for  
19 identification purposes as Applicant's Exhibit E-54?

20 A I think we still have some unmet needs.  
21 For example, we have been informed -- and I certainly  
22 don't want to doubt their word -- but we have been  
23 informed that the county will provide the busses. So  
24 that responsibility, I imagine, is theirs. Naturally,  
25 we have a concern with the busses, because there are

1 not sufficient busses stored at the Valley Forge  
2 Army Hospital by Gross Bus Company to transport all  
3 of our children plus those in the private, parochial,  
4 and Northern Chester County Technical School.

5 The assignment of drivers, which I also  
6 express as a concern, would be taken care of by  
7 Mr. Gross, and he has assured me verbally of that,  
8 that that is his responsibility and they are not  
9 employees of the school district, so, therefore, that  
10 would have to be his responsibility.

11 We are also concerned, as I have stated  
12 several times, with the evacuation routes and with the  
13 traffic control personnel because we are in a  
14 congested area. And we are concerned with the  
15 egress and regress to the buildings in the event  
16 of an evacuation.

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1 MR. RADER: Your Honor, I realize Mr. Murray  
2 is attempting to be responsive and is not familiar with the  
3 scope of the matters before this Court, but I believe  
4 that the Board has ruled that evacuation routes as  
5 related to that are beyond the scope of this contention.

6 I would ask that Dr. Murray's testimony at that  
7 particular point be stricken.

8 MS. ZITZER: I would oppose that. I think  
9 Dr. Murray is free to express his concerns about the work-  
10 ability of the school district plan.

11 JUDGE HOYT: I think within the context of the  
12 evacuation routes, that is not the subject of the contention,  
13 Ms. Zitzer.

14 I am going to permit the testimony to stand.  
15 However -- because it is in the record, and I realize the  
16 futility of trying to strike something that is already in  
17 the record. However, the ruling is as we have given it to  
18 you at least twice here this morning, that is not an area  
19 to be explored with this witness.

20 MS. ZITZER: I would like to ask Ms. Mulligan to  
21 tender to the witness a copy of the Chester County  
22 Radiological Emergency Response Plan. It is Draft 9, and  
23 it is marked for identification purposes as Applicant's  
24 Exhibit E-2.

25 MR. RADER: It has also been admitted into

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1 evidence as Applicant's Exhibit E-2.

2 JUDGE HOYT: Yes. I think you may be mischaracter-  
3 izing those. That is already in. That is solid evidence at  
4 this point.

5 (Document handed to witness.)

6 Solid only in the terms of its having been admitted.

7 MS. ZITZER: Certainly.

8 BY MS. ZITZER:

9 Q I would like to refer your attention to Annex N,  
10 which contains the risk school district information,  
11 specifically N-3-1, which is entitled "School Bus Resource  
12 Information."

13 And under Item D, which is Phoenixville School  
14 District, Dr. Murray, I would like to ask you to review  
15 the figures listed in this plan indicating the status of  
16 bus arrangements for Phoenixville School District to determine  
17 whether or not those are the figures that are true and  
18 accurate to the best of your knowledge.

19 JUDGE HOYT: What page are you referring to?

20 MS. ZITZER: N-3-1.

21 BY MS. ZITZER:

22 Q I am particularly concerned about the information  
23 provided regarding the number of buses available, and the  
24 number of buses listed under the column marked "Unmet Needs."

25 A Yes, it is fairly accurate.

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1 Q Did you say it was fairly accurate?

2 A Well the reason for that, I have stated before  
3 we have -- I don't remember the exact number -- 2860, and  
4 this is 92. The reason for that, we have approximately 30  
5 IU children assigned to our buildings, and we would be  
6 responsible to evacuate them.

7 But I did not include them originally in my  
8 count.

9 Q When you say IU, what are referring to?

10 A Intermediate unit county school district.

11 JUDGE COLE: Ms. Zitzer, what page is that?

12 MS. ZITZER: N-3-1.

13 JUDGE COLE: That is missing from my copy.

14 MR. RADER: I apologize.

15 BY MS. ZITZER:

16 Q You previously referred to, I believe, the  
17 Northern Chester County Area Vocational Technical School,  
18 is that correct?

19 A Yes.

20 Q Is that a school that is located within your  
21 school district?

22 A Yes.

23 Q What is the nature of your relationship as  
24 Superintendent of the Phoenixville School District with the  
25 Area Vocational Technical School?

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1 A There are four feeding schools into the district,  
2 into the tech school, and Phoenixville is one of the four.

3 Q Do you provide any bus transportation for students  
4 that go to the VocTech school?

5 A For the Phoenixville School District pupils.

6 Q Can I ask you to turn to page N-3-2, where it  
7 lists under private and parochial schools, it lists as  
8 Item No. 8, the Chester County Area Vocational Technical  
9 School. And it indicates that there are 110 buses available.

10 Do you find that place?

11 A Yes.

12 Q Are these buses that in any way your school  
13 district provides, or that you have knowledge of the provision  
14 of those buses through the Gross Bus Company, information  
15 that you are aware of?

16 MR. RADER: I object to counsel -- I object to  
17 the form of the question. I believe counsel has mischarac-  
18 terized what the page clearly states.

19 If she is referring to the 110 on Item 8 of page  
20 N-3-2, my copy indicates a double asterisk, which at the  
21 bottom of the page indicates private vehicles owned.

22 JUDGE HOYT: Since we don't have a copy, we are  
23 going to have to stop at this point and get one and see  
24 what we are talking about here.

25 We will hold your time, Ms. Zitzer.

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(Document handed to Board.)

JUDGE HOYT: All right, Ms. Zitzer, your time has begun to run again.

Now, would you give me the information?

MS. ZITZER: Certainly.

I am simply trying to determine the nature of the relationship between the Vocational Technical School and the school district with regard to the provision of transportation; whether or not these buses are Phoenixville School District buses, or whether they are the Gross Bus Company buses, which has been previously referred to, or whether they are in any way the same buses that Phoenixville School District will be using to bus its students.

And I am just trying to determine what information the witness is aware of. If he is not aware of it, I will simply move on.

JUDGE HOYT: Very well, Ms. Zitzer.

Now, what is your question?

BY MS. ZITZER:

Q Referring to Item 8 under the title, Private Parochial Schools, where it indicates the bus resources available at the Chester County Area Vocational Technical School, which is on page N-3-1 of this plan, Dr. Murray do you have any knowledge of the source of those buses that are indicated there, whether or not they are indeed

mm6 1 the Gross Bus Company buses that your school district makes  
2 arrangements for; or whether or not there is some other  
3 source of buses?

4 A To the best of my knowledge, approximately 40  
5 of those buses are rented from Gross Busing Company by the  
6 Phoenixville Area School District.

7 Q And these buses are housed where?

8 A At the Valley Forge Army Hospital on school  
9 district property.

10 Q You stated that 40 of those buses were used by  
11 your school district.

Are you aware of whether or not there are other  
13 buses stored there on school district property?

14 A We usually have two to four emergency extra buses  
15 in case of breakdowns. There are also some buses -- again,  
16 to the best of my knowledge, because it is a little out of  
17 my area, I mean of responsibility. There are also buses  
18 stored there -- and I would say approximately 15 or 20,  
19 which are used to bus students from Great Valley School  
20 District.

21 Q And this location that you are referring to is  
22 on school district property, is that correct?

23 A Yes.

24 Q To the best of your knowledge, are there 110 buses  
25 stored there generally?

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1 A No.

2 Q Approximately how many buses are you aware of  
3 being stored there?

4 A It would be a guess, but again I would say 55, 60.

5 Q Is the Northern Chester County Area Vocational  
6 Technical School located on your school district property?

7 A No, it is not.

8 Q Okay.

9 JUDGE HOYT: Ms. Zitzer, may I see if my copy that  
10 I am looking at here of the N-3-2 for the Northern Chester  
11 indicates buses available, 110. And there is a double  
12 asterisk?

13 MS. ZITZER: Yes, it does.

14 JUDGE HOYT: Then it points to the bottom of  
15 that exhibit and it says, "private vehicles available."

16 MS. ZITZER: I am concerned that may refer to  
17 the Gross Bus Company, the same buses that Dr. Murray is  
18 utilizing.

19 I was again trying to explore the nature of his  
20 understanding of the bus provisions for that school. And  
21 I am ready to move on.

22 JUDGE HOYT: Very well, continue.

23 THE WITNESS: If I may add, there might be a few  
24 buses --

25 JUDGE HOYT: Dr. Murray, I apologize for having

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1 to do this, but unfortunately there was not a question  
2 before you, sir.

3 THE WITNESS: Thank you, your Honor.

4 JUDGE HOYT: Thank you.

5 BY MS. ZITZER:

6 Q The buses that are used to provide transportation  
7 for the Area Vocational Technical School, are they provided  
8 by the Gross Bus Company?

9 A Yes. For the Phoenixville students only.

10 Q And are you aware of the source of the other  
11 buses?

12 A No, I am not.

13 Q And is it true, Dr. Murray, that it is your  
14 testimony that the other private schools located within the  
15 Phoenixville School District will have transportation  
16 arrangements coordinated for their needs during a radiologi-  
17 cal emergency through the Chester County Department of  
18 Emergency Services?

19 A To the best of my knowledge, that is correct.

20 Q Do you believe that that information will be  
21 reflected in a subsequent draft, if there is one, of your  
22 school district plan?

23 MR. RADER: Objection. I don't know that it is  
24 not reflected in the current plans. I don't think that  
25 there is any foundation --

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1 MS. ZITZER: That's all right. I will be glad to  
2 go through the plans, if that is what counsel would like.

3 BY MS. ZITZER:

4 Q Referring to Applicant's Exhibit E-54, which is  
5 Draft 5 of the Phoenixville School District Plan, referring  
6 to page 7 under Direction and Coordination, which is marked  
7 Item B, I would like to turn your attention to Item No. 3.

8 Let me know when you have found that.

9 (Witness referring to document.)

10 A I have it.

11 Q Isn't it true that this plan reflects that non-  
12 profit private schools within the territory covered by the  
13 Phoenixville Area School District come into the school  
14 district for planning notification and coordination of  
15 transportation resource requirements?

16 A According to this plan.

17 Q Has anything occurred to change the situation  
18 as reflected in this plan?

19 A Yes.

20 MR. RADER: Objection, asked and answered.

21 JUDGE HOYT: Objection overruled.

22 Answer the question, please, Doctor.

23 THE WITNESS: As I stated before, I believe we  
24 had requested that this be deleted from the plan.

25 BY MS. ZITZER:

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1 Q And why have you made that request?

2 A So that we would be responsible for our own  
3 schools, our schools only in the event of an actual evacuation.

4 Q Is there any particular reason why you have  
5 requested not to be responsible for the other schools?.

6 MR. RADER: Objection, your Honor. This repeats  
7 the whole line of questioning which Ms. Zitzer conducted at  
8 the beginning of the testimony.

9 MS. ZITZER: I didn't ask why --

10 JUDGE HOYT: Counsel, if she wishes to expend  
11 her direct examination time of this witness, I would  
12 certainly find it injudicious. But that is not an appropriate  
13 ruling from the bench. I am going to permit counsel to  
14 continue her examination.

15 Ms. Zitzer, you have covered this area.

16 MS. ZITZER: I didn't ask him why, your Honor, I  
17 simply was --

18 JUDGE HOYT: All right.

19 You understand that your time has been allotted  
20 as one and a half hours.

21 MS. ZITZER: I understand. That is why I am  
22 trying to move on.

23 BY MS. ZITZER:

24 Q Could you answer the question?

25 A It is the opinion of our committee that if we

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1 have a true emergency which requires evacuation, there are  
2 going to be many tasks to be done, and we felt that we had  
3 enough to handle our own areas of responsibility without  
4 taking on these additional ones.

5 Q I would like to refer you then to page 12 of  
6 Applicant's Exhibit E-54, under the section that starts on  
7 the previous page, which in my copy is not Xeroxed well  
8 enough to read, but it is entitled Logistics of Operation.

9 I would like to refer you on page 12 to Item G  
10 under that which states that supervision of students at  
11 host schools will be provided by blank. There is nothing  
12 filled in there.

13 Has it yet been determined who has the  
14 responsibility for supervision of students in this situation?

15 A That is still in the discussion stage.

16 Q And why is that?

17 A I was informed -- our committee members were  
18 informed that in some other plans in other areas of the  
19 state which had to make similar plans, that the host schools  
20 provided the supervision after children were delivered to  
21 the site.

22 Our plan called for -- or at least our discussions  
23 -- for our own teachers to go with the youngsters and remain  
24 at the host school until the 8 o'clock deadline.

25 JUDGE HOYT: Mr. Conner, would you please have

mm12  
1 some of your people obtain copies of pages 11 and 12 of E-54  
2 and give them to Ms. Zitzer, so that she will have a truly  
3 legible copy?

4 MS. ZITZER: I don't need it now. This is fine.  
5 Later it would be very helpful.

6 JUDGE HOYT: You will have it available in a moment,  
7 please.

8 MS. ZITZER: Thank you.

9 MS. WRIGHT: Excuse me, as long as the Board is  
10 directing Applicant to make copies, could we also have a  
11 copy of page 11?

12 JUDGE HOYT: Pages 11 and 12?

13 MS. WRIGHT: Just 11. Ours is copied halfway --

14 MR. RADER: I assume everyone's copy would be  
15 similarly illegible.

16 JUDGE HOYT: The copy I have counsel, is.

17 MR. RADER: Unfortunately, ours is also cut off.

18 MS. ZITZER: I don't need it now. I don't want  
19 to take up any more time.

20 JUDGE HOYT: Very well. But will you take the  
21 request and exercise action to get it done. Thank you.

22 Go ahead, Ms. Zitzer.

23 BY MS. ZITZER:

24 Q According to your plan as drafted, is the  
25 school district responsible for the wellbeing of the

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1 students until picked up by their parents?

2 A I would say under our present understanding, yes.

3 Q And do you intend to continue that procedure  
4 in any subsequent drafts, or in your plan?

5 A That depends upon the number of outside variables.

6 Q What are those variables?

7 A I testified before, our concern with the assign-  
8 ment of teachers and the collective bargaining agreement.

9 We are also concerned -- I doubt very much if  
10 the school we are visiting would want their staff members  
11 to assume responsibility for our students.

12 I would prefer to have our own staff assume that  
13 responsibility.

14 Q Have you yet determined approximately what  
15 numbers of your faculty reside within the Emergency Planning  
16 Zone for Limerick?

17 A No. The only way I could answer that would be,  
18 approximately 50 percent of them live within the school  
19 district. However, I am sure many of them live in the  
20 Emergency Planning area.

21 Q Are you familiar with the orientation programs  
22 provided by Energy Consultants for school staff?

23 A Yes.

24 Q Have there been such orientation programs at  
25 your school district?

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A Yes.

Q Do you have any particular knowledge of the numbers of teachers and staff that have attended such orientation programs?

A We required our entire staff to be present.

Q That includes all buildings within your school district?

A Yes.

Q Were you present at the orientation program?

A No, I was in Harrisburg.

Q Do you have any familiarity with the subject matter covered in the orientation program?

A Only as a result of a briefing prior to and after.

Q And who provided you with this briefing?

A Our curriculum coordinator, Dr. Gring.

Q And what was the nature of the briefing that you received?

A Just generally what was covered by the discussion and questions by the faculty members as to their role in the event of a site emergency.

Q Did you receive any information regarding the nature of the questions from the faculty?

A It was reported to me that the Energy Consultants' workshop was very well received by staff.

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end T5

1 Q Do you have any information regarding whether  
2 or not the school staff understands their responsibility as  
3 contained in the Radiological Emergency Response Plan as  
4 a result of that orientation?

5 A In my opinion, I don't think that was gone into  
6 very much. It was the actual plan itself, the different  
7 types of alerts, red alert and so forth.

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1 Q Do you have any opinion or information that you are  
2 aware of regarding whether or not the procedures to be  
3 followed by your school staff in the event of a sheltering  
4 scenario were covered at that orientation program?

5 A I could not answer that.

6 JUDGE COLE: Because you don't know, sir?

7 THE WITNESS: Because I don't know.

8 BY MS. ZITZER: (Resumin )

9 Q Are you aware of whether anyone either from the  
10 school district or from your task force that you mentioned,  
11 your committee, I am sorry, that is the word you used,  
12 has had any discussions with any of your staff regarding the  
13 procedures to be implemented in the event that a sheltering  
14 scenario is called for?

15 A Yes, there have been discussions.

16 Q With whom have those discussions taken place?

17 A For example, I meet regularly with the head of  
18 the teachers organization and this question was raised to  
19 me perhaps a couple of months ago by the president of the  
20 teachers organization.

21 Q Could you describe the nature of your discussion,  
22 whether you provided any information as a result of that  
23 discussion?

24 A She was concerned at the time with what we would  
25 expect of the teachers in the event of an evacuation. She

mn6-2

1 also expressed her concerns with the letter from Mr. Morabito  
2 to which I had referred before to the legality of assigning  
3 teachers.

4 Q When you had this discussion with the teachers  
5 association president and she conveyed these concerns to you,  
6 did you have any statements to make in response to her  
7 concerns?

8 A Yes.

9 Q Could you describe briefly for us the nature of  
10 the comments you made to her?

11 A I described to her our concerns and also that we  
12 were attempting to answer that question through advice  
13 or rulings.

14 Q The orientation program that was provided by Energy  
15 Consultants, was it done in one session or a series of  
16 sessions?

17 A It was a full day's session.

18 Q One full-day's session?

19 A Yes.

20 Q Is that the extent to which orientation has taken  
21 place within your school district?

22 A Of the faculty, yes.

23 Q Has there been any other orientation programs  
24 conducted by Energy Consultants within your school district?

25 A Yes. We have had orientation to which I referred

mn6-3

1 of the School Board and we have had an orientation program  
2 of the administrative team prior to the other two orientation  
3 programs.

4 Q Regarding the school staff, that is the extent  
5 to which there has been orientation programs conducted,  
6 is that correct?

7 A Yes.

8 Q If you aware, Dr. Murray, what is the staff to  
9 student ratio at each of the school district buildings  
10 that you described in the beginning of your testimony  
11 just approximately if you are not specifically aware.

12 A I couldn't give you a breakdown per building  
13 but roughly our staff ratio is 20 to one throughout the  
14 district.

15 Q I believe you stated that you intended to have  
16 further discussions with the Gross Bus Company regarding  
17 the arrangements and the possible need for a letter of  
18 understanding or a letter of agreement regarding the  
19 provision of buses in a radiological emergency, is that  
20 correct?

21 MR. RADER: I object to the form of Ms. Zitzer's  
22 question. I don't believe the witness ever stated anything  
23 about the necessity for a letter of agreement with the Gross  
24 Bus Company.

25 MS. ZITZER: I would be willing to rephrase it,

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1 no problem.

2 JUDGE HOYT: Very well.

3 BY MS. ZITZER: (Resuming)

4 Q Dr. Murray, you said that you intended to have  
5 further discussions with the Gross Bus Company regarding  
6 the provision of buses, is that correct?

7 A Yes.

8 Q Do you intend to request a written letter of  
9 agreement or letter of understanding regarding the provision  
10 of buses for a radiological emergency?

11 A Yes.

12 Q Would you also request that agreement to cover  
13 the provision of drivers for such an emergency?

14 A Yes. As I testified before, the drivers are  
15 Mr. Gross' responsibility.

16 Q All right. Do you have any opinion with regard  
17 to whether or not you would seek the inclusion of a specific  
18 number of buses to be provided to be part of the agreement?

19 A I think we would have to in order to insure  
20 evacuation of all of our pupils if necessary.

21 Q If Chester County provides transportation assistance  
22 to your school district, would you think it important to  
23 insure that the drivers that will be assigned to your school  
24 district are aware of that assignment?

25 A Insure the drivers? I don't understand the question.

1  
2 Q I will rephrase the question. In the event that  
3 Chester County makes the arrangements to provide you with  
4 additional buses and drivers for use by your school district,  
5 do you intend to request similar kind of information that  
6 you would request from the Gross Bus Company with regard to  
7 agreements?

8 A I really had not thought about it. I don't know  
9 if it would be our area of responsibility to have that.  
10 If the county would assure us that they would have the  
11 buses, we would certainly accept their word for it.

12 Q You would accept the county's word for it?

13 A Yes. We would want that in writing.

14 Q You would want that in writing?

15 A Yes.

16 Q What is it that you would want in writing?

17 A The assurance that we would have the buses which  
18 Gross does not have in the event of a total evacuation.

19 Q Would you expect that written assurance to include  
20 the number of buses to be provided?

21 A Yes.

22 Q Would you expect that agreement to also cover  
23 the provision of drivers?

24 A I don't say this facetiously but the bus would not  
25 be any good without the driver.

Q So you would be concerned that there be adequate

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mn6-6

1 assurances for the provision of drivers?

2 MR. RADER: Objection. This is a leading question.

3 JUDGE HOYT: Objection overruled. Go ahead and  
4 proceed, counsellor.

5 BY MS. ZITZER: (Resuming)

6 Q Please answer the question.

7 A Yes.

8 Q Have you ever had any occasion to implement an  
9 early dismissal or any kind of a situation requiring the  
10 buses from the Gross Bus Company to be utilized by your  
11 school other than on a routine schedule?

12 A Yes.

13 Q Has there been any problem obtaining the buses  
14 under such circumstances?

15 A No. The only reason I am hesitating is at times  
16 during inclement weather which would be the main reason  
17 why we would do this, some of the drivers have problems  
18 getting in but they have always supplied us with the  
19 necessary buses and on time.

20 Q When you say "on time," what do you mean?

21 A We set a dismissal at a certain time and we want  
22 the buses there at a certain time and they have always been  
23 there when we have requested them.

24 Q This would be for a planned dismissal?

25 A If we would have an early dismissal at one o'clock,

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1 let's say, because of snow we would ask to have the buses  
2 there by one and we would notify them at eleven or so and  
3 they would have them there on time.

4 Q In the instance of inclement weather, have  
5 there been problems obtaining provision of buses?

6 A Nothing about the normal, no.

7 Q When you say above the normal, what do you mean?

8 A You can always have a slight accident or a bus  
9 go into a ditch but that can happen with anyone in heavy  
10 snow. In fact, the bus would be less likely to do so than  
11 a regular car.

12 Q Are you aware of whether or not bus drills are  
13 ever implemented for your school students?

14 A They are required by law and they are implemented.

15 Q On what frequency are they implemented?

16 A At least twice a year.

17 Q What do these bus drills entail?

18 A A timed evacuation of each bus.

19 Q With students actually boarding and getting off  
20 the bus?

21 A Yes.

22 Q For the whole school district?

23 A Yes.

24 Q Do you have any knowledge whether or not the  
25 drivers of the Gross Bus Company have participated in any

1 kind of orientation program from Energy Consultants?

2 A. I have no knowledge of any.

3 Q. I am having difficulty locating the section in your  
4 plan and maybe I can just ask you if you recall the provision  
5 in the plan and we can have a general discussion, but is  
6 there any provision in your school district plan to assign  
7 buses for the purpose of evacuation on a priority basis  
8 to certain schools?

9 A. Not as of this point.

10 Q. Do you expect that there might be in the future?

11 A. I don't anticipate such a thing.

12 Q. You previously testified, I believe, that an  
13 additional site and I don't know whether you are referring  
14 to a host school or something else was being sought, is that  
15 correct?

16 A. Yes.

17 Q. Is there any reason for that?

18 A. We are looking into the possibilities of going to  
19 Immaculata College. We have reviewed the site with the  
20 president of the college and other representatives in  
21 addition to the Tredyffrin-Easttown School District which  
22 has already agreed to accept us.

23 Our reasons are we have some concern because of the  
24 location of the Tredyffrin-Easttown area compared to  
25 Immaculata.

mn6-9

1 Q Dr. Murray, has there been any consideration of  
2 procedures that school staff would follow once they completed  
3 any responsibility that they might have in the event of an  
4 evacuation regarding their return to the EPZ or their  
5 being reunited with their families?

6 MR. RADER: Objection as beyond the scope of the  
7 contention. The contention deals only with the responsibility  
8 of teachers for the students up to the point they are  
9 relieved at the host school.

10 JUDGE HOYT: Which contention are you referring to,  
11 Mr. Rader?

12 MR. RADER: I was referring to contention LEA-11.

13 MS. ZITZER: That is buses. Contention 12 is  
14 school staff. LEA's concern about the availability and  
15 willingness of school staff to participate is directly  
16 related to teacher's concerns for the wellbeing of their  
17 own families and I am simply trying to determine whether  
18 or not there has been any discussion or if Dr. Murray is  
19 aware of any discussion of procedures to be followed or  
20 information provided to teachers regarding any concerns  
21 they might have about their own families.

22 MR. RADER: There is no foundation in the testimony  
23 of this witness for that concern.

24 MS. ZITZER: I will rephrase the question. I don't  
25 have any problem with that.

1 JUDGE HOYT: Very well.

2 MS. ZITZER: Thank you.

3 BY MS. ZITZER: (Resuming)

4 Q Are you aware of whether or not the orientation  
5 programs or any other information that has been provided  
6 with teachers covers any procedures to be followed once  
7 they have completed their responsibility in the event of  
8 an evacuation?

9 A Only discussions that we have had in our committee  
10 meetings.

11 Q What has the nature of those discussions been?

12 A The concern voiced especially by the school  
13 administrators on the committee is with the teacher  
14 being permitted to come back to his or her own family  
15 living in the area if they are going to escort children to  
16 a host school.

17 Q Has this matter been discussed with Energy Consultants  
18 or the Chester County Department of Emergency Services?

19 A They have sat in on these discussions, yes.

20 Q Has there been any discussion or information  
21 provided either to you or to the school staff regarding  
22 what procedures would be followed?

23 A Decisions have not been reached on that point yet.

24 Q Has such information been requested from either  
25 Energy Consultants or the County Department of Emergency

1 Services?

mn6-11 2 A. This will be part of our final plan. It will be  
3 stated in the plan what will take place but it has not been  
4 decided as of this point.

5 Q. Has there been any information at this time  
6 provided to your school staff regarding the procedures to  
7 be considered in this situation?

8 A. No, because a decision has not been made.

9 Q. Are you aware of whether or not teachers have  
10 concerns about the situation?

11 A. Only through what I am told by the administrators,  
12 yes.

13 Q. What have they told you?

14 A. As I testified a few seconds ago that they would  
15 like to get back to their families in the event of a true  
16 emergency.

17 Q. Do you have any opinion with regard to whether or  
18 not the fact that for some reason and let's just a hypotheti-  
19 cal situation, might not be able to reenter the EPZ, whether  
20 or not that would affect the teacher's willingness to stay  
21 on the job and to conduct the evacuation?

22 MR. RADER: Objection, no foundation whatsoever for  
23 Ms. Zitzer's suggestion that teachers would not be permitted  
24 to reenter the EPZ under the County plan and under Annex E.

25 MS. ZITZER: Your Honor, I didn't say there would

1 be. I said, let's look at the hypothetical situation. I  
2 think I was concerned about the possibility that in the  
3 event that there was a radiological release that any one  
4 reentering the EPZ might need to be designated as an emergency  
5 worker.

6 MR. RADER: In that case, the question calls for  
7 speculation because the witness cannot testify as to any  
8 concern the teacher might have based upon a hypothetical  
9 situation.

10 JUDGE HOYT: Ms. Zitzer.

11 MS. ZITZER: I am simply trying to determine  
12 whether or not the ability to reenter the EPZ in the event  
13 of a radiological emergency in this witness's opinion might  
14 have some impact on the teacher's willingness to stay.

15 JUDGE HOYT: In looking back over the order of  
16 this Board on April 20, 1984 I think the human response  
17 problems that you are raising here, Ms. Zitzer, was indicated  
18 by that Board as being very specific concerns and I don't  
19 interpret what you are doing at this point in time to  
20 meet the requirements of what the Board told you. The  
21 objection will be sustained.

22 BY MS. ZITZER: (Resuming)

23 Q Beyond what you have already testified, Dr. Murray,  
24 have any of your teachers or school staff expressed any  
25 concern to you about whether or not they would be able to

1 return to the EPZ to be with their own families in the event  
2 of a radiological emergency?

3 MR. RADER: Objection. I believe the Board just  
4 ruled this particular matter outside the scope of the  
5 contention.

6 MS. ZITZER: I asked if he was aware of whether or  
7 not his staff had that concern and certainly that is a factor  
8 that is going to have an impact on their willingness to stay  
9 on the job.

10 JUDGE HOYT: I will overrule the objection,  
11 Mr. Rader. The question may be answered.

12 THE WITNESS: Again, what has been related to me  
13 by administrators is the only thing that I am aware of  
14 that there is some concern.

15 MS. ZITZER: All right. Thank you.

16 BY MS. ZITZER: (Resuming)

17 Q. In your opinion, is that a factor that might have  
18 an impact on the teacher's willingness to stay in the event of  
19 a radiological emergency?

20 A. I think that would influence a decision on the part  
21 of some individuals.

22 (Counsel for LEA conferring off the record.)

23 MS. ZITZER: I believe my time is almost up. I  
24 just want to review my notes because I know I am down to the  
25 wire.

1 JUDGE HOYT: Surely.

2 (PAUSE.)

3 BY MS. ZITZER: (Resuming)

4 Q. Are you aware of whether or not there has been any  
5 evaluation or assessment of any of your school district  
6 buildings for use in sheltering in the event that that is  
7 ordered as a protective measure?

8 A. There has not been to date but it has been  
9 discussed and is planned.

10 Q. When you say it has been discussed, who has it  
11 been discussed with?

12 A. It was discussed at our last meeting. Don Sees  
13 from the Borough of Phoenixville was there and we requested  
14 that he arrange to have so-called experts and I don't  
15 know from where they would come but to come in and evaluate  
16 the buildings to give us this information.

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Q Just one final question, Dr. Murray,  
do you have with you the cover letter that was attached  
to the copy of draft 5 when it was transmitted to you  
by Energy Consultants?

A Yes, I do.

Q In that cover letter it states, "As discussed  
in the past, this document is a working plan for  
discussion purposes."

What do you understand that statement to me?

A As the plan progresses, we make suggestions  
for changes, and this is the present state of the plan,  
and it will be changed as we attempt to improve it.  
So there is a working document.

Q So do you believe that it is necessary to  
make additional changes and improvements?

A Yes.

Q Is it correct to state that -- let me rephrase  
that.

Do you have any knowledge whether or not  
your school board would consider adoption of draft 5  
as it currently stands?

MR. RADER: Objection. Calls for  
speculation.

MS. ZITZER: I think the witness would have  
an opinion on this.

1 JUDGE HOYT: I think that is a sustainable  
2 objection, Miss Zitzer.

3 BY MS. ZITZER:

4 Q Is your school district satisfied with draft 5  
5 of the radiological emergency response plan that has  
6 been presented to you by Energy Consultants?

7 MR. RADER: Same objection.

8 JUDGE HOYT: Same ruling.

9 MS. ZITZER: Your Honor, he is the school  
10 district superintendent. He has been working on  
11 the plan.

12 JUDGE HOYT: He is not the school board.

13 MS. ZITZER: He has had discussions with the  
14 school board. He has testified to that.

15 JUDGE HOYT: He does not indicate to us  
16 at any time that he has any knowledge of what --

17 MS. ZITZER: Could I lay the foundation to  
18 ask that question?

19 JUDGE HOYT: Surely, if you can, please do.

20 BY MS. ZITZER:

21 Q Dr. Murray, have you had discussions about  
22 the workability of draft 5 of the school district plan  
23 with your school board?

24 A Only with the representatives on the committee.

25 Q What has the nature of those discussions been?

1           A     Well, there are three, as I said before,  
2 three school board representatives who are active  
3 on our committee. They have been active in the  
4 development of draft 5.

5           If you are looking for an opinion, I  
6 would say that they are becoming more satisfied with  
7 the plan as it progresses.

8           Q     Are they satisfied with draft 5 in its present  
9 form?

10          MR. RADER: Objection. Who is "they"?

11          MS. ZITZER: The three members of the task  
12 force which he just stated he had had discussion with.

13          JUDGE HOYT: The question as amended then  
14 may be answered, Dr. Murray. Please.

15          THE WITNESS: As we amend the plan --  
16 in other words, they are not completely satisfied with  
17 draft 5, no.

18          BY MS. ZITZER:

19          Q     Have these three members been appointed to  
20 this committee by an action of the school board, or  
21 have they volunteered to assume this responsibility?

22          A     They volunteered, and, therefore, were assigned  
23 by the president of the board to this committee.

24          Q     And are they to report back to the school  
25 board at any time regarding the status of their work and

1 review on the radiological emergency response plan?

2 A Yes.

3 Q Is there any time frame set for that?

4 A Well, of course, we would hope that by the  
5 time the plan becomes operative, we will have a workable  
6 plan.

7 Q Do you have a workable plan now?

8 A In my opinion, no.

9 MS. ZITZER: Thank you.

10 No further questions.

11 JUDGE HOYT: Very well. The Board will  
12 recess for a very short recess this morning at  
13 which time the Applicant will be afforded one hour  
14 for cross-examination and the other counsel 30 minutes.

15 (Recess.)

16 JUDGE HOYT: The hearing will come to  
17 order. The parties are all present. Dr. Murray,  
18 you are again on the witness stand. I remind you  
19 that you are still under oath.

20 Mr. Rader, are you ready to begin the  
21 examination?

22 MR. RADER: Yes, I am.

23 JUDGE HOYT: I will remind counsel that you have  
24 one hour for cross-examination.

25 MR. RADER: Thank you.

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CROSS-EXAMINATION

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BY MR. RADER:

Q Dr. Murray, with regard to the bus resources which you need for your district for an evacuation, did you at any time report those unmet needs to the Chester County Office of Emergency Preparedness?

A Yes.

Q When did you do that, sir?

A Well, we have the letter to Tim Campbell which I referred to before, November 1, stating that, according to our count, we will still be 17 busses short if Gross provides us all they have at their disposal.

Q Do I correctly recall your testimony that those 17 busses are reflected in the Chester County plan at page N-3-1?

A I would assume they are. The first time I saw that was two days ago.

Q But the numbers are the same, aren't they, sir?

A Yes.

Q Have you reported any other unmet bus needs to Chester County since your letter to which you referred?

1 A No, we have not.

2 Q I believe you stated that you were notified by  
3 mail, I believe from Chester County, that you had  
4 been relieved -- that your school district had been  
5 relieved of its responsibilities under its plan for  
6 coordinating transportation for private schools in  
7 your district.

8 Could you tell me the date of that letter, sir?

9 A Counsellor, I believe I stated that I  
10 had written a letter requesting to be relieved. That  
11 letter was written yesterday.

12 Q I see. And obviously you haven't heard  
13 any response yet.

14 A No.

15 Q Does that letter reflect any prior  
16 conversations you have had with Chester County officials  
17 regarding those responsibilities?

18 A It reflected the conversation which I had  
19 with Marion Brown, who is the representative from  
20 PEMA, at our drill, who informed me that he was going  
21 to call the county to see about having us relieved.

22 He called -- made some calls, came back and  
23 said that we would not have to call.

24 Then I was instructed to write a letter to  
25 the emergency preparedness, asking to be relieved, which

1 I did yesterday.

2 Q You say you were instructed Was that  
3 Mr. Brown who instructed you?

4 A Mr. Brown, and also it was suggested, I believe,  
5 by Henry Tamanini.

6 Q Yes, sir.

7 Sir, I believe you testified that your  
8 busses are provided by the Gross School Bus Company  
9 Service; is that correct?

10 A Yes.

11 Q I believe that you stated that you were  
12 having discussions with Mr. Gross regarding the  
13 providing of busses for your school district in the  
14 event of a radiological emergency at Limerick?

15 A We have had informal discussions, yes,  
16 but their bus coordinator, Mr. Leahy (phonetic), has  
17 been instructed by me to look into that and come up  
18 with an arrangement.

19 Q And what arrangement are you seeking, sir?

20 A We want some sort of guarantee that in  
21 the event of an evacuation, we will have busses  
22 available to transport the children.

23 Q I am now going to show you a letter,  
24 dated June 30, 1983, from Mr. William P. Gross of  
25 the Gross School Bus Company directed to

1 Dr. Roy Claypool, Superintendent of the Owen J. Roberts  
2 School District, sir.

3 I ask you whether you have ever seen that  
4 letter?

5 A No, sir, not to the best of my knowledge.

6 Q Do you know Dr. Claypool?

7 A Yes, sir.

8 Q Of course, you know Mr. Gross?

9 A Yes.

10 Q I would ask you to examine the letter for  
11 a moment, sir.

12 (Pause.)

13 A Yes.

14 Q You will see in the first paragraph, sir,  
15 in the second sentence where Mr. Gross states that  
16 he wants to reaffirm his pledge to make available  
17 the school busses that "we have under contract with  
18 Owen J. Roberts for any emergency that might arise in  
19 the Owen J. Roberts School area."

20 And also in the second paragraph you  
21 will see a reference to "additional busses in our  
22 inventory in Bechtelsville that could be put into  
23 service to help."

24 And in the third paragraph, a reference to  
25 the writer's personal opinion that "we will have 100

1 percent cooperation from our drivers in the event  
2 they are called upon to serve in any capacity."

3 Sir, I would ask you, is this the kind  
4 of written confirmation for which you are looking and  
5 which would satisfy your concerns with regard to  
6 bus transportation?

7 A Knowing Mr. Gross, I would say, yes, it  
8 would satisfy our concerns.

9 Q Thank you very much.

10 MR. RADER: I would ask that this exhibit  
11 be marked as Applicant's Exhibit E-72 for identification.

12 JUDGE HOYT: Very well. The exhibit  
13 described by counsel will be marked as Applicant's  
14 Exhibit E-72 for identification.

15 (The document referred to  
16 was marked Applicant's  
17 Exhibit E-72 for identification.)

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18 BY MR. RADER:

19 Q With regard to your contract with the  
20 Gross Bus Company, sir, does that contract provide  
21 that busses will be provided by the bus company upon  
22 request or demand?

23 A Only those we need to transport our pupils,  
24 but remember, we don't transport all of our pupils by  
25 bus. So, therefore, we are short busses.

1 Q Yes, sir. I understand. But the busses  
2 which are available from the Gross Bus Company,  
3 as to those busses, the contract does provide, does  
4 it not, that those busses will be available upon your  
5 request, the request of your school district; is  
6 that correct?

7 A Yes.

8 Q And does that written contract make any  
9 distinction between different kinds of situations for  
10 which that transportation would be requested?

11 A To the best of my knowledge, the contract  
12 calls for to school, from school field trips. And  
13 again, as I testified, in the event of an emergency  
14 for snow closings or other emergencies, I imagine.

15 Q Does it cover any kind of emergency  
16 which would require early dismissal of students?

17 A Yes. I would say it would.

18 Q And from your experience, has there ever  
19 been in instance in which the bus company has failed  
20 to provide those busses on a timely basis when called  
21 upon for an early dismissal?

22 A Not to the best of my knowledge.

23 Q And how long have you been utilizing the  
24 Gross Bus Service, sir?

25 A I estimate it is five, six years at least.

1 Q During that period of time, could you  
2 estimate the number of times you have had to call  
3 upon the Gross Bus Service for an early dismissal?

4 A We would probably average three or  
5 four early dismissals a year, and in addition to that,  
6 some late openings, which would be more frequent.

7 Q Would you please describe your working  
8 relationship with the people at the Chester  
9 County Disaster Emergency Services Office, since  
10 your participation in the plans and the development  
11 of the plans?

12 A They have attended most of our meetings  
13 or have had representation at most of our meetings.

14 In addition to that, I mentioned before  
15 that I had met with representatives of PEMA, and  
16 we met in their -- in the Chester County office,  
17 Mr. Hippert and Mr. Patten.

18 That meeting was held in the emergency  
19 preparedness office.

20 Q And have you received all the assistance and  
21 cooperation which you need from PEMA and Chester  
22 County?

23 A I would say we still have some unanswered  
24 questions.

25 Q Have they indicated a willingness and

1 cooperation in answering the questions which you have  
2 asked them so far?

3 A I wrote a letter to Mr. Campbell which  
4 I referred to before. I can show you the exact  
5 letter, if you want me to take a minute to find it.  
6 Only one of my concerns out of five have been  
7 answered or even referred to in his answer.

8 Q That letter was written August 6, 1984, sir?

9 A No.

10 Q That is the letter of Mr. Tamanini.  
11 When did you write your letter to  
12 Mr. Campbell?

13 A November 1.

14 Q November 1 of this year, sir?

15 A Right.

16 Q Would you describe your relationship  
17 with the staff at Energy Consultants and what  
18 relationship you have had with them during the  
19 development of the plans?

20 A Very amicable and cooperative.

21 Q Have they offered you all the assistance  
22 which you have needed to develop your plans?

23 A Yes. They have worked closely with us.

24 Q And have they incorporated the suggestions  
25 and comments which you havemade upon the various drafts

1 as they have been submitted for your review?

2 A Yes.

3 Q Are you familiar with the provisions of  
4 what is known as Pamphlet Law 1332, the Public Services  
5 Emergency Act?

6 A I am familiar with the law to some extent.

7 Q I misquoted the statute.

8 A It is 1132, I think you are referring to.

9 Q Let me show you this, sir. I will show  
10 it to other counsel first. I was referring to  
11 Pamphlet Law 1332, which is entitled here as  
12 the "Emergency Management Services Act."

13 A I have a copy of it here, right here, 1332.  
14 You are correct.

15 MS. ZITZER: Does the witness have a copy of  
16 that?

17 THE WITNESS: Yes. Thank you.

18 BY MR. RADER:

19 Q Is it your understanding that Pamphlet Law 1332  
20 requires entities, jurisdictional entities within  
21 Pennsylvania to adopt emergency plans for the protection  
22 of their citizens?

23 A That is my understanding.

24 Q Now, sir, you stated that you had some concerns  
25 with regard to the provisions of collective bargaining

1 agreements between your district and the school  
2 teachers as that might have some impact upon the  
3 teachers carrying out their responsibilities in a  
4 radiological emergency; is that correct?

5 A That is correct.

6 Q Did I understand you to say, sir, that you  
7 have sought or would seek a ruling from the state  
8 attorney general as to the relationship between the  
9 collective bargaining agreements and responsibilities  
10 in an emergency such as that?

11 A I think I changed that testimony later  
12 saying that I had requested an opinion from either the  
13 Pennsylvania Department of Education or the Governor's  
14 office.

15 Q I see.

16 And would you, in that regard, consider  
17 the views of the deputy secretary for administration,  
18 Pennsylvania Department of Education, to be dispositive  
19 on that point?

20 A I think, and I say this in all respect,  
21 counsellor, I think the important part here isn't  
22 what I consider but what the teachers' union considers.

23 Q Well, if you were advised by the state  
24 department of education that collective bargaining  
25 agreements could not override the provisions of your

REE 7/15

1 plans as regards the teachers' responsibilities,  
2 would you feel that the teachers would be obliged to  
3 follow those responsibilities?

4 A Yes. I would be very pleased to have such  
5 an opinion in writing.

6 Q Sir, I want you to assume hypothetically  
7 that you have been advised by Dr. Michael A. Worman,  
8 W-o-r-m-a-n, the Deputy Secretary for Administration,  
9 Pennsylvania Department of Education, that he has  
10 advised you that any evacuation planning done by  
11 the school district must be consistent with the  
12 encompassing political subdivision's controlling  
13 plan and, further, that he has advised you that  
14 public school code 24 PS Section 5-510 gives school  
15 districts the authority to adopt and enforce rules  
16 and regulations regarding the management of school  
17 affairs and the conduct and department of all  
18 employees as well as students --

19 MS. ZITZER: Objection. It hasn't  
20 been established that the witness is familiar with this.

END 7

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T8 MM/mml 1 MR. RADER: I am making him familiar, Ms. Zitzer.

2 BY MR. RADER:

3 Q And third, that a local district does not have  
4 the authority to use either CBA, that is the collective  
5 bargaining agreement, or local rules to override or alter  
6 the provisions of the evacuation plan promulgated by the  
7 political subdivision under the authority of the Pennsylvania  
8 Emergency Management Services Act.

9 Now sir, if you were advised that by Dr. Worman,  
10 would that satisfy your concerns that the collective  
11 bargaining agreements could not override the provisions  
12 of your emergency plan with respect to the responsibilities  
13 of your teachers in the event of an emergency.

14 A I would seek an opinion from our labor counsel.

15 Q Would that affect your opinion in any way,  
16 prior to seeking your solicitor's opinion?

17 Would it provide you with any guidance?

18 A It sounds --

19 MS. ZITZER: Objection, it calls for a legal  
20 opinion.

21 MR. RADER: Pardon?

22 MS. ZITZER: I objected because it calls for a  
23 legal opinion that I am not sure this witness is prepared  
24 to give.

25 MR. RADER: I am not asking for a legal opinion.

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1 I am just asking whether or not he, as an administrator,  
2 would be guided by this information from the State Department  
3 of Education.

4 MS. ZITZER: In that context I don't object if  
5 the witness can answer the question.

6 THE WITNESS: From first sounds, I would say yes,  
7 it would be acceptable. But I would still want the opinion  
8 of the labor lawyer, before I would answer that.

9 BY MR. RADER:

10 Q Do teachers in your school district frequently  
11 supervise extracurricular activities after school, such as  
12 athletic events, clubs, competition, trips and other after  
13 school activities?

14 A Yes.

15 Q And are those situations covered by the teachers'  
16 collective bargaining agreements?

17 A Yes, they are.

18 Q Are there any situations in which teachers act  
19 as volunteers after school for school activities that are  
20 not covered by the collective bargaining agreements?

21 A I am sure there are.

22 Q And what kinds of activities would those be, sir?

23 A Well, for example, we have various clubs that  
24 take trips, even over a weekend, like a ski club. And they  
25 are not paid for this activity.

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1 Q What, for example, would be the situation if a  
2 teacher were after school, and it was required to take a  
3 student home.

4 Does that sometimes happen?

5 A Against my advice, yes.

6 Q And does it ever become a situation that a  
7 teacher provides transportation for a student in a personal  
8 or a medical emergency to a nearby home or facility?

9 A Yes. But I would have to clarify that by saying  
10 we have people who are insured specifically for that purpose,  
11 and we -- unless it were a true emergency where one of those  
12 people were not available, like an administrator, a nurse,  
13 home and school visitor, we always insist that if time is  
14 available one of these people would take a student home  
15 because of insurance possibilities and liability.

16 Q But teachers have performed those responsibilities,  
17 haven't they?

18 A We have some teachers on the list. But they are  
19 specifically on the list to perform this.

20 Q Are those responsibilities covered by the  
21 collective bargaining agreement?

22 A No.

23 Q You were asked questions regarding the funding  
24 for buses in the event of an emergency.

25 Did I understand your testimony to be that you

mm4

1 would provide those buses regardless of the funding, and that  
2 who would pay for it would be a matter decided after the  
3 fact?

4 A That is correct.

5 Q And that would be true for any emergency requiring  
6 an early dismissal, is that correct?

7 A Yes.

8 Q You stated also I believe that the school board  
9 had had certain concerns at an earlier stage, and that you  
10 had considered hiring a consultant.

11 Did you, in fact, hire the consultant?

12 A We have investigated it. Dr. Morgan, whom I referred  
13 to before, Assistant High School Principal is a former  
14 Army officer with radiological training. He is in the process  
15 of exploring the field to see who is available.

16 However, I must say in all honesty, that there  
17 has been less -- there seems to be less concern about that  
18 than there was in August.

19 Q Do you find that the Board's concerns are now  
20 being satisfied under the planning -- plan development process?

21 A They are not satisfied totally, but they are more  
22 so than they were in August when it really culminated.

23 Q You were asked questions relating to the reference  
24 on page N-3-2 of the Chester County Plan. If I could ask you  
25 to turn to that, sir.

1 (Witness complying.)

mm5

2 A I have that.

3 Q With regard to Item 8, Northern Chester Vocational  
4 Technical School, sir, do you see that?

5 A Yes.

6 Q Do you see the reference to 110, with the double  
7 asterisk under the column Buses Available?

8 A Yes.

9 Q Do you see the reference below to private  
10 vehicles available, where there is a double asterisk?

11 A Yes.

12 Q Is it your understanding, sir, that that 110  
13 refers to 110 private vehicles which are buses or some other  
14 form of private vehicle?

15 A To be honest counsellor, I have no idea where  
16 they got the 110 figure.

17 Q So you wouldn't know whether that represents 110  
18 buses or 110 other vehicles?

19 A If it represents 110 buses, again with all respect  
20 I don't know where they are, because I get out there once or  
21 twice a week.

22 Q Do you know how many buses the Gross Bus Company  
23 provides to Northern Chester?

24 A No, I couldn't answer that. But they are--  
25 you mean for Phoenixville only?

mm6

1                   See, they provide them for the other -- well, they  
2 provide them for Great Valley School District and Owen J.,  
3 also.

4           Q       Do you know how many they provide for children  
5 within your school district?

6           A       I could be wrong, but I think we send about six  
7 buses out there.

8           Q       From the Gross Bus Company?

9           A       Yes.

10          Q       Do you know their total fleet?

11          A       No, sir.

12          Q       So when Mr. Gross states in his letter to  
13 Dr. Claypool that he feels that he will be able to make  
14 buses available as necessary to assist in an emergency  
15 at Owen J. Roberts, you would feel comfortable in his making  
16 the same promise to you, because he feels he has enough  
17 buses to do it?

18                   MS. ZITZER: Objection. He has not made that  
19 statement.

20                   MR. RADER: I said if, Ms. Zitzer.

21                   THE WITNESS: My concern would be that he would  
22 have to bring the others in from outside.

23                   JUDGE HOYT: Just to keep the record straight,  
24 the objection was overruled. And the answer will stand.

25                   Very well.

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BY MR. RADER:

Q You were asked questions about the reasons for the private schools being deleted from your responsibility under your plan, sir.

Are you familiar with the plans which the private schools have? That is, the plans which are comparable to your plan, your plan for your school district?

A I have seen several other plans, not of private schools in our area. And basically they all followed the same formula.

Q Is that true for private schools in general, sir?

A I have not seen any of the private school plans. But the public ones I have seen follow the same basic format. So, I imagine the private ones would, but that is a conjecture.

Q You were asked if you knew how many faculty reside within the EPZ.

Do you know whether, of the faculty who reside in the EPZ or in the area, the Phoenixville area, as to how many of those faculty are unmarried?

A I would just be taking a guess.

Q Could you give a ballpark estimate, sir?

A I would say perhaps we have 25, 30 faculty members not married.

Q Out of a total faculty of --

mm8

1           A       Living in the EPZ area. Our total faculty as  
2 of this year -- do you want administrators too, or just  
3 teachers?

4           Q       Let's take it one step at a time. Just faculty  
5 first, sir. Thank you.

6           A       Okay. 199.

7           Q       199 faculty?

8           A       Right.

9           Q       Now do you have any idea of how many of those  
10 reside within the EPZ?

11                    Again, I am asking for a rough estimate.

12          A       I would estimate a good 80, 85 percent of them.

13          Q       Okay. So, if we take your top figure of 85  
14 percent, that means that there are about 30 people living  
15 outside the EPZ roughly, is that correct, sir?

16          A       Approximately, yes.

17          Q       Approximately.

18                    And that leaves approximately 170 living within  
19 the EPZ. Now, of those, do you have any idea how many of  
20 those are unmarried? Did I understand you to say about 30?

21          A       I would say perhaps 20, 22 of them are unmarried.

22          Q       Okay. Let's say 20. Take your low figure.

23                    Sir, do you know how many of those who are  
24 married do not have children? I realize you haven't made  
25 a demographic study of your school, but I am just looking

mm9

1 for an approximation, if you know.

2 A Again I would say the majority of them definitely  
3 have children, but I would just be guessing counsellor.

4 Q Okay, so some have, some do not have children.

5 A Yes.

6 Q So we have approximately 50 teachers in the district  
7 who would either live outside the EPZ, or who are unmarried,  
8 plus a certain number of others who are married but without  
9 children.

10 Is that correct, sir?

11 A Approximately.

12 Q I understand that these are just your approxima-  
13 tions.

14 How many school administrators do you have, sir?

15 A 14.

16 Q 14. Do you have any other school staff such as  
17 nurses, librarians, people of that nature who are not  
18 faculty? Or, did you include them?

19 A They are included in the count.

20 Q I see.

21 Has any of your administrators indicated at any  
22 time that they would not be available for participation in  
23 carrying out responsibilities under your plan?

24 A They have expressed concern, but I truly believe  
25 they would all be available.

mm10 1 Q Have any of your teachers stated to you that he  
2 or she would not participate in carrying out responsibilities  
3 under the plan?

4 A I have not discussed that with any teachers.

5 Q Has any teacher volunteered such information to  
6 you or to any other person who reported to you?

7 A Not to my knowledge.

8 Q Sir, you gave me the total enrollment figure for  
9 your school, but I am not sure -- I think you broke it down  
10 for each school.

11 Did you have a total enrollment figure, sir?

12 A Approximately 2860.

13 Q So, it would appear that you have 50 people who  
14 live outside the EPZ, 50 teachers, that is, who live outside  
15 the EPZ, or live within the EPZ but do not have families;  
16 14 administrators. And that means that at a bare rock  
17 minimum you would expect to have at least 64 teachers and  
18 administrators to supervise the students of your schools  
19 in the event of a radiological emergency.

20 Is that correct?

21 A Again it is a supposition. But I would hope we  
22 would.

23 Q Would you expect to have more?

24 A Or less.

25 Q Why would you expect to have less, if I may ask?

mm11 1 A Again, when you are living in the age of collective  
2 bargaining -- I know this is another point, but I still don't  
3 have an answer on the collective bargaining agreement. And  
4 when teachers are unionized they would tend to, many times,  
5 take advice from their unions.

6 Q Sir, let me ask you your frank opinion as an  
7 administrator who has dealt with teachers and who has dealt,  
8 I am sure, with many emergency and sensitive situations over  
9 the years.

10 Is it your personal belief, sir, that given an  
11 emergency which required teachers to remain with students  
12 for their health and safety, that those teachers would walk  
13 out of school and leave those students, abandon them,  
14 providing no supervision to them whatsoever, simply because  
15 of the provisions of their collective bargaining agreement?

16 A No.

17 Q Assuming that we work with the numbers which we  
18 have previously developed of 64 teachers and administrators  
19 who would be available, given their residence or their  
20 marital status, against your total student enrollment, I  
21 get a ratio of roughly 1 to 45.

22 I am sure your arithmetic may be better than mine.  
23 Is that about what you would calculate?

24 A That's about right.

25 Q With regard to -- you were asked questions about

ml2  
1       sheltering, sir.

2                   Is sheltering covered under you plan, the sheltering  
3 option in the event of an emergency.

4       A       Do you mean sheltering in our own school district?

5       Q       Yes, sir, within your own school buildings.

6       A       We will have it, yes, in the final draft.

7       Q       I'm sorry, sir?

8       A       In the final draft it will be included.

9       Q       It is not included in your plan presently as an  
10 option?

11      A       There are references to it, yes.

12                   But as I said before, we have not surveyed the  
13 buildings to determine the availability of sheltering areas.

14      Q       What is your understanding of what is required  
15 for a sheltering area, sir?

16      A       Well, I go back to the atomic age. So I think  
17 that we would have to have areas away from -- especially from  
18 fresh air currents; that we would have to have availability  
19 to turn off blower systems, this type of thing; where we could  
20 get children away from any fresh air coming in; where we  
21 could keep them in an area for at least two hours; where  
22 they would have to have lavatory facilities, water, and so  
23 forth.

24      Q       Could I refer you to page 21 of your school  
25 plan, sir?

mm13

1 A Yes.

2 Q That is the Phoenixville Area School District Plan.  
3 (Witness referring to document.)

4 A Yes, I am familiar with this.

5 Q Okay.

6 Now referring to that page, does that encompass  
7 what you have previously stated as to what would be  
8 required for a sheltering alternative?

9 A Well again this is not finalized, but as of this  
10 point this is where we are.

11 Q What items would you like to add to the plan  
12 to finalize the sheltering option, in your opinion?

13 A As we said before, counsellor, we have not  
14 determined yet areas, and if they are available, even, in  
15 school buildings for sheltering.

16 This, I might add, is in the individual school  
17 plans, too. Principals have access to that.

18 Q Sir, what I was trying to determine, sir, is what  
19 in your opinion is left to be determined with regard to  
20 the sheltering option?

21 I believe you referred to the areas, the actual  
22 areas in which the students would be sheltered. Is there  
23 anything else?

24 A I think that would be the main thing.

25 Q Based upon the criteria which is in the plan at

mm14

1 this point, do you believe there would be any difficulty  
2 in locating areas within the building which would satisfy  
3 those criteria?

4 A I think we might have problems in at least one  
5 building.

6 Q What building would that be, sir?

7 A Second Avenue Elementary School.

8 Q What problem do you see, sir?

9 A It is a one-level building with a lot of glass.  
10 There is no basement at all. There are a lot of exits and  
11 entrances. And, I honestly am not an expert to judge -- and  
12 this is why we have asked for help in that area -- whether  
13 that would be a satisfactory area to shelter children.

14 All of the other buildings have like cafeterias  
15 in the basement that we could use. This building does not.

16 Q Is it your understanding that a basement area is  
17 necessary, sir?

18 A I can't tell that. That is why, again, we have  
19 asked for help.

20 Q I see.

21 And whose assistance, specifically, did you seek?

22 A At our last meeting we specifically discussed  
23 that with those who were present. Henry Tamanini was there,  
24 and I believe Don Sees was there at the last one.

25 Q I didn't get the last name, sir.

1 A Don Sees. He is the Emergency Management  
2 Representative from the Borough of Phoenixville.

3 Q What advice did Mr. Sees or Mr. Tamanini give you  
4 regarding sheltering, sir?

5 A To the best of my recollection, we were going to  
6 get someone in to determine -- to tour the buildings with  
7 the principals.

8 In fact when we left it, Don Sees was supposed to  
9 contact building principals to arrange for a tour of their  
10 buildings.

11 Q And when was that meeting?

12 A It was held this month, just a couple of weeks  
13 ago, on the 20th of November.

1 Q With regard to the training of school teachers,  
2 did you receive any comments from anyone after the training  
3 that a particular teacher was uncertain of his or her  
4 responsibilities with regard to a sheltering alternative  
5 in the event of an emergency?

6 A Specifically a sheltering area, no.

7 Q Do you have any reason to believe that teachers  
8 would not understand their responsibilities to this  
9 particular alternative?

10 A No.

11 Q Are the kinds of activities which the teachers  
12 would be engaged in during sheltering similar to what  
13 they now do for bus drills, fire drills and bomb scares?  
14 I am speaking specifically in terms of mobilizing and  
15 assembling students and monitoring them during that period?

16 A No. I would say they are similar, the activities  
17 except, of course, for the food service. But then teachers  
18 don't perform that any how.

19 Q Have you had any past difficulties with regard to  
20 assembling and monitoring students during prior bus drills,  
21 fire drills or bomb scares?

22 A No.

23 Q So teachers have been adequately able to perform  
24 those responsibilities?

25 A Yes.

mn9-2

1 Q Sir, there has previously been testimony on this  
2 record regarding the fact that at least one school superinten-  
3 dent is in the process of preparing contingent emergency  
4 plans for other kinds of emergencies. I wonder if your  
5 school district is doing anything along those lines?

6 A It is our hope that the plan that we will finally  
7 arrive at will be good for any different type of emergency.

8 Q So the Limerick plan will be utilized as a basis  
9 for your response during any kind of emergency whether it  
10 radiological or nonradiological, is that correct?

11 A Yes. We do have limited emergency plans now  
12 but nothing to this extent.

13 Q Did you say, sir, that you did attend the training  
14 sessions for teachers?

15 A I did not.

16 Q You did not. But you did receive a report on the  
17 matter?

18 A Yes.

19 Q From your understanding of what was accomplished  
20 at that time, was there any discussion of the manner in  
21 which family concerns of teachers in the event of an  
22 emergency should be taken into account or planned for  
23 prior to an emergency?

24 A Excuse me. Could you repeat that.

25 Q Certainly. Are you aware whether there was any

1 discussion as to whether or to what extent the concerns of  
2 teachers for their own family arrangements should be planned  
3 for in advance?

4 A. The curriculum coordinator and some of the  
5 principals said that faculty members and I don't know  
6 if it is a direct result of the training session but some  
7 of the faculty members did have concerns about their own  
8 families in the event, if this is what you are asking me  
9 about, of an emergency.

10 Q Yes. My question is slightly different. I am  
11 asking whether or not those concerns were addressed by the  
12 instructor during the orientation sessions which you  
13 described to the best of my knowledge?

14 A. I would have no knowledge of that.

15 Q Do you know whether any questions were raised  
16 by the teachers whom you mentioned during those training  
17 sessions as to family arrangements?

18 A. Only as I testified what was said to me afterwards,  
19 that there was some concern but I don't know if it came out  
20 of the training session or in sessions afterward.

21 Q When was the training session, sir?

22 A. I would have to go back in my book. It was held  
23 during this school year, I believe. It might have been  
24 October 19th, but I am not sure. I have it in here somewhere  
25 if you want me to dig it out but I think it was October 19th.

mn19-4

1 Q That is close enough. I am just looking for an  
2 approximation. When did you receive your report about  
3 concerns regarding family arrangements as expressed by  
4 some teachers?

5 A I meet almost daily with my curriculum coordinator  
6 whose office is right next to mine and when I returned from  
7 Harrisburg that day I asked him how the program had gone  
8 and to give me a report on it.

9 Q I see. So he told you after you had returned from  
10 Harrisburg, the day after the training, that this was a  
11 matter which had been discussed?

12 A It was either the day after or the day of the  
13 training. I am not sure which one.

14 Q I see. You were also asked your understanding  
15 as to whether or not teachers would be permitted to reenter  
16 the EPZ or at least whether this was a concern in their  
17 minds. Sir, what is your understanding with regard to the  
18 ability of teachers to reenter the EPZ in the event of an  
19 emergency?

20 A My concern is that I have heard it discussed that  
21 there is a possibility, for example, that they might make  
22 route 29 or route 23 one-way to expediate the evacuation  
23 of all of these students and if they would do that, I think  
24 teachers would have a genuine concern on how to get back  
25 into the area especially if the area were being totally

mn19-5

1 evacuated at one time.

2 Q So the teacher's concern with respect to reentering  
3 the EPZ is largely limited to an assumption that traffic  
4 may be directed one-way out of the EPZ, is that correct, sir?

5 A Yes, plus the fact that it is all in a state of  
6 flux. We have also had discussions, the possibility of  
7 teachers taking their own cars and following the buses over  
8 there which means that if they did that, they wouldn't be  
9 present on the bus to supervise, of course, and then  
10 returning in their own cars or one person driving and bringing  
11 a group of teachers back in. Their concern was whether  
12 they would be permitted to reenter the area to be with their  
13 families. This has been discussed several times at  
14 administrative management team meetings.

15 Q Sir, if the teachers were informed first that  
16 traffic during an emergency would continue to follow the  
17 normal traffic pattern of two-way traffic and if they also  
18 were advised that they would be able to reenter the EPZ  
19 to obtain other family members who were at home or at other  
20 places, would that alleviate their concerns as far as you  
21 know?

22 A I think their concern is with the unfortunate  
23 situation that Phoenixville has nothing but two lane  
24 highways going out of it and with the exception of route 113  
25 they are all twisty, windy type roads. So if there would be

1 an accident during the evacuation, they have concern about  
2 getting back in.

3 Q So their concern is that an accident might block  
4 traffic?

5 A Yes or a mass exodus which might make the roads  
6 next to impassable. We hope not.

7 Q Because traffic would be exited in one direction  
8 without ingress being permitted, is that their concern?

9 A We have been informed by the county that there  
10 would be traffic control officers at key points so I would  
11 hope that that wouldn't happen, but of course what happens  
12 on paper if you have been in the Service and what actually  
13 takes place is often a big gap.

14 Q You say there were discussions with county  
15 officials. Did they also discuss whether or not traffic  
16 would be permitted in the EPZ and whether traffic would be  
17 maintained in two directions?

18 A As I testified a few minutes ago, this I don't  
19 think has been made clear to us. We have been told that  
20 there is a possibility that it might be one-way. We have  
21 been told that it might be two-ways. These were just in  
22 general discussions.

23 Q Sir, do you recall who told you traffic might be  
24 in one direction only?

25 A No. They were brought out at our meetings though.

mn9-7

1 and no one ever said that it was determined but it would be  
2 a possibility.

3 Q Do you intend to contact your Chester County  
4 representative in order to determine what the situation  
5 will, in fact, be?

6 A He was not at our last meeting. It might have  
7 been answered if he had been but we would hope that he  
8 would be at the next one.

9 Q I see.

10 A That is where much of the discussion took place.

11 Q Is it the teacher's understanding that their  
12 families would also be evacuated from the EPZ if schools  
13 were ordered to evacuate?

14 A I have no idea of that.

15 Q What is your personal understanding of that, sir?

16 A We were told there is a possibility that schools  
17 would be notified first so that we could start the buses  
18 rolling and the general public would be notified.

19 Q If the buses were rolling, as you say, and the  
20 public were notified would not the public also be evacuating  
21 the EPZ albeit perhaps at a later time?

22 A I would imagine so.

23 Q Is it your understanding, sir, that a public  
24 informational brochure will be distributed to advise the  
25 residents in the EPZ of how they should respond in an

1 emergency and what actions would be taken for the protection  
2 of themselves and their families?

3 A. I have been led to believe this, yes. Plus the  
4 school district will certainly put out a brochure to all  
5 of its citizens directing them how the school will act  
6 and in accordance with the plan.

7 Q Do you think that that informational brochure will  
8 be of assistance to you in relieving any concerns of the  
9 teachers regarding the status of requirements or measures  
10 which will be taken to protect their families who might  
11 also be in the EPZ?

12 A. I would hope so.

13 Q You were asked whether or not you at this point  
14 have a workable plan and I believe you responded in the  
15 negative. Do you see any obstacles to achieving a workable  
16 plan?

17 A. Only as I insinuated a few minutes ago. I think  
18 we can solve everything that has to be solved on paper  
19 but we are concerned with the actual situation, if there  
20 would be a site emergency, an actual evacuation. What  
21 would truly take place and what is on paper could be  
22 different.

23 Q With regard to the two particular concerns before  
24 this Board as regards buses and school teachers, I believe  
25 you testified that you have had a long standing relationship

mn9-9

1 with Mr. Gross and you have great confidence in his ability  
2 to keep his word as to providing buses?

3 A. That is correct.

4 Q. With regard to your own teachers I believe you  
5 also stated that you have confidence in their ability to  
6 participate in an emergency and assist the students in whatever  
7 manner necessary, is that correct?

8 A. That is correct.

9 Q. Did I also understand you to say that you believe  
10 that teachers would, in fact, participate in an emergency  
11 despite any other contractual concerns which they might have  
12 expressed if in fact their participation were needed to  
13 protect the children, is that correct?

14 A. Knowing our staff, yes.

15 Q. So from the aspect of these plans as regards  
16 supervision of students by teachers and the providing of  
17 buses, do you believe that you know have a workable plan  
18 from those aspects, sir?

19 A. I am still concerned with what we don't have.  
20 What we have on paper is one thing. What takes place,  
21 actually takes place is another thing plus the fact of  
22 all these assumptions. We don't have those 17 buses that are  
23 missing. We don't have an assurance that the teachers  
24 will take place. We don't have assurance that the drivers  
25 will show up to drive the buses. I will say this if I may

mn9-10  
1 comment on it.

2 Q. Certainly.

3 A. It is our hope and the school board's intent  
4 that we will come up with a plan which the school board  
5 will adopt and we certainly hope that it is workable.

6 Q. Prior to your testimony today, sir, were you  
7 contacted by any member of Limerick Ecology Action regarding  
8 the substance of your testimony?

9 A. I just received a subpoena and there are some  
10 attachments to it but that is all related generally to the  
11 case. I wasn't told to know a certain thing or anything  
12 like that.

13 Q. I mean on a more informal basis, sir, did anyone  
14 from the organization I mentioned, Limerick Ecology Action  
15 known as LEA, did anyone from that organization contact you  
16 and attempt to discuss with you what your testimony should  
17 be?

18 A. No. Do you mean how to testify or anything, no.  
19 Definitely not.

20 MR. CONNER: No further questions.

21 JUDGE HOYT: Very well. The Commonwealth will be  
22 accorded 30 minutes of cross-examination.

23 BY MS. FERKIN:

24 Q. Dr. Murray, my name is Zori Ferkin and I am with  
25 the Governor's Energy Council and I have a few questions for

mn9-11

1 you. First of all, Dr. Murray, referring to the draft of  
2 the Chester County plan that you have in front of you,  
3 I believe, page N-3-2. Do you have that?

4 A. (Perusing document.)

5 Yes.

6 Q. The list of private and parochial schools there,  
7 are there any other private and parochial schools other  
8 than those on that list to which Phoenixville School  
9 District provides transportation on a routine basis?

10 A. We provide transportation to 35 private and  
11 parochial schools. Now this varies. It could be 36 today  
12 because as you are aware under Public Law 372, we must  
13 within a ten-mile radius. If we get a youngster in today  
14 from another school that we are not providing transportation  
15 to, we would have to provide it.

16 Q. So in the current draft of your plan, is it  
17 included that you will provide transportation for those  
18 additional 35 private schools?

19 A. It is not.

20 Q. In the current draft of your plan is it provided  
21 that you will provide transportation for the schools listed  
22 here in the Chester County plan?

23 A. No.

24 Q. Why not?

25 A. We don't have the buses. We have 40 buses available

1 and that is not even enough to transport our own pupils let  
2 alone these other ones.

3 Q All right. You mentioned earlier that you in the  
4 course of this emergency planning proceeding had a meeting  
5 with representatives of the Pennsylvania Emergency Management  
6 Agency, did you not?

7 A Yes.

8 Q Do you recall when that meeting took place?

9 A No. Again I could look it up but I am not sure.  
10 Mr. Hippert was there.

11 Q Do you have a ballpark estimate for the record?

12 A I don't know if it was two months ago or not.  
13 Again I have it in here somewhere if you want me to take  
14 time.

15 Q Was it after you sent the letter marked for  
16 identification as LEA Exhibit E-3 to Mr. Tamanini?

17 A Yes.

18 Q At whose instance was that meeting called?

19 A I think if I am not mistaken, in fact I am sure,  
20 that Tim Campbell instigated the meeting.

21 Q Do you recall that among other things the purpose  
22 of the meeting was to discuss the concerns in your letter  
23 to Mr. Tamanini?

24 A I think that was the purpose.

25 Q Do you recall basically the substance of the

1 meeting, the subjects discussed?

2 A. I would say --

3 MR. RADER: I object to the question insofar as  
4 it relates to matters beyond the scope of the contentions.  
5 I believe this was previously established when the Board  
6 ruled that the LEA examiner could not inquire into matters  
7 regarding the August 6th letter other than item three  
8 which, I believe, Ms. Zitzer questioned on and to that  
9 extent the question is also beyond the scope of direct  
10 examination.

11 MS. FERKIN: Counsel anticipates too much from  
12 my upcoming question. I did not plan to question the  
13 witness on anything other than matters within the scope of  
14 the contention.

15 MR. RADER: Counsel's question was the subject of  
16 the meeting. The subject of the meeting could have been  
17 anything.

18 MS. FERKIN: My question was directed at verifying  
19 his recollection of the subject matters of the meeting. I  
20 did not ask him what they were.

21 JUDGE HOYT: Let's see if we can get your foundation  
22 laid then for the question, Ms. Ferkin. Go ahead, proceed.

23 BY MS. FERKIN: (Resuming)

24 Q. Dr. Murray, do you recall at the meeting that you  
25 had with representatives with PEMA discussing plans for

mn9-14

1 risk school teachers to transport students to host schools?

2 A. Plans to what, I am sorry.

3 Q. Excuse me. Do you recall discussing planning for  
4 risk school teachers to accompany students to their host  
5 school?

6 A. For risk school, did you say?

7 Q. The teachers within your school district.

8 A. We did discuss it, yes. At that meeting which  
9 by the way was on September 19th, I expressed by concerns  
10 to the gentlemen from PEMA of everything we have talked  
11 about, the collective bargaining agreements and the  
12 availability of teachers and the fact that we did not have  
13 a ruling from anyone on this.

14 Q. At that meeting did one of the representatives  
15 from PEMA indicate to you that as a school district  
16 superintendent it was your option or choice to have the  
17 host school teachers supervise the students in your school  
18 district at the host school?

19 A. As I stated before our plan originally called for  
20 our people to supervise them. I am not sure which  
21 gentleman, it might have been Mr. Patten, I am not sure,  
22 it might have been Mr. Hippert or Mr. Campbell, but someone  
23 made the statement that this was a little different from  
24 most plans and in most plans the host school did provide the  
25 supervision for the children but no conclusion was reached

1 and our plan still contains that blank as to who is going  
2 to supervise them.

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1 Q Is it your understanding then that it  
2 is up to your school district to choose who, whether  
3 risk or host school teachers, will supervise the  
4 students at the host school?

5 A At the present time.

6 Q At that meeting, do you recall discussing  
7 the scope of responsibility for private schools  
8 in your school district?

9 A I vaguely recall we discussed it, yes.

10 Q Do you recall discussing the scope of the  
11 responsibility of the school district with regard  
12 to private schools for whom the school district  
13 furnishes routine daily transportation?

14 A I honestly don't recall that.

15 If I may add, it could be a real problem  
16 because some of these private and parochial schools  
17 you have as many as ten, 15 different school districts  
18 providing transportation to these schools.

19 Q If you were hypothetically to add all the,  
20 I think you said it was 35 private and parochial schools  
21 to the list of schools to which you are required  
22 to provide transportation in a radiological emergency,  
23 do you have any idea how many additional busses you  
24 might need?

25 A I would say 16 or 17.

1 Q That would be above and beyond the current  
2 unmet need you have for 17 busses?

3 A Yes. I think, though, that would be a  
4 poor move, if I may comment on that, because we would  
5 have to run busses all the way to Pottstown and  
6 Bishop Carol, if you know where we are located. It  
7 would be certainly much more efficient for them to  
8 have busses come directly to their buildings from one  
9 source and bus their pupils out.

10 Q You were questioned both on your direct  
11 examination and on your cross-examination on a  
12 recommendation made to you in the November 20th drill  
13 regarding notification of private schools; do you recall?

14 A Yes.

15 Q And you testified, I believe, that that  
16 recommendation was made to you through a representative  
17 of PEMA; is that correct?

18 A That is correct.

19 Q Do you recall talking with Mr. Tamanini  
20 on November 19, the day before the drill, from  
21 Energy Consultants?

22 A I recall talking with him, yes.

23 Q Do you recall any discussion with him  
24 regarding your responsibility to notify the private  
25 schools in the drill the next day?

1           A     The only thing I can recall -- I am sure  
2 I would have followed this same pattern -- we have  
3 expressed concern right from the beginning of the  
4 formulation of our plan about the responsibility for  
5 notifying private and parochial schools within our  
6 area.

7           Q     You recall on the day of the drill,  
8 November 20th, you recall that the representative  
9 from PEMA spoke with the Chester County Department  
10 of Emergency Services before advising you regarding  
11 notification, do you not?

12          A     I think I testified that he went out  
13 and made some phone calls. I assume that is who  
14 he called, but I am not sure.

15          Q     It is your understanding then that he  
16 called someone from Chester County before giving you  
17 that advice; is that correct?

18          A     That is my understanding. I might also  
19 add that we informed him we would certainly do as  
20 required, as directed, but we felt that it would be  
21 much more efficient if we didn't have that responsibility.

22          Q     You said that you wrote a letter, I think  
23 yesterday, to Mr. Campbell. Is that correct?

24          A     I think it was yesterday. I might even have  
25 a copy of it.

1 MR. HIRSCH: Your Honor, while there is some  
2 moment of silence, I wonder if I could ask to be  
3 excused. I have to leave the courtroom a little  
4 early today. I don't plan to have any cross-examination.

5 JUDGE HOYT: Very well, Mr. Hirsch.

6 MR. HIRSCH: Thank you.

7 (Counsel from FEMA excused.)

8 BY MS. FERKIN:

9 Q Do you have a copy of that letter in front  
10 of you?

11 A Yes.

12 Q And what does that letter state in essence?

13 A It states that we have been working on  
14 our plan for the last 20 months and that during our  
15 meetings we have been constantly under the impression  
16 that we would be responsible for notifying only  
17 those schools which are part of the district. And  
18 contrary to this, at a recent drill on November 20th,  
19 in sections of our draft, included responsibility  
20 for notifying some area private and parochial schools.

21 I stated that on March 20 that Marion Brown,  
22 observer from PEMA, made some telephone calls and  
23 informed me that we would not be responsible for  
24 notifying the schools which were part of this.  
25 And that Henry Tamanini of Energy Consultants

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1 suggested that I send the letter to Mr. Campbell's  
2 attention requesting that the county assume this  
3 responsibility.

4 He was of the opinion that such an arrangement  
5 could be made. So at this time, in the last paragraph,  
6 we are officially requesting that the county notify  
7 the public and private schools, including the  
8 Northern Chester County Technical School, which are  
9 within the geographic limits of the school district  
10 but not part of the operating school district.

11 Q And to whom was copies of that letter sent?

12 A To Mr. Tamanini and to Mr. Leahy, who  
13 is Chairman of our radiological emergency plan  
14 committee.

15 Q That letter, as I understand it, refers  
16 only to responsibility for notification of the  
17 private schools so that --

18 MR. RADER: I am going to object to this  
19 line of questioning. I attempted to give Miss Ferkin  
20 some leeway in the hopes that this would be  
21 finished quickly, but school notification is not part of  
22 the admitted contentions. And frankly, I don't  
23 understand why it is being examined upon now.

24 MS. PERKIN: Over the course of the  
25 hearing, what we have been trying to confirm is what

1 kind of arrangements are in place for busses for  
2 school children.

3 Private schools, as a matter of state policy --  
4 and we can establish that later for the record --  
5 have typically been within the transportation coordination  
6 responsibility of the public school districts.

7 I am simply ascertaining the scope of  
8 Dr. Murray's request to Chester County to be  
9 relieved of certain responsibilities for private school  
10 students.

11 I am attempting to ascertain whether or not  
12 he has requested to be relieved of transportation  
13 coordination responsibilities for the students. That  
14 directly impinges on bus supplies.

15 JUDGE HOYT: Hasn't he already answered  
16 that though, Miss Ferkin?

17 MS. FERKIN: He was discussing earlier  
18 his most recent communication to the county regarding  
19 that. I simply wanted to establish the substance of  
20 that communication.

21 MR. RADER: Unless I am mistaken, your  
22 Honor, the last five minutes of the interrogation  
23 has been related solely to notification of schools  
24 and who would assume that responsibility.

25 JUDGE HOYT: If the witness can respond to

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1 the question as I understand counsel for the  
2 Commonwealth wants to ask it, I will overrule your  
3 objection and permit the question that you have  
4 described to me to be answered.

5 Are you with us, Dr. Murray?

6 THE WITNESS: Yes. Thank you, your Honor.

7 BY MS. FERKIN:

8 Q Was your answer that the communication you  
9 made to Mr. Campbell does not include transportation;  
10 is that correct?

11 A The school district has never been under  
12 the assumption that we would provide transportation  
13 to the private and parochial schools, and this is  
14 the first time it has ever even been mentioned to me  
15 today, just now.

16 Q What is the first time?

17 A By you, just now. It was implied before,  
18 but this is the first time it has ever been directly  
19 stated.

20 Q Moving on to a different subject,  
21 Dr. Murray, there was some discussion, both on your  
22 direct and your cross-examination by Mr. Rader that  
23 you are or your committee is undertaking some sort  
24 of evaluation of the school buildings in your district  
25 for adequacy for sheltering; is that correct?

1           A     We have requested help through the county  
2 to do this.

3           Q     You said you discussed this with Mr. Tamanini  
4 and Mr. Sees; is that correct?

5           A     Yes.

6           Q     Did either of them advise you as to the  
7 standard of adequacy of buildings in place in the  
8 Commonwealth for sheltering for radiological  
9 emergency?

10          A     This was mentioned, but as I said, Mr. Sees  
11 is going to tour the buildings or a representative  
12 with principals.

13          Q     Do you recall what was mentioned to you  
14 regarding the state policy?

15          A     Just that it was available and it did  
16 exist.

17          Q     Were you told that, in fact, in the Commonwealth  
18 of Pennsylvania, any building that is deemed  
19 winter worthy is adequate for sheltering purposes in  
20 a radiological emergency?

21          A     No, I was not told that.

22          Q     Dr. Murray, you have testified on your  
23 direct examination that you are concerned with obtaining  
24 a written commitment for additional busses for your  
25 school district; is that correct?

1 A That is correct.

2 Q You also testified that you are looking  
3 for a number of busses in that written commitment;  
4 is that correct?

5 A Yes.

6 Q Appliant's Exhibit E-72, which was marked  
7 for identification, the letter from Mr. Gross to  
8 Owen J. Roberts School District, does not mention  
9 a specific number of busses that would be provided  
10 beyond those already under contract.

11 Would a similar letter to you that did not  
12 specify a number of busses satisfy your concern?

13 A Well, I was not asked this, so I could  
14 not answer it, naturally. But I have a concern  
15 with that letter because Mr. Gross states in there  
16 that we will provide -- I don't remember his  
17 wording -- I don't know if it was the normal number  
18 of busses or whatever it is. And we need more than the  
19 normal number of busses.

20 Again, I don't want to put words in  
21 Mr. Gross's mouth.

22 MR. RADER: I am providing the witness a  
23 copy of the letter.

24 THE WITNESS: Thank you.

25 BY MR. FERKIN:

1 Q The witness might want to refer to  
2 paragraph 2 of that letter.

3 A Yes. I stand corrected. "In addition, we  
4 have additional busses in our inventory in  
5 Bechtelsville." That is quite a trip from Phoenixville.  
6 But he states here that, "I want to reaffirm my  
7 pledge to make available school busses that we have  
8 under contract."

9 That is 40 in Phoenixville; we need 57 busses.

10 Q Dr. Murray, I am not sure whether you  
11 testified to this or not, will you make a recommendation  
12 to your school board regarding whether or not they  
13 should approve a radiological emergency response  
14 plan for your school district?

15 A When we feel that it is adequate and complete,  
16 yes, definitely.

17 Q If you do not have a written agreement that  
18 specifies you will have a certain number of additional  
19 busses at your disposal in this emergency, would you  
20 make such a recommendation to your school board  
21 that they adopt a plan?

22 A We have discussed alternatives. We are not  
23 that far from the edge of the plume area. We felt  
24 that if we do not have busses, our plan might  
25 include, and Mr. Tamanini will include this in the

1 next draft, I think, will include preparations  
2 or plans, rather, to walk the junior and  
3 senior high students out. They are only about two, at the most  
4 three miles from the edge of the area, the plume area.  
5 And then bus the elementaries with the available  
6 busses and any secondaries that we can handle.

7 Q You state there is going to be a provision  
8 in your next plan to walk certain of the children  
9 home; is that correct?

10 A Not home. Out of the plume area.

11 Q Has it been decided what the destination  
12 of those walking children would be?

13 A No.

14 Q Has it been decided at what stage in an  
15 emergency this procedure would be implemented?

16 A The only way we would implement that  
17 is if we were directed to evacuate.

18 Q So you are considering a provision that  
19 if there is a protective action recommendation by  
20 the state to evacuate your school, you may walk  
21 some of the children out of the EPZ?

22 A We figure if transportation is not  
23 available and we have to evacuate the area, we would  
24 evacuate it. Fortunately, as I said, we are not that  
25 far from the edge of the plume area.

1 Q But if, in fact, you had transportation  
2 available, you would bus the children out of  
3 the area?

4 A By all means.

5 MS. FERKIN: I have no further questions.

6 JUDGE HOYT: Counsel for the NRC will be  
7 afforded 30 minutes.

8 MR. MC GURREN: Your Honor, the NRC Staff  
9 has no questions.

10 JUDGE HOYT: Counsel or representative  
11 for the Limerick Ecology Action will be afforded 30  
12 minutes for redirect examination.

13 REDIRECT EXAMINATION

14 BY MS. ZITZER:

15 Q Dr. Murray, do you know Roy C. Claypool?

16 A Do I know Dr. Claypool, yes, very well.

17 Q He is the superintendent of the Owen J.  
18 Roberts School District, correct?

19 A Correct.

20 Q Have you ever discussed any matters relating  
21 to the provision of busses for either of your  
22 school districts with Dr. Claypool and the fact  
23 that you both rely upon busses from the Gross Bus  
24 Company?

25 A I don't think we have specifically discussed

1 busses, just general concerns.

2 Q Dr. Murray, are you aware that Owen J. Roberts  
3 School District has identified an unmet need of 25  
4 72-passenger busses, and 37 qualified bus drivers?

5 A Yes, I am.

6 MR. RADER: Objection, lack of foundation.

7 MS. ZITZER: He said he was familiar with it.

8 MR. RADER: Whether he said it or not  
9 doesn't provide foundation for your question.

10 JUDGE HOYT: That is correct, Ms. Zitzer.  
11 Remember you are limited on redirect to those matters  
12 that have been brought up on cross-examination as well.

13 MS. ZITZER: Yes. And I believe this  
14 relates to the provision of busses from the Gross  
15 Bus Company. I am specifically referring to Applicant's  
16 Exhibit 72.

17 JUDGE HOYT: If you wish to ask the question  
18 with the foundation laid for it.

19 BY MS. ZITZER:

20 Q Dr. Murray, are you aware of whether or not  
21 Own J. Roberts School District, which also receives  
22 letters from the Gross Bus Company, as has been  
23 previously discussed and referred to in this letter,  
24 Applicant's E-72, has identified any unmet needs  
25 for busses and drivers for the evacuation of that

1 school district?

2 A Yes. I am aware of it.

3 Q And are you aware of the fact that despite  
4 this letter of assurance from Mr. Gross that  
5 Dr. Claypool had requested Mr. Gross to allow him to  
6 survey the bus drivers to determine their willingness  
7 to drive a bus in the event of a radiological  
8 emergency?

9 MR. RADER: Objection, calls for  
10 speculation, and it is irrelevant.

11 MS. ZITZER: I asked him if he is aware  
12 of whether or not Dr. Claypool has sought additional  
13 assurances beyond that in this letter to assure the  
14 provision of drivers for his school. If he doesn't  
15 know, he can simply say no.

16 MR. RADER: This goes well beyond the  
17 scope of cross-examination as well.

18 JUDGE HOYT: Miss Zitzer, I think you  
19 are calling Dr. Claypool to testify here, if I recall  
20 some of the subpoenas that have been issued.

21 MS. ZITZER: Yes, that is correct, but  
22 the Applicant has had extensive questions regarding  
23 whether or not the assurances, such as Dr. Claypool  
24 has received here in this letter, which Applicant has  
25 identified as Applicants E-72, would provide sufficient

1 assurance to Dr. Murray for the arrangements that  
2 he is dependent upon for busses and drivers.

3 I am simply trying to determine if he has  
4 any knowledge of whether or not indeed Owen J. Roberts  
5 School District has relied upon this assurance as  
6 sufficient assurance and, if he is not familiar with  
7 that, he can simply say no.

8 JUDGE HOYT: Miss Zitzer, I believe the  
9 witness is not called for the purpose of testifying  
10 for the matters concerning the Owen J. Roberts --

11 MS. ZITZER: But, your Honor, they are  
12 both dependent upon busses from the same company.

13 JUDGE HOYT: Very well, This witness will  
14 be permitted to testify to all matters concerning  
15 the Phoenixville area school district. However, you  
16 have a witness which, as I recall, has already been  
17 subpoenaed to testify concerning the needs and the  
18 position of Owen J. Roberts' needs.

19 BY MS. ZITZER:

20 Q Dr. Murray, are you aware of whether or not  
21 Dr. Claypool is -- just a minute.

22 Dr. Murray, you have been given a letter  
23 from the Gross Bus Company that was transmitted to  
24 Owen J. Roberts School District regarding the provision  
25 of busses and it was represented by counsel for the

1 Applicant that this letter was an attempt to  
2 provide assurance to the school district regarding  
3 the willingness of drivers to participate in the  
4 event of a radiological emergency; is that correct?

5 MR. RADER: I object. I made no such  
6 representation. I let the letter speak for itself.

7 JUDGE HOYT: Miss Zitzer, again, I believe  
8 the Applicant's Exhibit E-72 for identification  
9 was used in cross-examination of this witness. And  
10 I can't recall exactly the details of the hypothetical  
11 that the counsel established. I think the witness  
12 responded in that light.

13 As I have indicated to you before, you  
14 have the superintendent of the school district  
15 for Owen J. Roberts on subpoena, and I believe that is  
16 a competent witness that can testify.

17 MS. ZITZER: I agree with that except  
18 that this letter has been presented to the witness  
19 two or three times --

20 JUDGE HOYT: You want an answer from this  
21 witness, and there have been two or three objections to  
22 it. Again, the objection will be sustained.

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1 BY MS. ZITZER:

2 Q Dr. Murray, I wanted to verify your previous  
3 testimony in response to the Applicant's questions regarding  
4 the letter from the Gross Bus Company identified as E-72.

5 You were asked if you received such a letter as  
6 this whether or not you would consider this to be sufficient  
7 assurance that you would have the resources necessary from  
8 the Gross Bus Company to carry out an evacuation.

9 And I believe your answer was that you would not  
10 be satisfied. Is that correct?

11 A I think as I said, knowing Bill Gross, he is a  
12 man of his word. However, I would want assurances as to  
13 numbers. I believe I answered it that way. Was that he  
14 would be able to provide the number of buses that we wanted,  
15 a specific number.

16 Q And you are aware that he is unable to provide  
17 the number of buses required by Owen J. Roberts School  
18 District.

19 MR. RADER: Objection. Again, lack of foundation.

20 MS. ZITZER: He testified that he was aware of  
21 the fact that there were not enough buses for the Owen J.  
22 Roberts School District.

23 MR. RADER: I think the Board's ruling previously  
24 was quite clear on this point.

25 JUDGE HOYT: Ms. Zitzer, same ruling. The

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1 objection is sustained.

2 BY MS. ZITZER:

3 Q Dr. Murray, you referred to a November 1st letter  
4 to Tim Campbell that you had written that expressed five  
5 concerns. And I believe it was your testimony that one of  
6 those concerns had been answered, but that four other of  
7 those concerns had not been answered.

8 Do any of those concerns relate to the subject  
9 matter we have been discussing today?

10 A Yes. All of them we have discussed, all of these  
11 concerns.

12 Q And what are those concerns?

13 A Well, the one is the shortage -- what we feel to  
14 be a shortage of 17 buses. Another one is the bus drivers,  
15 are they going to be available? What assurance do we have  
16 of that?

17 The evacuation routes. The placement of traffic  
18 control personnel within the school district, and the letter  
19 from Donald Morabito of the Pennsylvania State Education  
20 Association.

21 MR. RADER: I assume that the Board's previous  
22 ruling will also apply with regard to the witness' testimony.  
23 With regard to the exclusion of unrelated matters.

24 JUDGE HOYT: I am sorry, I didn't hear your last  
25 part of what you said, sir.

mm3 1 MR. RADER: Judge Hoyt, I said I assumed that the  
2 Board's prior ruling with regard to the exclusion of unrelated  
3 matters would also apply with regard to the Witness' response.

4 MS. ZITZER: Your HONor, I believe the witness is  
5 free to testify as to what his concerns are with the  
6 workability of the plan are.

7 JUDGE HOYT: Ms. Zitzer, I think the objection was  
8 in a much more narrow scope in those matters that have not  
9 previously been examined on.

10 Am I correct, Mr. Rader?

11 MR. RADER: Well, I had made a motion to strike  
12 previously because there was a general reference to concerns  
13 in a letter.

14 And I believe your Honor ruled that while you  
15 would not strike the testimony, you would deem those matters  
16 to be excluded from consideration.

17 JUDGE HOYT: I believe the only objection then,  
18 the only paragraph that was used is the paragraph 3 --

19 MR. RADER: I think we are now in two different  
20 letters. The letter to which your Honor referred to is the  
21 August 6th letter to Mr. Tamanini, and now I believe the  
22 witness is being questioned on a November 1st letter to  
23 Mr. Campbell..

24 MS. ZITZER: I have no further questions on the  
25 letter if that helps.

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1 JUDGE HOYT: Let's try the question again.

2 MS. ZITZER: The question was answered. I don't  
3 understand what the problem is. I would like to move on.

4 MR. RADER: I assumed that the Board would not  
5 strike, since the Board had not stricken the previous testimony.

6 What I assumed, that the Board would also exclude  
7 that testimony from consideration.

8 JUDGE HOYT: I understand what you are saying,  
9 counsel. And yes, you are correct.

10 That is right, Ms. Zitzer, it is a matter that  
11 need not be discussed any further.

12 BY MS. ZITZER:

13 Q Dr. Murray, you testified that you were considering  
14 a modification in subsequent drafts of your plan to include  
15 a provision for students to walk -- for some of your students,  
16 I believe the junior and senior high school -- to walk two  
17 or three miles from the school outside of the Emergency  
18 Planning Zone, if necessary in the event that an evacuation  
19 was called for.

20 Is that correct?

21 A As a possibility, yes.

22 Q And why are you considering that possibility?

23 A In the event that buses, other transportation  
24 would not be available.

25 Q Has this been discussed with parents or staff yet?

1           A       No.

2           Q       Do you intend at some point in time to have a  
3 discussion with parents and staff about this procedure?

4           A       When the plan is finalized we must and intend  
5 to share it with the public.

6           Q       Is the staff at your school district informed yet  
7 of this consideration of this option as part of the plan?

8           A       No, because it is not finalized.

9           Q       Have the discussions or agreements reached with  
10 any of the host school facilities that would be utilized by  
11 your school district, included discussions and any agreements  
12 if reached, on the provision of supervision at the host  
13 facility by the host school staff as opposed to your school  
14 district staff?

15          A       Only with one. I mentioned before, I believe, that  
16 we had gone to Immaculata College. Immaculata College  
17 probably would not have the staff to supervise our pupils.  
18 Therefore, we would expect that we would have to supervise  
19 them.

20                    At Tredyffrin East Town, I don't think it is clear  
21 yet. I might add that I am going over there next week. I  
22 have a meeting set up.

23          Q       But at this time it has not been discussed with  
24 them yet?

25          A       It has --

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1 Q Has it been?

2 A No, it has not.

3 Q What about any of the other host schools? The  
4 county plan lists Valley Forge Elementary as a host facility.

5 Is that correct?

6 A Not for us.

7 Valley Forge Elementary is not in our school  
8 district. ARE you speaking of Valley Forge Christian  
9 Academy?

10 Q No, to simplify things, why don't you refer to  
11 page N-2-1 -- and this is Applicant's Exhibit E-2 which  
12 is the Chester County Plan. Item D lists the Phoenixville  
13 Area School District. On the right-hand side it lists the  
14 host facility for Phoenixville AREA School District, at  
15 least Conestoga Senior High School, Tredyffrin East Town  
16 Junior High School, the New Eagle School, the Hillside  
17 Elementary School and the Valley Forge Elementary School.

18 Is that correct?

19 A I'm sorry, I misunderstood your question.

20 That is correct.

21 Q Okay. Has there been discussions or agreements  
22 reached with any of these schools regarding the provision  
23 of staff from any of these schools to supervise in the  
24 event that your students are evacuated to any of these  
25 facilities?

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1           A        These schools are all part of the Tredyffrin East  
2 Town School District.

3           Q        And so your testimony is it hasn't been discussed  
4 yet?

5           A        That's correct.

6           Q        Okay.

7                    You were asked a couple of questions regarding  
8 Pamphlet Law 1332 in the beginning, and you were asked  
9 whether or not it was your understanding that this law  
10 required -- and I believe the phrase used by Mr. Rader was  
11 jurisdictional entities to promulgate and adopt radiological  
12 emergency response plans.

13                    Could I ask you to refer to Section 7.102 which  
14 is entitled Definitions. And could I ask you if you are  
15 able to identify the jurisdictional entity listed there  
16 that would refer to school districts, if you are able to  
17 locate that?

18           MS. FERKIN: Judge Hoyt, I would like to object  
19 to the question to the extent it calls for a legal conclusion  
20 on the witness' part.

21           JUDGE HOYT: I think, Ms. Ferkin, you are correct.

22           MS. ZITZER: I can rephrase it another way. I  
23 have no objection to that.

24           JUDGE HOYT: What I think Ms. Zitzer wants is, she  
25 wants to see if he can identify within that district, within

mm8 1 that definition a phrase which will include his jurisdiction,  
2 is what it amounts to, as I understand your question.

3 MS. ZITZER: I have no objection to rephrasing  
4 the question. I think it would be simpler.

5 JUDGE HOYT: All right. I think it is a good  
6 objection. Go ahead.

7 BY MS. ZITZER:

8 Q Dr. Murray, is it your understanding that the  
9 phrase "jurisdictional entities" which was referred to by  
10 Mr. Rader with regard to those required under Pamphlet Law  
11 1332 to develop and promulgate radiological emergency response  
12 plans, is it your understanding that this phrase, juris-  
13 dictional entities refers to school districts?

14 JUDGE HOYT: Is that the same objection, Ms. Ferkin?

15 MS. FERKIN: I am not quite sure.

16 Her question seemed to go this time to his  
17 understanding of what Mr. Rader said.

18 MS. ZITZER: Mr. Rader asked him if this law  
19 required jurisdictional entities. And I believe he said  
20 such as school districts, to promulgate and adopt radiological  
21 emergency response plans.

22 MR. RADER: I did not.

23 MS. ZITZER: And the witness answered yes.

24 I am just trying to determine what his understanding  
25 is, if that includes school districts.

mm9 1 MS. FERKIN: I do not recall Mr. Rader saying  
2 school districts.

3 I do recall him saying jurisdictional entities.

4 JUDGE HOYT: Mr. Rader is just saying he did not  
5 recall. Is that what you were trying to tell me?

6 MR. RADER: I did not say such as school  
7 districts, that is correct.

8 JUDGE HOYT: With that understanding, Ms. Zitzer?

9 MS. ZITZER: I think I have got the simple question  
10 that I can finish --

11 JUDGE HOYT: Very well. The simple question.

12 BY MS. ZITZER :

13 Q You were asked by Mr. Rader if Pamphlet Law 1332  
14 required jurisdictional entities to promulgate and adopt  
15 radiological emergency response plans, is that correct?

16 Do you recall that?

17 A Yes.

18 Q And I believe you answered yes, is that correct?

19 A It has been my understanding from the beginning  
20 that this could apply to that.

21 Q Is it your understanding that this also includes  
22 school districts, according to Pamphlet Law 1332?

23 A When we first discussed Pamphlet Law 1332, one  
24 of my first questions in the very first meeting we held with  
25 our committee -- and again when you have been in court a

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1 few times you learn this the hard way -- you get the legal  
2 background or requirement for this, especially as a school  
3 district superintendent, because you tend to get sued other-  
4 wise.

5 So, the first thing I want to know, under what  
6 legal authority do we have to formulate this plan?

7 And 1332 was one of the first ones which I was  
8 given, and I was told at the time that this would apply to  
9 school districts. And you have a section in there, this  
10 section you referred to under Disaster Emergency which  
11 would affect seriously the safety, health and welfare of a  
12 substantial number of students.

13 And of course, as superintendent, any superintendent  
14 is responsible for the safety, health and welfare of his  
15 students.

16 Q And who provided you with that information  
17 regarding Pamphlet Law 1332?

18 A This was provided to me either by Energy  
19 Consultants or, it could have been by the county or it  
20 could have been by Don Sees. But I would think it more  
21 would have been by Energy Consultants.

22 Q And did you have any discussions with Energy  
23 Consultants about the requirements of Pamphlet Law 1332?

24 A Only to the extent that I mention it now and  
25 a couple of times at subsequent meetings we referred to it.

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1 Q At any time were you advised that you, according  
2 to Pamphlet Law 1332 were required to adopt a radiological  
3 emergency response plan?

4 A Yes.

5 Q By whom?

6 A I was advised on April 19th to that effect. In  
7 fact, I wrote down here "must have a plan for 'an  
8 identifiable risk but not until the fuel rods are loaded.'"

9 Q And who provided you with that information?

10 A This was provided by a member of a township  
11 committee, and it was her interpretation. She was told  
12 this was a legal interpretation, but I couldn't tell you  
13 who told her that.

14 Q What information were you provided by Energy  
15 Consultants with this regard?

16 A I can't recall that. I know that it was discussed,  
17 but I --

18 Q The meeting you referred to on April 19th, was  
19 that a meeting that involved Energy Consultants?

20 A I'm sorry, did I say meeting? It was not a  
21 meeting, it was a telephone conversation.

22 And that was not involving Energy Consultants.  
23 However, it was mentioned at a subsequent meeting.

24 Q Did anyone with Energy Consultants inform you  
25 that the requirement -- that you were required to adopt a

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1 radiological emergency response plan because of the  
2 provisions of Pamphlet Law 1332?

3 A I honestly couldn't answer that.

4 MS. ZITZER: Okay. No further questions.

5 MR.RADER: Your Honor -- Judge Hoyt, may I  
6 have one question for recross?

7 Very quickly.

8 JUDGE HOYT: Mr. Rader, it had better be a good  
9 one. I am going to provide the counsel for LEA any  
10 redirect, if it --

11 JUDGE RADER: I expect a yes or no answer.

12 JUDGE HOYT: That still may generate a question.  
13 But go ahead.

14 MR. RADER: Maybe.

15 RE-CROSS-EXAMINATION

16 BY MR. RADER:

17 Q Dr. Murray, even assuming that school districts  
18 such as yours are not required by Pamphlet Law 1332 to  
19 adopt emergency plans, would it be the intention of your  
20 school district to provide emergency planning under your  
21 plan, consistent with the plans which have been developed  
22 by political subdivisions which are required to develop  
23 emergency plans in order to protect the health and safety  
24 of your school children?

25 A Yes.

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1 JUDGE HOYT: Ms. Zitzer, do you wish any rebuttal  
2 now, any redirect?

3 MS. ZITZER: No, it is not necessary.

4 JUDGE HOYT: Very well. That is going to be a  
5 very exceptional mechanism in the future.

6 MR. RADER: I appreciate that.

7 JUDGE HOYT: Very well. I think we have completed  
8 the testimony of this witness. Dr. Murray, thank you  
9 for your attendance here and thank you for your testimony,  
10 sir. You are excused.

11 THE WITNESS: Thank you.

12 (Witness excused.)

13 JUDGE HOYT: The hearing will recess.

14 MR. MCGURREN: Your Honor.

15 JUDGE HOYT: Yes, Mr. McGurren.

16 MR. MCGURREN: I don't know if it was an oversight  
17 by Applicant's Exhibit E-72 was not offered.

18 JUDGE HOYT: It was not offered. It has only been  
19 marked as an exhibit. I assume that counsel will take care  
20 of that somewhere along the line.

21 MR. RADER: I intend to offer it when Dr. Claypool  
22 is here and I can show it to him.

23 JUDGE HOYT: That is what I thought perhaps would  
24 be the time you would offer it but I am conscious of the  
25 fact that it is not in evidence. Are there any other

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1 matters?

2 MR. CONNER: Could we inquire who the next witnesses  
3 for LEA would be on the 17th for planning?

4 JUDGE HOYT: Yes.

5 MS. ZITZER: We did not get to a couple of witnesses  
6 who had been scheduled, Dr. Price from the Souderton Area  
7 School District, Barbara Greaser, who is the president of  
8 the Souderton Area Teachers Association and Jim Brown who  
9 would be on behalf of Methacton School District. We would  
10 like to start with them.

11 Now that I know the schedule that the Board is  
12 going to follow, I need to organize the witness list which  
13 I would intend to provide either verbally or in writing as  
14 of say Tuesday or Wednesday of next week once I have had  
15 time to confirm that in any way that is suitable for the  
16 parties whether it is calling you directly and providing  
17 that or Express mailing it or whatever would be most  
18 convenient.

19 JUDGE HOYT: I think the Board will not meet next  
20 week for evidentiary sessions. The only session that this  
21 Board will have next week is the session at Stowe on  
22 Thursday evening, December 13th.

23 MS. ZITZER: Would the Board need it sooner than  
24 that? I could provide it to you then.

25 JUDGE HOYT: I don't think it is a question of

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1 whether the Board needs it.

2 MS. ZITZER: I intend to transmit it to the parties.  
3 That is what my statement was.

4 JUDGE HOYT: Yes. If you will transmit it to the  
5 parties and I would like a copy to each member of the Board.

6 MS. ZITZER: Of course.

7 JUDGE HOYT: Now let me have the list that you  
8 anticipate calling on Monday again. As I understand it,  
9 you won't have your witness list prepared until Tuesday.

10 MS. ZITZER: I meant this coming week when we are  
11 back in the office and I can go over my notes.

12 JUDGE HOYT: When I say Monday, I mean Monday,  
13 December 17th. You indicated a few moments ago certain  
14 witnesses which you rapidly named and I would like for  
15 you repeat that list, please.

16 MS. ZITZER: Certainly. If you refer to our  
17 witness list that we had provided for Thursday, December 6th,  
18 the witnesses that were not completed there are Dr. Price  
19 from the Souderton Area School District, Barbara Greaser,  
20 the president of the Souderton Area Teachers Association  
21 and Jim Brown on behalf of Dr. Warner if Dr. Warner is not  
22 available from the Methacton School District.

23 JUDGE HOYT: Ms. Zitzer, let me caution you. You  
24 have someone coming in on behalf of the superintendent and  
25 be certain that that individual knows all the matters that

1 you are going to be questioning on of his own knowledge.

2 MS. ZITZER: Yes. He is the designated emergency  
3 coordinator.

4 JUDGE HOYT: But he may not and this is where I  
5 am anticipating a difficulty and I want to try to waylay  
6 it along the line and that is, you may call a witness  
7 that will not have the information of his own direct  
8 knowledge.

9 MS. ZITZER: I understand. We had put the names  
10 of the superintendents on the subpoenas and I believe it was  
11 your office that typed in "or designated representative"  
12 which is why --

13 JUDGE HOYT: It was not my office that typed in  
14 or a designated representative. What you had done is you  
15 had placed certain names on there --

16 MS. ZITZER: I don't think it is going to be a  
17 problem.

18 JUDGE HOYT: -- and then by position rather than  
19 by name and I think we insisted upon the names there.

20 MS. ZITZER: That was with the bus providers. I  
21 am talking about the school district superintendents which is  
22 what I was referring to.

23 JUDGE HOYT: Some of those were in the same  
24 category.

25 MS. ZITZER: We had named all the superintendents

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1 on the subpoenas. I don't think it will be a problem.

2 JUDGE HOYT: I just want to be certain that you  
3 have that clearly in mind. You have named three witnesses  
4 as I understand it, not Donald Young of the Perkiomen Valley  
5 Teachers Association.

6 MS. ZITZER: He has already taken two days off  
7 from school to try to be here to testify and I am going to  
8 need to coordinate with him. I am very concerned about that.  
9 I just need to confirm.

10 JUDGE HOYT: As you know the pace at which we are  
11 now operating gives us approximately four witnesses per  
12 day. Who is the fourth one going to be on Monday, December 17?

13 MS. ZITZER: We are going from noon to six on  
14 Monday, correct?

15 JUDGE HOYT: Noon to six on Monday, that's correct.

16 MS. ZITZER: Right. I will check with Mr. Wolf.  
17 I believe he is available. I would have to just check with  
18 him.

19 JUDGE HOYT: Mr. Wolf?

20 MS. ZITZER: Yes. We had not finished him from  
21 the Wednesday schedule. He is from the Camphill Special  
22 Schools. My only fear with him is if he does not get to  
23 testify then it will be the third time he has come here  
24 and I would prefer to schedule him first thing in the morning.

25 JUDGE HOYT: Ms. Zitzer, isn't this a good time

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1 then to work out some stipulations on testimony with the  
2 counsel for the Applicant and the other counsel.

3 MS. ZITZER: We certainly intend to attempt to  
4 do that, yes.

5 JUDGE HOYT: Do you stand ready as you indicated,  
6 Mr. Conner?

7 MR. CONNER: More than ready. We will check again  
8 next week with Ms. Zitzer to see if anything has come with  
9 this.

10 MS. ZITZER: We could facilitate that by discussing  
11 it right now.

12 JUDGE HOYT: Very well. That is a matter that  
13 is to be discussed among counsel. Are there any matters  
14 that should be discussed at this point?

15 (No response.)

16 JUDGE HOYT: Very well. The hearings are in  
17 recess to reconvene for the purpose of the limited appearances  
18 on December 13th and for evidentiary hearings in this  
19 building on December 17th at twelve o'clock. We are in  
20 recess.

21 (Whereupon, the hearing in the above-entitled  
22 matter recessed at 12:30 o'clock p.m., to reconvene on  
23 Thursday, December 13, 1984 at 6:00 o'clock p.m. in  
24 Stowe, Pennsylvania.)

25

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This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING: Philadelphia Electric Company  
(Limerick Generating Station,  
Units 1 & 2)

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

PLACE: Philadelphia, Pennsylvania

DATE: Friday, December 7, 1984

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

*Rebecca Eyster*  
*Marilynn Nations*

(Sigt) *Marilynn Nations*  
(TYPED) Rebecca Eyster, Minnie Meltzer,  
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Official Reporter

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