

ORIGINAL

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

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

PHILADELPHIA ELECTRIC COMPANY

(Limerick Generating Station,  
Units 1 and 2)

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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 and 2) :  
:
  
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Commonwealth Court of Pennsylvania  
Ninth and Market Streets  
Courtroom No. 6  
Philadelphia, Pennsylvania

Monday, 14 January 1985

The hearing in the above-entitled matter convened,  
pursuant to recess, at 12:00 noon

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:

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11 Office of the Executive Legal Director  
12 U.S. Nuclear Regulatory Commission  
13 Washington, D. C. 20555

14 On behalf of FEMA:

15 BRIAN P. CASSIDY, ESQ.  
16 Regional Counsel, Region 1  
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18 Boston, Massachusetts 02109

19 On behalf of the Commonwealth of Pennsylvania:

20 MARK L. GOODWIN, ESQ.  
21 Pennsylvania Emergency Management Agency  
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25 On behalf of PEMA:

RALPH HIPPERT  
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Commonwealth Avenue  
Harrisburg, Pennsylvania 17105

On behalf of Limerick Ecology Action:

PHYLLIS ZITZER, President  
DAVID STONE  
MAUREEN MULLIGAN  
Limerick Ecology Action  
Box 761  
Pottstown, Pennsylvania 19464



P R O C E E D I N G S

1 JUDGE HOYT: The hearing will come to order.

2 Let the record reflect that all the parties  
3 to the hearing who were present when the hearing recessed  
4 on Friday are again present in the hearing room.

5 I believe at this time the panel of  
6 Richard Brown, Harry Miller, and Michal Conroe is present.

7 Prior to swearing this panel in, I would like  
8 to share with you one concern that I have, and that is the  
9 schedule for submitting proposed findings of fact and law --  
10 conclusions of law and findings of fact which we will be  
11 requesting from you and from each of you at a time when  
12 we can set an intelligent time schedule.

13 As it looks now, just mentally running through  
14 the schedule that we have, it can be anticipated that  
15 we should finish the oral hearings sometime next week.  
16 I have not yet heard from the City of Philadelphia. That  
17 counsel has not been here for some time, so I don't  
18 know how long they anticipate having testimony to put on.  
19 But I wouldn't think that, given the nature of the  
20 contentions that they have, that it would be more than  
21 perhaps two days. So that that could be easily  
22 accommodated in the schedule of next week.

23 If any of you have a contact with the counsel,  
24 I would request that you get in touch with them and have  
25

1       them make some representation on this record of what their  
2       schedule would be.

3               We have also the matter of the Greaterford  
4       Prison representation, and I believe the brief from the  
5       Pennsylvania Emergency Management Agency would be due  
6       on the 18th of this week, in accordance with an extension  
7       of time that was granted to them.

8               I would wish then that we could have all of  
9       the problems that are presented by that testimony and  
10       the presentations from the City of Philadelphia input  
11       as quickly as possible so that we could make some  
12       tentative plans. It is necessary to get everyone's  
13       input on a schedule.

14               I don't think that we can anticipate more than  
15       one day with the Staff's presentation of their witness,  
16       and I think that probably is the same for FEMA.

17               Is it not, Mr. Cassidy?

18               MR. CASSIDY: I would think that would depend  
19       on the scope of the Intervenor's cross-examination, but  
20       I would say certainly no longer than two days is what  
21       Mr. Hirsch let me to believe.

22               JUDGE HOYT: I am sorry. I didn't get the last  
23       part of that.

24               MR. CASSIDY: I said certainly no more than two  
25       days. It is a possibility, depending on the scope of cross,

1 that it could be one day. I think it is more likely to  
2 be a little bit more than a day.

3 JUDGE HOYT: I would certainly hope that you  
4 take as much time as you need. However, we are just  
5 trying to get a handle on what schedules we can establish.

6 All right. Miss Zitzer, you had something?

7 MS. ZITZER: LEA was particularly concerned  
8 about the PEMA witnesses. There is a panel of two and  
9 a total of eight witnesses being presented on all of  
10 the contentions. Two of the witnesses are county  
11 emergency coordinators.

12 JUDGE HOYT: I don't believe PEMA has any  
13 contentions, do they?

14 MS. ZITZER: They prefiled testimony on  
15 LEA's written contentions.

16 JUDGE HOYT: Then it is on your contentions  
17 that they have testimony.

18 MS. ZITZER: It would be helpful, when it is  
19 appropriate to know the order from PEMA of those witnesses  
20 and to discuss what kind of time limitations would be  
21 appropriate, simply for planning purposes for our  
22 cross-examination plans.

23 I would say, particularly with regard to the  
24 panel of Mr. Hippert and Mr. Taylor and Mr. Campbell,  
25 we would -- Mr. Hippert and Mr. Taylor are one panel, and

1 Mr. Campbell is separate.

2 On those two aspects, we would be concerned  
3 about possibly needing more time there than, say, on  
4 some of the other witnesses whose testimony is much  
5 more limited.

6 And it might facilitate things for me to  
7 discuss this with the Commonwealth, but we would  
8 be concerned just about knowing what guidelines we  
9 would be following so that we could plan appropriately.

10 JUDGE HOYT: Well, we have pretty much  
11 stuck to the originally established time frames.  
12 In some cases it might not hold, but I think it has  
13 been a pretty good rule of thumb of to this point.

14 MS. ZITZER: But, your Honor, when they are  
15 testifying on maybe 15 contentions, the hour and a half  
16 time, at least for Mr. Hippert and Mr. Tavior as a panel  
17 and for Mr. Campbell, to LEA would not seem appropriate.

18 JUDGE HOYT: Well, we will meet that problem  
19 when it arises. No point in taking up time this  
20 morning on a discussion of that.

21 I did want to present to the parties the concern  
22 that we have that we get the thinking on further planning  
23 schedules and briefing schedules established in order  
24 that we can make our plans accordingly.

25 All right. Would you call your panel, unless  
there is something else that need be introduced at this time.

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MS.ZITZER: LEA calls Mr. Richard Brown, Mr. Harry Miller and Mr. Michael Conroe.

Whereupon,

HARRY MILLER

RICHARD BROWN

MICHAEL CONROE

were called as witnesses on behalf of Intervenor, Limerick Ecology Action, and having been first duly sworn, were examined and testified as follows:

JUDGE HOYT: Ms. Zitzer, this panel does not have any prefiled testimony?

MS. ZITZER: That's correct, your Honor.

DIRECT EXAMINATION.

BY MS. ZITZER:

Q Mr. Brown, could you state for the record your name, your address and your relationship to the Lower Providence Township Board of Supervisors?

A (Witness Brown) Richard T. Brown, 97 South Grange Avenue, Collegeville, Pennsylvania.

I am the Chairman of the Board of Supervisors, Lower Providence Township.

JUDGE HOYT: This is testimony for an hour and a half.

MS. ZITZER: Thank you, your Honor.

XXX

mm2

1 BY MS. ZITZER:

2 Q Mr. Brown, could you state your relationship to  
3 the Lower Providence Board of Supervisors?

4 A (Witness Brown) Yes. I am Chairman of the  
5 Board of Supervisors.

6 Q How long have you been Chairman of the Board of  
7 Supervisors?

8 A This is my second appointment.

9 Q And what is the length of each appointment for  
10 which you have been designated?

11 A A one-year term.

12 Q How long have you been a Supervisor in Lower  
13 Providence Township?

14 A Three years. This is my fourth year.

15 Q Could you describe the nature of your employment?

16 A I'm a communications technician for American  
17 Telephone and Telegraph Communications.

18 Q Do you have any particular training relating to  
19 that employment?

20 A I've had a lot of training in switching, and  
21 I maintain a switching machine, an electronic switching  
22 system.

23 Q Is this in regard to telecommunications?

24 A Yes, it is.

25 Q And where are you employed?

mm3

1 A 125 Porter Road, Pottstown, Pennsylvania.

2 Q Mr. Miller, would you please state your name,  
3 your address and your relationship to the Lower Providence  
4 Fire Department.

5 A (Witness Miller) Harry J. Miller. Address is  
6 301 Sunnyside Avenue, Trooper, Pennsylvania.

7 At the present time I am Fire Chief of the Lower  
8 Providence Volunteer Fire Company.

9 Q How long have you been President of the Volunteer  
10 Fire Company?

11 A That's Fire Chief. I had a term in 1979. I came  
12 back into office in '83, and then continued to '84.

13 Q How long have you been a member of the Lower  
14 Providence Volunteer Fire Department?

15 A Since 1965, which is 28 years, I guess.

16 Q How many members are there presently in the  
17 Volunteer Fire Department?

18 A General membership? I really couldn't answer  
19 general membership.

20 The active membership in the active firefighting  
21 crew of about 35 people, and another 45 people as active  
22 members.

23 Q Mr. Conroe, could you state for the record your  
24 address and your relationship to the Lower Providence

mm4

1 Township Ambulance?

2 A (Witness Conroe) My address is 205 Pinetown Road,  
3 Audubon.

4 I am a trustee of the ambulance. I am ambulance --  
5 and ambulance captain. I have been active since 1976.

6 Q I believe you stated you are an ambulance captain?

7 A Yes. One of five captains.

8 Q What do you mean by that?

9 A We are responsible for establishing coverage in  
10 our particular time.

11 My responsibility is for Wednesdays, and every  
12 fifth weekend. And we are responsible for establishing,  
13 scheduling, make sure -- we are a prescheduled organization,  
14 meaning we have coverage 24 hours a day, seven days a week.  
15 And I am responsible for the crew and for the scheduling.

16 Q How many ambulances are owned by the Township  
17 Ambulance Squad?

18 A At present we have two. We are refurbishing a  
19 third.

20 Q Mr. Brown, could you give us a history to the  
21 degree that you are aware of the development of a Radiological  
22 Emergency Response Plan for the Limerick Generating Station  
23 by Lower Providence Township?

24 A (Witness Brown) Maybe if you clarify that for me?

25 Q Certainly.

mm5

]

1                   During the course of your duties as a Supervisor  
2 in Lower Providence Township, have you had occasion to  
3 become involved in reviewing the development of a proposed  
4 Radiological Emergency Response Plan for the Limerick  
5 Generating Station for your Township?

6           A       Yes, we have.

7           Q       And what has the nature of your involvement as  
8 a Supervisor been in reviewing the progress made to date?

9           A       To date we have held one public hearing on the  
10 evacuation plan. And at that time there were a lot of  
11 questions brought up by a lot of citizens. And, I suggested  
12 that we form a committee to review the evacuation plan to  
13 find out what the shortcomings are in the plan and to see if  
14 we could come up with a workable plan.

15                   We created that committee in July. It ranged  
16 from nine to maybe twenty people from time to time, and they  
17 have met on seven or eight occasions to date.

18                   So far we have had no formal recommendations from  
19 the Committee.

20           Q       I believe you stated that there has been a public  
21 hearing held sometime this past year.

22                   Do you recall when that was, approximately?

23           A       No, I don't. It was early in the year, maybe  
24 around -- I am just guessing; maybe April, April of '84.

#3 agb/agbl 1 Q And what was the purpose of the Board of  
2 Supervisors to conduct a public hearing?

3 A To get input from the public, residents of the  
4 Township, personnel from the fire company and ambulance  
5 crew.

6 Q Mr. Miller, could you provide us with some  
7 information regarding the nature of any involvement you  
8 have had with the development of the proposed Radiological  
9 Emergency Response Plan for the Township?

10 A Basically reviewing the different drafts that  
11 come down from Energy Consultants, trying to put input back,  
12 trying to list the unmet needs and make arrangements to  
13 have the unmet needs met, attending training sessions  
14 put on by Energy Consultants, by the County, and attending  
15 the different meetings in the Township that are available  
16 to try to stay abreast of the changes as they were being  
17 made.

18 Q Are you a member of the committee that is  
19 evaluating the progress of the proposed plan?

20 A I have attended some of the meetings. As far as  
21 I am concerned I am not a member of that committee.

22 Q Is there a representative of the Fire Department  
23 on the committee that is reviewing the plan?

24 A If there is I am not aware of it.

25 Q Okay.

agb/agb2 1 Mr. Conroe, could you also state the nature of  
2 any involvement you have had in reviewing the progress of  
3 the development of the proposed Radiological Emergency  
4 Response plan for the township?

5 A. (Witness Conroe) I have been on the committee  
6 from the start. I was on the committee as a private  
7 citizen. I was asked by the Board of Directors of the  
8 Lower Providence Community Ambulance to serve as the  
9 liaison between the ambulance and this committee.

10 Q. What is the draft number of the most recent plan  
11 that you and your committee which you are a part of,  
12 Mr. Conroe, has reviewed, if you recall?

13 A. We have reviewed draft five and in the last  
14 meeting we had we were working on draft six.

15 Q. When you say you were working on draft six, do  
16 you mean that you have seen a copy of draft six?

17 A. The last meeting was the first time I had seen  
18 a copy of draft six.

19 Q. How recently was that last meeting?

20 A. I don't have the exact date but I believe it  
21 was probably the beginning of December.

22 A. (Witness Brown) I have draft six, September of '84.

23 Q. Mr. Brown, I believe you stated you have draft  
24 six with you today, is that correct?

25 A. That's correct.

agb/agb3

1 MS. ZITZER: For the record, I would like to note  
2 that this version of the plan, draft six, for the Lower  
3 Providence Township Radiological Emergency Response Plan  
4 has been received into evidence as Applicant's Exhibit E-12.

5 JUDGE HOYT: Would the Applicant's Counsel like  
6 to examine the copy of the plan that the witnesses have?

7 MR. RADER: Very briefly, yes.

8 JUDGE HOYT: Staff, would you like that opportunity?

9 MR. HASSELL: Yes.

10 JUDGE HOYT: Mr. Cassidy, if you would.

11 MR. RADER: If it please the Board, it appears  
12 that Mr. Brown has produced the implementing procedures  
13 rather than the plan itself.

14 WITNESS BROWN: That's all we could get.

15 JUDGE HOYT: Ms. Zitzer?

16 MS. ZITZER: I don't think it will cause a  
17 problem.

18 JUDGE HOYT: I think it will cause a considerable  
19 problem if the testimony is based upon implementing procedures  
20 and your questions are directed to the plan itself. Let's  
21 see if you can get your copy of the plan and provide it  
22 to the witnesses.

23 MS. ZITZER: Certainly.

24 (Document handed to the witness.)

25 JUDGE HOYT: Does counsel wish to examine that?

agb/agb4

1  
2 By "counsel," I mean Mr. Rader for the Applicant,  
3 Counsel for FEMA and Staff.

4 (Pause.)

5 JUDGE HOYT: Gentlemen, I will assume that you  
6 have been handed the Lower Providence Township, Montgomery  
7 County, Radiological Emergency Response Plan for Incidents  
8 at the Limerick Generating Station, a document marked  
9 as Draft Six, September, 1984 that has been received in  
10 this proceeding as Applicant's Exhibit E-12.

11 Is that what you have before you?

12 WITNESS BROWN: We have two copies. We have one  
13 of the implementing procedures and the one that you are  
14 referring to. But I do not have a copy of the Radiological  
15 Emergency Response Plan for Incidents at the Limerick  
16 Generating Station, I do not have one of those in my  
17 possession but our Fire Chief does. I have the implementing  
18 procedure for the draft six, I was never presented with  
19 the other draft.

20 JUDGE HOYT: All right.

21 Mr. Brown, I will assume that you gentlemen can  
22 share the one copy that you have on the table in front  
23 of you.

24 WITNESS BROWN: Certainly.

25 JUDGE HOYT: Ms. Zitzer, I would caution you to  
be certain that the testimony that you elicit from these

agb/agb5 1 witnesses will be based upon the Applicant's Exhibit E-12,  
2 since I do not believe the implementing procedures are in  
3 evidence in this hearing.

4 MS. ZITZER: Your Honor, I do understand that the  
5 testimony will also be limited to that information which  
6 they have direct knowledge of and I understand the fact  
7 that Mr. Brown has not seen the draft may cause some problems,  
8 but I'll cross that bridge when we get to it.

9 BY MS. ZITZER:

10 Q I believe, Mr. Miller, that you were the witness  
11 that brought with you a copy of draft six of the response  
12 plan, is that correct?

13 A (Witness Miller) Yes, Ma'am.

14 Q When did you receive a copy of draft six?

15 A I believe it was in early October of '84.

16 Q Was this in conjunction with your involvement  
17 in the committee reviewing development of the plan?

18 A No, I received this through the Emergency  
19 Coordinator, Tom Roger.

20 Q To the degree which you have discussed this with  
21 Mr. Rogers, who you just referred to as the Municipal  
22 Emergency Coordinator, could you state your understanding  
23 of your responsibility as Fire Chief of the Lower Providence  
24 Volunteer Fire Department as described in draft six of  
25 your current plan?

agb/agb6

1           A.     Basically it starts out with maintaining the  
2 emergency coverage of the fire company throughout the  
3 township, emergency response for all fires; the distribution  
4 of dosimetry equipment to any workers operating in the  
5 area, to maintaining records of these dosimetries,  
6 collecting them back and see that they're read properly  
7 and all records kept; to coordinating with the other  
8 emergency organizations within the township; the route alerting,  
9 the general route alerting and also the route alerting for  
10 the hearing impaired. That about sums it up.

11           Q     Draft six of the plan shows 12 route alerting  
12 sectors for your township and indicates that at least two  
13 persons per sector would comprise a route alerting team.

14                     Has your Fire Department reviewed its ability to  
15 carry out that assignment as characterized in the plan  
16 in terms of availability of staff and sufficient resources?

17           A     Fire company personnel alone cannot handle it  
18 because to fill that we need 15 people and a field  
19 officer alone just to maintain normal rescue and fire  
20 service within the township.

21           Q     I would like to ask you, Mr. Miller, to refer to  
22 page B-1, which is Attachment B in the plan, and it is  
23 entitled Lower Providence Township Emergency Organization  
24 Chart.

25           A     (Witness Brown) B-1?

b/agb7

1 Q It's page B-1 at the bottom, in the attachments  
2 at the back of the plan, which are numbered in alphabetical  
3 order.

4 Do you have page B-1?

5 A (Witness Miller) Yes, Ma'am.

6 Q Do you see in the middle of the chart there are  
7 the medical ambulance and fire services as well as for  
8 the other categories as well the fact that it is marked  
9 "To Be Developed," TBD, as opposed to having names of  
10 individuals designated for those particular assignments in  
11 the plan.

12 Do you see where I am referring to?

13 A Yes, Ma'am.

14 Q Do you have any particular knowledge why the  
15 current draft of the Lower Providence Township plan does  
16 not contain any designation indicating that individuals  
17 from your volunteer fire department have been assigned  
18 those responsibilities?

19 A Some of the assignments have been made tentatively  
20 and have now been gone through in the drills. Why it is  
21 not in the draft, I do not know.

22 Q Mr. Brown, do you have any particular knowledge  
23 based on discussions you might have had with your  
24 Municipal Emergency Coordinator why the current draft of  
25 the municipal plan does not indicate whether or not those

agb/agb8

1 A. (Witness Brown) No, I have not had those discussions.

2 Q. What is the name of your current emergency  
3 coordinator?

4 A. Would you repeat the question; the question is  
5 for me?

6 Q. Yes.

7 A. Our Police Chief, Thomas Rogers, Thomas P. Rogers.

8 Q. And how long has he been serving in that capacity  
9 as emergency coordinator?

10 A. Since July of last year.

11 Q. And who was the emergency coordinator before him?

12 A. Andrew Pheiff, P-h-e-i-f-f.

13 Q. Was there any particular reason why there was a  
14 change in the designated emergency coordinator from  
15 Mr. Pheiff to Mr. Rogers?

16 MR. RADER: Objection, irrelevant.

17 MS. ZITZER: Your Honor, I am simply trying to  
18 determine if those past assignments as shown on this  
19 is because of any problem or simply because of the fact  
20 that there has been a change in the designated emergency  
21 coordinator, and I think to the degree that Mr. Brown has  
22 knowledge of that he should be permitted to answer the  
23 question.

24 JUDGE HOYT: What's the basis of your objection?

25 MR. RADER: I see no foundation in the record for

agb/agb9 1 any connection between the designation of the Emergency  
2 Management Coordinator and filling in this assignment sheet.  
3 The fact is Mr. Brown testified that Mr. Rogers, the Police  
4 Chief, had been fulfilling that function since July of 1984.  
5 The Board has consistently ruled that we are concerned  
6 with this draft and not earlier drafts. I see no reason  
7 to go into ancient history as to what may have been the  
8 situation back prior to July of 1984 regarding the gentleman  
9 who is no longer in service in this position.

10 JUDGE HOYT: Ms. Zitzer, we've got to get the  
11 testimony from the most current exhibits. It adds no  
12 value to this Board in making its determination, and if you  
13 will direct your inquiries in that vein you will, of course,  
14 be permitted to conduct that line of direct examination.

15 But I think Counsel's objection, based upon,  
16 as I understand it, the prior information and prior persons  
17 that might have been involved in this planning, the Board  
18 finds that just not probitive evidence and we would like  
19 to move on.

20 MS. ZITZER: Your Honor, I would just like to  
21 comment that if there is a particular reason that the job  
22 wasn't being done and a new person had to be designated,  
23 then that would be a fact for the Board to be aware of --

24 JUDGE HOYT: No, Ms. Zitzer, the Board wants to  
25 know what we have currently. We have to talk about

agb/agbl0 1 plans that are going to be in force or, rather, implemented.  
2 We're not talking about plans and difficulties that may have  
3 arisen, those are certainly not anything more than perhaps  
4 interesting but certainly not probitive evidence that we  
5 would need.

6 MS. ZITZER: But your Honor, these earlier show  
7 no staff has been assigned, there is not even an emergency  
8 coordinator.

9 JUDGE HOYT: So far as this plan is concerned,  
10 Ms. Zitzer, that's all right, you are within the ballpark  
11 of what we're talking about. In Attachment I, number two  
12 there the coordinator is Thomas Rogers. If you want  
13 to develop this information concerning that attachment, fine.  
14 We are simply not going to spend our time listening to  
15 testimony that has no probitive value for us in making a  
16 decision.

17 BY MS. ZITZER:

18 Q. Did Lower Providence Township participate in  
19 the July 25th test evacuation drill?

20 A. (Witness Brown) No, it did not.

21 Q. Was there any particular reason why the township  
22 chose not to participate?

23 A. Yes. At that time we felt we weren't prepared  
24 to participate, we didn't have enough information or enough  
25 equipment at the time.

agb/agb11

1 Q Did the township participate in the November 20th  
2 drill?

3 A Yes, we did.

4 Q Mr. Miller, are you aware of whether or not at  
5 that time route alerting was conducted by the volunteer  
6 fire department?

7 A Route alerting for the hearing impaired was, general  
8 route alerting was not.

9 Q And how many sectors were activated?

10 A I'm sorry?

11 Q How many sectors were notified?

12 A The hearing impaired covers the whole township.  
13 We had broken it down into ten sectors, dispatched five  
14 crews of two inspectors, basically enlarged the sectors  
15 to five and these were covered but not by Fire Department  
16 personnel.

17 Q You have previously testified that you did not  
18 believe you had sufficient personnel from the fire company  
19 to carry out your full responsibilities for route alerting  
20 as described in the plan.

21 Does the experience on November 20th in any way  
22 affect that determination that you have previously testified  
23 to?

24 A No, the route alerting that was done was done by  
25 outside volunteers, people from the township.

agb/agbl2 1

2           Q     I believe that the plan which you have referred  
3 to, Mr. Brown, indicates that in terms of notification the  
4 township is required to provide to businesses located  
5 within the township in the event of a radiological emergency,  
6 that the Superior Tube Company is the only major industry  
7 indicated in your assigned notification list.

8                     Has any effort been made to determine whether or  
9 not there are other industries in particular which would  
10 require notification and possibly some assistance from the  
11 township?

12           A     (Witness Brown) We haven't addressed that problem  
13 as yet and I don't think that any of that has been addressed  
14 in the plan.

15                     But we do have an entire corporate center for those  
16 12 businesses within the township, Valley Forge Corporate  
17 Center, and there are several thousand employees in the  
18 corporate center.

19                     We even have an underground -- some kind of  
20 substation at Philadelphia Electric that is in that area.

21           Q     Would that be the PJ interconnection?

22           A     That's possible, I don't know the name of it.

23                     But there are several large corporations other  
24 than the Valley Forge Industrial Center -- Valley Forge  
25 Corporate Center.

          Q     Is it your testimony that you would consider your

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responsibility as the elected official in Lower Providence Township to assure that the businesses received proper notification in the event of radiological emergency?

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

MS. ZITZER: I'll rephrase it.

JUDGE HOYT: Very well.

BY MS. ZITZER:

Q What responsibilities are you aware of, Mr. Brown, regarding the notification responsibilities of the township, particularly to businesses within the municipality in the event of radiological emergency at Limerick?

A (Witness Brown) We are supposed to notify them and keep them abreast of the situation at Limerick.

Q Based on your knowledge of the proposed evacuation plan, do you have any particular concerns about the township's ability to carry those responsibilities through?

A Yes, I do. My major concern with the implementation of this is the calling, or the use of the public telephone network to make these calls.

Based on my knowledge and experience with public telephone switching, any time you have a local disaster or man-made disaster it causes severe disruption of the telephone communications. Once the public becomes aware that we have a site emergency, everybody -- a lot of people

agb/agbl4 1 start calling one another, their neighbors and their friends,  
2 and they begin to tie up the telephone network to a point  
3 where you no longer can draw a dialtone from the local  
4 switching center.

5           During the time of the Agnes flood, we had dial  
6 tone delays of up to 30 minutes. That means if somebody  
7 in the EOC has to use the phone to notify someone, they  
8 may have to wait 30 minutes just to be able to avail them-  
9 selves of a dial tone. I think that would create a major  
10 problem in the implementing of this plan.

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1 Q Can you be more specific what you are  
2 relying upon for the basis of the concerns you have just  
3 stated with regard to telephones being overloaded,  
4 particularly within your township which is what we are  
5 concerned about?

6 A Could you rephrase the question. I didn't  
7 quite hear all of it.

8 Q I am trying to ask you to provide me more  
9 specific information with regard to the basis for  
10 your concern about the telephone system you would have to use  
11 being overloaded. I am not exactly sure that it is clear  
12 what particular knowledge you have that you are relying  
13 upon for that statement.

14 A I understand your question.

15 Most of our township relies on onw switching  
16 office which is owned and maintained by Bell of  
17 Pennsylvania. I know it as the Brimfield Road Office.  
18 It is in the Wedgewood development off of Egypt Road.

19 Part of the township west of Skippack Creek  
20 is serviced by the Colledgeville office which is an  
21 ESS switching system.

22 The Brimfield Road is an old type five crossbar.  
23 And I believe, based on information I have, they have three  
24 dial tone marker circuits.

25 The Pottstown Office has four dial tone marker

1 circuits, and the Pottstown office has a larger  
2 crossbar machine than the Brimfield Road office.

3 And once that site emergency becomes known to  
4 the residents, I believe we will have a problem with local  
5 switching.

6 JUDGE HOYT: Mr. Brown, let me interrupt here  
7 a moment. You used the term "ESS." Would you tell us what  
8 that means?

9 WITNESS BROWN: ESS stands for electronic  
10 switching system. It is a new technology than the  
11 old five crossbar technology that the old offices use.

12 JUDGE HOYT: Very well. Thank you.

13 BY MS. ZITZER:

14 Q Mr. Brown, could you give us some indicatio-  
15 of the nature of any discussions you have had with  
16 Mr. Rogers regarding the workability and implementability  
17 of the current, proposed draft plan for your township?

18 A We have had a few conversations concerning  
19 implementing it. One of his concerns is the amount of  
20 people available at any one time and the number of  
21 policemen we have available. That type of thing.

22 But he feels confident, with the amount of  
23 people that are made available to him at this time, he  
24 can carry out most of the procedures.

25 I think he also said, a lot of the volunteers

1 were Philadelphia Electric Company employees.

2 Q Have those volunteers, many of which you just  
3 referred to are Philadelphia Electric employees, available  
4 to the township to participate in the November 20th drill,  
5 or have they participated in any kind of training programs,  
6 to the best of your knowledge?

7 A I don't know how many of them attended the  
8 training sessions, but I was at one training session, and  
9 there were some members there from Philadelphia Electric  
10 Company.

11 Q Do you have any particular concerns, Mr. Brown,  
12 about the use of volunteers who might happen to be  
13 employees of Philadelphia Electric Company?

14 A My major concern is, are they going to be around  
15 five years from now, or ten years from now. Are they  
16 going to be long-term residents of the community, or  
17 are they just volunteering now to move this thing along?

18 I don't have the answer to that, that is one of my  
19 concerns. Will they be available two years from now or three  
20 years from now, whenever we may need to call upon them for  
21 this type of emergency.

22 Q Mr. Conroe, could you give us a summary of your  
23 understanding of the responsibilities of Lower Providence  
24 Township Ambulance Supply as described in the current plan  
25 with which you are familiar?

1           A       (Witness Conroe) Our biggest responsibility,  
2 if there is an evacuation, is to evacuate the nonambulatory  
3 people, of which, the last figure I had was 53; also  
4 providing any type of emergency service in the township, along  
5 with any evacuation.

6           Q       Do you have sufficient ambulances to carry out  
7 those assignments?

8           A       We do not.

9           Q       Are you aware of whether or not any unmet need  
10 has been passed on to the county with regard to the provision  
11 of ambulance assistance?

12          A       These have been passed on to the county.

13          Q       Has anyone from the county office of emergency  
14 preparedness provided you or the committee, if you have  
15 knowledge of that, with any information regarding the  
16 county's ability to provide those ambulances?

17          A       I am not aware of this information. It is  
18 possible. I am not aware of it.

19          Q       I believe draft 6 of the municipal plan on page  
20 0-1 is entitled attachment O at the top. It is very near  
21 the end of the plan. It is entitled Consolidated  
22 Resources. I would like to give you a minute to find that  
23 page.

24                   (Pause.)

25          A       I have it.

1 Q I would address this question to any member  
2 of the panel that has direct knowledge. With regard to  
3 the provision of transportation, it is indicated that  
4 eight busses are required, and it appears that none are locally  
5 available.

6 Are you aware of whether or not the unmet  
7 need that is indicated there for eight buses has been  
8 transmitted to the county either by the committee or by  
9 Mr. Rogers or even how that figure was arrived at?

10 A (Witness Brown) I don't know that personally.  
11 I would assume that they have the same plan we have and that  
12 the unmet need is marked in the plan and that they are aware  
13 of it as much as we are.

14 Q Have you had any discussions with Mr. Rogers  
15 or anyone else that is working on your proposed township  
16 plan to provide you with any information regarding the  
17 county's ability to provide those unmet needs as indicated  
18 on attachment O?

19 A I didn't hear the last half of that. It is  
20 very difficult for me to hear.

21 Q Okay.

22 A In this room.

23 Q My questionis, have you discussed either with  
24 Mr. Brown or with any of the members of your committee that  
25 are working on the proposed plan whether or not the county is

1 able to provide the unmet needs that are indicated  
2 on attachment O or even in a general sense, what the county's  
3 response to the unmet needs that are indicated on that page  
4 has been?

5 A Can you respond to that, Harry?

6 A (Witness Miller) The unmet needs in the route  
7 alerting were partially covered by the use of  
8 what we consider civilian volunteers which was brought  
9 up earlier about the PE employees, Explorer Post Group,  
10 and just residents of the township that volunteered to  
11 help cover unmet needs for the manpower there on the  
12 fire company's end.

13 So far as the vehicle shortage, there has  
14 been portable units requested from PE to use any vehicle  
15 above a midsize car to meet that vehicle shortage through  
16 civilian participation again, for the route alerting.

17 That is the only part that I am familiar with.  
18 To date, they have not been met per se.

19 Q Do any of the witnesses have any knowledge of  
20 whether or not the committee that is evaluating the  
21 proposed plan has had any contact with the Montgomery  
22 County Office of Emergency Preparedness regarding the  
23 county's ability to fulfill the unmet needs -- and I am  
24 particularly referring to the need there stated on page O-1  
25 of eight buses and four ambulances?

1           A       (Witness Conroe) We have met with Mr. Bigelow  
 2 and we have expressed what our needs were, and he was  
 3 again to pass this on to -- I guess -- I would imagine  
 4 PEMA and the other county coordinators to try to work out  
 5 the situation.

6                   One of the problems that we have is with the  
 7 ambulance, if I can just maybe get one step ahead of you,  
 8 is communications. I don't know if you want to discuss  
 9 this now or not.

10           Q       If you have any particular concerns that you think  
 11 affect the workability of the plan, it would be appropriate.

12                   What are your specific concerns?

13           A       Our biggest concern right now -- I had mentioned  
 14 that we were a prescheduled organization, meaning  
 15 we cover our schedule. There are times, weekends,  
 16 after 11 o'clock, early in the morning, where we  
 17 may have just one crew with a minimum amount of  
 18 people on.

19                   If it comes to the point where there is an eva-  
 20 cuation, a site emergency, whatever you want to call it,  
 21 we have no means of contacting any of our active members  
 22 to have them respond, you know, either to our station  
 23 or to whatever assignments.

24                   And what I mean by "no means," we do not have a  
 25 pager system, personal pager system similar to the fire

1 company and, I believe, our township supervisors are all  
2 on a pager system also.

3 This can be a very, very serious problem  
4 because I personally have been unable to hear the sirens  
5 from where I live. So if I am, you know, alerted or  
6 I am asked to perform as an emergency volunteer, I  
7 have no way of knowing.

8 I was going to count on the telephone system,  
9 but Mr. Brown just advised that that would be almost useless.

10 Q Pages F-1 and G-1 in the plan indicate individuals  
11 requiring either medical assistance or transportation  
12 assistance. And there is a footnote on both of  
13 those pages indicating that the figures that are stated  
14 page F-1 and G-1 are based upon public survey data.

15 I believe my question would be most appropriately  
16 addressed to Mr. Conroe of the Lower Providence Township  
17 Ambulance. Starting with page F-1, where it indicates  
18 there are nine residents requiring ambulance support,  
19 39 residents who may require special assistance, and 53  
20 hearing-impaired individuals, in view of the fact that  
21 you, I believe, stated you had participated on the committee  
22 evaluating the plan, was any information provided to you  
23 regarding the source of these figures that had been  
24 provided by the public survey data as is indicated here?

25 A A survey was conducted, and the survey had

1 requested anyone who is in need of any type of  
2 assistance to return a card. These cards were returned.  
3 We have compiled a list of data of individuals needing  
4 some type of assistance, either medical assistance, non-  
5 ambulatory people, or hearing impaired.

6 These lists, I believe, are confidential,  
7 but they are in the hands of both the ambulance and the  
8 fire officers.

9 Q When you say that a survey was done, I believe  
10 you referred to a card that was sent out.

11 A That is correct.

12 Q Is this something that the township did or the  
13 committee did in part of its development of the plan,  
14 or are you referring to something else?

15 A The committee did not do this. I believe this  
16 originated from the township.

17 Am I correct, the cards that were sent out,  
18 was that the county or was that the township?

19 A (Witness Brown) I can't honestly answer that.

20 A (Witness Conroe) I am not sure if that was  
21 done by the township or by the county. I believe it was  
22 done by township.

23 A (Witness Brown) It may have been done by ECI.

24 Q I would like to tender to the witness, just for  
25 identification purposes, a copy of an LEA exhibit that has

1 previously been received into evidence, LEA Exhibit E-44,  
2 which is a form dated August 1, 1983.

3 (Counsel approaches witness panel.)

4 Mr. Conroe, I have just handed you a copy  
5 of a form that we have marked for identification as LEA E-44.  
6 Have you seen that form before?

7 A My household received one. Yes, I have.

8 Q Is the card which you previously referred to  
9 something different than the form which I just  
10 referred to -- handed to you?

11 A The copy that I had seen was an alphabetical  
12 -- either a typed or a computer generated list. I have  
13 never seen the cards, once they were sent back.

14 Q When you say "cards" though, are you  
15 referring to a copy of that survey form or something  
16 other than that particular survey form?

17 A A copy of the survey form.

18 Q Okay.

19 So then to the best of your knowledge, the  
20 information contained in your plan is based on the  
21 responses to that survey form as compiled by either the  
22 county or Energy Consultants and provided to the township?

23 A That is correct.

24 Q Based on your knowledge of the residents within  
25 your township to which you routinely provide medical service

1 and assistance, are the figures listed on page F-1  
2 comparable to the number of individuals which would be known  
3 to you that might be anticipated to need ambulance or  
4 medical assistance in the event of a radiological  
5 emergency?

6 MR. RADER: Objection. I have no  
7 objection to Mr. Conroe's testifving about persons  
8 whom he knows who have needed an ambulance, but there has  
9 been no foundation for these witnesses to testify from  
10 their personal knowledge as to individuals who would  
11 require special assistance or as to any hearing-  
12 impaired individuals.

13 \* MS. ZITZER: My question was to Mr. Conroe  
14 based on knowledge which he personally would have by virtue  
15 of his involvement with the volunteer ambulance.

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2 MR. RADER: Also ambulances. As to persons  
3 requiring an ambulance. I have an objection insofar as it  
4 relates to other accidents requiring special assistance,  
5 or residents who are hearing impaired. I don't think there  
6 is any foundation for that.

7 MS. ZITZER: That was not part of the question.

8 JUDGE HOYT: If that was not part of the question,  
9 you may have an answer for the part of the question to which  
10 there has not been an objection.

11 MS. ZITZER: Thank you.

12 BY MS. ZITZER:

13 Q Do you understand the question, or would you like  
14 me to repeat it?

15 A (Witness Conroe) I understand the question.

16 Q Can you provide me an answer?

17 A I cannot.

18 Q So are you saying by that that you have no  
19 personal knowledge of the residents within your township  
20 that would be known to you that might need medical or  
21 ambulance assistant in the event of a radiological emergency  
22 other than what has been provided in response to the public  
23 survey data?

24 A To answer the question, all I can say is I am  
25 aware of several individuals which I have served as a volunteer.  
But, as far as the total number, I have no way of determining

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1 that.

2 Q Have you had an opportunity to review the list of  
3 names which were provided to you in response to the public sur-  
4 vey data?

5 A The first time and the only time I had a look at  
6 these names was during the November 20th drill. It was the  
7 first time I had seen them.

8 Q To the best of your recollection, do you recall if  
9 the individuals who you had personally provided ambulance  
10 service for, were listed on the public survey data responses  
11 that you received?

12 MR. RADER: Objection. Irrelevant.

13 The witness has previously testified that he  
14 doesn't know whether those individuals still may be required  
15 to be listed here because he doesn't have knowledge of that.

16 JUDGE HOYT: The objection is sustained.

17 BY MS. ZITZER:

18 Q Mr. Brown, do you have knowledge of wether or not  
19 either the Committee, the Municipal Emergency Coordinator, or  
20 the Supervisors in some other capacity may conduct any kind  
21 of a survey or a followup study to determine whether or not  
22 all of the individuals with special medical and transportation  
23 needs, including the general public have been identified and  
24 appropriately planned for in your municipal plan.

25 I believe in attachment G-1, it indicates that

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1 there are 287 residents who would require transportation  
2 based on the public survey data.

3 A (Witness Brown) The question was, do I have any  
4 knowledge that there was a followup survey done?

5 Q Or whether or not either the Committee, Mr. Rogers  
6 or the Supervisors, through some other mechanism might make  
7 a determination to conduct a followup to determine whether  
8 or not all of the individuals requiring transportation  
9 assistance had been identified.

10 A To the best of my knowledge, that has not been  
11 done.

12 Q Do you think that that is something that the  
13 Supervisors would consider significant enough to want to  
14 have such a survey done before consideration of adopting the  
15 plan?

16 MR. RADER: I object to the leading form of this  
17 question, again.

18 I think it would be sufficient to ask the witness  
19 if he has any knowledge whether the Coordinator intends to  
20 conduct such a survey.

21 MS. ZITZER: I am willing to rephrase the question.  
22 Certainly.

23 JUDGE HOYT: Very well.

24 BY MS. ZITZER:

25 Q On page 1 of your Municipal Plan, it states that

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1 the purpose -- under the section Purpose, it states:

2 "The intent of this document is to provide  
3 for the maximum protection of those persons who live,  
4 work or transit Lower Providence Township in the event  
5 of an incident at the Limerick Generating Station."

6 My question to you, Mr. Brown is, do you anticipate  
7 any kind of followup to determine the numbers of individuals  
8 that might need transportation assistance in the event of a  
9 radiological emergency?

10 A (Witness Brown) I believe we will. And, Tom  
11 Rogers, who is the Police Chief, and also our EMC, Emergency  
12 Management Coordinator, will take care of that. He may have  
13 already done that, or he plans to do that.

14 But, I would say before we do approve the plan,  
15 if we get to that stage, that will be done.

16 Q Okay.

17 A Before the Board would adopt this plan, we would  
18 assume that we have a workable plan. We would not adopt a  
19 plan that is not workable.

20 And to make it work, as it is expected of us to  
21 make it work, we would have to see that that was done.

22 Q Are you aware that a portion of Valley Forge  
23 Park is located within Lower Providence Township?

24 A Yes, I am.

25 Q Has the emergency planning done to date for the

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1 Township included any necessary arrangements for any members  
2 of the public that might be attending -- that might be at  
3 Valley Forge Park within Lower Providence Township?

4 A To the best of my knowledge, I think the only  
5 park site that has been addressed in the alerting procedures  
6 was the Audubon Sanctuary, which is County-owned property.  
7 But, they have a lot of tours there and whatnot. A lot of  
8 people visiting there during the day. But, they are on the  
9 notification list to be notified.

10 I did not see anybody on the National Park Service  
11 to be notified. I may have overlooked that, but I did not  
12 see that.

13 Q Would you consider the Township to be responsible  
14 for the wellbeing of any individuals within Lower Providence  
15 Township, even if they were within the boundaries of the  
16 Valley Forge National Park?

17 MR. RADER: I object to this as being without  
18 foundation, until we can establish whether or not there are  
19 any permanent residents there.

20 Are we talking about transients, or exactly what  
21 are we talking about?

22 JUDGE HOYT: You mean in the Valley Forge Park?

23 MR. RADER: Yes.

24 JUDGE HOYT: Would you establish that, Ms. Zitzer?

25 I am unclear as to what we are talking about as

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1 well in that Valley Forge Park area.

2 BY MS. ZITZER:

3 Q Mr. Brown, do you have any particular knowledge  
4 about the nature, at the portion of Valley Forge Park that  
5 is located within Lower Providence Township, and the type  
6 of recreational usage of that portion of the park?

7 A (Witness Brown) Yes, I do.

8 Q Could you provide us with any information which  
9 you are personally aware of?

10 A The park is mainly used as -- I guess there is  
11 no attractions there, so to speak, it is just a walkthrough  
12 area along the river. The area is surrounded by the  
13 Schuylkill River. On our side there is some paths down there  
14 and a couple of monuments.

15 They have purchased the Peter Camiel estate, and  
16 I think he has the life rights to his house until that time.  
17 Then it would become property of the National Park Service.

18 There is some other properties that they have  
19 acquired on the other side, but it is, I think, south of  
20 Paulings Road. Most of the property is south of Paulings  
21 Road from the Camiel estate down, is now part of the National  
22 Park Service.

23 Q Are you aware whether or not there are any year-  
24 round residences within Lower Providence Township that are  
25 in Valley Forge Park?

mm7 1 A That I don't know. I know there is houses in  
2 there, and they may have renters in there. I don't know.

3 Q Would the major usage that you are aware of, of  
4 the portions of the park within your Township be described  
5 as recreational in nature?

6 A Mostly recreational.

7 There is canoeing, and whatever they use the river  
8 for -- boating, canoeing. And, there is a walking path all  
9 along there.

10 Q In the event that members of the public are in  
11 Valley Forge Park, in the portions of Valley Forge Park that  
12 are located within Lower Providence Township at the time of a  
13 radiological emergency at the Limerick Generating Station,  
14 to the best of your knowledge who would be responsible for  
15 the safety and wellbeing of those individuals?

16 A I would assume the township.

17 Q Do you have any knowledge of whether or not the  
18 plan as currently drafted provides any necessary arrangements  
19 or provisions for this purpose?

20 MR. RADER: Objection, until the necessity of  
21 any such arrangements is established as foundation.

22 MS. ZITZER: I will rephrase it. I believe he  
23 testified that it will be th e Supervisors' responsibility.

24 JUDGE HOYT: If you wish to rephrase it, please  
25 proceed.

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1 BY MS. ZITZER:

2 Q Have you had any discussions with either members  
3 of the Committee reviewing the evacuation plan or Mr. Rogers  
4 regarding emergency planning procedures that would relate to  
5 the portion of Valley Forge Park located within Lower  
6 Providence Township?

7 A (Witness Brown) No. Maybe you can address the  
8 ambulance service for that area.

9 A (Witness Conroe) With Valley Forge Park, with the  
10 exception of one road, which is Paulings Road alongside the  
11 Peter Camiel property, the Lower Providence Community  
12 ambulance is not responsible for that coverage area.

13 Q Okay.

14 My question then, Mr. Brown -- I believe you  
15 previously testified it would be your opinion that the  
16 Township would be responsible for the wellbeing and the  
17 protection of any persons who might happen to be within the  
18 Township, even if they were, say, at Valley Forge Park at the  
19 time of a radiological emergency, as long as it was the  
20 portion within the Township?

21 MR. RADER: I objected to that question previously,  
22 because there was no foundation that there were any  
23 necessary arrangements to be made.

24 I continue to have that objection. The witness  
25 testified that he knew of a couple of houses that may have

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1 been in that area and may or may not have someone living  
2 there. He didn't know.

3 MS. ZITZER: He also testified that there were  
4 individuals that used that part of the park in a recreational  
5 nature there for canoeing and hiking.

6 I can ask the witness to provide more of a descrip-  
7 tion of the access routes to the areas where those activities  
8 would be carried out that are within the Township, if that  
9 is what Mr. Rader is asking for.

10 But I believe it has clearly been established  
11 that there are certainly at least transient members of the  
12 public that would be within the Township boundaries that the  
13 Township will be responsible for. And I am simply trying to  
14 elicit to the extent that Mr. Brown has any knowledge of it,  
15 whether or not this is currently part of the planning process  
16 since it does fall within the Township.

17 MR. RADER: If it please the Board, this is the  
18 very basis of my objection. There has been nothing established  
19 in the record that there are any Township arrangements which  
20 are necessary to provide emergency services to transients in  
21 the park.

22 JUDGE ROY: There has been a lot of testimony  
23 concerning that park, Ms. Zitzer. I have no recollection on  
24 the basis, and certainly these witnesses did not provide it  
25 this morning.

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1           If you wish to make any further inquiry into  
2 the transients, or the houses that may or may not be in  
3 their for human occupancy, you may do so.

4           But, the objection will be sustained.

5           BY MS. ZITZER:

6           Q     On page 1 of your Township Plan, it states:

7           "The intent of this document is to provide  
8 for the maximum protection of those persons who  
9 live, work or transit Lower Providence Township  
10 in the event of an incident at the Limerick Generating  
11 Station."

12           I would like to ask you, Mr. Brown, if you  
13 would agree that that is the purpose of the proposed Radiological  
14 Emergency Response Plan?

15           (Witness referring to document.)

16           A     (Witness Brown) Yes, I do.

17           Q     In the event there were members of the public  
18 using the recreational -- strike that.

19           In the event there were members of the public at  
20 Valley Forge Park as located within the boundaries of your  
21 Township, would you consider it the Township's responsibility  
22 for notification of those individuals in the event of a  
23 radiological emergency?

24           MR. RADER: Objection. Again there is nothing in  
25 the record that notification of the general public is the

mm11 1 responsibility of this Township or any township. The record  
2 is quite clear that that will be carried out by means of  
3 the sirens, which will be operated by PEMA.

4 MS. ZITZER: I will rephrase the question.

5 JUDGE HOYT: Very well.

6 BY MS. ZITZER:

7 Q Mr. Brown, do you consider the Supervisors to  
8 have any responsibility for any members of the public that  
9 might be within the Valley Forge Park portion located in  
10 Lower Providence Township in the event of a radiological  
11 emergency at the Limerick Generating Station?

12 A (Witness Brown) Yes, I do.

13 Q And what is your understanding of your responsibility  
14 along that line?

15 A As provided by the plan under the perceived  
16 purpose on page 1, people who live, work or transit Lower  
17 Providence Township. Any people that are in that Township  
18 at the time are going to avail themselves to our Police  
19 Department and evacuation personnel to properly evacuate the  
20 Township.

21 Q Based on your knowledge of the progress of the  
22 development of the Township plan to date, are you aware of  
23 whether or not this particular aspect of the plan has been  
24 addressed?

25 A No, I am not.

mml2

1 Q Mr. Brown, I believe you stated that you did not  
2 believe that the Supervisors would adopt a plan that they  
3 were not satisfied was a workable plan.

4 Is that correct?

5 A That's correct.

6 Q Is there any particular reason why they have not  
7 adopted Draft 6 of the plan which we have been discussing  
8 today?

9 A The Board -- I will speak for myself. I can't  
10 speak for the whole Board, necessarily here. But, we are  
11 waiting on the recommendations of this Committee. Upon  
12 their recommendations, when they feel we have a workable  
13 plan, they are going to recommend to us whether or not to  
14 adopt it. But presently there is quite a few problems as we  
15 perceive it, or as I perceive it, with the plan as far as  
16 the evacuation route, evacuating the entire Township into  
17 King of Prussia, which has one of the worst traffic problems  
18 or congestion problems in the surrounding area.

19 The evacuation route goes over into King of  
20 Prussia, and then takes the Turnpike east to Neshaminy.  
21 But, as anyone from that area knows, at work hours that  
22 whole area is congested, and it is hard to get through that  
23 area. That is one major problem we have.

24 We also have the 500-bed prison that is being  
25 erected in our Township, which I am not apprised of any

mm13

1 evacuation plan at all for the prisoners. And, should that  
2 plan that they are going to have, if they have one, be  
3 coordinated with ours and with that of Eagleville Hospital,  
4 St. Gabriel's Hall, and others within the Township, I think  
5 it should be overall coordinated, or people responsible for  
6 their coordination know what it is. We don't know.

7 Q Could you be more specific what prison you are  
8 referring to?

9 A Montgomery County Prison located in Lower  
10 Providence in Eagleville. It is presently under construction.  
11 It is a \$20 million facility.

12 Q And how many prisoners is it being built to hold?

13 A It is a 500-bed prison. How many it will hold is  
14 up to the judges.

15 Q Okay.

16 Is this something you have had any discussions with  
17 Mr. Rogers about?

18 A We have had some conversations along those lines.  
19 But nothing concrete, or nothing has been addressed.

20 Q Have you had any discussions with Mr. Rogers  
21 regarding the concerns you expressed about the evacuation  
22 routes as currently designated?

23 A No, I have not. As he sees his job, it is is  
24 just to get the people out of the Township. Once they have  
25 gone out of the Township, he has done what he is supposed to

mm14

1 have done.

2 Q Would it be your opinion that the designation of  
3 those evacuation routes would affect his ability and your  
4 ability as the responsible elected official to ensure the  
5 safe evacuation of Township residents?

6 MR. RADER: I object to the leading nature of  
7 the question.

8 MS. ZITZER: I will rephrase it.

9 BY MS. ZITZER:

10 Q What is the basis for the concerns you expressed  
11 about the proposed evacuation routes designated for Lower  
12 Providence Township?

13 A (Witness Brown) The main problem, if you are  
14 sending everybody on a designated route out of the Township,  
15 they are going into a bottleneck and they can't go any further,  
16 then they are going to back up into the boundaries of the  
17 township.

18 Just knowing the problems they have in King of  
19 Prussia, in talking to the Supervisors and the Chairman of  
20 the Board in Upper Merion, they are going to spend a lot of  
21 time, money and energy into resolving the traffic congestion  
22 problem that they have.

23 But, that will take years to work out. They are  
24 aware they have a monumental problem.

25 Q Mr. Brown, what would be the nature of any

5  
1 particular knowledge you have about existing traffic conditions  
2 within Lower Providence Township?

3 A Could you repeat that, please?

4 Q Certainly.

5 What would be the nature of any particular knowledge  
6 you have about the existing traffic conditions located within  
7 your Township?

8 A Since the opening of the bypass, we haven't had  
9 a lot of traffic problems in the Township.

10 Prior to opening of the bypass, we had a lot of  
11 congestion, a lot of traffic within Lower Providence. They  
12 recently opened the bypass that bypasses the Township. Now  
13 a lot of the people that are trying to get to the expressway  
14 or getting home from the expressway, they drive around the  
15 Township via the new expressway. Pottstown Expressway, it is  
16 so called.

17 Q Is that part of the proposed evacuation route  
18 for your Township?

19 A No, it is not.

20 Q What is the evacuation route that is assigned to  
21 your Township?

22 A 363 south to King of Prussia, and 276 east to  
23 Neshaminy.

24 Q Is 276 the Pennsylvania Turnpike?

25 A I think it is 76. 276 is the expressway. I think

mm16

1 76 is the Turnpike. The Turnpike east to New Jersey.

2 Q Do you anticipate making any recommendations to  
3 Mr. Rogers or the other Supervisors before you consider  
4 adoption of the Township plan with regard to the proposed  
5 evacuation route for your Township?

6 A Yes, we do.

7 In the future we will meet with the Evacuation  
8 Committee and Tom Rogers and discuss some of these problems  
9 that we know exist today, and see how we can get around  
10 some of these problems.

11 I had several discussions with other people to  
12 divide the Township up into sectors and send traffic in other  
13 directions; send them north instead of south, and then east.  
14 But I don't know what kind of problems that will develop.

15 But, to evacuate the entire Township out 363 and  
16 into King of Prussia to get onto the Turnpike, is going to  
17 create a lot of problems.

end T5

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19

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25

agb/agbl 1 Q Has Mr. Rogers discussed with you traffic control  
2 measures which he would utilize to assure the safe  
3 evacuation of the township?  
4 A No, he hasn't.  
5 Q Is that an issue which you would expect to discuss  
6 with Mr. Rogers and the other supervisors before you consider  
7 adoption of the plan?  
8 A Yes, it would be.  
9 Q Why is that?  
10 A If we adopt the plan with everyone going into  
11 King of Prussia, I couldn't vote for it because I know it  
12 won't work that way. That's how I feel based on the  
13 traffic congestion that exists there now.  
14 I don't know when these surveys were made or  
15 if surveys were made were there people on the highway,  
16 you know, what was the time of day when the studies were  
17 made. I don't know if it would work.  
18 But works in King of Prussia,  
19 he could give you a better idea than I could what it's  
20 like at 5:00.  
21 Would you care to comment on that?  
22 A. (Witness Conroe) I guess all I would have to  
23 say is it's a mess. I think with the normal traffic on  
24 that road, plus dumping this emergency traffic, my personal  
25 opinion is you would end up with a gridlock.

agb/agb2

1 Q Are you aware that the King of Prussia area has  
2 been designated as a transportation staging area to provide  
3 assistance to the emergency planning zone?

4 MR. RADER: Objection. I think that goes beyond  
5 the scope of this particular contention.

6 JUDGE HOYT: It goes beyond the scope of what,  
7 Mr. Rader?

8 MR. RADER: I think it goes beyond the scope of  
9 the particular concerns or particular situation for Lower  
10 Providence Township. There has been no testimony or  
11 any foundation tied into any transportation staging area in  
12 King of Prussia to the concerns that these gentlemen have  
13 brought --

14 JUDGE HOYT: Are you going to tie that in,  
15 Ms. Zitzer?

16 Just are you going to tie that in?

17 MS. ZITZER: Yes, I am.

18 JUDGE HOYT: Subject to your tying that in, I  
19 will overrule the objection. However, if you don't, then  
20 Counsel will probably move to strike the answer, so be  
21 forewarned.

22 BY MS. ZITZER:

23 Q Did you hear my question, Mr. Conroe?

24 A (Witness Conroe) Would you please repeat it?

25 Q Certainly.

agb/agb3

1 I believe you stated that you had had some  
2 discussions with Mr. Bigelow regarding transportation systems  
3 that might be provided by the county to Lower Providence  
4 Township in the event of a radiological emergency.

5 My question to you is: were you aware of the  
6 fact that the King of Prussia area has been designated as  
7 a transportation staging area where vehicles coming in to  
8 assist -- within the emergency planning zone to receive  
9 their assignments and come, say, to Lower Providence  
10 Township?

11 A. I was not.

12 MS. ZITZER: I have no further questions.

13 JUDGE HOYT: Very well.

14 Mr. Rader, you have 60 minutes.

15 CROSS-EXAMINATION

16 BY MR. RADER:

17 Q Mr. Brown, I think you stated at the outset of  
18 your testimony -- and I'm quoting as best I can -- it was  
19 your intention to see if you could come up with a workable  
20 plan.

21 Is that the intention of your Board of Supervisors  
22 as you understand it in Lower Providence Township?

23 A. (Witness Brown) Yes, it is.

24 Q And if you come up with what you regard as a  
25 workable plan, do you and the other members of the Board of

agb/agb4

1 Supervisors intend to adopt such a plan?

2 A Yes, we do.

3 Q With regard to the staffing of your emergency  
4 operations center, were you told by Mr. Rogers how many  
5 people you need in order to fill all positions on a 12-hour  
6 basis or do you know from your own experience with regard  
7 to the November 20th drill?

8 A No, I don't. I know he felt that we had enough  
9 people available to participate in the drilling. He  
10 recommended that we do participate and that's why we did.

11 Q And do you know whether either FEMA or PEMA found  
12 any deficiency with regard to staffing at that time?

13 A Yes, they did. I have that report here.

14 Q I'm referring to that November 20th drill, of  
15 course.

16 A Yes, I have that here. They found --

17 Q I'm sorry to interrupt. When you say "they,"  
18 who are you referring to?

19 A We received this from the Office of Emergency  
20 Preparedness from the County, and it says:

21 "Please find a copy of the PEMA report  
22 regarding supplement RERP exercises, November  
23 20th of this year. I think you will be as  
24 pleased as we were by the comments offered by  
25 the observers."

1 Q And is that a report dated December 3rd, 1984?  
2 Not the cover letter, sir, but the report itself?

3 A The report isn't dated. I don't think we got  
4 the report, they just disclosed -- you know, it goes page  
5 seven, page nine, page eight --

6 MR. RADER: If other counsel would wish to see  
7 this, I'm going to examine on it.

8 WITNESS BROWN: I don't think it's dated. This  
9 is just a cover letter we got from the County dated the  
10 13th.

11 MR. CASSIDY: May I approach the witness stand?

12 JUDGE HOYT: Yes, you certainly can, Mr. Cassidy.

13 (Pause.)

14 JUDGE HOYT: Ms. Zitzer, do you want to see this  
15 also?

16 (Pause.)

17 JUDGE HOYT: Let the record reflect that counsel  
18 for all parties have had an opportunity to observe --  
19 examine the document testified to by the witness.

20 MR. CASSIDY: Judge Hoyt, so that we may be clear  
21 on the record, that document is from PEMA, the Pennsylvania  
22 Emergency Management Agency, as opposed to the Federal  
23 Emergency Management Agency.

24 JUDGE HOYT: That will be accordingly noted.

25 BY MR. RADER:

agb/agb6

1 Q Mr. Brown, I think you were referring to page  
2 eight of the document which is a report of the supplemental  
3 REP exercise for the Limerick Generating Station on  
4 November 20th, 1984 prepared by the Office of Training and  
5 Education in the Pennsylvania Emergency Management Agency  
6 dated December 3, 1984.

7 And with regard to the comments provided by PEMA  
8 and the observers regarding your participation in the drill,  
9 could you provide any statement as to what PEMA found in  
10 terms of any staff deficiencies?

11 A It doesn't state staff deficiencies.

12 Q Does it state that:

13 "The coordinator demonstrated  
14 excellent leadership and managed the staff well?"

15 A That's correct.

16 Q Would that imply to you, sir, that the staff  
17 performed adequately during that exercise?

18 A Yes, it would.

19 Q Were you personally present, sir? Were you a  
20 member of the panel?

21 A I was in the township -- I asked the Chief if  
22 he wanted the board present during the drill and he  
23 requested that we not be there because prior EOC's were  
24 graded for having the supervisors there just standing  
25 around having nothing to do, so we took it upon ourselves

agb/agb7

1 to be in the building in a conference room in case we were  
2 needed.

3 Q Do you know whether additional staffing changes  
4 are reflected in the later revision of the plan which you  
5 do not have with you?

6 A No, I do not.

7 Q Do you know whether your coordinator has received  
8 a revised draft six?

9 A No, I don't.

10 Q Mr. Miller, I think you testified that you would  
11 need an additional 15 people to meet any unmet needs  
12 regarding responsibilities which would be exercised by the  
13 Fire Department, is that correct?

14 A (Witness Miller) No, I need 15 people plus a  
15 field officer to maintain emergency service in the township.  
16 The 24 additional people for route alerting and additional  
17 people for hearing impaired notification are additional  
18 unmet needs.

19 Q Now with regard to -- Are you saying that overall  
20 you need 40 more people to make the plan work?

21 A Approximately, yes.

22 Q Now with regard to the exercise on November the  
23 20th, were there any personnel who were not being utilized,  
24 who were volunteers, who showed up and wanted to do something  
25 but weren't assigned responsibilities?

agb/agb8

1           A.     When you refer to being not utilized, these people  
2 were being held in standby for additional movement. We did  
3 route alerting for the hearing impaired. There were people  
4 held back in case we ran into zone problems.

5           Q.     Do you know how many volunteers were available  
6 for assignment but who were not assigned any responsibilities?

7           A.     It would be somewhere in the neighborhood of 40.

8           Q.     Is there any reason why those individuals could  
9 not perform the assignments which you just mentioned?

10          A.     They would have to perform the route alerting.

11          Q.     I see.

12                     Well in an actual emergency, if those 40 volunteers  
13 came forward, would you not have the 40 people that you need  
14 to do the job?

15          A.     Yes.

16          Q.     Now who is responsible under your plan -- whoever  
17 can respond to this -- with regard to the approving and  
18 selection of volunteers to perform those assignments?

19          A.     The question is to me?

20          Q.     Whichever member of the panel feels comfortable  
21 responding.

22          A.     We did have two separate meetings, before and  
23 after the drill, with the civilians to help civilian  
24 volunteers to spell out what had to be done and where it  
25 would be handled and who would be in charge of each of the

agb/agb9

1 individual sections.

2 And these are the people who had been given  
3 their assignments as to where to show up for the November  
4 20th drill.

5 Q I assume that those people who showed up showed up  
6 in response to some form of invitation and were at some  
7 point screened to determine whether or not they were  
8 qualified to perform those assignments.

9 Was that done by anyone in the township, sir?

10 A I believe it was. Who it was, I can't say.

11 Q Would it be logical to infer that those persons  
12 were interviewed and included by your emergency coordinator,  
13 Mr. Rogers?

14 A It's possible. I do not know.

15 Q Do you know, Mr. Brown?

16 A (Witness Brown) I would assume it was Tom Rogers.

17 Q Do you regard -- Mr. Brown, do you regard  
18 Mr. Rogers as qualified to make those kinds of selections  
19 to determine who would be a capable and efficient volunteer  
20 in the event of an emergency?

21 A Yes, I do.

22 Q Do you trust Mr. Rogers with regard to the  
23 selection of individuals to be counted upon to show up in  
24 an actual emergency?

25 A Yes, I do.

agb/agbl0 1 Q With regard to the matters listed on B-1, that is,  
2 the organizational chart of the Lower Providence Township  
3 emergency organization, is there any reason why those names  
4 could not be filled in in the next draft?

5 A (Witness Miller) There is a lot of them that  
6 can be filled in right now.

7 Q Are there any names here that you couldn't fill  
8 in right now?

9 JUDGE COLE: I'm sorry, what page is that, Mr.  
10 Rader?

11 MR. RADER: B-1, your Honor.

12 JUDGE COLE: That explains why I'm lost.

13 WITNESS BROWN: You're on B-1, we're back on 1-1.  
14 Are you referring to all of the positions or just the ones  
15 on B-1?

16 BY MR. RADER:

17 Q Just the ones on B-1 that are marked "TBD."

18 A (Witness Miller) I was just checking. This is  
19 the list of the names that I put down on the notification  
20 list against the officers compared to the chain of command  
21 on the front for emergency officers.

22 Apparently, according to my notes, all names  
23 could be filled in with the exception of the public works  
24 office.

25 Q I see. Do you have a public works officer in your

1 township?

2 A. (Witness Brown) No, we don't.

3 Q. Is that going to be filled in later on?

4 A. In the future.

5 Q. With regard to the November 20th exercise,  
6 Mr. Brown, or Mr. Miller, did Mr. Rogers give you a critique  
7 of that exercise? Did he make any judgment as to how well  
8 this unit performed?

9 A. We had a meeting last week. I was not in  
10 attendance. Harry was there.

11 A. (Witness Miller) Yes, Mr. Rogers had also  
12 mentioned that they had sent out invitations to all  
13 volunteers that had participated to come to the township  
14 to critique the operation to advise on they felt the  
15 who scenario came down and some of the other things that  
16 we had to work on to try to get this plan in operation.

17 Q. And did he make any specific comments regarding  
18 the adequacy of the performances by the various staff  
19 members who were in the exercise?

20 A. Some assurances were brought up that had to be  
21 be covered and people were assigned to try to cover them  
22 and update some of the drafts.

23 Q. I would like you to direct your remarks more  
24 particularly to the performance of the staff rather than  
25 any unmet needs that might have existed.

1           A.     Well the staff itself, in the operations center,  
2 we did make some mistakes at the beginning, I think we  
3 improved and got all our people, work and identification  
4 things in line and that kind of thing. We did a good job  
5 and Mr. Rogers passed us on the general critique. He felt  
6 that the operations center was handled adequately.

7           Q     With regard to route alerting for hearing impaired,  
8 was it you, Mr. Miller, or you, Mr. Conroe, who testified  
9 that there were five sectors that were covered in the  
10 exercise?

11          A     Yes.

12          Q     And I take it you covered five sectors because  
13 you didn't know if you had enough personnel or equipment  
14 to cover all 12 sectors, is that your testimony.

15          A     No, these are different things. This is not the  
16 general route alerting that is generally talked about, this  
17 is just alerting of the hearing impaired.

18          Q     Is there any reason why you have 12 sectors as  
19 opposed to a smaller number of sectors, say, that you use  
20 with regard to hearing impaired, even though it is a  
21 different function?

22          A     The number of people. The hearing impaired  
23 covers the entire township.

24          Q     From your knowledge, if you have any, of other  
25 plans, are your route alerted sectors larger or smaller than

agb/agb13

1 other townships?

2 A. It varies according to population. It makes a  
3 lot of difference area-wise. We are, I believe, the largest  
4 in the EPZ.

5 Q. Your sectors are the largest or are you the largest  
6 township?

7 A. The township itself.

8 Q. And how do the sectors compare geographically  
9 to others, do you know?

10 A. From the others that I have seen, our sectors are  
11 quite smaller but both mileage and population are quite  
12 higher.

13 Q. Do you feel that there would be any problem,  
14 based on what you know now, in conducting route alerting  
15 and adequately covering your sectors if private vehicles  
16 were appropriated with loudspeakers and the people who  
17 were held on standby were assigned to those sectors?

18 A. First of all if they all showed up the time  
19 element is questionable. Whether we could do it in 45  
20 minutes that the Energy Consultants say it has to be done  
21 in is just still questionable.

22 Q. So the 45 minutes that you feel you have to have  
23 it done in, that's on the basis of something that you saw  
24 in the plan?

25 A. No, this is something I saw in just the layout of

1 the sectors as they were laid out by Energy Consultants.

2 Q. And with regard to people showing up, do you  
3 have any reason to believe that the people who were there  
4 at the November 20th exercise would not show up?

5 A. I don't know how they are going to be alerted to  
6 show up.

7 Q. Do you know whether or not they would in fact  
8 be alerted by the sirens at the time of an actual emergency?

9 A. If they were in the area at the time.

10 Q. Do you understand that their names were also  
11 taken by your municipal coordinator, to be contacted on  
12 that basis?

13 A. Again if the phones were available to get to  
14 them, this is one of the shortcomings that we are supposed  
15 to be looking into from the training.

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1 Q Is it your understanding that phone service  
2 for Lower Providence Township would be any different than  
3 for other portions of the emergency planning zone  
4 regarding officials or workers who had to be notified?

5 A I don't know what the others are set up to do.  
6 I don't know how they are geared to handle the operation.

7 Q Wouldn't they be geared up essentially the same  
8 as your unit is to perform essentially the same functions?

9 A I would expect so, but I don't know.

10 Q Wouldn't you expect them to be notified in  
11 essentially the same way?

12 A I would expect so, yes.

13 Q And as a basic planning principle, wouldn't  
14 you expect the planning principles for notification to  
15 be the same for your township as for other townships in  
16 the emergency planning zone, or do you see any special  
17 problems for your township?

18 A I would expect everything of what you are saying  
19 is true, but I am looking at my own operation to see  
20 whether it is conceivable to actually do it.

21 Q With regard to notification of industry, I  
22 believe you stated that there was one industry in the  
23 area. Was it you, Mr. Brown, you stated that there was  
24 one industry in the area which would receive notification  
25 at the site emergency stage?

1 A (Witness Brown) That was Superior Tube.

2 Q Is that in your plan, or is that in your  
3 implementing procedures, as opposed to the plan?

4 A It is in the implementing procedures.

5 Q Do you know whether notification of nearby  
6 industries is required by your plan as opposed to  
7 implementing procedures?

8 A No, I do not.

9 Q Would it be accurate to state that the  
10 notification of nearby industries is done more or less  
11 as a courtesy to those industries rather than as a  
12 safety matter?

13 A As I perceive it our duty to properly notify  
14 everybody to make sure they are aware that there is a problem  
15 and that they may be called upon to evacuate their  
16 employees.

17 Q Is there anything in particular that distinguishes  
18 the situation for Superior Tube Company as opposed to any other  
19 resident or business in your township?

20 A I don't know why they were singled out, no.

21 Q Do you know who else would be informed of the  
22 situation at a site emergency stage under your plan?

23 A Under implementing procedures?

24 Q Under any procedure, under your plan or under your  
25 procedures, is there anyone else who would be notified of the

1 situation at Limerick at a site emergency?

2 A I believe that the St. Gabriel's Hall --

3 Q Is that a private school?

4 A It is an institution for wayward youth.

5 Eagleville Hospital. We Care Daycare Center, I believe, is  
6 on there.

7 I can open this up and find out or just read  
8 them off to you.

9 Q Perhaps I can save time. Is it your  
10 understanding that special facilities such as hospitals,  
11 daycare centers, schools, institutions of that nature  
12 would be notified early as opposed to members of the  
13 general public?

14 A Certain ones.

15 Q If that were the case, would that reduce your  
16 concerns regarding the possibility that the switching office  
17 would be tied up because of an overload of calls?

18 A Not at all.

19 Q Because you were only notifying the institutions  
20 of limited concern?

21 A Once the general public becomes aware of a problem,  
22 the public is going to tie up the network. You will not  
23 be able to get on the network to get the drill dial tone  
24 to make a call, as long as you are on the public switch  
25 network because all the public has access to it.

1           And like I said before, in the flood of '72,  
2 Hurricane Agnes in Pottstown, there was up to a half  
3 an hour dial tone delay. And that was just high water  
4 in Pottstown. We are talking about an emergency that  
5 would exist over a ten-mile radius of Pottstown.

6           And our situation would be the same as  
7 Pottstown or any other telephone serving area that has  
8 a five crossbar machine.

9           Q    Is it your intention under your plan, sir,  
10 to seek the dispatch of RACES radio operators to  
11 significant facilities requiring special notification?

12           A    Either that or we are going to recommend that  
13 someone, basically PE, provide a public switch network  
14 or private line dedicated network for this alerting.

15           Q    Are you --

16           A    Especially with the schools involved. I  
17 don't think the schools have the type of radio equipment  
18 and personnel to deal with that as we do in the police  
19 department.

20           I feel we have adequate communications within our  
21 police department. But the school district isn't geared  
22 for that type of thing.

23           Q    Is the school district within the jurisdiction  
24 of the municipalities, or do they have their own jurisdiction?

25           A    They have their own jurisdiction.

1 Q And is it your understanding that they will be  
2 approving their own plans?

3 A Yes. That is my understanding.

4 Q So you won't be looking at the adequacy of  
5 the school plans, will you, in judging the effectiveness  
6 of your municipal plan?

7 A No, we won't.

8 Q With regard to the PECO volunteers who  
9 participated in the November 20th exercise or who were  
10 available but not assigned, do you have any reason  
11 to believe that these are not fully civic-minded  
12 individuals who wanted to help out?

13 A I don't know what their motivations are.

14 Q Do you have any reason to believe that they were  
15 not civic-minded in wanting to help out?

16 A Like I say, I have no idea if the company said  
17 to them, we would appreciate your getting involved in the  
18 local plan. I don't know what the company's position is.

19 But I would think it would be favorable for  
20 employees to become involved with the local government  
21 and with this plan. It would behoove them to see that  
22 volunteers were available.

23 A (Witness Miller) Did you state that there were  
24 40 PE volunteers?

25 Q No, sir. I didn't. I just stated that there were

1 PECO volunteers who were available or who were assigned  
2 during the --

3 A I misunderstood. Thank you.

4 A (Witness Brown) I know one of our major  
5 problems in running the township is developing volunteers.  
6 Volunteers are a shortage all the time. It is hard to  
7 get volunteers for anything.

8 Q Would you feel that Mr. Rogers would or should  
9 reject someone as a volunteer simply because he were  
10 a PECO employee?

11 A No.

12 Q Don't you ordinarily at any municipal level  
13 of staffing, including emergency staffing, expect a certain  
14 amount of turnover?

15 A Yes, we do.

16 Q And that requires recruitment and retraining  
17 of new staff members, doesn't it?

18 A That is correct.

19 Q Now, with regard to PECO people in particular,  
20 wouldn't they be serving the community not only with  
21 respect to radiological emergency planning but also with  
22 any emergency responses for a nonradiological emergency?

23 A Hopefully.

24 Q And wouldn't that be of great benefit to your  
25 community?

1 A Yes, it would.

2 Q So even if one of the reasons why the PECO  
3 people became involved was because the company had  
4 urged them to do so, wouldn't that nonetheless provide  
5 a great service to your community?

6 A Yes, it would.

7 Q Mr. Conroe, you were -- you provided  
8 testimony regarding the number of persons who would have  
9 to be evacuated and who are hearing impaired. I may  
10 have misunderstood you, but I thought I understood you to say  
11 that you needed 53 ambulances for this?

12 A (Witness Conroe) You misunderstood.

13 Q There were 53 individuals?

14 A 53 individuals. These are not hearing impaired.  
15 These are nonambulatory people.

16 Q Could you turn to attachment F-1 of the plan  
17 please.

18 Would you refer to paragraph C.

19 Am I misreading this somehow? I read this to say  
20 53 hearing impaired individuals.

21 A That is correct.

22 Q And then up above that, 39 residents who may  
23 require special assistance. What kind of assistance  
24 would that be?

25 A Some type of illness where they are not

1 ambulatory. They would need ambulance service or some type  
2 of paraprofessional lp.

3 Q Would it have to be an ambulance which would  
4 evacuate them? Is that your understanding of the plan?

5 A Under normal circumstances, I would say, yes,  
6 it would require an ambulance.

7 Q Let me ask you then, why does it make a  
8 distinction between A and B? Under A does it not say  
9 there are nine residents requiring ambulance support,  
10 if the persons under B also require an ambulance, why  
11 didn't they simply add them up and say there are 48  
12 persons requiring an ambulance to evacuate?

13 A I can't differentiate between A and B. We have  
14 been advised, they were telling us there were 53 total.  
15 They may be getting confused with the hearing-impaired  
16 individuals. But they told us there would be approximately  
17 53 individuals who would need some form of ambulance  
18 assistance to evacuate.

19 It is possible, if everyone was reviewed,  
20 I don't know the reason of the type of impairment. This  
21 may be somebody that just needs assistance walking.  
22 Therefore, if that is the case, we could probably use a  
23 bus or a van, not necessarily an ambulance.

24 Q With regard to the ambulances --

25 A (Witness Brown) Harry would like to add something.

1 Q Certainly.

2 A (Witness Miller) This is when I worked with  
3 Ben Carr, the chief of the ambulance squad, during this  
4 drill.

5 Q Who is Ben Carter?

6 A He is the chief of Lower Providence Community  
7 Center Ambulance. This had been addressed and there are  
8 several people that could be moved with station wagons,  
9 automobiles, and this nature.

10 There are only some that would need actual ambulance  
11 transportation at a given time. And this is subject to  
12 change. It is going to be updated every six months.

13 Q With regard to the ambulances, could I direct  
14 your attention to attachment O of your plan.

15 A (Witness Conroe) O-1?

16 Q Yes, sir.

17 Now, if you look on the section for locally  
18 available ambulances, does that list one ambulance  
19 locally available?

20 A At the time of this draft, that figure should  
21 read two.

22 Q Now, with regard to your testimony, Mr. Conroe,  
23 I think you said that the ambulances were not radio  
24 equipped and there might be some problem in contacting them?

25 A I didn't say that. All our ambulances are

1 radio equipped with county radios. I stated that we would  
2 have a difficult time alerting the individuals, our  
3 ambulance people, that there is a medical emergency, there  
4 is a pending evacuation.

5 We have no way, if I am sitting home at dinner time,  
6 the winter, with the stereo on, I don't hear the sirens.  
7 I have no way of knowing that I am needed.

8 Q So you are assuming that any problem in  
9 notifying the ambulance drivers would be associated with  
10 their not being able to hear the siren; is that correct?

11 A I could use the word "siren." I would say we  
12 just have no way of contacting these people, of alerting  
13 these people.

14 Q Well, if the --

15 A The point of the sirens, the sirens, when they  
16 are activated, does not mean that we are to report to  
17 our station. All these sirens are meaning is we are to  
18 tune to KYW for further instructions.

19 So if I heard the siren, that would mean I  
20 would be listening the same as probably any other nonactive  
21 person.

22 Q Wouldn't you expect the drivers to be contacted  
23 prior to a general emergency stage when the sirens were  
24 sounded, however?

25 A By telephone?

1 Q Yes, sir.

2 A If there was enough personnel, yes, to do it.  
3 We only have one line in our station.

4 Q I am talking about being contacted from the  
5 Emergency Operations Center, not from your station.

6 A Would they have the personnel to do that? I  
7 doubt it.

8 Q Isn't that part of your plan, to make sure  
9 that they do?

10 A They are to contact the chief officers, not  
11 each individual person.

12 Q Wouldn't the officers contact those persons?

13 A The plan is not spelled out that way, as such.

14 We have a duty crew, as I mentioned before.  
15 We are prescheduled. We would have at least one,  
16 possibly a second crew available. How many personnel  
17 we have depends on the time of day.

18 Q Did I understand you to say that you expect to  
19 have a third ambulance in operation shortly?

20 A We have a -- we just purchased a or we just  
21 took delivery of a brand new ambulance, approximately one  
22 month ago. The oldest ambulance we have right now is  
23 being refurbished to put back on the road as a  
24 BLS or basic life support, or a transport ambulance.

25 So hopefully -- I don't want to say month or two

1 months -- we should have three available ambulances.

2 Q So would it be correct then to say you have  
3 now three ambulances in operation?

4 A No.

5 Q You will shortly?

6 A In a matter of time, yes.

7 Q Nonetheless, the plan only lists one available;  
8 isn't that correct?

9 A As it is written here, yes.

10 Q Does that not take into accounty the  
11 possibility that not all of the drivers would be able  
12 to be reached since it only counts on one ambulance being  
13 available under your plan?

14 A Could you rephrase -- you are saying driver.  
15 A crew would consist of a driver and either an EMT or  
16 a paramedic.

17 Q Let's say with one crew being available as  
18 opposed to all three crews being available.

19 A We prefer not to run with just two people.

20 Q Is that correct, sir? The plan only makes  
21 the assumption that one crew, rather than all three crews,  
22 is available; isn't that correct?

23 A That is correct.

24 Q How many crews do you have? Do you have just  
25 three or do you have more?

1 A We have at any given time 45 to 55 active members.

2 Q And you would only need to activate two of  
3 those individuals, one driver and one EMT, in order to  
4 put that ambulance in operation?

5 A Per our regulations, we only need two people.  
6 As I said, we prefer, especially if we have to go out,  
7 what we would call an ALS, advanced life support, using  
8 the facilities of our paramedics, the capabilities of  
9 our paramedics, I prefer not to run with two people.  
10 A minimum of three people.

11 Q With regard to having 45 active members of your  
12 force, do you see any problem with getting three of  
13 those individuals out at the time of an emergency?

14 A Yes, I do.

15 Q You still see a problem with that?

16 A Yes, I do.

17 You consider that you have individuals that  
18 have full-time jobs, individuals who are in school,  
19 individuals who are going to school at night, individuals  
20 who are taking any type of training, it is difficult.

21 Q What do you do in an emergency now, sir? I  
22 mean, if you need an ambulance, you have one available,  
23 don't you?

24 A Well, if you look at my prior testimony,  
25 I said we are prescheduled. We have a crew on, at least one

1 crew, 24 hours.

2 Q And that crew would be available, would it not?

3 A It would be available for emergencies. I  
4 would not be the one making the decision on whether it  
5 would be available for emergencies or this particular  
6 ambulance would go around and pick up the nonambulatory  
7 people. I would prefer that it stays available only  
8 for emergencies.

9 Q As I understand it, the other four ambulances  
10 would be dispatched, that are listed in your plan would  
11 be dispatched by the county; is that correct?

12 A Yes.

13 Q With regard to buses, I believe you referred  
14 to an unmet bus need of eight buses; is that correct,  
15 Mr. Brown? Or was it you, Mr. Conroe?

16 A The plan does call for eight buses, yes.

17 Q Now, I think you said you didn't know where  
18 they were coming from.

19 Are you familiar with the Montgomery County plan?

20 A The total plan?

21 Q Yes, sir.

22 A No, I am not.

23 Q I am going to show you what has previously  
24 been received in evidence as Applicant's Exhibit E-3.  
25 And the particular page of that plan which is I-3-2.

1 I wonder if you have ever seen that before, sir?  
2 In particular, with reference to the Lower Providence  
3 Township assignments.

4 A (Witness Brown) Your question is, have I seen  
5 this before?

6 Q Yes.

7 A The answer to that is no.

8 Q Does the information there provide you with  
9 knowledge as to how the eight buses will be provided to  
10 your township?

11 A It says North Penn School District; coordinating  
12 agency the OEP.

13 Q I think it further indicates, does it not,  
14 that one bus will be provided by PEMA as an unmet need?

15 A No, that is incorrect.

16 Q What does it say?

17 A It says eight buses up here.

18 JUDGE COLE: I believe that is in the ambulance  
19 column, isn't it?

20 MR. RADER: I guess I don't read as well upside  
21 down as I thought.

22 JUDGE COLE: Did we get that issue straightened  
23 out?

24 MR. RADER: Yes. The witness was correct. I  
25 misread the chart upside down. The eight buses are provided

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by the North Penn School District.

JUDGE COLE: Okay.

BY MR. RADER:

Q You were also asked questions about whether any survey would be done to determine the special needs of persons who are without transportation. Are you aware that such a survey was conducted in August of 1983 by the Montgomery County Office of Emergency Preparedness for residents within Montgomery County who live within the Limerick Emergency Planning Zone?

A I think that is what we were referring to when we discussed E-44.

END 7

1 Q Is it your understanding -- if you will turn to  
2 Attachment G of the Plan, sir --

3 (Witness complying.)

4 I think it is G-1. Is it your understanding that  
5 the 287 residents reflected in Attachment G reflect the number  
6 derived from that survey, and names derived from that survey?

7 A It says "based upon public survey data."

8 Q Do you understand that to be the same survey?

9 A It doesn't say.

10 Q Do you have any understanding beyond what it says  
11 here in the plan?

12 A None.

13 Q Assuming that that is the case, in fact, do you  
14 have any reason to doubt the validity of the number of 287  
15 listed in Attachment G?

16 A No.

17 Q I believe, Mr. Brown, you stated that there is a  
18 small portion of the Valley Forge National Park that lies  
19 within Lower Providence.

20 Could you describe that territory, the extent of  
21 that area?

22 A I'm not exactly sure of the exact acreage, but it  
23 is a small portion of the southernmost part of the Township  
24 that borders the Schuylkill River. It is basically made  
25 of silt basins.

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1                   There are a few picnic areas in there and there  
2 are some trails, and a couple of monuments.

3                   Q       Assuming that notification is provided by PEMA  
4 through the siren system, do you perceive any responsibility  
5 for notification that the Township would have for individuals  
6 who happen to be walking there?

7                   A       I don't really know how to answer that question  
8 because I feel it is our responsibility to properly evacuate  
9 the Township. But, if these people that are in the park  
10 don't know about the plan, or aren't informed about the plan,  
11 that they wouldn't know what the sirens meant when the  
12 sirens went off. So, just the sirens going off wouldn't  
13 help those people in the park.

14                  Q       Isn't that true of any transient in any township  
15 in the EPZ who happens to come from out of town?

16                  A       That's correct.

17                  Q       I think you mentioned that at some point this  
18 territory will be ceded by legacy to the Park Service.

19                           Is that correct?

20                  A       The Camiel estate.

21                  Q       Do you know when that will be, sir?

22                  A       When he dies.

23                  Q       I see.

24                  A       He has life rights to the property.

25                  Q       I see.

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1 A So, no, I don't know when that will be.

2 (Laughter.)

3 Q I'm sure he will be pleased to know that.

4 (Laughter.)

5 Have you had any communications with Mr. Tom Rogers,  
6 Energy Consultants, Montgomery County or PEMA regarding any  
7 responsibilities which you perceive your Township to have  
8 for that area?

9 A No.

10 Q Do you intend to have any?

11 A I am sure it will come up. There will be discussions.

12 Q Do you feel you can resolve that to your satisfac-  
13 tion?

14 A I don't know.

15 Q Do you have any reason to believe that you cannot?

16 A Well, it depends how far we go into trying to  
17 get the people out of the park.

18 Q As I understand it, there is only one road through  
19 that area, Paulings Road. Is that correct?

20 A That's correct.

21 That doesn't go through -- that's a state road  
22 that borders the park, but there is access paths that go back  
23 into the park. It is quite a vast area. If you were to  
24 try to find people back in there -- I imagine they could  
25 post signs stating if you hear sirens going off for long

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1 period of time, it would behoove you to get out of the area.

2 I don't know how we can address that through the  
3 State, or the National Park Service, or through the Township  
4 asking them if we could post the signs. I don't know. We  
5 haven't gotten to that detailed area yet.

6 Q Since it lies within the park, would it not be  
7 more appropriate for the Park Service to try and cover that  
8 area with their rangers, do you think?

9 A They don't do much on that side. They don't cross  
10 the river that often. The park is separated by the Schuylkill  
11 River and they basically maintain the other side of the park.  
12 This is just a grown up section of the park that they have  
13 obtained.

14 Q But you intend to resolve that to your satisfaction.  
15 Is that correct?

16 A We intend to discuss it. I don't know if we will  
17 resolve it to my satisfaction or not. Whenever we decide on  
18 anything it is a vote of five people; three of those people  
19 have to make the decision. It is the majority vote rule.  
20 So, I could say no, I disagree with this, and three of the  
21 other ones would agree with it, and it wouldn't be to my  
22 satisfaction. But that would be the policy.

23 Q Do you know whether any other member of the Board  
24 of Supervisors has expressed a concern regarding transients  
25 within the Valley Forge National Park which lies in Lower

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1 Providence?

2 A No.

3 Q Do you know whether any other member of your  
4 Board of Supervisors has expressed the belief that there is  
5 something in the plans which renders them unworkable, or  
6 which would preclude their adoption?

7 A I prefer not to state what they feel at this time.

8 Q Are you aware of the manner in which evacuation  
9 routes were chosen and designated by PEMA, sir?

10 A No.

11 Q Have you made any suggestions to PEMA regarding  
12 the redesignation of any evacuation routes?

13 A Not yet.

14 Q Have you evaluated or reviewed in any way a  
15 document known as Evacuation Time Estimates for the Limerick  
16 Generating Station, Plume Exposure, Emergency Planning Zone  
17 Final Draft dated May 1984, prepared for the Philadelphia  
18 Electric Company by H.M.M. Associates?

19 A Have I reviewed that document?

20 Q I will show you the document after I show it to  
21 other counsel and Parties.

22 (Document shown to Parties.)

23 This has been marked as Applicant's Exhibit E-67.

24 Have you ever seen this document?

25 (Document handed to witness.)

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A No, I have not.

Q I want you to look at page A-11-6.

Realizing you haven't seen this before, I would ask you to look at the legend on the right-hand side where a thick line indicates "vehicle queueing," and at the bottom of the page it indicates --

A I cannot read this. I can read the bigger stuff, but you need a magnifying glass to read this.

(Magnifying glass handed to witness.)

Q And at the bottom of the page was vehicle queueing at 180 minutes.

I know you are not -- I haven't tried to qualify you as an expert cartologist.

A I am not.

Q I just want you to look at the routes going out of your Township, there, sir. 363 in particular. You mentioned other routes in that direction.

Do you see any thick black lines which would indicate vehicle queueing at 180 minutes following the initiation of evacuation?

MS. ZITZER: Objection. I don't think it has been established that the witness even knows what "queueing" is. I think to that extent --

JUDGE HOYT: Ms. Zitzer, if he doesn't know what queueing is, we may have the wrong witness.

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1           Let me see. Do you understand what the term  
2 queueing means?

3           WITNESS BROWN: In regards to other things. We  
4 have a word for queueing in the phone company which has nothing  
5 to do with traffic.

6           JUDGE HOYT: Do you know what queueing of cars is?

7           WITNESS BROWN: no.

8           JUDGE HOYT: Counsel, lay that foundation.

9           BY MR. RADER:

10          Q       I would ask you sir, for purposes of my question,  
11 to assume that vehicle queueing as used there simply means  
12 vehicle backup without movement, as you previously testified.

13          A       (Witness Brown) Oh, okay.

14          Q       Are there any thick lines there along Route 363  
15 and the other tributaries going out of Lower Providence  
16 Township with thick black lines indicating there will be  
17 vehicle queueing at the point at the time indicated by that  
18 chart?

19          A       I can't find the designation for Route 363.

20          Q       It isn't listed on there. I am going to have to  
21 ask you to locate it on the basis of your knowledge of the  
22 routes coming out of Lower Providence Township.

23          MS. ZITZER: Objection.

24          MR. RADER: He said he couldn't find the number,  
25 your Honor. He hasn't indicated that he can't find the route.

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1 If he can't find the route, I will withdraw the question.

2 MS. ZITZER: My objection is based on the fact that  
3 I believe the document speaks for itself.

4 To the degree that Mr. Rader has some question  
5 based on that, once the witness finds the information, that  
6 may be permissible when the question is asked. But the  
7 document is already in evidence. I believe the information  
8 contained on that page does speak for itself.

9 JUDGE HOYT: Let's see where he is going with it,  
10 Ms. Zitzer. The document may speak for itself, but what  
11 the term of the question is, is what knowledge this witness  
12 has about these routes, if I understand the question correctly.

13 I will overrule your objection.

14 BY MR. RADER:

15 Q Have you been able to see whether there would be  
16 any vehicle queueing on Route 363 based upon the heavy  
17 black lines --

18 A (Witness Brown) I found the heavy black line, but  
19 it is not marked 363. I assume -- I can only assume it is  
20 363. But it is not marked.

21 Q Okay. Assume it is 363 and 363 is one of the  
22 highways there with the heavy black line indicated on page  
23 A-11-6.

24 Would that indicate to you that the planners in  
25 planning the evacuation routes, and in planning evacuation

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1 procedures, anticipated that there would in fact be some  
2 vehicle backup at certain points during an evacuation?

3 MS. ZITZER: Objection.

4 I object to the part of the question, the way it  
5 is phrased, with regard to the fact that this document  
6 represents some consideration by planners of traffic  
7 congestion. What the document he is looking at is, is a  
8 time-estimate study based on routes designated by a different  
9 process. And they are not designated by that particular  
10 study.

11 I think that if Mr. Rader rephrases the question  
12 I can withdraw my objection.

13 MR. RADER: I don't understand what the objection  
14 is. I am simply asking the witness whether or not, based  
15 upon this chart which he is examining, it would be his  
16 understanding that the preparer of the study, and emergency  
17 planners who relied upon that study, anticipate that there  
18 will be traffic congestion at that point in time.

19 MS. ZITZER: That is permissible.

20 WITNESS BROWN: According to this, that appears to  
21 be the normal backup that we experienced in the morning,  
22 before the expressway was opened. That is the type of  
23 backup we had in our Township.

24 To the same degree, it apparently goes back up  
25 Audubon Road to Park Avenue. And we experienced that type of

mm10o

1 backup before the expressway was opened.

2 BY MR. RADER:

3 Q So I take it the answer to the question is yes,  
4 you agree, the planners would anticipate that there would be  
5 congestion at that point in time in the event of an evacuation?

6 A (Witness Brown) Yes.

7 Q So that was a planning assumption?

8 MS. ZITZER: Objection.

9 MR. RADER: I will withdraw the question.

10 BY MR. RADER:

11 Q So in other words, the persons who designated  
12 that route in preparing this report, the planners assumed  
13 that there would not be a freeflowing traffic at all times.  
14 Isn't that correct, sir?

15 A (Witness Brown) That's correct.

16 Q All right.

17 Now does anyone on the panel here have any  
18 knowledge or expertise, background, or formal training in  
19 transportation engineering, traffic engineering, or in the  
20 model flow simulation of evacuation traffic?

21 A I just have experience in normal day-to-day  
22 operations in the Township. And I can guarantee you that  
23 during the bypass construction around our Township, we had  
24 massive traffic problems just with transients through the  
25 Township, about what you show on that chart which is supposed

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1 to be backup on evacuation.

2 I feel that that is inaccurate based on my past  
3 knowledge.

4 Q Yes, sir. And your past knowledge is based on  
5 everyday commuter traffic, is it not?

6 A That is correct.

7 Q And everyday commuter traffic may not be the same  
8 as that which would take place in an emergency, would it,  
9 because that depends upon origin and destination, doesn't  
10 it?

11 A That's correct.

12 Q So in order to simulate the traffic flow which  
13 would occur during any particular situation, one must start  
14 with certain planning assumptions as to the origin of the  
15 traffic and the destination of the traffic, isn't that  
16 correct?

17 A I would assume that to be correct.

18 Q And you couldn't necessarily compare commuter  
19 traffic with evacuation traffic, because those flows of  
20 traffic wouldn't necessarily have the same origin or destina-  
21 tion, isn't that correct?

22 A That's correct.

23 Q Now, with regard to the prison with 500 beds that  
24 is going to be built in Eagleville, did you say, Mr. Brown?

25 A Is being built.

mml2 1 Q Is being built in Eagleville.

2 Would you expect the plans to be updated with  
3 respect to evacuation of those prisonoers?

4 A Yes.

5 Q Are you aware that a plan is being prepared and  
6 has, in fact, been submitted for PEMA review with regard to  
7 the Graterford Prison?

8 A Yes.

9 Q Do you see any reason why the provisions for the  
10 Graterford Prison could not be adopted in similar respects --

11 MR. GOODWIN: Objection, your Honor.

12 MR. RADER: May I finish my question, your Honor?

13 JUDGE HOYT: Just a moment, Mr. Goodwin.

14 Yes, proceed.

15 BY MR. RADER:

16 Q Are you aware of any reason why a plan similar to  
17 the Graterford plan could not be adopted for the Eagleville  
18 Prison?

19 MR. GOODWIN: Objection, your Honor.

20 I don't think -- there is no foundation here, and  
21 there is also no information that this would be in his  
22 personal knowledge as far as Graterford --

23 MR. RADER: I am not asking him to testify as  
24 an expert. I am simply asking him to use common sense that  
25 he would use as a municipal official who is deciding whether

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1 or not to adopt these plans.

2 He has expressed a concern as to the prison. I  
3 am simply asking, couldn't you adopt measures that are  
4 similarly being used for Graterford Prison for this prison.  
5 They may not be the same, but it would be similar.

6 JUDGE HOYT: Objection is overruled.

7 MS. ZITZER: LEA wishes to register an objection,  
8 your Honor. One is a State prison and one is a County Prison.  
9 I believe the response of public officials would be different.

10 JUDGE HOYT: You can explore that on redirect if  
11 you wish, Ms. Zitzer. But the objection was just overruled.

12 BY MR. RADER:

13 Q Gentlemen, you have testified at various points  
14 regarding -- I'm sorry, you didn't get a chance to answer  
15 my question.

16 A (Witness Brown) Could you restate the question?

17 Q The question was, as a responsible municipal  
18 authority, don't you believe that plans similar to the  
19 Graterford Prison, and those prisoners' concerns during an  
20 evacuation or emergency, could be adopted in some form for  
21 the Eagleville Prison?

22 MS. ZITZER: Objection.

23 MR. RADER: The Board just overruled the objection.

24 JUDGE HOYT: Ms. Zitzer, the objection has been  
25 overruled.

mm13

1 MS. ZITZER: It has not been established that these  
2 witnesses have any knowledge of this subject.

3 JUDGE HOYT: Ms. Zitzer, the objection is over-  
4 ruled. The Board doesn't wish to keep repeating this. It  
5 is not going to affect your objection by simply being  
6 argumentative about it.

7 If you know the answer to the question --

8 WITNESS BROWN: Based on my knowledge of the  
9 problems that Graterford's evacuation plan ran into with  
10 the local government, I foresee we would have the same  
11 problems that they ran into, in that no one would let the  
12 local officials know what type of evacuation they had planned  
13 for the State Penitentiary. And they wanted to know what  
14 the plans were, so they could make sure that their plans  
15 didn't run into problems with their evacuation routes.

16 JUDGE HOYT: All right, thank you.

17 BY MR. RADER:

18 Q Assuming a plan is adopted for the Graterford  
19 Prison, would you not expect that plan to provide some basis  
20 for planning with regard to the Eagleville Prison?

21 A (Witness Brown) Who would adopt the plan for the  
22 Graterford Prison? The local municipality?

23 Q No, no, the Department of Corrections.

24 A That wouldn't have anything to do with our prison.  
25 If it is the State Department of Corrections adopting a plan

1 for the State penitentiary, it would have nothing to do with  
2 the County.

3 Q Sir, I am asking you to look beyond the jurisdic-  
4 tional question of who would adopt the plan. I am asking  
5 you whether or not the plan itself, the provisions in the  
6 plan to take care of that concern would not provide some basis  
7 for addressing the same concerns with regard to the  
8 Eagleville Prison?

9 A Based on my experience with the County and our  
10 problems with the prison, I would say we are going to have  
11 a problem with their evacuation plan.

12 Q Could you try and answer my question, sir.  
13 Wouldn't you want to look at the Graterford  
14 Plan to see how they resolve those problems?

15 A Yes, I would, and so would the Township Supervisors  
16 that reside there.

17 Q And don't you think that would be of some  
18 assistance in determining whether or not adequate provisions  
19 could be made to update your plan?

20 A Yes, it would.

21 But I am saying that authority would not cooperate  
22 with the local agencies or the local municipal government.

23 Q I am simply talking about making the plan available.  
24 There will be a public available plan.

25 A So far it hasn't.

1           Q       It hasn't been made available to anyone, simply  
2 because it hasn't been adopted. But, I am speaking to when  
3 it would be adopted.

4                   With regard to -- I think the words traffic control  
5 were used by Ms. Zitzer in one of her questions, and then,  
6 Mr. Brown, you provided an answer.

7                   When you were talking about -- you answered, yes, I  
8 think, first, that you wanted to look at traffic control  
9 measures. And then you began discussing evacuation route  
10 concerns that you had.

11                   Was that what you meant by traffic control measures?  
12 The discussion of evacuation routes? Or, did you mean something  
13 else?

14           A       When I brought up the problem where we were going  
15 to evacuate the entire Township into King of Prussia?

16           Q       Do you recall that Ms. Zitzer used the words  
17 "traffic control measures," would you want to know more about  
18 traffic control measures? Do you recall that?

19                   I believe you answered yes, that you wanted to  
20 know more about it.

21                   Do you recall that, sir?

22           A       Briefly, yes.

23           Q       Did you mean anything more than what you previously  
24 stated with regard to evacuation route designation? Or,  
25 did you mean something different?

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1 A I would have to have that reread to understand the  
2 entire question.

3 Q Sir, are you familiar with the responsibilities  
4 of municipalities under Pamphlet Law 1332?

5 A Yes.

6 Q What, in your opinion if anything, is the obliga-  
7 tion of your municipality under 1332?

8 A That we had to provide some type of evacuation plan.

9 Q That you have to provide, you say?

10 A Right.

11 Q In your opinion, is that a mandatory requirement  
12 or a discretionary requirement?

13 A Up to now it has been discretionary.

14 Q Do you believe that the law requires you to work  
15 towards an attempt in good faith to adopt the emergency  
16 plan for your Township?

17 A If that is what the law provides for, I am wondering  
18 why they have not come forward until now to get us to do that.  
19 It is discretionary to date.

20 JUDGE HOYT: The witness is cautioned to answer  
21 the questions as propounded by the counsel, and not to volun-  
22 teer or become argumentative with the counsel.

23 Do you want to repeat your question, Mr. Rader.

24 BY MR. RADER:

25 Q Yes, sir. Let me rephrase this slightly. Under

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1 Section 7501 of Pamphlet Law 1332 --

2 (Document shown to parties)

3 -- do you believe your municipality has a nondiscretionary  
4 duty to establish a local emergency management organization  
5 and to adopt the plan in accordance with the Pennsylvania --

6 (Document handed to witness.)

7 You may look at that, sir.

8 (Witness examining document.)

9 A (Witness Brown) Yes.

10 Q Do you know of anything in the present planning  
11 process that would ultimately preclude the Township of which  
12 you are a supervisor from working towards developing and  
13 adopting and implementing a workable emergency plan for your  
14 Township?

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15 A Telephone communications.

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1 Q And how do you intend to resolve that, sir?

2 A Through the introduction of a private switch  
3 network to provide to those that need it and for additional  
4 radios to those people that have to be notified. The plan  
5 won't work as provided unless those types of communications  
6 are available.

7 Q And if you have resolved that problem, is it the  
8 intention of your Board of Supervisors to adopt the plan?

9 A We haven't discussed that in depth yet.

10 Q Would it be your intention to recommend in  
11 support of adopting the plan once the concerns which you  
12 have just mentioned have been resolved?

13 A Yes, sir.

14 Q I'm sorry, sir, you interrupted me.

15 A Yes.

16 MR. RADER: I have no further questions.

17 JUDGE HOYT: Mr. Brown, I want to be certain I  
18 understood your response to a question a moment ago  
19 concerning Public Law 1332 --

20 MR. RADER: Shall I provide this back to the  
21 witness?

22 JUDGE HOYT: Yes.

23 -- in particular Section 7501. Did you understand  
24 those requirements to be mandatory?

25 WITNESS BROWN: They are, but a lot of

1 municipalities have not conformed to the law. We also have  
2 mandatory guidelines for solid waste which haven't been  
3 directed yet. We just don't have the manpower and the  
4 staff to do everything that is necessary to do. Solid waste  
5 and hazardous waste is one of these things that we have to  
6 address along with this. We have some other documents like  
7 this. We cannot do everything at once. We are limited in  
8 our finances to do all these things.

9 JUDGE HOYT: You do understand, though, that  
10 7501 is a mandatory requirement?

11 WITNESS BROWN: Yes, I do and it's been that way  
12 for quite a while.

13 JUDGE HOYT: Thank you.

14 MR. RADER: I'm sorry, your Honor, may I ask  
15 one clarification from the witness, very briefly, yes or  
16 no questions.

17 JUDGE HOYT: All right. Go ahead.

18 BY MR. RADER:

19 Q. Mr. Brown, with regard to your answer, is there  
20 any distinction between radiological or non-radiological  
21 planning or are you simply required to have an emergency  
22 plan in place for all emergencies?

23 A. (Witness Brown) I think one plan for all  
24 emergencies.

25 Q. And will the Limerick plan serve that function

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1 for all emergencies, be they non-radiological emergencies,  
2 if adopted?

3 A. To the best of my knowledge.

4 MR. RADER: No further questions.

5 JUDGE HOYT: Very well. We'll have a very brief  
6 recess before we begin the cross-examination by the  
7 Counsel for Pennsylvania Emergency Management Agency.

8 (Brief recess.)

9 JUDGE HOYT: The hearing will come to order.

10 All the parties to the hearing who were present  
11 when the hearing recessed are again present, the witnesses  
12 are in their place at the witness stand. Gentlemen, I  
13 remind you that you have previously taken an oath here  
14 in this hearing room, you are still under that oath.

15 Counsel for the Pennsylvania Emergency Management  
16 Agency, Mr. Goodwin, you have 30 minutes.

17 CROSS-EXAMINATION  
BY MR. GOODWIN:

18 Q. I am Mr. Goodwin, Counsel for the Commonwealth.  
19 I have just a couple of questions to follow up.

20 Mr. Brown, you stated that Mr. Rogers is both  
21 the Police Chief and also the Emergency Management Coordinator,  
22 is that correct?

23 A. (Witness Brown) That's correct.

24 Q. In the event of an emergency at Limerick, who  
25 would be the Police Chief?

1 A. Tom Rogers would still be the Police Chief.

2 Q. So you are saying then he would --

3 A. Assume two roles.

4 Q. -- assume two roles.

5 You stated that a review committee had been  
6 formed back in July approximately to look at the township  
7 plan, is that correct?

8 A. That's correct.

9 Q. And you also stated that they have met seven  
10 or eight times since then?

11 A. That's correct.

12 Q. By the seven or eight times, do you mean they  
13 have approximately a monthly meeting to go over the present  
14 draft of that plan?

15 A. They are called by the chairman. It would amount  
16 to they were bi-weekly, then the holidays came up and they  
17 haven't met since before Christmas.

18 From what I have heard, the chairman is going  
19 to call a meeting some time shortly to resume those meetings.

20 Q. Who is the chairman?

21 A. Les Carlton, Lester Carlton.

22 Q. These seven or eight meetings that have been  
23 held, have they given you periodic updates as they were  
24 going along from those meetings?

25 A. Yes, they have. We get copies of the minutes of

1 the meetings.

2 Q. Have you seen some of the copies of these minutes?

3 A. Yes, I have them in my possession here today.

4 Q. And of these copies that you have reviewed, has  
5 there been progress made in eliminating some of the  
6 questions or problems that were raised?

7 A. They have a lot of recommendations that they  
8 have come up with.

9 Q. You have stated that you are waiting for a  
10 recommendation from the committee to basically finalize  
11 or formalize the draft, is that correct?

12 A. Right.

13 Q. Do you have any time frame in mind for having  
14 this final meeting?

15 A. No, we do not. This law that I was referring  
16 to was adopted in 1978 or seven years ago. That is mandatory.  
17 Mandatory by what, I don't know. But nowhere in this act  
18 does it say the plan has to be workable, it just says you  
19 have to have a plan. This township wants to adopt a workable  
20 plan.

21 JUDGE HOYT: Mr. Brown, I would like to caution  
22 you that you will be responsive just to the question as  
23 propounded by counsel. Volunteering of answers is not  
24 considered to be responsive to the question.

25 WITNESS BROWN: Thank you.

1 JUDGE HOYT: Thank you.

2 MR. GOODWIN: No other questions.

3 JUDGE HOYT: Very well.

4 Mr. Cassidy, Federal Emergency Management Agency  
5 may have 30 minutes.

6 MR. CASSIDY: Thank you, your Honor.

7 CROSS-EXAMINATION

8 BY MR. CASSIDY:

9 Q Gentleman, my name is Brian Cassidy, I am Counsel  
10 for the Federal Emergency Management Agency, FEMA as opposed  
11 to PEMA.

12 Mr. Brown, I just want to be clear on your  
13 testimony with regard to communications that you have  
14 given here today.

15 In your concern that you have testified to  
16 about the communications system related to alerting the  
17 emergency response personnel in the event of an emergency;  
18 am I correct in assuming that that is the concern that you  
19 have expressed?

20 A. (Witness Brown) The concern that I have expressed  
21 is notifying the personnel that are to be notified according  
22 to the plan once the general public is aware of the problem  
23 and telephone service is starting into a degraded state  
24 by everybody trying to call.

25 Q And when you say "the personnel that are to be

1 notified," I would assume that's the emergency response  
2 personnel that you have identified --

3 A. That's correct.

4 Q. And is that alerting function or notification  
5 function of the emergency response personnel; does the  
6 plan require that or is the design for that to be made in  
7 the EOC?

8 A. It's designed at the EOC based on the communica-  
9 tions officers, whoever is designated by the EMC, to make  
10 those calls.

11 Q. Is that at the emergency operations center that  
12 these calls emanate?

13 A. That's correct.

14 Q. How many telephone lines do you have going  
15 into the emergency operations center currently?

16 A. Three.

17 Q. Now three separate lines as opposed to one phone  
18 with one line and three buttons?

19 A. What we have now is three lines with three phones  
20 but each phone only has access to two of the lines. We  
21 have requested access to all three lines from each phone.

22 Q. Are any of those lines dedicated, such as one  
23 being for only outgoing calls or are they both incoming  
24 and outgoing calls?

25 A. They are just POT service.

1 JUDGE COLE: I'm sorry, sir, I didn't hear that.

2 WITNESS BROWN: Normal POT service.

3 JUDGE COLE: What's that?

4 WITNESS BROWN: Plain-old-telephone-service, in  
5 and out. That's a term that's used in the communications  
6 field.

7 BY MR. CASSIDY:

8 Q Mr. Conroe, with regard to notifications of the  
9 ambulance teams, is your concern the same as Mr. Brown's,  
10 that the contact can't be made from the EOC because of  
11 overload of the phone line?

12 A (Witness Conroe) Not so much the telephone lines,  
13 it is if there is an emergency and additional manpower is  
14 needed, there is no way that my chief could notify the  
15 ambulance personnel.

16 Most fire companies are operated on a pager  
17 system --

18 Q Let me stop you there.

19 Does your organization come under the jurisdiction  
20 of the fire company?

21 A We do not.

22 Q You do not.

23 A We are a separate organization.

24 Q It's a separate organization.

25 A I was just mentioning that as an example.

1           Most fire companies and our township the fire  
2 company is the same way. Most of the active members of  
3 our company have pagers that have been assigned to them,  
4 assigned a pager system. We do not have a situation --  
5 we do not have the opportunity to use this thing. We do  
6 have several pagers available for on-duty personnel so that  
7 if they go to the store, they go to the bathroom, they  
8 take a shower, they do have a pager to alert them.

9           The people who will be called in, especially  
10 somebody to give it to would be the paramedics. We have  
11 no means of being contacted to report to our duty station.

12           Q.    Have you had occasions in the past in any kind  
13 of situation where you have needed to call more people in  
14 than people on duty?

15           A.    We have had several instances where this has  
16 happened.

17           Q.    And how is it --

18           A.    Fortunately during the day we have had personnel  
19 who were at home, happened to own a scanner -- sometimes  
20 called a police scanner, police radio, they heard a call  
21 come over and they were able to respond. That is not  
22 everyone, that's probably just a very, very few -- most  
23 of the police scanners run right now approximately \$300.

24           Q.    This question is for either Mr. Brown or Mr.  
25 Conroe:

1           Have you--in the course of your meetings you have  
2 mentioned a recommendation that you have received from  
3 your advisory committee.

4           Have recommendations been made about this problem  
5 you have discussed here, communications?

6           A.    Would you please repeat that question? I couldn't  
7 quite hear it.

8           Q.    Have recommendations been made, either by you  
9 gentlemen or by the advisory committee to cure the problem  
10 that you have been relating to the Board today?

11          A.    May I comment on that?

12          Q.    Yes.

13          A.    I took part in the November 20th drill. We had  
14 other communications problems which I made the advisory  
15 board aware of. Our squad chief was going to pursue the  
16 matter. I don't know if you want me to go into detail  
17 at this point.

18                One of the things I did, I recommended that  
19 approximately 40 pagers be purchased and assigned to the  
20 active members. We have had some communication problems  
21 with our members and our base station but that is in the  
22 process of being corrected.

23          Q.    Mr. Brown, have recommendations been made to  
24 address the problems that you have identified for us here  
25 today?

1           A.     (Witness Brown) The minutes are too numerous to  
2 go through but they have addressed communications as a  
3 problem in some of the discussions.

4           Q.     Are you in the process of attempting to come up  
5 with a solution to the problem, I guess is my general  
6 question?

7           A.     The board at this present state is waiting for a  
8 final recommendation or a proposed draft for the committee,  
9 and at that time we will start having joint meetings to  
10 see if we can iron out the problems.

11          Q.     Is there a time schedule for the recommendation?

12          A.     No, there is not.

13          A.     (Witness Conroe) May I make a further comment  
14 on that?

15          Q.     If it relates to the question, yes.

16          A.     Yes.

17                     The needs, the communication needs, I think,  
18 which you are questioning, the committee feels that these  
19 are unmet needs and again afforded to the County. We don't  
20 really feel that it is the township's responsibility to  
21 supply these needs but a County or possibly a State.

22          Q.     Mr. Brown, with regard to the section of the  
23 Valley Forge National Park that is apparently in your  
24 township, I was a little bit confused. I think in one of  
25 the responses to cross-examination from Mr. Rader you

1 mentioned something about a portion of the park being in  
2 your township on your side of the river but the National  
3 Park Service that runs the park being on the other side  
4 of the river?

5 A. (Witness Brown) That's correct.

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1           Q     Is it your understanding that the National  
2 Park Service does not have a station or does not  
3 maintain personnel in that portion of the park that is in  
4 your township?

5           A     That is my understanding.

6           Q     Do either of you gentlemen know where the --  
7 strike that.

8                     Do either of you gentlemen know if the sirens  
9 have been -- sites for the sirens have been determined  
10 as of yet?

11          A     Yes, they have.

12          Q     Do either of you gentlemen know if there are any  
13 sirens to be sited in the general vicinity of the portion  
14 of Valley Forge National Park that is in your township?

15          A     There is one to be sited or is sited in the  
16 Paulings Section of the township.

17          Q     Does that section of the township include  
18 that portion of Valley Forge National Park that is in the  
19 township?

20          A     It is in the same general vicinity.

21          Q     Mr. Miller, I was a little bit confused by some  
22 of the numbers that you had provided in response to  
23 direct testimony.

24                     Am I correct in understanding that you have 35  
25 active members on the fire department in the township?

1           A       (Witness Miller) Negative. It is 35 active  
2 fire fighters. They are active members that meet a  
3 certain criteria every year to be appointed to that crew  
4 for the following year which gives them different  
5 privileges as a regular active member.

6           Q       And I think you mentioned the number 45 from another  
7 class.

8           A       That would be the active member. People that  
9 do respond, are active in the company, but have not  
10 met the training needs, have not met the meeting needs,  
11 and have not met the required fires for the year to be  
12 on that active fire fighter list.

13          Q       So by my poor math, that gives you a total of  
14 80 members, both fire fighters and active members?

15          A       Yes, sir. Approximately.

16          Q       Now, with regard to the responsibility for  
17 route alerting, given that you have a membership of  
18 80 people, does that give you an adequate number to  
19 conduct the route alerting that is required under your plan?

20          A       No, it does not.

21          Q       How many additional people do you anticipate  
22 needing for the route alerting?

23          A       Offhand, I believe it comes out to something  
24 like around 40. The 12, 24, 44 people to cover the hearing  
25 impaired and the actual general route alerting.

1 Q So you are saying that -- correct me if I am  
2 wrong. Are you saying that you need 120 people to  
3 conduct the --

4 A If that is what it comes out to, yes.

5 Q Are you planning in coming up with that number  
6 to set aside a certain number for the normal functions  
7 that they may require to do for fire fighting?

8 A We are planning to keep fire fighting crews in  
9 both stations and rely on civilian volunteers to cover  
10 the alerting portions of it.

11 Q I guess what I am trying to get down to is,  
12 the number that you -- knowing that you have 80 members  
13 of the fire company, how many bodies are you actually  
14 going to need or do you anticipate needing to do the  
15 route alerting?

16 A For 12 sectors?

17 Q Yes.

18 A 12 sectors, two to a sector is 24.

19 Q Okay.

20 And you are planning to obtain these 24 people from  
21 the volunteers that will come in rather than using the  
22 fire company personnel?

23 A That's right. Based on a 17.6 average  
24 turnout for each fire call for the past year out of those  
25 80 people.

1           Q     When you indicated that it required 24 people to do  
2 the route alerting, I want to make sure that we are clear  
3 on the difference between the route alerting and  
4 notification to the hearing impaired.

5           A     When you responded 24, were you referring just  
6 to the route alerting?

7           A     That is correct.

8           Q     And do you anticipate another number to do the  
9 53 hearing impaired that, I believe, have been identified?

10          A     That is correct. Our judgment on November 20th  
11 we found was short. We need more.

12          Q     I'm sorry?

13          A     Our judgment on the November 20th drill showed  
14 us that we could not cover the area for the hearing  
15 impaired alone with the number we were trying to operate  
16 with.

17          Q     So how many additional people do you need to  
18 notify the hearing impaired, in your opinion?

19          A     Until we rerun the routes with personnel again,  
20 we really won't know.

21          Q     Okay.

22                 I believe in response to a question -- I  
23 don't know if it was from Mr. Rader or not -- you mentioned,  
24 I think you called it from my notes, the fire ambulance.  
25 Is there a different ambulance service besides the one that

1 Mr. Conroe is involved with in the community?

2 A I do not believe I responded to anything on  
3 the ambulance squad. There is one ambulance squad in the  
4 township which is the Community Center Ambulance.

5 There is a fire company with two stations.  
6 They are completely separate organizations.

7 Q Okay. But there is the one ambulance survey  
8 and that is the one Mr. Conroe is involved with?

9 A This is true.

10 You may be confused -- I did talk about rescue.  
11 Rescue at times does combine the two units into one  
12 operating unit.

13 MR. CASSIDY: I believe that is all I have.

14 JUDGE HOYT: Very well.

15 The NRC staff has 30 minutes.

XXXXXXX

16 CROSS-EXAMINATION

17 BY MR. HASSELL:

18 Q My name is Mr. Hassell, counsel for the NRC Staff.  
19 I just have a few questions. I would like to begin  
20 with Mr. Conroe.

21 I believe you testified, did you not, that  
22 you would be expected to evacuate 53 nonambulatory  
23 persons; is that correct?

24 A (Witness Conroe) Approximately that number, yes.

25 Q How do you define nonambulatory?

1           A     These were people who answered the questionnaire  
2 as needing some type of assistance. How it is determined  
3 or their medical problems, I do not have access to that  
4 information.

5           Q     Mr. Brown, I believe you have given some  
6 testimony with respect to the 500-bed prison that is  
7 to be erected in Eaglesville.

8           A     (Witness Brown) That is correct.

9           Q     Do you have any idea when the construction will  
10 be completed for that facility?

11          A     Sometime within the next year.

12          Q     Mr. Brown, I believe you also testified, did  
13 you not, that you intended to meet with Tom Rogers  
14 in the future and the evacuation committee to discuss  
15 some of your concerns regarding the evacuation route along  
16 363; is that correct?

17          A     That is correct.

18          Q     Do you have any time table in mind as to when  
19 you intend to have those meetings?

20          A     It depends on when the committee has formulated  
21 all their corrections or changes to the plan. And when  
22 they are ready with the revised edition that they feel  
23 they can recommend to the board, then we will sit down  
24 in joint sessions and go over problems that the board may  
25 have or the EMC coordinator with them.

1 Q So if I understand you then, you would not  
2 present these concerns to the committee until they  
3 finalized their recommendations; is that correct?

4 A That's correct.

5 Q Why would you not provide it to them earlier?

6 A Well, some of the members know of my concerns --  
7 I have discussed it with them -- that are on that committee.  
8 So they have that information.

9 I am saying, when we meet jointly, if those  
10 aren't part of the recommendations, then I will say, I  
11 feel these should be part of the changes.

12 If they don't want to take our recommendations  
13 at this point, they don't have to. But I do talk to  
14 several members of the committee on a regular basis.

15 Q My question would be this, with respect to the  
16 concerns that you think are significant regarding  
17 evacuation, do you know whether the committee has knowledge  
18 of all of your concerns that are significant?

19 A No, I don't.

20 Q Do you think it is important that they have  
21 that knowledge so they can attempt to address those  
22 concerns now?

23 A It would be helpful.

24 Q Do you intend to provide it to them if you feel it  
25 would be helpful?

1 A Yes, I will.

2 Q When do you intend to do that?

3 A When I have a chance. I don't know when that  
4 will be. We have a busy schedule, and there are other  
5 things besides this evacuation plan that we deal with.

6 Q Mr. Brown, I believe you have provided some  
7 testimony concerning a particular business called  
8 Superior Tube and the time frame within which that  
9 particular business would be notified; is that correct?

10 A Superior Tube. That is correct. That is in the  
11 alerting procedures.

12 Q Would you just briefly describe what is  
13 Superior Tube?

14 A Superior Tube is a tubing company. They draw  
15 tubes, long, thin copper tubing or aluminum,  
16 whatever they have a contract for. But they manufacture  
17 tubes.

18 Q If you know, about how many employees work  
19 there at Superior Tube?

20 A Not offhand. I know they have three shifts.

21 Q Mr. Conroe, I believe you have testified  
22 regarding the refurbishing of the oldest ambulance, did you  
23 not?

24 A (Witness Conroe) That is correct.

25 Q Do you have a time table as to when you expect

1 that, the refurbishing, to be completed?

2 A I do not. The engineer and his assistant are  
3 working on this vehicle at present. They are going to  
4 come up with a statement of charges, present it to the  
5 board of directors, the board of trustees for approval.

6 I would say it would probably be several  
7 months.

8 MR. HASSELL: If I may have one minute?

9 JUDGE HOYT: Very well.

10 (Pause.)

11 BY MR. HASSELL:

12 Q Mr. Miller, do you recall that you provided  
13 testimony concerning certain discussions that you had with  
14 Mr. Carter from the Community Center Ambulance concerning  
15 the transportation needs for those requiring special  
16 assistance?

17 A (Witness Miller) Mr. Carr.

18 Q Yes.

19 A Yes, sir.

20 Q Was it your testimony that he indicated to you  
21 that some of the nonambulatory persons could be moved  
22 by station wagons or other automobiles?

23 A That is correct.

24 Q Do you know how many persons he said could be  
25 moved by that method?

1 A No, I don't.

2 (Pause.)

3 MR. HASSELL: I have nothing further.

4 JUDGE HOYT: Very well.

5 Miss Zitzer, you may have your redirect for  
6 one hour.

7 MS. ZITZER: Thank you.

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8 REDIRECT EXAMINATION

9 BY MS. ZITZER:

10 Q This question is addressed to any member of the  
11 panel that can answer it. I would like to know if the  
12 evacuation committee, which is chaired by Mr. Carlton,  
13 made any recommendations or had any discussions regarding  
14 the need for coordination between the township and  
15 facilities such as the Methacton School District and  
16 Eagleville Hospital which are located within the township?

17 MR. RADER: Objection. I don't recall that  
18 as being covered on cross.

19 MS. ZITZER: Just a minute, I will refer you to --

20 JUDGE HOYT: All right.

21 MS. ZITZER: It was part of the question by  
22 Mr. Rader. I will have to find my notes. Just a minute.

23 (Pause.)

24 I specifically recall Mr. Rader asking Mr. Brown  
25 if he believed that the township was responsible for other

1 special facilities within the township, if they, indeed,  
2 had their own separate plan.

3 MR. RADER: No. I will tell you what I asked.  
4 I asked the witness whether or not the notification which  
5 would occur would be for special facilities such as  
6 schools and hospitals. I did not ask anything about  
7 coordination between the township and those facilities.

8 The witness responded that, yes, he understood  
9 that they would receive notification from the county and  
10 that in certain instances, as with regard to school  
11 districts, they do develop their own plans.

12 JUDGE HOYT: All right, Miss Zitzer.

13 MS. ZITZER: My question, however, relates  
14 to whether or not the committee has made a recommendation  
15 encouraging more coordination so that some of the problems  
16 which have been expressed today might either be eliminated  
17 or certainly reduced. I simply wanted to  
18 ascertain whether or not that had been discussed by the  
19 committee which I do believe it has been.

20 MR. RADER: I object to that as beyond cross  
21 and also as without foundation. There is no testimony  
22 that there is any problem in coordinating between the  
23 township and those facilities for the very reason that  
24 the township is not responsible for them.

25 JUDGE HOYT: The objection is sustained.

1 MS. ZITZER: Your Honor, they do have  
2 notification responsibility. That was the whole reason  
3 for the question, and that is contained in the plan.

4 BY MS. ZITZER:

5 Q Mr. Brown, you were asked some hypothetical  
6 questions with regard to a comparison between the  
7 adoptability of a plan for the Greaterford Prison  
8 and the county prison under construction in Lower Providence  
9 Township.

10 You stated that you were aware of some problems  
11 with regard to the plans for the Greaterford Prison,  
12 particularly in relation to concerns of local public  
13 officials.

14 I would like to ask you what you were referring  
15 to when you made that statement?

16 MR. RADER: I object to the form of the question.  
17 I don't believe the witness said he knew of any problems  
18 relating to the plans. Indeed, I don't know how he  
19 could have since they were only made available to the  
20 parties in this case a short time ago.

21 I think the witness said that he was aware of  
22 certain problems associated with that facility.

23 MS. ZITZER: That is not correct. He specifically  
24 stated that there had been problems with regard to  
25 information provided to local public officials.

1 I had objected, saying I wasn't sure he had  
2 specific knowledge, and he did provide an answer about the  
3 concerns which he was aware of. I am simply trying to  
4 determine what those specific concerns were and what they  
5 were based on.

6 JUDGE HOYT: Miss Zitzer, where are you going  
7 with this line? I am not certain what it is you are  
8 trying to --

9 MS. ZITZER: I am trying to determine the  
10 basis for the response of the witness in response to  
11 questions by Mr. Rader.

12 Mr. Rader posed a hypothetical situation  
13 asking the witness to assume that if the plan for  
14 Greaterford were adopted, whether or not a similar plan  
15 might be able to be adopted for the prison located within  
16 this witness's township. And he specifically said that  
17 he had some concerns that he was aware of.

18 He specifically used the word "problems" that  
19 he believed would affect the adoption of the Greaterford  
20 Plan. And he said that he believed that there might  
21 be similar problems within his township with regard  
22 to the county prison located in Lower Providence Township.

23 I am trying to determine what it was he was  
24 referring to when he used the word --

25 JUDGE HOYT: All right. If that is what you are

1       trying to get, Miss Zitzer, go ahead and see if the  
2       witness can answer that question.

3               MS. ZITZER: Thank you.

4               BY MS. ZITZER:

5               Q     Do you understand my question, Mr. Brown?

6               A     (Witness Brown) I believe so.

7               Q     Can you provide an answer?

8               A     The problem that I was referring to is  
9       the host municipal township board of supervisors had  
10      no cooperation from the state in regards to the plan  
11      to evacuate the prisoners from the state correctional  
12      institution.

13              Q     With regard to the prison which is under  
14      construction in your township, isn't it true, however,  
15      that it would be a county facility?

16              A     That is correct.

17              Q     Whose responsibility would it be to adopt  
18      and develop an evacuation plan for a county prison located  
19      within your township?

20              A     I don't know.

21              Q     Has any representative of either the county  
22      commissioners or the county office of emergency preparedness  
23      had any discussion with either you or Mr. Rogers that  
24      you are aware of regarding this matter?

25              MR. RADER: I object to this line of questioning

1 based upon the witness's last answer.

2 JUDGE HOYT: We are getting into a very  
3 speculative area here.

4 MS. ZITZER: Your Honor, I am simply asking  
5 because it is possible it came up. He might not know  
6 the answer.

7 I was just trying to determine --

8 JUDGE HOYT: I think you have exhausted that one,  
9 Miss Zitzer.

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10 Let's go into your next area of inquiry.

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MS. ZITZER: I have no further questions.

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JUDGE HOYT: Very well.

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Dr. Cole?

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## BOARD EXAMINATION

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BY JUDGE COLE:

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Q Just a couple of questions, gentlemen.

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Chief Miller, you responded to some questions concerning the route alerting for the hearing impaired.

8

Do you recall that, sir?

9

A (Witness Miller) I'm sorry, I didn't hear the whole question, sir.

10

11

Q You responded to some questions concerning the route alerting exercise for the hearing impaired.

12

13

Do you recall that, sir?

14

A Yes, sir.

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16

Q Do you know how the route alerting was executed for the hearing impaired at the November 20th exercise?

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A Yes. A list of names and addresses that I had been supplied with were broken down to routes for people to follow. Two people to a car, a spotter and a driver. And all they did was drive to see if they could locate the individual homes that were listed on the list. There was no contact made that there would normally be, or anything like that.

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I hope I answered.

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Q All right, sir. So, they made no contact with the

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1 people?

2 A That's correct.

3 Q Let me tell you the reason why I asked that question,  
4 it might be of use to you in your work.

5 In previous testimony in this case -- and I don't  
6 recall the particular municipality or township, they did  
7 in fact contact the people that had hearing impairments, and  
8 they found that a considerable number of them were wearing  
9 hearing aids. So, even though they had hearing impairments,  
10 a special trip was not required and they could have been  
11 contacted by telephone or taken off the list.

12 A This has been discussed.

13 Q You have considered this, then? You are going to  
14 take this into account?

15 A Since the drill we have discussed this. There  
16 have been several other discussions, also, for transportation,  
17 the evacuation, the whole bit.

18 Q All right, sir. Thank you.

19 MR. RADER: Judge Cole, if it would be helpful to  
20 you, I believe that was Mr. Waterman from the Upper Providence  
21 Township provided that testimony.

22 JUDGE COLE: Thank you. That is helpful. A  
23 neighboring community.

24 BY MR. COLE:

25 Q Mr. Conroe, you testified earlier that there are

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1 53 non-ambulatory people that would require special assistance.

2 How is that figure determined, and do you happen  
3 to know if it is anyplace in this Applicant's Exhibit E-12,  
4 because I was looking for that number?

5 A (Witness Conroe) These names came from the  
6 response to these questionnaires that were sent out previously  
7 to -- I'd say Draft 5, Draft 4 or Draft 5. These were the  
8 response that were received back, I believe, into Montgomery  
9 County.

10 Q Sir, do you know if that number is listed anywhere  
11 in the Lower Providence Township Radiological Emergency  
12 Response Plan, Applicant's Exhibit E-12? Because I could  
13 not find that number.

14 For example, I am looking at page F-1, Attachment F  
15 and Attachment G, G-1, where some similar numbers might be  
16 located, particularly at page F-1.

17 (Witness examining document.)

18 I don't know where the number 53 came from. It  
19 does appear there, the number 53 associated with hearing  
20 impaired, so that is not the number.

21 A In Attachment F they do show nine residents  
22 requiring ambulance support, and 39 residents who may  
23 require special assistance.

24 Now, being a member of the Committee, the number  
25 that kept -- continued being given to us was the number 53, so

1 it might be something that is sort of etched in my mind.

2 I did see the alphabetical list. I did not  
3 count the names.

4 Q It might be 48, you say?

5 A It is possible 48, 47.

6 Q Okay. That is sufficient, thank you.

7 Mr. Brown, with respect to telecommunication  
8 problems during an emergency, are you familiar with any  
9 telecommunications problems that existed or might have  
10 existed during the TMI period?

11 A (Witness Brown) I know they did have difficulties  
12 with communications in that area.

13 Q Do you know what difficulties they had, sir?

14 A Precisely any single incident, I don't know.

15 Q Well, what was the nature of the difficulty?

16 Is it as you described, not getting a dial tone?

17 A They had a large amount of calls being placed on  
18 the network at the time. At TMI there was no alerting given  
19 that the general public would have been aware of that they  
20 had the problem that they had until it was several days later.

21 When the sirens go off here people are going to know  
22 we have a problem. Up there they didn't have that opportunity.  
23 They didn't know the problem that they had. They were unaware  
24 of the problem.

25 But, in the case of a flood or a tornado, everyone

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1 knows, it is there. So they all start using their phones  
2 to contact neighbors, friends, children, or whoever to get  
3 in contact with.

4 Q I understand your point, sir.

5 You were asked a question by Mr. Rader concerning  
6 the size of the Superior Tube Company, and you responded  
7 not with any numbers, but you indicated that they had three  
8 shifts.

9 Is Superior Tube Company the largest employer in  
10 Lower Providence Township, your township?

11 A I don't know the answer to that. I don't know.  
12 There are several large employers, and I don't know if they  
13 are the largest. But they do have three manned shifts, and  
14 that is a sizable company that works three shifts.

15 Q I still have no idea. Are we talking about 100  
16 people, or are we talking about 1000 people?

17 A I'd say somewhere between 700 and 1000 employees.

18 Q All right. That is helpful, sir, thank you.

19 JUDGE COLE: I have no further questions.

20 JUDGE HOYT: Dr. Harbour has some questions for  
21 you.

22 BY JUDGE HARBOUR:

23 Q I only have one question.

24 Mr. Conroe, I believe you were talking about  
25 requiring or wanting beepers to alert your ambulance crews.

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mm6 1 Are the beepers -- is that system independent of  
2 the telephone system?

3 A (Witness Conroe) Yes, it is sir.

4 Q Is it radio --

5 A It is radio controlled.

6 Q Thank you.

7 JUDGE HOYT: I have no questions, gentlemen.

8 Thank you for your testimony. You are excused.

9 (Witnesses excused.)

10 JUDGE HOYT: At this time I would like to have  
11 a very brief recess. Don't leave.

12 I will just use this facility on the desk. It is  
13 a matter I have to have contact with someone about. So,  
14 don't leave. We will go off the record for just a moment.

15 (Off the record.)

16 JUDGE HOYT: We will go back on the record now.

17 During the very brief recess we had some  
18 housekeeping functions to perform. No matters of substance  
19 were discussed with any party.

20 There were two matters that were left hanging in  
21 the record at the end of Friday to be handled today, Monday.

22 I didn't understand whether or not you had gotten  
23 the material from Mr. Claypool? Do you have that?

24 MS. ZITZER: I spoke again with the office this  
25 morning. They were both unavailable. Mr. Clark is going to

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1 call me at 7:00 p.m. this evening. To the best of his  
2 recollection the same survey form was used both times. But  
3 the secretary is checking and I will have to make arrangements  
4 to pick it up this evening.

5 I waited until 10:30 this morning and did not  
6 hear back from them again, so I would expect to be able to  
7 provide that to Mr. Rader tomorrow.

8 JUDGE HOYT: All right, Mr. Rader. I think that  
9 answers the question that you had on Friday.

10 There was one additional matter, and it involves  
11 Mr. Stone.

12 As I understand it you were to advise this Board  
13 at 12:00 o'clock today whether or not you had any intention  
14 of pursuing the Upper Merion Township Study.

15 MR. STONE: Yes, your Honor.

16 With respect to the Upper Merion Interim Report,  
17 I have contacted a Mr. Frank Zabowski, who is the consultant  
18 that Mr. Wagenmann referred to, and I do feel that the study  
19 contains important material to our case, and that Mr. Zabowski  
20 has an office here on Market Street. And I have prepared a  
21 subpoena request for 9:00 o'clock Thursday morning.

22 I would hope, however, that depending what the  
23 other parties represent to be the length of their examination,  
24 that he could come over previous to that and we wouldn't have  
25 to come in on Thursday just for that one witness.

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1           Along the same lines, and with respect to the  
2           Uwchlan Study, which Mr. Grenz testified about, I have  
3           also made a request here for a subpoena for Mr. Andrew  
4           Heinrich of Orth-Rodgers and Associates for 10:00 o'clock  
5           on Thursday morning.

6           He also has an office here in the City on South  
7           Broad Street, and I think both witnesses could certainly  
8           testify to the factuality of the two studies. I don't  
9           foresee our questions going beyond the factuality of the  
10          studies.

11          I don't know what the other parties would intend.  
12          I would hope again with Mr. Andrew Heinrich, that we could  
13          fit him in perhaps Wednesday --

14          JUDGE HOYT: Wednesday, I think is out. I think  
15          it is going to have to be -- this is Tuesday I am looking at  
16          now. We were moving some of these people from Tuesday to  
17          Wednesday.

18          Mr. Thompson, for example, will be on Wednesday  
19          morning; Mr. Burnley, and then Bonnie August will all be on  
20          Wednesday.

21          Ms. Zitzer, how about coordinating that with your  
22          co-representatives there and then we will discuss this at  
23          the termination of the hearing.

24          All right, call your next witness.

25          MR. CASSIDY: Judge Hoyt, if I may while we are

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1 still on housekeeping matters?

2 JUDGE HOYT: Yes.

3 MR. CASSIDY: I just wanted to let the Board  
4 know, and just go on the record as indicating that this  
5 afternoon I gave copies of the Federal Emergency Management  
6 Agency Exercise Evaluation Report from the November 20th, 1984  
7 Exercise, to the Parties.

8 We had indicated that we would make that available  
9 as soon as we were advised that the Commonwealth of  
10 Pennsylvania had received their copy. And after we adjourned  
11 Friday afternoon, I was advised that they had gotten their  
12 copy.

13 So I provided the copies of the Report to the  
14 Parties here this afternoon.

15 JUDGE HOYT: Very well.

16 Did you give any copies to us?

17 MR. CASSIDY: I did not, because I frankly do  
18 not know of Mr. Hirsch's intention with regard to whether  
19 or not he is going to offer it as an exhibit.

20 If the Board would like Parties --

21 JUDGE HOYT: Not necessarily, Mr. Cassidy, if it  
22 is going to come in that way.

23 MS. ZITZER: Your Honor.

24 JUDGE HOYT: Did you have something, Mr. Hassell?  
25 Go ahead.

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1 MR. HASSELL: I was just concerned with the way  
2 Mr. Cassidy, had I guess couched that. He said he didn't  
3 know what Mr. Hirsch was going to do.

4 I would offer under McGuire, we have an ironclad  
5 duty to provide this document to the Board regardless of any  
6 question about admitting this as an exhibit. That was all.

7 JUDGE HOYT: Okay.

8 MS. ZITZER: LEA would like to inquire, also,  
9 whether or not the PEMA Report of November 20th will be  
10 distributed to the Parties. We have not received a copy of  
11 that document.

12 JUDGE HOYT: You can do that off the record,  
13 Ms. Zitzer.

14 Do you want to call your next witness or witnesses?

15 MS. ZITZER: LEA calls Mr. William Reiser. He  
16 is the Chief Clerk of Bucks County.

17 For the Board's information we did inform the  
18 Parties when we got here at noon that we would be withdrawing  
19 our request to present Commissioner Fonash as a witness.

20 I spoke with the Solicitor's office this morning,  
21 Mr. James McNamara, who informed me that he really did not  
22 expect Commissioner fonash to be able to provide any informa-  
23 tion other than that contained in the November 16th letter  
24 of 1984 which the Parties are all familiar with.

25 Based on that representation, we at this

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time don't see any need to call Commissioner Fonash, so we  
are withdrawing our request to present Commissioner Fonash.

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We will call Mr. Reiser at this time.

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1 JUDGE HOYT: Very well.

2 Is he present here?

3 MS. ZITZER: Yes.

4 Whereupon,

5 WILLIAM H. REISER

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

8 JUDGE HOYT: Do we have any exhibits from this  
9 individual?

10 MS. ZITZER: No, your Honor, this is a  
11 subpoenaed witness.

12 JUDGE HOYT: All right, then, you have 90 minutes.

13 DIRECT EXAMINATION

14 BY MS. ZITZER:

15 Q Mr. Reiser, could you state for the record your  
16 name, address, and your relationship to the Bucks County  
17 Board of Commissioners?

18 A My name is William H. Reiser, I live at 507  
19 Telegraph Road in Hilltown Township in Bucks County and  
20 I am both the Chief Clerk and County Administrator of  
21 Bucks County, which makes me pretty much the County Manager  
22 in a sense.

23 Q And how long have you been serving in your dual  
24 capacity as chief clerk and county administrator?

25 A I have been serving most recently for one year,

1 since last January, but previous to that I had served in  
2 that capacity for about nine years, from 1971 to 1980.

3 Q During those periods of time which you just  
4 referred to, did you serve in both capacities during those  
5 time periods, both chief clerk and the county administrator?

6 A I would say yes except for about two years,  
7 from 1978 to 1980 I was just the county administrator.

8 Q Could you briefly describe what the nature of  
9 your responsibilities as county administrator are?

10 A As county administrator I supervise all of the  
11 operating departments under the jurisdiction of the  
12 county commissioners. One of those departments is the  
13 emergency division.

14 Q When you say "the emergency division," are you  
15 referring to Mr. McGill's office, Emergency Management --  
16 I believe it is the Bucks County Emergency Management Agency?

17 A That's correct.

18 Q What has been the nature of your work in  
19 relationship with Mr. McGill?

20 A We work very closely together. I talk to him,  
21 you know, two or three times a week about any matters that  
22 come up and I have frequent meetings with him, I have  
23 regular weekly meetings with all of the division heads of  
24 the county.

25 Q Are you familiar with the general emergency plan

1 for Bucks County dated January 1982?

2 A I have a copy of it. I don't know if that makes  
3 me familiar with it. I am generally familiar with what's in  
4 it but not in a tremendous amount of detail.

5 Q Have you discussed with Mr. McGill the  
6 applicability or any references in this general emergency  
7 plan for Bucks County as it would relate to the Limerick  
8 Generating Station?

9 A Yes. I have discussed some of the aspects of it  
10 with him.

11 Q Specifically is there any reference in this study  
12 to planning for the Limerick Generating Station that you  
13 are aware of?

14 A Yes, there is for taking care of approximately  
15 24,000 people that might have to be evacuated from Montgomery  
16 County.

17 Q Is this in the 1982 General Emergency Management  
18 Plan for Bucks County or are you referring to --

19 A I'm sorry, I guess I am referring to the --

20 Q Let me rephrase the question.

21 Could you identify the document that you have in  
22 front of you for us?

23 A I believe it is called a "Fixed Nuclear Facility  
24 Incident Support Plan for Incidents at the Limerick  
25 Generating Station."

1 Q Okay.

2 The document which I previously referred to is  
3 not this document.

4 My question is: Are you familiar with the  
5 general emergency plan for Bucks County which is dated  
6 January 1982?

7 A I have seen it but I'm not really familiar with  
8 it, I'm sorry.

9 Q But you do have a copy with you today of a Bucks  
10 County Fixed Nuclear Facility Incident Support Plan for  
11 Incidents at the Limerick Generating Station, is that  
12 correct?

13 A That's correct.

14 Q In that is the copy you have dated October 1984?

15 A I'm not really sure where to --

16 Q It's on the cover on the bottom. Try the second  
17 page if you have a transmittal letter.

18 A I don't believe my copy has a date on it.

19 JUDGE HOYT: Ms. Zitzer, how about recovering  
20 that from the witness and finding out what it is he has  
21 before him? We're just sitting here wasting time if we  
22 don't know what we're talking about?

23 THE WITNESS: It is identified as draft number  
24 four.

25 JUDGE HOYT: Return that to Ms. Zitzer and let

1 ner.... Ms. Mulligan, just return that to Ms. Zitzer.  
2 Ms. Mulligan, please, just return it.

3 MS. ZITZER: His copy is marked draft four; the  
4 copy that has been provided to the parties is not draft  
5 four. There are two copies of draft four which is why I  
6 was concerned, there is some confusion.

7 JUDGE HOYT: What plan are you using? All of the  
8 plans are in evidence, Ms. Zitzer. Is it Applicant's  
9 Exhibit E-4 that you --

10 MS. ZITZER: I have in front of me Applicant's  
11 E-4, which I received from the Applicant. It is dated  
12 October 1984. The cover letter says that it is the final  
13 draft. It does not contain a draft number --

14 JUDGE HOYT: Ms. Zitzer, the cover letter is not  
15 the part of E-4 that I have.

16 MS. ZITZER: There are no draft numbers on E-4,  
17 so I would have to assume that this is a different draft.

18 JUDGE HOYT: Ms. Zitzer, what has been admitted  
19 into evidence in this hearing, previously identified and  
20 has been received, was the Bucks County Fixed Nuclear  
21 Facility Incident Support Plan for Incidents at the  
22 Limerick Nuclear Generating Station, October, 1984.

23 MS. ZITZER: Yes, your Honor.

24 JUDGE HOYT: There is no cover letter attached to  
25 this.

1 MS. ZITZER: It is from the cover letter that  
2 the words "final draft" come, however, because it was not  
3 contained on the plan.

4 JUDGE HOYT: Ms. Zitzer, we don't have that letter  
5 in evidence. Are you going to put it in evidence or try  
6 to put it in evidence?

7 MS. ZITZER: I believe Mr. Bradshaw formerly  
8 testified when he explained the notation on the Applicant's  
9 exhibit list why the words "final draft" were being used  
10 under the draft number for Applicant's Exhibit E-4.

11 I am simply trying to determine if the witness  
12 has the same version of the plan, which I have been able  
13 to ascertain that he does not, he has a previous draft.

14 My questions are of a general nature, I just  
15 wanted to verify whether or not he had the most current  
16 draft with him today and I would like to return to the  
17 witness his copy of the plan at this time.

18 JUDGE HOYT: Ms. Zitzer, that witness is not going  
19 to have a copy of an old plan before him and refer to it  
20 during his testimony.

21 Now if you want to ask him questions about the  
22 Exhibit E-4 that is in evidence, that's another matter.

23 MS. ZITZER: We will return his copy --

24 JUDGE HOYT: I just got through saying that we  
25 are not going to return that copy to the witness since it

1 is an old version and there is no need having been shown on  
2 this record that the witness needed to refresh his  
3 recollection or that it contained any notes thereon.

4 MS. ZITZER: He does have notes and I simply want  
5 to return his copy to him.

6 JUDGE HOYT: Ms. Zitzer, he is not going to get  
7 the notes back without a need being shown.

8 MS. ZITZER: Your Honor, I think if he has not  
9 seen draft four, he does have a need to have his plan in  
10 front of him.

11 JUDGE HOYT: Ms. Zitzer, he may not be the right  
12 witness then if he hasn't seen draft four and can't testify  
13 on it.

14 Now this again is a question that has come up  
15 repeatedly before and that is the preparation of the witness  
16 before you bring him here to testify.

17 MR. RADER: I would like the record to reflect  
18 that during the colloquy between Judge Hoyt and Ms. Zitzer  
19 Ms. Mulligan handed something to the witness. I don't know  
20 what it was.

21 MS. ZITZER: It is a copy of draft four, E-4 --

22 JUDGE HOYT: If you would show it, of course, to  
23 Counsel for the Applicant, as we requested you to  
24 consistently throughout this record, and to counsel for  
25 NRC, FEMA, PEMA, as well.

1 I think also, Ms. Zitzer, you have been referring  
2 to this as Draft E-4. What is it is Applicant's Exhibit  
3 E-4.

4 (Pause.)

5 MR. RADER: The record should also reflect that  
6 the witness is being shown a copy of a cover letter with  
7 that draft dated November 1, 1984 to Mr. McGill to  
8 Mr. Bradsnaw.

9 JUDGE HOYT: Ms. Mulligan, hand me that exhibit  
10 when Mr. Goodwin is finished.

11 MS. ZITZER: I have no objection to removing it,  
12 that's how I received it from the Applicant.

13 (Document handed to the Court.)

14 (Pause.)

15 JUDGE HOYT: Ms. Zitzer, what will be handed  
16 to the witness is the document that has been marked and  
17 checked by the Board as being the copy of this plan  
18 received into evidence as Applicant's Exhibit E-4.

19 Removed by the Board from that copy that had  
20 been handed to the witness was a letter. That is not a  
21 part of E-4 and, to the best of my knowledge, has not been  
22 introduced into evidence in this case.

23 Very well. You may continue.

24 (Document handed to the witness.)

25 BY MS. ZITZER:

1 Q Mr. Reiser, you have been handed a copy of a plan  
2 which has been received into evidence in this proceeding  
3 as Applicant's Exhibit E-4. It is a Bucks County Fixed  
4 Nuclear Facility Incident Support Plan for Incidents at  
5 the Limerick Generating Station. It is dated October 1984.

6 Do you have that in front of you?

7 A Yes.

8 Q I believe that you stated that you have worked  
9 closely with Mr. McGill and you have had discussions with  
10 him two or three times a week.

11 During this time period when you have been having  
12 those meetings, have you been discussing matters relating  
13 to the proposed Bucks County support plan?

14 A Yes, on various occasions.

15 Q What has been the nature of the discussions that  
16 you have had with Mr. McGill relating particularly to the  
17 Bucks County support plan?

18 A I have tried to express to him the views of the  
19 county commissioners in implementing the plan and, during  
20 the time last summer when it was decided that Bucks  
21 County did not wish to be part of the plan for the  
22 evacuation drill, I discussed that with him as to why the  
23 county was not -- chose not to be a part of it. And at  
24 various times we have had various discussions about various  
25 aspects of the plan and how it could possibly be changed to

1 address the problem that Bucks County had with it.

2 Q I believe that you stated that you discussed with  
3 Mr. McGill the reason that the county chose not to participate  
4 in the July 25th exercise, is that correct?

5 A Yes.

6 Q Could you provide us with any information that  
7 you are directly aware of as to why that decision was made?

8 MR. RADER: I object. Ordinarily, of course,  
9 hearsay evidence would be admissible but here we have an  
10 instance in which one of the responsible county commissioners  
11 has been withdrawn as a witness and presumably this would  
12 have been the individual who could have expressed the views  
13 or at least the majority views of the Bucks County  
14 commissioners, so I object to the witness discussing in  
15 detail as to what the reasons may have been for that  
16 decision by the commissioners or any other testimony  
17 relating to their views of the plan.

18 MS. ZITZER: Your Honor, I will lay the foundation  
19 to establish that this witness had direct involvement with  
20 the commissioners' decision and I do think that Mr. Rader  
21 is correct in wanting to assure that that is established  
22 so that it is not simply hearsay evidence.

23 JUDGE HOYT: Ms. Zitzer, you may try, if you wish.  
24 I wondered, however, and I will express to you up front  
25 that I have doubts as to the competence of this witness

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testifying about matters decided by the Bucks County Commissioners and what, if any, discussions may have transpired in meetings among the Commissioners. This is simply not the appropriate witness.

I also find it uncomfortable to hear this testimony in view of the fact that you have just withdrawn the testimony of the chairman of the Bucks County Board of Commissioners and I don't think the chief clerk can testify on those matters.

Now if you wish to try, you may do so.

MS. ZITZER: Thank you, your Honor.

JUDGE HOYT: But I must forewarn you that that is a distinct problem that I see here.

BY MS. ZITZER:

Q. Mr. Reiser, in your capacity as the county administrator, did you participate in any discussions with the Bucks County commissioners regarding the decision not to participate in the July 25th evacuation drill?

A. Yes.

Q. And what was the nature of the discussions that you were personally involved in?

A. The general drift of the discussion was that we supported helping our neighbors in Montgomery County if it would be possible but we felt there were so many problems that were not addressed in the plan that it made it very

1 difficult for us to provide services to people coming from  
2 Montgomery County and we couldn't be sure that the people  
3 in Bucks County would not evacuate in the meantime in case  
4 of an emergency at Limerick.

5           So we made this effort just to point out the  
6 fact that if there was a severe nuclear accident at Limerick  
7 that evacuation would not really safeguard the people in  
8 Montgomery County nor in Bucks County.

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1 Q What is the basis --

2 MR. RADER: I ask that that testimony be  
3 stricken for the very reason I previously stated. The  
4 witness said at various points, as I understood him, that  
5 in our opinion or "we decided." And I don't know any  
6 basis for the witness to testify that he decided anything.

7 I think it would be a matter for the commissioners  
8 to testify about.

9 MS. ZITZER: Your Honor, as chief county  
10 administrator, Mr. Reiser oversees the function of all  
11 the departments, particularly the Bucks County  
12 Emergency Management Agency.

13 He did say that he had met personally with  
14 the commissioners to discuss this and was involved  
15 in the decisionmaking.

16 I don't have any problem with Mr. Rader asking  
17 for clarification, that he be more precise in his use  
18 of the words "we" and "I." But I do think that he does  
19 have -- has demonstrated sufficient involvement to be  
20 able to respond to the questions that have been asked.

21 I would also add that he is Mr. McGill's  
22 boss, I guess is the word, as the chief county  
23 administrator.

24 Mr. McGill does report to Mr. Reiser.

25 Specifically with regard to the comments that he

1 referred to, he was directly involved in the discussions  
2 and desicion by the county not to participate. And it is  
3 from that basis that I believe he has provided his answer.

4 JUDGE HOYT: We will let the testimony stand,  
5 Miss Zitzer. Its value, of course, is another matter.

6 The problem that I am having is, I still am  
7 not too certain that you have got the right witness up  
8 here.

9 We will try a few more questions along these  
10 lines and see where you go with it.

11 MS. ZITZER: Thank you, your Honor.

12 BY MS. ZITZER:

13 Q Mr. Reiser, you stated that you had some  
14 concerns about whether or not problems relating to  
15 Bucks County were addressed in the plan.

16 What is the basis for your concern along  
17 that regard?

18 A I believe the position of the Bucks County  
19 commissioners was stated in a letter to Mr. John Patten,  
20 dated July 17, which was sent to a number of other  
21 agencies. I don't know if that is part of the record or  
22 not, or whether it is appropriate to introduce that letter.

23 The basis is under the county commissioner's  
24 first responsibility is to the citizens of Bucks County  
25 and should evacuation be required in Montgomery County, they

1 are within a ten-mile radius. There are sections of  
2 Bucks County that are as close as 13 miles to Limerick.

3 And the commissioners didn't feel you could  
4 draw any specific line and the people who were within  
5 13 miles would also feel that they should evacuate.

6 Q Have any municipalities in Bucks County  
7 expressed those types of concerns to you or to the  
8 commissioners?

9 A Yes. We have resolutions from, I guess, a  
10 batch of resolutions from five municipalities and  
11 communications from three additional municipalities,  
12 expressing their concern that the citizens of Bucks County  
13 be considered for evacuation also and calling upon the  
14 Bucks County commissioners to provide a plan for  
15 evacuation of their citizens.

16 Q I believe you said you had some resolutions  
17 and some correspondence.

18 Could you be specific as to which municipalities  
19 these are from?

20 A We have resolutions from Buckingham Township,  
21 Plumstead Township, Falls Township, Tinicum Township, and  
22 Bridgton Township.

23 Q Those are the resolutions you referred to?

24 A Yes.

25 Q You said you had also received some correspondence

1 or requests from other municipalities.

2 A We have a letter from New Britain Township  
3 asking the same thing, and a letter from New Hope Borough  
4 stating their intention to pass such a resolution.

5 MS. ZITZER: Your Honor, could I ask  
6 Miss Mulligan to obtain copies of these documents from  
7 the witness for my inspection?

8 JUDGE HOYT: Do you have those with you, sir.

9 THE WITNESS: I do not have all of them with me.  
10 I have a number of them with me.

11 JUDGE HOYT: All right.

12 Would you tell me which ones you have? I take  
13 it that when you say you have "them," you mean copies  
14 of the resolutions? Is that what you are saying?

15 THE WITNESS: I have copies of resolutions  
16 from Falls Township, Tinicum Township, and Bridgton  
17 Township. And I have a letter from New Britain Borough.

18 JUDGE HOYT: All right. If you wish to  
19 examine those, yes.

20 MS. ZITZER: I would like to examine those, yes.

21 BY MS. ZITZER:

22 Q Have you, in your capacity as chief administrator,  
23 responded to any of the concerns that have been expressed  
24 to you in these documents which you just referred to?

25 A Not other than acknowledging receipt of these

1 things and stating support of the commissioners with the  
2 intent of the documents or the resolutions.

3 Q Have you discussed with the commissioners whether  
4 or not they intend to respond to the concerns raised in  
5 these documents which you just provided us?

6 A Yes. They do intend to respond in terms of  
7 supporting the sentiments. They didn't give any specific  
8 method in which they intend to respond.

9 Q Is it your understanding that these resolution  
10 letters request the county commissioners to develop  
11 evacuation plans for Bucks County residents?

12 MR. RADER: Objection. The question is  
13 leading. And the documents, which I have not yet seen,  
14 speak for themselves.

15 JUDGE HOYT: Very well. The objection will  
16 be sustained.

17 Miss Zitzer, we will take a very brief time  
18 off the record in which counsel for all sides here may  
19 examine these documents.

20 I think if we are going to go into any further  
21 questioning, we better have everybody look at them.

22 (Off the record.)

23 JUDGE HOYT: During the interval the hearing was  
24 off the record, the Board obtained some copies of these  
25 documents, so the counsel for all parties and the

1 representative of LEA could all have copies before them.

2 All right, Miss Zitzer, your time during that  
3 interval has been tolled. You may start now.

4 MS. ZITZER: I think just for clarification  
5 purposes during the discussion, we would request to  
6 identify these documents as LEA exhibits.

7 I believe the first number would be E-49.  
8 I believe we left off with E-48.

9 We would request that the cover letter and the  
10 attached resolution from the Bridgeton Township  
11 supervisors be identified as LEA Exhibit E-49.

12 JUDGE HOYT: For identification.

13 (The document referred to was  
14 marked LEA Exhibit E-49 for  
15 identification.)

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16 MS. ZITZER: That the Township of New Britain  
17 letter, dated December 20, 1984, to the Bucks County  
18 commissioners be identified as LEA Exhibit E-50.

19 JUDGE HOYT: For identification.

20 (The document referred to was  
21 marked LEA Exhibit E-50 for  
22 identification.)

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23 MS. ZITZER: That the Falls Township resolution,  
24 which starts out on the top "Resolution 85-1, Whereas the  
25 Board of Supervisors of Falls Township," be identified as

1 LEA Exhibit E-51.

2 JUDGE HOYT: For identification.

3 (The document referred to  
4 was marked LEA Exhibit E-51  
5 for identification.)

6 MS. ZITZER: And that the Tincum Township  
7 cover letter of January 11, 1985 be identified as  
8 LEA Exhibit E-52.

9 JUDGE HOYT: For identification.

10 (The document referred to  
11 was marked LEA Exhibit E-52  
12 for identification.)

13 MS. ZITZER: And in that, I would also request  
14 that attached to it as part of E-52, the minutes of  
15 the December 26, 1984 Tincum Township Supervisors  
16 meeting, which is referenced in the letter -- it states  
17 that "at the meeting of December 26, 1984, the supervisors  
18 adopted a resolution," and attached to the cover letter  
19 is the minutes from that meeting, specifically on page 3  
20 of the minutes of December 26, 1984, the discussion of the  
21 action taken by the board of supervisors and the resolution.

22 I have not identified the handwritten letter as it  
23 appears to be from an individual as opposed to --  
24 for clarification, I have not identified the handwritten  
25 letter from the vice president of New Britain Borough

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1 Council.

2 JUDGE HOYT: And the resolution I-85, dated  
3 January 7, 1985, are you going to identify that or not?

4 MS. ZITZER: I am not sure I have that one.

5 MR. HASSELL: Judge Hoyt, is that resolution  
6 85-I that you are talking about?

7 JUDGE HOYT: I have I-85.

8 MS. ZITZER: I apologize. I had requested  
9 that E-49 be the January 10 cover letter from the  
10 Bridgton Township supervisors plus the attached resolution  
11 number I-85, dated January 7, 1985.

12 JUDGE HOYT: Very well.

13 MS. ZITZER: Thank you.

14 BY MS. ZITZER:

15 Q Mr. Reiser, have you had any discussions with  
16 Mr. McGill regarding the fact that you had received  
17 these letters and resolutions from Bucks County municipalities?

18 A I had discussions with him in which we  
19 acknowledged having received them, but that is really  
20 the extent of the discussions that I have had. You can  
21 see they came in very recently.

22 Q Is it your opinion that some planning provisions  
23 other than those contained in the Bucks County Support  
24 Plan, which we have been previously discussing at Applicant's  
25 Exhibit E-4, would need to be undertaken by the county in order

1 to respond to the concerns raised in these letters and  
2 resolutions?

3 MR. RADER: Objection. First of all, there  
4 has been no foundation laid that this particular  
5 witness has those responsibilities or has been asked  
6 by the commissioners to exercise such responsibilities.

7 My understanding is that the commissioners  
8 have delegated that responsibility to Mr. McGill.

9 Second, with respect to these letters,  
10 these are not self-authenticating materials and there  
11 has been no testimony or foundation laid in the record  
12 that the concerns expressed in these letters require  
13 any response from Bucks County, indeed any response with  
14 respect to the support plan in particular, inasmuch as  
15 the letters on their face appear to express concerns  
16 regarding evacuation of Bucks County residents which is  
17 not even a part of the support plan.

18 MS. ZITZER: Your Honor, first of all, I am  
19 willing to rephrase the question.

20 I do believe it is necessary to clarify the  
21 nature of Mr. Reiser's responsibility with regard to --

22 JUDGE HOYT: Yes, if you want to do that first,  
23 Miss Zitzer. The second part of the objection going  
24 to the --

1 MS. ZITZER: I would like to respond to that.

2 JUDGE HOYT: You can respond to it, of course.

3 MS. ZITZER: The Contention, as admitted stated  
4 there is no choice, Bucks County will assume the responsi-  
5 bilities assigned to it in this support plan, rather than  
6 use County resources to help Bucks County people first.

7 And then we went on to explain specifically  
8 what the Montgomery County Plan relies upon the Bucks County  
9 Plan to do.

10 I think this whole concern of the demand on Bucks  
11 County resources is one of the major reasons that the  
12 contention was admitted, and is certainly one of the reasons  
13 LEA --

14 JUDGE HOYT: What has that got to do with the  
15 authentication of these documents, Ms. Zitzer?

16 MS. ZITZER: That is a different matter.

17 JUDGE HOYT: That is the only thing I am concerned  
18 with at this point.

19 We know what is in the contentions, Ms. Zitzer.

20 MS. ZITZER: Okay.

21 JUDGE HOYT: Go ahead.

22 BY MS. ZITZER:

23 Q Mr. Reiser, could you please indicate to us what  
24 responsibilities the Commissioners have assigned to you in  
25 your capacity as County Administrator with regard to overseeing

mm2 1 emergency planning related matters, specifically as currently  
2 being undertaken by Mr. McGill's function?

3 A I should say they have only assigned me this  
4 responsibility in terms of the overall administrative organiza-  
5 tion of the County, that Mr. McGill's emergency planning function  
6 comes under my function as County Administrator, and that is  
7 true for all the County Departments.

8 They haven't specifically assigned me any special  
9 duties with regard to the emergency planning.

10 Q If the Commissioners, upon receipt of these letters,  
11 1 and 2, convey their concerns to Mr. McGill, would they  
12 do it through you and authorize you to meet with him and  
13 convey their concerns to him?

14 Or, would they set up a separate meeting with  
15 Mr. McGill?

16 MR.RADER: Objection. That calls for speculation.

17 JUDGE HOYT: I will overrule that objection.

18 Answer the question, if you can.

19 THE WITNESS: It can easily be done either way,  
20 that they can meet with me and Mr. McGill together and  
21 express their concerns directly to us, or they could express  
22 them to me for me to meet with Mr. McGill.

23 So, it could really work out either way.

24 BY MS. ZITZER:

25 Q Wouldyou be involved in the discussions, even if

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1 they did decide to meet with him directly?

2 A More than likely I would.

3 Again, I can't say for certain. But normally I  
4 would.

5 Q And in the past, since the July 25th exercise,  
6 when the Commissioners have desired to meet with Mr. McGill  
7 and discuss with him any of their concerns relating to the  
8 proposed Bucks County Support Plan, have you been involved  
9 in any discussions that have taken place, or have they at  
10 any point in time designated you to convey information at  
11 their request to Mr. McGill?

12 A I believe there have only been casual discussions  
13 both with the Commissioners -- between the Commissioners and  
14 myself, and between myself and Mr. McGill.

15 Q Were you at any point in time informed by  
16 Mr. McGill or the Commissioners, that the October 1984 draft  
17 of the Bucks County Fixed Nuclear Facility Incident Support  
18 Plan for Incidents at the Limerick Generating Station  
19 had been determined to be a final draft of the County Support  
20 Plan?

21 A No, I don't believe so.

22 Q Do you know whether or not Mr. McGill has informed  
23 Mr. Fonash of the fact that the October 1984 draft of the  
24 Bucks County Fixed Nuclear Facility Incident Support Plan  
25 for Incidents at the Limerick Generating Station has been

mm4 1 determined by him to be a final draft for the County?

2 A I really have no information on that. I don't  
3 know.

4 Q The resolutions and letters that you brought with  
5 you today, how did you receive them?

6 A I received them in the mail in the official  
7 County mail.

8 Q And when you receive such mail, is that brought to  
9 the Commissioners' attention?

10 A Yes. Sometimes the mail comes directly to the  
11 Commissioners and then to me. And sometimes it comes  
12 directly to me.

13 But we inform each other of what we have received.

14 Q Do you believe these -- strike that.

15 Subsequent to receiving any of these letters, has  
16 there been any followup -- either telephone call or followup  
17 contact from any of the elected officials who corresponded  
18 with your office?

19 A Not to my knowledge.

20 Q Do you have any knowledge or opinion as to whether  
21 or not as indicated, these resolutions and letters were  
22 acted upon at public meetings that the Boards of Supervisors  
23 have communicated to you?

24 MR. RADER: I object. That calls for speculation  
25 and opinion by the witness, which he has not demonstrated

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1 qualification to give.

2 JUDGE HOYT: Ms. Zitzer, if you can cure that  
3 problem, you may ask the question.

4 BY MS. ZITZER:

5 Q Starting with LEA Exhibit E-49, which is the  
6 Bridgeton Township Supervisor's cover letter and resolution,  
7 do you have any reason to believe that that resolution, as  
8 stated on the cover letter, having been voted on at the  
9 Bridgeton Township Supervisors' meeting was not properly  
10 acted upon?

11 MR. RADER: Objection. This is a totally improper  
12 attempt to authenticate this document.

13 MS. ZITZER: I can rephrase it. I think that might  
14 simplify it.

15 JUDGE HOYT: I am not sure rephrasing will do it,  
16 Ms. Zitzer, but you can try if you want.

17 BY MS. ZITZER:

18 Q I would like to ask you to turn to the second  
19 page of the resolution attached to LEA Exhibit E-49.

20 Do you recognize the signatures and the names of  
21 the Supervisors of Bridgeton Township, as indicated there?

22 MR. RADER: Objection. The witness has not been  
23 qualified as a handwriting expert either, to my recollection.

24 JUDGE HOYT: He hasn't been qualified as a  
25 handwriting expert. But, he may be able to identify them.

mm6 1 Let's see if he has an answer, Mr. Rader. Your  
2 objection is overruled.

3 THE WITNESS: In this case I am not familiar with  
4 any of the names of the Supervisors in Bridgeton Township.

5 BY MS. ZITZER:

6 Q With regard to -- however, on the cover letter,  
7 the transmittal letter is signed by Carolyn Sabatini, the  
8 Secretary/Treasurer of Bridgeton Township Supervisors.

9 Have you ever received any correspondence in the  
10 past from the Secretary/Treasurer that would familiarize  
11 you with her name or her signature?

12 MR. RADER: Objection. Irrelevant.

13 Ms. Sabatini is not one of the members of the  
14 Bridgeton Township Supervisors, and the fact that she sent  
15 a cover letter with something attached to it which is identified  
16 as a model resolution, with the word "model" crossed out and  
17 blanks filled in, certainly would not authenticate the  
18 document.

19 JUDGE HOYT: Objection sustained.

20 BY MS. ZITZER:

21 Q Turning to LEA Exhibit E-50, the New Britain  
22 Township letter from Mr. Robert C. Bender, the Township  
23 Manager, I would like to ask you if you know Mr. Bender, the  
24 Township Manager, or if you can identify his signature on  
25 the letter identified as E-50?

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1 MR. RADER: I object to this as irrelevant.

2 There is nothing in the letter with anything of  
3 any probative matter whatsoever.

4 Furthermore, even under the affirmation indicated,  
5 the signator of the letter is a Township Manager, not a  
6 member of the Board of Supervisors of New Britain Township.

7 It appears that the letterwriter is attempting  
8 to provide some information for whatever use. But again, I  
9 see no probative value, or no authentication value.

10 MS. ZITZER: LEA believes that if the witness is  
11 familiar with Mr. Bender, the Township Manager, has discussed  
12 this with him, the fact that he states: Please be advised  
13 that we are concerned with emergency plans for our residents,  
14 as we believe you are, is relevant to the matters we have  
15 been discussing, and does believe that that concern is --

16 JUDGE HOYT: Ms. Zitzer, I understand what you are  
17 trying to do, but I just don't think you have the proper  
18 witness for this testimony.

19 And, unfortunately, there isn't, apparently,  
20 anyone else to be made available, since you don't have the  
21 witness that you had originally scheduled.

22 MS. ZITZER: Your Honor, short of calling each  
23 witness from each Township, I fail to understand how  
24 Mr. Fonash could cure the concerns that Applicant has.

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JUDGE HOYT: I don't know, Ms. Zitzer, but these are your documents and you will have to get them into evidence, if you wish to, through witnesses that are competent to testify on these matters.

It doesn't appear that this witness is.

I think we can keep going through these, but I think we will find the same thing.

MS. ZITZER: May I just inquire of the witness if that would be the same?

JUDGE HOYT: Surely.

BY MS. ZITZER:

Q Mr. Reiser, of the other exhibits which I have handed to you, which are identified through E-52, are you familiar with any of the signatures or individuals who have transmitted the resolutions and letters to you that are contained in those exhibits?

And if so, would you please be specific as to which ones you are referring to?

A I am familiar with Mr. Bender. I am not familiar with his signature.

Q Mr. Bender is the Township Manager of New Britain Township, correct?

A I think it is on the original copy of E-51. There is an actual seal of the Township on the original letter. I believe there are none others that I am familiar with the signature or the individuals.

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1 Q I believe you said on the Falls Township  
2 Resolution E-51 you have an original copy with you that  
3 has the seal of the township on it?

4 A That's correct.

5 Q Are the activities of the township supervisors'  
6 meetings normally covered in the local newspapers?

7 A That's hard to say. Some are and some are not  
8 and I can't say what's normal. In certain townships there  
9 is sufficient interest.

10 Q Do you recall reading any news coverage of  
11 township supervisors' meetings where this specific issue  
12 of evacuation planning as it relates to Bucks County was  
13 discussed?

14 A No, I do not.

15 Q Okay.

16 Were you in attendance at any of the meetings  
17 that took place between any representative of the  
18 Pennsylvania Emergency Management Agency and any representa-  
19 tive of the Bucks County Board of Commissioners?

20 MR. RADER: Could foundation be laid for that,  
21 please? I don't think there's foundation in the record for  
22 any meetings that occurred.

23 MS. ZITZER: Your Honor, I believe that Mr. Bradshaw  
24 testified that Mr. Boyer told him, based on a meeting  
25 between Mr. Patton and Mr. Fonash, certain things that had

1       transpired and had been discussed.

2               Mr. Stone has the transcript which I could read  
3 to you. I don't think that it's necessary at this point.  
4 It was during Mr. Hirsch's examination where he stated,  
5 if necessary, following the presentation of the Bucks  
6 County witnesses, he might need to call Mr. Patton to verify  
7 the actual discussion that had taken place.

8               I'm simply trying to determine if this witness  
9 was also involved in those discussions. I can point to  
10 the transcript.

11               JUDGE HOYT: I'm not certain what you're saying,  
12 Ms. Zitzer. Mr. Bradshaw is not going to call any witnesses --

13               MS. ZITZER: Mr. Bradshaw testified that there  
14 had been a meeting between FEMA and Mr. Fonash and he  
15 specifically said it was Mr. Patton and Mr. Fonash. He  
16 reiterated that Mr. Boyer had spoken to Mr. Patton, who  
17 had informed Mr. Bradshaw of certain things having been  
18 discussed.

19               I really didn't want to get into the discussion  
20 that way frankly but it was brought up by Mr. Bradshaw on  
21 the record and I am simply trying to determine if this  
22 witness was involved in any meetings between FEMA and  
23 the Bucks County Board of Commissioners.

24               MR. RADER: If it please the Board, I think the  
25 only transcript reference which Ms. Zitzer might be

1 referring to is at page 17,232 where Mr. Bradshaw --

2 JUDGE HOYT: 17,232?

3 MR. RADER: Yes, Ma'am.

4 JUDGE HOYT: Is that the one you had in mind,  
5 Ms. Zitzer....

6 MR. RADER: Mr. Bradshaw stated at that juncture  
7 that:

8 "In addition to information given  
9 to me through Vince Boyer from John Patton,  
10 the director of FEMA, who has indicated  
11 that his contacts with Bucks County would  
12 indicate that it not be necessary to seek  
13 a support county somewhere else at that  
14 point in time."

15 I don't understand the contact Mr. Bradshaw  
16 referred to to be Mr. Fonash necessarily.

17 MS. ZITZER: I'm willing to rephrase it. I am  
18 certain that there have been at least one or two meetings  
19 but I'm very willing to rephrase the question.

20 JUDGE HOYT: Well apparently 17,232 wasn't it,  
21 Ms. Zitzer, but you made reference to something that  
22 Mr. Stone had, is that the same reference in the transcript  
23 or do you have something else?

24 MS. ZITZER: Your Honor, to be honest with you,  
25 I haven't had a moment to check it but I think it would be

1 simpler --

2 JUDGE HOYT: All right. Do you want to take a  
3 moment to check?

4 (Pause.)

5 MS. ZITZER: 17,232 is what you referred to?

6 JUDGE HOYT: Yes, that's the one that Mr. Rader  
7 referenced.

8 MS. ZITZER: During Mr. Hirsch's cross-examination --

9 JUDGE HOYT: And could you give us that page  
10 reference in the transcript?

11 MS. ZITZER: It will take just a moment. It's  
12 from January 8th.

13 I don't believe the transcript is clear -- this  
14 is at 17,338 and 339, I would agree that it's not clear  
15 whether it was a meeting or a telephone conversation --

16 JUDGE HOYT: All right, then.

17 MS. ZITZER: I would like to rephrase the question.

18 JUDGE HOYT: Then do you want to withdraw that --

19 MS. ZITZER: I would like to rephrase the  
20 question, please.

21 JUDGE HOYT: All right.

22 BY MS. ZITZER:

23 Q Mr. Rieser, are you aware of any discussions  
24 that have taken place since the July 25th drill between  
25 Mr. Fonash or any other members of the Bucks County Board

1 of Commissioners and the Pennsylvania Emergency Management  
2 Agency regarding the Bucks County support plan?

3 A I'm not really aware specifically of any such  
4 meetings, no.

5 Q Has Mr. Fonash indicated to you that he has had  
6 any discussions with Mr. Patton regarding the Bucks County  
7 support plan?

8 MR. GOODWIN: I will object, your Honor. I think  
9 the question has been asked and answered.

10 JUDGE HOYT: All right. The objection is  
11 sustained.

12 BY MS. ZITZER:

13 Q Has Mr. Fonash discussed with you whether or not  
14 he has had any communications from the Pennsylvania  
15 Emergency Management Agency since the July 25th drill?

16 MR. RADER: Objection. I think that objection  
17 was just sustained.

18 MS. ZITZER: Your Honor, he was asked if there  
19 was a meeting but I was not permitted to ask if it had  
20 been discussed.

21 JUDGE HOYT: Ms. Zitzer, I am at a loss to  
22 understand why you don't have Commissioner Fonash here  
23 and I don't think these questions are appropriately addressed  
24 to this witness.

25 I'll sustain the objection.

1 (Pause.)

2 BY MS. ZITZER:

3 Q The Bucks County commissioners, specifically  
4 Mr. Fonash, have drafted a number of letters to the Pennsylvania  
5 Emergency Management Agency with regard to matters relating  
6 to the Bucks County support plan.

7 Have you been involved in the drafting and  
8 transmittal of any of those letters?

9 MR. RADER: Objection. I don't know why  
10 Ms. Zitzer seems to think that she has to testify just  
11 because she doesn't have the right witness here. Now she  
12 made some reference to a number of letters having been  
13 drafted and I don't know that this witness knows that or  
14 is able to testify about that.

15 MS. ZITZER: Your Honor, if he's not able to  
16 testify about having been involved in anything in particular  
17 I intend to move on. I don't want to lead the witness by  
18 giving him particular letters, particularly if he has not  
19 been involved.

20 JUDGE HOYT: Ms. Zitzer, you're going to have to  
21 give him some basis about what you're talking about,  
22 concerning what you're talking about because the question  
23 will raise the objection each time and it is a sustainable  
24 objection.

25 If you want to try it from a different angle....

1 MS. ZITZER: Okay. Thank you.

2 I have a July 17th, 1984 letter from the Bucks  
3 County commissioners to Mr. John Patton of PEMA. I  
4 will have Ms. Mulligan show it to the parties, if they  
5 don't have it with them. It was previously, I believe,  
6 served on the parties by the commissioners. It does say  
7 on the back that it had been distributed to FEMA and the  
8 NRC and I know I received it through the service list.

9 JUDGE HOYT: Just so long as they know what it  
10 is that has been identified. It has been served on all  
11 the parties.

12 MS. ZITZER: It is a July 17, 1984 letter  
13 signed by Carl Fonash and Lucille Trench to John Patton  
14 of PEMA. Mr. Reiser's name as County Administrator appears  
15 on the letterhead of this as well as all other correspondence  
16 that has been transmitted by Bucks County.

17 And I would like to have this letter marked for  
18 identification purposes as LEA Exhibit E-53.

19 MR. RADER: May I suggest to the Board respectfully  
20 that I think it is an improper procedure for Ms. Zitzer  
21 to use to use identification numbers for particular matters  
22 when they have not in fact been identified by the witness.

23 I believe the proper procedure is to show the  
24 witness the document and ask him if he can identify it,  
25 then mark it for identification.

1 JUDGE HOYT: We're getting into an awful lot of  
2 trouble with this, I think it is probably a good suggestion.  
3 Ms. Zitzer, in the future we will proceed along those lines.  
4 Let me just see what you have here.

5 (Whereupon, the document previously  
6 referred to was marked for identifi-  
7 cation as LEA Exhibit E-53.)

8 BY MS. ZITZER:

9 Q Mr. Reiser, do you have the July 17th letter  
10 which we referred to in front of you?

11 A Yes, I do.

12 Q Have you seen this letter before?

13 A Yes, I have.

14 Q Did you have any involvement in the preparation  
15 of this letter?

16 A Yes, I did. I edited several drafts of it and  
17 worked with several people in the county in drafting it.

18 Q I couldn't quite hear you, you said you worked  
19 with several people in drafting it.

20 A I worked with several people in the county in  
21 drafting it, yes.

22 Q Did you draft this letter?

23 A I didn't make the original draft of it, no.

24 Q Who did you work with in preparation of this  
25 letter?

agb/agbl0

1 A I believe it was with the county solicitor.

2 Q And who is that?

3 A Mr. James McNamara.

4 And I also discussed it with Mr. McGill.

5 Q Are you familiar with the contents of the letter?

6 A Yes.

7 Q And after you had completed editing and finished  
8 drafting the letter, did you have any discussions with  
9 either Carl Fonash or Lucille Trench prior to their  
10 decision to sign the letter and send it to Mr. Patton as  
11 well as FEMA and the NRC?

12 A I don't recall any specific discussions. They  
13 were involved in initiating the letter and asking that it  
14 be done.

15 Q Did you work on this letter at their request?

16 A Yes.

17 Q Did they indicate to you why they requested you  
18 to prepare this letter or assist in preparing this letter?

19 A Not specifically, other than what the letter says

20 Q You are familiar with what the letter says?

21 A Yes.

22 Q Based on your knowledge and your discussions with  
23 the county commissioners, do you believe this letter to  
24 still be a current reflection of the concerns of the county  
25 commissioners based on your direct knowledge of the situation?

1           MR. RADER: Objection. The witness just testified  
2 that he had not had any discussions with Mr. Fonash or  
3 Ms. Trench after the letter had been sent. He further  
4 stated that his only knowledge pertaining to the letter was  
5 what was contained in the letter itself; therefore, there  
6 is no foundation laid for this question.

7           JUDGE HOYT: If you want to go back and try to  
8 retrieve that, Ms. Zitzer, you may do so. However, that  
9 objection is sustained.

10           MS. ZITZER: Fine.

11           BY MS. ZITZER:

12           Q     Subsequent to the transmittal of this letter  
13 to PEMA and FEMA, have you had any discussions with  
14 Mr. Fonash and Lucille Trench regarding the status of the  
15 Bucks County support plan?

16           A     Yes, I did have some additional discussions with  
17 them.

18           Q     And what was the nature of the discussions that  
19 you were involved in?

20           A     As a result of our discussion, we agreed to  
21 participate in the drill that took place, I believe, in  
22 November, that we felt we had done all we could to make  
23 our point in this and that we still held to this position  
24 but that we also felt that if there was going to be an  
25 emergency evacuation that we were not going to turn our

1 backs on the needs of the citizens in the region who might  
2 need help.

3 Q When you say that your concerns remained the  
4 same, are you referring to those concerns as stated in  
5 the July 17th, 1984 letter?

6 MR. RADER: Objection, it's a leading question.

7 JUDGE HOYT: Mr. Rader, it may be leading but  
8 we will take longer to try to get it in otherwise, so I  
9 will permit the question to be asked and answered.

10 THE WITNESS: That's what I intended to say, that  
11 there was the same concerns as expressed in this letter.

12 BY MS. ZITZER:

13 Q And based on your meetings and discussions with  
14 the Board of Commissioners, do you consider the July 17th,  
15 1984 letter to be, to the best of your knowledge, an accurate  
16 reflection of the concerns of the Bucks County commissioners--

17 A I believe --

18 MR. RADER: I object. I object.

19 MS. ZITZER: I didn't finish my question.

20 JUDGE HOYT: Wait just a minute, Mr. Rader, let  
21 the question be finished.

22 MS. ZITZER: I'm willing to rephrase the question.

23 JUDGE HOYT: Very well.

24 BY MS. ZITZER:

25 Q Based on the meetings and discussions you have

1 had with the Bucks County commissioners, do you believe the  
2 concerns as expressed in the July 17th, 1984 letter to be  
3 a current and accurate representation of the concerns of  
4 the County of Bucks with which you are the county administrator?

5 MR. RADER: Objection, that's totally without  
6 foundation and calling for speculation. The witness has  
7 just testified that the only meeting he had or only discussion  
8 he had with the commissioners following the July letter  
9 was a meeting where apparently the commissioners decided  
10 to go ahead and participate in the drill.

11 There has been no discussion about any other  
12 concerns or whether concerns remained the same as regards  
13 the commissioners' perspective as opposed to the witness'.

14 MS. ZITZER: Your Honor, I believe he also  
15 stated that he -- at that time it was determined that the  
16 concerns remained the same and when I asked him what he  
17 was referring to, he specifically made reference to the  
18 July 17th, 1984 letter.

19 I believe that Mr. Rader will have the right  
20 under cross-examination to specifically determine the exact  
21 nature of this witness' particular knowledge of any  
22 subsequent actions that Mr. Rader may think changed the  
23 contents -- or changed the status of the concerns as  
24 stated in the July 17th letter, but I believe that this  
25 witness has stated that to the best of his knowledge this

1 letter does still address the current concerns of the  
2 Commissioners and I think to the degree to which he has  
3 knowledge of that, that that should be allowed to stand in  
4 the record.

5 JUDGE HOYT: Well that portion has been in the  
6 record, Ms. Zitzer.

7 What is your question now? By the time we get  
8 to the end of one of these arguments, I have lost the  
9 question from time to time and this happens to be one of  
10 them. What's the question.

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end#15AB

1 MS. ZITZER: My question is whether or not the  
2 witness, based on his direct knowledge, believes that  
3 the July 17th, 1984 letter is a current reflection of  
4 the concerns of the county of Bucks with which he is the  
5 county administrator.

6 MR. RADER: My point is a very basic one,  
7 your Honor. The witness has been very careful to  
8 testify to the limited nature of his responsibility  
9 and I think has been very responsible in doing so.

10 He stated that he had a conversation with  
11 Mr. Fonash directly following the July letter, and he  
12 stated on the basis of that discussion with Mr. Fonash  
13 and Commissioner Trench it was decided that Bucks  
14 County would participate in the November drill.

15 Other than that, there has been nothing said  
16 about any discussions or meetings as premised in  
17 Miss Zitzer's questions about whether or not concerns  
18 remain the same, quote unquote.

19 So there is no basis for any testimony  
20 regarding any concerns at all regarding the Bucks County  
21 Commissioners view of the support plan, based upon the  
22 July 17 letter.

23 JUDGE HOYT: The objection is sustained.

24 BY MS. ZITZER:

25 Q Have the commissioners given you any directions

1 with regard to the need to consider developing  
2 procedures to assure the well being of residents of  
3 Bucks County in the event of a radiological emergency  
4 at the Limerick Generating Station?

5 A No, they have not.

6 Q Have the commissioners had any discussions with  
7 you regarding when they might consider reviewing and  
8 discussing what has been identified as the final draft  
9 of the Bucks County Support Plan?

10 A No, they have not.

11 Q Have they at any time given you any indication  
12 that they might not consider adopting the proposed  
13 Bucks County Support Plan?

14 A No.

15 Q Do you know whether or not Mr. McGill has  
16 provided either your office or the commissioners  
17 with a copy of the October 1984 final draft of the  
18 Bucks County Support Plan?

19 A No. I really don't have any information on that.

20 Q Have the Commissioners had any discussions  
21 with you with regard to whether or not they will approve  
22 the Bucks County Support Plan?

23 A No, they have not.

24 MS. ZITZER: I have no further questions.

25 JUDGE HOYT: Mr. Rader, you have 60 minutes.

XXXXXXX

## CROSS-EXAMINATION

1  
2 BY MR. RADER:

3 Q Mr. Reiser, you testified, I believe, that  
4 you edited certain drafts of the letter, dated July 17, 1984,  
5 which went to Mr. Patten from Mr. Fonash and Miss Trench.

6 Is that correct?

7 A That is correct.

8 Q Do you recall from what draft or document you  
9 edited the final version?

10 Were you provided any document from either  
11 commissioner to work with in order to prepare your  
12 edited version?

13 A I don't recall any draft, any specific draft  
14 that I worked from on that.

15 Q Did you start from scratch yourself in  
16 preparing this letter?

17 A No, I didn't.

18 Q But you don't --

19 A There were other drafts, but I don't recall  
20 specifically where they came from.

21 Q So you don't know whether those drafts were  
22 prepared by Mr. Fonash or Miss Trench, do you?

23 A Knowing how business is conducted, drafts  
24 generally are not prepared by the Commissioners. They are  
25 prepared by various members of their staff.

1           Q     Did Mr. Fonash or Miss Trench tell you  
2 at the time this letter was drafted and sent to Mr. Patten  
3 that it implied in any way that because Bucks County  
4 was not participating in the exercise on July 25th that  
5 Bucks County would not attempt to develop and implement  
6 a workable support plan for Bucks County?

7           A     If you don't mind, if you could restate the  
8 beginning of your question?

9           Q     Certainly.

10                     In the letter, the Commissioners Fonash and  
11 Trent state that as a result of certain concerns, the  
12 Bucks County commissioners find it necessary to inform  
13 all agencies that Bucks County is not prepared at this  
14 time to participate further in the limited planning and  
15 testing process, including the planned drill on July 25, 1984.

16                     Notwithstanding that particular statement, did  
17 either commissioner state to you at that time that in  
18 view of those concerns expressed in the letter, the  
19 commissioners would be unwilling to consider the adoption  
20 of a workable support plan for Bucks County if one could  
21 be developed?

22           A     No. They never stated they would be unwilling  
23 to consider a workable support plan.

24           Q     I would like you to look at what has been marked  
25 for identification as LEA Exhibit E-51.

1 Do you have that in front of you, sir?

2 A Yes.

3 Q Identified as resolution 85-I of the Board of  
4 Supervisors of Falls Township.

5 Would you look just above the "be it resolved  
6 clause" where there is a reference to PL 1372.

7 Do you see that, sir?

8 A Yes.

9 Q Are you aware of PL 1372?

10 A Not specifically beyond the fact that it is  
11 cited here.

12 Q Does PL 1372 have anything to do with emergency  
13 planning, or would the proper reference be PL 1332?

14 A I would have no information on that.

15 Q I am going to show you a copy of what is known  
16 as Pamphlet Law 1332 regarding the Pennsylvania  
17 Emergency Services Act. And I will ask you whether that  
18 refreshes your recollection regarding the content of  
19 1332 and whether or not that is, in fact, the generic  
20 statute in the Commonwealth of Pennsylvania for  
21 emergency planning responsibilities on the part of local  
22 counties and municipalities?

23 A From indications here, it looks like it should be  
24 PL 1332, that PL 1332 is the emergency management services  
25 code.

1 Q So 1372 appears to be a typographical or other  
2 error in the resolution. Would you agree with that?

3 A I really have no information on whether 1372  
4 has any meaning or not.

5 Q Now, would you turn to what has been marked  
6 as LEA Exhibit E-52 which is the cover letter and  
7 attachment from the Tincum Township supervisors.

8 In particular, would you turn to page 3 of the  
9 attachment.

10 Just above the same "be it resolved clause,"  
11 you also see a reference to -- do you see that reference  
12 to 1372?

13 A Yes.

14 Q Do you see that, sir?

15 A Yes.

16 Q Do you know any relationship between the Tincum  
17 Township Board of supervisors and the board of supervisors  
18 of Falls Township which would suggest any reason why  
19 they should both happen to make coincidentally what we  
20 shall assume was a typographical error?

21 MR. ZITZER: Objection.

22 MR. RADER: The witness has testified that he  
23 is a county administrator with knowledge of the workings  
24 of township boards of supervisors. I think it is an  
25 appropriate question whether or not he can state whether there

1 is any relationship between the two townships which  
2 would suggest a reason for this coincidence.

3 MS. ZITZER: To the degree that he has knowledge  
4 of that, fine. I don't think he should be asked to  
5 speculate.

6 THE WITNESS: I don't know of any --

7 JUDGE HOYT: The witness will be instructed  
8 to testify of your own knowledge.

9 THE WITNESS: I have no knowledge of any  
10 relationship between the two townships.

11 They are at opposite ends of the county, I  
12 might point out.

13 JUDGE HOYT: I'm sorry. I did not hear that.

14 THE WITNESS: Opposite ends of the county, I  
15 might point out.

16 BY MR. RADER:

17 Q Would that suggest to you, as a reasonable man,  
18 that the reference in both to 1372 is not coincidental  
19 but had a common source?

20 A It would certainly suggest that as a reasonable  
21 man, but I have no specific knowledge of it.

22 Q Do you know whether Commissioner Fonash has  
23 ever referred to public law or Act No. 1372?

24 A I certainly have no knowledge of his ever having  
25 referred to it.

1 Q I want to show you a letter, dated November  
2 16, 1984, from Mr. Fonash to FEMA and PEMA and  
3 ask you whether you have ever seen that letter?

4 Have you ever seen that letter before?

5 A I see a lot of letters. I don't recall ever having  
6 seen this letter.

7 Q From your knowledge of your county's  
8 stationery, Mr. Fonash's signature, does that appear  
9 to be a letter from Mr. Fonash?

10 A Yes.

11 Q Does Mr. Fonash make reference on page 2 to  
12 Act No. 1372 in referring to emergency planning  
13 responsibilities in Bucks County?

14 A Yes, he does.

15 Q Thank you.

16 I know that Miss Zitzer asked this in the form  
17 of her question, but could you state for the record  
18 who is your emergency coordinator and if you could give me  
19 his exact title and name, please.

20 A His name is Mr. Charles McGill, and his  
21 title -- he is division head of the emergency services  
22 division. He has several operating titles, actually.

23 Q Are you familiar with the responsibilities  
24 of counties under Public Law 1332 for the selection  
25 of an emergency management coordinator, sir?

1 A No, I am not.

2 Q Would you regard Mr. McGill as professionally  
3 competent?

4 A Yes, I would.

5 Q How long has Mr. McGill been your emergency  
6 coordinator?

7 A I was out of county employment for four  
8 years, but he has performed that function for the  
9 county, I guess, from -- or similar functions since  
10 around 1970, I would be guessing, as civil defense  
11 director which is what it was called in those days.

12 Q Do you know whether Mr. McGill has actually  
13 coordinated emergency responses in any real emergencies  
14 in Bucks County during that time?

15 A Yes, he has.

16 Q Could you describe those emergencies and  
17 responses which Mr. McGill coordinated?

18 A The chief one that comes to mind is in  
19 Hurricane Agnes, at which time we provided water and  
20 other services to people in neighboring counties.

21 Q In your opinion, did Mr. McGill do a good job  
22 in overseeing that response?

23 A Yes, he did.

24 Q Has Mr. McGill ever been involved in any other  
25 disaster plan development, to your knowledge, other than the

1 Limerick emergency planning?

2 A He is involved in a number of other disaster  
3 plans, particularly with regard to flooding and storm  
4 warnings, also snow emergencies.

5 Q Was Mr. McGill involved in the response at  
6 the time of the Three Mile Island accident in 1979?

7 A I am not really sure whether he was or not.

8 Q Could you please give me a brief description  
9 of Mr. McGill's responsibilities in Bucks County with  
10 regard to radiological as well as nonradiological  
11 emergency planning?

12 A I really couldn't give you a description. As  
13 the person as head of emergency management, he is the  
14 person we look to in those fields.

15 Q In other words, are you saying that the Bucks  
16 County commissioners and yourself look to Mr. McGill  
17 with regard to his opinions and judgments as to the  
18 adequacy of emergency planning in Bucks County; is  
19 that correct?

20 A Yes, I would say so.

21 Q I have the idea -- correct me if I am wrong --  
22 but I have the idea from your testimony that the  
23 commissioners and to whatever extent yourself also  
24 have, in effect, delegated to Mr. McGill the responsibility  
25 for reviewing and developing the Bucks County Support Plan;

1 is that correct, sir?

2 A That is correct, under the guidance, of course,  
3 of the commissioners.

4 Q Has Mr. McGill reviewed the current draft  
5 of your plan which you brought with you today?

6 MS. ZITZER: Objection. I would like it  
7 clarified what draft it is that Mr. Rader is referring to.  
8 I have the copy of the plan that the witness brought  
9 with him today in front of me.

10 MR. RADER: I will rephrase the question.

11 BY MR. RADER:

12 Q To your knowledge, has Mr. McGill reviewed  
13 each version of the draft plan for Bucks County as it  
14 has been provided to him by Energy Consultants?

15 A Yes, he has.

16 Q And is he the person in Bucks County who provided  
17 information relevant to that plan to Energy Consultants  
18 to be included in the subsequent drafts?

19 A I believe he was, yes.

20 Q Has Mr. McGill provided any comments regarding  
21 the adequacy of the Bucks County Support plan to you?

22 A I would say within the limits of the plan, he  
23 has said that he felt it was adequate, but he also has  
24 stated a number of other matters which were not addressed  
25 in the plan.

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Q And what were those other matters?

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A The problems with using a defined radius such as ten miles, which might not be relevant since, for radiological exposure, the distance really can't be measured in terms of a radius and would have to be based on the prevailing winds.

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He also has pointed out that improvement could be made in addressing the needs for different planning at different times of day at different seasons, depending on whether it is at night and the families are together in the homes, or whether people are at work and children are at school and that kind of thing.

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Q Now, with regard to the defined radius of ten miles, is that what Mr. McGill said, or someone else said?

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Did he tell you that personally that he was concerned about having a ten-mile radius from the Limerick Plant as the Emergency Planning Zone?

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A He didn't raise the question, but when the question was raised, he pointed out that he agrees that the ten miles wouldn't have great significance. But this was the parameters under which the plan was developed.--

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Q But when he said --

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A -- so he didn't initiate the discussion, but he agreed that he had problems with that kind of approach.

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Q When he said it wouldn't have great significance,

mm2 1 do you know whether it meant that it wouldn't have great  
2 significance in terms of the people in the ten-mile radius  
3 wouldn't be that much affected anyway, or if he meant something  
4 else?

5 A It was my understanding that he meant something  
6 else. The movement of possible radioactivity wouldn't  
7 be related to a radius. The patterns wouldn't be related  
8 to a radius.

9 Q What is the closest point in Bucks County to the  
10 Limerick Generating Station, sir, do you know?

11 A It is about 13 miles. I think that is in Milford  
12 Township.

13 Q Do you know why then, Mr. McGill would be  
14 concerned about a ten-mile radius? Did he say why he was  
15 concerned about a ten-mile radius in view of the fact that  
16 Bucks County is no closer than 13 miles?

17 A As I say, he was pointing out that you couldn't  
18 define danger in terms of a radius. That it could be  
19 a much bigger area that could be exposed in certain directions,  
20 depending on prevailing winds, should there be some sort of  
21 a nuclear accident.

22 Q Did Mr. McGill state that he intended to talk to  
23 the county officials or to PEMA with regard to expanding the  
24 ten-mile radius to include certain portions of Bucks County?

25 A No, he didn't state that specifically, no.

mm3

1 Q Did he state that there were any changes that he  
2 viewed as necessary in order to make the Bucks County Plan  
3 workable in terms of that ten-mile radius?

4 A I don't recall his stating so.

5 He stated that the parameters for the plan were  
6 provided by other agencies, and we had to respond within those  
7 parameters.

8 Q Did Mr. McGill give you to understand, and to the  
9 Commissioners as well, what, under extraordinary circumstances,  
10 protective actions could be taken in the event of a very  
11 severe accident beyond the ten-mile radius, to protect  
12 residents in that area?

13 A I don't believe he ever stated that specifically,  
14 no.

15 Q Did Mr. McGill ever express any other criticism  
16 or state any inadequacy in the draft plan that you are aware  
17 of?

18 A I really can't recall any, no. I guess he did  
19 state a concern about the highways and the difficulty that  
20 might arise from the low capacity of the highways.

21 Q Did Mr. McGill state that he felt that the  
22 status of certain roads, or the designation of certain  
23 evacuation routes would preclude the Bucks County Support  
24 Plan from being a workable plan?

25 A No, he didn't state that .

mm4

1 Q Did he state that he intended to discuss with  
2 PEMA or PennDOT or any other agency, a change in any of the  
3 designated routes?

4 A No, I don't believe so.

5 He stated that this is a plan, and it is only a  
6 plan. That is sort of the extent of our involvement, is to  
7 accept the plan.

8 Q Did Mr. McGill express an opinion as to whether  
9 or not the plan in its present form could be implemented  
10 tomorrow if an accident were to occur at Limerick, or, for  
11 that matter, if any serious accident were to occur which  
12 would require its implementation?

13 A He stated that the plan is being developed and  
14 once it is approved, a great deal has to be done to implement  
15 it, which would imply that it is not implementable immediately.

16 Certainly a great deal has to be done in notifying  
17 the people of their responsibilities and providing radiologi-  
18 cal detection equipment in various places and training people  
19 on the use of the equipment, that kind of thing.

20 Q Is it your understanding that training has been  
21 offered and in many cases accepted up to this point?

22 A I understand some training has been offered and  
23 accepted, yes.

24 Q I think -- I don't want you to misunderstand what  
25 I meant in terms of, could the plan be implemented tomorrow?

mm5

1                   We all understand, Mr. Reiser, that if an emergency  
2 plan is, in fact, implemented, there are many things which  
3 must be done to implement it. That is, to put the plan into  
4 action. But, was there anything that Mr. McGill expressed to  
5 you which would preclude the plan from being utilized if it  
6 actually had to be utilized right now in order to respond to  
7 an emergency?

8                   A        I'm not quite clear what you mean.

9                   But, not other than the things I mentioned that  
10 there are a lot of things that are not in place that would  
11 be necessary to implement it tomorrow.

12                  Q        What did Mr. McGill tell you that is not in place,  
13 if necessary to implement it?

14                  A        Some of the places have not been contacted as far  
15 as what their functions will be. There are many people who  
16 will be expected to react in a certain way, who have not yet  
17 been contacted.

18                  Q        Did Mr. McGill tell you that he expects to follow  
19 up on those items and to resolve them prior to submitting an  
20 adoptable plan to the Commissioners?

21                  A        He didn't say that specifically in terms of a  
22 timetable.

23                  Q        Mr. Reiser, Mr. McGill has worked for you for a  
24 number of years, and I am sure you have an opinion as to his  
25 efficiency.

mm6

1 Is it your judgment that Mr. McGill intends to  
2 follow up on those items in order to resolve them to his  
3 satisfaction, such that he can present what he regards as a  
4 workable plan which can be adopted by the County Commissioners?

5 A Yes, it is.

6 Q Do you know of anything of your personal knowledge,  
7 the basis for your personal knowledge, which would preclude  
8 the plan from being adopted by the Commissioners, once the  
9 particular items you mentioned have been resolved to  
10 Mr. McGill's, and presumably to your satisfaction as well?

11 A I really don't, based on my personal knowledge.

12 Q Is it your understanding that under Commonwealth  
13 law, Bucks County is required to engage in emergency planning?

14 A That's correct.

15 Q And in your opinion, does this include emergency  
16 planning which would be necessary to provide support for the  
17 risk counties of the Limerick Emergency Planning Zone?

18 MS. ZITZER: Objection.

19 I don't think it has been shown that this witness  
20 has specific knowledge of those regulations, specifically  
21 Pamphlet Law 1332.

22 MR. RADER: The witness is County Administrator  
23 who has testified that he has responsibility only  
24 below the Commissioners with respect to emergency services  
25 in Bucks County. I certainly think he can testify as to

mm7

1 what his legally mandated function is under law.

2 MS. ZITZER: Your Honor, my only concern is that  
3 he has not -- it didn't appear anywhere that he had viewed  
4 that law until Mr. Rader had provided to him, so I am concerned  
5 that he be allowed to clarify his opinion and to provide any  
6 specific basis that he has for it. It is not to demonstrate  
7 that he is familiar with Pamphlet Law 1332.

8 JUDGE HOYT: Mr. Reiser, as County Administrator,  
9 did you ever have an occasion to familiarize yourself with  
10 Pamphlet Law 1332, Commonwealth's dealing with emergencies?

11 THE WITNESS: No, I have not.

12 JUDGE HOYT: In all your years, Mr. Reiser, as a  
13 County Administrator, you never were cognizant of this law?

14 THE WITNESS: No, not in specific terms.

15 JUDGE HOYT: When you saw that 1372 -- PL 1372, did  
16 you go to the Code of the Commonwealth and look up that law  
17 to familiarize yourself with that one?

18 THE WITNESS: No, I did not.

19 MR. RADER: May the witness be permitted to answer  
20 my question, your Honor. I believe although he may not know  
21 the name of the statute, or the statute number, I believe the  
22 witness can express opinion as to his obligation under  
23 law.

24 MS. ZITZER: How can he state his obligation under  
25 the law, if he is not familiar with the law, your Honor?

mm8

1 MR. RADER: I think he merely stated, your Honor,  
2 that he did not know that particular pamphlet number, was  
3 not familiar with the particular name of that statute.  
4 However, he does have responsibility --

5 JUDGE HOYT: He can answer if he has any knowledge of  
6 what his duties are, Mr. Rader. At this point in time I am  
7 not certain what this witness can testify to. He seems to  
8 have no knowledge of any of the information that we are seeking  
9 here.

10 See if you can establish it. I will overrule the  
11 objection. See if you can establish it through some other  
12 means.

13 BY MR. RADER:

14 Q You previously stated, I believe, that it was  
15 your understanding, that under Commonwealth law Bucks County  
16 does have a legal obligation to engage in emergency planning.

17 And my question, sir, is whether or not it is  
18 your understanding that that includes an obligation to  
19 provide planning in a support capacity for the Risk counties  
20 in the Limerick Emergency Planning Zone?

21 A I really don't have information on that specifi-  
22 cally.

23 Q Have you ever discussed this, or do you know if  
24 anyone else has ever discussed this area of law with your  
25 County Solicitor, Mr. McNamara?

mm9 1 A I have never discussed it. Whether other people  
2 have or not -- I assume they have, but I wouldn't --

3 Q I believe you stated that it was you or  
4 Commissioner Fonash at the time that Bucks County had decided  
5 not to participate in the July 25th exercise, that it was  
6 stated that "we supported helping our neighbors."

7 Is that correct? Do you recall that?

8 A That's correct.

9 Q Was that you, or Mr. Fonash, or both, or someone  
10 else?

11 A I would say it was both.

12 Q Does that reflect the current status of the  
13 Commissioners and yourself to the best of your knowledge?

14 A Yes, it does.

15 Q And with respect to the July 17th letter from  
16 Mr. Fonash to PEMA, did you attempt to solicit or do you  
17 know if Mr. Fonash attempted to solicit input from the  
18 County Solicitor?

19 A I believe he did, yes.

20 Q So to the extent that the letter reflects that  
21 Mr. Fonash intends to provide assistance in some form to  
22 the Risk counties, would that not reflect the input of the  
23 County Solicitor in terms of advising as to the legal  
24 obligations of Bucks County?

25 A Yes, I believe it would.

1 Q Did Mr. McGill provide any input into that  
2 letter?

3 A I don't know if he provided input in it. He  
4 was aware of it and reviewed it, and approved of it.

5 Q Do you know any reason why Mr. McGill would  
6 not have been shown a letter involving participation in an  
7 exercise where he has delegated responsibilities for  
8 preparing the plan, developing the plan and for developing  
9 the staff which would implement the plan?

10 MS. ZITZER: Objection.

11 I believe that the witness said that Mr. McGill  
12 had been provided a copy of the letter to review, and that  
13 he had approved it.

14 MR. RADER: I'm sorry if I misunderstood you. Is  
15 that what you said, sir?

16 THE WITNESS: Yes, it is.

17 BY MR. RADER:

18 Q Did he provide any comments on the letter other  
19 than simply approving it?

20 A I'm not aware of any comments. We really asked  
21 him whether we were saying anything in this letter that was  
22 inconsistent with anything else we had said or done.

23 And he believed that this letter addressed the  
24 problem that we had with it.

25 Q Let me understand what input Mr. McGill had.

mm11

1 Did you say he reviewed the letter, or approved it?

2 A Well, he certainly reviewed it. I can't say for  
3 sure whether he approved it or not.

4 Q You don't know whether he expressed any opinion on  
5 it whatsoever, do you?

6 A Other than he disagreed with the conclusions of  
7 it about our withdrawing from the planning and test -- from  
8 the drill.

9 Q In other words, he thought that the County was  
10 prepared to participate in the drill?

11 A Yes, he did.

12 Q Are you aware of any comments or review by PEMA  
13 with regard to the November 20 exercise in which the County  
14 did participate?

15 A No, I'm not.

16 Q I'm sorry, sir, I didn't hear your answer.

17 A No, I'm not.

18 MS. ZITZER: Your HONOR, LEA has not been provided  
19 with a copy of this document, and we would appreciate  
20 reviewing the material that Mr. Rader --

21 JUDGE HOYT: Are you talking about the letter of  
22 November 16, 1984?

23 MS. ZITZER: I'm sorry, I thought you were referring  
24 to the drill observation report.

25 MR. RADER: This is from PEMA -- (Indicating document.)

mml2

1 MS. ZITZER: I do not have it, no.

2 JUDGE HOYT: Is this something else, Mr. Rader?

3 MS. ZITZER: It is a Drill Report on the November  
4 20th Drill, which LEA has not received, and it is making it  
5 very difficult for LEA to participate in these hearings with-  
6 out this information.

7 MR. RADER: This is a PEMA document. I assume it was  
8 provided by PEMA for all counsel. I don't recall particularly  
9 how I got it, but I assumed it was provided in due course to  
10 all parties.

11 I will be happy to show it --

12 JUDGE HOYT: Mr. Goodwin, can you check to see if  
13 that was provided to LEA?

14 MR. GOODWIN: It was provided to the County only,  
15 your Honor.

16 JUDGE HOYT: To the County?

17 MR. GOODWIN: That's correct.

18 MR. RADER: I will show Ms. Zitzer a part of the  
19 document I am going to show the witness.

20 JUDGE HOYT: Mr. Cassidy, do you know whether or  
21 not FEMA got this?

22 MR. CASSIDY: I have not seen it in the documents  
23 I have reviewed before coming here. Perhaps the State would  
24 know better if they sent it to our regional office or not.

25 JUDGE HOYT: Very well.

mm13

1 MR. GOODWIN: I can't answer that either, your  
2 HOnor. I don't know. It may have, it may not have.

3 We don't have the information here.

4 JUDGE HOYT: Very well.

5 Staff doesn't have it either?

6 MR. HASSELL: No, the Staff has no knowledge of  
7 the document.

8 MS. ZITZER: LEA would appreciate knowing where  
9 Mr. Rader got this from. I'm not even certain that this is a  
10 final report. Maybe someone from PEMA can indicate that.

11 But, not having had an opportunity to review it,  
12 it is very difficult to really even know what the document  
13 represents.

14 MR. RADER: I assume that the PEMA witnesses will  
15 testify in due course as to its report. However, at this time  
16 I simply wanted to ask the witness whether or not he was  
17 familiar with any criticism or comments which were made by  
18 PEMA at the time of the exercise.

19 BY MR. RADER:

20 Q Mr. Reiser, I am showing you a document, Table 4  
21 of the Supplement RERP Exercise at the Limerick Generating  
22 Station on November 20, 1984 prepared by PEMA, dated December  
23 3, 1984.

24 (Document handed to witness.)

25 MS. ZITZER: LEA would like to inquire where

mm14

1 Mr. Rader obtained the document, and would like to verify  
2 that it is an authentic copy of the document which he  
3 represents it to be, since no one seems to know how he  
4 got a copy of it.

end T17

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1 MR. RADER: Ms. Zitzer is seated next to PEMA  
2 counsel, who can identify the document far better than I  
3 can if there is any question about authenticity.

4 JUDGE HOYT: Mr. Goodwin, do you know if this is  
5 going to be part of PEMA's case?

6 MR. HIPPERT: Did you ask me? I'm sorry.

7 JUDGE HOYT: I think Mr. Hippert would be able  
8 to answer that better.

9 MR. HIPPERT: I would say it will be, yes.

10 JUDGE HOYT: Very well.

11 MS. ZITZER: Could I inquire when the parties  
12 will be provided copies of the document?

13 It's dated November -- December 3rd.

14 JUDGE HOYT: Mr. Hippert, do you....

15 All right. Go ahead.

16 MR. HIPPERT: This is a document that is not  
17 required by any regulation or anything else. We do not  
18 evaluate the exercises, the State does not evaluate the  
19 exercises, the State merely has observers and instructors,  
20 if you will. This is an informal report that PEMA made  
21 out, as they do with every exercise. We send copies to  
22 all our counties and that's what it's for. Counties  
23 usually then will take and distribute it to their  
24 municipalities. But we do not sent counties -- copies  
25 of the service list or anyone else, nor are we under any

1 order or compulsion to do so.

2 If Ms. Zitzer would like to have a copy of it,  
3 if I have access to a Xerox machine I'll be happy to give  
4 her a copy.

5 JUDGE HOYT: Very well.

6 MS. ZITZER: Your Honor, my --

7 JUDGE HOYT: You can get a copy of it,  
8 Ms. Zitzer.

9 MS. ZITZER: My concern is the way that  
10 Mr. Rader has repeatedly relied upon this document, read  
11 it to the witnesses and asked them if they agree with  
12 PEMA's informal evaluation, although at the time he has  
13 not even stated to the witnesses that is is indeed an  
14 informal evaluation and he has read the statements into  
15 the record as if it was PEMA's formal comments on the drill.

16 I am simply still unclear as to specifically the  
17 purpose of the document and still don't know how Mr. Rader  
18 got a copy of it. It's unclear to LEA that it even belongs  
19 in the hearing room at this point in time if it is not a  
20 formal document or if PEMA does not consider it something....

21 JUDGE HOYT: Well Ms. Zitzer, he can use it for  
22 whatever purpose he wants to, as you have some of your  
23 letters. But whether or not it ever comes into evidence  
24 is another matter. Apparently Mr. Hippert was telling us  
25 it will probably be part of PEMA's case when it does come

1 in, when he does have that. Where Mr. Rader got it, I have  
2 no idea.

3 Mr. Rader, do you recall where you got it?

4 MR. RADER: I do not. It is merely--as your  
5 Honor can see here, we have a floor full of files, so I  
6 have no idea where this particular document came from.

7 MR. HASSELL: Judge Hoyt, if I may add....

8 JUDGE HOYT: Yes.

9 MR. HASSELL: I guess Staff is somewhat concerned,  
10 I mean to the extent that, although it may be an informal  
11 report, if indeed it is relied upon by local municipalities  
12 to effectuate their offsite emergency preparedness, I think  
13 arguably it is related to the contentions and indeed  
14 under McGuire should be provided to the parties.

15 JUDGE HOYT: I didn't get the last part of that.

16 MR. HASSELL: I believe that under the McGuire  
17 decision there is some obligation to provide arguably  
18 relevant documents to the parties.

19 JUDGE HOYT: Well apparently it has been the  
20 understanding of PEMA that they did not have to provide  
21 that. We can require that PEMA will give it to the counsel  
22 and all parties now, but I think that's about all we can  
23 do for it.

24 MS. ZITZER: Your Honor, LEA's objection --

25 JUDGE HOYT: Wait just a moment, let me see what

1 else Mr. Hassell had.

2 (Pause.)

3 MR. GOODWIN: Your Honor, I think that --

4 JUDGE HOYT: Let me finish with Mr. Hassell  
5 first.

6 MR. HASSELL: I have nothing further at this time.  
7 I think essentially the problem is cured if, indeed,  
8 the parties are provided copies.

9 JUDGE HOYT: Yes, I think that will be to --  
10 Mr. Hippert, we'll get a Xerox machine somewhere for you.

11 Mr. Goodwin?

12 MR. GOODWIN: Your Honor, I just had one  
13 suggestion here and that would be that maybe the more  
14 appropriate time would be as the Commonwealth is presenting  
15 its case, since it covers not just one county but it  
16 covers the entire exercise and --

17 JUDGE HOYT: Well the problem has been though,  
18 Mr. Goodwin, that it has come up prior to the time that  
19 you will present -- the Commonwealth's case will be  
20 presented and the copies of it I would like to have  
21 distributed to the parties now in order that we can have  
22 the testimony and the cross-examination adequately prepared  
23 for.

24 MS. ZITZER: Your Honor?

25 JUDGE HOYT: Yes.

1 MS. ZITZER: The nature of LEA's objection isn't  
2 the document itself as much as the fact that we believe  
3 that Mr. Rader is misleading the witness with the information  
4 and I am rather concerned that he is using a document which  
5 he can't even recall where he got it from to read to the  
6 witnesses on PEMA's report on the November 20th drill which,  
7 I believe, could likely mislead the witnesses.

8 And so my objection is in the way that Mr. Rader  
9 is using the document, particularly because I still am not  
10 certain that the copy he has is indeed the same report that  
11 we will be receiving from PEMA --

12 JUDGE HOYT: Well now just a moment, Ms. Zitzer,  
13 we can cure that problem right now.

14 Mr. Goodwin, Mr. Hippert, I want you to take  
15 the copy of the document Mr. Rader is using to present to  
16 the witness and authenticate it as being a copy of the  
17 document that you are going to introduce at the time that  
18 the Commonwealth may present its case.

19 (Document handed to Commonwealth.)

20 MR. RADER: If I may add just briefly while  
21 Mr. Hippert and Mr. Goodwin are examining the document,  
22 in the first place, the only question I have put to the  
23 witness so far is can you identify the document, so I  
24 haven't mislead anyone.

25 In the second place --

1 JUDGE HOYT: That's not taken as a serious  
2 objection, Mr. Rader, you know that.

3 MR. RADER: In any event, the main point, your  
4 Honor, is that the document will carry whatever weight it  
5 carries when it is put into evidence. If I have laid a  
6 certain foundation to the witness as to its contents, that  
7 will be clear in the record.

8 MS. ZITZER: May LEA inquire of Mr. Rader to  
9 consult with the Staff to determine where he received a  
10 copy of the document?

11 MR. RADER: I have no interest in satisfying  
12 Ms. Zitzer's purient interest in these matters, I don't  
13 care where I obtained it, the question is is it an accurate  
14 document.

15 JUDGE HOYT: Mr. Hassell, let me hear from you.

16 MR. HASSELL: If I just may add, at least from  
17 where the Staff sits, I'm not sure of the relevance of the  
18 question about the source of the document. I think if  
19 LEA has the document while the examination is being  
20 conducted, then LEA is in a posture to protect itself  
21 on cross or whatever with respect to the use of that  
22 document. So I think in terms of moving the hearing along,  
23 what's critical right now is whether LEA has the document  
24 that Mr. Rader is attempting to examine the witness on.

25 JUDGE HOYT: And the Bench has assured that she

1 has it, Mr. Hassell, which is my responsibility here.

2 You have it, Ms. Zitzer.

3 MS. ZITZER: Thank you, your Honor.

4 JUDGE HOYT: Mr. Goodwin, I would like a  
5 representation from you as to whether or not this is the  
6 Commonwealth's documents.

7 MR. GOODWIN: We have examined the document and  
8 it is an accurate copy.

9 JUDGE HOYT: Very well.

10 On that representation, Counsel, I will permit  
11 the question to be asked and answered.

12 BY MR. RADER:

13 Q Let's go back 20 minutes ago, Mr. Reiser.

14 Do you ever recall having seen a copy of the  
15 document which I have previously identified as the report  
16 of the supplemental RERP exercise at the Limerick  
17 Generating Station on November 20, 1984 prepared by PEMA  
18 dated December 20, 1984?

19 A. No, I do not recall having seen it.

20 Q. Do you know whether Mr. McGill or any of the  
21 commissioners received a copy of such a document?

22 A. I have no knowledge as to that.

23 Q. Do you know whether you or Mr. McGill or the  
24 commissioners received any of the information or comments  
25 from PEMA with respect to their observations during the

1 emergency exercise on November the 20th, 1984?

2 A. I have no knowledge of it.

3 Q. Did you participate in the November 20, 1984  
4 exercise?

5 A. No, I did not.

6 Q. Did you oversee it in any respect?

7 A. No.

8 Q. Did you receive any comments or criticisms from  
9 members of your staff or from Mr. McGill in particular?

10 A. I received comments from Mr. McGill concerning  
11 it and he was quite satisfied with the exercise.

12 Q. Were the comments you received consistent with the  
13 statement at page four of the PEMA report, that the  
14 coordinator "...demonstrated excellent leadership  
15 and assigned duties to various staff members...",  
16 and that "the coordinator and staff appeared very  
17 capable of performing their duties in the  
18 event of a nuclear incident at the Limerick  
19 Generating Station?"

20 MS. ZITZER: Objection. The witness has stated  
21 he has never seen the document before.

22 MR. RADER: I didn't ask him that, Ms. Zitzer,  
23 I simply asked him whether or not the comments he received  
24 were consistent with the statement in that report.

25 JUDGE HOYT: The objection is overruled, the

1 witness may answer.

2 THE WITNESS: The coordinator informed me that  
3 the drill went well. I think he was too modest concerning  
4 his own abilities, to put it in the terms as they were  
5 just stated.

6 BY MR. RADER:

7 Q Did you receive any comments -- Do you know if  
8 Bucks County received any comments from PEMA regarding  
9 their observations of the exercise?

10 A I'm not aware of any.

11 Q Do you know whether the FEMA observers and  
12 reviewers recorted any deficiencies with regard to the  
13 actions by Bucks County in implementing its function  
14 during the exercise?

15 A I'm not aware of any, no.

16 Q Are you aware that FEMA Region 3 has prepared  
17 an exercise evaluation report which contains an evaluation  
18 of the Bucks County response during the November 20th  
19 exercise?

20 A No, I'm not.

21 Q Would you expect the commissioners to be guided  
22 by the information and comments, criticisms and  
23 evaluations provided by both PEMA and FEMA with regard  
24 to the November 20th exercise in determining whether they  
25 should adopt the plan in its present form or some revised

1 form as an implementable and workable plan?

2 A. I think the commissioners are chiefly concerned  
3 with the limitations of the plan. I don't feel that they  
4 have ever had any concerns as far as the County's ability  
5 to implement the plan that is presented.

6 Q. Do you know whether, in your opinion, in your  
7 discussions with the commissioners they would want to  
8 review the comments and evaluation provided by PEMA and  
9 FEMA on their exercise?

10 A. I'm sure they are interested in reviewing the  
11 evaluations.

12 Q. Don't you think that would give them some  
13 reassurance in adopting the plan if they knew that the  
14 FEMA and PEMA observers determined that the plan  
15 in its present form could be implemented and in fact was  
16 implemented to the extent that the functions were demon-  
17 strated in the actual exercise itself?

18 A. I don't really believe that that would influence  
19 them. As I stated, I think that they are concerned with  
20 the limitations of the overall plan and not the ability  
21 to implement the plan as it's presented.

22 Q. Do you know whether the commissioners intend to  
23 address those concerns to PEMA officials or just -- PEMA  
24 officials or FEMA officials?

25 A. I think they already have addressed these concerns

1 to the officials in these letters and I think they will  
2 continue to do so.

3 Q And is it your opinion that based on those  
4 discussions that they intend to work through those concerns and  
5 resolve them such that an adoptable plan can be presented to  
6 the commissioners and be favorably acted upon?

7 A Certainly if they are satisfied that PEMA is  
8 addressing those concerns, they would certainly be open  
9 to adopting a plan.

10 Q Has Mr. McGill told you with respect to the most  
11 current draft which he has reviewed that there is anything  
12 in there which would preclude the plan from being  
13 implementable and workable?

14 A As I say, I haven't talked to Mr. McGill about  
15 this plan -- I mean about this evaluation and wasn't aware  
16 that we received it.

17 Q Sir, I was referring to the plan itself and  
18 Mr. McGill's review of the most current draft of the  
19 emergency plan for Bucks County to support the response of  
20 the risk counties.

21 Has Mr. McGill stated to you that there is  
22 anything in that draft which would preclude the plan from  
23 being a workable and implementable plan?

24 A He hasn't stated that to me, but there is a basic  
25 difference between Mr. McGill's approach and the commissioners'

1 approach in that Mr. McGill frequently refers to emergency  
2 planning for lizards and floods and these kinds of things  
3 and there's a feeling among the commissioners that he's not  
4 really addressing the special problems of this kind of  
5 evacuation plan.

6 Q Do you know whether Mr. McGill was familiar with  
7 the standards which are used by federal and state agencies  
8 under federal and state law to determine the adequacy of  
9 emergency plans for radiological planning?

10 A I assume he is.

11 Q Do you think that Mr. McGill is more familiar  
12 with those standards and with the adequacy of plans under  
13 those standards than your commissioners?

14 MS. ZITZER: Objection, I think that's irrelevant.  
15 I think that the witness has testified that there are  
16 certain concerns that the commissioners are addressing.

17 MR. RADER: I think it is probitive, your Honor,  
18 because I don't believe that the commissioners, as reasonable  
19 men in high elected offices, would pursue unrealistic and  
20 unproven concerns to the point of refusing to take responsible  
21 action on emergency plans which are submitted to them for  
22 their review and approval by a man such as Mr. McGill, who  
23 has, on the basis of testimony here, been established to be  
24 a very knowledgeable and capable individual.

25 MS. ZITZER: Your Honor, I don't think that this

1 witness is capable of giving Mr. Rader the answer that he  
2 is seeking based on the limited knowledge which he has  
3 evidenced.

4 JUDGE HOYT: Ms. Zitzer, I think you may have  
5 crossed the wall because this man is the supervisor and  
6 indeed the person that knows most about Mr. McGill.

7 The objection is overruled, Ms. Zitzer, and I  
8 remind you that this is cross-examination, and there is  
9 very wide latitude provided to counsel on cross.

10 MS. ZITZER: I apologize, I meant to limit my  
11 comments to his interpretation of the law and the federal  
12 regulations.

13 JUDGE HOYT: All right.

14 THE WITNESS: I really can't say whether the  
15 commissioners would approve a plan even though Mr. McGill  
16 has said it's workable.

17 BY MR. RADER:

18 Q My question was slightly different, sir, my  
19 question was:

20 Do you believe that Mr. McGill is more knowledge-  
21 able than the commissioners with regard to the planning  
22 requirements and assumptions under state and federal law  
23 with regard to radiological accidents?

24 A. I would certainly say he is.

25 Q. And do you think that the commissioners, as

1 reasonable individuals in high elected office, would pursue  
2 unreasonable and unproven concerns to the extent of refusing  
3 to adopt a plan, even though they were provided professionally  
4 competent advice that the plan is indeed adequate and does  
5 resolve reasonable concerns regarding the public health and  
6 safety of the citizens of Bucks County?

7 MS. ZITZER: Objection. I don't think it's clear  
8 what Mr. Rader is referring to by "unreasonable concerns."

9 MR. RADER: I think it's a word we use every day,  
10 we understand what "unreasonable" means.

11 MS. ZITZER: In the context of approving the  
12 plan, however.

13 JUDGE HOYT: The objection will be overruled.  
14 Answer the question, if you can, sir.

15 THE WITNESS: I would say it's quite possible  
16 that the commissioners would overrule Mr. McGill on this  
17 thing if they feel that there are aspects of this that  
18 haven't been addressed.

19 BY MR. RADER:

20 Q My question, sir, was would they, in your opinion,  
21 pursue unreasonable and unrealistic concerns simply to do so  
22 for that reason or would they try to adopt a plan based upon  
23 what they regard as reasonable concerns?

24 A They would certainly try and adopt a plan based  
25 upon what they regard as reasonable concerns.

1           Q.    And is it your judgment, sir, based upon your  
2 professional experience, that reasonable concerns can be  
3 worked out among professionally competent individuals based  
4 upon existing planning standards that have been provided  
5 under law?

endAGB#18

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1 MS. ZITZER: I must object. I don't  
2 think the witness indicated previously that he was  
3 familiar with the law to which Mr. Rader is referring.

4 MR. RADER: Your Honor, I said under law,  
5 small "l," no law in particular.

6 It is a general question.

7 JUDGE HOYT: Let's see if we can  
8 answer it, if the witness can.

9 THE WITNESS: I would say they would certainly  
10 approve what they consider reasonable plans, but  
11 they have considerably more leeway than just approving  
12 the plans that are provided for them as reasonable  
13 and just approving them because one person, who admittedly  
14 is very knowledgeable about the reasonableness of it,  
15 has recommended they approve it.

16 BY MR. RADER:

17 Q Do the commissioners understand that it is  
18 their right under the planning process to insist that  
19 a particular provision be included in the plan?

20 A I am not aware that they do.

21 Q If that would assist in making the plans more  
22 adoptable, would you provide the commissioners with that  
23 information?

24 A Certainly. I think throughout this they have  
25 stated their concern for the possible evacuation of the

1 citizens of Bucks County. And I think it is that that  
2 they are looking to have addressed.

3 MR. RADER: I have no further questions.

4 JUDGE HOYT: Very well. I think in spite  
5 of the lateness of the hour, I would like to see if  
6 we can finish this witness so that he would not have to  
7 return.

8 Do you have very much, Mr. Goodwin?

9 MR. GOODWIN: The Commonwealth has no questions.

10 JUDGE HOYT: Thank you.

11 Mr. Cassidy?

12 MR. CASSIDY: I will be accommodating, too.

13 FEMA has no questions.

14 JUDGE HOYT: Very well.

15 Staff?

16 MR. HASSELL: I just have two or three questions.

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17 CROSS-EXAMINATION

18 BY MR. HASSELL:

19 Q Good evening. My name is Mr. Hassell, counsel  
20 for NRC Staff. I just have a few questions.

21 I believe you testified that the coordinator  
22 informed you that the November 20th drill went well.  
23 Is that correct?

24 A That is correct.

25 Q Do you know when that discussion took place?

1           A     It was just a few days after the drill, within  
2 that week.

3           Q     I believe during direct examination by Miss Zitzer  
4 you testified that the commissioners intended to respond  
5 to the resolutions from five different municipalities.

6                     Do you recall that testimony?

7           A     Yes.

8                     By "responding," I meant more or less just  
9 acknowledging receipt of them. They haven't made up  
10 their minds as to what they are going to do about them.

11          Q     How do you know that they intend to respond?

12          A     Well, that is what I mean by responding,  
13 was acknowledging the receipt. Are you asking how  
14 I know that they intend to acknowledge the receipt of them?

15          Q     That is the question.

16          A     Because they have been turned over to me to  
17 acknowledge the receipt of them on behalf of the commissioners.

18          Q     Thank you.

19                     I believe you testified in response to questions  
20 from Applicant's counsel, Mr. Rader, that Mr. McGill had  
21 indicated to you that the Bucks County Support Plan was  
22 adequate but there were some problems. And you specifically  
23 identified the ten-mile radius being the problem with  
24 respect to the movement of radiation.

25                     Is that a correct characterization of your

1 testimony?

2 A Yes.

3 Q When did that discussion take place with  
4 Mr. McGill?

5 A Similar discussions have taken place a number  
6 of times, but it took place around the time of July 18th  
7 or July 17th when we decided -- when the commissioners  
8 decided to withdraw our participation in the drill  
9 and has taken place several times since then, as recently  
10 as this morning, actually.

11 Q And during the discussion this morning,  
12 Mr. McGill reiterated that he felt the plan was adequate?

13 A Within -- yes, within the parameters that he  
14 understood that the planning was to take place, he thought it  
15 was adequate. But he was operating with that as sort of  
16 a given.

17 MR. HASSELL: If I may have one minute.

18 (Pause.)

19 I have no further questions.

20 JUDGE HOYT: Very well.

21 Miss Zitzer, do you have any redirect?

22 MS. ZITZER: Briefly, yes.

23 XXXXXXXX REDIRECT EXAMINATION

24 BY MS. ZITZER:

25 Q You just made a statement, if the planning takes

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1 place, in response to Mr. Hassell's question.

2 Could you tell us what you meant by that?

3 A I'm sorry. You will have to elaborate a little  
4 more on the question. I didn't quite understand the  
5 question.

6 You say if the plan takes place?

7 Q Mr. Hassell asked you a question regarding  
8 your discussion with Mr. McGill and whether he thought  
9 the planning was adequate. And I think you made a  
10 statement that the planning was adequate within the  
11 required parameters, and you made some other reference  
12 to the other kinds of concerns you have been stating  
13 here with regard to provisions for people in Bucks County.

14 I think you used the phrase "if the planning  
15 takes place."

16 If you don't recall that, I will move on to  
17 something else.

18 A I'm sorry. I am not clear on the context that  
19 you are speaking of.

20 Q Based on discussions you have had with  
21 Mr. McGill and the commissioners, do you believe that it is  
22 reasonable for the Bucks County commissioners, do you  
23 believe that it is reasonable for the Bucks County  
24 Commissioners to be concerned about the well-being of Bucks  
25 County residents in the event of a radiological emergency at

1 Limerick Generating Station?

2 MR. RADER: Objection.

3 First, it goes beyond cross. And secondly,  
4 more important, it would involve qualifications which  
5 I do not believe the witness has demonstrated regarding  
6 emergency planning.

7 MS. ZITZER: Your Honor, Mr. Rader asked  
8 him a series of questions regarding whether or not the  
9 commissioners would adopt the plans and whether or not --

10 JUDGE HOYT: Miss Zitzer, objection overruled.

11 MS. ZITZER: I am sorry. Thank you.

12 BY MS. ZITZER:

13 Q Can you answer the question, or would you like  
14 me to repeat it?

15 A I guess you better repeat it.

16 I'm sorry.

17 Q Based on your discussions with Mr. McGill and  
18 the commissioners, do you believe that it is a reasonable  
19 concern for the commissioners -- strike that.

20 Based on your conversations with Mr. McGill  
21 and the county commissioners, do you believe that it is  
22 reasonable for the commissioners to be concerned about the  
23 well-being of Bucks County residents in the event of a  
24 radiological emergency at the Limerick Generating Station?

25 A I certainly believe so, and I believe that is their

REE 19/7  
after 6:00 p.m.)

1 responsibility under the law to provide for the safety of  
2 Bucks County residents first.

3 (Pause.)

4 Q Do you know whether or not any documents or  
5 information have been made available to either you or  
6 the commissioners which would indicate any reason to  
7 be concerned about the radiological impacts on Bucks  
8 County residents if they lived beyond the ten-mile radius  
9 from the Limerick Generating Station?

10 MP. RADER: Objection.

11 That is beyond the scope of cross-examination.

12 JUDGE HOYT: That one is, Miss Zitzer. The  
13 objection will be sustained.

14 BY MS. ZITZER:

15 Q What is the basis for your opinion that it is  
16 reasonable for the commissioners to be concerned about  
17 the well-being of Bucks County residents in the  
18 event of an incident at the Limerick Generating Station?

19 MR. RADER: I think Miss Zitzer is now attempting  
20 to ask the same question in different format. I object.

21 JUDGE HOYT: All right, Miss Zitzer.

22 Do you want to try something else?

23 BY MS. ZITZER:

24 Q Have you had any discussions with either  
25 Mr. McGill or the commissioners regarding the ability of the

REE 19/8

(after 6:00)

1 county to implement the proposed Bucks County Support  
2 Plan at the same time it might choose to implement  
3 measures to protect Bucks County residents?

4 MR. RADER: Objection. Beyond the scope  
5 of cross-examination.

6 I asked nothing about the measures that would  
7 be taken for Bucks County residents.

8 JUDGE HOYT: I think the examination,  
9 Miss Zitzer, was limited to the role of Bucks County as a  
10 support county.

11 MS. ZITZER: Your Honor, Mr. Rader posed a  
12 series of questions, however, asking under certain  
13 conditions would the commissioners not approve the support  
14 plan.

15 And there is where he got into what he  
16 characterized as reasonable or unreasonable concerns  
17 which I believe he specifically was making reference  
18 to the concerns about the possibility of evacuating  
19 Bucks County residents.

20 I believe that that series of questions alluded  
21 to the issue of implementing both the Bucks County  
22 Support plan and the commissioners' ability to take any other  
23 measures that they deemed necessary.

24 I am simply trying to elicit whether or not  
25 he sees any kind of conflict in terms of resources that

REE 19/9

after 6:00)

1 might prevent the county from carrying out both  
2 responsibilities at the same time.

3 MR. RADER: I wish to amend my objection to  
4 state that Miss Zitzer cannot read my mind. So she  
5 didn't know what I was alluding to when I said  
6 "unreasonable concerns."

7 It was simply a generic question, would the  
8 commissioners pursue an objection if they were satisfied  
9 that it was an unreasonable and unproven concern?  
10 I didn't say anything about any protective actions  
11 for Bucks County residents.

12 JUDGE HOYT: I think that is the problem with  
13 the question, Miss Zitzer. You are particularizing  
14 the problem.

15 The objection will be sustained.

16 BY MS. ZITZER:

17 Q I believe Mr. Rader asked you some questions  
18 about potential differences of opinion or conflict  
19 between the recommendations of Mr. McGill regarding the  
20 adoptability and implementability of the plan as opposed  
21 to the views that the commissioners, to the degree that you  
22 are aware of their concerns, might have.

23 I believe you indicated that they had -- you  
24 even used the word, I believe, "Mr. McGill's approach"  
25 versus the commissioners' approach.

REE 19/10  
(after 6:00)

1 Do you recall giving that answer?

2 A Yes.

3 Q Can you explain what you meant by the difference  
4 between Mr. McGill's approach and the commissioners'  
5 approach?

6 A Mr. McGill is, as I stated, was addressing  
7 emergency planning for emergencies that could be  
8 predicted a reasonable time in advance and could be well  
9 defined.

10 In this case, if there were evacuation from  
11 MONTgomery County, even without a Bucks County evacuation  
12 plan, the commissioners would anticipate that a great  
13 many people of Bucks County would take it upon themselves  
14 to leave the area and that would present a very serious  
15 problem within the county and make it very questionable  
16 whether the county could provide the services needed to  
17 handle the people from Montgomery County who might be  
18 looking to Bucks County for support.

19 Q Are you aware of the basis for the commissioners'  
20 concerns about the -- the concerns to which you have just  
21 testified?

22 MR. RADER: Objection, beyond the scope of  
23 cross-examination.

24 JUDGE HOYT: What was the question, again,  
25 Miss Zitzer?

(after 6:00)

1 MS. ZITZER: I believe he testified that the  
2 commissioners had some concerns about people coming from  
3 Montgomery County to Bucks County and at the same time  
4 while there might be spontaneous evacuation in Bucks  
5 County.

6 My question to the witness was whether or not  
7 he was aware of the basis for the commissioners having  
8 that concern.

9 MR. RADER: That is the same question for  
10 which the Board twice sustained my objection as being  
11 beyond the scope of cross.

12 I did not inquire as to that.

13 JUDGE HOYT: The objection is sustained.

14 MS. ZITZER: Okay.

15 I have no further questions.

16 JUDGE HOYT: Very well.

17 The Board has no questions.

18 Sir, thank you for your attendance here today,  
19 for your participation in the hearing. You are excused.

20 (The witness stood down.)

21 JUDGE HOYT: Before we recess, I would remind  
22 all the parties that tomorrow this building will be  
23 locked, that we have no access to it, that we will  
24 meet tomorrow morning at the Holiday Inn, Midtown,  
25 13th and Walnut Streets. And I believe it is the seventh

1 floor.

2 They will put a sign down in the lobby,  
3 and I am sure that the hotel will know where the hearing  
4 room is to be situated.

5 I would urge the parties, if you will, to  
6 see if you can get there a little bit earlier than  
7 9:00 o'clock, the reason being that the microphones  
8 and the physical arrangements may necessitate you  
9 making some changes to accommodate.

10 We have given them a plan of how the tables  
11 were to be put up and the microphones placed, but there is  
12 something about "the best laid plans of mice and men,"  
13 and we may very well be the mice in this situation.

14 Miss Zitzer?

15 MS. ZITZER: I would like to ask the Board  
16 to receive into evidence at this time two exhibits that  
17 were identified during Mr. Reiser's examination.

18 JUDGE HOYT: I didn't realize you had those  
19 to offer, Miss Zitzer,

20 Which numbers are you referring to?

21 MS.ZITZER: It would be E-51, which was the  
22 Falls Township Supervisors Resolution with the township  
23 seal on it that Mr. Reiser had the original of with  
24 him. We all have a Xerox copy of it. And E-53, which was  
25 the July 17th, 1984 letter from the county of Bucks to

REE 19/13  
(After 6:00)

1 Mr. Patten, which Mr. Reiser testified he assisted in  
2 preparing.

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JUDGE HOYT: Any objections?

MR. RADER: Yes, for two reasons.

First of all, perhaps the seal is legible on the witness' copy, but on my copy I certainly could not state that that is the seal of the Falls Township.

Beyond that, I have a more substantial objection in terms of the resolution itself. It certainly should not be admitted for the truth of its contents to show anything, especially inasmuch as I pointed out in the examination of the witness, the supervisors state that they are concerned about the responsibilities of Bucks County for emergency planning under PL1372.

There is nothing in this resolution that has anything of any probative value.

In paragraph 1 below the resolution, the statement, it simply says that the supervisors of Falls Township request that the Bucks County commissioners make appropriate plans for the evacuation. Appropriate plans could be no plans at all.

I see no probative value in the document whatsoever, and I have no opportunity to cross-examine the chairman whose signature I cannot read regarding the resolution.

Therefore, it should not be admitted.

JUDGE HOYT: Anything on 53?

1 MR. RADER: If I may look at Mr. Hassell's  
2 copy.

3 JUDGE HOYT: Yes. That is the July 17th '84  
4 letter from the county of Bucks to Mr. John Patten.

5 MR. RADER: I would say, here again, I have no  
6 objection to the receipt of this document to show that  
7 this is what Mr. Fonash and Miss Trench stated. But  
8 as to the truth of the contents regarding their opinions  
9 therein I object because they are not available for  
10 cross-examination.

11 JUDGE HOYT: I think your objections on the  
12 two have been noted. Did I understand somebody else  
13 here to have an objection? I thought I saw some --

14 MS. ZITZER: I had my hand up just to, again,  
15 inform Mr. Rader that the original of the copy with this  
16 original seal from the Falls Township Board of Supervisors  
17 is available if he wishes to review that.

18 LEA certainly --

19 JUDGE HOYT: I don't think that would make  
20 the exhibit anymore palatable, Miss Zitzer. We would just  
21 as soon have the right witness.

22 However, on the letter of July 17th, 1984, I  
23 believe there was adequate testimony from this witness  
24 indicating that this letter -- so that LEA Exhibit E-53 for  
25 identification will be received into evidence as LEA Exhibit  
E-53.

1 (The document referred to was  
2 received in evidence as  
3 LEA Exhibit E-53.)

4 JUDGE HOYT: However, LEA Exhibit E-51, I think,  
5 fails to meet the requirements for admissibility into  
6 this proceeding.

7 MS. ZITZER: Your Honor, I also have --  
8 I'm sorry.

9 JUDGE HOYT: Go ahead.

10 MS. ZITZER: Mr. Stone has prepared to submit  
11 to you the two subpoena requests which he mentioned  
12 previously. And I wonder if this would be an appropriate  
13 time for the Board to entertain that.

14 JUDGE HOYT: I wonder, Mr. Rader, in view of  
15 the fact that Miss Zitzer has represented that the parties  
16 preparing these reports are here in Philadelphia there  
17 could be some perhaps stipulation agreed upon concerning  
18 those reports. Do you hold out any possibility of that?

19 MR. RADER: Well, I am certain that we could  
20 stipulate, after meeting with these individuals, that, yes,  
21 these were reports which they prepared.

22 The problem is that throughout the hearing,  
23 LEA has attempted to equate commuter traffic with traffic  
24 which would exist at the time of an emergency. And I  
25 would have to cross-examine the transportation engineer or

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1 other authority who prepared the exhibit in order to  
2 establish that for the record.

3 JUDGE HOYT: He just answered the question though.

4 Very well. Show those subpoenas to the  
5 witness -- I am sorry, to counsel for the Applicant  
6 and other counsel now, representatives may look at these  
7 also.

8 I want to be certain that the counsel for  
9 Applicant knows who these witnesses will be.

10 MR. RADER: As I recall, your Honor, the  
11 offer which the Board made to LEA or, rather -- yes, the  
12 offer or opportunity was that a witness could be  
13 proffered with respect to the Upper Marion study which  
14 was prepared by Booz, Allen, Inc. and I believe was the  
15 subject of testimony of Mr. Grenz last week.

16 JUDGE HOYT: I have forgotten the name of  
17 the witness.

18 MR. RADER: I think it was one of the supervisors  
19 from Upper Marion.

20 MR. STONE: If I may clear that up, your Honor,  
21 Mr. Grenz was the supervisor from Uwchlan Township, and  
22 he testified and it was also received in evidence, the  
23 resolution about the Uwchlan Traffic Study. And I am  
24 prepared to make an offer of proof on that study, but I  
25 think the two cases are parallel.

5  
1 And, in fact, the Uwchlan Study, because of the  
2 special nature of Mr. Grenz' testimony -- I have the  
3 transcript citation -- is tied even more tightly than perhaps  
4 the Upper Merion Study is, into the case.

5 MR. RADER: Now I recall. I had it backwards.

6 It was Mr. Grenz with regard to the Uwchlan Study  
7 which was pursuant to the resolution, where the Board  
8 stated that if LEA wished to put that particular exhibit  
9 in, it should produce the prepared document.

10 However, with regard to the Upper Merion Study, I  
11 think we have long since passed the time when that matter is  
12 before the Board. As I recall, that came up some time ago  
13 with respect to Mr. Anthony's cross examination of that  
14 witness. And I see no reason for the Board to revisit that  
15 at this time.

16 I thought LEA had closed its case on the first  
17 phase of the contention, and that the only thing remaining  
18 was the deferred contentions and that the witness was examined  
19 with regard to the Uwchlan Report, because it came up in  
20 the context of the deferred contentions.

21 Now, apparently LEA is attempting to reopen the  
22 Upper Merion Study, which was a portion litigated with  
23 respect to the first phase of admitted contentions.

24 I object to that.

25 MR. STONE: For clarification, your Honor, the

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1 citation for the Upper Merion Study was the particular  
2 citation, and it is the transcript, January 8, page 17,501.  
3 And in this matter, of course, we are hopeful to stipulate,  
4 as your Honor just suggested. However, we fulfilled all  
5 the time schedules in presenting the complete document and  
6 so forth with respect to both the Upper Merion Study and the  
7 Uwchlan Study.

8 And again, it is page 17,501, line 4, and it  
9 says -- if I may just quote it, your Honor:

10 If you want to call the witnesses that prepared  
11 this examination which is the, I should say Report,  
12 Interim Report, then you may do so. At that point I  
13 may take it under advisement and provide a copy of  
14 the completed study.

15 JUDGE HOYT: I think we have turned it down  
16 three times, haven't we?

17 That same one?

18 MR. STONE: I was attempting, I think, to enter it  
19 as an exhibit without this witness. Now, I do want to take  
20 the opportunity to briefly bring in this witness.

21 JUDGE HOYT: All right. We will bring him in.  
22 And, Mr. Stone, I truly hope these are the witnesses that have  
23 prepared these exhibits, because I don't think we are going to  
24 go through this difficulty again on these.

25 MR. STONE: Your Honor, I have talked to both of

1       them and they have represented to me they are, in fact, and  
2       that is the assumption under which I am operating.

3               JUDGE HOYT: We will try it and see what happens,  
4       particularly since we have a little time that we can use.

5               That brings up the interesting problem of where  
6       to put them into the schedule now.

7               (Board conferring.)

8               We cannot have them on Wednesday. Thursday we  
9       have not scheduled anyone, if I look at my list correctly.

10              Does everybody agree with that?

11              (Counsel nodding affirmatively.)

12              JUDGE HOYT: Very well. Thursday we will try to  
13       get these two in. The \$30 --

14              MS. ZITZER: That is \$30 for services, 20 cents  
15       a mile, and they are not coming very far.

16              JUDGE HOYT: You have one scheduled at 9 and the  
17       other one at 10. I have a deep suspicion that that is not  
18       a good timing. I would like some representation from you,  
19       Ms. Zitzer, that these witnesses will be kept on call. I  
20       hardly think that these persons should come into the hearing  
21       room and just sit here for hours on end.

22              MS. ZITZER: Yes, your Honor.

23              JUDGE HOYT: I think we should take one of them in  
24       the morning and one in the afternoon.

25              MR. HASSELL: I think for planning purposes, that

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1 is a safe assumption.

2 JUDGE HOYT: I think that is a much better assump-  
3 tion. So, instead of ten o'clock for Mr. Heimrich, we better  
4 make that at one o'clock.

5 MR. STONE: Your Honor, if I just may, LEA's  
6 intention on direct is not to get into anything beyond the  
7 factual reports.

8 I don't know if Mr. Rader will --

9 JUDGE HOYT: Don't count on anything. Nine o'clock  
10 we will have Mr. Frank Zabowski.

11 MR. RADER: Judge Hoyt, given Mr. Stone's  
12 representation as to the scope of his examination, may I  
13 respectfully suggest eleven o'clock for the second witness  
14 instead of one o'clock?

15 I believe that might be better. Perhaps we can  
16 get them both in before lunch and then we can adjourn.

17 JUDGE COLE: It might even be an added incentive.

18 JUDGE HOYT: All right, we will taken, then,  
19 Mr. Zabowski at nine o'clock, and Mr. Heimrich at eleven  
20 o'clock.

21 Does that meet with everybody's approval.

22 I wonder if you have any --

23 MR. RADER: Let me make one other suggestion, if I  
24 may.

25 JUDGE HOYT: Let me finish this thought. I almost

mm91 had it there for a second.

2 Let's see if we can get any representation from  
3 you, Ms. Zitzer, as to the background of these gentlemen  
4 and their qualifications, and whatever it is that you are  
5 going to present, so that these counsel here may prepare  
6 for their cross examination.

7 I would like for you to give us an idea what it  
8 is you are going to go for.

9 MS. ZITZER: Mr. Stone would have to provide that.

10 JUDGE HOYT: All right. Mr. Stone, then?

11 MR. STONE: Yes. Both gentlemen are the people  
12 with the firms there indicated who prepared the study. They  
13 are the people who, as I understand it from conversations  
14 with them, who both coordinated the gathering of the data,  
15 the -- and also the actual report as it was written. And I  
16 believe they both have traffic expertise.

17 Both represented to me that they were the person  
18 who would vouch for the accuracy and so forth of the report.

19 JUDGE HOYT: You have been going to law school on  
20 this record, Mr. Stone. I want some certainty, some sure  
21 estimate from you that these people have been intimately  
22 involved in the preparation of these studies. I don't want  
23 somebody that got the papers and coordinated them and tabulated  
24 the things.

25 I want the witnesses, because we are going to spend

mm10 1 a whole day with these two particular people, and I would  
2 like to have some sure representation from you that these  
3 people are going to know their business, and going to know  
4 these studies for which they are going to be testifying.

5 MR. STONE: That is my understanding.

6 JUDGE HOYT: Did you interview these witnesses?

7 MR. STONE: I spoke to them both on the phone.

8 JUDGE HOYT: On the phone? You didn't interview them  
9 in person?

10 MR. STONE: Due to the time constraints, here, and  
11 also the fact that I live in Chester County -- however, I will  
12 be prepared to at the time. You know, tomorrow I can certainly  
13 doublecheck. I can get any additional information, and I  
14 guess I can also request of them resumes and so forth.

15 Mr. Heimrich also represented to me that his boss,  
16 a Mr. Orth, would also be available and that they would work  
17 out -- you know, Mr. Heimrich said he was the person that  
18 did the study, but that Mr. Orth might prefer to testify.

19 But I felt that since Mr. Heimrich did the study  
20 and did the actual work in Uwchlan Township, that he was  
21 the person who could verify, and that was the decision I  
22 made based on this conversation.

23 JUDGE HOYT: All right. Here are the subpoenas  
24 that have been signed, both of them.

25 MR. RADER: Judge Hoyt, I was simply going to add

mml1 1 that if Mr. Stone can obtain a statement from the witness  
2 as to his qualifications, the scope of the witness' participa-  
3 tion in the study, if the witness can authenticate the study,  
4 and if the witness is willing to state that the study was  
5 not prepared for the purpose of evaluating traffic flows  
6 in emergencies, nor does the study reflect traffic patterns  
7 as it might exist in the event of an actual emergency, I will  
8 stipulate to the report.

9 JUDGE HOYT: Let's take those under advisement  
10 and see what -- I am not going to go that stipulation route  
11 any more. I have not been able to get one since we have  
12 been here.

13 If you can get that, very well. Otherwise --  
14 Anything else?

15 I have only one matter, I want to be sure.

16 Mr. Hassell and the Staff is, in most of these  
17 cases, very good about giving us a good working schedule for  
18 submission of findings of facts, conclusions of law. I am  
19 going to rely on you to sort of spearhead that for us.

20 I would appreciate it if other counsel and  
21 representatives would work with Mr. Hassell and see if we can  
22 get a unified schedule that would meet everybody's situation  
23 and conditions. And we will see if we can go through that  
24 on Wednesday. That will give us two days to get that work  
25 done.

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1 Anything else?

2 MR. RADER: May I just inquire, Judge Hoyt, when  
3 you say a shcedule, does that mean for all proposed findings,  
4 or just as relates to this segment of the hearing?

5 JUDGE HOYT: No, I want the whole thing.

6 Everything that there hasn't been an initial  
7 decision on at this point.

8 MR. RADER: I see.

9 JUDGE HOYT: You might want to get the City coordinated  
10 into that, Mr. Hassell, if you can reach any counsel. They  
11 haven't come in to see us lately.

12 Has anybody been in contact with the City counsel?

13 MS. ZITZER: No, your Honor.

14 But I believe Ms. Bush is participating in the  
15 same hearings that Ms. Ferkin is currently involved in. I  
16 believe they conclude on Wednesday of this week.

17 JUDGE HOYT: Ms. Ferkin will be back on next  
18 Monday.

19 Do you mean this Wednesday?

20 MS. ZITZER: I am not certain how long the hearings  
21 are going. I was unsure whether they had hearings Thursday  
22 and Friday. I have Ms. Bush's home number, I will try to  
23 contact her this evening and inform her.

24 JUDGE HOYT: I would like some input, if she would  
25 get in touch with Mr. Hassell. We are trying to work every

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1 one of the people into this schedule. It would be very  
2 helpful if we can get her participation as well.

3 Do we have anything else?

4 (No response.)

5 Very well, we will adjourn to meet tomorrow at  
6 the Holiday Inn.

7 (Whereupon, at 6:30 p.m., the hearing was  
8 recessed to resume at 9:00 a.m. tomorrow morning at the  
9 Holiday Inn.)

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING: PHILADELPHIA ELECTRIC COMPANY  
(Limerick Generating Station,  
Units 1 and 2)

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

PLACE: PHILADELPHIA, PENNSYLVANIA

DATE: MONDAY, JANUARY 14, 1985

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

(sig) *Rebecca E. Eyster/sq*  
(TYPED)

REBECCA E. EYSTER

Official Reporter

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