

ORIGINAL

UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

DOCKET NO: 50-322-OL-3

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station,
Unit 1)
(Emergency Planning Proceeding)

Evidentiary Hearing

LOCATION: HAUPPAUGE, NEW YORK

PAGES: 15987-16050

DATE: WEDNESDAY, JUNE 26, 1985

ACE-FEDERAL REPORTERS, INC.

Official Reporters
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NATIONWIDE COVERAGE

1 BEFORE THE
2 NUCLEAR REGULATORY COMMISSION

3 -----
4 SHOREHAM NUCLEAR POWER STATION
5 UNIT 1
6 (Emergency Planning Proceeding)
7 -----

8 EVIDENTIARY HEARING

9 Legislative Building
10 County Center Building 20
11 Veterans Memorial Highway
12 Hauppauge, New York 11788

13 June 26, 1985

14 The above-entitled matter came on for
15 hearing, pursuant to notice, at 9:00 a.m.

16 BEFORE: Morton B. Margulies, Chairman
17 Jerry R. Kline, Member
18 Frederick J. Shon, Member

19 A P P E A R A N C E S :

20 On Behalf of LILCO:

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24 P.O. Box 1535
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On Behalf of F.E.M.A.

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C O N T E N T SWITNESSESDIRECTCROSS

Panel of Witnesses:

Thomas E. Baldwin
Joseph H. Keller
Roger B. Kowieski
Philip H. McIntire

By Mr. Miller	15991
By Mr. Zahnleuter	16030
By Mr. Miller	16043

LAY-IN TESTIMONY OF PANEL MEMBERS BALDWIN, KELLER,
KOWIESKI and McINTIRE, follows Page 15992

3

1
2 JUDGE MARGULIES: Please come to order.
3 We will proceed this morning with the testimony of the
4 FEMA witnesses. You may proceed.

5 MR. GLASS: We have today the FEMA
6 panel. Starting with Mr. Keller, will the FEMA panel
7 please--

8 JUDGE MARGULIES: Let me swear the
9 witnesses.

10 MR. GLASS: They are already sworn, your
11 Honor. This is a reappearance for them.

12 JUDGE MARGULIES: I will swear them
13 anyway.

14 THOMAS E. BALDWIN

15 JOSEPH H. KELLER

16 ROGER B. KOWIESKI

17 PHILIP H. McINTIRE

18 Having been duly sworn by Judge Margulies, were
19 examined and testified as follows:

20 EXAMINATION BY MR. GLASS:

21 Q Starting with Mr. Keller, will each
22 member of the panel state their full name, occupation,
23 business address and current employer?

24 WITNESS KELLER: Joseph H. Keller. I
25 am a staff scientist with the West Idaho Nuclear
Company at the Idaho National Engineering Lab, Idaho

1 4
2 Falls, Idaho.

3 WITNESS McINTIRE: I am Philip McIntire,
4 chief of the Natural and Technological Hazards Division
5 of the Federal Emergency Management agency, 26 Federal
6 Plaza, New York, New York.

7 WITNESS KOWIESKI: My name is Roger B.
8 Kowieski. I am the chairman of Regional Assistance
9 Committee, FEMA, New York Office, 26 Federal Plaza, New
10 York, New York.

11 WITNESS BALDWIN: I am Thomas Baldwin.
12 I am an environmental analyst with Argon National
13 Laboratory in Argon, Illinois. My office is in Garden
14 City, Long Island, New York.

15 Q Gentlemen, do you have before you the
16 affidavit of Thomas E. Baldwin, Joseph H. Keller, Roger
17 B. Kowieski and Philip H. McIntire?

18 THE WITNESSES: Yes, we do.

19 Q Do you have any corrections to make to
20 that particular affidavit?

21 WITNESS McINTIRE: No, we do not.

22 MR. GLASS: I move the affidavit of
23 Thomas E. Baldwin, Joseph H. Keller, Roger B. Kowieski
24 & Philip H. McIntire, and ask this material be bound in
25 the record as if read.

JUDGE MARGULIES: Any objection?

1 MR. MILLER: No objection.

2 MR. ZAHNLEUTER: No objection.

3 JUDGE MARGULIES: Request granted.

4 MR. GLASS: Ready for cross examination.

5 CROSS EXAMINATION

6 BY MR. MILLER:

7 Q Gentlemen, if you look at the second
8 paragraph of your affidavit in which you list the
9 materials reviewed by you to prepare your affidavit,
10 does that paragraph include and set forth the material
11 you did review in preparation of this affidavit?
12

13 WITNESS KELLER: I think in terms of
14 specific material we looked at, yes, that is a correct
15 characterization. We obviously used our experience.
16 These are the documents that we used.

17 Q Among other things, you reviewed the
18 affidavit of Mrs. Robinson and the attachments to her
19 affidavit, correct?

20 WITNESS KELLER: That is correct.

21 Q Is it fair to say that for purposes of
22 your review you assumed that the representations and
23 statements made in Mrs. Robinson's affidavit and in the
24 attachments to that affidavit were true and correct?

25 WITNESS McINTIRE: That's correct.

Q Is it fair to say that you attempted no

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
)
LONG ISLAND LIGHTING COMPANY) Docket No 50-322-OL-3
) (Emergency Planning
(Shoreham Nuclear Power) Proceeding)
Station, Unit 1))

AFFIDAVIT OF THOMAS E. BALDWIN, JOSEPH H. KELLER
ROGER B. KOWIESKI and PHILIP H. McINTIRE

1. Our names are Thomas E. Baldwin, Joseph H. Keller, Roger B. Kowieski and Philip H. McIntire. We have appeared before the Atomic Safety and Licensing Board in the above captioned proceeding. Our professional qualifications and affiliations appear in our pre-filed testimony following page 12,174 of the transcript of that proceeding.

2. Our affidavit is based on a review of the Affidavit of Elaine D. Robinson and the attachments thereto; NUREG 0654, FEMA REP-1, Rev. 1; on our previous testimony in this proceeding, and the review of the applicable sections of the Long Island Lighting Company, Local Offsite Radiological Emergency Response Plan; Transition Plan, Revision 4.

3. It should be noted that NUREG 0654, FEMA-REP-1, Rev. 1 contains two citations with regard to relocation centers, J.10.h and J.12. In emergency response plans the functions to be performed in a relocation center can be divided into two (2) principal functions:

- reception center functions including the registration, monitoring and decontamination of evacuees, if required
- congregate care functions including the temporary housing, feeding and provisions for first aid of proven uncontaminated evacuees

The above two (2) functions can be co-located or may be conducted in separate facilities. Revision 4 of the LILCO Transition Plan states that these two functions are to be performed in the same facility (see page 4.2-1 lines 37-44). It is our understanding that during the hearing before the ASLB LILCO stated that these two functions were to be conducted at separate facilities. (Tr. ff 14, 707 at p. 15-16, Tr. 14, 779, 14, 801-802, 14, 812-14, 813).

4. The Nassau Veterans Memorial Coliseum is being offered as the sole reception center for use by LERO in the event of a radiological emergency at the Shoreham Nuclear Power Station.

~~5. Its distance from the Shoreham Nuclear Power Station does not preclude utilization of the Nassau Veterans Memorial Coliseum as a reception center.~~

6. Based upon an examination of the material submitted to FEMA the Nassau Veterans Memorial Coliseum appears to be a suitable facility for LILCO to use as a reception center. It has parking areas, showers and other amenities normally needed at reception centers.

7. Final approval of the Nassau Veterans Memorial Coliseum as a reception center would be contingent upon two (2) considerations:

- details of the separation of the reception and congregate care functions must be incorporated within the LILCO Transition Plan and be reviewed and approved by the Regional Assistance Committee
- an exercise must be held in which a demonstration of the reception center function can be evaluated.

Dated: February , 1985

Thomas E. Baldwin
Thomas E. Baldwin

Subscribed and sworn to before me a Notary Public by Thomas E. Baldwin.
This 15th day of February, 1985.

Michel Evanusa
Notary Public
My commission expires:

MICHEL EVANUSA
Notary Public, State of New York
No. 31-4823768
Qualified in New York County
Commission Expires March 30, 1986

Joseph H. Keller
Joseph H. Keller

Subscribed and sworn to before me a Notary Public by Joseph H. Keller.
This 25th day of February, 1985.

Sw. F. Kelling
Notary Public
My Commission expires: *Non Expiring*

Roger B. Kowleski
Roger B. Kowleski

Subscribed and sworn to before me a Notary Public by Roger B. Kowleski.
This 15th day of February, 1985.

Michel Evanusa
Notary Public
My Commission expires:

MICHEL EVANUSA
Notary Public, State of New York
No. 31-4823768
Qualified in New York County
Commission Expires March 30, 1986

Philip H. McIntire
Philip H. McIntire

Subscribe and sworn to before me a Notary Public by Philip H. McIntire.
This 15th day of February, 1985

Michel Evanusa
Notary Public
My Commission expires:

MICHEL EVANUSA
Notary Public, State of New York
No. 31-4823768
Qualified in New York County
Commission Expires March 30, 1986

6

1
2 independent verification of the matters set forth in
3 Mrs. Robinson's affidavit and the attachments to that
4 affidavit?

5 WITNESS KOWIESKI: That's also correct.

6 Q You say in paragraph 2 that you reviewed
7 Revision 4 of the LILCO Plan in preparing your
8 affidavit. Is that correct?

9 WITNESS KELLER: That's correct.

10 WITNESS KOWIESKI: That's correct.

11 Q Down in paragraph 3 you mention that
12 Revision 4 of the LILCO Plan states the the function of
13 monitoring and decontamination evacuees and sheltering
14 evacuees are to be performed at the--sorry--are
15 performed at the same facility. Is that correct?

16 WITNESS KELLER: That is correct.

17 Q Has LILCO at this time presented a
18 revision 5 to its emergency plan to FEMA for its review?

19 WITNESS KOWIESKI: No, they did not.

20 Q Do you know whether LILCO is at this
21 time preparing a revision 5 to its plan?

22 WITNESS KOWIESKI: We have no knowledge
23 of it.

24 Q Is it fair to say--

25 MR. GLASS: Please give the witnesses a
chance to confer.

1 7

2 (Witnesses confer.)

3 WITNESS KOWIESKI: We should clarify or
4 add that we have reviewed a document that proposed
5 resolution to resolve inadequacies identified in
6 Revision 4. So, we have reviewed and provided our
7 feedback to LILCO.

8 So far, we have not received or reviewed
9 Revision 5.

10 Q Is it fair to say that LILCO will have
11 to submit a Revision 5 of its emergency plan to FEMA
12 and RAC for its review before FEMA can decide whether
13 LILCO's proposal regarding use of the Nassau Coliseum
14 is adequate?

15 MR. GLASS: I have to object as to form,
16 just a point of clarification, if Mr. Miller will not
17 mind.

18 The documents that we received that all
19 of these revisions come to us through the NRC. It is a
20 submission to the NRC, and then, by the NRC to FEMA.
21 There is no direct submission to FEMA.

22 MR. MILLER: I think with that
23 understanding my question can stand.

24 WITNESS KELLER: I think if you'll look
25 at the second page, Mr. Miller, we did state that we
feel that these details must be included in the plan,

8

1
2 under paragraph 7.

3 Q Let me follow up with that, Mr. Keller.

4 My question, though, is, is it fair to
5 say that the details regarding the separation of the
6 monitoring and decontamination facility and the
7 congregate care centers must be not only included in
8 the LILCO Plan but then submitted through the NRC to
9 FEMA and RAC for its review and approval?

10 WITNESS KELLER: As it states, it must
11 be submitted, reviewed and approved.

12 Q At this time that has not occurred?

13 WITNESS KELLER: That is correct.

14 Q Gentlemen, would you agree with me that
15 in the event of a radioactive release at the Shoreham
16 Plant, LILCO would have to have the capability of
17 monitoring and, if necessary, decontaminating all
18 evacuees?

19 MR. CHRISTMAN: Objection. We are now
20 into the issue of the planning basis, the number of
21 expected, anticipated evacuees, and that is outside the
22 scope of this hearing.

23 MR. MILLER: Judge Margulies, my
24 question is very relevant to this hearing. The hearing
25 is to decide the adequacy of the Nassau Coliseum. To
my knowledge, the Nassau Coliseum is the sole facility

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1
2 being relied upon by LILCO to monitor and decontaminate
3 evacuees.

4 My question to these gentlemen is, is it
5 fair to say LILCO must demonstrate a capability to be
6 able to monitor and decontaminate all evacuees in the
7 event of a radioactive release at Shoreham?

8 (Panel confers.)

9 JUDGE MARGULIES: Objection overruled.

10 WITNESS KELLER: The guidance, the
11 criteria upon which we evaluate the plan for
12 acceptability is J12N0654. That guidance says that the
13 entities--in this case, it would be LILCO--must--should
14 be able to monitor all the evacuees who arrive at a
15 relocation center within about a 12-hour period. That
16 may not be exactly what you asked, but that's the
17 guidance.

18 Q And in this case, Mr. Keller, you
19 construe the guidance of NUREG 0654 to require LILCO to
20 have the capability of monitoring all evacuees who
21 would report to the Nassau Coliseum for monitoring and
22 decontamination. Is that correct?

23 WITNESS KELLER: That's correct.

24 Q Under the guidance of NUREG 0654, there
25 is no definition as to the number of evacuees that may
have to be monitored. It's simply those evacuees who

1 10

2 report for monitoring and decontamination.

3 MR. CHRISTMAN: Objection. Same as
4 before. He is delving into the issue already
5 litigated, the planning basis of the number of evacuees.

6 JUDGE MARGULIES: Objection overruled.

7 WITNESS KELLER: Your statement is
8 correct.

9 Q Looking at paragraph 4 of your
10 affidavit, gentlemen, at this time, to your
11 knowledge--for the record, it's clear, isn't it, that
12 the Nassau Coliseum is the only facility being relied
13 upon by LILCO to monitor and decontaminate evacuees?

14 WITNESS KOWIESKI: Based on information
15 provided to us, available to us, it is our
16 understanding that Nassau Coliseum is designed--is the
17 only facility to process evacuees.

18 Q In paragraph 5 of your affidavit, you
19 state that the distance from the Shoreham Plant to the
20 Nassau Coliseum does not preclude utilization of the
21 Nassau Veterans Memorial Coliseum as a reception center.

22 Do you see that statement?

23 WITNESS KOWIESKI: Yes, we do.

24 Q Could you tell me the distance of the
25 Coliseum from the Shoreham Plant?

WITNESS BALDWIN: We understand, from

1 11

2 the testimony of Elaine Robinson, that it's
3 approximately 43 miles from the Shoreham Plant, 33
4 miles from the boundary of the ten-mile EPZ.

5 Q Thirty-three miles from the western
6 boundary of the ten-mile EPZ?

7 WITNESS BALDWIN: That's correct.

8 Q Approximately 53 miles from the eastern
9 boundary of the EPZ?

10 WITNESS BALDWIN: It says approximately
11 43 miles from the site, 33 miles from the ten-mile EPZ
12 boundary. That would be the western boundary.

13 Q And 53 miles from the eastern boundary
14 of the EPZ?

15 WITNESS BALDWIN: That's correct. The
16 eastern boundary would be 53.

17 Q Could you tell me, gentlemen, what you
18 mean when you say that the distance does not preclude
19 utilization of the Coliseum as a reception center?

20 MR. CHRISTMAN: Objection. The distance
21 of the Coliseum from the EPZ or from the plant is not
22 at issue in this hearing.

23 MR. MILLER: Judge Margulies, there is a
24 statement directly in their affidavit which has been
25 offered and accepted by this Board with respect to the
issues that we are litigating today.

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2 MR. CHRISTMAN: It may be the statement
3 is in the hearing. No one moved to strike it and I
4 have no objection to that statement being in the
5 record. I do object to cross examination on the issue
6 that has been expressly excluded from this hearing.

7 (Panel confers.)

8 JUDGE MARGULIES: The distance issue is
9 not subject to review in this re-opened proceeding.
10 The Board will sustain the objection.

11 MR. MILLER: Judge Margulies, I must ask
12 the Board for a re-organization or clarification
13 because I am confused.

14 When the Board re-opened the hearings to
15 discuss the--I believe the words are the functional
16 adequacy of the Nassau Coliseum, it would appear to me
17 as a logical matter that such matters would include the
18 location of the Coliseum with respect to where evacuees
19 must come from to reach that facility.

20 We have here a statement by the FEMA
21 witnesses which I think is confusing. It says that the
22 distance of the Coliseum does not preclude its
23 utilization.

24 My question goes directly to that
25 statement in the FEMA affidavit. The Board--just for
clarification--is the Board's ruling that I am not

13

1 permitted to ask a question regarding this direct
2 statement in the FEMA affidavit?
3

4 JUDGE MARGULIES: Mr. Miller, as you are
5 aware, we precluded the distance issue from this
6 proceeding and we had refused to admit such testimony
7 from the proffered testimony of a number of witnesses
8 of the intervenor. We are not making new rules for
9 FEMA. The same rules apply to FEMA as were applied to
10 your witnesses.

11 MR. MILLER: I understand that, Judge
12 Margulies. But here we have a statement that was
13 accepted by the Board.

14 JUDGE MARGULIES: The fact that you did
15 not object to it and the statement was admitted into
16 evidence doesn't make that sentence any more relevant
17 to the proceeding. It isn't a method to provide you--a
18 method to introduce this matter into the record. It's
19 a matter beyond the record in this proceeding and we
20 will not permit cross examination on it.

21 MR. MILLER: Judge Margulies, the matter
22 is in the record because it's in this affidavit. In
23 light of the Board's ruling, I have no choice but to
24 move to strike paragraph 5 of the FEMA affidavit.

25 MR. CHRISTMAN: Objection. The motion
is untimely.

1
2 (Panel confers.)

3 JUDGE MARGULIES: The Board will grant
4 the motion to strike the paragraph.

5 Q Gentlemen, if you will look at page 2 of
6 your affidavit, paragraph 6 makes a number of
7 statements, comments, which I have some questions about.

8 It says, in essence, that the material
9 that's been submitted to FEMA appears to demonstrate
10 that the Coliseum is a suitable facility for LILCO to
11 use as a reception center. Then you go on and you say
12 the Coliseum has parking areas, showers and other
13 amenities normally needed at reception centers.

14 Do you see that?

15 WITNESS McINTIRE: Yes, we do.

16 Q Can you tell me, first of all, or define
17 for me, if you will, the other amenities which are
18 mentioned in paragraph 6 of your affidavit?

19 WITNESS McINTIRE: Basically, it would
20 be toilets and facilities to feed people.

21 (Witnesses confer.)

22 WITNESS McINTIRE: Excuse me. I
23 misspoke.

24 WITNESS KELLER: You need toilet
25 facilities, you need an area in which registration can
be held after the monitoring has been completed. You

15

1
2 need an area to process people, you need an area to
3 wait for--have people wait in, in case of inclement
4 weather, if there are waits for processing. Those
5 kinds of amenities.

6 Q Let me ask you, gentlemen, have any of
7 you ever been to the Nassau Coliseum?

8 WITNESS BALDWIN: Yes.

9 Q Mr. Baldwin, are you the only person who
10 has been to the Coliseum on this panel?

11 WITNESS McINTIRE: I have been there
12 once, inside.

13 WITNESS KELLER: The four of us toured
14 the exterior area of the Coliseum yesterday.

15 Q Let me back up, then.

16 Yesterday the four of you toured the
17 outside of the Nassau Coliseum. Was that the first
18 time, Mr. Keller, for you and Mr. Kowieski, that you
19 had been to the Coliseum?

20 WITNESS KOWIESKI: That is correct.

21 WITNESS KELLER: That is correct.

22 Q Why did you tour the outside of the
23 Nassau Coliseum yesterday?

24 WITNESS KELLER: Because we thought
25 you'd ask today.

Q A truthful answer.

16

1
2 What did you look at when you were at
3 the Coliseum yesterday?

4 WITNESS BALDWIN: We looked at the
5 parking areas, the access roads around the Coliseum.
6 We looked at the width of the number of lanes in the
7 area and, basically, saw the exterior of the facility.

8 Q Mr. Baldwin, you say you looked at the
9 number of lanes. Are you talking about on the public
10 highways, roadways leading into the Coliseum parking
11 lot?

12 WITNESS BALDWIN: That's correct. In
13 the immediate vicinity. In the front that would be to
14 the north, to the south, and we looked at the
15 Meadowbrook Highway, which is to the west, immediately
16 west. And then drove back into the parking lot and
17 again drove around the exterior of the building.

18 (Witnesses confer.)

19 WITNESS BALDWIN: Meadowbrook is east of
20 the facility. That's right.

21 Q Could you tell me the approximate
22 distance from the Coliseum as far out as your tour
23 encompassed?

24 WITNESS BALDWIN: Well, we actually
25 started from my office in Garden City, so that's not
germane to it. We then drove to the area. The road to

17

1
2 the north of the Coliseum is about, I would say 500
3 yards.

4 WITNESS KELLER: We drove a couple of
5 miles.

6 WITNESS BALDWIN: Yes. A couple miles
7 around it. In terms of total distance around it, we
8 drove maybe two miles.

9 Q What time of the day was this?

10 WITNESS BALDWIN: This was approximately
11 between 10:30 and noon.

12 Q So, you were making your tour of the
13 Nassau Coliseum well after the morning rush hour had
14 ended?

15 WITNESS McINTIRE: Yes.

16 Q Generally, how were traffic conditions
17 in the area that you toured yesterday?

18 MR. CHRISTMAN: Objection, unless the
19 question is limited to the immediate environs, as the
20 Board defined it yesterday, of the Coliseum. The
21 question is objectionable.

22 MR. MILLER: Well, it's obviously
23 limited to the immediate environs. These gentlemen
24 said they went to the Coliseum and the immediate
25 roadways around. I asked them to define those roadways.

My question is, could you describe the

1 18

2 traffic conditions on the roadways that you toured?

3 MR. CHRISTMAN: I just want to make sure
4 the witnesses don't assume that the area they happened
5 to cover yesterday is the same as the area the Board
6 had in mind.

7 JUDGE MARGULIES: I believe the
8 witnesses understand the question.

9 WITNESS BALDWIN: The traffic conditions
10 at the time--I was driving--was--there was very little
11 congestion on the roads. On the highway to the north
12 there was some road construction going on. There was
13 some highway equipment there that we had to go around.
14 But other than that, very little traffic.

15 On the Meadowbrook, there was what I
16 would call normal traffic during a non-peak period of
17 noon time on a sunny time in June.

18 Q How do you--sorry. Go ahead.

19 WITNESS BALDWIN: On the Hempstead
20 Turnpike, which is the road to the south of the
21 facility, the same traffic conditions that you would
22 expect for that period or time of day.

23 Q Normal traffic conditions on the
24 Meadowbrook for this time of the year, Mr. Baldwin, is
25 it fair to say that's fairly heavy traffic?

WITNESS BALDWIN: I've seen it heavier.

1
2 WITNESS KELLER: I would characterize
3 the traffic as light at the time we were there.

4 Q Can you tell me why you did not go
5 inside the Coliseum yesterday?

6 WITNESS KELLER: We felt that it would
7 not be any useful purpose served. In order for us, as
8 we said later in our affidavit, to evaluate the
9 Coliseum for its purpose of acting as reception center,
10 we really have to see it set up the way it is intended
11 to be set up to be used as a reception center. It
12 would not have been in that condition yesterday and
13 therefore there was really no real purpose in going in
14 and looking at a building.

15 Q If that's the case, Mr. Keller, if there
16 was no purpose in going inside the Coliseum, I have
17 trouble understanding why there was a purpose for going
18 to the Coliseum at all?

19 WITNESS KELLER: The only purpose was,
20 as we told you, we expected you would ask had we been
21 there.

22 Q Let me back up.

23 Mr. McIntire, you said you had been to
24 the Coliseum before yesterday. Correct?

25 WITNESS McINTIRE: Yes.

Q Roughly how many times?

1 WITNESS McINTIRE: Once.

2 Q Was it with respect to the LILCO Plan?

3 WITNESS McINTIRE: No. It was a
4 sporting event.

5 Q Mr. Baldwin, you've been to the Coliseum
6 also before?

7 WITNESS BALDWIN: That's correct.

8 Q Again, was that with respect to the
9 LILCO Plan?

10 WITNESS BALDWIN: No. That, again, was
11 a sporting event.

12 Q Was there any event in progress at the
13 Coliseum yesterday when you were there, to your
14 knowledge?

15 WITNESS BALDWIN: There were a number of
16 cars parked in the lot to the north of the building.
17 It appeared that those were either workers or some
18 small exhibition at the exhibition hall.

19 WITNESS McINTIRE: I also believe there
20 is some construction going on.

21 Q I gather you don't really know whether
22 there was an event in progress?

23 WITNESS BALDWIN: I don't.

24 Q Mr. Baldwin, the previous time you've
25 been at the Coliseum, how would you describe the

1
2 traffic conditions in the immediate area of the Nassau
3 Coliseum on that occasion?

4 WITNESS BALDWIN: Upon entry, heavy.
5 But we got into the area quickly. And when it--it was
6 for a hockey game. When the hockey game dismissed, it
7 was heavy.

8 Q Mr. McIntire, the same question to you.
9 At your previous occasion being at the Coliseum, how
10 would you describe the traffic conditions at the
11 immediate area of the Coliseum?

12 WITNESS McINTIRE: Moderate.

13 Q What was the occasion?

14 WITNESS McINTIRE: It was a tennis match.

15 Q Middle of the day?

16 WITNESS McINTIRE: No. Evening.

17 Q Looking again at paragraph 6 of your
18 affidavit, you state that the Coliseum, from the
19 material you reviewed, appears to be a suitable
20 facility for use as a reception center.

21 Is it fair to say, gentlemen, that at
22 this time FEMA has not yet determined whether the
23 Coliseum is, in fact, suitable as a monitoring and
24 decontamination facility?

25 WITNESS KELLER: If you will look at
paragraph 7, that's exactly what we said. We don't

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2 have paragraph 7, however.

3 Q In paragraph 7, Mr. Keller, you
4 reference two--I guess let's call them outstanding
5 items. Is that fair?

6 WITNESS KELLER: That's fair.

7 Q Two outstanding items that FEMA still
8 needs to look at before they are going to make a final
9 determination.

10 Let's take the second first. "An
11 exercise must be held in which a demonstration of the
12 reception center function can be evaluated."

13 At this time an exercise has not
14 occurred. Correct?

15 WITNESS KELLER: That is correct.

16 Q And the first point, "Details of the
17 separation of the reception and congregate care
18 functions must be incorporated within the LILCO
19 Transition Plan and be reviewed and approved by the
20 Regional Assistance Committee."

21 This has not occurred either, correct?

22 WITNESS KELLER: That's correct.

23 Q Has FEMA attempted to determine whether
24 other facilities closer to the LILCO EPZ are available
25 and more suitable than the Nassau Coliseum for
monitoring and decontaminating evacuees?

1 MR. CHRISTMAN: Objection.

2
3 MR. GLASS: Objection. I think it's
4 beyond the scope of the contention.

5 MR. MILLER: Judge Margulies, the issue
6 here is the adequacy of the Nassau Coliseum. It seems
7 clear that in determining the adequacy of one facility,
8 it is relevant to see whether there are other
9 facilities perhaps more adequate. That is relevant to
10 this inquiry. That is the basis of my question.

11 MR. GLASS: I disagree with that
12 particular analysis. The question is very limited,
13 whether this particular facility is adequate or not.

14 JUDGE MARGULIES: The objection is
15 sustained.

16 Q Let me explore with you, gentlemen,
17 paragraph 6, again, of your affidavit, where you state
18 that based on your examination of the materials to
19 date, it would appear that the Coliseum is suitable as
20 a monitoring and decontamination facility.

21 Would you say that, based upon your trip
22 to the Coliseum yesterday, FEMA has now analyzed
23 traffic conditions in and around the immediate area of
24 the Nassau Coliseum?

25 WITNESS BALDWIN: No. I would
characterize it as we have examined the Coliseum area

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2 and ascertained that it has parking areas and that it
3 has a building where it's probable that they have the
4 showers and the other amenities that are described in
5 our affidavit.

6 Q At this time, gentlemen, has FEMA in any
7 way analyzed the possible consequences to the Nassau
8 County water supply from the release of or possible
9 release of radioactive contaminants into the Coliseum's
10 sewer system?

11 MR. GLASS: Objection, requesting the
12 same clarification given yesterday. I think there was
13 a distinction drawn by the Board whether it was the
14 system on site or whether it was going off-site.

15 MR. MILLER: I will limit my question to
16 the system on-site.

17 MR. MILLER: You may respond.

18 WITNESS KELLER: We have not done a
19 detailed analysis of this issue. You are aware, I
20 believe, we testified last year that the Environmental
21 Protection Agency has written a letter to the State of
22 New York which said the decontamination of contaminated
23 individuals, it was perfectly acceptable as far as the
24 Environmental Protection Agency was concerned, to allow
25 this water to enter the normal sewer system.

Q What sewer system was the Environmental

1
2 Protection Agency talking about?

3 WITNESS KELLER: Sanitary sources in
4 buildings. A generic kind of statement, and the Nassau
5 Coliseum, being a building with sanitary sources, fits.

6 Q But, Mr. Keller, to clarify, that
7 statement by the Environmental Protection Agency was
8 not specific to the Nassau Coliseum area?

9 WITNESS KELLER: That is correct. My
10 recollection is that the statement was made in
11 connection with the Nine Mile Point Nuclear Power
12 Station, which is--since all power stations must meet
13 the requirements of J12, you have the same issue at
14 each and every power station. And the letter was
15 written to be a generic-type letter.

16 Q Well, Mr. Keller, you may have the same
17 generic issue, but different localities have different
18 problems, perhaps, with water supply and sewer
19 systems. Is that correct?

20 MR. GLASS: Objection, your Honor. Now
21 we're going beyond the scope of this particular
22 contention as was ruled by the Board yesterday.

23 JUDGE MARGULIES: I think we should have
24 the clarification on the record.

25 WITNESS KELLER: I would assume that
different areas could have different problems with

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2 water and sewer systems. I don't know that this is
3 any--this problem is any different than the problem
4 someplace else. But I would assume that's a reasonable
5 thing, that there could be a different problem.

6 Q Now, Mr. Keller, do you know if--let me
7 make a clarification for the Board and the sake of the
8 record.

9 Sometimes I have addressed my questions
10 to individual members of the panel. I assume that when
11 I do that the person who answers is speaking for the
12 panel. If there is any indication otherwise, I would
13 appreciate the panel making that clear.

14 For the sake of the record, to this
15 point in my examination, when one person has spoken, I
16 assume that has been for the panel. Is that correct?

17 WITNESS McINTIRE: That's correct.

18 WITNESS KOWIESKI: Just one minute.

19 (Witnesses confer.)

20 WITNESS McINTIRE: Thank you.

21 JUDGE MARGULIES: The parties did
22 confer. Is that correct?

23 WITNESS KELLER: Oh, yes. That is
24 correct. Yes.

25 Q Mr. Keller, one of the possibilities
during an emergency at the Shoreham Plant would be that

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2 vehicles could become contaminated. Is that correct?

3 WITNESS KELLER: That is a possibility.
4 Yes.

5 Q If so, those vehicles, with their
6 drivers, would report to the Nassau Coliseum under this
7 present scenario by LILCO. Correct?

8 WITNESS KELLER: That is correct.

9 Q I assume one of the possibilities is
10 that vehicles would then, upon detection of the
11 contamination, hosed off, washed off in the Coliseum
12 area. Is that your understanding?

13 WITNESS KELLER: They would be
14 decontaminated. Yes.

15 Q One of the methods for decontaminating
16 vehicles is hosing off or spraying off the vehicles.
17 Is that true?

18 WITNESS KELLER: That is one potential
19 method. That's correct.

20 Q If that method were utilized by LILCO in
21 the parking areas of the Nassau Coliseum, Mr. Keller,
22 there would be the possibility of some run-off
23 from--run-off into the ground water supply from washing
24 those vehicles. Is that right?

25 MR. CHRISTMAN: Objection.

WITNESS KELLER: I do not know that.

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2 MR. CHRISTMAN: The issue of ground
3 water contamination has been expressly precluded from
4 this proceeding.

5 MR. MILLER: We are limiting the
6 question, Judge Margulies, to the immediate environs of
7 the Nassau Coliseum, in fact, to the parking areas of
8 the Coliseum.

9 JUDGE MARGULIES: We will permit it as
10 an introductory question.

11 WITNESS KELLER: Could you restate your
12 question, please?

13 Q My question, in essence, Mr. Keller, is,
14 "if vehicles were found to be contaminated and if LILCO
15 attempted to remove that contamination by spraying or
16 washing off the automobiles or vehicles, there could be
17 some run-off into the ground water supply system in the
18 area of the Nassau Coliseum. Correct?

19 WITNESS KELLER: I don't know that the
20 parking lot drains or drains in the areas of the
21 parking lot run to the ground water supply system. If
22 I make that assumption--and that's only an
23 assumption--then I would say that your question, your
24 hypothesis, is a potential--a potential. I don't know
25 that that parking lot goes to the ground water supply
system. And my own experience tells me that surface

1 drains do not normally enter the water supply system,
2 whether they are from the parking lot or from
3 anyplace. But I don't know that.
4

5 Q Mr. Keller, if you would make the
6 assumption with me that run-off from the parking lots
7 of the Nassau Coliseum would, in fact, flow into the
8 ground water supply around the Nassau Coliseum, has
9 FEMA attempted any analysis or study of any kind
10 regarding the possible consequences to that ground
11 water supply system in the area of the Nassau Coliseum
12 from a run-off involving radioactive contaminants?

13 MR. CHRISTMAN: Objection. Beyond the
14 scope of this hearing.

15 JUDGE MARGULIES: Objection is sustained.

16 Q Has FEMA attempted to determine whether
17 any run-off from the parking area of the Nassau
18 Coliseum would, in fact, flow into the ground water
19 supply?

20 WITNESS KELLER: Are you asking me have
21 we tried to validate your assumption?

22 Q Yes, sir. Have you tried to validate
23 the assumption that we just made?

24 WITNESS KELLER: We have not.

25 Q Has FEMA attempted to determine whether
the Nassau Coliseum can legally be made available for

1
2 LILCO's use?

3 WITNESS McINTIRE: We have made no
4 independent analysis. We have received some material
5 from the County Executive of Nassau County making that
6 available and enclosing letters of agreement.

7 Q Those are the attachments to Mrs.
8 Robinson's affidavit?

9 WITNESS McINTIRE: Correct.

10 Q Has FEMA received any materials from the
11 Nassau County Board of Supervisors on this subject?

12 MR. CHRISTMAN: Objection. Beyond the
13 scope of this proceeding. The same ground that the
14 objections were sustained yesterday.

15 MR. MILLER: Judge Margulies, there are
16 two governing entities of the Nassau County
17 Government. One is the County Executive and one is the
18 Nassau County Board of Supervisors. The witnesses have
19 stated they have received some materials from the
20 County Executive.

21 My question is a logical follow-up, have
22 they received anything from the Nassau County Board of
23 Supervisors on the subject.

24 MR. CHRISTMAN: This is a transparent
25 attempt to re-open the dispute between various entities
of that county government and should not be allowed for

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2 the same reason it wasn't allowed yesterday.

3 (Panel confers.)

4 MR. MILLER: Judge Margulies, I might
5 point out it is a preliminary question. I asked if
6 they received any materials from the Nassau County
7 Board of Supervisors.

8 JUDGE MARGULIES: As a preliminary
9 question, you may ask the question.

10 WITNESS McINTIRE: We have received, I
11 believe it's two pieces of correspondence from
12 legislators in Nassau County. I am not sure whether it
13 was sent directly to us or came through a third party.

14 Q Could you describe the contents of that
15 material you've received from those legislators?

16 MR. CHRISTMAN: Objection. This is not
17 a preliminary question and I object as it being beyond
18 the scope of this proceeding.

19 MR. MILLER: Judge Margulies, in
20 fairness to the record, the witnesses have stated they
21 received material from the County Executive which was
22 attached to Mrs. Robinson's affidavit, which, of
23 course, is in the record.

24 They have made reference to material
25 from the Nassau County Board of Supervisors.

The record, obviously, is incomplete at

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2 this time because we have not yet even identified what
3 that material is.

4 MR. CHRISTMAN: The difference is no one
5 objected to the first question because it was a
6 different type of question and someone is objecting to
7 this question.

8 MR. MILLER: Mr. Christman, you just
9 objected my first question. Now you're objecting to
10 this question also.

11 JUDGE MARGULIES: It is still a
12 preliminary matter. It just fleshes out that initial
13 question.

14 WITNESS McINTIRE: My recollection is
15 that the correspondence questioned the County
16 Executive's legal authority to make the Coliseum
17 available.

18 Q Has FEMA attempted to resolve for itself
19 the issue of the authority of the County Executive of
20 Nassau County to make the Coliseum available for
21 LILCO's use?

22 MR. CHRISTMAN: Objection.

23 MR. GLASS: Objection. Beyond the scope.

24 JUDGE MARGULIES: Objection sustained.

25 Q Have any members of this panel reviewed
the present lease agreement between Nassau County and

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1 the Hyatt Management Corporation?

2 WITNESS KELLER: Would you clarify,
3 please?

4 Q Maybe I should just back up and
5 establish the foundation for the question.

6 Is FEMA aware of the fact that the
7 Nassau Coliseum is owned by Nassau County and leased to
8 the Hyatt Management Corporation?

9 WITNESS KELLER: Based on the affidavits
10 which were attached to Elaine Robinson's testimony,
11 that discussion is there. Yes.

12 Q Now, has FEMA seen or reviewed the lease
13 agreement between Nassau County and the Hyatt
14 Management Corporation?

15 WITNESS KELLER: We tried, in paragraph
16 2 of our affidavit, to delineate those documents that
17 we had reviewed. And those are the documents that we
18 have reviewed. No others.

19 Q So, the short answer, Mr. Keller, is
20 that FEMA has not reviewed this lease?

21 WITNESS KELLER: That's correct.

22 Q Has FEMA met with or had any discussions
23 of any kind with personnel of the Hyatt Management
24 Corporation?

25 WITNESS KOWIESKI: We have not.

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2 Q Has FEMA met with or had discussions of
3 any kind with the Red Cross personnel relied upon by
4 LILCO in its plan?

5 MR. GLASS: Objection. I think the
6 question is rather broad. Any discussions with Red
7 Cross?

8 I think that's a rather broad question.
9 If you could limit it, I would appreciate it.

10 JUDGE MARGULIES: Let's move on. That
11 is an introductory question.

12 WITNESS KOWIESKI: Not to my knowledge.

13 Q Has FEMA attempted to determine the
14 Coliseum's availability to LILCO in the event of an
15 emergency at the Shoreham Plant?

16 WITNESS McINTIRE: As we have stated, we
17 reviewed the material attached to Mrs. Robinson's
18 affidavit.

19 Q Yes, sir. That does not quite answer my
20 question.

21 Has FEMA attempted to determine the
22 availability of the Coliseum to LILCO in the event of
23 an emergency at the Shoreham Plant?

24 WITNESS KOWIESKI: We have not.
25 However, as I stated before, FEMA and RAC would have
reviewed the proposed resolutions to address any

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2 inadequacies and identify in LILCO Revision 4 of the
3 LILCO Plan. And one of the questions that we raised in
4 our review was that the LILCO Plan should address
5 how--if you will allow me, I will cite.

6 "The issue of having to evacuate the
7 Coliseum during periods of contracted use--example,
8 hockey, circus--while there is an emergency at
9 Shoreham, should also be addressed by LILCO in the
10 plan."

11 Q To your knowledge, Mr. Kowieski, at this
12 time, through Revision 4 of the LILCO Plan, which you
13 have reviewed, this issue is not addressed by LILCO.
14 Correct? In its plan?

15 WITNESS KOWIESKI: We have not--Revision
16 4, to my knowledge, my recollection, did not identify
17 the Coliseum as a reception center. Only in response
18 to LILCO's response to our comments--our, RAC, FEMA
19 comments, Revision 4, they identified Nassau Coliseum
20 as a reception center. In connection with this, RAC
21 made a comment.

22 Q And the RAC comment was that LILCO
23 should address the issue of the availability of the
24 Coliseum--

25 WITNESS KOWIESKI: Not exactly. That's
not the way we phrased it. If you would like me, I

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2 will restate--

3 Q You've read it into the record already.
4 So I understand and the record is clear, the statement
5 you read into the record is the statement of the RAC
6 Committee to LILCO's response to the previous criticism
7 of Revision 4 of the LILCO Plan submitted by FEMA. Is
8 that correct?

9 WITNESS KOWIESKI: That's correct.

10 Q At this time, Mr. Kowieski, FEMA has not
11 received a response from LILCO to the criticism read
12 into the record, is that correct?

13 WITNESS KOWIESKI: We have not.

14 • Q Mr. Keller, it's fair to say, isn't it,
15 that, all things being equal, if someone, if evacuees
16 are contaminated, the quicker such contamination,
17 radioactive contamination, can be removed from that
18 person, the better it is?

19 MR. GLASS: Objection. Beyond the scope
20 of this contention.

21 MR. MILLER: It's basically a
22 preliminary question, Judge Margulies.

23 JUDGE MARGULIES: We will consider it a
24 preliminary question.

25 WITNESS KELLER: Could you restate it,
please?

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2 Q It's a general proposition, Mr. Keller.
3 Is it fair to say that should one be radioactively
4 contaminated, it is generally better for that person's
5 health if such contamination is removed as quickly as
6 possible?

7 WITNESS KELLER: It is a general
8 principle that if contamination is detected, it is best
9 to remove the contamination as quickly as is feasible.
10 Yes.

11 Q Now, has FEMA attempted to analyze the
12 possible adverse health consequences to evacuees from
13 LILCO's proposal to use the Nassau Coliseum as the
14 facility to monitor and, if necessary, decontaminate
15 evacuees?

16 WITNESS KELLER: The use of a reception,
17 monitoring center and decontamination, if necessary, is
18 a precept in the planning basis.

19 As you are all aware, there have been a
20 series of reception centers offered and then withdrawn.

21 As we testified last year, it would be
22 better if you had a facility that were somewhat
23 closer. If you don't have a facility available to do a
24 job, you can't do the job. Based on our understanding,
25 this is the only facility which is available at this
point in time and, therefore, it's the only place you

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2 can do the job.

3 Is it ideal? Probably not.

4 Q Let me go back to some of those points,
5 Mr. Keller. Based on your understanding, the Nassau
6 Coliseum is the only facility available. Is that what
7 you said?

8 WITNESS KELLER: That is an assumption
9 on my part. The fact that LILCO has proposed other
10 facilities and then have withdrawn those proposals, we
11 assume that they were not available to them.

12 Q But FEMA has not established whether
13 there are other, closer facilities than the Nassau
14 Coliseum. Correct?

15 MR. CHRISTMAN: Objection. We are now
16 into the comparison with other facilities and that is
17 beyond the scope of the proceeding.

18 JUDGE MARGULIES: Objection sustained.

19 Q Mr. Keller, from your comments to me a
20 few moments ago, you are relying on the fact that LILCO
21 has previously offered and then withdrawn the proposed
22 use of facilities as relocation centers to draw your
23 assumption that the Nassau Coliseum is the only
24 facility available for LILCO's use.

25 Is that a fair assessment of your
statement?

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2 MR. CHRISTMAN: Objection.

3 MR. GLASS: Objection, your Honor. I
4 think we're beyond the point of preliminary questions.

5 MR. MILLER: Judge Margulies, I am
6 simply trying to clarify what Mr. Keller said on the
7 record.

8 MR. GLASS: In this particular instance,
9 we have a situation where a preliminary question is
10 being used to open the door, go beyond the scope, and
11 under that guise, being asked to be able to clarify the
12 record.

13 JUDGE MARGULIES: The record is clear.
14 The witness testified that there is only one facility
15 and, as far as he knows or the panel knows, it is the
16 Nassau Coliseum. That's been established early on and
17 we're well beyond that.

18 Q Let me ask you this, Mr. Keller. Maybe
19 just for purposes of my understanding.

20 Could you tell me the basis for your
21 assumption that the Nassau Coliseum is the only
22 facility available to LILCO?

23 MR. CHRISTMAN: Objection.

24 JUDGE MARGULIES: I believe it's clear
25 in the record as to how he arrived at that conclusion.

MR. MILLER: Judge Margulies, you

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2 sustain the objection?

3 JUDGE MARGULIES: That is correct.

4 Q Mr. Keller, let me ask you, if you look
5 again at paragraph 7 of your affidavit, the first
6 point, one of the considerations which still must be
7 considered by FEMA is, "details of the separation of
8 the reception and congregate care functions."

9 Do you see that statement?

10 WITNESS KELLER: Yes, I do.

11 Q Could you tell me, generally, the
12 details which FEMA believes still must be incorporated
13 within the LILCO Plan?14 WITNESS KELLER: I think--In a review of
15 the preparedness, off-site preparedness, we go through
16 a process. A plan is submitted, it is reviewed and
17 evaluated against the criteria in 0654.18 After that has been done, an exercise is
19 held to demonstrate the implementability of that plan.20 What we're saying here is that LILCO has
21 proposed to change their plan sometime in the future
22 and to separate what was previously, in Revision 4, the
23 coalition of these two functions in a single facility.24 When they separated the function--these
25 two functions into separate facilities, there are no
details in the plan, none whatsoever, as the plan

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2 currently stands.

3 If you look at the plan that we have, it
4 says that reception center function and the congregate
5 care center function will occur at the same location.
6 This is not the current position of LILCO as we
7 understand it.

8 What we're saying here is that the plan
9 has to be revised, and we expect plans to be revised
10 periodically.

11 And in that revision there are certain
12 things that must be added. After we see how LILCO
13 proposes to carry out these functions, we could then
14 have an exercise to evaluate whether or not it was
15 implementable.

16 There are numerous things, numerous
17 details which need to be in the plan. How the
18 reception center will be physically set up. We have a
19 floor plan of the Coliseum with a few sketchy flow
20 patterns. But that's certainly not sufficient to say
21 at this point that that's all right. How the
22 registration will be handled. Those kinds of details
23 need to be included in revision of the plan.

24 And as of yet, we have not seen those
25 things.

Q The two examples you gave me, Mr.

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2 Keller, both go to the function of the reception
3 center, the examples you gave were the reception
4 center, how it would be set up and then how
5 registration will be handled.

6 Can you give me examples of the details
7 of congregate care functions which you would expect to
8 see in the LILCO Plan?

9 MR. GLASS: Objection. Beyond the scope
10 of the contention.

11 MR. CHRISTMAN: I second that
12 objection. This is, as we expected, another attempt to
13 open up the congregate care issues, predictable but
14 still objectionable.

15 JUDGE MARGULIES: Objection sustained.

16 MR. MILLER: Judge Margulies, let me ask
17 again for a point of clarification. The statement is
18 that details of the separation of the reception and
19 congregate care functions must be incorporated within
20 the LILCO Plan and I have asked the witnesses to give
21 me some examples of the sort of details of the
22 functions to be provided at the congregate care centers
23 that FEMA expects to see in the LILCO Plan.

24 That question is being objected to and
25 the objection is sustained by the Board?

JUDGE MARGULIES: That is correct.

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2 MR. MILLER: Can I ask the basis of the
3 Board's ruling?

4 JUDGE MARGULIES: It is beyond the scope
5 of the contention that we are hearing today, Contention
6 24(o).

7 Q Let me ask the panel, if, in fact, it
8 turns out that there are not a sufficient number of
9 facilities available to LILCO to shelter evacuees,
10 would that be considered by FEMA to be a plan
11 deficiency?

12 MR. CHRISTMAN: Objection. Beyond the
13 scope of the hearing.

14 JUDGE MARGULIES: Objection sustained.

15 Q Has FEMA attempted to determine whether
16 LILCO, in fact, has available to it sufficient
17 facilities for sheltering evacuees?

18 MR. CHRISTMAN: Objection. Beyond the
19 scope.

20 JUDGE MARGULIES: Objection sustained.
21 This whole line of questioning is out of order at this
22 point, counsel. You've asked questions three times in
23 the same order. We've sustained the objection three
24 times. And the line of questioning is out of order.

25 MR. MILLER: Judge Margulies, not to
take any more of the Board's time than necessary, I

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2 assume from the Board's rulings that any question I ask
3 which at all mentions congregate care centers or
4 sheltering evacuees will be not permitted by the
5 Board. Is that correct?

6 JUDGE MARGULIES: The line of
7 questioning, as you are asking the questions, is out of
8 order. That is correct.

9 MR. MILLER: Judge Margulies, with that
10 ruling, County would have no further questions.

11 JUDGE MARGULIES: Mr. Zahnleuter?

12 CROSS EXAMINATION

13 BY MR. ZAHNLEUTER:

14 Q "Gentlemen, what does the term "reception
15 center" mean to you?

16 WITNESS KELLER: As we tried to--well,
17 let's step back.

18 NUREG 0654, amendment J12, discusses
19 relocation center. In last year's hearing, relocation
20 center, reception center, congregate care shelter, were
21 kind of used in somewhat a sloppy way, really. They
22 were not defined. We tried in paragraph 3 of our
23 affidavit to define what we meant by these two terms.

24 The summation of the two terms would be
25 the relocation function.

Q In paragraph 3, you've said that a

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2 reception center function includes registration,
3 monitoring and decontamination. Does it include
4 anything else?

5 WITNESS KELLER: Depending on how it is
6 set up. That would be a minimal kind of reception
7 center. Many reception centers that we have seen have
8 a minimal first aid service available. But these are
9 the things that are necessary at a reception center.

10 Q Are they the only things that you can
11 think of now that are necessary?

12 WITNESS McINTIRE: I think there are
13 other things that possibly could be performed there.
14 There might be an information exchange to something
15 like reunite family members, provide information and
16 briefings of the news events for the people there.

17 Q Are those things optional or necessary,
18 in your view?

19 WITNESS McINTIRE: It all depends--it
20 depends on the circumstances. You know, as a general
21 proposition in a reception center you should
22 provide--you know, ideally, the most services possible
23 to the people there to make them feel more comfortable.

24 Q With your understanding of the LILCO
25 Plan or the LILCO proposal as you have now, are those
things optional or necessary?

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2 WITNESS KELLER: We have basically a
3 few pieces of paper that say they propose to use the
4 Nassau Coliseum as the reception center. There are no
5 details currently of how they are going to do it --
6 that we have, that we are aware of. Somebody else may
7 have things that we don't have. But things that we are
8 aware of, there are no details.

9 Q Is the lack of those details an
10 inadequacy?

11 WITNESS KELLER: Yes.

12 Q What does the term "radiation
13 monitoring" mean to you?

14 WITNESS KELLER: Are you reading our
15 affidavit? Or is this a generic question?

16 Q It is generic, but I do wish to limit it
17 to the Shoreham Nuclear Power Plant and the LILCO
18 proposals.

19 WITNESS KELLER: The evacuees should be
20 scanned with, typically, hand-held instrumentation,
21 which would detect the presence of contamination on the
22 body or clothing of the evacuee.

23 (Witnesses confer.)

24 WITNESS KELLER: As Mr. Baldwin pointed
25 out, monitoring also involves monitoring for the
presence of the plume. But that's not what we're

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2 talking about. We're talking about, I presume, the
3 potential evacuee and those things which would occur at
4 a reception center.

5 Q Your presumption is correct.

6 What would radiation decontamination
7 mean to you?

8 WITNESS KELLER: The removal of the
9 contamination from the person's body or clothing.

10 Q By what methods would that removal occur?

11 WITNESS KELLER: The typical method is
12 by showering or washing. There are a successive series
13 of things. Mild soap, lather, et cetera, a soft
14 brush. And if the contamination is not removable under
15 those conditions, my recollection of the plan is that
16 medical -- further medical assistance would be
17 requested.

18 Q Would such a shower be a normal type of
19 shower, or would there be any other kind of precautions
20 that you would take?

21 WITNESS KELLER: A normal type of shower.

22 Q Could you also give me the same answer
23 but with respect to vehicles?

24 WITNESS KELLER: Vehicle decontamination
25 can be accomplished in several ways. You can take the
paint off. That's one way to do it. You can wash the

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2 vehicle. That's another way to do it.

3 Q Would you monitor the outside and inside
4 of the vehicle?5 WITNESS KELLER: One would anticipate
6 that you would, yes.7 Q Would that be through the same method, a
8 hand-held device?

9 WITNESS KELLER: That's correct.

10 Q When you washed the vehicle, would that
11 include the inside and the outside?12 WITNESS KELLER: Generally speaking, the
13 inside is -- of most vehicles, is primarily by
14 vacuuming and that type of thing. If the upholstery is
15 of a material which can be wetted without severe damage
16 to the upholstery, you might wet it, yes.

17 Q How about the outside of the vehicle?

18 WITNESS KELLER: You can wet it, you can
19 rub it, you can wax it.20 Q Would that include also the bottom part
21 of the vehicle?

22 WITNESS KELLER: The undercarriage?

23 Q Right.

24 WITNESS KELLER: That's a potential, yes.

25 Q Do you have any idea how long it would
take to go through this process with one vehicle?

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2 WITNESS KELLER: It would depend upon
3 the nature of the contamination, whether or not the
4 vehicle had been, for example, parked in an area and a
5 plume had passed over the vehicle and deposition had
6 occurred on the outside surface of the vehicle, the
7 plume passed on and the car drove away. Or perhaps the
8 car drove through a plume. The areas which would
9 become contaminated are potentially different in those
10 cases.

11 The car could be contaminated on the
12 interior. The car is in a garage, somebody is outside
13 in the plume, gets contaminated, gets into the car.
14 Now, the inside is contaminated, the outside is clean.
15 There are so many different scenarios that I don't
16 think I can give you a time.

17 Q Could you give me a minimum time?

18 WITNESS KELLER: Would you define for
19 me, the "minimum time" to do what?

20 Q That is a good question.

21 I really don't want to explore the whole
22 range of possibilities, but is my understanding correct
23 that if there is contamination inside a vehicle and if
24 you cannot precisely locate the source of that
25 contamination, you would have to vacuum the entire
inside of the vehicle?

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2 WITNESS KELLER: No. That is not
3 correct. Generally speaking, you should be able to
4 localize the area of contamination, either inside the
5 vehicle or outside the vehicle. And then, if you
6 localize the area, you clean up the spot. You don't
7 clean the whole rug, you just clean the spot.

8 Q Could decontamination of a vehicle be
9 accomplished without the use of a hose or a water
10 source?

11 WITNESS KELLER: It could be.

12 Q Would you recommend that?

13 WITNESS KELLER: All things being equal,
14 no.

15 Q I take it that you mean that for
16 planning purposes, you would not recommend that?

17 WITNESS KELLER: I have to see what was
18 proposed to evaluate whether what was proposed was
19 better or worse.

20 Q How about if what was proposed was the
21 use of a hand-held washing bottle and a rag?

22 WITNESS KELLER: That might be -- that
23 might be adequate. It might not be.

24 Q Could you recommend that as a sole
25 method?

WITNESS McINTIRE: I think, for

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1 clarification, FEMA is not in the position of making
2 recommendations always. What we do is review plans and
3 occasionally, we provide technical assistance on these
4 review of plans.
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6 Q If, hypothetically, that were the plan,
7 what would you do with that?

8 WITNESS McINTIRE: I think we'd need a
9 little more information before we could make a
10 determination.

11 Q So that information alone would not be
12 sufficient?

13 WITNESS KELLER: What information alone?

14 Q The method of decontaminating a vehicle
15 by using a hand-held washer and a rag without a water
16 source.

17 WITNESS McINTIRE: Again, we need more
18 specific information. How many people were going to be
19 involved in this process. That type of thing. How
20 much material is available. Replacement material.
21 Those types of things. We need more detail.

22 Q Is that information available to you now
23 with respect to LILCO plan or proposals?

24 WITNESS KELLER: It is not.

25 WITNESS KOWIESKI: It is not.

Q Mr. Baldwin, you stated before that you

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2 were inside the Coliseum. When was that, approximately?

3 WITNESS BALDWIN: Approximately, six
4 months ago.

5 Q Mr. McIntire,?

6 WITNESS McINTIRE: Ten years ago.

7 Q Do you have before you Mrs. Robinson's
8 affidavit?

9 WITNESS McINTIRE: We do.

10 Q Would you look at attachment 5, which is
11 the diagram of the Coliseum.

12 Mr. McIntire and Mr. Baldwin, in your
13 visits to the Coliseum, did you have an occasion to
14 visit the areas shown on this diagram?

15 WITNESS BALDWIN: Well, which specific
16 parts of the diagram? I have seen the arena floor --

17 Q Let me limit the question to one of,
18 have you been in the corridor which goes from the
19 circle G-13, past the home team locker rooms, past the
20 visitor's locker rooms, et cetera?

21 WITNESS McINTIRE: I can't remember.

22 WITNESS BALDWIN: I can't even tell from
23 this diagram what floor this is of.

24 Q Do you have any idea how wide the
25 corridor is?

WITNESS KELLER: I think we've already

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2 stated that we have very limited information and that
3 before we say, you know, it looks like it's all right,
4 we need more detail. There is nothing -- there is no
5 scale on this map I can find. So, there is no way to
6 know, looking at this, the width of that corridor.

7 Q Is the lack of scale an insufficiency?

8 WITNESS KELLER: There is a general
9 insufficiency of detail.

10 Q Are you aware of the amount of floor
11 space available in the arena floor and exhibition floor?

12 WITNESS BALDWIN: Well, in Elaine
13 Robinson's testimony, it says that there is 15,000
14 square feet of area for a receiving area, an arena,
15 which is 17,000 feet, an exhibition hall of 59,000
16 square feet and an arena lobby of 5,750 square feet,
17 and attached is a diagram of the Coliseum.

18 Q Is it your understanding that LILCO
19 relies on the space in the arena floor and the exhibit
20 hall?

21 WITNESS BALDWIN: Again, it is unclear
22 from this diagram and the other information we have
23 here. This is very sketchy information. There are
24 virtually no details except what I just read into the
25 record.

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2 JUDGE MARGULIES: Mr. Zahnleuter, I
3 think it would help if you would establish whether
4 these witnesses were in the hearing room yesterday when
5 Mrs. Robinson testified. It doesn't appear in the
6 record and I think it would be helpful if that were
7 established.

8 I will do it if you don't.

9 Q Gentlemen, would you tell us if you were
10 here in the hearing room yesterday?

11 WITNESS BALDWIN: No.

12 WITNESS KELLER: We were not.

13 Q Mr. Keller, previously this morning, you
14 mentioned the Environmental Protection Agency. Is that
15 the United States Environmental Protection Agency?

16 WITNESS KELLER: That's correct.

17 Q Do you remember who it was that authored
18 the materials you spoke of?

19 WITNESS KELLER: My recollection is it
20 was the member of the RAC at that time, the Regional
21 Assistance Committee, which is a committee which has
22 representation from the various federal agencies. And
23 at that time, EPA was going through some shifting and
24 it was either Joyce Feldman or Linda Holman.

25 WITNESS KOWIESKI: It is my recollection
the letter was signed by Joyce Feldman.

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2 Q Do you know what position she holds
3 within the United States EPA?

4 WITNESS KOWIESKI: Since the time she
5 left this particular branch, she was with -- right now,
6 it is my understanding, she is a supervisor. I don't
7 know exactly the title of her position or her
8 responsibility at this point.

9 Q Returning for a second to the attachment
10 5 diagram, do you have any idea how many showers are in
11 the visitor's locker rooms?

12 WITNESS KELLER: There is nothing on
13 attachment 5 which would indicate the number of showers.

14 However, on page 2 of Elaine Robinson's
15 testimony, affidavit, it says that "The Coliseum has
16 locker rooms and dressing rooms, at least 30 showers."

17 Q Do you know if those 30 showers are in
18 the visitor's locker rooms only?

19 WITNESS KELLER: I would presume that
20 they are scattered through the visitor's locker rooms
21 and the home team locker rooms.

22 Q Do you know how many people LILCO would
23 intend to use to monitor evacuees as they arrive at the
24 Coliseum?

25 WITNESS KELLER: My recollection is that
there is a number in the plan, the current version of

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2 the plan, which may be changed because of a change in
3 the situation. My recollection is the number is 105.

4 WITNESS BALDWIN: My recollection is the
5 same, but the 105 is for total personnel there. It is
6 81 monitoring persons.

7 Q Since the current plan that you speak of
8 doesn't mention the Coliseum, how would you relate that
9 number to the number of people that will be at the
10 Coliseum?

11 WITNESS KELLER: The number of people is
12 the same whether you go to the Coliseum or whether you
13 go to Central Islip, BOCES or one of the other
14 reception centers proposed in previous versions of the
15 plans.

16 There is no difference in the number of
17 people. Now, rather than going to three buildings
18 somewhat scattered, you now go to one building.

19 Q Thank you, gentlemen. I have no other
20 questions.

21 MR. CHRISTMAN: I have no questions.
22 I'd rather go home.

23 MR. GLASS: No questions.

24 JUDGE MARGULIES: Is there anything
25 further of these witnesses?

MR. MILLER: Judge Margulies, I have one

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2 very quick follow-up to Mr Zahnleuter's questions.

3 CROSS EXAMINATION

4 BY MR. MILLER:

5 Q Gentlemen, just to make sure the record
6 is clear, is it your understanding that under revision
7 4 of the LILCO plan, LILCO intended to have 81
8 personnel assigned to the job of monitoring evacuees as
9 they arrived at the three separate centers that were to
10 be used for monitoring and decontaminating evacuees?

11 WITNESS KOWIESKI: That's correct.

12 As a matter of fact, the plan, on page
13 3.9-5, it states, "Of the 105 personnel assigned to the
14 relocation centers, to perform monitoring and
15 decontamination, 81 will perform personnel monitoring."16 Q I take it from your comments to Mr.
17 Zahnleuter's question that you draw the assumption that
18 under this change in the LILCO plan -- that is, to use
19 the Nassau Coliseum rather than these three facilities
20 -- you make the assumptions that the 81 monitoring
21 personnel will still be employed by LILCO at the Nassau
22 Coliseum; is that correct?23 WITNESS KOWIESKI: That's correct. That
24 is an assumption. Obviously, we have, again, to wait
25 and see the different version, when revision 5 will
arrive. We'll have to see the details. They may

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2 increase the number of people or decrease the number of
3 personnel that will be responsible for monitoring.

4 Q They may increase or may decrease that
5 number?

6 WITNESS MCINTIRE: It's possible.

7 WITNESS KOWIESKI: It depends on the set
8 up of the location center.

9 MR. MILLER: Thank you.

10 JUDGE MARGULIES: The panel is excused.
11 Thank you.

12 Is there anything further that the
13 parties have to offer at this hearing?

14 MR. CHRISTMAN: No, sir.

15 JUDGE MARGULIES: We should come up with
16 a briefing schedule. It would appear that a shortened
17 briefing schedule would be in order, considering that
18 there has only been, cumulatively, a day of testimony.

19 MR. CHRISTMAN: The applicant would
20 agree with that.

21 MR. MILLER: Judge Margulies, one
22 consideration which I think the board should at least
23 take into account, it seems to me there is two ways for
24 the briefing to proceed.

25 One way is, obviously, to limit any
proposed findings of fact, conclusions of law to the

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2 matters we've heard over the last two days. One
3 alternative to that is to resubmit to the board and
4 actually for the board's convenience, but I guess also
5 for the convenience of the parties, all the relocation
6 center issues which have been previously submitted, as
7 well as the testimony we've heard over the last two
8 days, just to have relocation center matters discussed
9 in one place.

10 I am not sure if the board thought about
11 that second alternative.

12 JUDGE MARGULIES: Do the parties wish to
13 be heard on the second alternative?

14 MR. CHRISTMAN: I believe we have
15 already filed all the findings that we need to have
16 filed on all the other issues. I think a very short
17 set of findings on just the issues heard during these
18 two days of hearing is appropriate, just the reopened
19 24-O. That would make it easier on everyone, I would
20 think.

21 MR. BORDENICK: I would agree. I don't
22 see what purpose Mr. Miller's suggestion would serve.

23 MR. MILLER: My purpose -- and I will
24 request the board, on behalf of the County -- my
25 purpose is that we've had the last two days, we've had
testimony from various witnesses for LILCO and for FEMA

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2 testify about relocation center issues, albeit under
3 the board's definition, contention 24-0. AS the board
4 knows, contention 24-0 was one of five or six
5 contentions which formed what was characterized as the
6 relocation center issues in this proceeding.

7 It seems to me that more pertinent,
8 relevant, efficient findings for the board's sake and
9 for the sake of the parties, can be provided if
10 findings are integrated so that we just don't have
11 findings submitted last year and now we submit another
12 set of findings over the last two days. I would think
13 it makes more sense to treat the relocation center
14 issues as one issue, as we have in the past and to
15 combine the findings from the last two days with the
16 findings that would have resulted and, in fact, have
17 resulted from the litigation last August.

18 MR. CHRISTMAN: I don't think the
19 relocation center issues have been treated as one
20 issue. Contention 77 is about a particular
21 instrument. There are different issues. We generated
22 far too much paper in this proceeding already. I think
23 we can save our client's some money if we just address
24 what we talked about for the last two days, the
25 reopened 24-0, which is a very narrow issue. That
makes the most sense to me.

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2 JUDGE MARGULIES: Mr. Zahnleuter, we
3 sort of left you out on several occasions yesterday.
4 We want to make up for it today. I will ask you the
5 question once and you will give your answer and I will
6 ask you again, to make up for yesterday.

7 MR. ZAHNLEUTER: I would agree with the
8 position taken by Suffolk County. I think that it
9 would be kind of difficult to just talk about the
10 materials that we had today because they do interrelate
11 with the materials we had discussed in the last
12 hearings, last year in August.

13 I don't know if it's necessary to repeat
14 all of what we did in August, but it's hard to just
15 speak of today's hearings in isolation to what we had
16 going on last August. There should be integration to
17 some extent.

18 JUDGE MARGULIES: Thank you.

19 MR. BORDENICK: Judge Margulies, may I
20 be heard?

21 JUDGE MARGULIES: Yes.

22 MR. BORDENICK: It's clear that the
23 board only reopened the record on 24-0. It's also
24 clear that in the partial initial decision, the board
25 reserved a decision on all the relocation center
contentions.

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However, I am at a loss to understand what it is Mr. Miller wants to do. His proposed findings on the other contentions where the record has not been reopened stand. If he wants to refer to those in his findings, that's fine. I may refer back to previous findings. I can simply cite a previous finding. I don't have to rewrite it. I don't know what purpose would be served in putting it all together in one package. Whatever is there is there.

MR. CHRISTMAN: And the parties should not be given an opportunity to redo findings that have already been filed in a timely way.

MR. MILLER: Judge Margulies, let me briefly respond.

We've had two days of reopened hearings. As a theoretical matter, I would assume every one in this room would have to admit that some things have been said over the last two days that possibly could bear upon matters in the record from last year and that could bear upon proposed findings of fact that have been previously submitted to the board.

The board has reserved judgment on the relocation center issues. All I am proposing is that the parties certainly should not be precluded from going back, looking at the record, looking at the

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2 record from last year in the context of what's been
3 said in the last two days to see if there is some need
4 to incorporate, interrelate things that happened
5 previously and things that happened over the last two
6 days. To me, that just makes good sense.

7 And I bring the matter to the board's
8 attention because it seems to me there needs to be a
9 little consideration for that process in terms of the
10 timing of a briefing schedule. I don't think it adds a
11 lot of time to the briefing schedule, but I think it
12 just makes more sense to go the route of not trying to
13 piecemeal proposed findings and to segregate entirely
14 the last two days from the issues that have gone before.

15 (Panel confers.)

16 JUDGE MARGULIES: The board has decided
17 that we would want proposed findings of fact and
18 conclusions of law solely on contention 24-0, but if
19 the parties want to refer back to their prior findings,
20 they can do so and make reference to it in their
21 current submission.

22 We will now look to a briefing schedule.

23 MR. CHRISTMAN: Perhaps we could cut the
24 scheduling in the rules in half. That's my opening
25 bid. I guess it would be 15, 20, 25 and I'd leave the
final five alone.

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2 JUDGE MARGULIES: Is that satisfactory
3 to the intervenors?

4 MR. MILLER: Let me make sure of Mr.
5 Christman's proposal. That LILCO would file 15 days
6 from today, the County would file 20 days from today,
7 the NRC staff 25 days from today?

8 MR. CHRISTMAN: Right. And the party
9 with the burden of proof, us, would have five days to
10 reply.

11 MR. MILLER: For purposes of --

12 JUDGE MARGULIES: It would be 15, 20,
13 five and five.

14 MR. MILLER: Could someone tell me when
15 20 days from today falls?

16 JUDGE MARGULIES: I think we ought to
17 look at a calendar and come up with specific dates so
18 there will be no question.

19 Off the record.

20 (Discussion off the record.)

21 JUDGE MARGULIES: The dates for filing
22 are July 11, 1985; July 16th; July 22nd and July 26th.

23 Is there anything further?

24 The hearing is closed. Thank you very
25 much.

(Whereupon, at 10:30 a.m., the hearing
in the above-entitled matter was closed.)

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: SHOREHAM NUCLEAR POWER STATION
UNIT I
(EMERGENCY PLANNING PROCEEDING)
EVIDENTIARY HEARING

DOCKET NO.: 50-322-OL-3

PLACE: HAUPPAUGE, NEW YORK

DATE: WEDNESDAY, JUNE 26, 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) Debra Stevens
(TYPED) DEBRA STEVENS

Official Reporter

Reporter's Affiliation