

ORIGINAL
UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

DOCKET NO: 50-456-OL
50-457-OL

COMMONWEALTH EDISON COMPANY

(Braidwood Station, Units 1 and 2)

EVIDENTIARY HEARING

LOCATION: JOLIET, ILLINOIS

PAGES: 369 - 564

DATE: TUESDAY, OCTOBER 29, 1985

TR-01
0/1

ACE-FEDERAL REPORTERS, INC.

Official Reporters
444 North Capitol Street
Washington, D.C. 20001
(202) 347-3700

8511010108 851029
PDR ADOCK 05000456
T PDR

NATIONWIDE COVERAGE

Sim 1-1

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
4

5 - - - - -X

6 In the Matter of:

7 COMMONWEALTH EDISON COMPANY : Docket Nos. 50-456-OL
8 (Braidwood Station, Units 1 & 2: 50-457-OL

9 - - - - -X

10 Will County Office Building
11 Boardroom, Second Floor
12 302 North Chicago Street
Joliet, Illinois 60431

13 Tuesday, October 29, 1985

14 The hearing in the above-entitled matter
15 convened, pursuant to notice, at 9:30 a.m.

16 BEFORE:

17 HERBERT GROSSMAN, ESQ., Chairman
18 Atomic Safety and Licensing Board
Nuclear Regulatory Commission
Washington, D. C. 20555

19 A. DIXON CALLIHAN, Member
20 Atomic Safety and Licensing Board
21 Nuclear Regulatory Commission
Washington, D. C. 20555

22 RICHARD F. COLE, Member
23 Atomic Safety and Licensing Board
24 Nuclear Regulatory Commission
Washington, D. C. 20555

Sim 1-2

1 APPEARANCES:

2 On Behalf of Commonwealth Edison:

3 JOSEPH GALLO, ESQ.
4 Isham, Lincoln & Beale
5 1120 Connecticut Avenue, N.W.
6 Suite 840
7 Washington, D.C. 20036

8 On Behalf of Individual Intervenors and Appleseed:

9 BRIDGET LITTLE ROREM
10 117 North Linden Street
11 Essex, Illinois 60935

12 On Behalf of the FEMA:

13 H. JOSEPH FLYNN, ESQ.
14 Assistant General Counsel
15 Federal Emergency Management Agency
16 500 C Street, S.W.
17 Washington, D. C. 20472

18 On behalf of the NRC:

19 ELAINE CHAN, ESQ.
20 STUART A. TREBY, ESQ.
21 Office of the Executive Legal Director
22 Nuclear Regulatory Commission
23 Washington, D. C. 20555

24 * * * * *

Sim 1-3

C O N T E N T S

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>BOARD</u>
L. D. BUTTERFIELD JR.	463	466	492	500	504
G. WENGER	515	519	540	541	561

E X H I B I T S

<u>EXHIBIT NO.</u>	<u>IDENTIFIED</u>	<u>ADMITTED</u>
Applicant's Emergency Planning Exhibit No. 1	465-B	465-B

L A Y I N D O C U M E N T S

<u>DESCRIPTION</u>	<u>FOLLOWS PAGE NO.</u>
Testimony of Lawrence D. Butterfield, Jr.	465-B
Testimony of Gordon Wenger	518
Luncheon Recess	422

* * * * *

P R O C E E D I N G S

(9:30 a.m.)

JUDGE GROSSMAN: Good morning, ladies and gentlemen. The hearing in the matter of the Commonwealth Edison Company, Braidwood Station, Units 1 and 2, operating license, is now convened.

For those of you who are unfamiliar with NRC hearings, they are usually presided over by three-member Boards composed of an attorney who acts as the Chairman and two scientists, an environmental scientist usually and a nuclear scientist.

I would like to introduce the Board now. My name is Herbert Grossman. I am the attorney who will act as Chairman of the Board. On my right is Judge Dixon Callihan, who is a part-time member of the Board. He is a nuclear physicist. He has his Bachelor's Degree from Marshall College; his Master's in Arts from Duke University, and his Ph.D. from NYU. He had spent some time on the faculty of CCNY, and for a number of years has been a physicist in private industry.

On my left is Judge Richard Cole, who is a full time member of the Board. He has his Bachelor of Science Degree in Civil Engineering from Drexel University; his Master's in Sanitary Engineering from MIT, and his Ph.D. from the University of North Carolina in Environmental Sciences and Engineering. He spent some time on the faculty of the University

#1-2-SueW

1 of North Carolina and was with the U.S. Corps of Engineers
2 and for a number of years was with the Pennsylvania State
3 Department of Health.

4 My background briefly is, I have a B.A. from
5 Cornell University; my law degree from Columbia, and a
6 Master's in Law from Georgetown. Before coming to the Board,
7 I was a senior trial and appellate attorney at the U.S.
8 Department of Justice.

9 In accordance with NRC practice, we have had two
10 prehearing conferences before this hearing, the last one held
11 on July 23rd, 1985 in which we set a hearing schedule which
12 has since been revised on a few occasions. We are holding
13 a hearing this morning on one phase of what is before the
14 Board dealing with information disseminated to the public
15 with regard to emergency planning.

16 I would like counsel to introduce themselves and
17 the parties who are appearing pro se, beginning with the
18 NRC Staff.

19 MS. CHAN: Good morning. My name is Elaine Chan.
20 I am counsel for the NRC Staff. I am counsel for the NRC
21 Staff.

22 Appearing with me today is Stuart A. Treby. He is
23 the Assistant Chief Hearing Counsel at the Office of the
24 Executive Legal Director in Washington, D. C.

25 Also is H. Joseph Flynn. He is the Assistant General

1-3-Sue W

1 Counsel --

2 JUDGE GROSSMAN: Ms. Chan, we are having trouble
3 hearing you. And I don't know if your microphone is working.

4 MS. CHAN: Is it working? I will begin again if
5 you like.

6 JUDGE GROSSMAN: Okay. That's much better. Fine.
7 Have you concluded, Ms. Chan? I will read it in the transcript.

8 (Laughter.)

9 MS. CHAN: I would like to finish introducing
10 H. Joseph Flynn, Assistant General Counsel, Federal Emergency
11 Management Agency, headquarters in Washington, D. C.

12 JUDGE GROSSMAN: Ms. Rorem.

XXXXX

13 MS. ROREM: I'm Bridgett Rorem. I'm representing
14 myself and four other individuals and Appleseed.

XXX

15 MR. GALLO: Judge Grossman, members of the Board,
16 my name is Joseph Gallo of the law firm of Isham, Lincoln and
17 Beale, 1120 Connecticut Avenue, N.W., Washington, D. C.

18 With me today is Victor Copeland of the same firm.
19 Together, we represent the Applicant, Commonwealth Edison
20 Company.

21 JUDGE GROSSMAN: We indicated in our Order setting
22 this hearing that we might entertain limited appearance state-
23 ments. Could we find out right now who wishes to make such a
24 statement by a show of hands?

Acad. General Reporters, Inc.

25 I assume -- I see two persons wishing to make

#1-4-SueW 1 statements. Have either of you made limited appearance
2 statements in this proceeding before?

3 (The two individuals nod in the affirmative.)

4 Well, we will decide later during the hearing
5 whether we are going to extend our facilities for further
6 limited appearance statements. I understand there have been
7 lengthy statements made in the past. And if you've made them,
8 perhaps we won't have time for it. We will see how the
9 hearing proceeds.

10 I would like to entertain preliminary matters now
11 before we get to the offer of proof, which I'm sure will be
12 discussed at length this morning. Do any of the parties have
13 any other preliminary matters before we go into the hearing
14 of the witness?

15 MR. GALLO: Judge Grossman, just one point. I
16 wonder if it would not be useful to first hear the witnesses
17 on the prepared evidence and complete the cross-examination
18 and then take argument on the offer of proof?

19 It would facilitate my client to some extent, and
20 to the extent that some people who are here would not have to
21 stay for the whole proceeding. That's not an overriding con-
22 sideration.

23 My feeling is that whatever cross-examination might
24 be allowed in order to permit Ms. Rorem to meet her burden,
25 that that activity should be distinct and separate from

#1-5-SueW

1 cross-examination on the testimony that would be proffered
2 today since it is on different footing. It seemed to me that
3 to the extent that we could segregate the two would be bene-
4 ficial to make a clear and complete record.

5 JUDGE GROSSMAN: Well, if we do adopt your sugges-
6 tion, Mr. Gallo, I assume you would nevertheless keep your
7 witnesses here until we dispose of the offer of proof question?

8 MR. GALLO: That is correct, Judge Grossman.

9 JUDGE GROSSMAN: Ms. Rorem.

10 MS. ROREM: Yes, Judge Grossman. I would much
11 prefer that we take care of all preliminary matters first.

12 JUDGE GROSSMAN: Ms. Chan.

13 MS. CHAN: I will defer to Mr. Treby.

14 MR. TREBY: We certainly agree with Mr. Gallo that
15 the matter should be segregated. However, the order in which
16 they should go forward, I'm not sure we have any strong views
17 on at all, though generally we do take care of preliminary
18 matters first.

19 But as long as they are segregated, I guess we
20 have no strong preferences.

21 JUDGE GROSSMAN: Mr. Gallo, I think we would
22 prefer to address the offer of proof first and see where we
23 are. I think your suggestion that we separate the direct
24 evidence that you are presenting from what we might hear in
25 the offer of proof is well taken.

#1-6-SueW

1 But I think we would like to get a handle on where
2 we are first. And the only way we can do that is to get
3 right into the offer of proof.

4 Ms. Rorem, I would like to ask you a few preliminary
5 questions with regard to your offer of proof. Basically, have
6 you ever raised these matters before with Applicant or with
7 Staff?

8 MS. ROREM: Judge Grossman, I have in an indirect
9 way raised many of them. I cannot say specifically which ones
10 I have raised with them, because to a large extent much of
11 our preliminary discussions before we got to the -- in fact,
12 up to the time of August 12th was based upon the fact that
13 certain issues were addressed or to be addressed in the State
14 plan for radiological emergencies.

15 And it was my understanding from what Applicant's
16 counsel said that they did not really wish to pursue or get
17 specific until that plan was made available. Some of these
18 things, specifically yes, I have addressed.

19 JUDGE GROSSMAN: Well, when did the plan become
20 available?

21 MS. ROREM: I received a copy of it August 12th,
22 1985.

23 JUDGE GROSSMAN: Did you then discuss what you
24 thought to be shortcomings in the plan with appropriate
25 officials of Applicant and the NRC Staff?

#1-7-SueW 1 MS. ROREM: On August 15th, Mr. Gallo filed a
2 motion to particularize and restrict the meaning of my conten-
3 tion. I talked with him. I talked with Mr. Copeland, and I
4 talked with Ms. Chan and let them know that I was extremely
5 upset with this because it was, I felt, very clearly laid out
6 at the prehearing conference that it was necessary for me to
7 have time to read the plan and decide what parts of it I felt
8 were not appropriate or fully developed, and that I was rather
9 angry and upset by the filing of this motion, because I felt
10 the intention of the filing of the motion was to make me have
11 to run in several directions at the same time.

12 I had not only to sit down and try and digest the
13 parts of the plan but I had also to respond to Mr.
14 Gallo's motion particularizing my contention. At that time,
15 I made it very clear to him on the telephone what some of
16 my concerns were and that I felt they should be addressed.

17 JUDGE GROSSMAN: And did you in particular go over
18 these seven points with him?

19 MS. ROREM: No. I went over several things. I
20 did not have them in any way organized or decided upon. But
21 I did mention to both him and to Mr. Copeland what quite a
22 few of them were.

23 What happened thereafter was that as I reread, as
24 I stated in my letter of October 8th, as I reread this motion
25 I felt that his wording had not been appropriate for what he

#1-8-SueW

1 intended to do in his motion. Actually, the motion was quite
2 favorable to me. I guess I was wrong.

3 But I thought he did not, in the wording of his
4 motion, state that which he desired, which was to restrict
5 completely the meaning of my contention to encompass only the
6 pre-accident education of the public. So I felt that within
7 the wording of his motion I had considerable leeway.

8 It was only after I received the stipulation with
9 the addenda written by Ms. Chan that I understood that she
10 also -- or someone had noticed that he had not particularized
11 the motion or my concerns as well as he desired in this motion.

12 And then he went through the ensuing several weeks
13 back and forth. When I received -- and I did receive a phone
14 call from your secretary on the 18th of October. I did not
15 receive your full motion, a memorandum and Order until the
16 23rd of October.

17 And I did not talk with Applicant or Staff.

18 JUDGE GROSSMAN: We understand that. Mr. Gallo
19 is entitled to find out what your case is before he comes
20 to hearing and that he did make attempts to search out your
21 case through interrogatories and through deposition, and also
22 at the prehearing conference.

23 And some time before the hearing begins, Mr. Gallo
24 and NRC Staff are entitled to find out what it is you are
25 raising.

#1-9-SueW 1 Now, one thing that disturbs the Board about these
2 late filed issues, whether or not they could have been included
3 in your contention, is the fact that emergency planning issues
4 are generally resolved between the parties before a hearing.
5 And if you don't particularize your concerns until you get to
6 the hearing there is no opportunity for any of this to be
7 ironed out, and they may not be the kind of issues that can
8 be resolved easily through a hearing.

9 MS. ROREM: I understand that, Judge Grossman.
10 This is an issue which I had raised several years ago when
11 Mr. Gallo was pushing us to go through this whole process.

12 And I felt that we were still up in the air as to
13 what exactly emergency planning was all about when the State
14 had not come forward with its plan yet. I felt, and stated
15 to him that I felt the interrogatories and the deposition were
16 premature in that I still had absolutely no concept of what
17 the State plan was going to be, because the State plan was not
18 made available until August 12th.

19 The deposition took place I believe in May. The
20 interrogatories in April. I did not know -- there were
21 questions which I had asked informally several years before
22 which were answered by Mr. Gallo with: Well, that comes out
23 in the State plan. That comes out in the State plan.

24 I had to wait for the State plan in order to
25 understand what the particulars of my contention were. I let

#1-10-SueW 1 him know two years ago in a meeting, or two and a half years
2 ago in a meeting, in the offices of Isham, Lincoln and Beale
3 in Chicago that I intended to rewrite my contention, that
4 it was general and not specific, but that I needed more
5 information. And I was told that it would come out in the
6 State plan.

7 I have felt that I have been locked in by the
8 State plan and when it would be made available, and that
9 while I did not -- I certainly did not intend in any way to
10 not fulfill my part of the burden, but it was -- so much
11 was left to when the plan came out that it was difficult for
12 me to particularize in May what my concerns were when I did
13 not know what they were until August.

14 JUDGE GROSSMAN: Well, let me ask you now whether
15 you know whether Applicant has satisfied those points that
16 you raise or whether your issues are merely raised on the
17 basis of not finding this information in the plan?

18 In other words, are you sure that Applicant hasn't
19 the capability and hasn't provided scripts and other media
20 information such as you allege in Issue Number 2?

21 MS. ROREM: I don't allege that they haven't
22 provided them. They haven't provided them in the plan. They
23 are not in any way made available.

24 I haven't the foggiest notion of what they say.
25 What they say may not be appropriate to the situation in

#1-11-SueW

1

which they will be used. And I think that what the particular

2

script is is a matter which should be heard.

END #1

3

Jc flws

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Acad. Federal Reporters, Inc.

25

1 In other words, if the plan is so vague and
2 does not describe specifics, how am I to particularize my
3 concerns. I can only sometimes, in some of these things,
4 view it on the basis of the fact that the plan does not
5 describe this.

6 JUDGE GROSSMAN: Well, I am not so sure that
7 those issues are right for hearing. If, for example, the
8 Applicant has provided those scripts, and we just don't
9 know about them this morning, I am not so sure that hearing
10 time is the best use of time to discover whether those
11 scripts have been provided and whether they are adequate.

12 I don't think that we are going to sit here and
13 conduct a discovery inquiry rather than discuss matters that
14 are right for hearing.

15 I think I would like to ask the other parties
16 now their positions with regard to these issues.

17 Mr. Gallo?

18 MR. GALLO: Yes, Judge Grossman. Just a moment.

19 (Pause.)

20 Judge Grossman, the Applicant opposes the offer
21 of proof on a number of basis. Some of our objections are
22 limited to just specific items that are shown on the offer
23 of proof made by Ms. Rurum on October 25. Some of the
24 objections apply generally. I will start with those.

25 The Board's order permitting the offer of proof

1 indicated that at Page 2 that Ms. Rorum had the burden of
2 coming forward with evidence of alleged deficiencies in the
3 program for notification of the public at the time of an
4 accident, and the program the Board was referring to was
5 the emergency planning program.

6 The half of dozen -- actually, seven issues that
7 have been articulated by Ms. Rorum in her offer of proof,
8 are really just general statements which fail to identify
9 any particular offer of proof in terms of specifics.

10 I would submit that there is no, quote, evidence
11 shown in any of these items. They are just general
12 allegations, somewhat akin to the type of allegations that
13 one sees in these proceedings at the contention stage.

14 Just general allegations alleging a failure to
15 do this, or an inadequacy to do that. We are long past that
16 stage in this proceeding.

17 Ms. Rorem, by her own admission, indicates that
18 she has had the State Plan since August 12th. Some ten weeks
19 later, today, or to be more specific on October 25, she has
20 offered these seven general allegations.

21 A cursory review of the State of Illinois
22 emergency plan would indicate that each one of these items
23 is addressed in the plan.

24 For example, there is a half dozen citations
25 to the first item, Item No. 2, that addresses the question

1 of whether the Applicant, or the State, has developed scripts
2 and other media information. Well, here they are right here.
3 The scripts. They are in the plan, and they were in the
4 plan that was submitted to Ms. Rorum on August 12th.

5 So, I can't understand how an allegation can be
6 made on October 25 that the Applicant must develop and
7 demonstrate the capability to provide through these scripts,
8 when the scripts themselves are included in the State Plan.

9 I would submit at this late date the issue ought
10 to be some allegation and offer of proof that the scripts
11 somehow are deficient, and aren't adequate to achieve the
12 intended function.

13 JUDGE GROSSMAN: Excuse me, Mr. Gallo. Ms. Rorum,
14 did you receive those scripts?

15 MS. ROREM: I did not receive the scripts. My
16 -- I am absolutely sure -- I did not bring my three huge
17 volumes with me. There are not scripts in my copy of the
18 State's Plan.

19 There are very many areas to be developed. I
20 cannot remember if that is one of them. But I didn't receive
21 anything which involved scripts.

22 JUDGE GROSSMAN: Ms. Chan, do you recall whether
23 you received scripts in your plan?

24 MS. CHAN: Can we take a minute and check, please?

25 (Pause.)

1 MR. GALLO: The scripts that are referred to,
2 Judge Grossman, are contained in Volume 7 for Braidwood, and
3 it is Standard Operating Procedure No. 8. It is the second
4 one of the three volumes that were provided to the Board and
5 Ms. Rorum and the Staff.

6 MR. TREBY: Judge Grossman, we have had an
7 opportunity to check with our technical staff member who
8 reviewed the document that we provided to the Staff. There
9 were scripts contained in the document.

10 We don't have the document in front of us to
11 see the exact words of those scripts, but there were as
12 part of this Volume 7, scripts.

13 JUDGE GROSSMAN: You see, Ms. Rorum, I don't think
14 that we ought to be using hearing time now to determine whether
15 scripts were there are not.

16 If you had raised these concerns with Mr. Gallo or
17 the NRC Staff, we wouldn't be here this morning discussing
18 the possibility of whether the scripts are there or not,
19 and we would know. It may well not be an issue. And
20 perhaps during a recess you will discover that they are
21 there, and we no longer have that issue, and that may be the
22 case with the other six issues that you raised.

23 So, I just don't think it would be productive to
24 go further into hearing on these matters if they are easily
25 resolved as apparently that first one you raised could be

2-5-JoeWal

1 resolved.

2 Mr. Gallo, I didn't mean to interrupt you.

3 Continue.

4 MR. GALLO: Well, Judge Grossman, I could waive
5 sections of the State Plan with respect to the other
6 six issues as well. I just catalogue that for Issue No. 3
7 the matter is addressed in a half a dozen places in the
8 State Plan. For Issue No. 4, the matter is addressed in
9 approximately four places in the State Plan. That is true
10 for issue No. 5. A half a dozen sections of the State Plan
11 address Issue No. 5.

12 Issue No. 6 is addressed in four places. Issue
13 No. 7 is addressed in eight places.

14 Issue No. 8 is addressed in four places. So, that
15 the matters are addressed in the plan. At this late date it
16 is not appropriate to allege, as Ms. Rorem does, that the
17 Plan generally is deficient because the coverage is there.

18 The only real issue under the offer of proof
19 regime established by the Board is to get more particularized
20 and suggests inadequacies in terms of what is, in fact, in
21 the State's Plan, and I am prepared to put a witness on the
22 stand to field questions in this area, but I don't think
23 it is appropriate because of the general nature of the
24 allegations made.

25 That is really our first general objections.

1 We don't believe she satisfied the criteria
2 established by the Licensing Board in its Order for the
3 offer of proof, namely there is a lack of any demonstrative
4 evidence as to just what it is she intends to prove.

5 A second general objection is is that if the
6 Board would look at Issue No. 2, it is directed toward the
7 ingestion pathway zone, and the other six issues referred
8 to an emergency planning zone, but the planning zone is
9 not identified as either the plume exposure pathway
10 emergency planning zone, or the ingestion pathway planning
11 zone.

12 The reason why this is important is that, for
13 example, the scripts referred to in Issue No. 2 are only
14 relevant with respect to the plume exposure pathway, and
15 the issue alleges that the information is not made available
16 for the ingestion pathway zone.

17 Commission regulations simply don't require that
18 kind of showing or effort.

19 I don't know how to read the next six. Whether
20 EPZ should be interpreted to mean plume exposure pathway, or
21 ingestion pathway. If it is the latter, then there is an
22 objection to all but one. The one exception would be Item
23 No. 6.

24 And perhaps -- yes, just Item No. 6; Issue No. 6.
25 So, that is a general objection.

1 JUDGE GROSSMAN: Excuse me for a second, Mr.
2 Gallo. Ms. Rorem, did you deliberately --

3 MS. ROREM: Yes, I did.

4 JUDGE GROSSMAN: -- refer to the ingestion
5 pathway, and are you taking issue with Regulation 50.47 now?

6 MS. ROREM: No. I am not taking issue with
7 that. The reason I used ingestion pathway zone was because
8 of the fact that some of the radio, TV, or EBS stations are
9 not -- they are not within the emergency planning zone.

10 They are not within the plume exposure pathway.
11 And so as to to be in any way -- I clearly have problems
12 because I am ignorant of law. I didn't want anything
13 excluded, and if I said emergency -- plume exposure pathway,
14 or I said emergency planning zone, then that would exclude
15 any radio, television, or EBS stations which were outside
16 of the emergency planning zone, and I didn't want to get
17 myself in that particular program, so I used the next handy
18 reference point, which had to do with ingestion pathway
19 zone, which all of those happens to be within.

20 I was not in any way implying that there is
21 anything wrong with the regulation. Excuse me if I seemed
22 to do that.

23 JUDGE GROSSMAN: Okay. If I understand correctly
24 what you are saying now, the facilities might be outside the
25 planning -- emergency planning zones, but your concern was

1 with the information to be received within that zone.

2 MS. ROREM: That is right.

3 JUDGE GROSSMAN: Okay. Go on Mr. Gallo, could
4 you continue?

5 MR. GALLO: The third general objection is with
6 respect to the use of the word, 'demonstrate' in certain
7 of the issues offered by Ms. Rorem.

8 Issue No. 2 and Issue No. 3 both contain and use
9 the word, 'demonstrate.'

10 I interpret the use of that word to mean that
11 Ms. Rorem's issue is not -- cannot be satisfied simply by
12 looking at the State Plan and determining if there is
13 coverage, and hearing the witness who might explain just
14 -- the nature of that, and how it might be implemented;
15 rather by the use of the word, 'demonstrate,' I interpret
16 Ms. Rorem to be suggesting that somehow there has to be an
17 exercise or some sort of demonstration to establish that the
18 plan as developed is in fact effective.

19 The Commission's regulations do not require that
20 type of demonstration for an Applicant for an operating
21 license. It is sufficient that the findings that support
22 an operating license be predictive, and all the Board need
23 find is that there is reasonable assurance that the emergency
24 planning activities for Braidwood are adequate to protect the
25 health and safety of the public.

1 No demonstration is needed. This so-called
2 predictive finding is articulated first in the statement
3 of considerations that supports the NRC regulations, and
4 in particular 10 CFR 2nd 50.47, and is embodied in the
5 case law.

6 The case that comes to mind is an Appeal Board
7 decision in the San Onofre proceeding where the Board noted
8 that limitation in dealing with emergency planning issues.

9 So, that is yet a third objection.

10 JUDGE GROSSMAN: Excuse me, Mr. Gallo. Ms. Rorem,
11 did you intend to use the word, 'demonstrate' to refer to
12 actual exercise, or did you merely intend to indicate that
13 it could be demonstrated on the face of the plan itself.

14 MS. ROREM: I meant it could be demonstrated on
15 the face of the plan itself. But I want to clarify something.

16 Mr. Gallo has made reference to the fact that
17 various points I have raised are referenced in the plan.

18 Being referenced in the plan has nothing to do
19 with whether or not the information in the plan is adequate.

20 JUDGE GROSSMAN: I think Mr. Gallo has raised
21 that point that you might find fault with the adequacy of
22 what was in the plan, but that your issues here suggest that
23 these matters are not included in the plan, and that they
24 are, according to him, definitely included, and that therefore
25 you should be more specific with regard to what you see as

1 the inadequacies in the plan, rather than suggest just an
2 absence of these matters.

3 Is that a correct paraphrase of what you stated,
4 Mr. Gallo?

5 MR. GALLO: It is, Judge Grossman.

6 JUDGE GROSSMAN: Ms. Rorem?

7 MS. ROREM: I am not saying these things are not
8 in the plan. I am saying that they are not adequate.

9 JUDGE GROSSMAN: Well, I think the point Mr.
10 Gallo is making is that you have not raised any particulars
11 with regard to what those inadequacies are, and that we are
12 at a very late stage for something like that to be presented.

13 And I am not sure that as of this moment you have
14 any idea what the inadequacies are in those particular
15 items either, and that you apparently wish to discover
16 whether these matters adequately, or inadequately are
17 addressed in the plan, and it seems to us right now that this
18 isn't the proper place to determine that.

19 That that is a matter that should be determined
20 during discovery, and not at the hearing.

21 MS. ROREM: But excuse me, Judge Grossman, the
22 discovery perior took place in its entirety before the plan
23 was made available in any way.

24 The plan was not available until August 12th.
25 Discovery was closed in May. This is something which I have

1 raised earlier, is that we are putting the cart before the
2 horse.

3 It is extremely difficult to conduct discovery
4 when you are on a fishing expedition. I had absolutely no
5 idea of any way in the plan would be deemed inadequate if I
6 did not have the plan.

7 Judge Grossman, would it be possible to give me
8 three weeks in which to develop new contentions based upon
9 the plan?

10 (Board confers.)

11 JUDGE GROSSMAN: Mr. Gallo, could you continue,
12 please?

13 MR. GALLO: Yes. I assume I don't have to respond
14 to that last question.

15 JUDGE GROSSMAN: That you do have to respond.

16 MR. GALLO: I do?

17 JUDGE GROSSMAN: Well, why would you assume that
18 you don't? Sooner or later, you are going to have to respond
19 to that. I don't think you want that handled ex parte
20 here.

21 MR. GALLO: All right. Let me finish my objections
22 to the offer of proof.

23 There are two specific objections. The first one
24 addresses Issue No. 8. The Board's order made it clear
25 that the offer of proof should be limited to the public

1 information program involved with the Braidwood Emergency
2 Plan.

3 Although that term, 'public information program,'
4 is used in Issue 8, it is clear that what the issue is really
5 getting at is the interaction between emergency planning
6 officials located in the ten mile EPZ and state officials
7 responsible for that area.

8 Those officials on one hand contacting the officials
9 at these host cities where the relocation centers are
10 available.

11 The issue suggested in No. 8 is is that this
12 communication between emergency planning officials had not
13 been adequately addressed.

14 That is a legitimate emergency planning subject,
15 but it is not part of the public information program.

16 The interaction between emergency planning
17 officials and organizations is not a matter for, quote,
18 public information, but simply as a matter of implementation
19 among the organizations concerned.

20 So, Issue No. 8 is outside the scope of the
21 Board's Order allowing the offer of proof.

22 I would also make the same objection with respect
23 to Issue No. 6. Issue No. 6 talks about a public information
24 program is deficient in that it fails to set out the means
25 by which the public will be informed during an emergency of

1 reentry protective measures.

2 It is my understanding that after an emergency has
3 ceased to exist, that advice will be provided to the public
4 about -- to the extent necessary, about reentry protective
5 measures such as the interdiction of food stuffs, water
6 supplies, et cetera and any other action that might be
7 appropriate.

8 End 2.
9 MS fols.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Sim 3-1

1 The Board's order clearly indicated that the
2 public information program to which Mr. Rorem was to allow
3 to make an offer of proof was limited to that program that
4 exists during the emergency. And I submit it is a contra-
5 diction in terms to suggest that the public information
6 program that is in effect during an emergency should have
7 re-entry protective measures to it. Obviously during the
8 emergency no re-entry is allowed. It is only after the
9 emergency has been concluded and ended that the question
10 of re-entry is dealt with.

11 So I would suggest that for that reason that
12 Issue No. 6 is outside the scope of the proceeding.

13 JUDGE GROSSMAN: Of course, Mr. Gallo, you are
14 the one who divided it into before and during and never
15 considered the possibility of after.

16 So we merely utilized your dichotomy there, and
17 I don't know that if we are going to talk about after whether
18 that wouldn't really fit onto that second part of something
19 subsequent to pre-emergency.

20 MR. GALLO: Well, Judge Grossman, it is true that
21 I advocated the dichotomy I described. But this is an
22 adversary proceeding and Mr. Rorem in her response made it
23 quite clear, her response of October 8th, 1985, made it
24 quite clear that she was interested in the public protection
25 or the public information program during an accident and,

Sim 3-2

1 indeed, the Board itself, even though I advocated a particular
2 position, I am sure searched the regulations and the adequacy
3 of the positions to determine that it should be limited as
4 such.

5 So I think it is fair to say that the Board's
6 order is an indendent order based on all the arguments
7 presented, and I believe my client is entitled to be guided
8 by that.

9 JUDGE GROSSMAN: Excuse me for a second.

10 Ms. Rorem.

11 MS. ROREM: Thank you, Judge Grossman.

12 Emergency is not complete until re-entry is over,
13 and FEMA includes re-entry as one of its evaluations of part
14 of an emergency.

15 JUDGE GROSSMAN: What Mr. Gallos is suggesting
16 now is that when we adopted his suggestion of looking at
17 this problem as two parts, one before and one during the
18 emergency, that you had an opportunity to also suggest that
19 after the emergency would be a third part. But I am not sure
20 that we are accepting his dichotomy at this oint and that is
21 a matter that we would have to resolve.

22 Mr. Gallo.

23 MR. GALLO: That concludes my objections to the
24 offer of proof. Now the issue on the table is Ms. Rorem's
25 request at this time to be given I guess, as I recall, three

Sim 3-3

1 weeks to file new contentions based on the plan. I would
2 object to that. She is just seriously out of time with
3 such matters.

4 It is true that Ms. Rorem is pro se in this pro-
5 ceeding, but she has been aware for some time that she has
6 the right to file new contentions. As a matter of fact, I
7 told her that myself, and I also believe the Staff counsel
8 did that. So it is not as if since August 12 that she is
9 just finding out today that she had the opportunity to file
10 new contentions.

11 At this point it is just too late and there is not
12 good cause to permit her to disrupt this proceeding by filing
13 additional conditions based on the State plan.

14 JUDGE GROSSMAN: Well, let me address this matter
15 of her being pro se. The way that was discussed in the Board's
16 order was to suggest that perhaps -- well let's put it this
17 way. It was premised on the fact that Ms. Rorem might have
18 issues that she had failed to disclose to the Board because
19 of her unfamiliarity with requirements of presenting these
20 matters to the Board in the form of prepared testimony or
21 some other notification to the Board that these issues would
22 be brought forward.

23 It did not at all relate to Ms. Rorem not being aware
24 of these particular issues at the time of discovery or the
25 requirement to submit prefiled testimony. That has nothing

Sim 3-4 1 nothing to do with her being pro se or being represented
2 by counsel.

3 Now that latter area of issues that were not presented
4 to her because the plan was not made public until August
5 12th is an entirely different matter. That relates to the
6 fact that the emergency planning is just a moveing target,
7 and that there are problems on both sides with responding
8 to something that isn't fair.

9 And the question, of course, is how specific one
10 can be without having the specifics of the plan before them
11 and how specific one must be in order to have issues presented
12 to the Board which are legitimate issues but can't be
13 discovered at the time that discovery is in progress.

14 I can't say that this Board can resolve it any better
15 than the Commission has resolved that particular issue, and
16 I am not sure that the Commission knows all the ramifications
17 of that particular issue, except perhaps indicatng its desire
18 that they not be heard. But I am not sure whether that is
19 a correct understanding of what the Commission has in mind.

20 Therefore, I think it is appropriate to hear from
21 the Staff now with regared to this entire matter, including
22 that latter part concerning the moving target that the
23 emergency plan presents to the parties and the Board.

24 MR. TREBY: The NRC Staff opposes the offer of proof.

25 First, with regard to the Board's order of October

Sim 3-5

1 18, 1985, we understood that order to indicate that there
2 was a matter raised before the Board which was does this
3 contention address matters only pre-emergency situation, or
4 does it involve both those public education activities that
5 occurred before the accident and during the accident.

6 The Board, as set forth in its order, after reviewing
7 discovery, the prehearing conference, et cetera, found that
8 on the record before it it believed that the contention should
9 be interpreted as only relating to pre-incident public
10 information.

11 However, it did provide an opportunity to Mrs. Rorem
12 to make an offer of proof which the Board would then use
13 as the basis for reconsidering that decision.

14 Now this offer of proof was to point out deficiencies
15 or inadequacies in the emergency plan with relationship to
16 activities that occurred during the emergency which Ms. Rorem
17 believed she should have an opportunity to litigate, and that
18 was to be the subject of this burden of proof.

19 If we look at the burden of proof, or what has been
20 styled as the burden of proof, or offer of proof, excuse me,
21 we find that no deficiencies are set forth. Rather, what
22 are set forth are seven general statements of matters which
23 Ms. Rorem asserts are not adequately covered in the plan.

24 We don't think that this was the intent of the Board
25 that she should make these general statements. Rather, we

Sim 3-6

1 believe that the intent of the Board was that the intervenor,
2 Ms. Rorem, should come forward with those deficiencies in
3 the plan which she believed indicated that there was not
4 going to be the necessary information to the public at the
5 time of the emergency, and that based on that information,
6 the Board could then decide whether or not to reconsider
7 its interpretation the contention and indicate that it covered
8 both those public education activities that occurred before
9 the incident and those that occurred during the incident.

10 As I said, I don't believe that Ms. Rorem has met
11 that burden and therefore it should not be allowed. I also
12 don't believe that this opportunity to show that the contention
13 covered both public education before an accident as well as
14 during the accident is intended to be a bootstrap operation
15 by which Ms. Rorem can then raise a number of new contentions
16 in this proceeding.

17 This gets to the next question as to whether or not
18 she should have an opportunity to file new contentions. The
19 plan was made available on Augsut 12th. At any point after
20 that time if she wished to file any new contentions, she had
21 the opportunity to do so.

22 She did not indicate any opportunity to file any
23 new contentions until she was provided this opportunity by
24 the Board to point out why the matter of public education
25 during an emegency was relevant.

Sim 3-7

1 JUDGE GROSSMAN: Well, Treby, I am not sure that
2 that is a proper characterization of Ms. Rorem's position.
3 I think her position really is that the original contention
4 as filed was as specific as she could have it presented in
5 view of the lack of issuance of the emergency plan itself,
6 and that conceivably under the wording of her contention
7 these seven additional issues, or these seven issues that
8 she presented to us last Friday could fit under that contention
9 and that she was as specific as she could be when she pre-
10 sented the contention.

11 And now that the particulars of the plan are avail-
12 able to her, she can particularize her concerns within that
13 already presented contention.

14 Now I don't know how one can particularize concerns
15 that aren't yet presented to the public before the emergency
16 plan is published.

17 Am I understanding your position correctly, Ms. Rorem?

18 MS. ROREM: I am sorry, could you repeat just the
19 last statement?

20 JUDGE GROSSMAN: Well, that is okay. I think
21 Mr. Treby can address what I just raised now.

22 MR. TREBY: The Board Chairman's statements might
23 have some merit if it was true that there was no basis upon
24 which Ms. Rorem could particularize her concerns.

25 However, it is my understanding that the State plan

Sim 3-2

1 was published in 1981 and it was revised again in February
2 of '82. But the State plan has been available with regard
3 to other facilities that Commonwealth operates in this
4 general area. As the Board may be aware, there are other
5 nuclear facilities operated by Commonwealth Edison in the
6 State of Illinois, and particularly the Dresden facility,
7 which is quite nearby, and in fact some of its EPZ overlaps
8 the Braidwood EPZ.

9 There has been a State plan on file for some period
10 of time. What was made available in August was the parti-
11 cular plan with regard to the Braidwood site, or that portion
12 of the plan that is particularized to the Braidwood site.
13 But the general state plan has been available for a long
14 time.

15 JUDGE GROSSMAN: Mr. Gallo, is that correct that
16 the particulars in the Braidwood plan are also contained in
17 the other plans and treated in a similar, if not identical,
18 manner?

19 MR. GALLO: I am not sure that Mr. Treby is
20 suggesting that. The State plan has existed for quite some
21 time, that is the general plan, as Mr. Treby indicated.

22 For each nuclear power station in Illinois there
23 is subsidiary chapter or section that deals with the specifics
24 of that power station.

25 The general plan that Mr. Treby refers to speaks

Sim 3-9

1 in general terms about emergency planning measures. My
2 argument that I made earlier was based on the unavailability
3 of the Braidwood portion of that State plan.

4 And to put the matter in perspective, you heard me
5 during argument say that certain of these issues were
6 covered in various sections of the State plan.

7 I have just consulted my notes, and the vast
8 majority of them are citations to the Braidwood section of
9 the State plan.

10 JUDGE GROSSMAN: Well, are they treated similarly
11 in the Byron plan, for example?

12 MR. GALLO: I don't know the answer to that question
13 by not having made the comparison. I would say that in some
14 instances it is and in some instances it is not.

15 I would be my judgment that the -- for example,
16 the scripts that we referred to are likely to be the same
17 with respect to any plant. It might not be the case with
18 other specific information.

19 Certainly the locations of facilities to be
20 evacuated and that kind of thing would not be the same.

21 JUDGE GROSSMAN: Ms. Rorem.

22 MS. ROREM: I would like to respond to that, and
23 I would also like to introduce Diane Chavez, who is a member
24 of Appleseed. But I would like to say, first, that the
25 State plan, the general plan is something which is not in

Sim 3-10

1 the public domain. It is not something which anyone has
2 access to. I was certainly never offered a copy of it
3 by applicant or anyone else until the complete site specific
4 plan was made available.

5 JUDGE GROSSMAN: Mr. Treby, is that correct, that
6 is not?

7 MR. TREBY: My understanding from the officials
8 from FEMA is that the State plan is on file and is available
9 to the members of the public.

10 MS. CHAVEZ: Your Honor, may I respond to that?

11 MR. GALLO: I would object.

12 JUDGE GROSSMAN: What would you object to, Mr. Gallo?

13 MR. GALLO: Well, I have reason to believe that
14 Ms. Chavez belongs to a different organization than Appleseed,
15 and that she can't speak for Ms. Rorem since she is neither
16 a member of Ms. Rorem's organization or one of the four
17 identified individuals, nor is she a member of the bar of any
18 State.

19 JUDGE GROSSMAN: Ms. Rorem, why don't you just
20 consult with her and tell us what it is that you know from
21 speaking to her.

22 MS. ROREM: Okay. Although I would like to say to
23 Mr. Gallo that I am sure he belongs to more than one organiza-
24 tion, and that it is certainly possible for Ms. Chavez to
25 belong to several organizations.

A. General Reporters, Inc.

end Sim
Sue fols

#4-1-SueW

1 MR. GALLO: Judge Grossman, could I be heard a
2 moment? I want to make it clear that the Applicant does not
3 stand on its objections to the offer of proof on the ground
4 that Ms. Rorem could have had the State plan available since
5 1981 or '82.

6 We are addressing our argument on the availability
7 of the Braidwood plan which was made available August 12 of
8 this year. So that perhaps we could move along then unless
9 the Staff wishes to persist in that argument.

10 JUDGE GROSSMAN: Ms. Rorem.

11 MS. ROREM: Judge Grossman, I would like to explain
12 something. Have you seen the plan?

13 JUDGE GROSSMAN: I believe we have that plan.

14 MS. ROREM: Okay. As you are aware, it's several
15 large volumes and it takes some time to go through it. I
16 did receive it on August 12th and spent a lot of time going
17 through it.

18 And as I explained earlier, I was waylaid by
19 Mr. Gallo's motion to particularize my contention. I am
20 unfamiliar with legal procedures. I was aware of the fact
21 that in this instance, that the burden of proof is basically
22 on the Applicant.

23 When I reread that motion of Mr. Gallo's and the
24 particular wording of his particularization of my contention
25 I really felt that he had stabbed himself in the back, because

4-2-SueW 1 it was a very, very broad particularization. I was unaware
2 of the fact that as long as I intended to elicit information
3 by cross-examination that I would be -- that it was necessary
4 that I make known to the Board what any particularizations of
5 that contention were within the framework that Mr. Gallo had
6 set up.

7 I apologize for that. I didn't quite understand
8 that. I felt that Mr. Gallo was responsible for proving his
9 case within the framework of the wording that he had set up.
10 And I felt that it was very vague and, therefore, it was fair
11 game for me to go after any of these other particular matters
12 that I felt.

13 Since you did limit this contention to the pre-
14 accident notification of the public and asked that I parti-
15 cularize, I am doing that. But I didn't understand, and I
16 don't -- you know, it's not that these matters are new. It's
17 that I didn't see where I had to provide evidence on them.

18 I felt that he had to provide evidence.

19 JUDGE GROSSMAN: Well, Ms. Rorem, the main point
20 that the Board rested on in issuing this Order particularizing
21 was the statement you made at the prehearing conference indi-
22 cating what the contents of your contention was. And that
23 statement indicated that these were merely matters that were
24 pre-accident, and you gave some examples.

25 Not one of these examples related to anything

#4 3-SueW 1 occurring during the accident.

2 MS. ROREM: I also said that I needed a chance
3 to -- I said at the prehearing conference that I would need
4 a chance to look at the plan in order to particularize my
5 contention.

6 I meant beyond that point. These are things that
7 because I live in the area I know I need to know ahead of
8 time. There are things which I assumed that the State would
9 do for me, or which my County government would do for me,
10 which would be delineated within the framework of the plan.

11 I did say at the prehearing conference that I
12 needed to look at the plan in order to particularize.

13 JUDGE GROSSMAN: Well, Mr. Gallo, taking into
14 account the voluminous nature of the emergency plan that
15 became available on August 12th, 1985, when do you suggest
16 Ms. Rorem would have been able to particularize her contention,
17 and I assume August 13th isn't going to be your answer?

18 MR. GALLO: I think that the ten week interval
19 between August 12 and the present time is sufficient time to
20 provide that particularization.

21 We -- I guess as I've been sitting back, Judge
22 Grossman, and listening to the argument of the Staff and
23 Rorem, I'm taken with the proposition that my client -- I'm
24 not sur hat it's Mrs. Rorem that suffers as a result of
25 her pro se appearance or whether my client does.

#4-4-SueW

1 Let me say this. I argued earlier that Mrs. Rorem
2 should not be given the opportunity to file late contentions.
3 What I should have said is that the Board should not sanction
4 that opportunity.

5 The Commission's regulations already provide the
6 mechanism for filing late-filed contentions. There is nothing
7 that prevents her from doing that. Those regulations provide
8 her with rights right now, and she could file those late-
9 filed contentions and meet the test under 2.714.

10 JUDGE GROSSMAN: Mr. Gallo, are you suggesting
11 that the wording of the contention that she filed could not
12 cover these seven items that she has presented to us?

13 MR. GALLO: Well, she could have -- if she chose
14 to submit them as contentions rather than as issues satisfying
15 the offer of proof, she would have to make the showing of
16 her late-filed contentions under 2.714. Perhaps she would
17 be successful. I don't know.

18 JUDGE GROSSMAN: Well, you are not responding to
19 the question, Mr. Gallo. And I will ask it again.

20 Are you suggesting now that the wording of her
21 originally filed contention could not have covered these seven
22 items?

23 MR. GALLO: And the answer is yes. I think that
24 some of those items -- we are talking now about subpart 1(a)
25 of her contention. And several of these items, as I pointed

4-5 SueW 1 out, I believe are included within the ambit of 1(a) even as
2 I interpret it and as the Board has interpreted it.

3 But several others do not. The ones that come to
4 mind that do not, Issue 8, Issue 6 and Issue 3, because it's --
5 well, I guess in Issue 3 the word "demonstrate" has now been
6 changed to mean a challenge to the adequacy of the plan. So
7 that -- and let me state it differently.

8 The issue that we have submitted testimony on that
9 is to be heard by the Board today encompasses, with the
10 revisions that apparently Ms. Rorem made during argument
11 encompasses Issues 2 and 3. It does not encompass 4, because
12 we are talking at the time of an accident. And I guess that's
13 true for all of them, because they all tend to address the
14 sequence of events that occurs during an emergency rather
15 than a pre-emergency.

16 But the evidence on those issues is primarily the
17 same.

18 JUDGE GROSSMAN: Mr. Gallo, it's my understanding
19 that you understood Contention 1(a) as being susceptible of
20 interpretation as covering both before and during, so that
21 to the extent you are suggesting that Ms. Rorem were required
22 to submit new contentions that argument just doesn't seem to
23 hold water.

24 MR. GALLO: To the extent that -- if one keeps in
25 mind that we are talking about the original formulation of

#4-6-SueW

1 Contention 1(a), then six of these issues -- six of the
2 eight issues -- are embraced by that formulated contention.

3 JUDGE GROSSMAN: Well, five of the seven I believe.

4 MR. GALLO: Yes, five of the seven.

5 JUDGE GROSSMAN: Okay. And you are suggesting --
6 and you are saying now that Numbers 6 and 8 would not fall
7 within the scope of the contention in any event.

8 Is that correct, Ms. Rorem, that the wording of
9 your original contention couldn't cover 6 and 8?

10 MS. ROREM: I don't believe so. I don't believe
11 so. I suppose that if I had rewritten the contention I would
12 have worded it even more broadly.

13 But I certainly expected that the informing of
14 people within the EPZ is countered by informing host com-
15 munities. For example, in other words, it's very difficult
16 to tell people where to go if the people who are going to re-
17 ceive them have no idea or understanding of what they are to
18 do when they get there.

19 And I --

20 JUDGE GROSSMAN: Ms. Rorem, it's my understanding
21 that the ten mile reference in your contention was a matter
22 of stipulation, actually after your contention was filed, and
23 that it was narrowed to cover -- to include "ten miles" as a
24 result of your being informed that the EPZ was ten miles and
25 that this was something that you consciously chose as a

#4-7-SueW

1 parameter.

2 MS. ROREM: I didn't consciously choose it. I
3 was told by Staff that in reducing the -- that unless I
4 reduced my contention of twenty-five miles to ten miles that
5 the Board would throw out my contention. That's a little
6 different than conscious choice.

7 JUDGE GROSSMAN: Mr. Treby, would you like to
8 address the question first of whether Numbers 6 and 8 could
9 be covered by Rorem Contention 1(a) as it is either stated
10 now or had originally been stated?

11 And could you then follow up and indicate whether
12 the other items could have been included in Contention 1(a)
13 the way it is currently phrased?

14 MR. TREBY: Yes. I do not believe that Item 8
15 would be considered under -- would have been included in any
16 interpretation of the original contention, because the
17 original contention talked in terms of the total of programs
18 for informing the public. And Item Number 8 here does not
19 deal with informing the public but deals with intercommunica-
20 tions between appropriate public officials.

21 So, I don't think that that would in any way come
22 within the original contention.

23 With regard to Number 6, it would seem to me that
24 this might have been included in some broad interpretation
25 of the original contention if one is including the -- if one

#4-8-SueW

1 is interpreting the original contention that talked in terms
2 of instructions for evacuation or other protective measures
3 in the event of a radiological emergency. Other protective
4 measures could conceivably, in the broadest of interpretations,
5 mean whatever protective measures are necessary when you
6 make reentry.

7 Having said all of that though, it seems to me
8 that when contentions are admitted, one of the requirements
9 for the admission of a contention is that it is set forth
10 with some particularity and that any basis is set forth.
11 And while the language of a contention may be somewhat broad,
12 the scope of a contention is frequently determined by the
13 scope of the basis that is put forth for that contention,
14 and that a contention cannot constantly be enlarged because
15 the words may have been -- that were used originally were
16 fairly broad, and whatever one thinks about during the
17 evolution of a proceeding, somehow or other becomes encompass-
18 sed within that contention if it wasn't one of the issues
19 that was initially part of the basis for that contention.

20 And it seems to me that that's the situation we
21 are getting into now. When the depositions were taken of
22 Ms. Rorem as to what does your contention mean and what was
23 the deficiencies that you sought here, the information that
24 she put forth was that she didn't like the brochure, that
25 she thought that somehow the brochure that was used in

#4-9-SueW 1 disseminating public information before an accident was
2 deficient in various ways.

3 It seems to me that that was the basis for the
4 indication of what this contention was about. If in any
5 way she had indicated any of these other items that are
6 listed here, 2 through 8, those items, as Mr. Gallo has
7 pointed out, are covered in the plan. There are the various
8 references, or a number of references anyway, that he alluded
9 to.

10 Those certainly could have been the subject of
11 summary disposition and could have been disposed of if we
12 had known, or if any of the parties had known, that those were
13 matters that were encompassed within the contention.

14 JUDGE GROSSMAN: Well, Mr. Treby, we are all
15 familiar with the Commission's pronouncement in Catawba with
16 regard to what is expected in the form of contentions.

17 Now, my reading of that is that the Intervenor
18 must raise the contention immediately, and failing to raise
19 that immediately could result in the contention being barred.

20 But I can't understand how the specifics can be
21 raised immediately before they are available. Now, I don't
22 see how we can have it both ways, that the contention has
23 to be raised originally with all of the specifics that it
24 will finally end up in and at the same time be raised at the
25 beginning of the proceeding when the information is not

#4-10-SueW 1 available.

2 So, my interpretation of what the Commission was
3 saying in Catawba is that the contention must be made as
4 specific as it can possibly be made at the time it is raised,
5 and that the requirement for specificity is a moving target
6 as well as the plan itself. And I can't -- and what may be
7 accepted originally as a contention might be inadequate if
8 the contention were raised at a later point in time.

9 Now, if you have another way of reconciling the
10 fact that the information is not available that would enable
11 the contention to be made more specific originally with the
12 requirement that the contention be raised originally or at
13 the time the proceeding was initiated, I will have to hear it.

14 But I don't think we can assume that the Intervenor
15 is prescient and can foretell what is going to be in the
16 emergency plan until that plan is issued. Now, my reading
17 of the contention is that it is broad enough to cover every-
18 thing except possibly 6 and 8, as Mr. Gallo suggests, or
19 possibly 8 as you suggest, and that in view of the fact that
20 the emergency plan was not issued until August 12th, that
21 these specifics did not have to be raised in the original
22 contention but that some reasonable time after August 12th
23 that they could have been raised.

24 Now, could you address that and tell me where the
25 reasoning is faulty?

#4-11-SueW 1 MR. TREBY: I would think that upon receipt of
2 the plan on August 12th, if the Intervenor determined that
3 there were other matters that needed to be raised other than
4 the ones that have been identified during the discovery that
5 had taken place beforehand that there was some duty on the
6 Intervenor to alert the other parties to that fact so that
7 they could prepare for that and not have it, you know,
8 suddenly brought to their attention at the hearing for the
9 first time.

10 In this case, it would seem to me that the latest
11 that it should have been raised was on October 8th, which was
12 the day when Mrs. Rorem was responding to the Applicant's
13 October 2nd letter, discussing just what the scope of
14 Contention 1(a) was.

15 At that time, after a prehearing conference amongst
16 the parties, the Applicant indicated that it was renewing
17 its motion to limit the scope of the contention, that it
18 believed that he had set forth what it -- the basis for which
19 it believed that it should be limited and Mrs. Rorem then had
20 an opportunity to respond to it on October 8th.

21 It seems to me that at that time it was her duty
22 to say: No, the contention is not limited just to the pre-
23 accident period of time but what is related to other times,
24 which she did in general terms but she did not indicate these
25 six items that are listed here on this offer of proof.

1 JUDGE GROSSMAN: Ms. Rorem?

2 MS. ROREM : I would like to respond to several
3 things. The reason I did not particularize my contention
4 right after I received it was that I thought Joe Gallo did
5 it for me.

6 JUDGE GROSSMAN: Ms. Rorem, what you are saying
7 is that his motion to particularize may have left open an
8 area in which you could bring in these specifics, but I
9 don't think that he brought these specifics in, and what
10 Mr. Treby is saying is that notwithstanding the fact that
11 you are Pro Se in this proceeding, when you have that motion
12 before you to particularize, you should then have marshalled
13 whatever specifics you had in order to persuade the Board
14 not to particularize your contentions any narrower than
15 you wish the contention to be, and that you failed to marshal
16 these specifics, and whether or not there was room for them
17 under the broadly phrased contention, you should have brought
18 these specifics up at that time, and that is as of October 8th
19 Mr. Treby is saying, which is almost two months after the
20 emergency plan had been published, and issued to the public.

21 Ms. Rorem?

22 MS. ROREM: Well, what I was going to say was
23 that I felt that that was the language that Mr. Gallo wished,
24 and that if it was broad and did encompass my particular
25 concerns, which I was in the midst of discovering, because

1 I had only received the plan three days before he filed his
2 motion, that the wording was very broad -- I am not an
3 attorney, Mr. Gallo is an attorney. I thought that if he
4 wanted the wording like that, that that was fine with me
5 because it gave me a lot of leeway.

6 On October 8th I was only arguing the matter of
7 the wording. It was not until I received your order of
8 October 18th, which I received on the 23rd of October, that
9 I understood that I did have to submit this offer of proof.

10 I did submit what you required me to submit, but
11 I was only on October 8th arguing the wording.

12 JUDGE GROSSMAN: Mr. Gallo, did you wish to
13 respond?

14 MR. GALLO: Yes. Judge Grossman, I would just
15 like to urge that we keep these concepts separate. That
16 the -- whether or not the contention could have been expanded
17 by Ms. Rorem and the fact that she had the opportunity to do
18 so is one matter.

19 What we have before us is, in fact, a situation
20 where the Applicant filed a motion to particularize. There
21 was plenty of opportunity to oppose that by enumerating other
22 areas in the contention as indicated by Mr. Treby.

23 The Board was persuaded by the filings to limit
24 the contention to pre-accident public information matters, but
25 provided Ms. Rorem with yet a further opportunity. And what

1 we have here now is not whether these issues somehow can be
2 augmented as part of the contention, but whether or not these
3 issues as submitted in the offer of proof meet the standards
4 for offer of proof.

5 And I think the two matters should be kept separate
6 from that viewpoint.

7 I have not argued or attempted to present any
8 argument on 2.714, but limited my argument to the offer of
9 proof ambient, and I am fearful that the discussion that
10 the Board has had with the Staff, and actually with all the
11 parties with respect to just whether these issues would fit
12 under the original formulation of the contention would
13 involve a situation where we might end up with these additional
14 issues without due process being provided to treat them in
15 their proper perspective, and I think the two issues need to
16 be kept separate for that reason.

17 JUDGE GROSSMAN: Well, I don't see that we have
18 any matter of due process before us, because whatever would
19 be accepted by the Board would, of course, be subject to your
20 being able to meet the burden of proof at some later time if
21 you need additional time for it, and request it of the
22 Board.

23 So, we are not really concerned with a question
24 of due process other than whether we would be denying
25 Intervener any due process by not allowing a specification,

5-4-JoeWal

1 a particularization of a contention, when the information
2 becomes available to allow her to particularize.

3 And that is the only due process question I see
4 before us now.

5 MR. GALLO: Well, I think there are two other
6 aspects that affect my client. One is that the Board's
7 formulation assumed that the eight issues have indeed
8 been particularized.

9 That is an issue that has not been argued, and
10 I submit they have not been.

11 The second is that the Board must keep in mind
12 that if these issues are admitted as matters to be addressed,
13 that while it is going to afford applicant opportunity and
14 time to marshal its resources to meet its burden of proof,
15 the very act of marshaling those resources, and diverting
16 the resources to address issues which I submit are already
17 addressed in the plan, is prejudicial to the client.

18 Those people have other things to do, and should
19 only be called upon for good cause.

20 JUDGE GROSSMAN: Well, Mr. Gallo, I am not
21 suggesting now that these issues even if admitted are right
22 for hearing right now, because it would appear to me as
23 though some, or perhaps all, and at least some would be
24 amenable to settlement prior to any hearing, and I don't
25 think we want to waste any further time here this morning

1 taking evidence on these issues regardless of which way we go,
2 because I think the parties could very easily resolve most
3 of these issues even if they are considered as raised and
4 encompassed under the original contention, and brought
5 forward within the parameters of the hearing requirements in
6 a timely fashion.

7 But -- so I am saying, I don't think we are going
8 to be hearing these issues right now, in any event.

9 MR. GALLO: Judge Grossman, I guess I just don't
10 share the Board's optimism on settlement. I mean we have
11 been singularly unsuccessful with respect to Ms. Rorem on
12 that very subject.

13 JUDGE GROSSMAN: My understanding about what happened
14 on the Byron case was that there were seemingly unsurmountable
15 problems also with regard to emergency planning, and all
16 those issues were resolved before hearing.

17 Perhaps I am wrong. It was not my case.

18 MR. GALLO: Your characterization of the case is
19 correcct, but the parties were different in that proceeding.

20 MR. FLYNN: Judge Grossman, I would like to say
21 a brief word. I think there is another option here, and that
22 is if the Board were to allow the offer of proof, but postpone
23 the hearing, we might want to move for a summary disposition.

24 Ms. Rorem has already indicated that the -- not
25 in her offer of proof, but in her presentation today, that

1 the issue is not whether these things are addressed in the
2 plan, but whether they are addressed adequately.

3 We think that they are, and it would save every-
4 body's time if that were submitted on motion.

5 JUDGE GROSSMAN: What the Board is going to do now
6 is reserve its decision on the offer of proof, and that is
7 on the motion for reconsideration of its order, and allow the
8 parties to respond -- that is, the Staff and Applicant, to
9 respond to what is in effect a motion for reconsideration in
10 the form of an offer of proof, and I will put the burden
11 on both parties, Staff and Applicant, to raise specifics
12 with regard to the offer of proof, and I mean evidentiary--
13 through substantive specifics.

14 So that we can take a big step towards resolving
15 these matters on a substantive basis without having to
16 digress to procedural basis for eliminating these.

17 Ms. Rorem?

18 MS. ROREM: I just wonder. I would like to have
19 a chance to respond to their responses. So I have that
20 also?

21 (Board confers.)

22 JUDGE GROSSMAN: We will take a ten minute
23 recess.

24 (Recess taken at 11:00 a.m., to reconvene
25 at 11:15 a.m., this same day.)

1 JUDGE GROSSMAN: During the recess, the Board
2 has caucused, and we have decided by majority decision, with
3 Judge Callahan dissenting on this, that we will entertain
4 written replies by the -- written responses by Staff and
5 Applicant to the motion to reconsider, and in the nature of
6 a motion -- motions for summary disposition of these particular
7 items raised by Ms. Rorem, and that subsequent to the Staff
8 and Applicant submitting these responses and motions, that
9 the parties be required to confer with the mind to resolving
10 the matters on a substantive basis, and that thereafter Ms.
11 Rorem be required to reply to these motions, and I will
12 request that the parties tell us what they would like in
13 the way of time.

14 Do I hear any objections to this procedure?
15 Mr. Gallo?

16 MR. GALLO: Yes, I object to the procedure. I
17 think that the most the Board should allow is Applicant and
18 the Staff the opportunity to particularize and to respond
19 to the offer of proof, and that we not be required to
20 go the next step and submit information by way of summary
21 judgment, and then more importantly, that Ms. Rorem not be
22 given yet another opportunity to have the last word so that
23 we still have uncertainties left to be resolved.

24 I think we should have the last word, and then the
25 Board should rule.

1 JUDGE GROSSMAN: Does the Staff have a position
2 on whether we could properly require pleadings in the nature
3 of motions for summary disposition and not allow Ms. Rorem
4 an opportunity to respond to that?

5 MR. TREBY: We seem to have a hybrid situation
6 here in the sense that what we are starting off with is this
7 offer of proof which has now been converted into a motion for
8 reconsideration.

9 The Applicants and Staff are being given an
10 opportunity to file an answer to the motion for reconsideration.
11 I guess the Board has the discretion to permit a reply if
12 they wish to our answer.

13 If we go the route of filing a motion for summary
14 disposition in response to this offer of proof, I believe that
15 the regulations -- I have to check it -- subject to check --
16 but my recollection is that there is an opportunity to file
17 a response to a motion for summary disposition afforded, and
18 if what we filed was a motion for summary disposition, then
19 Ms. Rorem would have an opportunity to respond to a motion
20 for summary disposition, since either the applicant or the
21 staff, or whichever party filed that motion would be the
22 movement, then I guess it would be within the discretion of
23 the Board to give us the opportunity to file a reply to
24 whatever answer came in.

25 JUDGE GROSSMAN: Well, I don't think we are all

1 that interested in hearing Ms. Rurem's response on procedural
2 grounds.

3 I think we have discussed that enough at length
4 here. But to the extent that you are going to cover
5 substantive matters as we require, I don't see how we could
6 possibly listen to you position without offering Ms. Rorem
7 an opportunity to respond to that.

8 MR. GALLO: Judge Grossman, I am prepared to
9 limit my reply to the motion for reconsideration offer of
10 proof to simply pointing out where in the plan the areas
11 that her issues addressed are covered, and not present any
12 expert testimony by way of affidavit which interprets, or
13 otherwise deals with those sections of the Plan.

14 JUDGE GROSSMAN: You mean even though they may
15 be covered, and even though they are inadequate, you just
16 don't care to -- you don't believe that is material.

17 MR. GALLO: Certainly if that were the case that
18 would be material, but I still maintain that the burden of
19 establishing inadequacy is on Ms. Rorem, and she has not
20 done that. Her offer of proof is deficient on its face
21 for that reason, we maintain.

22 Therefore, all we need do when she suggests that
23 Applicant must develop and must do other things in my judgment
24 is simply point to where that has been done, and that should
25 be sufficient to defeat the offer.

1 And I am prepared to limit the issue to just that.
2 The Board seems of a mind to go further than that, and to take
3 evidence on the issues as if they were issues in the proceeding,
4 and try to deal with them substantively by way of summary
5 disposition and cause us and the Staff to provide affidavits,
6 or whatever evidentiary presentation we care to make, and then
7 give Ms. Rorem the opportunity to deal with those evidentiary
8 presentations.

9 I don't think the -- because of the stage of the
10 proceeding you are in, that that kind of procedure is called
11 for.

12 I think that is giving Ms. Rorem a fourth, fifth,
13 and sixth bite at the apple that she in the circumstances
14 is not entitled to, Pro Se or not.

15 JUDGE GROSSMAN: Ms. Rorem?

16 MS. ROREM: Okay. I have not had a chance --

17 JUDGE GROSSMAN: Excuse me a second.

18 (Board confers.)

19

20

21

22

23

24

25

End 5.
MS fols.

Sim 6-1

1 JUDGE GROSSMAN: Are you withdrawing your request
2 to speak now, Ms. Rorem?

3 (Laughter.)

4 MS. ROREM: No, I am not. I would like to say
5 something. Back in here before the 10-minute recess and
6 so forth, I got caught in a cross-fire and didn't have a
7 chance to clarify for the Board points 6 and 8. And you
8 simply let the staff and applicant comment on them, I have
9 not had a chance to clarify for you what I meant or why
10 I feel that those two issues do fall within the ---

11 JUDGE GROSSMAN: Fine. Would you tell us now.
12 You are correct, we never did give you an opportunity.

13 MS. ROREM: Thank you.

14 I started to explain on issue 8 that it is very
15 difficult to inform people I feel who are going to be
16 evacuated about the items which they need to bring, the
17 length of the stay which they are going to have to assume
18 they are going to take and where they are going to go if
19 the host communities are not adequately informed.

20 There are many issues here, and I don't feel that
21 it is a separate issue. I feel that it is very much a part
22 of public information.

23 On point No. 6, the emergency is not over until
24 people have re-entered the evacuated area. Mr. Gallo is the
25 one who, as you pointed out, 'divided the issues into

Sim 6-2

1 pre-accident and accident time. I didn't really feel that
2 it needed to be divided any further, and it didn't even
3 occur to me to divide it further.

4 He wanted to talk about a specific thing. He has
5 argued at one point in here that my original contention
6 only included pre-accident. If he had felt that, then he
7 certainly would not have filed his motion asking you to
8 particularize my contention because it would have stood on
9 its merits.

10 And it says in the event, my original contention
11 said in the event of an accident. "In the event" is both
12 before and during an accident. And it also talks about --
13 it says in the event -- okay. Other protective measures,
14 certainly re-entry protective measures fall under the frame-
15 work of protective measures to be taken in the event of a
16 radiological emergency.

17 I don't see where he can argue that that isn't
18 part of what I originally intended.

19 JUDGE GROSSMAN: Mr. Gallo, do you have any
20 suggestion on the timing of these matters? We are going
21 to stick with our order requiring responses and motions in
22 the nature of motions for summary disposition.

23 MR. GALLO: Judge Grossman, my witnesses will
24 generally not be available until after November 7 because
25 of the exercise which takes place on the 6th.

Sim 6-3

1 So I would request Friday the 22nd would be the
2 date for filing the pleading called for by the Board's
3 order.

4 JUDGE GROSSMAN: That is November ---

5 MR. GALLO: 22nd.

6 JUDGE GROSSMAN: --- 22nd. Would that be
7 sufficient time?

8 MR. TREBY: I can perhaps allow FEMA to speak
9 better to their time restraints since it is going to be
10 principally FEMA who responds to that.

11 JUDGE GROSSMAN: Mr. Flynn?

12 MR. TREBY: But I would point out as a preamble
13 to FEMA's comments that there is an exercise plan next week
14 and that as a result of that exercise the FEMA officials
15 are going to be involved in both the viewing of that exercise
16 and certain host exercise activities that they must do
17 which will affect their timing.

18 With that, let me turn it over to FEMA and they
19 can indicate what time they need.

20 JUDGE GROSSMAN: Mr. Flynn.

21 MR. FLYNN: Your Honor, there have been several
22 references to an exercise. In fact, that is coming up in
23 the next week or so.

24 Mr. Wenger is the person that I need to work with
25 me to prepare the responses. He is intimately involved

Sim 6-4

1 in the exercise.

2 Once the exercise has been done, then he has
3 to write a report on it. And then very soon after that he
4 is involved in a similar exercise for the Clinton plant.
5 He tells me that it will really be the first of the year
6 before we could complete the work that you are asking us
7 to do.

8 JUDGE GROSSMAN: Does he have time during the
9 Christmas vacation?

10 (Laughter.)

11 Well, Mr. Treby, what do you suggest then as far
12 as when staff can have the documents or motions submitted?

13 Excuse me for a second. Let us refer to the
14 schedule that the Board approved last week.

15 (Pause.)

16 Well, referring to the revised schedule that the
17 Board adopted on October 23rd, we see that we have a hearing
18 commencing on Rorem Contention 1-B on approximately January
19 20th. It would seem to me that we would want to include
20 Contention 1-A, whatever remains of it after summary
21 disposition motions in that hearing.

22 So we would like to have the briefing completed,
23 including Ms. Rorem's response, at least a week before. Well,
24 that is cutting it close.

25 (Board conferring.)

Sim 6-5

1 Well, it seems to me that we can require your
2 motions by December 20th about. I don't see how that
3 exercise could take up all that time from November 7th through
4 December 20th, and I see that the date for receipt of the
5 FEMA findings on emergency planning is December 2nd, which
6 would give you 18 days after that, and not all of them working
7 days of course.

8 Mr. Wenger, why do we have that problem between
9 December 2nd and December 20th?

10 MR. WENGER: Judge Grossman, my position is team
11 leader of two other people and it is our responsibility to
12 oversee the planning efforts of the State of Illinois. We
13 do have the exercise next week of Braidwood, which it will
14 be my team's responsibility to develop that report. It is
15 quite extensive and it will take two weeks' time.

16 We also need lead-up time to prepare for the Clinton
17 exercise, which is December 4th. It takes two weeks following
18 that period of time to assemble the report, plus one of my
19 colleagues has responsibility for the prompt alert notification
20 certification tests, of which there are two forthcoming, plus
21 I have two interim findings, one for Braidwood and one for
22 Clinton which must be filed and acted upon within FEMA
23 prior to sending to the NRC.

24 We have an extensive workload continuing into the
25 first of the year.

Sim 6-6

1 MR. GALLO: Judge Grossman, I don't want to sound
2 unsympathetic, but I am. It seems to me that the litigation
3 in this proceeding ought to proceed on some reasonable basis.
4 Everyone has other commitments, and I can be sympathetic
5 with that.

6 But what we are talking about is two or three days'
7 time at the outside in which to write or advise counsel with
8 respect to the issues before us. It seems to me that that
9 ought to be accomplished well in front of December 20.

10 (Board conferring.)

11 MR. TREBY: Judge Grossman, perhaps I could make
12 a suggestion. Rather than taking a lot of time to come up
13 with dates, perhaps at the luncheon break the parties can
14 get together and see if they can come up with a some sort
15 of dates.

16 The January 20th date for the hearing was originally
17 set because we thought that that was the date that the QA/QC
18 contention hearings would also begin, and we were going to
19 complete everything at one time.

20 The QA/QC contention hearings are going to start
21 at a later date now. I am not sure the January 20th date
22 is sacred. But, in any event, let's instead of wasting the
23 Board's time see if the parties can propose a schedule during
24 the luncheon recess and, if not, then perhaps we can have
25 the Board ---

Sim 6-7

1 JUDGE GROSSMAN: That suggestion is well taken, and
2 let me suggest that you try to set the dates earlier than
3 we have heard from the FEMA people since, as Mr. Gallo
4 suggested, it might only take two or three days of their time
5 to assist you and that that can possibly be squeezed into
6 their obligations.

7 So right now why don't we proceed with the hearing
8 itself on the matters that we know are going to be heard
9 at this hearing. And, by the way, let me suggest that you
10 leave sufficient time in your proposed schedule for the
11 Board to decide those motions and for the parties then to
12 be able to submit prefiled testimony in advance of whatever
13 would be left for hearing.

14 Ms. Rorem.

15 MS. ROREM: I wondered if you could clarify something
16 for me, Judge Grossman.

17 I originally understood that the Board would entertain
18 written responses by the staff and applicant and motions for
19 summary disposition. Is this correct that that will be the
20 first thing that will happen, or is it that they will respond
21 and then we will all get together and then I will respond
22 and then they will submit motions for summary disposition?

23 JUDGE GROSSMAN: No. They will submit, as far as
24 we see it, they will submit motions of pleadings in response
25 or motions in response to your motion for reconsideration

Sim 6-8

1 and in the nature of motions for summary disposition, one
2 document with two functions.

3 And thereafter you will meet and attempt to
4 resolve the issues on a substantive basis, and thereafter
5 you will then file a reply.

6 MR. TREBY: Judge Grossman, I wonder if I could
7 request the Board's indulgence and perhaps seek reconsidera-
8 tion of that ruling in the sense that since there seems
9 to be some timing problem at least with regard to FEMA,
10 that rather than combining these two steps, which is
11 responding to the motion for reconsideration and filing
12 a motion for summary disposition at the same time, whether
13 there might not be some merit to first responding to the
14 motion for reconsideration, have the ruling by the Board and
15 then seek the motions for reconsideration in the sense
16 that to the extent that an argument could be made that
17 Subitem No. 8 is not included, that matter could be resolved
18 or whatever.

19 JUDGE GROSSMAN: Mr. Treby, I don't see that we
20 are going to decide anything on a procedural basis without
21 having a substantive background for this. So it would just
22 be an exercise in futility to do it in two parts.

23 (Board conferring.)

24 With that in mind, that we will have a further
25 discussion on the scheduling after the luncheon recess,

Sim 6-9

1 we will begin with Mr. Gallo's case right now.

2 MR. GALLO: One point of clarification, Judge
3 Grossman, and I should have raised it sooner and I apologize,
4 but I assume that the issues we are addressing in the
5 offer of proof are as modified during the argument in that
6 the emergency planning zone we are talking about is the
7 10-mile emergency planning zone and that the word
8 "demonstrate" means a challenge to the adequacy of the
9 presentation in the plan.

10 JUDGE GROSSMAN: That is correct.

11 Mr. Gallo, do you wish to present your witness?

12 MR. GALLO: Thank you, Judge Grossman. We would
13 call at this time Mr. Lawrence D. Butterfield, Jr., to the
14 stand.

15 MS. ROREM: Excuse me.

16 JUDGE GROSSMAN: Ms. Rorem?

17 MS. ROREM: Don't we have several other matters
18 here, Commonwealth Edison's motion to strike?

19 JUDGE GROSSMAN: Well, Mr. Gallo, do you want to
20 speak to where we stand on the motions to strike? I think
21 we passed each other in the night, so to speak, on the
22 Board's ruling and your supplemental testimony and your
23 motion to strike the staff's testimony to which staff
24 acceded.

25 Now, I don't know that they necessarily want to

Sim 6-10

1 stand on what they deleted from their testimony in view of
2 what the Board's order is, but I don't know that we can
3 compel them to put on testimony they may not desire to
4 put on at this point.

5 MR. TREBY: Well, let's clarify that right away.
6 The staff has learned that when the Board speaks that the
7 staff should pay attention. We have revised our testimony,
8 I guess what we will call version No. 3, and what version
9 No. 3 is essentially the original testimony, which the
10 staff filed as modified by the Board's order of of this
11 past Friday.

12 JUDGE GROSSMAN: Okay, which merely strikes a few
13 words on the top of page 9 on the prefiled testimony, and
14 I assume that you would not, Mr. Gallo, wish to present the
15 supplemental testimony, but perhaps that is presumptuous on
16 my part, and you perhaps think that it is necessary.

17 MR. GALLO: Well, as I understand the Board's
18 order, Judge Grossman, the motion to strike was essentially
19 denied, and that the ambit of the contention, consistent
20 the the Board's order to particularize, includes a discussion
21 about interaction with the media to the extent it involves
22 preplanning.

23 JUDGE GROSSMAN: Well, it does, but I don't believe
24 that it would ---

25 MR. GALLO: I was going to say and therefore the

Sim 6-11

1 supplemental testimony would be appropriate.

2 JUDGE GROSSMAN: Okay, that is fine. I have no
3 problem with that. I don't want to say any more and compli-
4 cate it even further.

5 Ms. Rorem, is there a problem?

6 MS. ROREM: Well, I didn't see some of this
7 jockeying going on, you know, and I didn't understand it.

8 JUDGE GROSSMAN: Well, Ms. Rorem, the situation
9 we are in now is that applicant will present the testimony
10 that it offered originally, plus the supplemental testimony,
11 staff will present its testimony minus a phrase that appears
12 at the top of page 9 of that prepared testimony, and you
13 will certainly be permitted to cross-examine on the substance
14 of that testimony.

15 MS. ROREM: Okay. There are two other things.

16 I would like to ask you to issue subpoenas for
17 three people who are charged with responsibilities under the
18 public information portion of the plan.

19 In order for the applicant to show that the
20 public information program works, which I believe they
21 are required to do, or to show that it has hopes of
22 succeeding, I think it is important that the people who are
23 directly responsible for some of the implementation of that
24 plan need to be cross-examined. And I would like to ask that
25 you issue subpoenas for the Kankakee County ESDA person,

Sim 6-12

1 Richard Meents, for the Grundy County ESDA person, Jim
2 Lutz and for the Will County ESDA person, Joseph Talarino.

3 (Board conferring.)

4 JUDGE GROSSMAN: Now will the substance of their
5 testimony that you wish : elicit concern what is being
6 presented this morning in the form of prefiled direct
7 testimony by applicant and staff?

8 MS. ROREM: Yes, it will.

9 JUDGE GROSSMAN: Do you wish to speak to that,
10 Mr. Gallo?

11 MR. GALLO: Yes. I don't mean by the shake of my
12 head that I don't wish to speak.

13 (Laughter.)

14 I am just shocked and amazed by the request. The
15 request for subpoenas is not in accordance with NRC regulations
16 dealing with the issuance of subpoenas.

17 And, more importantly, Mr. Rorem is woefully out
18 of time. I don't have to belabor the record to indicate
19 that her request for subpoenas should have been filed sooner.

20 I have to reason to believe that Ms. Rorem had in
21 the back of her mind to seek the presentation of witnesses
22 in this case back to May when we took her deposition, and
23 she mentions in her offer of proof that she is interested
24 in the filing of subpeonas.

25 Yet, there was no identification of the witnesses

Sim 6-13

1 and no attempt to file a request for subpoenas and no attempt
2 to show relevance in compliance with the regulations.

3 Our main objection is that she is out of time, and
4 it is prejudicial to my client to at this late date when we
5 are all ready to go forward to take into account the question
6 of whether or not subpoenas should issue for these witnesses
7 to determine how they might be represented by counsel and
8 to take all the other procedural steps necessary with no
9 excuse offered by Ms. Rorem as to why she is out of time.

10 And I don't believe unfamiliarity with the
11 Commission's regulations will work this time.

12 And, secondly, she has made no showing as required
13 by the regulations of why these people should be called and
14 how their testimony is relevant to the issues at hand.

15 So for all those reasons her request for subpoenas
16 should be denied.

17

18

19

20

21

22

23

24

25

#7-1-SueW

1 JUDGE GROSSMAN: Mr. Gallo, will you refresh my
2 recollection on the specifics of the NRC regulations which
3 indicate that she is out of time in requesting subpoenas for
4 hearing?

5 MR. GALLO: Well, under the regulations that deal
6 with the scheduling and presentation of evidence, the time
7 for subpoenaing witnesses for purposes of evidentiary pre-
8 sentation must be made consistent with the hearing schedule
9 established by the Licensing Board. And that wasn't done in
10 this case.

11 The Licensing Board had approved the schedule
12 which she agreed with for taking this action. And she had
13 told us at one point when there was a thought that a State
14 Senator Joyce would be called as a witness that he would not
15 be called. And where was her requests for subpoenas at
16 that time for these witnesses who had been in existence for
17 all this period of time?

18 It just boggles the mind to believe that she has
19 just now come up with the notion and idea that she would like
20 to subpoena these witnesses.

21 JUDGE GROSSMAN: Ms. Rorem.

22 MS. ROREM: Let me explain a little further, okay?
23 First of all, Mr. Gallo made reference all the way back to
24 the early May, the time of my deposition when I had at the
25 back of my mind witnesses which I refused to tell them who

#7-2-SueW 1 they would be. That was because, as I explained, they are
2 political people, one of whom was Senator Joyce. And I did
3 not wish to enrage or otherwise disturb those people at that
4 time by mentioning that I felt that I would like them to be
5 witnesses.

6 In terms of why I did not come forward sooner, I
7 didn't fully understand until I read your motion -- I mean,
8 excuse me, your Order, which I received on the 23rd of October,
9 that is five days ago or last Wednesday, the extent to which
10 I have responsibility for putting my case forward.

11 It was my understanding that the burden of proof
12 rests on the Applicant, and until you made that Order which
13 particularized my contention in such a way that it encompassed
14 only a certain thing, I felt that it was the Applicant's job
15 to show certain things and that if he did not do so that that
16 is too bad for him.

17 Your Order made it clear that I have responsibility
18 to present certain parts of my case, that I cannot simply
19 state that the Applicant has not done so. Therefore, we are
20 talking five days ago that I received your Order of October
21 18th.

22 I did attempt to talk to you on Friday, and you
23 were not in. I can make no further excuses than that.

24 JUDGE GROSSMAN: Mr. Gallo, I take it then that
25 you are not relying on any provisions in the regulations

-3-SueW

1 concerning subpoenas now but only --

2 MR. GALLO: No.

3 JUDGE GROSSMAN: -- on the time limit set by the
4 Board for the prefiling of direct testimony.

5 MR. GALLO: No, that's not the case. That is,
6 subpoenas for witnesses have to make a proper showing under
7 I believe 2.740, or there has to be some showing of materiality
8 to the issues at hand.

9 This request, this oral motion, made today is
10 simply outside the rubric of NRC regulations. It should not
11 be permitted.

12 Moreover, I must say that I just don't find Mrs.
13 Rorem's explanation credible. Seated behind her is Mr.
14 Timothy Wright who is counsel for BPI and has assisted Mrs.
15 Rorem from time to time in this proceeding.

16 And I have reason to believe he is going to conduct
17 the cross-examination of my witness when I present him. He
18 was available to provide Mrs. Rorem all the advice that she
19 might require with respect to the subpoena matter.

20 And I think this is just another last minute op-
21 portunity to effect delay, delay which prejudices my client
22 in that we are forced to respond instantaneously to these --

23 JUDGE GROSSMAN: Mr. Gallo, you are perhaps more
24 familiar with NRC regulations than I am. But I spent fifteen
25 years trying cases before the Federal Court and if the NRC rules

#7-4-SueW

1 are the same as the Federal rules in this respect, to subpoena
2 for deposition one must first notice the deposition and give
3 all the parties that notice. But to subpoena for trial one
4 merely requests of the Clerk, or in this case the Board, to
5 issue the subpoena without any advance notice to the parties.

6 And that is a legitimate method of proceeding.
7 Now, to the extent that we have requirements for prefiling
8 testimony, that's another story. But that apparently isn't
9 the story that you are referring to now.

10 Could Mr. Treby assist us in respect to this
11 matter?

12 MR. TREBY: Yes. The Staff also opposes this
13 request for a subpoena on at least two grounds.

14 The first ground is that it is untimely. We did
15 have a schedule in this proceeding which required, number one,
16 an identification of witnesses; and, number two, a prefiling
17 of testimony. Either one of those events should have trigger-
18 ed a request for a subpoena of people so that the other parties
19 would be on notice as to what this proceeding would entail
20 today.

21 A second ground for objecting to the request for
22 a subpoena is that Section 2.720 of the Commission's Rules
23 of Practice which deal with subpoenas requires a showing of
24 general relevance of the testimony or evidence sought by the
25 subpoena that was also being sought.

#7-5-SueW 1 There has been no showing of the general relevance
2 of the testimony by the Intervenor. All that we have heard
3 is a request that these people should be made available. There
4 has been no argument made in what way it is relevant to the
5 subject matters of Contention 1(a).

6 For these reasons, I oppose the request for a
7 subpoena.

8 JUDGE GROSSMAN: Well, general relevance is not
9 that strict a standard and though we certainly should inquire
10 into the general relevance of this testimony, but certainly
11 it is well taken that no mention was made of these potential
12 witnesses at the time the Board required the prefiling of
13 testimony and the identification of witnesses.

14 But let me ask first, Ms. Rorem, whether you have
15 contacted these witnesses, or potential witnesses, and asked
16 whether they would be available for testifying?

17 MS. ROREM: No, I have not.

18 JUDGE GROSSMAN: Well, now could you tell us why
19 they are needed? What is the relevance of their testimony?

20 MS. ROREM: Could you wait just a moment?

21 JUDGE GROSSMAN: Yes.

22 (Pause.)

23 MS. ROREM: Okay. In the Illinois Plan for
24 Radiological Accidents, Braidwood, for instance, the
25 Kankakee County ESDA Officer, Richard Menks, has signed on a

#7-6-SueW

1 page which has to do with public information considerations.

2 JUDGE CALLIHAN: Page reference, please, Ms. Rorem.

3 MS. ROREM: Excuse me.

4 JUDGE CALLIHAN: Or section?

5 MS. ROREM: It's Chapter 4. Okay. This is --
6 the particular copy I have --

7 JUDGE CALLIHAN: Just for the record.

8 MS. ROREM: Pardon me?

9 JUDGE CALLIHAN: Just for the record so people can
10 find it.

11 MS. ROREM: Okay. It's Chapter 4, Kankakee County
12 Basic Plan Preliminary. Okay.

13 JUDGE CALLIHAN: Is there a page number?

14 MS. ROREM: It's the cover page for that section.
15 He has signed that -- it's the initial signature page indicat-
16 ing that he signed off on this part of the plan.

17 On the second page of that, it has -- is listed
18 public information considerations. And it talks about the
19 methods by which the public is kept informed of the nature
20 and the consequences of a nuclear incident and, you know, who
21 will take charge of what part. And it says that a spokesperson
22 will provide a timely information to the Kankakee County ESDA
23 Coordinator or his designee for coordination of local releases
24 and so forth.

25 This --

1 JUDGE GROSSMAN : Ms. Rorem, even though you are
2 reading the Reporter has to take all of this down.

3 MS. ROREM: Excuse me. I'm sorry. It talks about
4 a public information spokesperson. It discusses that timely
5 information will -- to the Kankakee County ESDA Coordinator
6 will be made.

7 I think that it's important before an accident
8 occurs that we understand whether or not the Kankakee County
9 ESDA Officer understands what his duties are, what might be
10 required of him under circumstances, what understanding he
11 has, in what way he will enable public information beforehand.

12 Furthermore, in the plan it asks that persons --
13 or, in the brochure it asks that persons in order to receive
14 further information upon -- about the plan and about what they
15 are to do -- and this is the brochure which is distributed
16 before an accident. This has been declared acceptable pre-
17 accident information by the Applicant and the Staff.

18 It is listed the Kankakee County Emergency Services
19 and Disaster Agency. If persons are to read this and are to
20 say: I need more information about this. I need to contact
21 this person. Then they should be able to contact him and he
22 should be able to know what he is talking about.

23 The third point is that it states in testimony by
24 both parties that the brochure was developed as a cooperative
25 effort between State government, County government and Applicant.

#7-8-SueW

1 If these are the people who are responsible for
2 the information which the public receives before an accident,
3 it's important that they show that they understand the nature
4 of that which they are supposed to discuss.

5 JUDGE GROSSMAN: Ms. Rorem, do you have any infor-
6 mation that suggests that the Officer does not know what that
7 brochure is about?

8 What is the necessity for having him appear here
9 to respond to questions of yours?

10 MS. ROREM: I think the necessity is that as far
11 as -- in the way that the plan is written, it gives assurances
12 to the public that their County officials are directly con-
13 cerned with their interests and with themselves in the
14 event of an accident.

15 It says that these people have had a hand in
16 the writing and so forth of the brochure. It indicates that
17 they are responsible.

18 I think that these assurances are made without
19 substance. I have no way -- there is no way that one knows
20 what part Mr. Menks wrote of this brochure or what part the
21 Will County Officer of this brochure, or what exactly the
22 nature of their particular interest is in the matter.

23 But the public is told in the plan that these
24 people have to this extent been concerned with their safety.

25 JUDGE GROSSMAN: Ms. Rorem, are these the same

#7-9-SueW 1 concerns that you have with regard to the other two indivi-
2 duals?

3 MS. ROREM: Yes. I was giving you an example with
4 the first one, or the one to which I turned.

5 JUDGE GROSSMAN: Well, it seems to the Board on
6 first impression -- and we will discuss that amongst ourselves --
7 that you do meet the standard of general relevance but you did
8 miss the requirement for indicating at the appropriate time
9 that you were going to need these witnesses.

10 And from what you are suggesting now it doesn't
11 really appear as though it's necessary to have them. I don't
12 think that you have any information, from what you've said,
13 that suggests that they don't know what it's all about.

14 And we are really embarking on discovery now if we
15 were to have these people here for you to question them. And
16 I would think that the least you could have done was to call
17 these people and ask them those questions.

18 MS. ROREM: Judge Grossman, I do have a personal
19 experience with one of them which I don't think is worth
20 bringing up here. I did not specifically ask him because of
21 the fact that in a public meeting he made it extremely clear
22 that he felt there were no problems and he listened to what-
23 ever it was that Commonwealth Edison said.

24 His general demeanor was indicative that he would
25 not in any event testify for me. And it also indicated to me

#7-10-SueW 1 that he had no real understanding of what the specifics of
2 the plan which he was to implement were all about.

3 (The Board members are conferring.)

4 JUDGE GROSSMAN: Okay. Ms. Rorem, it appears to
5 us as though you do meet the standard for general relevancy
6 but that it is a little late in the day, that if for some
7 reason we were persuaded that these people were legitimately
8 rebuttal witnesses for which we might have some allowance for
9 request for subpoenas that might be another story.

10 But they are basically people that you think might
11 supply testimony in your favor, and you have not mentioned
12 them -- had not mentioned them at the time we required the
13 identification of the witnesses and the testimony.

14 And it also appears that the information that you
15 think you might elicit from them could easily be elicited
16 from the witnesses who are going to appear. So, we would deny
17 your request now.

18 MR. WRIGHT: Judge Grossman, may I --

19 MR. FLYNN: May I object? I object to any state-
20 ment by Mr. Wright on behalf of Ms. Rorem unless he is
21 entering an appearance on her behalf.

22 JUDGE GROSSMAN: Well, Mr. Flynn, you know, we
23 are being very liberal about having persons speak, and I'm
24 not sure whether everyone that we've heard from has entered
25 an appearance for a party.

#7-11-SueW 1 MR. FLYNN: The issue that I want to raise here is
2 accountability. Ms. Rorem is hiding behind the fact that she
3 is not represented. But, in fact, there is an individual here
4 who is acting as her counsel.

5 MR. WRIGHT: Judge, if I may beg the Board's
6 indulgence for one moment. I was going to seek to clear that
7 out, because I think there is a problem. I think we do need
8 to get it cleared up at the outset so we understand completely
9 what my relationship is to Ms. Rorem.

10 I have been implicated by Mr. Gallo and now by Mr.
11 Flynn before I had a word to say. And I think I can clear it
12 up in a very few moments.

13 JUDGE GROSSMAN: Okay. Could you speak a little
14 louder though? I'm having a little trouble hearing you
15 through that mike.

16 MR. WRIGHT: Well, I normally don't use mikes. As
17 I was saying earlier, Judge Grossman, I've been implicated
18 by Mr. Gallo and now Mr. Flynn. And I think I can make my
19 position or my relationship to Ms. Rorem very clear.

20 Mr. Gallo has indicated that perhaps I was here
21 as a surprise cross-examiner. That's untrue. I haven't
22 filed an appearance, and I certainly don't think that I would
23 be afforded the opportunity to cross-examine one of his
24 witnesses.

25 I think it has been made clear in earlier proceedings

#7-12-SueW

1 what BPI's role is in this particular matter concerning the
2 emergency planning contention. While our resources are limited
3 and we were not able to provide Ms. Rorem with representation
4 by counsel, she has on occasion asked us for advice with
5 respect to legal matters and NRC procedural rules and such.

6 And to the extent that we could, we have provided
7 her that assistance. Today, I am here not to assume a role
8 as a cross-examiner nor to argue on Ms. Rorem's behalf with
9 respect to this motion but simply to advise her with respect
10 to NRC procedures and with respect to the law in the event
11 that she needs it.

12 And that's simply my role here. I was implicated
13 with respect to the subpoena motion. And just let me say
14 what I know with respect to that motion so it's clear.

15 I was contacted by Ms. Rorem on Thursday. She
16 asked me -- she had talked to some School Board personnel who
17 were in charge of the buses who had told her that he knew
18 nothing about the emergency planning contention and the fact
19 that they would utilize school buses.

20 So, because of that she reserved the vote to ask
21 these other people who were supplied with the responsibility
22 for public information, these other County officials, and she
23 wanted to know how in fact she could bring them in to question
24 them about their lack of knowledge with respect to the public
25 information in the emergency planning brochure, the emergency

#7-13-SueW :

plan.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

And I told her that could be accomplished by way of subpoena and that it's very late at this point, and that she should make any attempt that she could to contact you right away in order to facilitate such a process. And that was my whole role in this question of subpoenas.

And that occurred on Thursday, and she tried to call you on Friday.

JUDGE GROSSMAN: Thank you, Mr. Wright.

(The Board members are conferring.)

END #7
Joe flws

1 MR. GROSSMAN: We will hold with our ruling on
2 this matter that while it is not late for subpoenas for
3 hearing, it is late for new witnesses and prefiling of
4 testimony, or whatever other notice is required for the
5 parties and the Board to know of the nature of the testimony
6 that is going to be presented.

7 So, with that I think we can finally get to Mr.
8 Gallo. No? I see Ms. Rorem has yet another matter that
9 is preliminary to our proceeding to the evidentiary stage.

10 MS. ROREM: Could I ask first when we are going
11 to break for lunch?

12 JUDGE GROSSMAN: Okay. I thought we were going
13 to administer the oath to the first witness and then break
14 for lunch, but whatever the parties have in the way of
15 suggestions, I would clearly like to cover all preliminary
16 matters first.

17 MS. ROREM: All preliminary matters?

18 JUDGE GROSSMAN: Yes.

19 MS. ROREM: Okay. I would like to make an
20 opening statement, but I would prefer to do that just because
21 of its place in things happening, to do that -- if we are
22 going to break -- to do that right after lunch and before
23 the swearing of Mr. Butterfield.

24 JUDGE GROSSMAN: Is that the only preliminary
25 matter that is left before we present the witnesses? Is

1 there any other that Mr. Gallo has?

2 MR. GALLO: I have no preliminary matters, Your
3 Honor, but I would object to whatever this opening statement
4 is by way of a limited appearance. It is improper procedure.

5 If you want to hear argument on that now or later,
6 that is fine with me.

7 JUDGE GROSSMAN: Well, I believe the rules provide
8 for opening statements, at least in Appendix to the Part II
9 of the Rules. Mr. Treby is probably more familiar with that
10 than I am.

11 Do you wish to make a statement to address this
12 matter?

13 MR. TREBY: I think that the rules -- the Appendix
14 does make reference to an opening statement. I am not sure
15 whether that opening statement is at this point, or had
16 previously been made at the prehearing conference, but
17 certainly it is within the discretion of the Board to permit
18 any opening statements.

19 JUDGE GROSSMAN: Just for timing purposes, Ms.
20 Rorem, could you tell us about how long this opening statement
21 will be?

22 MS. ROREM: Three or four minutes.

23 JUDGE GROSSMAN: And I would certainly expect that
24 you would stay within the parameters of what we are hearing
25 today.

8-2-JoeWalsh

MS. ROREM: Yes, Your Honor.

JUDGE GROSSMAN: Okay. Why don't we then take a break for lunch, and why don't we return at 1:30? And we will begin Ms. Rorem's opening statement and then we will have Mr. Gallo present his witness.

(Whereupon, the hearing is recessed at 12:15 p.m., to reconvene at 1:30 p.m., this same day.)

A F T E R N O O N S E S S I O N

(1:30 p.m.)

JUDGE GROSSMAN: We are back in session. The first order of business is the schedule on those motions. Mr. Treby?

MR. TREBY: Yes. The parties have had a brief opportunity to discuss this matter, and have not been able to reach agreement.

I can advise the Board what the tentative schedule was, and what the difficulty was if you would like to hear that.

JUDGE GROSSMAN: Yes.

MR. TREBY: Use that as a starting point for further discussions.

I would first read the proposed schedule that has been agreed to by the Staff and the Applicant, and then I will indicate what the disagreement was afterwards.

The schedule provided that on December 4, 1985, the Applicants would make their filing as outlined by the Board in the earlier session this morning.

On December the 19th, the Staff or FEMA, as it would turn out, would make its filing. That filing would be sent express mail to Mrs. Rorem so that she would receive it on December 20th.

Ms. Rorem would make her response on December 30th.

1 We provided for approximately twenty days for
2 the Board to make a ruling which would have the Board reaching
3 its ruling on January 20th, 1986.

4 Testimony would be due on both this matter and
5 also 1.B on February 3, 1986, and we would go to hearing on
6 February 19th, 1986, on all environmental preparedness
7 issues -- I am sorry, emergency preparedness issues.

8 (Laughter.)

9 JUDGE GROSSMAN: Are you going to send Ms. Rorem
10 a Seasons Greetings on December 20th along with those filings.
11 It is obvious what the problem is.

12 MR. TREBY: No, I don't think it is. Your problem
13 was that Ms. Rorem wanted the Applicant rather than making
14 its filing on December 4th to make its filing on November 20th,
15 or whatever date it was -- I guess it is November the 20th,
16 the date which was previously mentioned.

17 The Applicant did not think that they would agree
18 to that date in view of the spread out nature of the schedule,
19 and that they also had other commitments and they would not
20 be able to do it earlier than December 4th.

21 JUDGE COLE: Is that with the thought in mind of
22 moving everything forward in that time period?

23 MS. ROREM: No. That was with the thought in
24 mind that I am given the most difficult time periods during
25 which to have to respond, and I indicated I am completely

1 tied up from six o'clock in the morning until eleven o'clock
2 at night, every single day between the 9th of December and
3 the 30th of December .

4 I will find the time to respond to one, but I have
5 to have time before that to respond to the other. Unless the
6 Applicant files earlier, I am not able to do that.

7 MR. GALLO: I don't think Ms. Rorem understands
8 that she should file one filing after she receives the
9 Staff's filing.

10 MS. ROREM: I do understand that, but I need --
11 I am talking about from my own personal ability to know what
12 is going on.

13 (Board confers.)

14 JUDGE GROSSMAN: Mrs. Rorem, would the 6th of
15 January be agreeable to you, --

16 MS. ROREM: Much better, yes; thank you.

17 JUDGE GROSSMAN: Why don't we adopt that schedule
18 then. Everything the same, except Mrs. Rorem's reply due on
19 the 6th of January.

20 However, I -- January 20th date for the Board is
21 the suggested date, and we will keep that suggestion in
22 mind.

23 Why don't we then set it. But I don't see that
24 you have given any particular day on which you are going to
25 meet to see if you can resolve these matters informally.

1 And I really think you ought to set that date,
2 or else it doesn't seem as though everything is all that
3 amicable.

4 MR. TREBY: I guess it was my view that after
5 we saw the Applicant's filing, which would I assume detail
6 those various places in the plan where each of the items
7 that were mentioned in her offer of proof were listed,
8 that having that information before us we could then get
9 on the telephone and see whether it would be fruitful to
10 arrange a date to discuss the matter further.

11 MR. GALLO: I would embrace the broad suggestion
12 that we agree on a date today. I am willing to meet with
13 Mrs. Rorem and the Staff any day after December 4th, in
14 December.

15 JUDGE GROSSMAN: Well, it looks to me as though
16 December 26th would be a good time. I don't know. If the
17 24th or 25th are feasible --

18 (Laughter.)

19 JUDGE GROSSMAN: But I would guess that the 26th,
20 on a Wednesday, would be a time to meet. You should have a
21 week to digest the Staff's motion and considerably longer
22 than that for the Applicant's papers.

23 So, why don't you then set that tentatively. At
24 least a telephone conference on the 26th of December, and
25 with that matter resolved, we can hear Mrs. Rorem's opening

1 statement.

2 MS. ROREM: Judge Grossman, Judge Cole, Judge
3 Callahan. The effectiveness of the Applicant's public
4 information and education programs are inadequate on their
5 face, and will be ineffective in their implementation.

6 The Braidwood brochure, even if it is judged
7 in isolation, fails to demonstrate effective compliance
8 with the ultimate reasonable assurance that the resident
9 and transient population of the Braidwood emergency
10 preparedness zone can be safely and effectively evacuated.

11 I intend to show that Applicant's program for
12 informing the public before an accident does not adequately
13 inform the public of what they are to do, or why they are to
14 do it.

15 Applicant's public information program consists
16 only of the emergency information brochure and its distri-
17 bution and of annual press briefings.

18 The brochure assumes that those who are receiving
19 it are able to read it, and there are many of those who live
20 in that emergency preparedness zone who are not able to read.
21 It assumes that they will read it, and it assumes that they
22 will follow its instructions.

23 The brochure contains misinformation. The brochure
24 contains partial information which could be misleading and
25 actually destructive in the event of an emergency.

1 It does not include information which would greatly
2 facilitate effective evacuation, or evacuation to be called
3 for. The distribution of the brochure should be accomplished
4 in a more productive way. That is, by using mailing addresses
5 rather than billing addresses.

6 There are people who rent and who do not receive
7 bills for the electricity they consume, and since the
8 brochure is distributed on an annual basis, it does not cover
9 those people who move into and out of the area if they do not
10 receive billing for their own electricity use.

11 And the distribution of the brochure to transients
12 is again dependent upon not only their ability to read it
13 and their willingness to read it, but that they can and will
14 obtain it in time to utilize the information therein.

15 That is all I have to say.

16 JUDGE GROSSMAN: Thank you. Mr. Gallo, will you
17 present your first witness, please?

18 MR. GALLO: Thank you, Judge Grossman. As I
19 indicated, the witness we will call will be Mr. Lawrence D.
20 Butterfield, Jr., who will be sponsoring two pieces of
21 testimony; one submitted on September 20th, 1985, and a
22 supplemental piece of testimony dealing with the media
23 aspect discussed in the Commission's regulations. That
24 supplemental testimony was filed October 22, 1985, and
25 Mr. Butterfield also will be sponsoring into evidence the

1 booklet that is the subject of this proceeding.

2 I handed out to the Board and to the parties
3 a booklet that is colored pea green, I guess as the
4 booklet that is being presently distributed to the
5 residents in other locations within the ten mile emergency
6 planning zone.

7 The booklet that was distributed to the Board
8 and the parties was colored purple. And I can represent to
9 the Board that the most significant difference between that
10 version of the booklet and the booklet that I handed out today
11 is its color.

12 At this time, I would like to call Mr. Butterfield
13 to the stand.

14 JUDGE GROSSMAN: Mr. Butterfield, do you swear
15 to tell the truth --

16 MR. GALLO: No. I think those gentlemen are
17 reporters.

18 JUDGE GROSSMAN: Oh, okay. I see. I thought
19 you had your witness seated already.

20 WITNESS: Is this the witness stand?

21 JUDGE GROSSMAN: Yes, it is. I thought you
22 were using the other one. It is about time the reporters
23 were sworn to tell the truth.

24 (Laughter.)

25 JUDGE GROSSMAN: Mr. Butterfield, will you raise

1 your right hand?

2 Whereupon,

3 LAWRENCE D. BUTTERFIELD, JR.,

4 was called as a witness, and having first been previously
5 sworn by Judge Grossman, testifies as follows:

6 DIRECT EXAMINATION

7 BY MR. GALLO:

8 Q Mr. Butterfield, will you state your full name
9 and address for the record, please?

10 A My name is Lawrence D. Butterfield, Jr., and
11 I reside at 25 South Wright Street, Napierville, Illinois.

12 Q Mr. Butterfield, did you have occasion to prepare
13 testimony for this proceeding in connection with Rorem
14 Contention 1.A?

15 A Yes, I did.

16 Q Mr. Butterfield, I show you a document entitled,
17 Testimony of Lawrence D. Butterfield, Jr., Concerning
18 Contention 1.A, with the date in the right hand corner at
19 the top of the page of September 20, 1985, and also a
20 document entitled Supplemental Testimony of Lawrence D.
21 Butterfield on Rorem Contention 1.A., dated in the same
22 right hand corner October 22, 1985, and ask if this is the
23 testimony you prepared for this proceeding?

24 A Yes, it is.

25 Q Are there any additions or corrections to the

XXX INDEX

1 testimony?

2 A There is one typographical error in the
3 document dated 9/20, on page 4. The fifth line down,
4 where the word, 'liaison' is misspelled.

5 Q Subject to that correction, is the testimony of
6 September 20, and the supplemental testimony accurate and
7 correct to the best of your knowledge and belief?

8 A It is.

9 End 8.
10 MS fols.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Sim 12-1 1

Q Mr. Butterfield, I show you a booklet entitled "Emergency Information - Braidwood," and ask if this is the booklet that is being distributed in the Braidwood Emergency Planning Zone for the plume exposure pathway?

A Yes, it is.

Q Was that booklet prepared under your supervision and direction?

A It was under my supervision and direction in cooperation with the State of Illinois.

Q Is it accurate and complete, to the best of your knowledge and belief?

A Yes, it is.

MR. GALLO: Your Honor, at this time I would like to move into evidence -- can we go off the record, please?

JUDGE GROSSMAN: Off the record.

(Discussion off the record.)

JUDGE GROSSMAN: Back on the record.

MR. GALLO: During the off-the-record discussion it was the preference of the parties and the Board that the testimony of Mr. Butterfield be bound into the record as if read, but that the emergency planning booklet be marked as an exhibit.

So at this time I would like to mark as Applicant's Emergency Planning Exhibit No. 1 the booklet I have previously described and as has been testified to by Mr. Butterfield.

Sim 12-2

JUDGE GROSSMAN: Any objections, Ms. Rorem?

MS. ROREM: No.

JUDGE GROSSMAN: Admitted, both the testimony and the booklet.

(The document referred to was marked
Applicant's Emergency Planning
Exhibit No. 1 for identification and
admitted into evidence.)

(The testimony of Lawrence D. Butterfield follows:)

INDEX

9/20/85

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
COMMONWEALTH EDISON COMPANY	)	Docket Nos. 50-456
	)	50-457
(Braidwood Station Units 1 and 2))	

TESTIMONY OF LAWRENCE D. BUTTERFIELD, JR.
CONCERNING CONTENTION 1(a)

Q.1. State your name, employer and business address.

A.1. My name is Lawrence D. Butterfield, Jr. I am employed by Commonwealth Edison Company. My business address is Commonwealth Edison Company, Nuclear Services Technical Department, P.O. Box 767, Chicago, Illinois 60690.

Q.2. What is your position with Commonwealth Edison Company?

A.2. I am the manager of the Nuclear Services Technical Department.

Q.3. What are your duties and responsibilities in this position?

A.3. I am responsible for the management of the three groups within my Department that provide services to the Company's nuclear power generating stations. These are the Emergency

Planning, Chemistry and Radwaste Services, and Station Support Services groups.

The Emergency Planning Group is responsible for the development, maintenance and modification of the Company's on-site emergency plans for its nuclear power plants, and for the development of plans and schedules for the emergency planning drills with State and local government agencies. The Group also works with State and local agencies to develop, modify and implement their emergency plans. The Emergency Planning Group's activities include day-to-day contact with state and local officials as well as individuals residing in the plume exposure pathway Emergency Planning Zones ("EPZ") surrounding the Company's nuclear power reactors.

I participate with the Emergency Planning Group by taking part in various emergency drills both within Commonwealth Edison Company facilities and at various state and local facilities. I am involved in decisions relating to significant aspects of the emergency planning issues as they evolve. For example, with respect to emergency planning for Braidwood and the other stations, I am participating in discussions with State officials for the purpose of reconciling various views on the appropriate redesign and modification of the Joint Public Information Centers.

Q.4. Please state your educational background.

A.4. I have a Bachelor's Degree in Electrical Engineering and a Master's Degree in Nuclear Engineering, both from the University of Florida. I am also a Registered Professional Engineer in the State of Illinois.

Q.5. Please state your previous work experience.

A.5. Shortly after receiving my Master's Degree in Nuclear Engineering, I joined Commonwealth Edison Company as a member of the Technical Staff at Dresden Station. I have been with Commonwealth Edison about nineteen years. During that time, I have had assignments at Dresden Station as Administrative Assistant to the Superintendent, a Supervisor of Engineering Analysis in the Nuclear Fuel Services Department, an Engineer in the Nuclear Licensing Department and a Section Engineer in the Station Nuclear Engineering Department. I assumed my present position in June 1984.

I have been involved in emergency planning for nuclear power plants for at least the last six years. The Company's employees are trained for and perform special assignments in the event of an emergency at a nuclear power plant. I have received training for various positions, including Technical Support Manager, Engineering Director, and Intelligence Director. I have participated also in at least one drill/exercise a year

for about the last six years and I have been a controller at other exercises. Recently, I served as the news liaison and liaison between the Company and State and local organizations. It was my responsibility in the news liason position to obtain the technical information about accident conditions from the Company's engineers and relate that information in laymen's terms and in an accurate manner to the news information officials who represent the Company and the State.

Q.6. What is the purpose of your testimony?

A.6. My testimony addresses Ms. Rorem's Contention 1(a), which states:

Intervenor contends that an adequate emergency plan for the Braidwood Station should include the following:

(a) A program to periodically inform the public within the plume exposure pathway Emergency Planning Zone (EPZ) on how they will be notified and what their initial actions should be in the event of a radiological emergency originating at the station.

Q.7. What is your understanding of the Contention?

A.7. The Contention challenges the emergency plan for Braidwood Station in two ways. First, it suggests that the write-up in the plan describing the various aspects of the requirement for a program to inform the public in the plume exposure pathway Emergency Planning Zone ("EPZ") is inadequate. Second, the contention questions

the adequacy of the implementation of the program.

The Contention speaks of the "Braidwood emergency plan". The plan being referred to is in fact two plans. One plan, called the "Generating Stations Emergency Plan" ("GSEP"), is Commonwealth Edison's site emergency plan. This plan contains general information applicable to all of the Company's nuclear power plants. Site-specific information is provided in the Braidwood Annex to the GSEP. The other plan is the State of Illinois emergency plan which includes, among other things, emergency plans for the counties in the plume exposure pathway EPZ. This plan is called the "Illinois Plan for Radiological Accidents" ("IPRA"). Volume I of the IPRA contains generic information. The remaining volumes contain information specific to a particular nuclear power station. The Braidwood site-specific information is found in Volume VII and the Standard Operating Procedures for Volume VII.

Both the Company's plan and the State's plan address the standard referred to in Ms. Rorem's Contention, that is, that information be provided in advance of an emergency situation informing the public in the plume exposure pathway EPZ of the means of notification in the event of a nuclear emergency and what their initial actions should be. The pertinent provisions of these plans are attached to my testimony as Attachment A.

Q.8. What is the genesis of the standard you just mentioned?

A.8. The regulations and implementing guidance issued by the U.S. Nuclear Regulatory Commission and the Federal Emergency Management Agency require that information be provided to the public in the plume exposure pathway EPZ in advance of an emergency to inform them of how they will be notified of such an emergency and what their initial actions should be. This requirement is incorporated as a standard in 10 C.F.R. § 50.47(b)(7) of the NRC's regulations. I understand that FEMA has similar regulations. Implementing guidance is found in a NRC document called "NUREG-C654." Both agencies use this guidance for reviewing and determining the acceptability of on-site and off-site plans for nuclear power plants. The guidance that is pertinent to the standard in question is found in paragraphs 1. and 2. on pages 49 and 50 of NUREG-654.

Q.9. Have you examined the on-site and off-site emergency plans for Braidwood Station to determine if the write-ups that address the standard found in section 50.47(b)(7) are adequate?

A.9. Yes. It is my judgment that together the statements as set forth in the portions of the plans attached to my testimony are a responsive and adequate characterization of the standard found in the NRC's regulations and implementing guidance.

It should be noted that the Company expects two revisions to these sections of the plans. First, the Braidwood Annex to GSEP incorrectly states that Braidwood emergency information Booklets will be mailed to public facilities for purposes of making them available to transients. The Braidwood Annex will be revised to state that the Braidwood emergency information Booklet will be distributed by hand delivery to public facilities where it can be made available to transients in the plume exposure pathway EPZ.

Second, the State's plan indicates that the Braidwood emergency information Booklet should include information on respiratory protection. As I explain in my answer to question 13, such information will not be included in the Booklet. Commonwealth Edison Company has brought this matter to the State's attention and has requested that the State's plan delete this requirement.

Q.10. How is the standard specified in the NRC's regulations and embodied in the Braidwood emergency plans implemented?

A.10. The standard is met by disseminating information to persons in the plume exposure pathway EPZ at Braidwood. The principal method for accomplishing this task is the publication and distribution of the Booklet referred to

previously in my testimony. The Booklet is entitled "Emergency Information - Braidwood." Other means of communication to supplement the Booklet are being considered in cooperation with the State.

A copy of the Booklet was provided to the Licensing Board and the parties on August 13, 1985. I will be sponsoring a revised version during the hearings. The revisions are explained in my answer to question 12 below. With the exception of revising the map in Section 4, we intend to publish this version as the final product.

Q.11. What kind of emergency information is contained in the Braidwood emergency information Booklet?

A.11. The Booklet provides the appropriate information suggested by paragraph 1. on page 49 of NUREG-0654. The format for this Booklet has been developed and refined for each of Commonwealth Edison's nuclear stations to account for site-specific matters, such as, maps, Emergency Broadcast System ("EBS") radio stations, evacuation routes, shelter locations; and take-along items, such as, valuables and medications.

Section 1. of the Booklet describes the siren that will be used as a mechanism to notify the public of an emergency. It states that the public should respond to

the siren signal by tuning to specified EBS radio stations. In Section 2 of the Booklet, there is a discussion of the steps to be followed to enhance personal safety if sheltering is recommended as a protective action. The requirement to provide information on what to do, where to go, and how to get there if evacuation of the Braidwood Station plume exposure pathway EPZ is recommended, is discussed in Sections 3 and 4 of the Booklet. This information includes a checklist, map of evacuation routes, shelter locations and EBS radio station frequencies.

Some sensible ideas on ways to prepare for any emergency are covered in section 5. As emergencies take many forms, this information is of good general use. A discussion of the coordinated approach to emergency planning by the state and local agencies as well as by Commonwealth Edison is presented in Section 6. Telephone numbers and addresses where additional information may be obtained are also included.

A general description of how a nuclear power plant functions and produces radiation is presented in Section 7. The information complements and facilitates understanding of Section 8, which contains an elementary discussion of radiation, and how it is measured. Finally, the opportunity for persons who received the Booklet to make the State and local officials aware of any special

needs required to adequately respond to an emergency is provided in Section 9.

Q.12. Have any revisions been made to the Booklet since it was provided to the Board and parties on August 13, 1985?

A.12. Beyond the on-going revisions to the map in Section 4 of the Booklet, three items have been added. A statement has been added to Sections 2 and 3 that provides recommendations about what to do with farm animals in the event that sheltering or evacuation is recommended. Section 3 has been revised to inform persons that Relocation Centers will not allow pets. A note has been added to Section 4 to indicate that relocation centers at a destination city will be specified by messages released through the local radio stations. More specific information about relocation centers cannot be stated in the Booklet because multiple relocation centers exist for each city identified in Section 4, and not all of the locations will be activated during an emergency. The choice of the centers will be determined by State and other agencies at the time of evacuation.

Q.13. Have all of the topics concerning protective actions in paragraph 1 at page 49 of NUREG-0654 been addressed in the Booklet?

A.13. No. The use of radioprotective drugs and respiratory protection has not been addressed in the Booklet. The distribution and use of radioprotective drugs for emergency planning purposes is controlled by the State of Illinois. The State has decided that such drugs will be distributed only to workers involved in responding to the emergency and to facilities within the plume exposure pathway EPZ which house individuals that may not be capable of timely evacuation, such as nursing homes. Since the State does not plan to provide such drugs to the general public, information about radio protective drugs is not needed in the Booklet.

The use of respiratory protection is not considered to be useful during evacuation as it might hinder a person's ability to respond effectively and, in any event, evacuation would be recommended before respiratory protection would be required. For the case where sheltering is recommended, the State would perform an evaluation of the situation and make any recommendation for respiratory protection by messages over the local radio stations mentioned in the Booklet. For these reasons, information about respiratory protection is not needed in the Booklet.

Q.14. How will the Booklet be distributed to residents of the plume exposure pathway EPZ?

A.14. The Braidwood Station public information Booklet will be mailed to all residential and commercial customers of Commonwealth Edison Company within the Braidwood Station plume exposure pathway EPZ. A complete mailing list of Commonwealth Edison Company's customers in the plume exposure pathway EPZ, will be developed from its Customer Information System (CIS). A Booklet will be mailed to every address on the list developed from the CIS. The list will be updated for each subsequent mail distribution of the Booklet.

Booklets will also be mailed to persons residing on the site of the Joliet Army Ammunitions Plant who are not direct customers of Commonwealth Edison Company. Commonwealth Edison Company has developed a list of the addresses of the residents there and will mail booklets to them concurrently with the mailing to its direct customers.

This mail distribution of the Booklet will occur annually. The first distribution will take place in conjunction with the Braidwood Station emergency exercise scheduled for November, 1985, and thereafter each January or February beginning in 1987.

Q.15. Are any other measures taken to distribute Booklets to persons within the plume exposure pathway EPZ?

A.15. Yes. Concurrent with the annual mail distribution, multiple copies of the Booklet will be delivered to major employers, schools, health care facilities and senior citizen centers. Commonwealth Edison Company personnel will work with responsible individuals from each such facility to ensure distribution of the Booklet to facility members. The current list of these facilities is attached as Attachment B. Special attention will be paid during subsequent distributions of the Booklet to update Attachment B.

Q.16. How is the information contained in the Booklet brought to the attention of the transient population that might be temporarily located in the EPZ?

A.16. For transients, the program is based on providing multiple copies of the Booklet to the persons in charge of the facilities catering to transients and discussing with the persons in charge the importance of having the Booklet available. The current list identifying parks, camps, recreational areas and motels is attached as Attachment C. Special attention will be paid during subsequent distributions to update Attachment C.

The distribution of the Booklet to these locations will occur concurrently with the annual rail distribution. In addition, distribution will again be made each May or

June to assure that the Booklets are available for the summer months.

In order to provide additional awareness of the potential for an emergency and what a transient's initial response should be, Commonwealth Edison Company is undertaking discussions with the appropriate State authorities to develop a sign which could be placed in State recreational areas frequented by transients. The sign will contain the following information in substantially the following language:

If you hear a siren continuing for 3 minutes or more, please tune to radio stations 1340 AM or 96.7 FM for instructions.

If this concept is accepted by the State, Commonwealth Edison Company will discuss with private camp and recreational area operators the placement of these signs in their areas.

In addition, The Braidwood Station Prompt Public Notification System in and about most public recreational areas located in the plume exposure pathway EPZ at Braidwood has been equipped with a public address capability. Announcements over the public address system would follow the siren to alert transients in the recreational areas to tune in the EBS radio stations for additional information.

BUTTERFIELD TESTIMONY

ATTACHMENT A

SECTIONS FROM:

- COMMONWEALTH EDISON COMPANY'S
GENERATING STATIONS EMERGENCY
PLAN & BRAIDWOOD STATION ANNEX

- ILLINOIS PLAN FOR RADIOLOGICAL
ACCIDENTS

VOLUME I - GENERAL PLAN

VOLUME VII - BRAIDWOOD

VOLUME VIII - BRAIDWOOD - STANDARD
OPERATING PROCEDURES

Commonwealth Edison Company
Nuclear Stations Division



Generating Stations Emergency Plan

Controlled Copy 943

Commonwealth Edison Company
Post Office Box 767
Chicago, Illinois 60690
(312) 294-4321

April, 1984
Revision 4

6.4 Public Education and Information

Commonwealth Edison is committed to the distribution of informational brochures on an annual basis. These brochures shall be distributed to the public residing within the ten mile plume exposure EPZ and shall address how they shall be notified and what their actions should be in an emergency.

The public information brochure shall include the following information: what to do if a take-shelter request is given, what to do if an evacuation request is given, educational information concerning radiation, a map of major evacuation routes, a list of communities likely to serve as host shelter areas, and instructions on how to obtain additional information, especially for the disabled or their caretakers and those without transportation.

The public information brochure described above shall be mailed to all residents in the plume exposure EPZ of each nuclear station and shall also be provided to appropriate locations where a transient population may obtain a copy.

October, 1984
Revision 0

BRAIDWOOD GSEP ANNEX
REVISION INDEX PAGE

REV PAGE	DESCRIPTION	REV PAGE	REV PAGE
		6-1	
		6-2	
1-1		6-3	
1-2		6-4	
1-3		6-5	
1-4		6-6	
1-5		6-7	
1-6		6-8	
1-7		6-9	
1-8			
1-9			
1-10			
2-1		7-1	
		7-2	
		7-3	
		7-4	
		7-5	
		7-6	
		7-7	
		7-8	
		7-9	
		7-10	
		7-11	
		7-12	
		7-13	
		7-14	
		7-15	
		7-16	
		7-17	
		7-18	
		7-19	
		7-20	
		7-21	
		7-22	
		7-23	
		7-24	
		7-25	
		7-26	
		7-27	
		7-28	
		7-29	
		7-30	
		7-31	

C. Public Education

The State of Illinois, the operating utility and affected county governments are committed to distributing an informational booklet on an annual basis. The public information booklet, "Emergency Information", will be distributed to the public residing within the 10-mile EPZ and will address how the public will be notified and what their actions should be in an emergency.

The public information brochure will include instructions on how to obtain additional information, instructions to follow if take shelter or evacuation is recommended, educational information concerning radiation and respiratory protection, a map of major evacuation routes and a list of communities which are likely to serve as host shelter areas.

The public information booklets are also used to identify persons in each nuclear power station EPZ who have special concerns related to their ability to follow protective actions which may be recommended. These special concerns include hearing and walking difficulties, transportation problems and special medical needs. Each public information booklet contains a self-addressed, stamped business reply card which is to be completed and returned to IESDA by the recipient of the booklet if that recipient has any of special concerns indicated on the card.

In addition to a direct mailing, the public information booklet will be available at area hotels and motels, recreational areas, schools, industries, health care facilities, public libraries, local ESDA offices and local utility offices.

The Illinois Plan
for
Radiological Accidents
(IPRA)

STATE GENERAL PLAN

Volume I

C. Public Education

The State of Illinois, the operating utility and affected county governments are committed to distributing an informational booklet on an annual basis. The public information booklet, "Emergency Information", will be distributed to the public residing within the 10-mile EPZ and will address how the public will be notified and what their actions should be in an emergency.

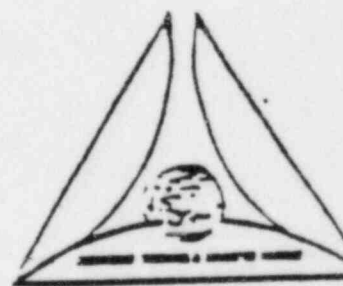
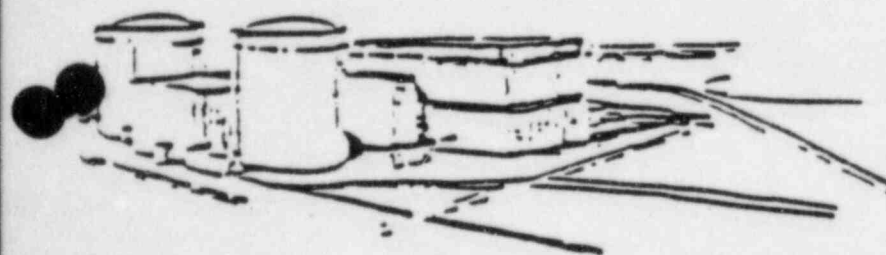
The public information brochure will include instructions on how to obtain additional information, instructions to follow if take shelter or evacuation is recommended, educational information concerning radiation and respiratory protection, a map of major evacuation routes and a list of communities which are likely to serve as host shelter areas.

The public information booklets are also used to identify persons in each nuclear power station EPZ who have special concerns related to their ability to follow protective actions which may be recommended. These special concerns include hearing and walking difficulties, transportation problems and special medical needs. Each public information booklet contains a self-addressed, stamped business reply card which is to be completed and returned to IESDA by the recipient of the booklet if that recipient has any of special concerns indicated on the card.

In addition to a direct mailing, the public information booklet will be available at area hotels and motels, recreational areas, schools, industries, health care facilities, public libraries, local ESDA offices and local utility offices.

The Illinois Plan
for
Radiological Accidents
(IPRA)

FOR INFORMATION ONLY



PRELIMINARY

BRAIDWOOD

Volume VII

FOR INFORMATION ONLY

ILLINOIS PLAN FOR
RADIOLOGICAL ACCIDENTS - BRAIDWOOD

CHAPTER 2
GRUNDY COUNTY BASIC PLAN

PRELIMINARY

REV. 0, 08/85

SUBMITTED:

IESDA

DATE:

07/10/85

APPROVED:

Grundy County ESDA

DATE:

07-15-85

FOR INFORMATION ONLY

K. Public Information Considerations

* * * * *

Public Information Booklet - As a collective effort between the STATE OF ILLINOIS, the operating utility and affected county governments, an informational booklet (See Vol. I, Ch. 8) will be distributed on an annual basis to the public residing within the 10-mile EPZ of the BRAIDWOOD STATION. The booklet will address how the public will be notified and what their actions should be in an emergency, including the following information: instructions on how to obtain additional information, what to do if a take shelter request is given, what to do if an evacuation request is given, educational information concerning radiation and respiratory protection, a map of major evacuation routes and a list of communities likely to serve as host shelter areas.

In addition to a direct mailing, the booklet will be available at area hotels and motels, recreational areas, schools, industries, health care and nursing facilities, public libraries, local ESDA offices and local utility offices (See Vol. I, Ch. 8).

* * * * *

FOR INFORMATION ONLY

ILLINOIS PLAN FOR
RADIOLOGICAL ACCIDENTS - BRAIDWOOD

CHAPTER 3
WILL COUNTY BASIC PLAN
PRELIMINARY
REV. 0, 08/85

APPROVED:

Joseph D. Palmer
WILL COUNTY ESDA

DATE:

6-28-85

SUBMITTED:

John J. Amman
ESDA

DATE:

07/10/85

FOR INFORMATION ONLY

K. Public Information Considerations

* * * * *

Public Information Booklet - As a collective effort between the STATE OF ILLINOIS, the operating utility and affected county governments, an informational booklet (See Vol. I, Ch. 8) will be distributed on an annual basis to the public residing within the 10-mile EPZ of the BRAIDWOOD STATION. The booklet will address how the public will be notified and what their actions should be in an emergency, including the following information: instructions on how to obtain additional information, what to do if a take shelter request is given, what to do if an evacuation request is given, educational information concerning radiation and respiratory protection, a map of major evacuation routes and a list of communities likely to serve as host shelter areas.

In addition to a direct mailing, the booklet will be available at area hotels and motels, recreational areas, schools, industries, health care and nursing facilities, public libraries, local ESDA offices and local utility offices (See Vol. I, Ch. 8).

* * * * *

FOR INFORMATION ONLY

ILLINOIS PLAN FOR
RADIOLOGICAL ACCIDENTS - BRAIDWOOD

CHAPTER 4
KANKAKEE COUNTY BASIC PLAN

PRELIMINARY

REV. 0, 08/85

SUBMITTED:

James J. Jones
IESDA

DATE:

07/10/85

APPROVED:

Richard J. Smith
Kankakee County ESDA

DATE:

July - 9 - 85

FOR INFORMATION ONLY

K. Public Information Considerations

* * * * *

Public Information Booklet - As a collective effort between the STATE OF ILLINOIS, the operating utility and affected county governments, an informational booklet (See Vol. I, Ch. 8) will be distributed on an annual basis to the public residing within the 10-mile EPZ of the Braidwood Station. The booklet will address how the public will be notified and what their actions should be in an emergency, including the following information: instructions on how to obtain additional information, what to do if a take shelter request is given, what to do if an evacuation request is given, educational information concerning radiation and respiratory protection, a map of major evacuation routes and a list of communities likely to serve as host shelter areas.

In addition to a direct mailing, the booklet will be available at area hotels and motels, recreational areas, schools, industries, health care and nursing facilities, public libraries, local ESDA offices and local utility offices (See Vol. I, Ch. 8).

* * * * *

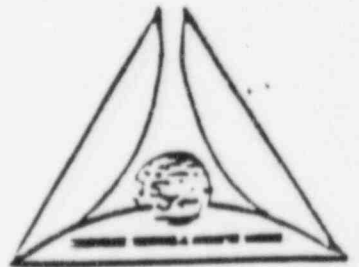
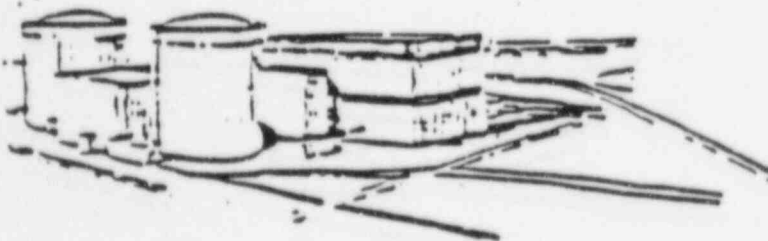
ILLINOIS PLAN FOR RADIOLOGICAL ACCIDENTS (IPRA)

BRAIDWOOD VOL. VII

PRELIMINARY

STANDARD OPERATING PROCEDURES

FOR INFORMATION ONLY



FOR INFORMATION ONLY

ILLINOIS PLAN FOR
RADIOLOGICAL ACCIDENTS - BRAIDWOOD

STANDARD OPERATING PROCEDURE

BRAIDWOOD STATION EPZ
PUBLIC INFORMATION BOOKLET (PIB) CARDS MAINTENANCE

7-SOP-12

REV. 0, 08/85
(Preliminary)

APPROVED: *Jim Lutz* DATE: 07.15.85
Grundy County ESDA

APPROVED: *Joseph Chalant* DATE: 6-28-85
Will County ESDA

APPROVED: *Richard Speer* DATE: 7-8-85
Kankakee County ESDA

APPROVED: *John Jensen* DATE: 07/10/85
TESDA

FOR INFORMATION ONLY

7-SOP-12

08/85

Page 1 of 4

BRAIDWOOD STATION EPZ PUBLIC INFORMATION BOOKLET (PIB) CARDS MAINTENANCE

1.0. PURPOSE

- 1.1 This procedure provides guidelines for maintaining the Public Information Booklet (PIB) Cards and developing a list of Mobility Impaired Individuals within the Braidwood Station EPZ requiring transportation assistance during an evacuation of the Braidwood Station EPZ.

2.0 APPLICABILITY

- 2.1 This procedure is applicable to the Grundy, Will and Kankakee County ESDA Coordinators.
- 2.2 This procedure provides for the maintenance of the PIB Cards and for the development of the Grundy/Will/Kankakee County Mobility Impaired Transportation List which will be updated on an annual basis by the Grundy, Will and Kankakee County ESDA Coordinators, in conjunction with the annual distribution of the Public Information Booklet by Illinois Emergency Services and Disaster Agency (IESDA).

3.0 RESPONSIBILITIES

- 3.1 Grundy/Will/Kankakee County ESDA Coordinator
 - A. Initial implementation of 7-SOP-12, "Braidwood Station EPZ Public Information Booklet Cards Maintenance".
 - B. On an annual basis, implement 7-SOP-12 to maintain the PIB Cards and to update the Mobility Impaired Transportation List.
 - C. Retain the Mobility Impaired Transportation List in a secure manner in order to ensure its confidentiality.

FOR INFORMATION ONLY

7-SOP-12

08/85

Page 3 of 4

5. Complete the appropriate attachment with the information obtained in Steps 1 through 4 above.

- Attachment A, "Grundy County Mobility Impaired Transportation List for the Braidwood Station"
- Attachment B, "Will County Mobility Impaired Transportation List for the Braidwood Station"
- Attachment C, "Kankakee County Mobility Impaired Transportation List for the Braidwood Station"

- E. Inform those individuals who require transportation and are independent of special needs, of the following:

Tune your radio to WJOL (1340 AM) or WLLI (96.7 FM) (also WCSJ (1550 AM) or WCSJ (104.7 FM) in Grundy County) after hearing a siren or signal indicating an emergency situation. In the event an evacuation of your community is recommended, the radio message will indicate a point of assembly to board a school bus for transportation from the affected area. If you live outside the community which is being evacuated, call the telephone number provided on your radio for transportation to the point of assembly.

- F. If unable to contact an individual by phone after attempts at different times throughout the day and evening, send a letter in the format outlined in Attachment D, "Special Concern Information Letter".

4.2 Maintenance of the Public Information Booklet Cards and Update of the Mobility Impaired Transportation List.

- A. Collect cards from IESDA on an annual basis.
- B. Repeat Section 4.1, Steps B, C, D, E and F for all newly received PIB Cards.
- C. Compare the PIB Cards, indicating special needs, with the existing Mobility Impaired Transportation List.
 1. If the individual is presently on the Mobility Impaired Transportation List, ensure that the information contained presently on the list is correct, in accordance with Section 4.1.D. If the information is inaccurate, update the list, as appropriate.
 2. If there are individuals on the Mobility Impaired Transportation List who did not respond with a PIB card, follow Section 4.1.D. Confirm information presently on the Mobility Impaired Transportation List is still accurate (i.e. situation improves, situation worsens, death, etc.).

Attachment A
GRUNDY COUNTY MOBILITY IMPAIRED TRANSPORTATION LIST FOR BRAIDWOOD STATION

Motor	Distance (mi)	Responsibility	Name, Address, Phone #	Impairment	Transportation	Special Trans. Req's
-------	------------------	----------------	------------------------	------------	----------------	----------------------------

Grundy County

0-2

2-5

2-5

2-5

2-5

IN ORDER TO ENSURE ITS CONFIDENTIALITY, THE MOBILITY IMPAIRED
TRANSPORTATION LIST WILL BE RETAINED BY THE
COUNTY ESDA COORDINATOR

5-10

5-10

5-10

5-10

Attachment B
WILL COUNTY MOBILITY IMPAIRED TRANSPORTATION LIST FOR BRAIDWOOD STATION

Special
Trans
Req'ts

Impairment Transportation

Name, Address, Phone #

Responsibility

Distance
(mi)

Director

Will County

0-2

2-5

2-5

2-5

2-5

IN ORDER TO ENSURE ITS CONFIDENTIALITY, THE MOBILITY IMPAIRED
TRANSPORTATION LIST WILL BE RETAINED BY THE
COUNTY ESDA COORDINATOR

5-10

5-10

5-10

5-10

Attachment C
KANKAKEE COUNTY MOBILITY IMPAIRED TRANSPORTATION LIST FOR BRAIDWOOD STATION

<u>Distance</u> (mi)	<u>Responsibility</u>	<u>Name, Address, Phone #</u>	<u>Impairment</u>	<u>Transportation</u>	<u>Special Trans Reqs</u>
-------------------------	-----------------------	-------------------------------	-------------------	-----------------------	-----------------------------------

Kankakee County

0-2

2-5

2-5

2-5

2-5

IN ORDER TO ENSURE ITS CONFIDENTIALITY, THE MOBILITY IMPAIRED
TRANSPORTATION LIST WILL BE RETAINED BY THE
COUNTY ESDA COORDINATOR

5-10

5-10

5-10

5-10

FOR INFORMATION ONLY

7-SOP-12
08/85
Attachment D
Page 1 of 2

SPECIAL CONCERN INFORMATION LETTER

Date

Dear (Name),

A few months ago an Emergency Information Booklet, in regard to the Braidwood Station, was sent to your home. This booklet explains the plans which have been developed for your safety in the event of a serious accident at the Braidwood Station.

In response to this booklet, you indicated that you or someone in your household, has special needs that may be important during an emergency. Efforts have been made to discuss your special concerns by an Emergency Planning Representative, but we have been unable to reach you. Please call me (collect) to discuss your needs at (Phone) or complete the attached questionnaire and mail the questionnaire in the provided envelope. Your cooperation is appreciated.

Sincerely,

(Name),
ESDA Coordinator

ATTACHMENT B

SCHOOLS, MAJOR EMPLOYERS AND HEALTH CARE FACILITIES
WITHIN THE EMERGENCY PLANNING ZONE

Schools

1. Braidwood Grade School
2. Braidwood Middle School
3. Reed-Custer High School
4. Braceville Grade School
5. Coal City Elementary School
6. Coal City Middle School
7. Coal City High School
8. Essex Elementary School
9. South Wilmington Consolidated Elementary
10. Gardner Elementary School
11. Gardner-South Wilmington Township High School
12. Custer Park Elementary School
13. Bruning Elementary School
14. L.J. Stevens Middle School
15. Wilmington High School
16. St. Rose School
17. Booth Central School
18. United Methodist Day Care Center
19. Grace Lutheran Church Pre-School
20. Reddick High School
21. Reddick Elementary

SCHOOLS, MAJOR EMPLOYERS AND HEALTH CARE FACILITIES
WITHIN THE EMERGENCY PLANNING ZONE

(continued from page one)

Schools

- 22. Mazon Elementary/Jr. High School
- 23. Mazon-Verona-Kinsman High School

Major Employers

- 24. DeMert & Daugherty, Inc.
- 25. Personal Products Co.
- 26. Braidwood Station - Unit 1 Operation
- 27. Brownie Special Products Co.
- 28. Production Training Center
- 29. Tammen Treeberry Farm
- 30. Operator Training Services General Electric Company
- 31. Morris Operation General Electric Company
- 32. Indicator Lites, Inc.
- 33. Precision Components, Inc.
- 34. Bowers Siemon Chemical Company
- 35. E.W.R., Inc.
- 36. Witt and Associates
- 37. Collins Generating Station
- 38. Coils, Inc.
- 39. Uniroyal-Joliet Army Ammunitions Plant
- 40. Honeywell
- 41. AP Green Refractories Company

SCHOOLS MAJOR EMPLOYERS AND HEALTH CARE FACILITIES
WITHIN THE EMERGENCY PLANNING ZONE

(continued from page two)

Health Care Facilities

42. Campbell House Senior Center
43. Royal Willow Nursing Care Center
44. Southeastern Grundy County Senior Citizen Center

ATTACHMENT C

CAMPS, RECREATION AREAS AND MOTELS
WITHIN THE
EMERGENCY PLANNING ZONE

Facility Name

1. Des Plaines Conservation Area
2. Goose Lake Prairie State Park
3. Kankakee River State Park
4. Chicago Beagle Club
5. Braidwood Recreation Club
6. South Wilmington Sportsmen's Club
7. Area #1 Outdoor Club
8. Wilmington Recreation Club
9. Ponderosa Sportsmen's Club
10. South Wilmington Firemen's Beach and Park Club
11. Will County Sportsmen's Club
12. Fossil Rock Recreation Club
13. CECo Employee's Recreation Association
14. Coal City Area Club
15. Dresden Lakes Fishing Kamp
16. Rainbow Council Reservation Boy Scouts of America
17. Goose Lake Association
18. Lake Point Club
19. J.Y.C. Marina
20. Braidwood Fairways Golf Course
21. Wilmington Island Park District

CAMPS, RECREATION AREAS AND MOTELS
WITHIN THE
EMERGENCY PLANNING ZONE
(continued from page one)

Facility Name

22. Isaac Walton League
23. Ponderosa Camping Area
24. Sun Recreation Club
25. Joilet Braidwood Hunting Club
26. Braidwood Dunes and Savannah Forest Preserve
27. Forsythe Woods
28. Crow's Nest Club
29. New Lenox Sportsmen's Club and Recreation
30. Godley Park District
31. Murphy's Motel
32. Rossi's Motel
33. Sands Motel
34. Braidwood Inn Motel

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
COMMONWEALTH EDISON COMPANY) Docket Nos. 50-456
) 50-457
(Braidwood Station Units 1)
and 2)

SUPPLEMENTAL TESTIMONY OF
LAWRENCE D. BUTTERFIELD
ON ROEM CONTENTION 1(a)

Q.17. What is the purpose of this supplemental testimony?

A.17. The purpose of this supplemental testimony is to address the advance arrangements established for the dissemination of information to representatives of the news media in the event of an emergency.

Q.18. What regulatory provisions establish the standard for this activity?

A.18. The regulatory standard is part of 10 C.F.R. §50.47(b)(7), namely the provisions which state:

... the principal points of contact with the news media for dissemination of information during an emergency (including the physical location or locations) are established in advance, and procedures for coordinated dissemination of information to the public are established.

Implementing guidance for this standard is found in NUREG-0654, pages 49-51, paragraphs 3, 4 and 5.

Q.19. What is your understanding of the scope of this aspect of § 50.47(b)(7)?

A.19. This aspect of § 50.47(b)(7) provides that arrangements with the news media must be established in advance so that information about a nuclear emergency can and will be effectively communicated through the media to the public. These advance arrangements do not involve, however, the official notice and instructions given to the public regarding an emergency via the prompt public notification system and the radio stations of the Emergency Broadcast System. That activity is the subject of a separate regulatory provision, namely 10 C.F.R. § 50.47(b)(5). Although the news media will be informed of and may report the official notice and instructions, the media is not relied upon for that purpose.

Q.20. Have you reviewed the emergency plans for Braidwood Station to determine whether they adequately address the standards you mention in response to question 17?

A.20. Yes. In my judgment, the emergency plans for Braidwood Station adequately and completely address the standards regarding advance planning with the news media found in Section 50.47(b)(7) and NUREG-0654.

The base volume of the Illinois Plan for Radiological Accidents (IPRA Vol. I) outlines how the public will be kept informed of an accident through the media; how rumors will be controlled; and how the media will be acquainted with the emergency plans. IPRA Vol. I also provides that a Joint Public Information Center (JPIC) will be located at the Emergency Operations Facility near each nuclear

generating station and that the State will provide a spokesperson to brief the press on the emergency.

The Braidwood-specific volume of the State's plan (IPRA Vol. VII) contains parallel provisions for each of the three counties involved with emergency planning for the Braidwood Station plume exposure pathway emergency planning zone (EPZ). These provisions also establish that each county and municipality in the EPZ will have a spokesperson responsible for public information.

Commonwealth Edison's Generating Stations Emergency Plan (GSEP) establishes its offsite GSEP group which includes an Emergency News Center Director and Information Director and their staff. Their responsibilities are outlined in the GSEP and in Emergency Plan Implementing Procedures. The specific people responsible for these positions are identified in the GSEP Telephone Directory.

Copies of significant pertinent provisions from the State's plan and from Commonwealth Edison's plan and procedures are attached as Attachment D.

Q.21. Please describe the Joint Public Information Center (JPIC) for Braidwood Station.

A.21. In accordance with the State's plan, the Emergency Operations Facility (EOF) for Braidwood Station has a large room dedicated for use as a JPIC. The Braidwood Station EOF is located in Mazon, Illinois, about ten miles from Braidwood Station. The JPIC in the EOF will have

numerous telephones available for use by the media. The JPIC will also have visual aids on hand.

In addition to the JPIC's facilities, there will be media centers associated with the State's Emergency Operation Center (ESDA's State headquarters in Springfield, Illinois), and with the Emergency Operations Centers for Grundy, Will and Kankakee Counties. All of these Emergency Operations Centers will be joined with each other and with the JPIC by a telecopier system which will be used to distribute information including press releases.

Q.22. Describe how information will be disseminated to representatives of the news media at the JPIC during an emergency.

A.22. During an emergency, representatives from the State of Illinois, the Federal government and Commonwealth Edison will be present at the JPIC. Other representatives from local governments and private agencies may also be present and participating. These representatives will work together to provide coordinated dissemination of information to the news media representatives in news briefings, which will also permit the media to ask questions and request further information.

The State's Public Information Officer (PIO) will be primarily responsible for providing information which concerns the health and safety of the public.

Commonwealth Edison's spokesperson will primarily explain the technical aspects of the accident.

Q.23. What provision is there for dealing with rumors during an emergency?

A.23. Rumor control activities are managed by the State of Illinois. The State maintains telephone numbers dedicated to rumor control and which will be known to local governments, but not the general public. When a local government cannot control locally generated rumors, they will contact the State EOC over the dedicated telephones and advise the State of the rumor. If possible, the State will respond to the rumor directly. Otherwise, the response to the rumor will be incorporated in the next news briefing provided to the media representatives.

During the news briefings, questions and requests for rumor verification may arise from the news media representatives. The spokesman or State public information officer will respond with available information. If it is determined that a rumor represents serious misinformation, the misinformation could be corrected immediately by the issuance of a news release from the JPIC.

Q.24. How are representatives of the news media acquainted with the JPIC and procedures for news dissemination during an emergency?

A.24. Representatives of the news media are invited to attend press briefings which are held annually for each nuclear power plant in Illinois. These briefings are presented

jointly by the State and Commonwealth Edison. The press briefings are usually scheduled in conjunction with the annual emergency exercise for each nuclear power plant. In those instances, the media representatives are also invited to participate in the exercise itself at the JPIC.

The first press briefing for Braidwood Station will be held in conjunction with the emergency exercise scheduled for November 6, 1985. The press briefing will acquaint the media representatives with basic information such as nuclear reactor operation, radiation, and emergency planning. The media representatives are also introduced to the JPIC as the central point through which information is disseminated to the news media by the State, the utility, and the Federal government. As a part of the briefing, the media representatives will receive a "Press Kit" which will include a "Reporter's Guide to Braidwood Nuclear Power Station" and the Emergency Information Booklet.

It should be noted that a majority of the news media representatives in the Braidwood area have been involved in past exercises and briefings for Dresden and/or LaSalle County Stations. These activities have all taken place at the Mazon EOF, which is the same facility that would be used in the event of an emergency at Braidwood Station.

BUTTERFIELD ATTACHMENT "D"

Provisions from the following documents:

- Illinois Plan for Radiological Accidents (IPRA) Vol. I
- IPRA Vol. VII - Braidwood Station
- Commonwealth Edison Company's Generating Stations Emergency Plan (GSEP)
- Commonwealth Edison Company's Emergency Plan Implementing Procedures

The Illinois Plan
for
Radiological Accidents
(IPRA)

STATE GENERAL PLAN

Volume I

B. 2. Generating Stations Emergency Plan Support Centers

The following sections describe centers which may be activated during an incident.

* * * * *

e. Emergency Operations Facility

An Emergency Operations Facility has been established near each nuclear generating station (Dresden Station - Mazon EOF, LaSalle County Station-Mazon EOF, Quad Cities Station - Morrison EOF, Zion Station - Westinghouse Training Center, Byron Station - Dixon EOF, Braidwood Station - Mazon EOF).

* * * * *

The Joint Public Information Center is located at the EOF. A technical spokesperson will be available at the JPIC to brief the press on the emergency and the activities underway to deal with the situation. Space will be allocated within each EOF to accommodate the news media.

PUBLIC INFORMATION

A crucial component of the IPRA is public information, or keeping the public apprised of the nature and consequences of a radiological accident, both during and after. The State's role in public information is just one part of the overall public information process which includes many other sources:

- the utility;
- Federal agencies;
- county and municipal governments;
- private agencies; and
- contiguous states.

Although the State has no direct control over these other sources of information, the State will endeavor to ensure a coordinated dissemination of information.

A. Flow of Public Information

The Governor is the official spokesperson for the State of Illinois. The Office of the Governor, Springfield Press Office, maintains a staff experienced in news dissemination and media relations. The Press Office can hold press conferences in the State Capitol Radio/TV Room located in the State Capitol Building. As a backup, or in the case of very large media attendance, one of the Illinois House or Senate hearing rooms in the State Capitol will be used for press conferences. The JPIC also has space available for press conferences should the Governor choose to locate in the accident vicinity.

The Governor's staff will receive information from two primary sources. IESDA will collect and summarize information concerning the operational response of the State. IDNS will provide a technical summary of the accident and its consequences, actual and potential, upon the EPZ population and dairy animals within the ingestion exposure pathway.

Information from the site will be relayed to the State EOC and REAC via NARS.

The IESDA PIO, augmented by IIS personnel, will prepare and submit information summaries to the Office of the Governor and IDNS. The IDNS PIO, augmented by IIS personnel, will submit information summaries to the Office of the Governor and IESDA. The Office of the Governor will submit prepared news releases or news information to IESDA and IDNS for verification before dissemination. The Governor's Press Office will issue State of Illinois press releases via commercial telephone facsimile machine to the State of Illinois public information personnel at the JPIC, who will then notify public information personnel from the operating utility, contiguous states and the Federal government present at the JPIC. County

government spokespersons or State of Illinois public information personnel stationed at the county EOCs will also receive the press releases issued by the Governor's Press Office.

Information prepared for dissemination by the operating utility, contiguous states, the Federal government and affected county governments at the JPIC will be quickly relayed to the State EOC via commercial telephone facsimile machine. This information will then be given to the Governor's Press Office.

All information prepared for release by the State of Illinois, the operating utility, county and municipal governments, contiguous states and Federal agencies will be shared with all other above-mentioned parties prior to dissemination to ensure coordination.



B. Rumor Control

The State of Illinois rumor control network is designed to support affected EPZ counties and municipalities when those local governments cannot control locally-generated rumors. As rumors are generated, and especially when rumors exceed a local government's capability to provide a timely response, the State EOC will be notified of the problem.

The State rumor control network will then become operational. Dedicated telephone numbers located at the State EOC will then be announced to affected EPZ local governments. The telephone numbers are not for public dissemination.

The State rumor control network will be staffed by personnel from the IIS. As calls are received, they will be written down and the response will be incorporated into the next press briefing at the JPIC and the Governor's Radio/TV Room in Springfield.

* * * * *

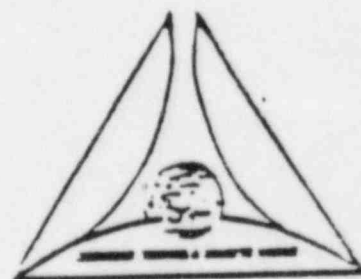
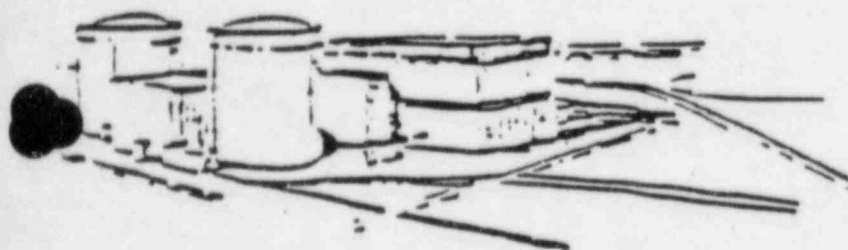
D. Media Education

To acquaint the news media with IPRA, press briefings will be held annually. The briefings will cover the following topics: Overview of IPRA, Concept of Operations, Accident Classification Scheme, Communications, Protective Actions, Parallel Actions and Public Information. In addition, the media will be given a portfolio of handouts including a map of evacuation routes, the public information booklet, an EPZ map showing population by sector and an IPRA fact sheet.

The press briefings will include presentations from the State of Illinois, the operating utility and affected counties.

The Illinois Plan
for
Radiological Accidents
(IPRA)

FOR INFORMATION ONLY



PRELIMINARY

BRAIDWOOD

Volume VII

FOR INFORMATION ONLY

ILLINOIS PLAN FOR
RADIOLOGICAL ACCIDENTS - BRAIDWOOD

CHAPTER 2
GRUNDY COUNTY BASIC PLAN
PRELIMINARY
REV. 0, 08/85

SUBMITTED:


IESDA

DATE:

07/10/85

APPROVED:


Grundy County ESDA

DATE:

07.15.85

FOR INFORMATION ONLY

K. Public Information Considerations

The methods by which the public is kept informed of the nature and consequences of a nuclear incident before, during and after such an incident have been discussed in Vol. I, Ch. 8. As one of the several sources of information to the residents of the EPZ, this section amplifies the local governments' role in providing an accurate and consistent release of information.

As Chief Executive of the STATE OF ILLINOIS, the GOVERNOR is the official spokesperson for the State emergency operations. The GOVERNOR'S staff will receive information from two primary sources, namely IESDA and IDNS. IESDA will collect and summarize information concerning the operational response of the State. IDNS will provide a technical summary of the incident and its consequences, actual and potential, upon the population near the site.

Information from the site will be relayed to the STATE EOC and the REAC via NARS and the radiological assessment direct line, both of which will have line extensions in the EOF.

Public Information Spokesperson - In GRUNDY COUNTY and each municipality therein, a spokesperson has been made responsible for public information. The spokesperson will provide timely information to the GRUNDY COUNTY ESDA COORDINATOR, or his designee, for coordination of local releases with the JPIC. The PIO at the STATE EOC coordinates State level information with the JPIC, 960 North Route 47, south of Morris, IL. This network will provide timely, coordinated information to all designated spokespersons.

Rumor Control - Rumor control will be addressed at the lowest governmental level possible. In those instances where a local government cannot control local rumors, the State rumor control network will be utilized. Personnel from IIS will operate dedicated telephone lines at the STATE EOC and at the JPIC. The State rumor control network telephone numbers will be announced to local governments in the EPZ and are not to be released to the general public. As time permits, rumors referred to the State rumor control network will be answered directly by IIS personnel. At all other times, the response to rumors will be incorporated into the next media update provided at the JPIC and the GOVERNOR'S press center in SPRINGFIELD (See Vol. I, Ch. 8).

* * * * *

Annual Press Briefings - To acquaint the news media with the IPRA-Braidwood, press briefings will be held annually. The briefing will discuss the following topics: OVERVIEW OF THE IPRA-BRAIDWOOD, CONCEPT OF OPERATIONS, ACCIDENT CLASSIFICATION SCHEME, COMMUNICATIONS NETWORK, PROTECTIVE AND PARALLEL ACTIONS and PUBLIC INFORMATION (See Vol. I, Ch. 8). In addition, the media will be given a portfolio of handouts and will be able to ask questions of the representatives of State and local governments and the utility.

FOR INFORMATION ONLY

ILLINOIS PLAN FOR
RADIOLOGICAL ACCIDENTS - BRAIDWOOD

CHAPTER 3
WILL COUNTY BASIC PLAN
PRELIMINARY
REV. 0, 08/85

APPROVED:

Joseph D. Palmer
WILL COUNTY ESDA

DATE:

6-28-85

SUBMITTED:

Low Amman
ESDA

DATE:

07/10/85

FOR INFORMATION ONLY

K. Public Information Considerations

The methods by which the public is kept informed of the nature and consequences of a nuclear incident before, during and after such an incident have been discussed in Vol. I, Ch. 8. As one of the several sources of information to the residents of the EPZ, this section amplifies the local governments' role in providing an accurate and consistent release of information.

As Chief Executive of the STATE OF ILLINOIS, the GOVERNOR is the official spokesperson for the State emergency operations. The GOVERNOR'S staff will receive information from two primary sources, namely IESDA and IDNS. IESDA will collect and summarize information concerning the operational response of the State. IDNS will provide a technical summary of the incident and its consequences, actual and potential, upon the population near the site.

Information from the site will be relayed to the STATE EOC and the REAC via NARS and the radiological assessment direct line, both of which will have line extensions in the EOC.

Public Information Spokesperson - In WILL COUNTY and each municipality therein, a spokesperson has been made responsible for public information. The spokesperson will provide timely information to the WILL COUNTY ESDA COORDINATOR, or his designee, for coordination of local releases with the JPIC. The PIO at the STATE EOC coordinates State level information with the JPIC, 960 North Route 47, south of Morris, IL. This network will provide timely, coordinated information to all designated spokespersons.

Rumor Control - Rumor control will be addressed at the lowest governmental level possible. In those instances where a local government cannot control local rumors, the State rumor control network will be utilized. Personnel from IIS will operate dedicated telephone lines at the STATE EOC and at the JPIC. The State rumor control network telephone numbers will be announced to local governments in the EPZ and are not to be released to the general public. As time permits, rumors referred to the State rumor control network will be answered directly by IIS personnel. At all other times, the response to rumors will be incorporated into the next media update provided at the JPIC and the GOVERNOR'S press center in SPRINGFIELD (See Vol. I, Ch. 8).

* * * * *

Annual Press Briefings - To acquaint the news media with the IPRA-Braidwood, press briefings will be held annually. The briefing will discuss the following topics: OVERVIEW OF THE IPRA-BRAIDWOOD, CONCEPT OF OPERATIONS, ACCIDENT CLASSIFICATION SCHEME, COMMUNICATIONS NETWORK, PROTECTIVE AND PARALLEL ACTIONS and PUBLIC INFORMATION (See Vol. I, Ch. 8). In addition, the media will be given a portfolio of handouts and will be able to ask questions of the representatives of State and local governments and the utility.

FOR INFORMATION ONLY

ILLINOIS PLAN FOR
RADIOLOGICAL ACCIDENTS - BRAIDWOOD

CHAPTER 4
KANKAKEE COUNTY BASIC PLAN

PRELIMINARY
REV. 0, 08/85

SUBMITTED:

James J. [Signature]
IESDA

DATE:

07/10/85

APPROVED:

Richard [Signature]
Kankakee County ESDA

DATE:

Jul - 9 - 85

FOR INFORMATION ONLY

K. Public Information Considerations

The methods by which the public is kept informed of the nature and consequences of a nuclear incident before, during and after such an incident have been discussed in Vol. I, Ch. 8. As one of the several sources of information to the residents of the EPZ, this section amplifies the local governments' role in providing an accurate and consistent release of information.

As Chief Executive of the STATE OF ILLINOIS, the GOVERNOR is the official spokesperson for the State emergency operations. The GOVERNOR'S staff will receive information from two primary sources, namely IESDA and IDNS. IESDA will collect and summarize information concerning the operational response of the State. IDNS will provide a technical summary of the incident and its consequences, actual and potential, upon the population near the site.

Information from the site will be relayed to the STATE EOC and the REAC via NARS and the radiological assessment direct line, both of which will have line extensions in the EOF.

Public Information Spokesperson - In KANKAKEE COUNTY and ESSEX, a spokesperson has been made responsible for public information. The spokesperson will provide timely information to the KANKAKEE COUNTY ESDA COORDINATOR, or his designee, for coordination of local releases with the JPIC. The PIO at the STATE EOC coordinates State level information with the JPIC, 960 North Route 47, south of Morris, IL. This network will provide timely, coordinated information to all designated spokespersons.

Rumor Control - Rumor control will be addressed at the lowest governmental level possible. In those instances where a local government cannot control local rumors, the State rumor control network will be utilized. Personnel from IIS will operate dedicated telephone lines at the STATE EOC and at the JPIC. The State rumor control network telephone numbers will be announced to local governments in the EPZ and are not to be released to the general public. As time permits, rumors referred to the State rumor control network will be answered directly by IIS personnel. At all other times, the response to rumors will be incorporated into the next media update provided at the JPIC and the GOVERNOR'S press center in SPRINGFIELD (See Vol. I, Ch. 8).

* * * * *

Annual Press Briefings - To acquaint the news media with the IPRA-Braidwood, press briefings will be held annually. The briefing will discuss the following topics: OVERVIEW OF THE IPRA-BRAIDWOOD, CONCEPT OF OPERATIONS, ACCIDENT CLASSIFICATION SCHEME, COMMUNICATIONS NETWORK, PROTECTIVE AND PARALLEL ACTIONS and PUBLIC INFORMATION (See Vol. I, Ch. 8). In addition, the media will be given a portfolio of handouts and will be able to ask questions of the representatives of State and local governments and the utility.

Commonwealth Edison Company
Nuclear Stations Division



Generating Stations Emergency Plan

Controlled Copy 943

Commonwealth Edison Company
Post Office Box 767
Chicago, Illinois, 60690.
(312) 294-4321

April, 1984
Revision 4

TABLE 4.3-10

EMERGENCY NEWS CENTER DIRECTOR

The Emergency News Center Director, upon activation of the Emergency News Center Group at the EOF, is responsible for all recovery-related information intended to be conveyed from CECo to the news media.

The responsibilities of the Emergency News Center Director who reports to the EOF Recovery Manager are to:

- o Assure the operability of, and supervise the activities in the Joint Public Information Center (JPIC).
- o Effect a smooth transition of the news media point-of-contact from CCC to JPIC, and of news information responsibilities from CCC/Information Director to EOF/ENC Director.
- o Maintain the primary interface between CECo and the news media, including, as necessary, briefings, news conferences, interviews, and response to information requests.
- o Keep up-to-date on conditions of the plant and environment, and actions of CECo personnel and outside agencies.
- o Obtain approval of the Recovery Manager, or his designee of all information intended to be conveyed to the news media.
- o Coordinate with Federal, State, and local agencies, as well as with other organizations involved in the recovery, to maintain factual consistency of information to be conveyed to the news media.
- o Direct the activities of the CCC/Information Director.
- o Participate, as needed, in rumor-control activities managed by State agencies.
- o Maintain a record of GSEP-related activities.

April, 1984
Revision 4

TABLE 4.3-18

INFORMATION DIRECTOR

The Information Director is responsible for collecting, verifying, and disseminating information on emergency situations to the public via the news media, under the direction of the Intelligence Director. Upon the activation of the Recovery Group, the Information Director shall report to the Emergency News Center Director.

Responsibilities assigned to the Information Director (prior to Recovery Group activation) are to:

- o Obtain information. Through GSEP personnel, determine the nature of the emergency and its effect on the public and other company operations.
- o Release information. Take steps to release accurate information as soon as possible. Coordinate the release of information with other involved agencies and companies. The news media seeking interviews and comments from Commonwealth officials should be given full cooperation.
- o Distribute internal information. Information should be promptly disseminated to Commonwealth employees as soon as possible through appropriate communications channels.
- o Maintain a record of the GSEP related activities.

Following an EOF Recovery Group activation, the Information Director becomes a support individual to the Emergency News Center Director and shall release information only when directed by the Emergency News Center Director. The Information Director is to maintain his office in either the CCC or other appropriate CECO locations.

TSN-EOF-4
Revision 3
January, 1985

EMERGENCY PLAN IMPLEMENTING PROCEDURE

EPIP: TSN-EOF-4

TITLE: Emergency News Center Director

Prepared by: *James B. Tocco* Date: 01-21-85

Reviewed by: *John F. Hogan* Date: 1/22/85

Approved by: *Ed. J. [illegible]* Date: 1/22/85

EMERGENCY NEWS CENTER DIRECTOR

A. PURPOSE

The purpose of this procedure is to assist the Emergency News Center Director in fulfilling the responsibilities assigned in GSEP.

B. REFERENCES

1. GSEP Table 4.3-10.
2. GSEP Table 4.3-18.
3. GSEP Telephone Directory.
4. Corporate Command Center Group Emergency Plan Implementing Procedure - EPIP CC-4 - Information Director.

C. PREREQUISITES

1. The Emergency News Center Director will ensure that an individual is available to fulfill the duties of Information Director at the CCC.

D. PRECAUTIONS

1. None

E. LIMITATIONS AND ACTIONS

Problems in Emergency News Center activation or operation beyond the control of the ENC Director should be referred immediately to the Recovery Manager.

F. PROCEDURE

1. PERFORMANCE CRITERION FOR EMERGENCY NEWS CENTER:

THE PERFORMANCE CRITERION FOR THE ENC WILL BE THE ACCURATE TRANSMITTAL OF ANY INFORMATION WITH IMPACT ON PUBLIC RISK (i.e., information serving item 1, 2, or 3 under General Objectives in Attachment X) WITHIN 15 MINUTES OF THE AVAILABILITY OF THAT INFORMATION IN THE EOF.

2. FUNCTIONAL CONCEPTS USED IN THIS PROCEDURE:

Information will exist in the EOF in three forms:

- (1) Data -- Observable or measurable facts (e.g., numbers, values, plant and equipment design details, known plant and equipment conditions, actions taken or in progress)
- (2) Intelligence -- Conclusions drawn from data; results that are deduced or projected from data analysis and are not physically apparent (e.g. event classifications, dose rate projections, risk assessments, actions under consideration)
- (3) News -- Items of Data and Intelligence selected for transmittal to the public via the public news media, translated and formatted as necessary for general understanding (e.g. news releases, information approved for discussion at news media briefings)

The ENC will actively gather Data and Intelligence from the EOF and other sources. In accordance with the General Objectives in Attachment X (Nuclear Emergency Public Information Plan), it will identify newsworthy information (NewsInfo) and validate its accuracy. NewsInfo whose accuracy has been validated will be translated and formatted into News and approved for transmittal. The ENC will transmit all News to the public via the public news media.

Transmittal of News to the public news media will occur during News Briefings. Questions, rumors, and requests for information may arise that have not been addressed in News Briefings up to that point, which the ENC will strive to address in subsequent News Briefings. Additionally, information obtained from outside sources at News Briefings will be transmitted back to the EOF.

3. ENC ORGANIZATION

- a. The ENC is supervised and controlled by the ENC Director. GSEP assigns all duties and responsibilities of the ENC to this position. The ENC Director delegates ENC duties and responsibilities to the ENC staff, with the exception of authority to approve transmittals of News regarding the emergency.

b. To achieve the General Objectives (See Attachment X), the ENC organization performs six main activities:

- (1) Data and Intelligence Assimilation
- (2) NewsInfo Identification and Validation
- (3) Newswriting
- (4) News Approval
- (5) News Transmittal
- (6) Public Inquiry Followup

c. To perform the activities necessary to satisfy the General Objectives, the ENC employs a staff with the following positions and duties:

(1) ENC Director (1 required)

- a. assigns personnel to ENC staff positions
- b. supervises activation of the ENC
- c. oversees staff activities
- d. approves News for transmittal to public via news media
- e. transmits News to CCC and CSD

(2) Information Liaison (1 required)

- a. assimilates Data and Intelligence
- b. conveys and explains information to ENC staff
- c. identifies NewsInfo
- d. validates accuracy of information to be used for News
- e. assists in preparation of News

(3) Newswriter (1 required, 2 desired)

- a. assists in startup and checkout of ENC facilities
- b. assists in identification of NewsInfo
- c. prepares News for transmittal
- d. recommends visual aids and other materials for news media briefings

(4) Spokesman (2 required)

- a. acts as Public Information Official (PIO) for the Company
- b. assists in startup and checkout of ENC facilities
- c. assists in preparation of News
- d. selects visual aids and other materials for news media briefings
- e. coordinates with other PIOs for News consistency
- f. transmits News to public via news media briefing
- g. addresses inquiries for additional information

(5) Briefing Coordinator (1 required, 2 desired)

- a. manages startup and checkout of JPIC facility
- b. oversees operation of JPIC
- c. secures visual aids and other materials for news media briefings
- d. ensures News consistency between PIOs
- e. arranges most effective sequencing of PIO announcements
- f. ensures all inquiries for additional information are addressed

4. ENC STAFFING

- a. After being called for duty, before departing for the EOF, the ENC Director initiates ENC staffing using the GSEP Telephone Directory. During normal business hours, this task may be delegated to office staff to allow earlier departure for the EOF.
- b. Outside of normal business hours, if all staff notification cannot be completed with 15 minutes of his being called for duty, the ENC Director contacts the Communications Services Duty Person (312-294-3545) and delegates notification responsibilities. In this case, upon arrival at the EOF, the ENC Director again contacts the communications Services Duty Person to obtain status and resume control of staff notification.
- c. As staff members arrive at the EOF, the ENC Director briefly reviews their duties with them and prepares for ENC activation.

5. ENC ACTIVATION

- a. The ENC Director effects ENC activation as soon as practicable following EOF activation. ENC personnel are assigned by the ENC Director to positions commensurate with their capabilities. The ENC Director advises the Recovery Manager as to when he projects the ENC will be activated.
- b. The Information Liaison introduces himself to the EOF personnel with whom he will communicate, describing his method of operation and the kinds of information he will be assimilating.
- c. The Spokesman ensures that ENC and JPIC telephones are functional, and verifies all phone numbers between ENC, CCC, and CSD. He also checks if ENC telecopiers are available, and verifies their phone numbers.

- d. The Briefing Coordinator ensures that the JPIC is physically set up and adequately equipped, including provisions for access control.
- e. The Newswriter ensures that supplies (e.g. pencils, pens, forms, stamps) are sufficient, and that the EOF clerical staff is prepared to assist the ENC (providing them a News Release format sheet and briefly reviewing their role).
- f. The ENC Director supervises these checks (See Attachment A for Checklist), and refers problems to the appropriate EOF director for resolution. When the ENC is ready for activation, the ENC Director requests approval to activate from the Recovery Manager. Upon approval, the ENC is activated, and the ENC Director notifies CSD to transmit copies of all previous emergency-related News Releases and advise the public news media to report to the JPIC.
- g. News Releases from CSD (prior to ENC activation) are copied, posted, and filed the same as ENC-generated News Releases (see subsequent sections).
- h. During the transition period between ENC activation and the first actual News Briefing at the JPIC, CSD will continue to process inquiries as before, but will be using information from News Releases transmitted from the ENC.

6. DATA AND INTELLIGENCE ASSIMILATION

- a. The Information Liaison assimilates Data and Intelligence by keeping in constant touch with source of emergency-related information. Primary information sources (those supplying the most immediate information on major developments) are used to follow the overall direction and progress of the emergency and the recovery. Other information sources provide the detail and perspective necessary to properly interpret and explain major developments.
- b. All available information sources are used to their appropriate extent and purpose:
 - (1) Announcements over the EOF address system, usually made by the Recovery Manager, are indications of important developments whose details may be obtained from other sources. Such announcements are primary information sources.

- (2) Direct discussions with EOF personnel frequently give forewarning of imminent developments, and provide detail in subject areas desired. Such discussions are primary information sources.
- (3) Status boards and displays give overall perspectives and trends for detailed information. These, however, sometimes lag the current information status by several minutes and are not relied upon as primary information sources.
- (4) Telephone contacts with technical and emergency personnel outside the EOF may provide detail on past or background information. Such communications may be used to avoid burdening EOF personnel when detailed recap or background material is desired for News.
- (5) Feedback via News Briefing from non-Emergency sources (e.g. news reports, rumors) occasionally provides information otherwise unavailable to the Company. Such external information is passed by the Information Liaison to the Recovery Manager and others as necessary.

7. NEWSINFO IDENTIFICATION AND VALIDATION

- a. The Information Liaison identifies and records NewsInfo during Data and Intelligence assimilation. The Newswriter may assist in identifying NewsInfo.
- b. Identification of NewsInfo is conducted in accordance with the General Objectives of the ENC (Attachment X). More specifically, Data or Intelligence is always NewsInfo when it represents a situation or development that significantly changes the risk posed to any segment of the public. Since assessment is required to determine risk, Intelligence is more likely than Data to qualify as NewsInfo. Data or Intelligence is likely to be NewsInfo if it represents a change in:
 - (1) Emergency classification
 - (2) meteorological or radiological conditions outside the plant
 - (3) core integrity or capability of plant equipment to maintain same
 - (4) containment integrity or capability to maintain same
 - (5) capability of plant personnel to perform their assigned duties
 - (6) radiological conditions within the plant
 - (7) understanding of the technical cause of the accident
 - (8) projections of practical consequences of the accident

c. The Information Liaison records NewsInfo on two-part carbonless forms marked "NewsInfo". The Information Liaison, the Newswriter, and the ENC Director determine when the nature, quantity, or timing of compiled NewsInfo warrants a News transmittal.

d. When a News transmittal is warranted, the Information Liaison validates the accuracy of the compiled NewsInfo by having the two-part forms reviewed and approved by the Recovery Manager or his designee. The Recovery Manager or his designee indicates approval by initialing the forms, after which the Information Liaison ensures that the date and time of approval is noted. This completes validation of the NewsInfo.

e. The Information Liaison separates the two-part carbonless forms, and immediately delivers the original (white) validated NewsInfo sheets to the Newswriter. The Information Liaison assists the Newswriter and the Spokesman as necessary to assure complete understanding of the NewsInfo. The Information Liaison then delivers the copy (yellow) validated NewsInfo sheets to the Recorder, and resumes assimilation of Data and Intelligence.

8. NEWSWRITING

a. The Newswriter organizes and translates validated NewsInfo into News under the direct supervision of the ENC Director.

b. The Information Liaison assists in this process initially, where questions of interpretation of written notes may arise. The Spokesman assists throughout Newswriting to ensure the technical fidelity of the News to the NewsInfo, and to gain the perspective needed for accurate News transmittal during the News Briefing.

c. News is produced for each transmittal in three forms:

- (1) A News Release (required) is a written statement of what the Company has to announce.
- (2) News Briefing Papers (required) are notes for the Spokesman containing News details beyond those in the News Release. These Papers are derived from, and may include, the NewsInfo sheets prepared and validated by the Information Liaison.
- (3) News Visuals (recommended) are tables, charts, graphs, diagrams, pictures, or other visual aids prepared by the ENC to help convey information to the public via the news media. They may assume any useful format (e.g. handouts, overhead projection films, wallcharts) that lends itself to rapid production with the resources available.

d. The Newswriter composes a draft News Release on three-part carbonless forms. Draft News Release format details are given in Attachment P.

9. NEWS APPROVAL AND FORMATTING

a. The draft News Release is reviewed and approved by the ENC Director, and, if he so wishes, the Recovery Manager. (NOTE: Recovery Manager approval should be waived if it introduces a delay of more than 5 minutes.) Approval is indicated by signature below the " # # # " mark on the last sheet. The ENC Director should also review the Briefing Papers to ensure that appropriate care is used in transmitting details that may lend themselves to misinterpretation by the public (e.g., he should ensure that values of radiation levels, pressures, temperatures, etc. are always given in perspective with their normal values or with some values with which the public is familiar).

b. The Newswriter gives the white originals of the approved News Release to the Spokesman for immediate transmittal to the News Media in the JPIC. He gives the yellow and pink copies to the ENC Director.

c. The ENC Director delivers the yellow copies of the approved News Release to EOF clerical personnel for typing and copying. He retains the pink copies. News Releases are typed in accordance with an approved format (Attachment R), a copy of which is given to the clerical personnel for guidance when the EOF is activated. (NOTE: For exercises, this format includes a large stamp reading "This Is A Drill - These Events Did Not Occur" positioned below the Heading and above the Text). The ENC Director proofreads the typed News Release. Sufficient copies are made to allow distribution to all news media representatives in the JPIC with extras for posting and recording.

10. NEWS TRANSMITTAL

a. The Spokesman carries the white handwritten originals of the approved News Release to the JPIC. There, the Briefing Coordinator oversees the final cross-check between the materials to be transmitted at the upcoming Briefing by the Spokesman and other Public Information Officials (PIOs). If the Briefing Coordinator identifies factual inconsistencies that cannot be resolved on-the-spot between PIOs, he will refer the issue to the ENC Director for resolution. The ENC Director will coordinate with EOF staff and/or the appropriate outside agencies (e.g. State ESDA, NRC, FEMA) to resolve the inconsistency, and return the result to the Briefing Coordinator.

- b. Based on the relative importance of the material to the public interest, the Briefing Coordinator determines the most appropriate sequence of presentation among the PIO personnel (e.g. an announcement by the State of public protective actions would always precede a simple plant status update).
- c. Immediately prior to beginning his part of the News Briefing, the Spokesman notes the time on the first page of the News Release. He begins his communication by reading the approved News Release verbatim. He then adds detail and answers questions using the News Briefing papers and News Visuals.
- d. During the News Briefing, the ENC Director contacts the CCC and Communications Services Department (CSD), and advises them that a News Release has been issued. If urgency will not allow time for typing and telecopying, he may read the News Release over the telephone from his pink copies.
- e. When copies of the typed News Release are ready, the ENC Director sends telecopies to the CCC and to CSD, and delivers an appropriate number to the Briefing Coordinator for posting and distribution in the JPIC. The ENC Director posts a copy in the EOF and delivers a copy to the Recorder.
- f. After the News Briefing, the Spokesman "cancels" his white original (handwritten) News Release with a single diagonal line from corner to corner. He returns to the EOF operations area and delivers the cancelled News Release to the ENC Director.

11. PUBLIC INQUIRY FOLLOWUP

- a. During the News Briefing, questions and requests for further information or rumor verification may arise from News Media representatives. The Spokesman (or, as appropriate, the other PIO personnel) responds with available information.
- b. When available information is not sufficient to adequately address the inquiry, the Briefing Coordinator (and, for inquiries relating to the Company, the Spokesman also) makes note of the inquiry. The inquirer is advised that his inquiry will be addressed as soon as practicable.
- c. The Briefing Coordinator ensures that inquiries are indeed ultimately addressed by continually reminding PIO personnel. For inquiries relating to the Company, the Spokesman is primarily responsible for followup.

d. Following the news Briefing, the Spokesman transmits the inquiry to the Information Liaison. The Information Liaison must actively pursue information to address the inquiry, since such information may not otherwise be of concern to EOF personnel. As soon as practicable, as part of a compilation of NewsInfo, the Information Liaison returns a response to the Spokesman and the Newswriter.

e. The Spokesman includes the inquiry response as part of the upcoming Briefing Papers. If the inquiry represented serious public misinformation (e.g. a harmful rumor), the inquiry response may be included in the News Release by the newswriter. The inquiry is then addressed at the following news Briefing.

G. CHECKLISTS

- (1) Attachment A: ENC Activation Checklist
- (2) Attachment R: News Release Format Guide
- (3) Attachment X: Emergency News Center Mission

ATTACHMENT A

E N C ACTIVATION CHECKLIST

NAME

STAFF

Information Liaison . . . _____
Newswriter _____
Spokesman 1 _____
Spokesman 2 _____
Briefing Coordinator . . _____

OK

FACILITIES

JPIC activated (per Briefing Coordinator). _____
Communications functional (per Spokesman). _____
- Telephones/numbers
- Telecopiers/numbers
Supplies adequate (per Newswriter) _____
- Information Forms (2-part)
- News Forms (3-part)
- Misc. (pens, pencils, stamps, etc.)

INFORMATION

Copies of prior News in hand _____
General event status update complete _____

ENC READY FOR ACTIVATION

DATE _____
TIME _____

ENC DIRECTOR _____

Attachment R

News Release Format Guide

On the following page is a completed News Release in the exercise format. Actual-event format would delete the disclaimer stamp.

Commonwealth Edison
Emergency Operating Facility
Mazon, IL

FOR IMMEDIATE RELEASE
Wednesday, Sept. 14, 1983
Time: 11:46 a.m.

NEWS RELEASE NO. 5

DRESDEN GENERAL EMERGENCY DOWNGRADED

**THIS IS A DRILL. THESE
EVENTS DID NOT OCCUR.**

The Dresden Station General Emergency was downgraded at 11:40 a.m. to a Site Emergency. This change in status was based on improving conditions in the Reactor Containment Building as well as a stop in the release of radiation to the environment. This has been confirmed through both field samples as well as the existing station Radiation Monitoring Equipment.

###

Attachment X

Emergency News Center Mission

The nuclear Emergency News Center (ENC) will function as the primary information conduit between the Company and the general public via the public news media, during a nuclear emergency with potential public health impact.

General Objectives:

The nature, content, and timing of information transmittal by the ENC will serve, in order of priority, the following purposes:

1. to enable the public to take appropriate and timely actions to minimize risk to thier lives, health, and property;
2. to reinforce and enhance efforts by federal, State, and local governmental agencies to carry out public protective measures relating to the emergency;
3. to describe and explain, in common terms, the relevant scientific concepts and technical information that will help the public accurately judge the current and potential impact of the emergency on them;
4. to prevent or dispel negative judgements as to the moral, professional, and financial integrity of the Company, by the public or by outside organizations, during and immediately following the emergency;
5. to satisfy the public's "right to know" all facts and details about events, assessments, decisions, actions, and cosequences concerning the Company and the emergency.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
COMMONWEALTH EDISON COMPANY	)	Docket Nos. 50-456
	)	50-457
(Braidwood Station Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of SUPPLEMENTAL TESTIMONY OF LAWRENCE D. BUTTERFIELD ON ROREM CONTENTION 1(a) were served by messenger on the persons identified below with a single asterik, by Federal Express on the persons identified with two asteriks and by deposit in the United States mail, first-class postage prepaid, on the remaining persons, this 22nd day of October, 1985.

Herbert Grossman, Esquire*
Chairman
Administrative Law Judge
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Richard F. Cole*
Administrative Law Judge
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. A. Dixon Callihan**
Administrative Law Judge
102 Oak Lane
Oak Ridge, TN 37830

Ms. Bridget Little Rorem**
117 North Linden Street
P.O. Box 208
Essex, IL. 60935

Lawrence Brenner, Esquire*
Administrative Law Judge
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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

Atomic Safety and
Licensing Appeal Board
Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Stuart Treby, Esquire*
Elaine I. Chan, Esquire*
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Robert Guild, Esquire
Douglass W. Cassel, Jr., Esquire
Timothy W. Wright, III, Esquire
BPI
109 North Dearborn Street
Suite 1300
Chicago, Illinois 60602

Charles Jones, Director
Illinois Emergency Services
and Disaster Agency
110 East Adams
Springfield, IL 62705

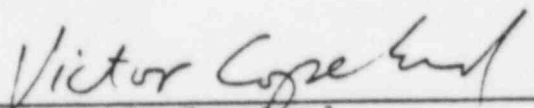
William Little
Director Braidwood Project
Region III
U.S. Nuclear Regulatory
Commission
759 Roosevelt Road
Glen Ellyn, Illinois 60137

Jan Stevens
United States Nuclear
Regulatory Commission
7920 Norfolk Avenue
Phillips Building
Bethesda, MD 20014

Mr. William L. Clements
Chief, Docketing and Services
U.S. Nuclear Regulatory
Commission
Office of the Secretary
Washington, D.C. 20555

Ms. Lorraine Creek
Route 1
Box 182
Manteno, Illinois 60950

C. Allen Bock, Esquire
P.O. Box 342
Urbana, Illinois 61801



Victor G. Copeland
One of the Attorneys for
COMMONWEALTH EDISON COMPANY

Sim 12-3

XXXXXXXXXX

MR. GALLO: Thank you, Your Honor.

The witness is available for cross-examination.

CROSS-EXAMINATION

BY MS. ROREM:

Q Mr. Butterfield, did Commonwealth Edison conduct studies on illiteracy in the EPZ around the Braidwood Nuclear Station?

A No, we have not.

Q Mr. Butterfield, you submitted the brochure into evidence. In the third section, which is titled "If Officials Say To Evacuate," the last point says "Plan for two days away from home." It continues, "Lock things up and turn things off as you would for a weekend vacation. Bring essential items such as those on the check list below."

Mr. Butterfield, is it possible that an accident or emergency, which would require evacuation in the EPZ surrounding the Braidwood station, would require evacuation for more than two days away from home?

A It is possible.

Q Does the booklet tell people this?

A The booklet does not describe individual accident scenarios. So it does not.

Q I didn't ask that. Does the book tell people ---

MR. GALLO: Excuse me. I would like to have the witness have an opportunity to complete his answer and not

Sim 12-4

1 be interrupted. If she believes that the answer requires
2 a follow-up, she can ask a question.

3 MS. ROREM: I asked a question which required a
4 yes or no answer, and I would like a yes or no answer.

5 MR. GALLO: As Your Honor knows, witnesses are not
6 required to give yes or no answers, but they are permitted
7 to elaborate and explain their answers.

8 I thought Mr. Butterfield was being quite responsive
9 in answer to the question, but he was not permitted to finish.

10 JUDGE GROSSMAN: Is there anything before the Board
11 now, Mr. Gallo?

12 MR. GALLO: No.

13 JUDGE GROSSMAN: Why don't we just answer the question,
14 Mr. Butterfield.

15 MR. GALLO: Does the witness recall the question?

16 THE WITNESS: Would you repeat the question, please.

17 BY MS. ROREM:

18 Q The question was premised upon the question before
19 which asked if it is possible that an accident requiring
20 evaluation of the emergency planning zone around the Braidwood
21 Station might require evacuation for more than two days,
22 and you answered "Yes."

23 A I believe I said it was possible.

24 Q And I asked does the booklet tell people this?

25 A No, not to my knowledge.

Sim 12-5

1 Q Are there accidents which could occur at the
2 Braidwood Station which might require decontamination
3 procedures before residents who had been evacuated could
4 re-enter the EPZ?

5 A Yes.

6 Q Does the booklet tell people this?

7 A No. It is not supposed to.

8 Q Mr. Butterfield, the public information booklet,
9 again Section 3, instructs those who read it, "Do not take
10 pets unless you are going to a friend's or relative's house.
11 Relocation centers will not accept pets."

12 Does the booklet explain what people should do with
13 their pets?

14 A No.

15 Q It does not explain what transient populations should
16 do with their pets, does it? Is that correct?

17 A That would be correct.

18 Q In the section of the book on radiation, which is
19 Section 7 -- no, Section 8, excuse me, it is stated that
20 "The safe application of radioactive material can benefit
21 our society."

22 A May I ask where you are reading from?

23 Q This is Section 8, paragraph 2, second sentence.

24 Mr. Butterfield, can the emission of radioactive

25 material from a nuclear plant or from the Braidwood Nuclear

Sim 12-6

1 Station during an emergency benefit our society?

2 A No.

3 Q Is the emission of radioactive material during an
4 accident the safe application of radioactive materials?

5 A No.

6 Q Mr. Butterfield, is there anything in the section
7 on radiation in the public information booklet that deals
8 with the issue of a radioactive plume?

9 A The only piece of this section that would relate
10 to a radioactive plume would be that portion of the one
11 millirem or radiation received or less than that received
12 by a person at the fence, which is discussed in paragraph
13 six. That would not all be from the plume, but part of that
14 could be from the plume from normal operation.

15 Q Is the word "plume" ever used in this section?

16 A No.

17 Q Mr. Butterfield, is part of the reason that people
18 are instructed to take certain roads or highways during an
19 accident because of the radioactive plume and the direction
20 in which the wind is traveling?

21 A Yes.

22 Q Is that ever stated in Section 8?

23 A No, because that is not the purpose of Section 8.

24 Q The purpose of Section 8 is to give educational
25 information on radiation; is it not?

Sim 12-7

1 A Yes.

2 Q We are talking about an emergency brochure, a public
3 information brochure for distribution to people so that they
4 understand how radiation works.

5 Is it not important that they understand how radiation
6 works in an accident scenario?

7 A Radiation does not work any differently in an
8 accident scenario than it does in any other scenario.
9 Radiation is radiation.

10 Q Mr. Butterfield, I ask you again, is the radiation
11 emitted from a nuclear plant in an accident a safe application
12 of radioactive material?

13 MR. GALLO: Asked and answered.

14 THE WITNESS: The answer is no.

15 BY MS. ROREM:

16 Q Mr. Butterfield, in Section 7 of the public
17 information brochure, the fourth paragraph states in its second
18 sentence "Coal power plants have smoke, slag and ashes as
19 waste. Nuclear power plants collect waste right in the
20 fuel pellets rather than releasing them to the environment."

21 Mr. Butterfield, are wastes ever released to the
22 environment in the safe operation of a nuclear plant?

23 A No. May I rephrase that. The wastes that we are
24 talking about here are wastes from the fuel assemblies. When
25 the fuel assemblies are put in their final repository under

Sim 12-8

1 law requiring DOE to set this, then they will be in fact in
2 the environment in some form, encapsulated in some form. It
3 will be off of our site and in some place.

4 Q Mr. Butterfield, are there any radioactive emissions
5 during the normal safe operations of a nuclear plant?

6 A Yes.

7 Q Mr. Butterfield, are the waste products from a
8 nuclear plant dangerous?

9 A I guess I don't know quite how to answer the question,
10 and if I may discuss it for a moment.

11 In the form that waste products are emitted or sent
12 away from the plant, whether it be in air, water or solid
13 waste, they are not hazardous to personnel, people outside
14 of the plant.

15 If you wanted to take a technicality and say you
16 put all those together in one solid form, you could come up
17 with a what if situation that would be unsafe, just like I
18 can take 32 Aspirin as an unsafe situation, but I can take
19 one Aspirin to resolve a headache. I don't know how else
20 to answer the question.

21 MS. ROREM: Just a moment, please.

22 (Pause.)

23 BY MS. ROREM:

24 Q Mr. Butterfield, you are not implying that nuclear
25 waste is equivalent to Aspirin; are you?

Sim 12-9

1 A No.

2 Q Mr. Butterfield, is it true that on occasion a
3 nuclear plant may have non-routine emissions of radioactive
4 material?

5 A Yes.

6 Q And in that regard, aren't those instances regarded
7 as an accidental release?

8 A In our language they are called unplanned releases
9 and are reported as such and taken care of as such in terms
10 of discussions with the proper authorities.

11 Q And aren't they known generally to the public as
12 accident releases?

13 A I don't know.

14 Q Mr. Butterfield, in NUREG 0654, page 49 under the
15 section -- do you have that document with you?

16 A Yes, I do.

17 Q Turn to page 49, the second on Public Education and
18 Information, Section G. Under the planning standard -- I
19 direct your attention instead to page 46, Section E,
20 "Notification Methods and Procedures."

21 Under Evaluation Criteria 7 it talks about
22 respiratory protection. No, that is not the part I really
23 wanted either. Excuse me. I am sorry. I am having trouble
24 with this.

25 Back to page 49, Section G, Public Education and

Sim 12-10

1 Information. Under Evaluation Criteria 1, Part C, "Protective
2 measures, that is evacuation routes and relocation centers,
3 sheltering, respiratory protection, radio protective drugs
4 and so forth." That is a quote from Section C, is that
5 not?

6 A Correct.

7 Q The evaluation criteria asks for information to
8 be given no respiratory protection, does it not?

9 A Would you repeat that?

10 Q It is correct that information on respiratory pro-
11 tection is one of the sources of information which the
12 evaluation criteria lists should be given to the public?

13 A Yes.

14 Q In your testimony on page 11, question 13, you state
15 "The use of respiratory protection is not considered to be
16 useful during evacuation as it might hinder a person's ability
17 to respond effectively." Is this true, and do you say this?

18 A Yes, I say this.

end Sim
Sue fols

#1-1-SueW 1 Q Could you please give the basis for that state-
2 ment?

3 A There have been other cases that I have been made
4 aware of -- and I don't recall which ones they were now --
5 where this was also discussed, other Atomic Safety and
6 Licensing Board discussions.

7 The decision there was that it was not effective,
8 not useful.

9 We have discussed it with the State of Illinois.
10 They also agree that it is not a useful thing to put into
11 the public information brochure.

12 It is expected that any requirement for evacuation
13 would occur long before, or before I should say, the need
14 for respiratory protection would be required. And so to add
15 this would be to burden someone who is trying to move family.

16 Q Mr. Butterfield, are there any segments of the
17 population which might need respiratory protection more than
18 others?

19 A It could be that some of the special cases of
20 people who are mobily impaired could require something.

21 Q What about the elderly?

22 A Respiratory protection is used primarily to prevent
23 inhalation of iodine. The effects of iodine are long term.

24 The -- most people who are not mobily impaired,
25 whether they be young or elderly, can be moved in a reasonable

#1 2-SueW 1 period of time. Our studies have shown that. In general,
2 it's considered to be a standard practice, that they can be
3 moved.

4 So, there is no consideration for elderly as op-
5 posed to anyone else who does not have a special need. Maybe
6 rephrasing that is that we don't see the elderly as being a
7 special need as a class of people.

8 Q What about the very young?

9 A The very young would be in the hands of other
10 adults who would be able to handle them.

11 Q Are you sure of that, that the very young would
12 always be in the hands of those who are able to protect them?

13 A I can only say that my wife never left her children
14 unattended for periods of time. I assume that most parents
15 would not do that either.

16 Q Mr. Butterfield, are any children ever left alone
17 at home in the emergency planning zone for the Braidwood
18 Nuclear Station?

19 A I don't know.

20 Q Is it not correct that there are women in the EPZ
21 who are employed or who work outside the home who are not home
22 at all times with their children?

23 A I think that's a fair statement, yes.

24 Q Is it not the case that those children might,
25 depending upon their ages, either be left alone for several

#10-3-SueW

1 hours or in the care of a young babysitter?

2 A I'm sorry, did you say is it possible? Is that
3 how you started --

4 Q Yes.

5 A Yes.

6 JUDGE GROSSMAN: Ms. Rorem, I'm trying not to
7 disconcert you. I wish you would leave the "not" out of your
8 questions. It would make it a lot easier, though we understand
9 what the answers mean.

10 MS. ROREM: Fine. Excuse me.

11 JUDGE GROSSMAN: Is it possible?

12 BY MS. ROREM: (Continuing)

13 Q Yes.

14 A I assume it's possible, yes.

15 Q So, would those children necessarily be adequately
16 protected by adults who are more able to take care of them?

17 MR. GALLO: Objection. Is this another hypothetical
18 question? Are we assuming it's possible --

19 MS. ROREM: Is it possible.

20 MR. GALLO -- is it possible and then these are not
21 properly cared for children? Is that the gist of the question?

22 JUDGE GROSSMAN: Overruled. I think the witness
23 can handle the question.

24 WITNESS BUTTERFIELD: I do not pretend to be an
25 expert in child care or care of children like that. I assume

#10-4-SueW

1 from my personal experience that it's possible they could be
2 left alone. I also assume that it is possible that they
3 would not know what to do if they were that young of an age
4 and had not been properly trained by their parents what to do
5 for the siren.

6 BY MS. ROREM: (Continuing)

7 Q Mr. Butterfield, did Commonwealth Edison do any
8 studies or surveys to indicate how many children might be
9 in a circumstance where they would be left at home alone or
10 under the care of a young babysitter?

11 A Not that I'm aware of.

12 Q Mr. Butterfield, are there people residing in the
13 emergency planning zone around the Braidwood Station who are
14 visually impaired?

15 A I don't have the details, but I assume there
16 are.

17 Q Did Commonwealth Edison do any studies or surveys
18 to indicate how many such persons there might be living in
19 the EPZ around the Braidwood Station?

20 A As you know from our public information brochure,
21 there is a method prescribed in there for people who have any
22 type of impairment to notify the State to get put on a
23 special program.

24 We also know of certain people from Commonwealth
25 Edison's interests, but they would be only people who required

#2-5-SueW 1

special electricity. Beyond that, I do not know the answer.

2 Q Mr. Butterfield, how are they supposed to read
3 the brochure to tell them to notify Commonwealth Edison if
4 they can't read?

5 A Ms. Rorem, I find it very difficult to believe
6 that anyone who is visually impaired does not either live
7 with someone or have a friend that cares enough about them
8 to assist them.

9 If someone else gets one of these brochures and
10 cares about their neighbor, then they would I would have to
11 think would take time to help them and let them know and find
12 out what they needed or made sure they filled out one of
13 these forms and got it in. That's just human nature.

14 MS. ROREM: Excuse me one moment.

15 (Ms. Rorem is conferring with Mr. Wright.)

16 JUDGE GROSSMAN: Would you like a recess for a
17 few minutes, Ms. Rorem?

18 MS. ROREM: Just a few minutes, yes. That would
19 be nice.

20 JUDGE GROSSMAN: Okay. Why don't we take a ten
21 minute recess.

22 MR. TREBY: Judge Grossman, before we do that may
23 I just indicate something for the record that I should have
24 done at the beginning of this examination?

25 This subject of the testimony now deals with

#00-6-SueW 1 off-site emergency preparedness. It is an area that has been
2 designated one for FEMA, the Federal Emergency Management
3 Agency, to handle. We have a representative of FEMA here,
4 and the testimony will be done by FEMA witnesses.

5 Accordingly, for this portion of the hearing we
6 request that FEMA counsel would be the one who would participate
7 on behalf of the Staff.

8 JUDGE GROSSMAN: And that would be Mr. Flynn?

9 MR. TREBY: That is correct.

10 JUDGE GROSSMAN: That's fine. Okay. Now, a
11 ten minute recess.

12 (Whereupon, the hearing is recessed at 2:22 p.m.,
13 to reconvene at 2:31 p.m., this same date.)

14 JUDGE GROSSMAN: We are back in session.

15 CROSS EXAMINATION

16 BY MS. ROREM: (Continuing)

17 Q Mr. Butterfield, in the time between when an
18 accident begins to occur and the sirens are sounded, is there
19 any provision for informing people who may be coming into the
20 area?

21 MR. FLYNN: Objection. It's beyond the scope of
22 the contention. This deals with events at the time of an
23 accident.

24 JUDGE GROSSMAN: Sustained.

25 MS. ROREM: Could I speak to the objection?

#10-7-SueW

1 JUDGE GROSSMAN: Yes, you may.

2 MS. ROREM: I just want to say I'm talking about
3 the time before it's declared an accident, and we are talking
4 about pre-accident notification.

5 Okay. Fine.

6 JUDGE GROSSMAN: If we are going to get into a
7 discussion of Descartes now whether something is something
8 without anyone affirming it --

9 (Laughter.)

10 It's still sustained.

11 BY MS. ROREM: (Continuing)

12 Q Mr. Butterfield, has Commonwealth Edison done any-
13 thing to attempt to reach those people who rent or are vaca-
14 tioners or transients within the EPZ who are not billed for
15 their electricity?

16 A Yes. Excuse me. Our program to develop the
17 mailing list includes not only those people, those addresses
18 we have who are billed for electricity, but also is compared
19 against the list of hook-ups that we have.

20 If there is a difference, then we mail the brochure
21 to both parties, the party who gets the bill and the party
22 who is at the address of the facility, of the house.

23 There is one -- as indicated in my testimony,
24 there is one class of person and those are the people on the
25 reservation of the Arsenal who we have also picked up. So,

#10-8-SueW

1 we think we have picked up everyone living in the EPZ.

2 Q You do discuss in your testimony the persons resid-
3 ing at the Arsenal, or within the Arsenal property, but you
4 do not address the issue of others within the EPZ who are
5 not billed directly; is that true?

6 A In the Answer to Question 14 on Page 12, I talk
7 about a complete mailing list will be developed. I don't
8 indicate the methodology used to develop that mailing list.
9 But that is the way, I'm telling you now, that in that
10 methodology it in fact does cover what we consider to be
11 all the perturbations to the standard, what you would consider
12 to be a standard mailing list.

13 That is the people living there who are billed
14 there. As a matter of interest, we get comments back from
15 people who are on vacation or live in Arizona, out of state.
16 This is not an unusual situation.

17 Q Mr. Butterfield, isn't it correct that there may
18 be households in which -- which are comprised of more than
19 one adult and only one adult will be receiving the bill or
20 receiving the brochure because that's done through billing?

21 A If there is a house with one meter, one address,
22 one person, whoever that person is, would get that brochure.

23 May I ask you a question? Are you indicating that
24 there would be multiple apartments in one building with one --

25 Q I'm not indicating' -- I'm not talking about apartments.

#19-9-SueW 1

A Okay.

2

Q I'm talking about households.

3

A Okay.

4

Q In what way do you assure that all residents of

5

the household will read and understand the brochure?

6

You have no assurance that all such residents of
a common household will receive the brochure, do you?

7

8

MR. FLYNN: Objection. There are two questions.

9

JUDGE GROSSMAN: Yes, one question at a time.

10

MS. ROREM: I'm sorry.

11

JUDGE GROSSMAN: I think he is trying to answer
the first question.

12

13

WITNESS BUTTERFIELD: I have a small mind, so one
question at a time helps.

14

15

But in the brochure, on the front page, we tell
people that we are providing this booklet to them. We ask
them to share it with members of the household.

16

17

18

We have no right to require, to enforce them to do
this. I would assume that persons living under one household
at least communicate to some extent and, therefore, this would
be discussed.

19

20

BY MS. ROREM: (Continuing)

21

22

Q Isn't it true that sometimes those households
are comprised of people who are not related to each other?

23

A I don't know.

#10-10-SueW 1

2 Q Mr. Butterfield, to reiterate, Commonwealth
Edison did not do any illiteracy studies?

3 A To my knowledge, that's correct.

4 Q And Commonwealth Edison did not do any studies
5 to determine who would not be able to read the brochure?

6 MR. GALLO: Objection. This line has been asked
7 and inquired into. It serves no purpose to continue.

8 JUDGE GROSSMAN: Sustained.

9 BY MS. ROREM: (Continuing)

10 Q Mr. Butterfield, within the brochure is there any
11 provision given for informing the illiterate?

12 A No.

13 Q I would like to clarify a few things about the
14 radioactive plume.

15 There is no section of radioactive plume in
16 Section 8; is this true?

17 A There is no specific discussion, that's correct.

18 Q And there is no mention of a radioactive plume
19 anywhere in the book, is there, Mr. Butterfield?

20 A There is one, what I will call, oblique reference
21 to it. In Section 4 where the map is, in the center of the
22 book, there is an item under the last bullet, in an emergency
23 stay tuned to. The following paragraph, the last sentence
24 says: Other routes than those above may be given on the
25 radio depending on road and environmental conditions.

10-11-SueW

1 The reason that's in there is because you chose
2 that depending on environmental -- and, by the way, we are
3 intending to change that word to, in the future, weather
4 because it is more understandable than environmental condi-
5 tions, to weather conditions.

6 It -- in my opinion, that implies that in one
7 direction or another because of plume or other weather
8 problems.

9 Q Mr. Butterfield, is there a difference between --

END #10
Joe W flws

#11-1-JoeWal 1

MR. GALLO: Objection. I would like to --

2

MS. ROREM: Excuse me.

3

MR. GALLO: -- have the witness permitted to

4

complete his answer.

5

MS. ROREM: Mr. Butterfield is not answering --

6

MR. GALLO: Objection.

7

JUDGE GROSSMAN: I believe Mr. Butterfield had

8

completed it.

9

WITNESS BUTTERFIELD: I believe I had, yes.

10

JUDGE GROSSMAN: Okay, fine. You may proceed,

11

Mrs. Rorem.

12

BY MS. ROREM: (Continuing)

13

Q Mr. Butterfield, is there a difference between

14

weather conditions and radioactive plumes?

15

A I guess I don't quite know how to answer that.

16

Assuming a radioactive plume exists, which would be the

17

reason you would have an evacuation or shelter condition,

18

its position and location depends upon weather conditions.

19

I am sorry. I don't know how else to --

20

Q Mr. Butterfield, you said there was an oblique

21

reference to radioactive plumes in that paragraph. You then

22

said that the phrase environmental conditions encompassed

23

radioactive plume.

24

A Yes.

25

Q Is there a difference between a radioactive plume

1 and the usual environmental conditions?

2 MR. GALLO: Objection. Asked and answered, and
3 irrelevant to the issue. Mr. Butterfield has explained his
4 understanding of the use of the term. Mrs. Rorem is just
5 arguing with him.

6 JUDGE GROSSMAN: Yes. I think you are being
7 argumentative. I believe the witness made clear his under-
8 standing of what you -- of what your question requires.

9 BY MS. ROREM: (Continuing)

10 Q Mr. Butterfield, is it true that during an
11 emergency, certain routes will be given as the ones to take
12 because of a radioactive plume?

13 A Yes.

14 Q If you have not mentioned radioactive plume, and
15 people see the phrase, 'weather conditions,' in the book,
16 and are instructed to take one route rather than another,
17 look at what they consider to be weather condition, and
18 believe that they can outrun something in the very direction
19 a radioactive plume is traveling, they have no reason, do
20 they, to take the route which is told them to take on the
21 radio.

22 If they have been given no information --

23 JUDGE GROSSMAN: You have one question there.

24 MS. ROREM: I thought that was a very convoluted
25 question.

1 WITNESS: The State makes a recommendation,
2 an evacuation route. No one has control of the people leaving.
3 If they make their own decision in conflict with that, they
4 can do so.

5 We have no way of controlling -- excuse me -- the
6 State has no way of controlling that.

7 BY MS. ROREM: (Continuing)

8 Q Mr. Butterfield, wouldn't it help people to
9 understand why they were expected to take a route that was
10 given them in information over the radio if they understood
11 all of the conditions which go into someone making a decision
12 about evacuation route?

13 A It certainly would. Now, the --

14 Q You answered my question.

15 A May I answer please?

16 JUDGE GROSSMAN: Yes, you can complete your
17 answer.

18 WITNESS: I do not know what the EBS message would
19 be under those conditions. I have seen the standard messages,
20 and I don't know, and I will have to review them now to see
21 if it specifically indicates plume. I don't recall whether
22 it does or not.

23 But it would not be part of this emergency
24 information brochure to describe the messages to be given
25 specifically.

1 MS. ROREM: Judge Grossman, I move to strike that
2 answer, because it is beyond the scope of my question.

3 JUDGE GROSSMAN: Well, let's see if we can get
4 a responsive answer to what I think you are driving at.

5 I believe the question is directed at asking
6 wouldn't the public respond -- be more responsive to
7 following the routes given on the radio if they were made
8 aware of the fact that there is more than just weather
9 conditions involved, but that there is also radioactive
10 plume which they ought to consider in following these
11 directions.

12 WITNESS: In my opinion, yes.

13 MS. ROREM: No further questions. Thank you.

14 JUDGE GROSSMAN: Mr. Flynn?

15 MR. FLYNN: Thank you, Your Honor, I did have a
16 few questions.

KXX INDEX

17 CROSS EXAMINATION

18 BY MR. FLYNN:

19 Q Mr. Butterfield, I think you started to explain
20 how the configuration of the plume depends upon weather
21 conditions. Would you care to elaborate on that?

22 A Direction of the plume obviously follows the
23 direction of the wind.

24 MR. GALLO: Speak up, I can't hear you.

25 WITNESS: I am sorry. The direction of the plume

1 obviously follows the direction of the wind.

2 The planning for emergencies covers that in great
3 detail as to where the messages are given, and to what actions
4 to take.

5 So, on that basis, it is very dependent upon
6 the weather.

7 Q You are telling us then the weather is the
8 primary factor to be taking into account in deciding evacuation
9 routes?

10 A Yes, it is.

11 Q To change subjects, what efforts has Commonwealth
12 Edison made to ensure the readability of the brochure?

13 A As you were aware, the brochure has been through
14 several iterations at other plant sites. As we have revised
15 it each time, people under my direction have evaluated it,
16 or tried to evaluate it --

17 MS. ROREM: Objection. This is beyond the scope
18 of my questioning.

19 JUDGE GROSSMAN: Okay. This is still cross-
20 examination rather than redirect. We have a number of bodies
21 here, and it is not always the way it appears.

22 However, legitimate objection could be that it
23 is outside the scope of the direct testimony if that were
24 the case. But it appears not to be the case.

25 MR. FLYNN: Mr. Butterfield, you were interrupted

1 in the middle of your sentence.

2 Do you remember what you said.

3 JUDGE GROSSMAN: Why don't you repeat the
4 question?

5 MR. FLYNN: Very well.

6 B Y MR. FLYNN: (Continuing)

7 Q My question was: What efforts has Commonwealth
8 Edison made to ensure the readability of the brochure?

9 A As the emergency information brochure has evolved
10 to its present state, persons under my direction have
11 reviewed it for readability, and have tried to make changes
12 as they felt would make it more clear and readable to the
13 people to whom it was intended to be sent.

14 Q Has that effort influenced the amount of detail
15 presented in the brochure?

16 A Not to any great extent to my knowledge. It is
17 primarily to simplify the words, to make it more clear. To
18 provide standout features. Make it more appealing, more
19 readable.

20 Q In Ms. Rorem's cross-examination, she raised the
21 question about how it might be that transients would have
22 the brochure made available to them.

23 I would like you to address that. What is CECO's
24 plan to make the brochure available to transients?

25 A This question is covered somewhat under my testimony

1 in question 16, starting on page 13. We take multiple copies
2 to the various areas where transients would be expected to
3 be, and give them to the person or persons in charge, and
4 request that they make them available to discuss with them the
5 need for it, what these brochures mean, and try to be available
6 to answer any questions they may have.

7 JUDGE GROSSMAN: Excuse me. Ms. Rorem, just to
8 clarify the scope can be both within what you questioned about
9 and the direct testimony that is presented.

10 In other words, FEMA can now ask about either of
11 those two areas. So, if it is outside both of those areas
12 you have a legitimate objection, but if the questioning is
13 within the parameters of what you ask and what was presented
14 by Applicant, then Mr. Flynn may ask questions on either of
15 those two areas.

16 MS. ROREM: Could I have one moment, please?

17 JUDGE GROSSMAN: Yes.

18 MS. ROREM: Thank you very much, Judge Grossman.

19 MR. FLYNN: I have no other questions on cross-
20 examination.

21 JUDGE GROSSMAN: Mr. Gallo, redirect?

22 MR. GALLO: Are there Board questions, or do you
23 want me to conduct redirect first?

24 (Board confers.)

25 JUDGE GROSSMAN: We prefer that you go first, and

1 if there are any loose ends after that, then we will have
2 questions.

XX INDEX

3 REDIRECT EXAMINATION

4 BY MR. GALLO:

5 Q Mr. Butterfield, turn to Section 8 of the booklet,
6 and focus on the sentence in the second paragraph that talks
7 about the safe application of radioactive material. Do you
8 see that sentence?

9 A Yes, sir.

10 Q What did you have in mind when this sentence
11 was written with respect to safe application of radioactive
12 material?

13 A Commonwealth Edison Company has spent a great deal
14 of time and effort in developing its nuclear power plants.

15 We have a lot of experience with the safe operation
16 of those plants. We all have personal friends who have been
17 involved with medicinal usages of radioactivity. This is
18 simply a statement to say that there has been a lot of safe
19 application of radioactive material. It is basically as simple
20 as that.

21 Q I believe you responded to one of Mrs. Rorem's
22 questions in which she asked if whether or not the booklet
23 contained information concerning reentry procedures.

24 And I believe that you responded to that question
25 that the booklet did not contain any information concerning

1 reentry procedures.

493

2 Can you tell me why not?

3 A The brochure is essentially designed to inform
4 people of what to do in the event of a nuclear accident,
5 and to get them out of the area. Tell them how to get out.
6 It is a condition under which people must move in a rapid,
7 coordinated way.

8 Reentry, on the other hand, takes place over a
9 longer period of time, and is done truly at the direction of
10 the State after they have determined, through their technical
11 people, that it is, in fact, safe to do so.

12 It is not properly the subject of an emergency
13 evacuation-type brochure.

14 Q Mrs. Rorem asked you a question with respect to,
15 I believe, the handling of pets. In particular, she asked
16 you whether the booklet contained information telling
17 transients what to do with their pets, and I believe that
18 you answered it did not.

19 Can you explain to me why that kind of information
20 is not in the booklet?

21 A By definition, transients have come in and when
22 they are finished with their activities will leave.

23 Therefore, they would have places to go; back where
24 they came from, or on to their next location.

25 It is not expected that large number of transients,

1 in my opinion would be going to relocation centers.

2 In fact, depending upon where they going and
3 what they are doing, they may be out of the location under
4 the normal plan of events, whatever their plan was.

5 This brochure is specifically set up in terms
6 of what does the homeowner do, or the person living in the
7 area, who needs to know that if he shows up at a relocation
8 center with a pet, the pet will not be accepted.

9 Q Ms. Rorem asked you a question concerning whether
10 or not the booklet should contain information concerning
11 the respiratory protection, and you indicated in response
12 to that question that the State had looked into the matter,
13 and so had Commonwealth Edison.

14 Do you know what the position of the NRC Staff is
15 with respect to inserting respiratory protection information
16 in the booklet, or in any booklet?

17 MS. ROREM: Objection. The opinion of the NRC
18 Staff is not under question right now.

19 JUDGE GROSSMAN: If the NRC has a position on
20 this, we wouldn't consider that to be in the realm of someone
21 else's opinion that he is testifying about, so we overrule
22 that.

23 Do you know if the NRC does have a position, and
24 what is that position?

25 WITNESS: As I recall, that position is that they

1 agree with our position, that it is not required to be part
2 of the public information brochure.

3 JUDGE GROSSMAN: And how is this position by the
4 NRC expressed? Are you speaking just from your personal
5 knowledge of someone else's opinion, or is there a public
6 position that you are referring to now?

7 WITNESS: This would be personal knowledge, not
8 a public position. I do not recall reading one.

9 MS. ROREM: Based upon that, I move to strike
10 that.

11 JUDGE GROSSMAN: Well, we will reverse ourselves
12 on that and strike that. Mr. Gallo, you certainly can ask
13 the Staff when they have their witness on.

14 MR. GALLO: Yes, I understand that, Your Honor.

15 WITNESS: Excuse me. Judge Grossman, I assume you
16 meant NRC and not FEMA. Different organizations.

17 JUDGE GROSSMAN: I thought we were covering both
18 organizations, but it appears that -- is the answer any
19 different with regard to one as to the other? Is there a
20 public position of either of those agencies with regard to
21 that matter?

22 WITNESS: Yes. As I recall, in the other documents
23 that I have read on the other ASLB decision, it was a -- I
24 believe it was a FEMA specified condition -- statement that
25 it was not required.

1 I am sorry I don't have the direct reference at
2 hand.

3 BY MR. GALLO: (Continuing)

4 Q Mr. Butterfield, let's talk about this radioactive
5 plume.

6 Ms. Rorem asked you whether or not the term was
7 used in Section 8 concerning radiation, and you responded
8 no, because that was not the purpose of Section 8.

9 Can you explain the basis for that statement?

10 A Section 8 is put in there to explain in very, very
11 basic terms what radiation is, and the fact that it can
12 adversely affect people.

13 It was not put in there to relate specifically to
14 discharges from the power plant under accident conditions.

15 End 11.
16 MS fols.

17

18

19

20

21

22

23

24

25

Sim 12-1

1 Q Section 4 was another section that was the focus
2 of Ms. Rorem's questions on the radioactive plume, and I
3 want to ask you Ms. Rorem's question point blank.

4 Should Section 4 or some other section in the book-
5 let explain that, among other things, evacuation is dependent
6 upon the direction that a radioactive plume might move?

7 A In my opinion, it would probably ---

8 MS. ROREM: Objection. I have asked that question
9 and it has been answered. This is a reiteration.

10 JUDGE GROSSMAN: No. I believe I asked that
11 question, but not exactly that question.

12 (Laughter.)

13 The question now is should the booklet include that,
14 and hopefully we will get a responsive answer.

15 THE WITNESS: Judge, I was hoping it would be
16 stricken.

17 (Laughter.)

18 Actually it would probably make the brochure
19 clearer to those who were uninitiated to the operation of
20 nuclear power plants. On that basis I would have to say
21 that it would probably help, yes.

22 BY MR. GALLO:

23 Q With respect to Section, Ms. Rorem asked you
24 some questions concerning the last bullet on the page that
25 discusses about the amount of time that one should plan to

Sim 12-2

1 away from home in the event of an evacuation.

2 Do you know why two days was selected as the time
3 period of inclusion in the booklet as opposed to some other
4 time?

5 A I don't know.

6 Q Ms. Rorem asked you a series of questions about the
7 distribution of the pamphlet in using the mailing process,
8 and in your testimony you indicated that comments had been
9 received from as far away as Arizona. Can you explain to
10 me what you meant when you made that reference in terms
11 of the mailing distribution within the 10-mile EPZ at
12 Braidwood?

13 A What I was trying to indicate was that in some
14 cases the mailing address is significantly different than
15 the address of the hookup, and that there has been enough
16 interest in the distribution of these brochures that where
17 applicable persons from out of state have responded
18 indicating that we are in fact I think meeting our commitment
19 and our job.

20 Q I don't understand how the person in Arizona gets
21 the booklet since you are mailing to the people in the EPZ.

22 A Either this person has his mail forwarded or in
23 fact on the billing it is billed to an absentee landlord,
24 I guess you would call it.

25 Q Well, in the event of an absentee landlord, what

Sim 12-3

1 assurance is there that the resident at that particular
2 building in fact gets the booklet?

3 A As I previously indicated, our methodology for
4 coming up with a mailing list, for developing the mailing
5 list would find that there is an address with a meter and
6 there is a mailing address that is different. We would
7 send the brochure to both addresses.

8 Q So that the actual resident at the residence would
9 receive the booklet; is that correct?

10 A That is correct.

11 Q Can you explain to me why emergency planning
12 authorities simply don't require everyone to read the book-
13 let and follow its directions?

14 A It is my understanding that we can't force anyone
15 to do anything.

16 Q And why is that?

17 A Our country and our government is set up that
18 way.

19 Q Is that because we live in a democracy?

20 A That is a good way of putting it, yes.

21 MR. GALLO: No further questions.

22 JUDGE GROSSMAN: Ms. Rorem, you may recross
23 now within the scope of the areas covered by Mr. Flynn and
24 by Mr. Gallo on redirect.

25 RECROSS-EXAMINATION

Sim 12-4

BY. MS. ROREM:

Q Mr. Butterfield, if you have an address which is both a mailing address and it corresponds to -- or a billing address and it corresponds to a service address, you will be sending out one brochure; am I correct?

A Yes.

Q Mr. Butterfield, if the person who is being billed is having his mail forwarded to Arizona, and someone else is living at the house, will that person receive a brochure?

MR. GALLO: Asked and answered on my redirect.

MS. ROREM: No, it wasn't.

JUDGE GROSSMAN: I don't believe it has been fully answered, Mr. Gallo.

THE WITNESS: Let me make an example and see if this is what you are trying to say so I can understand it.

If I am living in the EPZ and my billing address and my mailing address are the same, and I go to Arizona for the winter, and I have somebody live in the building in my house while I am gone, will that person get one, assuming I have my mail forwarded. The answer is probably no, they would not.

MS. ROREM: Thank you.

BY MS. ROREM:

Q Mr. Butterfield, you stated that weather is a primary consideration in establishing evacuation routes; is

Sim 12-5 1

this correct?

2

A That is correct.

3

4

5

Q And this is a consideration for planners prior to an accident, as opposed to the public at the time of an evacuation; is this correct?

6

A Would you repeat the question?

7

8

9

Q This is a consideration for planners for planning evacuation routes prior to an accident rather than the public evacuating at the time of an accident, correct?

10

11

12

MR. GALLO: Objection. The question is simply not understandable. I don't know what "this" is that she is referring to.

13

BY MS. ROREM:

14

15

16

17

Q At the time that this brochure is put together and principal routes and destinations are marked out; in other words some routes are established, weather is not a consideration, is it?

18

A That is correct.

19

20

Q So weather is a consideration at the time that an accident occurs?

21

A Correct.

22

23

Q It is a consideration for the person who plans what routes will be taken by the public, correct?

24

25

A I am sorry. I am really having a hard time with the last part. I apologize, but I am missing something.

Sim 12-6

1 Q To the public weather conditions do not matter
2 when they are reading the brochure, correct?

3 A Yes.

4 Q Weather conditions are important to the people
5 who plan evacuation routes at the time of an accident,
6 correct?

7 A Yes.

8 Q So they can send people in a direction away from
9 a radioactive plume, correct?

10 A Correct.

11 MS. ROREM: No further questions, Mr. Butterfield.
12 Thank you.

13 JUDGE GROSSMAN: Mr. Flynn, recross?

14 MR. FLYNN: I have nothing further, Your Honor.

15 JUDGE GROSSMAN: Mr. Gallo, redirect?

16 REDIRECT EXAMINATION

17 BY MR. GALLO:

18 Q If I understand your testimony, you have just
19 agreed with Ms. Rorem that weather is important to people
20 planning the evacuation route in terms of dealing with
21 the radioactive plume; is that correct?

22 A Yes.

23 Q So is the matter of the radioactive plume of
24 more importance to the emergency planners determining the
25 evacuation route or is it more important to the people who

INDEX

Sim 12-7

1 might read the booklet?

2 A Would you repeat the question?

3 Q Sure. I understand your testimony to be that the
4 emergency planners consider it important to determine
5 weather for purposes of dealing with the radioactive plume
6 as it travels from the reactor to determine the proper
7 evacuation route.

8 A Yes.

9 Q And I am wondering if that is the importance of
10 that information as opposed to including it in the booklet
11 itself?

12 A Evacuation routes are planned to get people away
13 in all directions to cover all types of weather conditions
14 and therefore plume, traveling under the plume.

15 At the time of the emergency the people making
16 the decision on what the recommended routes are and where
17 to go use this information. The people who receive the
18 brochure would not use the information to find their
19 own evacuation route, if that is what you are trying to get
20 at. They are supposed to take the information that is
21 transmitted to them on the appropriate routes to take and
22 take them.

23 Q So information about the direction of the radio-
24 active plume is used by the emergency planners?

25 A Correct.

Sim 12-8

1 Q And do they resort to the booklet for that
2 information?

3 A No.

4 Q Where do they get their information from?

5 A They get their information transmitted to the
6 appropriate centers by the Commonwealth Edison Company via
7 the nuclear action reporting forms.

8 Q And what useful purpose is there for including
9 information about the radioactive plume in the booklet?

10 A It was my understanding that Ms. Rorem was looking
11 for a method of -- or an educational tool to inform people
12 that the reason they are having to evacuate in this direction
13 is that there is a radioactive plume involved.

14 Q And you believe that would be useful information
15 in the booklet?

16 A On balance, yes.

17 MR. GALLO: That is all I have.

18 BOARD EXAMINATION

19 BY JUDGE CALLIHAN:

20 Q I have one question, Mr. Butterfield, because I
21 am confused about something in the record, and I don't want
22 to beat this poor guy down in Arizona to death.

23 (Laughter.)

24 But I understood you to say in your earlier testimony
25 that you in effect sent a brochure to every ratepayer no

INDEX

Sim 12-9

1 matter where he lives. I also understood you to say that
2 you sent in effect a brochure to every meter.

3 A Yes.

4 Q Which tells me then that the guy who pays the bill
5 and isn't down in Arizona will get a brochure, but the people
6 who are living in the house who have got the Arizona guy's
7 meter, would also get a brochure? Is that true?

8 A Yes, he will also get a brochure.

9 Q I got that from your first testimony, but then when
10 it came back up on recross, I heard something different.
11 So I just wanted to set it straight.

12 Thank you. That is all I have.

13 JUDGE GROSSMAN: Well, I don't think it sets it
14 straight for me.

15 (Laughter.)

16 BOARD EXAMINATION

17 BY JUDGE GROSSMAN:

18 Q Now the person who was moved to Arizona presumably
19 is still paying the bills at that residence. Now how do
20 you know that there is someone else there who ought to
21 receive a brochure?

22 A Our list knows which meters are active. Our
23 methodology knows which meters are hooked up. If the meter
24 is hooked up and is still there, there is an attachment, we
25 will get a brochure to that location.

Sim 12-10 1

JUDGE GROSSMAN: Did you have a question on this,

2 Ms. Rorem?

3 MS. ROREM: Judge Grossman ---

4 JUDGE GROSSMAN: Well, let me ask another question.

5 BY JUDGE GROSSMAN:

6 Q You don't send two brochures to each residence,
7 do you, one because there is a meter there and, secondly,
8 because there is someone paying a bill?

9 A No, sir. The program that we use, the methodology
10 that we use is smart enough to determine if there is a
11 difference. If there is not a difference, they get one
12 brochure to the mailing address. If there is a difference
13 between the mailing address and the meter address, they
14 would get two brochures, one to each location.

15 Q Well, how are you smart enough to pick that up if
16 the change of address is in the Post Office with regard to
17 someone who has moved to Arizona for a few months and has
18 sublet the apartment or the house?

19 A I am not a computer programmer, so I cannot describe
20 to the intricacies of the system that does this, but I have
21 been assured by the people who do this that the program is
22 smart enough to pick up the -- first, we have a list of all
23 the meters, the addresses. If there is a difference, it sees
24 that difference and puts that out separately and we mail to
25 both locations.

Sim 12-11

BOARD EXAMINATION

BY JUDGE COLE:

Q I just have a couple of questions, Mr. Butterfield.

JUDGE GROSSMAN: We will come back to you, Ms. Rorem,
if you have some follow-up questions o this.

BY JUDGE COLE:

Q One page 1 and 2 of your testimony you describe your
department. You are Manager of the Nuclear Services
Technical Department, and that is at the corporate level,
right, sir?

A That is correct.

Q And you also state that there are three groups
in your department, and the group that you spend most of your
time talking about in this testimony is the emergency
planning group.

A Yes.

Q How large is that group, sir?

A I believe it is about 21 people.

end Sim
Sue fols

#13-1-SueW 1 Q Do they wear other hats than emergency planning,
2 or are they dedicated to emergency planning?

3 A They are dedicated to emergency planning.

4 Q Now, how many plants do you have under your wing
5 with respect to making the arrangements for emergency plan-
6 ning?

7 A All of the plants within the Commonwealth Edison
8 system which would be the sixth site.

9 Q The sixth site? All right, sir.

10 A Yes, sir.

11 Q Thank you. At the bottom of Page 2 of your
12 testimony, you refer to Joint Public Information Centers.

13 Could you tell me something about them, sir? Are
14 they built by the Licensee or is that a joint project between
15 State and local and municipality?

16 What is the general arrangement there?

17 A In our Company, the Joint Public Information
18 Centers are with the emergency off-site facilities and are
19 owned by the Commonwealth Edison Company.

20 Q All right, sir. Thank you.

21 A There are other companies I understand where
22 they are separate, different, owned by the State or whatever.

23 Q All right, sir.

24 JUDGE CALLIHAN: Are they also staffed by
25 Commonwealth Edison?

#13-2-SueW

1 WITNESS BUTTERFIELD: Joint Public Information
2 Centers?

3 JUDGE CALLIHAN: Yes.

4 WITNESS BUTTERFIELD: During an event, there will
5 be people from the Company and the State and the Federal
6 agencies there.

7 BY JUDGE COLE: (Continuing)

8 Q Sir, on Page 3 and 4, you detail some of your
9 experience in emergency planning exercises, indicating that
10 you participated in at least one drill exercise per year for
11 the last six years and you were a controller at other exercises.

12 What does a controller do, sir, at these other
13 exercises?

14 A When we have an exercise, we have the people that
15 are actually in the exercise, and we have controllers who
16 are used to provide information and monitor the operation of
17 the exercise, provide information if something goes wrong, if
18 you miss a time or something is missed, take notes and act
19 like a monitor and auditor of the exercise itself.

20 Q All right, sir. Thank you.

21 Getting back to the subject of customers and
22 receiving booklets, is -- as far as you know, are there any
23 other companies serving electricity in the EPZ, or is
24 Commonwealth Edison the only server of electricity?

25 A I don't know for sure. I think Commonwealth is the

#13-2-SueW

1 only one, but I have not asked that question.

2 Q You have no knowledge of any other company?

3 A No. In fact, let me state for the record that we
4 are the only utility outside of the Arsenal that serves
5 electricity in this particular EPZ.

6 Q In order to serve electricity, you have to have
7 some authorization from the State, do you not?

8 A I don't know the details of that.

9 Q All right, sir.

10 A I do know there are boundaries. How they are set
11 up, I don't know.

12 Q In response to Question 16 and specifically on
13 Page 14, at the bottom of that page, in your first set of
14 testimony, you refer to the prompt public notification system.

15 Could you describe to me just what is the prompt
16 public notification system if it's something other than the
17 siren system that you have?

18 A It is the siren system.

19 Q All right, sir. And in that testimony you indicate
20 that certain, apparently certain of these siren systems can
21 be, or have been, modified to provide for some input other than
22 the siren signal?

23 A Yes, sir. These are called electronic sirens. They
24 have PA capability, public address capability, as well as
25 siren capability.

#12-4-SueW 1 Q Okay. Is this capability common in the EPZ, in
2 the Braidwood EPZ?

3 Or is it -- do you know of any instances where
4 it is in fact installed with the public address system
5 capability?

6 A Yes, sir. There are twenty-three of them I believe
7 in the Braidwood EPZ.

8 Q What was the basis for selecting that capability?

9 A In general, these are located in areas such as
10 parks, recreational areas where transients may be. Working
11 with the State, there had been indication that they would like
12 the capability for public address.

13 And so it turns out that we provided this capability.

14 Q So, this is something that you worked out jointly
15 with the State?

16 A Yes.

17 JUDGE COLE: That's all I have. Thank you very
18 much.

19 JUDGE GROSSMAN: Ms. Rorem, further cross within
20 the scope of questions asked since the last time you had a shot
21 at it.

22 MS. ROREM: I still have some questions about the
23 multiple mailing.

24 RECROSS EXAMINATION

25 BY MS. ROREM:

#1-5-SueW

1 Q My mailing address is Box 208, Essex. My billing
2 address is 117 North Linden, Essex.

3 Will I receive a brochure? Will I receive two
4 brochures?

5 MR. GALLO: Objection. I'm not sure whether the
6 witness knows whether or not Ms. Rorem lives within the EPZ.

7 MS. ROREM: Excuse me.

8 BY MS. ROREM: (Continuing)

9 Q I live within the EPZ. I live approximately five
10 miles from the Station, two miles from the border.

11 Will I receive two brochures?

12 A I don't know.

13 Q This is what I thought Dr. Callihan was asking
14 about. Where I live, we do not have mail delivery. We have
15 P.O. boxes.

16 If I go to Arizona for three months, they will
17 forward all of my mail. So I may receive two brochures in
18 Arizona.

19 A Only if you were going to receive two brochures
20 in Illinois.

21 Q Only if I was going to receive two brochures in
22 Illinois. But what I'm trying to say is that my -- the fact
23 that my sister may be living in my house and receiving mail
24 through general delivery, because she is not my box number and
25 my box mail is being forwarded to Arizona, doesn't necessarily

#12-6-SueW 1 take care of the condition of residents being mailed their
2 brochures.

3 MR. FLYNN: Objection.

4 JUDGE GROSSMAN: The question is whether her sister
5 under those circumstances would receive any brochures.

6 BY MS. ROREM: (Continuing)

7 Q Or whether a resident, someone living in a place,
8 yes.

9 A A person living in your house, assuming all
10 utilities and things stayed the same, would not receive a
11 brochure. There is no way for Commonwealth Edison to know
12 that you have someone else living in your house.

13 MR. FLYNN: Your Honor, even though the question
14 has already been answered, I want to note my objection to
15 Ms. Rorem's preparatory statement she made. She gave three
16 or four sentences of testimony there.

17 I move that that be stricken.

18 JUDGE GROSSMAN: Overruled. That was just prefacing
19 a question to an expert witness.

20 Does anyone have any further questions with regard
21 to questions asked since the last time they asked questions?

22 MR. GALLO: I have two questions, Your Honor.

23 JUDGE GROSSMAN: All right.

24 REDIRECT EXAMINATION

25 BY MR. GALLO:

#1 7-SueW 1 Q In response to a question from Judge Cole, I
2 believe you indicated that there are twenty-one employees
3 of Commonwealth Edison working on emergency planning matters.

4 Are these members of your staff?

5 A Yes, they are.

6 Q Are there other employees in the Commonwealth
7 system also working on emergency planning?

8 A Yes. There is one person at each site who is
9 reporting to the site but functionally works with us in
10 emergency planning matters for that site.

11 Q Let's return to Ms. Rorem's hypothetical situation
12 where she is in Arizona and receives either one or two
13 copies of the brochure and has her sister living in her house
14 in the interim.

15 Do you think it would be incumbent upon Mrs.
16 Rorem to see that she got a copy of that brochure?

17 A Yes.

18 MR. GALLO: No further questions.

19 MR. FLYNN: I have no further questions.

20 JUDGE GROSSMAN: Then, the witness is excused.
21 Thank you very much for testifying.

22 (The witness stood aside.)

23 Before the next witness, would you like a few
24 minutes, Mr. Gallo?

25 MR. GALLO: That's all the witnesses I have, Your

#123-SueW 1 Honor.

2 JUDGE GROSSMAN: I'm sorry. That's correct. That
3 concludes Mr. Gallo's case.

4 Mr. Flynn, would you like a few minutes your
5 witness?

6 MR. FLYNN: Yes, I would appreciate that.

7 JUDGE GROSSMAN: Why don't we take ten minutes,
8 then?

9 (Whereupon, a recess is taken at 3:32 p.m., to
10 reconvene at 3:43 p.m., this same date.)

11 JUDGE GROSSMAN: Back in session. Mr. Flynn, are
12 you ready to present your witness?

13 MR. FLYNN: Yes. My witness is Gordon Wenger, and
14 he has already taken the stand. He may be sworn.

15 (The witness is sworn by Judge Grossman.)
16 Whereupon,

17 GORDON WENGER
18 is called as a witness by and on behalf of FEMA and, having
19 first been duly sworn by Judge Grossman, was examined and
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MR. FLYNN:

23 Q Mr. Wenger, will you state your full name and
24 tell us where you work?

25 A My name is Gordon L. Wenger. I work for the

#1 9-SueW 1 Federal Emergency Management Agency. I am based in Battle
2 Creek, Michigan.

3 Q You have in front of you a document entitled
4 "Testimony of Gordon Wenger Regarding Rorem Contention 1(a)."

5 Copies of this document have already been distribut-
6 ed to the Board and to the other parties. Can you tell us
7 what that is?

8 A Yes. This is an update version of my testimony.
9 It has been updated. There are minor changes involved.

10 On Pages 3, 8 and 9 there were terms that we used.
11 It stated "requirements." That was incorrect. And the term
12 has been substituted and is "guidance."

13 JUDGE COLE: I'm sorry. What page was that, Mr.
14 Wenger?

15 WITNESS WENGER: 3,8. And at the top of Page 9,
16 according to a Board Order of 10/25, there was a change to
17 remove a phrase from that. Deleted was "A continual flow of
18 vital information to the public in the event of an emergency."

19 That was deleted.

20 MS. ROREM: What page is that on?

21 WITNESS WENGER: Page 9.

22 MS. ROREM: I don't have a 9.

23 MR. FLYNN: I would like to dwell on that for just
24 a moment.

25 BY MR. FLYNN: (Continuing)

#10-SueW

Q Just stay on Page 9. Why was the phrase deleted from the top of Page 9?

A The reason for that is because of conformance with the Board Order of October 25th, 1985.

Q And then the other three changes which you mentioned where the word "requirement" was changed to "guidance" what was the reason for that?

A It refers to the document, NUREG 0654, which is guidance and not requirements.

MS. ROREM: Excuse me. Your Honor, could I ask for clarification on something?

When you are referring to Page 9, do you mean Page 1 of Exhibit C?

JUDGE GROSSMAN: Page 9 of Mr. Wenger's prefiled testimony.

MS. ROREM: I don't have a Page 9.

MR. FLYNN: Did I give you the wrong one?

MS. ROREM: None of my --

MR. FLYNN: I'm sorry. Let me exchange that.

(Mr. Flynn is providing Ms. Rorem with other copies.)

MS. ROREM: Thank you.

MR. FLYNN: I'm sorry.

MS. ROREM: Thank you.

JUDGE GROSSMAN: To clarify it for the record,

#12-11-SueW 1 the copies of prefiled testimony that were distributed now
2 already have those corrections and deletions incorporated
3 so that you will not find that phrase on the top of Page 9.

4 Isn't that correct, Mr. Flynn?

5 MR. FLYNN: That is correct. The problem here,
6 Your Honor, is that I had given Ms. Rorem the second version
7 of the testimony rather than the third. And I've cleared
8 up that difficulty.

9 BY MR. FLYNN: (Continuing)

10 Q Now, Mr. Wenger, given the changes that you have
11 just described is there any other respect in which you would
12 wish to add to or change the testimony as it is now presented?

13 A I do not wish to add to nor change.

14 MR. FLYNN: I would move at this time that the
15 document which I have presented to you be admitted into
16 evidence and bound into the record as if read.

17 JUDGE GROSSMAN: Admitted and so bound into the
18 record.

19 (The prefiled testimony of Gordon Wenger follows.)
20
21
22
23
24
25

INDEXX

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
COMMONWEALTH EDISON COMPANY	)	Docket Nos. 50-456
	)	50-457
(Braidwood Station, Units 1 and 2))	

TESTIMONY OF GORDON WENGER
REGARDING ROREM CONTENTION 1(a)

I am Gordon Wenger, Emergency Planning Specialist, with the Technological Hazards Branch, Federal Emergency Management Agency (FEMA), Region V. I have held this position for the last six years. I am the Federal Team Leader for Radiological Emergency Preparedness Planning for Illinois and Indiana. A statement of my professional qualifications is attached as exhibit A.

THE ISSUES

The purpose of my testimony is to address Contention 1(a) of Bridget Little Rorem, which states:

Intervenor contends that an adequate emergency plan for the Braidwood Station should include the following:

- a) a program for informing the public within 10 miles of the Station of the means for obtaining instructions for evacuation or other protective measures in the event of a radiological emergency originating at the Station.

My testimony will address two issues raised by Rorem Contention 1(a), that is, (1) the adequacy of the information booklet which is the vehicle for disseminating the information called for in the Contention and (2) the adequacy of the plan for its dissemination (the public

information program). In evaluating the brochure and the plan, I have referred to Evaluation Criteria II. G. 1 and II. G. 2 of NUREG-0654/FEMA-REP 1, Rev. 1.

Evaluation Criteria II. G. 1 states:

Each organization shall provide a coordinated periodic (at least annually) dissemination of information to the public regarding how they will be notified and what their actions should be in an emergency. This information shall include but not necessarily be limited to:

- a. educational information on radiation;
- b. contact for additional information;
- c. protective measures, e.g., evacuation routes and relocation centers, sheltering, respiratory protection, radioprotective drugs; and
- d. special needs of the handicapped.

Means for accomplishing this dissemination may include, but are not limited to: information in the telephone book, periodic information in utility bills, posting in public areas; and publications distributed on an annual basis.

Evaluation Criteria II. G. 2 states:

The public information program shall provide the permanent and transient adult population within the plume exposure EPZ [Emergency Planning Zone] an adequate opportunity to become aware of the information annually. The programs should include provisions for written material that is likely to be available in a residence during an emergency. Updated information shall be disseminated at least annually. Signs or other measures (e.g., decals, posted notices or other means, placed in hotels, motels, gasoline stations and phone booths shall also be used to disseminate to any transient population within the plume exposure pathway EPZ appropriate information that would be helpful if an emergency or accident occurs. Such notices should refer the transient to the telephone directory or other source of local emergency information and guide the visitor to appropriate radio and television frequencies.

MY EVALUATION

1. The Booklet

a. Educational Information on Radiation (Criterion II. G. 1. a.)

The public information booklet which Commonwealth Edison proposes to disseminate is attached to this testimony as Exhibit B. The booklet contains a section entitled "Nuclear Power Plants" and another entitled "Radiation." Both sections are one page in length. The former explains the principles behind the operation of a nuclear power plant and points out that there is some risk of the escape of waste products which emit radiation. The latter section explains the effects of different levels of radiation on the human body. It states that radiation doses of over 20,000 millirem in a day are necessary to produce identifiable effects in the body. This is over 200 times the amount of radiation a person is normally subject to in an entire year. The section on radiation points out that radiation levels at the nuclear power plant are monitored constantly, that even more detailed readings would be taken in the event of an emergency, and that plans for evacuation or sheltering the public would be put into effect if radiation exposures exceeded a predetermined level.

There is sufficient information included in the booklet to meet the guidance of NUREG-0654/FEMA-REP 1, Rev. 1 Criterion II. G. 1.a.

b. Contacts for Information (Criterion II. G. 1.b)

Inside the front cover of the booklet, there is a preface which states:

If you would like additional booklets or additional information, please write to Communications Services, Commonwealth Edison, P.O. Box 767, Chicago, Illinois 60690. Or you may write to one of the Emergency Services offices listed at the end of Section 6.

The booklet also contains a section entitled "Your Area's Emergency Plan" (Section 6). The last half page of that section is a prominently displayed box with the names of County Emergency Agencies in bold type. The text immediately before the box directs the reader to write or call one of the offices listed for more information. The box lists the names addresses and telephone numbers of the Illinois Emergency Services and Disaster Agency and the comparable agencies for Will, Grundy, and Kankakee Counties.

I find that the contacts for additional information are accurate, prominently displayed, and easy to find. The booklet meets the criterion II. G. 1. b.

c. Protective Measures (Criterion II. G. 1. c.)

Section 1 of the booklet, "If You Hear a Siren Sounding," explains that, in an emergency, the responsible officials may direct people to stay indoors or to evacuate. Section 2, "If Officials Say To Take Shelter Indoors," provides directions for the safety of the reader in an emergency which does not require evacuation. Section 3, "If Officials Say to Evacuate," gives instructions for an evacuation.

There is a map in the center of the booklet (Section 4) which shows principle evacuation routes. The Communities of Braceville, Braidwood, Carbon Hill, Coal City, Diamond, East Brooklyn, Essex, Gardner, Godley, Mazon, Reddick, South Wilmington, Union Hill, and Wilmington are shaded and outlined on the map. While the map does not show every road in the EPZ, it does show major roads and enough landmarks that anyone who understands how to read a road map could find the evacuation routes. In

addition, a panel to the right of the map lists the principal evacuation routes and preplanned destinations. The same panel lists the radio stations which will provide further information and instructions.

Questions of respiratory protection are addressed in Sections 2 and 3 of the booklet. The booklet does not address questions of radioprotective drugs. The decision whether or not to administer radioprotective drugs is reserved to officials in charge at the time of an emergency. The State of Illinois does not anticipate administering it to the entire population of the EPZ at the time of an emergency. Therefore it is appropriate that the booklet does not suggest that such drugs will be made available.

The booklet meets criterion II. G. 1. c. The information which is provided is clear, concise, and easy to find.

d. Special Needs of the Handicapped (Criterion II. G. 1.d.)

Section 9 of the booklet is entitled "People With Special Needs." It is positioned on the back and inside-back covers of the booklet so that the tear-out Business Reply Card will automatically include the address label of the individual mailing it, assuming that the booklet was delivered to the responder by mail to begin with. The Business Reply Card also has a space for the responder's telephone number.

This Section contains clear instructions for the reader to let public officials know of his or her special medical or transportation needs or need to be alerted in the event of an emergency. The portion of the Business Reply Card on the back cover of the booklet has simple graphic symbols illustrating these needs. To the left of the card is a

brief questionnaire which asks the reader if he or she has a special need in any of the areas listed. He or she needs only to circle the appropriate "Yes" or "No" responses, write in a telephone number, tear out the card and mail it.

The booklet effectively addresses the special emergency needs of the population of the EPZ. I find that it meets Criterion II. G. 1. d. of NUREG-0654/FEMA-REP 1, Rev. 1.

e. Overall Assessment

The strength of this public information booklet lies in its simplicity and logical organization. Each section states no more than is necessary to convey the required information; and each section leads naturally to the one which follows. The actions residents may be asked to take are described and discussed in ways that make the information readily accessible in an emergency. The graphics used throughout the booklet are simple, clear, and germane. Repetition has been used to reinforce the concepts presented. For example, directions to turn on the radio when the sirens are sounded are repeated four times. Sources of additional information or sources of additional copies of the booklet are displayed three times.

I find that the public information booklet which the Applicant proposes to distribute effectively addresses Rorem contention 1(a). Emergency telephone numbers are prominently displayed in the booklet.

2. The Public Information Program

The State of Illinois has developed a comprehensive Illinois Plan for Radiological Accidents (IPRA) in close cooperation with the affected county governments and the Applicant. The IPRA uses Public Information Booklets as the primary means of disseminating information, but it also calls for annual press briefings, the designation of Public Information Spokespersons, and systematic rumor control. Exhibit C to this testimony is Section K, "Public Information Considerations," of Volume VII, Chapter 2, of the IPRA.

The distribution scheme for the Public Information Booklets calls for it to be mailed each year directly to residents of the EPZ and to be made available in quantity in area hotels, motels, recreational areas, schools, industries, health care and nursing facilities, local Emergency Services and Disaster Agencies, and local utility offices. It is my opinion that the distribution plan would be enhanced by the posting of signs in places where transients are likely to go, advising them of the availability of booklets and of the frequencies of emergency broadcast radio stations. However, NUREG-0654/FEMA-REP 1, Rev. 1. does not literally require such actions.

In preparation for annual press briefings, the news media will be given portfolios of handouts. At the briefings, they will be able to ask questions directly of representatives of state and local governments and of the utility. Briefing topics will include an overview of the Illinois Plan for Radiological Accidents-Braidwood, the concept of operations, the accident classification scheme, the communications network, protective and parallel actions, and public information. In short, the news media

will be given ample opportunity to become knowledgeable not only about the emergency plans but also about the nature of any emergency which may be anticipated.

I find that the public information program provides a systematic means of delivering information to all members of the public who need the information. The plan ensures that the information will be kept current and will be redistributed annually. In the event of an emergency, a comprehensive network is activated to deliver information on a current basis effectively to the entire population of the EPZ. The guidance of Criterion II. G. 2 are that Information should be distributed at least annually, in a way that it is likely be available in a residence in time of emergency and that signs, decals or other notices in public places direct transients to sources of current information. I find that these requirements are met by the public information plan.

CONCLUSIONS

The Intervenor, Bridget Little Rorem, contends that the emergency plan should contain a program for informing the public of means for obtaining instructions in time of emergency. The plan does contain such a program. The primary means the plan adopts is the annual mailing of a booklet to all residences in the EPZ. The Booklet will also be made available in other places the public has frequent access to. The booklet explains in very clear terms where to get information in the event of an emergency. The plan also calls for annual briefings of the news media,

I am satisfied that the IPRA not only addresses the concerns of Rorem contention 1(a) but that it also meets the more detailed guidance of NUREG-0654/FEMA-REP 1, Rev. 1.

Radiological Training

RD I	1974)	
RD II	1974	)	Staff College, Battle Creek,
RD III	1974	)	Michigan

Civil Preparedness

Phase I	1973)	
Phase II	1973	)	Staff College, Battle Creek,
Phase III	1974	)	Michigan
Phase IV	1975)	

Each phase of Civil Preparedness graduates through the levels of organization of emergency response at all government levels and planning for emergency response to all natural and man-made disasters.

My direct involvement in disaster response is the following:

Mississippi River Flood - 1973 Disaster Assistance Center Manager.
Quincy, Illinois

Lake Erie Flooding - 1974 Disaster Assistance Center Manager.
Port Clinton, Ohio

Xenia Tornado - 1974 Disaster Assistance Center Manager.
Zenia, Ohio

Ohio Blizzard - 1976 Federal-Regional State Liaison

Employed by U.S. Government

- . Defense Civil Preparedness Agency as Regional Field Specialist, 1972-1979
- . Federal Emergency Management Agency as Regional Field Specialist, 1979-1982
- . Federal Emergency Management Agency as Community Planner, 1982
- . During the ten-year period, as stated above, served as Federal-State Liaison Officer for Federal programs in the State of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.
- . In the time period of January 1980-February 1981, detailed to serve as Executive Secretary of the FEMA Region V Regional Advisory Committee.

Professional QualificationsGordon L. WengerFormal Education

Bachelor's Degree
Western Michigan University
Kalamazoo, Michigan

Major

Minor

Minor

Graduate Studies
Western Michigan University
Kalamazoo, Michigan

University of California
Los Angeles
Westwood, California

California State University
Fullerton

California State University
Los Angeles

Education

Geography - Geology

Environmental science

Social science

Industrial Management
Supervision

Experience and BackgroundNuclear Defense Preparedness School

U. S. Navy
Guantanamo Bay, Cuba, 1955

Public Information and Education

National Aeronautics & Space Administration
Washington, D.C./Santa Monica, California

Public Affairs Media Relations and Education

Jet Propulsion Laboratory
California Institute of Technology
Pasadena, California

I directed the development of brochures, informational and educational pamphlets, visitors program and the educational exhibits programs. The theme was astronautics, space exploration, research and development, pure and applied science.

3

In February 1981, appointed to the position of Chairman, Regional Advisory Committee and Chief, Radiological Emergency Preparedness Branch Region V.

Directed the activities relevant to the Radiological Emergency Preparedness (REP) Program in FEMA Region V, coordinated the counsel and advice of the Regional Advisory Committee to the State and local jurisdictions in the Region.

Currently Federal Team Leader for Radiological Emergency Preparedness Planning for Illinois and Indiana.

I have participated in over 50 exercises of fixed nuclear power facilities, serving as evaluation team director, evaluation team leader, and written exercise reports, interim findings and Regional Director's Evaluations (350s). I have reviewed radiological emergency plans for all the six States in Region V.

2

Radiological Training

RD I	1974)	
RD II	1974	)	Staff College, Battle Creek,
RD III	1974	)	Michigan

Civil Preparedness

Phase I	1973)	
Phase II	1973	)	Staff College, Battle Creek,
Phase III	1974	)	Michigan
Phase IV	1975)	

Each phase of Civil Preparedness graduates through the levels of organization of emergency response at all government levels and planning for emergency response to all natural and man-made disasters.

My direct involvement in disaster response is the following:

Mississippi River Flood - 1973	Disaster Assistance Center Manager
Quincy, Illinois	
Lake Erie Flooding - 1974	Disaster Assistance Center Manager
Port Clinton, Ohio	
Xenia Tornado - 1974	Disaster Assistance Center Manager
Xenia, Ohio	
Ohio Blizzard - 1976	Federal-Regional State Liaison

Employed by U.S. Government

- . Defense Civil Preparedness Agency as Regional Field Specialist, 1972-1979
- . Federal Emergency Management Agency as Regional Field Specialist, 1979-1982
- . Federal Emergency Management Agency as Community Planner, 1982
- . During the ten-year period, as stated above, served as Federal-State Liaison Officer for Federal programs in the State of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.
- . In the time period of January 1980-February 1981, detailed to serve as Executive Secretary of the FEMA Region V Regional Advisory Committee.

3

In February 1981, appointed to the position of Chairman, Regional Advisory Committee and Chief, Radiological Emergency Preparedness Branch Region V.

Directed the activities relevant to the Radiological Emergency Preparedness (REP) Program in FEMA Region V, coordinated the counsel and advice of the Regional Advisory Committee to the State and local jurisdictions in the Region.

Currently Federal Team Leader for Radiological Emergency Preparedness Planning for Illinois and Indiana.

I have participated in over 50 exercises of fixed nuclear power facilities, serving as evaluation team director, evaluation team leader, and written exercise reports, interim findings and Regional Director's Evaluations (350s). I have reviewed radiological emergency plans for all the six States in Region V.

EMERGENCY INFORMATION

BRAIDWOOD

Tune To:

AM 1340

FM 96.7

DEAR CITIZEN:

We are providing this booklet to you, in cooperation with your state and local governments, because one of our nuclear generating facilities, **Bradwood Station**, operates in the area where you live, work or are visiting. We want you to know about the plans that have been developed for your safety in the event of a serious accident at this facility.

We have never had a serious accident, and it is unlikely that we ever will. But as with any potential emergency, your safety could depend on your preparedness.

Please - read this booklet carefully. Remember what you read. Although this information focuses on a potential nuclear facility emergency, much of it is useful for any major emergency. So try to keep this booklet where you can later find it and refer to it. On the page at the right is a summary of what you will find inside.

We encourage you to share and discuss the information in this booklet with members of your household. We also encourage employers to advise their employees of this information. Extra copies of this booklet are available upon request.

If you would like additional booklets or additional information, please write to Communications Services, Commonwealth Edison, P.O. Box 767, Chicago, Illinois 60690. Or you may write to one of the Emergency Services offices listed at the end of Section 6.

Commonwealth Edison

Here is a summary of what you will find inside:



1

**IF YOU HEAR A
SIREN SOUNDING**



2

**IF OFFICIALS SAY TO TAKE
SHELTER INDOORS**



3

IF OFFICIALS SAY TO EVACUATE



4

**MAP: AFTER YOU RECEIVE
EMERGENCY INFORMATION**



5

WORDS TO THE WISE



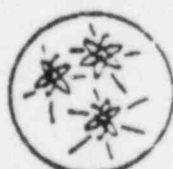
6

YOUR AREA'S EMERGENCY PLAN



7

NUCLEAR POWER PLANTS



8

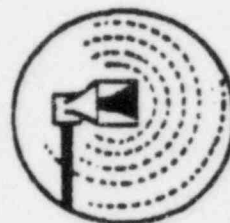
RADIATION



9

PEOPLE WITH SPECIAL NEEDS

IF YOU HEAR A SIREN SOUNDING



1

- **A LOUD, CONTINUOUS SIREN** - holding its pitch for 3 minutes or more, may mean that the Public Notification System has been activated. To find out...
- **CHECK IT OUT** - is it only a test? In Illinois, siren tests occur on the first Tuesday of each month at 10:00 or 10:30 am. If you're not sure, assume it's **REAL**. A real warning could mean a number of things: fire, tornado, chemical spill, nuclear accident. To find out...
- **TUNE TO ONE OF THESE RADIO STATIONS:**

AM 1340 - WJOL

FM 96.7 - WLLI

or other local radio stations.

This is your best source of information and instructions.

- **YOU WILL BE GIVEN INFORMATION AND INSTRUCTIONS** if there is a real call for concern. Respond promptly to all instructions. If officials say to take shelter indoors or evacuate, refer to the sections following and to the **MAP** in the middle of this booklet.
- **DO NOT USE THE PHONE** unless you have a special emergency right where you are. Leave lines open for emergency workers.

IF OFFICIALS SAY TO TAKE SHELTER INDOORS



2

- GO INDOORS and STAY INDOORS
- CLOSE all DOORS and WINDOWS
- SHUT OFF systems that draw in outside air, such as:
 - furnaces
 - fireplaces
 - air conditioners
- STAY TUNED to one of the radio stations listed on the previous page. This is your best source of up-to-the-minute information and instructions.
- SHELTER YOUR LIVESTOCK. If possible, make provisions for feeding and watering them, preferably with stored feed. You will be permitted to return and care for them as soon as it is safe.
- DO NOT USE THE PHONE unless you have a special emergency right where you are. Leave lines open for emergency workers.

IF OFFICIALS SAY TO EVACUATE



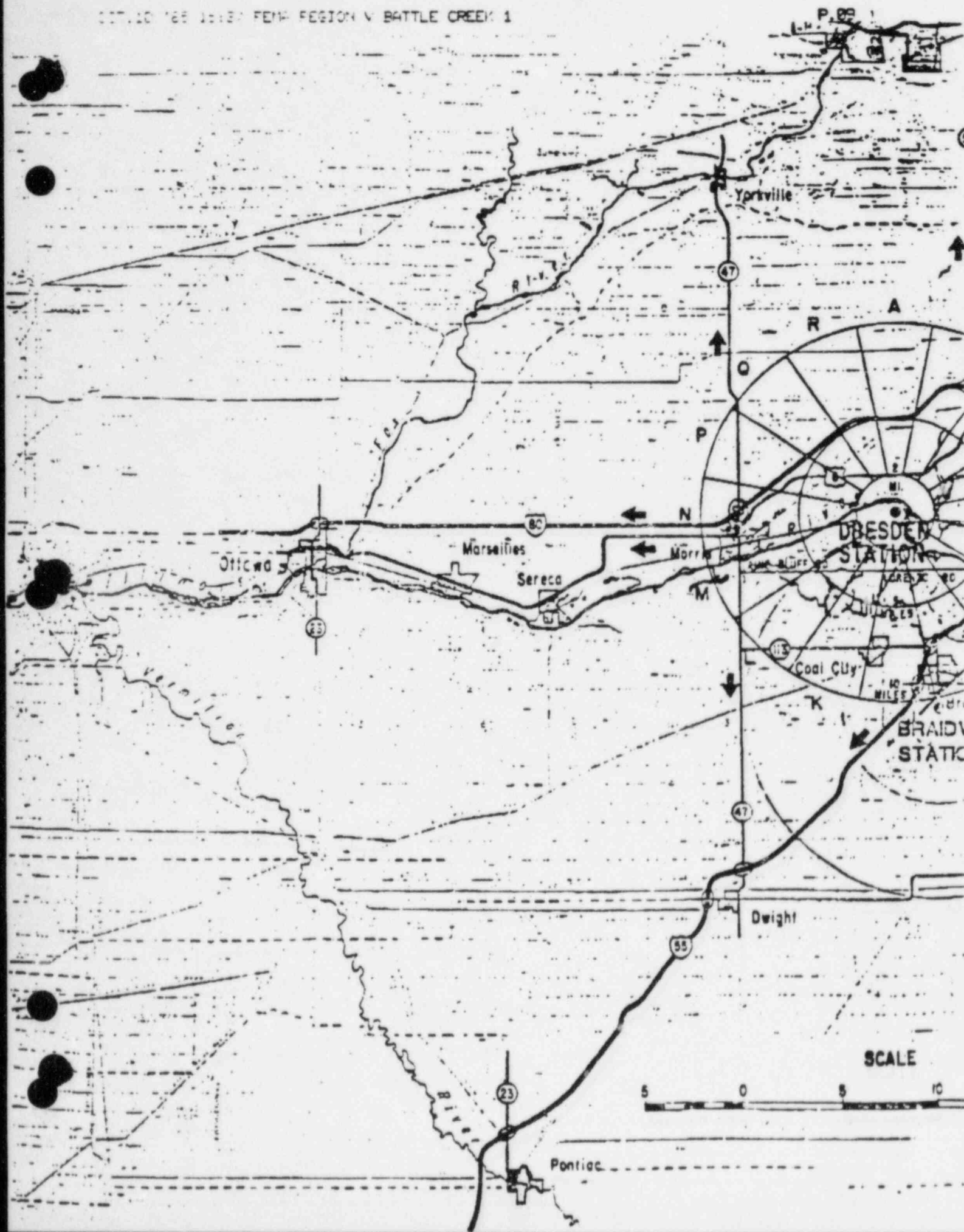
3

- **REMEMBER** - "Evacuate" does **NOT** mean "run for your life." It is a precautionary move that might be recommended to minimize risk to you. This can work properly only if you act **SAFELY, CALMLY, and DELIBERATELY**.
- **GATHER THE PEOPLE** in your home **TOGETHER**. If you have children or others at schools, hospitals, overnight campgrounds or nursing homes, **DO NOT** try to pick them up. These facilities will be following their own evacuation procedures, and you would probably miss connections. **STAY TUNED** to one of the radio stations listed earlier for information on where persons are being moved. Students, patients and nursing home residents will be accompanied by Staff to relocation centers. Their needs, including medical needs, will be provided for until they are reunited with their families.
- If you are disabled and have previously notified officials, special services will be provided for you. If officials do not know you are disabled, notify them over the special emergency phone numbers that will be broadcast on the radio.
- **DO NOT USE THE PHONE** unless you have a special emergency right where you are. If you have a special emergency, use the special emergency phone numbers that will be broadcast on the radio.

- **EVACUATE THE PEOPLE** in your home **TOGETHER**. Leave when advised and go where advised. Follow the directions given on the **RADIO**. The **MAP** in the middle of this booklet will be of help. **DO NOT RUSH**. Law enforcement agencies will maintain security in evacuated areas, and will provide traffic control.
- **DO NOT TAKE PETS** (unless you are going to a friend's or relative's house). **RELOCATION CENTERS WILL NOT ACCEPT PETS**.
- **SHELTER YOUR LIVESTOCK**. If possible, make provisions for feeding and watering them, preferably with stored feed. You will be permitted to return and care for them as soon as it is safe.
- **PLAN FOR TWO DAYS AWAY** from home. Lock things up and turn things off as you would for a weekend vacation. Bring essential items such as those on the checklist below.

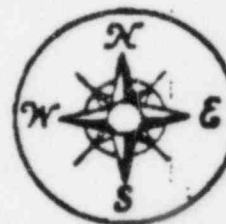
CHECKLIST:

- ☐ **MEDICAL SUPPLIES** (prescriptions, first aid)
- ☐ **MONEY** (cash, credit cards, important documents)
- ☐ **PERSONAL HYGIENE ITEMS** (washing, shaving, dental, eye care, sanitary)
- ☐ **CLOTHING**
- ☐ **BABY NEEDS** (formula, diapers, favorite toy)
- ☐ **PORTABLE RADIO** and batteries
- ☐ **MISCELLANEOUS USEFUL ITEMS**, matches, flashlight, bags, can opener





AFTER YOU RECEIVE EMERGENCY INFORMATION



4

- **KNOW YOUR LOCATION** on this map. Mark it with a pen.
- Some of the **PRINCIPAL ROUTES** and **DESTINATIONS** that have been **PRE-PLANNED** are:
 - PONTIAC via South I-55
 - DWIGHT via South I-55
 - OTTAWA via ILL 47 north, then West I-80
 - AURORA via ILL 59 north, then Aurora Ave. west
 - YORKVILLE via ILL 47 north
 - KANKAKEE via ILL 113 east
 - JOLIET via North I-66
- **IN AN EMERGENCY, STAY TUNED** to one of these radio stations:

AM 1340 - WJOL
FM 96.7 - WLLI

or other local radio stations

*WJOL
AM 1550 - WCSJ
FM 104.7 - WCSJ*

This is your best source of information and instructions. Other routes than those above may be given on the radio, depending on road and weather conditions.

Specific information on those relocation centers being opened as shelters will be broadcast on the radio stations listed above.

The final version of the Braidwood Public Information Brochure will depict a sector overlay for the Braidwood EPZ, on the green circles, similar to the sector overlay depicted, on the red circles in this brochure for the Dresden EPZ.

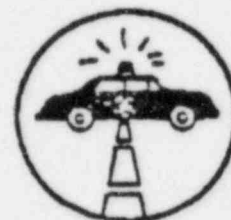
WORDS TO THE WISE: BE PREPARED



You never know when you might have to leave your home on short notice, for a variety of reasons. A severe nuclear plant accident is only one remote possibility. Floods, fires, tornadoes, chemical spills, and family emergencies could also occur. That's why it pays to prepare now to make things easier later.

Here are four sensible ways to prepare for any emergency.

1. Keep emergency gear in a special drawer or other place that the whole family knows. A portable radio and flashlight with extra batteries, first aid supplies, extra sets of car keys, and other items will then be handy if the need arises. Keep this booklet there, too. Be sure you have marked your location on the map on the previous page.
2. Keep your important papers together in a safe place. Then you can find them quickly in an emergency.
3. Have a list of things you want to take if you must leave home quickly. Post the list by the back door or other convenient spot. Make sure you keep a supply of the items you listed.
4. Keep your car in good running order. Fill your gas tank whenever it gets down to half. If you don't have a car and require transportation, fill out and mail the card on the inside back cover of this booklet.



6

● YOUR AREA'S EMERGENCY PLAN

Emergency planning means being prepared. This applies to each of us personally and to all of the organizations up the scale. It begins right at home or at work and extends upward to higher levels as needed. For example, if you cut your finger, you can probably handle the situation by yourself; for a serious injury you would call in outside help, such as a doctor or paramedic team.

The same idea applies to our governmental organizations. Your city or village can usually handle most local emergencies such as fires, but if things get too severe or widespread they may call on the county for assistance. Similarly, counties may call on the State for bigger emergencies such as tornadoes, and States may call on the Federal government for a major disaster such as widespread flooding.

Your municipal, county, and state governments have plans for responding to all types of emergencies. One set of plans applies to nuclear power plant accidents. In Illinois, this is the Illinois Plan for Radiological Accidents (IPRA).

These plans devote specific attention to people within 10 miles of the nuclear power plant, in the Emergency Planning Zone, or EPZ for short. For example, there are procedures for sheltering and for evacuating people in this area. If evacuation should ever be needed, people would be asked to go to pre-designated registration centers in towns 15 to 20 miles away

from the plant. Then, they could stay with friends or relatives, or at specified "relocation centers," until advised to return. Special procedures have been developed for people in schools, hospitals, nursing homes and other institutions.

A Public Notification System with outdoor warning sirens has been installed within the Emergency Planning Zone. It was designed to warn the public of a serious problem at Braidwood Station, but it may be activated for other emergencies as well. The sirens are tested each month. In an emergency, the sirens signal the public to tune to a local radio station for information.

If a serious problem occurred at Braidwood Station, government officials would be notified immediately over "hot-line" telephones right from the plant control room. This would start the emergency plans rolling, with all authorities being kept up-to-date on plant conditions. State and local officials would then determine what, if anything, the public should do.

Their advice would be given to the news media, along with continual reports on plant conditions directly from Commonwealth Edison. Local radio stations would transmit this information to you on the Emergency Broadcast System. This is your best source of up-to-the minute information (traffic reports, shelter locations, evacuation directions, etc.).

In most cases, these actions would begin well before the problem actually affected the public. Chances are that an emergency involving public actions would never develop, but specially-trained personnel are ready for action --- just in case.

To make sure that the emergency plans work, they are tested periodically at each nuclear power plant. This is called an exercise, where

we pretend that a serious problem has occurred and go through the emergency procedures. You can usually read about these exercises in the newspaper when they occur.

If you have questions regarding your area's emergency plan, call or write one of the offices listed below. They can also help if you have special needs that relate to emergencies.

Will County Emergency Services and Disaster Agency
14 West Jefferson Street, Joliet, IL 60433
(815) 727-8751

Grundy County Emergency Services and Disaster Agency
111 East Washington Street, Morris, IL 60450
(815) 942-9024

Kankakee County Emergency Services and Disaster Agency
400 E. Merchant Street, Kankakee, IL 60901
(815) 937-8255

Illinois Emergency Services and Disaster Agency
110 East Adams Street, Springfield, IL 62706

NUCLEAR POWER PLANTS



7

Commonwealth Edison generates electricity for people in northern Illinois using power plants at fourteen locations. Five of these use uranium as fuel; they are nuclear power plants. These five plants produce as much electricity as all of Edison's coal power plants, or over half of all the electricity Edison generates. But for northern Illinois to have a bright economic future, plans must be made to assure that we continue to have adequate supplies of electricity. Edison's plans include an additional nuclear power plant, which will become operational over the next few years. These will help provide the generating capacity to support economic growth for northern Illinois through the rest of the century.

All large power plants work by boiling water to make high pressure steam, which spins turbines connected to large electric generators. The big difference between nuclear and coal power plants is that a nuclear plant splits uranium atoms, instead of burning coal, to make heat to boil the water.

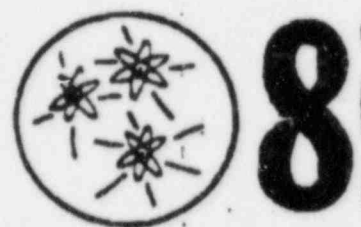
Uranium is a very concentrated fuel. One uranium pellet (the size of a person's fingertip) can release as much energy as half a ton of coal. Uranium pellets are stacked inside long, thin

fuel rods that are arranged into fuel assemblies. These assemblies stand vertically in a round cluster called the core. The core is encased in a very thick steel capsule, or vessel. The whole assembly is called a reactor. Since a very dilute form of fuel is used, a reactor could never explode like an atomic bomb, no matter what went wrong with it.

When any fuel is used to make energy, some waste products result. Coal power plants have smoke, slag, and ashes as waste. Nuclear power plants collect wastes right in the fuel pellets, rather than releasing them to the environment. These waste products could be hazardous and must be kept sealed away from our environment.

This is why the uranium fuel pellets are sealed inside the fuel rods and the fuel rods are sealed inside the reactor. Even the whole reactor, with all of its piping, pumps, and other systems, is sealed again inside an airtight steel and concrete building called a containment.

It is not likely that this triple safety seal could be penetrated. But if it were, some of the waste products could escape to the environment. These wastes are radioactive, which means that each waste particle emits radiation.



RADIATION

Radiation is energy that can travel through the air, such as light, heat, and radio waves. One type, nuclear radiation, comes from radioactive material, which is part of everything in us and around us. Nuclear radiation, like radio waves, is invisible, silent, tasteless, and odorless. Just as a photographer measures light levels with a light meter, radiation workers measure nuclear radiation with special instruments.

Like many things in our lives, radioactive material has the potential to harm people if handled carelessly. But decades of experience have shown that the safe application of radioactive material, in medicine and industry as well as in electricity production, can benefit our society.

The amount of radiation dose a person absorbs is measured in millirem. The average Illinois citizen gets from 60 to 120 millirem of radiation each year from the natural environment. This is called natural background radiation. In addition, each year the average person receives about 70 millirem from medical and dental X-rays and other procedures, and about 25 millirem from the naturally occurring radioactive atoms in his or her own body.

There are no identifiable health effects from these low levels of radiation, but scientists believe that any amount of radiation, no matter how small, carries some risk.

It takes radiation doses of over 20,000 millirem, received within a day, to produce identifiable effects in the body. Very large radiation doses (over 100,000 millirem) may be directly harmful or even deadly if received over a day's time, but the same doses stretched over many years may not. Federal regulations allow workers at U.S. nuclear facilities to receive up to 5000 millirem of radiation in the course of a year's work.

Radiation levels are constantly monitored both inside and outside each nuclear facility. These measurements show that a person living for an entire year right at the fence of an average nuclear power plant would receive less than 1 millirem of radiation, about the same as an airline passenger receives flying from Chicago to Los Angeles.

If a nuclear plant accident were ever to occur, teams of specially-trained personnel would be sent to get even more detailed radiation readings all around the plant. In most cases, there would be no excessive radiation. But if the accident were serious, and could expose members of the public to 1000 millirem or more of radiation, state plans call for protection of the public by taking shelter indoors or by evacuation.

**PEOPLE WITH
SPECIAL NEEDS****9**

Your local authorities should know if you or someone in your household has special needs that may be important during an emergency. This information would be kept confidential.

Circle YES or NO for the questions on the back cover. If any answers are "YES", make sure to write in a phone number where you can be reached. Then, tear out and mail the card. An official emergency planning representative will then contact you to review your special needs.

If you wish, you may instead contact one of the offices listed at the end of section 6.

PLEASE ANSWER
QUESTIONS ON
BACK COVER.

IF ANY ANSWERS
ARE "YES",
TEAR OUT AND
MAIL THIS CARD

BUSINESS REPLY CARD

FIRST CLASS PERMIT NO. 1480 SPRINGFIELD, IL

POSTAGE WILL BE PAID BY ADDRESSEE

PUBLIC INFORMATION OFFICE
Illinois Emergency Services & Disaster Agency
110 East Adams Street
Springfield, IL 62706

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

P.17

Commonwealth Edison
P.O. Box 767
Chicago, Illinois 60690

BULK RATE
U.S. POSTAGE
PAID

Chicago, Illinois 60690
Permit No. 115

Circle YES or NO for the questions below. If any answers are "YES", make sure to write in a phone number where you can be reached. Then, tear out and mail the card. No postage is required. An official emergency planning representative will then contact you to review your special needs.

OCT. 10 '85 15:40 FEMA REGION V BATTLE CREEK 1



BRAIDWOOD

K. Public Information Considerations

The methods by which the public is kept informed of the nature and consequences of a nuclear incident before, during and after such an incident have been discussed in Vol. I, Ch. 8. As one of the several sources of information to the residents of the EPZ, this section amplifies the local governments' role in providing an accurate and consistent release of information.

As Chief Executive of the STATE OF ILLINOIS, the GOVERNOR is the official spokesperson for the State emergency operations. The GOVERNOR'S staff will receive information from two primary sources, namely IESDA and IDNS. IESDA will collect and summarize information concerning the operational response of the State. IDNS will provide a technical summary of the incident and its consequences, actual and potential, upon the population near the site.

Information from the site will be relayed to the STATE EOC and the REAC via NARS and the radiological assessment direct line, both of which will have line extensions in the EOF.

Public Information Spokesperson - In GRUNDY COUNTY and each municipality therein, a spokesperson has been made responsible for public information. The spokesperson will provide timely information to the GRUNDY COUNTY ESDA COORDINATOR, or his designee, for coordination of local releases with the JPIC. The PIO at the STATE EOC coordinates State level information with the JPIC, 960 North Route 47, south of Morris, IL. This network will provide timely, coordinated information to all designated spokespersons.

Rumor Control - Rumor control will be addressed at the lowest governmental level possible. In those instances where a local government cannot control local rumors, the State rumor control network will be utilized. Personnel from IIS will operate dedicated telephone lines at the STATE EOC and at the JPIC. The State rumor control network telephone numbers will be announced to local governments in the EPZ and are not to be released to the general public. As time permits, rumors referred to the State rumor control network will be answered directly by IIS personnel. At all other times, the response to rumors will be incorporated into the next media update provided at the JPIC and the GOVERNOR'S press center in SPRINGFIELD (See Vol. I, Ch. 8).

Public Information Booklet - As a collective effort between the STATE OF ILLINOIS, the operating utility and affected county governments, an informational booklet (See Vol. I, Ch. 8) will be distributed on an annual basis to the public residing within the 10-mile EPZ of the BRAIDWOOD STATION. The booklet will address how the public will be notified and what their actions should be in an emergency, including the following information: instructions on how to obtain additional information, what to do if a take shelter

request is given, what to do if an evacuation request is given, educational information concerning radiation and respiratory protection, a map of major evacuation routes and a list of communities likely to serve as host shelter areas.

In addition to a direct mailing, the booklet will be available at area hotels and motels, recreational areas, schools, industries, health care and nursing facilities, public libraries, local ESDA offices and local utility offices (See Vol. 1, Ch. 8).

Annual Press Briefings - To acquaint the news media with the IPRA-Braidwood, press briefings will be held annually. The briefing will discuss the following topics: OVERVIEW OF THE IPRA-BRAIDWOOD, CONCEPT OF OPERATIONS, ACCIDENT CLASSIFICATION SCHEME, COMMUNICATIONS NETWORK, PROTECTIVE AND PARALLEL ACTIONS and PUBLIC INFORMATION (See Vol. 1, Ch. 8). In addition, the media will be given a portfolio of handouts and will be able to ask questions of the representatives of State and local governments and the utility.

1 MR. FLYNN: At this point, I would tender the
2 witness for cross-examination.

3 JUDGE GROSSMAN: Mr. Gallo.

4 CROSS EXAMINATION

5 BY MR. GALLO:

6 Q Mr. Wenger, what is the FEMA position on including
7 information in the booklet concerning respiratory protection?

8 A My Agency's position is the direction of the ASLB
9 in the case of Big Rock Point spent fuel hearing, where this
10 came up for discussion and the ASLB ruled that it should be
11 included.

12 Later in a letter from Staff Counsel, Mr. Goddard,
13 to the ASLB indicated that the ASLB had made a decision which
14 he felt went beyond their responsibility. The Board then
15 came back with a response that the decision was left up to
16 Staff as to this matter if it was to be included in a public
17 information document.

18 Q What staff are you referring to?

19 A The Nuclear Regulatory Commission staff.

20 Q All right. But my question was, what is the FEMA
21 position on that question?

22 Should it be -- does FEMA believe that information
23 should be included in the booklet or not?

24 A No.

25 Q Can you explain why not?

INDEXX

13-3-SueW 1 A The document known as NUREG 0654 is jointly put
2 together by the NRC and FEMA. And this decision by the ASLB
3 turned over to the Staff then, I feel would set precedence.

4 Q Well, does FEMA just blindly follow what the
5 NRC staff says or is there some emergency planning reason for
6 not including that information in the booklet?

7 A FEMA has also taken the position that recommending
8 certain things to be done in respiratory protection might
9 detract from the response that people are involved in.

10 If there is need for respiratory protection, that
11 would be given as a public announcement.

12 Q Can you define for me what we are talking about
13 when we say respiratory protection? What type of protection
14 do you have in mind when you use that term?

15 A I guess my question would be, what is it
16 specifically that you are asking?

17 Q Well, I ask the questions. I don't have to answer
18 any.

19 You used the term "respiratory protection" in
20 response to my question. I assume -- and what I'm asking you
21 is to explain to me what respiratory protection means as you
22 used the term in response to my question.

23 A Covering your nose and mouth with handkerchief or
24 staying indoors or leaving the area.

25 Q Do you believe those activities might impede

#13 4-SueW

1 evacuation? Is that the position you are stating here?

2 A Using something to cover your mouth and nose might
3 very well impede.

4 Q Is that the basis for the FEMA position now in
5 not including information on respiratory protection in the
6 booklet?

7 A The immediate need is to get people out of the
8 area. If people are still remaining in the area when it is
9 necessary to cover your mouth or nose, probably the best
10 protection would be to remain indoors.

11 Q I believe your testimony indicates that you have
12 reviewed the booklet; is that correct?

13 A Yes, sir.

14 Q And would it be appropriate to say that the
15 booklet you reviewed is the same as the green booklet that
16 has been marked as Applicant's Emergency Planning Exhibit 1?

17 A My review in preparation for my testimony was
18 from this booklet.

19 JUDGE GROSSMAN: And the witness is holding up
20 the purple booklet rather than Exhibit 1.

21 WITNESS WENGER: This was forwarded to me for the
22 purpose of reviewing. As recent as last evening I received
23 this copy and I made an analysis, and they are identical with
24 slight exception.

25 JUDGE GROSSMAN: And this copy refers to Applicant

#15-SueW 1 Exhibit 1.

2 MR. GALLO: Thank you, Mr. Wenger. That's
3 helpful.

4 BY MR. GALLO: (Continuing)

5 Q Referring to Section 3 of the booklet --

6 JUDGE GROSSMAN: And we are now referring to
7 Applicant's Exhibit 1.

8 MR. GALLO: Exhibit 1.

9 BY MR. GALLO: (Continuing)

10 Q Do you see the language on the page that says:
11 Plan for two days away from home in the event of an evacuation
12 order?

13 A Yes.

14 Q Do you know the basis for the selection of the two
15 days?

16 A I believe I do.

17
18
19
20
21
22
23
24
25
END #13
Joe flws

1 Q Could you state that for the record, please?

2 A The purpose of two days basically would be people
3 getting ready to leave their residence would be to pick up
4 minimal items, which would not take a long period of time to
5 gather, plus the material that it lists on the checklist for
6 taking with them would get them to the host care center, and
7 then if the emergency persisted beyond that period of time,
8 the Red Cross would be able to supplement their personal items
9 and provide care.

10 Q Can you explain to me why these people shouldn't
11 take more time to collect more personal effects so they could
12 prepare for a longer period of time if that was necessary?

13 A I presume it would be a lot of material they would
14 be carrying with them that may not be necessary in the long
15 run.

16 JUDGE GROSSMAN: I think the question asked was
17 why shouldn't they take a longer time to collect more items.

18 WITNESS: I feel they would have a long period of
19 time receiving this booklet and going through it, understanding
20 what is being said, and have some preconceived idea if an event
21 were to happen at the power plant which necessitated them
22 taking protective actions, they would have in mind the locations
23 of these items, or maybe have them collected at a location.
24 Make it convenient for them to pick up on short notice.

25 I feel they would have significant period of time

1 for planning purposes.

2 BY MR. GALLO: (Continuing)

3 Q What if they don't preplan and simply do it at
4 the spur of the moment?

5 A They would have to locate their booklet, and they
6 would have to read it and gather it.

7 Q And if they took enough for say a week, would
8 that take longer than it would be to accumulate the necessary
9 materials and effects for two days?

10 A I feel it would.

11 Q And would that have any possible potential adverse
12 effect on the timing of evacuation?

13 A It could.

14 Q Mr. Wenger, do you agree with Mr. Butterfield that
15 information concerning the plume exposure pathway should be
16 included in the booklet?

17 I am sorry, strike that. Let me say it again. Do
18 you agree with Mr. Butterfield that information concerning
19 the potential travels of a plume -- a radioactive plume --
20 do you believe that that information should be included in
21 the booklet?

22 A I am sorting through your question.

23 Q Let me ask it a different way, then. Were you
24 in the courtroom when I asked Mr. Butterfield whether or not
25 information concerning radioactive plume should be included

1 in Section 4 of the booklet?

2 A I do not feel that it is necessary --

3 Q Let's take it a step at a time. You heard that
4 testimony, is that correct?

5 A Yes.

6 Q All right. Did you hear him say that he thought
7 it might be of an educational benefit?

8 A Yes, I did hear him say that.

9 Q Now, my question is do you agree with his
10 opinion?

11 A Yes.

12 MR. GALLO: No further questions.

13 JUDGE GROSSMAN: Ms. Rorem?

14 (Pause.)

15 MS. ROREM: Excuse me for referring back and forth
16 here. I all marked up the second copy of your testimony, which
17 was not the right one, so I don't have all of my things
18 highlighted for easy reference.

19 MR. GALLO: While she is doing that, maybe I could
20 get the witness back to make sure I understood his last
21 answer?

22 JUDGE GROSSMAN: I am sorry , Mr. Gallo.

23 MR. GALLO: While she was paging through trying
24 to find her place, I wonder if I could get the witness back
25 for one last question.

1 JUDGE GROSSMAN: Oh, yes, Mr. Gallo. Certainly.

2 BY MR. GALLO: (Continuing)

3 Q When you said you agreed with Mr. Butterfield,
4 is that agreement that you think the booklet should contain
5 information on the radioactive plume and its travels? Is
6 that the agreement that you are agreeing to?

7 A It might enhance the booklet. I do not feel that
8 putting the plume pathway words in the booklet are necessary,

9 Q We are talking now about the radioactive plume
10 and the direction it might take in the event of an accident,
11 is that correct?

12 A That is correct.

13 Q Why do you feel it is not necessary.

14 A The instructions given to the public would be
15 classified as emergency instructions. If someone says to
16 move a direction because of a problem, I don't think I would
17 question to ask what the problem may be. I think it is
18 necessary that people take that action.

19 There is going to be pre-information announced.
20 Therefore, when it is given to evacuate by certain routes from
21 an area, the area you should go, I don't know if a plume
22 pathway, or radioactive plume, has that much significance.
23 You are telling people: Move.

24 They are aware there is an accident. Therefore,
25 the directions are being given by public officials, and it

1 would be in their best i nterest.

2 Q Do you believe that this information if included
3 in the booklet would enhance that activity in any way?

4 A For those people who have knowledge of a plume,
5 by chance. I don't think it is necessary.

6 MR. GALLO: Thank you, Mr. Wenger. No further
7 questions.

8 JUDGE GROSSMAN: Mr. Wenger, do you think most
9 persons would have knowledge of the plume if no mention is
10 made of the plume in the emergency planning brochure?

11 WITNESS: Could you restate the question.

12 JUDGE GROSSMAN: I am sorry. Instead of
13 emergency planning brochure, the emergency information
14 brochure, do you think most people will have knowledge of the
15 radioactive plume if no mention is made of that in the
16 emergency information brochure?

17 WITNESS: No.

18 JUDGE GROSSMAN: Ms. Rorem?

XXX INDEX

19 CROSS-EXAMINATION

20 BY MS. ROREM:

21 Q Mr. Wenger, did FEMA conduct any studies on
22 illiteracy in the EPZ around the Braidwood Station?

23 A No.

24 Q On Section -- in Section 3 again of the booklet,
25 where it says to plan for two days away from home. Is it

1 possible that an accident or emergency might occur at
2 Braidwood Station that would require evacuation for more than
3 two days?

4 A Yes, that is a fair assumption.

5 Q Is there any way given in the booklet whereby
6 people who are reading the booklet have any idea of that?

7 A No.

8 Q Mr. Wenger, in your testimony, on page 5, the
9 second paragraph, you state: Questions of respiratory
10 protection are addressed in Sections 2 and 3 of the booklet.

11 Would you please point out where in Section 2
12 questions of respiratory protection are dealt with?

13 A In Section 2 of the public information booklet,
14 the bullet that says: Go indoors and stay indoors.

15 The second bullet, which says: Close all doors
16 and windows. The third bullet which says: Shut off systems
17 that draw in outside air, such as furnaces, fireplaces,
18 air conditioners.

19 Q Thank you, Mr. Wenger. Now, does this tell people
20 in any way that this is -- these instructions are being
21 given for matter of respiratory protection?

22 A I am sorry. I guess I was anticipating you
23 asking me about Section 3. You didn't give me the chance.

24 Q I will ask the questions.

25 A Would you restate the question then, please?

1 Q Does it state anywhere in this section of the
2 brochure that these instructions are given for purpose of
3 respiratory protection?

4 A No.

5 Q Now, with respect to Section 3 of the brochure.
6 Can you point out the section that deals with questions of
7 respiratory protection?

8 A The second bullet: Gather people together in
9 your home together. If you have children and others at
10 school, they will be taken care of. Do not try to pick them
11 up.

12 Q This is the respiratory protection?

13 A I feel it deals with that; touches on it, yes.

14 Q It touches on it. Does it in any way state that
15 these instructions are to be followed for reason of radio-
16 active protection? Respiratory protection?

17 A No.

18 Q Mr. Butterfield, do you feel that there are any
19 sections of the population --

20 A I am not Mr. Butterfield.

21 Q Oh, I am sorry. Excuse me, I am sorry. Mr.
22 Wenger, are any sections of the population in greater need
23 of respiratory protection than others?

24 A Yes.

25 Q Which sections are those?

1 A Possibly younger people.

2 Q Mr. Wenger, could an accident happen whereby
3 matters would escalate so rapidly that evacuation would be
4 recommended very soon after the sirens were activated? That
5 is, so that people receive instructions, they turn to the
6 radio, and they are immediately saying evacuate.

7 A No.

8 Q Are the sirens sounded before a decision has
9 been made to either shelter or evacuate?

10 A Yes.

11 Q Mr. Wenger, in Section 3 of the pamphlet, the
12 seventh item, Shelter your livestock, do you know how long
13 it take for someone who lives within the EPZ to shelter their
14 livestock?

15 A I am going to speak from experience. Yes.

16 Q Okay. It states that you will be permitted to
17 return and care for them, the livestock, as soon as it is
18 safe. Will it necessarily be safe to return at a point at
19 which livestock needs to be fed and watered again?

20 A There is an awful lot depending on that. I feel
21 yes.

22 Q In other words there is no accident which can
23 happen which would not allow a person who has livestock to
24 return to feed and water them again after the initial feeding
25 and watering?

1 A The owner may be cautioned against going into the
2 area, but there are provisions which will take care of the
3 livestock.

4 Q Does he know that from reading this brochure?

5 A No.

6 Q Mr. Wenger, the item right above that instructs
7 those reading the pamphlet -- the brochure -- not to take
8 pets unless going to a friend or relatives house.

9 Does it say what to do with pets?

10 A No.

11 Q Mr. Wenger, did you say earlier -- I want to
12 clarify something -- that sirens will be sounded before
13 a decision is made to shelter or to evacuate the public?

14 A Yes.

15 Q Then what is the purpose of the sirens as a prompt
16 notification system?

17 A The purpose of the sirens is to get the attention
18 of the people to tune to the radio for further information.

19 Q Mr. Wenger, isn't it true that at the time the
20 sirens are sounded, that a decision has already been made
21 to shelter or evacuate the public?

22 A That is possible.

23 Q But it is not necessarily the case?

24 A It is not necessarily the case, that is correct.

25 Q Under what circumstances, Mr. Wenger, would the

1 sirens go off before a decision has been made to shelter or
2 to evacuate?

3 MR. GALLO: Objection -- I am sorry. She didn't
4 finish her question. I thought she was going to ask more,
5 and I interrupted her. I apologize.

6 JUDGE GROSSMAN: I am sorry, I can't hear you,
7 Mr. Gallo.

8 MR. GALLO: She didn't finish her question. I
9 was apologizing for interrupting her. I am going to have an
10 objection as soon as she does.

11 MS. ROREM: I did.

12 MR. GALLO: The objection is that the question is
13 irrelevant to the issue at hand, and beyond the scope of
14 Mr. Wenger's testimony.

15 Questions concerning the decision-making of when
16 to evacuate and when to shelter in relation to when the
17 siren is sounded has nothing to do with pre-accident public
18 information to the public.

19 JUDGE GROSSMAN: This is a preliminary question,
20 and I am sure Ms. Rorem has some follow-up question, so we
21 will allow it.

22 Ms. Rorem, it is conceivable to me that the siren
23 would sound and there would be an announcement on the radio
24 saying that some unscheduled occurrence has happened, and
25 please stay tuned, but in any event, that appears to be the

1 gist of the testimony.

2 You can continue asking, and I believe you have
3 a legitimate question before the witness now which is under
4 what circumstances might the siren sound in advance of a
5 decision being made as to whether to evacuate or shelter?

6 WITNESS: That is the question to me, sir?

7 JUDGE GROSSMAN: Yes.

8 WITNESS: The officials would make the decision
9 to notify the public, and if I may refer you to Section 1,
10 fourth bullet, he will be given information and instructions
11 if there is a real call for concern. Respond promptly to
12 all instructions. If officials say to shelter indoors or
13 evacuate, refer to those sections.

14 Officials may decide it is necessary to notify
15 people. In the State of Illinois they take a very
16 conservative approach, and sound the sirens early in the
17 classification of events.

18 Precautionary.

End 14.
MS fols.

Sim 15-1

1 BY MS. ROREM:

2 Q But if there is not a real call for concern, you
3 won't be given information instructions, correct?

4 A It is judgmental.

5 Q So it is possible that the siren can just go off,
6 and you can tune to the radio and they won't give you any
7 instructions of information.

8 A The siren won't just go off. It has to be initiated
9 by someone ---

10 Q I understand that, but I mean the sirens could ---
11 in other words, we are getting back to will the sirens --
12 the sirens will not be activated without a real cause for
13 concern?

14 A That is reasonable, yes.

15 Q So then in the fourth item, you will be given
16 information and instructions if there is a real call for
17 concern. The phrase "if there is a real call for concern"
18 is somewhat gratitious?

19 MR. GALLO: Objection. The question is not
20 understandable.

21 JUDGE GROSSMAN: Could you rephrase the question
22 so it is complete by itself, Ms. Rorem.

23 BY MS. ROREM?

24 Q If the fourth item simply said you will be given
25 information and instructions; would it be the same? Would

Sim 15-2

1 it have the same meaning?

2 A Would it have the same meaning as what is stated
3 there now in a complete sentence?

4 Q No. If the complete first sentence of that was
5 you will be given information and instructions period, does
6 that mean the same thing as you will be given instructions
7 and information or information and instructions if there is
8 a real call for concern?

9 You just said that the sirens would not simply go
10 off, but there would be follow-up.

11 A I am confused.

12 JUDGE GROSSMAN: Start again. It is late in the
13 day Ms. Rorem.

14 MS. ROREM: All right.

15 BY MS. ROREM:

16 Q The first item says -- well, the section is
17 titled "If you hear a siren sounding." Is there ever a
18 circumstance in which the sirens will simply sound or be
19 activated without follow-up?

20 A No.

21 Q In that case wouldn't, given that sirens are not
22 sounded without follow-up, that is on one of the radio
23 stations, wouldn't the sentence mean the same thing if it
24 said simply you will be given information and instructions
25 period?

Sim 15-3

1 A Yes.

2 JUDGE GROSSMAN: A further question is are those
3 words, "If there is a real call for concern," misleading
4 in that it suggests that there are situations in which the
5 siren will sound and no information and instructions will
6 be given?

7 THE WITNESS: It would not be the case that the
8 sirens would sound and there wouldn't be follow-up
9 information.

10 JUDGE GROSSMAN: So that if you had ended the sentence
11 after the bold letters, "instructions," you would be
12 describing every situation. But now isn't it true that
13 with those further words in there, "If there is a real call
14 for concern," there is a suggestion that there is another
15 possibility that there is a case in which a siren will
16 sound and no instructions will be given because there is
17 no real call for concern?

18 THE WITNESS: I believe I understand what you are
19 saying.

20 If I may, the sirens would be sounded if there is
21 a call for a concern, meaning there will be information
22 following for you to by chance take protective measures.
23 The concept is to get attention, to draw attention by sounding
24 the sirens to get people to the radios.

25 MR. FLYNN: your Honor, I think I can suggest a

1 quicker way through this whole issue, if I may.

2 We started out on this with the question is it
3 ever the case that the sirens sound before the decision to
4 shelter or evacuate.

5 I think what Mr. Wenger is trying to tell us is
6 that there may be a situation where the instructions you
7 get on the radio are simply to stay tuned for further
8 instructions.

9 JUDGE GROSSMAN: Well, that is correct, Mr. Flynn.
10 The reason I started to stop you was I thought we had
11 completed this line of questioning and were finished.

12 I am not sure what you are suggesting now is a
13 full response to Ms. Rorem's line of questioning, but I
14 think the record is complete now, and if we are go any
15 further we are getting into arguments which best could be
16 supplied by counsel later on.

17 BY MS. ROREM:

18 Q Mr. Wenger, on page 3 of your testimony, about half
19 way down it is referring to the section on radiation, and
20 it says, "It states -- referring to the brochure, or the
21 section on radiation -- "It states that radiation doses
22 of over 20,000 millirem in a day are necessary to produce
23 identifiable effects in the body. This is over 200 times
24 the amount of radiation a person is normally subject to in
25 an entire year."

Sim 15-5 1 Is that correct that it states that?

2 A That is my understanding, and it is correct that
3 it does state that.

4 Q Does it state that this amount is over 200 times
5 the amount of radiation a person is normally subject to in
6 a year?

7 A Does it state that?

8 Q Yes.

9 A Yes. Does the brochure state that?

10 Q Yes, does the brochure state that.

11 A Not the identical wording. It draws reference to
12 it in Section 8.

13 Q How does it draw reference to it, Mr. Wenger?

14 A In the right-hand column of Section 8 at the top
15 it makes an indication of 20,000 millirem received within
16 a day can produce identifiable effects in the body.

17 Q But the calculation that this amount is over
18 200 times the amount of radiation a person is normally
19 subject to in an entire year is your calculation, correct?

20 A Yes.

21 Q It is not present in the section on radiation?

22 JUDGE GROSSMAN: Ms. Rorem, if you will look at
23 the first column on that page, you will see the additional
24 information necessary to make that calculation.

25 MS. ROREM: Yes. Thank you, Judge Grossman. I

Sim 15-6

1 understand how the calculation is made. I simply want to
2 clarify that that particular calculation is made by
3 Mr. Wenger and it is not make in the brochure.

4 (Pause.)

5 Judge Grossman, may I please have about a 10-minute
6 break while I decide whether or not to ask any further
7 questions?

8 JUDGE GROSSMAN: Fine. Why don't we reconvene
9 at 4:40.

10 (Recess taken from 4:30 to 4:40 p.m.)

11 JUDGE GROSSMAN: We are back in session.

12 Ms. Rorem, do you have any further questions?

13 MS. ROREM: I just have a few more questions.

14 CROSS-EXAMINATION (resumed)

15 BY MS. ROREM:

16 Q Mr. Wenger, you testified that FEMA's position is
17 that respiratory information should not be in the brochure;
18 is that correct?

19 A That is correct.

20 Q But the evaluation criteria on page 2 of your
21 testimony says that respiratory information shall be included
22 in the brochure; is this correct?

23 A That is quoting from NUREG 0654, that is correct.

24 MS. ROREM: Thank you very much, Mr. Wenger.

25 JUDGE GROSSMAN: Mr..Flynn.

Sim 15-7

1 MR. FLYNN: Yes. Thank you, Your Honor.

INDEX

2 REDIRECT-EXAMINATION

3 BY MR. FLYNN:

4 Q Mr. Wenger, it has been established in your testi-
5 mony and that of Mr. Butterfield, that the brochure does
6 not mention the word "plume" or use the phrase "plume exposure
7 pathway." Does that fact affect the acceptability of the
8 brochure?

9 A No.

10 Q In Ms. Rorem's cross-examination of you she raised
11 some questions about how farmers know what to do with their
12 livestock and so on. If a farmer had the brochure but nothing
13 else and had questions about how he was to care for his live-
14 stock, that is to say before an accident happened, how might
15 he get the information that he needs?

16 A I draw your attention to Section 6 on the back side
17 of that section. It lists four locations you can contact
18 for further and additional information.

19 Q And if he were to call one of those numbers, would
20 he get that information?

21 A They would assist him with information or direct
22 his attention to the responsible location.

23 Q And if a pet owner had questions about how to deal
24 with pets during at evacuation and had nothing but the
25 brochure, how would the pet owner have his questions answered?

Sim 15-8

1 A In the same manner.

2 MR. FLYNN: I have no other questions.

3 JUDGE GROSSMAN: Mr. Gallo.

4 RECROSS-EXAMINATION

5 BY MR. GALLO:

6 Q Mr. Wenger, you characterized in your testimony
7 certain protective actions involving sheltering as a kind
8 of respiratory protection. Is that the same type of
9 respiratory protection that is intended by the guidance in
10 NUREG 0654, specifically the paragraph stated on page 2 of
11 your testimony, and the paragraph I refer to is (c)?

12 A Yes.

13 Q It is the same type? Do you see paragraph (c)
14 where it says "Protective measures, for example, evacuation
15 routes and relocation centers, sheltering, the respiratory
16 protection"? Did the guidance have a different type of
17 respiratory protection in mind when they used that term as
18 opposed to sheltering, or otherwise why would sheltering
19 be there too?

20 A Could you restate the question?

21 Q Yes. The question is simply your understanding of
22 NUREG 0654 as the term "respiratory protection" is used
23 in criteria two, paragraph (g). Is that phrase just a
24 redudant statement following the word "sheltering"? Do
25 they mean the same thing, or do they mean something different?

im 15-9

1 A I believe that is a matter of interpretation because
2 it also says evacuation, which I would consider a type of
3 respiratory protection.

4 Q All right. So you don't believe that in NUREG
5 0654 that the term "respiratory protection" has any special
6 unique meaning other than the general definition that you
7 have given it?

8 A That is correct.

9 Q Then I am confused by your testimony. In response
10 to my questions you seemed to indicate that certain types
11 of respiratory protection need not be included in the
12 booklet, and indeed it wasn't until we defined respiratory
13 protection that we got down to certain types.

14 You seemed to be saying that respiratory protection
15 is not required in answer to my questions, but your testimony
16 and your responses to Ms. Rorem's questions say that it is
17 required. I don't understand that.

18 A NUREG 0654 is guidance, suggested guidance. It is
19 not a requirement. To accomplish these listed protective
20 measures can be done in many ways.

21 Q Was it your understanding that respiratory protection
22 as used in 0654, and I am talking specifically of the words
23 "respiratory protection," paragraph (c) of criterion two,
24 Item G, that your understnading is that those words are
25 really referring to the use of handkerchiefs over the nose,

Sim 15-10

1 dust masks and oxygen masks and those kinds of paraphernalia?

2 A It could very well mean that.

3 Q But you don't know?

4 A No.

5 MR. GALLO: Thank you.

6 JUDGE GROSSMAN: Ms. Rorem.

7 RECROSS-EXAMINATION

8 BY MS. ROREM:

9 Q Mr. Flynn asked you what someone, a farmer with
10 livestock or a pet owner should do to find out how to take
11 care of their pets or livestock, and you referred him to
12 Section 6, the box, and pointed out the four agencies listed
13 there and said that they can help with that information.

14 Are you personally aware that each of these four
15 agencies can and will give the proper information to anyone
16 who asks for it?

17 A I have reasonable assurance.

18 Q Can you tell me the nature of this reasonable
19 assurance?

20 A My past association with these organizations site
21 specific to Dresden, LaSalle, five or six years of experience.

22 Q Does that involve all four of those agencies?

23 A No.

24 Q Mr. Wenger, you earlier testified that NUREG 0654 was
25 the joint product of FEMA and the NRC; is that correct?

INDEX

Sim 15-11

1 A Yes.

2 Q So it represents the FEMA opinion with regard to
3 the emergency brochures; is this correct?

4 A I don't believe I understand your question.

5 Q Well, if NUREG 0634 is a joint NRC FEMA product,
6 then it does represent the FEMA position regarding emergency
7 brochures, correct?

8 A Yes.

9 Q And is it not the major document guiding FEMA
10 evaluation of State plans?

11 A Yes.

12 Q Mr. Wenger, you indicated that the respiratory
13 protection, or you characterized the respiratory protection
14 referred to in your testimony as referring to the sheltering;
15 is this correct?

16 A Did you say just sheltering?

17 Q No. The sheltering in Sections 2 and 3.

18 A Yes.

19 Q For clarification, is this your interpretation of
20 respiratory protection or is this FEMA's official interpretation
21 of respiratory protection?

22 A I believe it represents my agency.

23 Q Then I have to go back and ask you again what the
24 difference is between the words "sheltering" and "respiratory
25 protection" in evaluation criteria 2(c) as listed on page

Sim 15-12

1 2 of your testimony?

2 A Respiratory protection, as I cited in Section 2,
3 would be those bullets that I referenced, the first three
4 bullets. It is recommended that the best thing to do to
5 protect health would be to go indoors and stay indoors,
6 close all the ventilations and remain inside. That would
7 protect your respiratory system. You wouldn't be outside in
8 the ambient environment.

9 Q How is that different from sheltering?

10 A That is sheltering in respect.

11 Q So as far as what the brochure discusses of
12 respiratory protection, it only discusses sheltering, correct?

13 A Yes.

14 Q Is FEMA's official definition of respiratory protec-
15 tion written down any place other than in this citation from
16 NUREG 0654?

17 A To this time, to my knowledge, 9654 is the guidance.

18 Q And there is no other written definition of
19 respiratory protection?

20 A Not that I am aware of.

21 JUDGE GROSSMAN: Excuse me. Ms. Rorem, I think we
22 know what the witness believes, but I am not sure that this
23 isn't also a legal problem. I know Mr. Treby deferred to
24 Mr. Flynn, but I think you are both on the hook as far as
25 this goes, and I think we really do want to find what the

Sim 15-13

1 official position is of the NRC Staff and of FEMA with
2 regard to what respiratory protection means.

3 I think that is more of an agency position than
4 a matter of expert testimony. So I think you should as
5 soon as you can inform the Board and the parties as to what
6 your agencies respectively believe that term to mean in
7 NUREG 0654.

8 end Sim
9 Sue fols

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Ace General Reporters, Inc.

25

#1 SueW

1 BY MS. ROREM: (Continuing)

2 Q Mr. Wenger, are you familiar with the earlier
3 brochure from the Byron Station?

4 A Yes.

5 Q Let me rephrase that. Are you familiar with
6 Commonwealth Edison's earlier copy of their public information
7 brochure, "What to do in Case of a Nuclear Station Emergency?"

8 A Yes.

9 Q Do you have a copy of that?

10 A No.

11 MS. ROREM: I have only one copy of this. I would
12 be happy to show this to the witness.

13 JUDGE GROSSMAN: And you should also show --

14 MS. ROREM: I will show it to the Board.

15 JUDGE GROSSMAN: -- it to the Board and counsel,
16 the other parties.

17 (Ms. Rorem is showing the document to the Board
18 members.)

19 MR. FLYNN: Could she show that --

20 JUDGE COLE: I think they want to see it before
21 you show it to the witness.

22 MS. ROREM: Okay.

23 JUDGE GROSSMAN: Counsel first. I didn't realize
24 that you --

25 MS. ROREM: I'm sorry.

#16-3-SueW 1 (Ms. Rorem is showing the document to the other
2 parties.)

3 JUDGE GROSSMAN: I will finish my sentence.
4 That you were not aware of what was being shown to the
5 witness.

6 MR. GALLO: Your Honor, while this is being done
7 I am going to object with respect to any questions asked on
8 the booklet on relevance grounds.

9 The book that I'm referring to is the previous
10 booklet that Mrs. Rorem has referred to. What is at issue
11 in this case is the booklet prepared specifically for
12 Braidwood Station.

13 MR. FLYNN: I would support that objection and
14 add the additional objection that it's beyond the scope of
15 the previous examinations.

16 JUDGE GROSSMAN: Overruled.

17 MS. ROREM: Oh, I have to show it to you.

18 JUDGE GROSSMAN: I don't think you have shown it
19 to the witness.

20 (Laughter.)

21 MS. ROREM: Excuse me. I'm sorry.

22 (Ms. Rorem is showing the witness the document.)

23 BY MS. ROREM: (Continuing)

24 Q Now, would --

25 JUDGE GROSSMAN: Ms. Rorem, could you tell us what

#16 - SueW 1 you have shown the witness now?

2 MS. ROREM: What I have shown the witness is an
3 earlier version of Commonwealth Edison's public information
4 brochure entitled "What to do in Case of a Nuclear Station
5 Emergency."

6 It had been used for Zion and Byron and Dresden.

7 BY MS. ROREM: (Continuing)

8 Q On Page 7, Item 7 up at the top, it states: "If
9 you must go outside place a handkerchief or a protective mask
10 over your nose and mouth. Limit your time outside as much as
11 possible."

12 Mr. Wenger, that is the section I showed you in
13 the brochure, is it not?

14 A Yes.

15 Q Okay. That brochure had been reviewed by FEMA
16 in connection with Zion and Byron, correct? And Dresden,
17 correct?

18 A I'm not certain. There is a point of confusion
19 in my mind. I don't feel I can address that.

20 Q Why not?

21 A It's in my mind that the brochure for the Byron
22 Station is on this order. If memory --

23 Q Excuse me.

24 A -- serves me correct, that one I'm not familiar
25 with that one of the old format. I was thinking it was in

#16 - SueW

1 this format.

2 Q Okay. Excuse me. I misspoke. It was reviewed
3 in connection with Zion and Dresden, correct?

4 A That formatted document?

5 Q Yes.

6 A Yes.

7 Q That statement is not in the current brochure,
8 correct?

9 A That is correct.

10 Q To your knowledge, is that statement or other
11 statements like that used in brochures by other utilities?

12 JUDGE COLE: You are referring to the statement
13 about placing a cloth over your mouth when you go outside?

14 MS. ROREM: Yes. Yes, Judge Cole.

15 WITNESS WENGER: I can't recall.

16 BY MS. ROREM: (Continuing)

17 Q Let me show you a brochure from the Catawba Nuclear
18 Plant.

19 JUDGE GROSSMAN: From where?

20 MS. ROREM: Catawba.

21 (The Board members and the parties are being
22 shown the document, as well as the witness.)

23 MR. FLYNN: Your Honor, I object that this line
24 of questioning is becoming unduly repetitious. If there is
25 a point to this, we haven't gotten to it yet.

#1 5-SueW

MS. ROREM: I'm going to close it up very quickly.

MR. FLYNN: I would like to raise an additional objection of irrelevancy. The brochure involved is from a different utility and a different region.

JUDGE GROSSMAN: Well, for one thing it is used as impeaching material, and I think it's appropriate.

Another reason why we allowed this line of questioning is that it is relevant to what the understanding of respiratory protection is as far as NUREG 0654 goes.

And I don't think that we have gotten a definitive response to that. So, you may proceed, Ms. Rorem.

BY MS. ROREM: (Continuing)

Q The information which was shown in the Catawba brochure states: "Hold a damp cloth over your nose and mouth. This would help keep radiation from entering your body."

Is that correct?

A Yes.

Q So, in other words, there are other utilities which include this information as part of their emergency brochure, public information brochure, correct?

A Yes. It's interesting that one says dampen cloth.

Q Does FEMA consider this to be respiratory protection?

A I would have to assume yes.

Q And it could be -- it could fit under the guidelines

#1 6-SueW 1 to NUREG 0654 Criteria 2, Part C, which mentions respiratory
2 protection, correct?

3 A Yes, as guidance.

4 MS. ROREM: Thank you, Mr. Wenger.

5 JUDGE GROSSMAN: Mr. Flynn.

6 REDIRECT EXAMINATION

7 BY MR. FLYNN:

INDEXX 8 Q Yes. Mr. Wenger, in the cross-examination that
9 we have just gone through it has been established that
10 NUREG 0654 mentions as guidance respiratory protection is a
11 subject to be covered.

12 It has also been established that the booklet for
13 Braidwood, Applicant's Exhibit 1, addresses respiratory
14 protection only in the context of sheltering and evacuations.
15 It does not address it in the context of a cloth or any other
16 object to be placed over one's mouth.

17 In view of this, do you still find that this
18 brochure is acceptable?

19 A Yes.

20 Q Why?

21 A It touches on the high points of commanding a
22 person's attention to take the necessary lead up precautions
23 in the event the sirens, the prompt alert notification system
24 is activated, and they tune to the radio. It does not -- it
25 extracts highlights of the planning document, the plans which

#16-7-SueW 1 are here before me. It doesn't go into detail, but it hits
2 the high points to get the public's attention, therefore, so
3 they direct their attention to the radio to get more specific
4 detailed instructions from officials who know what to do and
5 what protective actions to implement.

6 Q Why do you not feel it is important that the
7 brochure advise people to place a handkerchief or some
8 other protection over their mouth and nose?

9 A It may not be necessary by chance. If I may
10 continue, in that they may be in an effected sector but not
11 with radiation, radioactive iodine airborne.

12 The whole concept is to take protective measures
13 prior to.

14 Q Prior to what?

15 A Prior to a release or prior to damage to the
16 environment which could impact on the health and safety of
17 the public.

18 Q Is the type of respiratory protection that we
19 have just been talking about appropriate under all circumstances
20 which might trigger the sirens going off?

21 A No.

22 Q Can you elaborate on that a little bit?

23 A The effected area would be primarily down wind
24 from the plant. And in the section. Therefore, the sectors
25 on both sides and that primary sector are the ones which would

#5-8-SueW 1 be the principal protective actions that would be recommended.

2 People in the adjoining sectors, there would be
3 no need to use respiratory protection or probably not even
4 to shelter.

5 MR. FLYNN: I have no other questions at this
6 time.

7 JUDGE GROSSMAN: Mr. Gallo, do you have --

8 MR. GALLO: Yes, Your Honor.

9 JUDGE GROSSMAN: -- questions?

10 RECROSS EXAMINATION

11 BY MR. GALLO:

INDEXX 12 Q Mr. Wenger, I show you the planning information
13 booklet for Catawba that was handed to you by Mrs. Rorem.

14 Is it accurate that it says 1984 edition at the
15 top?

16 A That's correct.

17 Q Do you know whether or not the 1985 edition
18 contains the statement referred to you by Mrs. Rorem in
19 this booklet?

20 A I have no knowledge of that brochure other than
21 what you have just shown me.

22 Q The answer to my question is you don't know?

23 A I do not know.

24 Q Mr. Wenger, do you recall the occasion of
25 September 10th, 1985 when I took your deposition?

#16-9-SueW 1

A Yes, sir.

2

Q Do you recall my asking a series of questions as

3

to whether or not the booklet should contain the statement

4

similar to the statements referred to by Mrs. Rorem, if it

5

becomes necessary to go outdoors that it might be appropriate

6

to have a moist handkerchief or damp handkerchief over one's

7

nose?

8

Do you recall that question? Perhaps I could

9

give you the deposition and it might refresh your memory.

10

A I do recall our conversation, yes.

11

Q Do you recall that in response to my questions

12

that you testified on the deposition that that type of

13

information was best left out of the booklet because decisions

14

on whether or not to take that type of respiratory protection

15

should be left to the State, and a decision to do or not to

16

do that sort of thing ought to be made at the time of the

17

emergency rather than included in a pre-accident informational

18

booklet?

19

A My memory is becoming clearer, yes.

20

Q Do you recall that?

21

A Yes, sir.

22

Q Now, if you would like to look at the pages I

23

have here I will be glad to show it to you, to show you the

24

line of questions and answers.

25

A Would you, please?

#16-10-SueW 1

Q It starts on Page 49 and goes over to 50 and

2 51.

3 A (The witness is looking at the deposition handed

4 to him by Mr. Gallo.)

5
END #16
Joe flws

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Ace-Federal Reporters, Inc.

25

1 Q Was it your testimony that rather than include
2 information on respiratory protection such as the use of
3 handkerchiefs or dust masks, that that kind of advice --
4 strike that.

5 Was it your testimony that rather than including
6 information on respiratory protection, that is dust masks
7 or handkerchiefs in the booklet, that it was more appropriate
8 to leave that type of advice up to the State authorities
9 at the time of an accident?

10 A Yes.

11 Q Has your testimony changed today?

12 A No.

13 Q In that respect.

14 A No.

15 MR. GALLO: I have no further questions.

16 JUDGE GROSSMAN: Ms. Rorem?

XXX INDEX

17 RECROSS EXAMINATION

18 BY MS. ROREM:

19 Q Mr. Wenger, you stated that the public information
20 booklet is a collective effort between the State of Illinois,
21 the operating utility, and effected county governments, is
22 that correct?

23 A Yes.

24 Q Does the State not want that information included
25 about other protective -- respiratory protective measures?

1 A I have no knowledge of that.

2 Q Do the affected county governments not want that
3 information included about respiratory protection?

4 A I have no specific knowledge of that.

5 Q Does the operating utility not want that
6 information about respiratory measures included?

7 MR. GALLO: Objection. Contrary to the testimony
8 of Mr. Butterfield.

9 JUDGE GROSSMAN: I am sorry. What is the objection?

10 MR. GALLO: She is mischaracterized the record.

11 Mr. Butterfield has testified specifically that the operating
12 utility, that is, Commonwealth Edison, does not desire that
13 information in the booklet.

14 JUDGE GROSSMAN: That doesn't preclude her asking
15 this witness that same question.

16 Could you respond to the question?

17 WITNESS: Once again, would you state it please?

18 BY MS. ROREM: (Continuing)

19 Q Does the operating utility, that is, Commonwealth
20 Edison, not want the information about respiratory protective
21 measures in the brochure?

22 A I have no specific knowledge of that.

23 Q So you have no specific knowledge of any of these
24 entities which are listed in the State plan as being parties
25 to the collective effort of this public information booklet

1 not desiring the information in the booklet.

2 A I have no knowledge of any of them objecting and
3 not wanting it in there.

4 Q Mr. Wenger, you said that it may -- in answering
5 a question of Mr. Flynn -- you said it may not be necessary
6 to use that particular respiratory protective measure in the
7 event of an accident, correct?

8 A Yes.

9 Q What if it is necessary to respiratory protection?

10 A If it is deemed so by the officials of the State,
11 the people who have the technical knowledge of it, they would
12 make a recommendation to take some precaution.

13 Q So, that information would not be a pre-accident
14 piece of information which someone would learn, but it is
15 something they would learn early after it was announced
16 on the radio?

17 A It would have to be determined by the severity
18 of the accident, the area affected, to make a determination
19 at that time, a judgment, and make a recommendation and an
20 announcement.

21 Q But it is a protective measure. It is an
22 appropriate measure in some situations when the sirens would
23 go off, correct?

24 A Not necessarily when the sirens would go off.

25 Q No. The protective measure outlined in that

1 brochure might be appropriate to some situation?

2 A Yes.

3 Q Okay. You mentioned that the protective action
4 -- the respiratory protective action outlined there may only
5 be applicable downwind, correct?

6 A In a general sense, yes.

7 Q You were asked -- that was contained in an
8 answer to Mr. Flynn -- a question of Mr. Flynn's, that it
9 may only be applicable downwind?

10 A I believe I said necessary.

11 Q All right. Necessary. Downwind?

12 A Yes.

13 Q Do you mean where the plume is?

14 A I do.

15 Q But the plume is not mentioned in the brochure,
16 is it?

17 A No.

18 MS. ROREM: No further questions.

19 JUDGE GROSSMAN: You know, we have been beating
20 around the bush here.

21 I don't know if anyone has asked the direct
22 question as to why this particular statement was deleted
23 from the current brochure when it appeared in prior
24 brochures of the same company.

25 Did anyone ask that direct question?

1 WITNESS: Not of me.

2 JUDGE GROSSMAN: Do you know why?

3 WITNESS: No, I can't answer that.

4 JUDGE COLE: Just a couple of questions.

5 BOARD EXAMINATION

6 BY JUDGE COLE:

7 Q Have you participated in public meetings where
8 questions were raised about the wisdom of doing certain
9 things during an evacuation, like what actions should be
10 performed during sheltering?

11 A I believe, yes, as I recall.

12 Q Has -- have you been at any of those meetings
13 where the actions to be performed by teachers or teachers
14 aides with children during this sheltering situation, do you
15 -- were you present at any of those public meetings where
16 those kind of issues might have been raised?

17 A I don't recall any, no.

18 Q Well, let me get very specific. Is there any
19 controversy about the wisdom of placing damp cloths over the
20 faces of small children during sheltering operations. Do
21 you recall any controversy about that?

22 A Not in a public meeting. Among staff, the wisdom
23 of the eight agencies that serve on the Regional Assistance
24 Committee it has been discussed, and it seems to me something
25 along that line has come up about young children. The fear

XX INDEX

1 it could instill in them.

2 Q Is there any then agreement as to the wisdom of
3 doing that? Is it now a recommended practice, or is it not
4 a recommended practice, and could this possibly be the reason
5 why some brochures have deleted any reference to respiratory
6 protection?

7 A It is not a recommended practice. There really
8 is no guidance other than NUREG 0654. There is guidance
9 forthcoming I am assured on the development of public
10 information brochures. What they shall include. But these
11 are not available to us at this time.

12 Q But NUREG 0654 is silent about the issue of
13 damp cloths over the mouths of children?

14 A We are directed that --

15 Q Is that true?

16 A Yes. There is a silence on that.

17 JUDGE COLE: Thank you.

18 JUDGE GROSSMAN: Mr. Gallo, since everyone else
19 here has some homework, couldn't you tell the Board at some
20 time when you have the information why this particular
21 provision was deleted from the current brochure when it
22 appeared in the Company's prior brochures.

23 I think that is the only way we are going to get
24 an answer, and I don't think we want the record to be
25 devoid of any logical explanation.

1 MR. GALLO: I will provide that information,
2 Judge Grossman.

3 JUDGE GROSSMAN: Are there any more questions
4 for the witness?

5 (No response.)

6 JUDGE GROSSMAN: Then the witness is excused,
7 and thank you very much for testifying.

8 WITNESS STANDS ASIDE.

9 JUDGE GROSSMAN: And that almost concludes this
10 session. I don't believe we have any more witnesses, or
11 any other matters other than limited appearance statements.
12 Is there anyone here that wishes to make a limited appearance
13 statement?

14 MR. CAMPBELL: Yes.

15 JUDGE GROSSMAN: There is one?

16 MR. CAMPBELL: Two minutes.

17 JUDGE GROSSMAN: A two minute statement.

18 JUDGE COLE: Excuse me, Mr. Campbell. Didn't you
19 make a limited appearance statement on the issue of emergency
20 planning at the last session we had here?

21 MR. CAMPBELL: Yes, I did. This has nothing to
22 do with emergency planning.

23 JUDGE COLE: The subject of this meeting is
24 emergency planning.

25 JUDGE GROSSMAN: Okay. In view of the fact that

1 no one has expressed any desire to make limited appearance
2 statement who has not already made statements, and no one
3 else is present here who wishes to make a statement, I
4 think we won't take any now.

5 Ms. Rorem?

6 MS. ROREM: Judge Grossman, I just would like
7 to have a chance to respond when Mr. Gallo responds to your
8 request as to why the Applicant just decided to delete that
9 information.

10 JUDGE GROSSMAN: Well, I think that certainly the
11 other parties can comment on any deficiencies in Mr. Gallo's
12 statement.

13 But perhaps it will be so lucid and correct that
14 no one will want to pursue it any further.

15 Thank you very much.

16 MR. GALLO: We will endeavor to do that, Your
17 Honor.

18 JUDGE GROSSMAN: The hearing is adjourned.

19 (Whereupon, the hearing concluded at 5:26 p.m.,
20 Tuesday, October 29, 1985.

21 * * * * *

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: COMMONWEALTH EDISON COMPANY
(Braidwood Station, Units 1 and 2)

DOCKET NO.: 50-456-OL; 50-457-OL

PLACE: JOLIET, ILLINOIS

DATE: TUESDAY, OCTOBER 29, 1985

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

(Sigt) Myrtle H. Walsh
(TYPED) MYRTLE H. WALSH
Official Reporter
ACE Federal Reporters, Inc.

(sigt) Garrett J. Walsh, Jr.
(TYPED) GARRETT J. WALSH, JR.
Official Reporter
ACE-FEDERAL REPORTERS, INC.
Reporter's Affiliation

(Sigt) Mary C. Simons
(TYPED) MARY C. SIMONS
Official Reporter
ACE Federal Reporters, Inc.